

LAWS 2006, CONSTITUTIONAL AMENDMENT 3

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 16 OF THE CONSTITUTION OF NEW MEXICO TO ADD A NEW SECTION TO PROVIDE FOR A WATER TRUST FUND.

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

Constitutional Amendment 3 Section 1 Laws 2006

Section 1. It is proposed to amend Article 16 of the constitution of New Mexico by adding a new section to read:

"A. The "water trust fund" is created in the state treasury to conserve and protect the water resources of New Mexico and to ensure that New Mexico has the water it needs for a strong and vibrant future. The purpose of the fund shall be to secure a supply of clean and safe water for New Mexico's residents. The fund shall consist of money appropriated, donated or otherwise accrued to the fund. Money in the fund shall be invested by the state investment officer as land grant permanent funds are invested, and there shall be strict accountability and oversight measures as provided by the state investment council to ensure appropriate safety of and return on investments. Earnings from investment of the fund shall be credited to the fund. Money in the fund shall not revert or be expended for any purpose, but an annual distribution shall be made to the water project fund, which shall be used only to support critically needed projects that preserve and protect New Mexico's water supply and is in accordance with Subsection B of this section.

B. On July 1, 2008 and each fiscal year thereafter, an annual distribution shall be made from the water trust fund pursuant to law, and that distribution shall then be appropriated by the legislature only for water projects consistent with a state water plan and as otherwise provided by law."

Constitutional Amendment 3 Section 2 Laws 2006

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 Appropriations and Finance Committee

Substitute for House Joint Resolution 6

LAWS 2006, CONSTITUTIONAL AMENDMENT 4

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF NEW MEXICO TO PERMIT THE STATE, AN INSTRUMENTALITY OF THE STATE AND LOCAL GOVERNMENTS TO PROVIDE OR PAY A PORTION OF THE COST OF LAND, BUILDINGS OR NECESSARY FINANCING FOR AFFORDABLE HOUSING PROJECTS.

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

Constitutional Amendment 4 Section 1 Laws 2006

Section 1. It is proposed to amend Article 9, Section 14 of the constitution of New Mexico to read:

"Neither the state nor any county, school district or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation or in aid of any private enterprise for the construction of any railroad except as provided in Subsections A through F of this section.

A. Nothing in this section prohibits the state or any county or municipality from making provision for the care and maintenance of sick and indigent persons.

B. Nothing in this section prohibits the state from establishing a veterans' scholarship program for Vietnam conflict veterans who are post-secondary students at educational institutions under the exclusive control of the state by exempting such veterans from the payment of tuition. For the purposes of this subsection, a "Vietnam conflict veteran" is any person who has been honorably discharged from the armed forces of the United States, who was a resident of New Mexico at the original time of entry into the armed forces from New Mexico or who has lived in New Mexico for ten years or more and who has been awarded a Vietnam campaign medal for service in the armed forces of this country in Vietnam during the period from August 5, 1964 to the official termination date of the Vietnam conflict as designated by executive order of the president of the United States.

C. The state may establish by law a program of loans to students of the healing arts, as defined by law, for residents of the state who, in return for the payment of educational expenses, contract with the state to practice their profession for a period of years after graduation within areas of the state designated by law.

D. Nothing in this section prohibits the state or a county or municipality from creating new job opportunities by providing land, buildings or infrastructure for facilities to support new or expanding businesses if this assistance is granted pursuant

to general implementing legislation that is approved by a majority vote of those elected to each house of the legislature. The implementing legislation shall include adequate safeguards to protect public money or other resources used for the purposes authorized in this subsection. The implementing legislation shall further provide that:

(1) each specific county or municipal project providing assistance pursuant to this subsection need not be approved by the legislature but shall be approved by the county or municipality pursuant to procedures provided in the implementing legislation; and

(2) each specific state project providing assistance pursuant to this subsection shall be approved by law.

E. Nothing in this section prohibits the state, or the instrumentality of the state designated by the legislature as the state's housing authority, or a county or a municipality from:

(1) donating or otherwise providing or paying a portion of the costs of land for the construction on it of affordable housing;

(2) donating or otherwise providing or paying a portion of the costs of construction or renovation of affordable housing or the costs of conversion or renovation of buildings into affordable housing; or

(3) providing or paying the costs of financing or infrastructure necessary to support affordable housing projects.

F. The provisions of Subsection E of this section are not self-executing. Before the described assistance may be provided, enabling legislation shall be enacted by a majority vote of the members elected to each house of the legislature. This enabling legislation shall:

(1) define "affordable housing";

(2) establish eligibility criteria for the recipients of land, buildings and infrastructure;

(3) contain provisions to ensure the successful completion of affordable housing projects supported by assistance authorized pursuant to Subsection E of this section;

(4) require a county or municipality providing assistance pursuant to Subsection E of this section to give prior formal approval by ordinance for a specific affordable housing assistance grant and include in the ordinance the conditions of the grant;

(5) require prior approval by law of an affordable housing assistance grant by the state; and

(6) require the governing body of the instrumentality of the state, designated by the legislature as the state's housing authority, to give prior approval, by resolution, for affordable housing grants that are to be given by the instrumentality."

Constitutional Amendment 4 Section 2 Laws 2006

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 Judiciary Committee Substitute

for House Joint Resolution 8

LAWS 2006, CHAPTER 1

WITH LINE-ITEM VETOES

AN ACT

RELATING TO THE LEGISLATIVE BRANCH OF GOVERNMENT; APPROPRIATING FUNDS FOR THE EXPENSE OF THE FORTY-SEVENTH LEGISLATURE, SECOND SESSION, 2006 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 2006

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-seventh legislature for per diem and mileage of its members, for salaries of employees and for other expenses of the legislature, four million two hundred fifty-one thousand nine hundred six dollars (\$4,251,906) 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 \$ 181,440;

(2) per diem for members of the house of representatives \$ 302,400;

(3) mileage traveled by members of the senate going to and returning from the seat of government by the usually traveled route, one round trip \$ 5,520;

(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

\$ 8,500;

(5) salaries and employee benefits of senate employees \$ 1,122,960;

(6) salaries and employee benefits of house of representatives employees \$ 1,251,056;

(7) for expense of the senate not itemized above, two hundred ninety-five thousand two hundred eighty dollars (\$295,280). No part of this item may be transferred to salaries or employee benefits;

(8) for expense of the house of representatives not itemized above, four hundred sixteen thousand seven hundred fifty dollars (\$416,750). 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 sixty-eight thousand dollars (\$668,000) 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 chair 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-seventh legislature, the chair of the committees' committee of the senate, subject to the approval of the committee, and the speaker of the house of representatives are authorized and directed to provide for the printing of all bills, resolutions, joint resolutions, memorials and joint memorials introduced in the senate or house, the printing of the weekly bill locator and the printing of all necessary stationery required for use in the respective houses. They are further directed to provide for the purchase of all supplies necessary for use in the respective houses within the appropriation provided. The orders for printing, stationery and supplies shall be approved by the chair of the committees' committee in the senate or by the speaker of the house.

Chapter 1 Section 2 Laws 2006

Section 2. BILLS AND OTHER PRINTED MATERIALS.--

A. For the second session of the forty-seventh 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 2006

Section 3. LEGISLATIVE COUNCIL SERVICE.--There is appropriated from the general fund to the legislative council service for fiscal year 2007 unless otherwise indicated, to be disbursed on vouchers signed by the director of the legislative council service, the following:

A. Personal Services &	
Employee Benefits	\$ 3,623,000
Contractual Services	187,000
Other Costs	992,900
Total	\$ 4,802,900;

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 2007, one million thirty-six thousand dollars (\$1,036,000); 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, five hundred fifty-two thousand three hundred dollars (\$552,300); and

D. for a statewide legislative intern program, forty-five thousand dollars (\$45,000).

Chapter 1 Section 4 Laws 2006

Section 4. LEGISLATIVE FINANCE COMMITTEE.--There is appropriated from the general fund to the legislative finance committee for fiscal year 2007, to be disbursed on vouchers signed by the chair of the committee or the chair's designated representative, the following:

Personal Services & Employee Benefits	\$ 3,150,700
Contractual Services	156,600
Other Costs	366,800
Total	\$ 3,674,100.

Chapter 1 Section 5 Laws 2006

Section 5. LEGISLATIVE EDUCATION STUDY COMMITTEE.--

There is appropriated from the general fund to the legislative education study committee for fiscal year 2007, to be disbursed on vouchers signed by the chair of the committee or the chair's designated representative, the following:

Personal Services & Employee Benefits	\$ 978,300
Contractual Services	25,000
Other Costs	151,000
Total	\$ 1,154,300.

Chapter 1 Section 6 Laws 2006

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 2007.

Chapter 1 Section 7 Laws 2006

Section 7. HOUSE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2007 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	\$ 851,290
Contractual Services	66,550
Other Costs	55,620
Total	\$ 973,460.

Chapter 1 Section 8 Laws 2006

Section 8. SENATE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2007 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	\$ 816,650
Contractual Services	125,850
Other Costs	53,500
Total	\$ 996,000.

Chapter 1 Section 9 Laws 2006

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 ninety-seven thousand eight hundred dollars (\$497,800) for expenditure during fiscal years 2006 and 2007.

Chapter 1 Section 10 Laws 2006

Section 10. LEADERSHIP STAFF SECTION--ANNUAL MEETING.--There is appropriated from the legislative cash balances to the legislative council service for the leadership staff section of the national conference of state legislatures host committee to perform such functions as are necessary to prepare for the annual staff meeting, thirty-five thousand dollars (\$35,000), for expenditure during fiscal years 2006 and 2007.

Chapter 1 Section 11 Laws 2006

~~[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.] [LINE-ITEM VETO]~~

Chapter 1 Section 12 Laws 2006

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 2006

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

House Bill 1, with emergency clause

Approved January 23, 2006

LAWS 2006, CHAPTER 2

AN ACT

RELATING TO PUBLIC ASSISTANCE; ALLOWING THE HUMAN SERVICES DEPARTMENT TO ADMINISTER A PROGRAM OF MEDICAL OR PREMIUM ASSISTANCE FOR CHILDREN AND PREGNANT WOMEN INELIGIBLE FOR FEDERALLY FUNDED PUBLIC ASSISTANCE.

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

Chapter 2 Section 1 Laws 2006

Section 1. Section 27-2-12 NMSA 1978 (being Laws 1973, Chapter 376, Section 16, as amended) is amended to read:

"27-2-12. MEDICAL ASSISTANCE PROGRAMS.--

A. Consistent with the federal act and subject to the appropriation and availability of federal and state funds, the medical assistance division of the department may by rule provide medical assistance, including the services of licensed doctors of oriental medicine, licensed chiropractic physicians and licensed dental hygienists in collaborating practice, to persons eligible for public assistance programs under the federal act.

B. Subject to appropriation and availability of federal, state or other funds received by the state from public or private grants or donations, the medical assistance division of the department may by rule provide medical assistance, including assistance in the payment of premiums for medical or long-term care insurance, to children up to the age of twelve if not part of a sibling group; children up to the age of eighteen if part of a sibling group that includes a child up to the age of twelve; and pregnant women who are residents of the state of New Mexico and who are ineligible for public assistance under the federal act. The department, in implementing the provisions of this subsection, shall:

(1) establish rules that encourage pregnant women to participate in prenatal care; and

(2) not provide a benefit package that exceeds the benefit package provided to state employees."

Senate Bill 267, as amended

Approved February 24, 2006

LAWS 2006, CHAPTER 3

AN ACT

RELATING TO HEALTH INSURANCE; EXPANDING THE HEALTH INSURANCE ALLIANCE COVERAGE TO EMPLOYERS WHOSE EMPLOYEES PARTICIPATE IN PUBLICLY OFFERED PROGRAMS BASED ON EMPLOYEES' INCOME.

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

Chapter 3 Section 1 Laws 2006

Section 1. Section 59A-56-14 NMSA 1978 (being Laws 1994, Chapter 75, Section 14, as amended) is amended to read:

"59A-56-14. ELIGIBILITY--GUARANTEED ISSUE--PLAN PROVISIONS.--

A. A small employer is eligible for an approved health plan if on the effective date of coverage or renewal:

(1) at least fifty percent of its employees not otherwise insured elect to be covered under the approved health plan;

(2) the small employer has not terminated coverage with an approved health plan within three years of the date of application for coverage except to change to another approved health plan; and

(3) the small employer does not offer other general group health insurance coverage to its employees. For the purposes of this paragraph, general group health insurance coverage excludes coverage that:

(a) is offered by a state or federal agency to a small employer's employee whose eligibility for alternative coverage is based on the employee's income; or

(b) provides only a specific limited form of health insurance such as accident or disability income insurance coverage or a specific health care service such as dental care.

B. An individual is eligible for an approved health plan if on the effective date of coverage or renewal the individual meets the definition of an eligible individual under Section 59A-56-3 NMSA 1978.

C. An approved health plan shall provide in substance that attainment of the limiting age by an unmarried dependent individual does not operate to terminate coverage when the individual continues to be incapable of self-sustaining employment by reason of developmental disability or physical handicap and the individual is primarily dependent for support and maintenance upon the employee. Proof of incapacity and dependency shall be furnished to the alliance and the member that offered the approved health plan within one hundred twenty days of attainment of the limiting age. The board may require subsequent proof annually after a two-year period following attainment of the limiting age.

D. An approved health plan shall provide that the health insurance benefits applicable for eligible dependents are payable with respect to a newly born child of the family member or the individual in whose name the contract is issued from the moment of birth, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. If payment of a specific premium is required to provide coverage for the child, the contract may require that notification of the birth of a child and payment of the required premium shall be furnished to the member within thirty-one days after the date of birth in order to have the coverage from birth. An

approved health plan shall provide that the health insurance benefits applicable for eligible dependents are payable for an adopted child in accordance with the provisions of Section 59A-22-34.1 NMSA 1978.

E. Except as provided in Subsections G, H and I of this section, an approved health plan offered to a small employer may contain a preexisting condition exclusion only if:

(1) the exclusion relates to a condition, physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care or treatment was recommended or received within the six-month period ending on the enrollment date;

(2) the exclusion extends for a period of not more than six months after the enrollment date; and

(3) the period of the exclusion is reduced by the aggregate of the periods of creditable coverage applicable to the participant or beneficiary as of the enrollment date.

F. As used in this section, "preexisting condition exclusion" means a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for coverage for the benefits whether or not any medical advice, diagnosis, care or treatment was recommended or received before that date, but genetic information is not included as a preexisting condition for the purposes of limiting or excluding benefits in the absence of a diagnosis of the condition related to the genetic information.

G. An insurer shall not impose a preexisting condition exclusion:

(1) in the case of an individual who, as of the last day of the thirty-day period beginning with the date of birth, is covered under creditable coverage;

(2) that excludes a child who is adopted or placed for adoption before the child's eighteenth birthday and who, as of the last day of the thirty-day period beginning on and following the date of the adoption or placement for adoption, is covered under creditable coverage; or

(3) that relates to or includes pregnancy as a preexisting condition.

H. The provisions of Paragraphs (1) and (2) of Subsection G of this section do not apply to any individual after the end of the first continuous sixty-three-day period during which the individual was not covered under any creditable coverage.

I. The preexisting condition exclusions described in Subsection E of this section shall be waived to the extent to which similar exclusions have been satisfied

under any prior health insurance coverage if the effective date of coverage for health insurance through the alliance is made not later than sixty-three days following the termination of the prior coverage. In that case, coverage through the alliance shall be effective from the date on which the prior coverage was terminated. This subsection does not prohibit preexisting conditions coverage in an approved health plan that is more favorable to the covered individual than that specified in this subsection.

J. An approved health plan issued to an eligible individual shall not contain any preexisting condition exclusion.

K. An individual is not eligible for coverage by the alliance under an approved health plan issued to a small employer if the individual:

(1) is eligible for medicare; provided, however, if an individual has health insurance coverage from an employer whose group includes twenty or more individuals, an individual eligible for medicare who continues to be employed may choose to be covered through an approved health plan;

(2) has voluntarily terminated health insurance issued through the alliance within the past twelve months unless it was due to a change in employment; or

(3) is an inmate of a public institution.

L. The alliance shall provide for an open enrollment period of sixty days from the initial offering of an approved health plan. Individuals enrolled during the open enrollment period shall not be subject to the preexisting conditions limitation.

M. If an insured covered by an approved health plan switches to another approved health plan that provides increased or additional benefits such as lower deductible or co-payment requirements, the member offering the approved health plan with increased or additional benefits may require the six-month period for preexisting conditions provided in Subsection E of this section to be satisfied prior to receipt of the additional benefits.

House Bill 24

Approved February 24, 2006

LAWS 2006, CHAPTER 4

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSES; CHANGING DEFINITIONS; EXPANDING BOARD DUTIES; PROVIDING FOR RECIPROCITY;

ALLOWING FOR TEMPORARY LICENSURE; AMENDING AND ENACTING SECTIONS OF THE SOCIAL WORK PRACTICE ACT.

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

Chapter 4 Section 1 Laws 2006

Section 1. Section 61-31-1 NMSA 1978 (being Laws 1989, Chapter 51, Section 1) is amended to read:

"61-31-1. SHORT TITLE.--Chapter 61, Article 31 NMSA 1978 may be cited as the "Social Work Practice Act"."

Chapter 4 Section 2 Laws 2006

Section 2. Section 61-31-3 NMSA 1978 (being Laws 1989, Chapter 51, Section 3) is amended to read:

"61-31-3. DEFINITIONS.--As used in the Social Work Practice Act:

- A. "advisory committee" means an evaluation advisory committee;
- B. "appropriate supervision" means supervision by an independent social worker or a master social worker with two years of supervised social work practice experience or other supervision which is deemed by the board to be equivalent to supervision by a master social worker;
- C. "baccalaureate social worker" means a person who uses the title of social worker and has a bachelor's degree in social work from a program accredited by the council on social work education;
- D. "board" means the board of social work examiners;
- E. "department" means the regulation and licensing department;
- F. "executive agency" means any agency within the executive branch of government;
- G. "independent social worker" means a person who uses the title of social worker and has a master's degree in social work from a graduate school of social work accredited by the council on social work education and who has had two years of postgraduate social work practice under appropriate supervision;
- H. "master social worker" means a person who uses the title of social worker and has a master's degree in social work from a graduate school of social work accredited by the council on social work education; and

I. "professional code of ethics" means a code of ethics and rules adopted by the board, designed to protect the public and to regulate the professional conduct of social workers."

Chapter 4 Section 3 Laws 2006

Section 3. Section 61-31-7 NMSA 1978 (being Laws 1989, Chapter 51, Section 7, as amended) is amended to read:

"61-31-7. BOARD CREATED.--

A. There is created the "board of social work examiners".

B. The board shall be administratively attached to the department.

C. The board shall consist of seven members who are representative of the geographic and ethnic groups within New Mexico, who are United States citizens and who have been New Mexico residents for at least five years prior to their appointment. Of the seven members:

(1) four members shall have been engaged in social work practice for at least five years; at least two of the four shall hold a master's degree in social work; and at least two shall hold a bachelor's degree in social work from schools of social work that are accredited by the council on social work education. At least one of these members shall be engaged primarily in clinical social work practice; one member shall be engaged primarily in education; one member shall be engaged primarily in administration or research in social work practice; and at least one member shall be engaged primarily in community organization, planning and development. These members shall not hold office in any professional organization of social workers during their tenure on the board; and

(2) three members shall represent the public. The public members shall not have been licensed or have practiced as social workers. Public members shall not have any significant financial interest, whether direct or indirect, in social work practice.

D. Members of the board shall be appointed by the governor for staggered terms of three years. Each member shall hold office until a successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as original appointments.

E. Except for the representatives of the public on the board, the governor shall appoint board members from a list of nominees submitted by social work organizations and individual social work professionals.

F. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

G. The board shall elect a chair and other officers as deemed necessary to administer its duties.

H. A simple majority of the board members currently serving shall constitute a quorum of the board.

I. The board shall meet at least once a year and at such other times as it deems necessary. Other meetings may be called by the chair upon the written request of a quorum of the board.

J. The governor may remove any member from the board for the neglect of any duty required by law, for incompetence, for improper or unprofessional conduct as defined by board rule or for any reason that would justify the suspension or revocation of that member's license to practice social work.

K. A board member shall not serve more than two consecutive terms, and any member failing to attend, after proper notice, three consecutive meetings shall automatically be removed as a board member, unless excused for reasons set forth in board regulations.

L. In the event of a vacancy for any reason, the board secretary shall immediately notify the governor and the board of the vacancy and the reason for its occurrence to expedite the appointment of a new board member within a six-month period."

Chapter 4 Section 4 Laws 2006

Section 4. Section 61-31-8 NMSA 1978 (being Laws 1989, Chapter 51, Section 8, as amended) is amended to read:

"61-31-8. BOARD'S AUTHORITY.--In addition to any authority provided by law, the board shall have the authority to:

A. adopt and file, in accordance with the State Rules Act, rules necessary to carry out the provisions of the Social Work Practice Act, in accordance with the provisions of the Uniform Licensing Act, including the procedures for an appeal of an examination failure;

B. select, prepare and administer, at least annually, written examinations for licensure;

C. adopt a professional code of ethics;

D. appoint advisory committees pursuant to Section 61-31-19 NMSA 1978;

E. conduct hearings on an appeal of a denial of a license based on the applicant's failure to meet the minimum qualifications for licensure. The hearing shall be conducted pursuant to the Uniform Licensing Act;

F. require and establish criteria for continuing education;

G. issue subpoenas, statements of charges, statements of intent to deny licenses and orders and delegate in writing to a designee the authority to issue subpoenas, statements of charges and statements of intent to deny licenses and establish procedures for receiving, investigating and conducting hearings on complaints;

H. approve appropriate supervision for those persons seeking licensure as independent social workers;

I. issue provisional licenses, temporary licenses and licenses based on credentials to persons meeting the requirements set forth in the Social Work Practice Act;

J. determine qualifications for licensure, including the requirement to demonstrate an awareness and knowledge of New Mexico cultures;

K. set fees for licenses as authorized by the Social Work Practice Act and authorize all disbursements necessary to carry out the provisions of the Social Work Practice Act; and

L. keep a record of all proceedings and shall make an annual report to the governor."

Chapter 4 Section 5 Laws 2006

Section 5. Section 61-31-9 NMSA 1978 (being Laws 1989, Chapter 51, Section 9) is amended to read:

"61-31-9. REQUIREMENTS FOR LICENSURE.--

A. The board shall issue a license as a baccalaureate social worker to any person who files a completed application, accompanied by the required fees, and who submits satisfactory evidence that the applicant:

(1) has reached the age of majority;

(2) has at least a bachelor's degree in social work from a program accredited by the council on social work education; and

(3) demonstrates professional competence by satisfactorily passing a written examination as prescribed by the board.

B. The board shall issue a license as a master social worker to any person who files a completed application, accompanied by the required fees, and who submits satisfactory evidence that the applicant:

(1) has reached the age of majority;

(2) has obtained a master's degree in social work from a graduate school of social work accredited by the council on social work education; and

(3) demonstrates professional competence by satisfactorily passing a written examination as prescribed by the board.

C. The board shall issue a license as an independent social worker to any person who files a completed application, accompanied by the required fees, and who submits satisfactory evidence that the applicant:

(1) has reached the age of majority;

(2) has obtained a master's degree in social work from a graduate school of social work accredited by the council on social work education;

(3) has two years of postgraduate social work practice under appropriate supervision; and

(4) demonstrates professional competence by satisfactorily passing a written examination as prescribed by the board.

D. Notwithstanding the provisions of this section, the board may grant a license on a case-by-case basis to those employees of an executive agency who are currently practicing social work as defined in Section 61-31-6 NMSA 1978 and have been so employed for at least ten years prior to the effective date of the Social Work Practice Act."

Chapter 4 Section 6 Laws 2006

Section 6. Section 61-31-13 NMSA 1978 (being Laws 1989, Chapter 51, Section 13) is amended to read:

"61-31-13. LICENSURE BY CREDENTIALS--RECIPROCITY.--

A. The board may license an applicant for the licensure level sought, provided the applicant:

(1) possesses and has held for a minimum of five years a valid social worker license issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia or any foreign nation;

(2) is in good standing with no disciplinary action pending or brought against the applicant within the past five years;

(3) possesses a bachelor's or master's degree in social work from a program of social work approved by the board;

(4) verifies that the applicant has taken and passed the national examination as defined by rule; and

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

B. The applicant will not have to further verify the applicant's experience, schooling or degrees if the criteria pursuant to Subsection A of this section are met."

Chapter 4 Section 7 Laws 2006

Section 7. Section 61-31-14 NMSA 1978 (being Laws 1989, Chapter 51, Section 14, as amended) is amended to read:

"61-31-14. LICENSE RENEWAL.--

A. Each licensee shall renew the licensee's license biennially by submitting a renewal application on a form provided by the board. At the time of license renewal, the board shall require a licensee to produce evidence of continuing education, as prescribed by the board. The board may establish a method to provide for staggered biennial terms of licensure. The board may authorize license renewal for one year to establish the renewal cycle.

B. A thirty-day grace period shall be allowed each licensee after each annual licensing period, during which time licenses may be renewed upon payment of the renewal fee and providing evidence of continuing education as prescribed by the board.

C. Any licensee who allows the licensee's license to lapse for longer than three months shall have the license automatically revoked and may be required to take a written examination.

D. A late penalty fee shall be assessed after the thirty-day grace period has expired for anyone attempting to renew a license to practice social work."

Chapter 4 Section 8 Laws 2006

Section 8. A new section of the Social Work Practice Act is enacted to read:

"TEMPORARY LICENSURE.--An applicant for licensure pursuant to the Social Work Practice Act may be issued a temporary license for a period not to exceed six months or for a period of time necessary for the board to ensure that the applicant has met the licensure requirements set out in that act."

House Bill 253, as amended

Approved, February 24, 2006

LAWS 2006, CHAPTER 5

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSURE; EXPANDING TEMPORARY LICENSURE; CLARIFYING RECIPROCITY; AMENDING SECTIONS OF THE COUNSELING AND THERAPY PRACTICE ACT.

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

Chapter 5 Section 1 Laws 2006

Section 1. Section 61-9A-16 NMSA 1978 (being Laws 1993, Chapter 49, Section 16, as amended) is amended to read:

"61-9A-16. TEMPORARY LICENSURE.--

A. Prior to examination, an applicant for licensure may obtain a temporary license to engage in any counselor and therapist practice if the person meets all of the requirements, except examination, provided for in Section 61-9A-10, 61-9A-11, 61-9A-11.1, 61-9A-12, 61-9A-12.1, 61-9A-13, 61-9A-14, 61-9A-14.1 or 61-9A-14.2 NMSA 1978. The temporary license shall be valid no more than sixty days after the results of the next examination become available. If the individual should fail to take or pass those examinations, the temporary license shall automatically expire and the applicant will not be reissued a temporary license.

B. Notwithstanding the provisions of Subsection A of this section, as deemed necessary by the board, an applicant for licensure pursuant to the Counseling and Therapy Practice Act may be issued a temporary license for a period not to exceed

six months or for a period of time necessary for the board to ensure that the applicant has met licensure requirements as set out in that act."

Chapter 5 Section 2 Laws 2006

Section 2. Section 61-9A-22 NMSA 1978 (being Laws 1993, Chapter 49, Section 22, as amended) is amended to read:

"61-9A-22. LICENSURE BY CREDENTIALS--RECIPROCITY.--

A. The board may issue a license in the same licensure level to a person who:

(1) files a completed application accompanied by the required fees;

(2) submits satisfactory evidence that the applicant holds and has held for a minimum of five years a current license issued by the appropriate examining board under the law of any other state or territory of the United States, the District of Columbia or any foreign nation;

(3) is in good standing with no disciplinary action pending or brought against the applicant within the past five years; and

(4) possesses a master's or doctoral degree in counseling or a counseling-related field from an accredited institution.

B. Applicants who do not meet the licensure by credential must meet the current licensure requirements."

House Bill 331, as amended

Approved February 24, 2006

LAWS 2006, CHAPTER 6

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSURE; CHANGING LICENSE RENEWAL CYCLE AND LICENSURE EXAMINATION REQUIREMENTS; PROVIDING FOR PROVISIONAL AND TEMPORARY LICENSURE AND RECIPROCITY; AMENDING AND ENACTING SECTIONS OF THE PROFESSIONAL PSYCHOLOGIST ACT.

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

Chapter 6 Section 1 Laws 2006

Section 1. Section 61-9-7 NMSA 1978 (being Laws 1963, Chapter 92, Section 6, as amended) is amended to read:

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

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

B. The board shall set the charge for an application fee of up to six hundred dollars (\$600) to applicants for licensure under Sections 61-9-9 through 61-9-11.1 NMSA 1978.

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

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

Chapter 6 Section 2 Laws 2006

Section 2. Section 61-9-10 NMSA 1978 (being Laws 1963, Chapter 92, Section 9, as amended) is amended to read:

"61-9-10. LICENSURE OF PSYCHOLOGISTS FROM OTHER AREAS--RECIPROCITY.--Subject to the provisions of Section 5 of this 2006 act, upon application accompanied by a fee as required by the Professional Psychologist Act, the board may, without written or oral examination, issue a license to a person who furnishes, upon a form and in such manner as the board prescribes, evidence satisfactory to the board that the person is licensed or certified as a psychologist by another state, territorial possession of the United States, District of Columbia, Commonwealth of Puerto Rico or Canadian province if the requirements for that license or certification are deemed by the board equivalent to those contained in the

Professional Psychologist Act. The board shall promulgate rules in accordance with the standards and guidelines set forth by the American psychological association or the association of state and provincial psychology boards to ensure a process of reciprocity for licensure of experienced practitioners from other states or a Canadian province."

Chapter 6 Section 3 Laws 2006

Section 3. Section 61-9-11 NMSA 1978 (being Laws 1963, Chapter 92, Section 10, as amended) is amended to read:

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

A. The board shall issue a license as a psychologist to an applicant who files an application upon a form and in such manner as the board prescribes, accompanied by the fee required by the Professional Psychologist Act, and who furnishes evidence satisfactory to the board that the applicant:

(1) has reached the age of majority;

(2) is of good moral character;

(3) is not in violation of any of the provisions of the Professional Psychologist Act and the rules adopted pursuant to that act;

(4) is a graduate of a doctoral program that is designated as a doctoral program in psychology by a nationally recognized designation system or that is accredited by a nationally recognized accreditation body and holds a degree with a major in clinical, counseling or school psychology from a university offering a full-time course of study in psychology;

(5) has had:

(a) a predoctoral internship approved by the American psychological association and one year of supervised professional training after receiving the doctoral degree; or

(b) after receiving the doctoral degree, at least two years of supervised experience in psychological work of a type satisfactory to the board;

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

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

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

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

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

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

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

Chapter 6 Section 4 Laws 2006

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

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

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

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

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

(3) demonstrates professional competence by passing the examination for professional practice in psychology promulgated by the association of state and provincial psychology boards with a score equivalent to or greater than the

statistical mean as reported by the association of state and provincial psychology boards for all master's-level candidates taking the examination on that occasion;

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

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

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

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

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

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

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

Chapter 6 Section 5 Laws 2006

Section 5. A new section of the Professional Psychologist Act is enacted to read:

"PROVISIONAL AND TEMPORARY LICENSURE.--

A. A temporary license may be issued to an applicant previously licensed in another jurisdiction and in good standing whose out-of-state license meets current licensing criteria for New Mexico. A temporary license shall be valid for six months and is not subject to extension or renewal. The granting of a temporary license to the applicant does not include issuance of a conditional prescription certificate unless the board finds the applicant meets the requirements of Section 61-9-17.1 NMSA 1978.

B. A provisional license may be issued to an applicant never previously licensed and who does not meet New Mexico's experience requirements for psychology licensure, but who otherwise meets criteria for education and training. A provisionally licensed psychologist must practice under the supervision of a New Mexico licensed

psychologist until fully licensed. A provisional license shall be valid for eighteen months and is not subject to extension or renewal."

House Consumer and Public Affairs

Committee Substitute for

House Bill 341, as amended

Approved February 24, 2006

LAWS 2006, CHAPTER 7

AN ACT

RELATING TO HEALTH CARE; ENACTING THE MENTAL HEALTH CARE TREATMENT DECISIONS ACT TO PROVIDE FOR MENTAL HEALTH TREATMENT ADVANCE DIRECTIVES; PROVIDING PENALTIES.

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

Chapter 7 Section 1 Laws 2006

Section 1. SHORT TITLE.--This act may be cited as the "Mental Health Care Treatment Decisions Act".

Chapter 7 Section 2 Laws 2006

Section 2. PURPOSE.--The purpose of the Mental Health Care Treatment Decisions Act is to ensure appropriate care and treatment of persons with behavioral health needs in the community.

Chapter 7 Section 3 Laws 2006

Section 3. DEFINITIONS.--As used in the Mental Health Care Treatment Decisions Act:

A. "advance directive for mental health treatment" means an individual instruction or power of attorney for mental health treatment made pursuant to the Mental Health Care Treatment Decisions Act;

B. "agent" means an individual designated in a power of attorney for mental health treatment to make a mental health treatment decision for the individual granting the power;

C. "capacity" means an individual's ability to understand and appreciate the nature and consequences of proposed mental health treatment, including significant benefits and risks and alternatives to the proposed mental health treatment, and to make and communicate an informed mental health treatment decision. A written determination or certification of lack of capacity shall be made only according to the provisions of the Mental Health Care Treatment Decisions Act;

D. "emancipated minor" means a person between the ages of sixteen and eighteen who has been married, who is on active duty in the armed forces or who has been declared by court order to be emancipated;

E. "guardian" means a judicially appointed guardian having authority to make a mental health decision for an individual;

F. "individual instruction" means an individual's direction concerning a mental health treatment decision for the individual, made while the individual has capacity, which is to be implemented when the individual has been determined to lack capacity;

G. "mental health treatment" means services provided for the prevention of, amelioration of symptoms of or recovery from mental illness or emotional disturbance, including electroconvulsive treatment, treatment with medication, counseling, rehabilitation services or evaluation for admission to a facility for care or treatment of persons with mental illness, if required;

H. "mental health treatment decision" means a decision made by an individual or the individual's agent or guardian regarding the individual's mental health treatment, including:

(1) selection and discharge of health care or mental health treatment providers and institutions;

(2) approval or disapproval of diagnostic tests, programs of medication and mental health treatment; and

(3) directions relating to mental health treatment;

I. "mental health treatment facility" means an institution, facility or agency licensed, certified or otherwise authorized or permitted by law to provide mental health treatment in the ordinary course of business;

J. "mental health treatment provider" or "health care provider" means an individual licensed, certified or otherwise authorized or permitted by law to provide diagnosis or mental health treatment in the ordinary course of business or practice of a profession;

K. "mental illness" means a substantial disorder of a person's emotional process, thoughts or cognition that grossly impairs judgment, behavior or capacity to recognize reality, but "mental illness" does not mean a developmental disability;

L. "power of attorney for mental health treatment" means the designation of an agent to make mental health treatment decisions for the individual granting the power, made while the individual has capacity;

M. "primary health care professional" means a qualified health care professional designated by an individual or the individual's agent or guardian to have primary responsibility for the individual's health care or, in the absence of a designation or if the designated qualified health care professional is not reasonably available, a qualified health care professional who undertakes that responsibility;

N. "principal" means an adult or emancipated minor who, while having capacity, has made a power of attorney for mental health treatment by which the adult or emancipated minor delegates the right to make mental health treatment decisions for that adult or emancipated minor to an agent;

O. "qualified health care professional" means a licensed health care provider who is a physician, physician assistant, nurse practitioner, nurse or psychologist;

P. "reasonably available" means able to be contacted without undue effort and willing and able to act in a timely manner considering the urgency of the patient's mental health treatment needs;

Q. "supervising health care provider" means the primary qualified health care professional or, if the primary qualified health care professional is not reasonably available, the health care provider who has undertaken primary responsibility for an individual's health care; and

R. "ward" means an adult or emancipated minor for whom a guardian has been appointed.

Chapter 7 Section 4 Laws 2006

Section 4. ADVANCE DIRECTIVE FOR MENTAL HEALTH TREATMENT.--

A. An adult or emancipated minor, while having capacity, has the right to make the adult or emancipated minor's own mental health treatment decisions and may

give an individual instruction. The individual instruction may be oral or written; if oral, it shall be made by personally informing a health care provider. The individual instruction may be limited to take effect only if a specified condition arises.

B. An adult or emancipated minor, while having capacity, may execute a power of attorney for mental health treatment that may authorize the agent to make any mental health treatment decision the principal could have made while having capacity. The power of attorney for mental health treatment shall be in writing signed by the principal and witnessed pursuant to Subsections I and J of this section. The power of attorney for mental health treatment shall remain in effect notwithstanding the principal's later incapacity under the Mental Health Care Treatment Decisions Act or Article 5 of the Uniform Probate Code. The power of attorney for mental health treatment may include individual instructions. Unless related to the principal by blood, marriage or adoption, an agent may not be an attending qualified health care professional or an employee of the qualified health care professional or an owner, operator or employee of a mental health treatment facility at which the principal is receiving care.

C. Unless otherwise specified in a power of attorney for mental health treatment, the authority of an agent becomes effective only upon certification that the principal lacks capacity and ceases to be effective upon a determination that the principal has recovered capacity.

D. Unless otherwise specified in a written advance directive for mental health treatment, written certification that an individual lacks or has recovered capacity or that another condition exists that affects an individual instruction or the authority of an agent shall be made according to the provisions of the Mental Health Care Treatment Decisions Act.

E. An agent shall make a mental health treatment decision in accordance with the principal's individual instructions, if any, and other wishes to the extent known to the agent. Otherwise, the agent shall make the decision in accordance with the agent's determination of the principal's best interest. In determining the principal's best interest, the agent shall consider the principal's personal values to the extent known to the agent.

F. A mental health treatment decision made by an agent for a principal is effective without judicial approval.

G. A written advance directive for mental health treatment may include the individual's nomination of a choice of guardian of the individual.

H. The fact that an individual has executed an advance directive for mental health treatment shall not constitute an indication of mental illness.

I. A written advance directive for mental health treatment is valid only if it is signed by the principal and a witness who is at least eighteen years of age and who attests that the principal:

- (1) is known to the witness;
- (2) signed the advance directive for mental health treatment in the witness' presence;
- (3) appears to have capacity; and
- (4) is not acting under duress, fraud or undue influence.

J. For purposes of the advance directive for mental health treatment, the witness shall not be:

- (1) an agent of the principal;
- (2) related to the principal by blood or marriage;
- (3) entitled to any part of the principal's estate or have a claim against the principal's estate;
- (4) the attending qualified health care professional; or
- (5) an owner, operator or employee of a mental health treatment facility at which the principal is receiving care or of any parent organization of the mental health treatment facility.

Chapter 7 Section 5 Laws 2006

Section 5. CAPACITY.--

A. The Mental Health Care Treatment Decisions Act does not affect the right of an individual to make mental health treatment decisions while having the capacity to do so.

B. An individual is presumed to have capacity to make a mental health treatment decision, to give an advance directive for mental health treatment or to revoke an advance directive for mental health treatment.

C. An individual shall not be determined to lack capacity solely on the basis that the individual chooses not to accept the treatment recommended by a health care provider.

D. An individual, at any time, may challenge a determination that the individual lacks capacity by a signed writing or by personally informing a health care provider of the challenge. A health care provider who is informed by the individual of a challenge shall promptly communicate the fact of the challenge to the supervising health care provider and to any mental health treatment facility at which the individual is receiving care. Such a challenge shall prevail unless the agent or the treating mental health care provider obtains an order in district court finding the principal does not have the capacity to make mental health treatment decisions.

E. A determination of lack of capacity under the Mental Health Care Treatment Decisions Act shall not be evidence of incapacity under the provisions of Article 5 of the Uniform Probate Code.

F. A determination of incapacity shall only be made by two persons, a qualified health care professional and a mental health treatment provider. If after the examination the principal is determined to lack capacity and is in need of mental health treatment, a written certification, substantially in the form provided in Subsection G of this section, of the principal's condition shall be made a part of the principal's medical record.

G. The following certification of the examination of a principal determining whether the principal is in need of mental health treatment and whether the principal does or does not lack capacity may be used by examiners:

"OPTIONAL EXAMINER'S CERTIFICATION

We, the undersigned, have made an examination of _____, and do hereby certify that we have made a careful personal examination of the actual condition of the person and on such examination we find that _____:

1. (Is) (Is not) in need of mental health treatment; and
2. (Does) (Does not) lack capacity to participate in decisions about (her) (his) mental health treatment.

The facts and circumstances on which we base our opinions are stated in the following report of symptoms and history of case, which is hereby made a part hereof.

According to the advance directive for mental health treatment, (name of patient) _____, wishes to receive mental health treatment in accordance with the preferences and instructions stated in the advance directive for mental health treatment.

We are duly licensed to practice in this state of New Mexico, are not related to _____ by blood or marriage and have no interest in her/his estate.

Witness our hands this _____ day of _____, 20____

_____ M.D., D.O., Ph.D., Other

_____ M.D., D.O., Ph.D., Other

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public

REPORT OF SYMPTOMS AND HISTORY OF CASE BY EXAMINERS

I. GENERAL

Complete name_____

Place of residence_____

Sex_____ Ethnicity_____

Age_____

Date of Birth_____

II. STATEMENT OF FACTS AND CIRCUMSTANCES

Our determination that the principal (is) (is not) in need for mental health treatment is based on the following:

Our determination that the principal does not have the capacity to participate in the principal's mental health treatment decisions is based on:

1. the principal's ability to understand and communicate the nature of the proposed health care or mental health treatment described as:

2. the principal's ability to understand and communicate the consequences of the proposed health care or mental health treatment described as:

3. the principal's ability to understand and communicate the significant benefits, risks and alternatives to the proposed health care or mental health treatment described as:

4. the principal's ability to understand and communicate a choice about the proposed health care or mental health treatment described as:

III. NAME AND RELATIONSHIPS OF FAMILY MEMBERS/OTHERS TO BE NOTIFIED

Other data _____

Dated at _____, New Mexico, this _____ day of _____, 20____

_____ M.D., D.O., Ph.D.,

_____ Other Address

_____ M.D., D.O., Ph.D.,

_____ Other Address."

Chapter 7 Section 6 Laws 2006

Section 6. REVOCATION OF ADVANCE DIRECTIVE FOR MENTAL HEALTH TREATMENT.--

A. An individual, while having capacity, may revoke the designation of an agent either by a signed writing or by personally informing the supervising health care provider. If the individual cannot sign, a written revocation shall be signed for the individual and be witnessed by two witnesses pursuant to Subsections I and J of

Section 4 of the Mental Health Care Treatment Decisions Act, each of whom has signed at the direction of the individual and in the presence of the individual and each other.

B. An individual, while having capacity, may revoke all or part of an advance directive for mental health treatment, other than the designation of an agent, at any time and in any manner that communicates an intent to revoke.

C. A mental health treatment provider, agent or guardian who is informed of a revocation shall promptly communicate the fact of the revocation to the supervising health care provider and to any mental health treatment facility at which the patient is receiving care.

D. The filing of a petition for or a decree of annulment, divorce, dissolution of marriage or legal separation revokes a previous designation of a spouse as agent, unless otherwise specified in the decree or in a power of attorney for mental health treatment. A designation revoked solely by this subsection is revived by the individual's remarriage to the former spouse, by a nullification of the divorce, annulment or legal separation or by the dismissal or withdrawal, with the individual's consent, of a petition seeking annulment, divorce, dissolution of marriage or legal separation.

E. An advance directive for mental health treatment that conflicts with an earlier advance directive for mental health treatment revokes the earlier directive to the extent of the conflict.

F. Unless otherwise specified in the power of attorney for mental health treatment, an advance health-care directive pursuant to the Uniform Health-Care Decisions Act and an advance directive for mental health treatment shall be treated separately. A revocation of a power of attorney for mental health treatment shall not affect the validity of a power of attorney.

Chapter 7 Section 7 Laws 2006

Section 7. OPTIONAL FORM FOR ADVANCE DIRECTIVE FOR MENTAL HEALTH TREATMENT.--

A. The form provided in Subsection E of this section may be used to create an individual instruction regarding mental health treatment. An individual may complete or modify all or any part of the form. The Mental Health Care Treatment Decisions Act governs the effect of this or any other writing used to create an advance directive for mental health treatment.

B. A principal may designate a capable person eighteen years of age or older to act as an agent to make mental health treatment decisions. An alternative agent may also be designated to act as an agent if the original agent is unable or unwilling to act at any time. An appointment of an agent may be accomplished by using the form provided by Subsection E of this section.

C. An agent who has accepted the appointment in writing shall have authority to make decisions, in consultation with the primary health care professional, about mental health treatment on behalf of the principal only when the principal is certified to lack capacity and to require mental health treatment as provided by the Mental Health Care Treatment Decisions Act. These decisions shall be consistent with any wishes or instructions the principal has expressed in the instruction. If the wishes or instructions of the principal are not expressed, the agent shall act in what the agent believes to be the best interest of the principal. The agent may consent to evaluation for admission to inpatient mental health treatment on behalf of the principal if so authorized in the advance directive for mental health treatment.

D. An agent may renounce the agent's authority by giving notice to the principal. If a principal lacks capacity, the agent may renounce the agent's authority by giving notice to the named alternative agent, if any, or, if none, to the attending qualified health care professional or health care provider. The primary health care professional or health care provider shall note the withdrawal of the last named agent as part of the principal's medical record.

E. An advance directive for mental health treatment may be executed by using the following optional form, completed or modified to the extent desired by the individual, and the form may be notarized:

"ADVANCE DIRECTIVE FOR MENTAL HEALTH TREATMENT

I, _____, being a person with capacity, willfully and voluntarily make known my wishes about mental health treatment, by my instructions to others through my advance directive for mental health treatment, or by my appointment of an agent, or both. If a guardian or an agent is appointed to make mental health decisions for me, I intend this document to take precedence over other means of ascertaining my wishes and interests.

The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed sections be followed. I intend this directive to take precedence over any other mental health directives I have previously executed, to the extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot revoke this directive if one qualified health care professional and one mental health treatment provider find that I am an incapacitated person, unless I successfully challenge the determination of incapacity.

I understand there are some circumstances where my provider may not have to follow my directive, specifically, if the treatment requested in this directive is infeasible or unavailable, the facility or provider is not licensed or authorized to provide the treatment requested or the directive conflicts with other applicable law.

I thus do hereby declare:

I. DECLARATION FOR MENTAL HEALTH TREATMENT

If a mental health treatment provider and a qualified health care professional, one of whom is my primary health care professional, if reasonably available, determine that my ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that I lack the capacity to refuse or consent to mental health treatment and that mental health treatment is necessary, I direct my primary health care professional and a mental health treatment provider, pursuant to the Mental Health Care Treatment Decisions Act, to provide the mental health treatment I have indicated below by my signature.

I understand that "mental health treatment" means services provided for the prevention of, amelioration of symptoms of or recovery from mental illness or emotional disturbance, including but not limited to electroconvulsive treatment, treatment with medication, counseling, rehabilitation services or evaluation for admission to a facility for care or treatment of persons with mental illness, if required.

Preferences and Instructions About Treatment, Facilities and Physicians

I would like the physician(s) named below to be involved in my treatment decisions:

Dr. _____ Contact information _____

Dr. _____ Contact information _____

I do not wish to be treated by Dr. _____

Other Preferences: _____

Preferences and Instructions About Other Providers

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

Name: _____ Profession: _____

Contact Information _____

Name: _____ Profession: _____

Contact Information _____

Preferences and Instructions About Medications for Mental Health Treatment

(initial and complete all that apply)

____ I consent, and authorize my agent to consent, to the following medications:

____ I do not consent, and I do not authorize my agent to consent, to the administration of the following medications:

____ I am willing to take the medications excluded above if my only reason for excluding them is the side effects, which include _____, and these side effects can be eliminated by dosage adjustment or other means.

____ I am willing to try any other medications the hospital doctor recommends.

____ I am willing to try any other medications my outpatient doctor recommends.

____ I do not want to try any other medications.

Medication Allergies

I have allergies to, or severe side effects from, the following:

I have the following other preferences or instructions about medications:

Preferences and Instructions About Hospitalization and Alternatives

(initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)

____ In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalization.

____ I would also like the interventions below to be tried before hospitalization is considered:

____ Calling someone or having someone call me when needed.

Name: _____ Telephone: _____

____ Having a mental health service provider come to see me

- Going to a crisis triage center or emergency room
- Staying overnight at a crisis respite (temporary) bed
- Seeing a provider for help with psychiatric medications
- Other, specify: _____

Authority to Consent to Inpatient Treatment

I consent, and authorize my agent to consent, to evaluation for admission to inpatient mental health treatment.

(Sign one)

If deemed appropriate by my agent and treating physician

Signature

or

Under the following circumstances (specify symptoms, behaviors or circumstances that indicate the need for hospitalization)

Signature

I do not consent, or authorize my agent to consent, to evaluation for admission to inpatient treatment _____

Signature

Preferences and Instructions About Use of Seclusion or Restraint

I would like the interventions below to be tried before use of seclusion or restraint is considered (*initial all that apply*)

- "Talk me down": one-on-one
- More medication
- Time out/privacy

- Show of authority/force
- Shift my attention to something else
- Set firm limits on my behavior
- Help me to discuss/vent feelings
- Decrease stimulation
- Offer to have neutral person settle dispute
- Other, specify _____

If it is determined that I am engaging in behavior that requires seclusion, physical restraint and/or emergency use of medication, I prefer these interventions in the order I have chosen (*choose "1" for first choice, "2" for second choice, and so on*):

- Seclusion
- Seclusion and physical restraint (combined)
- Medication by injection
- Medication in pill or liquid form

In the event my physician decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in this directive. The preferences and instructions I have expressed in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

Preferences and Instructions About Electroconvulsive Therapy

My wishes regarding electroconvulsive therapy are (*sign one*):

I do not consent, nor authorize my agent to consent, to the administration of electroconvulsive therapy.

Signature

I consent, and authorize my agent to consent, to the administration of electroconvulsive therapy. _____

Signature

___ I consent, and authorize my agent to consent, to the administration of electroconvulsive therapy, but only under the following conditions:

Signature

Preferences and Instructions About Who Is Permitted to Visit

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name: _____

Name: _____

Name: _____

I understand that persons not listed above may be permitted to visit me.

Additional Instructions About My Mental Health Care

Other instructions about my mental health care: _____

In case of emergency, please contact: _____

Name: _____ Address: _____

Work Telephone: _____ Home telephone: _____

Physician: _____ Address: _____

Telephone: _____

The following may help me to avoid a hospitalization: _____

I generally react to being hospitalized as follows: _____

Staff of the hospital or crisis unit can help me by doing the following:

Refusal of Treatment

I do not consent to any mental health treatment.

Signature

I further state that this document and the information contained in it may be released to any requesting licensed mental health professional.

Signature of principal Date

Signature of witness Date

II. APPOINTMENT OF AGENT

If my primary health care professional and a mental health provider determine that my ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that I lack the capacity to refuse or consent to mental health treatment and that mental health treatment is necessary, I direct my primary health care professional and other health care providers, pursuant to the Mental Health Care Treatment Decisions Act, to follow the instructions of my agent.

I hereby appoint:

Name _____

Address _____

Telephone _____ to act as my agent to make decisions regarding my mental health treatment if I become incapable of giving or withholding informed consent for that treatment.

If the person named above refuses or is unable to act on my behalf, or if I revoke that person's authority to act as my agent, I authorize the following person to act as my agent:

Name _____

Address _____

Telephone _____

My agent is authorized to make decisions that are consistent

with the wishes I have expressed in my declaration. If my wishes are not expressed, my agent is to act in what he or she believes to be my best interest.

Signature of principal Date

III. CONFLICTING PROVISION

I understand that if I have completed both a declaration and have appointed an agent and if there is a conflict between my agent's decision and my declaration, my declaration shall take precedence unless I indicate otherwise.

Signature

I understand that if I have completed both an advance health care directive and an advance directive for mental health treatment, that those directives should be executed as separate instructions.

Signature

IV. OTHER PROVISIONS

1. In the absence of my ability to give directions regarding my mental health treatment, it is my intention that this advance directive for mental health treatment shall be honored as the expression of my legal right to consent or to refuse to consent to mental health treatment.

2. I direct the following concerning the care of my minor children:

3. This advance directive for mental health treatment shall be in effect until it is revoked.

4. I understand that I may revoke this advance directive for mental health treatment at any time.

5. I understand and agree that if I have any prior advance directives for mental health treatment, and if I sign this advance directive for mental health treatment, my prior advance directives for mental health treatment are revoked.

6. I understand the full importance of this advance directive for mental health treatment and I am emotionally and mentally competent to make this advance directive for mental health treatment.

Signed this _____ day of _____, 20__

Signature

City, county and state of residence

This advance directive was signed in my presence.

Signature of witness

Address

_____".

Chapter 7 Section 8 Laws 2006

Section 8. DECISIONS BY GUARDIAN.--

A. A guardian shall comply with the ward's individual instructions and may not revoke the ward's advance directive for mental health treatment unless the appointing court expressly so authorizes after notice to the agent and the ward.

B. A mental health treatment decision of an agent appointed by an individual having capacity takes precedence over that of a guardian, unless the appointing court expressly directs otherwise after notice to the agent and the ward.

C. Subject to the provisions of Subsections A and B of this section, a mental health treatment decision made by a guardian for the ward is effective without judicial approval, if the appointing court has expressly authorized the guardian to make

mental health treatment decisions for the ward, in accordance with the provisions of Sections 43-1-15 or 45-5-312 NMSA 1978, after notice to the ward and any agent.

Chapter 7 Section 9 Laws 2006

Section 9. OBLIGATIONS OF MENTAL HEALTH TREATMENT PROVIDER.--

A. Before implementing a mental health treatment decision made for a patient, a supervising health care provider shall promptly communicate to the patient the decision made and the identity of the person making the decision.

B. A supervising health care provider who knows of the existence of an advance directive for mental health treatment, a revocation of an advance directive for mental health treatment or a challenge to a determination or certification of lack of capacity shall promptly record its existence in the patient's health care record and, if it is in writing, shall request a copy and, if one is furnished, shall arrange for its maintenance in the health care record.

C. A qualified health care professional shall disclose an advance directive for mental health treatment to other qualified health care professionals only when it is determined that disclosure is necessary to give effect to or provide treatment in accordance with an individual instruction.

D. A supervising health care provider who makes or is informed of a written determination or certification pursuant to Section 5 of the Mental Health Care Treatment Decisions Act that a patient lacks or has recovered capacity or that another condition exists that affects an individual instruction or the authority of an agent or guardian shall promptly record the determination in the patient's health care record and communicate the determination or certification to the patient and to any person then authorized to make mental health treatment decisions for the patient.

E. Except as provided in Subsections F and G of this section, a health care provider or mental health treatment facility providing care to a patient shall comply:

(1) before and after the patient is determined to lack capacity, with an individual instruction of the patient made while the patient had capacity;

(2) with a reasonable interpretation of the individual instruction made by a person then authorized to make mental health treatment decisions for the patient; and

(3) with a mental health treatment decision for the patient that is not contrary to an individual instruction of the patient and is made by a person then authorized to make mental health treatment decisions for the patient, to the same extent as if the decision had been made by the patient while having capacity.

F. A mental health treatment provider may only decline to comply with an individual instruction or mental health treatment decision for any of the following reasons:

- (1) the treatment requested is infeasible or unavailable;
- (2) the facility or provider is not licensed or authorized to provide the treatment requested; or
- (3) the treatment requested conflicts with other applicable law.

G. A mental health treatment provider or mental health treatment facility may decline to comply with an individual instruction or mental health treatment decision that requires medically ineffective health care or health care contrary to generally accepted health care standards applicable to the mental health treatment provider or mental health treatment facility. "Medically ineffective health care" means treatment that would not offer the patient any significant benefit, as determined by a physician chosen by the principal or agent.

H. A health care provider or mental health treatment facility that declines to comply with an individual instruction or mental health care decision shall:

- (1) promptly so inform the patient, if possible, and any person then authorized to make mental health care decisions for the patient;
- (2) provide continuing care to the patient until a transfer can be effected; and
- (3) unless the patient or person then authorized to make mental health treatment decisions for the patient refuses assistance, immediately make all reasonable efforts to assist in the transfer of the patient to another health care provider or mental health treatment facility that is willing to comply with the individual instruction or decision.

I. A health care provider or mental health treatment facility shall not require or prohibit the execution or revocation of an advance directive for mental health treatment as a condition for providing health care.

J. The Mental Health Care Treatment Decisions Act does not require or permit a mental health treatment facility or health care provider to provide any type of mental health treatment for which the mental health treatment facility or health care provider is not licensed, certified or otherwise authorized or permitted by law to provide.

Chapter 7 Section 10 Laws 2006

Section 10. HEALTH CARE INFORMATION.--Unless otherwise specified in an advance directive for mental health treatment, a person then authorized to make mental health treatment decisions for a patient has the same rights as the patient to request, receive, examine, copy and consent to the disclosure of medical or any other health care information.

Chapter 7 Section 11 Laws 2006

Section 11. IMMUNITIES.--

A. A health care provider or mental health treatment facility acting reasonably and on reasonable grounds and in accordance with generally accepted health care standards applicable to the health care provider or mental health treatment facility is not subject to civil or criminal liability or to discipline for unprofessional conduct for:

(1) complying or attempting to comply with a mental health treatment decision of a person apparently having authority to make a mental health treatment decision for a patient;

(2) declining to comply with a mental health treatment decision of a person based on a belief that the person then lacked authority;

(3) complying or attempting to comply with an advance directive for mental health treatment and assuming that the directive was valid when made and has not been revoked or terminated;

(4) declining to comply with a mental health treatment directive as permitted; or

(5) complying or attempting to comply with any other provision of the Mental Health Care Treatment Decisions Act.

B. An individual acting as agent or guardian under the Mental Health Care Treatment Decisions Act is not subject to civil or criminal liability or to discipline for unprofessional conduct for mental health treatment decisions made in good faith.

Chapter 7 Section 12 Laws 2006

Section 12. PROHIBITED PRACTICE.--

A. No insurer or other provider of benefits regulated by the New Mexico Insurance Code or a state agency shall require a person to execute or revoke an advance directive for mental health treatment as a condition for membership in, being insured for or receiving coverage or benefits under an insurance contract or plan.

B. No insurer may condition the sale, procurement or issuance of a policy, plan, contract, certificate or other evidence of coverage, or entry into a pension, profit-sharing, retirement, employment or similar benefit plan, upon the execution or revocation of an advance directive for mental health treatment; nor shall the existence of an advance directive for mental health treatment modify the terms of an existing policy, plan, contract, certificate or other evidence of coverage of insurance.

C. The provisions of this section shall be enforced by the superintendent of insurance under the New Mexico Insurance Code.

Chapter 7 Section 13 Laws 2006

Section 13. STATUTORY DAMAGES.--

A. A health care provider or mental health treatment facility that intentionally violates the Mental Health Care Treatment Decisions Act is subject to liability to the aggrieved individual for damages of five thousand dollars (\$5,000) or actual damages resulting from the violation, whichever is greater, plus reasonable attorney fees.

B. A person who intentionally falsifies, forges, conceals, defaces or obliterates an individual's advance directive for mental health treatment or a revocation of an advance directive for mental health treatment without the individual's consent or a person who coerces or fraudulently induces an individual to give, revoke or not give or revoke an advance directive for mental health treatment is subject to liability to that individual for damages of five thousand dollars (\$5,000) or actual damages resulting from the action, whichever is greater, plus reasonable attorney fees.

C. The damages provided in this section are in addition to other types of relief available under other law, including civil and criminal law and law providing for disciplinary procedures.

Chapter 7 Section 14 Laws 2006

Section 14. EFFECT OF COPY.--A copy of a written advance directive for mental health treatment or revocation of an advance directive for mental health treatment has the same effect as the original.

Chapter 7 Section 15 Laws 2006

Section 15. EFFECT OF THE MENTAL HEALTH CARE TREATMENT DECISIONS ACT.--

A. The Mental Health Care Treatment Decisions Act does not create a presumption concerning the intention of an individual who has not made or who has revoked an advance directive for mental health treatment.

B. Death resulting from the withholding or withdrawal of health care in accordance with the Mental Health Care Treatment Decisions Act does not for any purpose:

(1) constitute a suicide, a homicide or other crime; or

(2) legally impair or invalidate a governing instrument, notwithstanding any term of the governing instrument to the contrary. "Governing instrument" means a deed, will, trust, insurance or annuity policy, account with POD (payment on death designation), security registered in beneficiary form (TOD), pension, profit-sharing, retirement, employment or similar benefit plan, instrument creating or exercising a power of appointment or a dispositive, appointive or nominative instrument of any similar type.

C. The Mental Health Care Treatment Decisions Act does not authorize mercy killing, assisted suicide, euthanasia or the provision, withholding or withdrawal of health care, to the extent prohibited by other statutes of this state.

D. The Mental Health Care Treatment Decisions Act does not authorize or require a health care provider or mental health treatment facility to provide health care contrary to generally accepted health care standards applicable to the health care provider or mental health treatment facility.

E. The Mental Health Care Treatment Decisions Act does not authorize an agent to consent to the admission of an individual to a mental health treatment facility. If the individual's written advance directive for mental health treatment expressly permits treatment in a mental health treatment facility, the agent may present the individual to a facility for evaluation for admission.

F. The Mental Health Care Treatment Decisions Act does not affect other statutes of this state governing treatment for mental illness of an individual admitted to a mental health treatment facility, including involuntary commitment to a mental health treatment facility for mental illness.

Chapter 7 Section 16 Laws 2006

Section 16. TRANSITIONAL PROVISIONS.--

A. An advance directive for mental health treatment is valid for purposes of the Mental Health Care Treatment Decisions Act if it complies with the provisions of that act, regardless of when or where executed or communicated.

B. The Mental Health Care Treatment Decisions Act does not impair a guardianship, living will, durable power of attorney, right-to-die statement or declaration or other advance directive for health care decisions that is in effect before July 1, 2006.

C. Any mental health treatment or psychiatric advance directive, durable power of attorney for health care decisions, living will, right-to-die statement or declaration or similar document that is executed in another state or jurisdiction in compliance with the laws of that state or jurisdiction shall be deemed valid and enforceable in this state to the same extent as if it were properly made in this state.

House Bill 459, as amended

Approved February 24, 2006

LAWS 2006, CHAPTER 8

AN ACT

RELATING TO THE EXECUTIVE DEPARTMENT; CREATING THE COMPULSIVE GAMBLING COUNCIL; PRESCRIBING DUTIES; PROVIDING FOR MEMBERSHIP.

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

Chapter 8 Section 1 Laws 2006

Section 1. A new section of the Department of Health Act is enacted to read:

"COMPULSIVE GAMBLING COUNCIL--DUTIES--MEMBERSHIP.--

A. The "compulsive gambling council" is created. The council is administratively attached to the department pursuant to the Executive Reorganization Act. The council consists of the following fifteen members, all of whom shall be appointed by and serve at the pleasure of the governor:

(1) the secretary or the secretary's designee, who shall serve as chair of the council;

(2) a member of the governor's staff;

(3) a member of the gaming control board;

(4) a member of the board of directors of the New Mexico lottery authority;

(5) a member of a fraternal organization that sponsors gambling;

(6) two persons with expertise in the field of compulsive gambling;

(7) two Native American representatives from a tribe or pueblo with gaming operations;

(8) two representatives of the non-Native American gaming industry;

(9) two representatives from the behavioral health profession; and

(10) two representatives from the general public.

B. The council shall meet regularly and at the call of the chair.

C. A majority of the council constitutes a quorum.

D. Council members shall serve voluntarily and shall receive no per diem for their services or travel expenses.

E. The council shall:

(1) develop and implement a New Mexico strategic prevention and treatment of compulsive gambling plan;

(2) recommend to the department compulsive gambling prevention and treatment standards;

(3) collaborate with the appropriate state agencies to link compulsive gambling data collection and referral information to crisis response hotlines or youth and domestic violence initiatives;

(4) collaborate with the department to improve data collection regarding gambling-related suicide, bankruptcies and domestic violence;

(5) collaborate with the department and the aging and long-term services department to educate New Mexico seniors through prevention training and materials regarding the recognition and treatment of compulsive gambling problems; and

(6) develop and recommend to the governor a voluntary self-exclusion program.

F. Beginning in 2008, the council shall submit an annual report to the governor and the appropriate legislative interim committee reporting the key findings and progress on implementation of the New Mexico strategic prevention and treatment of compulsive gambling plan.

G. Two copies of the annual report shall be filed with the legislative council service library annually beginning in August 2008."

House Bill 267

Approved February 24, 2006

LAWS 2006, CHAPTER 9

AN ACT

RELATING TO TAXATION; AUTHORIZING IMPOSITION OF ADDITIONAL HEALTH CARE GROSS RECEIPTS TAX IN CERTAIN COUNTIES.

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

Chapter 9 Section 1 Laws 2006

Section 1. Section 7-20E-18 NMSA 1978 (being Laws 1991, Chapter 212, Section 7, as amended) is amended to read:

"7-20E-18. COUNTY HEALTH CARE GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE RATE.--

A. The majority of the members of the governing body of any county may enact an ordinance imposing an excise tax at a rate of one-sixteenth percent of the gross receipts of any person engaging in business in the county for the privilege of engaging in business in the county. Any ordinance imposing an excise tax pursuant to this section shall not be subject to a referendum. The governing body of a county shall, at the time of enacting an ordinance imposing the tax, dedicate the revenue to the county-supported medicaid fund. This tax is to be referred to as the "county health care gross receipts tax".

B. In addition to the imposition of the county health care gross receipts tax authorized by Subsection A of this section, the majority of the members of the governing body of a county having a population of more than five hundred thousand persons according to the most recent federal decennial census may enact an ordinance imposing an additional one-sixteenth percent increment of county health care gross receipts tax; provided that the imposition of the additional increment shall be for a period that ends no later than June 30, 2009. The governing body of the county shall, at the time of enacting an ordinance imposing the additional increment of county health care gross receipts tax, dedicate the revenue to the support of indigent patients.

C. Any ordinance enacted pursuant to the provisions of Subsection A or B 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."

Chapter 9 Section 2 Laws 2006

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Government and Urban

Affairs Committee Substitute

for House Bill 274, as amended

Approved February 24, 2006

LAWS 2006, CHAPTER 10

AN ACT

RELATING TO THE INVESTMENT OF THE SEVERANCE TAX PERMANENT FUND; ALLOWING INVESTMENTS IN NEW MEXICO AEROSPACE BUSINESSES WITHOUT REQUIRING, IN CERTAIN CIRCUMSTANCES, COOPERATIVE INVESTMENT AGREEMENTS WITH OTHER INVESTORS.

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

Chapter 10 Section 1 Laws 2006

Section 1. Section 7-27-5.15 NMSA 1978 (being Laws 1990, Chapter 126, Section 5, as amended) is amended to read:

"7-27-5.15. NEW MEXICO PRIVATE EQUITY FUNDS AND 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:

(a) in conjunction with cooperative investment agreements with parties that have demonstrated abilities and relationships in making investments in new, emerging or expanding businesses; or

(b) in New Mexico aerospace businesses that have received an award from the United States government or one of its agencies or instrumentalities: 1) in an amount, not less than one hundred million dollars (\$100,000,000), that is equal to at least ten times the investment from the severance tax permanent fund; and 2) for the purpose of stimulating commercial enterprises;

(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 three-fourths percent of the market value of the severance tax permanent fund to create new job opportunities by providing capital for land, buildings or infrastructure for facilities to support new or expanding businesses and to otherwise make investments to create new job opportunities to support new or expanding businesses in a manner consistent with the constitution of New Mexico. On July 1 of each year, the state investment officer shall determine whether the invested capital in the small business investment corporation is less than three-fourths percent of the market value of the severance tax permanent fund. If the invested capital in the small business investment corporation equals less than three-fourths percent of the market value of the severance tax permanent fund, further commitments shall be made until the invested capital is equal to three-fourths 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."

House Bill 835

Approved February 24, 2006

LAWS 2006, CHAPTER 11

AN ACT

RELATING TO STATE POLICE; PROVIDING NEW DISCIPLINARY AND APPEAL PROCEEDINGS FOR NEW MEXICO STATE POLICE OFFICERS; ELIMINATING THE REVIEW AND APPEAL PROCESS FOR OFFICERS SUSPENDED FOR NOT MORE THAN THIRTY DAYS; REQUIRING WRITTEN NOTIFICATION OF DISCIPLINARY ACTION BY THE SECRETARY OF PUBLIC SAFETY TO OFFICERS REMOVED, DEMOTED OR SUSPENDED FOR A PERIOD EXCEEDING THIRTY DAYS; DECLARING AN EMERGENCY.

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

Chapter 11 Section 1 Laws 2006

Section 1. Section 29-2-11 NMSA 1978 (being Laws 1941, Chapter 147, Section 11, as amended) is amended to read:

"29-2-11. DISCIPLINARY PROCEEDINGS--APPEAL.--

A. A New Mexico state police officer holding a permanent commission shall not be removed from office, demoted or suspended except for incompetence, neglect of duty, violation of a published rule of conduct, malfeasance in office or conduct unbecoming an officer, except as provided in this section. A probationary officer not holding a permanent commission may be removed from office, demoted or suspended in accordance with New Mexico state police rules.

B. The secretary may suspend an officer for disciplinary reasons for not more than thirty days in accordance with New Mexico state police rules without further review or appeal.

C. In the event an officer is removed from office, demoted or suspended for a period of more than thirty days, the secretary shall provide written notification of the grounds supporting the action to the officer. The officer may appeal the secretary's action to the commission within thirty days of the date of receipt of the secretary's written notification. The appeal process shall be public and conducted in accordance with New Mexico state police rules.

D. In the event the commission finds that there is just cause for the removal, demotion or suspension of the officer for a period in excess of thirty days, the officer may appeal the decision of the commission to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978."

Chapter 11 Section 2 Laws 2006

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

House Bill 594, with emergency clause

Approved February 24, 2006

LAWS 2006, CHAPTER 12

AN ACT

RELATING TO STATE POLICE; PROVIDING NEW DISCIPLINARY AND APPEAL PROCEEDINGS FOR NEW MEXICO STATE POLICE OFFICERS; ELIMINATING THE REVIEW AND APPEAL PROCESS FOR OFFICERS SUSPENDED FOR NOT MORE THAN THIRTY DAYS; REQUIRING WRITTEN NOTIFICATION OF DISCIPLINARY ACTION BY THE SECRETARY OF PUBLIC SAFETY TO OFFICERS REMOVED, DEMOTED OR SUSPENDED FOR A PERIOD EXCEEDING THIRTY DAYS; DECLARING AN EMERGENCY.

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

Chapter 12 Section 1 Laws 2006

Section 1. Section 29-2-11 NMSA 1978 (being Laws 1941, Chapter 147, Section 11, as amended) is amended to read:

"29-2-11. DISCIPLINARY PROCEEDINGS--APPEAL.--

A. A New Mexico state police officer holding a permanent commission shall not be removed from office, demoted or suspended except for incompetence, neglect of duty, violation of a published rule of conduct, malfeasance in office or conduct unbecoming an officer, except as provided in this section. A probationary officer not holding a permanent commission may be removed from office, demoted or suspended in accordance with New Mexico state police rules.

B. The secretary may suspend an officer for disciplinary reasons for not more than thirty days in accordance with New Mexico state police rules without further review or appeal.

C. In the event an officer is removed from office, demoted or suspended for a period of more than thirty days, the secretary shall provide written notification of the grounds supporting the action to the officer. The officer may appeal the secretary's action to the commission within thirty days of the date of receipt of the secretary's written notification. The appeal process shall be public and conducted in accordance with New Mexico state police rules.

D. In the event the commission finds that there is just cause for the removal, demotion or suspension of the officer for a period in excess of thirty days, the officer may appeal the decision of the commission to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978."

Chapter 12 Section 2 Laws 2006

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

Senate Bill 547, with emergency clause

Approved February 24, 2006

LAWS 2006, CHAPTER 13

AN ACT

RELATING TO HEALTH; CREATING THE TRAUMA SYSTEM FUND AUTHORITY;
CREATING THE TRAUMA SYSTEM FUND.

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

Chapter 13 Section 1 Laws 2006

Section 1. SHORT TITLE.--This act may be cited as the "Trauma System Fund Authority Act".

Chapter 13 Section 2 Laws 2006

Section 2. PURPOSE OF ACT.--The purpose of the Trauma System Fund Authority Act is to provide funding to sustain existing trauma centers, support the development of new trauma centers and develop a statewide trauma system.

Chapter 13 Section 3 Laws 2006

Section 3. DEFINITIONS.--As used in the Trauma System Fund Authority Act:

- A. "authority" means the trauma system fund authority;
- B. "department" means the department of health;
- C. "fund" means the trauma system fund;
- D. "secretary" means the secretary of health; and

E. "statewide trauma system" means a coordinated continuum of care that includes injury prevention, emergency medical, acute care hospital and rehabilitative services and that is subject to accountability and system improvement.

Chapter 13 Section 4 Laws 2006

Section 4. TRAUMA SYSTEM FUND AUTHORITY CREATED--MEMBERSHIP.--

A. The "trauma system fund authority" is created. The authority is administratively attached to the department.

B. The authority shall consist of at least nine members, all of whom shall be appointed by and serve at the pleasure of the governor. The membership of the authority shall include the following:

- (1) the secretary or the secretary's designee;
- (2) representation from the medical specialty of trauma physicians;
- (3) at least one member of a statewide organization representing physicians in New Mexico;
- (4) at least one member representing emergency and trauma nursing practice;

(5) at least one member of a statewide organization representing hospitals and health systems in New Mexico;

(6) at least one member of a statewide organization representing injury prevention;

(7) the chair of the statewide emergency medical services advisory committee;

(8) the chair of the trauma advisory committee; and

(9) at least one member of a statewide organization representing rehabilitation services.

C. Authority members shall elect a chair and other officers as the authority deems appropriate.

D. The authority shall meet regularly at the call of the chair.

Chapter 13 Section 5 Laws 2006

Section 5. DUTIES.--The authority shall:

A. develop criteria by which distribution of funds to existing trauma centers and potential new centers will occur;

B. receive applications and determine and monitor the actual distribution of money from the fund that will support the development of a statewide system of trauma care;

C. oversee the department's administration of the fund and the development of a trauma system; and

D. report annually to the interim legislative health and human services committee and the legislative finance committee.

Chapter 13 Section 6 Laws 2006

Section 6. TRAUMA SYSTEM FUND CREATED--FUNDING.--

A. The "trauma system fund" is created in the state treasury. The fund shall consist of money appropriated and transferred to the fund, money received by the authority from any public or private source and tax revenues distributed to the fund by law. Interest earned on investment of the fund shall be credited to the fund. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of health or the

secretary's authorized representative. Money in the fund shall not revert at the end of any fiscal year.

B. Money in the fund is appropriated to the department for the purpose of making distributions approved by the authority and for administering the Trauma System Fund Authority Act; provided that no more than five percent of the fund may be used by the department for administrative costs, including monitoring, trauma system development and providing technical assistance.

Chapter 13 Section 7 Laws 2006

Section 7. RULES.--The department shall promulgate rules to carry out the provisions of the Trauma System Fund Authority Act.

House Bill 266, as amended

Approved March 1, 2006

LAWS 2006, CHAPTER 14

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; ABOLISHING THE SPACE COMMISSION AND THE SPACE COMMERCIALIZATION DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT; PROVIDING FOR TRANSFERS OF FUNCTIONS AND RESOURCES OF THE DIVISION TO THE SPACEPORT AUTHORITY; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

Chapter 14 Section 1 Laws 2006

Section 1. Section 9-15-4 NMSA 1978 (being Laws 1983, Chapter 297, Section 4, as amended) is amended to read:

"9-15-4. DEPARTMENT ESTABLISHED.--There is created in the executive branch the "economic development department". The department shall be a cabinet department and shall consist of, but not be limited to, five divisions as follows:

- A. the administrative services division;
- B. the economic development division;

- C. the New Mexico film division;
- D. the technology enterprise division; and
- E. the trade and Mexican affairs division."

Chapter 14 Section 2 Laws 2006

Section 2. TEMPORARY PROVISION--SPACE COMMERCIALIZATION DIVISION--TRANSFER OF FUNCTIONS, PERSONNEL, PROPERTY AND CONTRACTS.--The functions, personnel, appropriations, money, records, equipment, supplies, other property and contractual obligations of the space commercialization division of the economic development department are transferred to the spaceport authority.

Chapter 14 Section 3 Laws 2006

Section 3. REPEAL.--Sections 9-15-43 through 9-15-47 NMSA 1978 (being Laws 1994, Chapter 127, Sections 2 through 6, as amended) are repealed.

House Bill 89

Approved March 1, 2006

LAWS 2006, CHAPTER 15

AN ACT

RELATING TO SPECIAL DISTRICTS; ENACTING THE REGIONAL SPACEPORT DISTRICT ACT; AUTHORIZING THE CREATION OF REGIONAL SPACEPORT DISTRICTS; PROVIDING FOR THE POWERS AND DUTIES OF REGIONAL SPACEPORT DISTRICTS; PROVIDING FOR THE POWERS AND RESPONSIBILITIES OF THE BOARD OF DIRECTORS; PROVIDING FOR COUNTY AND MUNICIPAL REGIONAL SPACEPORT GROSS RECEIPTS TAXES; AMENDING THE SPACEPORT DEVELOPMENT ACT.

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

Chapter 15 Section 1 Laws 2006

Section 1. SHORT TITLE.--Sections 1 through 13 of this act may be cited as the "Regional Spaceport District Act".

Chapter 15 Section 2 Laws 2006

Section 2. PURPOSES.--The purposes of the Regional Spaceport District Act are to:

- A. serve the public by providing for the development of a southwest regional spaceport;
- B. allow multi-jurisdictional cooperation in the creation of a southwest regional spaceport;
- C. provide for the promotion of the southwest regional spaceport; and
- D. foster tourism in the cities and counties comprising the district.

Chapter 15 Section 3 Laws 2006

Section 3. DEFINITIONS.--As used in the Regional Spaceport District Act:

- A. "authority" means the spaceport authority created pursuant to the Spaceport Development Act;
- B. "board" means the board of directors of a district;
- C. "bond" means a revenue bond issued by the authority on behalf of a district;
- D. "combination" means two or more governmental units that exercise joint authority;
- E. "district" means a regional spaceport district that is a political subdivision of the state created pursuant to the Regional Spaceport District Act;
- F. "governmental unit" means the state, a county or a municipality of the state or an Indian nation, tribe or pueblo located within the boundaries of the state;
- G. "project" means any land, building or other improvements acquired as part of a spaceport or associated with a spaceport or to aid commerce in connection with a spaceport and all real and personal property deemed necessary in connection with the spaceport;
- H. "revenues" means municipal regional spaceport gross receipts tax revenues and county regional spaceport gross receipts tax revenues; and
- I. "spaceport" means any facility in New Mexico at which space vehicles may be launched or landed, including all facilities and support infrastructure related to launch, landing or payload processing.

Chapter 15 Section 4 Laws 2006

Section 4. CREATION OF DISTRICT.--

A. A combination may create a regional spaceport district by contract. Upon the issuance by the authority of a certificate stating that the district has been duly organized according to the provisions of the Regional Spaceport District Act, the district may exercise the functions conferred by the provisions of that act. The authority shall issue the certificate within thirty days of the filing with the authority of a copy of a contract that fulfills all the requirements set forth in this section and a copy of the bylaws and operating procedures of the district. The authority shall cause the certificate to be recorded in each county having territory included in the boundaries of the district. Upon issuance of the certificate by the authority, the district shall constitute a separate political subdivision of the state and shall have all of the duties, privileges, immunities, rights, liabilities and disabilities of a political subdivision.

B. A contract establishing a district shall specify the:

- (1) name and purpose of the district;
- (2) establishment and organization of the board in which all legislative power of the district is vested;
- (3) manner of the appointment, term of service and qualifications, if any, of the directors and the procedure for filling vacancies;
- (4) officers of the district, the manner of their appointment and their duties;
- (5) voting requirements for action by the board;
- (6) provisions for the distribution, disposition or division of the assets of the district;
- (7) term of the contract and the method by which it may be terminated or rescinded, but the contract shall not be terminated or rescinded so long as the authority has bonds outstanding;
- (8) provisions for amendment of the contract;
- (9) limitations on the powers granted by the Regional Spaceport District Act that may be exercised by the district; and
- (10) conditions required when adding or deleting parties to the contract.

C. A governmental unit shall not enter into a contract establishing a district without holding at least three public hearings in addition to other requirements imposed by law for public notice. The governmental unit shall give notice of the time, place and purpose of the public hearing by publication in a newspaper of general circulation in the governmental unit at least ten days prior to the date of the public hearing.

D. Upon the approval of the governor and the combination, the state may join in a contract creating a district. The number of directors of the board to which the state is entitled shall be established in the contract, but in no case shall the state be entitled to less than one director. The governor shall appoint, with the confirmation of the senate, the director or directors representing the state on the board for a term as established by the contract that created the district.

Chapter 15 Section 5 Laws 2006

Section 5. BOARD.--

A. All powers, privileges and duties vested in or imposed upon the district shall be exercised and performed by the board. The board may delegate its powers by resolution to an officer or agent of the board, with the exception of the following:

- (1) adoption of board policies and procedures;
- (2) initiation or continuation of legal action;
- (3) establishment of policies regarding the use of revenues; and
- (4) request to the authority to issue bonds.

B. Only an elected official may vote on resolutions regarding Paragraph (4) of Subsection A of this section.

C. The board shall adopt rules to govern its conduct and provide meaningful opportunities for public input, which shall include standards and procedures for calling emergency meetings.

D. The board shall be composed of at least one director from each governmental unit that is a member of the district. A director shall be an elected official or the official's designee. A governmental unit shall not have a majority of membership on the board, unless there are three or fewer participating governmental units in the district.

E. A director of the board shall not vote on an issue when the director has a conflict of interest. A director of the board, officer of the board or employee of the board shall not:

(1) acquire a financial interest in a new or existing business venture or business property of any kind when the person believes or has reason to believe that the new financial interest will be directly affected by the official act;

(2) use confidential information acquired by virtue of the person's office or employment for the person's or another's private gain; or

(3) contract with the district without public notice and competitive bidding and full disclosure of the person's financial or other interest in the business that is party to the contract.

F. The attorney general shall investigate and prosecute, when appropriate, a complaint brought to the attorney general's attention involving a violation of Subsection E of this section. Violation of the provisions of Subsection E of this section by a director of the board, officer of the board or employee of the board is grounds for removal or suspension of the director or officer and dismissal, demotion or suspension of the employee.

G. In addition to all other powers conferred by the Regional Spaceport District Act, the board may:

(1) adopt bylaws;

(2) fix the time and place of meetings and the method of providing notice of the meetings;

(3) make and pass orders and resolutions necessary for the government and management of the affairs of the district and the execution of the powers vested in the district;

(4) adopt and use a seal; and

(5) appoint advisory committees and define the duties of the committees.

Chapter 15 Section 6 Laws 2006

Section 6. POWERS OF THE DISTRICT.--

A. A district is a body politic and corporate. In addition to other powers granted to the district pursuant to the Regional Spaceport District Act, the district may:

(1) have perpetual existence, except as otherwise provided in the contract;

(2) sue and be sued;

(3) enter into contracts and agreements affecting the affairs of the district;

(4) pledge all or a portion of the revenues to the payment of bonds of the authority; and

(5) construct, in connection with the authority, a regional spaceport within the boundaries of the district.

B. After the creation of a district, the board may include property within or exclude property from the boundaries of the district in the manner provided in this section. Property shall not be included within the boundaries of the district unless it is within the boundaries of the members of the combination at the time of the inclusion. Prior to inclusion of property in or exclusion of property from the boundaries of the district, the board shall cause notice of the proposed inclusion or exclusion to be published in a newspaper of general circulation within the boundaries of the district and cause the notice to be mailed to the authority. The notice shall:

(1) describe the property to be included in or excluded from the boundaries of the district;

(2) specify the date, time and place at which the board shall hold a public hearing on the proposed inclusion or exclusion; provided that the date of the public hearing contained in the notice shall be not less than twenty days after publication of the notice; and

(3) state that persons having objections to the inclusion or exclusion may appear at the public hearing to object to the proposed inclusion or exclusion.

C. The board shall hear all objections to the proposed inclusion or exclusion of property at the time and place designated in the notice. The board, upon the affirmative vote of two-thirds of the directors, may adopt a resolution including or excluding all or a portion of the property described in the notice. Upon the adoption of the resolution, the property shall be included within or excluded from the boundaries of the district as set forth in the resolution. The board may adopt the resolution without amending the district's enabling contract. The board shall file the resolution with the authority, which shall cause the to be recorded in the real estate records of each county having territory included in the boundaries of the district.

Chapter 15 Section 7 Laws 2006

Section 7. BONDS.--A district may enter into contracts with the authority pursuant to which the authority may issue bonds under the Spaceport Development Act for the purpose of financing the planning, designing, engineering and construction of a regional spaceport or spaceport-related project. The district shall request that the

authority issue bonds pursuant to resolution of the board, and the bonds shall be payable solely out of all or a specified portion of the revenues as designated by the board.

Chapter 15 Section 8 Laws 2006

Section 8. INVESTMENTS.--A board shall invest or deposit funds in accordance with the prudent investor rule set forth in the Uniform Prudent Investor Act. The board shall employ the state investment council to invest the funds and may pay reasonable compensation for investment management services from the assets of the applicable funds. The board shall keep accurate and complete records and accounts concerning the investment portfolio.

Chapter 15 Section 9 Laws 2006

Section 9. TAXATION.--

A district has no direct taxation authority.

Chapter 15 Section 10 Laws 2006

Section 10. COOPERATIVE POWERS.--A district may cooperate with a person to:

A. accept legitimate contributions or liens securing obligations of the district from the person with respect to the financing, planning, designing, engineering and construction of a regional spaceport and, in connection with a loan or advance, enter into contracts establishing the repayment terms;

B. enter into contracts regarding the financing, planning, designing, engineering and construction of a regional spaceport; and

C. enter into joint operating contracts with the authority concerning the financing, planning, designing, engineering and construction of a regional spaceport.

Chapter 15 Section 11 Laws 2006

Section 11. NOTICE--OPPORTUNITY FOR COMMENT.--At least seven business days prior to a regularly scheduled meeting, the board shall make available to the public written or electronic notice of the time and agenda of the meeting. The board shall designate during each meeting a public comment period and shall offer the public an opportunity to comment.

Chapter 15 Section 12 Laws 2006

Section 12. ADDITION OR WITHDRAWAL OF TERRITORY BY A DISTRICT.--

A. After the creation of a district, a governmental unit adjacent to but not part of that district may join the district and determine the territorial area to become a part of that district. A two-thirds' affirmative vote by the board shall be required before the governmental unit may join the district.

B. A governmental unit that is a member of a district may withdraw from the district by adopting a resolution to withdraw. The governmental unit shall withdraw its representative from the board. Real property owned by the district within the boundaries of the withdrawing governmental unit shall remain the property of the district. The provisions of withdrawal shall be negotiated and agreed to by the board, the governmental unit and the authority.

Chapter 15 Section 13 Laws 2006

Section 13. USE OF REVENUE BY GOVERNMENTAL UNITS.--Each governmental unit that is a county or municipality and is a member of a combination shall have enacted a municipal regional spaceport gross receipts tax or a county regional spaceport gross receipts tax prior to December 31, 2008. At least seventy-five percent of the municipal regional spaceport gross receipts tax or county regional spaceport gross receipts tax revenues received by each governmental unit must be used by the district for the financing, planning, designing, engineering and construction of a regional spaceport. No more than twenty-five percent of the municipal regional spaceport gross receipts tax or county regional spaceport gross receipts tax revenues may be used by the governmental unit enacting the tax for spaceport-related projects as approved by resolution of the governmental unit.

Chapter 15 Section 14 Laws 2006

Section 14. A new section of the Municipal Local Option Gross Receipts Taxes Act is enacted to read:

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

A. A majority of the members of the governing body of a municipality that desires to become a member of a regional spaceport district pursuant to the Regional Spaceport District Act shall impose by ordinance an excise tax at a rate not to exceed one-half percent of the gross receipts of a 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 a person engaging in business in the municipality, and the aggregate of all rates shall not exceed one-half percent of the gross receipts of a person engaging

in business in the municipality. The tax may be referred to as the "municipal regional spaceport gross receipts tax".

B. A governing body, at the time of enacting an ordinance imposing a tax authorized in Subsection A of this section, shall dedicate a minimum of seventy-five percent of the revenue to a regional spaceport district for the financing, planning, designing, engineering and construction of a regional spaceport pursuant to the Regional Spaceport District Act and may dedicate no more than twenty-five percent of the revenue for spaceport-related projects as approved by resolution of the governing body of the municipality.

C. An ordinance imposing a municipal regional spaceport 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 spaceport 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 spaceport gross receipts tax fails, the governing body shall not again propose the imposition of an 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 spaceport gross receipts tax shall transfer a minimum of seventy-five percent of all proceeds from the tax to the regional spaceport district of which it is a member for regional spaceport purposes in accordance with the provisions of the Regional Spaceport District Act. The governing body of a municipality imposing the municipal regional spaceport gross receipts tax may retain no more than twenty-five percent of the municipal regional spaceport gross receipts tax for spaceport-related projects as approved by resolution of the governing body."

Chapter 15 Section 15 Laws 2006

Section 15. A new section of the County Local Option Gross Receipts Taxes Act is enacted to read:

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

A. A majority of the members of the governing body of a county that desires to become a member of a regional spaceport district pursuant to the Regional Spaceport District Act shall impose by ordinance an excise tax at a rate not to exceed

one-half percent of the gross receipts of a 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 a person engaging in business in the district area of the county, and the aggregate of all rates shall not exceed one-half percent of the gross receipts of a person engaging in business in the district area of the county. The tax may be referred to as the "county regional spaceport gross receipts tax".

B. A governing body, at the time of enacting an ordinance imposing the tax authorized in Subsection A of this section, shall dedicate a minimum of seventy-five percent of the proceeds of the revenue to the regional spaceport district for the financing, planning, designing and engineering and construction of a spaceport or for projects or services of the district pursuant to the Regional Spaceport District Act and may dedicate no more than twenty-five percent of the revenue for spaceport-related projects as approved by resolution of the governing body of the county.

C. An ordinance imposing a county regional spaceport 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 spaceport 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 spaceport gross receipts tax fails, the governing body shall not again propose the imposition of an 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 spaceport gross receipts tax shall transfer a minimum of seventy-five percent of all proceeds from the tax to the regional spaceport district of which it is a member for the purposes in accordance with the provisions of the Regional Spaceport District Act. The governing body of a county imposing a county regional spaceport gross receipts tax may retain no more than twenty-five percent of the county regional spaceport gross receipts tax for spaceport-related projects as approved by the resolution of the governing body of the county.

E. As used in this section, "district area of the county" means that portion of a county that is outside the boundaries of a municipality and that is within the boundaries of a regional spaceport district of which the county is a member; provided that if no municipality within the county has imposed a municipal regional spaceport

gross receipts tax, "district area of the county" may mean the area within the boundaries of the county that is within the boundaries of a regional spaceport district of which the county is a member."

Chapter 15 Section 16 Laws 2006

Section 16. Section 58-31-3 NMSA 1978 (being Laws 2005, Chapter 128, Section 3) is amended to read:

"58-31-3. DEFINITIONS.--As used in the Spaceport Development Act:

A. "authority" means the spaceport authority;

B. "project" means any land, building or other improvements acquired as part of a spaceport or associated with a spaceport or to aid commerce in connection with a spaceport and all real and personal property deemed necessary in connection with the spaceport;

C. "revenue" means municipal regional spaceport gross receipts tax and county regional spaceport gross receipts tax revenue received from a regional spaceport district, revenue generated by a project and any other legally available funds of the authority;

D. "space vehicle" means a vehicle capable of being flown in space or launching a payload into space; and

E. "spaceport" means a facility in New Mexico at which space vehicles may be launched or landed, including all facilities and support infrastructure related to launch, landing or payload processing."

Chapter 15 Section 17 Laws 2006

Section 17. Section 58-31-5 NMSA 1978 (being Laws 2005, Chapter 128, Section 5) is amended to read:

"58-31-5. AUTHORITY POWERS AND DUTIES.--

A. The authority shall:

(1) hire an executive director, who shall employ the necessary professional, technical and clerical staff to enable the authority to function efficiently and shall direct the affairs and business of the authority, subject to the direction of the authority;

(2) be located within fifty miles of a southwest regional spaceport;

(3) advise the governor, the governor's staff and the New Mexico finance authority oversight committee on methods, proposals, programs and initiatives involving a southwest regional spaceport that may further stimulate space-related business and employment opportunities in New Mexico;

(4) initiate, develop, acquire, own, construct, maintain and lease space-related projects;

(5) make and execute all contracts and other instruments necessary or convenient to the exercise of its powers and duties;

(6) create programs to expand high-technology economic opportunities within New Mexico;

(7) create avenues of communication among federal government agencies, the space industry, users of space launch services and academia concerning space business;

(8) promote legislation that will further the goals of the authority and development of space business;

(9) oversee and fund production of promotional literature related to the authority's goals;

(10) identify science and technology trends that are significant to space enterprise and the state and act as a clearinghouse for space enterprise issues and information;

(11) coordinate and expedite the involvement of the state executive branch's space-related development efforts; and

(12) perform environmental, transportation, communication, land use and other technical studies necessary or advisable for projects and programs or to secure licensing by appropriate United States agencies.

B. The authority may:

(1) advise and cooperate with municipalities, counties, state agencies and organizations, appropriate federal agencies and organizations and other interested persons and groups;

(2) solicit and accept federal, state, local and private grants of funds or property and financial or other aid for the purpose of carrying out the provisions of the Spaceport Development Act;

(3) adopt rules governing the manner in which its business is transacted and the manner in which the powers of the authority are exercised and its duties performed;

(4) operate spaceport facilities, including acquisition of real property necessary for spaceport facilities and the filing of necessary documents with appropriate agencies;

(5) construct, purchase, accept donations of or lease projects located within the state;

(6) sell, lease or otherwise dispose of a project upon terms and conditions acceptable to the authority and in the best interests of the state;

(7) issue revenue bonds and borrow money for the purpose of defraying the cost of acquiring a project by purchase or construction and of securing the payment of the bonds or repayment of a loan;

(8) enter into contracts with regional spaceport districts and issue bonds on behalf of regional spaceport districts for the purpose of financing the purchase, construction, renovation, equipping or furnishing of a regional spaceport or a spaceport-related project;

(9) refinance a project;

(10) contract with any competent private or public organization or individual to assist in the fulfillment of its duties;

(11) fix, alter, charge and collect tolls, fees or rentals and impose any other charges for the use of or for services rendered by any authority facility, program or service; and

(12) contract with regional spaceport districts to receive municipal spaceport gross receipts tax and county regional spaceport gross receipts tax revenues.

C. The authority shall not:

(1) incur debt as a general obligation of the state or pledge the full faith and credit of the state to repay debt; or

(2) expend funds or incur debt for the improvement, maintenance, repair or addition to property unless it is owned by the authority, the state or a political subdivision of the state."

Chapter 15 Section 18 Laws 2006

Section 18. Section 58-31-6 NMSA 1978 (being Laws 2005, Chapter 128, Section 6) is amended to read:

"58-31-6. SPACEPORT AUTHORITY--BONDING AUTHORITY--POWER TO ISSUE REVENUE BONDS.--

A. The authority may issue revenue bonds on its own behalf or on behalf of a regional spaceport district, for regional spaceport purposes and spaceport-related projects. Revenue bonds so issued may be considered appropriate investments for the severance tax permanent fund or collateral for the deposit of public funds if the bonds are rated not less than "A" by a national rating service and both the principal and interest of the bonds are fully and unconditionally guaranteed by a lease agreement executed by an agency of the United States government or by a corporation organized and operating within the United States, that corporation or the long-term debt of that corporation being rated not less than "A" by a national rating service. All bonds issued by the authority are legal and authorized investments for banks, trust companies, savings and loan associations and insurance companies.

B. The authority may pay from the bond proceeds all expenses, premiums and commissions that the authority deems necessary or advantageous in connection with the authorization, sale and issuance of the bonds.

C. Authority revenue bonds:

(1) may have interest or appreciated principal value or any part thereof payable at intervals determined by the authority;

(2) may be subject to prior redemption or mandatory redemption at the authority's option at the time and upon such terms and conditions with or without the payment of a premium as may be provided by resolution of the authority;

(3) may mature at any time not exceeding twenty years after the date of issuance if secured by revenue from the county or municipal regional spaceport gross receipts tax or thirty years if secured by revenue from other sources;

(4) may be serial in form and maturity; consist of one or more bonds payable at one time or in installments; or may be in such other form as determined by the authority;

(5) may be in registered or bearer form or in book-entry form through facilities of a securities depository either as to principal or interest or both;

(6) shall be sold for cash at, above or below par and at a price that results in a net effective interest rate that conforms to the Public Securities Act; and

(7) may be sold at public or negotiated sale.

D. Subject to the approval of the state board of finance, the authority may enter into other financial arrangements if it determines that the arrangements will assist the authority."

Chapter 15 Section 19 Laws 2006

Section 19. Section 58-31-11 NMSA 1978 (being Laws 2005, Chapter 128, Section 11) is amended to read:

"58-31-11. REQUIREMENTS RESPECTING RESOLUTION AND LEASE.--

A. A resolution for the issuance of bonds shall set forth the determinations and findings of the authority required by this section.

B. Prior to approving a resolution for the issuance of bonds or the closing of a loan for any project, the authority shall determine and find that:

(1) the resolution is for the issuance of bonds and the principal and interest of the bonds to be issued shall be fully secured by:

(a) a lease agreement or installment sale agreement executed by an agency of the United States government;

(b) a state or local public agency or institution;

(c) a corporation organized and operating within the United States;

(d) an irrevocable letter of credit issued by a chartered financial institution approved for this purpose by the state board of finance;

(e) a bond insurance policy issued by an insurance company rated not less than "AA" by a national rating service; or

(f) revenue received by the authority pursuant to a contract entered into by and between the authority and a regional spaceport district;

(2) revenues are available in an amount necessary in each year to pay the principal of and interest on the bonds proposed to be issued or the loan proposed to be obtained to finance the project; and

(3) revenues are available in an amount necessary to be paid each year into any reserve funds that the authority may deem advisable to establish in connection with the retirement of the proposed bonds or the repayment of the loan or the maintenance of the project.

C. Unless the terms under which the project is to be leased or sold provide that the lessee or purchaser shall maintain the project and carry all proper insurance with respect to the project, the resolution shall set forth the estimated cost of maintaining the project in good repair and keeping it properly insured.

D. Prior to the issuance of the bonds or the closing of the loan, the authority may lease or sell the project to a lessee or purchaser under an agreement conditioned upon completion of the project and providing for payment to the authority of such rentals or payments as, upon the basis of such determinations and findings pursuant to provisions of this section, will be sufficient to:

(1) pay the principal of and interest on the bonds issued or on the loan to be obtained to finance the project;

(2) build up and maintain any reserve deemed by the authority to be advisable in connection with the financing of the project; and

(3) pay the costs of maintaining the project in good repair and keep it properly insured, unless the agreement of lease obligates the lessee to pay for the maintenance and insurance of the project.

E. With prior approval of the state board of finance, the authority may borrow funds to purchase, lease, acquire or develop water rights, a water system, a wastewater collection and treatment system, a natural gas distribution system, an electrical distribution system or other infrastructure needed to support the project, provided that the authority does not obligate itself or the state to any debt or obligation that cannot be paid from funds derived from the project.

F. Upon prior approval of the state board of finance, the authority may obtain commitment from a financial institution to borrow money, provided that closing of the loan and disbursement of the proceeds is conditional upon compliance with the requirements of the Spaceport Development Act. Nothing in this section shall be deemed to authorize the authority to incur any debt obligation of the authority in connection with a loan commitment prior to the closing of the loan."

Chapter 15 Section 20 Laws 2006

Section 20. Section 58-31-17 NMSA 1978 (being Laws 2005, Chapter 128, Section 17) is amended to read:

"58-31-17. SPACEPORT AUTHORITY FUND CREATED.--

A. The "spaceport authority fund" is created in the state treasury. Separate accounts within the fund may be created for any project. Money in the fund is appropriated to the authority for the purposes of carrying out the provisions of the

Spaceport Development Act. Money in the fund shall not revert at the end of a fiscal year.

B. Except as provided in this section, money received by the authority shall be deposited in the fund, including, but not limited to:

(1) the proceeds of bonds issued by the authority or from a loan to the authority made pursuant to the Spaceport Development Act;

(2) interest earned upon money in the fund;

(3) property or securities acquired through the use of money belonging to the fund;

(4) all earnings of property or securities acquired pursuant to Paragraph (3) of this subsection;

(5) all lease or rental payments received from the authority from a project;

(6) all of the money received by the authority from a public or private source; and

(7) fees, rents or other charges imposed and collected by the authority.

C. Fees, rents or other charges imposed and collected by the authority in excess of those imposed and collected for an approved project and for all debt service and reserves for the bonds that financed the project may be expended only as appropriated pursuant to vouchers signed by the executive director of the authority or the director's designee pursuant to the Spaceport Development Act; provided that, in the event the position of executive director is vacant, vouchers may be signed by the chair of the authority.

D. Earnings on the balance in the fund shall be credited to the fund. In addition, in the event that the proceeds from the issuance of bonds or from money borrowed by the authority are deposited in the state treasury, interest earned on that money during the period commencing with the deposit in the state treasury until actual transfer of the money to the fund shall be credited to the fund.

E. All proceeds from issuing revenue bonds shall be placed in such funds as shall be established in the resolution of the authority authorizing the issuance of the bonds."

House Bill 473, as amended

Approved March 1, 2006

LAWS 2006, CHAPTER 16

AN ACT

RELATING TO CONTROLLED SUBSTANCES; INCLUDING PSEUDOEPHEDRINE AS A CONTROLLED SUBSTANCE; ALLOWING ONLY LICENSED PHARMACISTS, INTERNS OR TECHNICIANS TO SELL PSEUDOEPHEDRINE; PROVIDING LIMITATIONS ON THE PURCHASE OF PSEUDOEPHEDRINE.

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

Chapter 16 Section 1 Laws 2006

Section 1. Section 30-31-3 NMSA 1978 (being Laws 1972, Chapter 84, Section 3, as amended) is amended to read:

"30-31-3. DUTY TO ADMINISTER.--

A. The board shall administer the Controlled Substances Act and may add by regulation substances to the list of substances enumerated in Schedules I through IV pursuant to the procedures of the Uniform Licensing Act. In determining whether a substance has the potential for abuse, the board shall consider the following:

- (1) the actual or relative abuse of the substance;
- (2) the scientific evidence of the pharmacological effect of the substance, if known;
- (3) the state of current scientific knowledge regarding the substance;
- (4) the history and current pattern of abuse;
- (5) the scope, duration and significance of abuse;
- (6) the risk to the public health; and
- (7) the potential of the substance to produce psychic or physiological dependence liability.

B. After considering the factors enumerated in Subsection A of this section, the board shall make findings and issue regulations controlling the substance if it finds the substance has a potential for abuse.

C. If any substance is designated as a controlled substance under federal law and notice is given to the board, the board may, by regulation, similarly control the substance under the Controlled Substances Act after providing for a hearing pursuant to the Uniform Licensing Act.

D. 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 16 Section 2 Laws 2006

Section 2. Section 30-31-10 NMSA 1978 (being Laws 1972, Chapter 84, Section 10) is amended to read:

"30-31-10. SCHEDULE V.--

A. The following controlled substances are included in Schedule V:

(1) any compound, mixture or preparation that contains the following limited quantities of any of the following narcotic drugs, and that also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) not more than two hundred milligrams of codeine, or any of its salts, per one hundred milliliters or per one hundred grams;

(b) not more than one hundred milligrams of dihydrocodeine, or any of its salts, per one hundred milliliters or per one hundred grams;

(c) not more than one hundred milligrams of ethylmorphine, or any of its salts, per one hundred milliliters or per one hundred grams;

(d) not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit; or

(e) not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams; and

(2) any compound, mixture or preparation that contains any detectable quantity of pseudoephedrine, its salts or its optical isomers, or salts of its

optical isomers. A compound, mixture or preparation as specified in this paragraph shall be dispensed, sold or distributed only by a licensed pharmacist or pharmacist intern or a registered pharmacy technician. Unless pursuant to a valid prescription, a person purchasing, receiving or otherwise acquiring the compound, mixture or preparation shall:

(a) produce a driver's license or other government-issued photo identification showing the date of birth of the person;

(b) sign a written log, receipt or other program or mechanism indicating the date of the transaction, name of the person, driver's license number or government-issued identification number, name of the pharmacist, pharmacist intern or pharmacy technician conducting the transaction, the product sold and the total quantity, in grams or milligrams, of pseudoephedrine purchased; and

(c) be limited to no more than nine grams of any product, mixture or preparation within a thirty-day period.

B. The board may by regulation exempt any compound, mixture or preparation containing any depressant or stimulant substance enumerated in Schedules III, IV or V from the application of the Controlled Substances Act if:

(1) the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system; and

(2) such ingredients are included in such combinations, quantity, proportion or concentration as to vitiate the potential for abuse of the substances which do have a depressant or stimulant effect on the nervous system.

C. The board may, by rule, exempt a product containing pseudoephedrine from Schedule V if the board determines that the product is formulated as to effectively prevent the conversion of pseudoephedrine into methamphetamine.

D. The board shall monitor prices charged for compounds, mixtures and preparations that contain pseudoephedrine and may adopt rules to prevent unwarranted price increases as a result of compliance with this section."

Chapter 16 Section 3 Laws 2006

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

Approved March 1, 2006

LAWS 2006, CHAPTER 17

AN ACT

RELATING TO CONTROLLED SUBSTANCES; REVISING THE CRIMINAL OFFENSE OF TRAFFICKING CONTROLLED SUBSTANCES TO INCLUDE THE DISTRIBUTION AND SALE OF METHAMPHETAMINE, ITS SALTS AND ISOMERS; EXPANDING THE DEFINITION OF A DRUG-FREE SCHOOL ZONE TO INCLUDE PRIVATE AND PAROCHIAL SCHOOLS AND PRIVATE PROPERTY WITHIN ONE THOUSAND FEET OF A SCHOOL.

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

Chapter 17 Section 1 Laws 2006

Section 1. Section 30-31-2 NMSA 1978 (being Laws 1972, Chapter 84, Section 2, as amended) is amended to read:

"30-31-2. DEFINITIONS.--As used in the Controlled Substances 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 the practitioner's agent;

B. "agent" includes an authorized person who acts on behalf of a manufacturer, distributor or dispenser. It 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 narcotic and dangerous drug section of the criminal division 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 rules adopted thereto;

F. "counterfeit substance" means a controlled substance that bears the unauthorized trademark, trade name, imprint, number, device or other identifying mark or likeness of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the controlled substance;

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

L. "hashish" means the resin extracted from any part of marijuana, whether growing or not, and every compound, manufacture, salt, derivative, mixture or preparation of such resins;

M. "manufacture" means the production, preparation, compounding, conversion or processing of a controlled substance or controlled substance analog by extraction from substances of natural origin or 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:

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

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

N. "marijuana" means all parts of the plant cannabis, including any and all varieties, species and subspecies of the genus Cannabis, whether growing or not, the seeds thereof and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds. It does not include the mature stalks of the plant, hashish, tetrahydrocannabinols extracted or isolated from marijuana, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination;

O. "narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation that is a chemical equivalent of any of the substances referred to in Paragraph (1) of this subsection, except the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw, including all parts of the plant of the species *Papaver somniferum* L. except its seeds; or

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, any salt, compound, isomer, derivative or preparation that is a chemical equivalent of any of these substances except decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine;

P. "opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under Section 30-31-5 NMSA 1978, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts, dextromethorphan. "Opiate" does include its racemic and levorotatory forms;

Q. "person" means an individual, partnership, corporation, association, institution, political subdivision, government agency or other legal entity;

R. "practitioner" means a physician, doctor of oriental medicine, dentist, physician assistant, certified nurse practitioner, clinical nurse specialist, certified nurse-midwife, prescribing psychologist, veterinarian, pharmacist, pharmacist clinician or other person licensed or certified to prescribe and administer drugs that 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 a licensed practitioner or the practitioner's agent to the pharmacist, including by means of electronic transmission, or indirectly by means of a written order signed by the prescriber, bearing the name and address of the prescriber, the prescriber's license classification, the name and address of the patient, the name and quantity of the drug prescribed, directions for use and the date of issue and in accordance with the Controlled Substances Act or rules adopted thereto;

T. "scientific investigator" means a person registered to conduct research with controlled substances in the course of the person's professional practice or research and includes analytical laboratories;

U. "ultimate user" means a person who lawfully possesses a controlled substance for the person's own use or for the use of a member of the person's household or for administering to an animal under the care, custody and control of the person or by a member of the person's household;

V. "drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of the Controlled Substances Act. It includes:

(1) kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant that is a controlled substance or controlled substance analog or from which a controlled substance can be derived;

(2) kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances or controlled substance analogs;

(3) isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant that is a controlled substance;

(4) testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances or controlled substance analogs;

(5) scales or balances used, intended for use or designed for use in weighing or measuring controlled substances or controlled substance analogs;

(6) diluents and adulterants, such as quinine hydrochloride, mannitol, mannite dextrose and lactose, used, intended for use or designed for use in cutting controlled substances or controlled substance analogs;

(7) separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning and refining, marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances or controlled substance analogs;

(9) capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances or controlled substance analogs;

(10) containers and other objects used, intended for use or designed for use in storing or concealing controlled substances or controlled substance analogs;

(11) hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances or controlled substance analogs into the human body;

(12) objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(a) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;

(b) water pipes;

(c) carburetion tubes and devices;

(d) smoking and carburetion masks;

(e) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small to hold in the hand;

(f) miniature cocaine spoons and cocaine vials;

(g) chamber pipes;

(h) carburetor pipes;

(i) electric pipes;

(j) air-driven pipes;

(k) chilams;

(l) bongs; or

(m) ice pipes or chillers; and

(13) in determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(a) statements by the owner or by anyone in control of the object concerning its use;

(b) the proximity of the object, in time and space, to a direct violation of the Controlled Substances Act or any other law relating to controlled substances or controlled substance analogs;

(c) the proximity of the object to controlled substances or controlled substance analogs;

(d) the existence of any residue of a controlled substance or controlled substance analog on the object;

(e) instructions, written or oral, provided with the object concerning its use;

(f) descriptive materials accompanying the object that explain or depict its use;

(g) the manner in which the object is displayed for sale; and

(h) expert testimony concerning its use;

W. "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 that 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 the following:

(1) phenethylamines;

(2) N-substituted piperidines;

(3) morphinans;

(4) ecgonines;

(5) quinazolinones;

(6) substituted indoles; and

(7) arylcycloalkylamines.

Specifically excluded from the definition of "controlled substance analog" are those substances that 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;

X. "human consumption" includes application, injection, inhalation, ingestion or any other manner of introduction;

Y. "drug-free school zone" means a public school, parochial school or private school or property that is used for a public, parochial or private school purpose and the area within one thousand feet of the school property line, but it does not mean any post-secondary school; and

Z. "valid practitioner-patient relationship" means a professional relationship, as defined by the practitioner's licensing board, between the practitioner and the patient."

Chapter 17 Section 2 Laws 2006

Section 2. Section 30-31-20 NMSA 1978 (being Laws 1972, Chapter 84, Section 20, as amended) is amended to read:

"30-31-20. TRAFFICKING CONTROLLED SUBSTANCES--VIOLATION.--

A. As used in the Controlled Substances Act, "traffic" means the:

(1) manufacture of a controlled substance enumerated in Schedules I through V or a controlled substance analog as defined in Subsection W of Section 30-31-2 NMSA 1978;

(2) distribution, sale, barter or giving away of:

(a) a controlled substance enumerated in Schedule I or II that is a narcotic drug;

(b) a controlled substance analog of a controlled substance enumerated in Schedule I or II that is a narcotic drug; or

(c) methamphetamine, its salts, isomers and salts of isomers; or

(3) possession with intent to distribute:

(a) a controlled substance enumerated in Schedule I or II that is a narcotic drug; (b) controlled substance analog of a controlled substance enumerated in Schedule I or II that is a narcotic drug; or

(c) methamphetamine, its salts, isomers and salts of isomers.

B. Except as authorized by the Controlled Substances Act, it is unlawful for a person to intentionally traffic. A person who violates this subsection is:

(1) for the first offense, guilty of a second degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; and

(2) for the second and subsequent offenses, guilty of a first degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

C. A person who knowingly violates Subsection B of this section within a drug-free school zone excluding private property residentially zoned or used primarily as a residence is guilty of a first degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978."

Chapter 17 Section 3 Laws 2006

Section 3. Section 30-31-22 NMSA 1978 (being Laws 1972, Chapter 84, Section 22, as amended) is amended to read:

"30-31-22. CONTROLLED OR COUNTERFEIT SUBSTANCES--DISTRIBUTION PROHIBITED.--

A. Except as authorized by the Controlled Substances Act, it is unlawful for a person to intentionally distribute or possess with intent to distribute a controlled substance or a controlled substance analog except a substance enumerated in Schedule I or II that is a narcotic drug, a controlled substance analog of a controlled substance enumerated in Schedule I or II that is a narcotic drug or methamphetamine, its salts, isomers and salts of isomers. A person who violates this subsection with respect to:

(1) marijuana is:

(a) for the first offense, guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978;

(b) for the second and subsequent offenses, guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978;

(c) for the first offense, if more than one hundred pounds is possessed with intent to distribute or distributed or both, guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; and

(d) for the second and subsequent offenses, if more than one hundred pounds is possessed with intent to distribute or distributed or both, guilty of a second degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978;

(2) any other controlled substance enumerated in Schedule I, II, III or IV or a controlled substance analog of a controlled substance enumerated in Schedule I, II, III or IV except a substance enumerated in Schedule I or II that is a narcotic drug, a controlled substance analog of a controlled substance enumerated in Schedule I or II that is a narcotic drug or methamphetamine, its salts, isomers and salts of isomers, is:

(a) for the first offense, guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; and

(b) for the second and subsequent offenses, guilty of a second degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; and

(3) a controlled substance enumerated in Schedule V or a controlled substance analog of a controlled substance enumerated in Schedule V is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500) or by imprisonment for a definite term not less than one hundred eighty days but less than one year, or both.

B. It is unlawful for a person to distribute gamma hydroxybutyric acid or flunitrazepam to another person without that person's knowledge and with intent to commit a crime against that person, including criminal sexual penetration. For the purposes of this subsection, "without that person's knowledge" means the person is unaware that a substance with the ability to alter that person's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is being distributed to that person. Any person who violates this subsection is:

(1) for the first offense, guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; and

(2) for the second and subsequent offenses, guilty of a second degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

C. Except as authorized by the Controlled Substances Act, it is unlawful for a person to intentionally create or deliver, or possess with intent to deliver, a counterfeit substance. A person who violates this subsection with respect to:

(1) a counterfeit substance enumerated in Schedule I, II, III or IV is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; and

(2) a counterfeit substance enumerated in Schedule V is guilty of a petty misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment for a definite term not to exceed six months, or both.

D. A person who knowingly violates Subsection A or C of this section while within a drug-free school zone with respect to:

(1) marijuana is:

(a) for the first offense, guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978;

(b) for the second and subsequent offenses, guilty of a second degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978;

(c) for the first offense, if more than one hundred pounds is possessed with intent to distribute or distributed or both, guilty of a second degree felony and shall be sentenced pursuant to the provisions of Section

31-18-15 NMSA 1978; and

(d) for the second and subsequent offenses, if more than one hundred pounds is possessed with intent to distribute or distributed or both, guilty of a first degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978;

(2) any other controlled substance enumerated in Schedule I, II, III or IV or a controlled substance analog of a controlled substance enumerated in Schedule I, II, III or IV except a substance enumerated in Schedule I or II that is a narcotic drug, a controlled substance analog of a controlled substance enumerated in Schedule I or II that is a narcotic drug or methamphetamine, its salts, isomers and salts of isomers, is:

(a) for the first offense, guilty of a second degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; and

(b) for the second and subsequent offenses, guilty of a first degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978;

(3) a controlled substance enumerated in Schedule V or a controlled substance analog of a controlled substance enumerated in Schedule V is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; and

(4) the intentional creation, delivery or possession with the intent to deliver:

(a) a counterfeit substance enumerated in Schedule I, II, III or IV is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; and

(b) a counterfeit substance enumerated in Schedule V is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment for a definite term not less than one hundred eighty days but less than one year, or both.

E. Notwithstanding the provisions of Subsection A of this section, distribution of a small amount of marijuana for no remuneration shall be treated as provided in Paragraph (1) of Subsection B of Section 30-31-23 NMSA 1978."

Chapter 17 Section 4 Laws 2006

Section 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 179, as amended

Approved March 1, 2006

LAWS 2006, CHAPTER 18

AN ACT

RELATING TO THE PRACTICE OF CHIROPRACTIC; AMENDING CERTAIN SECTIONS OF THE CHIROPRACTIC PHYSICIAN PRACTICE ACT.

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

Chapter 18 Section 1 Laws 2006

Section 1. Section 61-4-3 NMSA 1978 (being Laws 1968, Chapter 3, Section 3, as amended) is amended to read:

"61-4-3. BOARD CREATED--APPOINTMENT--OFFICERS--DUTIES--COMPENSATION.--

A. There is created the "chiropractic board". The board shall be administratively attached to the regulation and licensing department. The board shall consist of six persons. Four shall have been continuously engaged in the practice of chiropractic in New Mexico for five years immediately prior to their appointment. Two persons shall represent the public and shall not have practiced chiropractic in this state or any other jurisdiction. A person shall not be appointed to the board who is an officer or employee of or who is financially interested in any school or college of chiropractic, medicine, surgery or osteopathy.

B. Members of the board shall be appointed by the governor for staggered terms of five years or less and in a manner that the term of one board member expires on July 1 of each year. A list of five names for each professional member vacancy shall be submitted by the New Mexico chiropractic association to the governor for consideration in the appointment of board members. A vacancy shall be filled by appointment for the unexpired term. Board members shall serve until their successors have been appointed and qualified.

C. The board shall annually elect a chair and a secretary-treasurer. A majority of the board constitutes a quorum. The board shall meet quarterly. Special meetings may be called by the chair and shall be called upon the written request of two members of the board. Notification of special meetings shall be made by certified mail unless such notice is waived by the entire board and the action noted in the minutes. Notice of all regular meetings shall be made by regular mail at least ten days prior to the meeting, and copies of the minutes of all meetings shall be mailed to each board member within thirty days after a meeting.

D. A board member failing to attend three consecutive meetings, either regular or special, shall automatically be removed as a member of the board.

E. The board shall adopt a seal.

F. The board shall promulgate and file, in accordance with the State Rules Act, all rules and regulations necessary for the implementation and enforcement of the provisions of the Chiropractic Physician Practice Act, including educational requirements for a chiropractic assistant.

G. The board, for the purpose of protecting the health and well-being of the citizens of this state and maintaining and continuing informed professional knowledge and awareness, shall establish by regulations adopted in accordance with the provisions of the Uniform Licensing Act mandatory continuing education requirements for chiropractic physicians licensed in this state.

H. Failure to comply with the rules and regulations adopted by the board shall be grounds for investigation, which may lead to revocation of license.

I. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance for each day necessarily spent in the discharge of their duties."

Chapter 18 Section 2 Laws 2006

Section 2. Section 61-4-4 NMSA 1978 (being Laws 1968, Chapter 3, Section 4, as amended) is amended to read:

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

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

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

(2) submit evidence on oath satisfactory to the board that the applicant has reached the age of majority, has completed a preliminary education equal to the requirements for graduation from high school, is of good moral character and, after January 1, 1976, except for any student currently enrolled in a college of chiropractic, has completed two years of college-level study in an accredited institution of higher learning and is a graduate of a college of chiropractic that meets the standards of professional education prescribed in Section 61-4-5 NMSA 1978; and

(3) pay in advance to the board fees:

(a) for examination; and

(b) for issuance of a license.

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

Chapter 18 Section 3 Laws 2006

Section 3. Section 61-4-6 NMSA 1978 (being Laws 1968, Chapter 3, Section 6, as amended) is amended to read:

"61-4-6. EXAMINATION--SUBJECTS--METHOD OF TREATMENT--
RECORDING LICENSE.--

A. The board shall recognize successful completion of all parts of the examination conducted by the national board of chiropractic examiners.

B. The board shall examine each applicant in the act of chiropractic adjusting, procedures and methods as shall reveal the applicant's qualifications; provided that the board may waive the requirement for the board-administered examination upon proof of satisfactory completion of the examination conducted by the national board of chiropractic examiners.

C. The board shall issue a license to all applicants whose applications have been filed with and approved by the board and who have paid the required fees and passed either the board-administered examination with a general average of not less than seventy-five percent with no subject below sixty-five percent or the examination conducted by the national board of chiropractic examiners with a general average of not less than seventy-five percent with no subject below sixty-five percent. A license shall be refused to an applicant who fails to make application as provided in this section, fails the examination or fails to pay the required fees.

D. The license, when granted by the board, carries with it the title of doctor of chiropractic and entitles the holder to diagnose using any necessary diagnostic procedures, excluding invasive procedures, except as provided by the board by rule, and treat injuries, deformities or other physical or mental conditions relating to the basic concepts of chiropractic by the use of any methods as provided in this section, including but not limited to palpating, diagnosing, adjusting and treating injuries and defects of human beings by the application of manipulative, manual and mechanical means, including all natural agencies imbued with the healing act, such as food, water, heat, cold, electricity and mechanical appliances, herbs, nutritional supplements and homeopathic remedies, but excluding operative surgery and prescription or use of controlled or dangerous drugs. The holder may also supervise the use of any natural agencies imbued with the healing act, such as food, water, heat, cold, electricity, mechanical appliances, herbs, nutritional supplements and homeopathic remedies administered by a chiropractic assistant.

E. Failure to display the license shall be grounds for the suspension of the license to practice chiropractic until so displayed and shall subject the licensee to the penalties for practicing without a license."

Chapter 18 Section 4 Laws 2006

Section 4. Section 61-4-7 NMSA 1978 (being Laws 1968, Chapter 3, Section 7, as amended) is amended to read:

"61-4-7. DISPOSITION OF FUNDS--CHIROPRACTIC FUND

CREATED--METHOD OF PAYMENT.--

A. There is created the "chiropractic fund".

B. All funds received by the board and money collected under the Chiropractic Physician Practice Act shall be deposited with the state treasurer. The state treasurer shall place the money to the credit of the chiropractic fund.

C. Payments out of the chiropractic fund shall be made on vouchers issued and signed by the superintendent of regulation and licensing upon warrants drawn by the department of finance and administration in accordance with the budget approved by the department of finance and administration.

D. All amounts paid into the chiropractic fund shall be subject to the order of the board and shall only be used for the purpose of meeting necessary expenses incurred in the performance of the purposes of the Chiropractic Physician Practice Act, the duties imposed by that act and the promotion of chiropractic education and standards in this state. All money unused at the end of the fiscal year shall remain in the chiropractic fund for use in accordance with the provisions of the Chiropractic Physician Practice Act to further its purpose.

E. All funds that may have accumulated to the credit of the board under any previous act shall be continued for use by the board in the administration of the Chiropractic Physician Practice Act.

F. The board shall, by rule, designate a portion of the annual licensing fee for the exclusive purposes of investigating and funding hearings regarding complaints against doctors of chiropractic."

Chapter 18 Section 5 Laws 2006

Section 5. Section 61-4-10 NMSA 1978 (being Laws 1968, Chapter 3, Section 10, as amended) is amended to read:

"61-4-10. REFUSAL, SUSPENSION OR REVOCATION OF LICENSE.--

A. The board may refuse to issue or may suspend or

revoke any license or may censure, reprimand, fine or place on probation and stipulation any licensee in accordance with the procedures as contained in the Uniform Licensing Act upon the grounds that the licensee or applicant:

(1) is convicted of a felony. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of such conviction;

(2) is guilty of fraud or deceit in procuring or attempting to procure a license in the chiropractic profession or in connection with applying for or procuring license renewal;

(3) is guilty of incompetence;

(4) is habitually intemperate or is addicted to the use of habit-forming drugs or is addicted to any vice to such a degree as to render the licensee or applicant unfit to practice chiropractic;

(5) is guilty of practicing or attempting to practice under an assumed name or fails to use the title "doctor of chiropractic", chiropractic physician or the initials "D.C." in connection with the licensee's or applicant's practice or advertisements;

(6) is guilty of failing to comply with any of the provisions of the Chiropractic Physician Practice Act or rules and regulations promulgated by the board and filed in accordance with the State Rules Act;

(7) is guilty of willfully or negligently practicing beyond the scope of chiropractic practice as defined in the Chiropractic Physician Practice Act;

(8) is guilty of advertising by means of knowingly false statements;

(9) has been declared mentally incompetent by regularly constituted authorities or is manifestly incapacitated to practice chiropractic;

(10) advertises or attempts to attract patronage in any unethical manner prohibited by the rules and regulations of the board;

(11) is guilty of obtaining any fee by fraud or misrepresentation;

(12) is guilty of making false or misleading statements regarding the licensee's or applicant's skill or the efficacy or value of treatment or remedy prescribed or administered by the licensee or applicant or at the licensee's or applicant's direction;

(13) is guilty of aiding or abetting the practice of chiropractic by a person not licensed by the board;

(14) has incurred a prior suspension or revocation in another state where the suspension or revocation of a license to practice chiropractic was based upon acts by the licensee similar to acts described in this section and by board rules promulgated pursuant to Paragraph (6) of this subsection. A certified copy of the record of suspension or revocation of the state making such suspension or revocation is conclusive evidence thereof;

(15) is guilty of making a false, misleading or fraudulent claim; or

(16) is guilty of unprofessional conduct that includes but is not limited to the following:

(a) procuring, aiding or abetting a criminal abortion;

(b) representing to a patient that a manifestly incurable condition of sickness, disease or injury can be cured;

(c) willfully or negligently divulging a professional confidence;

(d) conviction of any offense punishable by incarceration in a state penitentiary or federal prison. A copy of the record of conviction, certified by the clerk of the court entering the conviction, is conclusive evidence;

(e) impersonating another person licensed in the practice of chiropractic or permitting or allowing any person to use the licensee's or applicant's license;

(f) gross negligence in the practice of chiropractic;

(g) fee splitting;

(h) conduct likely to deceive, defraud or harm the public;

(i) repeated similar negligent acts;

(j) employing abusive billing practices;

(k) failure to report to the board any adverse action taken against the licensee or applicant by: 1) another licensing jurisdiction; 2) any peer review body; 3) any health care entity; 4) any governmental agency; or 5) any court for acts or conduct similar to acts or conduct that would constitute grounds for action as provided in this section;

(l) failure to report to the board surrender of a license or other authorization to practice chiropractic in another state or jurisdiction or surrender of membership on any chiropractic staff or in any chiropractic or professional association or society following, in lieu of, and while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as provided in this section;

(m) failure to furnish the board, its investigators or representatives with information requested by the board;

(n) abandonment of patients;

(o) failure to adequately supervise, as provided by board regulation, a chiropractic assistant or technician or professional licensee who renders care;

(p) intentionally engaging in sexual contact with a patient other than the licensee's or applicant's spouse during the doctor-patient relationship; and

(q) conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

B. The board may at its discretion hire investigators or issue investigative subpoenas for the purpose of investigating complaints made to the board regarding chiropractic physicians.

C. All written and oral communication made by any person to the board or an agent of the board relating to actual or potential disciplinary action, including complaints made to the board, are confidential communications and are not public records for the purposes of the Inspection of Public Records Act; provided that all information contained in a complaint file is public information and subject to disclosure when the board acts on a complaint.

D. Licensees shall bear all costs of disciplinary proceedings unless exonerated."

House Bill 33, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 19

AN ACT

RELATING TO INDIAN AFFAIRS; ADDING THE SECRETARY OF TOURISM TO THE INTERTRIBAL CEREMONIAL BOARD; DECLARING AN EMERGENCY.

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

Chapter 19 Section 1 Laws 2006

Section 1. Section 9-15C-1 NMSA 1978 (being Laws 2005, Chapter 219, Section 1) is amended to read:

"9-15C-1. SHORT TITLE.--Chapter 9, Article 15C NMSA 1978 may be cited as the "Intertribal Ceremonial Act"."

Chapter 19 Section 2 Laws 2006

Section 2. Section 9-15C-2 NMSA 1978 (being Laws 2005, Chapter 219, Section 2) is amended to read:

"9-15C-2. DEFINITIONS.--As used in the Intertribal Ceremonial Act:

- A. "department" means the tourism department;
- B. "director" means the director of the intertribal ceremonial office;
- C. "fund" means the intertribal ceremonial fund;
- D. "office" means the intertribal ceremonial office; and
- E. "secretary" means the secretary of tourism."

Chapter 19 Section 3 Laws 2006

Section 3. Section 9-15C-3 NMSA 1978 (being Laws 2005, Chapter 219, Section 3) is amended to read:

"9-15C-3. INTERTRIBAL CEREMONIAL OFFICE CREATED--POWERS AND DUTIES.--

A. The "intertribal ceremonial office" is created. The office is administratively attached to the department.

B. The governor shall appoint a director, who shall serve at the pleasure of the governor. The director shall hire and terminate other necessary employees, who shall be subject to the provisions of the Personnel Act.

C. The director shall:

(1) work with the department to establish steady funding for the intertribal ceremonial;

(2) supervise the activities of the office;

(3) work with the department to promote the intertribal ceremonial;

and

(4) prepare an annual budget and an annual report on the activities of the office.

D. The office shall:

(1) administer an annual intertribal ceremonial;

(2) cooperate with and assist public and private entities that seek to promote recognition of ceremonies significant to Indian tribes and pueblos;

(3) function as the coordinating office for all services and activities pertaining to the intertribal ceremonial;

(4) adopt rules in accordance with the State Rules Act to carry out the duties of the office;

(5) accept gifts, grants, donations, bequests and devises from any source to be used to carry out its duties;

(6) enter into contracts; and

(7) charge admission, parking and concessions fees, give prizes and premiums, create sponsorships and other forms of advertising, arrange entertainments and do all things the office may consider proper for the conduct of the intertribal ceremonial and not otherwise prohibited by law.

E. The "intertribal ceremonial board" is created. The board shall consist of eight members, including the director, who shall serve ex officio, the secretary or the secretary's designated representative and six members, appointed by the governor, who shall serve terms of five years each; provided that the governor's first appointments shall be made of two board members for one-year terms, two for two-year terms, one for a three-year term and one for a four-year term. All intertribal ceremonial board members shall be bona fide residents of the state, and at least a majority of the members shall be Native American. A board member shall not be removed during the term of office except for cause, following notice and an opportunity for a hearing."

Chapter 19 Section 4 Laws 2006

Section 4. Section 9-15C-4 NMSA 1978 (being Laws 2005, Chapter 219, Section 4) is amended to read:

"9-15C-4. FUND CREATED--ADMINISTRATION.--The "intertribal ceremonial fund" is created in the state treasury. Money appropriated to the fund or accruing to it through sales, gifts, grants, fees, penalties, bequests or any other source shall be delivered to the state treasurer and deposited in the fund. Money in the fund is appropriated to the office for the purpose of carrying out the intertribal ceremonial.

Money in the fund at the end of any fiscal year shall not revert. Interest and earnings from the fund shall be credited to the fund. Disbursements from the fund shall be made on warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the director or the director's authorized representative."

Chapter 19 Section 5 Laws 2006

Section 5. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Government and Urban Affairs

Committee Substitute for House Bill 475,

as amended, with emergency clause

Approved March 2, 2006

LAWS 2006, CHAPTER 20

AN ACT

RELATING TO THE INTERLOCK DEVICE FUND; CHANGING THE ADMINISTRATIVE AUTHORITY FOR THE INTERLOCK DEVICE FUND; EXEMPTING INDIGENTS FROM A FEE; REQUIRING QUARTERLY REMISSION OF FEES; DECLARING AN EMERGENCY.

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

Chapter 20 Section 1 Laws 2006

Section 1. Section 66-8-102.3 NMSA 1978 (being Laws 2002, Chapter 82, Section 2, as amended) is amended to read:

"66-8-102.3. IMPOSING A FEE--CREATING A FUND.--

A. A fee is imposed on a person convicted of driving while under the influence of intoxicating liquor or drugs pursuant to Section 66-8-102 NMSA 1978 or adjudicated as a delinquent on the basis of Subparagraph (a) of Paragraph (1) of Subsection A of Section 32A-2-3 NMSA 1978 or a person whose driver's license is revoked pursuant to the provisions of the Implied Consent Act, in an amount determined by rule of the traffic safety bureau of the department of transportation not to exceed one hundred dollars (\$100) but not less than fifty dollars (\$50.00) for each year the person is

required to operate only vehicles equipped with an ignition interlock device in order to ensure the solvency of the interlock device fund. The fee shall not be imposed on an indigent person. The fee imposed by this subsection shall be collected by the vendor who provides an ignition interlock device to the person. The vendor shall remit the fees collected on a quarterly basis to the traffic safety bureau of the department of transportation.

B. The "interlock device fund" is created in the state treasury. The fee imposed pursuant to Subsection A of this section shall be distributed to the fund by the traffic safety bureau of the department of transportation.

C. All money in the interlock device fund is appropriated to the traffic safety bureau of the department of transportation to cover the costs of installing and removing and one-half of the cost of leasing ignition interlock devices for indigent people who are required, pursuant to convictions under Section 66-8-102 NMSA 1978 or adjudications on the basis of Subparagraph (a) of Paragraph (1) of Subsection A of Section 32A-2-3 NMSA 1978 or driver's license revocations pursuant to the provisions of the Implied Consent Act, to install those devices in their vehicles. Indigency shall be determined by the sentencing court.

D. Any balance remaining in the interlock device fund shall not revert to the general fund at the end of any fiscal year.

E. The interlock device fund shall be administered by the traffic safety bureau of the department of transportation. No more than five percent of the money in the interlock device fund in any fiscal year shall be expended by the traffic safety bureau of the department of transportation for the purpose of administering the fund."

Chapter 20 Section 2 Laws 2006

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

House Bill 122, with

emergency clause

Approved March 2, 2006

LAWS 2006, CHAPTER 21

AN ACT

RELATING TO NATURAL RESOURCES; TRANSFERRING THE NATURAL RESOURCE REVENUE RECOVERY TASK FORCE TO THE NEW MEXICO DEPARTMENT OF AGRICULTURE; EXTENDING THE LIFE OF THE TASK FORCE.

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

Chapter 21 Section 1 Laws 2006

Section 1. Section 19-1A-2 NMSA 1978 (being Laws 2003, Chapter 42, Section 2) is amended to read:

"19-1A-2. NATURAL RESOURCE REVENUE RECOVERY TASK FORCE--
CREATED--MEMBERS--DUTIES.--

A. There is created in the New Mexico department of agriculture an advisory task force that shall be known as the "natural resource revenue recovery task force".

B. The task force shall be composed of nine members. The speaker of the house of representatives and the president pro tempore of the senate shall each appoint two members who represent affected counties and are knowledgeable about agricultural and rural issues. The governor shall appoint three members and the commissioner of public lands shall appoint two members who:

(1) are county commissioners from affected counties;

(2) represent the different geographic regions of the state, including north, south, east and west;

(3) are knowledgeable about agricultural, forest, mining or other extractive industries and water issues; or

(4) are nominated by rural counties in the New Mexico association of counties.

C. The task force shall:

(1) review and analyze the historical and current differences between the prices received by agricultural producers and the prices paid by consumers;

(2) gather and compile information on the impact of the federal laws that affect agriculture and extraction industries, specifically the Agriculture Adjustment Act and the National Industrial Recovery Act as originally enacted;

(3) evaluate the United States congress's original objectives to stabilize commodity prices and rural income, manage public lands for multiple use, preserve grazing and water rights and foster timber harvests compared to the laws' outcomes;

(4) assess the relationship of these laws with the Treaty of Guadalupe Hidalgo, Kearny's Code and the preservation of New Mexico's private property rights contained in the United States constitution;

(5) define the economic impact of the Agriculture Adjustment Act and the National Industrial Recovery Act upon agricultural producers, natural resource industries and related businesses and the impact on county and state revenues;

(6) develop state policies to counteract the negative effect of federal law; and

(7) report its findings and recommendations annually by December 1 to the New Mexico legislative council and the governor.

D. The chair of the task force shall be elected by the task force, and the task force shall meet at the call of the chair.

E. The public members of the task force shall receive per diem and mileage pursuant to the Per Diem and Mileage Act.

F. The staff for the task force shall be provided by the New Mexico department of agriculture."

Chapter 21 Section 2 Laws 2006

Section 2. Section 19-1A-3 NMSA 1978 (being Laws 2003, Chapter 42, Section 3) is amended to read:

"19-1A-3. TERMINATION OF TASK FORCE--DELAYED REPEAL.-- The natural resource revenue recovery task force is terminated on July 1, 2009 pursuant to the Sunset Act. The task force shall continue to operate according to the provisions of this act until July 1, 2010. Effective July 1, 2010, this act is repealed.

House Bill 443, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 22

AN ACT

RELATING TO GAME ANIMALS; PROVIDING FOR CIVIL PENALTIES FOR UNLAWFUL DISPOSITION OF A TROPHY ANIMAL; AMENDING A SECTION OF THE NMSA 1978.

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

Chapter 22 Section 1 Laws 2006

Section 1. Section 17-2-26 NMSA 1978 (being Laws 1912, Chapter 85, Section 45, as amended) is amended to read:

"17-2-26. CIVIL LIABILITY.--

A. The director of the department of game and fish, or any other officer charged with enforcement of the laws relating to game and fish if so directed by the director, may bring a civil action in the name of the state against any person unlawfully wounding or killing, or unlawfully in possession of, any game quadruped, bird or fish, or part thereof and recover judgment for the following minimum sums as damages for the taking, killing or injuring:

for each elk-----	\$ 500.00
for each deer-----	250.00
for each antelope-----	250.00
for each mountain sheep-----	1,000.00
for each Barbary sheep-----	250.00
for each black bear-----	500.00
for each cougar-----	500.00
for each bison-----	600.00
for each ibex-----	1,000.00
for each oryx-----	1,000.00
for each javelina-----	100.00
for each beaver-----	65.00

for each bird-----	20.00
for each fish-----	5.00
for each endangered species-----	500.00
for each raptor-----	200.00
for each turkey-----	150.00
for each jaguar-----	2,000.00.

B. Notwithstanding the provisions of Subsection A of this section, the state game commission shall establish damages recoverable by civil judgment on a game animal, bird or fish designated to be a trophy animal by commission rule.

C. Damages recovered pursuant to this section are intended to compensate the state for the loss of unique public resources and shall not be limited or reduced by the extent of fines assessed pursuant to any criminal statute. The department of game and fish shall not award or issue a license, permit or certificate to a debtor owing damages pursuant to this section until the judgment has been paid in full to the department.

D. No verdict or judgment recovered by the state in an action shall be for less than the sum fixed in this section. The action for damages may be joined with an action for possession, and recovery may be had for the possession as well as the damages.

E. The pendency or determination of an action for damages or payment of a judgment, or the pendency or determination of a criminal prosecution for the same taking, wounding, killing or possession, is not a bar to the other, nor does either affect the right of seizure under any other provision of the laws relating to game and fish.

F. The provisions of this section shall not be interpreted to prevent, constrain or penalize a Native American for engaging in activities for religious purposes, as provided in Section 17-2-14 or 17-2-41 NMSA 1978.

G. The provisions of this section shall not apply to a landowner or lessee, or employee of either, who kills an animal, on private land in which the person has an ownership or leasehold interest, that is threatening human life or damaging or destroying property, including crops; provided, however, that the killing is reported to the department of game and fish within twenty-four hours and before the removal of the carcass of the animal killed; and provided further that all actions authorized in this subsection are carried out according to rules of the department."

Approved March 2, 2006

LAWS 2006, CHAPTER 23

AN ACT

RELATING TO THE PROCUREMENT OF PUBLIC PROPERTY; AMENDING THE PROCUREMENT CODE TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, BIDS AND PROPOSALS MAY BE SUBMITTED ELECTRONICALLY; DECLARING AN EMERGENCY.

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

Chapter 23 Section 1 Laws 2006

Section 1. Section 13-1-28 NMSA 1978 (being Laws 1984, Chapter 65, Section 1) is amended to read:

"13-1-28. SHORT TITLE.--Sections 13-1-28 through 13-1-199 NMSA 1978 may be cited as the "Procurement Code"."

Chapter 23 Section 2 Laws 2006

Section 2. Section 13-1-95.1 NMSA 1978 (being Laws 2001, Chapter 292, Section 7) is amended to read:

"13-1-95.1. ELECTRONIC TRANSMISSIONS.--

A. The state purchasing agent shall develop guidelines for central purchasing offices to use electronic media, including distribution of solicitations and acceptance of sealed bids and competitive sealed proposals that include electronic signatures. The guidelines shall include:

(1) appropriate security to prevent unauthorized access to electronically submitted bids or proposals prior to the date and time set for opening of bids or the deadline set for receipt for proposals, including the electronic bidding, approval and award process; and

(2) accurate retrieval or conversion of electronic forms of information into a medium that permits inspection and copying.

B. A central purchasing office, in an invitation for bids or a request for proposals, may require all or any part of a sealed bid or a competitive sealed proposal to be submitted electronically if the office determines that an electronic submission will be advantageous to the procurement process. If electronic submission is required:

(1) no hard copy documentation shall be submitted to the central purchasing office prior to the award of the contract, except as specifically identified in the invitation for bids or the request for proposals;

(2) the invitation for bids or request for proposals shall specify an opening date and time, a fixed closing date and time and an email account or other secure electronic location to which the electronic bid or proposal shall be submitted;

(3) sealed bids submitted electronically shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and each bid item, if appropriate, and such other relevant information as may be specified by the state purchasing agent or a central purchasing office, together with the name of each bidder, shall be recorded, and the record and each bid shall be open to public inspection; and

(4) for sealed proposals, the proposals shall be opened, evaluated and the contract awarded as required in the request for proposals and as otherwise provided in the Procurement Code."

Chapter 23 Section 3 Laws 2006

Section 3. Section 13-1-103 NMSA 1978 (being Laws 1984, Chapter 65, Section 76) is amended to read:

"13-1-103. INVITATION FOR BIDS.--

A. An invitation for bids shall be issued and shall include the specifications for the services, construction or items of tangible personal property to be procured, all contractual terms and conditions applicable to the procurement, the location where bids are to be received and the date, time and place of the bid opening.

B. If the procurement is to be by sealed bid without electronic submission, the invitation for bids shall include the location where bids are to be received and the date, time and place of the bid opening.

C. If the procurement is to be by sealed bid with part or all of the bid to be submitted electronically, the invitation for bids shall comply with the requirements of Section 13-1-95.1 NMSA 1978."

Chapter 23 Section 4 Laws 2006

Section 4. Section 13-1-112 NMSA 1978 (being Laws 1984, Chapter 65, Section 85, as amended) is amended to read:

"13-1-112. COMPETITIVE SEALED PROPOSALS--REQUEST FOR PROPOSALS.--

A. Competitive sealed proposals, including competitive qualifications-based proposals, shall be solicited through a request for proposals that shall be issued and shall include the specifications for the services or items of tangible personal property to be procured, all contractual terms and conditions applicable to the procurement, the location where proposals are to be received and the date, time and place where proposals are to be received and reviewed. A request for proposals may, pursuant to Section 13-1-95.1 NMSA 1978, require that all or a portion of a responsive proposal be submitted electronically.

B. In the case of requests for competitive qualifications-based proposals, price shall be determined by formal negotiations related to scope of work."

Chapter 23 Section 5 Laws 2006

Section 5. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 532, as amended

with emergency clause

Approved March 2, 2006

LAWS 2006, CHAPTER 24

AN ACT

RELATING TO PUBLIC FINANCE; ALLOWING FUND SOURCES TO APPEAR ON A WARRANT OR ITS SUPPORTING DOCUMENTATION.

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

Chapter 24 Section 1 Laws 2006

Section 1. Section 6-5-7 NMSA 1978 (being Laws 1957, Chapter 252, Section 8, as amended) is amended to read:

"6-5-7. WARRANT OR DOCUMENTATION TO SHOW FUND FROM WHICH PAYMENT IS MADE--SETTLEMENT OF CLAIMS AGAINST STATE--ACCOUNT BETWEEN STATE AND TREASURY.--Every warrant issued or its supporting documentation shall contain the particular fund appropriated by law out of which it is to be paid. The division shall settle all claims against the state payable by law out of the treasury and keep an account between the state and the treasurer."

House Bill 598

Approved March 2, 2006

LAWS 2006, CHAPTER 25

AN ACT

RELATING TO TAXATION; ELIMINATING THE DAILY BED SURCHARGE;
AMENDING AND REPEALING SECTIONS OF THE NMSA 1978; DECLARING AN
EMERGENCY.

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

Chapter 25 Section 1 Laws 2006

Section 1. 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; and

(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;

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 (1995);

(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 25 Section 2 Laws 2006

Section 2. REPEAL.--Sections 7-1-6.45 and 27-11-6 NMSA 1978 (being Laws 2004, Chapter 4, Sections 2 and 1) are repealed.

Chapter 25 Section 3 Laws 2006

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 365, as amended,

with emergency clause

Approved March 2, 2006

LAWS 2006, CHAPTER 26

AN ACT

RELATING TO PRESCRIPTION DRUG COVERAGE; CHANGING THE NAME OF THE SENIOR PRESCRIPTION DRUG PROGRAM TO THE DISCOUNT PRESCRIPTION DRUG PROGRAM; REMOVING THE AGE REQUIREMENT; CHANGING THE NAME OF THE SENIOR PRESCRIPTION DRUG PROGRAM FUND TO THE DISCOUNT PRESCRIPTION DRUG PROGRAM FUND; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

Chapter 26 Section 1 Laws 2006

Section 1. Section 10-7C-17 NMSA 1978 (being Laws 2002, Chapter 75, Section 2 and Laws 2002, Chapter 80, Section 2, as amended) is amended to read:

"10-7C-17. CREATION OF DISCOUNT PRESCRIPTION DRUG PROGRAM.--

- A. The "discount prescription drug program" is created in the authority.
- B. To be eligible for the discount prescription drug program, a person shall be a resident of the state.
- C. Upon a determination that the person qualifies for the discount prescription drug program, the authority may assess an annual administrative fee not to

exceed sixty dollars (\$60.00) per year. The authority shall collect the fees, which shall be used by the authority to cover the cost of administering the program.

D. The amount a qualified person pays for a prescription drug shall not exceed the total cost of the dispensing fee plus the contracted discounted price made available to the authority for the prescription drug.

E. The authority shall enroll and provide participants with electronic or other form of membership identification for use by pharmacies for each transaction.

F. The authority shall actively promote membership and benefit information on the discount prescription drug program to seniors and the general public throughout the state."

Chapter 26 Section 2 Laws 2006

Section 2. Section 10-7C-18 NMSA 1978 (being Laws 2002, Chapter 75, Section 3 and Laws 2002, Chapter 80, Section 3) is amended to read:

"10-7C-18. FUND CREATED.--The "discount prescription drug program fund" is created in the state treasury. All fees collected pursuant to Subsection C of Section 10-7C-17 NMSA 1978 and all rebates received from drug manufacturers shall be deposited in the fund and shall be used for the purposes of the discount prescription drug program. Money appropriated to the fund or accruing to it through rebates, gifts, grants, fees or bequests shall be deposited in the fund. Earnings from investment of the fund shall be credited to the fund. Money in the fund is appropriated to the authority for the purpose of administering the discount prescription drug program. Money in the fund shall not revert at the end of any fiscal year. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the director of the authority or the director's authorized representative. The authority shall annually adjust the enrollment fee to permit necessary administration of the program but shall not exceed the amount established in Subsection C of Section 10-7C-17 NMSA 1978."

Chapter 26 Section 3 Laws 2006

Section 3. Section 10-7C-19 NMSA 1978 (being Laws 2002, Chapter 75, Section 4 and Laws 2002, Chapter 80, Section 4) is amended to read:

"10-7C-19. AUDIT--FEE RECOMMENDATION.--Annually the legislative finance committee shall conduct a fiscal audit of the discount prescription drug program fund and the administration of the program, including rebates negotiated for the prescription drugs purchased by participants, and shall recommend if and how much of an annual fee is necessary for participants in the program."

Chapter 26 Section 4 Laws 2006

Section 4. REPEAL.--Section 27-1-15 NMSA 1978 (being Laws 2005, Chapter 160, Section 1) is repealed.

House Bill 515, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 27

AN ACT

RELATING TO CRIMINAL PENALTIES; ADDING A PENALTY FOR ASSAULT OR BATTERY ON A HEALTH CARE WORKER.

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

Chapter 27 Section 1 Laws 2006

Section 1. A new Section 30-3-9.2 NMSA 1978 is enacted to read:

"30-3-9.2. ASSAULT--BATTERY--HEALTH CARE PERSONNEL.--

A. As used in this section:

(1) "health facility" means a public or private hospital, outpatient facility, diagnostic and treatment center, rehabilitation center or infirmary. "Health facility" also includes those facilities that, by federal regulation, must be licensed by the state to obtain or maintain full or partial, permanent or temporary federal funding, but "health facility" does not include a skilled nursing facility, a nursing facility or other long-term residential care facility;

(2) "health care worker" means an employee of a health facility or a licensed emergency medical technician; and

(3) "in the lawful discharge of the health care worker's duties" means engaged in the performance of the duties of a health care worker.

B. Assault upon a health care worker consists of:

(1) an attempt to commit a battery upon the person of a health care worker who is in the lawful discharge of the health care worker's duties; or

(2) any unlawful act, threat or menacing conduct that causes a health care worker who is in the lawful discharge of the health care worker's duties to

reasonably believe that the health care worker is in danger of receiving an immediate battery.

Whoever commits assault upon a health care worker is guilty of a misdemeanor.

C. Aggravated assault upon a health care worker consists of:

(1) unlawfully assaulting or striking at a health care worker with a weapon while the health care worker is in the lawful discharge of the health care worker's duties; or

(2) willfully and intentionally assaulting a health care worker who is in the lawful discharge of the health care worker's duties with intent to commit any felony.

Whoever commits aggravated assault upon a health care worker is guilty of a third degree felony.

D. Assault with intent to commit a violent felony upon a health care worker consists of assaulting a health care worker who is in the lawful discharge of the health care worker's duties with intent to kill the health care worker.

Whoever commits assault with intent to commit a violent felony upon a health care worker is guilty of a second degree felony.

E. Battery upon a health care worker is the unlawful, intentional touching or application of force to the person of a health care worker who is in the lawful discharge of the health care worker's duties, when done in a rude, insolent or angry manner.

Whoever commits battery upon a health care worker is guilty of a fourth degree felony.

F. Aggravated battery upon a health care worker consists of the unlawful touching or application of force to the person of a health care worker with intent to injure that health care worker while the health care worker is in the lawful discharge of the health care worker's duties.

Whoever commits aggravated battery upon a health care worker, inflicting an injury to the health care worker that is not likely to cause death or great bodily harm but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body, is guilty of a fourth degree felony.

Whoever commits aggravated battery upon a health care worker, inflicting great bodily harm or does so with a deadly weapon or in any manner whereby great bodily harm or death can be inflicted, is guilty of a third degree felony.

G. A person who assists or is assisted by one or more other persons to commit a battery upon a health care worker who is in the lawful discharge of the health care worker's duties is guilty of a fourth degree felony."

House Bill 743, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 28

AN ACT

RELATING TO COURTS; EXPANDING THE USE OF THE MUNICIPAL COURT AUTOMATION FUND TO INCLUDE OPERATING EXPENSES AND TEMPORARY PERSONNEL COSTS.

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

Chapter 28 Section 1 Laws 2006

Section 1. Section 34-9-12 NMSA 1978 (being Laws 1994, Chapter 69, Section 3) is amended to read:

"34-9-12. MUNICIPAL COURT AUTOMATION FUND CREATED--
ADMINISTRATION--DISTRIBUTION.--

A. There is created in the state treasury the "municipal court automation fund" to be administered by the administrative office of the courts.

B. All balances in the municipal court automation fund may be expended only upon application by a municipality to the administrative office of the courts for the purpose of purchasing, maintaining and operating a court automation system in that municipality's courts. Operation includes staff expenses, temporary or otherwise, and costs as needed to comply with Section 35-14-12 NMSA 1978.

C. Payments from the municipal court automation fund shall be made upon vouchers issued and signed by the director of the administrative office of the courts. Any purchase or lease purchase agreement entered into by a municipality for a court automation system shall be in accordance with the provisions of the Procurement Code."

Chapter 28 Section 2 Laws 2006

Section 2. Section 35-14-11 NMSA 1978 (being Laws 1983, Chapter 134, Section 6, as amended) is amended to read:

"35-14-11. MUNICIPAL ORDINANCE--COURT COSTS--
COLLECTION--PURPOSE.--

A. Every municipality shall enact an ordinance requiring assessment of corrections fees, judicial education fees and court automation fees to be collected as court costs and used as provided in this section.

B. A municipal judge shall collect the following costs:

- (1) a corrections fee of twenty dollars (\$20.00);
- (2) a judicial education fee of two dollars (\$2.00); and
- (3) a court automation fee of six dollars (\$6.00).

C. The fees are to be collected upon conviction from persons convicted of violating any ordinance relating to the operation of a motor vehicle or any ordinance that may be enforced by the imposition of a term of imprisonment.

D. All money collected pursuant to Paragraph (1) of Subsection B of this section shall be deposited in a special fund in the municipal treasury and shall be used for:

- (1) municipal jailer or juvenile detention officer training;
- (2) the construction planning, construction, operation and maintenance of a municipal jail or juvenile detention facility;
- (3) paying the cost of housing municipal prisoners in a county jail or detention facility or housing juveniles in a detention facility;
- (4) complying with match or contribution requirements for the receipt of federal funds relating to jails or juvenile detention facilities;
- (5) providing inpatient treatment or other substance abuse programs in conjunction with or as an alternative to jail sentencing;
- (6) defraying the cost of transporting prisoners to jails or juveniles to juvenile detention facilities; or
- (7) providing electronic monitoring systems.

E. A municipality may credit the interest collected from fees deposited in the special fund pursuant to Subsection D of this section to the municipality's general fund.

F. All money collected pursuant to Paragraph (2) of Subsection B of this section shall be remitted monthly to the state treasurer for credit to the judicial education fund and shall be used for the education and training, including production of bench books and other written materials, of municipal judges and other municipal court employees.

G. All money collected pursuant to Paragraph (3) of Subsection B of this section shall be remitted monthly to the state treasurer for credit to the municipal court automation fund and shall be used for the purchase, maintenance and operation of court automation systems in the municipal courts. Operation includes staff expenses, temporary or otherwise, and costs as needed to comply with Section 35-14-12 NMSA 1978. The court automation systems shall have the capability of providing, on a timely basis, electronic records in a format specified by the judicial information systems council.

H. As used in this section, "convicted" means the defendant has been found guilty of a criminal charge by a municipal judge, either after trial, a plea of guilty or a plea of nolo contendere."

House Bill 543, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 29

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING AN EQUITABLE SCHEDULE OF SENTENCING FOR CERTAIN OFFENSES; AMENDING SECTIONS OF THE NMSA 1978.

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

Chapter 29 Section 1 Laws 2006

Section 1. Section 7-1-73 NMSA 1978 (being Laws 1965, Chapter 248, Section 74, as amended) is amended to read:

"7-1-73. TAX FRAUD.--

A. A person is guilty of tax fraud if the person:

(1) willfully makes and subscribes any return, statement or other document that contains or is verified by a written declaration that it is true and correct as to every material matter and that the person does not believe it to be true and correct as to every material matter;

(2) willfully assists in, willfully procures, willfully advises or willfully provides counsel regarding the preparation or presentation of a return, affidavit, claim or other document pursuant to or in connection with any matter arising under the Tax Administration Act or a tax administered by the department, knowing that it is fraudulent or knowing that it is false as to a material matter, whether or not that fraud or falsity is with knowledge or consent of:

(a) the taxpayer or other person liable for taxes owed on the return; or

(b) a person who signs a document stating that the return, affidavit, claim or other document is true, correct and complete to the best of that person's knowledge;

(3) files any return electronically, knowing the information in the return is not true and correct as to every material matter; or

(4) with intent to evade or defeat the payment or collection of any tax, or, knowing that the probable consequences of the person's act will be to evade or defeat the payment or collection of any tax, removes, conceals or releases any property on which levy is authorized or that is liable for payment of tax under the provisions of Section 7-1-61 NMSA 1978, or aids in accomplishing or causes the accomplishment of any of the foregoing.

B. Whoever commits tax fraud when the amount of the tax owed is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

C. Whoever commits tax fraud when the amount of the tax owed is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

D. Whoever commits tax fraud when the amount of the tax owed is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

E. Whoever commits tax fraud when the amount of the tax owed is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

F. Whoever commits tax fraud when the amount of the tax owed is over twenty thousand dollars (\$20,000) is guilty of a second degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

G. In addition to the fines imposed pursuant to this section, a person who commits tax fraud shall pay the costs of the prosecution of the person's case.

H. As used in this section:

(1) "tax" does not include civil penalties or interest; and

(2) "willfully" means intentionally, deliberately or purposely, but not necessarily maliciously."

Chapter 29 Section 2 Laws 2006

Section 2. Section 30-16-1 NMSA 1978 (being Laws 1963, Chapter 303, Section 16-1, as amended) is amended to read:

"30-16-1. LARCENY.--

A. Larceny consists of the stealing of anything of value that belongs to another.

B. Whoever commits larceny when the value of the property stolen is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

C. Whoever commits larceny when the value of the property stolen is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

D. Whoever commits larceny when the value of the property stolen is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.

E. Whoever commits larceny when the value of the property stolen is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

F. Whoever commits larceny when the value of the property stolen is over twenty thousand dollars (\$20,000) is guilty of a second degree felony.

G. Whoever commits larceny when the property of value stolen is livestock is guilty of a third degree felony regardless of its value.

H. Whoever commits larceny when the property of value stolen is a firearm is guilty of a fourth degree felony when its value is less than two thousand five hundred dollars (\$2,500)."

Chapter 29 Section 3 Laws 2006

Section 3. Section 30-16-6 NMSA 1978 (being Laws 1963, Chapter 303, Section 16-6, as amended) is amended to read:

"30-16-6. FRAUD.--

A. Fraud consists of the intentional misappropriation or taking of anything of value that belongs to another by means of fraudulent conduct, practices or representations.

B. Whoever commits fraud when the value of the property misappropriated or taken is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

C. Whoever commits fraud when the value of the property misappropriated or taken is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

D. Whoever commits fraud when the value of the property misappropriated or taken is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.

E. Whoever commits fraud when the value of the property misappropriated or taken is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

F. Whoever commits fraud when the value of the property misappropriated or taken exceeds twenty thousand dollars (\$20,000) is guilty of a second degree felony.

G. Whoever commits fraud when the property misappropriated or taken is a firearm that is valued at less than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony."

Chapter 29 Section 4 Laws 2006

Section 4. Section 30-16-7 NMSA 1978 (being Laws 1971, Chapter 282, Section 1, as amended) is amended to read:

"30-16-7. UNLAWFUL DEALING IN FEDERAL FOOD COUPONS OR WIC CHECKS.--

A. Unlawful dealing in federal food coupons or WIC checks consists of a person buying, selling, trading, bartering or possessing food coupons or WIC checks issued by the United States department of agriculture with the intent to obtain an economic benefit to which the person is not entitled under the rules of the human services department pertaining to the food stamp program or of the department of health pertaining to the special supplemental food program for women, infants and children.

B. Whoever commits unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

C. Whoever commits unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

D. Whoever commits unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.

E. Whoever commits unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

F. Whoever commits unlawful dealing in federal food coupons or WIC checks when the value of the food coupons or WIC checks involved exceeds twenty thousand dollars (\$20,000) is guilty of a second degree felony.

G. For the purposes of this section, "federal food coupons or WIC checks" includes electronic benefit transfer cards or any other method through which food stamps or WIC benefits may be obtained."

Chapter 29 Section 5 Laws 2006

Section 5. Section 30-16-8 NMSA 1978 (being Laws 1963, Chapter 303, Section 16-7, as amended) is amended to read:

"30-16-8. EMBEZZLEMENT.--

A. Embezzlement consists of a person embezzling or converting to the person's own use anything of value, with which the person has been entrusted, with fraudulent intent to deprive the owner thereof. Each separate incident of embezzlement or conversion constitutes a separate and distinct offense.

B. Whoever commits embezzlement when the value of the thing embezzled or converted is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

C. Whoever commits embezzlement when the value of the thing embezzled or converted is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

D. Whoever commits embezzlement when the value of the thing embezzled or converted is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.

E. Whoever commits embezzlement when the value of the thing embezzled or converted is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

F. Whoever commits embezzlement when the value of the thing embezzled or converted exceeds twenty thousand dollars (\$20,000) is guilty of a second degree felony."

Chapter 29 Section 6 Laws 2006

Section 6. Section 30-16-10 NMSA 1978 (being Laws 1963, Chapter 303, Section 16-9) is amended to read:

"30-16-10. FORGERY.--

A. Forgery consists of:

(1) falsely making or altering any signature to, or any part of, any writing purporting to have any legal efficacy with intent to injure or defraud; or

(2) knowingly issuing or transferring a forged writing with intent to injure or defraud.

B. Whoever commits forgery when there is no quantifiable damage or when the damage is two thousand five hundred dollars (\$2,500) or less is guilty of a fourth degree felony.

C. Whoever commits forgery when the damage is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

D. Regardless of value, whoever commits forgery of a will, codicil, trust instrument, deed, mortgage, lien or any other instrument affecting title to real property is guilty of a third degree felony.

E. Whoever commits forgery when the damage is over twenty thousand dollars (\$20,000) is guilty of a second degree felony."

Chapter 29 Section 7 Laws 2006

Section 7. Section 30-16-11 NMSA 1978 (being Laws 1963, Chapter 303, Section 16-11, as amended) is amended to read:

"30-16-11. RECEIVING STOLEN PROPERTY--PENALTIES.--

A. Receiving stolen property means intentionally to receive, retain or dispose of stolen property knowing that it has been stolen or believing it has been stolen, unless the property is received, retained or disposed of with intent to restore it to the owner.

B. The requisite knowledge or belief that property has been stolen is presumed in the case of a dealer who:

(1) is found in possession or control of property stolen from two or more persons on separate occasions;

(2) acquires stolen property for a consideration that the dealer knows is far below the property's reasonable value. A dealer shall be presumed to know the fair market value of the property in which the dealer deals; or

(3) is found in possession or control of five or more items of property stolen within one year prior to the time of the incident charged pursuant to this section.

C. For the purposes of this section:

(1) "dealer" means a person in the business of buying or selling goods or commercial merchandise; and

(2) "stolen property" means any property acquired by theft, larceny, fraud, embezzlement, robbery or armed robbery.

D. Whoever commits receiving stolen property when the value of the property is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

E. Whoever commits receiving stolen property when the value of the property is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

F. Whoever commits receiving stolen property when the value of the property is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.

G. Whoever commits receiving stolen property when the value of the property is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

H. Whoever commits receiving stolen property when the value of the property exceeds twenty thousand dollars (\$20,000) is guilty of a second degree felony.

I. Whoever commits receiving stolen property when the property is a firearm is guilty of a fourth degree felony when its value is less than two thousand five hundred dollars (\$2,500)."

Chapter 29 Section 8 Laws 2006

Section 8. Section 30-16-16 NMSA 1978 (being Laws 1963, Chapter 303, Section 16-16, as amended) is amended to read:

"30-16-16. FALSELY OBTAINING SERVICES OR ACCOMMODATIONS--
PROBABLE CAUSE--IMMUNITY--PENALTY.--

A. Falsely obtaining services or accommodations consists of a person obtaining service, food, entertainment or accommodations without paying with the intent to cheat or defraud the owner or person supplying the service, food, entertainment or accommodations.

B. A law enforcement officer may arrest without warrant a person the officer has probable cause to believe has committed the crime of falsely obtaining services or accommodations. A merchant, owner or proprietor who causes such an arrest shall not be criminally or civilly liable if the merchant, owner or proprietor has actual knowledge that the person arrested has committed the crime of falsely obtaining services or accommodations.

C. Whoever commits falsely obtaining services or accommodations when the value of the service, food, entertainment or accommodations furnished is:

(1) less than two hundred fifty dollars (\$250) is guilty of a petty misdemeanor;

(2) more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor;

(3) more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony;

(4) more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony; and

(5) more than twenty thousand dollars (\$20,000) is guilty of a second degree felony."

Chapter 29 Section 9 Laws 2006

Section 9. Section 30-16-18 NMSA 1978 (being Laws 1963, Chapter 303, Section 16-18, as amended) is amended to read:

"30-16-18. IMPROPER SALE, DISPOSAL, REMOVAL OR CONCEALING OF ENCUMBERED PROPERTY.--

A. Improper sale, disposal, removal or concealing of encumbered property consists of a person knowingly, and with intent to defraud, selling, transferring, removing or concealing, or in any manner disposing of, any personal property upon which a security interest, chattel mortgage or other lien or encumbrance has attached or been retained, without the written consent of the holder of the security interest, chattel mortgage, conditional sales contract, lien or encumbrance.

B. A broker, dealer or an agent, buyer or seller who receives any remuneration whatsoever for transfer of equity or arranges the assumption of any loan on a mobile home or recreational vehicle that has a lien filed upon the vehicle with the motor vehicle division of the taxation and revenue department shall obtain written consent from the lien holder approving transferee's assumption of transferor's obligation to the lien holder within ten days of the transaction before the transaction is entered into, provided that the lien holder's written consent shall not unreasonably be withheld. Failure to do so constitutes an improper sale, disposal, removal or concealing of encumbered property, which is punishable as a petty misdemeanor.

C. Whoever commits improper sale, disposal, removal or concealing of encumbered property when the value of the property is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

D. Whoever commits improper sale, disposal, removal or concealing of encumbered property when the value of the property is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

E. Whoever commits improper sale, disposal, removal or concealing of encumbered property when the value of the property is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.

F. Whoever commits improper sale, disposal, removal or concealing of encumbered property when the value of the property is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

G. Whoever commits improper sale, disposal, removal or concealing of encumbered property when the value of the property exceeds twenty thousand dollars (\$20,000) is guilty of a second degree felony."

Chapter 29 Section 10 Laws 2006

Section 10. Section 30-16-20 NMSA 1978 (being Laws 1965, Chapter 5, Section 2, as amended) is amended to read:

"30-16-20. SHOPLIFTING.--

A. Shoplifting consists of one or more of the following acts:

(1) willfully taking possession of merchandise with the intention of converting it without paying for it;

(2) willfully concealing merchandise with the intention of converting it without paying for it;

(3) willfully altering a label, price tag or marking upon merchandise with the intention of depriving the merchant of all or some part of the value of it; or

(4) willfully transferring merchandise from the container in or on which it is displayed to another container with the intention of depriving the merchant of all or some part of the value of it.

B. Whoever commits shoplifting when the value of the merchandise shoplifted:

(1) is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor;

(2) is more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor;

(3) is more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony;

(4) is more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony; or

(5) is more than twenty thousand dollars (\$20,000) is guilty of a second degree felony.

C. An individual charged with a violation of this section shall not be charged with a separate or additional offense arising out of the same transaction."

Chapter 29 Section 11 Laws 2006

Section 11. Section 30-16-33 NMSA 1978 (being Laws 1971, Chapter 239, Section 9) is amended to read:

"30-16-33. FRAUDULENT USE OF A CREDIT CARD.--

A. Fraudulent use of a credit card consists of a person obtaining anything of value, with intent to defraud, by using:

(1) a credit card obtained in violation of Sections 30-16-25 through 30-16-38 NMSA 1978;

(2) a credit card that is invalid, expired or revoked;

(3) a credit card while fraudulently representing that the person is the cardholder named on the credit card or an authorized agent or representative of the cardholder named on the credit card; or

(4) a credit card issued in the name of another person without the consent of the person to whom the card has been issued.

B. Whoever commits fraudulent use of a credit card when the value of the property or service obtained is two hundred fifty dollars (\$250) or less in any consecutive six-month period is guilty of a petty misdemeanor.

C. Whoever commits fraudulent use of a credit card when the value of the property or service obtained is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) in any consecutive six-month period is guilty of a misdemeanor.

D. Whoever commits fraudulent use of a credit card when the value of the property or service obtained is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) in any consecutive six-month period is guilty of a fourth degree felony.

E. Whoever commits fraudulent use of a credit card when the value of the property or service obtained is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) in any consecutive six-month period is guilty of a third degree felony.

F. Whoever commits fraudulent use of a credit card when the value of the property or service obtained is over twenty thousand dollars (\$20,000) in any consecutive six-month period is guilty of a second degree felony."

Chapter 29 Section 12 Laws 2006

Section 12. Section 30-16-34 NMSA 1978 (being Laws 1971, Chapter 239, Section 10) is amended to read:

"30-16-34. FRAUDULENT ACTS BY MERCHANTS OR THEIR EMPLOYEES.--

A. A merchant or the employee of a merchant commits fraud if, with intent to defraud, the merchant or employee furnishes or allows to be furnished anything of value upon presentation of a credit card:

(1) obtained or retained in violation of Sections 30-16-25 through 30-16-38 NMSA 1978;

(2) fraudulently made or embossed;

(3) fraudulently signed;

(4) that the merchant or employee knows is invalid, expired or revoked; or

(5) by a person whom the merchant or employee knows is not the cardholder named on the credit card or an authorized agent or representative of the cardholder named on the credit card.

B. When the value of anything furnished by a merchant, or by an employee of a merchant, in violation of this section:

(1) is two hundred fifty dollars (\$250) or less in any consecutive six-month period, the offense is a petty misdemeanor;

(2) is more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) in any consecutive six-month period, the offense is a misdemeanor;

(3) is more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) in any consecutive six-month period, the offense is a fourth degree felony;

(4) is more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) in any consecutive six-month period, the offense is a third degree felony; or

(5) is more than twenty thousand dollars (\$20,000) in any consecutive six-month period, the offense is a second degree felony.

C. A merchant or the employee of a merchant commits fraud if, with intent to defraud, the merchant or employee fails to furnish anything of value that the merchant or employee represents in writing to the issuer or to a participating party that the merchant or employee has furnished on a credit card or cards of the issuer. When the difference between the value of anything actually furnished to a person and the value represented by the merchant to the issuer or participating party:

(1) is two hundred fifty dollars (\$250) or less in any consecutive six-month period, the offense is a petty misdemeanor;

(2) is more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) in any consecutive six-month period, the offense is a misdemeanor;

(3) is more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) in any consecutive six-month period, the offense is a fourth degree felony;

(4) is more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) in any consecutive six-month period, the offense is a third degree felony; or

(5) is more than twenty thousand dollars (\$20,000) in any consecutive six-month period, the offense is a second degree felony."

Chapter 29 Section 13 Laws 2006

Section 13. Section 30-16-36 NMSA 1978 (being Laws 1971, Chapter 239, Section 12) is amended to read:

"30-16-36. RECEIPT OF PROPERTY OBTAINED IN VIOLATION OF ACT.--A person who receives money, goods, services or anything else of value obtained in violation of Section 30-16-33 NMSA 1978, and who knows or has reason to believe that it was so obtained, violates this section. The degree of the offense is determined as follows:

A. when the value of all things of value obtained from a person in violation of this section is two hundred fifty dollars (\$250) or less in any consecutive six-month period, then the offense is a petty misdemeanor;

B. when the value of all things of value obtained from a person in violation of this section is more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) in any consecutive six-month period, then the offense is a misdemeanor;

C. when the value of all things of value obtained from a person in violation of this section is more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) in any consecutive six-month period, then the offense is a fourth degree felony;

D. when the value of all things of value obtained from a person in violation of this section is more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) in any consecutive six-month period, then the offense is a third degree felony; or

E. when the value of all things of value obtained from a person in violation of this section is more than twenty thousand dollars (\$20,000) in any consecutive six-month period, then the offense is a second degree felony."

Chapter 29 Section 14 Laws 2006

Section 14. Section 30-16-39 NMSA 1978 (being Laws 1972, Chapter 23, Section 1, as amended) is amended to read:

"30-16-39. FRAUDULENT ACTS TO OBTAIN OR RETAIN POSSESSION OF RENTED OR LEASED VEHICLE OR OTHER PERSONAL PROPERTY--PENALTY.--A person who rents or leases a vehicle or other personal property and obtains or retains possession of it by means of any false or fraudulent representation, fraudulent concealment, false pretense, trick, artifice or device, including a false representation as to the person's name, residence, employment or operator's license, is guilty of a:

A. petty misdemeanor if the vehicle or property has a value of two hundred fifty dollars (\$250) or less;

B. misdemeanor if the vehicle or property has a value of over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500);

C. fourth degree felony if the property or vehicle has a value of over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500);

D. third degree felony if the property or vehicle has a value of over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000); and

E. second degree felony if the property or vehicle has a value of over twenty thousand dollars (\$20,000)."

Chapter 29 Section 15 Laws 2006

Section 15. Section 30-16-40 NMSA 1978 (being Laws 1973, Chapter 154, Section 1, as amended) is amended to read:

"30-16-40. FRAUDULENT REFUSAL TO RETURN A LEASED VEHICLE OR OTHER PERSONAL PROPERTY--PENALTY--PRESUMPTION.--

A. A person who, after leasing a vehicle or other personal property under a written agreement that provides for the return of the vehicle or personal property to a particular place at a particular time and who, with intent to defraud the lessor of the vehicle or personal property, fails to return the vehicle or personal property to the place within the time specified, is guilty of a:

(1) petty misdemeanor if the property or vehicle has a value of two hundred fifty dollars (\$250) or less;

(2) misdemeanor if the property or vehicle has a value of over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500);

(3) fourth degree felony if the property or vehicle has a value of over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500);

(4) third degree felony if the property or vehicle has a value of over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000); and

(5) second degree felony if the property or vehicle has a value of over twenty thousand dollars (\$20,000).

B. Failure of the lessee to return the vehicle or personal property to the place specified within seventy-two hours after mailing to the lessee by certified mail at the lessee's address shown on the leasing agreement a written demand to return the vehicle or personal property shall raise a rebuttable presumption that the failure to return the vehicle or personal property was with intent to defraud."

Chapter 29 Section 16 Laws 2006

Section 16. Section 30-17-5 NMSA 1978 (being Laws 1970, Chapter 39, Section 1) is amended to read:

"30-17-5. ARSON AND NEGLIGENT ARSON.--

A. Arson consists of a person maliciously or willfully starting a fire or causing an explosion with the purpose of destroying or damaging:

(1) a building, occupied structure or property of another person;

(2) a bridge, utility line, fence or sign; or

(3) any property, whether the person's own property or the property of another person, to collect insurance for the loss.

B. Whoever commits arson when the damage is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

C. Whoever commits arson when the damage is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

D. Whoever commits arson when the damage is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.

E. Whoever commits arson when the damage is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

F. Whoever commits arson when the damage is over twenty thousand dollars (\$20,000) is guilty of a second degree felony.

G. Negligent arson consists of a person recklessly starting a fire or causing an explosion, whether on the person's property or the property of another person, and thereby directly:

(1) causing the death or bodily injury of another person; or

(2) damaging or destroying a building or occupied structure of another person.

H. Whoever commits negligent arson is guilty of a fourth degree felony.

I. As used in this section, "occupied structure" includes a boat, trailer, car, airplane, structure or place adapted for the transportation or storage of property, for overnight accommodations of persons or for carrying on business therein, whether or not a person is actually present."

Chapter 29 Section 17 Laws 2006

Section 17. Section 30-33-13 NMSA 1978 (being Laws 1963, Chapter 49, Section 2, as amended) is amended to read:

"30-33-13. CRIME TO PROCURE OR TO ATTEMPT TO PROCURE TELECOMMUNICATIONS SERVICE WITHOUT PAYING CHARGE--CRIME TO MAKE, POSSESS, SELL, GIVE OR TRANSFER CERTAIN DEVICES FOR CERTAIN PURPOSES--PENALTY.--

A. It is unlawful for a person, with intent to defraud a person, firm or corporation, to obtain or to attempt to obtain any telecommunications service without paying the lawful charge, in whole or in part, by any of the following means:

(1) charging the service to an existing telephone number or credit card number without the authority of the subscriber or the legitimate holder;

(2) charging the service to a nonexistent, false, fictitious or counterfeit telephone number or credit card number or to a suspended, terminated, expired, canceled or revoked telephone number or credit card number;

(3) rearranging, tampering with or making electrical, acoustical, induction or other connection with any facilities or equipment;

(4) using a code, prearranged scheme or other stratagem or device whereby the person in effect sends or receives information; or

(5) using any other contrivance, device or means to avoid payment of the lawful charges, in whole or in part, for the service.

B. This section shall apply when the telecommunications service either originates or terminates, or both, in this state or when charges for the service would have been billable in normal course by the public utility providing the service in this state but for the fact that the service was obtained or attempted to be obtained by one or more of the means set forth in this section.

C. Whoever violates this section when the charges for the telecommunications service obtained or attempted to be obtained are two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

D. Whoever violates this section when the charges for the telecommunications service obtained or attempted to be obtained are more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

E. Whoever violates this section when the charges for the telecommunications service obtained or attempted to be obtained are more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of fourth degree felony.

F. Whoever violates this section when the charges for the telecommunications service obtained or attempted to be obtained are more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

G. Whoever violates this section when the charges for the telecommunications service obtained or attempted to be obtained exceed twenty thousand dollars (\$20,000) is guilty of a second degree felony.

H. It is unlawful for a person under circumstances evidencing an intent to use or employ any instrument, apparatus, equipment or device described in Paragraph (1) of this subsection or to allow the same to be used or employed for the purpose described in Paragraph (1) of this subsection or knowing or having reason to believe that the same is intended to be so used or that the plans and instructions described in Paragraph (2) of this subsection are intended to be used for making or assembling the instrument, apparatus, equipment or device:

(1) to make or possess any instrument, apparatus, equipment or device designed, adapted or that can be used either:

(a) to obtain telecommunications service in violation of this section; or

(b) to conceal or to assist another to conceal from any supplier of telecommunications service or from any lawful authority the existence or place of origin or of destination of any telecommunications service; or

(2) to sell, give or otherwise transfer to another or to offer or advertise for sale any instrument, apparatus, equipment or device described in Paragraph (1) of this subsection or plans or instructions for making or assembling the same.

I. Whoever violates Subsection H of this section is guilty of a misdemeanor, unless the person has previously been convicted of the crime or of an offense under the laws of another state or of the United States that would have been an

offense under Subsection H of this section if committed in this state, in which case the person is guilty of a fourth degree felony."

Chapter 29 Section 18 Laws 2006

Section 18. Section 30-40-1 NMSA 1978 (being Laws 1979, Chapter 170, Section 1, as amended) is amended to read:

"30-40-1. FAILING TO DISCLOSE FACTS OR CHANGE OF CIRCUMSTANCES TO OBTAIN PUBLIC ASSISTANCE.--

A. Failing to disclose facts or change of circumstances to obtain public assistance consists of a person knowingly failing to disclose a material fact known to be necessary to determine eligibility for public assistance or knowingly failing to disclose a change in circumstances for the purpose of obtaining or continuing to receive public assistance to which the person is not entitled or in amounts greater than that to which the person is entitled.

B. Whoever commits failing to disclose facts or change of circumstances to obtain public assistance when the value of the assistance wrongfully received is two hundred fifty dollars (\$250) or less in any twelve consecutive months is guilty of a petty misdemeanor.

C. Whoever commits failing to disclose facts or change of circumstances to obtain public assistance when the value of the assistance wrongfully received is more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) in any twelve consecutive months is guilty of a misdemeanor.

D. Whoever commits failing to disclose facts or change of circumstances to obtain public assistance when the value of the assistance wrongfully received is more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) in any twelve consecutive months is guilty of a fourth degree felony.

E. Whoever commits failing to disclose facts or change of circumstances to obtain public assistance when the value of the assistance wrongfully received is more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) in any twelve consecutive months is guilty of a third degree felony.

F. Whoever commits failing to disclose facts or change of circumstances to obtain public assistance when the value of the assistance wrongfully received exceeds twenty thousand dollars (\$20,000) in any twelve consecutive months is guilty of a second degree felony."

Chapter 29 Section 19 Laws 2006

Section 19. Section 30-40-2 NMSA 1978 (being Laws 1979, Chapter 170, Section 2, as amended) is amended to read:

"30-40-2. UNLAWFUL USE OF FOOD STAMP IDENTIFICATION CARD OR MEDICAL IDENTIFICATION CARD.--

A. Unlawful use of food stamp identification card or medical identification card consists of the use of a food stamp or medical identification card by a person to whom it has not been issued, or who is not an authorized representative of the person to whom it has been issued, for a food stamp allotment.

B. Whoever commits unlawful use of food stamp identification card or medical identification card when the value of the food stamps or medical services wrongfully received is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

C. Whoever commits unlawful use of food stamp identification card or medical identification card when the value of the food stamps or medical services wrongfully received is more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

D. Whoever commits unlawful use of food stamp identification card or medical identification card when the value of the food stamps or medical services wrongfully received is more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.

E. Whoever commits unlawful use of food stamp identification card or medical identification card when the value of the food stamps or medical services wrongfully received is more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

F. Whoever commits unlawful use of food stamp identification card or medical identification card when the value of the food stamps or medical services wrongfully received exceeds twenty thousand dollars (\$20,000) is guilty of a second degree felony.

G. For the purpose of this section, the value of the medical assistance received is the amount paid by the human services department for medical services received through use of the medical identification card."

Chapter 29 Section 20 Laws 2006

Section 20. Section 30-40-3 NMSA 1978 (being Laws 1979, Chapter 170, Section 3, as amended) is amended to read:

"30-40-3. MISAPPROPRIATING PUBLIC ASSISTANCE.--

A. Misappropriating public assistance consists of a public officer or public employee fraudulently misappropriating, attempting to misappropriate or aiding and abetting in the misappropriation of food stamp coupons, WIC checks pertaining to the special supplemental food program for women, infants and children administered by the human services department, food stamp or medical identification cards, public assistance benefits or funds received in exchange for food stamp coupons.

B. Whoever commits misappropriating public assistance when the value of the thing misappropriated is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

C. Whoever commits misappropriating public assistance when the value of the thing misappropriated is more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

D. Whoever commits misappropriating public assistance when the value of the thing misappropriated is more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.

E. Whoever commits misappropriating public assistance when the value of the thing misappropriated is more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

F. Whoever commits misappropriating public assistance when the value of the thing misappropriated exceeds twenty thousand dollars (\$20,000) is guilty of a second degree felony.

G. Whoever commits misappropriating public assistance when the item misappropriated is a food stamp or medical identification card is guilty of a fourth degree felony."

Chapter 29 Section 21 Laws 2006

Section 21. Section 30-40-6 NMSA 1978 (being Laws 1979, Chapter 170, Section 6, as amended) is amended to read:

"30-40-6. FAILURE TO REIMBURSE THE HUMAN SERVICES DEPARTMENT UPON RECEIPT OF THIRD PARTY PAYMENT.--

A. Failure to reimburse the human services department upon receipt of third party payment consists of knowing failure by a medicaid provider to reimburse the human services department or the department's fiscal agent the amount of payment received from the department for services when the provider receives payment for the same services from a third party.

B. A medicaid provider who commits failure to reimburse the human services department upon receipt of third party payment when the value of the payment made by the department is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

C. A medicaid provider who commits failure to reimburse the human services department upon receipt of third party payment when the value of the payment made by the department is more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

D. A medicaid provider who commits failure to reimburse the human services department upon receipt of third party payment when the value of the payment made by the department is more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.

E. A medicaid provider who commits failure to reimburse the human services department upon receipt of third party payment when the value of the payment made by the department is more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

F. A medicaid provider who commits failure to reimburse the human services department upon receipt of third party payment when the value of the payment made by the department exceeds twenty thousand dollars (\$20,000) is guilty of a second degree felony."

Chapter 29 Section 22 Laws 2006

Section 22. Section 30-45-3 NMSA 1978 (being Laws 1989, Chapter 215, Section 3) is amended to read:

"30-45-3. COMPUTER ACCESS WITH INTENT TO DEFRAUD OR EMBEZZLE.-
-A person who knowingly and willfully accesses or causes to be accessed a computer, computer system, computer network or any part thereof with the intent to obtain, by means of embezzlement or false or fraudulent pretenses, representations or promises, money, property or anything of value, when the:

A. money, property or other thing has a value of two hundred fifty dollars (\$250) or less, is guilty of a petty misdemeanor;

B. money, property or other thing has a value of more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500), is guilty of a misdemeanor;

C. money, property or other thing has a value of more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500), is guilty of a fourth degree felony;

D. money, property or other thing has a value of more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), is guilty of a third degree felony; or

E. money, property or other thing has a value of more than twenty thousand dollars (\$20,000), is guilty of a second degree felony."

Chapter 29 Section 23 Laws 2006

Section 23. Section 30-45-4 NMSA 1978 (being Laws 1989, Chapter 215, Section 4) is amended to read:

"30-45-4. COMPUTER ABUSE.--A person who knowingly, willfully and without authorization, or having obtained authorization, uses the opportunity the authorization provides for purposes to which the authorization does not extend:

A. directly or indirectly alters, changes, damages, disrupts or destroys any computer, computer network, computer property, computer service or computer system, when the:

(1) damage to the computer property or computer service has a value of two hundred fifty dollars (\$250) or less, is guilty of a petty misdemeanor;

(2) damage to the computer property or computer service has a value of more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500), is guilty of a misdemeanor;

(3) damage to the computer property or computer service has a value of more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500), is guilty of a fourth degree felony;

(4) damage to the computer property or computer service has a value of more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), is guilty of a third degree felony; or

(5) damage to the computer property or computer service has a value of more than twenty thousand dollars (\$20,000), is guilty of a second degree felony; or

B. directly or indirectly introduces or causes to be introduced data that the person knows to be false into a computer, computer system, computer network, computer software, computer program, database or any part thereof with the intent of harming the property or financial interests or rights of another person is guilty of a fourth degree felony."

Chapter 29 Section 24 Laws 2006

Section 24. Section 30-45-5 NMSA 1978 (being Laws 1989, Chapter 215, Section 5) is amended to read:

"30-45-5. UNAUTHORIZED COMPUTER USE.--A person who knowingly, willfully and without authorization, or having obtained authorization, uses the opportunity the authorization provides for purposes to which the authorization does not extend, directly or indirectly accesses, uses, takes, transfers, conceals, obtains, copies or retains possession of any computer, computer network, computer property, computer service, computer system or any part thereof, when the:

A. damage to the computer property or computer service has a value of two hundred fifty dollars (\$250) or less, is guilty of a petty misdemeanor;

B. damage to the computer property or computer service has a value of more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500), is guilty of a misdemeanor;

C. damage to the computer property or computer service has a value of more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500), is guilty of a fourth degree felony;

D. damage to the computer property or computer service has a value of more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), is guilty of a third degree felony; or

E. damage to the computer property or computer service has a value of more than twenty thousand dollars (\$20,000), is guilty of a second degree felony."

Chapter 29 Section 25 Laws 2006

Section 25. Section 30-47-6 NMSA 1978 (being Laws 1990, Chapter 55, Section 6) is amended to read:

"30-47-6. EXPLOITATION--CRIMINAL PENALTIES.--

A. Exploitation of a resident's property consists of the act or process, performed intentionally, knowingly or recklessly, of using a resident's property for another person's profit, advantage or benefit without legal entitlement to do so.

B. Whoever commits exploitation of a resident's property when the value of the property exploited is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.

C. Whoever commits exploitation of a resident's property when the value of the property exploited is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

D. Whoever commits exploitation of a resident's property when the value of the property exploited is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.

E. Whoever commits exploitation of a resident's property when the value of the property exploited is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.

F. Whoever commits exploitation of a resident's property when the value of the property exploited is over twenty thousand dollars (\$20,000) is guilty of a second degree felony."

Chapter 29 Section 26 Laws 2006

Section 26. Section 30-50-4 NMSA 1978 (being Laws 1995, Chapter 37, Section 4) is amended to read:

"30-50-4. FRAUDULENT TELEMARKETING--PENALTIES.--A person who knowingly and willfully engages in telemarketing to or from a telephone located in New Mexico with the intent to embezzle or to obtain money, property or any thing of value by fraudulent pretenses, representations or promises in the course of a telephone communication, when the:

A. money, property or thing has a value of two hundred fifty dollars (\$250) or less, is guilty of a petty misdemeanor;

B. money, property or thing has a value of more than two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500), is guilty of a misdemeanor;

C. money, property or thing has a value of more than five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500), is guilty of a fourth degree felony;

D. money, property or thing has a value of more than two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000), is guilty of a third degree felony; or

E. money, property or thing has a value of more than twenty thousand dollars (\$20,000), is guilty of a second degree felony."

Chapter 29 Section 27 Laws 2006

Section 27. Section 59A-16-23 NMSA 1978 (being Laws 1984, Chapter 127, Section 290) is amended to read:

"59A-16-23. FALSE APPLICATIONS, CLAIMS, PROOFS OF LOSS.--

A. An agent, broker, solicitor, examining physician, applicant or other person shall not knowingly or willfully:

(1) make a false or fraudulent statement or representation as to a material fact in or with reference to an application for insurance or other coverage;

(2) for the purpose of obtaining money or benefit, present or cause to be presented a false or fraudulent claim or proof in support of such a claim for payment of loss under a policy;

(3) prepare, make or subscribe a false or fraudulent account, certificate, affidavit or proof of loss or other document with intent that the same may be presented or used in support of such a claim; or

(4) make a false or fraudulent statement or representation on or relative to an application for a policy for the purpose of obtaining a fee, commission or benefit from an insurer, agent, broker or individual.

B. A false statement or representation made under oath shall constitute and be punishable as perjury. A violation of the provisions of this section when the purported loss or potential loss to the victim insurer is:

(1) two hundred fifty dollars (\$250) or less is a petty misdemeanor;

(2) over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is a misdemeanor;

(3) over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is a fourth degree felony;

(4) over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is a third degree felony; or

(5) over twenty thousand dollars (\$20,000) is a second degree felony."

Chapter 29 Section 28 Laws 2006

Section 28. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 80, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 30

AN ACT

RELATING TO LAW ENFORCEMENT OFFICERS; ELIMINATING THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS BE CITIZENS OF THE STATE OF NEW MEXICO; REQUIRING THAT LAW ENFORCEMENT OFFICERS BE CITIZENS OF THE UNITED STATES; DECLARING AN EMERGENCY.

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

Chapter 30 Section 1 Laws 2006

Section 1. Section 4-41-10 NMSA 1978 (being Laws 1891, Chapter 63, Section 4, as amended) is amended to read:

"4-41-10. RIGHT TO CARRY ARMS--DEPUTIES--APPOINTMENT.-- All sheriffs shall at all times be considered as in the discharge of their duties and be allowed to carry arms on their persons. On the appointment of any regular or permanent deputy sheriff, it shall be the duty of the sheriff to file one notice of the appointment in the office of the county clerk of the sheriff's county and one notice of the appointment in the office of the clerk of the district court of that county, and each of the sheriff's deputies shall file an oath of office in the office of the county clerk. Any sheriff is hereby authorized at any time to appoint respectable and orderly persons as special deputies to serve any particular order, writ or process or when in the opinion of any sheriff the appointment of special deputies is necessary and required for the purpose of preserving the peace, and it shall not be necessary to give or file any notice of such special appointment; however, the provision authorizing the carrying of concealed arms shall not apply to such persons. Provided, no person shall be eligible to appointment as a deputy sheriff unless the person is a citizen of the United States of America. There shall be no additional fees or per diem paid by the counties for any additional deputies other than as provided by law."

Chapter 30 Section 2 Laws 2006

Section 2. Section 29-1-9 NMSA 1978 (being Laws 1891, Chapter 60, Section 1, as amended) is amended to read:

"29-1-9. APPOINTMENT OF PEACE OFFICERS--CITIZENSHIP CERTIFICATE OF APPOINTMENT--EXCEPTIONS.--No sheriff of a county, mayor of a city or other person authorized by law to appoint special deputy sheriffs, marshals, policemen or other peace officers in the state of New Mexico to preserve the public peace and to prevent and quell public disturbances shall appoint as such special deputy sheriff, marshal, policeman or other peace officer any person who shall not be a citizen of the United States of America. No person shall assume or exercise the functions, powers,

duties and privileges incident and belonging to the office of special deputy sheriff, marshal, policeman or other peace officer without first having received an appointment in writing from a person authorized by law to appoint special deputy sheriffs, marshals, policemen or other peace officers; provided that nothing in this section shall apply to lawfully appointed United States marshals or to deputies of those marshals or to railroad peace officers appointed pursuant to Section 63-2-18 NMSA 1978 in the performance of their duties as peace officers.

This section shall not apply in times of riot or unusual disturbance and when so declared by the public proclamation of the governor of the state."

Chapter 30 Section 3 Laws 2006

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 401, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 31

AN ACT

RELATING TO CRIMINAL LAW; CREATING THE CRIME OF ESCAPE FROM A SECURE RESIDENTIAL TREATMENT FACILITY.

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

Chapter 31 Section 1 Laws 2006

Section 1. ESCAPE FROM A SECURE RESIDENTIAL TREATMENT FACILITY.-

A. Escape from a secure residential treatment facility consists of a person lawfully committed for a criminal offense to a secure residential treatment facility escaping from the facility.

B. Whoever commits escape from a secure residential treatment facility is guilty of a misdemeanor.

C. As used in this section, "secure residential treatment facility" means a secure facility not located within a correctional facility or detention center in which

residents are being treated for substance abuse problems, and personnel and physical barriers prevent the residents from leaving.

House Bill 541, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 32

AN ACT

RELATING TO PROPERTY; AMENDING THE DEED OF TRUST ACT; 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 2006

Section 1. Section 48-10-3 NMSA 1978 (being Laws 1987, Chapter 61, Section 3, as amended) is amended to read:

"48-10-3. DEFINITIONS.--As used in the Deed of Trust Act, unless the context otherwise requires:

A. "beneficiary" means the person named or otherwise designated in a deed of trust as the person for whose benefit a deed of trust is given or the person's successor in interest;

B. "contract" means an agreement between or among two or more persons, including, without limitation, a note, promissory note, guarantee or the terms of any deed of trust;

C. "credit bid" means a bid made by the beneficiary in full or partial satisfaction of the contract that is secured by the deed of trust. A credit bid may only include an amount owing on a contract with interest secured by liens, mortgages, deeds of trust or encumbrances that are superior in priority to the deed of trust and which liens, mortgages or encumbrances, whether recourse or nonrecourse, are outstanding as provided in the contract or as provided in the deed of trust, together with the amount of other obligations provided in or secured by the deed of trust and the costs of exercising the power of sale and the trustee's sale, including the fees of the trustee and reasonable attorney fees actually incurred by the trustee and the beneficiary;

D. "parent corporation" means a corporation that owns eighty percent or more of each class of the issued and outstanding stock of another corporation or, in the

case of a savings and loan association, eighty percent or more of the issued and outstanding guaranty capital of the savings and loan association;

E. "person" means an individual or organization;

F. "deed of trust" means a document by way of mortgage in substance executed in conformity with the Deed of Trust Act and in conformity with Section 47-1-39 NMSA 1978 granting or mortgaging trust real estate to a trustee qualified under the Deed of Trust Act to secure the performance of a contract;

G. "junior encumbrancer" means a person holding a lien, mortgage or other encumbrance of record evidencing an interest in the trust real estate that is subordinate in priority to the deed of trust and includes a lienholder, a mortgagee, a seller and a purchaser as provided in a real estate contract and, where the context is applicable, escrow agents as provided in a real estate contract;

H. "trust real estate" means any legal, equitable, leasehold or other interest in real estate, including the term "real estate" as defined in Section 47-1-1 NMSA 1978 and any improvements and fixtures, which is capable of being transferred whether or not the interest is subject to any prior mortgages, deeds of trust, contracts for conveyance of real estate, real estate contracts or other liens or encumbrances; provided, however, trust real estate shall not include:

(1) any real estate used by the trustor for farming operations, including farming, tillage of the soil, dairy farming, ranching, production or raising of crops, poultry or livestock, and production of poultry or livestock products in an unmanufactured state; or

(2) oil and other liquid hydrocarbons, or gas, including casinghead gas, condensates and other gaseous petroleum substances, or coal or other minerals in, on or under real estate, including patented and unpatented mining claims, unless such minerals have not been severed from and are included with the surface estate.

The character of trust real estate shall be determined as of the date of the deed of trust covering the trust real estate;

I. "trustee" means a person qualified as provided in the Deed of Trust Act. The obligations of a trustee to the trustor, beneficiary and other persons are as provided in the Deed of Trust Act, together with any other obligations specified in the deed of trust. Both the beneficiary and the trustee have all the powers of a mortgagee as provided by law; and

J. "trustor" means the person or the person's successor in interest granting or mortgaging trust real estate by a deed of trust as security for the performance of a contract and is the same as a mortgagor granting or mortgaging real estate by way of mortgage as provided by law."

Chapter 32 Section 2 Laws 2006

Section 2. Section 48-10-7 NMSA 1978 (being Laws 1987, Chapter 61, Section 7) is amended to read:

"48-10-7. APPOINTMENT OF SUCCESSOR TRUSTEE BY BENEFICIARY.--

A. If a person appointed as trustee fails to qualify, is unwilling, unqualified or unable to serve or resigns as trustee, the beneficiary may appoint a successor trustee and the appointment shall constitute a substitution of trustee.

B. The beneficiary may remove a trustee at any time for any reason or cause and appoint a successor trustee, and the appointment shall constitute a substitution of trustee.

C. Substitutions shall be made by recording notice of the substitution in the office of the county clerk of each county in which all or any part of the trust real estate is situated at the time of the substitution. The beneficiary shall give written notice through registered or certified mail, postage prepaid, to the trustor, the trustee and the successor trustee. A notice of substitution of trustee shall be sufficient if acknowledged by all beneficiaries as provided in the deed of trust and prepared in substantially the following form:

"NOTICE OF SUBSTITUTION OF TRUSTEE

The undersigned beneficiary hereby appoints _____ successor trustee under the deed of trust executed by _____ as trustor, in which _____ is named beneficiary and _____ as trustee, and recorded _____, 20_____, in _____ County, New Mexico, in book _____, page _____, and legally describing the trust real estate as:

(legal description of trust real estate)

Dated this _____ day of _____, 20_____.

Signature of Beneficiary

(Here add Acknowledgment)."

D. A notice of substitution of trustee is effective immediately on execution as provided in Subsection C of this section.

E. A person appointed as a trustee under a deed of trust may resign as trustee at any time. The resignation shall be without liability, provided the person has not agreed in writing to be appointed trustee or has not acted in the capacity of trustee. The trustee may only resign as provided in the deed of trust and the Deed of Trust Act. If a trustee fails to qualify or is unwilling or unable to serve or resigns, the validity of the deed of trust shall not be affected, except that no action required to be performed by the trustee as provided in the Deed of Trust Act or as provided in the deed of trust may be taken until a successor trustee is appointed by the beneficiary as provided in this section. If the beneficiary fails or refuses to appoint a successor trustee, the terms of Section 47-1-42 NMSA 1978 shall be applicable. Resignation by a trustee is made by recordation of a notice of resignation in the office of the county clerk of each county in which all or any part of the trust real estate is situated at the time of the resignation. Written notice shall be given through registered or certified mail, postage prepaid, to the trustor and the beneficiary. A notice of resignation of trustee is sufficient if acknowledged by the trustee and prepared in substantially the following form:

"NOTICE OF RESIGNATION OF TRUSTEE

The undersigned trustee hereby resigns as trustee under the deed of trust executed by _____, as trustor, in which _____ is named beneficiary, and recorded _____, 20____, in _____ County, New Mexico, in book _____, page _____, and legally describing the trust real estate as:

(legal description of trust real estate)

Dated this _____ day of _____, 20_____.

Signature of Trustee

(Here add Acknowledgment)."."

Chapter 32 Section 3 Laws 2006

Section 3. Section 48-10-10 NMSA 1978 (being Laws 1987, Chapter 61, Section 10, as amended) is amended to read:

"48-10-10. SALE OF TRUST REAL ESTATE--POWER OF TRUSTEE--FORECLOSURE OF DEED OF TRUST.--

A. By virtue of the trustee's position, a power of sale is conferred upon the trustee of a deed of trust under which the trust real estate may be sold as provided in the Deed of Trust Act after a breach or default in performance of the contract for which

the trust real estate is granted or mortgaged as security or a breach or default in performance of the deed of trust. Except as specifically provided in the Deed of Trust Act, the trustee shall not delegate the duties of the trustee as provided in the Deed of Trust Act. At the option of the beneficiary, a deed of trust may be foreclosed in the manner provided by law for the foreclosure of mortgages on real estate. Either the beneficiary or the trustee shall constitute the proper and complete party plaintiff in any action to foreclose a deed of trust.

B. The trustee or beneficiary may commence an action to foreclose a deed of trust at any time before the trust real estate has been sold as provided in the power of sale. A sale of trust real estate as provided in a power of sale in a deed of trust shall not be held after an action to foreclose the deed of trust has been commenced unless the foreclosure action has been dismissed.

C. The power of sale of trust real estate conferred upon the trustee shall not be exercised before the expiration of ninety days from the recording of the notice of the sale.

D. The trustee need only be joined as a party in separate civil actions pertaining to a breach of an obligation of a trustee as provided in the Deed of Trust Act or as provided in the deed of trust. Any order of the court entered against the beneficiary is binding upon the trustee with respect to any actions that the trustee is authorized to take by the deed of trust or by the Deed of Trust Act. If the trustee is joined as a party in any other separate civil action, other than an action in which the trustee is an indispensable or necessary party, the trustee is entitled to be immediately dismissed and to recover the costs and reasonable attorney fees actually incurred by the trustee from the person joining the trustee and from the beneficiary, jointly and severally."

Chapter 32 Section 4 Laws 2006

Section 4. Section 48-10-11 NMSA 1978 (being Laws 1987, Chapter 61, Section 11) is amended to read:

"48-10-11. NOTICE OF TRUSTEE'S SALE.--

A. The trustee shall give written notice of the time and place of sale, legally describing the trust real estate to be sold, by each of the following methods:

(1) publication of the notice as provided by law for foreclosure of mortgages on real estate;

(2) recording of the notice in the office of the clerk of each county in which the trust real estate is situated; and

(3) giving notice as provided in Section 48-10-12 NMSA 1978 to the extent applicable.

B. The sale shall be held at the time and place designated in the notice of sale on a day other than a Saturday, Sunday, legal holiday or nonbanking day and at the time provided by law for the foreclosure sale of real estate under real estate mortgages on the front steps of the courthouse of the county in which the trust real estate is located. If the trust real estate is located in more than one county, the sale may be held in any county in which part of the trust real estate is located.

C. The notice of sale shall contain the street address, if any, or identifiable location as well as the legal description of the trust real estate. Failure to accurately describe within the notice either the street address or the identifiable location of the trust real estate to be sold shall not be grounds for invalidating the sale if the correct legal description of the trust real estate to be sold was contained in the notice of sale. The notice of sale shall be sufficient if made in substantially the following form:

"NOTICE OF TRUSTEE'S SALE

The following legally described trust real estate will be sold, pursuant to the power of sale as provided in the deed of trust recorded in book _____ at page _____, _____ County, New Mexico, records, at public auction to the highest bidder on the front steps of the county courthouse in _____ County, New Mexico, in or near _____, New Mexico, on _____, 20____, at _____ o'clock ____m. of that day:

(street address, if any, or identifiable location

of trust real estate and legal description of

trust real estate)

Dated this _____ day of _____, 20_____.

(Name of Trustor) (Name of Trustee)

Signature

(Here add Acknowledgment)."."

Chapter 32 Section 5 Laws 2006

Section 5. Section 48-10-13 NMSA 1978 (being Laws 1987, Chapter 61, Section 13) is amended to read:

"48-10-13. SALE BY PUBLIC AUCTION--POSTPONEMENT OF SALE.--

A. On the date and at the time and place designated in the notice of sale, the trustee shall sell the trust real estate at public auction for cash to the highest bidder. To determine the highest bidder, the trustor or beneficiary present at the sale may suggest the then existing and legally described and established lots, blocks, tracts or parcels of the trust real estate in which the trust real estate may be sold. The trustee shall ascertain all such suggestions, shall conditionally sell the trust real estate under each suggestion and, in addition, shall sell the trust real estate as a whole. The trustee shall determine which conditional sale results in the highest total price bid for all of the trust real estate. The lawyer for the trustee may conduct the sale and may act at the sale as the auctioneer for the trustee. Any person, including the trustee or beneficiary, may bid at the sale. Only the beneficiary may make a credit bid, instead of cash, at the sale. A junior encumbrancer may bid the amount or value of the obligation secured by the lien, mortgage, encumbrance or real estate contract, as the case may be, owed to the junior encumbrancer, less the amount or value of any prior deeds of trust, mortgages, liens, encumbrances or real estate contracts, if any, instead of cash, at the sale. In appropriate circumstances, the trustee may sell the trust real estate subject to prior deeds of trust, mortgages, liens, encumbrances or real estate contracts that are not being foreclosed. Every bid shall be deemed an irrevocable offer until the sale is completed and the sale shall not be deemed completed until the purchaser pays the price bid in immediately collectible or available federal funds. If the purchaser fails to pay the amount bid by the purchaser for the trust real estate struck off to the purchaser at the sale as provided in the Deed of Trust Act, the trustee may accept the next highest bid or proceed with the sale of the trust real estate to the highest bidder. The person who fails to make the payment shall be liable to any person who suffers loss or expenses, including reasonable attorney fees actually incurred by the trustee and beneficiary occasioned by the failure, and the trustee may subsequently in any postponed or continued sale of the trust real estate reject any bid of the person failing to pay the amount bid.

B. The person conducting the sale may, for the purpose of verifying the proper amount to be paid or the availability of immediately collectible federal funds, postpone or continue the sale for a reasonable period by giving notice of the new time by public declaration at the time and place last appointed for the sale. No other notice of the postponed or continued sale is required.

C. A sale is not complete if the sale as held is contrary to or in violation of any federal statute in effect because of an unknown or undisclosed bankruptcy. A sale so held is deemed to be continued to a date, time and place announced by the trustee at the sale and shall comply with Subsection B of this section or, if not announced, is deemed continued to the same place and at the same time twenty-eight days later, unless the twenty-eighth day falls on a Saturday, Sunday or legal holiday, in which

event is deemed continued to the first business day thereafter. In the event a sale is continued because of an unknown or undisclosed bankruptcy, the trustee shall notify by registered or certified mail, with postage prepaid, all bidders who provide their names, addresses and telephone numbers in writing to the party conducting the sale of the continuation of the sale."

Chapter 32 Section 6 Laws 2006

Section 6. Section 48-10-16 NMSA 1978 (being Laws 1987, Chapter 61, Section 16) is repealed and a new Section 48-10-16 NMSA 1978 is enacted to read:

"48-10-16. REDEMPTION.--

A. After the sale of trust real estate pursuant to Section 48-10-13 NMSA 1978, the trust real estate may be redeemed by the beneficiary, or by any junior encumbrancer, by paying the purchaser at any time within nine months from the date of the sale the amount paid with interest from the date of purchase at the rate of ten percent a year, together with all taxes, interest and penalties thereon, and all payments made to satisfy in whole or in part any prior lien or mortgage not foreclosed paid by the purchaser, with interest on such taxes, interest, penalties and payments made on liens or mortgages at the rate of ten percent a year from the date of payment.

B. The parties may in the deed of trust shorten the redemption period to not less than one month."

Chapter 32 Section 7 Laws 2006

Section 7. Section 48-10-17 NMSA 1978 (being Laws 1987, Chapter 61, Section 17, as amended) is amended to read:

"48-10-17. ACTION TO RECOVER BALANCE AFTER SALE OR FORECLOSURE ON TRUST REAL ESTATE AS PROVIDED IN DEED OF

TRUST--ACTION TO RECOVER BALANCE PROHIBITED ON LOANS SECURED BY LOW-INCOME HOUSEHOLDS.--

A. Except as provided in Subsections D and E of this section, a separate civil action may be commenced to recover a deficiency judgment for the balance due on the contract for which the deed of trust was given as security. The deficiency judgment shall be for an amount equal to the sum of the total amount owing the beneficiary as of the date of the sale, as determined by the court, and, if applicable, the amount owing on all prior mortgages, deeds of trust, liens and encumbrances and real estate contracts with interest less the sale price at the sale by the trustee of the trust real estate. Any deficiency judgment recovered shall include interest on the amount of the deficiency from the date of the sale at the rate provided in the deed of trust or contract, together with any costs of the action.

B. If no action is commenced for a deficiency judgment as provided in Subsection A of this section, the proceeds of the sale, regardless of amount, shall be deemed to be in full satisfaction of the debt and no right to recover a deficiency in any separate civil action shall exist.

C. Except as provided in Subsections D and E of this section, the Deed of Trust Act does not preclude a beneficiary or a trustee from foreclosing a deed of trust in the same manner provided by law for the foreclosure of mortgages on real estate.

D. A deed of trust not encumbering real estate occupied by a low-income household may, by express language, validly prohibit the recovery of any balance due after the trust real estate is sold or after the deed of trust is foreclosed in the manner provided by law for the foreclosure of mortgages on real estate.

E. No deficiency judgment shall be sought or obtained under any deed of trust encumbering real estate occupied by a low-income household. A deed of trust encumbering real estate occupied by a low-income household shall expressly prohibit the recovery of any balance due after the trust real estate is sold or after the deed of trust is foreclosed in the manner provided by law for the foreclosure of mortgages on real estate.

F. No deficiency in recovery of any balance due after the sale of trust real estate encumbering real estate occupied by a low-income household shall be reported to any credit reporting agencies or disclosed to any person, other than the trustor, unless the disclosure is required by law or regulation.

G. For the purposes of Subsections D, E and F of this section, "low-income household" means a household that the New Mexico mortgage finance authority certifies as low income at the time of the closing of the contract."

Chapter 32 Section 8 Laws 2006

Section 8. REPEAL.--Sections 48-10-2 and 48-10-4 NMSA 1978 (being Laws 1987, Chapter 61, Sections 2 and 4, as amended) are repealed.

House Bill 254

Approved March 2, 2006

LAWS 2006, CHAPTER 33

AN ACT

RELATING TO THE WEIGHT DISTANCE TAX; PERMITTING USE OF REVENUES FROM FEES COLLECTED PURSUANT TO THE WEIGHT DISTANCE TAX ACT FOR ENFORCEMENT OF WEIGHT DISTANCE TAX IDENTIFICATION PERMIT USE; CHANGING THE NAME OF THE WEIGHT DISTANCE TAX IDENTIFICATION PERMIT ADMINISTRATION FUND.

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

Chapter 33 Section 1 Laws 2006

Section 1. Section 7-15A-14 NMSA 1978 (being Laws 2003 (1st S.S.), Chapter 3, Section 8) is amended to read:

"7-15A-14. WEIGHT DISTANCE TAX IDENTIFICATION PERMIT FUND.--The "weight distance tax identification permit fund" is created in the state treasury. The purpose of the fund is to provide an account from which the department may pay the costs of issuing and administering weight distance tax identification permits and of enforcing weight distance tax identification permit use. The fund shall consist of administrative fees collected pursuant to the Weight Distance Tax Act. Money in the fund shall be appropriated to the department to pay for the cost of issuance and administration of weight distance tax identification permits and of enforcement by the department or the motor transportation division of the department of public safety of weight distance tax identification permit use for motor carriers that do not comply with the provisions of the Weight Distance Tax Act. Disbursements from the fund shall be by warrant of the secretary of finance and administration upon vouchers signed by the secretary or the secretary's authorized representative. Money in the fund shall not revert to the general fund at the end of a fiscal year."

Chapter 33 Section 2 Laws 2006

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 535, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 34

AN ACT

RELATING TO LAND USE BY THE DEPARTMENT OF TRANSPORTATION;
PROVIDING AUTHORITY AND CONDITIONS FOR DISPOSITION AND

DEVELOPMENT OF DEPARTMENT LAND IN CERTAIN SITUATIONS; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Chapter 34 Section 1 Laws 2006

Section 1. TEMPORARY PROVISION--DEPARTMENT OF TRANSPORTATION--
-AUTHORIZING CONTINUED DEVELOPMENT OF REAL PROPERTY AT THE
GENERAL OFFICE LOCATION--CONDITIONS.--

A. As used in this section:

(1) "city" means the city of Santa Fe;

(2) "contract" means the written, fully executed lease and acquisition agreement or agreements to complete the project entered into between the department and the developer as a result of the request for proposals;

(3) "department" means the department of transportation or the state transportation commission as appropriate;

(4) "department facilities" means the building or buildings designed and constructed to serve as the general office headquarters of the department in the city, including parking and related facilities and a multi-modal facility developed to accommodate train, bus and other forms of transportation as determined by the department;

(5) "developer" means the person or combination of persons entering into the contract with the department as a result of the request for proposals;

(6) "offeror" means a person or combination of persons submitting a proposal in response to the request for proposals;

(7) "project" means the lease of a portion of the site and the financing, design, development, construction and operation of the transit oriented development, and the acquisition of financing, design, construction and delivery to the department of the department facilities on the remainder of the site;

(8) "request for proposals" means the document and any attachments, documents incorporated by reference or amendments used for soliciting proposals;

(9) "site" means the real estate located at 1120 Cerrillos road, Santa Fe, New Mexico, consisting of twenty-five and four-tenths acres and currently

serving as the department's general office headquarters, including parking and related facilities; and

(10) "transit oriented development" means the financing, design, development and construction of a high-density, mixed-use, pedestrian-friendly development adjacent to a transportation hub on the leased portion of the site.

B. The department may enter into a contract for the project at the site. The acquisition of the department facilities shall be exempt from the provisions of the Procurement Code, but the request for proposals process shall conform to the extent practicable with the competitive sealed proposal process in the Procurement Code.

C. The project need not comply but shall be generally compatible with the city's zoning and land use policies, including affordable housing and architectural standards, if any. To the extent the project obtains water or other services from the city, the terms and conditions of the use of those services shall be no more stringent than the city's current laws, rules and policies and shall be pursuant to a negotiated agreement between the relevant parties. The developer shall submit its plans for comment by the city, which shall communicate its recommendations and comments in writing to the department and developer within thirty days of receiving the plans. The department and developer shall take no action on the project in reliance on those plans until they have received the city's recommendations and comments or until the thirty-day comment period has expired, whichever comes first; provided that the city's approval is not required under this section, and this section does not delegate to the city authority that it does not otherwise have.

D. The department facilities shall cost no more than ninety million dollars (\$90,000,000). In the financing plan for the lease of a portion of the site for the transit oriented development, the leasehold value for the initial term of the lease shall be the cost of the department facilities and related financing costs. In lieu of lease payments to the department, the developer shall finance, design, construct and deliver the department facilities at no additional cost to the department. The initial term of the lease shall be the period of time that it would take for monthly, fair market value lease payments to equal the cost of the department facilities, including financing costs, if the developer was actually making these payments, subject to provisions for renewal or extension of the lease as determined by the department.

E. Beginning with a renewal or extension of the lease immediately following the initial term of the lease, as provided for in Subsection D of this section, the lease shall include provisions for the developer to pay to the department fair market value lease payments in cash or cash equivalent, at intervals determined by the department, for use and operation of the transit oriented development. Upon receipt, the lease payments shall be deposited by the department into the state road fund.

F. Upon selection of a developer, the department shall report the selection to the legislative finance committee and shall report the status of the project to the committee once a month until the project is complete.

Chapter 34 Section 2 Laws 2006

Section 2. TEMPORARY PROVISION--DEPARTMENT OF TRANSPORTATION--AUTHORIZING CONTINUED DEVELOPMENT OF REAL PROPERTY AT THE DISTRICT 5 LOCATION--CONDITIONS.--

A. As used in this section:

(1) "contract" means the written, fully executed contract and agreement or agreements to complete the project entered into between the department and the developer as a result of the request for proposals;

(2) "county" means the county of Santa Fe;

(3) "department" means the department of transportation or the state transportation commission as appropriate;

(4) "department facilities" means new district 5 facilities, a central materials laboratory, a vehicle maintenance facility, a vehicle fueling facility, a vehicle storage facility, a vehicle car wash, a signal laboratory, a sign shop and related facilities at the new district 5 site;

(5) "developer" means the person or combination of persons entering into the contract with the department for the project as a result of the request for proposals;

(6) "existing district 5 site" means the district 5 facilities and operations currently located at 7315 Cerrillos road, Santa Fe, New Mexico;

(7) "new district 5 site" means the real estate to be obtained within ten miles of the boundaries of the city of Santa Fe as of July 1, 2006, and the department facilities located on that real estate;

(8) "offeror" means a person or combination of persons submitting a proposal in response to the request for proposals;

(9) "project" means the financing, design, development and construction on the new district 5 site and commercial development, or a mix of commercial and residential development, on the existing district 5 site to fund the new district 5 site and develop the existing district 5 site to its highest and best use; and

(10) "request for proposals" means the document and any attachments, documents incorporated by reference or amendments used for soliciting proposals for the project.

B. The department may enter into a contract for the project at the existing and new district 5 sites. The developer shall be selected pursuant to the Procurement Code.

C. The project need not comply but shall be generally compatible with the county's zoning and land use policies, if any. To the extent the project obtains water or other services from the county or the city of Santa Fe, the terms and conditions of the use of those services shall be no more stringent than the county's or the city's current laws, rules and policies and shall be pursuant to a negotiated agreement between the relevant parties. The developer shall submit its plans for comment by the county, which shall communicate its recommendations and comments in writing to the department and developer within thirty days of receiving the plans. The department and developer shall take no action on the project in reliance on those plans until they have received the county's recommendations and comments or until the thirty-day comment period has expired, whichever comes first; provided that the county's approval is not required under this section, and this section does not delegate to the county authority that it does not otherwise have.

D. The department shall require a financing plan for the project. The financing plan shall state the fair market value of the existing district 5 site. The financing plan shall provide that the consideration for the new district 5 site shall be the value of the use, by sale, exchange or lease, of the existing district 5 site by the developer; provided that the fair market value of the use of the existing district 5 site, as capitalized over an appropriate and financially sound period of time, shall not exceed the fair market value of the new district 5 site. This period of time, if the use is by lease, shall be the initial term of the lease, subject to renewal or extension as determined by the department. If that lease is renewed or extended, the developer shall pay to the department fair market value lease payments in cash or cash equivalent, at intervals determined by the department, for use and operation of the existing district 5 site. Upon receipt, the lease payments shall be deposited by the department into the state road fund.

E. Once a developer has been selected, the department shall report the selection and the project financing plan to the legislative finance committee and then shall report the status of the project to the committee once a month until the project is complete.

Chapter 34 Section 3 Laws 2006

Section 3. Section 67-3-12 NMSA 1978 (being Laws 1929, Chapter 110, Section 1, as amended) is amended to read:

"67-3-12. POWERS AND DUTIES.--In addition to the powers now conferred upon it by law, the state transportation commission:

A. may declare abandoned and close to public traffic all grade crossings of railroads by state highways in cases where grade separations or other adequate crossings are substituted therefor or where such grade crossings become unnecessary to the public convenience by reason of changes in highway locations;

B. may offer and, upon compliance with the conditions of such offer, pay rewards for information leading to the arrest and conviction of offenders in cases of theft, defacement or destruction of markers or highway signs, lights or other warning devices placed upon or along highways of this state under the supervision of the state transportation commission and for information leading to the arrest and conviction of offenders or for the return of property in case of theft or unlawful damaging of property under the control of the commission. All such rewards when paid shall be paid from the state road fund upon voucher drawn by the secretary or other authorized officer or agent of the department;

C. shall prescribe by rule the conditions under which pipelines, telephone, telegraph and electric transmission lines and ditches may be placed along, across, over or under public highways in this state and shall forcibly remove or cause to be removed pipelines, telephone, telegraph or electric transmission lines or ditches that may be placed along, across, over or under such public highways in violation of such rules and regulations;

D. shall employ an attorney to assist and advise the state transportation commission and the department in the discharge of their duties and to appear and represent the interests of the commission or department in any case before any court or tribunal in which the official duties, powers, rights or privileges of the commission or department may be involved or affected and to pay that attorney the reasonable value of the attorney's services out of the state road fund;

E. shall bring and maintain in the name of the state actions and proceedings deemed necessary by the state transportation commission for the condemnation of rights of way for public highways or for the removal or condemnation of buildings or other improvements that encroach in whole or part upon the rights of way of public highways or for the condemnation of gravel pits or other deposits of materials or supplies suitable for the construction of public highways. The attorney general of New Mexico shall appear in and prosecute all such cases on behalf of the state upon request of the state transportation commission. All such proceedings shall be conducted in the same manner as other cases for the condemnation of real property. The damages assessed in proceedings brought under the provisions of this section shall be paid out of the state road fund from money furnished for that purpose by cooperative agreement between the state, federal government and the county within which the condemned property is situate or any such governmental bodies or out of money furnished for the construction of the highway in connection with which the condemnation is had, by the

county in which the condemned property is situate; provided, however, that if no such money is available, the damages shall be advanced on behalf of said counties out of their money in the state road fund and the state treasurer shall thereafter reimburse the state road fund for the money advanced out of the next installment of money from motor vehicle license fees accruing to the road fund of the county for which such funds were so advanced;

F. shall designate in its discretion one of its employees as acting secretary to act at all times when the secretary is absent from the state capital. The acting secretary, when designated, has the right and is hereby given authority at all times when the secretary is absent from the state capital to sign all federal project statements, federal project agreements and federal vouchers with the same force and effect as if signed by the secretary in person, and the certificate of the acting secretary attached to any federal project statement, federal project agreement or federal voucher to the effect that the secretary was absent from the state capital at the time that the same was so signed by the acting secretary shall be conclusive evidence of the truth of such fact. The acting secretary may also be vested by the state transportation commission with power and authority to act for the secretary in such other matters as the state transportation commission may determine;

G. subject to the provisions of Subsection H of this section, may conduct, permit or authorize commercial enterprises or activities on department- or commission-owned land or land leased to or from the department for the purpose of providing goods and services to the users of the property or facilities on the land, including commercial enterprises or activities, other than commercial enterprises or activities on a controlled-access facility conducted, permitted or authorized pursuant to Section 67-11-9 NMSA 1978. In furtherance of these commercial enterprises or activities, the commission may:

(1) authorize the lease of department- or commission-owned land as it deems necessary, in which case consideration for the lease shall be payments in cash or cash equivalent that shall be deposited into the state road fund; or

(2) authorize the sale or exchange or lease with in-lieu value consideration of department- or commission-owned land; provided that the sale or exchange or lease with in-lieu value shall be subject to the ratification and approval by joint resolution of the state legislature prior to the sale or exchange or lease with in-lieu value becoming effective; and

H. for the purposes of Subsection G of this section shall:

(1) adopt rules necessary to carry out the provisions of Subsection G of this section;

(2) prior to initiating any action to conduct, permit or authorize commercial enterprises or activities, adopt a rule providing a procedure to involve residents of the municipality or county in which the commercial enterprises or activities

are proposed to occur in the department's planning and decision-making process for the sole purpose of advising the commission and department on the feasibility and suitability of the proposed commercial enterprises or activities;

(3) comply with the Procurement Code in the acquisition process whenever commercial enterprises or activities result in the commission or department acquiring construction, services or tangible personal property, as those terms are defined in the Procurement Code;

(4) if the commercial enterprises or activities are to be developed or operated by a private entity, direct that private entity to:

(a) create its plans to be not necessarily in compliance but generally compatible with local zoning and land use policies, including affordable housing and historic and architectural standards, if any, and, to the extent the private entity will obtain water or other services from a local authority, negotiate an agreement between relevant parties for those services, the terms and conditions of which shall be no more stringent than the local authority's then current laws, rules and policies; and

(b) submit its plans to the local zoning and land use authority for comment. The local authority shall communicate its recommendations and comments in writing to the department and private entity within thirty days of receiving the plans. The department, commission and private entity shall take no action on the project in reliance on those plans until they have received the local authority's recommendations and comments or until the thirty-day comment period has expired, whichever comes first; provided that the local authority's approval is not required under this section, and this section does not delegate to the local authority power that it does not otherwise have; and

(5) not use the power of eminent domain to acquire land to be developed or operated by a private entity."

Chapter 34 Section 4 Laws 2006

Section 4. EFFECTIVE DATE.--The effective date of the provisions of Section 3 of this act is July 1, 2006.

Chapter 34 Section 5 Laws 2006

Section 5. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 639, as amended,

with emergency clause

Approved March 2, 2006

LAWS 2006, CHAPTER 35

AN ACT

RELATING TO TAXATION; PROVIDING FOR DEDUCTIONS FROM GROSS RECEIPTS FOR THE SALE OF ENGINEERING, ARCHITECTURAL AND CONSTRUCTION SERVICES, CONSTRUCTION EQUIPMENT AND CONSTRUCTION MATERIALS USED IN THE NEW FACILITY CONSTRUCTION OF A SOLE COMMUNITY PROVIDER HOSPITAL THAT IS LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA.

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

Chapter 35 Section 1 Laws 2006

Section 1. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"DEDUCTION--GROSS RECEIPTS TAX--SALE OF ENGINEERING, ARCHITECTURAL AND NEW FACILITY CONSTRUCTION SERVICES USED IN CONSTRUCTION OF CERTAIN PUBLIC HEALTH CARE FACILITIES.--Receipts from selling an engineering, architectural or construction service used in the new facility construction of a sole community provider hospital that is located in a federally designated health professional shortage area may be deducted from gross receipts if the sale of the engineering, architectural or construction service is made to a foundation or a nonprofit organization that:

A. has entered into a written agreement with a county to pay at least ninety-five percent of the costs of new facility construction of that sole community provider hospital; and

B. delivers to the seller of the engineering, architectural or construction service either an appropriate nontaxable transaction certificate or other evidence acceptable to the secretary of a written agreement made in accordance with Subsection A of this section."

Chapter 35 Section 2 Laws 2006

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

"DEDUCTION--GROSS RECEIPTS TAX--SALE OF CONSTRUCTION EQUIPMENT AND CONSTRUCTION MATERIALS USED IN NEW FACILITY CONSTRUCTION OF A SOLE COMMUNITY PROVIDER HOSPITAL THAT IS LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA. -- Receipts from selling construction equipment or construction materials used in the new facility construction of a sole community provider hospital that is located in a federally designated health professional shortage area may be deducted from gross receipts if the sale of the construction equipment or construction materials is made to a foundation or a nonprofit organization that:

A. has entered into a written agreement with a county to pay at least ninety-five percent of the costs of new facility construction of that sole community provider hospital; and

B. delivers to the seller either an appropriate nontaxable transaction certificate or other evidence acceptable to the secretary of a written agreement made in accordance with Subsection A of this section."

Chapter 35 Section 3 Laws 2006

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 8, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 36

AN ACT

RELATING TO TAXATION; PERMITTING CERTAIN LICENSED COUNSELORS, THERAPISTS AND SOCIAL WORKERS TO DEDUCT FROM GROSS RECEIPTS CERTAIN PAYMENTS FROM MANAGED HEALTH CARE PROVIDERS.

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

Chapter 36 Section 1 Laws 2006

Section 1. Section 7-9-93 NMSA 1978 (being Laws 2004, Chapter 116, Section 6) is amended 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;

(n) a speech-language pathologist or audiologist licensed pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

(o) a professional clinical mental health counselor, marriage and family therapist or professional art therapist licensed pursuant to the provisions of the Counseling and Therapy Practice Act who has obtained a master's degree or a doctorate; and

(p) an independent social worker licensed pursuant to the provisions of the Social Work Practice 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 36 Section 2 Laws 2006

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 325

Approved March 2, 2006

LAWS 2006, CHAPTER 37

AN ACT

RELATING TO PROPERTY; CREATING ELECTRONIC REPORTING REQUIREMENTS FOR CERTAIN HOLDERS OF PROPERTIES PRESUMED ABANDONED; PERMITTING THE TAXATION AND REVENUE DEPARTMENT TO SELL BY REASONABLE METHOD PROPERTIES PRESUMED ABANDONED; EXTENDING THE TIME PERIOD DURING WHICH AN AGREEMENT TO RECOVER PROPERTY IS INVALID; MAKING A CORRECTION TO THE SCOPE OF THE UNIFORM UNCLAIMED PROPERTY ACT (1995).

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

Chapter 37 Section 1 Laws 2006

Section 1. Section 7-8A-7 NMSA 1978 (being Laws 1997, Chapter 25, Section 7) is amended to read:

"7-8A-7. REPORT OF ABANDONED PROPERTY.--

A. A holder of property presumed abandoned shall make a report to the administrator concerning the property.

B. The report must be verified and must contain:

(1) a description of the property;

(2) except with respect to a traveler's check or money order, the name, if known, and last known address, if any, and the social security number or taxpayer identification number, if readily ascertainable, of the apparent owner of property of the value of fifty dollars (\$50.00) or more;

(3) an aggregated amount of items valued under fifty dollars (\$50.00) each;

(4) in the case of an amount of fifty dollars (\$50.00) or more held or owing under an annuity or a life or endowment insurance policy, the full name and last known address of the annuitant or insured and of the beneficiary;

(5) in the case of property held in a safe deposit box or other safekeeping depository, an indication of the place where it is held and where it may be inspected by the administrator and any amounts owing to the holder;

(6) the date, if any, on which the property became payable, demandable or returnable and the date of the last transaction with the apparent owner with respect to the property; and

(7) other information that the administrator by rule prescribes as necessary for the administration of the Uniform Unclaimed Property Act (1995).

C. If a holder of property presumed abandoned is a successor to another person who previously held the property for the apparent owner or the holder has changed its name while holding the property, the holder shall file with the report its former names, if any, and the known names and addresses of all previous holders of the property.

D. The report must be filed before November 1 of each year and cover the twelve months next preceding July 1 of that year, but a report with respect to a life insurance company must be filed before May 1 of each year for the calendar year next preceding.

E. A holder of more than twenty-five properties presumed abandoned shall report the properties in an electronic media and in a format determined by the administrator to be compatible with computer programming and equipment used by the administrator for processing.

F. The holder of property presumed abandoned shall send written notice to the apparent owner, not more than one hundred twenty days or less than sixty days before filing the report, stating that the holder is in possession of property subject to the Uniform Unclaimed Property Act (1995), if:

(1) the holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate;

(2) the claim of the apparent owner is not barred by a statute of limitations; and

(3) the value of the property is fifty dollars (\$50.00) or more.

G. Before the date for filing the report, the holder of property presumed abandoned may request the administrator to extend the time for filing the report. The administrator may grant the extension for good cause. The holder, upon receipt of the extension, may make an interim payment on the amount the holder estimates will ultimately be due, which terminates the accrual of additional interest on the amount paid.

H. The holder of property presumed abandoned shall file with the report an affidavit stating that the holder has complied with Subsection F of this section."

Chapter 37 Section 2 Laws 2006

Section 2. Section 7-8A-12 NMSA 1978 (being Laws 1997, Chapter 25, Section 12) is amended to read:

"7-8A-12. PUBLIC SALE OF ABANDONED PROPERTY.--

A. Except as otherwise provided in this section, the administrator, within three years after the receipt of abandoned property, shall sell it to the highest bidder at public sale at a location in this state or by any reasonable method, which in the judgment of the administrator affords the most favorable market for the property. The administrator may decline the highest bid and re-offer the property for sale if the administrator considers the bid to be insufficient. The administrator need not offer the property for sale if the administrator considers that the probable cost of sale will exceed the proceeds of the sale. A sale held under this section must be preceded by a single publication of notice, at least three weeks before sale, in a newspaper of general circulation in the county in which the property is to be sold.

B. Securities listed on an established stock exchange must be sold at prices prevailing on the exchange at the time of sale. Other securities may be sold over the counter at prices prevailing at the time of sale or by any reasonable method selected by the administrator. If securities are sold by the administrator before the expiration of three years after their delivery to the administrator, a person making a claim under the Uniform Unclaimed Property Act (1995) before the end of the three-year period is entitled to the proceeds of the sale of the securities or the market value of the securities at the time the claim is made, whichever is greater, plus dividends, interest and other increments thereon up to the time the claim is made, less any deduction for expenses of sale. A person making a claim under the Uniform Unclaimed Property Act (1995) after the expiration of the three-year period is entitled to receive the securities delivered to the administrator by the holder, if they still remain in the custody of the administrator, or the net proceeds received from sale and is not entitled to receive any appreciation in the value of the property occurring after delivery to the administrator except in a case of intentional misconduct or malfeasance by the administrator.

C. A purchaser of property at a sale conducted by the administrator pursuant to the Uniform Unclaimed Property Act (1995) takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The administrator shall execute all documents necessary to complete the transfer of ownership."

Chapter 37 Section 3 Laws 2006

Section 3. Section 7-8A-25 NMSA 1978 (being Laws 1997, Chapter 25, Section 25) is amended to read:

"7-8A-25. AGREEMENT TO LOCATE PROPERTY.--

A. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property that is presumed abandoned, is void and unenforceable if it was entered into during the period commencing on the date the property was presumed abandoned and extending to a time that is forty-eight months after the date the property is paid or delivered to the administrator. This subsection does not apply to an owner's agreement with an attorney to file a claim as to identified property or contest the administrator's denial of a claim.

B. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property, is enforceable only if the agreement is in writing, clearly sets forth the nature of the property and the services to be rendered, is signed by the apparent owner and states the value of the property before and after the fee or other compensation has been deducted.

C. If an agreement covered by this section applies to mineral proceeds and the agreement contains a provision to pay compensation that includes a portion of the underlying minerals or any mineral proceeds not then presumed abandoned,

the provision is void and unenforceable.

D. An agreement covered by this section which provides for compensation that is unconscionable is unenforceable except by the owner. An owner who has agreed to pay compensation that is unconscionable or the administrator on behalf of the owner may maintain an action to reduce the compensation to a conscionable amount. The court may award reasonable attorney fees to an owner who prevails in the action.

E. This section does not preclude an owner from asserting that an agreement covered by this section is invalid on grounds other than unconscionable compensation."

Chapter 37 Section 4 Laws 2006

Section 4. Section 7-8A-30 NMSA 1978 (being Laws 1997, Chapter 25, Section 30) is amended to read:

"7-8A-30. SHORT TITLE.--Chapter 7, Article 8A NMSA 1978 may be cited as the "Uniform Unclaimed Property Act (1995)"."

Chapter 37 Section 5 Laws 2006

Section 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 386

Approved March 2, 2006

LAWS 2006, CHAPTER 38

AN ACT

RELATING TO TAXATION; REQUIRING THE TAXATION AND REVENUE DEPARTMENT TO KEEP AND TO MAKE AVAILABLE FOR PUBLIC INSPECTION RECORDS OF CREDITS MADE IN EXCESS OF TEN THOUSAND DOLLARS (\$10,000); 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 38 Section 1 Laws 2006

Section 1. Section 7-1-29 NMSA 1978 (being Laws 1965, Chapter 248, Section 31, as amended by Laws 2003, Chapter 398, Section 11 and by Laws 2003, Chapter 439, Section 4) is amended to read:

"7-1-29. AUTHORITY TO MAKE REFUNDS OR CREDITS.--

A. In response to a claim for refund made as provided in Section 7-1-26 NMSA 1978, but before a court acquires jurisdiction of the matter, the secretary or the secretary's delegate may authorize the refund to a person of the amount of an overpayment of tax determined by the secretary or the secretary's delegate to have been erroneously made by the person, together with allowable interest. A refund of tax and interest erroneously paid and amounting to more than ten thousand dollars (\$10,000) may be made to a person only with the prior approval of the attorney general, except that the secretary or the secretary's delegate may make refunds with respect to:

(1) the Oil and Gas Severance Tax Act, the Oil and Gas Conservation Tax Act, the Oil and Gas Emergency School Tax Act, the Oil and Gas Ad Valorem Production Tax Act, the Natural Gas Processors Tax Act or the Oil and Gas Production Equipment Ad Valorem Tax Act, Section 7-13-17 NMSA 1978 and the Cigarette Tax Act without the prior approval of the attorney general regardless of the amount; and

(2) the Corporate Income and Franchise Tax Act amounting to less than twenty thousand dollars (\$20,000) without the prior approval of the attorney general.

B. Pursuant to the final order of the district court, the court of appeals, the supreme court of New Mexico or a federal court, from which order, appeal or review is not successfully taken, adjudging that a person has made an overpayment of tax, the secretary shall authorize the refund to the person of the amount thereof.

C. In the discretion of the secretary, any amount of tax to be refunded may be offset against any amount of tax for which the person due to receive the refund is liable. The secretary or the secretary's delegate shall give notice to the taxpayer that the refund will be made in this manner, and the taxpayer shall be entitled to interest pursuant to Section 7-1-68 NMSA 1978 until the tax liability is credited with the refund amount.

D. In an audit by the department or a managed audit covering multiple reporting periods in which both underpayments and overpayments of a tax have been made in different reporting periods, the department shall credit the tax overpayments against the underpayments, provided that the taxpayer files a claim for refund of the overpayments. An overpayment shall be applied as a credit first to the earliest underpayment and then to succeeding underpayments. An underpayment of tax to which an overpayment is credited pursuant to this section shall be deemed paid in the period in which the overpayment was made or the period to which the overpayment was

credited against an underpayment, whichever is later. If the overpayments credited pursuant to this section exceed the underpayments of a tax, the amount of the net overpayment for the periods covered in the audit shall be refunded to the taxpayer.

E. When a taxpayer makes a payment identified to a particular return or assessment, and the department determines that the payment exceeds the amount due pursuant to that return or assessment, the secretary may apply the excess to the taxpayer's other liabilities pursuant to the tax acts to which the return or assessment applies, without requiring the taxpayer to file a claim for a refund. The liability to which an overpayment is applied pursuant to this section shall be deemed paid in the period in which the overpayment was made or the period to which the overpayment was applied, whichever is later.

F. If the department determines, upon review of an original or amended income tax return, corporate income and franchise tax return, estate tax return, special fuels excise tax return or oil and gas tax return, that there has been an overpayment of tax for the taxable period to which the return or amended return relates in excess of the amount due to be refunded to the taxpayer pursuant to the provisions of Subsection J of Section 7-1-26 NMSA 1978, the department may refund that excess amount to the taxpayer without requiring the taxpayer to file a refund claim.

G. Records of refunds and credits made in excess of ten thousand dollars (\$10,000) shall be available for inspection by the public. The department shall keep such records for a minimum of three years from the date of the refund or credit."

Chapter 38 Section 2 Laws 2006

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 388

Approved March 2, 2006

LAWS 2006, CHAPTER 39

AN ACT

RELATING TO TAXATION; CLARIFYING THE TREATMENT OF RECEIPTS FROM THE SALE OR LICENSING OF PROPERTY IN THE DEFINITION OF "GROSS RECEIPTS" PURSUANT TO THE GROSS RECEIPTS AND COMPENSATING TAX ACT; ELIMINATING PATENTS, TRADEMARKS AND COPYRIGHTS FROM THE DEFINITION OF "PROPERTY" PURSUANT TO THAT ACT.

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

Chapter 39 Section 1 Laws 2006

Section 1. Section 7-9-3 NMSA 1978 (being Laws 1978, Chapter 46, Section 1, as amended) is amended to read:

"7-9-3. DEFINITIONS.--As used in the Gross Receipts and Compensating Tax Act:

A. "buying" or "selling" means a transfer of property for consideration or the performance of service for consideration;

B. "department" means the taxation and revenue department, the secretary of taxation and revenue or an employee of the department exercising authority lawfully delegated to that employee by the secretary;

C. "financial corporation" means a savings and loan association or an incorporated savings and loan company, trust company, mortgage banking company, consumer finance company or other financial corporation;

D. "initial use" or "initially used" means the first employment for the intended purpose and does not include the following activities:

(1) observation of tests conducted by the performer of services;

(2) participation in progress reviews, briefings, consultations and conferences conducted by the performer of services;

(3) review of preliminary drafts, drawings and other materials prepared by the performer of the services;

(4) inspection of preliminary prototypes developed by the performer of services; or

(5) similar activities;

E. "leasing" means an arrangement whereby, for a consideration, property is employed for or by any person other than the owner of the property, except that the granting of a license to use property is not a lease;

F. "local option gross receipts tax" means a tax authorized to be imposed by a county or municipality upon the taxpayer's gross receipts and required to be collected by the department at the same time and in the same manner as the gross receipts tax; "local option gross receipts tax" includes the taxes imposed pursuant to the Municipal Local Option Gross Receipts Taxes Act, Supplemental Municipal Gross

Receipts Tax Act, County Local Option Gross Receipts Taxes Act, Local Hospital Gross Receipts Tax Act, County Correctional Facility Gross Receipts Tax Act and such other acts as may be enacted authorizing counties or municipalities to impose taxes on gross receipts, which taxes are to be collected by the department;

G. "manufactured home" means a movable or portable housing structure for human occupancy that exceeds either a width of eight feet or a length of forty feet constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation;

H. "manufacturing" means combining or processing components or materials to increase their value for sale in the ordinary course of business, but does not include construction;

I. "person" means:

(1) an individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, limited liability company, limited liability partnership, joint venture, syndicate or other entity, including any gas, water or electric utility owned or operated by a county, municipality or other political subdivision of the state; or

(2) a national, federal, state, Indian or other governmental unit or subdivision, or an agency, department or instrumentality of any of the foregoing;

J. "property" means real property, tangible personal property, licenses and franchises. Tangible personal property includes electricity and manufactured homes;

K. "research and development services" means an activity engaged in for other persons for consideration, for one or more of the following purposes:

(1) advancing basic knowledge in a recognized field of natural science;

(2) advancing technology in a field of technical endeavor;

(3) developing a new or improved product, process or system with new or improved function, performance, reliability or quality, whether or not the new or improved product, process or system is offered for sale, lease or other transfer;

(4) developing new uses or applications for an existing product, process or system, whether or not the new use or application is offered as the rationale for purchase, lease or other transfer of the product, process or system;

(5) developing analytical or survey activities incorporating technology review, application, trade-off study, modeling, simulation, conceptual design or similar activities, whether or not offered for sale, lease or other transfer; or

(6) designing and developing prototypes or integrating systems incorporating the advances, developments or improvements included in Paragraphs (1) through (5) of this subsection;

L. "secretary" means the secretary of taxation and revenue or the secretary's delegate;

M. "service" means all activities engaged in for other persons for a consideration, which activities involve predominantly the performance of a service as distinguished from selling or leasing property. "Service" includes activities performed by a person for its members or shareholders. In determining what is a service, the intended use, principal objective or ultimate objective of the contracting parties shall not be controlling. "Service" includes construction activities and all tangible personal property that will become an ingredient or component part of a construction project. That tangible personal property retains its character as tangible personal property until it is installed as an ingredient or component part of a construction project in New Mexico. Sales of tangible personal property that will become an ingredient or component part of a construction project to persons engaged in the construction business are sales of tangible personal property; and

N. "use" or "using" includes use, consumption or storage other than storage for subsequent sale in the ordinary course of business or for use solely outside this state."

Chapter 39 Section 2 Laws 2006

Section 2. Section 7-9-3.5 NMSA 1978 (being Laws 2003, Chapter 272, Section 3) is amended to read:

"7-9-3.5. DEFINITION--GROSS RECEIPTS.--

A. As used in the Gross Receipts and Compensating Tax Act:

(1) "gross receipts" means the total amount of money or the value of other consideration received from selling property located in New Mexico, from leasing or licensing property employed in New Mexico, from selling services performed outside New Mexico, the product of which is initially used in New Mexico, or from performing services in New Mexico. In an exchange in which the money or other consideration received does not represent the value of the property or service exchanged, "gross receipts" means the reasonable value of the property or service exchanged;

(2) "gross receipts" includes:

(a) any receipts from sales of tangible personal property handled on consignment;

(b) the total commissions or fees derived from the business of buying, selling or promoting the purchase, sale or lease, as an agent or broker on a commission or fee basis, of any property, service, stock, bond or security;

(c) amounts paid by members of any cooperative association or similar organization for sales or leases of personal property or performance of services by such organization;

(d) amounts received from transmitting messages or conversations by persons providing telephone or telegraph services;

(e) amounts received by a New Mexico florist from the sale of flowers, plants or other products that are customarily sold by florists where the sale is made pursuant to orders placed with the New Mexico florist that are filled and delivered outside New Mexico by an out-of-state florist; and

(f) the receipts of a home service provider from providing mobile telecommunications services to customers whose place of primary use is in New Mexico if: 1) the mobile telecommunications services originate and terminate in the same state, regardless of where the services originate, terminate or pass through; and 2) the charges for mobile telecommunications services are billed by or for a customer's home service provider and are deemed provided by the home service provider. For the purposes of this section, "home service provider", "mobile telecommunications services", "customer" and "place of primary use" have the meanings given in the federal Mobile Telecommunications Sourcing Act; and

(3) "gross receipts" excludes:

(a) cash discounts allowed and taken;

(b) New Mexico gross receipts tax, governmental gross receipts tax and leased vehicle gross receipts tax payable on transactions for the reporting period;

(c) taxes imposed pursuant to the provisions of any local option gross receipts tax that is payable on transactions for the reporting period;

(d) any gross receipts or sales taxes imposed by an Indian nation, tribe or pueblo; provided that the tax is approved, if approval is required by federal law or regulation, by the secretary of the interior of the United States; and provided further that the gross receipts or sales tax imposed by the Indian nation, tribe

or pueblo provides a reciprocal exclusion for gross receipts, sales or gross receipts-based excise taxes imposed by the state or its political subdivisions;

(e) any type of time-price differential;

(f) amounts received solely on behalf of another in a disclosed agency capacity; and

(g) amounts received by a New Mexico florist from the sale of flowers, plants or other products that are customarily sold by florists where the sale is made pursuant to orders placed with an out-of-state florist for filling and delivery in New Mexico by a New Mexico florist.

B. When the sale of property or service is made under any type of charge, conditional or time-sales contract or the leasing of property is made under a leasing contract, the seller or lessor may elect to treat all receipts, excluding any type of time-price differential, under such contracts as gross receipts as and when the payments are actually received. If the seller or lessor transfers the seller's or lessor's interest in any such contract to a third person, the seller or lessor shall pay the gross receipts tax upon the full sale or leasing contract amount, excluding any type of time-price differential."

Chapter 39 Section 3 Laws 2006

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 583, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 40

AN ACT

RELATING TO THE TAXATION AND REVENUE DEPARTMENT; EMPOWERING THE TAXATION AND REVENUE DEPARTMENT TO CONTRACT CERTAIN DEBT COLLECTION SERVICES.

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

Chapter 40 Section 1 Laws 2006

Section 1. A new section of the Taxation and Revenue Department Act is enacted to read:

"COLLECTION OF DELINQUENT OBLIGATIONS THROUGH COLLECTION AGENCY.--The department, by competitive bid, may select one or more collection agencies to collect or assist in the collection of an obligation due to the state or a political subdivision of the state pursuant to a tax or law administered by the department, provided that the obligation is at least one hundred twenty days past due. Notwithstanding any contract for collection of an obligation entered into pursuant to this section, the department retains authority to settle an obligation or to accept payments on an obligation."

House Bill 613

Approved March 2, 2006

LAWS 2006, CHAPTER 41

AN ACT

RELATING TO WATER; AUTHORIZING WATER PROJECT FINANCING;
DECLARING AN EMERGENCY.

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

Chapter 41 Section 1 Laws 2006

Section 1. TEMPORARY PROVISION--AUTHORIZATION OF PROJECTS.-- Pursuant to the provisions of Section 72-4A-9 NMSA 1978, the legislature authorizes the New Mexico finance authority to make loans or grants from the water project fund to the following political subdivisions for the following qualifying projects on terms and conditions established by the water trust board and the New Mexico finance authority:

A. to the Anthony water and sanitation district in Dona Ana county for a water project;

B. to the city of Bloomfield in San Juan county for a water project;

C. to the city of Carlsbad in Eddy county for a water project;

D. to the Carnuel mutual domestic water and wastewater consumers association in Bernalillo county for a water distribution project;

E. to the Ciudad soil and water conservation district in Bernalillo county for a watershed restoration and management project;

F. to the Claunch-Pinto soil and water conservation district in Torrance county for a watershed restoration and management project;

G. to the village of Columbus in Luna county for a water distribution project;

H. to Cuatro Villas mutual domestic water consumers association in Santa Fe county for a regional water project;

I. to the Dona Ana mutual domestic water consumers association in Dona Ana county for a water project;

J. to the eastern New Mexico rural water authority in Curry county for a water distribution project;

K. to El Rito mutual domestic water and sewer association in Rio Arriba county for a water distribution project;

L. to El Prado water and sanitation district in Taos county for a water distribution project;

M. to El Valle de los Ranchos water and sanitation district in Taos county for a water distribution project;

N. to the city of Elephant Butte in Sierra county for a wastewater treatment and collection project;

O. to the greater Chimayo mutual domestic water consumers association in Rio Arriba and Santa Fe counties for a water distribution project;

P. to Guadalupe county for a water distribution project;

Q. to the city of Las Vegas in San Miguel county for a water distribution project;

R. to the city of Lordsburg in Hidalgo county for a water project;

S. to Los Alamos county for a water project;

T. to the Mora mutual domestic water and sewer association in Mora county for a water distribution project;

U. to the northwest New Mexico council of governments in McKinley county for a water distribution project;

V. to the Pueblo of Pojoaque in Santa Fe county for a water project;

W. to the Rio Chama acequia association in Rio Arriba county for a water distribution project;

X. to Santa Fe county for a water distribution project;

Y. to the Sangre de Cristo water division of the city of Santa Fe in Santa Fe county for a water distribution project;

Z. to the Pueblo of Santo Domingo in Sandoval county for a watershed restoration and management project;

AA. to the southside water users association, Flora Vista water users association and Northstar mutual domestic water consumers association in San Juan county for regional water projects;

BB. to the town of Taos in Taos county for a wastewater treatment project;

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

DD. to Agua Madres in Sandoval county for a water distribution project.

Chapter 41 Section 2 Laws 2006

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

House Bill 683,

with emergency clause

Approved March 2, 2006

LAWS 2006, CHAPTER 42

AN ACT

RELATING TO WATER; AMENDING THE WATER PROJECT FINANCE ACT TO PROVIDE FOR FUNDING INTERSTATE PROJECTS THAT BENEFIT NEW MEXICO.

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

Chapter 42 Section 1 Laws 2006

Section 1. Section 72-4A-6 NMSA 1978 (being Laws 2001, Chapter 164, Section 6, as amended) is amended to read:

"72-4A-6. AUTHORITY--DUTIES.--The authority shall:

A. provide staff support for the board;

B. develop application procedures and forms for qualifying entities to apply for grants and loans from the water project fund; and

C. make loans or grants to qualifying entities for qualifying water projects authorized by the legislature; provided that the service area for the project is wholly within the boundaries of the state or the project is an interstate project that directly benefits New Mexico."

House Bill 792

Approved March 2, 2006

LAWS 2006, CHAPTER 43

AN ACT

RELATING TO ELECTIONS; REQUIRING USE OF PAPER BALLOTS FOR ALL VOTING SYSTEMS; REQUIRING AN ADEQUATE NUMBER OF VOTING BOOTHS.

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

Chapter 43 Section 1 Laws 2006

Section 1. Section 1-9-5 NMSA 1978 (being Laws 1969, Chapter 240, Section 188, as amended) is amended to read:

"1-9-5. REQUIREMENT TO PURCHASE AND USE VOTING SYSTEMS.--

A. Voting systems shall be used in all precincts in all statewide elections.

B. The county clerk of each county shall provide one voting system in each precinct for use in the general and primary elections when the total number of registered voters in that precinct amounted to fewer than six hundred at the close of registration.

C. At least one additional voting system shall be provided in such precinct for every six hundred registered voters in that precinct; provided that if the voting system used in the precinct is a paper ballot system, the county clerk shall ensure that an adequate number of voting booths are provided in lieu of providing more electronic vote tabulators.

D. When authorized by the state board of finance, the board of county commissioners may acquire new or previously owned voting or electronic vote tabulating systems, as tested and approved by the secretary of state pursuant to the provisions of Section 1-9-14 NMSA 1978, which systems may be used in any election for public office. The acquisition of these systems may be in excess of the number provided in this section.

E. Except for intercounty acquisitions of equipment approved by the secretary of state, a previously owned voting or electronic vote tabulating system shall have a warranty equal to the warranty required of a new voting or electronic vote tabulating system."

Chapter 43 Section 2 Laws 2006

Section 2. Section 1-9-7.1 NMSA 1978 (being Laws 2005, Chapter 270, Section 56) is amended to read:

"1-9-7.1. VOTING SYSTEM--USE OF PAPER BALLOT.--

A. All voting systems used in elections covered by the Election Code shall use a paper ballot on which the voter physically or electronically marks the voter's choices on the ballot itself; provided, however, that voting systems owned or used by a county on May 1, 2006 that do not use a paper ballot may be used until an adequate supply of voting systems is available and sufficient federal, state or local funds are available:

(1) to replace the voting systems;

(2) to acquire the necessary software;

(3) for the secretary of state to purchase the paper ballots for all counties to use on the new voting system for primary and general elections; and

(4) to hold the counties harmless for payments due for voting systems under lease-purchase agreements entered into pursuant to Sections 1-9-17 through 1-9-19 NMSA 1978.

B. In any event, a voting system shall not be used if it has not been certified by the secretary of state and if a competitive bid process has not been conducted by the secretary of state pursuant to the provisions of Chapter 13, Article 1 NMSA 1978.

C. The paper ballot shall be used by the state or its contractor to check either the veracity of a machine count or the count itself, and shall be used in a recount proceeding as are absentee ballots, and in case of a discrepancy, the paper ballot shall be considered the true and correct record of the voter's choices."

Senate Bill 295, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 44

AN ACT

RELATING TO COMMERCIAL MOTOR CARRIER VEHICLES; CREATING
FEE-FREE ZONES NEAR THE MEXICO BORDER.

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

Chapter 44 Section 1 Laws 2006

Section 1. A new section of the Trip Tax Act is enacted to read:

"EXEMPTION FROM TAX.--Exempted from imposition of the trip tax is the use of the highways of this state by commercial motor carrier vehicles while operating exclusively within ten miles of a border with Mexico in conjunction with crossing the border with Mexico."

Chapter 44 Section 2 Laws 2006

Section 2. Section 7-15A-5 NMSA 1978 (being Laws 1988, Chapter 73, Section 32) is amended to read:

"7-15A-5. EXEMPTION FROM TAX.--Exempted from imposition of the weight distance tax is the use of the highways of this state by:

- A. school buses;
- B. buses used exclusively for the transportation of agricultural laborers;
- C. buses operated by religious or nonprofit charitable organizations; and

D. commercial motor carrier vehicles as defined in Subsection B of Section 7-15-2.1 NMSA 1978 while operating exclusively within ten miles of a border with Mexico in conjunction with crossing the border with Mexico."

Senate Bill 255, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 45

AN ACT

RELATING TO WATER; AMENDING A SECTION OF THE NMSA 1978 TO EXTEND ELIGIBILITY FOR THE FORTY-YEAR WATER USE PLANNING PERIOD TO SCHOOL DISTRICTS.

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

Chapter 45 Section 1 Laws 2006

Section 1. Section 72-1-9 NMSA 1978 (being Laws 1985, Chapter 198, Section 1, as amended) is amended to read:

"72-1-9. MUNICIPAL, COUNTY, MEMBER-OWNED COMMUNITY WATER SYSTEMS, SCHOOL DISTRICT AND STATE UNIVERSITY WATER DEVELOPMENT PLANS--PRESERVATION OF MUNICIPAL, COUNTY AND STATE UNIVERSITY WATER SUPPLIES.--

A. It is recognized by the state that it promotes the public welfare and the conservation of water within the state for municipalities, counties, school districts, state universities, member-owned community water systems, special water users' associations and public utilities supplying water to municipalities or counties to plan for the reasonable development and use of water resources. The state further recognizes the state engineer's administrative policy of not allowing municipalities, member-owned

community water systems, counties and state universities to acquire and hold unused water rights in an amount greater than their reasonable needs within forty years.

B. Municipalities, counties, school districts, state universities, member-owned community water systems, special water users' associations and public utilities supplying water to municipalities or counties shall be allowed a water use planning period not to exceed forty years, and water rights for municipalities, counties, school districts, state universities, member-owned community water systems, special water users' associations and public utilities supplying water to such municipalities or counties shall be based upon a water development plan the implementation of which shall not exceed a forty-year period from the date of the application for an appropriation or a change of place or purpose of use pursuant to a water development plan or for preservation of a municipal, county, school district, member-owned community water system or state university water supply for reasonably projected additional needs within forty years."

Senate Bill 61, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 46

AN ACT

RELATING TO BOATING; ENACTING NEW SECTIONS OF THE BOAT ACT TO REQUIRE RULES FOR SAFE BOATING EDUCATION AND TO REQUIRE USE OF PERSONAL FLOTATION DEVICES FOR CHILDREN.

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

Chapter 46 Section 1 Laws 2006

Section 1. A new section of the Boat Act is enacted to read:

"SAFE BOATING RULES.--The division shall adopt safe boating education rules that require that:

A. a person born after January 1, 1989 who operates a motorboat on the waters of this state shall:

(1) have completed a safe boating education course that is approved by the national association of state boating law administrators and certified by the division or passed an equivalency examination that was proctored and that tested the knowledge of information included in the curriculum of the course and have received

a certificate of completion of the certified course or passage of the equivalency examination;

(2) possess a valid license to operate a vessel issued for maritime personnel by the United States coast guard pursuant to 46 CFR Part 10 or a marine certificate issued by the Canadian government; or

(3) have received, as an authorized operator of a rented or leased motorboat, instructions regarding the safe operation of the motorboat and a summary of the statutes and rules governing the operation of a motorboat from a person in the business of renting or leasing motorboats. The instructions shall be valid only for the period of the rental agreement not to exceed thirty days; and

B. a person in the business of renting or leasing motorboats for a period not exceeding thirty days shall:

(1) not rent or lease a motorboat to a person for operation on the waters of this state unless the person meets the provisions of Subsection A of this section;

(2) maintain rental or lease records that include the name and age of each person who is authorized to operate the rented or leased motorboat; and

(3) provide each authorized operator of a rented or leased motorboat with instructions regarding the safe operation of the motorboat and a summary of the statutes and regulations governing the operation of a motorboat."

Chapter 46 Section 2 Laws 2006

Section 2. A new section of the Boat Act is enacted to read:

"PERSONAL FLOTATION DEVICES REQUIRED.--The operator of a vessel being used for recreational purposes shall require a child age twelve or under who is aboard the vessel to wear a personal flotation device approved by the United States coast guard while the vessel is underway, unless the child is below deck or in an enclosed cabin."

Chapter 46 Section 3 Laws 2006

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2007.

Approved March 2, 2006

LAWS 2006, CHAPTER 47

AN ACT

RELATING TO STATE MUSEUMS; TRANSFERRING THE NEW MEXICO FILM MUSEUM TO THE CULTURAL AFFAIRS DEPARTMENT; CHANGING THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE NEW MEXICO FILM MUSEUM.

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

Chapter 47 Section 1 Laws 2006

Section 1. Section 18-14-1 NMSA 1978 (being Laws 2003, Chapter 250, Section 1) is amended to read:

"18-14-1. SHORT TITLE.--Chapter 18, Article 14 NMSA 1978 may be cited as the "New Mexico Film Museum Act"."

Chapter 47 Section 2 Laws 2006

Section 2. Section 18-14-3 NMSA 1978 (being Laws 2003, Chapter 250, Section 3) is amended to read:

"18-14-3. MUSEUM--LOCATION--PROPERTY.--

A. The "New Mexico film museum" is created within the cultural affairs department. The museum shall be located in Santa Fe.

B. All real or personal property 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 as a gift, endowment or legacy shall remain under the control of the board and shall, upon acceptance, be used for the operation of the museum."

Chapter 47 Section 3 Laws 2006

Section 3. Section 18-14-4 NMSA 1978 (being Laws 2003, Chapter 250, Section 4) is amended to read:

"18-14-4. BOARD--APPOINTMENT--TERMS--OFFICERS.--

A. The board of trustees of the museum is created.

B. The board shall consist of eleven members who are residents of New Mexico, appointed by the governor with the advice and consent of the senate. In making the appointments, the governor shall give due consideration to the geographic distribution of the members' places of residence. The members shall be persons who have expertise or have demonstrated a continuing interest in the fields of film, filmmaking or museums; provided that one of the members shall be the director of the New Mexico film division of the economic development department or the director's designee.

C. The board members shall be appointed for terms of four years or less so that all terms are coterminous with the current term of the governor who appointed them. The board members shall serve at the pleasure of the governor.

D. The secretary of cultural affairs or the secretary's designee shall be an ex-officio nonvoting member of the board.

E. The president of the board shall be designated by the governor and shall serve in that capacity at the pleasure of the governor. Other officers shall be elected annually by the board at its first scheduled meeting after July 1 of each year."

Chapter 47 Section 4 Laws 2006

Section 4. TEMPORARY PROVISION--TRANSFERS.--

A. On the effective date of this act, all functions, appropriations, money, personnel, records, files, furniture, equipment and other property of the New Mexico film museum of the tourism department shall be transferred to the cultural affairs department.

B. On the effective date of this act, all contractual obligations of the New Mexico film museum of the tourism department shall be binding on the cultural affairs department.

Chapter 47 Section 5 Laws 2006

Section 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

Senate Bill 227, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 48

AN ACT

RELATING TO DISABILITIES; INCREASING PENALTIES FOR ILLEGAL PARKING IN DESIGNATED DISABLED PARKING SPACES OR FOR BLOCKING CURB CUTS DESIGNED FOR ACCESS BY THE MOBILITY IMPAIRED; ALLOWING STATE EDUCATIONAL INSTITUTIONS TO ENFORCE DISABLED PARKING RESTRICTIONS.

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

Chapter 48 Section 1 Laws 2006

Section 1. Section 66-7-352.5 NMSA 1978 (being Laws 1983, Chapter 45, Section 5, as amended) is amended to read:

"66-7-352.5. UNAUTHORIZED USE--PENALTIES.--

A. It is unlawful for any person to park a motor vehicle not displaying a special registration plate or a parking placard issued pursuant to Section 66-3-16 NMSA 1978 in a designated disabled parking space.

B. It is unlawful for any person to park a motor vehicle in such a manner so as to block access to any part of a curb cut designed for access by persons with severe mobility impairment.

C. Any person convicted of violating Subsection A or B of this section is subject to a fine of not less than two hundred fifty dollars (\$250) or more than five hundred dollars (\$500). Failure to properly display a parking placard or special registration plate issued pursuant to Section 66-3-16 NMSA 1978 is not a defense against a charge of violation of Subsection A or B of this section.

D. A vehicle parked in violation of Subsection A or B of this section is subject to being towed at the expense of the vehicle owner upon authorization by law enforcement personnel or by the property owner or manager of a parking lot."

Chapter 48 Section 2 Laws 2006

Section 2. Section 66-7-352.6 NMSA 1978 (being Laws 2001, Chapter 124, Section 3) is amended to read:

"66-7-352.6. ENFORCEMENT.--

A. State, county and municipal law enforcement personnel may issue citations for violations of Section

66-7-352.5 NMSA 1978 in their respective jurisdictions, whether the violation occurs on public property or private property.

B. Parking enforcement personnel of each of the state educational institutions designated in Article 12, Section 11 of the constitution of New Mexico may issue citations for violations of Section 66-7-352.5 NMSA 1978 within the exterior boundaries of lands under the control of their respective institutions, except portions of those lands that are public highways or streets."

Chapter 48 Section 3 Laws 2006

Section 3. Section 66-8-116 NMSA 1978 (being Laws 1978, Chapter 35, Section 524, as amended) is amended to read:

"66-8-116. PENALTY ASSESSMENT MISDEMEANORS--

DEFINITION--SCHEDULE OF ASSESSMENTS.--

A. As used in the Motor Vehicle Code, "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which, except as provided in Subsection D of this section, the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
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ASSESSMENT

Permitting unlicensed

minor to drive	66-5-40	\$10.00
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Failure to obey sign	66-7-104	10.00
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Failure to obey signal	66-7-105	10.00
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Speeding	66-7-301	
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(1) up to and including

ten miles an hour

over the speed limit	15.00	
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(2) from eleven up to and including fifteen miles an hour over the speed limit	30.00
(3) from sixteen up to and including twenty miles an hour over the speed limit	65.00
(4) from twenty-one up to and including twenty-five miles an hour over the speed limit	100.00
(5) from twenty-six up to and including thirty miles an hour over the speed limit	125.00
(6) from thirty-one up to and including thirty-five miles an hour over the speed limit	150.00
(7) more than thirty-five miles an hour over the speed limit	200.00

Unfastened safety belt	66-7-372	25.00
Child not in restraint device or seat belt	66-7-369	25.00
Minimum speed	66-7-305	10.00
Speeding	66-7-306	15.00
Improper starting	66-7-324	10.00
Improper backing	66-7-354	10.00
Improper lane	66-7-308	10.00
Improper lane	66-7-313	10.00
Improper lane	66-7-316	10.00
Improper lane	66-7-317	10.00
Improper lane	66-7-319	10.00
Improper passing	66-7-309 through 66-7-312	10.00
Improper passing	66-7-315	10.00
Controlled access violation	66-7-320	10.00
Controlled access violation	66-7-321	10.00
Improper turning	66-7-322	10.00
Improper turning	66-7-323	10.00
Improper turning	66-7-325	10.00
Following too closely	66-7-318	10.00
Failure to yield	66-7-328 through 66-7-331	10.00

Failure to yield	66-7-332	50.00
Failure to yield	66-7-332.1	25.00
Pedestrian violation	66-7-333	10.00
Pedestrian violation	66-7-340	10.00
Failure to stop	66-7-342 and 66-7-344 through 66-7-346	10.00
Railroad-highway grade crossing violation	66-7-341 and 66-7-343	10.00
Passing school bus	66-7-347	100.00
Failure to signal	66-7-325 through 66-7-327	10.00
Failure to secure load	66-7-407	100.00
Operation without oversize- overweight permit	66-7-413	50.00
Improper equipment	66-3-801	10.00
Improper equipment	66-3-901	20.00
Improper emergency signal	66-3-853 through 66-3-857	10.00
Operation interference	66-7-357	5.00
Littering	66-7-364	300.00
Improper parking	66-7-349 through 66-7-352 and 66-7-353	5.00
Improper parking	66-3-852	5.00
Failure to dim lights	66-3-831	10.00

Riding in or towing		
occupied house trailer	66-7-366	5.00
Improper opening of doors	66-7-367	5.00
No slow-moving vehicle		
emblem or flashing		
amber light	66-3-887	5.00
Open container - first		
violation	66-8-138	25.00.

B. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of an accident resulting in injury or death to a person.

C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

D. The penalty assessment for speeding in violation of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978 is twice the penalty assessment established in Subsection A of this section for the equivalent miles per hour over the speed limit."

Senate Bill 444

Approved March 2, 2006

LAWS 2006, CHAPTER 49

AN ACT

RELATING TO LAND GRANTS; AMENDING REPORTING REQUIREMENTS OF THE GUADALUPE HIDALGO TREATY DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL.

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

Chapter 49 Section 1 Laws 2006

Section 1. Section 8-5-18 NMSA 1978 (being Laws 2003, Chapter 101, Section 1) is amended to read:

"8-5-18. GUADALUPE HIDALGO TREATY DIVISION.--

A. The "Guadalupe Hidalgo treaty division" is created within the office of the attorney general. The division shall review, oversee and address concerns relating to the provisions of the Treaty of Guadalupe Hidalgo that have not been implemented or observed in the spirit of Article 2, Section 5 of the constitution of New Mexico and Section 47-1-25 NMSA 1978.

B. The division shall consist of such personnel and have such duties as the attorney general shall designate.

C. The attorney general shall report the findings and recommendations of the division to the legislature annually."

Senate Bill 225

Approved March 2, 2006

LAWS 2006, CHAPTER 50

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING FOR AN INCOME TAX EXEMPTION FOR REIMBURSEMENTS FROM
THE SERVICE MEMBERS' LIFE INSURANCE REIMBURSEMENT FUND;
DECLARING AN EMERGENCY.

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

Chapter 50 Section 1 Laws 2006

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

"EXEMPTION--NEW MEXICO NATIONAL GUARD MEMBER PREMIUMS PAID FOR GROUP LIFE INSURANCE.--An individual who receives reimbursement from the service members' life insurance reimbursement fund may claim an exemption in the amount of that reimbursement, from income includable, except for this exemption, in net income."

Chapter 50 Section 2 Laws 2006

Section 2. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2005.

Chapter 50 Section 3 Laws 2006

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Senate Finance Committee Substitute

for Senate Bill 790, as amended,

with emergency clause

Approved March 2, 2006

LAWS 2006, CHAPTER 51

AN ACT

RELATING TO TAXATION; EXTENDING GROSS RECEIPTS AND COMPENSATING TAX DEDUCTIONS FOR JET FUEL.

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

Chapter 51 Section 1 Laws 2006

Section 1. Section 7-9-83 NMSA 1978 (being Laws 1993, Chapter 364, Section 1, as amended) is amended to read:

"7-9-83. DEDUCTION--GROSS RECEIPTS TAX--JET FUEL.--

A. From July 1, 2003 through June 30, 2012, fifty-five percent of the receipts from the sale of fuel specially prepared and sold for use in turboprop or jet-type engines as determined by the department may be deducted from gross receipts.

B. After June 30, 2012, forty percent of the receipts from the sale of fuel specially prepared and sold for use in turboprop or jet-type engines as determined by the department may be deducted from gross receipts."

Chapter 51 Section 2 Laws 2006

Section 2. Section 7-9-84 NMSA 1978 (being Laws 1993, Chapter 364, Section 2, as amended) is amended to read:

"7-9-84. DEDUCTION--COMPENSATING TAX--JET FUEL.--

A. From July 1, 2003 through June 30, 2012, fifty-five percent of the value of the fuel specially prepared and sold for use in turboprop or jet-type engines as determined by the department may be deducted in computing the compensating tax due.

B. After June 30, 2012, forty percent of the value of the fuel specially prepared and sold for use in turboprop or jet-type engines as determined by the department may be deducted in computing the compensating tax due."

Senate Finance Committee Substitute for

Senate Bill 9, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 52

AN ACT

RELATING TO WORKERS' COMPENSATION; AMENDING THE TAX REFUND INTERCEPT PROGRAM ACT TO INCLUDE CERTAIN DEBTS BY EMPLOYERS INCURRED UNDER THE WORKERS' COMPENSATION ACT OR THE WORKERS' COMPENSATION ADMINISTRATION ACT.

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

Chapter 52 Section 1 Laws 2006

Section 1. Section 7-2C-2 NMSA 1978 (being Laws 1985, Chapter 106, Section 2, as amended) is amended to read:

"7-2C-2. PURPOSE.--

A. The purpose of the Tax Refund Intercept Program Act is to comply with state and federal law:

(1) by enhancing the enforcement of child support and medical support obligations;

(2) to aid collection of outstanding debts owed for:

(a) overpayment of public assistance and overissuance of food stamps;

(b) overpayment of unemployment compensation benefits and nonpayment of contributions or payments in lieu of contributions or other amounts due under the Unemployment Compensation Law;

(c) nonpayment of reimbursements owed to the uninsured employers' fund under the Workers' Compensation Act; and

(d) nonpayment of the workers' compensation fee due under the Workers' Compensation Administration Act;

(3) to promote repayment of educational loans;

(4) to aid collection of fines, fees and costs owed to the district, magistrate and municipal courts;

(5) to aid collection of fines, fees and costs owed to the Bernalillo county metropolitan court; and

(6) to aid in the payment to the state investment officer of film production tax credit amounts owed to the state investment officer due to loans made against the credit pursuant to Subsection D of Section 7-27-5.26 NMSA 1978.

B. Efforts to accomplish the purpose of the Tax Refund Intercept Program Act may be enhanced by establishing a system to collect debts, in particular, outstanding child support obligations, educational loans, amounts due under the Unemployment Compensation Law, the Workers' Compensation Act and the Workers' Compensation Administration Act, fines, fees and costs owed to the district, magistrate and municipal courts, film production tax credit amounts owed to the state investment officer and fines, fees and costs owed to the Bernalillo county metropolitan court, by setting off the amount of such debts against the state income tax refunds or film production tax credit amounts due the debtors."

Chapter 52 Section 2 Laws 2006

Section 2. Section 7-2C-3 NMSA 1978 (being Laws 1985, Chapter 106, Section 3, as amended) is amended to read:

"7-2C-3. DEFINITIONS.--As used in the Tax Refund Intercept Program Act:

A. "claimant agency" means the taxation and revenue department or any of its divisions, the human services department, the employment security division of the

labor department, the workers' compensation administration, any corporation authorized to be formed under the Educational Assistance Act, a district, magistrate or municipal court or the Bernalillo county metropolitan court;

B. "debt" means a legally enforceable obligation of an employer subject to the Unemployment Compensation Law, the Workers' Compensation Act and the Workers' Compensation Administration Act, or an individual to pay a liquidated amount of money that:

(1) is equal to or more than one hundred dollars (\$100);

(2) is due and owing a claimant agency, which a claimant agency is obligated by law to collect or which, in the case of an educational loan, a claimant agency has lawfully contracted to collect;

(3) has accrued through contract, tort, subrogation or operation of law; and

(4) either:

(a) has been secured by a warrant of levy and lien for amounts due under the Unemployment Compensation Law or workers' compensation fees due under the Workers' Compensation Administration Act; or

(b) has been reduced to judgment for all other cases;

C. "debtor" means any employer subject to the Unemployment Compensation Law, the Workers' Compensation Act and the Workers' Compensation Administration Act, or any individual owing a debt;

D. "department" or "division" means, unless the context indicates otherwise, 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;

E. "educational loan" means any loan for educational purposes owned by a public post-secondary educational institution or owned or guaranteed by any corporation authorized to be formed under the Educational Assistance Act;

F. "medical support" means amounts owed to the human services department pursuant to the provisions of Subsection B of Section 40-4C-12 NMSA 1978;

G. "public post-secondary educational institution" means a publicly owned or operated institution of higher education or other publicly owned or operated post-secondary educational facility located within New Mexico;

H. "spouse" means an individual who is or was a spouse of the debtor and who has joined with the debtor in filing a joint return of income tax pursuant to the provisions of the Income Tax Act, which joint return has given rise to a refund that may be subject to the provisions of the Tax Refund Intercept Program Act; and

I. "refund" means a refund, including any amount of tax rebates or credits, under the Income Tax Act or the Corporate Income and Franchise Tax Act that the department has determined to be due to an individual or corporation."

Chapter 52 Section 3 Laws 2006

Section 3. Section 7-2C-6 NMSA 1978 (being Laws 1985, Chapter 106, Section 6, as amended) is amended to read:

"7-2C-6. PROCEDURES FOR SETOFF--NOTIFICATIONS TO
DEBTOR.--

A. Each year a claimant agency seeking to collect a debt through setoff shall notify the department in the manner and by the date required by the department, which date shall be in the period from November 1 through December 15. The notice to the department shall include the amount of the debt, the name and identification number of the debtor and such other information as the department may require. The notice shall also include certification that the debt is due and owing the claimant agency or that the claimant agency is obligated by law to collect the debt. This notice shall be effective only to initiate setoff against refunds that would be made in the calendar year subsequent to the year in which notification is made to the department.

B. The claimant agency shall inform the department within one week of any changes in the status of any debt submitted by the claimant agency for setoff.

C. Upon proper and timely notification from the claimant agency, the department shall determine whether the debtor is entitled to a refund of at least fifty dollars (\$50.00). The department shall notify the claimant agency in writing, or in such other manner as the department and the claimant agency may agree, with respect to each debt accepted for setoff whether the debtor is due a refund of fifty dollars (\$50.00) or more and, if so, the amount of refund, the address of the debtor entered upon the return and, if the refund arises from a joint return, the name and address of the spouse as entered upon the return.

D. Within ten days after receiving the notification from the department pursuant to Subsection C of this section, the claimant agency shall send a notice by first class mail to the debtor at the debtor's last known address. The notice required by this subsection shall include:

(1) a statement that a transfer of the refund will be made and that the claimant agency intends to set off the amount of the transfer against a claimed debt;

(2) the amount of the debt asserted and a description of how the debt asserted arose;

(3) the name, address and telephone number of the claimant agency;

(4) the amount of refund to be set off against the debt asserted;

(5) a statement that the debtor has thirty days from the date indicated on the notice to contest the setoff by applying to the claimant agency for a hearing with respect to the validity of the debt asserted by that agency; and

(6) a statement that failure of the debtor to apply for a hearing within thirty days will be deemed a waiver of the opportunity to contest the setoff and to a hearing.

E. If the refund against which a debt is intended to be set off results from a joint tax return, the claimant agency shall send a notice by first class mail to the spouse named on the return within ten days after receiving the notification from the department pursuant to Subsection C of this section. The notice to the spouse shall contain the following information:

(1) a statement that a transfer of the refund will be made and that the claimant agency intends to set off the amount of the transfer against a claimed debt;

(2) the total amount of the refund and the amount of each claimed debt;

(3) the name, address and telephone number of the claimant agency;

(4) a statement that no debt is claimed against the spouse and that the spouse may be entitled to receive all or part of the refund regardless of the claimed debt against the debtor spouse;

(5) a statement that to assert a claim to all or part of the refund, the spouse shall apply to the claimant agency for a hearing within thirty days from the date indicated on the notice with respect to the entitlement of the spouse to all or part of the refund from which a transfer will be made at the request of the claimant agency; and

(6) a statement that failure of the spouse to apply for a hearing within thirty days may be deemed a waiver of any claim of the spouse with respect to the refund.

F. A debtor may contest the setoff of a debt by applying to the claimant agency for a hearing within thirty days of the date the notice required by Subsection D of this section is sent to the debtor. Failure of the debtor to apply for a hearing within the time required shall constitute a waiver of the right to contest the debt or the setoff of the debt.

G. A spouse may contest the setoff of a debt against a refund to which the spouse claims entitlement in whole or in part by applying to the claimant agency for a hearing within thirty days of the date the notice required by Subsection E of this section was sent to the spouse. Failure of the spouse to apply for a hearing within the time required shall constitute a waiver of the right to contest the setoff of the debt against a refund to which the spouse may claim entitlement.

H. The department shall apply against the refund the amount of the claimed debt, not to exceed the amount of the refund, and shall transfer that amount to the claimant agency with an accounting of the amount transferred. When the amount of refund due exceeds the amount of all applied debts, the department shall treat the excess as it does other refunds relating to income taxes.

I. Whether or not the refund due the debtor exceeds the amount of the applied debt, the department shall notify the debtor at the time of the transfer to the claimant agency of:

(1) the fact of the transfer and that the claimant agency intends to set off the amount of the transfer against the asserted debt;

(2) the total amount of the refund;

(3) the amount of debt asserted by the claimant agency; and

(4) the name, address and telephone number of the claimant agency.

J. Once the department has sent to the debtor the notice required by Subsection I of this section, together with any excess of the amount of refund over the amount of asserted debts, the department shall be deemed to have made the refund required by the Income Tax Act or the Corporate Income and Franchise Tax Act."

Chapter 52 Section 4 Laws 2006

Section 4. Section 7-2C-11 NMSA 1978 (being Laws 1985, Chapter 106, Section 11, as amended) is amended to read:

"7-2C-11. PRIORITY OF CLAIMS.--

A. Claims of the department take precedence over the claim of any competing claimant agency, whether the department asserts a claim or sets off an asserted debt under the provisions of the Tax Refund Intercept Program Act or under the provisions of any other law that authorizes the department to apply amounts of tax owed against any refund due an individual pursuant to the Income Tax Act.

B. After claims of the department, claims shall take priority in the following order before claims of any competing claimant agency:

(1) claims of the human services department resulting from child support enforcement liabilities;

(2) claims of the human services department resulting from medical support liabilities;

(3) claims resulting from educational loans made under the Educational Assistance Act;

(4) claims of the human services department resulting from AFDC liabilities;

(5) claims of the human services department resulting from food stamp liabilities;

(6) claims of the employment security division of the labor department arising under the Unemployment Compensation Law;

(7) claims of a district court for fines, fees or costs owed to that court;

(8) claims of a magistrate court for fines, fees or costs owed to that court;

(9) claims of the Bernalillo county metropolitan court for fines, fees or costs owed to that court;

(10) claims of a municipal court for fines, fees or costs owed to that court; and

(11) claims of the workers' compensation administration arising under the Workers' Compensation Act or the Workers' Compensation Administration Act."

Chapter 52 Section 5 Laws 2006

Section 5. APPLICABILITY.--The provisions of this act apply to tax refunds issued on or after January 1, 2007.

Senate Bill 226

Approved March 2, 2006

LAWS 2006, CHAPTER 53

AN ACT

RELATING TO WORKERS' COMPENSATION; AMENDING THE TAX REFUND INTERCEPT PROGRAM ACT TO INCLUDE CERTAIN DEBTS BY EMPLOYERS INCURRED UNDER THE WORKERS' COMPENSATION ACT OR THE WORKERS' COMPENSATION ADMINISTRATION ACT.

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

Chapter 53 Section 1 Laws 2006

Section 1. Section 7-2C-2 NMSA 1978 (being Laws 1985, Chapter 106, Section 2, as amended) is amended to read:

"7-2C-2. PURPOSE.--

A. The purpose of the Tax Refund Intercept Program Act is to comply with state and federal law:

(1) by enhancing the enforcement of child support and medical support obligations;

(2) to aid collection of outstanding debts owed for:

(a) overpayment of public assistance and overissuance of food stamps;

(b) overpayment of unemployment compensation benefits and nonpayment of contributions or payments in lieu of contributions or other amounts due under the Unemployment Compensation Law;

(c) nonpayment of reimbursements owed to the uninsured employers' fund under the Workers' Compensation Act; and

(d) nonpayment of the workers' compensation fee due under the Workers' Compensation Administration Act;

(3) to promote repayment of educational loans;

(4) to aid collection of fines, fees and costs owed to the district, magistrate and municipal courts;

(5) to aid collection of fines, fees and costs owed to the Bernalillo county metropolitan court; and

(6) to aid in the payment to the state investment officer of film production tax credit amounts owed to the state investment officer due to loans made against the credit pursuant to Subsection D of Section 7-27-5.26 NMSA 1978.

B. Efforts to accomplish the purpose of the Tax Refund Intercept Program Act may be enhanced by establishing a system to collect debts, in particular, outstanding child support obligations, educational loans, amounts due under the Unemployment Compensation Law, the Workers' Compensation Act and the Workers' Compensation Administration Act, fines, fees and costs owed to the district, magistrate and municipal courts, film production tax credit amounts owed to the state investment officer and fines, fees and costs owed to the Bernalillo county metropolitan court, by setting off the amount of such debts against the state income tax refunds or film production tax credit amounts due the debtors."

Chapter 53 Section 2 Laws 2006

Section 2. Section 7-2C-3 NMSA 1978 (being Laws 1985, Chapter 106, Section 3, as amended) is amended to read:

"7-2C-3. DEFINITIONS.--As used in the Tax Refund Intercept Program Act:

A. "claimant agency" means the taxation and revenue department or any of its divisions, the human services department, the employment security division of the labor department, the workers' compensation administration, any corporation authorized to be formed under the Educational Assistance Act, a district, magistrate or municipal court or the Bernalillo county metropolitan court;

B. "debt" means a legally enforceable obligation of an employer subject to the Unemployment Compensation Law, the Workers' Compensation Act and the Workers' Compensation Administration Act, or an individual to pay a liquidated amount of money that:

(1) is equal to or more than one hundred dollars (\$100);

(2) is due and owing a claimant agency, which a claimant agency is obligated by law to collect or which, in the case of an educational loan, a claimant agency has lawfully contracted to collect;

(3) has accrued through contract, tort, subrogation or operation of law; and

(4) either:

(a) has been secured by a warrant of levy and lien for amounts due under the Unemployment Compensation Law or workers' compensation fees due under the Workers' Compensation Administration Act; or

(b) has been reduced to judgment for all other cases;

C. "debtor" means any employer subject to the Unemployment Compensation Law, the Workers' Compensation Act and the Workers' Compensation Administration Act, or any individual owing a debt;

D. "department" or "division" means, unless the context indicates otherwise, 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;

E. "educational loan" means any loan for educational purposes owned by a public post-secondary educational institution or owned or guaranteed by any corporation authorized to be formed under the Educational Assistance Act;

F. "medical support" means amounts owed to the human services department pursuant to the provisions of Subsection B of Section 40-4C-12 NMSA 1978;

G. "public post-secondary educational institution" means a publicly owned or operated institution of higher education or other publicly owned or operated post-secondary educational facility located within New Mexico;

H. "spouse" means an individual who is or was a spouse of the debtor and who has joined with the debtor in filing a joint return of income tax pursuant to the provisions of the Income Tax Act, which joint return has given rise to a refund that may be subject to the provisions of the Tax Refund Intercept Program Act; and

I. "refund" means a refund, including any amount of tax rebates or credits, under the Income Tax Act or the Corporate Income and Franchise Tax Act that the department has determined to be due to an individual or corporation."

Chapter 53 Section 3 Laws 2006

Section 3. Section 7-2C-6 NMSA 1978 (being Laws 1985, Chapter 106, Section 6, as amended) is amended to read:

"7-2C-6. PROCEDURES FOR SETOFF--NOTIFICATIONS TO DEBTOR.--

A. Each year a claimant agency seeking to collect a debt through setoff shall notify the department in the manner and by the date required by the department, which date shall be in the period from November 1 through December 15. The notice to the department shall include the amount of the debt, the name and identification number of the debtor and such other information as the department may require. The notice shall also include certification that the debt is due and owing the claimant agency or that the claimant agency is obligated by law to collect the debt. This notice shall be effective only to initiate setoff against refunds that would be made in the calendar year subsequent to the year in which notification is made to the department.

B. The claimant agency shall inform the department within one week of any changes in the status of any debt submitted by the claimant agency for setoff.

C. Upon proper and timely notification from the claimant agency, the department shall determine whether the debtor is entitled to a refund of at least fifty dollars (\$50.00). The department shall notify the claimant agency in writing, or in such other manner as the department and the claimant agency may agree, with respect to each debt accepted for setoff whether the debtor is due a refund of fifty dollars (\$50.00) or more and, if so, the amount of refund, the address of the debtor entered upon the return and, if the refund arises from a joint return, the name and address of the spouse as entered upon the return.

D. Within ten days after receiving the notification from the department pursuant to Subsection C of this section, the claimant agency shall send a notice by first class mail to the debtor at the debtor's last known address. The notice required by this subsection shall include:

(1) a statement that a transfer of the refund will be made and that the claimant agency intends to set off the amount of the transfer against a claimed debt;

(2) the amount of the debt asserted and a description of how the debt asserted arose;

(3) the name, address and telephone number of the claimant agency;

(4) the amount of refund to be set off against the debt asserted;

(5) a statement that the debtor has thirty days from the date indicated on the notice to contest the setoff by applying to the claimant agency for a hearing with respect to the validity of the debt asserted by that agency; and

(6) a statement that failure of the debtor to apply for a hearing within thirty days will be deemed a waiver of the opportunity to contest the setoff and to a hearing.

E. If the refund against which a debt is intended to be set off results from a joint tax return, the claimant agency shall send a notice by first class mail to the spouse named on the return within ten days after receiving the notification from the department pursuant to Subsection C of this section. The notice to the spouse shall contain the following information:

(1) a statement that a transfer of the refund will be made and that the claimant agency intends to set off the amount of the transfer against a claimed debt;

(2) the total amount of the refund and the amount of each claimed debt;

(3) the name, address and telephone number of the claimant agency;

(4) a statement that no debt is claimed against the spouse and that the spouse may be entitled to receive all or part of the refund regardless of the claimed debt against the debtor spouse;

(5) a statement that to assert a claim to all or part of the refund, the spouse shall apply to the claimant agency for a hearing within thirty days from the date indicated on the notice with respect to the entitlement of the spouse to all or part of the refund from which a transfer will be made at the request of the claimant agency; and

(6) a statement that failure of the spouse to apply for a hearing within thirty days may be deemed a waiver of any claim of the spouse with respect to the refund.

F. A debtor may contest the setoff of a debt by applying to the claimant agency for a hearing within thirty days of the date the notice required by Subsection D of this section is sent to the debtor. Failure of the debtor to apply for a hearing within the time required shall constitute a waiver of the right to contest the debt or the setoff of the debt.

G. A spouse may contest the setoff of a debt against a refund to which the spouse claims entitlement in whole or in part by applying to the claimant agency for a hearing within thirty days of the date the notice required by Subsection E of this section was sent to the spouse. Failure of the spouse to apply for a hearing within the time

required shall constitute a waiver of the right to contest the setoff of the debt against a refund to which the spouse may claim entitlement.

H. The department shall apply against the refund the amount of the claimed debt, not to exceed the amount of the refund, and shall transfer that amount to the claimant agency with an accounting of the amount transferred. When the amount of refund due exceeds the amount of all applied debts, the department shall treat the excess as it does other refunds relating to income taxes.

I. Whether or not the refund due the debtor exceeds the amount of the applied debt, the department shall notify the debtor at the time of the transfer to the claimant agency of:

(1) the fact of the transfer and that the claimant agency intends to set off the amount of the transfer against the asserted debt;

(2) the total amount of the refund;

(3) the amount of debt asserted by the claimant agency; and

(4) the name, address and telephone number of the claimant agency.

J. Once the department has sent to the debtor the notice required by Subsection I of this section, together with any excess of the amount of refund over the amount of asserted debts, the department shall be deemed to have made the refund required by the Income Tax Act or the Corporate Income and Franchise Tax Act."

Chapter 53 Section 4 Laws 2006

Section 4. Section 7-2C-11 NMSA 1978 (being Laws 1985, Chapter 106, Section 11, as amended) is amended to read:

"7-2C-11. PRIORITY OF CLAIMS.--

A. Claims of the department take precedence over the claim of any competing claimant agency, whether the department asserts a claim or sets off an asserted debt under the provisions of the Tax Refund Intercept Program Act or under the provisions of any other law that authorizes the department to apply amounts of tax owed against any refund due an individual pursuant to the Income Tax Act.

B. After claims of the department, claims shall take priority in the following order before claims of any competing claimant agency:

(1) claims of the human services department resulting from child support enforcement liabilities;

(2) claims of the human services department resulting from medical support liabilities;

(3) claims resulting from educational loans made under the Educational Assistance Act;

(4) claims of the human services department resulting from AFDC liabilities;

(5) claims of the human services department resulting from food stamp liabilities;

(6) claims of the employment security division of the labor department arising under the Unemployment Compensation Law;

(7) claims of a district court for fines, fees or costs owed to that court;

(8) claims of a magistrate court for fines, fees or costs owed to that court;

(9) claims of the Bernalillo county metropolitan court for fines, fees or costs owed to that court;

(10) claims of a municipal court for fines, fees or costs owed to that court; and

(11) claims of the workers' compensation administration arising under the Workers' Compensation Act or the Workers' Compensation Administration Act."

Chapter 53 Section 5 Laws 2006

Section 5. APPLICABILITY.--The provisions of this act apply to tax refunds issued on or after January 1, 2007.

House Bill 478

Approved March 2, 2006

LAWS 2006, CHAPTER 54

AN ACT

RELATING TO TORTS; PROVIDING EXCLUSION FROM THE WAIVER OF IMMUNITY OF LIABILITY FOR ACEQUIA ASSOCIATION EMPLOYEES OR VOLUNTEERS; EXTENDING INSURANCE COVERAGE TO ACEQUIAS AND COMMUNITY DITCH ASSOCIATIONS.

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

Chapter 54 Section 1 Laws 2006

Section 1. Section 41-4-13 NMSA 1978 (being Laws 1977, Chapter 386, Section 10) is amended to read:

"41-4-13. EXCLUSIONS FROM WAIVER OF IMMUNITY--COMMUNITY DITCHES OR ACEQUIAS--SANITARY PROJECTS ACT ASSOCIATIONS.-- All community ditches or acequias, and their public employees acting lawfully and within the scope of their duties, and all associations created pursuant to the Sanitary Projects Act are excluded from the waiver of immunity of liability under Sections 41-4-6 through 41-4-12 NMSA 1978."

Chapter 54 Section 2 Laws 2006

Section 2. A new section of Chapter 73, Article 2 NMSA 1978 is enacted to read:

"ACEQUIAS AND COMMUNITY DITCH ASSOCIATIONS--INSURANCE COVERAGE.-- Officers, volunteers and employees of acequias and community ditch associations are public employees for the purposes of the Tort Claims Act and upon request by the acequia or community ditch association shall be provided all insurance and self-insurance coverage provided by the risk management division of the general services department."

House Bill 403, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 55

AN ACT

RELATING TO TORTS; PROVIDING EXCLUSION FROM THE WAIVER OF IMMUNITY OF LIABILITY FOR ACEQUIA ASSOCIATION EMPLOYEES OR VOLUNTEERS; EXTENDING INSURANCE COVERAGE TO ACEQUIAS AND COMMUNITY DITCH ASSOCIATIONS.

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

Chapter 55 Section 1 Laws 2006

Section 1. Section 41-4-13 NMSA 1978 (being Laws 1977, Chapter 386, Section 10) is amended to read:

"41-4-13. EXCLUSIONS FROM WAIVER OF IMMUNITY--COMMUNITY DITCHES OR ACEQUIAS--SANITARY PROJECTS ACT ASSOCIATIONS.-- All community ditches or acequias, and their public employees acting lawfully and within the scope of their duties, and all associations created pursuant to the Sanitary Projects Act are excluded from the waiver of immunity of liability under Sections 41-4-6 through 41-4-12 NMSA 1978."

Chapter 55 Section 2 Laws 2006

Section 2. A new section of Chapter 73, Article 2 NMSA 1978 is enacted to read:

"ACEQUIAS AND COMMUNITY DITCH ASSOCIATIONS--INSURANCE COVERAGE.-- Officers, volunteers and employees of acequias and community ditch associations are public employees for the purposes of the Tort Claims Act and upon request by the acequia or community ditch association shall be provided all insurance and self-insurance coverage provided by the risk management division of the general services department."

Senate Bill 326, as amended

Approved March 2, 2006

LAWS 2006, CHAPTER 56

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; EXTENDING THE LIFE OF THE FUNDING FORMULA STUDY TASK FORCE; CHANGING MEMBERSHIP.

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

Chapter 56 Section 1 Laws 2006

Section 1. Section 22-8-46 NMSA 1978 (being Laws 2005, Chapter 49, Section 1) is amended to read:

"22-8-46. FUNDING FORMULA STUDY TASK FORCE CREATED--
MEMBERSHIP--DUTIES.--

A. The "funding formula study task force" is created. The task force shall function from the date of its appointment until December 15, 2007.

B. The task force is composed of the following members:

(1) three members from the house of representatives and three members from the senate appointed by the New Mexico legislative council;

(2) three members appointed by the governor;

(3) four representatives of public school administrators, including one each from a small district, a growth district, an impact aid district and a mid-sized district. The members shall be appointed by the New Mexico legislative council from a list submitted by the New Mexico superintendents' association;

(4) the president of the New Mexico school board association or the president's designee; and

(5) one representative of a statewide teacher organization appointed by the New Mexico legislative council.

C. Vacancies on the task force shall be filled by appointment by the original appointing authority.

D. Members of the task force are entitled to per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

E. Staff for the task force shall be provided by the legislative council service, the legislative education study committee, the legislative finance committee, the public education department and the office of education accountability of the department of finance and administration. Staff shall provide technical assistance to the contractor.

F. The task force shall:

(1) develop a work plan and budget for approval by the New Mexico legislative council;

(2) approve the request for proposals for a contractor to conduct the study of the public school funding formula and select the contractor; and

(3) make recommendations to the legislature and the governor by December 15, 2007.

G. The request for proposals shall request a comprehensive study of the public school funding formula, including the expectations of the public and statutory requirements for New Mexico's public education system; the costs of those expectations and requirements; and a thorough analysis of all formula components and consideration of possible changes to the formula, including:

(1) a revised training and experience index aligned to the three-tiered licensure system for teachers;

(2) size factors associated with small schools and small school districts; and

(3) any other factor with the potential to affect the equity and efficacy of the funding formula as a whole."

House Bill 42, as amended

Approved March 6, 2006

LAWS 2006, CHAPTER 57

AN ACT

RELATING TO PUBLIC SCHOOLS; EXTENDING THE KINDERGARTEN PLUS PILOT PROJECT; EXPANDING ELIGIBILITY; DECLARING AN EMERGENCY.

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

Chapter 57 Section 1 Laws 2006

Section 1. Section 22-2-20 NMSA 1978 (being Laws 2003, Chapter 130, Section 1) is amended to read:

"22-2-20. KINDERGARTEN PLUS--PILOT PROJECT--ELIGIBILITY--APPLICATION--REPORTING AND EVALUATION--CREATING A FUND.--

A. The "kindergarten plus" pilot project is created as a six-year study that extends the kindergarten year by up to four months for participating students and measures the effect of additional time on literacy, numeracy and social skills development. The purpose of kindergarten plus is to demonstrate that increased time in kindergarten narrows the achievement gap between disadvantaged students and other

students and increases cognitive skills and leads to higher test scores for all participants.

B. The pilot project shall be administered by the department and shall provide the funding for approved full-day kindergarten programs to be extended by at least forty instructional days, beginning approximately two months earlier and ending approximately two months later than other classes. For the first year, the pilot project shall begin July 1 and run two hundred twenty instructional days; in the second and third years, kindergarten plus may begin or end at any time that provides for the same number of instructional days.

C. Kindergarten plus shall be conducted in the Albuquerque, Gallup-McKinley, Gadsden and Las Cruces school districts and may be conducted in any other school district with high-poverty schools. For the remainder of the pilot project, the original pilot school districts may expand their kindergarten plus programs by adding additional classes or schools or both. Full-day kindergarten programs in high-poverty public schools in those school districts are eligible to apply for kindergarten plus. For the purposes of kindergarten plus, "high-poverty school" means a public school in which eighty-five percent or more of the students are eligible for free or reduced fee lunch.

D. The department shall determine application requirements and procedures and criteria for evaluating applications. An applicant must demonstrate that its kindergarten plus program will meet all department standards and employ only qualified teachers and other staff. The department shall provide additional professional development for kindergarten plus teachers in how young children learn to read. Teachers and educational assistants shall be paid at the same rate and under the same terms for kindergarten plus as teachers and educational assistants are paid for regular full-day kindergarten programs.

E. Students participating in kindergarten plus shall be evaluated at the beginning of kindergarten plus, and their progress in literacy shall be measured through standardized assessments in kindergarten and in first grade.

F. The department shall establish reporting and evaluation requirements for participating schools, including student and program assessments. The department shall provide interim and final reports annually to the legislature and the governor on the efficacy of the pilot project.

G. In addition to legislative appropriations for the pilot project, the department shall seek public and private grants and donations. Grants and donations shall be deposited in the "kindergarten plus fund", created in the state treasury. Income from investment of the fund shall be deposited in the fund. The department shall administer the fund, and money in the fund is appropriated to the department to carry out the purposes of the pilot project. Money shall be expended in accordance with the terms of the grants and donations. Unless otherwise specified by the terms of a grant or donation, money in the fund at the end of the pilot project shall revert to the general

fund. Expenditures from the fund shall be by warrants of the secretary of finance and administration drawn pursuant to vouchers signed by the secretary of public education or the secretary's authorized representative."

Chapter 57 Section 2 Laws 2006

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

House Bill 43, as amended

with emergency clause

Approved March 6, 2006

LAWS 2006, CHAPTER 58

AN ACT

RELATING TO INSTRUCTIONAL MATERIALS; CREATING A READING MATERIALS FUND TO BE USED TO PURCHASE SCIENTIFIC RESEARCH-BASED READING MATERIALS FOR CERTAIN READING PROGRAMS.

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

Chapter 58 Section 1 Laws 2006

Section 1. A new section of the Instructional Material Law is enacted to read:

"READING MATERIALS FUND--CREATED--PURPOSE-- APPLICATIONS.--

A. The "reading materials fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations. Money in the fund shall not revert to any other fund at the end of a fiscal year. The fund shall be administered by the department, and money in the fund is appropriated to the department to assist public schools that want to change their reading programs from the current adoption. Money in the fund shall be disbursed on warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of public education or the secretary's authorized representative.

B. A school district that wants to use a scientific researchbased core comprehensive, intervention or supplementary reading program may apply to the department for money from the reading materials fund to purchase the necessary

instructional materials for the selected program. A school district may apply for funding for its reading program if:

(1) core and supplemental materials are highly rated by either the Oregon reading first center or the Florida center for reading research or the materials are listed in the international dyslexia association's framework for informed reading and language instruction;

(2) the district selects no more than two comprehensive published core reading programs; and

(3) the district has established a professional development plan describing how it will provide teachers with professional development and ongoing support in the effective use of the selected instructional materials."

House Bill 225, as amended

Approved March 6, 2006

LAWS 2006, CHAPTER 59

AN ACT

RELATING TO OIL AND GAS; PROVIDING FOR FINANCIAL ASSURANCE TO PLUG OIL, GAS OR SERVICE WELLS.

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

Chapter 59 Section 1 Laws 2006

Section 1. Section 70-2-14 NMSA 1978 (being Laws 1977, Chapter 237, Section 3, as amended) is amended to read:

"70-2-14. REQUIREMENT FOR FINANCIAL ASSURANCE.--

A. Each person, firm, corporation or association who operates any oil, gas or service well within the state shall, as a condition precedent to drilling or producing the well, furnish financial assurance in the form of an irrevocable letter of credit or a cash or surety bond or a well-specific plugging insurance policy pursuant to the provisions of this section to the oil conservation division of the energy, minerals and natural resources department running to the benefit of the state and conditioned that the well be plugged and abandoned in compliance with the rules of the oil conservation division. The oil conservation division shall establish categories of financial assurance after notice and hearing. Such categories shall include a blanket plugging financial assurance

in an amount not to exceed fifty thousand dollars (\$50,000) and one-well plugging financial assurance in amounts determined sufficient to reasonably pay the cost of plugging the wells covered by the financial assurance. In establishing categories of financial assurance, the oil conservation division shall consider the depth of the well involved, the length of time since the well was produced, the cost of plugging similar wells and such other factors as the oil conservation division deems relevant. In addition to the blanket plugging financial assurance, the oil conservation division may require a one-well financial assurance on any well that has been held in a temporarily abandoned status for more than two years. All financial assurance shall remain in force until released by the oil conservation division. The oil conservation division shall release financial assurance when it is satisfied the conditions of the financial assurance have been fully performed.

B. If any of the requirements of the Oil and Gas Act or the rules promulgated pursuant to that act have not been complied with, the oil conservation division, after notice and hearing, may order any well plugged and abandoned by the operator or surety or both in accordance with division rules. If the order is not complied with in the time period set out in the order, the financial assurance shall be forfeited.

C. When any financial assurance is forfeited pursuant to the provisions of the Oil and Gas Act or rules promulgated pursuant to that act, the director of the oil conservation division shall give notice to the attorney general, who shall collect the forfeiture without delay.

D. All forfeitures shall be deposited in the state treasury in the oil and gas reclamation fund.

E. When the financial assurance proves insufficient to cover the cost of plugging oil and gas wells on land other than federal land and funds must be expended from the oil and gas reclamation fund to meet the additional expenses, the oil conservation division is authorized to bring suit against the operator in the district court of the county in which the well is located for indemnification for all costs incurred by the oil conservation division in plugging the well. All funds collected pursuant to a judgment in a suit for indemnification brought under the provisions of this section shall be deposited in the oil and gas reclamation fund.

F. An operator required to file financial assurance for a well pursuant to this section is considered to have met that requirement if the operator obtains a plugging insurance policy that includes the specific well and that:

(1) is approved by the insurance division of the public regulation commission;

(2) names the state of New Mexico as owner of the policy and contingent beneficiary;

wellbore; (3) names a primary beneficiary who agrees to plug the specified

(4) is fully prepaid and cannot be canceled or surrendered;

(5) provides that the policy continues in effect until the specified wellbore has been plugged;

(6) provides that benefits will be paid when, but not before, the specified wellbore has been plugged in accordance with rules of the oil conservation division in effect at the time of plugging; and

(7) provides benefits that are not less than an amount equal to the one-well financial assurance required by oil conservation division rules.

G. If, subsequent to an operator obtaining an insurance policy as provided in this section, the one-well financial assurance requirement applicable to the operator's well is increased, either because the well is deepened or the rules of the oil conservation division are amended, the operator is considered to have met the revised requirement if:

(1) the existing policy benefit equals or exceeds the revised requirement;

(2) the operator obtains an amendment increasing the policy benefit by the amount of the increase in the applicable financial assurance requirement; or

(3) the operator obtains financial assurance equal to the amount, if any, by which the revised requirement exceeds the policy benefit."

House Bill 22

Approved March 6, 2006

LAWS 2006, CHAPTER 60

AN ACT

RELATING TO SANITARY PROJECTS; AMENDING THE SANITARY PROJECTS ACT WITH REGARD TO ASSOCIATIONS; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978 RELATING TO FUNDING SANITARY PROJECTS; DECLARING AN EMERGENCY.

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

Chapter 60 Section 1 Laws 2006

Section 1. Section 3-29-2 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-2, as amended) is amended to read:

"3-29-2. DEFINITIONS.--As used in the Sanitary Projects Act:

A. "community" means a rural unincorporated community and includes a combination of two or more rural unincorporated communities when they have been combined for the purposes set forth in the Sanitary Projects Act;

B. "association" includes an association or mutual domestic water consumers association organized under Laws 1947, Chapter 206, Laws 1949, Chapter 79 or Laws 1951, Chapter 52, as well as any association organized under the provisions of the Sanitary Projects Act;

C. "department" means the department of environment;

D. "member" or "membership" means a person who has paid the appropriate fees and has been issued a certificate as required by association bylaws;

E. "person" means a single residence or property owner, as determined by the rules adopted by the association's board of directors; and

F. "project" means a water supply or reuse, storm drainage or wastewater facility owned, constructed or operated by an association."

Chapter 60 Section 2 Laws 2006

Section 2. Section 3-29-3 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-3, as amended) is amended to read:

"3-29-3. PURPOSE OF ACT.--The purpose of the Sanitary Projects Act is to improve the public health of rural communities in New Mexico by providing for the establishment and maintenance of a political subdivision of the state that is empowered by the state to receive public funds for acquisition, construction and improvement of water supply, reuse, storm drainage and wastewater facilities in communities, and to operate and maintain such facilities for the public good."

Chapter 60 Section 3 Laws 2006

Section 3. Section 3-29-4 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-4, as amended) is amended to read:

"3-29-4. PROJECTS.-- Plans, specifications and contracts for each project, as appropriate, shall be prepared by a practicing professional engineer licensed under the

Engineering and Surveying Practice Act and selected by the association in accordance with the provisions of the Procurement Code."

Chapter 60 Section 4 Laws 2006

Section 4. Section 3-29-5 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-5, as amended) is amended to read:

"3-29-5. RESTRICTIONS ON FORMING AN ASSOCIATION.--

A. A new association shall not be formed under the Sanitary Projects Act by original incorporation after January 1, 2000, and a new association shall not be formed by reorganization after January 1, 2000, unless the preceding entity was in existence on January 1, 2000, if the service area of either association includes property contiguous to an incorporated municipality or an unincorporated area currently served by a municipality or by a water and sanitation district. The restrictions on forming an association set forth in this subsection shall not apply if the contiguous incorporated municipality or water and sanitation district does not provide the services or cannot provide the services to be provided by the association at or below the cost proposed by the association.

B. An association shall not construct with state funds a project required in order to allow creation of a subdivision under the provisions of the Land Subdivision Act, the New Mexico Subdivision Act or Section 47-5-9 NMSA 1978; however, an association may construct a project serving a previously approved subdivision in the service area of the association.

C. After July 1, 2006, a new association shall not be formed as a capital stock corporation."

Chapter 60 Section 5 Laws 2006

Section 5. Section 3-29-6 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-6, as amended) is amended to read:

"3-29-6. BOARD OF DIRECTORS--POWERS AND DUTIES.--

A. The board of directors of each association shall be responsible for the acquisition or purchase of all property, rights of way, equipment and materials as may be necessary for the completion of a project. The directors shall act on behalf of the association and as its agents. The association, acting through its board of directors, may exercise the right of eminent domain to take and acquire the necessary property or rights of way for the construction, maintenance and operation of water and sewer lines and related facilities, but such property and rights of way shall in all cases be so located as to do the least damage to private and public property consistent with proper use and economical construction. Such property or rights of way shall be acquired in the manner

provided by the Eminent Domain Code. In accordance with Sections 42A-1-8 through 42A-1-12 NMSA 1978, engineers, surveyors and other persons under contract with the board for the purposes of the project shall have the right to enter upon property of the state, its political subdivisions, private persons and private and public corporations for the purpose of making necessary surveys and examinations for selecting and locating suitable routes for water and sewer lines and facilities.

B. The board of directors of the association may set and, from time to time, increase or adjust assessments, water and sewer rates, tolls or charges for services or facilities furnished or made available by the association. The assessments, tolls and charges may include:

- (1) membership fees;
- (2) a base monthly service fee for each active connection delivering water;
- (3) a base monthly service fee for each inactive connection;
- (4) a standby charge for the privilege of connecting into the association's water service at some date in the future;
- (5) assessments based on the volume of water delivered;
- (6) a connection charge; and
- (7) an assessment necessary to cover the cost of extending either water or sewer service.

C. The board of directors of the association may place a lien on property to which services have been extended in the amount of all outstanding assessments, charges and fees associated with the services. The board of directors may enforce the lien in a manner provided by the laws of the state. In the event the board of directors is forced to enforce the lien in a court of competent jurisdiction in New Mexico, the board of directors shall be entitled to recover all costs and attorney fees.

D. After notice is given, the board of directors of the association shall shut off unauthorized connections, illegal connections or a connection for which charges are delinquent in payment. The board of directors may file suit in a court of competent jurisdiction to recover costs associated with an unauthorized or illegal connection or delinquent connection, including the cost of water delivered, charges for facility connection and disconnection, damages and attorney fees.

E. The board of directors of the association shall prescribe and enforce rules for the connection to and disconnection from properties of facilities of the association.

F. Each member of the board of directors of the association shall complete training, as determined by rules of the department."

Chapter 60 Section 6 Laws 2006

Section 6. Section 3-29-7 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-7, as amended) is amended to read:

"3-29-7. DEPARTMENT POWERS.--

A. Insofar as the department deems it necessary for the purpose of the Sanitary Projects Act, the department may recommend agreements, covenants or rules in regard to operation, maintenance and permanent use of water supply, reclamation, storm drainage and wastewater facilities.

B. The department may:

- (1) conduct periodic reviews of the operation of the association;
- (2) require the association to submit information to the department;
- (3) require submittal of financial reports required pursuant to the

Audit Act;

(4) review and require changes to the rate-setting analysis described in Section 3-29-12 NMSA 1978;

(5) after a hearing, intervene in the operation and management with full powers, including the power to set and collect assessments from members of the association, to set and collect service charges and use the same for the proper operation and management of the association; and

(6) appoint and delegate authority to a representative to oversee operation of the association for a specified period.

C. The department may in its discretion or shall, upon a petition of twenty-five percent of the members of the association, conduct investigations as it deems necessary to determine if the association is being operated and managed in the best interests of all the members of the association.

D. Whenever the department determines that an association violated or is violating the Sanitary Projects Act or a rule adopted pursuant to that act, the department may:

(1) issue a compliance order requiring compliance immediately or within a specified time period, or both; or

(2) commence a civil action in district court for appropriate relief, including injunctive relief.

E. A compliance order shall state with reasonable specificity the nature of the violation.

F. If an association fails to take corrective actions within the time specified in a compliance order, the department may assess a civil penalty of not more than two hundred fifty dollars (\$250) for each day of continued noncompliance with the compliance order.

G. Any compliance order issued by the department pursuant to this section shall become final unless, no later than thirty days after the compliance order is served, any association named in the compliance order submits a written request to the department for a public hearing. The department shall conduct a public hearing within ninety days after receipt of a request.

H. The department may appoint an independent hearing officer to preside over any public hearing held pursuant to Subsection G of this section. The hearing officer shall:

(1) make and preserve a complete record of the proceedings; and

(2) forward to the department a report that includes recommendations, if recommendations are requested by the department.

I. The department shall consider the findings of the independent hearing officer and, based on the evidence presented at the hearing, the department shall make a final decision regarding the compliance order.

J. In connection with any proceeding under this section, the department may:

(1) adopt rules for discovery and hearing procedures; and

(2) issue subpoenas for the attendance and testimony of witnesses and for relevant papers, books and documents.

K. Penalties collected pursuant to this section shall be deposited in the general fund."

Chapter 60 Section 7 Laws 2006

Section 7. Section 3-29-9 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-9) is amended to read:

"3-29-9. RULES.--For the purposes of the Sanitary Projects Act, the department may perform such acts and prescribe such rules as are deemed necessary to carry out its provisions. Rules shall be drafted in consultation with representatives of the associations."

Chapter 60 Section 8 Laws 2006

Section 8. Section 3-29-12 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-12, as amended) is amended to read:

"3-29-12. LOCAL ADMINISTRATION OF ASSOCIATION--BOARD OF DIRECTORS.--

A. The local administration of the association and the operation and maintenance of the project shall be carried out in each community by a board of directors composed of an odd number of at least three members. Members of the board of directors shall:

(1) be elected annually or as specified in the bylaws of the association;

(2) be members in good standing of the association; and

(3) serve staggered terms of up to four years to ensure that terms will end in different election years.

B. The board of directors shall choose among its members a president, a vice president and a secretary-treasurer or a secretary and a treasurer.

C. Funds sufficient to provide for proper operation and maintenance of the association shall be identified through a rate-setting analysis that will ensure enough revenue to cover yearly expenses and emergencies, a reserve fund for non-major capital items and equitable pay for staff. The rate-setting analysis may be reviewed and changed if necessary on a yearly basis, and the funds shall be obtained by the association by a monthly assessment against the users of the facilities, the assessment to be determined by the board of directors.

D. The board of directors of the association shall have power to do all things necessary in the local administration of any project subject to the provisions of the Sanitary Projects Act."

Chapter 60 Section 9 Laws 2006

Section 9. Section 3-29-13 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-13) is amended to read:

"3-29-13. EXISTING ASSOCIATIONS.--Associations organized under the provisions of Laws 1947, Chapter 206, Laws 1949, Chapter 79 or Laws 1951, Chapter 52 shall have the same powers and duties as associations organized under the provisions of the Sanitary Projects Act; provided that the articles of incorporation shall be amended in accordance with the provisions of Section 3-29-19 NMSA 1978."

Chapter 60 Section 10 Laws 2006

Section 10. Section 3-29-15 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-15, as amended) is amended to read:

"3-29-15. ASSOCIATION CONSTITUTES A PUBLIC BODY CORPORATE.-- Upon the filing of each certificate and copy thereof as provided in Section 3-29-17 NMSA 1978, the persons so associating, their successors and those who may thereafter become members of the association constitute a public body corporate by the name set forth in the certificate and by such name may sue and be sued, have capacity to make contracts, acquire, hold, enjoy, dispose of and convey property real and personal, accept grants and donations, borrow money, incur indebtedness, impose fees and assessments and do any other act or thing necessary or proper for carrying out the purposes of their organization."

Chapter 60 Section 11 Laws 2006

Section 11. Section 3-29-16 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-16, as amended) is amended to read:

"3-29-16. CERTIFICATE OF ASSOCIATION.--

A. The members of an association shall execute a certificate setting forth:

- (1) the name of the association;
- (2) the name of the individuals organizing the association;
- (3) the location of the principal office of the association in this state;
- (4) the objects and purposes of the association;
- (5) the address of the initial registered office of the association and the name of the initial registered agent at that address;
- (6) the plan and manner of acquiring membership and of providing funds or means for the acquisition, construction, improvement and maintenance of its work and for its necessary expenses;

(7) the duration of existence of the association, which may be perpetual;

(8) the number and manner of electing the board of directors of the association and the length of the terms that the directors will serve;

(9) the definition of a member of the association and the voting rights associated with the membership; and

(10) the manner of dissolution of the association as a public body.

B. Pursuant to the registered agent requirement of Paragraph (5) of Subsection A of this section, there shall be attached to the certificate a statement executed by the registered agent in which the agent acknowledges acceptance of the appointment by the filing association, if the agent is an individual, or a statement executed by an authorized officer of a corporation in which the officer acknowledges the corporation's acceptance of the appointment by the filing association as its registered agent, if the agent is a corporation.

C. The certificate or any amendment thereof made as provided in Section 3-29-19 NMSA 1978 may also contain provisions not inconsistent with the Sanitary Projects Act or other law of this state that the organizers may choose to insert for the regulation and conduct of the business and affairs of the association. There shall accompany each certificate a list to show the total number of members of the association and the total number of dwelling units served by the association at the time of filing."

Chapter 60 Section 12 Laws 2006

Section 12. Section 3-29-17 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-17, as amended) is amended to read:

"3-29-17. FILING OF CERTIFICATE AND BYLAWS.--The certificate of association and bylaws shall be acknowledged as required for deeds of real estate and shall be filed in the office of the public regulation commission. A copy of the certificate, duly certified by the commission or county clerk, shall be evidence in all courts and places."

Chapter 60 Section 13 Laws 2006

Section 13. Section 3-29-17.4 NMSA 1978 (being Laws 2001, Chapter 200, Section 7) is amended to read:

"3-29-17.4. ANNUAL REPORT.--

A. An association shall file, within the time prescribed by the Sanitary Projects Act, on forms prescribed and furnished by the public regulation commission to the association not less than thirty days prior to the date the report is due, an annual report setting forth:

(1) the name of the association;

(2) the address of the registered office of the association in the state and the name of its registered agent in this state at that address;

(3) a brief statement of the character of the affairs that the association is actually conducting; and

(4) the names and respective addresses of the directors and officers of the association.

B. The report shall be signed and sworn to by two of the members of the association. If the association is in the hands of a receiver or trustee, the report shall be executed on behalf of the association by the receiver or trustee. A copy of the report shall be maintained at the association's principal place of business as contained in the report and shall be made available to the general public for inspection during regular business hours."

Chapter 60 Section 14 Laws 2006

Section 14. Section 3-29-17.5 NMSA 1978 (being Laws 2001, Chapter 200, Section 8) is amended to read:

"3-29-17.5. FILING OF ANNUAL REPORT--SUPPLEMENTAL REPORT--
EXTENSION OF TIME--PENALTY.--

A. The annual report of the association shall be delivered to the public regulation commission on or before the fifteenth day of the fifth month following the end of its fiscal year.

B. A supplemental report shall be filed by the association with the public regulation commission, if, within thirty days after the filing of the annual report required under the Sanitary Projects Act, a change is made in:

(1) the name of the association;

(2) the mailing address, street address or the geographical location of the association's registered office in this state and the name of the agent upon whom process against the association may be served; or

(3) the character of the association's business and its principal place of business within the state.

C. Proof to the satisfaction of the public regulation commission that, prior to the due date of a report required by this section, the report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed compliance with the requirements of this section. If the commission finds that the report conforms to the requirements of the Sanitary Projects Act, it shall file the report. If the commission finds that it does not conform, it shall promptly return the report to the association for necessary corrections. The penalties prescribed for failure to file the report within the time provided shall not apply if the report is corrected to conform to the requirements of the Sanitary Projects Act and returned to the commission within thirty days from the date on which it was mailed to the association by the commission.

D. The public regulation commission may, upon application by the association and for good cause shown, extend, for no more than a total of twelve months, the date on which an annual report required by the provisions of the Sanitary Projects Act must be filed or the date on which the payment of a fee is required. The commission shall, when an extension of time has been granted an association under the federal Internal Revenue Code of 1986 for the time in which to file a return, grant the association the same extension of time to file the required annual report and to pay the required fees, provided that a copy of the approved federal extension of time is attached to the association's report, and provided further that no such extension shall prevent the accrual of interest as otherwise provided by law.

E. Nothing contained in this section prevents the collection of a fee or penalty due upon the failure of an association to submit the required report.

F. An annual or supplemental report required to be filed under this section shall not be deemed to have been filed if the fees accompanying the report have been paid by check and the check is dishonored upon presentation.

G. An association that fails or refuses to file a report for a year within the time prescribed by the Sanitary Projects Act is subject to a penalty of ten dollars (\$10.00) to be assessed by the public regulation commission.

H. An association shall file with the department a member accountability report that shall include:

(1) a financial statement prepared in accordance with generally accepted accounting principles; and

(2) a copy of the Open Meetings Act resolution stating what notice for a public meeting is reasonable. The report shall be signed and sworn to as to accuracy and completeness by all members of the board of directors of the association.

A statement shall be included in the consumer confidence report required for water systems that the member accountability report is available to the public upon request. The member accountability report shall be filed with the department with the consumer confidence report no later than July 1 of each year."

Chapter 60 Section 15 Laws 2006

Section 15. Section 3-29-19 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-19) is amended to read:

"3-29-19. AMENDMENT OF CERTIFICATE OF ASSOCIATION AND BYLAWS--METHOD.--Every association may make such amendment, change or alteration to its certificate of association or bylaws as may be desired not inconsistent with the Sanitary Projects Act or other law of this state by a resolution adopted by a vote of a majority of the members present at any regular or special meeting duly held upon such notice as the bylaws provide. A certified copy of such resolution with the affidavit of the president and secretary that the resolution was duly adopted by a majority vote of the members at a meeting held in accordance with the provisions of this section shall be filed and recorded as provided for filing and recording the original certificate of association and bylaws, and thereupon the certificate of association and bylaws shall be deemed to be amended accordingly, and a copy of such certificate of amendment certified by the public regulation commission or the county clerk shall be accepted as evidence of each change or amendment in all courts and places."

Chapter 60 Section 16 Laws 2006

Section 16. Section 3-29-20 NMSA 1978 (being Laws 2000, Chapter 56, Section 4) is amended to read:

"3-29-20. REORGANIZATION OF COOPERATIVE ASSOCIATIONS AND NONPROFIT CORPORATIONS PURSUANT TO THE SANITARY PROJECTS ACT.--

A. Cooperative associations formed pursuant to Sections 53-4-1 through 53-4-45 NMSA 1978 and nonprofit corporations formed under the Nonprofit Corporation Act may reorganize under the Sanitary Projects Act upon approval of the reorganization by a majority vote of a quorum of the members of a cooperative association or nonprofit corporation. Notice of the meeting to consider the reorganization and a copy of the proposed certificate of association shall be sent at least fifteen days prior to such meeting by the cooperative association to each member at the member's last known address and by the nonprofit corporation to each member, if any, at the member's last known address. Upon approval of the reorganization by the majority vote of a quorum of the members, the cooperative association or the nonprofit corporation shall execute a certificate of association pursuant to Sections 3-29-16 and 3-29-17 NMSA 1978. The certificate of association shall state that it supersedes the articles of incorporation and all amendments to the articles of incorporation of the cooperative association or the nonprofit corporation.

B. Duplicate originals of the certificate of association shall be filed with the public regulation commission. One duplicate original of the certificate of association shall be returned to the association.

C. The certificate of association is effective upon filing and supersedes the articles of incorporation and all amendments to the articles of incorporation of the prior cooperative association or nonprofit corporation. The association shall:

(1) be the surviving entity, and the separate existence of the prior cooperative association or nonprofit corporation shall cease;

(2) have all of the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of an association organized pursuant to the Sanitary Projects Act;

(3) possess all the rights, privileges, immunities and franchises of the prior cooperative association or nonprofit corporation. All property, real, personal and mixed; all debts due on whatever account; all other choses in action; and all and every other interest of or belonging to or due to the prior cooperative association or nonprofit corporation shall be taken and deemed to be transferred to and vested in the association without further act or deed. The title to any real estate, or any interest therein, vested in the prior cooperative association or nonprofit corporation shall not revert or be in any way impaired by reason of the reorganization; and

(4) be liable for all the liabilities and obligations of the prior cooperative association or nonprofit corporation, and any claim existing or action or proceeding pending by or against the cooperative association or nonprofit corporation may be prosecuted as if the reorganization had not taken place or the new association may be substituted in its place. Neither the rights of creditors nor any liens upon the property of the cooperative association or nonprofit corporation shall be impaired by the reorganization.

D. A cooperative association formed pursuant to the Cooperative Association Act or nonprofit corporation formed pursuant to the Nonprofit Corporation Act that reorganized under Subsection A of this section prior to June 30, 2006 may, within three years of the effective date of this 2006 act, reorganize pursuant to the act under which it had previously been organized upon approval of the reorganization by a two-thirds' vote of the directors of the association or corporation. Notice of the meeting to consider the reorganization and a copy of the proposed articles of incorporation shall be sent by the association or the corporation at least fifteen days prior to the meeting to each member at the member's last known address. Upon approval of the reorganization, the association or corporation shall execute articles of incorporation pursuant to Sections 53-4-5 and 53-4-6 or 53-8-31 and 53-8-32 NMSA 1978. The articles of incorporation shall state that they supersede the certificate of association or incorporation and all amendments thereto of the association or corporation and shall follow the filing procedures of Subsections B and C of this section."

Chapter 60 Section 17 Laws 2006

Section 17. A new section of the Sanitary Projects Act is enacted to read:

"BYLAWS.--

A. Members shall adopt bylaws by no less than a majority vote of a quorum of the membership of the association setting forth:

- (1) the name of the association;
- (2) the requirement of an association seal;
- (3) the fiscal year of the association;
- (4) guidelines for membership, which shall include the sentence "Membership shall not be denied because of the applicant's race, color, creed, national origin or sex.";
- (5) guidelines for meetings of the membership, which shall include the date or time period of a membership meeting, required notice of a meeting, establishment of a quorum and the order of business to be conducted at a meeting of the membership;
- (6) the functions of the board of directors, including a conflict of interest policy for the board;
- (7) the duties of officers of the board of directors; and
- (8) provisions for the board of directors to establish rules to govern the day-to-day operations of the project, including a code of conduct for staff and provisions to establish an annual budget, rate structure, assessments and reserve funds.

B. The bylaws, or any amendment thereof made as provided in Section 3-29-19 NMSA 1978, may also contain provisions not inconsistent with the Sanitary Projects Act or other law of this state that the organizers may choose to insert for the regulation and conduct of the business and affairs of the association.

C. The department may prescribe by rule guidelines for bylaws and rules of an association."

Chapter 60 Section 18 Laws 2006

Section 18. A new section of the Sanitary Projects Act is enacted to read:

"EXEMPTIONS FROM SPECIAL DISTRICT PROCEDURES ACT PROVISIONS.--An association formed pursuant to the provisions of the Sanitary Projects Act may be formed exclusively as provided in that act, and formation of the association shall be exempt from all review and requirements set forth in the Special District Procedures Act."

Chapter 60 Section 19 Laws 2006

Section 19. A new section of the Sanitary Projects Act is enacted to read:

"MERGER OF TWO OR MORE ASSOCIATIONS INTO ONE ASSOCIATION.-- Upon approval by vote of a majority of a quorum of each membership, two or more associations may merge into one association pursuant to a plan of merger approved in the manner provided by this section. The board of directors of each association shall, by resolution adopted by each board, approve a plan of merger setting forth:

A. the names of the associations proposing to merge, and the association into which they propose to merge, which is hereinafter designated as the "surviving association";

B. the terms and conditions of the proposed merger, including transfer of assets and liabilities;

C. the manner and basis of converting each association's obligations or other securities into the surviving association;

D. a statement of any changes in the certificate of association of the surviving association to be affected by the merger; and

E. other provisions with respect to the proposed merger as deemed necessary or desirable."

Chapter 60 Section 20 Laws 2006

Section 20. REPEAL.--Sections 3-29-8, 3-29-10 and 3-29-18 NMSA 1978 (being Laws 1965, Chapter 300, Sections 14-28-8, 14-28-10 and 14-28-18, as amended) are repealed.

Chapter 60 Section 21 Laws 2006

Section 21. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 438, as amended,

with emergency clause,

Approved March 6, 2006

LAWS 2006, CHAPTER 61

AN ACT

RELATING TO ENVIRONMENT; PROVIDING PENALTIES AND REMEDIES FOR FAILURE TO OBEY COMPLIANCE ORDERS; AUTHORIZING ENFORCEMENT ACTIONS.

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

Chapter 61 Section 1 Laws 2006

Section 1. Section 74-2-12 NMSA 1978 (being Laws 1992, Chapter 20, Section 14, as amended) is amended to read:

"74-2-12. ENFORCEMENT--COMPLIANCE ORDERS--FIELD CITATIONS.--

A. When, on the basis of any information, the secretary or the director determines that a person has violated or is violating a requirement or prohibition of the Air Quality Control Act, a regulation promulgated pursuant to that act or a condition of a permit issued under that act, the secretary or the director may:

(1) issue a compliance order within one year after the violation becomes known by the department or the local agency stating with reasonable specificity the nature of the violation and requiring compliance immediately or within a specified time period or assessing a civil penalty for a past or current violation, or both; or

(2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction.

B. An order issued pursuant to Subsection A of this section may include a suspension or revocation of the permit or portion thereof issued by the secretary or the director that is alleged to have been violated. Any penalty assessed in the order shall not exceed fifteen thousand dollars (\$15,000) per day of noncompliance for each violation.

C. An order issued pursuant to Subsection A of this section shall become final unless, no later than thirty days after the order is served, the person named therein submits a written request to the secretary or the director for a public hearing. Upon such request, the secretary or the director shall promptly conduct a public hearing. The secretary or the director shall appoint an independent hearing officer to preside over the

public hearing. The hearing officer shall make and preserve a complete record of the proceedings and forward the hearing officer's recommendation based thereon to the secretary or the director, who shall make the final decision.

D. The environmental improvement board or the local board may implement a field citation program through regulations establishing appropriate minor violations for which field citations assessing civil penalties not to exceed one thousand dollars (\$1,000) per day of violation may be issued by officers or employees of the department or the local agency as designated by the secretary or the director.

E. A person to whom a field citation is issued pursuant to Subsection D of this section may, within a reasonable time as prescribed by regulation by the environmental improvement board or the local board, elect to pay the penalty assessment or to request a hearing by the issuing agency on the field citation. If a request for hearing is not made within the time specified in the regulation, the penalty assessment in the field citation shall be final.

F. Payment of a civil penalty required by a field citation issued pursuant to Subsection D of this section shall not be a defense to further enforcement by the department or the local agency to correct a violation or to assess the maximum statutory penalty pursuant to other authorities in the Air Quality Control Act if the violation continues.

G. In determining the amount of a penalty to be assessed pursuant to this section, the secretary, the director or the person issuing a field citation shall take into account the seriousness of the violation, any good-faith efforts to comply with the applicable requirements and other relevant factors.

H. In connection with a proceeding under this section, the secretary or the director may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents and may adopt rules for discovery procedures.

I. If a person fails to comply with an administrative order, the secretary or director may initiate an action to suspend or revoke the permit, or portion thereof, alleged to have been violated or to commence a civil action in district court to enforce the order, or to suspend or revoke the permit, or both.

J. If a person fails to pay an assessment of a civil penalty, the secretary or director may commence a civil action in district court to collect the civil penalties assessed in the order.

K. Penalties collected pursuant to this section shall be deposited in the:

(1) municipal or county general fund, as applicable, if the administrative order or field citation was directed to a source located within a local authority; or

(2) state general fund if the administrative order or field citation was directed to any other source."

Chapter 61 Section 2 Laws 2006

Section 2. Section 74-2-12.1 NMSA 1978 (being Laws 1992, Chapter 20, Section 15, as amended) is amended to read:

"74-2-12.1. CIVIL PENALTY--REPRESENTATION OF DEPARTMENT OR LOCAL AUTHORITY--LIMITATION OF ACTIONS.--

A. A person who violates a provision of the Air Quality Control Act or a regulation, permit condition or emergency order adopted or issued pursuant to that act may be assessed a civil penalty not to exceed fifteen thousand dollars (\$15,000) for each day during any portion of which a violation occurs.

B. A person who fails to comply with an administrative order issued pursuant to Section 74-2-12 NMSA 1978 may be assessed, pursuant to a court order, a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each day of noncompliance with the order.

C. In an action to enforce the provisions of the Air Quality Control Act or an ordinance, regulation, permit condition or order, adopted, imposed or issued pursuant to that act:

(1) the department shall be represented by the attorney general;

(2) a local authority that is a municipality shall be represented by the attorney of the municipality; and

(3) a local authority that is a county shall be represented by the district attorney within whose judicial district the county lies.

D. No action for civil penalty shall be commenced more than five years from the date the violation was known by the department or the local agency."

House Bill 23, as amended

Approved March 6, 2006

LAWS 2006, CHAPTER 62

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING AND ENACTING SECTIONS OF THE VOLUNTARY REMEDIATION ACT; CREATING A FUND; MAKING AN APPROPRIATION.

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

Chapter 62 Section 1 Laws 2006

Section 1. Section 74-4G-1 NMSA 1978 (being Laws 1997, Chapter 38, Section 1) is amended to read:

"74-4G-1. SHORT TITLE.--Chapter 74, Article 4G NMSA 1978 may be cited as the "Voluntary Remediation Act"."

Chapter 62 Section 2 Laws 2006

Section 2. A new section of the Voluntary Remediation Act is enacted to read:

"BROWNFIELDS CLEANUP REVOLVING LOAN FUND.--

A. The "brownfields cleanup revolving loan fund" is created in the state treasury. The fund shall be comprised of money from a grant from the environmental protection agency, repayments of loans and interest and income accruing on the balance of the fund. The department may make secured and unsecured loans or grants from the fund to eligible participants for the purpose of financing remedial actions and other approved activities at abandoned or underused industrial, commercial or agricultural sites or on abandoned or underused residential property. Loans or grants may be made from the fund to political subdivisions, tribes, nonprofit organizations and private entities for eligible cleanup activities pursuant to requirements for eligibility set by the environmental protection agency's brownfields program. Disbursements from the fund shall be by warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary's designee. Any unexpended or unencumbered balance or income earned from the money in the fund remaining at the end of a fiscal year shall not revert to the general fund.

B. The department shall review and approve qualified loan applications, and cleanup activities shall be performed pursuant to the Voluntary Remediation Act.

C. Loan repayments shall be deposited into the brownfields cleanup revolving loan fund. Interest and earnings on the balance in the fund shall be credited to the brownfields cleanup revolving loan fund."

Chapter 62 Section 3 Laws 2006

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 494, as amended

Approved March 6, 2006

LAWS 2006, CHAPTER 63

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 63 Section 1 Laws 2006

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. the city of Alamogordo in Otero county for equipment, building, refinancing and infrastructure projects;
2. the city of Albuquerque in Bernalillo county for equipment, building, refinancing and infrastructure projects;
3. the Albuquerque public improvement district in Bernalillo county for equipment, building, refinancing and infrastructure projects;
4. the Albuquerque (Juan Tabo Hills) public improvement district in Bernalillo county for equipment, building, refinancing and infrastructure projects;
5. the city of Aztec in San Juan county for equipment, building, refinancing and infrastructure projects;
6. the city of Bayard in Grant county for equipment, building, refinancing, land purchase and infrastructure projects;

7. Belen consolidated schools in Valencia county for equipment, building, infrastructure and refinancing projects;

8. the town of Bernalillo in Sandoval county for equipment, building, refinancing, land purchase and infrastructure projects;

9. the Bloomfield public improvement district in San Juan county for equipment, building, refinancing and infrastructure projects;

10. the Bloomfield school district in San Juan county for equipment, building, infrastructure, teacherage and refinancing projects;

11. the Carlsbad soil and water conservation district in Eddy county for equipment, building, infrastructure and refinancing projects;

12. the Catron county-Datil volunteer fire department in Catron county for equipment, building, infrastructure and refinancing projects;

13. Catron county for equipment, building, infrastructure and refinancing projects in Catron county;

14. the village of Causey in Roosevelt county for equipment, building, refinancing and infrastructure projects;

15. Central consolidated schools in San Juan county for equipment, building, infrastructure, teacherage and refinancing projects;

16. Chaves county for equipment, building, infrastructure and refinancing projects;

17. Cibola county for equipment, building, infrastructure and refinancing projects in Cibola county;

18. the Claunch-Pinto soil and water conservation district in Torrance county for equipment, building, infrastructure and refinancing projects;

19. the town of Clayton in Union county for equipment, building, infrastructure, road, solid waste, water, wastewater and refinancing projects;

20. the city of Clovis in Curry county for equipment, building, infrastructure, road, water, wastewater and refinancing projects;

21. Cobre consolidated schools in Grant county for equipment, building, infrastructure and refinancing projects;

22. the Pueblo of Cochiti in Sandoval county for equipment, building, infrastructure and refinancing projects;

23. Cuba independent schools in Sandoval county for equipment, building, infrastructure, teacherage and refinancing projects;

24. Curry county for equipment, building, infrastructure, road and refinancing projects in Curry county;

25. De Baca county for equipment, building, infrastructure, solid waste, road and refinancing projects in De Baca county;

26. Deming public schools in Luna county for equipment, building, infrastructure and refinancing projects;

27. the city of Deming in Luna county for equipment, building, infrastructure and refinancing projects;

28. the village of Des Moines in Union county for equipment, building, infrastructure, water and wastewater projects;

29. Dexter consolidated schools in Chaves county for equipment, building, infrastructure and refinancing projects;

30. the village of Dora in Roosevelt county for equipment, building, infrastructure, water and refinancing projects;

31. Eddy county for equipment, building, infrastructure and refinancing projects in Eddy county;

32. the Edgewood (Campbell Ranch) public improvement district in Torrance and Santa Fe counties for equipment, building, refinancing and infrastructure projects;

33. the Edgewood soil and water conservation district in Torrance and Santa Fe counties for equipment, building, infrastructure and refinancing projects;

34. the town of Elida in Roosevelt county for equipment, building, infrastructure, water and wastewater projects;

35. the energy, minerals and natural resources department for energy efficiency projects for the cultural affairs department, the corrections department and the Albuquerque public schools;

36. the city of Eunice in Lea county for equipment, building, infrastructure, road, water, wastewater, solid waste and refinancing projects;

37. Farmington municipal schools in San Juan county for equipment, building, infrastructure and refinancing projects;

38. the Farmington public improvement district in San Juan county for equipment, building, refinancing and infrastructure projects;

39. the village of Floyd in Roosevelt county for equipment, building, infrastructure, water and refinancing projects;

40. the village of Folsom in Union county for equipment, building, infrastructure, water, wastewater and refinancing projects;

41. the village of Fort Sumner in De Baca county for equipment, building, infrastructure, road, water, wastewater and refinancing projects;

42. Gallup-McKinley county public schools in McKinley county for equipment, building, infrastructure, teacherage and refinancing projects;

43. Guadalupe county for building, equipment, infrastructure and refinancing projects in Guadalupe county;

44. the village of Grady in Curry county for equipment, building, infrastructure, water and refinancing projects;

45. Grant county for building, equipment, infrastructure and refinancing projects in Grant county;

46. Hagerman municipal schools in Chaves county for equipment, building, infrastructure and refinancing projects;

47. Harding county for building, equipment, infrastructure, road, airport and refinancing projects in Harding county;

48. Hatch Valley public schools in Dona Ana county for equipment, building, infrastructure and refinancing projects;

49. Hidalgo county for building, equipment, infrastructure and refinancing projects in Hidalgo county;

50. the town of Hurley in Grant county for equipment, building, infrastructure and refinancing projects;

51. Jemez Valley public schools in Sandoval county for equipment, building, infrastructure and refinancing projects;

52. the Las Cruces public improvement district in Dona Ana county for equipment, building, refinancing and infrastructure projects;

53. the Las Cruces (Alameda) public improvement district in Dona Ana county for equipment, building, refinancing and infrastructure projects;

54. the village of Logan in Quay county for building, equipment, infrastructure, land purchase, water, wastewater and refinancing projects;

55. Lordsburg public schools in Hidalgo county for equipment, building, infrastructure and refinancing projects;

56. the city of Lordsburg in Hidalgo county for building, equipment, infrastructure and refinancing projects;

57. Los Alamos county for equipment, building, infrastructure and refinancing projects in Los Alamos county;

58. the city of Lovington in Lea county for equipment, building, infrastructure, road, water, wastewater and refinancing projects;

59. the Low Mesa mutual domestic water consumers association in Otero county for equipment, building, infrastructure and refinancing projects;

60. Luna county for building, equipment, infrastructure and refinancing projects in Luna county;

61. the village of Melrose in Curry county for building, equipment, infrastructure, water, wastewater and refinancing projects;

62. Mesalands community college in Quay county for equipment, building, refinancing and infrastructure projects;

63. the village of Mosquero for building, equipment, infrastructure, road, water and wastewater projects;

64. the Navajo agricultural products industry or the Navajo Nation in McKinley and San Juan counties for building, equipment, infrastructure and refinancing projects;

65. the New Mexico border authority for building, equipment, infrastructure, land purchase and refinancing projects;

66. the New Mexico school for the blind and visually impaired for building, equipment, infrastructure and refinancing projects;

67. the New Mexico institute of mining and technology in Socorro county for equipment, building, refinancing and infrastructure projects;

68. the north central council of governments in Santa Fe and Rio Arriba counties for building, equipment, infrastructure and refinancing projects;

69. Otero county for building, equipment, infrastructure, land purchase and refinancing projects in Otero county;

70. the Otero county-Bent volunteer fire department in Otero county for equipment, building, infrastructure and refinancing projects;

71. the Otero county-La Luz fire department in Otero county for equipment, building, refinancing and infrastructure projects;

72. the Otero county-Dog Canyon volunteer fire department in Otero county for equipment, building, refinancing and infrastructure projects;

73. the city of Portales in Roosevelt county for building, equipment, infrastructure, road, water, wastewater and refinancing projects;

74. Quay county for building, equipment, infrastructure, road and refinancing projects in Quay county;

75. the Quay county-Bard Endee fire department in Quay county for equipment, building, refinancing and infrastructure projects;

76. the Quay county-Forrest volunteer fire department in Quay county for equipment, building, refinancing and infrastructure projects;

77. the city of Raton in Colfax county for equipment, building, infrastructure and refinancing projects;

78. the city of Rio Rancho in Sandoval county for equipment, building, infrastructure and refinancing projects;

79. Rio Rancho public schools in Sandoval county for equipment, building, infrastructure and refinancing projects;

80. Roosevelt county for building, equipment, infrastructure, road and refinancing projects in Roosevelt county;

81. the village of Roy in Harding county for equipment, building, infrastructure, road, water, wastewater and refinancing projects;

82. Ruidoso municipal schools in Lincoln county for equipment, building, infrastructure and refinancing projects;

83. the village of Ruidoso in Lincoln county for equipment, building, infrastructure, road, water, wastewater and refinancing projects;

84. the city of Ruidoso Downs in Lincoln county for equipment, building, infrastructure, road, water, wastewater and refinancing projects;

85. the village of San Jon in Quay county for equipment, building, infrastructure, water, wastewater and refinancing projects;

86. San Miguel county for equipment, building, infrastructure and refinancing projects in San Miguel county;

87. the village of Santa Clara in Grant county for building, equipment, infrastructure and refinancing projects;

88. Santa Fe community college in Santa Fe county for building, equipment, infrastructure and refinancing projects;

89. the city of Santa Fe in Santa Fe county for building, equipment, infrastructure, road, water, wastewater and refinancing projects;

90. Santa Fe county for equipment, building, infrastructure and refinancing projects in Santa Fe county;

91. the Santa Fe Indian school in Santa Fe county for building, equipment, infrastructure and refinancing projects;

92. the city of Santa Rosa in Guadalupe county for equipment, building, infrastructure, water, wastewater and refinancing projects;

93. Sierra county for equipment, building, infrastructure and refinancing projects in Sierra county;

94. the Sierra county-Lakeshore volunteer fire department for equipment, building, infrastructure and refinancing projects in Sierra county;

95. the city of Socorro in Socorro county for equipment, building, infrastructure, road and refinancing projects;

96. Socorro consolidated schools in Socorro county for equipment, building, infrastructure and refinancing projects;

97. Socorro county for equipment, building, infrastructure, road and refinancing projects in Socorro county;

98. the Socorro county-Abeytas volunteer fire department for equipment, building, infrastructure and refinancing projects in Socorro county;

99. the Socorro county-Hop Canyon volunteer fire department for equipment, building, infrastructure and refinancing projects in Socorro county;

100. the Socorro county-San Antonio volunteer fire department for equipment, building, infrastructure and refinancing projects in Socorro county;

101. Taos county for building, equipment, infrastructure, road and refinancing projects in Taos county;

102. the city of Texico in Curry county for building, equipment, infrastructure, water rights, water, wastewater and refinancing projects;

103. the city of Truth or Consequences in Sierra county for building, equipment, infrastructure and refinancing projects;

104. Truth or Consequences municipal schools in Sierra county for equipment, building, infrastructure, teacherage and refinancing projects;

105. the city of Tucumcari in Quay county for equipment, building, infrastructure, water, wastewater, solid waste and refinancing projects;

106. the Twin Forks mutual domestic water consumers association in Otero county for building, equipment, infrastructure and refinancing projects;

107. Union county for equipment, building, infrastructure, road and refinancing projects in Union county;

108. Valencia county for equipment, building, infrastructure, road, land purchase, water, wastewater and refinancing projects in Valencia county;

109. the Valencia county-Los Chavez fire department for equipment, building, infrastructure and refinancing projects in Valencia county;

110. for telecommunication and internet projects to serve underserved areas within the Navajo Nation in multiple counties as part of the "Internet to Hogan" initiative;

111. the city of Moriarty in Torrance county for equipment, building, infrastructure and refinancing projects;

112. the university of New Mexico in Bernalillo county for equipment, building, infrastructure and refinancing projects;

113. the Albuquerque-Bernalillo county water utility authority in Bernalillo county for equipment, building, infrastructure, refinancing, water and wastewater projects;

114. the Socorro county Abeytas volunteer fire department for equipment, building, infrastructure and refinancing projects in Socorro county;

115. Taos county for equipment, building, infrastructure, refinancing, water, wastewater and solid waste projects in Taos county;

116. the Canones mutual domestic water consumers association in Rio Arriba county for equipment, building, infrastructure, refinancing and water projects;

117. the Cibola county Candy Kitchen volunteer fire department for equipment, building, infrastructure and refinancing projects in Cibola county;

118. the New Mexico state fair in Bernalillo county for equipment, building, infrastructure and refinancing projects;

119. the Pueblo of Pojoaque in Santa Fe county for land acquisition, water, equipment, infrastructure and refinancing projects;

120. San Juan college for equipment, building, infrastructure and refinancing projects in San Juan county;

121. the university of New Mexico, Sandoval county or the city of Rio Rancho or any combination thereof for land acquisition, equipment, building, infrastructure and refinancing projects at the west campus;

122. the university of New Mexico foundation for building, equipment and infrastructure projects;

123. the town of Vaughn in Guadalupe county for equipment, building, infrastructure and refinancing projects;

124. the Albuquerque public schools in Bernalillo county for equipment, building, infrastructure and refinancing projects;

125. the Alto Lakes water and sanitation district in Lincoln county for equipment, building, infrastructure, water, wastewater and refinancing projects;

126. the city of Bloomfield in San Juan county for equipment, building, infrastructure and refinancing projects;

127. the Cibola county Cubero volunteer fire department for equipment, building, infrastructure and refinancing projects in Cibola county;

128. the Dona Ana county Mesquite volunteer fire department for equipment, building, infrastructure and refinancing projects in Dona Ana county;

129. the town of Edgewood in Torrance and Santa Fe counties for equipment, building, infrastructure and refinancing projects;

130. the city of Espanola in Rio Arriba county for equipment, building, infrastructure, land purchase and refinancing projects;

131. the town of Las Vegas in San Miguel county for equipment, building, infrastructure and refinancing projects;

132. Lea county for equipment, building, infrastructure and refinancing projects in Lea county;

133. the village of Milan in Cibola county for equipment, building, infrastructure, land purchase and refinancing projects;

134. the north central New Mexico economic development district for equipment, building, infrastructure and refinancing projects;

135. the northwest New Mexico solid waste authority in McKinley and Cibola counties for equipment, building, infrastructure and refinancing projects;

136. the Otero county Alamo West volunteer fire department for equipment, building, infrastructure and refinancing projects in Otero county;

137. the village of Pecos in San Miguel county for equipment, building, infrastructure and refinancing projects;

138. Sandoval county for equipment, building, infrastructure and refinancing projects;

139. the town of Silver City in Grant county for equipment, building, infrastructure, water, wastewater and refinancing projects; and

140. the city of Tucumcari in Quay county for equipment, building, infrastructure, water and refinancing projects.

Chapter 63 Section 2 Laws 2006

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 2009 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 63 Section 3 Laws 2006

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 233, as amended,

with emergency clause,

Approved March 6, 2006

LAWS 2006, CHAPTER 64

AN ACT

RELATING TO FINANCE; AMENDING THE STATEWIDE ECONOMIC DEVELOPMENT FINANCE ACT TO AUTHORIZE THE NEW MEXICO FINANCE AUTHORITY TO FORM, OPERATE OR OWN A COMMUNITY DEVELOPMENT ENTITY AND OTHERWISE PARTICIPATE IN THE FEDERAL NEW MARKETS TAX CREDIT PROGRAM.

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

Chapter 64 Section 1 Laws 2006

Section 1. Section 6-25-3 NMSA 1978 (being Laws 2003, Chapter 349, Section 3, as amended) is amended to read:

"6-25-3. DEFINITIONS.--As used in the Statewide Economic Development Finance Act:

A. "authority" means the New Mexico finance authority;

B. "department" means the economic development department;

C. "community development entity" means an entity designed to take advantage of the federal new markets tax credit program;

D. "economic development assistance provisions" means the economic development assistance provisions of Subsection D of Article 9, Section 14 of the constitution of New Mexico;

E. "project revenue bonds" means bonds, notes or other instruments authorized in Section 6-25-7 NMSA 1978 and issued by the authority pursuant to the Statewide Economic Development Finance Act on behalf of eligible entities;

F. "economic development goal" means:

(1) assistance to rural and underserved areas designed to increase business activity;

(2) retention and expansion of existing business enterprises;

(3) attraction of new business enterprises; or

(4) creation and promotion of an environment suitable for the support of start-up and emerging business enterprises within the state;

G. "economic development revolving fund bonds" means bonds, notes or other instruments payable from the fund and issued by the authority pursuant to the Statewide Economic Development Finance Act;

H. "eligible entity" means a for-profit or not-for-profit business enterprise, including a corporation, limited liability company, partnership or other entity, determined by the department to be engaged in an enterprise that serves an economic development goal and is suitable for financing assistance;

I. "federal new markets tax credit program" means the tax credit program codified as Section 45D of the Internal Revenue Code, as that section may be amended or renumbered, and regulations issued pursuant to that section;

J. "financing assistance" means project revenue bonds, loans, loan participations or loan guarantees provided by the authority to or for eligible entities pursuant to the Statewide Economic Development Finance Act;

K. "fund" means the economic development revolving fund;

L. "mortgage" means a mortgage, deed of trust or pledge of any assets as a collateral security;

M. "opt-in agreement" means an agreement entered into between the department and a qualifying county, a school district and, if applicable, a qualifying municipality that provides for county, school district and, if applicable, municipal approval of a project, subject to compliance with all local zoning, permitting and other land use rules, and for payments in lieu of taxes to the qualifying county, school district and, if applicable, qualifying municipality as provided by the Statewide Economic Development Finance Act;

N. "payment in lieu of taxes" means the total annual payment, including any state in-lieu payment, paid as compensation for the tax impact of a project, in an amount negotiated and determined in the opt-in agreement between the department and the qualifying county, the school district and, if applicable, the qualifying municipality, which payment shall be distributed to the county, municipality and school district in the same proportion as property tax revenues are normally distributed to those recipients;

O. "standard project" means land, buildings, improvements, machinery and equipment, operating capital and other personal property for which financing assistance is provided for adequate consideration, taking into account the anticipated quantifiable benefits of the standard project, for use by an eligible entity as:

(1) industrial or manufacturing facilities;

(2) commercial facilities, including facilities for wholesale sales and services;

(3) health care facilities, including hospitals, clinics, laboratory facilities and related office facilities;

(4) educational facilities, including schools;

(5) arts, entertainment or cultural facilities, including museums, theaters, arenas or assembly halls; and

(6) recreational and tourism facilities, including parks, pools, trails, open space and equestrian facilities;

P. "project" means a standard project or a state project;

Q. "qualifying municipality or county" means a municipality or county that enters into an opt-in agreement;

R. "quantifiable benefits" means a project's advancement of an economic development goal as measured by a variety of factors, including:

(1) the benefits an eligible entity contracts to provide, such as local hiring quotas, job training commitments and installation of public facilities or infrastructure; and

(2) other benefits such as the total number of direct and indirect jobs created by the project, total amount of annual salaries to be paid as a result of the project, total gross receipts and occupancy tax collections, total property tax collections, total state corporate and personal income tax collections and other fee and revenue collections resulting from the project;

S. "school district" means a school district where a project is located that is exempt from property taxes pursuant to the Statewide Economic Development Finance Act;

T. "state in-lieu payment" means an annual payment, in an amount determined by the department, that will be distributed to a qualifying county, a school district and, if applicable, a qualifying municipality in the same proportion as property tax revenues are normally distributed to those recipients;

U. "state project" means land, buildings or infrastructure for facilities to support new or expanding eligible entities for which financing assistance is provided pursuant to the economic development assistance provisions; and

V. "tax impact of a project" means the annual reduction in property tax revenue to affected property tax revenue recipients directly resulting from the conveyance of a project to the department."

Chapter 64 Section 2 Laws 2006

Section 2. A new section of the Statewide Economic Development Finance Act, Section 6-25-6.1 NMSA 1978, is enacted to read:

"6-25-6.1. NEW MEXICO FINANCE AUTHORITY--ADDITIONAL POWERS--FEDERAL NEW MARKETS TAX CREDIT PROGRAM.--In addition to other powers granted to the authority, the authority may form, operate, own or co-own one or more nonprofit or for-profit qualified community development entities for the purpose of participation in the federal new markets tax credit program, and pursuant to participation in the federal new markets tax credit program may:

- A. apply for and obtain one or more allocations of new markets tax credits;
- B. market and sell qualified equity investments;
- C. make qualified low-income community investments; and

D. take all actions necessary or convenient to carry out the purposes of the qualified community development entity or to participate in the federal new markets tax credit program."

House Bill 277

Approved March 6, 2006

LAWS 2006, CHAPTER 65

AN ACT

RELATING TO FINANCE; AMENDING THE NEW MEXICO FINANCE AUTHORITY ACT; AUTHORIZING THE NEW MEXICO FINANCE AUTHORITY TO USE THE PUBLIC PROJECT REVOLVING FUND TO MAKE LOANS FOR SMALL PROJECTS WITHOUT SPECIFIC AUTHORIZATION BY LAW, TO CAPITALIZE PROGRAMS AUTHORIZED BY LAW AND TO FINANCE PROJECTS OF SUPPORT ORGANIZATIONS AFFILIATED WITH HIGHER EDUCATIONAL INSTITUTIONS; CHANGING THE TITLE OF EXECUTIVE DIRECTOR TO CHIEF EXECUTIVE OFFICER; AMENDING A SECTION OF LAWS 2003 TO EXTEND THE AUTHORIZATION FOR FINANCING OF URGENT ECONOMIC DEVELOPMENT PUBLIC PROJECTS WITHOUT SPECIFIC LEGISLATIVE AUTHORIZATION; DECLARING AN EMERGENCY.

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

Chapter 65 Section 1 Laws 2006

Section 1. Section 6-21-3 NMSA 1978 (being Laws 1992, Chapter 61, Section 3, as amended) is amended to read:

"6-21-3. DEFINITIONS.--As used in the New Mexico Finance Authority Act:

- A. "authority" means the New Mexico finance authority;
- B. "bond" means any bonds, notes, certificates of participation or other evidence of indebtedness;
- C. "bondholder" or "holder" means a person who is the owner of a bond, whether registered or not;
- D. "emergency public project" means a public project:

(1) made necessary by an unforeseen occurrence or circumstance threatening the public health, safety or welfare; and

(2) requiring the immediate expenditure of money that is not within the available financial resources of the qualified entity as determined by the authority;

E. "public project" means the acquisition, construction, improvement, alteration or reconstruction of assets of a long-term capital nature by a qualified entity, including land; buildings; water rights; water, sewerage and waste disposal systems; streets; airports; municipal utilities; parking facilities; and machinery, furniture and equipment. "Public project" includes all proposed expenditures related to the entire undertaking. "Public project" also includes the acquisition, construction or improvement of real property, buildings, facilities and other assets by the authority for the purpose of leasing the property;

F. "qualified entity" means the state or an agency or institution of the state or a county, municipality, school district, two-year public post-secondary educational institution, land grant corporation, acequia association, public improvement district, federally chartered college located in New Mexico, intercommunity water or natural gas supply association or corporation, special district or community water association, nonprofit foundation or other support organization affiliated with a public university, college or other higher educational institution located in New Mexico, or an Indian nation, tribe or pueblo located wholly or partially in New Mexico, including a political subdivision or a wholly owned enterprise of an Indian nation, tribe or pueblo or a consortium of those Indian entities; and

G. "security" or "securities", unless the context indicates otherwise, means bonds, notes or other evidence of indebtedness issued by a qualified entity or leases or certificates or other evidence of participation in the lessor's interest in and rights under a lease with a qualified entity and that are payable from taxes, revenues, rates, charges, assessments or user fees or from the proceeds of funding or refunding bonds, notes or other evidence of indebtedness of a qualified entity or from certificates or evidence of participation in a lease with a qualified entity."

Chapter 65 Section 2 Laws 2006

Section 2. Section 6-21-4 NMSA 1978 (being Laws 1992, Chapter 61, Section 4, as amended) is amended to read:

"6-21-4. NEW MEXICO FINANCE AUTHORITY CREATED--MEMBERSHIP--QUALIFICATIONS--QUORUM--MEETINGS--COMPENSATION--BOND.--

A. There is created a public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality to be known as the "New Mexico finance authority" for the performance of essential public functions.

B. The authority shall be composed of twelve members. The state investment officer, the secretary of finance and administration, the secretary of economic development, the secretary of energy, minerals and natural resources, the secretary of environment, the executive director of the New Mexico municipal league and the executive director of the New Mexico association of counties or their designees shall be ex-officio members of the authority with voting privileges. The governor, with the advice and consent of the senate, shall appoint to the authority the chief financial officer of a state higher educational institution and four members who are residents of the state. The appointed members shall serve at the pleasure of the governor.

C. The appointed members of the authority shall be appointed to four-year terms. The initial members shall be appointed to staggered terms of four years or less, so that the term of at least one member expires on January 1 of each year. Vacancies shall be filled by appointment by the governor for the remainder of the unexpired term. Any member of the authority shall be eligible for reappointment.

D. Each appointed member before entering upon his duty shall take an oath of office to administer the duties of his office faithfully and impartially. A record of the oath shall be filed in the office of the secretary of state.

E. The governor shall designate an appointed member of the authority to serve as chairman. The authority shall elect annually one of its members to serve as vice chairman. The authority shall appoint and prescribe the duties of such other officers, who need not be members, as the authority deems necessary or advisable, including chief executive officer and a secretary, who may be the same person. The authority may delegate to one or more of its members, officers, employees or agents such powers and duties as it may deem proper and consistent with the New Mexico Finance Authority Act.

F. The chief executive officer of the authority shall direct the affairs and business of the authority, subject to the policies, control and direction of the authority. The secretary of the authority shall keep a record of the proceedings of the authority and shall be custodian of all books, documents and papers filed with the authority, the minute book or journal of the authority and its official seal. The secretary shall make copies of all minutes and other records and documents of the authority and give certificates under the official seal of the authority to the effect that the copies are true copies, and all persons dealing with the authority may rely upon the certificates.

G. Meetings of the authority shall be held at the call of the chairman or whenever three members shall so request in writing. A majority of members then serving constitutes a quorum for the transaction of any business. The affirmative vote of at least a majority of a quorum present shall be necessary for any action to be taken by the authority. An ex-officio member may designate in writing another person to attend meetings of the authority and to the same extent and with the same effect act in his stead. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all rights and perform all duties of the authority.

H. Each member of the authority shall give bond as provided in the Surety Bond Act. All costs of the surety bonds shall be borne by the authority.

I. The authority is not created or organized, and its operations shall not be conducted, for the purpose of making a profit. No part of the revenues or assets of the authority shall benefit or be distributable to its members, officers or other private persons. The members of the authority shall receive no compensation for their services, but shall be reimbursed for actual and necessary expenses at the same rate and on the same basis as provided for public officers in the Per Diem and Mileage Act.

J. The authority shall not be subject to the supervision or control of any other board, bureau, department or agency of the state except as specifically provided in the New Mexico Finance Authority Act. No use of the terms "state agency" or "instrumentality" in any other law of the state shall be deemed to refer to the authority unless the authority is specifically referred to in the law.

K. The authority is a governmental instrumentality for purposes of the Tort Claims Act."

Chapter 65 Section 3 Laws 2006

Section 3. Section 6-21-6 NMSA 1978 (being Laws 1992, Chapter 61, Section 6, as amended) is amended to read:

"6-21-6. PUBLIC PROJECT REVOLVING FUND--PURPOSE--

ADMINISTRATION.--

A. The "public project revolving fund" is created within the authority. The fund shall be administered by the authority as a separate account, but 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 in accordance with the New Mexico Finance Authority Act.

B. Except as otherwise provided in the New Mexico Finance Authority Act, money from payments of principal of and interest on loans and payments of principal of and interest on securities held by the authority for public projects authorized specifically by law shall be deposited in the public project revolving fund. The fund shall also consist of any other money appropriated, distributed or otherwise allocated to the fund for the purpose of financing public projects authorized specifically by law.

C. Money appropriated to pay administrative costs, money available for administrative costs from other sources and money from payments of interest on loans or securities held by the authority, including payments of interest on loans and securities held by the authority for public projects authorized specifically by law, that represents payments for administrative costs shall not be deposited in the public project revolving

fund and shall be deposited in a separate account of the authority and may be used by the authority to meet administrative costs of the authority.

D. Except as otherwise provided in the New Mexico Finance Authority Act, money in the public project revolving fund is appropriated to the authority to pay the reasonably necessary costs of originating and servicing loans, grants or securities funded by the fund and to make loans or grants and to purchase or sell securities to assist qualified entities in financing public projects in accordance with the New Mexico Finance Authority Act and pursuant to specific authorization by law for each project.

E. Money in the public project revolving fund not needed for immediate disbursement, including money held in reserve, may be deposited with the state treasurer for

short-term investment pursuant to Section 6-10-10.1 NMSA 1978 or may be invested in direct and general obligations of or obligations fully and unconditionally guaranteed by the United States, obligations issued by agencies of the United States, obligations of this state or any political subdivision of the state, interest-bearing time deposits, commercial paper issued by corporations organized and operating in the United States and rated "prime" quality by a national rating service, other investments permitted by Section 6-10-10 NMSA 1978 or as otherwise provided by the trust indenture or bond resolution, if money is pledged for or secures payment of bonds issued by the authority.

F. The authority shall establish fiscal controls and accounting procedures that are sufficient to assure proper accounting for public project revolving fund payments, disbursements and balances.

G. Money on deposit in the public project revolving fund may be used to make interim loans for a term not exceeding two years to qualified entities for the purpose of providing interim financing for any project approved or funded by the legislature.

H. Money on deposit in the public project revolving fund may be used to acquire securities or to make loans to qualified entities in connection with the small loan program. As used in this subsection, "small loan program" means the program of the authority designed to provide financing for public projects in amounts not to exceed one million dollars (\$1,000,000) per project. A public project financed pursuant to the small loan program shall not require specific authorization by law.

I. Money on deposit in the public project revolving fund may be designated as a reserve for any bonds issued by the authority, including bonds payable from sources other than the public project revolving fund, and the authority may covenant in any bond resolution or trust indenture to maintain and replenish the reserve from money deposited in the public project revolving fund after issuance of bonds by the authority.

J. Money on deposit in the public project revolving fund may be used to purchase bonds issued by the authority, which are payable from any designated source of revenues or collateral. Purchasing and holding the bonds in the public project revolving fund shall not, as a matter of law, result in cancellation or merger of the bonds notwithstanding the fact that the authority as the issuer of the bonds is obligated to make the required debt service payments and the public project revolving fund held by the authority is entitled to receive the required debt service payments.

K. Money on deposit in the public project revolving fund may be used to capitalize other financing programs of the authority authorized by law, either directly or from proceeds of bonds issued by the authority and secured by money in the public project revolving fund."

Chapter 65 Section 4 Laws 2006

Section 4. Laws 2003, Chapter 325, Section 4 is amended to read:

"Section 4. DELAYED REPEAL.--The provisions of Section 6-21-6.6 NMSA 1978 are repealed effective June 30, 2009."

Chapter 65 Section 5 Laws 2006

Section 5. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 290, as amended,

with emergency clause,

Approved March 6, 2006

LAWS 2006, CHAPTER 66

AN ACT

RELATING TO TAXATION; EXTENDING THE MATURITY TIME FOR REVENUE BONDS ISSUED PURSUANT TO THE PROVISIONS OF THE COUNTY CORRECTIONAL FACILITY GROSS RECEIPTS TAX ACT.

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

Chapter 66 Section 1 Laws 2006

Section 1. Section 7-20F-10 NMSA 1978 (being Laws 1993, Chapter 303, Section 10) is amended to read:

"7-20F-10. REVENUE BONDS--TERMS.--Revenue bonds issued pursuant to provisions of the County Correctional Facility Gross Receipts Tax Act:

A. may have interest, appreciated principal value or any part thereof payable at intervals or at maturity as may be determined by the county board in the ordinance;

B. shall be subject to a prior redemption at the county's option at such time or times and upon such terms and conditions without the payment of premiums;

C. may mature at any time or times not exceeding twenty-five years after the date of issuance;

D. may be serial in form and maturity or may consist of one bond payable at one time or in installments or may be in such other form as may be determined by the county board;

E. shall be sold for cash at above or below par and at a price that results in a net effective interest rate that does not exceed the maximum permitted by the Public Securities Act; and

F. may be sold at public or negotiated sale."

House Bill 361

Approved March 6, 2006

LAWS 2006, CHAPTER 67

AN ACT

RELATING TO DEPARTMENT OF HEALTH FACILITIES; CLARIFYING THE PURPOSE FOR WHICH CERTAIN REVENUE BONDS MAY BE ISSUED; DECLARING AN EMERGENCY.

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

Chapter 67 Section 1 Laws 2006

Section 1. Laws 2005, Chapter 320, Section 8 is amended to read:

"Section 8. AUTHORIZATION FOR REVENUE BONDS--DEPARTMENT OF HEALTH FACILITIES.-- Pursuant to Laws 2003, Chapter 341, Section 4, as amended by Laws 2005, Chapter 320, Section 7, the New Mexico finance authority may issue and sell revenue bonds in compliance with the provisions of that section and the provisions of the New Mexico Finance Authority Act in an amount not exceeding thirty-nine million dollars (\$39,000,000) plus an amount equal to the costs of issuing the revenue bonds for the following purposes in the following amounts:

A. ten million three hundred thousand dollars (\$10,300,000) for capital outlay projects at the southern New Mexico rehabilitation center;

B. eleven million dollars (\$11,000,000) for capital outlay projects at the New Mexico behavioral health institute at Las Vegas;

C. four million dollars (\$4,000,000) for capital outlay projects at Fort Bayard medical center; and

D. thirteen million seven hundred thousand dollars (\$13,700,000) for use by the property control division of the general services department for land acquisition and the planning, designing, construction and equipping of a state laboratory facility in Bernalillo county for use by the department of health."

Chapter 67 Section 2 Laws 2006

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

House Bill 197,

with emergency clause,

Approved March 6, 2006

LAWS 2006, CHAPTER 68

AN ACT

RELATING TO PUBLIC AFFAIRS; CREATING "JUNETEENTH FREEDOM DAY".

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

Chapter 68 Section 1 Laws 2006

Section 1. JUNETEENTH FREEDOM DAY ESTABLISHED.--The "Juneteenth Freedom Day" is created. It shall be commemorated on the third Saturday in June of each year and be observed by:

A. reflecting on the history of African-American slavery in the United States; the experience of Africans brought to the United States in a five- to twelve-week journey across the Atlantic, the deaths of thousands of Africans who died in inhuman conditions of passage; the abuse of African-American slaves, including whipping, castration, branding and rape; the importance of the Thirteenth Amendment of the United States constitution abolishing slavery throughout the United States and its territories; and the significance of June 19, 1865, the day on which the message of freedom and abolition reached the western states; and

B. recognizing the importance of Americans of African descent as American citizens and New Mexico residents.

House Bill 228

Approved March 6, 2006

LAWS 2006, CHAPTER 69

AN ACT

RELATING TO FINANCE; AUTHORIZING THE NEW MEXICO FINANCE AUTHORITY TO PROVIDE FINANCING ASSISTANCE FROM THE ECONOMIC DEVELOPMENT REVOLVING FUND FOR PRIVATE PROJECTS; DECLARING AN EMERGENCY.

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

Chapter 69 Section 1 Laws 2006

Section 1. AUTHORIZATION OF PROJECTS.--Pursuant to the provisions of Sections 6-25-6 and 6-25-13 NMSA 1978, the legislature authorizes the New Mexico finance authority to provide financing assistance from the economic development revolving fund to eligible entities for the following standard projects, subject to detailed analysis, final approval and specific terms and conditions established by the authority:

- A. an alternative energy project in Bernalillo county;
- B. a high-tech manufacturing project in Bernalillo county;
- C. an alternative energy project in Chaves county;

- D. a building products manufacturing project in Chaves county;
- E. a parts manufacturing project in Dona Ana county;
- F. a parts manufacturing project in Eddy county;
- G. an agricultural products manufacturing project in Luna county;
- H. a hotel development project in Rio Arriba county;
- I. a hotel development project in San Miguel county;
- J. a recreation and sports entertainment project in Sandoval county;
- K. a media development project in Santa Fe county;
- L. a hospitality facility in Bernalillo county;
- M. a construction materials manufacturing production project in Bernalillo county;
- N. a construction materials manufacturing production project in Luna county;
- O. an agricultural products manufacturing project in Valencia county;
- P. a medical equipment production facility in Bernalillo county;
- Q. a professional association headquarters project in Bernalillo county;
- R. an aerospace development project in Bernalillo county;
- S. an alternative energy production facility in Colfax county;
- T. an agricultural products manufacturing project in Colfax county;
- U. an agricultural processing project in De Baca and Roosevelt counties;
- V. an aerospace development project in Dona Ana county;
- W. a food product manufacturing project in Hidalgo county;
- X. an agricultural products manufacturing project in Hidalgo county;
- Y. a medical provider project in McKinley county;

- Z. an investigation services project in Otero county;
- AA. a food product processing project in Otero county;
- BB. a hospitality facility in Quay county;
- CC. a fuel manufacturing project in Quay county;
- DD. a biomass production project in Rio Arriba county;
- EE. an agricultural products manufacturing project in San Juan county;
- FF. an equipment manufacturing project in San Juan county;
- GG. an electronic component manufacturing project in San Miguel county;
- HH. a recreation and sports entertainment project in Sandoval county;
- II. an agricultural manufacturing project in Socorro county;
- JJ. a media development project in Santa Fe county;
- KK. a medical services provider project in Santa Fe county;
- LL. a research project in Santa Fe county;
- MM. an aerospace production project in Torrance county;
- NN. a wood products manufacturing project in Torrance county;
- OO. a packaging production project in Valencia county;
- PP. a food product manufacturing project in Bernalillo county;
- QQ. a communications project in Bernalillo county; and
- RR. a high-tech manufacturing project in Dona Ana county.

Chapter 69 Section 2 Laws 2006

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

House Bill 275, as amended,

with emergency clause,

Approved March 6, 2006

LAWS 2006, CHAPTER 70

AN ACT

RELATING TO THE NEW MEXICO COMPILATION COMMISSION; AMENDING CERTAIN SECTIONS OF THE NMSA 1978 CONCERNING THE COMPOSITION AND POWERS OF THE COMMISSION.

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

Chapter 70 Section 1 Laws 2006

Section 1. Section 12-1-2 NMSA 1978 (being Laws 1953, Chapter 39, Section 2) is amended to read:

"12-1-2. NEW MEXICO COMPILATION COMMISSION--CREATION.--There is hereby established the "New Mexico compilation commission". The commission shall consist of the chief justice of the supreme court or a justice designated by the chief justice, who shall act as president of the commission, the clerk of the supreme court, the attorney general or a deputy or assistant attorney general designated by the attorney general, the state records administrator or the administrator's designee, the dean of the university of New Mexico school of law or the dean's designee, the director of the legislative council service and the president of the New Mexico state bar association or a member of the state bar commissioners appointed by the president."

Chapter 70 Section 2 Laws 2006

Section 2. Section 12-1-3 NMSA 1978 (being Laws 1977, Chapter 74, Section 2, as amended) is amended to read:

"12-1-3. POWERS OF COMMISSION.--The New Mexico compilation commission, acting on the advice and approval of an advisory committee appointed by the New Mexico supreme court, may:

A. provide for official, annotated compilations of the New Mexico statutes, including court rules governing practice and procedure in the state courts, provide for supplements to the compilations and do all other necessary things pertaining to the publication of any compilation and related publications;

B. provide for the sale of any compilation and the supplements thereto;

C. provide for exchange of compilations and supplements with exchange libraries of other states and territories;

D. contract with the publisher of any compilation as may be necessary or desirable to carry out the provisions of this section;

E. do all things necessary to keep current one or more computer databases of publications published by the compilation commission and parallel tables prepared by the commission for computerized search and manipulation; and

F. hire an executive director. The executive director shall:

(1) serve as the chief administrative officer of the commission;

(2) serve at the pleasure of the commission;

(3) carry out the policies established by the commission; and

(4) within available funding, hire such additional staff as necessary to effectuate the powers exercised by the commission."

Chapter 70 Section 3 Laws 2006

Section 3. Section 12-1-3.1 NMSA 1978 (being Laws 1982, Chapter 7, Section 2) is amended to read:

"12-1-3.1. ADDITIONAL POWERS OF COMMISSION.--The New Mexico compilation commission may publish, distribute or sell and keep current automated legal databases of the following legal publications, including any revisions:

A. New Mexico reports;

B. New Mexico municipal benchbook;

C. New Mexico magistrate benchbook;

D. advance opinions, compliance guides and informational pamphlets issued by the attorney general of New Mexico;

E. publications of laws and court and administrative rules of this state;

F. indices of attorney general opinions; and

G. parallel tables of New Mexico laws."

Chapter 70 Section 4 Laws 2006

Section 4. Section 12-1-7 NMSA 1978 (being Laws 1953, Chapter 39, Section 7, as amended) is amended to read:

"12-1-7. RECOGNITION AS OFFICIAL COMPILATION.--Upon the certification of the compilation of 1978 or any supplement by the New Mexico compilation commission, with the advice and approval of the advisory committee of the supreme court, the compilation or supplement shall be in force, and printed and electronic copies thereof shall be received, recognized, referred to and used in all the courts and in all departments and offices of the state as the official compilation of the statutory law of New Mexico and may be cited as the "NMSA 1978"."

Chapter 70 Section 5 Laws 2006

Section 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 668

Approved March 6, 2006

LAWS 2006, CHAPTER 71

AN ACT

RELATING TO MOTOR CARRIERS; CHANGING PROVISIONS OF THE MOTOR CARRIER ACT TO COMPLY WITH THE FEDERAL UNIFIED CARRIER REGISTRATION ACT OF 2005; PRESCRIBING A PENALTY ASSESSMENT MISDEMEANOR FOR FAILURE TO REGISTER WITH A BASE STATE; PROVIDING FOR A CONTINGENT EFFECTIVE DATE, WITH NOTIFICATION TO THE NEW MEXICO COMPILATION COMMISSION AND THE LEGISLATIVE COUNCIL SERVICE.

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

Chapter 71 Section 1 Laws 2006

Section 1. Section 65-2A-16 NMSA 1978 (being Laws 2003, Chapter 359, Section 16) is amended to read:

"65-2A-16. INTERSTATE MOTOR CARRIERS.--

A. Foreign and domestic motor carriers, motor private carriers, leasing companies, brokers and freight forwarders shall not operate in interstate commerce in

this state without first registering with a base state and paying all fees as required under the federal Unified Carrier Registration Act of 2005. The commission is authorized to register applicants and collect all fees without notice or a public hearing.

B. The commission is authorized to follow rules and collect fee assessments set by the federal secretary of transportation from foreign and domestic motor carriers, motor private carriers, leasing companies, brokers and freight forwarders, and do all things necessary to enable New Mexico to participate in the federal unified carrier registration system pursuant to the federal Unified Carrier Registration Act of 2005, including the collection of an equal amount of revenue as was collected by the commission in the last registration year under Section 4005 of the federal Intermodal Surface Transportation Efficiency Act of 1991 and the collection of an equal amount of revenue annually from all other sources allowed under the Unified Carrier Registration Act of 2005 in the last year that such collections were not prohibited by federal law.

C. The commission is the state agency in New Mexico responsible for operation of the federal Unified Carrier Registration Act of 2005, including participating in the development, implementation and administration of the unified carrier registration agreement. The commission is authorized to follow rules governing the unified carrier registration agreement issued under the unified carrier registration plan by its board of directors.

D. Compliance by an interstate motor carrier with the provisions of the federal Unified Carrier Registration Act of 2005 shall not authorize a carrier to provide intrastate transportation services in New Mexico. An interstate motor carrier wishing to provide compensated transportation in intrastate commerce shall apply for the appropriate intrastate operating authority from the commission. A taxicab service or terminal shuttle service is engaged in nonexempt intrastate business within the state regardless of a prior exemption if its service provides, with regard to any service run, for both:

(1) initiation of the transportation of one or more passengers within this state; and

(2) delivery to a departure point within this state of one or more passengers whose transportation on that service run was initiated at a point within this state."

Chapter 71 Section 2 Laws 2006

Section 2. Section 66-8-116.2 NMSA 1978 (being Laws 1989, Chapter 319, Section 13, as amended) is amended to read:

"66-8-116.2. PENALTY ASSESSMENT MISDEMEANORS--MOTOR CARRIER ACT.--As used in the Motor Vehicle Code and the Motor Carrier Act, "penalty

assessment misdemeanor" means, in addition to the definitions of that term in Sections 66-8-116 and 66-8-116.1 NMSA 1978, violation of the following listed sections of the NMSA 1978 for which the listed penalty is established:

A. GENERAL

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY	ASSESSMENT
Failure to register motor carrier	66-3-1.1	\$100.00	
Failure to carry identification card	65-1-26	50.00	
Failure to comply with public regulation commission rules and regulations	65-2A-7	50.00	
Failure to carry single state registration receipt issued by a base state	65-2A-7	50.00	
Failure to register with a base state under the federal Unified Carrier Registration Act of 2005	65-2A-7	50.00	
Failure to stop at designated			

registration place 65-5-1 100.00

Failure to obtain

proper clearance

certificates 65-5-3 100.00.

B. VEHICLE OUT-OF-SERVICE VIOLATIONS

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
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Absence of braking action	65-3-9	\$100.00
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Damaged brake lining or pads	65-3-9	50.00
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Loose or missing brake

components	65-3-12	100.00
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Inoperable breakaway braking

system	65-3-12	50.00
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Defective or damaged brake

tubing	65-3-12	50.00
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Inoperative low pressure

warning device	65-3-9	50.00
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Reservoir pressure not

maintained	65-3-12	100.00
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Inoperative tractor

protection valve	65-3-9	100.00
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Damaged or loose air

compressor	65-3-12	100.00
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Audible air leak at brake

chamber	65-3-12	50.00
Defective safety devices--		
chains or hooks	65-3-9100.00	
Defective towing or coupling		
devices	65-3-9100.00	
Defective exhaust systems		
	65-3-930.00	
Frame defects--trailers	65-3-12	100.00
Frame defects--other	65-3-9100.00	
Defective fuel systems	65-3-950.00	
Missing or inoperative		
lamps	65-3-925.00	
Missing lamps on projecting		
loads	65-3-950.00	
Missing or inoperative		
turn signal	65-3-925.00	
Unsafe loading	65-3-8100.00	
Excessive steering wheel		
play	65-3-9100.00	
Steering column defects	65-3-9100.00	
Steering box or steering		
system defects	65-3-9100.00	
Suspension system defects	65-3-950.00	
Defective springs or spring		

assembly 65-3-950.00

Defective tires--steering

axle 65-3-9100.00

Defective tires--other axles 65-3-930.00

Defective wheels and rims 65-3-950.00

Defective or missing

windshield wipers 65-3-930.00

Defective or inoperative

emergency exit--bus 65-3-9100.00.

C. DRIVER OUT-OF-SERVICE VIOLATIONS

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
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Driver's age	65-3-7	\$30.00
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Driver not licensed for

type of vehicle being

operated 65-3-7 30.00

Failure to have valid

commercial driver's license

in possession 66-5-59 30.00

No waiver of physical

disqualification

in possession 65-3-7 30.00

Sickness or fatigue 65-3-8 100.00

Driver disqualification 65-3-7 500.00

Exceeding the 10-hour driving rule	65-3-11	100.00
Exceeding the 15-hour on duty rule	65-3-11	100.00
Exceeding the 60 hours in 7 days on duty rule	65-3-11	100.00
Exceeding 70 hours in 8 days on duty rule	65-3-11	100.00
False log book	65-3-11	100.00.

D. HAZARDOUS MATERIALS OUT-OF-SERVICE VIOLATIONS

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Placarding violations	65-3-13	\$250.00
Cargo tank not meeting specifications	65-3-13	250.00
Internal valve operation violations	65-3-13	250.00
Hazardous materials packaging violations	65-3-13	250.00
Insecure load--hazardous materials	65-3-13	250.00
Shipping papers violations	65-3-13	30.00
Shipment of forbidden combination of hazardous		

materials	65-3-13	250.00	
No hazardous waste manifest	65-3-13	30.00	
Bulk packaging marking			
violations	65-3-13	30.00	
Cargo tank marking violations	65-3-13	30.00."	

Chapter 71 Section 3 Laws 2006

Section 3. CONTINGENT EFFECTIVE DATE--NOTIFICATION.-- The effective date of the provisions of this act is January 1, 2007, unless congress or the United States department of transportation delays the implementation of the federal Unified Carrier Registration Act of 2005. If implementation of that act is delayed, the effective date of the provisions of this act will be the date determined by the federal government. The public regulation commission shall notify the New Mexico compilation commission and the legislative council service if the effective date of this act is delayed and when this act becomes effective.

House Bill 419

Approved March 6, 2006

LAWS 2006, CHAPTER 72

AN ACT

RELATING TO TAXATION; DELAYING THE SUNSET PROVISION FOR THE GROSS RECEIPTS TAX DEDUCTION FOR CERTAIN MILITARY ACQUISITION PROGRAMS IN NEW MEXICO.

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

Chapter 72 Section 1 Laws 2006

Section 1. Section 7-9-94 NMSA 1978 (being Laws 2005, Chapter 104, Section 23) is amended to read:

"7-9-94. DEDUCTION--GROSS RECEIPTS--MILITARY TRANSFORMATIONAL ACQUISITION PROGRAMS.--

A. Receipts from transformational acquisition programs performing research and development, test and evaluation at New Mexico major range and test facility bases pursuant to contracts entered into with the United States department of defense may be deducted from gross receipts through June 30, 2016.

B. As used in this section, "transformational acquisition program" means a military acquisition program authorized by the office of the secretary of defense force transformation, and not physically tested in New Mexico on or before July 1, 2005.

C. The deduction provided in this section does not apply to receipts of a prime contractor operating facilities designated as a national laboratory by act of congress and is not applicable to current force programs as of July 1, 2005."

House Bill 109

Approved March 6, 2006

LAWS 2006, CHAPTER 73

AN ACT

RELATING TO TAXATION; PROVIDING FOR A REFUND OF SPECIAL FUEL EXCISE TAX PAID ON SPECIAL FUEL USED TO PROPEL A SCHOOL BUS AUTHORIZED BY A PUBLIC SCHOOL DISTRICT.

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

Chapter 73 Section 1 Laws 2006

Section 1. Section 7-16A-13.1 NMSA 1978 (being Laws 2001, Chapter 43, Section 2, as amended) is amended to read:

"7-16A-13.1. CLAIM FOR REFUND OF SPECIAL FUEL EXCISE TAX PAID ON SPECIAL FUEL.--

A. Upon the submission of proof satisfactory to the department, a user of special fuel, other than a holder of a bulk storage user permit, may submit and the department may allow a claim for refund of tax paid on special fuel used to propel a vehicle authorized by contract with the public education department or with a public school district as a school bus, to propel a vehicle off-road, to operate auxiliary equipment by a power take-off from the main engine or transmission of a vehicle or to operate a nonautomotive apparatus mounted on a vehicle when the special fuel used for such purposes and the special fuel used to propel the vehicle on the highways are drawn from a common supply tank. The vehicle must be registered with the department.

The user must be registered with the department for purposes of reporting and paying gross receipts tax.

B. No person may submit claims for refund pursuant to the provisions of this section more frequently than quarterly. No claim for refund may be submitted or allowed on less than one hundred gallons.

C. The department may prescribe the documents necessary to support a claim for refund pursuant to the provisions of this section. The department may prescribe the use of types of monitoring or measuring equipment.

D. This section applies to special fuel purchased on or after July 1, 2001, except for the refund for special fuel used to propel a school bus, which applies to special fuel purchased on or after July 1, 2005."

Chapter 73 Section 2 Laws 2006

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 381

Approved March 6, 2006

LAWS 2006, CHAPTER 74

AN ACT

RELATING TO SPECIAL FUELS; ELIMINATING SPECIAL BULK STORAGE USER PERMITS AND A SPECIAL FUEL EXCISE TAX DEDUCTION FOR SPECIAL BULK STORAGE USER PERMIT HOLDERS; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

Chapter 74 Section 1 Laws 2006

Section 1. Section 7-16A-10 NMSA 1978 (being Laws 1992, Chapter 51, Section 10, as amended) is amended to read:

"7-16A-10. DEDUCTIONS--SPECIAL FUEL EXCISE TAX--SPECIAL FUEL SUPPLIERS.-- In computing the tax due, the following amounts of special fuel may be

deducted from the total amount of special fuel received in New Mexico during the tax period, provided that satisfactory proof thereof is furnished to the department:

A. special fuel received in New Mexico, but exported from this state by a rack operator, special fuel supplier or dealer, other than in the fuel supply tank of a motor vehicle or sold for export by a rack operator or distributor; provided that, in either case:

(1) the person exporting the special fuel is registered in or licensed by the destination state to pay that state's special fuel or equivalent fuel tax;

(2) proof is submitted that the destination state's special fuel or equivalent fuel tax has been paid or is not due with respect to the special fuel; or

(3) the destination state's special fuel or equivalent fuel tax is paid to New Mexico in accordance with the terms of an agreement entered into pursuant to Section 9-11-12 NMSA 1978 with the destination state;

B. special fuel sold to the United States or any agency or instrumentality thereof for the exclusive use of the United States or any agency or instrumentality thereof. Special fuel sold to the United States includes special fuel delivered into the supply tank of a government-licensed vehicle;

C. special fuel sold to the state of New Mexico or any political subdivision, agency or instrumentality thereof for the exclusive use of the state of New Mexico or any political subdivision, agency or instrumentality thereof. Special fuel sold to the state of New Mexico includes special fuel delivered into the supply tank of a government-licensed vehicle;

D. special fuel sold to an Indian nation, tribe or pueblo or any agency or instrumentality thereof for the exclusive use of the Indian nation, tribe or pueblo or any agency or instrumentality thereof. Special fuel sold to an Indian nation, tribe or pueblo includes special fuel delivered into the supply tank of a government-licensed vehicle;

E. special fuel dyed in accordance with federal regulations; and

F. special fuel that is number 2 diesel fuel sold for the generation of power to propel a vehicle authorized by contract with the public education department as a school bus; provided that the fuel has a distillation temperature of five hundred degrees Fahrenheit at a ten percent recovery point and six hundred forty degrees Fahrenheit at a ninety percent recovery point."

Chapter 74 Section 2 Laws 2006

Section 2. Section 7-16A-13.1 NMSA 1978 (being Laws 2001, Chapter 43, Section 2, as amended) is amended to read:

"7-16A-13.1. CLAIM FOR REFUND OF SPECIAL FUEL EXCISE TAX PAID ON SPECIAL FUEL.--

A. Upon the submission of proof satisfactory to the department, a user of special fuel may submit and the department may allow a claim for refund of tax paid on special fuel used to propel a vehicle authorized by contract with the public education department as a school bus, to propel a vehicle off-road, to operate auxiliary equipment by a power take-off from the main engine or transmission of a vehicle or to operate a non-automotive apparatus mounted on a vehicle when the special fuel used for such purposes and the special fuel used to propel the vehicle on the highways are drawn from a common supply tank. The vehicle must be registered with the department. The user must be registered with the department for purposes of reporting and paying gross receipts tax.

B. No person may submit claims for refund pursuant to the provisions of this section more frequently than quarterly. No claim for refund may be submitted or allowed on less than one hundred gallons.

C. The department may prescribe the documents necessary to support a claim for refund pursuant to the provisions of this section. The department may prescribe the use of types of monitoring or measuring equipment.

D. This section applies to special fuel purchased on or after July 1, 2001, except for the refund for special fuel used to propel a school bus, which applies to special fuel purchased on or after July 1, 2005."

Chapter 74 Section 3 Laws 2006

Section 3. REPEAL.--Section 7-16A-8 NMSA 1978 (being Laws 1992, Chapter 51, Section 8, as amended) is repealed.

House Bill 199

Approved March 6, 2006

LAWS 2006, CHAPTER 75

AN ACT

RELATING TO TAXATION; ENACTING THE TAX INCREMENT FOR DEVELOPMENT ACT; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

Chapter 75 Section 1 Laws 2006

Section 1. SHORT TITLE.--Sections 1 through 27 of this act may be cited as the "Tax Increment for Development Act".

Chapter 75 Section 2 Laws 2006

Section 2. FINDINGS AND PURPOSE.--

A. The purpose of the Tax Increment for Development Act is to create a mechanism for providing gross receipts tax financing and property tax financing for public infrastructure for the purpose of supporting economic development and job creation.

B. The legislature finds and declares that the powers conferred by the Tax Increment for Development Act are for public uses and purposes for which public money may be expended and the public power exercised, and that it is necessary and in the public interest for the provisions enacted in the Tax Increment for Development Act to be declared as a matter of legislative determination.

Chapter 75 Section 3 Laws 2006

Section 3. DEFINITIONS.--As used in the Tax Increment for Development Act:

A. "base gross receipts taxes" means:

(1) the total amount of gross receipts taxes collected within a tax increment development district, as estimated by the governing body that adopted a resolution to form that district, in consultation with the taxation and revenue department, in the calendar year preceding the formation of the tax increment development district or, when an area is added to an existing district, the amount of gross receipts taxes collected in the calendar year preceding the effective date of the modification of the tax increment development plan and designated by the governing body to be available as part of the gross receipts tax increment; and

(2) any amount of gross receipts taxes that would have been collected in such year if any applicable additional gross receipts taxes imposed after that year had been imposed in that year;

B. "base property taxes" means:

(1) the portion of property taxes produced by the total of all property tax levied at the rate fixed each year by each governing body levying a property tax on the assessed value of taxable property within the tax increment development area last certified for the year ending immediately prior to the year in which a tax increment development plan is approved for the tax increment development area, or, when an

area is added to an existing tax increment development area, "base property taxes" means that portion of property taxes produced by the total of all property tax levied at the rate fixed each year by each governing body levying a property tax upon the assessed value of taxable property within the tax increment development area on the date of the modification of the tax increment development plan and designated by the governing body to be available as part of the property tax increment; and

(2) any amount of property taxes that would have been collected in such year if any applicable additional property taxes imposed after that year had been imposed in that year;

C. "county option gross receipts taxes" means gross receipts taxes imposed by counties pursuant to the County Local Option Gross Receipts Taxes Act and designated by the governing body of the county to be available as part of the gross receipts tax increment;

D. "district" means a tax increment development district;

E. "district board" means a board formed in accordance with the provisions of the Tax Increment for Development Act to govern a tax increment development district;

F. "enhanced services" means public services provided by a municipality or county within the district at a higher level or to a greater degree than otherwise available to the land located in the district from the municipality or county, including such services as public safety, fire protection, street or sidewalk cleaning or landscape maintenance in public areas; provided that "enhanced services" does not include the basic operation and maintenance related to infrastructure improvements financed by the district pursuant to the Tax Increment for Development Act;

G. "governing body" means the city council or city commission of a city, the board of trustees or council of a town or village or the board of county commissioners of a county;

H. "gross receipts tax increment" means the gross receipts taxes collected within a tax increment development district in excess of the base gross receipts taxes collected for the duration of the existence of a tax increment development district and distributed to the district in the same manner as distributions are made under the provisions of the Tax Administration Act;

I. "gross receipts tax increment bonds" means bonds issued by a district in accordance with the Tax Increment for Development Act, the pledged revenue for which is a gross receipts tax increment;

J. "local government" means a municipality or county;

K. "municipal option gross receipts taxes" means those gross receipts taxes imposed by municipalities pursuant to the Municipal Local Option Gross Receipts Taxes Act and designated by the governing body of the municipality to be available as part of the gross receipts tax increment;

L. "municipality" means an incorporated city, town or village;

M. "owner" means a person owning real property within the boundaries of a district;

N. "person" means an individual, corporation, association, partnership, limited liability company or other legal entity;

O. "project" means a tax increment development project;

P. "property tax increment" means all property tax collected on real property within the designated tax increment development area that is in excess of the base property tax until termination of the district and distributed to the district in the same manner as distributions are made under the provisions of the Tax Administration Act;

Q. "property tax increment bonds" means bonds issued by a district in accordance with the Tax Increment for Development Act, the pledged revenue for which is a property tax increment;

R. "public improvements" means on-site improvements and off-site improvements that directly or indirectly benefit a tax increment development district or facilitate development within a tax increment development area and that are dedicated to the governing body in which the district lies. "Public improvements" include:

(1) sanitary sewage systems, including collection, transport, treatment, dispersal, effluent use and discharge;

(2) drainage and flood control systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;

(3) water systems for domestic, commercial, office, hotel or motel, industrial, irrigation, municipal or fire protection purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;

(4) highways, streets, roadways, bridges, crossing structures and parking facilities, including all areas for vehicular use for travel, ingress, egress and parking;

(5) trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for travel, ingress, egress and parking;

(6) pedestrian and transit facilities, parks, recreational facilities and open space areas for the use of members of the public for entertainment, assembly and recreation;

(7) landscaping, including earthworks, structures, plants, trees and related water delivery systems;

(8) public buildings, public safety facilities and fire protection and police facilities;

(9) electrical generation, transmission and distribution facilities;

(10) natural gas distribution facilities;

(11) lighting systems;

(12) cable or other telecommunications lines and related equipment;

(13) traffic control systems and devices, including signals, controls, markings and signage;

(14) school sites and facilities with the consent of the governing board of the public school district for which the facility is to be acquired, constructed or renovated;

(15) library and other public educational or cultural facilities;

(16) equipment, vehicles, furnishings and other personal property related to the items listed in this subsection;

(17) inspection, construction management, planning and program management and other professional services costs incidental to the project;

(18) workforce housing; and

(19) any other improvement that the governing body determines to be for the use or benefit of the public;

S. "resident qualified elector" means a person who resides within the boundaries of a tax increment development district or proposed tax increment development district and who is qualified to vote in the general elections held in the state pursuant to Section 1-1-4 NMSA 1978;

T. "state gross receipts tax" means the gross receipts tax imposed pursuant to the Gross Receipts and Compensating Tax Act, but does not include that

portion distributed to municipalities pursuant to Sections 7-1-6.4 and 7-1-6.46 NMSA 1978 or to counties pursuant to Section 7-1-6.47 NMSA 1978;

U. "sustainable development" means land development that achieves sustainable economic and social goals in ways that can be supported for the long term by conserving resources, protecting the environment and ensuring human health and welfare using mixed-use, pedestrian-oriented, multimodal land use planning;

V. "tax increment development area" means the land included within the boundaries of a tax increment development district;

W. "tax increment development district" means a district formed for the purposes of carrying out tax increment development projects;

X. "tax increment development plan" means a plan for the undertaking of a tax increment development project;

Y. "tax increment development project" means activities undertaken within a tax increment development area to enhance the sustainability of the local, regional or statewide economy; to support the creation of jobs, schools and workforce housing; and to generate tax revenue for the provision of public improvements and may include:

(1) acquisition of land within a designated tax increment development area or a portion of that tax increment development area;

(2) demolition and removal of buildings and improvements and installation, construction or reconstruction of streets, utilities, parks, playgrounds and improvements necessary to carry out the objectives of the Tax Increment for Development Act;

(3) installation, construction or reconstruction of streets, water utilities, sewer utilities, parks, playgrounds and other public improvements necessary to carry out the objectives of the Tax Increment for Development Act;

(4) disposition of property acquired or held by a tax increment development district as part of the undertaking of a tax increment development project at the fair market value of such property for uses in accordance with the Tax Increment Development Act;

(5) payments for professional services contracts necessary to implement a tax increment development plan or project;

(6) borrowing to purchase land, buildings or infrastructure in an amount not to exceed the revenue stream that may be derived from the gross receipts tax increment or the property tax increment estimated to be received by a tax increment development district; and

(7) grants for public improvements essential to the location or expansion of a business;

Z. "taxing entity" means the governing body of a political subdivision of the state, the gross receipts tax increment or property tax increment of which may be used for a tax increment development project; and

AA. "workforce housing" means decent, safe and sanitary dwellings, apartments, single-family dwellings or other living accommodations that are affordable for persons or families earning less than eighty percent of the median income within the county in which the tax increment development project is located; provided that an owner-occupied housing unit is affordable to a household if the expected sales price is reasonably anticipated to result in monthly housing costs that do not exceed thirty-three percent of the household's gross monthly income; provided that:

(1) determination of mortgage amounts and payments are to be based on down payment rates and interest rates generally available to lower- and moderate-income households; and

(2) a renter-occupied housing unit is affordable to a household if the unit's monthly housing costs, including rent and basic utility and energy costs, do not exceed thirty-three percent of the household's gross monthly income.

Chapter 75 Section 4 Laws 2006

Section 4. RESOLUTION FOR FORMATION OF A DISTRICT.--

A. A tax increment development plan may be approved by the governing body of the municipality or county within which tax increment development projects are proposed. Upon filing with the clerk of the governing body of an approved tax increment development plan and upon receipt of a petition bearing the signatures of the owners of at least fifty percent of the real property located within a proposed tax increment development area, the governing body may adopt a resolution declaring its intent to form a tax increment development district. Prior to the formation of a district, the owner or developer of the real property located within an area proposed to be designated as a tax increment development area may enter into an agreement with the governing body concerning the improvement of specific property within the district, and that agreement may be used to establish obligations of the owner or developer and the governing body concerning the zoning, subdivision, improvement, impact fees, financial responsibilities and other matters relating to the development, improvement and use of real property within the district.

B. A governing body may adopt a resolution on its own motion upon its finding that a need exists for the formation of a district.

C. The resolution to form a district shall include:

- district;
- (1) the area or areas to be included within the boundaries of the district;
 - (2) the purposes for which the district is to be formed;
 - (3) a statement that a tax increment development plan is on file with the clerk of the governing body and that the plan includes a map depicting the boundaries of the tax increment development area and the real property proposed to be included in the area;
 - (4) the rate of any proposed property tax levy;
 - (5) identification of gross receipts tax increment and property tax increment financing mechanisms proposed;
 - (6) identification of gross receipts tax increments and property tax increments proposed to secure proposed gross receipts tax increment bonds or property tax increment bonds;
 - (7) requirement of a public hearing for the formation of the district and notice of the hearing;
 - (8) a statement that formation of a district may result in the use of gross receipts tax increments or property tax increments to pay the costs of construction of public improvements made by the district; and
 - (9) a reference to the Tax Increment for Development Act.

D. A resolution may direct that, prior to holding a hearing on formation of a district, petitioners for the formation of a district prepare a study of the feasibility, the financing and the estimated costs of improvements, services and benefits to result from the formation of the proposed district. The governing body may require those petitioners to deposit with the clerk or treasurer of the governing body an amount equal to the estimated costs of conducting the study and other estimated formation costs. The deposit shall be reimbursed if the district is formed and if gross receipts tax increment bonds or property tax increment bonds are issued by that district pursuant to the Tax Increment for Development Act.

E. A resolution adopted pursuant to this section shall direct that a public hearing on formation of the district be scheduled and that notice of the hearing be mailed and published.

Chapter 75 Section 5 Laws 2006

Section 5. CONTENTS OF TAX INCREMENT DEVELOPMENT PLAN.--A tax increment development plan shall include:

A. a map depicting the geographical boundaries of the area proposed for inclusion within the tax increment development area;

B. the estimated time necessary to complete the tax increment development project;

C. a description and the estimated cost of all public improvements proposed for the tax increment development project;

D. whether it is proposed to use gross receipts tax increment bonds or property tax increment bonds or both to finance all or part of the public improvements;

E. the estimated annual gross receipts tax increment to be generated by the tax increment development project and the portion of that gross receipts tax increment to be allocated during the time necessary to complete the payment of the tax increment development project;

F. the estimated annual property tax increment to be generated by the tax increment development project and the portion of that property tax increment to be allocated during the time necessary to complete the payment of the tax increment development project;

G. the general proposed land uses for the tax increment development project;

H. the number and types of jobs expected to be created by the tax increment development project;

I. the amount and characteristics of workforce housing expected to be created by the tax increment development project;

J. the location and characteristics of public school facilities expected to be created, improved, rehabilitated or constructed by the tax increment development project;

K. a description of innovative planning techniques, including mixed-use transit-oriented development, traditional neighborhood design or sustainable development techniques, that are deemed by the governing body to be beneficial and that will be incorporated into the tax increment development project; and

L. the amount and type of private investment in each tax increment development project.

Chapter 75 Section 6 Laws 2006

Section 6. NOTICE OF PUBLIC HEARING.--

A. Upon adoption of a resolution indicating an intent to form a tax increment development district, a governing body shall set a date no sooner than thirty days and no later than sixty days after the adoption of the resolution for a public hearing regarding the formation of the district.

B. Notice of the hearing shall be provided by the governing body by:

(1) publication once each week for two consecutive weeks in a newspaper of general circulation in the municipality or county in which the proposed district is located;

(2) posting in a prominent location on property located within the proposed tax increment development area for fourteen days prior to the hearing; and

(3) written notice via registered or certified United States mail, postage prepaid, to all owners of real property within the proposed tax increment development area no later than ten days prior to the hearing.

C. The notice of the hearing shall contain:

(1) the date, time and place of the hearing;

(2) information regarding alternative methods for submission of objects or comments;

(3) a statement that the formation of a district is proposed;

(4) a map showing the boundaries of the proposed district; and

(5) a statement that a tax increment development plan is on file with the clerk of the governing body and may be reviewed upon request.

D. A summary of the resolution declaring the governing body's intent to form a tax increment development district shall be attached to a notice issued pursuant to this section. The clerk of the governing body shall mail a copy of the notice to each owner of real property within the proposed tax increment development area and to all other persons claiming an interest in the property who have filed a written request for a copy of the notice within the six months preceding or at any time following the adoption of the resolution. The clerk of the governing body shall publish a copy of the notice and resolution summary at least twice in a newspaper of general circulation in the municipality or county in which the proposed tax increment development district is located. The clerk of the governing body shall obtain an affidavit from that newspaper after each publication is made. The clerk of the governing body shall cause the affidavits to be placed in the official records of the municipality or county. The affidavits are conclusive evidence of the mailing and publishing of notice. Notice shall not be held invalid for failure of delivery to the addressee.

E. A clerk of a governing body who is informed of a transfer of ownership of real property within a proposed district and who obtains the name and address of the current property owner shall mail a copy of the notice and resolution as soon as practicable after learning of the transfer.

Chapter 75 Section 7 Laws 2006

Section 7. PUBLIC HEARING.--

A. At a public hearing conducted pursuant to the Tax Increment for Development Act, the governing body shall hear all relevant evidence and testimony and make findings. A record of the hearing shall be kept and may consist of a transcription by a court reporter, an electronic recording or minutes taken by a designated person. The record shall be preserved in the official records of the governing body and shall be open to public inspection pursuant to the Inspection of Public Records Act.

B. Testimony at a hearing is not required to be given under oath.

C. At the conclusion of a hearing, the governing body shall determine whether the tax increment development district should be formed based upon the interests, convenience or necessity of the owners, the residents of the proposed tax increment development district and the residents of the municipality or county in which the proposed tax increment development district is to be located. The governing body shall make the following findings before adopting a resolution to approve the formation of a district:

(1) the tax increment development plan reasonably protects the interests of the governing body in meeting its goals to support:

(a) job creation;

(b) workforce housing;

(c) public school facility creation and improvement, including the creation and improvement of facilities for charter schools; and

(d) underdeveloped area or historical area redevelopment;

(2) the tax increment development plan demonstrates elements of innovative planning techniques, including mixed-use transit-oriented development, traditional neighborhood design or sustainable development techniques, that are deemed by the governing body to benefit community development;

(3) the tax increment development plan incorporates sustainable development considerations; and

(4) the tax increment development plan conforms to general or long-term planning of the governing body.

D. If the governing body determines that the district should be formed, it shall adopt a resolution ordering that the tax increment development district be formed and shall set the matter for an election or declare that an election is waived, as provided in the Tax Increment for Development Act.

Chapter 75 Section 8 Laws 2006

Section 8. ELECTION.--

A. The election procedures set forth in this section shall be used for:

- (1) formation of a new tax increment development district;
- (2) election of a district board member;
- (3) adoption of a property tax levy by a tax increment development district;
- (4) use of property tax increment financing by a tax increment development district; or
- (5) issuing of property tax increment bonds to be repaid by funds raised by property tax increments.

B. An election may be waived and a tax increment development district shall be formed upon the governing body's adoption of a resolution to form a tax increment development district if a petition is presented to a governing body in accordance with the Tax Increment for Development Act and if the petition contains the signatures of all owners of the real property within the proposed tax increment development area and states that the owners waive the right to an election.

C. An election pursuant to the Tax Increment for Development Act shall be a nonpartisan election called by posting notices in three public places within the boundaries of the district not less than twenty days before the election. Notice shall also be published in a newspaper of general circulation once each week for two consecutive weeks before the election in the municipality or county in which the proposed district is located.

D. The notice shall state:

- (1) the place of holding the election and provisions for voting by mail, if any;

(2) the hours during the day during which the polls will be open;

(3) if the election is a formation election, the boundaries of the proposed tax increment development district;

(4) if the election is a bond election, the purpose for which the bonds are to be issued and the amount of the issue;

(5) if the election is a property tax levy election, the maximum tax rate per one thousand dollars (\$1,000) of assessed valuation to be imposed, the purposes for which the revenues raised will be used and the existing maximum tax rate, if any;

(6) that an approved tax increment development plan is on file with the clerk of the governing body;

(7) the purposes for which property taxes will be imposed and for which the revenues raised will be used, including a description of the public improvements to be financed with tax revenues, bond proceeds or other revenues of the tax increment development district; and

(8) that the imposition of property taxes will result in a lien for the payment on property within the district.

E. The district board, or, in the case of a formation election, the governing body, shall determine the date of the election and the polling places for the election and may consolidate county precincts. The district board or the governing body may establish provisions for voting by mail.

F. Voter lists shall be used to determine the resident qualified electors. If a district or proposed district includes land lying partly in and partly out of any county election precinct, the voter lists may contain the names of all registered voters in the precinct, and the precinct boards at these precincts shall require that a prospective elector execute an affidavit stating that the elector is also a resident qualified elector.

G. For an election held pursuant to the Tax Increment for Development Act, a prospective elector who is not a resident qualified elector shall execute an affidavit stating that the elector is the owner of land in the proposed or existing district and stating the area of land in acres owned by the prospective elector. If the prospective elector is not an individual, the affidavit shall provide that the individual casting the vote is the designated representative of the corporation, association, partnership, limited liability company or other legal entity entitled to vote in the election. Precinct board members may administer oaths or accept affirmations for those purposes.

H. Except as otherwise provided by this section, the election shall comply with the general election laws of the state. The ballot material provided to each voter shall include:

(1) for a formation election, an impartial description of the tax increment development plan and a brief description of arguments for and against the formation of the tax increment development district, if any;

(2) for an election concerning the imposition of property taxes, an impartial description of the taxes to be imposed, the method of apportionment, collection and enforcement and other details sufficient to enable each resident qualified elector to determine the amount of tax it will be obligated to pay; a brief description of arguments for and against the imposition of taxes that are the subject of the election, if any; and a statement that the imposition of property taxes is for the provision of certain, but not necessarily all, public improvements that may be needed or desirable within the tax increment development district, and that other taxes, levies or assessments by other governmental entities may be presented for approval by owners and resident qualified electors;

(3) for an election concerning the use of property tax increment financing, an impartial description of the estimated increment to be generated over the life of the project and the nature and extent of the public improvements to be constructed and maintained using such financing;

(4) for a formation election, the question to be voted upon as "district, yes" and "district, no";

(5) for a property tax imposition election, the question to be voted upon as "property tax, yes" and "property tax, no";

(6) for an election to change an existing maximum tax or eliminate an existing tax, the question to be voted upon as "tax change, yes" and "tax change, no" and shall specify the type of tax to which the proposed change pertains; and

(7) for an election concerning the use of property tax increment bonds, the ballot shall pose the question to be voted upon as "bonds, yes" and "bonds, no".

I. The governing body or, if after district formation, the district board, may provide for the returns of the election to be made in person or by mail.

J. Within thirty days after an election, the governing body, or if after district formation, the district board, shall meet and canvass the returns, determining the number of votes properly cast by owners and resident qualified electors. A majority of the votes cast at the election shall be required. The canvass may be continued for an additional period not to exceed thirty days at the election of the governing body or

district board for the purpose of completing the canvass. Failure of a majority to vote in favor of the matter submitted shall not prejudice the submission of the same or similar matters at a later election; provided that an election on the same question shall not be held within one year of the failure of a majority to vote in favor of that question.

K. If a person transfers real property located in a district and the name of the successor owner becomes known and is verified by recorded deed or other similar evidence of transfer of ownership, the successor owner is deemed to be the owner of the real property for the purposes of the Tax Increment for Development Act.

L. If there are no persons registered to vote within a district or proposed district within fifty days immediately preceding a scheduled election date, an election required to be held pursuant to the Tax Increment for Development Act shall be held by vote of the owners of property within the district or proposed district. Each owner shall have the number of votes or portion of votes equal to the number of acres or portion of acres rounded upward to the nearest one-fifth of an acre owned in the district by that owner.

M. In an election held pursuant to the Tax Increment for Development Act, an owner who is also a resident qualified elector shall have the number of votes or portion of votes equal to the number of acres or portion of acres rounded upward to the nearest one-fifth of an acre owned in the district by that owner and shall not be entitled to an additional vote as a result of residing within the district.

Chapter 75 Section 9 Laws 2006

Section 9. FORMATION OF A DISTRICT.--

A. If the formation of the tax increment development district is approved by a majority of the voters casting votes at the election, or if an election is held by vote of the owners of property within the district or proposed district, the governing body shall deliver a copy of the resolution ordering formation of the tax increment development district to each of the following persons or entities:

(1) the county assessor and the clerk of the county in which the district is located;

(2) the school district within which any portion of the property located within a tax increment development area lies;

(3) any other taxing entities within which any portion of the property located within a tax increment development area lies;

(4) the taxation and revenue department; and

(5) the local government division of the department of finance and administration.

B. A notice of the formation showing the number and date of the resolution and giving a description of the land included in the district shall be recorded with the clerk of the county in which the district is located.

C. A tax increment development district shall be a political subdivision of the state, separate and apart from a municipality or county.

Chapter 75 Section 10 Laws 2006

Section 10. GOVERNANCE OF THE DISTRICT.--

A. Following formation of a tax increment development district, a district board shall administer in a reasonable manner the implementation of the tax increment development plan as approved by the governing body.

B. The district shall be governed by the governing body that adopted a resolution to form the district or by a five-member board composed of members appointed by that governing body.

C. Three of the appointed directors shall serve an initial term of six years. Two of the appointed directors shall serve an initial term of four years. The resolution forming the district shall state which directors shall serve four-year terms and which shall serve six-year terms. If a vacancy occurs on the district board because of the death, resignation or inability of the director to discharge the duties of the director, the governing body shall appoint a director to fill the vacancy, and the director shall hold office for the remainder of the unexpired term until a successor is appointed or elected.

D. A director may be a director of more than one district.

E. In the case of an appointed board of directors that is not the governing body, at the end of the appointed directors' initial terms, the board shall hold an election of new directors by majority vote of owners and qualified resident electors in accordance with the Tax Increment for Development Act. Each owner shall have the number of votes or portion of votes equal to the number of acres or portion of acres rounded upward to the nearest one-fifth of an acre owned in the district by that owner.

Chapter 75 Section 11 Laws 2006

Section 11. RECORDS--OPEN MEETINGS.--

A. A district shall keep the following records, which shall be open to the public:

- (1) minutes of all meetings of the district board;
- (2) all resolutions;
- (3) accounts showing all money received and disbursed;
- (4) the annual budget; and
- (5) all other records required to be maintained by law.

B. A district board shall appoint a clerk and treasurer for the district.

C. All meetings of a district shall be open meetings held in accordance with the Open Meetings Act.

Chapter 75 Section 12 Laws 2006

Section 12. DISTRICT POWERS--LIMITATIONS.--

A. In addition to other express or implied authority granted by law, a district shall have the power to:

- (1) enter into contracts or expend money for any public purpose with respect to the district;
- (2) enter into agreements with a municipality, county or other local government entity in connection with real property located within the district;
- (3) enter into an intergovernmental agreement in accordance with the Joint Powers Agreements Act for the planning, design, inspection, ownership, control, maintenance, operation or repair of public infrastructure or the provision of enhanced services by the municipality or county in which the district lies or for any other purpose authorized by the Tax Increment for Development Act;
- (4) sell, lease or otherwise dispose of district property if the sale, lease or conveyance is not a violation of the terms of any contract or bond covenant of the district;
- (5) reimburse a municipality or county in which the tax increment development district is located for providing services within the tax increment development area;
- (6) operate, maintain and repair public infrastructure until dedicated to the governing body;
- (7) employ staff, counsel, advisors and consultants;

(8) reimburse a municipality or county in which the district is located for staff and consultant services and support facilities supplied by the municipality or county;

(9) accept gifts or grants and incur and repay loans for a public purpose;

(10) enter into an agreement with an owner concerning the advance of money by an owner for a public purpose or the granting of real property by the owner for a public purpose;

(11) levy property taxes in accordance with election requirements of the Tax Increment for Development Act for a public purpose on real property located in the district;

(12) pay the financial, legal and administrative costs of the district;

(13) enter into contracts, agreements and trust indentures to obtain credit enhancement or liquidity support for its bonds and process the issuance, registration, transfer and payment of its bonds and the disbursement and investment of proceeds of the bonds in accordance with the provisions for investment of funds by municipal treasurers;

(14) borrow money within the limits of the Tax Increment for Development Act to fund the construction, operation and maintenance of public improvements until dedicated to the governing body or for any other lawful public purposes related to the purposes of the Tax Increment for Development Act; and

(15) use public easements and rights of way in or across public property, roadways, highways, streets or other thoroughfares and other public easements and rights of way of the district, municipality or county.

B. Notwithstanding the provisions of the Procurement Code or local procurement requirements that may otherwise be applicable to the municipality or county in which the district is located, the district board may enter into contracts to carry out any of the tax increment development district's authorized powers, including the planning, design, engineering, financing, construction and acquisition of public improvements for the district, with a contractor, an owner or other person or entity, on such terms and with such persons as the district board determines to be appropriate.

C. A district shall not have the power of eminent domain for any purpose.

D. A casino shall not be located in a district, and a district shall not use the proceeds of property tax increment bonds or gross receipts tax increment bonds to finance public improvements for a casino.

Chapter 75 Section 13 Laws 2006

Section 13. AUTHORITY TO IMPOSE PROPERTY TAX LEVY.--A district has the power to establish a property tax levy upon real property located within the tax increment development area, with the following limitations:

A. the maximum property tax levy a district may impose is five dollars (\$5.00) on each one thousand dollars (\$1,000) of net taxable value, as that term is defined in the Property Tax Code, which may be used for operation, maintenance and capital improvements, in furtherance of the purposes of the Tax Increment for Development Act;

B. a district may impose a property tax levy only after authorization by a majority of votes cast by the owners of real property and qualified resident electors of a district in an election held in accordance with the Tax Increment for Development Act; and

C. a property tax levy imposed by a district shall not be effective for more than four years.

Chapter 75 Section 14 Laws 2006

Section 14. PROPERTY TAX LEVY RESCISSION ELECTION.--

A. A property tax levy imposed by a district may be rescinded within the four-year period during which a property tax levy imposed by a district is effective if:

(1) thirty-three and one-third percent of the number of persons who voted in the election for the imposition of that property tax levy sign a petition to rescind the property tax levy; and

(2) each person who signs the petition is a resident qualified elector of the district or an owner of real property within the tax increment development area.

B. The petition shall be filed with the district board for verification of the signatures, as to both number and qualifications of the persons signing. If the district board verifies that the petition contains the requisite number of signatures by persons qualified to sign the petition pursuant to Subsection A of this section, the question of rescission of the property tax levy imposed by the district shall be placed on the ballot for:

(1) a special election held in accordance with the special election procedures of the Election Code that is called and held within ninety days; or

(2) the next occurring general election if that election is to be held within less than ninety days.

C. A petition for rescission of a property tax levy imposed by a district may be submitted only once each year during the four-year period during which a property tax levy by a district is effective.

Chapter 75 Section 15 Laws 2006

Section 15. TAX INCREMENT FINANCING--GROSS RECEIPTS TAX INCREMENT.--

A. Notwithstanding any law to the contrary, but in accordance with the provisions of the Tax Increment for Development Act, a tax increment development plan, as originally approved or as later modified, may contain a provision that a portion of certain gross receipts tax increments collected within the tax increment development area after the effective date of approval of the tax increment development plan may be dedicated for the purpose of securing gross receipts tax increment bonds pursuant to the Tax Increment for Development Act.

B. As to a district formed by a municipality, a portion of any of the following gross receipts tax increments may be paid by the state directly into a special fund of the district to pay the principal of, the interest on and any premium due in connection with the bonds of, loans or advances to, or any indebtedness incurred by, whether funded, refunded, assumed or otherwise, the authority for financing or refinancing, in whole or in part, a tax increment development project within the tax increment development area:

(1) municipal gross receipts tax authorized pursuant to the Municipal Local Option Gross Receipts Taxes Act;

(2) municipal environmental services gross receipts tax authorized pursuant to the Municipal Local Option Gross Receipts Taxes Act;

(3) municipal infrastructure gross receipts tax authorized pursuant to the Municipal Local Option Gross Receipts Taxes Act;

(4) municipal capital outlay gross receipts tax authorized pursuant to the Municipal Local Option Gross Receipts Taxes Act;

(5) municipal regional transit gross receipts tax authorized pursuant to the Municipal Local Option Gross Receipts Taxes Act;

(6) an amount distributed to municipalities pursuant to Sections 7-1-6.4 and 7-1-6.46 NMSA 1978; and

(7) the state gross receipts tax.

C. As to a district formed by a county, all or a portion of any of the following gross receipts tax increments may be paid by the state directly into a special

fund of the district to pay the principal of, the interest on and any premium due in connection with the bonds of, loans or advances to or any indebtedness incurred by, whether funded, refunded, assumed or otherwise, the district for financing or refinancing, in whole or in part, a tax increment development project within the tax increment development area:

(1) county gross receipts tax authorized pursuant to the County Local Option Gross Receipts Taxes Act;

(2) county environmental services gross receipts tax authorized pursuant to the County Local Option Gross Receipts Taxes Act;

(3) county infrastructure gross receipts tax authorized pursuant to the County Local Option Gross Receipts Taxes Act;

(4) county capital outlay gross receipts tax authorized pursuant to the County Local Option Gross Receipts Taxes Act;

(5) county regional transit gross receipts tax authorized pursuant to the County Local Option Gross Receipts Taxes Act; and

(6) the state gross receipts tax.

D. The gross receipts tax increment generated by the imposition of municipal or county local option gross receipts taxes specified by statute for particular purposes may nonetheless be dedicated for the purposes of the Tax Increment for Development Act if intent to do so is set forth in the tax increment development plan approved by the governing body, if the purpose for which the increment is intended to be used is consistent with the purposes set forth in the statute authorizing the municipal or county local option gross receipts tax.

E. An imposition of a gross receipts tax increment attributable to the imposition of a gross receipts tax by a taxing entity may be dedicated for the purpose of securing gross receipts tax increment bonds with the agreement of the taxing entity, evidenced by a resolution adopted by a majority vote of that taxing entity. A taxing entity shall not agree to dedicate for the purposes of securing gross receipts tax increment bonds more than seventy-five percent of its gross receipts tax increment attributable to the imposition of gross receipts taxes by the taxing entity. A resolution of the taxing entity to dedicate a gross receipts tax increment or to increase the dedication of a gross receipts tax increment shall become effective only on January 1 or July 1 of the calendar year.

F. An imposition of a gross receipts tax increment attributable to the imposition of the state gross receipts tax within a district may be dedicated for the purpose of securing gross receipts tax increment bonds with the agreement of the state board of finance, evidenced by a resolution adopted by a majority vote of the state

board of finance. The state board of finance shall not agree to dedicate more than seventy-five percent of the gross receipts tax increment attributable to the imposition of the state gross receipts tax within the district. The resolution of the state board of finance shall become effective only on January 1 or July 1 of the calendar year and shall find that:

(1) the state board of finance has reviewed the request for the use of the state gross receipts tax;

(2) based upon review by the state board of finance of the applicable tax increment development plan, the dedication by the state board of finance of a portion of the gross receipts tax increment attributable to the imposition of the state gross receipts tax within the district for use in meeting the required goals of the tax increment plan is reasonable and in the best interest of the state; and

(3) the use of the state gross receipts tax is likely to stimulate the creation of jobs, economic opportunities and general revenue for the state through the addition of new businesses to the state and the expansion of existing businesses within the state.

G. The governing body of the jurisdiction in which a tax increment development district has been established shall timely notify the assessor of the county in which the district has been established, the taxation and revenue department and the local government division of the department of finance and administration when:

(1) a tax increment development plan has been approved that contains a provision for the allocation of a gross receipts tax increment;

(2) any outstanding bonds of the district have been paid off; and

(3) the purposes of the district have otherwise been achieved.

Chapter 75 Section 16 Laws 2006

Section 16. BONDING AUTHORITY--GROSS RECEIPTS TAX INCREMENT.--

A. A district may issue gross receipts tax increment revenue bonds, the pledged revenue for which is a gross receipts tax increment, for any one or more of the purposes authorized by the Tax Increment for Development Act.

B. A district may pledge irrevocably any or all of a gross receipts tax increment received by the district to the payment of the interest on and principal of the gross receipts tax increment bonds for any of the purposes authorized in the Tax Increment for Development Act. A law that imposes or authorizes the imposition of a municipal or county gross receipts tax or that affects the municipal or county gross receipts tax shall not be repealed, amended or otherwise directly or indirectly modified

in any manner to adversely impair any outstanding gross receipts increment bonds that may be secured by a pledge of any municipal or county gross receipts tax increment, unless those outstanding bonds have been discharged in full or provision has been fully made for those bonds.

C. Revenues in excess of the annual principal and interest due on gross receipts tax increment bonds secured by a pledge of gross receipts tax increment revenue may be accumulated in a debt service reserve account. The district may appoint a commercial bank trust department to act as paying agent or trustee of the gross receipts tax increment revenue and to administer the payment of principal of and interest on the bonds.

D. Except as otherwise provided in the Tax Increment for Development Act, gross receipts tax increment bonds:

(1) may have interest, principal value or any part thereof payable at intervals or at maturity as may be determined by the governing body;

(2) may be subject to a prior redemption at the district's option at a time and upon terms and conditions, with or without the payment of a premium, as determined by the district board;

(3) may mature at any time not exceeding twenty-five years after the date of issuance;

(4) may be serial in form and maturity, may consist of one bond payable at one time or in installments or may be in another form determined by the district board;

(5) shall be sold for cash at, above or below par and at a price that results in a net effective interest rate that does not exceed the maximum permitted by the Public Securities Act and the Short-Term Interest Rate Act; and

(6) may be sold at public or negotiated sale.

E. At a regular or special meeting, the district board may adopt a resolution that:

(1) declares the necessity for issuing gross receipts tax increment bonds;

(2) authorizes the issuance of gross receipts tax increment bonds by an affirmative vote of a majority of all the members of the district board; and

(3) designates the sources of gross receipts taxes or portions thereof to be pledged to the repayment of the gross receipts tax increment bonds.

Chapter 75 Section 17 Laws 2006

Section 17. PROPERTY TAX INCREMENT BONDS.--

A. Notwithstanding any law to the contrary, but in accordance with the Tax Increment for Development Act, a tax increment development plan, as originally approved or as later modified, may contain a provision that a portion of property taxes levied after the effective date of the approval of the tax increment development plan upon taxable property within a tax increment development area each year, by or for the benefit of any public body, may be dedicated for securing property tax increment bonds pursuant to the Tax Increment for Development Act, according to the following procedures:

(1) the base property taxes shall be paid into the funds of each public body as are all other taxes collected by or for the public body;

(2) the portion of the property taxes in excess of the base property tax amount shall be allocated to, and, when collected, paid into a special fund of the district to pay the principal of, the interest on and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed or otherwise, the authority for financing or refinancing, in whole or in part, a tax increment development project within the tax increment development area. Unless and until the total assessed value of the taxable property in a tax increment development area exceeds the base assessed value of the taxable property in the tax increment development area, all of the taxes levied upon the taxable property in the tax increment development area shall be paid into the funds of the respective public bodies; and

(3) when the bonds, loans, advances and indebtedness, if any, including interest thereon and any premiums due in connection with the bonds, loans, advances and indebtedness have been paid, all taxes upon taxable property in a tax increment development area shall be paid into the funds of the respective public bodies.

B. The portion of property taxes in excess of the amount of base property taxes may be irrevocably pledged by the district for the payment of the principal of, the interest on and any premiums due in connection with the bonds, loans, advances and indebtedness.

C. Upon general reassessment of taxable property valuations in a county, including all or part of a tax increment development area in which a property tax increment has been pledged for property tax increment bonds, the portions of valuations for assessment shall be proportionately adjusted in accordance with that reassessment or change.

D. A tax increment development plan, as originally approved or as later modified, may contain a provision that the taxes levied upon taxable property within the

tax increment development area may continue to be allocated after the effective date of the adoption of the property tax increment provision if the existing bonds are in default or about to go into default; except that those taxes shall not be allocated after all bonds of the district issued pursuant to the plan, including loans, advances and indebtedness, if any, and interest thereon, and any premiums due in connection with the loans, advances and indebtedness have been paid.

E. The property tax increment generated by the imposition of property taxes may nonetheless be dedicated for the purposes of the Tax Increment for Development Act if intent to do so is set forth in the tax increment development plan approved by the governing body and if the property tax was not approved in an election.

F. The municipality in which a tax increment development district has been established shall timely notify the assessor of the county in which the district has been established when:

(1) a tax increment development plan has been approved;

(2) any outstanding obligation incurred by the district has been paid off; and

(3) the purposes of the district have otherwise been achieved.

G. As used in this section, "taxes" includes all levies authorized to be made on an ad valorem basis upon real and personal property.

H. The increment attributable to a levy by a taxing entity shall not be dedicated for the purpose of securing property tax increment bonds without the agreement of the taxing entity. The agreement shall be evidenced by a resolution adopted by a majority vote of that taxing entity. A taxing entity shall not agree to dedicate for the purpose of securing property tax increment bonds more than seventy-five percent of the property tax increment attributable to a property tax levy by that taxing entity.

Chapter 75 Section 18 Laws 2006

Section 18. BONDING AUTHORITY--PROPERTY TAX INCREMENT.--

A. Subject to the limitations and in accordance with Article 9 of the constitution of New Mexico and Sections 6-15-1 and 6-15-2 NMSA 1978, a district board may issue and dispose of property tax increment bonds for the purpose of securing funds for undertaking tax increment development projects within the purposes of the Tax Increment for Development Act.

B. Before property tax increment bonds are issued, the district board shall submit to a vote of the registered qualified electors within the tax increment

development area and the nonresident electors owning property within the tax increment development area the question of issuing the property tax increment bonds.

C. The district board shall give notice of the time and place of holding the election and the purpose for which the property tax increment bonds are to be issued. Notice of a property tax increment bond election shall be given as required by the Tax Increment for Development Act.

D. The question shall state the purpose for which the property tax increment bonds are to be issued and the amount of the issue. If property tax increment bonds are to be issued for more than one purpose, a separate question shall be submitted to the voters for each purpose to be voted upon. The ballots shall contain words indicating the purpose of the bond issued and a place for a vote in favor of or in opposition to each property tax increment bond issue. The ballots shall be deposited in a separate ballot box, unless voting machines are used.

E. Except as otherwise provided in the Tax Increment for Development Act, property tax increment bonds:

(1) may have interest, principal value or any part thereof payable at intervals or at maturity, as determined by the governing body;

(2) may be subject to a prior redemption at the district's option at a time or upon terms and conditions with or without payment of premium or premiums, as determined by the district board;

(3) may mature at any time not exceeding twenty-five years after the date of issuance;

(4) may be serial in form and maturity or may consist of one bond payable at one time or in installments or may be in another form, as determined by the district board;

(5) shall be sold for cash at, above or below par and at a price that results in a net effective interest rate that does not exceed the maximum permitted by the Public Securities Act and the Short-Term Interest Rate Act; and

(6) may be sold at public or negotiated sale.

F. Except as otherwise provided by law, the district board shall determine the denominations, places of payment, terms and conditions and the form of property tax increment bonds.

G. The secretary and treasurer of the district board shall sign property tax increment bonds.

H. The property tax increment bonds may be executed in the manner provided by the Uniform Facsimile Signature of Public Officials Act.

Chapter 75 Section 19 Laws 2006

Section 19. REFUNDING BONDS.--

A. A district board that has issued bonds in accordance with the Tax Increment for Development Act may issue refunding bonds for the purpose of refinancing, paying and discharging all or any part of outstanding bonds for the:

(1) acceleration, deceleration or other modification of the payment of the outstanding bonds, including, without limitation, any capitalization of any interest thereon in arrears or about to become due for any period not exceeding two years from the date of the refunding bonds;

(2) purpose of reducing interest costs or effecting other economies;
or

(3) purpose of modifying or eliminating restrictive contractual limitations:

(a) pertaining to the issuance of additional bonds; or

(b) concerning the outstanding bonds or facilities relating to the outstanding bonds.

B. A district board may pledge irrevocably for the payment of interest, principal and premium, if any, on refunding bonds the appropriate pledged revenues, which may be pledged to an original issue of bonds.

C. Refunding bonds may be issued separately or in combination in one series or more.

D. Refunding bonds shall be authorized by resolution. Bonds that are refunded shall be paid at maturity or on any permitted prior redemption date in the amounts, at the time and places and, if called prior to maturity, in accordance with any applicable notice provisions, all as provided in the proceedings authorizing the issuance of the refunded bonds or otherwise appertaining thereto, except for any such bond that is voluntarily surrendered for exchange or payment by the holder or owner.

E. The principal amount of the refunding bonds may exceed the principal amount of the refunded bonds and may also be less than or the same as the principal amount of the bonds being refunded if provision is duly and sufficiently made for the payment of the refunded bonds.

F. The proceeds of refunding bonds, including accrued interest and premiums appertaining to the sale of refunding bonds, shall be immediately applied to the retirement of the bonds being refunded or placed in escrow in a commercial bank or trust company that possesses and exercises trust powers and that is a member of the federal deposit insurance corporation. The proceeds shall be applied to the principal of, interest on and any prior redemption premium due in connection with the bonds being refunded; provided that the refunding bond proceeds, including accrued interest and premiums appertaining to a sale of refunding bonds, may be applied to the establishment and maintenance of a reserve fund and to the payment of expenses incidental to the refunding and the issuance of the refunding bonds, the interest on those bonds and the principal of those bonds, or both interest and principal as the district board determines. This section does not require the establishment of an escrow if the refunded bonds and the amounts necessary to retire the refunded bonds within that time are deposited with the paying agent for the refunded bonds. Any such escrow shall not necessarily be limited to proceeds of refunding bonds but may include other money available for its purpose. Proceeds in escrow pending such use may be invested or reinvested in bills, certificates of indebtedness, notes or bonds that are direct obligations of, or the principal and interest of which obligations are unconditionally guaranteed by, the United States or in certificates of deposit of banks that are members of the federal deposit insurance corporation; provided that the par value of the certificates of deposit is collateralized by a pledge of obligations or by a pledge of payment that is unconditionally guaranteed by the United States; and further provided that the par value of those obligations is at least seventy-five percent of the par value of the certificates of deposit. Such proceeds and investments in escrow, together with any interest or other income to be derived from any such investment, shall be in an amount at all times sufficient as to principal, interest, any prior redemption premium due and any charges of the escrow agent payable therefrom to pay the bonds being refunded as they become due at their respective maturities or at any designated prior redemption date or dates in connection with which the municipality shall exercise a prior redemption option. A purchaser of a refunding bond issued is not responsible for the application of the proceeds by the district or any of its officers, agents or employees.

G. Refunding bonds may bear additional terms and provisions as determined by the district subject to the limitations in this section relating to original bond issues. Refunding bonds are not subject to the provisions of any other statute.

H. District refunding bonds:

(1) may have interest, principal value or any part thereof payable at intervals or at maturity, as determined by the district board;

(2) may be subject to prior redemption at the district's option at a time or times and upon terms and conditions with or without payment of premium or premiums, as determined by the district board;

(3) may be serial in form and maturity or may consist of a single bond payable in one or more installments or may be in another form, as determined by the district board; and

(4) shall be exchanged for the bonds and any matured unpaid interest being refunded at not less than par or sold at public or negotiated sale at, above or below par and at a price that results in a net effective interest rate that does not exceed the maximum permitted by the Public Securities Act.

I. At a regular or special meeting, a district board may adopt a resolution by majority vote to authorize the issuance of the refunding bonds.

Chapter 75 Section 20 Laws 2006

Section 20. GENERAL BONDING AUTHORITY OF A TAX INCREMENT DEVELOPMENT DISTRICT--OTHER LIMITATIONS.--

A. Except as otherwise provided in this section, a district board shall not issue bonds against either gross receipts tax increments or property tax increments without the express written authorization of the department of finance and administration, as evidenced by a letter signed by the secretary of finance and administration. A district formed and approved by a class A county or by a municipality within a class A county if the municipality has a population of more than sixty-five thousand persons, according to the most recent federal decennial census, is not required to obtain express written authorization of the department of finance and administration for the issuance of gross receipts tax increment bonds or property tax increment bonds.

B. Prior to the issuance of indebtedness evidenced by the gross receipts tax increment bonds or property tax increment bonds issued by a district pursuant to the Tax Increment for Development Act, the property owners within the district shall contribute a minimum of twenty percent of the initial public infrastructure costs, which may be reimbursed with proceeds of gross receipts tax increment or property tax increment bonds; unless the project to be financed with gross receipts tax increment bonds or property tax increment bonds is a metropolitan redevelopment project pursuant to the Metropolitan Redevelopment Code.

C. The amount of indebtedness evidenced by the gross receipts tax increment bonds or property tax increment bonds issued pursuant to the Tax Increment for Development Act shall not exceed the estimated cost of the public improvements plus all costs connected with the public infrastructure purposes and the issuance and sale of bonds, including, without limitation, formation costs, credit enhancement and liquidity support fees and costs.

D. The indebtedness evidenced by the gross receipts tax increment bonds or property tax increment bonds shall not affect the general obligation bonding capacity of the municipality or county in which the tax increment development district is located.

E. The indebtedness evidenced by the gross receipts tax increment bonds or property tax increment bonds shall be payable only from the special funds into which are deposited the gross receipts tax increments and property tax increments as set forth in the Tax Increment for Development Act.

F. Bonds issued by a tax increment development district shall not be a general obligation of the state, the county or the municipality in which the tax increment development district is located and shall not pledge the full faith and credit of the state, the county or the municipality in which the tax increment development district is located.

Chapter 75 Section 21 Laws 2006

Section 21. APPROVAL REQUIRED FOR ISSUANCE OF BONDS AGAINST STATE GROSS RECEIPTS TAX INCREMENTS.--In addition to all other requirements of the Tax Increment for Development Act, prior to a district board issuing bonds against a gross receipts tax increment attributable to the imposition of the state gross receipts tax within a district:

A. the New Mexico finance authority shall review the proposed issuance of the bonds and determine that the proceeds of the bonds will be used for a tax increment development project in accordance with the district's tax increment development plan and present the proposed issuance of the bonds to the legislature for approval; and

B. the issuance of the bonds shall be specifically authorized by law.

Chapter 75 Section 22 Laws 2006

Section 22. EXEMPTION FROM TAXATION.--The bonds authorized by the Tax Increment for Development Act and the income from the bonds or any other instrument executed as security for the bonds shall be exempt from all taxation by the state or any political subdivision of the state.

Chapter 75 Section 23 Laws 2006

Section 23. PROTECTION FROM IMPAIRMENT.--If the provisions set forth in the Tax Increment for Development Act impair the ability of a municipality, county or other public body to meet its principal or interest payment obligations for revenue bonds or general obligation bonds outstanding prior to the effective date of the Tax Increment for Development Act that are secured by the pledge of all or part of the municipality, county or other public body's revenue gross receipts tax or property tax, then the amount otherwise payable to the district pursuant to the Tax Increment for Development

Act shall be paid instead to the municipality, county or public body in an amount sufficient to meet any required payment.

Chapter 75 Section 24 Laws 2006

Section 24. TAX INCREMENT ACCOUNTING PROCEDURES.--A district board shall separately account for all revenues and indebtedness based on gross receipts tax increments and property tax increments. The district board shall individually account for all gross receipts tax increments.

Chapter 75 Section 25 Laws 2006

Section 25. MODIFICATION OF TAX INCREMENT DEVELOPMENT AREA BOUNDARIES OR TAX INCREMENT DEVELOPMENT PLAN.--

A. After an election to form a district, an area may be eliminated from the tax increment development area only following a hearing conducted upon notice given to the owners of land in the tax increment development area in the manner prescribed for the formation hearing, adoption of a resolution of intention to do so by the district board and voter approval by the owners and resident qualified electors as provided in the Tax Increment for Development Act. Real property within the tax increment development area that is subject to the lien of property taxes, special levies or other charges imposed pursuant to the Tax Increment for Development Act shall not be eliminated from the district while there are bonds outstanding that are payable by those taxes, special levies or charges.

B. At any time after adoption of a resolution creating a district, an area may be added to the district upon the approval of the owners of real property in the proposed additional area and the resident qualified electors residing therein, as well as the owners of real property in the district and resident qualified electors, in the same manner as required for the formation of a district.

C. The district board, following a hearing conducted upon notice given to the owners of real property located in the district in the manner prescribed for the formation hearing, may, subject to the approval of the governing body that approved the district's tax increment development plan, amend the tax increment development plan in any manner that it determines will not substantially reduce the benefits to be received by any land in the district from the public infrastructure on completion of the work to be performed under the general plan. An election shall not be required solely for the purposes of this subsection.

Chapter 75 Section 26 Laws 2006

Section 26. TERMINATION OF TAX INCREMENT DEVELOPMENT DISTRICT.--

A. A district shall be terminated by a resolution of the district board that all of the following conditions exist:

(1) all improvements owned by the district have been, or provision has been made for all improvements to be, conveyed to the municipality or county in which the district is located;

(2) either the district does not have any outstanding bond obligations or the municipality or county has assumed all of the outstanding bond obligations of the district; and

(3) all obligations of the district pursuant to any agreement with the municipality or county have been satisfied.

B. Property in the district that is subject to the lien of district taxes shall remain subject to the lien for the payment of bonds, notwithstanding termination of the district. The district shall not be terminated if any bonds of the district remain outstanding unless an amount of money sufficient, together with investment income thereon, to make all payments due on the bonds either at maturity or prior redemption has been deposited with a trustee or escrow agent and pledged to the payment and redemption of the bonds. The district may continue to operate after termination only as needed to collect money and make payments on any outstanding bonds.

Chapter 75 Section 27 Laws 2006

Section 27. DEDICATION OF GROSS RECEIPTS TAX INCREMENT-- NOTICE TO TAXATION AND REVENUE DEPARTMENT.-- If the state board of finance or a taxing entity approves a dedication or increase in the dedication of a portion of a gross receipts tax increment to a district, the state board of finance or the taxing entity shall notify the taxation and revenue department of that approval at least one hundred twenty days before the effective date of the dedication or increase in the dedication.

Chapter 75 Section 28 Laws 2006

Section 28. BOND TERM EXPIRATION.--The terms of bonds issued pursuant to the Tax Increment for Development Act for a district, including refunding bonds, shall expire not more than twenty-five years after the date that the first bonds are issued for that district.

Chapter 75 Section 29 Laws 2006

Section 29. A new section of the Tax Administration Act is enacted to read:

"DISTRIBUTIONS--TAX INCREMENT DEVELOPMENT DISTRICTS.--A distribution to a tax increment development district shall be made by the department, in accordance with a notice that is filed pursuant to the Tax Increment for Development

Act with respect to a taxing entity's dedication of a portion of a gross receipts tax increment to the tax increment development district."

Chapter 75 Section 30 Laws 2006

Section 30. Section 7-1-6.4 NMSA 1978 (being Laws 1983, Chapter 211, Section 9, as amended) is amended to read:

"7-1-6.4. DISTRIBUTION--MUNICIPALITY FROM GROSS RECEIPTS TAX.--

A. Except as provided in Subsection B of this section, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to each municipality in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the product of the quotient of one and two hundred twenty-five thousandths percent divided by the tax rate imposed by Section 7-9-4 NMSA 1978 multiplied by the net receipts for the month attributable to the gross receipts tax from business locations:

(1) within that municipality;

(2) on land owned by the state, commonly known as the "state fairgrounds", within the exterior boundaries of that municipality;

(3) outside the boundaries of any municipality on land owned by that municipality; and

(4) on an Indian reservation or pueblo grant in an area that is contiguous to that 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.

B. If the reduction made by Laws 1991, Chapter 9, Section 9 to the distribution under this section impairs the ability of a municipality to meet its principal or interest payment obligations for revenue bonds outstanding prior to July 1, 1991 that are secured by the pledge of all or part of the municipality's revenue from the distribution made under this section, then the amount distributed pursuant to this section to that municipality shall be increased by an amount sufficient to meet any required payment, provided that the distribution amount does not exceed the amount that would have been due that municipality under this section as it was in effect on June 30, 1992.

C. A distribution pursuant to this section may be adjusted for a distribution made to a tax increment development district with respect to a portion of a gross receipts tax increment dedicated by a municipality pursuant to the Tax Increment for Development Act."

Chapter 75 Section 31 Laws 2006

Section 31. Section 7-1-6.12 NMSA 1978 (being Laws 1983, Chapter 211, Section 17, as amended) is amended to read:

"7-1-6.12. TRANSFER--REVENUES FROM MUNICIPAL LOCAL OPTION GROSS RECEIPTS TAXES.--

A. A transfer pursuant to Section 7-1-6.1 NMSA 1978 shall be made to each municipality for which the department is collecting a local option gross receipts tax imposed by that municipality in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the net receipts attributable to the local option gross receipts tax imposed by that municipality, less any deduction for administrative cost determined and made by the department pursuant to the provisions of the act authorizing imposition by that municipality of the local option gross receipts tax and any additional administrative fee withheld pursuant to Subsection C of Section 7-1-6.41 NMSA 1978.

B. A transfer pursuant to this section may be adjusted for a distribution made to a tax increment development district with respect to a portion of a gross receipts tax increment dedicated by a municipality pursuant to the Tax Increment for Development Act."

Chapter 75 Section 32 Laws 2006

Section 32. Section 7-1-6.13 NMSA 1978 (being Laws 1983, Chapter 211, Section 18, as amended) is amended to read:

"7-1-6.13. TRANSFER--REVENUES FROM COUNTY LOCAL OPTION GROSS RECEIPTS TAXES.--

A. A transfer pursuant to Section 7-1-6.1 NMSA 1978 shall be made to each county for which the department is collecting a local option gross receipts tax imposed by that county in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the net receipts attributable to the local option gross receipts tax imposed by that county, less any deduction for administrative cost determined and made by the department pursuant to the provisions of the act authorizing imposition by that county of the local option gross receipts tax and any additional administrative fee withheld pursuant to Subsection C of Section 7-1-6.41 NMSA 1978.

B. A transfer pursuant to this section may be adjusted for a distribution made to a tax increment development district with respect a portion of a gross receipts tax increment dedicated by a county pursuant to the Tax Increment for Development Act."

Chapter 75 Section 33 Laws 2006

Section 33. Section 7-1-6.46 NMSA 1978 (being Laws 2004, Chapter 116, Section 1) is amended to read:

"7-1-6.46. 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.

D. A distribution pursuant to this section may be adjusted for a distribution made to a tax increment development district with respect to a portion of a gross receipts tax increment dedicated by a municipality pursuant to the Tax Increment for Development Act."

Chapter 75 Section 34 Laws 2006

Section 34. Section 7-1-6.47 NMSA 1978 (being Laws 2004, Chapter 116, Section 2) is amended to read:

"7-1-6.47. 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.

C. A distribution pursuant to this section may be adjusted for a distribution made to a tax increment development district with respect a portion of a gross receipts tax increment dedicated by a county pursuant to the Tax Increment for Development Act."

Chapter 75 Section 35 Laws 2006

Section 35. EFFECTIVE DATE.--The effective date of the provisions of Sections 15 and 16 of this act is January 1, 2007.

Chapter 75 Section 36 Laws 2006

Section 36. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Taxation and Revenue Committee

Substitute for House Bill 462, as amended,

with emergency clause, Approved March 6, 2006

LAWS 2006, CHAPTER 76

AN ACT

RELATING TO MOTOR VEHICLES; DESIGNATING A SPECIAL PATRIOT REGISTRATION PLATE; MAKING AN APPROPRIATION.

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

Chapter 76 Section 1 Laws 2006

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

"SPECIAL PATRIOT REGISTRATION PLATE.--

A. The department shall issue a standardized special patriot registration plate with a logo specified in Section 66-3-424 NMSA 1978 indicating that the recipient is a patriot.

B. For a fee of twenty-five dollars (\$25.00), which shall be in addition to the regular motor vehicle registration fees, a motor vehicle owner who is a patriot may apply for the issuance of a special registration plate as provided in Subsection A of this section. No two owners shall be issued identically lettered or numbered registration plates.

C. The twenty-five-dollar (\$25.00) 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 patriot registration plate.

D. The revenue from the special patriot registration plate fee imposed by Subsection B of this section shall be distributed as follows:

(1) ten dollars (\$10.00) 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;

(2) seven dollars (\$7.00) of the fee collected for each registration plate shall be paid to the state treasurer for credit to the motor vehicle suspense fund for distribution in accordance with Section 66-6-23 NMSA 1978; and

(3) eight dollars (\$8.00) of the fee collected for each registration plate shall be paid to the state treasurer for credit to the armed forces veterans license fund for distribution pursuant to Section 66-3-419 NMSA 1978."

House Bill 520

Approved March 6, 2006

LAWS 2006, CHAPTER 77

AN ACT

RELATING TO WATER; CREATING THE PECOS RIVER BASIN LAND
MANAGEMENT FUND; MAKING APPROPRIATIONS.

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

Chapter 77 Section 1 Laws 2006

Section 1. PECOS RIVER BASIN LAND MANAGEMENT FUND.-- The "Pecos river basin land management fund" is created in the state treasury. The fund shall consist of appropriations, grants, donations or bequests to the fund, all revenues from land purchased pursuant to Section 72-1-2.4 NMSA 1978 and income from investment of the fund or money otherwise accruing to the fund. Money in the fund shall be invested pursuant to Chapter 6, Article 10 NMSA 1978. The interstate stream commission shall adopt rules for managing the land, for depositing revenues from the land and to administer the fund, and money in the fund is appropriated to the commission to manage the land purchases pursuant to Section 72-1-2.4 NMSA 1978 and to manage augmentation well fields in the lower Pecos river basin. Money in the fund shall not revert to any other fund at the end of a fiscal year. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the director of the interstate stream commission or the director's authorized representative.

House Bill 633

Approved March 6, 2006

LAWS 2006, CHAPTER 78

AN ACT

RELATING TO TAXATION; INCREASING THE FILM PRODUCTION TAX CREDIT;
REPEALING THE NEW MEXICO FILMMAKER TAX CREDIT.

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

Chapter 78 Section 1 Laws 2006

Section 1. Section 7-2F-1 NMSA 1978 (being Laws 2002, Chapter 36, Section 1, as amended) is amended to read:

"7-2F-1. FILM PRODUCTION TAX CREDIT.--

A. The tax credit created by this section may be referred to as the "film production tax credit". An eligible film production company may apply for, and the taxation and revenue department may allow, a tax credit in an amount equal to the percentage specified in Subsection B of this section of:

(1) direct production expenditures made in New Mexico that are directly attributable to the production in New Mexico of a film or commercial audiovisual product and that are subject to taxation by the state of New Mexico; and

(2) postproduction expenditures made in New Mexico that are:

(a) directly attributable to the production of a commercial film or audiovisual product;

(b) for services performed in New Mexico; and

(c) subject to taxation by the state of New Mexico.

B. Except as provided in Subsection C of this section, the percentage to be applied in calculating the amount of the film production tax credit is:

(1) twenty percent; and

(2) for taxable years beginning prior to January 1, 2009, an additional five percent.

C. The additional five percent tax credit amount pursuant to Paragraph (2) of Subsection B of this section shall not be available with respect to expenditures attributable to a production for which the film production company receives a tax credit pursuant to the federal new markets tax credit program.

D. The film production tax credit shall not be claimed with respect to direct production expenditures or postproduction expenditures for which the film production company has delivered a nontaxable transaction certificate pursuant to Section 7-9-86 NMSA 1978.

E. A long-form narrative film production for which the film production tax credit is claimed pursuant to Paragraph (1) of Subsection A of this section shall contain an acknowledgment that the production was filmed in New Mexico.

F. To be eligible for the film production tax credit, a film production company shall submit to the New Mexico film division of the economic development department information required by the division to demonstrate conformity with the requirements of this section and shall agree in writing:

(1) to pay all obligations the film production company has incurred in New Mexico;

(2) to publish, at completion of principal photography, a notice at least once a week for three consecutive weeks in local newspapers in regions where

filming has taken place to notify the public of the need to file creditor claims against the film production company by a specified date;

(3) that outstanding obligations are not waived should a creditor fail to file by the specified date; and

(4) to delay filing of a claim for the film production tax credit until the New Mexico film division delivers written notification to the taxation and revenue department that the film production company has fulfilled all requirements for the credit.

G. The New Mexico film division shall determine the eligibility of the company and shall report this information to the taxation and revenue department in a manner and at times the economic development department and the taxation and revenue department shall agree upon.

H. To receive a film production tax credit, a film production company shall apply to the taxation and revenue department on forms and in the manner the department may prescribe. The application shall include a certification of the amount of direct production expenditures or postproduction expenditures made in New Mexico with respect to the film production for which the film production company is seeking the film production tax credit. If the requirements of this section have been complied with, the taxation and revenue department shall approve the film production tax credit and issue a document granting the tax credit.

I. The film production company may apply all or a portion of the film production tax credit granted against personal income tax liability or corporate income tax liability. If the amount of the film production tax credit claimed exceeds the film production company's tax liability for the taxable year in which the credit is being claimed, the excess shall be refunded."

Chapter 78 Section 2 Laws 2006

Section 2. Section 7-2F-2 NMSA 1978 (being Laws 2003, Chapter 127, Section 2, as amended) is amended to read:

"7-2F-2. DEFINITIONS.--As used in Chapter 7, Article 2F NMSA 1978:

A. "commercial audiovisual product" means a film or a videogame intended for commercial exploitation;

B. "direct production expenditure" means a transaction that is subject to taxation in New Mexico, including:

(1) payment of wages, fringe benefits or fees for talent, management or labor to a person who is a New Mexico resident for purposes of the Income Tax Act;

(2) payment to a personal services corporation for the services of a performing artist if:

(a) the personal services corporation pays gross receipts tax in New Mexico on those payments; and

(b) the performing artist receiving payments from the personal services corporation pays New Mexico income tax; and

(3) any of the following provided by a vendor:

(a) the story and scenario to be used for a film;

(b) set construction and operations, wardrobe, accessories and related services;

(c) photography, sound synchronization, lighting and related services;

(d) editing and related services;

(e) rental of facilities and equipment;

(f) leasing of vehicles;

(g) food or lodging;

(h) airfare if purchased through a New Mexico-based travel agency or travel company;

(i) insurance coverage and bonding if purchased through a New Mexico-based insurance agent; and

(j) other direct costs of producing a film in accordance with generally accepted entertainment industry practice;

C. "federal new markets tax credit program" means the tax credit program codified as Section 45D of the United States Internal Revenue Code of 1986, as amended;

D. "film" means a single media or multimedia program, excluding advertising messages other than national or regional advertising messages intended for exhibition, that:

(1) is fixed on film, digital medium, videotape, computer disc, laser disc or other similar delivery medium;

(2) can be viewed or reproduced;

(3) is not intended to and does not violate a provision of Chapter 30, Article 37 NMSA 1978; and

(4) is intended for reasonable commercial exploitation for the delivery medium used;

E. "film production company" means a person that produces one or more films; and

F. "postproduction expenditure" means an expenditure that occurs after the completion of principal and ongoing photography, including an expenditure for editing, Foley recording, automatic dialogue replacement, sound editing, special effects, including computer-generated imagery or other effects, scoring and music editing, beginning and end credits, negative cutting, soundtrack production, dubbing, subtitling or addition of sound or visual effects; but not including an expenditure for advertising, marketing, distribution or expense payments."

Chapter 78 Section 3 Laws 2006

Section 3. REPEAL.--Section 7-2G-1 NMSA 1978 (being Laws 2005, Chapter 337, Section 1) is repealed.

Chapter 78 Section 4 Laws 2006

Section 4. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2006.

Chapter 78 Section 5 Laws 2006

Section 5. EFFECTIVE DATE.--The effective date of the provisions of Section 3 of this act is July 1, 2006.

House Taxation and Revenue Committee Substitute

for House Bills 358 & 359, as amended,

Approved March 6, 2006

LAWS 2006, CHAPTER 79

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE KNOWN AS UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE; PROHIBITING CERTAIN RECORDING OR TRANSMISSION OF A MOTION PICTURE; PROVIDING A PENALTY.

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

Chapter 79 Section 1 Laws 2006

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

"UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING
DEVICE.--

A. Unlawful operation of an audiovisual recording device consists of a person knowingly operating an audiovisual recording device to record or transmit a motion picture in a motion picture theater without the consent of the motion picture theater owner or manager while a motion picture is being exhibited.

B. A person who commits unlawful operation of an audiovisual recording device is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section

31-19-1 NMSA 1978.

C. The owner, manager or lessee of a motion picture theater or an agent or employee of the owner, manager or lessee who alerts law enforcement authorities that an alleged violation of Subsection A of this section is taking place is not liable in any civil action arising from the detention of the person alleged to be operating or to have operated the audiovisual recording device when the owner, manager or lessee or an agent or employee of the owner, manager or lessee is acting in good faith, unless the plaintiff can show by a preponderance of the evidence that the detention measures were unreasonable or the period of detention was unreasonably long.

D. This section does not prevent law enforcement personnel from operating an audiovisual recording device in a motion picture theater as part of a lawfully authorized investigation.

E. Nothing in this section prevents prosecution under any other statutes.

F. As used in this section:

(1) "audiovisual recording device" means a device capable of recording or transmitting a motion picture or any part of a motion picture by means of any technology; and

(2) "motion picture theater" means a movie theater, screening room or other venue used primarily for the exhibition of motion pictures."

Chapter 79 Section 2 Laws 2006

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 577, as amended

Approved March 6, 2006

LAWS 2006, CHAPTER 80

AN ACT

RELATING TO THE INVESTMENT OF PUBLIC MONEY; CLARIFYING THE TYPE OF MONEY MARKET MUTUAL FUNDS IN WHICH THE STATE TREASURER MAY INVEST; PROVIDING ADDITIONAL CRITERIA FOR INVESTMENTS BY THE STATE TREASURER IN REPURCHASE AGREEMENTS; REQUIRING THAT THE SHORT-TERM INVESTMENT FUND MAINTAIN A "AA" OR HIGHER RATING; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2005.

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

Chapter 80 Section 1 Laws 2006

Section 1. Section 6-10-10 NMSA 1978 (being Laws 1933, Chapter 175, Section 4, as amended by Laws 2005, Chapter 238, Section 1 and by Laws 2005, Chapter 239, Section 1) is amended to read:

"6-10-10. DEPOSIT AND INVESTMENT OF FUNDS.--

A. Upon the certification or designation of a bank, savings and loan association or credit union whose deposits are insured by an agency of the United States to receive public money on deposit, the state treasurer and county or municipal treasurers who have on hand any public money by virtue of their offices shall make deposit of that money in banks and savings and loan associations, and may make deposit of that money in credit unions whose deposits are insured by an agency of the United States, designated by the authority authorized by law to so designate to receive the deposits of all money thereafter received or collected by the treasurers.

B. County or municipal treasurers may deposit money in one or more accounts with any such bank, savings and loan association or credit union located in their respective counties, subject to limitation on credit union accounts.

C. The state treasurer may deposit money in one or more accounts with any such bank, savings and loan association or credit union, subject to the limitation on credit union accounts.

D. Duplicate receipts or deposit slips shall be taken for each deposit made pursuant to Subsection A, B or C of this section. When deposits are made by the state treasurer, one copy of the receipt or deposit slip shall be retained by the state treasurer and the other copy shall be filed monthly on the first day of each month with the financial control division of the department of finance and administration. When deposits are made by the treasurer or any other authorized person making the deposits for a board of finance of a public or educational institution, one copy of the receipt or deposit slip shall be retained by the treasurer or authorized person making the deposit and the other copy shall be filed monthly on the first day of each month with that board of finance. When deposits are made by a county or municipal treasurer, one of the duplicate receipts or deposit slips shall be retained by the treasurer making the deposit and the other copy shall be filed monthly on the first day of each month with the secretary of the board of finance of the county or municipality for which that treasurer is acting.

E. "Deposit", as used in this section, means either investment or deposit and includes share, share certificate and share draft.

F. County or municipal treasurers, with the advice and consent of their respective boards of finance charged with the supervision and control of the respective funds, may invest all sinking funds or money remaining unexpended from the proceeds of any issue of bonds or other negotiable securities of any county, municipality or school district that is entrusted to their care and custody and all money not immediately necessary for the public uses of the counties, municipalities or school districts not invested or deposited in banks, savings and loan associations or credit unions in:

(1) bonds or negotiable securities of the United States, the state or a county, municipality or school district that has a taxable valuation of real property for the last preceding year of at least one million dollars (\$1,000,000) and that has not defaulted in the payment of any interest or sinking fund obligation or failed to meet any bonds at maturity at any time within five years last preceding; or

(2) securities that are issued by the United States government or by its agencies or instrumentalities and that are either direct obligations of the United States, the federal home loan mortgage association, the federal national mortgage association, the federal farm credit bank, federal home loan banks or the student loan marketing association or that are backed by the full faith and credit of the United States government.

G. The treasurer of a class A county or the treasurer of a municipality having a population of more than sixty-five thousand according to the most recent federal decennial census and located within a class A county, with the advice and consent of the boards of finance charged with the supervision and control of the funds, may invest all sinking funds or money remaining unexpended from the proceeds of any issue of bonds or other negotiable securities of the county or municipality that is entrusted to the treasurer's care and custody and all money not immediately necessary for the public uses of the county or municipality not invested or deposited in banks, savings and loan associations or credit unions in:

(1) shares of a diversified investment company registered pursuant to the federal Investment Company Act of 1940 that invests in fixed-income securities or debt instruments that are listed in a nationally recognized, broad-market, fixed-income-securities market index; provided that the investment company or manager has total assets under management of at least one hundred million dollars (\$100,000,000) and provided that the board of finance of the county or municipality may allow reasonable administrative and investment expenses to be paid directly from the income or assets of these investments;

(2) individual, common or collective trust funds of banks or trust companies that invest in fixed-income securities or debt instruments that are listed in a nationally recognized, broad-market, fixed-income-securities market index; provided that the investment company or manager has total assets under management of at least one hundred million dollars (\$100,000,000) and provided that the board of finance of the county or municipality may allow reasonable administrative and investment expenses to be paid directly from the income or assets of these investments; or

(3) shares of pooled investment funds managed by the state investment officer, as provided in Subsection G of Section 6-8-7 NMSA 1978; provided that the board of finance of the county or municipality may allow reasonable administrative and investment expenses to be paid directly from the income or assets of these investments.

H. A local public body, with the advice and consent of the body charged with the supervision and control of the local public body's respective funds, may invest all sinking funds or money remaining unexpended from the proceeds of any issue of bonds or other negotiable securities of the investor that is entrusted to the local public body's care and custody and all money not immediately necessary for the public uses of the investor and not otherwise invested or deposited in banks, savings and loan associations or credit unions in contracts with banks, savings and loan associations or credit unions for the present purchase and resale at a specified time in the future of specific securities at specified prices at a price differential representing the interest income to be earned by the investor. The contract shall be fully secured by obligations of the United States or other securities backed by the United States having a market value of at least one hundred two percent of the contract. The collateral required for investment in the contracts provided for in this subsection shall be shown on the books

of the financial institution as being the property of the investor and the designation shall be contemporaneous with the investment. As used in this subsection, "local public body" includes all political subdivisions of the state and agencies, instrumentalities and institutions thereof; provided that home rule municipalities that prior to July 1, 1994 had enacted ordinances authorizing the investment of repurchase agreements may continue investment in repurchase agreements pursuant to those ordinances.

I. The state treasurer, with the advice and consent of the state board of finance, may invest money held in demand deposits and not immediately needed for the operation of state government and money held in the short-term investment fund, except as provided in Section 6-10-10.1 NMSA 1978. The investments may be made in securities that are issued by the United States government or by its departments or agencies and are either direct obligations of the United States or are backed by the full faith and credit of the United States government or agencies sponsored by the United States government.

J. The state treasurer, with the advice and consent of the state board of finance, may also invest in contracts for the present purchase and resale at a specified time in the future, not to exceed one year or, in the case of bond proceeds, not to exceed three years, of specific securities at specified prices at a price differential representing the interest income to be earned by the state. Such contract shall not be invested in unless the contract is fully secured by obligations of the United States or its agencies or instrumentalities or by other securities backed by the United States or its agencies or instrumentalities having a market value of at least one hundred two percent of the amount of the contract. The securities required as collateral under this subsection shall be delivered to a third-party custodian bank pursuant to a contract with the state and the counterparty or to the fiscal agent of New Mexico or its designee. Delivery shall be made simultaneously with the transfer of funds or as soon as practicable, but no later than the same day that the funds are transferred.

K. The state treasurer, with the advice and consent of the state board of finance, may also invest in contracts for the temporary exchange of state-owned securities for the use of broker-dealers, banks or other recognized institutional investors in securities, for periods not to exceed one year for a specified fee rate. Such contract shall not be invested in unless the contract is fully secured by exchange of an irrevocable letter of credit running to the state, cash or equivalent collateral of at least one hundred two percent of the market value of the securities plus accrued interest temporarily exchanged. The collateral required by this subsection shall be delivered to the fiscal agent of New Mexico or its designee simultaneously with the transfer of funds or as soon as practicable, but no later than the same day that the state-owned securities are transferred.

L. Neither of the contracts in Subsection J or K of this section shall be invested in unless the contracting bank, brokerage firm or recognized institutional investor has a net worth in excess of five hundred million dollars (\$500,000,000).

M. The state treasurer, with the advice and consent of the state board of finance, may also invest in any of the following investments in an amount not to exceed forty percent of any fund that the state treasurer invests:

(1) commercial paper rated "prime" quality by a national rating service, issued by corporations organized and operating within the United States;

(2) medium-term notes and corporate notes with a maturity not exceeding five years that are rated A or its equivalent or better by a nationally recognized rating service and that are issued by a corporation organized and operating in the United States; or

(3) an asset-backed obligation with a maturity not exceeding five years that is rated AAA or its equivalent by a nationally recognized rating service.

N. The state treasurer, with the advice and consent of the state board of finance, may also invest in:

(1) shares of an open-ended diversified investment company that:

(a) is registered with the United States securities and exchange commission;

(b) complies with the diversification, quality and maturity requirements of Rule 2a-7, or any successor rule, of the United States securities and exchange commission applicable to money market mutual funds; and

(c) assesses no fees pursuant to Rule 12b-1, or any successor rule, of the United States securities and exchange commission, no sales load on the purchase of shares and no contingent deferred sales charge or other similar charges, however designated, provided that the state shall not, at any time, own more than five percent of a money market mutual fund's assets; or

(2) individual, common or collective trust funds of banks or trust companies that invest in United States fixed-income securities or debt instruments authorized pursuant to Subsections I, J and M of this section, provided that the investment manager has assets under management of at least one billion dollars (\$1,000,000,000) and the investments made by the state treasurer pursuant to this paragraph are less than five percent of the assets of the individual, common or collective trust fund.

O. Public funds to be invested in negotiable securities or loans to financial institutions fully secured by negotiable securities at current market value shall not be paid out unless there is a contemporaneous transfer of the securities at the earliest time industry practice permits, but in all cases, settlement shall be on a same-day basis either by physical delivery or, in the case of uncertificated securities, by appropriate

book entry on the books of the issuer, to the purchaser or to a reputable safekeeping financial institution acting as agent or trustee for the purchaser, which agent or trustee shall furnish timely confirmation to the purchaser."

Chapter 80 Section 2 Laws 2006

Section 2. Section 6-10-10.1 NMSA 1978 (being Laws 1988, Chapter 61, Section 2, as amended) is amended to read:

"6-10-10.1. SHORT-TERM INVESTMENT FUND CREATED--DISTRIBUTION OF EARNINGS--REPORT OF INVESTMENTS.--

A. There is created in the state treasury the "short-term investment fund". The fund shall consist of all deposits from governmental entities and Indian tribes or pueblos that are placed in the custody of the state treasurer for short-term investment purposes pursuant to this section. The state treasurer shall maintain a separate account for each governmental entity and Indian tribe or pueblo having deposits in the fund.

B. If a local public body is unable to receive payment on public money at the rate of interest as set forth in Section 6-10-36 NMSA 1978 from financial institutions within the geographic boundaries of the governmental unit, then a local public finance official having money of that local public body in that official's custody not required for current expenditure may, with the consent of the appropriate local board of finance, if any, remit some or all of such money to the state treasurer for deposit for the purpose of short-term investment as allowed by this section.

C. Before local funds are invested or reinvested for the purpose of short-term investment pursuant to this section, the local public body finance official shall notify and make such funds available to banks, savings and loan associations and credit unions located within the geographical boundaries of their respective governmental unit, subject to the limitation on credit union accounts. To be eligible for such funds, the financial institution shall pay to the local public body the rate established by the state treasurer pursuant to a policy adopted by the state board of finance for such short-term investments.

D. The local public body finance official shall specify the length of time a deposit shall be in the short-term investment fund, but in any event the deposit shall not be made for more than one hundred eighty-one days. The state treasurer through the use of the state fiscal agent shall separately track each such deposit and shall make such information available to the public upon written request.

E. The state treasurer shall invest the short-term investment fund as provided for state funds under Section 6-10-10 NMSA 1978 in investments with a maturity at the time of purchase that does not exceed three hundred ninety-seven days. The state treasurer may elect to have the short-term investment fund consolidated for investment purposes with the state funds under the control of the state treasurer;

provided that accurate and detailed accounting records are maintained for the account of each participating entity and Indian tribe or pueblo and that a proportionate amount of interest earned is credited to each of the separate government accounts. The fund shall be invested to achieve its objective, which is to realize the maximum return consistent with safe and prudent management.

F. At the end of each month, all net investment income or losses from investment of the short-term investment fund shall be distributed by the state treasurer to the contributing entities and Indian tribes or pueblos in amounts directly proportionate to the respective amounts deposited in the fund and the length of time the amounts in the fund were invested. The state treasurer shall charge participating entities, Indian tribes and pueblos reasonable audit, administrative and investment expenses to be paid directly from their net investment income for the investment and administrative services provided pursuant to this section.

G. Investments of the short-term investment fund shall be made in such a manner that the fund maintains a "AA" or higher rating. Each fiscal year and at such other times as directed by the state board of finance, the state treasurer shall cause to have the short-term investment fund rated by a nationally recognized statistical rating organization. If the rating received by the fund is lower than "AA", the state treasurer shall immediately submit a plan to the state board of finance detailing the steps that will be taken to obtain a "AA" or higher rating.

H. As used in this section, "local public body" means a political subdivision of the state, including school districts and post-secondary educational institutions.

I. In addition to the deposit of funds of local public bodies, the state treasurer may also accept for deposit, deposit and account for, in the same manner as funds of local public bodies, funds of the following governmental entities if the governing authority of the entity approves by resolution the deposit of the funds for the short-term investment:

(1) the agricultural commodity commission established under the Agricultural Commodity Commission Act;

(2) the Albuquerque metropolitan arroyo flood control authority established under the Arroyo Flood Control Act;

(3) the business improvement district management committee established under the Business Improvement District Act;

(4) the New Mexico community development council established under the New Mexico Community Assistance Act;

(5) the governing authority of only special districts authorized under Chapter 73 NMSA 1978;

(6) the board of trustees established under the Economic Advancement District Act;

(7) the board of directors of a corporation or foundation established under the Educational Assistance Act;

(8) a board of directors established under the Flood Control District Act;

(9) the New Mexico hospital equipment loan council established under the Hospital Equipment Loan Act;

(10) the authority established under the Industrial and Agricultural Finance Authority Act;

(11) the authority established under the Las Cruces Arroyo Flood Control Act;

(12) the authority established under the Mortgage Finance Authority Act;

(13) the authority established under the Municipal Mortgage Finance Act;

(14) the authority established under the Public School Insurance Authority Act;

(15) the authority established under the Southern Sandoval County Arroyo Flood Control Act;

(16) a board of trustees established under the Special Hospital District Act;

(17) the authority established under the New Mexico Finance Authority Act; and

(18) the corporation established under the Small Business Investment Act.

J. In addition to the deposit of funds of local public bodies, the state treasurer may also accept for deposit and deposit and account for, in the same manner as funds of local public bodies, funds of any Indian tribe or pueblo in the state if authorized to do so under a joint powers agreement executed by the state treasurer and the governing authority of the Indian tribe or pueblo under the provisions of the Joint Powers Agreements Act."

Senate Bill 84, as amended

Approved March 6, 2006

LAWS 2006, CHAPTER 81

AN ACT

RELATING TO PROCUREMENT; REQUIRING DISCLOSURE OF CAMPAIGN CONTRIBUTIONS BY PROSPECTIVE CONTRACTORS FOR CERTAIN CONTRACTS ENTERED INTO PURSUANT TO THE PROCUREMENT CODE; PROHIBITING CAMPAIGN CONTRIBUTIONS OR GIVING OTHER THINGS OF VALUE DURING THE PROCUREMENT PROCESS FOR CERTAIN CONTRACTS.

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

Chapter 81 Section 1 Laws 2006

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

"CAMPAIGN CONTRIBUTION DISCLOSURE AND PROHIBITION.--

A. This section applies to prospective contractors with the state or a local public body.

B. A prospective contractor subject to this section shall disclose all campaign contributions given by the prospective contractor or a family member or representative of the prospective contractor to an applicable public official of the state or a local public body during the two years prior to the date on which a proposal is submitted or, in the case of a sole source or small purchase contract, the two years prior to the date on which the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor or a family member or representative of the prospective contractor to the public official exceeds two hundred fifty dollars (\$250) over the two-year period.

C. The disclosure shall indicate the date, the amount, the nature and the purpose of the contribution. The disclosure statement shall be on a form developed and made available electronically by the department of finance and administration to all state agencies and local public bodies. The form shall be filed with the state agency or local public body as part of the competitive sealed proposal, or in the case of a sole source or small purchase contract, on the date on which the contractor signs the contract.

D. A prospective contractor submitting a disclosure statement pursuant to this section who has not contributed to an applicable public official, whose family members have not contributed to an applicable public official or whose representatives have not contributed to an applicable public official shall make a statement that no contribution was made.

E. No campaign contribution or other thing of value shall be given by a prospective contractor or a family member or representative of the prospective contractor to an applicable public official or the applicable public official's employees during the pendency of the procurement process or during the pendency of negotiations for a sole source or small purchase contract.

F. A solicitation or proposed award for a proposed contract shall be canceled or a contract that is executed is void if:

(1) a prospective contractor fails to submit a fully completed disclosure statement pursuant to this section; or

(2) a prospective contractor or family member or representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process.

G. As used in this section:

(1) "applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal;

(2) "family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law;

(3) "pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals;

(4) "prospective contractor" means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or small purchase contract; and

(5) "representative of the prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor."

Senate Bill 344, as amended,

Approved March 6, 2006

LAWS 2006, CHAPTER 82

AN ACT

RELATING TO CORRECTIONS; CHANGING THE ADMINISTRATIVE AUTHORITY FOR EARNED MERITORIOUS DEDUCTIONS FOR PRISONERS; DECREASING EARNED MERITORIOUS DEDUCTIONS FOR SOME PRISONERS AND INCREASING THEM FOR OTHERS; PROVIDING ELIGIBILITY FOR EARNED MERITORIOUS DEDUCTIONS TO OFFENDERS SERVING PAROLE TERMS ON OR AFTER JULY 1, 2004.

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

Chapter 82 Section 1 Laws 2006

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 supervisor and approved by the warden or the warden's designee. 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:

(a) up to a maximum of eight days per month of time served during the parole term following revocation, if the prisoner was convicted of a serious violent offense or failed to pass a drug test administered as a condition of parole; or

(b) up to a maximum of thirty days per month of time served during the parole term following revocation, if the prisoner was convicted of a nonviolent offense.

B. A prisoner may earn meritorious deductions upon recommendation by the classification supervisor, 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 supervisor is approved by the warden or the warden's designee.

C. If a prisoner's active participation in approved programs is interrupted by a lockdown at a correctional facility, the prisoner may continue to be awarded meritorious deductions at the rate the prisoner was earning meritorious deductions prior to the lockdown, unless the warden or the warden's designee 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 prisoner, or engaging in extraordinary conduct far in excess of normal program assignments that demonstrates the prisoner's commitment to

self-rehabilitation. The classification supervisor and the warden or the warden's designee 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 or the director's designee.

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:

(1) disobeys an order to perform labor, pursuant to Section 33-8-4 NMSA 1978;

(2) is in disciplinary segregation;

(3) is confined for committing a serious violent offense and 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 the prisoner by the classification supervisor.

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 a state-run correctional facility. 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 supervisor, 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) third degree aggravated battery against a household member, as provided in Section 30-3-16 NMSA 1978;

(e) first degree kidnapping, as provided in Section 30-4-1 NMSA 1978;

(f) first and second degree criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;

(g) second and third degree criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;

(h) first and second degree robbery, as provided in Section 30-16-2 NMSA 1978;

(i) second degree aggravated arson, as provided in Section 30-17-6 NMSA 1978;

(j) shooting at a dwelling or occupied building, as provided in Section 30-3-8 NMSA 1978;

(k) shooting at or from a motor vehicle, as provided in Section 30-3-8 NMSA 1978;

(l) aggravated battery upon a peace officer, as provided in Section 30-22-25 NMSA 1978;

(m) assault with intent to commit a violent felony upon a peace officer, as provided in Section 30-22-23 NMSA 1978;

(n) aggravated assault upon a peace officer, as provided in Section 30-22-22 NMSA 1978; and

(o) 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) fourth degree aggravated assault against a household member, as provided in Section 30-3-13 NMSA 1978; 5) third degree assault against a household member with intent to commit a violent felony, as provided in Section 30-3-14 NMSA 1978; 6) third and fourth degree aggravated stalking, as provided in Section 30-3A-3.1 NMSA 1978; 7) second degree kidnapping, as provided in Section 30-4-1 NMSA 1978; 8) second degree abandonment of a child, as provided in Section 30-6-1 NMSA 1978; 9) first, second and third degree abuse of a child, as provided in Section 30-6-1 NMSA 1978; 10) third degree dangerous use of explosives, as provided in Section 30-7-5 NMSA 1978; 11) third and fourth degree criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978; 12) fourth degree criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978; 13) third degree robbery, as provided in Section 30-16-2 NMSA 1978; 14) third degree homicide by vehicle or great bodily injury by vehicle, as provided in Section 66-8-101 NMSA 1978; and 15) 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. This subsection applies to offenders who are serving a parole term on or after July 1, 2004."

Chapter 82 Section 2 Laws 2006

Section 2. Section 33-2-36 NMSA 1978 (being Laws 1988, Chapter 78, Section 6, as amended) is amended to read:

"33-2-36. FORFEITURE OF EARNED MERITORIOUS DEDUCTIONS.--

A. Meritorious deductions earned by a prisoner may be forfeited in an amount up to ninety days for two or more misconduct violations. Meritorious deductions earned by a prisoner may be forfeited in an amount in excess of ninety days for a major conduct violation. Forfeitures of meritorious deductions of up to ninety days shall only proceed upon the recommendation of the classification supervisor and final approval by the warden or the warden's designee. Forfeitures of meritorious deductions in an amount in excess of ninety days shall only proceed upon the recommendation of the classification supervisor and the warden or the warden's designee and final approval of the director of the adult institutions division of the corrections department or the director's designee. The secretary of corrections may review and revise any decision regarding the forfeiture of meritorious deductions.

B. The provisions of this section also apply to the forfeiture of earned meritorious deductions for a prisoner confined in a:

(1) federal or out-of-state correctional facility; or

(2) correctional facility in New Mexico operated by a private company pursuant to a contract with the corrections department."

Chapter 82 Section 3 Laws 2006

Section 3. Section 33-2-37 NMSA 1978 (being Laws 1988, Chapter 78, Section 7, as amended) is amended to read:

"33-2-37. RESTORATION OF FORFEITED MERITORIOUS DEDUCTIONS.--

A. Meritorious deductions forfeited pursuant to Section 33-2-36 NMSA 1978 may be restored in whole or in part to a prisoner who is exemplary in conduct and work performance for a period of not less than six months following the date of

forfeiture. Meritorious deductions may be restored upon recommendation of the classification supervisor, approval by the warden or the warden's designee and final approval by the director of the adult institutions division of the corrections department or the director's designee.

B. The provisions of this section also apply to the restoration of earned meritorious deductions for a prisoner confined in a:

(1) federal or out-of-state correctional facility; or

(2) correctional facility in New Mexico operated by a private company pursuant to a contract with the corrections department."

Chapter 82 Section 4 Laws 2006

Section 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

Senate Bill 21, as amended,

Approved March 6, 2006

LAWS 2006, CHAPTER 83

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING SUPPLEMENTAL SERVICES FOR CERTAIN STUDENTS; REQUIRING A SLIDING-FEE SCHEDULE BASED ON EDUCATIONAL LEVELS OF TUTORS; REQUIRING STANDARD ASSESSMENTS FOR STUDENT ACHIEVEMENT THROUGH SUPPLEMENTAL SERVICES.

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

Chapter 83 Section 1 Laws 2006

Section 1. Section 22-2C-7 NMSA 1978 (being Laws 2003, Chapter 153, Section 16) is amended to read:

"22-2C-7. ADEQUATE YEARLY PROGRESS--SCHOOL IMPROVEMENT PLANS--CORRECTIVE ACTION.--

A. A public school that fails to make adequate yearly progress for two consecutive school years shall be ranked as a school that needs improvement.

B. Within ninety days of being notified that a public school within the school district has been ranked as a public school that needs improvement, the school district shall submit an improvement plan for that public school to the department. In developing the improvement plan, the local superintendent, the president of the local school board and the school principal of the public school that needs improvement shall hold a public meeting to inform parents and the public of the public school's rank. The meeting shall be used to elicit suggestions from parents and the public on how to improve the public school. After the public meeting, the school district shall develop the public school's improvement plan, and the local school board shall approve the improvement plan before it is submitted to the department. The improvement plan shall be approved by the department within thirty days of its submission.

C. The improvement plan shall include:

(1) documentation of performance measures in which the public school failed to make adequate yearly progress;

(2) measurable objectives to indicate the action that will be taken to address failed measures;

(3) benchmarks to be used to indicate progress in meeting academic content and performance standards;

(4) an estimate of the time and the resources needed to achieve each objective in the improvement plan;

(5) the support services that shall be provided to students and applications for federal and state funds; and

(6) any other information that the public school that needs improvement, the local superintendent, the local school board or the department deems necessary.

D. A public school that needs improvement may apply to the department for financial or other assistance in accordance with the improvement plan. The public school shall make application for assistance substantially in the form required by the department. The department shall evaluate applications for assistance and may recommend changes to an application or to an improvement plan if warranted by the final application. The department shall consider innovative methods to assist the public school in meeting its improvement plan, including department or other school employees serving as a mobile assistance team to provide administrative, classroom, human resource and other assistance to the public school that needs improvement as needed and as provided in applications approved by the department.

E. If a public school fails to make adequate yearly progress for two or more consecutive school years, it shall provide transportation or pay the cost of

transportation, within available funds, for students who choose to enroll in a higher ranked public school.

F. If a public school fails to make adequate yearly progress for three or more consecutive school years, it shall provide supplemental services, including after-school programs, tutoring and summer services to its Title I eligible students, within available funds.

G. The department shall adopt rules that govern the priority for students for whom supplemental services shall be provided and for students for whom transportation costs are paid. The rules shall include the adoption of a sliding-fee schedule based on the educational level of tutors in New Mexico; and require that providers use a pre- and post-assessment instrument approved by the department to measure the gains that students achieve through supplemental services.

H. If a public school fails to make adequate yearly progress for four consecutive school years, it shall be ranked as a public school subject to corrective action and the school district, in conjunction with the department, shall take one or more of the following actions in addition to earlier improvements:

- (1) replace staff as allowed by law;
- (2) implement a new curriculum;
- (3) decrease management authority of the public school;
- (4) appoint an outside expert to advise the public school;
- (5) extend the school day or year; or
- (6) change the public school's internal organizational structure.

I. If a public school fails to make adequate yearly progress for five consecutive school years, the school district, in conjunction with the department, shall take one or more of the following actions in addition to other improvements:

- (1) reopen the public school as a charter school;
- (2) replace all or most of the staff as allowed by law;
- (3) turn over the management of the public school to the department; or
- (4) make other governance changes.

J. A school district that fails to make adequate yearly progress for two consecutive school years may be subject to the same requirements as a public school that needs improvement or the same requirements as a public school subject to corrective action, as determined by the department. A school district that fails to make adequate yearly progress for four consecutive school years shall be subject to corrective action.

K. The state or a school district shall not enter into management contracts with private entities for the management of a public school or a school district subject to corrective action."

Senate Bill 100, as amended,

Approved March 6, 2006

LAWS 2006, CHAPTER 84

AN ACT

RELATING TO PUBLIC ASSISTANCE; EXPANDING THE EDUCATION WORKS PROGRAM ELIGIBILITY; AMENDING A SECTION OF THE NMSA 1978.

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

Chapter 84 Section 1 Laws 2006

Section 1. Section 27-2D-4 NMSA 1978 (being Laws 2003, Chapter 317, Section 4, as amended) is amended to read:

"27-2D-4. EDUCATION WORKS PROGRAM--ELIGIBILITY-- RESTRICTIONS-- REQUIREMENTS.--

A. A person is eligible to receive education works services or cash assistance if the person demonstrates that:

(1) the person has been accepted or has been determined to be eligible to enroll in a two- or four-year post-secondary or graduate or post-graduate degree program; and

(2) the degree the person will receive will increase the person's ability to engage in full-time paid employment.

B. A recipient shall not receive cash assistance funded by the temporary assistance for needy families block grant during the period in which the recipient is receiving cash assistance pursuant to the Education Works Act.

C. A recipient shall apply for all financial aid available from the post-secondary, graduate or post-graduate educational institution that the recipient attends.

D. During the twenty-four months of participation in the education works program, a recipient shall engage in at least twenty hours per week of class time, studying, work, work-study or volunteering. The department shall assume that a recipient spends one and one-half hours studying for every hour of class time.

E. A recipient may participate in the education works program for no more than twenty-four months, except that a recipient may participate in the education works program for one additional academic term following the twenty-four-month participation limit, or for two additional academic terms following the twenty-four-month participation limit at the discretion of the director, if doing so will result in the recipient earning a degree.

F. The number of recipients enrolled in the education works program is limited to the number of recipients who can be served by the funds available.

G. For purposes of this section, "work" means work-study, training-related practicums, internships, paid employment, volunteering or any other activity approved by the department."

Senate Bill 107

Approved March 6, 2006

LAWS 2006, CHAPTER 85

AN ACT

RELATING TO HIGHER EDUCATION; DEFINING TUITION AND FEES.

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

Chapter 85 Section 1 Laws 2006

Section 1. Section 21-1-4 NMSA 1978 (being Laws 1971, Chapter 235, Section 1, as amended) is amended to read:

"21-1-4. TUITION AND GENERAL FEE CHARGES--

DEFINITIONS.--

A. The state educational institutions set forth in Article 12, Section 11 of the constitution of New Mexico and their branches, community colleges as provided in Chapter 21, Article 13 NMSA 1978 and technical and vocational institutes as provided in Chapter 21, Article 16 NMSA 1978 shall charge tuition, which is in addition to general or other earmarked fees, as provided by law.

B. "Tuition" means the amount of money charged to students for instructional services, which may be charged per term, per course or per credit. "Tuition" does not include required general or other fees.

C. "General fee" means a fixed sum charged to students for items not covered by tuition and required of such a proportion of all students that the student who does not pay the charge is an exception. General fees include fees for matriculation, library services, student activities, student union services, student health services, debt service and athletics. An institution may charge fees in addition to general fees that are course-specific or that pertain to a smaller proportion of students.

D. During the regular academic year, "full-time student" means a student who is taking twelve or more credit hours in one semester or quarter. Full-time students during the academic year shall be charged tuition at rates provided by law.

E. During the summer session, "full-time student" means a student who is taking at least a minimum number of credit hours, which minimum is in the same proportion to twelve credit hours as the duration and normal credit-hour load of the summer session in the particular institution is to the duration and normal credit-hour load of the institution's regular semester or quarter. Full-time students in the summer session shall be charged tuition at resident and nonresident rates in each institution, which rates shall be in the same proportion to the full-time resident and nonresident rates of that institution for the regular semester or quarter as the minimum number of credit hours is to twelve hours.

F. "Part-time student" means a student who is taking fewer than the minimum number of credit hours in a semester, quarter or summer session required for full-time student status. Part-time students shall be charged tuition at rates per semester credit hour or quarter credit hour as provided by law.

G. The higher education department shall define resident and nonresident students for the purpose of administering tuition charges in accordance with the constitution and statutes of the state and after consultation with the appropriate officials of the institutions concerned. Each institution shall use the uniform definitions so established in assessing and collecting tuition charges from students."

Senate Bill 155

Approved March 6, 2006

LAWS 2006, CHAPTER 86

AN ACT

RELATING TO GAME AND FISH; PROHIBITING COMPUTER-ASSISTED REMOTE HUNTING OF ANIMALS OR BIRDS; PROVIDING PENALTIES.

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

Chapter 86 Section 1 Laws 2006

Section 1. A new section of Chapter 17, Article 3 NMSA 1978 is enacted to read:

"COMPUTER-ASSISTED REMOTE HUNTING PROHIBITED--PENALTIES.--

A. A person shall not:

- (1) engage in computer-assisted remote hunting;
- (2) provide or operate facilities for the purpose of computer-assisted remote hunting;
- (3) create, maintain, provide, advertise or sell computer software or an internet web site for the purpose of computer-assisted remote hunting or;
- (4) entice, possess or confine an animal or bird for the purpose of computer-assisted remote hunting.

B. A person who violates the provisions of this section shall be sentenced in accordance with the provisions of Section 17-2-10 NMSA 1978.

C. When a person who violates the provisions of this section possesses a license, certificate or permit issued by the state game commission, the license, certificate or permit shall be subject to revocation by the commission pursuant to Sections 17-1-14 and 17-3-34 NMSA 1978.

D. As used in this section:

(1) "computer-assisted remote hunting" means the use of a computer or other electronic device, equipment or software to access the internet and remotely control the aiming and discharge of a bow, crossbow or firearm of any kind for the purpose of hunting, taking or capturing an animal or bird; and

(2) "facilities for computer-assisted remote hunting" means the real property and improvements on the property associated with computer-assisted remote hunting, including hunting blinds, offices and rooms equipped to facilitate computer-assisted remote hunting."

Chapter 86 Section 2 Laws 2006

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

Senate Bill 157, as amended,

Approved March 6, 2006

LAWS 2006, CHAPTER 87

AN ACT

RELATING TO COUNTIES; INCREASING SALARIES OF ELECTED COUNTY OFFICERS.

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

Chapter 87 Section 1 Laws 2006

Section 1. Section 4-44-4 NMSA 1978 (being Laws 1957, Chapter 196, Section 2, as amended) is amended to read:

"4-44-4. CLASS A COUNTIES--SALARIES.--The annual salaries of elected officers of class A counties shall not exceed:

A. county commissioners, twenty-nine thousand five hundred sixty nine dollars (\$29,569) each;

B. treasurer, sixty-five thousand five hundred one dollars (\$65,501);

C. assessor, sixty-five thousand five hundred one dollars (\$65,501);

D. sheriff, sixty-eight thousand three hundred eight dollars (\$68,308);

E. county clerk, sixty-five thousand five hundred one dollars (\$65,501);

F. probate judge, twenty-eight thousand eight hundred twenty dollars (\$28,820); and

G. county surveyor, twenty-two thousand three hundred fifty-eight dollars (\$22,358)."

Chapter 87 Section 2 Laws 2006

Section 2. Section 4-44-4.1 NMSA 1978 (being Laws 1986, Chapter 67, Section 2, as amended) is amended to read:

"4-44-4.1. CLASS B COUNTIES--OVER THREE HUNDRED MILLION DOLLARS VALUATION--SALARIES.--The annual salaries of elected officers of class B counties with an assessed valuation of over three hundred million dollars (\$300,000,000) shall not exceed:

A. county commissioners, twenty-two thousand eight hundred thirty-two dollars (\$22,832) each;

B. treasurer, fifty-seven thousand two hundred sixty-five dollars (\$57,265);

C. assessor, fifty-seven thousand two hundred sixty-five dollars (\$57,265);

D. sheriff, fifty-nine thousand six hundred ninety-nine dollars (\$59,699);

E. county clerk, fifty-seven thousand two hundred sixty-five dollars (\$57,265);

F. probate judge, twenty thousand twenty-four dollars (\$20,024); and

G. county surveyor, a reasonable rate of compensation as determined by the board of county commissioners."

Chapter 87 Section 3 Laws 2006

Section 3. Section 4-44-5 NMSA 1978 (being Laws 1957, Chapter 196, Section 3, as amended) is amended to read:

"4-44-5. CLASS B COUNTIES--SALARIES.--The annual salaries of elected officers of class B counties with an assessed valuation of over seventy-five million dollars (\$75,000,000) but under three hundred million dollars (\$300,000,000) shall not exceed:

A. county commissioners, sixteen thousand two hundred eighty-two dollars (\$16,282) each;

- B. treasurer, forty-nine thousand thirty-one dollars (\$49,031);
 - C. county assessor, forty-nine thousand thirty-one dollars (\$49,031);
 - D. county sheriff, fifty-one thousand two hundred seventy-seven dollars (\$51,277);
 - E. county clerk, forty-nine thousand thirty-one dollars (\$49,031);
 - F. probate judge, eleven thousand four hundred sixteen dollars (\$11,416);
- and
- G. county surveyor, a reasonable rate of compensation as determined by the board of county commissioners."

Chapter 87 Section 4 Laws 2006

Section 4. Section 4-44-6 NMSA 1978 (being Laws 1957, Chapter 196, Section 4, as amended) is amended to read:

"4-44-6. CLASS C COUNTIES--SALARIES.--The annual salaries of elected officers of class C counties shall not exceed:

- A. county commissioners, sixteen thousand two hundred eighty-two dollars (\$16,282) each;
 - B. county treasurer, forty-nine thousand thirty-one dollars (\$49,031);
 - C. county assessor, forty-nine thousand thirty-one dollars (\$49,031);
 - D. county sheriff, fifty-one thousand two hundred seventy-seven dollars (\$51,277);
 - E. county clerk, forty-nine thousand thirty-one dollars (\$49,031);
 - F. probate judge, eleven thousand four hundred sixteen dollars (\$11,416);
- and
- G. county surveyor, a reasonable rate of compensation as determined by the board of county commissioners."

Chapter 87 Section 5 Laws 2006

Section 5. Section 4-44-7 NMSA 1978 (being Laws 1957, Chapter 196, Section 5, as amended) is amended to read:

"4-44-7. FIRST CLASS COUNTIES--OVER TWENTY-SEVEN MILLION DOLLARS VALUATION--SALARIES.--The annual salaries of elected officers of counties of the first class with an assessed valuation of over twenty-seven million dollars (\$27,000,000) but under forty-five million dollars (\$45,000,000) shall not exceed:

A. county commissioners, fourteen thousand seven hundred eighty-four dollars (\$14,784) each;

B. treasurer, thirty-five thousand nine hundred thirty-three dollars (\$35,933);

C. assessor, thirty-five thousand nine hundred thirty-three dollars (\$35,933);

D. sheriff, thirty-eight thousand seven hundred thirty-nine dollars (\$38,739);

E. county clerk, thirty-five thousand nine hundred thirty-three dollars (\$35,933);

F. probate judge, nine thousand five hundred forty-five dollars (\$9,545);
and

G. county surveyor, a reasonable rate of compensation as determined by the board of county commissioners."

Chapter 87 Section 6 Laws 2006

Section 6. Section 4-44-8 NMSA 1978 (being Laws 1957, Chapter 196, Section 6, as amended) is amended to read:

"4-44-8. FIRST CLASS COUNTIES--UNDER TWENTY-SEVEN MILLION DOLLARS VALUATION--SALARIES.--The annual salaries of elected officers of counties of the first class with an assessed valuation of over fourteen million dollars (\$14,000,000) but under twenty-seven million dollars (\$27,000,000) shall not exceed:

A. county commissioners, nine thousand nine hundred nineteen dollars (\$9,919) each;

B. treasurer, thirty thousand five hundred five dollars (\$30,505);

C. assessor, thirty thousand five hundred five dollars (\$30,505);

D. sheriff, thirty-eight thousand seven hundred thirty-nine dollars (\$38,739);

E. county clerk, thirty thousand five hundred five dollars (\$30,505);

F. probate judge, eight thousand seven hundred ninety-five dollars (\$8,795); and

G. county surveyor, a reasonable rate of compensation as determined by the board of county commissioners."

Chapter 87 Section 7 Laws 2006

Section 7. Section 4-44-14 NMSA 1978 (being Laws 1955, Chapter 4, Section 2, as amended) is amended to read:

"4-44-14. H CLASS COUNTIES--SALARIES AND EXPENSES.--

A. Officers elected or appointed in an unincorporated county of the H class shall receive the following annual salaries:

(1) county commissioners, one dollar (\$1.00);

(2) treasurer, one dollar (\$1.00);

(3) assessor, one dollar (\$1.00);

(4) sheriff, one dollar (\$1.00);

(5) county clerk, one dollar (\$1.00);

(6) probate judge, three thousand five hundred five dollars (\$3,505);

and

(7) county surveyor, not to exceed ten dollars (\$10.00) per day for each day actually employed under orders by the board of county commissioners, such employment not to exceed fifty days in any one year.

B. The elected H class county officials listed in Subsection A of this section, except probate judge, in addition to the salaries prescribed shall be entitled to receive as per diem expense the sum of not more than fifteen dollars (\$15.00) while in actual attendance at county commission meetings or while engaged in the performance of their official duties for the county. However, the total per diem expense allowance for each elected H class county official listed in Subsection A of this section shall not exceed three hundred fifty dollars (\$350) in any fiscal year. Such per diem expense shall be in addition to any allowance for sheriff's mileage or for other out-of-county

expenses allowed for all officials by law and shall be budgeted, paid and audited as provided by laws governing expenditures of county funds."

Chapter 87 Section 8 Laws 2006

Section 8. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2007.

Senate Bill 376

Approved March 6, 2006

LAWS 2006, CHAPTER 88

AN ACT

RELATING TO SOIL AND WATER CONSERVATION DISTRICTS; ALLOWING ELECTED OR APPOINTED SUPERVISORS TO OPT INTO THE STATE GROUP INSURANCE BENEFITS; AMENDING SECTIONS OF THE NMSA 1978.

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

Chapter 88 Section 1 Laws 2006

Section 1. Section 10-7B-2 NMSA 1978 (being Laws 1989, Chapter 231, Section 2, as amended by Laws 2005, Chapter 301, Section 2 and by Laws 2005, Chapter 305, Section 2) is amended to read:

"10-7B-2. DEFINITIONS.--As used in the Group Benefits Act:

- A. "committee" means the group benefits committee;
- B. "director" means the director of the risk management division of the general services department;
- C. "employee" means a salaried officer, employee or legislator of the state; a salaried officer or an employee of a local public body; or an elected or appointed supervisor of a soil and water conservation district;
- D. "local public body" means any New Mexico incorporated municipality, county or school district;

E. "professional claims administrator" means any person or legal entity that has at least five years of experience handling group benefits claims, as well as such other qualifications as the director may determine from time to time with the committee's advice;

F. "small employer" means a person having for-profit or nonprofit status that employs an average of fifty or fewer persons over a twelve-month period; and

G. "state" or "state agency" means the state of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions."

Chapter 88 Section 2 Laws 2006

Section 2. Section 10-7B-5 NMSA 1978 (being Laws 1989, Chapter 231, Section 5, as amended by Laws 2005, Chapter 301, Section 3 and by Laws 2005, Chapter 305, Section 3) is amended to read:

"10-7B-5. ADMINISTRATIVE COSTS.--The director, with the prior approval of the committee, may apportion the costs of employee benefits administration and other employee benefit costs to all participating state agencies and their employees, participating local public bodies and their employees, participating small employers and persons and dependents eligible through the small employer and participating soil and water conservation district supervisors and their covered dependents, whether the plan is insured or self-insured."

Chapter 88 Section 3 Laws 2006

Section 3. Section 10-7B-6 NMSA 1978 (being Laws 1989, Chapter 231, Section 6, as amended) is amended to read:

"10-7B-6. STATE EMPLOYEES GROUP BENEFITS SELF-INSURANCE PLAN--AUTHORIZATION--LOCAL PUBLIC BODY PARTICIPATION.--

A. The risk management division of the general services department may, with the prior advice of the committee, establish and administer a group benefits self-insurance plan, providing life, vision, health, dental and disability coverages, or any combination of such coverages, for employees of the state and of participating local public bodies. Any such group benefits self-insurance plan shall afford coverage for employees' dependents at each employee's option. Any such group benefits self-insurance plan may consist of self-insurance or a combination of self-insurance and insurance; provided that particular coverages or risks may be fully insured, fully self-insured or partially insured and partially self-insured.

B. The director, with the advice of the committee, shall establish by regulation or letter of administration the types, extent, nature and description of coverages, the eligibility rules for participation, the deductibles, rates and all other matters reasonably necessary to carry on or administer a group benefits self-insurance plan established pursuant to Subsection A of this section.

C. The contribution of each participating state agency to the cost of any such group benefits self-insurance plan shall not exceed that percentage provided for state group benefits insurance plans as provided by law. The contribution of a participating local public body to the cost of any such group benefits self-insurance plan shall not exceed that percentage provided for local public body group benefits insurance plans as provided by law.

D. Except as provided in Subsection E of this section, public employees' contributions to the cost of any group benefits self-insurance plan may be deducted from their salaries and paid directly to the group self-insurance fund; provided that where risks are insured or reinsured, the director may authorize payment of the costs of such insurance or reinsurance directly to the insurer or reinsurer.

E. A legislator and the legislator's covered dependents and a soil and water conservation district supervisor or the supervisor's covered dependents are eligible to participate in and receive benefits from the group benefits self-insurance plan if the legislator or supervisor pays monthly premiums in amounts that equal one hundred percent of the cost of the insurance. The premiums shall be paid directly to the group self-insurance fund; provided that where risks are insured or reinsured, the director may authorize payment of the premiums directly to the insurer or reinsurer.

F. Local public bodies and state agencies that are not participating in the state group benefits insurance plan or self-insurance plan may elect to participate in any group benefits self-insurance plan established pursuant to Subsection A of this section by giving written notice to the director on a date set by the director, which date shall not be later than ninety days prior to the date participation is to begin. The director shall determine an initial rate for the electing entity in accordance with a letter of administration setting forth written guidelines established by the director with the committee's advice. The initial rate shall be based on the claims experience of the electing entity's group for the three immediately preceding continuous years. If three years of continuous experience is not available, a rate fixed for the entity by the director with the committee's advice shall apply, and the electing entity's group shall be rerated on the first premium anniversary following the date one full year of experience for the group becomes available. Any such election may be terminated effective not earlier than June 30 of the third calendar year succeeding the year in which the election became effective or on any June 30 thereafter. Notice of termination shall be made in writing to the director not later than April 1 immediately preceding the June 30 on which participation will terminate. A reelection to participate in the plan following a termination may not be made effective for at least three full years following the effective date of termination.

G. As soon as practicable, the director with the committee's advice shall establish an experience rating plan for state agencies and local public bodies participating in any group benefits self-insurance plan created pursuant to Subsection A of this section. Rates applicable to state agencies and participating local public bodies shall be based on such experience rating plan. Any such experience rating plan may provide separate rates for individual state agencies and individual local public bodies or for such other experience centers as the director may determine."

Chapter 88 Section 4 Laws 2006

Section 4. Section 73-20-40 NMSA 1978 (being Laws 1965, Chapter 137, Section 14, as amended) is amended to read:

"73-20-40. SELECTION OF SUPERVISOR CHAIRMAN--QUORUM--COMPENSATION.--Within a reasonable time after each district election and after newly elected supervisors have completed the oath of office, the supervisors of a district shall organize and shall designate a chairman who shall be a supervisor and who shall serve at the pleasure of the supervisors. In the performance of district functions, a majority of supervisors shall constitute a quorum; the concurrence of the quorum majority shall be required to carry or to determine any matter of district business. Supervisors shall not receive compensation for their services but shall be entitled to be reimbursed in accordance with the provisions of the Per Diem and Mileage Act. Supervisors may purchase group health insurance benefits for themselves and their dependents pursuant to the Group Benefits Act and pursuant to the rules and procedures set forth by that act and the risk management division of the general services department."

Chapter 88 Section 5 Laws 2006

Section 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

Senate Bill 613, as amended,

Approved March 6, 2006

LAWS 2006, CHAPTER 89

AN ACT

RELATING TO PUBLIC FINANCE; AUTHORIZING THE NEW MEXICO FINANCE AUTHORITY TO ISSUE ADDITIONAL REVENUE BONDS FOR THE REGIONAL CANCER TREATMENT CENTER AT THE GILA REGIONAL MEDICAL CENTER; PROVIDING FOR DISTRIBUTION OF ONE PERCENT OF THE CIGARETTE TAX

REVENUES FOR THE RURAL COUNTY CANCER TREATMENT FUND; CREATING THE RURAL COUNTY CANCER TREATMENT FUND; MAKING APPROPRIATIONS.

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

Chapter 89 Section 1 Laws 2006

Section 1. TEMPORARY PROVISION--NEW MEXICO FINANCE AUTHORITY REVENUE BONDS--PURPOSE--APPROPRIATION.--

A. The New Mexico finance authority may issue and sell revenue bonds in compliance with the New Mexico Finance Authority Act for a term not exceeding twenty years in an amount not exceeding two million five hundred thousand dollars (\$2,500,000) for the purpose of designing, constructing, equipping and furnishing additions and improvements to a regional cancer treatment center at the Gila regional medical center in Grant county and subsequently rural cancer treatment facilities in class B counties.

B. The authority may issue and sell revenue bonds authorized by this section when the chair of the board of county commissioners of Grant county certifies the need for issuance of the bonds. The net proceeds from the sale of the bonds are appropriated to the local government division of the department of finance and administration for the purposes described in Subsection A of this section.

C. The cigarette tax proceeds distributed to the authority pursuant to Subsection H of Section 7-1-6.11 NMSA 1978 shall be pledged irrevocably for the payment of the principal, interest, premiums and related expenses on the bonds and for payment of the expenses incurred by the authority related to the issuance, sale and administration of the bonds.

D. The cigarette tax proceeds distributed to the authority pursuant to Subsection H of Section 7-1-6.11 NMSA 1978 shall be deposited each month in a separate fund or account of the authority.

E. Upon payment of all principal, interest and other expenses or obligations related to the bonds, the authority shall certify to the secretary of taxation and revenue that all obligations for the bonds issued pursuant to this section have been fully discharged and shall direct the secretary of taxation and revenue to cease distributing cigarette tax proceeds to the authority pursuant to Subsection H of Section 7-1-6.11 NMSA 1978 and to distribute those cigarette tax proceeds to the general fund.

F. Any law authorizing the imposition, collection or distribution of the cigarette tax or that affects the cigarette tax shall not be amended, repealed or otherwise directly or indirectly modified so as to impair or reduce debt service coverage for any outstanding revenue bonds that may be secured by a pledge of those cigarette

tax revenues, unless the revenue bonds have been discharged in full or provisions have been made for a full discharge.

G. The authority may additionally secure the revenue bonds issued pursuant to this section by a pledge of money in the public project revolving fund with a lien priority on the money in the public project revolving fund as determined by the authority.

H. The authority may purchase revenue bonds issued pursuant to this section with money in the public project revolving fund pursuant to the provisions of Section 6-21-6 NMSA 1978.

Chapter 89 Section 2 Laws 2006

Section 2. Section 7-1-6.11 NMSA 1978 (being Laws 1983, Chapter 211, Section 16, as amended) is amended to read:

"7-1-6.11. DISTRIBUTIONS OF CIGARETTE TAXES.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the county and municipality recreational fund in an amount equal to one and thirty-five hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.

B. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the county and municipal cigarette tax fund in an amount equal to two and sixty-nine hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.

C. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the cancer research and treatment center at the university of New Mexico health sciences center in an amount equal to one and thirty-five hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.

D. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the New Mexico finance authority in an amount equal to two and two-hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.

E. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to fourteen and thirty-seven hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax, shall be made, on behalf of and for the benefit of the university of New Mexico health sciences center, to the New Mexico finance authority.

F. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to six and five-hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax shall be made to the New Mexico finance authority for land acquisition and the planning, designing, construction and equipping of department of health facilities or improvements to such facilities.

G. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to fifteen and seventy-nine hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax shall be made to the New Mexico finance authority for deposit in the credit enhancement account created in the authority.

H. A distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount equal to one percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax shall be made, on behalf of and for the benefit of the rural county cancer treatment fund, to the New Mexico finance authority."

Chapter 89 Section 3 Laws 2006

Section 3. Section 7-12-7 NMSA 1978 (being Laws 1971, Chapter 77, Section 7, as amended) is amended to read:

"7-12-7. SALE OF STAMPS--PRICES.--

A. Only the department shall sell stamps. Stamps may be sold by the department only to a distributor.

B. Stamps shall display a serial number. Stamps bearing the same serial number shall not be sold to more than one distributor. The department shall keep records of the serial numbers of the stamps provided to each distributor.

C. A stamp shall be affixed to a package of cigarettes in such a manner as to clearly display the serial number at the point of sale.

D. Tax stamps shall be sold at their face value with the following discounts:

(1) one percent less than the face value of the first thirty thousand dollars (\$30,000) of stamps purchased in one calendar month;

(2) eight-tenths percent less than the face value of the second thirty thousand dollars (\$30,000) of stamps purchased in one calendar month; and

(3) one-half percent less than the face value of stamps purchased in excess of sixty thousand dollars (\$60,000) in one calendar month.

E. If the face value of tax stamps sold in a single sale is less than one thousand dollars (\$1,000), the discount provided for in this section shall not be allowed.

F. Payment for tax stamps shall be made on or before the twenty-fifth day of the month following the month in which the sale of stamps by the department is made.

G. Tax-exempt stamps shall be provided only to distributors and shall be free of charge; provided that the distributor is in full compliance with the reporting requirements of the Cigarette Tax Act and rules adopted pursuant to that act."

Chapter 89 Section 4 Laws 2006

Section 4. RURAL COUNTY CANCER TREATMENT FUND CREATED--PURPOSE--APPROPRIATION.-- The "rural county cancer treatment fund" is created in the New Mexico finance authority. The fund is comprised of appropriations, donations, distributions pursuant to Section 7-1-6.11 NMSA 1978 and money earned from investment of the fund and otherwise accruing to the fund. Money in the fund is appropriated to the New Mexico finance authority to provide a revenue stream to finance the construction of cancer treatment facilities in class B counties. Balances remaining in the fund at the end of a fiscal year shall not revert. The New Mexico finance authority shall administer the fund, and money from the fund may be drawn only on warrants signed by the executive director of the New Mexico finance authority pursuant to vouchers signed by the executive director.

Senate Finance Committee Substitute for

Senate Bill 229, as amended,

Approved March 6, 2006

LAWS 2006, CHAPTER 90

AN ACT

RELATING TO TAXATION; PROVIDING FOR A PROPERTY TAX EXEMPTION FOR CERTAIN HEALTH-RELATED EQUIPMENT.

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

Chapter 90 Section 1 Laws 2006

Section 1. Section 7-36-3 NMSA 1978 (being Laws 1975, Chapter 218, Section 1, as amended) is amended to read:

"7-36-3. INDUSTRIAL REVENUE BOND, POLLUTION CONTROL BOND AND ECONOMIC DEVELOPMENT BOND PROJECT PROPERTY--

HEALTH-RELATED EQUIPMENT--TAX STATUS.--

A. Property interests of a lessee in project property held under a lease from a county or a municipality under authority of an industrial revenue bond or pollution control revenue bond act or the Statewide Economic Development Finance Act are exempt from property taxation for as long as there is an outstanding bonded indebtedness under the terms of the revenue bonds issued for the acquisition of the project property, but in no event for a period of more than thirty years from the date of execution of the first lease of the project to the lessee by the county or municipality.

B. Property interests of a person, other than a public utility, arising out of the purchase of a project authorized by the Industrial Revenue Bond Act, the County Industrial Revenue Bond Act, the Pollution Control Revenue Bond Act or the Statewide Economic Development Finance Act are exempt from property taxation for as long as the project purchaser remains liable to the project seller for any part of the purchase price, but not to exceed thirty years from the date of execution of the sale agreement.

C. Property interests of a participating health facility in health-related equipment purchased, acquired, leased, financed or refinanced with the proceeds of bonds issued under the Hospital Equipment Loan Act are exempt from property taxation for as long as the participating health facility remains liable for any amount under any lease, loan or other agreement securing the bonds, but not to exceed thirty years from the date the bonds were issued for the health-related equipment.

D. The exemptions from property taxation under this section are not cumulative; provided, however, that the exemptions may be applied consecutively if subsequent exemptions relate to the financing of a new project or new health-related equipment."

Chapter 90 Section 2 Laws 2006

Section 2. Section 58-23-5 NMSA 1978 (being Laws 1983, Chapter 290, Section 5, as amended) is amended to read:

"58-23-5. COUNCIL--CREATED--MEMBERS--QUALIFICATIONS--BOARD.--

A. There is created a public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality to be known as the "New Mexico hospital equipment loan council" for the performance of essential public functions.

B. The council shall be governed by a board of directors consisting of five members. The governor, with the advice and consent of the senate, shall appoint the members of the board.

C. Each member of the board shall be a resident of the state, and in addition:

(1) two members shall be officers or directors of financial institutions located in New Mexico;

(2) two members shall be officers or directors of a health facility located in New Mexico. Such members shall have been employed for a total of five years as officers or directors of any health facility;

(3) one member shall be appointed from and represent the public and shall not be directly or indirectly affiliated with any health facility; and

(4) no more than three members shall be of the same political party.

D. The council shall be separate and apart from the state and shall not be subject to the supervision or control of any board, bureau, department or agency of the state except as specifically provided in the Hospital Equipment Loan Act. In order to effectuate the separation of the state from the council, no use of the terms "state agency" or "instrumentality" in any other law of the state shall be deemed to refer to the council unless the council is specifically referred to therein, except that the council is a state agency and instrumentality for the purposes of Article 8, Section 3 of the constitution of New Mexico."

Chapter 90 Section 3 Laws 2006

Section 3. Section 58-23-29 NMSA 1978 (being Laws 1983, Chapter 290, Section 29, as amended) is amended to read:

"58-23-29. EXEMPTION FROM TAXATION--ASSETS TO STATE UPON DISSOLUTION.--

A. All property acquired or held by the council under the Hospital Equipment Loan Act, income therefrom and bonds issued under the Hospital Equipment Loan Act, plus the interest payable and income derived from the bonds, shall be exempt from taxation by the state or any subdivision thereof. Upon dissolution of the council, its assets, after payment of its indebtedness, shall inure to the benefit of the state.

B. All health-related equipment purchased, acquired, leased, financed or refinanced with the proceeds of bonds issued under the Hospital Equipment Loan Act is exempt from property taxation for as long as the participating health facility remains

liable for any amount under any lease, loan or other agreement securing the bonds, but not to exceed thirty years from the date the bonds were issued for the health-related equipment."

Chapter 90 Section 4 Laws 2006

Section 4. APPLICABILITY.--The provisions of this act are applicable to property tax years beginning on or after January 1, 2006.

Senate Bill 417

Approved March 6, 2006

LAWS 2006, CHAPTER 91

AN ACT

RELATING TO TAX ADMINISTRATION; ENHANCING CIGARETTE STAMP PROCEDURES; PROVIDING FOR TAX-EXEMPT STAMPS; ADJUSTING CERTAIN TAX STAMP DISCOUNTS; EXPANDING REPORTING AND LICENSING REQUIREMENTS; AUTHORIZING INTERGOVERNMENTAL AGREEMENTS; PROVIDING CIVIL AND CRIMINAL PENALTIES; AMENDING, REPEALING AND ENACTING SECTIONS OF THE CIGARETTE TAX ACT.

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

Chapter 91 Section 1 Laws 2006

Section 1. Section 7-12-2 NMSA 1978 (being Laws 1971, Chapter 77, Section 2, as amended) is amended to read:

"7-12-2. DEFINITIONS.--As used in the Cigarette Tax Act:

A. "cigarette" means any roll of tobacco or any substitute for tobacco wrapped in paper or in anything that is not one hundred percent tobacco; "cigarette" includes bidis and kreteks and small cigars sold in packages similar to cigarettes, unless the cigar is wrapped in one hundred percent tobacco;

B. "contraband cigarettes" means cigarette packages with counterfeit stamps, counterfeit cigarettes, cigarettes that have false or fraudulent manufacturing labels and cigarette packages without the tax or tax-exempt stamps required by the Cigarette Tax Act;

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;

D. "distributor" means a person licensed pursuant to the Cigarette Tax Act to sell or distribute cigarettes in New Mexico. "Distributor" does not include:

(1) a retailer;

(2) a cigarette manufacturer, export warehouse proprietor or importer with a valid permit pursuant to 26 U.S.C. 5713, if that person sells cigarettes in New Mexico only to distributors that hold valid licenses under the laws of a state or sells to an export warehouse proprietor or to another manufacturer; or

(3) a common or contract carrier transporting cigarettes pursuant to a bill of lading or freight bill, or a person who ships cigarettes through the state by a common or contract carrier pursuant to a bill of lading or freight bill;

E. "license" means a license granted pursuant to the Cigarette Tax Act that authorizes the holder to conduct business as a manufacturer or distributor of cigarettes;

F. "manufacturer" means a person that manufactures, fabricates, assembles, processes or labels a cigarette or that imports from outside the United States, directly or indirectly, a finished cigarette for sale or distribution in the United States;

G. "master settlement agreement" means the settlement agreement and related documents entered into on November 23, 1998 by the state and leading United States tobacco product manufacturers;

H. "package" means an individual pack, box or other container; "package" does not include a container that itself contains other containers, such as a carton of cigarettes;

I. "retailer" means a person, whether located within or outside of New Mexico, that sells cigarettes at retail to a consumer in New Mexico and the sale is not for resale;

J. "stamp" means an adhesive label issued and authorized by the department to be affixed to cigarette packages for excise tax purposes and upon which is printed a serial number and the words "State of New Mexico" and "tobacco tax";

K. "tax stamp" means a stamp that has a specific cigarette tax value pursuant to the Cigarette Tax Act; and

L. "tax-exempt stamp" means a stamp that indicates a tax-exempt status pursuant to the Cigarette Tax Act."

Chapter 91 Section 2 Laws 2006

Section 2. Section 7-12-3.1 NMSA 1978 (being Laws 1986, Chapter 13, Section 3, as amended) is amended to read:

"7-12-3.1. CIGARETTE INVENTORY TAX--IMPOSITION OF TAX--DATE PAYMENT OF TAX DUE.--

A. A tax that may be identified as the "cigarette inventory tax" is imposed on a distributor that has in its possession tax-exempt stamps or tax stamps, whether or not affixed to packages of cigarettes, on the date on which an increase in the cigarette tax imposed by Section 7-12-3 NMSA 1978 is effective.

B. The cigarette inventory tax due from the distributor is calculated by multiplying the number of tax stamps in the distributor's possession by the increase in the excise tax. Tax-exempt stamps are not included in the calculation to determine the amount of cigarette inventory tax to be paid by a distributor.

C. The cigarette inventory tax is to be paid to the department on or before the twenty-fifth day of the month following the month in which the increase in the cigarette tax is effective."

Chapter 91 Section 3 Laws 2006

Section 3. Section 7-12-3.2 NMSA 1978 (being Laws 1986, Chapter 13, Section 4) is amended to read:

"7-12-3.2. CIGARETTE INVENTORIES.--

A. On any date on which the cigarette tax imposed by Section 7-12-3 NMSA 1978 is increased, each distributor shall take inventory of tax-exempt stamps and tax stamps on hand, including stamps affixed to packages of cigarettes.

B. Each distributor shall report the total number of tax-exempt stamps and tax stamps in inventory on the date on which the cigarette tax increases and pay the cigarette inventory tax due."

Chapter 91 Section 4 Laws 2006

Section 4. Section 7-12-5 NMSA 1978 (being Laws 1971, Chapter 77, Section 5, as amended) is amended to read:

"7-12-5. AFFIXING STAMPS.--

A. Except as provided in Section 7-12-6 NMSA 1978, all cigarettes shall be placed in packages or containers to which a stamp shall be affixed. Only a distributor with a valid license issued pursuant to the Cigarette Tax Act may purchase or obtain unaffixed tax-exempt stamps or tax stamps. A distributor shall not sell or provide unaffixed stamps to another distributor, manufacturer, export warehouse proprietor or importer with a valid permit pursuant to 26 U.S.C. 5713 or any other person.

B. Stamps shall be affixed by the distributor to each package of cigarettes to be sold or distributed in New Mexico within ten days of receipt of those packages.

C. A distributor shall apply stamps only to packages of cigarettes that it has received directly from a manufacturer or importer of cigarettes that possesses a valid and current permit pursuant to 26 U.S.C. 5713.

D. Packages shall contain cigarettes in lots of twenty or twenty-five.

E. Unless the requirements of this section are waived pursuant to Section 7-12-6 NMSA 1978, a tax stamp shall be affixed to each package of cigarettes subject to the cigarette tax and a tax-exempt stamp shall be affixed to each package of cigarettes not subject to the cigarette tax pursuant to Section 7-12-4 NMSA 1978.

F. A tax-exempt stamp is not an excise tax stamp for purposes of determining units sold pursuant to Section

6-4-12 NMSA 1978.

G. Stamps shall be affixed inside the boundaries of New Mexico, unless the department has granted a license allowing a person to affix stamps outside New Mexico."

Chapter 91 Section 5 Laws 2006

Section 5. Section 7-12-6 NMSA 1978 (being Laws 1971, Chapter 77, Section 6, as amended) is amended to read:

"7-12-6. WAIVER OF REQUIREMENT THAT STAMPS BE AFFIXED.

--The requirement imposed in Section 7-12-5 NMSA 1978 that stamps be affixed to packages or containers of cigarettes is waived if the cigarettes are distributed by a manufacturer pursuant to federal regulations and are exempt from tax pursuant to 26 U.S.C. 5704."

Chapter 91 Section 6 Laws 2006

Section 6. Section 7-12-7 NMSA 1978 (being Laws 1971, Chapter 77, Section 7, as amended) is amended to read:

"7-12-7. SALE OF STAMPS--PRICES.--

A. Only the department shall sell stamps. Stamps may be sold by the department only to a distributor.

B. Stamps shall display a serial number. Stamps bearing the same serial number shall not be sold to more than one distributor. The department shall keep records of the serial numbers of the stamps provided to each distributor.

C. A stamp shall be affixed to a package of cigarettes in such a manner as to clearly display the serial number at the point of sale.

D. Tax stamps shall be sold at their face value with the following discounts:

(1) one percent less than the face value of the first thirty thousand dollars (\$30,000) of stamps purchased in one calendar month;

(2) eight-tenths percent less than the face value of the second thirty thousand dollars (\$30,000) of stamps purchased in one calendar month; and

(3) one-half percent less than the face value of stamps purchased in excess of sixty thousand dollars (\$60,000) in one calendar month.

E. If the face value of tax stamps sold in a single sale is less than one thousand dollars (\$1,000), the discount provided for in this section shall not be allowed.

F. Payment for tax stamps shall be made on or before the twenty-fifth day of the month following the month in which the sale of stamps by the department is made.

G. Tax-exempt stamps shall be provided only to distributors and shall be free of charge; provided that the distributor is in full compliance with the reporting requirements of the Cigarette Tax Act and rules adopted pursuant to that act."

Chapter 91 Section 7 Laws 2006

Section 7. A new section of the Cigarette Tax Act, Section 7-12-9.1 NMSA 1978, is enacted to read:

"7-12-9.1. LICENSING--GENERAL LICENSING PROVISIONS.--

A. A person shall not engage in the manufacture or distribution of cigarettes in New Mexico without a license issued by the department.

B. The department shall issue a license for a term not to exceed one year.

C. The department may charge a license fee of up to one hundred dollars (\$100) for each manufacturer's or distributor's license issued or renewed.

D. An application for a license or renewal of a license shall be submitted on a form determined by the department and shall include:

(1) the name and address of the applicant and:

(a) if the applicant is a firm, partnership or association, the name and address of each of its members; or

(b) if the applicant is a corporation, the name and address of each of its officers;

(2) the address of the applicant's principal place of business and every location where the applicant's business is conducted; and

(3) any other information the department may require.

E. The department may issue a distributor's license and a manufacturer's license to the same person.

F. Persons licensed as manufacturers or distributors may sell stamped cigarettes at retail.

G. A license may not be granted, maintained or renewed if one or more of the following conditions applies to an applicant:

(1) the applicant owes five hundred dollars (\$500) or more in delinquent cigarette taxes;

(2) the applicant has had a manufacturer's or distributor's license revoked by the department or any other state within the past two years;

(3) the applicant is convicted of a crime related to contraband cigarettes, stolen cigarettes or counterfeit stamps;

(4) the applicant is a manufacturer but not a participating manufacturer as defined in Section II(jj) of the master settlement agreement and the applicant is not in compliance with the provisions of Section 6-4-13 NMSA 1978 or the Tobacco Escrow Fund Act; or

(5) the applicant is a manufacturer and imports cigarettes into the United States that are in violation of 19 U.S.C. 1681a or manufactures cigarettes that do not comply with the Federal Cigarette Labeling and Advertising Act.

H. In addition to a civil or criminal penalty provided by law, upon a finding that a licensee has violated a provision of the Cigarette Tax Act or a rule adopted pursuant to that act, the department may revoke or suspend the license

or licenses of the licensee.

I. As used in this section, "applicant" includes a person or persons owning, directly or indirectly, in the aggregate, more than ten percent of the ownership interest in the business holding or applying for a license pursuant to the Cigarette Tax Act."

Chapter 91 Section 8 Laws 2006

Section 8. A new section of the Cigarette Tax Act, Section 7-12-9.2 NMSA 1978, is enacted to read:

"7-12-9.2. DISTRIBUTOR'S LICENSE.--

A. A person shall not distribute stamped packages of cigarettes for resale or sell stamped packages of cigarettes at wholesale without first obtaining a distributor's license from the department.

B. A person licensed to distribute cigarettes is authorized to:

- (1) receive unstamped packages of cigarettes from a manufacturer;
- (2) purchase tax stamps and receive tax-exempt stamps from the department;
- (3) affix tax stamps or tax-exempt stamps to unstamped packages of cigarettes;
- (4) sell stamped packages of cigarettes to a retailer for resale; and
- (5) sell unstamped packages of cigarettes to a person licensed to distribute cigarettes outside of New Mexico."

Chapter 91 Section 9 Laws 2006

Section 9. A new section of the Cigarette Tax Act, Section 7-12-9.3 NMSA 1978, is enacted to read:

"7-12-9.3. MANUFACTURER'S LICENSE.--

A. A person shall not manufacture cigarettes in New Mexico unless licensed by the department.

B. A person licensed to manufacture cigarettes in New Mexico is authorized to:

- (1) manufacture, produce and package cigarettes;
- (2) receive imported cigarettes;
- (3) sell unstamped cigarettes to a distributor, another manufacturer or an export warehouse proprietor; and
- (4) sell unstamped cigarettes outside of New Mexico."

Chapter 91 Section 10 Laws 2006

Section 10. A new section of the Cigarette Tax Act, Section 7-12-9.4 NMSA 1978, is enacted to read:

"7-12-9.4. RETAIL SALE OF CIGARETTES.--A retailer of cigarettes shall:

- A. only obtain cigarettes for resale from a distributor;
- B. only obtain stamped cigarettes;
- C. not sell cigarettes at wholesale or for resale unless the retailer is also a distributor; and
- D. comply with the provisions of the Cigarette Tax Act or any law or rule that applies to retailers of cigarettes."

Chapter 91 Section 11 Laws 2006

Section 11. A new section of the Cigarette Tax Act, Section 7-12-10.1 NMSA 1978, is enacted to read:

"7-12-10.1. RETENTION OF INVOICES AND RECORDS--INSPECTION BY DEPARTMENT.--

A. A manufacturer or distributor shall maintain copies of invoices for each of its facilities for every transaction involving a cigarette sale, purchase, transfer, receipt or consignment. A retailer need not retain copies of invoices for sales of cigarettes to consumers. An invoice shall show:

- (1) the names and addresses of all persons involved in the transaction, including the seller, purchaser, consignor and consignee. If a transaction involves an additional facility of the same manufacturer, distributor or retailer, the invoice shall also show the address of the additional facility;

(2) the date;

(3) the price; and

(4) the quantity of each brand of cigarettes involved in each transaction.

B. Records required to be maintained pursuant to Subsection A of this section shall be preserved on the premises described in the license in a manner that ensures permanency and accessibility for inspection at reasonable hours by the department.

C. The records required to be maintained pursuant to Subsection A of this section shall be retained for a period of three years from the end of the year in which the transaction occurred, unless otherwise required by law to be retained for a longer period of time.

D. The department and the secretary of the United States department of the treasury, or a designee, may inspect the reports and records required pursuant to the Cigarette Tax Act along with any stock of cigarettes in the possession of the manufacturer, distributor or retailer. The department, at its sole discretion, may share those records and reports with law enforcement officials of the federal government, other states and international authorities."

Chapter 91 Section 12 Laws 2006

Section 12. Section 7-12-11 NMSA 1978 (being Laws 1971, Chapter 77, Section 11) is amended to read:

"7-12-11. EXPORT SELLERS--PHYSICAL SEGREGATION OF CIGARETTES TO BE EXPORTED.--

A. A distributor selling and shipping cigarettes outside New Mexico may maintain unstamped packages of cigarettes on the distributor's premises if the unstamped packages to be shipped outside the state are kept in a separate part of the distributor's place of business, physically segregated from packages of cigarettes to be sold inside New Mexico and clearly identified as packages of cigarettes for shipment outside the state. If packages of cigarettes to be sold outside New Mexico are intermingled with packages of cigarettes to be sold inside New Mexico, they shall be stamped and treated for purposes of the Cigarette Tax Act as packages of cigarettes to be sold inside New Mexico.

B. Unstamped packages of cigarettes shall not be transferred by a distributor to another facility of the distributor's or to another person within New Mexico.

C. A person doing business as both a distributor and a retailer or both a distributor and a manufacturer shall maintain separate areas for stamped and unstamped packages of cigarettes."

Chapter 91 Section 13 Laws 2006

Section 13. Section 7-12-12 NMSA 1978 (being Laws 1971, Chapter 77, Section 12, as amended) is amended to read:

"7-12-12. SHIPMENT OF UNSTAMPED CIGARETTES IN NEW MEXICO.--

A. A person that ships unstamped packages of cigarettes into New Mexico other than to a distributor shall first file a notice of the shipment with the department.

B. A person that transports unstamped packages of cigarettes into or within New Mexico shall carry, in the transporting vehicle, invoices or equivalent documents applicable to all cigarettes in the shipment. The invoices or documents shall show:

- (1) the name and address of the consignor or seller;
- (2) the name and address of the consignee or purchaser; and
- (3) the quantity of each brand of cigarettes transported.

C. The provisions of Subsections A and B of this section shall not apply to a common or contract carrier transporting cigarettes through New Mexico to another location pursuant to a proper bill of lading or freight bill that states the quantity, source and destination of the cigarettes.

D. The department may, by regulation, require and prescribe the contents of reports to be filed with the department by persons transporting unstamped packages of cigarettes in New Mexico."

Chapter 91 Section 14 Laws 2006

Section 14. A new section of the Cigarette Tax Act is enacted to read:

"REPORTS.--

A. A distributor shall submit periodic reports to the department, in the manner and on the form prescribed by the department. A distributor shall submit a separate report for each of its facilities. The information in the report shall be itemized and shall clearly disclose cigarette brands, quantities and the type of stamp applied to the packages of cigarettes. A report shall include:

(1) an inventory of stamped and unstamped packages of cigarettes held for sale or distribution within New Mexico at the beginning of the reporting period;

(2) the quantity of stamped packages of cigarettes held for sale or distribution within New Mexico that were received from another person during the reporting period and the name and address of each person from whom each quantity was received;

(3) the quantity of New Mexico stamped packages of cigarettes that were distributed or shipped to another distributor or retailer within New Mexico during the reporting period and the name and address of each person to whom each quantity was distributed or shipped;

(4) the quantity of New Mexico stamped packages of cigarettes that were distributed or shipped to another facility of the same distributor within New Mexico during the reporting period and the address of that facility;

(5) the quantity of stamped cigarette packages that were distributed or shipped within New Mexico to an Indian nation, tribe or pueblo or to a person located on the land of an Indian nation, tribe or pueblo or to instrumentalities of the federal government during the reporting period and the name and address of each person, entity or instrumentality to whom each quantity was distributed or shipped;

(6) an inventory of stamped and unstamped packages of cigarettes held for sale or distribution within New Mexico at the end of the reporting period;

(7) an inventory of stamped and unstamped packages of cigarettes for sale or distribution outside of New Mexico at the beginning of the reporting period;

(8) the quantity of packages of cigarettes held for sale or distribution outside of New Mexico that were received from another person during the reporting period and the name and address of each person from whom each quantity was received;

(9) the quantity of packages of cigarettes that were distributed or shipped outside New Mexico during the reporting period;

(10) an inventory of packages of cigarettes held for sale or distribution outside of New Mexico at the end of the reporting period;

(11) the number of each type of stamp on hand at the beginning of the reporting period;

(12) the number of each type of stamp purchased or received during the reporting period;

(13) the number of each type of stamp applied during the reporting period; and

(14) the number of each type of stamp on hand at the end of the reporting period.

B. A manufacturer shall submit periodic reports in the manner and on the form prescribed by the department. The information in the report shall be itemized to clearly disclose cigarette brands and quantities. The reports shall be provided separately with respect to each of the facilities operated by the manufacturer. A report shall contain the quantity of packages of cigarettes that were distributed or shipped:

(1) to a manufacturer, distributor or retailer within New Mexico during the reporting period and the name and address of each person to whom each quantity was distributed or shipped;

(2) to another facility within New Mexico of the same manufacturer during the reporting period and the address of the facility; and

(3) within New Mexico to an Indian nation, tribe or pueblo or to a person located on the land of an Indian nation, tribe or pueblo or to instrumentalities of the federal government during the reporting period and the name and address of each person, entity or instrumentality to whom each quantity was distributed or shipped.

C. The department may require additional information to be submitted. The department shall establish the reporting period, which shall be no longer than three calendar months and no shorter than one calendar month."

Chapter 91 Section 15 Laws 2006

Section 15. A new section of the Cigarette Tax Act is enacted to read:

"INTERGOVERNMENTAL AGREEMENTS--NO WAIVER OF SOVEREIGN IMMUNITY.--

A. The department may enter into an intergovernmental agreement with a tribe to:

(1) enforce, administer or otherwise implement the provisions of the Cigarette Tax Act;

(2) increase the ability of the department to account for packages of cigarettes imported into, sold or transferred within and exported from the state; and

(3) provide for cooperative tax collection or tax administration of the cigarette tax.

B. Nothing in the Cigarette Tax Act shall be construed to waive or restrict the sovereign immunity of a tribe or the state.

C. As used in this section, "tribe" means an Indian nation, tribe or pueblo located wholly or partially in New Mexico."

Chapter 91 Section 16 Laws 2006

Section 16. A new section of the Cigarette Tax Act, Section 7-12-13.1 NMSA 1978, is enacted to read:

"7-12-13.1. CIVIL PENALTIES.--

A. Whoever knowingly fails, neglects or refuses to comply with the provisions of the Cigarette Tax Act shall be liable for, in addition to any other penalty provided in that act:

(1) for a first offense, a penalty of up to one thousand dollars (\$1,000);

(2) for a second offense, a penalty of not less than one thousand five hundred dollars (\$1,500) and no more than two thousand five hundred dollars (\$2,500); and

(3) for a third or subsequent offense, a penalty of not less than five thousand dollars (\$5,000).

B. Whoever fails to pay a tax imposed pursuant to the Cigarette Tax Act at the time the tax is due shall, in addition to any other penalty provided in that act, be liable for a penalty of five hundred percent of the tax due but unpaid.

C. Contraband cigarettes in New Mexico and the equipment used to manufacture, package or stamp them are subject to seizure, forfeiture and destruction by the department, its revenue officers or its agents or by other state or local peace officers.

D. Counterfeit stamps for use in New Mexico in the possession of any person and the equipment used to produce them are subject to seizure by the department, its revenue officers or its agents or by other state or local peace officers."

Chapter 91 Section 17 Laws 2006

Section 17. A new section of the Cigarette Tax Act is enacted to read:

"CRIMINAL OFFENSES--CRIMINAL PENALTIES--SEIZURE AND DESTRUCTION OF EVIDENCE.--

A. Whoever violates a provision of the Cigarette Tax Act or a rule adopted pursuant to that act is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978.

B. Whoever, with intent to defraud, fails to comply with a licensing, reporting or stamping requirement of the Cigarette Tax Act or with a licensing, reporting or stamping rule adopted pursuant to that act is guilty of a fourth degree felony and upon conviction shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

C. Whoever packages cigarettes for sale in New Mexico or whoever sells cigarettes in New Mexico, in packages of other than twenty or twenty-five cigarettes is:

(1) for the first offense, guilty of a misdemeanor and when convicted shall be sentenced pursuant to Section 31-19-1 NMSA 1978; and

(2) for the second or subsequent offense, guilty of a fourth degree felony and when convicted shall be sentenced pursuant to Section 31-18-15 NMSA 1978.

D. Whoever purchases or otherwise knowingly obtains counterfeit stamps or whoever produces, uses or causes counterfeit stamps to be used is guilty of a fourth degree felony and upon conviction shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

E. Whoever sells or possesses for the purpose of sale contraband cigarettes is in violation of the Cigarette Tax Act and shall have the product and related equipment seized. If convicted of selling or possessing for sale contraband cigarettes, the person shall be sentenced as follows:

(1) a violation with a quantity of fewer than two cartons of contraband cigarettes, or the equivalent, is a petty misdemeanor and is punishable in accordance with the provisions of Section 31-19-1 NMSA 1978;

(2) a first violation with a quantity of two cartons or more of contraband cigarettes, or the equivalent, is a misdemeanor and is punishable in accordance with the provisions of Section 31-19-1 NMSA 1978; and

(3) a second or subsequent violation with a quantity of two cartons or more of contraband cigarettes, or the equivalent, is a fourth degree felony and is punishable by a fine not to exceed fifty thousand dollars (\$50,000) or imprisonment for a definite term not to exceed eighteen months, or both, and shall also result in the revocation by the department of the manufacturer's or distributor's license, if any.

F. Contraband cigarettes or counterfeit stamps seized by the department or by a law enforcement agency shall be retained as evidence to the extent necessary.

Contraband cigarettes or counterfeit stamps no longer needed as evidence shall be destroyed.

G. Prosecution for a violation of a provision of this section does not preclude prosecution under other applicable laws."

Chapter 91 Section 18 Laws 2006

Section 18. REPEAL.--Sections 7-12-9, 7-12-10 and

7-12-13 NMSA 1978 (being Laws 1971, Chapter 77, Sections 9, 10 and 13, as amended) are repealed.

House Bill 617, with certificate of

correction Approved March 6, 2006

LAWS 2006, CHAPTER 92

AN ACT

RELATING TO TAXATION; PROVIDING FOR A PROPERTY TAX EXEMPTION FOR CERTAIN HEALTH-RELATED EQUIPMENT.

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

Chapter 92 Section 1 Laws 2006

Section 1. Section 7-36-3 NMSA 1978 (being Laws 1975, Chapter 218, Section 1, as amended) is amended to read:

"7-36-3. INDUSTRIAL REVENUE BOND, POLLUTION CONTROL BOND AND ECONOMIC DEVELOPMENT BOND PROJECT PROPERTY--HEALTH-RELATED EQUIPMENT--TAX STATUS.--

A. Property interests of a lessee in project property held under a lease from a county or a municipality under authority of an industrial revenue bond or pollution control revenue bond act or the Statewide Economic Development Finance Act are exempt from property taxation for as long as there is an outstanding bonded indebtedness under the terms of the revenue bonds issued for the acquisition of the project property, but in no event for a period of more than thirty years from the date of execution of the first lease of the project to the lessee by the county or municipality.

B. Property interests of a person, other than a public utility, arising out of the purchase of a project authorized by the Industrial Revenue Bond Act, the County Industrial Revenue Bond Act, the Pollution Control Revenue Bond Act or the Statewide Economic Development Finance Act are exempt from property taxation for as long as the project purchaser remains liable to the project seller for any part of the purchase price, but not to exceed thirty years from the date of execution of the sale agreement.

C. Property interests of a participating health facility in health-related equipment purchased, acquired, leased, financed or refinanced with the proceeds of bonds issued under the Hospital Equipment Loan Act are exempt from property taxation for as long as the participating health facility remains liable for any amount under any lease, loan or other agreement securing the bonds, but not to exceed thirty years from the date the bonds were issued for the health-related equipment.

D. The exemptions from property taxation under this section are not cumulative; provided, however, that the exemptions may be applied consecutively if subsequent exemptions relate to the financing of a new project or new health-related equipment."

Chapter 92 Section 2 Laws 2006

Section 2. Section 58-23-5 NMSA 1978 (being Laws 1983, Chapter 290, Section 5, as amended) is amended to read:

"58-23-5. COUNCIL--CREATED--MEMBERS--QUALIFICATIONS--BOARD.--

A. There is created a public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality to be known as the "New Mexico hospital equipment loan council" for the performance of essential public functions.

B. The council shall be governed by a board of directors consisting of five members. The governor, with the advice and consent of the senate, shall appoint the members of the board.

C. Each member of the board shall be a resident of the state, and in addition:

(1) two members shall be officers or directors of financial institutions located in New Mexico;

(2) two members shall be officers or directors of a health facility located in New Mexico. Such members shall have been employed for a total of five years as officers or directors of any health facility;

(3) one member shall be appointed from and represent the public and shall not be directly or indirectly affiliated with any health facility; and

(4) no more than three members shall be of the same political party.

D. The council shall be separate and apart from the state and shall not be subject to the supervision or control of any board, bureau, department or agency of the state except as specifically provided in the Hospital Equipment Loan Act. In order to effectuate the separation of the state from the council, no use of the terms "state agency" or "instrumentality" in any other law of the state shall be deemed to refer to the council unless the council is specifically referred to therein, except that the council is a state agency and instrumentality for the purposes of Article 8, Section 3 of the constitution of New Mexico."

Chapter 92 Section 3 Laws 2006

Section 3. Section 58-23-29 NMSA 1978 (being Laws 1983, Chapter 290, Section 29, as amended) is amended to read:

"58-23-29. EXEMPTION FROM TAXATION--ASSETS TO STATE UPON DISSOLUTION.--

A. All property acquired or held by the council under the Hospital Equipment Loan Act, income therefrom and bonds issued under the Hospital Equipment Loan Act, plus the interest payable and income derived from the bonds, shall be exempt from taxation by the state or any subdivision thereof. Upon dissolution of the council, its assets, after payment of its indebtedness, shall inure to the benefit of the state.

B. All health-related equipment purchased, acquired, leased, financed or refinanced with the proceeds of bonds issued under the Hospital Equipment Loan Act is exempt from property taxation for as long as the participating health facility remains liable for any amount under any lease, loan or other agreement securing the bonds, but not to exceed thirty years from the date the bonds were issued for the health-related equipment."

Chapter 92 Section 4 Laws 2006

Section 4. APPLICABILITY.--The provisions of this act are applicable to property tax years beginning on or after January 1, 2006.

House Bill 811

Approved March 6, 2006

LAWS 2006, CHAPTER 93

AN ACT

RELATING TO TAXATION; ENACTING A SOLAR MARKET DEVELOPMENT INCOME TAX CREDIT FOR PURCHASE AND INSTALLATION OF PHOTOVOLTAIC SYSTEMS AND SOLAR THERMAL SYSTEMS; DECLARING AN EMERGENCY.

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

Chapter 93 Section 1 Laws 2006

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

"SOLAR MARKET DEVELOPMENT TAX CREDIT--RESIDENTIAL AND SMALL BUSINESS SOLAR THERMAL AND PHOTOVOLTAIC MARKET DEVELOPMENT TAX CREDIT.--

A. Except as provided in Subsection B of this section, a taxpayer who files an individual New Mexico income tax return for a taxable year beginning on or after January 1, 2006 and who purchases and installs after January 1, 2006 but before December 31, 2015 a solar thermal system or a photovoltaic system in a residence, business or agricultural enterprise in New Mexico owned by that taxpayer may apply for, and the department may allow, a solar market development tax credit of up to thirty percent of the purchase and installation costs of the system; provided that under no circumstances shall the federal and state tax credits allowed, when combined, total more than thirty percent of the purchase and installation cost of the system. To determine the amount of the state solar market development tax credit due pursuant to this section, the amount of the allowable federal tax credit, whether claimed or not claimed by the taxpayer, shall be deducted from thirty percent of the purchase and installation cost of the system. The total solar market development tax credit allowed for either a photovoltaic system or a solar thermal system shall not exceed nine thousand dollars (\$9,000). The department shall allow solar market development tax credits only for solar thermal systems and photovoltaic systems certified by the energy, minerals and natural resources department.

B. Solar market development tax credits may not be claimed or allowed for:

(1) a heating system for a swimming pool or a hot tub; or

(2) a commercial or industrial photovoltaic system other than an agricultural photovoltaic system on a farm or ranch that is not connected to an electric utility transmission or distribution system.

C. The department may allow a maximum annual aggregate of:

(1) two million dollars (\$2,000,000) in solar market development tax credits for solar thermal systems; and

(2) three million dollars (\$3,000,000) in solar market development tax credits for photovoltaic systems.

D. A portion of the solar market development tax credit that remains unused in a taxable year may be carried forward for a maximum of ten consecutive taxable years following the taxable year in which the credit originates until fully expended.

E. Prior to July 1, 2006, the energy, minerals and natural resources department shall adopt rules establishing procedures to provide certification of solar thermal systems and photovoltaic systems for purposes of obtaining a solar market development tax credit. The rules shall address technical specifications and requirements relating to safety, code and standards compliance, solar collector orientation and sun exposure, minimum system sizes, system applications and lists of eligible components. The energy, minerals and natural resources department may modify the specifications and requirements as necessary to maintain a high level of system quality and performance.

F. As used in this section:

(1) "photovoltaic system" means an energy system that collects or absorbs sunlight for conversion into electricity; and

(2) "solar thermal system" means an energy system that collects or absorbs solar energy for conversion into heat for the purposes of space heating, space cooling or water heating."

Chapter 93 Section 2 Laws 2006

Section 2. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2006.

Chapter 93 Section 3 Laws 2006

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Senate Bill 269, as amended,

with emergency clause,

Approved March 6, 2006

LAWS 2006, CHAPTER 94

AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING CHARTER SCHOOLS TO DECIDE THEIR CHARTERING AUTHORITY; ALLOWING CHARTER SCHOOLS TO CHANGE THEIR CHARTERING AUTHORITY WHEN RENEWING THEIR CHARTERS; CREATING A CHARTER SCHOOLS DIVISION IN THE PUBLIC EDUCATION DEPARTMENT; PROVIDING POWERS AND DUTIES; PROVIDING FOR APPROVAL, DENIAL, RENEWAL, SUSPENSION OR REVOCATION OF STATE-CHARTERED CHARTER SCHOOLS BY THE PUBLIC EDUCATION COMMISSION; MAKING STATE-CHARTERED CHARTER SCHOOLS INDEPENDENT OF SCHOOL DISTRICTS; REQUIRING STATE-CHARTERED CHARTER SCHOOLS TO BE BOARDS OF FINANCE; CLARIFYING RESPONSIBILITIES OF CHARTER SCHOOLS AND GOVERNING BODIES; CHANGING FUNDING PROVISIONS; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2005 BY REPEALING LAWS 2005, CHAPTER 176, SECTION 12; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Chapter 94 Section 1 Laws 2006

Section 1. Section 9-24-4 NMSA 1978 (being Laws 2004, Chapter 27, Section 4, as amended) is amended to read:

"9-24-4. DEPARTMENT CREATED.--

A. The "public education department" is created in the executive branch. The department is a cabinet department and includes the following divisions:

- (1) the administrative services division;
- (2) the assessment and accountability division;
- (3) the charter schools division;
- (4) the educator quality division;
- (5) the Indian education division;
- (6) the information technology division;
- (7) the instructional support and vocational education division;

- (8) the program support and student transportation division;
- (9) the quality assurance and systems integration division;
- (10) the rural education division; and
- (11) the vocational rehabilitation division.

B. 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."

Chapter 94 Section 2 Laws 2006

Section 2. 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; provided that withdrawals do not include truants and habitual truants the school district is required to intervene with and keep in an educational setting as provided in Section 22-12-9 NMSA 1978;

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 or governing body of a state-chartered charter school;

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 school district or state-chartered charter school or officer or employee of a school district or state-chartered charter school 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 the student's 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 the secretary's designee."

Chapter 94 Section 3 Laws 2006

Section 3. Section 22-8-6.1 NMSA 1978 (being Laws 1993, Chapter 227, Section 8, as amended) is amended to read:

"22-8-6.1. CHARTER SCHOOL BUDGETS.--

A. Each state-chartered charter school shall submit to the charter schools division of the department a school-based budget. For fiscal year 2008, and for the first year of operation in any fiscal year thereafter, the budget of every state-chartered charter school shall be based on the projected number of program units generated by that charter school and its students, using the at-risk index and the instructional staff training and experience index of the school district in which it is geographically located. For second and subsequent fiscal years of operation, the budgets of state-chartered charter schools shall be based on the number of program units generated using the average of the eightieth and one hundred twentieth day MEM of the prior year and its instructional staff training and experience index and the at-risk index of the school district in which the state-chartered charter school is geographically located. The budget shall be submitted to the division for approval or amendment pursuant to the Public School Finance Act and the Charter Schools Act.

B. Each locally chartered charter school shall submit to the local school board a school-based budget. For fiscal year 2008, and for the first year of operation in any fiscal year thereafter, the budget of every locally chartered charter school shall be based on the projected number of program units generated using the average of the eightieth and one hundred twentieth day MEM of the prior year, using the at-risk index and the instructional staff training and experience index of the school district in which it is geographically located. For second and subsequent fiscal years of operation, the budgets of locally chartered charter schools shall be based on the prior year program units generated by that locally chartered charter school and its students and its instructional staff training and experience index and the at-risk index of the school district in which the locally chartered charter school is geographically located. The budget shall be submitted to the local school board for approval or amendment. The approval or amendment authority of the local school board relative to the charter school budget is limited to ensuring that sound fiscal practices are followed in the development of the budget and that the charter school budget is within the allotted resources. The local school board shall have no veto authority over individual line items within the charter school's proposed budget, but shall approve or disapprove the budget in its entirety. Upon final approval of the local budget by the local school board, the individual charter school budget shall be included separately in the budget submission to the department required pursuant to the Public School Finance Act and the Charter Schools Act."

Chapter 94 Section 4 Laws 2006

Section 4. Section 22-8-7 NMSA 1978 (being Laws 1967, Chapter 16, Section 61, as amended) is amended to read:

"22-8-7. BUDGETS--FORM.--All budgets submitted to the department by a school district or state-chartered charter school shall be in a form specified by the department."

Chapter 94 Section 5 Laws 2006

Section 5. Section 22-8-11 NMSA 1978 (being Laws 1967, Chapter 16, Section 66, as amended) is amended to read:

"22-8-11. BUDGETS--APPROVAL OF OPERATING BUDGET.--

A. The department shall:

(1) on or before July 1 of each year, approve and certify to each local school board and governing body of a state-chartered charter school an operating budget for use by the school district or state-chartered charter school; and

(2) make corrections, revisions and amendments to the operating budgets fixed by the local school boards or governing bodies of state-chartered charter schools and the secretary to conform the budgets to the requirements of law and to the department's rules and procedures.

B. No school district or state-chartered charter school or officer or employee of a school district or state-chartered charter school shall make any expenditure or incur any obligation for the expenditure of public funds unless that expenditure or obligation is made in accordance with an operating budget approved by the department. This prohibition does not prohibit the transfer of funds pursuant to the department's rules and procedures.

C. The department shall not approve and certify an operating budget of any school district or state-chartered charter school that fails to demonstrate that parental involvement in the budget process was solicited."

Chapter 94 Section 6 Laws 2006

Section 6. Section 22-8-12 NMSA 1978 (being Laws 1967, Chapter 16, Section 67, as amended) is amended to read:

"22-8-12. OPERATING BUDGETS--AMENDMENTS.--Operating budgets shall not be altered or amended after approval and certification by the department, except for the following purposes and according to the following procedure:

A. upon written request of a local school board or governing body of a state-chartered charter school, the secretary may authorize transfer within the budget, or provide for items not included, when the total amount of the budget will not be increased thereby;

B. upon written request of a local school board or governing body of a state-chartered charter school, the secretary, in conformance with the rules of the department, may authorize an increase in any budget if the increase is necessary because of the receipt of revenue that was not anticipated at the time the budget was fixed and if the increase is directly related to a special project or program for which the additional revenue was received. The secretary shall make a written report to the legislative finance committee of any such budget increase;

C. upon written request of a local school board or governing body of a state-chartered charter school, the secretary may authorize an increase in a budget of not more than one thousand dollars (\$1,000); or

D. upon written request of a local school board or governing body of a state-chartered charter school, the secretary, after notice and a public hearing, may authorize an increase in a school budget in an amount exceeding one thousand dollars (\$1,000). The notice of the hearing shall designate the school district that proposes to alter or amend its budget, together with the time, place and date of the hearing. The notice of the hearing shall be published at least once a week for two consecutive weeks in a newspaper of general circulation in the county in which the school district is situated. The last publication of the notice shall be at least three days prior to the date set for the hearing. The charter schools division shall establish how a state-chartered charter school notifies the parents of its students of proposed increases in a charter school budget."

Chapter 94 Section 7 Laws 2006

Section 7. Section 22-8-12.1 NMSA 1978 (being Laws 1978, Chapter 128, Section 5, as amended) is amended to read:

"22-8-12.1. MEMBERSHIP PROJECTIONS AND BUDGET REQUESTS.--

A. Each local school board or governing body of a state-chartered charter school shall submit annually, on or before October 15, to the department:

(1) an estimate for the succeeding fiscal year of:

(a) the membership of qualified students to be enrolled in the basic program;

(b) the full-time-equivalent membership of students to be enrolled in approved early childhood education programs; and

(c) the membership of students to be enrolled in approved special education programs;

(2) all other information necessary to calculate program costs; and

(3) any other information related to the financial needs of the school district or state-chartered charter school as may be requested by the department.

B. All information requested pursuant to Subsection A of this section shall be submitted on forms prescribed and furnished by the department and shall comply with the department's rules and procedures.

C. The department shall:

(1) review the financial needs of each school district or state-chartered charter school for the succeeding fiscal year; and

(2) submit annually, on or before November 30, to the secretary of finance and administration the recommendations of the department for:

(a) amendments to the public school finance formula;

(b) appropriations for the succeeding fiscal year to the public school fund for inclusion in the executive budget document; and

(c) appropriations for the succeeding fiscal year for pupil transportation and instructional materials."

Chapter 94 Section 8 Laws 2006

Section 8. Section 22-8-13 NMSA 1978 (being Laws 1974, Chapter 8, Section 3, as amended) is amended to read:

"22-8-13. REPORTS.--

A. Each public school in a school district and each state-chartered charter school shall keep accurate records concerning membership in the public school. The superintendent of each school district or head administrator of a state-chartered charter school shall maintain the following reports for each twenty-day reporting period:

(1) the basic program MEM by grade in each public school;

(2) the early childhood education MEM;

(3) the special education MEM in each public school in class C and class D programs as defined in Section 22-8-21 NMSA 1978;

(4) the number of class A and class B programs as defined in Section 22-8-21 NMSA 1978; and

(5) the full-time-equivalent MEM for bilingual multicultural education programs.

B. The superintendent of each school district and the head administrator of each state-chartered charter school shall furnish to the department reports of the information required in Paragraphs (1) through (5) of Subsection A of this section for the first forty days of the school year. The forty-day report and all other reports required by law or by the department shall be furnished within five days of the close of the reporting period.

C. All information required pursuant to this section shall be on forms prescribed and furnished by the department. A copy of any report made pursuant to this section shall be kept as a permanent record of the school district or charter school and shall be subject to inspection and audit at any reasonable time.

D. The department shall withhold allotments of funds to any school district or state-chartered charter school where the superintendent or head administrator has failed to comply until the superintendent or head administrator complies with and agrees to continue complying with requirements of this section.

E. The provisions of this section may be modified or suspended by the department for any school district or school or state-chartered charter school operating under the Variable School Calendar Act. The department shall require MEM reports consistent with the calendar of operations of such school district or school or state-chartered charter school and shall calculate an equivalent MEM for use in projecting school district revenue."

Chapter 94 Section 9 Laws 2006

Section 9. Section 22-8-14 NMSA 1978 (being Laws 1967, Chapter 16, Section 69, as amended) is amended to read:

"22-8-14. PUBLIC SCHOOL FUND.--

A. The "public school fund" is created.

B. The public school fund shall be distributed to school districts and state-chartered charter schools in the following parts:

(1) state equalization guarantee distribution;

(2) transportation distribution; and

(3) supplemental distributions:

(a) out-of-state tuition to school districts;

(b) emergency; and

(c) program enrichment.

C. The distributions of the public school fund shall be made by the department within limits established by law. The balance remaining in the public school fund at the end of each fiscal year shall revert to the general fund, unless otherwise provided by law."

Chapter 94 Section 10 Laws 2006

Section 10. Section 22-8-15 NMSA 1978 (being Laws 1967, Chapter 16, Section 70, as amended) is amended to read:

"22-8-15. ALLOCATION LIMITATION.--

A. The department shall determine the allocations to each school district and charter school from each of the distributions of the public school fund, subject to the limits established by law.

B. The local school board in each school district with locally chartered charter schools shall allocate the appropriate distributions of the public school fund to individual locally chartered charter schools pursuant to each locally chartered charter school's school-based budget approved by the local school board and the department. The appropriate distribution of the public school fund shall flow to the locally chartered charter school within five days after the school district's receipt of the state equalization guarantee for that month."

Chapter 94 Section 11 Laws 2006

Section 11. Section 22-8-17 NMSA 1978 (being Laws 1974, Chapter 8, Section 7, as amended) is amended to read:

"22-8-17. PROGRAM COST DETERMINATION--REQUIRED INFORMATION.--

A. The program cost for each school district and charter school shall be determined by the department in accordance with the provisions of the Public School Finance Act.

B. The department is authorized to require from each school district and charter school the information necessary to make an accurate determination of the district's or charter school's program cost."

Chapter 94 Section 12 Laws 2006

Section 12. Section 22-8-18 NMSA 1978 (being Laws 1974, Chapter 8, Section 8, as amended) is amended to read:

"22-8-18. PROGRAM COST CALCULATION--LOCAL RESPONSIBILITY.--

A. The total program units for the purpose of computing the program cost shall be calculated by multiplying the sum of the program units itemized as Paragraphs (1) through (5) in this subsection by the instructional staff training and experience index and adding the program units itemized as Paragraphs (6) through (10) in this subsection. The itemized program units are as follows:

- (1) early childhood education;
- (2) basic education;
- (3) special education, adjusted by subtracting the units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers;
- (4) bilingual multicultural education;
- (5) fine arts education;
- (6) size adjustment;
- (7) at-risk program;
- (8) enrollment growth or new district adjustment;
- (9) special education units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers; and
- (10) national board for professional teaching standards certification.

B. The total program cost calculated as prescribed in Subsection A of this section includes the cost of early childhood, special, bilingual multicultural, fine arts and vocational education and other remedial or enrichment programs. It is the responsibility of the local school board or governing body of a charter school to determine its priorities in terms of the needs of the community served by that board. Funds generated under the Public School Finance Act are discretionary to local school boards and governing bodies of charter schools, provided that the special program needs as enumerated in this section are met."

Chapter 94 Section 13 Laws 2006

Section 13. Section 22-8-23.1 NMSA 1978 (being Laws 1990 (1st S.S.), Chapter 3, Section 7, as amended by Laws 2003, Chapter 156, Section 1 and by Laws 2003, Chapter 386, Section 1) is amended to read:

"22-8-23.1. ENROLLMENT GROWTH PROGRAM UNITS.--

A. A school district or charter school with an increase in MEM equal to or greater than one percent, when compared with the immediately preceding year, is eligible for additional program units. The increase in MEM shall be calculated as follows:

(Current Year MEM - Previous Year MEM)

Previous Year MEM X 100 = Percent Increase.

The number of additional program units shall be calculated as follows:

$((\text{Current Year MEM} - \text{Previous Year MEM}) - (\text{Current Year MEM} \times .01)) \times 1.5 = \text{Units.}$

B. In addition to the units calculated in Subsection A of this section, a school district or charter school with an increase in MEM equal to or greater than one percent, when compared with the immediately preceding year, is eligible for additional program units. The increase in MEM shall be calculated in the following manner:

(Current Year MEM - Previous Year MEM)

Previous Year MEM X 100 = Percent Increase.

The number of additional program units to which an eligible school district or charter school is entitled under this subsection is the number of units computed in the following manner:

$(\text{Current Year MEM} - \text{Previous Year MEM}) \times .50 = \text{Units.}$

C. As used in this section:

(1) "current year MEM" means MEM on the fortieth day of the current year;

(2) "MEM" means the total school district or charter school membership, including early childhood education full-time-equivalent membership and special education membership, but excluding full-day kindergarten membership for the first year that full-day kindergarten is implemented in a school pursuant to Subsection D of Section 22-13-3.2 NMSA 1978; and

(3) "previous year MEM" means MEM on the fortieth day of the previous year."

Chapter 94 Section 14 Laws 2006

Section 14. Section 22-8-23.4 NMSA 1978 (being Laws 2003, Chapter 144, Section 2 and Laws 2003, Chapter 152, Section 9) is amended to read:

"22-8-23.4. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS--CERTIFIED TEACHERS PROGRAM UNITS.--The number of program units for teachers certified by the national board for professional teaching standards is determined by multiplying by one and one-half the number of teachers certified by the national board for professional teaching standards employed by the school district or charter school on or before the fortieth day of the school year and verified by the department. Department approval of these units shall be contingent on verification by the school district or charter school that these teachers are receiving a one-time salary differential equal to or greater than the amount generated by the units multiplied by the program unit value during the fiscal year in which the school district or charter school will receive these units."

Chapter 94 Section 15 Laws 2006

Section 15. A new section of the Public School Finance Act is enacted to read:

"CHARTER SCHOOL STUDENT ACTIVITIES PROGRAM UNIT.--The charter school student activities program unit for a school district is determined by multiplying the number of charter school students who are participating in school district activities governed by the New Mexico activities association by the cost differential factor of 0.1. The student activities program unit shall be paid to the school district in which it is generated. A charter school student is eligible to participate in school district activities at the public school in the attendance zone in which the student resides, according to the New Mexico activities association guidelines. If the student chooses to participate at a public school other than the one in the attendance zone in which the student resides, the student shall be subject to New Mexico activities association transfer guidelines."

Chapter 94 Section 16 Laws 2006

Section 16. Section 22-8-25 NMSA 1978 (being Laws 1981, Chapter 176, Section 5, as amended by Laws 2005, Chapter 176, Section 12 and by Laws 2005, Chapter 291, Section 1) is amended to read:

"22-8-25. STATE EQUALIZATION GUARANTEE DISTRIBUTION--
DEFINITIONS--DETERMINATION OF AMOUNT.--

A. The state equalization guarantee distribution is that amount of money distributed to each school district to ensure that its operating revenue, including its local and federal revenues as defined in this section, is at least equal to the school district's program cost. For state-chartered charter schools, the state equalization guarantee distribution is the difference between the state-chartered charter school's program cost and the two percent withheld by the department for administrative services.

B. "Local revenue", as used in this section, means seventy-five percent of receipts to the school district derived from that amount produced by a school district property tax applied at the rate of fifty cents (\$.50) to each one thousand dollars (\$1,000) of net taxable value of property allocated to the school district and to the assessed value of products severed and sold in the school district as determined under the Oil and Gas Ad Valorem Production Tax Act and upon the assessed value of equipment in the school district as determined under the Oil and Gas Production Equipment Ad Valorem Tax Act.

C. "Federal revenue", as used in this section, means receipts to the school district, excluding amounts that, if taken into account in the computation of the state equalization guarantee distribution, result, under federal law or regulations, in a reduction in or elimination of federal school funding otherwise receivable by the school district, derived from the following:

(1) seventy-five percent of the school district's share of forest reserve funds distributed in accordance with Section 22-8-33 NMSA 1978; and

(2) seventy-five percent of grants from the federal government as assistance to those areas affected by federal activity authorized in accordance with Title 20 of the United States Code, commonly known as "PL 874 funds" or "impact aid".

D. To determine the amount of the state equalization guarantee distribution, the department shall:

(1) calculate the number of program units to which each school district or charter school is entitled using an average of the MEM on the eightieth and one hundred twentieth days of the prior year; or

(2) calculate the number of program units to which a school district or charter school operating under an approved year-round school calendar is entitled using an average of the MEM on appropriate dates established by the department; or

(3) calculate the number of program units to which a school district or charter school with a MEM of two hundred or less is entitled by using an average of the MEM on the eightieth and one hundred twentieth days of the prior year or the fortieth day of the current year, whichever is greater; and

(4) using the results of the calculations in Paragraph (1), (2) or (3) of this subsection and the instructional staff training and experience index from the October report of the prior school year, establish a total program cost of the school district or charter school;

(5) for school districts, calculate the local and federal revenues as defined in this section;

(6) deduct the sum of the calculations made in Paragraph (5) of this subsection from the program cost established in Paragraph (4) of this subsection;

(7) deduct the total amount of guaranteed energy savings contract payments that the department determines will be made to the school district from the public school utility conservation fund during the fiscal year for which the state equalization guarantee distribution is being computed; and

(8) deduct ninety percent of the amount certified for the school district by the department pursuant to the Energy Efficiency and Renewable Energy Bonding Act.

E. Reduction of a school district's state equalization guarantee distribution shall cease when the school district's cumulative reductions equal its proportional share of the cumulative debt service payments necessary to service the bonds issued pursuant to the Energy Efficiency and Renewable Energy Bonding Act.

F. The amount of the state equalization guarantee distribution to which a school district is entitled is the balance remaining after the deductions made in Paragraphs (6) through (8) of Subsection D of this section.

G. The state equalization guarantee distribution shall be distributed prior to June 30 of each fiscal year. The calculation shall be based on the local and federal revenues specified in this section received from June 1 of the previous fiscal year through May 31 of the fiscal year for which the state equalization guarantee distribution is being computed. In the event that a school district or charter school has received more state equalization guarantee funds than its entitlement, a refund shall be made by the school district or charter school to the state general fund."

Chapter 94 Section 17 Laws 2006

Section 17. Section 22-8-26 NMSA 1978 (being Laws 1967, Chapter 16, Section 76, as amended) is amended to read:

"22-8-26. TRANSPORTATION DISTRIBUTION.--

A. Money in the transportation distribution of the public school fund shall be used only for the purpose of making payments to each school district or state-

chartered charter school for the to-and-from school transportation costs of students in grades kindergarten through twelve attending public school within the school district or state-chartered charter school and of three- and four-year-old children who meet the department approved criteria and definition of developmentally disabled and for transportation of students to and from their regular attendance centers and the place where vocational education programs are being offered.

B. In the event a school district's or state-chartered charter school's transportation allocation exceeds the amount required to meet obligations to provide to-and-from transportation, three- and four-year-old developmentally disabled transportation and vocational education transportation, fifty percent of the remaining balance shall be deposited in the transportation emergency fund.

C. Of the excess amount retained by the school district or state-chartered charter school, at least twenty-five percent shall be used for to-and-from transportation-related services, excluding salaries and benefits, and up to twenty-five percent may be used for other transportation-related services, excluding salaries and benefits as defined by rule of the department.

D. In the event the sum of the proposed transportation allocations to each school district or state-chartered charter school exceeds the amounts in the transportation distribution, the allocation to each school district or state-chartered charter school shall be reduced in the proportion that the school district or state-chartered charter school allocation bears to the total statewide transportation distribution.

E. A local school board or governing body of a state-chartered charter school, with the approval of the state transportation director, may provide additional transportation services pursuant to Section 22-16-4 NMSA 1978 to meet established program needs.

F. Nothing in this section prohibits the use of school buses to transport the general public pursuant to the Emergency Transportation Act."

Chapter 94 Section 18 Laws 2006

Section 18. Section 22-8-27 NMSA 1978 (being Laws 1967, Chapter 16, Section 77, as amended) is amended to read:

"22-8-27. TRANSPORTATION EQUIPMENT.--

A. The department shall establish a systematic program for the purchase of necessary school bus transportation equipment.

B. In establishing a system for the replacement of school-district-owned buses, the department shall provide for the replacement of school buses on a twelve-

year cycle. School districts requiring additional buses to accommodate growth in the school district or to meet other special needs may petition the department for additional buses. Under exceptional circumstances, school districts may also petition the department for permission to replace buses prior to the completion of a twelve-year cycle or to use buses in excess of twelve years contingent upon satisfactory annual safety inspections.

C. In establishing a system for the use of contractor-owned buses by school districts or state-chartered charter schools, the department shall establish a schedule for the payment of rental fees for the use of contractor-owned buses. The department shall establish procedures to ensure the systematic replacement of buses on a twelve-year replacement cycle. School districts requiring additional buses to accommodate growth in the school district or to meet other special needs may petition the department for additional buses. Under exceptional circumstances, school districts may also petition the department for permission to replace buses prior to the completion of a twelve-year cycle or to use buses in excess of twelve years contingent upon satisfactory annual safety inspections. No school district shall pay rental fees for any one bus for a period in excess of five years. In the event a school bus service contract is terminated, the department shall calculate the remaining number of years that a bus could be used based on a twelve-year replacement cycle and calculate a value reflecting that use. The school district shall deduct an amount equal to that value from any remaining amount due on the contract or if no balance remains on the contract, the contractor shall reimburse the school district an amount equal to the value calculated."

Chapter 94 Section 19 Laws 2006

Section 19. Section 22-8-29 NMSA 1978 (being Laws 1967, Chapter 16, Section 78, as amended) is amended to read:

"22-8-29. TRANSPORTATION DISTRIBUTIONS--REPORTS--PAYMENTS.--

A. Prior to November 15 of each year, each local school board of a school district and governing body of a state-chartered charter school shall report to the state transportation director, upon forms furnished by the state transportation director, the following information concerning the school district's or state-chartered charter school's operation on the fortieth day of school:

(1) the number and designation of school bus routes in operation in the school district;

(2) the number of miles traveled by each school bus on each school bus route, showing the route mileage in accordance with the type of road surface traveled;

(3) the number of students transported on the fortieth day of school and adjusted for special education students on December 1;

(4) the projected number of students to be transported in the next school year;

(5) the seating capacity, age and mileage of each bus used in the school district for student transportation; and

(6) the number of total miles traveled for each school district's or state-chartered charter school's per capita feeder routes.

B. Each local school board of a school district and governing body of a state-chartered charter school maintaining a school bus route shall make further reports to the state transportation director at other times specified by the state transportation director.

C. The state transportation director shall certify to the secretary that the allocations from the transportation distributions to each school district and state-chartered charter school are based upon the transportation distribution formula established in the Public School Code. The allocations for the first six months of a school year shall be based upon the tentative transportation budget of the school district or state-chartered charter school for the current fiscal year. Allocations to a school district or state-chartered charter school for the remainder of the school year shall adjust the amount received by the school district or state-chartered charter school so that it equals the amount the school district or state-chartered charter school is entitled to receive for the entire school year based upon the November 15 report and subject to audit and verification.

D. The department shall make periodic installment payments to school districts and state-chartered charter schools during the school year from the transportation distributions, based upon the allocations certified by the state transportation director."

Chapter 94 Section 20 Laws 2006

Section 20. Section 22-8-29.1 NMSA 1978 (being Laws 1995, Chapter 208, Section 10, as amended) is amended to read:

"22-8-29.1. CALCULATION OF TRANSPORTATION ALLOCATION.--

A. As used in this section:

(1) "annual variables" means the coefficients calculated by regressing the total operational expenditures from two years prior to the current school year for each school district and state-chartered charter school using the number of students transported and the numerical value of site characteristics;

(2) "base amount" means the fixed amount that is the same for all school districts and an amount established by rule for state-chartered charter schools;

(3) "total operational expenditures" means the sum of all to-and-from school transportation expenditures, excluding expenditures incurred in accordance with the provisions of Section 22-8-27 NMSA 1978; and

(4) "variable amount" means the sum of the product of the annual variables multiplied by each school district's or state-chartered charter school's numerical value of the school district's and state-chartered charter school's site characteristics multiplied by the number of days of operation for each school district or state-chartered charter school.

B. The department shall calculate the transportation allocation for each school district and state-chartered charter school.

C. The base amount is designated as product A. Product A is the constant calculated by regressing the total operations expenditures from the two years prior to the current school year for school district or state-chartered charter school operations using the numerical value of site characteristics approved by the department. The legislative education study committee and the legislative finance committee may review the site characteristics developed by the state transportation director prior to approval by the department.

D. The variable amount is designated as product B. Product B is the predicted additional expenditures for each school district or state-chartered charter school based on the regression analysis using the site characteristics as predictor variables multiplied by the number of days.

E. The allocation to each school district and state-chartered charter school shall be equal to product A plus product B.

F. For the 2001-2002, 2002-2003 and 2003-2004 school years, the transportation allocation for each school district shall not be less than ninety-five percent or more than one hundred five percent of the prior school year's transportation expenditure.

G. The adjustment factor shall be applied to the allocation amount determined pursuant to Subsections E and F of this section."

Chapter 94 Section 21 Laws 2006

Section 21. Section 22-8-29.4 NMSA 1978 (being Laws 1995, Chapter 208, Section 13, as amended) is amended to read:

"22-8-29.4. TRANSPORTATION DISTRIBUTION ADJUSTMENT FACTOR.--

A. The department shall establish a transportation distribution adjustment factor. The adjustment factor shall be calculated as follows:

(1) calculate the unadjusted transportation allocation for each school district and state-chartered charter school, designated in Section 22-8-29.1 NMSA 1978 as product A plus product B;

(2) the sum total of product A plus product B in all school districts and state-chartered charter schools added together equals product C; and

(3) subtract product C from the total operational transportation distribution for the current year and divide the result by product C and then add 1 in the following manner:

"[(total operational transportation distribution - C) ÷ C] + 1". The result is the transportation distribution adjustment factor.

B. As used in this section, "total operational transportation distribution" means the total legislative appropriation for the transportation distribution minus amounts included for capital outlay expenses."

Chapter 94 Section 22 Laws 2006

Section 22. Section 22-8-30 NMSA 1978 (being Laws 1974, Chapter 8, Section 17, as amended) is amended to read:

"22-8-30. SUPPLEMENTAL DISTRIBUTIONS.--

A. The department shall make supplemental distributions only for the following purposes:

(1) to pay the out-of-state tuition of students subject to the Compulsory School Attendance Law who are attending school out-of-state because school facilities are not reasonably available in the school district of their residence;

(2) to make emergency distributions to school districts or state-chartered charter schools in financial need, but no money shall be distributed to any school district or state-chartered charter school having cash and invested reserves, or other resources or any combination thereof, equaling five percent or more of the school district's or state-chartered charter school's operational budget;

(3) to make program enrichment distributions in the amount of actual program expense to school districts and state-chartered charter schools for the purpose of providing specific programs to meet particular educational requirements that cannot otherwise be financed;

(4) a special vocational education distribution to area vocational schools or state-supported schools with department-approved vocational programs to reimburse those schools for the cost of vocational education programs for those students subject to the Compulsory School Attendance Law who are enrolled in such programs; and

(5) to make emergency capital outlay distributions to school districts or state-chartered charter schools that have experienced an unexpected capital outlay emergency demanding immediate attention.

B. The department shall account for all supplemental distributions and shall make full reports to the governor, legislative education study committee and legislative finance committee of payments made as authorized in Subsection A of this section.

C. The department may divert any unused or unneeded balances in any of the distributions made under the supplementary distribution authority to make any other distribution made pursuant to the same authority."

Chapter 94 Section 23 Laws 2006

Section 23. Section 22-8-38 NMSA 1978 (being Laws 1967, Chapter 16, Section 96, as amended) is amended to read:

"22-8-38. BOARDS OF FINANCE--DESIGNATION.--

A. Upon written application to and approval of the department, a local school board may be designated a board of finance for public school funds of the school district. A local school board designated as a board of finance may require all funds distributed to, allocated to or collected for the school district or the public schools under its jurisdiction to be deposited with it. The department shall designate a local school board as a board of finance if:

(1) the local school board shows to the satisfaction of the department that it has personnel properly trained to keep accurate and complete fiscal records;

(2) the local school board agrees to consult with the department on any matters not covered by the manual of accounting and budgeting before taking any action relating to funds held by it as a board of finance;

(3) the persons handling these funds are adequately bonded to protect the funds entrusted to them from loss; and

(4) the local school board making application has not been suspended and not reinstated as a board of finance within the past year.

B. A charter school applicant requesting a charter from the commission shall submit a plan detailing how its governing body will qualify for designation as a board of finance for public school funds of the charter school. The governing body of a proposed state-chartered charter school shall qualify as a board of finance before the first year of operation of the charter school. The governing body of a state-chartered charter school designated as a board of finance may require all funds distributed to, allocated to or collected for the state-chartered charter school to be deposited with the governing body. The commission shall designate the governing body of a state-chartered charter school as a board of finance if:

(1) the governing body shows to the satisfaction of the commission that it has personnel properly trained to keep accurate and complete fiscal records;

(2) the governing body agrees to consult with the division on any matters not covered by the manual of accounting and budgeting before taking any action relating to funds held by it as a board of finance;

(3) the persons handling these funds are adequately bonded to protect the funds entrusted to them from loss; and

(4) the governing body was not a governing body of a charter school or does not have a member who was a member of a governing body of a charter school that was suspended and not reinstated as a board of finance.

C. Failure of the governing body of a proposed state-chartered charter school to qualify for designation as a board of finance constitutes good and just grounds for denial, nonrenewal or revocation of its charter."

Chapter 94 Section 24 Laws 2006

Section 24. Section 22-8-39 NMSA 1978 (being Laws 1967, Chapter 16, Section 97, as amended) is amended to read:

"22-8-39. BOARDS OF FINANCE--SUSPENSION.--The department may at any time suspend a local school board or governing body of a state-chartered charter school from acting as a board of finance if the department reasonably believes there is mismanagement, improper recording or improper reporting of public school funds under the local school board's or governing body of a state-chartered charter school's control. When a local school board or governing body of a state-chartered charter school is suspended from acting as a board of finance, the department shall:

A. immediately take control of all public school funds under the control of the local school board or governing body of a state-chartered charter school acting as a board of finance;

B. immediately have an audit made of all funds under the control of the local school board or governing body of a state-chartered charter school acting as a board of finance and charge the cost of the audit to the school district or state-chartered charter school;

C. act as a fiscal agent for the school district or state-chartered charter school and take any action necessary to conform the fiscal management of funds of the school district or state-chartered charter school to the requirements of law and good accounting practices;

D. report any violations of the law to the proper law enforcement officers;

E. act as fiscal agent for the school district or state-chartered charter school until the department determines that the local school board or governing body of a state-chartered charter school is capable of acting as a board of finance or until the department determines that the county treasurer should act as fiscal agent for the school district or state-chartered charter school;

F. inform the local school board or governing body of a state-chartered charter school in writing of the department's determination as to who is to act as board of finance or fiscal agent for the school district or state-chartered charter school and also inform the county treasurer in writing if it determines that the county treasurer should act as fiscal agent for the school district or state-chartered charter school; and

G. consider commencing proceedings before the commission to suspend, revoke or refuse to renew the charter of the state-chartered charter school in the case of a state-chartered charter school that has engaged in serious or repeated mismanagement, improper recording or improper reporting of public school funds under its control."

Chapter 94 Section 25 Laws 2006

Section 25. Section 22-8-40 NMSA 1978 (being Laws 1977, Chapter 136, Section 2, as amended) is amended to read:

"22-8-40. DEPOSIT OF PUBLIC SCHOOL FUNDS--DISTRIBUTION--INTEREST.--

A. All public money in the custody of school districts or state-chartered charter schools that have been designated as boards of finance shall be deposited in qualified depositories in accordance with the terms of this section.

B. Deposits of funds of the school district or state-chartered charter school may be made in noninterest-bearing checking accounts in one or more banks, savings and loan associations or credit unions, as long as the credit union deposits are insured

by an agency of the United States, located within the geographical limits of the school district.

C. Deposits of funds of the school district or state-chartered charter school may be made in interest-bearing checking accounts, commonly known as "NOW" accounts, in one or more banks, savings and loan associations or credit unions, as long as the credit union deposits are insured by an agency of the United States, located within the geographical limits of the school district.

D. Public money placed in interest-bearing deposits, in banks and savings and loan associations, other than interest-bearing checking accounts as defined in Subsection C of this section, shall be equitably distributed among all banks and savings and loan associations having their main or manned branch offices within the geographical boundaries of the school district that have qualified as public depositories by reason of insurance of the account by an agency of the United States or by depositing collateral security or by giving bond as provided by law in the proportion that each such bank's or savings and loan association's net worth bears to the total net worth of all banks and savings and loan associations having their main office or a manned branch office within the geographical boundaries of the school district. The net worth of the main office of a savings and loan association and its manned branch offices within the geographical boundaries of a school district is the total net worth of the association multiplied by the percentage that deposits of the main office and the manned branch offices located within the geographical boundaries of the school district are of the total deposits of the association. The net worth of each manned branch office or aggregate of manned branch offices of a savings and loan association located outside the geographical boundaries of the school district in which the main office is located is the total net worth of the association multiplied by the percentage that deposits of the branch or aggregate of branches located outside the geographical boundaries of the school district in which the main office is located are of the total deposits of the association. The director of the financial institutions division of the regulation and licensing department shall promulgate a formula for determining the net worth of banks' main offices and branches for the purposes of distribution of public money as provided for by this section. "Net worth" means assets less liabilities as reported by such banks and savings and loan associations on their most recent semiannual reports to the state or federal supervisory authority having jurisdiction.

E. Notwithstanding the provisions of Subsection D of this section, public money may be placed in interest-bearing deposits, other than interest-bearing checking accounts as defined in Subsection C of this section, at the discretion of the board of finance, in credit unions having their main or manned branch offices within the geographical boundaries of the school district to the extent such deposits are insured by an agency of the United States.

F. The rate of interest for all public money deposited in interest-bearing accounts in banks, savings and loan associations and credit unions shall be set by the state board of finance, but in no case shall the rate of interest be less than one hundred

percent of the asked price on United States treasury bills of the same maturity on the date of deposit. Any bank or savings and loan association that fails to pay the minimum rate of interest at the time of deposit provided for herein for any respective deposit forfeits its right to an equitable share of that deposit under this section.

If the deposit is part or all of the proceeds of a bond issue and the interest rate prescribed in this subsection materially exceeds the rate of interest of the bonds, the interest rate prescribed by this subsection shall be reduced on the deposit to an amount not materially exceeding the interest rate of the bonds if the bond issue would lose its tax exempt status under Section 103 of the United States Internal Revenue Code of 1954, as amended.

G. Public money in excess of that for which banks and savings and loan associations within the geographical boundaries of the school district have qualified may be deposited in qualified depositories, including credit unions, in other areas within the state under the same requirements for payment of interest as if the money were deposited within the geographical boundaries of the school district.

H. The board of finance of the school district or state-chartered charter school may temporarily invest money held in demand deposits and not immediately needed for the operation of the school district or state-chartered charter school. Such temporary investments shall be made only in securities that are issued by the state or by the United States government, or by their departments or agencies, and that are either direct obligations of the state or the United States or are backed by the full faith and credit of those governments.

I. The department of finance and administration may monitor the deposits of public money by school districts or state-chartered charter schools to assure full compliance with the provisions of this section."

Chapter 94 Section 26 Laws 2006

Section 26. Section 22-8B-1 NMSA 1978 (being Laws 1999, Chapter 281, Section 1, as amended) is amended to read:

"22-8B-1. SHORT TITLE.--Chapter 22, Article 8B NMSA 1978 may be cited as the "Charter Schools Act"."

Chapter 94 Section 27 Laws 2006

Section 27. Section 22-8B-2 NMSA 1978 (being Laws 1999, Chapter 281, Section 2) is amended to read:

"22-8B-2. DEFINITIONS.--As used in the Charter Schools Act:

- A. "charter school" means a conversion school or start-up school authorized by the chartering authority to operate as a public school;
- B. "chartering authority" means either a local school board or the commission;
- C. "commission" means the public education commission;
- D. "conversion school" means an existing public school within a school district that was authorized by a local school board to become a charter school prior to July 1, 2007;
- E. "division" means the charter schools division of the department;
- F. "governing body" means the governing structure of a charter school as set forth in the school's charter; and
- G. "start-up school" means a public school developed by one or more parents, teachers or community members authorized by the chartering authority to become a charter school."

Chapter 94 Section 28 Laws 2006

Section 28. Section 22-8B-3 NMSA 1978 (being Laws 1999, Chapter 281, Section 3) is amended to read:

"22-8B-3. PURPOSE.--The Charter Schools Act is enacted to enable individual schools to structure their educational curriculum to encourage the use of different and innovative teaching methods that are based on reliable research and effective practices or have been replicated successfully in schools with diverse characteristics; to allow the development of different and innovative forms of measuring student learning and achievement; to address the needs of all students, including those determined to be at risk; to create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; to improve student achievement; to provide parents and students with an educational alternative to create new, innovative and more flexible ways of educating children within the public school system; to encourage parental and community involvement in the public school system; to develop and use site-based budgeting; and to hold charter schools accountable for meeting the department's educational standards and fiscal requirements."

Chapter 94 Section 29 Laws 2006

Section 29. A new section of the Charter Schools Act is enacted to read:

"PUBLIC EDUCATION COMMISSION--POWERS AND DUTIES.-- The commission shall receive applications for initial chartering and renewals of charters for

charter schools that want to be chartered by the state and approve or disapprove those charter applications. The commission may approve, deny, suspend or revoke the charter of a state-chartered charter school in accordance with the provisions of the Charter Schools Act. The chartering authority for a charter school existing on July 1, 2007 may be transferred to the commission; provided, however, that if a school chartered under a previous chartering authority chooses to transfer its chartering authority, it shall continue to operate under the provisions of that charter until its renewal date unless it is suspended or revoked by the commission. An application for a charter school filed with a local school board prior to July 1, 2007, but not approved, may be transferred to the commission on July 1, 2007."

Chapter 94 Section 30 Laws 2006

Section 30. A new section of the Charter Schools Act is enacted to read:

"CHARTER SCHOOLS DIVISION--DUTIES.--The "charter schools division" is created in the department. The division shall:

- A. provide staff support to the commission;
- B. provide technical support to all charter schools;
- C. review and approve state-chartered charter school budget matters; and
- D. make recommendations to the commission regarding the approval, denial, suspension or revocation of the charter of a state-chartered charter school."

Chapter 94 Section 31 Laws 2006

Section 31. Section 22-8B-4 NMSA 1978 (being Laws 1999, Chapter 281, Section 4, as amended) is amended to read:

"22-8B-4. CHARTER SCHOOLS' RIGHTS AND RESPONSIBILITIES--OPERATION.--

A. A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services.

B. A charter school shall be governed by a governing body in the manner set forth in the charter; provided that a governing body shall have at least five members; and provided further that no member of a governing body for a charter school that is initially approved on or after July 1, 2005 or whose charter is renewed on or after July 1, 2005 shall serve on the governing body of another charter school.

C. A charter school shall be responsible for:

(1) its own operation, including preparation of a budget, subject to audits pursuant to the Audit Act; and

(2) contracting for services and personnel matters.

D. A charter school may contract with a school district, a university or college, the state, another political subdivision of the state, the federal government or one of its agencies, a tribal government or any other third party for the use of a facility, its operation and maintenance and the provision of any service or activity that the charter school is required to perform in order to carry out the educational program described in its charter. Facilities used by a charter school shall meet the standards required pursuant to Section 22-8B-4.2 NMSA 1978.

E. A conversion school chartered before July 1, 2007 may choose to continue using the school district facilities and equipment it had been using prior to conversion, subject to the provisions of Subsection F of this section.

F. The school district in which a charter school is geographically located shall provide a charter school with available facilities for the school's operations unless the facilities are currently used for other educational purposes. A charter school shall not be required to pay rent for the school district facilities if the facilities can be provided at no cost to the school district. If facilities are available but cannot be provided at no cost to the school district, the school district shall not charge more than the actual direct cost of providing the facilities. The available facilities provided by a school district to a charter school shall meet all occupancy standards as specified by the public school capital outlay council. As used in this subsection, "other educational purposes" includes health clinics, daycare centers, teacher training centers, school district administration functions and other ancillary services related to a school district's functions and operations.

G. A locally chartered charter school may pay the costs of operation and maintenance of its facilities or may contract with the school district to provide facility operation and maintenance services.

H. Locally chartered charter school facilities are eligible for state and local capital outlay funds and shall be included in the school district's five-year facilities plan.

I. A locally chartered charter school shall negotiate with a school district to provide transportation to students eligible for transportation under the provisions of the Public School Code. The school district, in conjunction with the charter school, may establish a limit for student transportation to and from the charter school site not to extend beyond the school district boundary.

J. A charter school shall be a nonsectarian, nonreligious and non-home-based public school.

K. Except as otherwise provided in the Public School Code, a charter school shall not charge tuition or have admission requirements.

L. With the approval of the chartering authority, a single charter school may maintain separate facilities at two or more locations within the same school district; but, for purposes of calculating program units pursuant to the Public School Finance Act, the separate facilities shall be treated together as one school.

M. A charter school shall be subject to the provisions of Section 22-2-8 NMSA 1978 and the Assessment and Accountability Act.

N. Within constitutional and statutory limits, a charter school may acquire and dispose of property; provided that, upon termination of the charter, all assets of the locally chartered charter school shall revert to the local school board and all assets of the state-chartered charter school shall revert to the state.

O. The governing body of a charter school may accept or reject any charitable gift, grant, devise or bequest; provided that no such gift, grant, devise or bequest shall be accepted if subject to any condition contrary to law or to the terms of the charter. The particular gift, grant, devise or bequest shall be considered an asset of the charter school to which it is given.

P. The governing body may contract and sue and be sued. A local school board shall not be liable for any acts or omissions of the charter school.

Q. A charter school shall comply with all state and federal health and safety requirements applicable to public schools, including those health and safety codes relating to educational building occupancy.

R. A charter school is a public school that may contract with a school district or other party for provision of financial management, food services, transportation, facilities, education-related services or other services. The governing body shall not contract with a for-profit entity for the management of the charter school.

S. To enable state-chartered charter schools to submit required data to the department, an accountability data system shall be maintained by the department.

T. A charter school shall comply with all applicable state and federal laws and rules related to providing special education services. Charter school students with disabilities and their parents retain all rights under the federal Individuals with Disabilities Education Act and its implementing state and federal rules. Each charter school is responsible for identifying, evaluating and offering a free appropriate public education to all eligible children who are accepted for enrollment in that charter school. The state-chartered charter school, as a local educational agency, shall assume responsibility for determining students' needs for special education and related services. The division may promulgate rules to implement the requirements of this subsection."

Chapter 94 Section 32 Laws 2006

Section 32. Section 22-8B-5 NMSA 1978 (being Laws 1999, Chapter 281, Section 5) is amended to read:

"22-8B-5. CHARTER SCHOOLS--STATUS--LOCAL SCHOOL BOARD AUTHORITY.--

A. The local school board may waive only locally imposed school district requirements for locally chartered charter schools.

B. A state-chartered charter school is exempt from school district requirements. A state-chartered charter school is responsible for developing its own written policies and procedures in accordance with this section.

C. The department shall waive requirements or rules and provisions of the Public School Code pertaining to individual class load, teaching load, length of the school day, staffing patterns, subject areas, purchase of instructional material, evaluation standards for school personnel, school principal duties and driver education. The department may waive requirements or rules and provisions of the Public School Code pertaining to graduation requirements. Any waivers granted pursuant to this section shall be for the term of the charter granted but may be suspended or revoked earlier by the department.

D. A charter school shall be a public school accredited by the department and shall be accountable to the chartering authority for purposes of ensuring compliance with applicable laws, rules and charter provisions.

E. A local school board shall not require any employee of the school district to be employed in a charter school.

F. A local school board shall not require any student residing within the geographic boundary of its district to enroll in a charter school.

G. A student who is suspended or expelled from a charter school shall be deemed to be suspended or expelled from the school district in which the student resides."

Chapter 94 Section 33 Laws 2006

Section 33. Section 22-8B-6 NMSA 1978 (being Laws 1998, Chapter 281, Section 6, as amended) is amended to read:

"22-8B-6. CHARTER SCHOOL REQUIREMENTS--APPLICATION PROCESS-- AUTHORIZATION--BOARD OF FINANCE DESIGNATION REQUIRED.--

A. A local school board has the authority to approve the establishment of a charter school within the school district in which it is located.

B. At least one hundred eighty days prior to initial application, the organizers of a proposed charter school shall provide written notification to the commission and the school district in which the charter school is proposed to be located of intent to establish a charter school. Failure to notify may result in an application not being accepted.

C. A charter school applicant shall apply to either a local school board or the commission for a charter. If an application is submitted to a chartering authority, it must process the application. Applications for initial charters shall be submitted by July 1 to be eligible for consideration for the following fiscal year; provided that the July 1 deadline may be waived upon agreement of the applicant and the chartering authority.

D. An application shall include the total number of grades the charter school proposes to provide, either immediately or phased. A charter school may decrease the number of grades it eventually offers, but it shall not increase the number of grades or the total number of students proposed to be served in each grade.

E. An application shall include a detailed description of the charter school's projected capital outlay needs, including projected requests for capital outlay assistance.

F. An application for a start-up school may be made by one or more teachers, parents or community members or by a public post-secondary educational institution or nonprofit organization. Municipalities, counties, private post-secondary educational institutions and for-profit business entities are not eligible to apply for or receive a charter.

G. An initial application for a charter school shall not be made after June 30, 2007 if the proposed charter school's proposed enrollment for all grades would equal or exceed ten percent of the total MEM of the school district in which the charter school will be geographically located and that school district has a total enrollment of not more than one thousand three hundred students.

H. A state-chartered charter school shall not be approved for operation unless its governing body has qualified to be a board of finance.

I. The chartering authority shall receive and review all applications for charter schools submitted to it. The chartering authority shall not charge application fees.

J. The chartering authority shall hold at least one public meeting in the school district in which the charter school is proposed to be located to obtain information and community input to assist it in its decision whether to grant a charter school

application. Community input may include written or oral comments in favor of or in opposition to the application from the applicant, the local community and, for state-chartered charter schools, the local school board and school district in whose geographical boundaries the charter school is proposed to be located. The chartering authority shall rule on the application for a charter school in a public meeting within sixty days after receiving the application. If not ruled upon within sixty days, the charter application shall be automatically reviewed by the secretary in accordance with the provisions of Section 22-8B-7 NMSA 1978. The charter school applicant and the chartering authority may, however, jointly waive the deadlines set forth in this section.

K. A chartering authority may approve, approve with conditions or deny an application. A chartering authority may deny an application if:

(1) the application is incomplete or inadequate;

(2) the application does not propose to offer an educational program consistent with the requirements and purposes of the Charter Schools Act;

(3) the proposed head administrator or other administrative or fiscal staff was involved with another charter school whose charter was denied or revoked for fiscal mismanagement or the proposed head administrator or other administrative or fiscal staff was discharged from a public school for fiscal mismanagement;

(4) for a proposed state-chartered charter school, it does not request to have the governing body of the charter school designated as a board of finance or the governing body does not qualify as a board of finance; or

(5) the application is otherwise contrary to the best interests of the charter school's projected students, the local community or the school district in whose geographic boundaries the charter school applies to operate.

L. If the chartering authority denies a charter school application or approves the application with conditions, it shall state its reasons for the denial or conditions in writing within fourteen days of the meeting. If the chartering authority grants a charter, the approved charter shall be provided to the applicant together with any imposed conditions.

M. A charter school that has received a notice from the chartering authority denying approval of the charter shall have a right to a hearing by the secretary as provided in Section 22-8B-7 NMSA 1978."

Chapter 94 Section 34 Laws 2006

Section 34. Section 22-8B-7 NMSA 1978 (being Laws 1999, Chapter 281, Section 7, as amended) is amended to read:

"22-8B-7. APPEAL OF DENIAL, NONRENEWAL, SUSPENSION OR REVOCATION--PROCEDURES.--

A. The secretary, upon receipt of a notice of appeal or upon the secretary's own motion, shall review decisions of a chartering authority concerning charter schools in accordance with the provisions of this section.

B. A charter applicant or governing body that wishes to appeal a decision of the chartering authority concerning the denial, nonrenewal, suspension or revocation of a charter school or the imposition of conditions that are unacceptable to the charter school or charter school applicant shall provide the secretary with a notice of appeal within thirty days after the chartering authority's decision. The charter school applicant or governing body bringing the appeal shall limit the grounds of the appeal to the grounds for denial, nonrenewal, suspension or revocation or the imposition of conditions that were specified by the chartering authority. The notice shall include a brief statement of the reasons the charter school applicant or governing body contends the chartering authority's decision was in error. Except as provided in Subsection E of this section, the appeal and review process shall be as follows within sixty days after receipt of the notice of appeal, the secretary, at a public hearing that may be held in the school district in which the charter school is located or in which the proposed charter school has applied for a charter, shall review the decision of the chartering authority and make findings. If the secretary finds that the chartering authority acted arbitrarily or capriciously, rendered a decision not supported by substantial evidence or did not act in accordance with law, the secretary may reverse the decision of the chartering authority and order the approval of the charter with or without conditions. The decision of the secretary shall be final.

C. The secretary, on the secretary's own motion, may review a chartering authority's decision to grant a charter. Within sixty days after the making of a motion to review by the secretary, the secretary, at a public hearing that may be held in the school district in which the proposed charter school that has applied for a charter will be located, shall review the decision of the chartering authority and determine whether the decision was arbitrary or capricious or whether the establishment or operation of the proposed charter school would:

(1) violate any federal or state laws concerning civil rights;

(2) violate any court order; or

(3) threaten the health and safety of students within the school district.

D. If the secretary determines that the charter would violate the provisions set forth in Subsection C of this section, the secretary shall deny the charter application. The secretary may extend the time lines established in this section for good cause. The decision of the secretary shall be final.

E. If a chartering authority denies an application or refuses to renew a charter because the public school capital outlay council has determined that the facilities do not meet the standards required by Section 22-8B-4.2 NMSA 1978, the charter school applicant or charter school may appeal the decision to the secretary as otherwise provided in this section; provided that the secretary shall reverse the decision of the chartering authority only if the secretary determines that the decision was arbitrary, capricious, not supported by substantial evidence or otherwise not in accordance with the law.

F. A person aggrieved by a final decision of the secretary may appeal the decision to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978."

Chapter 94 Section 35 Laws 2006

Section 35. Section 22-8B-8 NMSA 1978 (being Laws 1999, Chapter 281, Section 8) is amended to read:

"22-8B-8. CHARTER APPLICATION--CONTENTS.--The charter school application for a start-up school shall be a proposed agreement between the chartering authority and the charter school and shall include:

- A. the mission statement of the charter school;
- B. the goals, objectives and student performance standards to be achieved by the charter school;
- C. a description of the charter school's educational program, student performance standards and curriculum that must meet or exceed the department's educational standards and must be designed to enable each student to achieve those standards;
- D. a description of the way a charter school's educational program will meet the individual needs of the students, including those students determined to be at risk;
- E. a description of the charter school's plan for evaluating student performance, the types of assessments that will be used to measure student progress toward achievement of the state's standards and the school's student performance standards, the time line for achievement of the standards and the procedures for taking corrective action in the event that student performance falls below the standards;
- F. evidence that the plan for the charter school is economically sound, including a proposed budget for the term of the charter and a description of the manner in which the annual audit of the financial and administrative operations of the charter school is to be conducted;

G. evidence that the fiscal management of the charter school complies with all applicable federal and state laws and rules relative to fiscal procedures;

H. evidence of a plan for the displacement of students, teachers and other employees who will not attend or be employed in the conversion school;

I. a description of the governing body and operation of the charter school, including:

(1) how the initial governing body will be selected;

(2) qualification and terms of members, how vacancies on the governing body will be filled and procedures for changing governing body membership; and

(3) the nature and extent of parental, professional educator and community involvement in the governance and operation of the school;

J. an explanation of the relationship that will exist between the proposed charter school and its employees, including evidence that the terms and conditions of employment will be addressed with affected employees and their recognized representatives, if any;

K. the employment and student discipline policies of the proposed charter school;

L. for a locally chartered charter school, an agreement between the charter school and the local school board regarding their respective legal liability and applicable insurance coverage;

M. a description of how the charter school plans to meet the transportation and food service needs of its students;

N. a description of the waivers that the charter school is requesting from the local school board and the department and the charter school's plan for addressing these waiver requests;

O. a description of the facilities the charter school plans to use; and

P. any other information reasonably required by the chartering authority."

Chapter 94 Section 36 Laws 2006

Section 36. Section 22-8B-9 NMSA 1978 (being Laws 1999, Chapter 281, Section 9) is amended to read:

"22-8B-9. CHARTER SCHOOL--CONTRACT CONTENTS--RULES.--

A. An approved charter application is a contract between the charter school and the chartering authority.

B. The charter shall reflect all agreements regarding the release of the charter school from department rules and policies.

C. For locally chartered charter schools, the contract between the charter school and the local school board shall reflect all requests for release of the charter school from department rules or the Public School Code. Within ten days after the contract is approved by the local school board, any request for release from department rules or the Public School Code shall be delivered by the local school board to the department. If the department grants the request, it shall notify the local school board and the charter school of its decision. If the department denies the request, it shall notify the local school board and the charter school that the request is denied and specify the reasons for denial.

D. The charter school shall participate in the public school insurance authority.

E. Any revision or amendment to the terms of the charter shall be made only with the approval of the chartering authority and the governing body of the charter school.

F. For locally chartered charter schools, the charter shall include procedures agreed upon by the charter school and the local school board for the resolution of disputes between the charter school and the local school board. The charter shall include procedures that shall be agreed upon by the charter school and the local school board in the event that the board determines that the charter shall be revoked pursuant to the provisions of Section 22-8B-12 NMSA 1978."

Chapter 94 Section 37 Laws 2006

Section 37. Section 22-8B-10 NMSA 1978 (being Laws 1999, Chapter 281, Section 10) is amended to read:

"22-8B-10. CHARTER SCHOOLS--EMPLOYEES.--

A. A charter school shall hire its own employees. The provisions of the School Personnel Act shall apply to such employees; provided, however, that a charter school may determine by indicating in its charter that either its governing body or head administrator shall make all employment decisions. The governing body shall be deemed to be responsible for making all employment decisions if the charter does not specify the decision maker.

B. A charter school shall not initially employ or approve the initial employment of a head administrator who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter or daughter-in-law of a member of the governing body. A charter school shall not initially employ or approve the initial employment of a licensed school employee who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter or daughter-in-law of the head administrator. The governing body may waive the nepotism rule for family members of a head administrator.

C. Nothing in this section shall prohibit the continued employment of a person employed on or before July 1, 2007."

Chapter 94 Section 38 Laws 2006

Section 38. Section 22-8B-11 NMSA 1978 (being Laws 1999, Chapter 281, Section 11) is amended to read:

"22-8B-11. CHARTER SCHOOLS--MAXIMUM NUMBER ESTABLISHED.--

A. The commission shall authorize the approval of start-up charter schools.

B. No more than fifteen start-up schools may be established per year statewide. The number of charter school slots remaining in that year shall be transferred to succeeding years up to a maximum of seventy-five start-up schools in any five-year period."

Chapter 94 Section 39 Laws 2006

Section 39. Section 22-8B-12 NMSA 1978 (being Laws 1999, Chapter 281, Section 12, as amended) is amended to read:

"22-8B-12. CHARTER SCHOOLS--TERM--RENEWAL OF CHARTER--
GROUNDS FOR NONRENEWAL OR REVOCATION.--

A. A charter school may be approved for an initial term of six years; provided that the first year shall be used exclusively for planning and not for completing the application. A charter may be renewed for successive periods of five years each. Approvals of less than five years may be agreed to between the charter school and the chartering authority.

B. Prior to the end of the planning year, the charter school shall demonstrate that its facilities meet the requirements of Section 22-8B-4.2 NMSA 1978.

C. Prior to the end of the planning year, a state-chartered charter school shall demonstrate that it has qualified as a board of finance and has satisfied any

conditions imposed by the commission before commencing full operation for the remainder of its charter term. The commission shall either issue or refuse to issue the authorization to commence full operation within twenty-one days of the request. If the commission refuses to issue the authorization, it shall provide its reasons in writing to the charter school.

D. No later than two hundred seventy days prior to the date in which the charter expires, the governing body may submit a renewal application to the chartering authority. A charter school may apply to a different chartering authority for renewal. The chartering authority shall rule in a public hearing on the renewal application no later than one hundred eighty days prior to the expiration of the charter.

E. A charter school renewal application submitted to the chartering authority shall contain:

(1) a report on the progress of the charter school in achieving the goals, objectives, student performance standards, state minimum educational standards and other terms of the initial approved charter application, including the accountability requirements set forth in the Assessment and Accountability Act;

(2) a financial statement that discloses the costs of administration, instruction and other spending categories for the charter school that is understandable to the general public, that allows comparison of costs to other schools or comparable organizations and that is in a format required by the department;

(3) contents of the charter application set forth in Section 22-8B-8 NMSA 1978;

(4) a petition in support of the charter school renewing its charter status signed by not less than sixty-five percent of the employees in the charter school;

(5) a petition in support of the charter school renewing its charter status signed by at least seventy-five percent of the households whose children are enrolled in the charter school; and

(6) a description of the charter school facilities and assurances that the facilities are in compliance with the requirements of Section 22-8B-4.2 NMSA 1978.

F. A charter may be suspended, revoked or not renewed by the chartering authority if the chartering authority determines that the charter school did any of the following:

(1) committed a material violation of any of the conditions, standards or procedures set forth in the charter;

(2) failed to meet or make substantial progress toward achievement of the department's minimum educational standards or student performance standards identified in the charter application;

(3) failed to meet generally accepted standards of fiscal management; or

(4) violated any provision of law from which the charter school was not specifically exempted.

G. If a chartering authority suspends, revokes or does not renew a charter, the chartering authority shall state in writing its reasons for the suspension, revocation or nonrenewal.

H. A decision to suspend, revoke or not to renew a charter may be appealed by the governing body pursuant to Section 22-8B-7 NMSA 1978."

Chapter 94 Section 40 Laws 2006

Section 40. Section 22-8B-13 NMSA 1978 (being Laws 1999, Chapter 281, Section 13) is amended to read:

"22-8B-13. CHARTER SCHOOL FINANCING.--

A. The amount of funding allocated to a charter school shall be not less than ninety-eight percent of the school-generated program cost. The school district or division may withhold and use two percent of the

school-generated program cost for its administrative support of a charter school.

B. That portion of money from state or federal programs generated by students enrolled in a locally chartered charter school shall be allocated to that charter school serving students eligible for that aid. Any other public school program not offered by the locally chartered charter school shall not be entitled to the share of money generated by a charter school program.

C. When a state-chartered charter school is designated as a board of finance pursuant to Section 22-8-38 NMSA 1978, it shall receive state and federal funds for which it is eligible.

D. Charter schools may apply for all federal funds for which they are eligible.

E. All services centrally or otherwise provided by a local school district, including custodial, maintenance and media services, libraries and warehousing shall be subject to negotiation between the charter school and the school district. Any

services for which a charter school contracts with a school district shall be provided by the district at a reasonable cost."

Chapter 94 Section 41 Laws 2006

Section 41. 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 the person's 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 the governing body of a state-chartered charter school 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 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 or by the head administrator of the state-chartered charter school 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 or the state-chartered charter school in which the person is enrolled.

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 body of a charter school or private school shall enforce the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools."

Chapter 94 Section 42 Laws 2006

Section 42. Section 22-12-3 NMSA 1978 (being Laws 1971, Chapter 238, Section 1, as amended) is amended to read:

"22-12-3. RELIGIOUS INSTRUCTION EXCUSAL.--A student may, subject to the approval of the school principal, be excused from school to participate in religious instruction for not more than one class period each school day with the written consent of the student's parents at a time period not in conflict with the academic program of the school. The local school board or governing body of a charter school, and its school employees, shall not assume responsibility for the religious instruction or permit it to be conducted on school property."

Chapter 94 Section 43 Laws 2006

Section 43. 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 body of a charter school or 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 body of a charter school or 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 94 Section 44 Laws 2006

Section 44. Section 22-12-8 NMSA 1978 (being Laws 1985, Chapter 104, Section 1, as amended) 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 or charter school 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."

Chapter 94 Section 45 Laws 2006

Section 45. Section 22-12-9 NMSA 1978 (being Laws 2004, Chapter 28, Section 1, as amended) is amended to read:

"22-12-9. 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 charter school or private school.

B. Each school district and charter school 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;

(2) uses withdrawal as provided in Section

22-8-2 NMSA 1978 only after exhausting efforts to keep students in educational settings; and

(3) requires that class attendance be taken for every instructional day in every public school or school program in the school district.

C. School districts and charter schools shall report truancy and habitual truancy rates to the department in a form and at such times as the department determines and shall document efforts made to keep truants and habitual truants in educational settings. Locally chartered charter schools shall provide copies of their reports to the school district."

Chapter 94 Section 46 Laws 2006

Section 46. Section 22-13-3.7 NMSA 1978 (being Laws 1989, Chapter 113, Section 5, as amended) is amended to read:

"22-13-3.7. DISBURSEMENT OF FUNDS--APPROVED

PROJECTS.--

A. Any school district or state-chartered charter school may apply for a grant from the literacy for children at risk fund for the purpose of acquiring, equipping and staffing a learning laboratory.

B. The department shall adopt rules setting forth the criteria that a school district or state-chartered charter school shall meet in order to qualify for a grant from the literacy for children at risk fund. The criteria to qualify for a grant shall include, but are not limited to, the following:

(1) the learning laboratory shall improve the reading, writing or math literacy levels of children at risk by at least one grade level per year, as demonstrated to the department's satisfaction;

(2) the learning laboratory shall encompass the teaching of children in kindergarten through grade twelve who are reading below grade level;

(3) the learning laboratory shall have reading diagnostic capabilities; and

(4) the learning laboratory shall have the capability to self-monitor the performance of both the learning laboratory and the children at risk using the laboratory.

C. The amount of any grant awarded under Subsections A and B of this section shall be equal to eighty percent of the total cost of acquiring, equipping and staffing a learning laboratory. Any grant awarded is contingent upon the qualifying school district or

state-chartered charter school demonstrating to the department's satisfaction that it can pay for twenty percent of the total cost of the learning laboratory.

D. Any school district or state-chartered charter school that establishes a learning laboratory under this section may use the laboratory for any other reading, writing or math literacy program when it is not in use for the purposes of the Literacy For Children At Risk Act.

E. The department, after approving the application of a school district or state-chartered charter school to receive a grant under the Literacy For Children At Risk Act, shall authorize a disbursement of funds, in an amount equal to the grant, from the literacy for children at risk fund directly to the approved school district or charter school."

Chapter 94 Section 47 Laws 2006

Section 47. Section 22-15-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 206, as amended) is amended to read:

"22-15-2. DEFINITIONS.--As used in the Instructional Material Law:

A. "division" or "bureau" means the instructional material bureau of the department;

B. "director" or "chief" means the chief of the bureau;

C. "instructional material" means school textbooks and other educational media that are used as the basis for instruction, including combinations of textbooks, learning kits, supplementary material and electronic media;

D. "multiple list" means a written list of those instructional materials approved by the department;

E. "membership" means the total enrollment of qualified students on the fortieth day of the school year entitled to the free use of instructional material pursuant to the Instructional Material Law;

F. "additional pupil" means a pupil in a school district's, state institution's or private school's current year's certified forty-day membership above the number certified in the school district's, state institution's or private school's prior year's forty-day membership; and

G. "school district" includes state-chartered charter schools."

Chapter 94 Section 48 Laws 2006

Section 48. Section 22-15C-1 NMSA 1978 (being Laws 2003, Chapter 149, Section 1) is amended to read:

"22-15C-1. SHORT TITLE.--Chapter 22, Article 15C NMSA 1978 may be cited as the "School Library Material Act"."

Chapter 94 Section 49 Laws 2006

Section 49. Section 22-15C-2 NMSA 1978 (being Laws 2003, Chapter 149, Section 2) is amended to read:

"22-15C-2. DEFINITIONS.--As used in the School Library Material Act:

A. "additional student" means a student in the certified forty-day membership of the current year for a school district or state institution above the number certified in the forty-day membership of the prior year for the school district or state institution;

B. "bureau" means the instructional material bureau of the department;

C. "fund" means the school library material fund;

D. "library material processing" means cataloging of school library material, including in electronic format, according to nationally accepted standards, and the application of bar code labels and call-number classification labels to the material;

E. "membership" means the total enrollment of qualified students on the fortieth day of the school year entitled to the free use of school library material pursuant to the School Library Material Act;

F. "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 regulation of the department;

G. "school library material" means books and other educational media, including online reference and periodical databases, that are made available in a school library to students for circulation and use in the library; and

H. "school district" includes state-chartered charter schools."

Chapter 94 Section 50 Laws 2006

Section 50. Section 22-15D-1 NMSA 1978 (being Laws 2003, Chapter 152, Section 1) is amended to read:

"22-15D-1. SHORT TITLE.--Chapter 22, Article 15D NMSA 1978 may be cited as the "Fine Arts Education Act"."

Chapter 94 Section 51 Laws 2006

Section 51. Section 22-15D-2 NMSA 1978 (being Laws 2003, Chapter 152, Section 2) is amended to read:

"22-15D-2. PURPOSE.--

A. The purpose of the Fine Arts Education Act is to encourage school districts and state-chartered charter schools to offer opportunities for elementary school students to participate in fine arts activities, including visual arts, music, theater and dance.

B. Participation in fine arts programs encourages cognitive and affective development by:

(1) focusing on a variety of learning styles and engaging students who might otherwise fail;

(2) training students in complex thinking and learning;

(3) helping students to devise creative solutions for problems;

(4) providing students new challenges; and

(5) teaching students how to work cooperatively with others and to understand and value diverse cultures."

Chapter 94 Section 52 Laws 2006

Section 52. Section 22-15D-4 NMSA 1978 (being Laws 2003, Chapter 152, Section 4) is amended to read:

"22-15D-4. DEPARTMENT--POWERS AND DUTIES.--The department shall issue guidelines for the development and implementation of fine arts education programs. The department shall:

A. administer and enforce the provisions of the Fine Arts Education Act;
and

B. assist school districts and charter schools in developing and evaluating programs."

Chapter 94 Section 53 Laws 2006

Section 53. Section 22-15D-5 NMSA 1978 (being Laws 2003, Chapter 152, Section 5) is amended to read:

"22-15D-5. PROGRAM PLAN AND EVALUATION.--

A. A school district or state-chartered charter school may prepare and submit to the department a fine arts education program plan in accordance with guidelines issued by the department.

B. At a minimum, the plan shall include the fine arts education programs being taught, the ways in which the fine arts are being integrated into the curriculum and an evaluation component.

C. At yearly intervals, the school district or state-chartered charter school, the department and a parent advisory committee from the school district or charter school shall review the goals and priorities of the plan and make appropriate recommendations to the secretary."

Chapter 94 Section 54 Laws 2006

Section 54. Section 22-20-1 NMSA 1978 (being Laws 1967, Chapter 16, Section 270, as amended) is amended to read:

"22-20-1. SCHOOL CONSTRUCTION--APPROVAL OF THE PUBLIC SCHOOL FACILITIES AUTHORITY--COMPLIANCE WITH STATEWIDE ADEQUACY STANDARDS--STATE CONSTRUCTION AND FIRE STANDARDS APPLICABLE.--

A. Each local school board or governing body of a charter school shall secure the approval of the director of the public school facilities authority or the director's designee prior to the construction or letting of contracts for construction of any school building or related school structure or before reopening an existing structure that was formerly used as a school building but that has not been used for that purpose during the previous year. A written application shall be submitted to the director requesting approval of the construction, and, upon receipt, the director shall forward a copy of the application to the secretary. The director shall prescribe the form of the application, which shall include the following:

- (1) a statement of need;
- (2) the anticipated number of students affected by the construction;
- (3) the estimated cost;
- (4) a description of the proposed construction project;
- (5) a map of the area showing existing school attendance centers within a five-mile radius and any obstructions to attending the attendance centers, such as railroad tracks, rivers and limited-access highways; and
- (6) such other information as may be required by the director.

B. The director or the director's designee shall give approval to an application if the director or designee reasonably determines that:

- (1) the construction will not cause an unnecessary proliferation of school construction;
- (2) the construction is needed in the school district or by the charter school;
- (3) the construction is feasible;
- (4) the cost of the construction is reasonable;

(5) the construction project:

(a) is in compliance with the statewide adequacy standards adopted pursuant to the Public School Capital Outlay Act; and

(b) if relevant, is appropriately integrated into the school district or charter school master plan;

(6) the school district or charter school is financially able to pay for the construction; and

(7) the secretary has certified that the construction will support the educational program of the school district or charter school.

C. Within thirty days after the receipt of an application filed pursuant to this section, the director or the director's designee shall in writing notify the local school board or governing body of a charter school making the application and the department of approval or disapproval of the application.

D. A local school board or governing body of a charter school shall not enter into a contract for the construction of a public school facility, including contracts funded with insurance proceeds, unless the contract contains provisions requiring the construction to be in compliance with the statewide adequacy standards adopted pursuant to the Public School Capital Outlay Act; provided that for a contract funded in whole or in part with insurance proceeds:

(1) the cost of settlement of any insurance claim shall not be increased by inclusion of the insurance proceeds in the construction contract; and

(2) insurance claims settlements shall continue to be governed by insurance policies, memoranda of coverage and rules related to them.

E. Public school facilities shall be constructed pursuant to state standards or codes promulgated pursuant to the Construction Industries Licensing Act and rules adopted pursuant to Section 59A-52-15 NMSA 1978 for the prevention and control of fires in public occupancies. Building standards or codes adopted by a municipality or county do not apply to the construction of public school facilities, except those structures constructed as a part of an educational program of a school district or charter school.

F. The provisions of Subsection E of this section relating to fire protection shall not be effective until the public regulation commission has adopted the International Fire Code and all standards related to that code.

G. As used in this section, "construction" means any project for which the construction industries division of the regulation and licensing department requires permitting."

Chapter 94 Section 55 Laws 2006

Section 55. Section 22-20-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 271) is amended to read:

"22-20-2. SCHOOL BUILDING CONSTRUCTION--DISTANCE FROM HIGHWAYS.--

A. No local school board or governing body of a charter school shall construct or cause the construction of any public school building within four hundred feet of any main artery of travel without the prior written approval of the department.

B. The district court may enforce the provisions of this section by any appropriate civil remedy in an action brought by an interested party.

C. As used in this section, "main artery of travel" means any designated state or federal-aid highway used primarily to accommodate transient motor traffic through a municipality and any type of public highway used primarily to accommodate transient motor traffic through a rural community or area."

Chapter 94 Section 56 Laws 2006

Section 56. Section 22-21-1 NMSA 1978 (being Laws 1967, Chapter 16, Section 282, as amended) is amended to read:

"22-21-1. PROHIBITING SALES TO THE DEPARTMENT, TO SCHOOL DISTRICTS AND TO SCHOOL PERSONNEL--EXCEPTION--PENALTY.--

A. A member of the commission, a member of a local school board, a member of the governing body of a charter school, the secretary, an employee of the department or a school employee shall not, directly or indirectly, sell or be a party to any transaction to sell any instructional material, furniture, equipment, insurance, school supplies or work under contract to the department, school district or public school with which such person is associated or employed. No such person shall receive any commission or profit from the sale or any transaction to sell any instructional material, furniture, equipment, insurance, school supplies or work under contract to the department, school district or public school with which the person is associated or employed.

B. The provisions of this section shall not apply to a person making a sale in the regular course of business who complies with the provisions of Sections 13-1-21, 13-1-21.2 and 13-1-22 NMSA 1978. The provisions of this section shall not apply in

cases in which school employees contract to perform special services with the department, school district or public school with which they are associated or employed during time periods wherein service is not required under a contract for instruction, administration or other employment.

C. No member of the commission, member of a local school board, member of the governing body of a charter school, the secretary, employee of the department or school employee shall solicit or sell or be a party to a transaction to solicit or sell insurance or investment securities to any employee of the department or any employee of the school district whom such person supervises. Nothing in this subsection shall prohibit a financial institution from requiring the purchase of insurance in connection with a loan or offering and selling such insurance in accordance with the provisions of the New Mexico Insurance Code.

D. No state employee who supervises or exercises control over school districts or charter schools, which supervision or control includes but is not limited to school programs, capital outlay and operating budgets, shall enter into any business relationship with an employee of a local school district or charter school over which the state employee exercises supervision or control.

E. Any person violating any provision of this section is guilty of a fourth degree felony under the Criminal Code. The department may suspend or revoke the licensure of a licensed school employee for violation of this section."

Chapter 94 Section 57 Laws 2006

Section 57. Section 22-23-2 NMSA 1978 (being Laws 1973, Chapter 285, Section 2, as amended) is amended 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 or a charter school;

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 or governing body of a state-chartered charter school; and

I. "standardized curriculum" means a district curriculum that is aligned with the state academic content standards, benchmarks and performance standards."

Chapter 94 Section 58 Laws 2006

Section 58. Section 22-24-3 NMSA 1978 (being Laws 1975, Chapter 235, Section 3, as amended) is amended to read:

"22-24-3. DEFINITIONS.--As used in the Public School Capital Outlay Act:

A. "council" means the public school capital outlay council;

B. "fund" means the public school capital outlay fund; and

C. "school district" includes state-chartered charter schools."

Chapter 94 Section 59 Laws 2006

Section 59. TEMPORARY PROVISION--CAPITAL OUTLAY STUDY.--The public school capital outlay oversight task force, in consultation with the public school capital outlay council, the public education department and the public school facilities authority, shall study statutory provisions governing the funding of charter school capital outlay facilities, transportation costs and any other capital outlay issues concerning charter schools and shall make recommendations to the legislative education study committee, the legislative finance committee and the governor by November 1, 2006.

Chapter 94 Section 60 Laws 2006

Section 60. REPEAL.--

A. Section 22-8B-15 NMSA 1978 (being Laws 1999, Chapter 281, Section 15) is repealed.

B. Laws 2005, Chapter 176, Section 12 is repealed.

Chapter 94 Section 61 Laws 2006

Section 61. EFFECTIVE DATE.--The effective date of the provisions of Section 59 of this act is May 17, 2006. The effective date of the provisions of Sections 1 through 57 and 60 of this act is July 1, 2007.

Senate Floor Substitute for Senate

Finance Committee Substitute for

Senate Bill 600

Approved March 6, 2006

LAWS 2006, CHAPTER 95

WITH LINE ITEM VETOES

AN ACT

RELATING TO SCHOOLS; REQUIRING A FACILITIES PLAN FOR ALL SCHOOL DISTRICTS; AMENDING THE PUBLIC SCHOOL CAPITAL OUTLAY ACT TO ALLOW EXPENDITURES FOR CERTAIN ABANDONED FACILITIES, FIVE-YEAR FACILITIES PLANS AND CORRECTION OF DEFICIENCIES AT CERTAIN STATE EDUCATIONAL INSTITUTIONS, TO CHANGE THE LIMITATIONS ON EXPENDITURES FOR CERTAIN LEASE PAYMENTS AND TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, A LOCAL MATCH PROVISION FOR QUALIFIED HIGH PRIORITY PROJECTS; AMENDING THE PUBLIC SCHOOL CAPITAL IMPROVEMENTS ACT TO INCREASE THE STATE DISTRIBUTION AND AUTHORIZE ADDITIONAL EXPENDITURES; EXEMPTING CERTAIN EMPLOYEES FROM THE PERSONNEL ACT; EASING CERTAIN RESTRICTIONS ON SCHOOL DISTRICT CASH BALANCES; CREATING A FUND TO PROVIDE START-UP COSTS FOR NEW SCHOOLS; PROVIDING FUNDING TO IMPROVE THE INDOOR AIR QUALITY OF PUBLIC SCHOOLS; PROVIDING FOR STUDIES OF CERTAIN LOCAL GOVERNMENT ACTIONS ON SCHOOL REVENUE AND OF ADDITIONAL CHARTERING AUTHORITIES FOR CHARTER SCHOOLS; ALLOWING THE PUBLIC SCHOOL FACILITIES AUTHORITY TO BE A CENTRAL PURCHASING OFFICE; PROVIDING FOR AN ONGOING FACILITY INFORMATION MANAGEMENT SYSTEM; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Chapter 95 Section 1 Laws 2006

Section 1. Section 22-20-1 NMSA 1978 (being Laws 1967, Chapter 16, Section 270, as amended) is amended to read:

"22-20-1. SCHOOL CONSTRUCTION--APPROVAL OF THE PUBLIC SCHOOL FACILITIES AUTHORITY--COMPLIANCE WITH STATEWIDE ADEQUACY STANDARDS--STATE CONSTRUCTION AND FIRE STANDARDS APPLICABLE.--

A. Each local school board shall secure the approval of the director of the public school facilities authority or the director's designee prior to the construction or letting of contracts for construction of any school building or related school structure or before reopening an existing structure that was formerly used as a school building but that has not been used for that purpose during the previous year. A written application shall be submitted to the director requesting approval of the construction, and, upon receipt, the director shall forward a copy of the application to the secretary. The director shall prescribe the form of the application, which shall include the following:

- (1) a statement of need;
- (2) the anticipated number of students affected by the construction;
- (3) the estimated cost;
- (4) a description of the proposed construction project;
- (5) a map of the area showing existing school attendance centers within a five-mile radius and any obstructions to attending the attendance centers, such as railroad tracks, rivers and limited-access highways; and
- (6) such other information as may be required by the director.

B. The director or the director's designee shall give approval to an application if the director or designee reasonably determines that:

- (1) the construction will not cause an unnecessary proliferation of school construction;
- (2) the construction is needed in the school district;
- (3) the construction is feasible;
- (4) the cost of the construction is reasonable;
- (5) the school district has submitted a five-year facilities plan that

includes:

- (a) enrollment projections;
 - (b) a current preventive maintenance plan;
 - (c) the capital needs of charter schools located in the school district; and
 - (d) projections for the facilities needed in order to maintain a full-day kindergarten program;
- (6) the construction project:
- (a) is in compliance with the statewide adequacy standards adopted pursuant to the Public School Capital Outlay Act; and
 - (b) is appropriately integrated into the school district five-year facilities plan;
- (7) the school district is financially able to pay for the construction; and
- (8) the secretary has certified that the construction will support the educational program of the school district.

C. Within thirty days after the receipt of an application filed pursuant to this section, the director or the director's designee shall in writing notify the local school board making the application and the department of approval or disapproval of the application.

D. A local school board shall not enter into a contract for the construction of a public school facility, including contracts funded with insurance proceeds, unless the contract contains provisions requiring the construction to be in compliance with the statewide adequacy standards adopted pursuant to the Public School Capital Outlay Act, provided that, for a contract funded in whole or in part with insurance proceeds:

- (1) the cost of settlement of any insurance claim shall not be increased by inclusion of the insurance proceeds in the construction contract; and
- (2) insurance claims settlements shall continue to be governed by insurance policies, memoranda of coverage and rules related to them.

E. Public school facilities shall be constructed pursuant to state standards or codes promulgated pursuant to the Construction Industries Licensing Act and rules adopted pursuant to Section 59A-52-15 NMSA 1978 for the prevention and control of fires in public occupancies. Building standards or codes adopted by a municipality or

county do not apply to the construction of public school facilities, except those structures constructed as a part of an educational program of a school district.

F. The provisions of Subsection E of this section relating to fire protection shall not be effective until the public regulation commission has adopted the International Fire Code and all standards related to that code.

G. As used in this section, "construction" means any project for which the construction industries division of the regulation and licensing department requires permitting."

Chapter 95 Section 2 Laws 2006

Section 2. 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 the secretary's 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. Beginning with fiscal year 2007, 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), fifteen percent of the budgeted expenditures;

(2) if the current year program cost is five million dollars (\$5,000,000) or more but less than ten million dollars (\$10,000,000), twelve percent of the budgeted expenditures;

(3) if the current year program cost is ten million dollars (\$10,000,000) or more but less than twenty-five million dollars (\$25,000,000), nine percent of the budgeted expenditures;

(4) if the current year program cost is twenty-five million dollars (\$25,000,000) or more but less than two hundred million dollars (\$200,000,000), seven percent of the budgeted expenditures; and

(5) if the current year program cost is two hundred million dollars (\$200,000,000) or more, five 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 limit calculated pursuant to Subsection E of this section, then the reduction pursuant to this subsection shall equal twenty percent of the allowable limit; and

(2) for other school districts and charter schools, if the excess cash balance is greater than eighteen percent of the allowable limit, then the reduction pursuant to this subsection shall equal eighteen percent of the allowable limit.

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. Upon application by a school district, the secretary may waive all or a portion of the reduction otherwise required by Subsection F of this section if the secretary finds that the school district's excess balance is needed to provide the local match required under the Public School Capital Outlay Act or to recoup an amount paid as the district's share pursuant to Section 22-24-5.7 NMSA 1978.

J. 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.

K. For the purposes of this section, "operational cash balance" means the allowable, unrestricted, unreserved operational cash balance and the emergency reserve.

L. 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."

Chapter 95 Section 3 Laws 2006

Section 3. A new section of the Public School Code is enacted to read:

"22-24-11. NEW SCHOOL DEVELOPMENT FUND--DISTRIBUTION.--

A. The "new school development fund" is created in the state treasury. The fund shall consist of appropriations, gifts, grants, donations and bequests made to the fund. Income from the fund shall be credited to the fund, and money in the fund shall not revert or be transferred to any other fund at the end of a fiscal year. Money in the fund is appropriated to the department for the purposes of making distributions pursuant to Subsection B of this section. Expenditures from the fund shall be made on warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary.

B. Upon application to the department by a school district and subject to the availability of funds, the department may approve a distribution to the school district from the new school development fund to supplement district funds needed to pay for supplies, equipment and operating costs unique to the first year of operation of a new school, provided that the department shall not approve a distribution unless it determines that there are no other reasonably available federal, private or other public sources for the needed funding."

Chapter 95 Section 4 Laws 2006

Section 4. 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 L 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. Except as provided in Subsection K of this section, 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 22-24-5.4 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 thirty million dollars (\$30,000,000) of the fund may be allocated annually by the council in fiscal years 2006 and 2007 for a roof repair and replacement initiative with projects to be identified by the council pursuant to Section 22-24-4.3 NMSA 1978; provided that all money allocated pursuant to this subsection shall be expended prior to September 1, 2008.

I. Up to seven million five hundred thousand dollars (\$7,500,000) from the fund may be expended annually by the council in fiscal years 2006 through 2010 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; provided that, an application on behalf of a charter school shall be made by the school district but, if the school district fails to make an application on behalf of a charter school, the charter school may submit its own application. The following criteria shall apply to the grants:

(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) six hundred dollars (\$600) 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:

(a) the average full-time-equivalent enrollment using leased classroom facilities on the eightieth and one hundred twentieth days of the prior school year; or

(b) in the case of an approved charter school that has not commenced classroom instruction, the estimated full-time-equivalent enrollment that will use leased classroom facilities in the first year of instruction, as shown in the approved charter school application; provided that, after the eightieth day of the school year, the MEM shall be adjusted to reflect the full-time-equivalent enrollment on that date.

J. In addition to other authorized expenditures from the fund, up to one percent of the average grant assistance authorized from the fund during the three previous fiscal years may be expended in each fiscal year by the public school facilities authority to reimburse the state fire marshal, the construction industries division of the regulation and licensing department and local jurisdictions having authority from the state to permit and inspect projects for expenditures made to permit and inspect projects funded in whole or in part under the Public School Capital Outlay Act. The authority shall enter into contracts with the state fire marshal, the construction industries division or the appropriate local authorities to carry out the provisions of this subsection.

K. Pursuant to guidelines established by the council, allocations from the fund may be made to assist school districts in developing and updating five-year facilities plans required by the Public School Capital Outlay Act; provided that:

(1) no allocation shall be made unless the council determines that the school district is willing and able to pay the portion of the total cost of developing or updating the plan that is not funded with the allocation from the fund. Except as provided in Paragraph (2) of this subsection, the portion of the total cost to be paid with the allocation from the fund shall be determined pursuant to the methodology in Paragraph (5) of Subsection B of Section 22-24-5 NMSA 1978; or

(2) the allocation from the fund may be used to pay the total cost of developing or updating the plan if:

(a) the school district has fewer than an average of six hundred full-time-equivalent students on the eightieth and one hundred twentieth days of the prior school year; or

(b) the school district meets all of the following requirements: 1) the school district has fewer than an average of one thousand full-time-equivalent students on the eightieth and one hundred twentieth days of the prior school year; 2) the school district has at least seventy percent of its students eligible for free or reduced-fee lunch; 3) the state share of the total cost, if calculated pursuant to the methodology in Paragraph (5) of Subsection B of Section 22-24-5 NMSA 1978, would be less than fifty percent; and 4) for all educational purposes, the school district has a residential property tax rate of at least seven dollars (\$7.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds.

L. Upon application by a school district, allocations from the fund may be made by the council for the purpose of demolishing abandoned school district facilities provided that:

(1) the costs of continuing to insure an abandoned facility outweigh any potential benefit when and if a new facility is needed by the school district;

(2) there is no practical use for the abandoned facility without the expenditure of substantial renovation costs; and

(3) the council may enter into an agreement with the school district under which an amount equal to the savings to the district in lower insurance premiums are used to fully or partially reimburse the fund for the demolition costs allocated to the district."

Chapter 95 Section 5 Laws 2006

Section 5. 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.

B. Except as provided in Sections 22-24-4.3, 22-24-5.4 and 22-24-5.6 NMSA 1978, the following provisions govern grant assistance from the fund for a public school capital outlay project not wholly funded pursuant to Section 22-24-4.1 NMSA 1978:

(1) all school districts are eligible to apply for funding from the fund, regardless of percentage of indebtedness;

(2) priorities for funding shall be determined by using the statewide adequacy standards developed pursuant to Subsection C of this section; provided that:

(a) the council shall apply the standards to charter schools to the same extent that they are applied to other public schools; 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 pursuant to the provisions of this paragraph. No later than May 1 of each calendar year, a value shall be calculated for each school district in accordance with the following procedure:

(a) the final prior year net taxable value for a school district divided by the MEM for that school district is calculated for each school district;

(b) the final prior year net taxable value for the whole state divided by the MEM for the state is calculated;

(c) excluding any school district for which the result calculated pursuant to Subparagraph (a) of this paragraph is more than twice the result calculated pursuant to Subparagraph (b) of this paragraph, the results calculated pursuant to Subparagraph (a) of this paragraph are listed from highest to lowest;

(d) the lowest value listed pursuant to Subparagraph (c) of this paragraph is subtracted from the highest value listed pursuant to that subparagraph;

(e) the value calculated pursuant to Subparagraph (a) of this paragraph for the subject school district is subtracted from the highest value listed in Subparagraph (c) of this paragraph;

(f) the result calculated pursuant to Subparagraph (e) of this paragraph is divided by the result calculated pursuant to Subparagraph (d) of this paragraph;

(g) the sum of the property tax mill levies for the prior tax year imposed by each school district on residential property pursuant to Chapter 22, Article 18 NMSA 1978, the Public School Capital Improvements Act, the Public School Buildings Act, the Education Technology Equipment Act and Paragraph (2) of Subsection B of Section 7-37-7 NMSA 1978 is calculated for each school district;

(h) the lowest value calculated pursuant to Subparagraph (g) of this paragraph is subtracted from the highest value calculated pursuant to that subparagraph;

(i) the lowest value calculated pursuant to Subparagraph (g) of this paragraph is subtracted from the value calculated pursuant to that subparagraph for the subject school district;

(j) the value calculated pursuant to Subparagraph (i) of this paragraph is divided by the value calculated pursuant to Subparagraph (h) of this paragraph;

(k) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is less than five-tenths, then, except as provided in Subparagraph (n) or (o) of this paragraph, the value for that school district equals the value calculated pursuant to Subparagraph (f) of this paragraph;

(l) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is five-tenths or greater, then that value is multiplied by five-hundredths;

(m) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is five-tenths or greater, then the value calculated pursuant to Subparagraph (l) of this paragraph is added to the value calculated pursuant to Subparagraph (f) of this paragraph. Except as provided in Subparagraph (n) or (o) of this paragraph, the sum equals the value for that school district;

(n) in those instances in which the calculation pursuant to Subparagraph (k) or (m) of this paragraph yields a value less than one-tenth, one-tenth shall be used as the value for the subject school district;

(o) in those instances in which the calculation pursuant to Subparagraph (k) or (m) of this paragraph yields a value greater than one, one shall be used as the value for the subject school district;

(p) except as provided in Section 22-24-5.7 NMSA 1978 and except as reduced pursuant to Paragraph (6) of this subsection, the amount to be distributed from the fund for an approved project shall equal the total project cost multiplied by a fraction the numerator of which is the value calculated for the subject school district in the current year plus the value calculated for that school district in each of the two preceding years and the denominator of which is three; and

(q) as used in this paragraph: 1) "MEM" means the average full-time-equivalent enrollment of students attending public school in a school district on the eightieth and one hundred twentieth days of the prior school year; 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 for nonoperating purposes either directly to the subject school district or to another governmental entity for the purpose of passing the money through directly to the subject school district, and not rejected by the subject school district, but excluding educational technology appropriations made prior to January 1, 2005 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 June 1 of that fiscal year, the school district notifies the department of finance and administration and the public education department that the district is rejecting the appropriation; provided further that the total shall be increased by an amount, certified to the council by the department, equal to the educational technology appropriations made to the subject school district on or after January 1, 2003 and prior to January 1, 2005 and not previously used to offset distributions pursuant to the Technology for Education Act;

(b) the applicable fraction used for the subject school district and the current calendar year for the calculation in Subparagraph (p) of Paragraph (5) of this subsection is subtracted from one;

(c) the value calculated pursuant to Subparagraph (a) of this paragraph for the subject school district is multiplied by the amount calculated pursuant to Subparagraph (b) of this paragraph for that school district;

(d) the total amount of reductions for the subject school district previously made pursuant to Subparagraph (e) of this paragraph for other approved public school capital outlay projects is subtracted from the amount calculated pursuant to Subparagraph (c) of this paragraph; and

(e) the amount calculated pursuant to Subparagraph (p) of Paragraph (5) of this subsection shall be reduced by the amount calculated pursuant to Subparagraph (d) of this paragraph;

(7) as used in 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) the council may adjust the amount of local share otherwise required if it determines that a school district has used all of its local resources. Before making any adjustment to the local share, the council shall consider whether:

(a) the school district has insufficient bonding capacity over the next four years to provide the local match necessary to complete the project and, for all educational purposes, has a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds;

(b) the school district: 1) has fewer than an average of eight hundred full-time-equivalent students on the eightieth and one hundred twentieth days of the prior school year; 2) has at least seventy percent of its students eligible for free or reduced-fee lunch; 3) has a share of the total project cost, as calculated pursuant to provisions of this section, that would be greater than fifty percent; and 4) for all educational purposes, has a residential property tax rate of at least seven dollars (\$7.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds; or

(c) the school district has: 1) an enrollment growth rate over the previous school year of at least two and one-half percent; 2) pursuant to its five-year facilities plan, will be building a new school within the next two years; and 3) for all educational purposes, has a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds; 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; 3) the capital needs of charter schools located in the school district; and 4) projections for the facilities needed in order to maintain a full-day kindergarten program;

(e) the school district is willing and able to pay any portion of the total cost of the public school capital outlay project that, according to Paragraph (5), (6) or (8) of this subsection, is not funded with grant assistance from the fund; provided that school district funds used for a project that was initiated after September 1, 2002 when the statewide adequacy standards were adopted, but before September 1, 2004 when the standards were first used as the basis for determining the state and school district share of a project, may be applied to the school district portion required for that project;

(f) the application includes the capital needs of any charter school located in the school district or the school district has shown that the facilities of the charter school have a smaller deviation from the statewide adequacy standards than other district facilities included in the application; and

(g) the school district has agreed, in writing, to comply with any reporting requirements or conditions imposed by the council pursuant to Section 22-24-5.1 NMSA 1978.

C. After consulting with the public school capital outlay oversight task force and other experts, the council shall regularly review and update statewide adequacy standards applicable to all school districts. The standards shall establish the acceptable level for the physical condition and capacity of buildings, the educational suitability of facilities and the need for technological infrastructure. Except as otherwise provided in the Public School Capital Outlay Act, the amount of outstanding deviation

from the standards shall be used by the council in evaluating and prioritizing public school capital outlay projects.

D. It is the intent of the legislature that grant assistance made pursuant to this section allows every school district to meet the standards developed pursuant to Subsection C of this section; provided, however, that nothing in the Public School Capital Outlay Act or the development of standards pursuant to that act prohibits a school district from using 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 oversight 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 95 Section 6 Laws 2006

Section 6. A new section of the Public School Capital Outlay Act, Section 22-24-5.6 NMSA 1978, is enacted to read:

"22-24-5.6. OUTSTANDING DEFICIENCIES AT CERTAIN STATE EDUCATIONAL INSTITUTIONS.--

A. In consultation with the higher education department and the applicable board of regents, and after reviewing the existing five-year facilities plan and the facilities condition assessment, the public school facilities authority shall verify the assessed outstanding health, safety or infrastructure deficiencies at the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf and shall develop a plan to correct the deficiencies.

B. To the extent that money has been appropriated for such purposes, the council may approve allocations from the fund and, working with the higher education department and the applicable board of regents, enter into construction contracts to correct the deficiencies.

C. The council shall establish oversight functions for the public school facilities authority and such other guidelines and conditions as it deems necessary to ensure that the allocations from the fund pursuant to this section are expended in the most prudent manner possible and consistent with the original purpose.

D. As used in the Public School Capital Outlay Act, "public school capital outlay project", "capital outlay project" or "project" includes a program for the correction of deficiencies at the New Mexico school for the blind and visually handicapped or at the New Mexico school for the deaf pursuant to this section."

Chapter 95 Section 7 Laws 2006

Section 7. A new section of the Public School Capital Outlay Act, Section 22-24-5.7 NMSA 1978, is enacted to read:

"22-24-5.7. LOCAL MATCH PROVISIONS FOR QUALIFIED HIGH PRIORITY PROJECTS.--

A. For a qualified high priority project, if money has been specifically appropriated for the purposes of this section, and if the school district so requests, the money may be used to pay both the state share, as calculated by Paragraphs (5) and (6) of Subsection B of Section 22-24-5 NMSA 1978 and all or a portion of the district share, subject to the following criteria:

(1) the amount paid as the district's share plus any amount added pursuant to Paragraph (3) of this subsection shall be recouped by offsetting future allocations that otherwise would be made from the fund for the state share of projects qualifying for a grant award pursuant to Subsections B and C of Section 22-24-5 NMSA 1978;

(2) except as provided in Paragraph (6) of this subsection, once a project within a district has been funded pursuant to the provisions of this section, then, until the amount paid as the district's share plus any amount added pursuant to Paragraph (3) of this subsection is fully recouped, no standard-based grant awards from the fund shall be made to the district and the district shall be solely responsible for using its local resources to bring those facilities, that would otherwise be eligible for allocations from the fund pursuant to Section 22-24-5 NMSA 1978, up to the statewide adequacy standards;

(3) in determining the amount to be recouped pursuant to Paragraphs (1) and (2) of this subsection, any legislative appropriations for

nonoperating purposes made either directly to the school district or to another governmental entity for the purpose of passing the money directly to the school district and not rejected by the school district shall be added to the amount advanced from the fund as the district's share for a project;

(4) the amount to be recouped pursuant to Paragraph (1) of this subsection may be reduced by payments from the school district with cash balances and other available district resources that may legally be used for such payments;

(5) allocations from the fund for the district share shall only be made if the council finds that the school district is likely to complete the project within thirty-six months after the allocation for the district share is made available to the district; and

(6) notwithstanding the requirements of Paragraph (2) of this section, two projects within a school district may be funded pursuant to this section before the recoupment process under that paragraph commences, if:

(a) both projects qualify pursuant to the provisions of Paragraph (2) of Subsection B of this section; or

(b) both projects qualify during the same awards cycle, beginning on or after July 1, 2006.

B. As used in this section, "qualified high priority project" means a project:

(1) that is approved for a grant award pursuant to Section 22-24-5 NMSA 1978 during an awards cycle occurring in 2006 and subsequent award cycles and:

(a) is located in a high-growth area, as designated by the council; ~~or~~

~~(b) is a project for which the council has determined, pursuant to its weighted average conditions index, that the cost necessary to bring the existing facilities up to the statewide adequacy standards would be equal to or more than the cost of replacing the existing facility; or~~ [**LINE-ITEM VETO**]

(2) that was approved for a grant award pursuant to Section 22-24-5 NMSA 1978 during the 2004-2005 or 2005-2006 awards cycle but for which the school district, as of July 1, 2006, has not obtained funding for the district share and:

(a) is located in a high-growth area, as designated by the council; ~~or~~

~~(b) is a project for which the council has determined, pursuant to its weighted average conditions index, that the cost necessary to bring the existing facilities up to the statewide adequacy standards would be equal to or more than the cost of replacing the existing facility]. [LINE-ITEM VETO]~~

C. The council may designate an area that equals a contiguous attendance area of one or more existing schools as a "high-growth area" if the council determines that:

(1) within five years of the grant allocation decision, the estimated occupancy rate of the proposed new school would be seventy percent or more of the design capacity;

(2) at the time of the application, the attendance at the existing schools in the high-growth area from which students at the new school will be drawn is above design capacity; and

(3) for the period of five years after the grant allocation decision the attendance at those existing schools will be maintained at ninety-five percent or greater of design capacity."

Chapter 95 Section 8 Laws 2006

Section 8. Section 22-24-9 NMSA 1978 (being Laws 2003, Chapter 147, Section 1, as amended) 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 set out in Subsection G of Section 22-24-4 NMSA 1978, shall employ or contract with such technical and administrative personnel as are necessary to carry out the provisions of this section. The director, deputies and all other employees of the authority shall be exempt from 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) notwithstanding the provisions of Subsection D of Section 22-24-6 NMSA 1978, account for all distributions of grant assistance from the fund for which the initial award was made after July 1, 2004, and make annual reports to the department, the governor, the legislative education study committee, the legislative finance committee and the legislature;

(12) maintain a database of the condition of school facilities and maintenance schedules; and

(13) 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.

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 95 Section 9 Laws 2006

Section 9. 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 payments under contracts for maintenance support services and expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of school district employees;

(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 95 Section 10 Laws 2006

Section 10. 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 or G of this section, the secretary 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) an additional amount certified to the secretary by the public school capital outlay council. No later than June 1 of each year, the council shall determine the amount needed in the next fiscal year for public school capital outlay projects pursuant to the Public School Capital Outlay Act and the amount of revenue, from all sources, available for the projects. If, in the sole discretion of the council, the amount available exceeds the amount needed, the council may certify an additional amount pursuant to this paragraph; provided that the sum of the amount calculated pursuant to this paragraph plus the amount in Paragraph (1) of this subsection shall not result in a total statewide distribution that, in the opinion of the council, exceeds one-half of the total revenue estimated to be received from taxes imposed pursuant to the Public School Capital Improvements Act.

C. For any fiscal year notwithstanding the amount calculated to be distributed pursuant to Subsections A and B of this section, except as provided in Subsection G 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 sixty dollars (\$60.00) in fiscal year 2006~~, ninety dollars (\$90.00) in fiscal year 2007~~ 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. [**LINE-ITEM VETO**]

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, including payments under contracts for maintenance support services. In addition, distributions made pursuant to this section may be expended by school districts for the school district portion of the total project cost for roof repair or replacement required by Section 22-24-4.3 NMSA 1978.

G. If a serious deficiency in a roof of a public school facility has been corrected pursuant to Section 22-24-4.4 NMSA 1978 and the school district has refused to pay its share of the cost as determined by that section, until the public school capital outlay fund is reimbursed in full for the share attributed to the district, the distribution calculated pursuant to this section shall not be made to the school district but shall be made to the public school capital outlay fund.

H. In making distributions pursuant to this section, the secretary shall include such reporting requirements and conditions as are required by rule of the public school capital outlay council. The council shall adopt such requirements and conditions as are necessary to ensure that the distributions are expended in the most prudent manner possible and are consistent with the original purpose as specified in the authorizing resolution. Copies of reports or other information received by the secretary in response to the requirements and conditions shall be forwarded to the council."

Chapter 95 Section 11 Laws 2006

Section 11. 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;

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; and

N. procurement by the public school facilities authority."

Chapter 95 Section 12 Laws 2006

~~[Section 12. TEMPORARY PROVISION—SCHOOL DISTRICT REVENUE IMPACT STUDY GROUP CREATION STAFF.]~~

~~A. The "school district revenue impact study group" is created. The study group consists of sixteen members as follows:~~

~~(1) the secretary of finance and administration or the secretary's designee;~~

~~(2) the secretary of public education or the secretary's designee;~~

~~(3) the director of the public school facilities authority or the director's designee;~~

~~(4) two majority party members and one minority party member of the house of representatives, appointed by the New Mexico legislative council;~~

~~(5) two majority party members and one minority party member of the senate, appointed by the New Mexico legislative council;~~

~~(6) two representatives of developers, appointed by the New Mexico legislative council;~~

~~(7) a member of the Indian education advisory council, appointed by the chair of the council;~~

~~(8) a representative of the New Mexico municipal league;~~

~~(9) a representative of the New Mexico association of counties;~~

~~(10) a representative of the New Mexico school boards association;~~
and

~~(11) a representative of the New Mexico superintendents association.~~

~~B. The chair of the study group shall be elected by the study group. The study group shall meet at the call of the chair.~~

~~C. Members of the study group shall serve from the time of their appointment through December 31, 2006. On January 1, 2007, the study group is terminated.~~

~~D. Public members of the study group shall receive per diem and mileage pursuant to the Per Diem and Mileage Act.~~

~~E. The study group shall:~~

~~(1) examine how actions by local governments in the acquisition of property that will be exempt from property taxes, such as acquiring projects with proceeds of industrial revenue bonds, affect school district revenues;~~

~~(2) examine whether the purposes of the Development Fees Act are served by the imposition of impact fees against school districts;~~

~~(3) examine whether, in communities where school facilities are often used by local governments, the school districts and local governments should share the cost of building and maintaining the facilities;~~

~~(4) examine alternatives that will ensure that local governments consider the interests of school districts when making decisions that will impact school district revenues and expenditures; and~~

~~(5) no later than December 31, 2006, report its findings and recommendations for policy and statutory changes to the public school capital outlay oversight task force, the legislative education study committee and the legislative finance committee.~~

~~F. The legislative council service, with assistance from the public education department, the public school facilities authority, the legislative education study committee and the legislative finance committee, shall provide staff for the study group.] [LINE-ITEM VETO]~~

Chapter 95 Section 13 Laws 2006

Section 13. TEMPORARY PROVISION--CHARTERING AUTHORITY STUDY.--
The legislative council service, in conjunction with the public education department, the department of finance and administration and the staffs of the legislative finance committee and the legislative education study committee, shall study the feasibility of allowing additional entities, including universities, tribal governments, the public education department and a separate chartering board, to approve the establishment of charter schools. No later than December 15, 2006, the results of the study shall be presented to the public school capital outlay oversight task force, the legislative finance committee and the legislative education study committee.

Chapter 95 Section 14 Laws 2006

Section 14. APPROPRIATIONS.--

A. Two million five hundred thousand dollars (\$2,500,000) is appropriated from the public school capital outlay fund to the public school facilities authority for expenditure in fiscal years 2006 through 2008 for continuing the development and implementation of a uniform web-based facility information management system for the public schools pursuant to the provisions of Section 22-24-5.3 NMSA 1978. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the public school capital outlay fund.

B. Three hundred thousand dollars (\$300,000) is appropriated from the public school capital outlay fund to the public school facilities authority for expenditure in fiscal years 2007 and 2008 for the purpose of improving the indoor air quality of public schools by implementing the New Mexico indoor air quality tools for schools program pursuant to criteria developed by the public school facilities authority in consultation with the department of environment, the public education department, the department of health, the energy, minerals and natural resources department and the children, youth and families department. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the public school capital outlay fund.

~~[C. Fifty thousand dollars (\$50,000) is appropriated from legislative cash balances to the legislative council service for expenditure in fiscal years 2006 and 2007~~

~~for the purposes of paying per diem and mileage to the members of the school district revenue impact study group and for other expenses incurred in carrying out the provisions of Section 12 of this act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to legislative cash balances.] [LINE-ITEM VETO]~~

Chapter 95 Section 15 Laws 2006

Section 15. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Senate Finance Committee Substitute for

Senate Education Committee Substitute for

Senate Bill 450, as amended, with emergency clause,

Approved March 6, 2006

LAWS 2006, CHAPTER 96

AN ACT

RELATING TO ASSET BUILDING FOR WORKING, LOW-INCOME FAMILIES;
AMENDING THE INDIVIDUAL DEVELOPMENT ACCOUNT ACT TO CHANGE THE
NAME OF THE ACT, CHANGE THE ELIGIBILITY REQUIREMENTS, ESTABLISH
CRITERIA FOR PROGRAM ADMINISTRATORS AND INCREASE ACCOUNTABILITY;
CREATING A FUND.

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

Chapter 96 Section 1 Laws 2006

Section 1. Section 58-30-1 NMSA 1978 (being Laws 2003, Chapter 362, Section 1) is amended to read:

"58-30-1. SHORT TITLE.--Chapter 58, Article 30 NMSA 1978 may be cited as the "Family Opportunity Accounts Act"."

Chapter 96 Section 2 Laws 2006

Section 2. Section 58-30-2 NMSA 1978 (being Laws 2003, Chapter 362, Section 2, as amended) is amended to read:

"58-30-2. DEFINITIONS.--As used in the Family Opportunity Accounts Act:

A. "account owner" means the person in whose name a family opportunity account is originally established;

B. "allowable use" means a use that complies with the provisions of the Family Opportunity Accounts Act, or rules adopted pursuant to that act;

C. "authorized financial institution" means a financial institution authorized by the office to hold and manage family opportunity accounts and reserve accounts;

D. "director" means the director of the office;

E. "earned income" means wages from employment, payment in lieu of wages, disability payments, tribal distributions or earnings from self-employment or acquired from the provision of services, goods or property, production of goods, management of property or supervision of services;

F. "eligible individual" means a person who meets the criteria for opening a family opportunity account;

G. "family opportunity account" means an account established and maintained in an authorized financial institution by an eligible individual participating in a family opportunity accounts program pursuant to the provisions of the Family Opportunity Accounts Act;

H. "family opportunity accounts program" means a program approved by the office to establish and administer family opportunity accounts and reserve accounts for eligible individuals and to provide financial training required by the office for account owners;

I. "financial institution" means a bank, bank and trust, savings bank, savings association or credit union authorized to be a trustee of individual retirement accounts as defined by federal law, the deposits of which are insured by the federal deposit insurance corporation or the national credit union administration;

J. "indigent" means an individual who, taking into account the present income and the liquid assets and the requirement for other basic necessities of life for himself and his dependents, is unable to pay the costs of allowable uses as set forth in the Family Opportunity Accounts Act;

K. "matching funds" means money deposited in a reserve account to match the withdrawals for allowable uses from a family opportunity account according to a proportionate formula that complies with rules adopted by the director;

L. "nonprofit organization" means an instrumentality of the state or a local government or an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation pursuant to Section 501(a) of that code;

M. "office" means the office of workforce training and development;

N. "program administrator" means a nonprofit organization or tribe that is selected pursuant to the Family Opportunity Accounts Act to offer a family opportunity accounts program pursuant to a contract with the director;

O. "reserve account" means an account established pursuant to the Family Opportunity Accounts Act in an authorized financial institution in which matching funds are maintained and available for payment for a predetermined allowable use following completion of all program requirements by the account owner; and

P. "tribe" means an Indian nation, tribe or pueblo located in whole or in part within New Mexico."

Chapter 96 Section 3 Laws 2006

Section 3. Section 58-30-3 NMSA 1978 (being Laws 2003, Chapter 362, Section 3) is amended to read:

"58-30-3. FAMILY OPPORTUNITY ACCOUNTS.--

A. A family opportunity account may be established for an eligible individual as part of a family opportunity accounts program if the written instrument creating the account sets forth the following:

(1) the account owner is an eligible individual according to program requirements at the time the account is established;

(2) the family opportunity account is established and maintained in an authorized financial institution;

(3) deposits to a family opportunity account shall be made in accordance with the rules adopted pursuant to the Family Opportunity Accounts Act;

(4) withdrawals from a family opportunity account shall only be made in accordance with the Family Opportunity Accounts Act and rules adopted pursuant to that act;

(5) the matching amount that will be deposited in the reserve account for each dollar deposited by the account owner in the family opportunity account; and

(6) the financial institution in which a family opportunity account is held shall not be liable for withdrawals made for uses other than allowable uses.

B. For purposes of 42 USCA 604(h), a family opportunity account shall be deemed to be an individual development account."

Chapter 96 Section 4 Laws 2006

Section 4. Section 58-30-4 NMSA 1978 (being Laws 2003, Chapter 362, Section 4) is amended to read:

"58-30-4. ELIGIBLE INDIVIDUALS.--

A. Except as set forth in Subsection B of this section, an eligible individual shall have earned income and shall be:

- (1) eighteen years of age or older;
- (2) a citizen or legal resident of the United States;
- (3) a resident of New Mexico; and
- (4) indigent.

B. A child in foster care is an eligible individual if the child:

- (1) is sixteen years of age or older;
- (2) is indigent;
- (3) is a citizen or legal resident of the United States; and
- (4) is a resident of New Mexico."

Chapter 96 Section 5 Laws 2006

Section 5. Section 58-30-5 NMSA 1978 (being Laws 2003, Chapter 362, Section 5, as amended) is amended to read:

"58-30-5. RESPONSIBILITIES OF THE OFFICE.--

A. The office shall adopt rules implementing the provisions of the Family Opportunity Accounts Act.

B. The director shall make an annual report each November to the governor and to the legislative finance committee.

C. The office shall use no more than five percent of the money appropriated to fund the Family Opportunity Accounts Act to administer that act."

Chapter 96 Section 6 Laws 2006

Section 6. Section 58-30-6 NMSA 1978 (being Laws 2003, Chapter 362, Section 6, as amended) is amended to read:

"58-30-6. FAMILY OPPORTUNITY ACCOUNTS COUNCIL.--

A. The "family opportunity accounts council" is created. The council shall:

(1) provide oversight of the administration of the Family Opportunity Accounts Act; and

(2) suggest possible changes that benefit account owners or improve the effectiveness of the family opportunity accounts programs throughout the state.

B. The family opportunity accounts council shall meet at least two times in a calendar year to perform its duties.

C. The family opportunity accounts council shall consist of the lieutenant governor or the lieutenant governor's designee and eight members appointed by the governor to represent the state geographically. The director or the director's designee shall serve as an ex-officio member of the council.

D. Appointed members of the family opportunity accounts council shall receive per diem and mileage pursuant to the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance for their participation on the council.

E. The office shall provide adequate staff support and administrative services for the family opportunity accounts council."

Chapter 96 Section 7 Laws 2006

Section 7. Section 58-30-7 NMSA 1978 (being Laws 2003, Chapter 362, Section 7, as amended) is amended to read:

"58-30-7. ADMINISTRATION OF FAMILY OPPORTUNITY ACCOUNTS PROGRAMS.--

A. A family opportunity account may be established for an eligible individual; provided that the money deposited in the account is expended for allowable

uses for the account owner or the account owner's spouse or dependents unless otherwise approved by the program administrator.

B. A family opportunity accounts program shall be approved and monitored by the director for compliance with applicable law, the Family Opportunity Accounts Act and rules adopted pursuant to that act.

C. The program administrator shall establish a reserve account sufficient to meet the matching fund commitments made to all account owners participating in the family opportunity accounts program and shall report at least quarterly to each account owner the amount of money available in the reserve account for use by the program administrator to match withdrawals for allowable uses. Notwithstanding any matching commitment otherwise required, the amount of state funds deposited in a reserve account during a calendar year to match deposits from any single account owner shall not exceed the higher of:

(1) two thousand dollars (\$2,000); or

(2) an amount determined by rule of the office.

D. The program administrator shall provide financial education and other necessary training pertinent to allowable uses by account owners, develop partnerships with financial institutions, develop matching funds and manage the operations of a family opportunity account that is established within the program.

E. An eligible individual may open a family opportunity account upon verification by the program administrator that the individual maintains no other family opportunity account.

F. More than one eligible individual per household may hold a family opportunity account.

G. An account owner shall complete a financial education program prior to the withdrawal of money from the account owner's family opportunity account unless written approval is obtained from the program administrator."

Chapter 96 Section 8 Laws 2006

Section 8. Section 58-30-8 NMSA 1978 (being Laws 2003, Chapter 362, Section 8) is amended to read:

"58-30-8. ALLOWABLE USES--WITHDRAWALS FROM FAMILY OPPORTUNITY ACCOUNTS--FORFEITURE OF MATCHING FUNDS FROM RESERVE ACCOUNT--LOSS OF ELIGIBLE INDIVIDUAL STATUS.--

A. Allowable uses of the money withdrawn from a family opportunity account are limited to the following:

(1) expenses to attend an approved post-secondary or vocational educational institution, including payment for tuition, books, supplies and equipment required for courses;

(2) costs to acquire or construct a principal residence as defined in rules adopted pursuant to the Family Opportunity Accounts Act that is the first principal residence acquired or constructed by the account owner;

(3) costs of major home improvements or repairs on the home of the account owner;

(4) capitalization or costs to start or expand a business, including capital, plant, equipment, operational and inventory expenses, attorney and accountant fees and other costs normally associated with starting or expanding a business;

(5) acquisition of a vehicle necessary to obtain or maintain employment by an account owner or the spouse of an account owner; and

(6) in the case of a deceased account owner, amounts deposited by the account owner and held in a family opportunity account shall be distributed directly to the account owner's spouse, or if the spouse is deceased or there is no spouse, to a dependent or other named beneficiary of the deceased or if the recipient is eligible to maintain the account, the account and matching funds designated for that account from a reserve account may be transferred and maintained in the name of the surviving spouse, dependent or beneficiary.

B. Except as provided in Subsection C of this section, if an account owner withdraws money from a family opportunity account for a use other than an allowable use, the account owner forfeits a proportionate amount of matching funds from the reserve account, as set forth in the agreement between the program administrator and the account owner.

C. The program administrator may approve a withdrawal by an account owner from a family opportunity account to be used for a purpose other than an allowable use only for serious emergencies as specified in the rules adopted by the office. For such an approved withdrawal, the proportionate matching funds in the reserve account shall remain in the reserve account for twelve months following the withdrawal and, if an amount equal to the withdrawn money is redeposited in the family opportunity account within the twelve months, the matching funds shall again be available to match withdrawals for allowable uses.

D. At the request of the account owner and with the written approval of the program administrator, amounts may be withdrawn from the account owner's family

opportunity account and deposited in another family opportunity account established for an eligible individual who is the account owner's spouse or dependent."

Chapter 96 Section 9 Laws 2006

Section 9. Section 58-30-9 NMSA 1978 (being Laws 2003, Chapter 362, Section 9, as amended) is amended to read:

"58-30-9. APPROVAL OF FAMILY OPPORTUNITY ACCOUNTS PROGRAMS.--

A. The office shall issue a request for proposals from nonprofit organizations or tribes interested in establishing a family opportunity accounts program. A proposal submitted in response to the request shall:

(1) describe the geographic area to be served and the potential individuals who will be assisted by the program;

(2) state the amount, if any, of requested distributions of state money from the family opportunity fund;

(3) describe the source and the amount of private or other public funds, if any, that will be used to supplement the requested distributions from the family opportunity fund;

(4) state the amount, not to be less than one dollar (\$1.00), that will be deposited in the reserve account for each dollar deposited in a family opportunity account;

(5) describe the expertise, experience and other qualifications of the proposer and its employees; and

(6) contain such other information as required in the request for proposals and rules of the director.

B. The director shall determine if an interested nonprofit organization or tribe is eligible to be a program administrator, determine the legal sufficiency of submitted proposals, evaluate the proposals and, after consulting with the family opportunity accounts council, select the program administrators.

C. In selecting program administrators, the director shall:

(1) ensure that geographically diverse populations throughout New Mexico will be served by family opportunity accounts programs; and

(2) ensure that a substantial number of family opportunity accounts will serve families in which one or more children are living with their biological or adoptive mother or father, or with their legal guardian.

D. The director shall enter into contracts with the selected program administrators.

E. The director shall approve a family opportunity accounts program submitted by a program administrator before the program establishes family opportunity accounts or reserve accounts or provides services required by the Family Opportunity Accounts Act to eligible individuals.

F. A family opportunity account and a reserve account may be established only in an authorized financial institution.

G. The director shall monitor all family opportunity accounts programs to ensure that family opportunity accounts and reserve accounts are being operated according to the contract provisions, federal law, the provisions of the Family Opportunity Accounts Act and rules adopted pursuant to that act."

Chapter 96 Section 10 Laws 2006

Section 10. Section 58-30-10 NMSA 1978 (being Laws 2003, Chapter 362, Section 10, as amended) is amended to read:

"58-30-10. TERMINATION OF FAMILY OPPORTUNITY ACCOUNTS PROGRAMS.--

A. A family opportunity accounts program shall be terminated if the:

(1) office determines that the program is not being operated pursuant to the provisions of the contract between the program administrator and the director, the Family Opportunity Accounts Act or rules adopted pursuant to that act;

(2) provider of the program no longer retains its status as a program administrator; or

(3) program administrator chooses to cease providing a family opportunity accounts program.

B. Upon termination of a family opportunity accounts program, the director shall administer the program until a qualified program administrator is selected to administer the program. If, after a reasonable period, the director is unable to identify and certify a program administrator to assume the authority to continue to operate a terminated family opportunity accounts program, money in a reserve account shall be deposited into the family opportunity accounts of the account owners for whom the

proportionate share of the reserve account was established as of the first day of termination of the program."

Chapter 96 Section 11 Laws 2006

Section 11. Section 58-30-11 NMSA 1978 (being Laws 2003, Chapter 362, Section 11, as amended) is amended to read:

"58-30-11. REPORTING.--A program administrator operating a family opportunity accounts program pursuant to the Family Opportunity Accounts Act shall report at least annually to the director, as set forth in the rules of the office. Individual account owners shall not be identified in the report. The report shall include:

A. the number of eligible individuals making contributions to family opportunity accounts;

B. the total money contributed to each family opportunity account and deposited into each reserve account;

C. the total money in the aggregate deposited in family opportunity accounts and reserve accounts administered by the family opportunity accounts program;

D. the amounts withdrawn from family opportunity accounts for either allowable uses or for uses other than allowable uses and the amounts withdrawn from reserve accounts;

E. the balances remaining in family opportunity accounts and reserve accounts; and

F. other information requested by the director to monitor the costs and outcomes of the family opportunity accounts program."

Chapter 96 Section 12 Laws 2006

Section 12. Section 58-30-12 NMSA 1978 (being Laws 2003, Chapter 362, Section 12) is amended to read:

"58-30-12. ACCOUNT FUNDS DISREGARDED FOR PURPOSES OF CERTAIN MEANS-TESTED PROGRAMS.--

A. Money deposited into a family opportunity account, interest earned on that account and interest and matching funds deposited in a reserve account for the benefit of the account owners shall be disregarded for the purposes of determining eligibility for benefits and for determining benefit amounts pursuant to the New Mexico Works Act.

B. When determining eligibility for benefits and determining benefit amounts due under the food stamp program and medicaid, the human services department shall, pursuant to the authority granted by 7 USCA 2014 (d) and (g), disregard money deposited into a family opportunity account, interest earned on that account and interest and matching funds deposited in a reserve account for the benefit of the account owners.

C. Money withdrawn from a family opportunity account for a purpose other than an allowable use shall be counted as a resource for purposes of the New Mexico Works Act or medicaid unless the withdrawal is approved by the program administrator and an amount equal to the amount withdrawn is replaced within the twelve-month allowable time period pursuant to Subsection C of Section 58-30-8 NMSA 1978."

Chapter 96 Section 13 Laws 2006

Section 13. A new section of the Family Opportunity Accounts Act is enacted to read:

"FUND CREATED.--The "family opportunity fund" is created in the state treasury. The fund shall consist of appropriations, gifts, grants, donations and bequests made to the fund. Income from the fund shall be credited to the fund, and money in the fund shall not be transferred to any other fund at the end of a fiscal year. Money in the fund is appropriated to the office of workforce training and development for the purposes of carrying out the provisions of the Family Opportunity Accounts Act. Expenditures shall be made on warrant of the secretary of finance and administration on vouchers signed by the director of the office of workforce training and development."

Chapter 96 Section 14 Laws 2006

Section 14. Section 27-2B-7 NMSA 1978 (being Laws 1998, Chapter 8, Section 7 and Laws 1998, Chapter 9, Section 7, as amended) is amended to read:

"27-2B-7. FINANCIAL STANDARD OF NEED.--

A. The secretary shall adopt a financial standard of need based upon the availability of federal and state funds and based upon appropriations by the legislature of the available federal temporary assistance for needy families grant made pursuant to the federal act in the following categories:

- (1) cash assistance;
- (2) child care services;
- (3) other services; and
- (4) administrative costs.

The legislature shall determine the actual percentage of each category to be used annually of the federal temporary assistance for needy families grant made pursuant to the federal act.

B. The following income sources are exempt from the gross income test, the net income test and the cash payment calculation:

- (1) medicaid;
- (2) food stamps;
- (3) government-subsidized foster care payments if the child for whom the payment is received is also excluded from the benefit group;
- (4) supplemental security income;
- (5) government-subsidized housing or housing payments;
- (6) federally excluded income;
- (7) educational payments made directly to an educational institution;
- (8) government-subsidized child care;
- (9) earned income that belongs to a person seventeen years of age or younger who is not the head of household;
- (10) fifty dollars (\$50.00) of collected child support passed through to the participant by the department's child support enforcement program;
- (11) earned income deposited in a family opportunity account by a member of the benefit group or money received as matching funds for allowable uses by the owner of the family opportunity account pursuant to the Family Opportunity Accounts Act; and
- (12) other income sources as determined by the department.

C. The total countable gross earned and unearned income of the benefit group cannot exceed eighty-five percent of the federal poverty guidelines for the size of the benefit group.

D. For a benefit group to be eligible to participate:

(1) gross countable income that belongs to the benefit group must not exceed eighty-five percent of the federal poverty guidelines for the size of the benefit group; and

(2) net countable income that belongs to the benefit group must not equal or exceed the financial standard of need after applying the disregards set out in Paragraphs (1) through (4) of Subsection E of this section.

E. Subject to the availability of state and federal funds, the department shall determine the cash payment of the benefit group by applying the following disregards to the benefit group's earned income and then subtracting that amount from the benefit group's financial standard of need:

(1) for the first two years of receiving cash assistance or services, if a participant works over the work requirement rate set by the department pursuant to the New Mexico Works Act, one hundred percent of the income earned by the participant beyond that rate;

(2) for the first two years of receiving cash assistance or services, for a two-parent benefit group in which one parent works over thirty-five hours per week and the other works over twenty-four hours per week, one hundred percent of income earned by each participant beyond the work requirement rate set by the department;

(3) one hundred twenty-five dollars (\$125) of monthly earned income and one-half of the remainder, or for a two-parent family, two hundred twenty-five dollars (\$225) of monthly earned income and one-half of the remainder for each parent;

(4) monthly payments made for child care at a maximum of two hundred dollars (\$200) for a child under two years of age and at a maximum of one hundred seventy-five dollars (\$175) for a child two years of age or older;

(5) costs of self-employment income; and

(6) business expenses.

F. The department may recover overpayments of cash assistance on a monthly basis not to exceed fifteen percent of the financial standard of need applicable to the benefit group."

Chapter 96 Section 15 Laws 2006

Section 15. Section 27-2B-8 NMSA 1978 (being Laws 1998, Chapter 8, Section 8 and Laws 1998, Chapter 9, Section 8, as amended by Laws 2003, Chapter 311, Section 4 and Laws 2003, Chapter 432, Section 4) is amended to read:

"27-2B-8. RESOURCES.--

A. Liquid and nonliquid resources owned by the benefit group shall be counted in the eligibility determination.

B. A benefit group may at a maximum own the following resources:

- (1) two thousand dollars (\$2,000) in nonliquid resources;
- (2) one thousand five hundred dollars (\$1,500) in liquid resources;
- (3) the value of the principal residence of the participant;
- (4) the value of burial plots and funeral contracts for family members;
- (5) family opportunity accounts; and
- (6) the value of work-related equipment up to one thousand dollars (\$1,000).

C. Vehicles owned by the benefit group shall not be considered in the determination of resources attributed to the benefit group."

Chapter 96 Section 16 Laws 2006

Section 16. Section 27-2B-10 NMSA 1978 (being Laws 1998, Chapter 8, Section 10 and Laws 1998, Chapter 9, Section 10, as amended) is amended to read:

"27-2B-10. FAMILY OPPORTUNITY ACCOUNTS.--A participant may establish a family opportunity account pursuant to the Family Opportunity Accounts Act."

Chapter 96 Section 17 Laws 2006

Section 17. Section 27-2D-6 NMSA 1978 (being Laws 2003, Chapter 317, Section 6) is amended to read:

"27-2D-6. RESOURCES.--

A. Liquid and nonliquid resources owned by the benefit group shall be counted in the eligibility determination.

B. A benefit group may at a maximum own the following resources:

- (1) two thousand dollars (\$2,000) in nonliquid resources;

- (2) one thousand five hundred dollars (\$1,500) in liquid resources;
- (3) the value of the principal residence of the recipient;
- (4) the value of burial plots and funeral contracts for family members;
- (5) family opportunity accounts; and
- (6) the value of work-related equipment up to one thousand dollars (\$1,000).

C. Vehicles owned by the benefit group shall not be considered in the determination of resources attributed to the benefit group."

Chapter 96 Section 18 Laws 2006

Section 18. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 112, as amended

Approved March 7, 2006

LAWS 2006, CHAPTER 97

AN ACT

RELATING TO EMERGENCY MANAGEMENT; ESTABLISHING AN INTRASTATE MUTUAL AID SYSTEM TO SUPPORT REQUESTING AID FOR AND RESPONDING TO LOCAL EMERGENCIES AND DISASTERS; ALLOWING A MEMBER JURISDICTION TO WITHDRAW FROM PARTICIPATING IN THE INTRASTATE MUTUAL AID SYSTEM; CREATING THE INTRASTATE MUTUAL AID COMMITTEE AND DESCRIBING ITS MEMBERSHIP, DUTIES AND AUTHORITY; ALLOWING INDIAN NATIONS, TRIBES AND PUEBLOS TO PARTICIPATE IN THE INTRASTATE MUTUAL AID SYSTEM; PROVIDING FOR ADMINISTRATION OF THE INTRASTATE MUTUAL AID SYSTEM; DECLARING AN EMERGENCY.

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

Chapter 97 Section 1 Laws 2006

Section 1. SHORT TITLE.--This act may be cited as the "Intrastate Mutual Aid Act".

Chapter 97 Section 2 Laws 2006

Section 2. DEFINITIONS.--As used in the Intrastate Mutual Aid Act:

A. "committee" means the intrastate mutual aid committee;

B. "disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from a natural or artificial cause, including tornadoes, windstorms, snowstorms, wind-driven water, high water, floods, earthquakes, landslides, mudslides, volcanic action, fires, explosions, air or water contamination, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption of state services, accidents involving radioactive or hazardous materials, bioterrorism or incidents involving weapons of mass destruction;

C. "emergency" means the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize;

D. "member jurisdiction" means the state, through the office of the governor or the governor's designee, a political subdivision or an Indian nation, tribe or pueblo that participates in the system;

E. "political subdivision" means a county or a municipality; and

F. "system" means the intrastate mutual aid system.

Chapter 97 Section 3 Laws 2006

Section 3. COMMITTEE CREATED--MEMBERSHIP--MEETINGS--DUTIES--EXPENSES.--

A. The "intrastate mutual aid committee" is created. The committee shall consist of eleven members appointed by the governor, including a representative of the department of public safety and the governor's homeland security advisor who shall be a permanent member and the presiding officer of the committee. The members shall represent emergency management and response disciplines, political subdivisions and, if participating, Indian nations, tribes or pueblos. Appointments shall be made for terms expiring four years from the date of appointment. The committee shall elect from among its members a vice-presiding officer and any other officers the committee deems appropriate. The committee shall meet at least annually and may meet at the call of the presiding officer or as otherwise called by seven of its members. The committee shall be attached to the department of public safety for administrative purposes only.

B. The committee shall:

- (1) review the progress and status of intrastate mutual aid;
- (2) assist in developing methods to track and evaluate activation of the system;
- (3) examine issues facing member jurisdictions in the implementation of intrastate mutual aid;
- (4) develop, adopt and disseminate comprehensive guidelines and procedures that address the following:
 - (a) projected or anticipated costs of establishing and maintaining the system;
 - (b) checklists for requesting and providing intrastate mutual aid;
 - (c) record keeping for member jurisdictions; and
 - (d) procedures for reimbursing the actual and legitimate expenses of a member jurisdiction that responds to a request for aid through the system; and
- (5) adopt other guidelines or procedures considered necessary by the committee to implement an effective and efficient system.

C. Members of the committee shall not be paid for participating in committee meetings and activities; however:

- (1) members representing the state, its agencies or political subdivisions shall receive per diem and mileage expenses as provided in the Per Diem and Mileage Act paid by their sponsors;
- (2) members representing the private sector shall receive per diem and mileage expenses as provided in the Per Diem and Mileage Act paid by the department of public safety; and
- (3) members representing Indian nations, tribes or pueblos may be compensated or reimbursed as provided by the tribal government they represent.

Chapter 97 Section 4 Laws 2006

Section 4. INTRASTATE MUTUAL AID SYSTEM; INITIAL PARTICIPATION--
WITHDRAWAL.--

A. The "intrastate mutual aid system" is created. The system, pursuant to the Intrastate Mutual Aid Act, is composed of and may be described as:

- (1) member jurisdictions and action taken by a member jurisdiction;
- (2) the committee and action taken by the committee;
- (3) guidelines and procedures;
- (4) action taken with respect to requesting aid for an emergency or disaster; and
- (5) action taken with respect to responding to a request for aid for an emergency or disaster.

B. The state and, except as provided in Subsection D of this section, every political subdivision of the state is part of the system.

C. An Indian nation, tribe or pueblo located within the boundaries of the state may become a member jurisdiction upon:

- (1) adoption by the tribal government of a resolution declaring the tribe's desire to be a member jurisdiction and to comply with the provisions of the Intrastate Mutual Aid Act and the guidelines and procedures adopted by the committee; and
- (2) receipt by the emergency planning and coordination bureau of the department of public safety of a copy of the resolution.

D. A member jurisdiction other than the state may elect not to participate in or to withdraw from the system upon:

- (1) adopting a resolution or ordinance declaring that the member jurisdiction elects not to participate in or to withdraw from the system; and
- (2) receipt by the emergency planning and coordination bureau of the department of public safety of a copy of the resolution or ordinance.

E. This section does not preclude a member jurisdiction from entering into any other agreement with another political subdivision or Indian nation, tribe or pueblo, to the extent provided by law, and does not affect any other agreement to which a political subdivision is a party or may become a party.

Chapter 97 Section 5 Laws 2006

Section 5. REQUEST FOR AID.--

A. A member jurisdiction may request aid from another member jurisdiction:

(1) to prevent, mitigate, respond to or recover from an emergency or disaster; or

(2) in concert with drills or exercises between member jurisdictions.

B. A request for aid shall be made by or through the presiding officer of the governing body of a member jurisdiction or the chief executive officer or the officer's designee of a member jurisdiction. A request may be verbal or in writing. If the request is verbal, it shall be confirmed in writing within thirty days of the date on which the request was made.

Chapter 97 Section 6 Laws 2006

Section 6. LIMITATION ON AID--COMMAND AND CONTROL.--A member jurisdiction that responds to a request to provide aid to prevent, mitigate, respond to or recover from an emergency or disaster or in drills or exercises is subject to the following conditions:

A. a member jurisdiction that responds to a request for aid may withhold resources to the extent necessary to provide reasonable protection and services for that responding member jurisdiction;

B. the personnel of a responding member jurisdiction are under:

(1) the command and control of the responding member jurisdiction for purposes that include medical protocols, standard operating procedures and other protocols; and

(2) the operational control of the appropriate officials of the member jurisdiction receiving aid; and

C. the assets and equipment of a responding member jurisdiction are under:

(1) the command and control of the responding member jurisdiction; and

(2) the operational control of the appropriate officials of the member jurisdiction receiving aid.

Chapter 97 Section 7 Laws 2006

Section 7. PORTABILITY OF BONA FIDES.--If a person holds a license, certificate, permit or similar documentation that evidences the person's qualifications in a professional, mechanical or other skill and the aid of the person is requested by a member jurisdiction, the person is:

A. considered to be licensed, certified, permitted or otherwise documented in the member jurisdiction that requests aid for the duration of the emergency or disaster or of the drills or exercises; and

B. subject to legal limitations or conditions prescribed by the governing body or chief executive officer of the member jurisdiction that requests aid.

Chapter 97 Section 8 Laws 2006

Section 8. REIMBURSEMENT--DISPUTE RESOLUTION.--

A. A requesting member jurisdiction shall reimburse, to the extent permitted by law, each member jurisdiction that responds to a request for aid and renders aid under the system, unless the responding member jurisdiction donates all or a portion of the cost of the aid to the requesting member jurisdiction.

B. A request for reimbursement shall be in accordance with procedures developed by the committee.

C. If a dispute regarding reimbursement arises between a member jurisdiction that requested aid under the system and a member jurisdiction that provided aid under the system, they shall make every effort to resolve the dispute within thirty days of written notice of the dispute given by the member jurisdiction raising the dispute to the other member jurisdiction. If the dispute is not resolved within ninety days from the date of the written notice, either member jurisdiction may:

(1) request the department of finance and administration to resolve the dispute; or

(2) if one of the disputing member jurisdictions is an Indian nation, tribe or pueblo, request arbitration pursuant to the commercial arbitration rules and mediation procedures of the American arbitration association.

Chapter 97 Section 9 Laws 2006

Section 9. BENEFITS.--

A. If a person is an employee of a member jurisdiction that responds to a request for aid under the system and the person sustains injury in the course of providing the requested aid, the person is entitled to all applicable benefits, including

workers' compensation benefits, that are normally available to the person as an employee of the member jurisdiction that employs the person.

B. If a person described in Subsection A of this section sustains injury that results in death, the person's estate shall receive additional state and federal benefits that may be available for death in the line of duty.

Chapter 97 Section 10 Laws 2006

Section 10. LIABILITY.--

Except as provided in Section 9 of the Intrastate Mutual Aid Act, a person responding to a request for aid by a member jurisdiction and who is under the operational control of that member jurisdiction, as provided in Section 6 of the Intrastate Mutual Aid Act, is considered for the purposes of liability to be an employee of the requesting member jurisdiction.

Chapter 97 Section 11 Laws 2006

Section 11. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 219

Approved March 7, 2006

LAWS 2006, CHAPTER 98

AN ACT

RELATING TO EMPLOYMENT; PROHIBITING TERMINATION OF EMPLOYMENT OF VOLUNTEER EMERGENCY RESPONDERS; PROVIDING A CAUSE OF ACTION.

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

Chapter 98 Section 1 Laws 2006

Section 1. SHORT TITLE.--This act may be cited as the "Volunteer Emergency Responder Job Protection Act".

Chapter 98 Section 2 Laws 2006

Section 2. DEFINITIONS.--As used in the Volunteer Emergency Responder Job Protection Act:

A. "emergency or disaster" means an event so declared by the governor or president of the United States; and

B. "volunteer emergency responder" means a person who is a member in good standing of a volunteer fire department, an emergency medical service, a search and rescue team or a law enforcement agency or who is enrolled by the state or a political subdivision of the state for response to an emergency or disaster.

Chapter 98 Section 3 Laws 2006

Section 3. TERMINATION OF EMPLOYMENT OF VOLUNTEER EMERGENCY RESPONDER PROHIBITED--LIMITATION--NOTICE--CERTIFICATION--WITHHOLDING PAY.--

A. An employee shall not be terminated, demoted or in any other manner discriminated against in the terms and conditions of employment because the employee, when serving as a volunteer emergency responder, is absent from the employee's place of employment in order to respond to an emergency or disaster.

B. Subsection A of this section shall not apply if the employee, while acting as a volunteer emergency responder to an emergency or disaster, is absent from the employee's place of employment for a period of more than ten regular business days in a calendar year.

C. An employee who will be absent from the employee's place of employment while serving as a volunteer emergency responder to an emergency or disaster shall make reasonable efforts to notify the employer of that service and shall continue to make those reasonable notification efforts over the course of the absence.

D. An employer may request an employee to provide to the employer a written verification from the office of emergency management or a state or local official managing an emergency or disaster of the dates and time that the employee served as a volunteer emergency responder to an emergency or disaster.

E. An employer may charge against an employee's regular pay time that the employee is absent from employment while serving as a volunteer emergency responder to an emergency or disaster.

Chapter 98 Section 4 Laws 2006

Section 4. CAUSE OF ACTION.--In addition to other available remedies, an employee who has been terminated, demoted or in any other manner discriminated against in the terms and conditions of employment in violation of the Volunteer Emergency Responder Job Protection Act may bring a cause of action seeking reinstatement of the employee's former position, payment of back wages, reinstatement of fringe benefits or, where seniority rights are granted, reinstatement of seniority rights;

provided that an action for violation of the Volunteer Emergency Responder Job Protection Act shall be brought within one year from the date of the violation.

House Bill 240

Approved March 7, 2006

LAWS 2006, CHAPTER 99

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE THIRD, FIFTH, NINTH, ELEVENTH AND THIRTEENTH JUDICIAL DISTRICTS AND IN THE BERNALILLO COUNTY METROPOLITAN COURT; MAKING APPROPRIATIONS.

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

Chapter 99 Section 1 Laws 2006

Section 1. Section 34-6-6 NMSA 1978 (being Laws 1968, Chapter 69, Section 9, as amended) is amended to read:

"34-6-6. JUDGES--THIRD JUDICIAL DISTRICT.--There shall be eight district judges in the third judicial district."

Chapter 99 Section 2 Laws 2006

Section 2. Section 34-6-8 NMSA 1978 (being Laws 1968, Chapter 69, Section 11, as amended by Laws 1994, Chapter 65, Section 1 and also by Laws 1994, Chapter 77, Section 1) is amended to read:

"34-6-8. JUDGES--FIFTH JUDICIAL DISTRICT.--There shall be ten district judges in the fifth judicial district."

Chapter 99 Section 3 Laws 2006

Section 3. Section 34-6-12 NMSA 1978 (being Laws 1968, Chapter 69, Section 15, as amended) is amended to read:

"34-6-12. JUDGES--NINTH JUDICIAL DISTRICT.--There shall be five district judges in the ninth judicial district. The judge of division three shall reside in Curry or Roosevelt county and maintain a principal office in Roosevelt county. As used in this

section, "maintain a principal office" means holding court or being available to hold court no less than one hundred forty days during each calendar year."

Chapter 99 Section 4 Laws 2006

Section 4. Section 34-6-14 NMSA 1978 (being Laws 1968, Chapter 69, Section 17, as amended) is amended to read:

"34-6-14. JUDGES--ELEVENTH JUDICIAL DISTRICT.--There shall be eight district judges in the eleventh judicial district. The judges of divisions one, three, four, six and eight shall reside and maintain their principal offices in San Juan county. The judges of divisions two, five and seven shall reside and maintain their principal offices in McKinley county."

Chapter 99 Section 5 Laws 2006

Section 5. Section 34-6-16 NMSA 1978 (being Laws 1971, Chapter 52, Section 3, as amended) is amended to read:

"34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There shall be seven district judges in the thirteenth judicial district. The judges of divisions one, three and six shall reside and maintain their principal offices in Valencia county. The judges of divisions two, five and seven shall reside and maintain their principal offices in Sandoval county. The judge of division four shall reside and maintain the judge's principal offices in Cibola county."

Chapter 99 Section 6 Laws 2006

Section 6. Section 34-8A-8 NMSA 1978 (being Laws 1979, Chapter 346, Section 8, as amended) is amended to read:

"34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

A. The name of the metropolitan court in the Bernalillo metropolitan district shall be the "Bernalillo county metropolitan court".

B. The metropolitan court is an agency of the judicial department of state government. Personnel of the metropolitan court are subject to all laws and regulations applicable to state officers and agencies and state officers and employees, except where otherwise specifically provided by law.

C. There shall be nineteen judges of the Bernalillo county metropolitan court."

Chapter 99 Section 7 Laws 2006

Section 7. TEMPORARY PROVISION--DISTRICT AND METROPOLITAN JUDGES--APPOINTMENTS.-- The additional district and metropolitan judgeships provided for in this act shall be filled by appointment by the governor pursuant to the provisions of Article 6 of the constitution of New Mexico.

Chapter 99 Section 8 Laws 2006

Section 8. APPROPRIATIONS.--

A. The following amounts are appropriated from the general fund to the following agencies for expenditure in fiscal year 2007 for the following purposes:

(1) three hundred thirteen thousand five hundred sixty-six dollars (\$313,566) to the third judicial district for salaries and benefits and furniture, supplies and equipment for one additional district judge and support staff;

(2) six hundred twenty-seven thousand one hundred thirty-two dollars (\$627,132) to the fifth judicial district for salaries and benefits and furniture, supplies and equipment for two additional district judges and support staff;

(3) three hundred thirteen thousand five hundred sixty-six dollars (\$313,566) to the ninth judicial district for salaries and benefits and furniture, supplies and equipment for one additional district judge and support staff;

(4) three hundred thirteen thousand five hundred sixty-six dollars (\$313,566) to the eleventh judicial district for salaries and benefits and furniture, supplies and equipment for one additional district judge and support staff;

(5) three hundred thirteen thousand five hundred sixty-six dollars (\$313,566) to the thirteenth judicial district for salaries and benefits and furniture, supplies and equipment for one additional district judge and support staff; and

(6) two hundred ninety-one thousand eighty dollars (\$291,080) to the Bernalillo county metropolitan court for salaries and benefits and furniture, supplies and equipment for one additional judge and support staff.

B. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

Chapter 99 Section 9 Laws 2006

Section 9. APPROPRIATIONS.--

A. The following amounts are appropriated from the general fund to the following entities for expenditure in fiscal year 2007 for the following purposes:

(1) one hundred twenty-three thousand dollars (\$123,000) to the third judicial district attorney to provide salaries and benefits and furniture, supplies and equipment for additional staff due to an increased district court workload;

(2) one hundred twelve thousand five hundred dollars (\$112,500) to the public defender department to provide salaries and benefits and furniture, supplies and equipment for additional staff due to an increased workload in the third judicial district and for contractual services in that district;

(3) two hundred seventy-eight thousand dollars (\$278,000) to the fifth judicial district attorney to provide salaries and benefits and furniture, supplies and equipment for additional staff due to an increased district court workload;

(4) two hundred twenty-five thousand dollars (\$225,000) to the public defender department to provide salaries and benefits and furniture, supplies and equipment for additional staff due to an increased workload in the fifth judicial district and for contractual services in that district;

(5) one hundred twenty-three thousand dollars (\$123,000) to the ninth judicial district attorney to provide salaries and benefits and furniture, supplies and equipment for additional staff due to an increased district court workload;

(6) one hundred twelve thousand five hundred dollars (\$112,500) to the public defender department to provide salaries and benefits and furniture, supplies and equipment for additional staff due to an increased workload in the ninth judicial district and for contractual services in that district;

(7) one hundred thirty-nine thousand dollars (\$139,000) to the eleventh judicial district attorney to provide salaries and benefits and furniture, supplies and equipment for additional staff due to an increased district court workload;

(8) one hundred twelve thousand five hundred dollars (\$112,500) to the public defender department to provide salaries and benefits and furniture, supplies and equipment for additional staff due to an increased workload in the eleventh judicial district and for contractual services in that district;

(9) eighty-one thousand one hundred dollars (\$81,100) to the thirteenth judicial district attorney to provide salaries and benefits and furniture, supplies and equipment for additional staff due to an increased district court workload;

(10) seventy-five thousand dollars (\$75,000) to the public defender department for contractual services due to an increased workload in the thirteenth judicial district;

(11) one hundred twenty-three thousand dollars (\$123,000) to the second judicial district attorney to provide salaries and benefits and furniture, supplies

and equipment for additional staff due to an increased workload in the Bernalillo county metropolitan court; and

(12) one hundred twelve thousand five hundred dollars (\$112,500) to the public defender department to provide salaries and benefits and furniture, supplies and equipment for additional staff due to an increased workload in the Bernalillo county metropolitan court and for contractual services to address the increased workload in that court.

B. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

Chapter 99 Section 10 Laws 2006

Section 10. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 337, as amended

Approved March 7, 2006

LAWS 2006, CHAPTER 100

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING SECTIONS OF THE HAZARDOUS WASTE ACT TO ALLOW VOLUNTARY FEE AGREEMENTS AS AN ALTERNATIVE TO FEE SCHEDULES.

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

Chapter 100 Section 1 Laws 2006

Section 1. Section 74-4-4.2 NMSA 1978 (being Laws 1981 (1st S.S.), Chapter 8, Section 6, as amended) is amended to read:

"74-4-4.2. PERMITS--ISSUANCE--DENIAL--MODIFICATION--
SUSPENSION--REVOICATION.--

A. An application for a permit pursuant to the Hazardous Waste Act shall contain information required pursuant to Section 74-4-4.7 NMSA 1978 or to regulations promulgated by the board and shall include:

(1) estimates of the composition, quantity and concentration of any hazardous waste identified or listed under Subsection A of Section 74-4-4 NMSA 1978 or combinations of any hazardous waste and other solid waste proposed to be disposed of, treated, transported or stored and the time, frequency or rate at which the waste is proposed to be disposed of, treated, transported or stored; and

(2) an identification and description of, and other pertinent information about, the site where hazardous waste or the products of treatment of hazardous waste will be disposed of, treated, transported to or stored.

B. Hazardous waste permits shall require corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage or disposal facility seeking a permit under this section.

C. The department shall provide timely review on all permit applications. Upon a determination by the secretary that the applicant has met the requirements adopted pursuant to Section 74-4-4 NMSA 1978, the secretary may issue a permit or a permit subject to any conditions necessary to protect human health and the environment for the facility.

D. The secretary may deny any permit application or modify, suspend or revoke any permit issued pursuant to the Hazardous Waste Act if the applicant or permittee has:

(1) knowingly and willfully misrepresented a material fact in the application for a permit;

(2) refused to disclose the information required under the provisions of Section 74-4-4.7 NMSA 1978;

(3) been convicted in any court, within ten years immediately preceding the date of submission of the permit application, of:

(a) a felony or other crime involving moral turpitude; or

(b) a crime defined by state or federal statutes as involving or being in restraint of trade, price-fixing, bribery or fraud;

(4) exhibited a history of willful disregard for environmental laws of any state or the United States;

(5) had any permit revoked or permanently suspended for cause under the environmental laws of any state or the United States; or

(6) violated any provision of the Hazardous Waste Act, any regulation adopted and promulgated pursuant to that act or any condition of a permit issued under that act.

E. In making a finding under Subsection D of this section, the secretary may consider aggravating and mitigating factors.

F. If an applicant or permittee whose permit is being considered for denial or revocation, respectively, on any basis provided by Subsection D of this section has submitted an action plan that has been approved in writing by the secretary, and plan approval includes a period of operation under a conditional permit that will allow the applicant or permittee a reasonable opportunity to demonstrate its rehabilitation, the secretary may issue a conditional permit for a reasonable period of time. In approving an action plan intended to demonstrate rehabilitation, the secretary may consider:

(1) implementation by the applicant or permittee of formal policies;

(2) training programs and management control to minimize and prevent the occurrence of future violations;

(3) installation by the applicant or permittee of internal environmental auditing programs;

(4) the applicant's release or the permittee's release subsequent to serving a period of incarceration or paying a fine, or both, after conviction of any crime listed in Subsection D of this section; and

(5) any other factors the secretary deems relevant.

G. Notwithstanding the provisions of Subsection D of this section:

(1) a research, development and demonstration permit may be terminated upon the determination by the secretary that termination is necessary to protect human health or the environment; and

(2) a permit may be modified at the request of the permittee for just cause as demonstrated by the permittee.

H. No ruling shall be made on permit issuance, major modification, suspension or revocation without an opportunity for a public hearing at which all interested persons shall be given a reasonable chance to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing; provided, however, that the secretary may, pursuant to Section 74-4-10 NMSA 1978, order the immediate termination of a research development and demonstration permit whenever the secretary determines that termination is necessary to protect human health or the environment and may order the immediate suspension or revocation of a

permit for a facility that has been ordered to take corrective action or other response measures for releases of hazardous waste into the environment.

I. The secretary shall hold a public hearing on a minor permit modification if the secretary determines that there is significant public interest in the minor modification.

J. The board shall provide a schedule of fees for businesses generating hazardous waste, conducting permitted hazardous waste management activities or seeking a permit for the management of hazardous waste, including but not limited to:

(1) a hazardous waste business fee applicable to any business engaged in a regulated hazardous waste activity, which shall be an annual flat fee based on the type of activity;

(2) a hazardous waste generation fee applicable to any business generating hazardous waste, which shall be based on the quantity of hazardous waste generated annually; however, when any material listed in Paragraph (2) of Subsection K of Section 74-4-3 NMSA 1978 is determined by the board to be subject to regulation under Subtitle C of the federal Resource Conservation and Recovery Act of 1976, the board may set a generation fee under this paragraph for that waste based on its volume, toxicity, mobility and economic impact on the regulated entity;

(3) a hazardous waste permit application fee, not exceeding the estimated cost of investigating the application and issuing the permit, to be paid at the time the secretary notifies the applicant by certified mail that the application has been deemed administratively complete and a technical review is scheduled; and

(4) an annual hazardous waste permit management fee based on and not exceeding the estimated cost of conducting regulatory oversight of permitted activities.

K. The department and a business generating hazardous waste, conducting permitted hazardous waste management activities or seeking a permit for the management of hazardous waste may enter into a voluntary fee agreement in addition to and that includes all of the fees required by Subsection J of this section."

Chapter 100 Section 2 Laws 2006

Section 2. Section 74-4-4.5 NMSA 1978 (being Laws 1987, Chapter 179, Section 7, as amended) is amended to read:

"74-4-4.5. HAZARDOUS WASTE FUND CREATED--APPROPRIATION.--

A. There is created in the state treasury the "hazardous waste fund", which shall be administered by the department. All balances in the fund are

appropriated to the department for the sole purpose of meeting necessary expenses in the administration and operation of the hazardous waste program.

B. All fees collected pursuant to Section 74-4-4.2 NMSA 1978 shall be transmitted to the state treasurer for credit to the hazardous waste fund."

Chapter 100 Section 3 Laws 2006

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

House Bill 410, as amended

Approved March 7, 2006

LAWS 2006, CHAPTER 101

AN ACT

RELATING TO COURTS; PROHIBITING CONVICTED FELONS FROM SERVING ON JURIES UNLESS THEY HAVE SUCCESSFULLY COMPLETED THEIR SENTENCE.

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

Chapter 101 Section 1 Laws 2006

Section 1. Section 38-5-1 NMSA 1978 (being Laws 1969, Chapter 222, Section 1, as amended) is amended to read:

"38-5-1. QUALIFICATION OF JURORS.--

A. A person who is at least eighteen years of age, a United States citizen, a resident of New Mexico residing in the county for which a jury may be convened is eligible and may be summoned for service as a juror by the courts, unless the person is incapable of rendering jury service because of:

(1) physical or mental illness or infirmity; or

(2) undue or extreme physical or financial hardship.

B. A person who was convicted of a felony and who meets all other requirements for eligibility may be summoned for jury service if the person has

successfully completed all conditions of the sentence imposed for the felony, including conditions for probation or parole."

House Bill 531, as amended

Approved March 7, 2006

LAWS 2006, CHAPTER 102

AN ACT

RELATING TO MINES; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; PROVIDING FOR EMERGENCY RESPONSE TO MINE ACCIDENTS; PROVIDING PENALTIES; DECLARING AN EMERGENCY.

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

Chapter 102 Section 1 Laws 2006

Section 1. A new section of Chapter 69, Article 5 NMSA 1978 is enacted to read:

"MINE ACCIDENT RAPID RESPONSE SYSTEM.--

A. The state mine inspector shall:

(1) adopt rules requiring each mine operator to prepare an emergency notification plan for its operations and, upon the inspector's approval of the plan, shall retain a copy of each mine operator's emergency notification plan at the emergency operations center; and

(2) establish and maintain the mine accident emergency operations center as the primary state government communications center for dealing with mine accidents that:

(a) provides emergency assistance and response coordination for mine accidents or emergencies; and

(b) is accessible twenty-four hours a day, seven days a week, at a statewide telephone number established and designated by the inspector.

B. Upon receipt of an emergency call regarding an accident, as defined in Section 69-5-17 NMSA 1978, the mine accident emergency operations center shall immediately notify the state mine inspector, who will ensure that the emergency notification plan for the appropriate mine is complied with.

C. In the event of an accident or recovery operation in or about a mine, the state mine inspector may coordinate the assignment of mine rescue teams to assist with needed rescues."

Chapter 102 Section 2 Laws 2006

Section 2. Section 69-5-17 NMSA 1978 (being Laws 1933, Chapter 153, Section 23, as amended) is amended to read:

"69-5-17. FATAL AND SERIOUS MINE ACCIDENTS--ASSISTANCE--
INVESTIGATION--NOTIFICATION--CIVIL PENALTY.--

A. The state mine inspector shall proceed immediately upon notification to the site of any mine accident causing the loss of life or requiring activation of a mine rescue team and shall assist in the rescue of persons within the mine, investigate the causes of the accident, conduct a closeout conference and make necessary recommendations for the present and future safety of the miners. So far as possible, the operator shall not change the surroundings of an accident until the state mine inspector has made an investigation; provided, however, that the investigation is made within a reasonable time.

B. Whenever an accident occurs in or about a mine or the machinery connected to a mine, the operator of the mine shall give notice within thirty minutes of ascertaining the occurrence of the accident to the mine accident emergency operations center at the statewide telephone number established by the state mine inspector stating the particulars of the accident.

C. Nothing in this section shall be construed to relieve the operator of the mine from any reporting or notification requirement under federal law.

D. As used in this section, "accident" means "accident" as provided in 30 C.F.R. 50.2.

E. The state mine inspector shall impose a civil penalty of up to one hundred thousand dollars (\$100,000) on the operator of the mine if it is determined that the operator failed to give immediate notice as required in this section. The inspector may waive imposition of the civil penalty at any time if the inspector finds that the failure to give immediate notice was caused by circumstances outside the control of the operator."

Chapter 102 Section 3 Laws 2006

Section 3. Section 69-8-1 NMSA 1978 (being Laws 1961, Chapter 136, Section 1) is amended to read:

"69-8-1. SHORT TITLE.--Chapter 69, Article 8 NMSA 1978 may be cited as the "Mining Safety Act"."

Chapter 102 Section 4 Laws 2006

Section 4. A new section of the Mining Safety Act is enacted to read:

"UNDERGROUND MINE SAFETY REQUIREMENTS--PENALTIES.--In addition to requirements pursuant to federal law for underground mines:

A. a self-contained self-rescue device approved by the state mine inspector shall be worn by each person while underground or kept within the person's immediate reach while underground. The device shall be provided by the employer. The self-contained self-rescue device shall be adequate to protect a miner for one hour or longer or, alternatively, sufficient to allow the employee time to reach an additional self-contained self-rescue device. Each employer shall train each miner in the use of the device, and refresher training courses for all underground employees shall be held during each calendar year;

B. the employer shall provide caches of additional self-contained self-rescue devices throughout the mine in accordance with a plan approved by the state mine inspector. Each additional self-contained self-rescue device shall be adequate to protect a miner for one hour or longer. Battery-powered strobe lights or permanently activated strobe lights shall be affixed to each cache. A luminescent sign with the words "SELF-CONTAINED SELF-RESCUER" or "SELF-CONTAINED SELF-RESCUERS" shall be conspicuously posted at each cache, and luminescent direction signs shall be posted leading to each cache. The employer shall conduct weekly inspections of each cache and the affixed strobe lights to ensure operability;

C. a wireless emergency communication device or a two-way radio system approved by the state mine inspector and provided by the employer shall be available to each person in the active working section of an underground mine. Each employer shall train each miner in the use of the device and provide refresher training courses for all underground employees during each calendar year. The employer shall install in or around the mine any and all equipment necessary to transmit emergency communications from the surface to each wireless emergency communication device or two-way radio system in active working sections of the underground mine;

D. a wireless tracking device approved by the state mine inspector and provided by the employer shall be worn by each person in an underground coal mine. In the event of an accident or other emergency, the tracking device shall be capable of providing the approximate physical location of each person who is underground. Each employer shall train each employee in the use of the device and provide refresher training courses for all underground employees during each calendar year. The employer shall install in or around the mine all equipment necessary to provide the approximate physical location of each person who is underground;

E. a person who, without the authorization of the employer or the state mine inspector, knowingly removes or attempts to remove any device or related equipment, required by this section and approved by the inspector, from a mine or mine site with the intent to permanently deprive the employer of the device or equipment or knowingly tampers with or attempts to tamper with the device or equipment shall be guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; and

F. the state mine inspector shall, within ninety days of the effective date of this section, approve an implementation plan for each mine covered by this section that includes a schedule for meeting the requirements of this section."

Chapter 102 Section 5 Laws 2006

Section 5. A new section of the Mining Safety Act is enacted to read:

"EMPLOYEE RIGHTS.--An employer shall not discharge or in any manner discriminate against, cause to be discharged or cause discrimination against an employee, representative of employees or applicant for employment in a mine subject to the Mining Safety Act because the employee, representative of employees or applicant for employment has filed or made a complaint under or related to that act or Chapter 69, Article 5 NMSA 1978, including a complaint notifying the operator, the operator's agent or the state mine inspector of an alleged danger or a safety or health violation in a mine, or because the employee, representative of employees or applicant for employment has instituted or caused to be instituted a proceeding under or related to the Mining Safety Act or has testified or is about to testify in any such proceeding."

Chapter 102 Section 6 Laws 2006

Section 6. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 687,

with emergency clause,

Approved March 7, 2006

LAWS 2006, CHAPTER 103

WITH LINE ITEM VETOES

AN ACT

RELATING TO THE FIRE PROTECTION FUND; AMENDING THE FIRE PROTECTION FUND LAW TO INCREASE DISTRIBUTIONS TO MUNICIPAL AND COUNTY FIRE DISTRICTS, TO CREATE THE FIRE PROTECTION GRANT FUND AND THE FIRE PROTECTION GRANT COUNCIL FOR THE PURPOSE OF AWARDING GRANTS TO LOCAL FIRE DISTRICTS FOR CERTAIN PURPOSES AND TO PROVIDE FOR THE DISPOSITION OF EQUIPMENT UNDER CERTAIN CIRCUMSTANCES; MAKING AN APPROPRIATION.

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

Chapter 103 Section 1 Laws 2006

Section 1. Section 59A-53-4 NMSA 1978 (being Laws 1984, Chapter 127, Section 975, as amended) is amended to read:

"59A-53-4. CRITERIA FOR DETERMINATION OF NEEDS.--In making the determination of needs pursuant to Section 59A-53-3 NMSA 1978, the marshal shall first determine that each incorporated municipality to be certified has maintained an official fire department created by and regulated in accordance with a duly enacted ordinance for a period of at least one year prior to the date of certification and possesses fire equipment and apparatus in serviceable condition to respond to a fire incident. The marshal shall also determine the number of fire stations and substations located in each municipality to be certified and shall certify to the state treasurer the amount to be distributed to each municipality for the purpose of maintaining each fire station and each substation, if any, that meets the requirements of the marshal and the requirements of this section. Unless adjusted pursuant to Section 59A-53-5.1 NMSA 1978, the amounts distributed in a fiscal year for a class insurance rating shall equal the following:

class	main station	substation
number 1	\$ 82,592	\$ 30,606
number 2	77,086	28,780
number 3	70,919	26,724
number 4	64,751	24,667
number 5	61,667	22,612
number 6	58,584	20,555
number 7	55,501	19,530
number 8	52,418	18,502

number 9	39,058	15,425
number 10	34,944	none."

Chapter 103 Section 2 Laws 2006

Section 2. Section 59A-53-5 NMSA 1978 (being Laws 1989, Chapter 312, Section 5, as amended) is amended to read:

"59A-53-5. ESTABLISHMENT OF COUNTY FIRE DISTRICTS.--

A. The county commissioners of any county may establish one or more county fire districts within the county but outside the corporate limits of any municipality. The marshal shall determine the number of fire stations and substations located in each county fire district to be certified and shall certify to the state treasurer the amount to be distributed to each county fire district for the purpose of maintaining each fire station and each substation, if any, that meets the requirements of the marshal and the requirements of this section. Unless adjusted pursuant to Section 59A-53-5.1 NMSA 1978, the amounts distributed in a fiscal year for a class insurance rating shall equal the following:

class	main station	substation
number 1	\$ 82,592	\$ 30,606
number 2	77,086	28,780
number 3	70,919	26,724
number 4	64,751	24,667
number 5	61,667	22,612
number 6	58,584	20,555
number 7	55,501	19,530
number 8	52,418	18,502
number 9	39,058	15,425
number 10	34,944	none.

B. Additionally, prior to the disbursement of any funds, the following must be established to the satisfaction of the marshal:

(1) the county fire district has maintained an official fire department for a period of at least one year, established and governed by appropriate resolution of the board of county commissioners of the county in which the county fire district is located, and possesses fire apparatus and equipment in serviceable condition to respond to a fire incident;

(2) the geographic limits and boundaries of the county fire district have been clearly defined and established by the board of county commissioners of the county in which the county fire district is located, and a plat showing the geographic limits and boundaries has been accepted by the board of county commissioners and filed as part of the official record of proceedings of the board and a certified copy thereof filed with the marshal; and

(3) there is available within the geographic limits and boundaries of the county fire district an adequate water supply to be used in connection with the firefighting facilities of the county fire district.

C. The county commissioners of any county may permit a county fire district located in the county to service an area adjacent and contiguous to the district but within another county; provided that the county commissioners of the other county shall consent by resolution duly adopted to the service and to the boundaries of the other area serviced. Before commencement of service, a plat showing the geographic limits and boundaries of the county fire district and of the additional area to be serviced shall be filed with and approved by the marshal. The county commissioners of either the county in which the county fire district is located or of the county in which the area being serviced is located may terminate the service but only with the approval of the marshal."

Chapter 103 Section 3 Laws 2006

Section 3. Section 59A-53-5.1 NMSA 1978 (being Laws 1998, Chapter 76, Section 3) is amended to read:

"59A-53-5.1. MAXIMUM AMOUNTS TO BE CERTIFIED.--

A. For fiscal year 2007 and each fiscal year thereafter, the marshal shall certify a total amount equal to the higher of the amount that would be certified pursuant to Sections 59A-53-4 and 59A-53-5 NMSA 1978 or an amount to be determined by adding:

(1) the total increase in the fire protection fund receipts in the previous fiscal year minus the appropriations, from all sources, to the volunteer firefighters retirement fund in the current fiscal year; and

(2) the total distribution pursuant to Sections 59A-53-4 and 59A-53-5 NMSA 1978 for the previous fiscal year.

B. The marshal shall adjust the distributions for each class in proportion to the increase in the total distribution."

Chapter 103 Section 4 Laws 2006

Section 4. Section 59A-53-14 NMSA 1978 (being Laws 1984, Chapter 127, Section 985, as amended) is amended to read:

"59A-53-14. CLOSURE OF FIRE DEPARTMENT.--

A. If any fire department operated by any incorporated city, town or village or by any county fire district should go out of existence or for any reason cease to operate and function for a period of ninety days, title to all fire-fighting equipment and apparatus paid for in whole with distributions from the fire protection fund and held by or for the benefit of the fire department shall vest in the marshal and all money distributed from the fire protection fund and held by or for the fire department shall revert to the fire protection fund. Any person having custody or control of any such fire-fighting equipment and apparatus shall forthwith deliver it as directed by the marshal, and any person having custody or control of the money shall forthwith remit it to the state treasurer, who shall again deposit the money in the state treasury to the credit of the fire protection fund. An action to recover the possession and control of such fire-fighting equipment and apparatus, or the money, may be commenced by the attorney general or the district attorney in the county in which the equipment and apparatus or money are situate upon the filing with the officer of a verified statement of the circumstances.

B. Notwithstanding the provisions of Subsection A of this section, money distributed from the fire protection fund needed to pay debt service on bonds or other obligations issued by or on behalf of a fire department or fire district may be used to pay such debt service, and the marshal and the state treasurer shall continue to make distributions from the fire protection fund for and on behalf of the fire department or fire district until the bonds or other obligations are paid in full."

Chapter 103 Section 5 Laws 2006

~~[Section 5. Section 59A-53-15 NMSA 1978 (being Laws 1984, Chapter 127, Section 986, as amended) is amended to read:~~

~~"59A-53-15. APPROPRIATION FROM STATE TREASURY.--~~

~~A. Except as provided in Subsections C and D of this section, all money that from time to time is deposited in the state treasury and credited to the fire protection fund is appropriated to the commission for the use of the marshal for the purposes set out in the Fire Protection Fund Law and shall be distributed by the state treasurer and expended as provided in that law.~~

~~B. As used in Subsections C and D of this section, "remaining balance in the fire protection fund" means the amount of money in the fire protection fund less the sum of:~~

~~(1) the total amount of appropriations from the fire protection fund for the current fiscal year; and~~

~~(2) the total amount certified to be distributed during the current fiscal year pursuant to Sections 59A-53-4, 59A-53-5 and 59A-53-5.1 NMSA 1978.~~

~~C. On the following dates, the following percentage of the remaining balance in the fire protection fund shall be transferred from the fire protection fund to the fire protection grant fund:~~

~~(1) on July 1, 2006, ten percent;~~

~~(2) on July 1, 2007, twenty percent;~~

~~(3) on July 1, 2008, thirty percent;~~

~~(4) on July 1, 2009, forty percent;~~

~~(5) on July 1, 2010, fifty percent;~~

~~(6) on July 1, 2011, sixty percent;~~

~~(7) on July 1, 2012, seventy percent;~~

~~(8) on July 1, 2013, eighty percent;~~

~~(9) on July 1, 2014, ninety percent; and~~

~~(10) on July 1, 2015 and each subsequent July 1, one hundred percent.~~

~~D. On July 1 of each year, the remaining balance in the fire protection fund, less the amount to be transferred on that date pursuant to Subsection B of this section, shall be transferred to the general fund; provided that no transfer shall be made pursuant to this subsection after July 1, 2014."~~

[LINE-ITEM VETO]

Chapter 103 Section 6 Laws 2006

Section 6. Section 59A-53-17 NMSA 1978 (being Laws 1984, Chapter 127, Section 988) is amended to read:

"59A-53-17. MUTUAL ASSISTANCE.--Notwithstanding the provisions of Sections 59A-53-5 and 59A-53-12 NMSA 1978, or any other provision of law to the contrary, fire districts may render assistance to other fire districts, and equipment of fire districts may be used outside the district, if the use is authorized by the county fire marshal, and the county fire marshal before he authorizes the use, provides for standby equipment or move-up equipment, so that the assisting district which goes to the aid of another district has equipment available from an adjacent district for use in the assisting district in the event of a fire in the assisting district."

Chapter 103 Section 7 Laws 2006

Section 7. A new section of the Fire Protection Fund Law is enacted to read:

"FIRE PROTECTION GRANT FUND--CREATED--USES.--The "fire protection grant fund" is created in the state treasury. The fund shall consist of transfers, distributions, appropriations, gifts, grants, donations and bequests made to the fund. Income from the fund shall be credited to the fund, and money in the fund shall not revert or be transferred to any other fund at the end of a fiscal year. Money in the fund is appropriated to the fire protection grant council for the purposes of making distributions approved by the council for the critical needs of municipal and county fire districts. Expenditures from the fund shall be made on warrant of the secretary of finance and administration pursuant to vouchers signed by the marshal."

Chapter 103 Section 8 Laws 2006

Section 8. A new section of the Fire Protection Fund Law is enacted to read:

"FIRE PROTECTION GRANT COUNCIL--DUTIES.--

A. The "fire protection grant council" is created.

Subject to the requirements of Subsection B of this section,

the council shall consist of:

- (1) a representative of the New Mexico municipal league;
- (2) a representative of the New Mexico association of counties;
- (3) two members appointed by the public regulation commission who shall serve at the pleasure of the commission;
- (4) three members, one from each congressional district, appointed by the governor who shall serve at the pleasure of the governor;

~~[(5) one member appointed by the speaker of the house of representatives;~~

~~(6) one member appointed by the president pro tempore of the senate;]~~ and [**LINE-ITEM VETO**]

(7) the marshal, who shall serve as a nonvoting advisory member. The council shall elect a chair and vice chair from its membership.

B. No appointee to the council shall be a member of the public regulation commission, the superintendent of insurance or any other employee of the commission or an active member of a municipal fire department or a county fire district.

C. The public members shall receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

D. The council shall develop criteria for assessing the critical needs of municipal and county fire districts for fire apparatus and equipment, communications equipment, equipment for wildfires, fire station construction or expansion or equipment for hazardous material response.

E. Applications for grant assistance from the fire protection grant fund shall be made by fire districts to the council in accordance with the requirements of the council. Using criteria developed by the council, the council shall evaluate applications and prioritize those applications most in need of grant assistance from the fund. To the extent that money in the fund is available, the council shall award grant assistance for those prioritized applications.

F. In awarding grant assistance, the council may require conditions and procedures necessary to ensure that the money is expended in the most prudent manner."

House Bill 497, as amended

Approved March 7, 2006

LAWS 2006, CHAPTER 104

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING COLLECTION OF DNA SAMPLES FROM ALL PERSONS EIGHTEEN YEARS OF AGE OR OVER WHO ARE ARRESTED FOR CERTAIN FELONY OFFENSES; REQUIRING SUBMISSION OF

DNA SAMPLES COLLECTED PURSUANT TO MEDICAL EXAMINATIONS OF
SEXUAL ASSAULT VICTIMS.

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

Chapter 104 Section 1 Laws 2006

Section 1. A new section of Chapter 29, Article 3 NMSA 1978 is enacted to read:

"DNA COLLECTION FROM PERSONS ARRESTED.--

A. A person eighteen years of age or over who is arrested for the commission of a felony under the laws of this state or any other jurisdiction shall provide a DNA sample to jail or detention facility personnel upon booking. A sample is not required if it is determined that a sample has previously been taken, is in the possession of the administrative center, has not been expunged pursuant to the DNA Identification Act and is sufficient for DNA identification testing.

B. Jail or detention facility personnel who collect samples pursuant to this section shall forward the samples to the administrative center.

C. Samples shall be collected in accordance with rules and procedures adopted by the DNA oversight committee, shall be subject to the confidentiality and penalty provisions of the DNA Identification Act and shall be used only as authorized by that act.

D. As used in this section:

(1) "administrative center" means the law enforcement agency or unit that administers and operates the DNA identification system pursuant to the provisions of the DNA Identification Act;

(2) "DNA" means deoxyribonucleic acid;

(3) "felony" means:

(a) a sex offense as defined in the provisions of Section 29-11A-3 NMSA 1978 that is a felony; or

(b) any other felony offense that involves death, great bodily harm, aggravated assault, kidnapping, burglary, larceny, robbery, aggravated stalking, use of a firearm or an explosive or a violation pursuant to the Antiterrorism Act; and

(4) "sample" means a sample of biological material that is sufficient for DNA testing."

Chapter 104 Section 2 Laws 2006

Section 2. Section 29-16-2 NMSA 1978 (being Laws 1997, Chapter 105, Section 2, as amended) is amended to read:

"29-16-2. PURPOSE OF ACT.--The purpose of the DNA Identification Act is to:

A. establish a DNA identification system for covered offenders and persons required to provide a DNA sample pursuant to the provisions of Section 1 of this 2006 act;

B. facilitate the use of DNA records by local, state and federal law enforcement agencies in the:

(1) identification, detection or exclusion of persons in connection with criminal investigations; and

(2) registration of sex offenders required to register pursuant to the provisions of the Sex Offender Registration and Notification Act;

C. establish a missing persons DNA identification system consisting of the following DNA indexes:

(1) unidentified persons;

(2) unidentified human remains; and

(3) relatives of, or known reference samples from, missing persons;

and

D. facilitate the use of DNA records by local, state and federal law enforcement agencies and the state medical investigator in the identification and location of missing and unidentified persons or human remains."

Chapter 104 Section 3 Laws 2006

Section 3. Section 29-16-4 NMSA 1978 (being Laws 1997, Chapter 105, Section 4, as amended) is amended to read:

"29-16-4. ADMINISTRATIVE CENTER--POWERS AND DUTIES--TRANSFER TO OTHER LAW ENFORCEMENT AGENCY.--

A. The administrative center shall be an appropriate unit of the department or such other qualified New Mexico law enforcement agency as the secretary of public safety may designate in accordance with this section.

B. The administrative center shall:

(1) establish and administer the DNA identification system. The DNA identification system shall provide for collection, storage, DNA testing, maintenance and comparison of samples and DNA records for forensic and humanitarian purposes. Those purposes shall include generation of investigative leads, statistical analysis of DNA profiles and identification of missing persons and unidentified human remains. Procedures used for DNA testing shall be compatible with the procedures the federal bureau of investigation has specified, including comparable test procedures, laboratory equipment, supplies and computer software. Procedures used shall meet or exceed the provisions of the federal DNA Identification Act of 1994 regarding minimum standards for state participation in CODIS, including minimum standards for the acceptance, security and dissemination of DNA records;

(2) coordinate sample collection activities;

(3) perform or contract for DNA testing;

(4) serve as a repository for samples and DNA records;

(5) act as liaison with the federal bureau of investigation for purposes of CODIS;

(6) adopt rules and procedures governing:

(a) sample collection;

(b) DNA testing;

(c) the DNA identification system and DNA records;

(d) the acceptance, security and dissemination of DNA records; and

(e) communication between local, state and federal law enforcement agencies, the corrections department and local jails and detention facilities in order to minimize duplicate sample collections from the same individual;

(7) provide training to jail and detention facility personnel who are required to collect samples pursuant to Section 1 of this 2006 act;

(8) be reimbursed for, pursuant to the DNA Identification Act, the costs of sample collection and DNA testing of samples taken for the purposes of the identification of missing persons and unidentified human remains;

(9) establish and administer the missing persons DNA identification system as a part of the DNA identification system; and

(10) establish and administer the sex offender DNA identification system as part of the DNA identification system.

C. The secretary of public safety may designate, pursuant to a joint powers agreement, the crime laboratory of the police department for the largest municipality in a class A county having a population of more than two hundred fifty thousand at the most recent federal decennial census to act as the administrative center.

D. The secretary of public safety may designate, pursuant to a joint powers agreement, any other law enforcement agency to act as administrative center upon recommendation of five voting members of the DNA advisory committee."

Chapter 104 Section 4 Laws 2006

Section 4. Section 29-16-6 NMSA 1978 (being Laws 1997, Chapter 105, Section 6, as amended) is amended to read:

"29-16-6. COLLECTION OF SAMPLES.--

A. A covered offender shall provide one or more samples to the administrative center, as follows:

(1) a covered offender convicted on or after July 1, 1997 shall provide a sample immediately upon request to the corrections department as long as the request is made before release from any correctional facility or, if the covered offender is not sentenced to incarceration, before the end of any period of probation or other supervised release;

(2) a covered offender incarcerated on or after July 1, 1997 shall provide a sample immediately upon request to the corrections department as long as the request is made before release from any correctional facility;

(3) a covered offender on probation or other supervised release on or after July 1, 1997 shall provide a sample immediately upon request to the corrections department as long as the request is made before the end of any period of probation or other supervised release; and

(4) a covered offender required to register or renew his registration pursuant to the provisions of the Sex Offender Registration and Notification Act shall provide a sample immediately upon request to the county sheriff located in any county in which the sex offender is required to register, unless the sex offender provided a

sample while in the custody of the corrections department or to the county sheriff of another county in New Mexico in which the sex offender is registered.

B. A person eighteen years of age or over who is arrested on or after January 1, 2007 for the commission of a felony as provided in Section 1 of this 2006 act shall provide a sample immediately upon request to jail or detention facility personnel, unless:

(1) the person has previously provided a sample sufficient for DNA testing pursuant to the provisions of this section;

(2) the sample is in the possession of the administrative center; and

(3) the sample has not been expunged.

C. Samples from unidentified persons or relatives of a missing person shall be provided to the administrative center, as follows:

(1) upon the completion of a permission to search form authorizing the collection of a DNA sample;

(2) upon the receipt of a properly executed search warrant; or

(3) upon the issuance of a court order.

D. Samples from unidentified human remains shall be provided by the state medical investigator.

E. Samples of known reference materials from missing persons shall be provided by the investigating law enforcement agency."

Chapter 104 Section 5 Laws 2006

Section 5. Section 29-16-8 NMSA 1978 (being Laws 1997, Chapter 105, Section 8, as amended) is amended to read:

"29-16-8. CONFIDENTIALITY--DISCLOSURE AND DISSEMINATION OF DNA RECORDS.--

A. DNA records and samples are confidential and shall not be disclosed except as authorized in the DNA Identification Act pursuant to the rules and regulations developed and adopted by the DNA oversight committee.

B. The administrative center shall make DNA records available for identification, comparison and investigative purposes to local, state and federal law enforcement agencies and the state medical investigator pursuant to the rules

developed and adopted by the DNA oversight committee. The administrative center may disseminate statistical or research information derived from samples and DNA testing if all personal identification is removed pursuant to the rules developed and adopted by the DNA oversight committee.

C. To minimize duplicate sample collection and testing, the administrative center may make information available, by secure electronic methods, to local, state and federal law enforcement agencies, the corrections department, jails and detention facilities for the purpose of verifying whether a sample has been collected from a specific individual. Information provided under this subsection shall not include DNA testing results."

Chapter 104 Section 6 Laws 2006

Section 6. Section 29-16-8.1 NMSA 1978 (being Laws 2003, Chapter 256, Section 3) is amended to read:

"29-16-8.1. DNA SEARCHES.--

A. Searches of samples collected pursuant to the DNA Identification Act, for purposes of the missing persons DNA identification system, shall be limited to searches against DNA indexes consisting of:

- (1) unidentified persons;
- (2) unidentified human remains;
- (3) relatives of, or known reference samples from, missing persons;
- (4) covered offenders as defined by the DNA Identification Act and maintained by the DNA identification system; and
- (5) persons arrested for the commission of a felony as provided in Section 1 of this 2006 act.

B. Searches of samples collected from unidentified persons or relatives of missing persons pursuant to the DNA Identification Act shall not be performed against DNA indexes consisting of evidentiary samples resulting from criminal investigations."

Chapter 104 Section 7 Laws 2006

Section 7. Section 29-16-9 NMSA 1978 (being Laws 1997, Chapter 105, Section 9) is amended to read:

"29-16-9. ENFORCEMENT.--

A. The attorney general or a district attorney may petition a district court for an order requiring a covered offender or a person required to provide a DNA sample pursuant to the provisions of Section 1 of this 2006 act to:

(1) provide a sample; or

(2) provide a sample by alternative means if the covered offender or person will not cooperate.

B. Nothing in this section shall prevent the collection of samples by order of a court of competent jurisdiction or the collection of samples of covered offenders."

Chapter 104 Section 8 Laws 2006

Section 8. Section 29-16-10 NMSA 1978 (being Laws 1997, Chapter 105, Section 10) is amended to read:

"29-16-10. EXPUNGEMENT OF SAMPLES AND DNA RECORDS FROM THE DNA IDENTIFICATION SYSTEM AND CODIS.--

A. A person may request expungement of the person's sample and DNA records from the DNA identification system on the following grounds:

(1) the conviction that led to the inclusion of the sample has been reversed; or
the inclusion of the sample has:

(2) the arrest that led to

(a) resulted in a felony charge that has been resolved by a dismissal, nolle prosequi, successful completion of a pre-prosecution diversion program or a conditional discharge, misdemeanor conviction or acquittal; or

(b) not resulted in a felony charge within one year of arrest.

B. The administrative center shall expunge a person's sample and DNA records from the DNA identification system when the person provides the administrative center with the following materials:

(1) a written request for expungement of the sample and DNA records; and

(2) a certified copy of a court order that reverses the conviction that led to the inclusion of the sample; or

(3) for samples included pursuant to arrest:

(a) a certified copy of the dismissal, nolle prosequi, successful completion of a pre-prosecution diversion program or a conditional discharge, misdemeanor conviction or acquittal; or

(b) a sworn affidavit that no felony charges arising out of the arrest have been filed within one year.

C. When a person's sample and DNA records are expunged from the DNA identification system, the head of the administrative center shall ensure that the person's sample and DNA records are expunged from CODIS.

D. The administrative center shall not expunge a person's sample and DNA records from the DNA identification system if the person has a prior felony conviction or a pending felony charge for which collection of a sample is authorized pursuant to the provisions of the DNA Identification Act."

Chapter 104 Section 9 Laws 2006

Section 9. Section 29-16-13 NMSA 1978 (being Laws 1997, Chapter 105, Section 13) is amended to read:

"29-16-13. DNA FUND CREATED--PURPOSES.--

A. The "DNA identification system fund" is created in the state treasury.

B. The fund shall consist of all money received by appropriation, gift or grant, all money collected pursuant to Section 29-16-11 NMSA 1978 and all investment income from the fund.

C. Money and investment income in the fund at the end of any fiscal year shall not revert to the general fund but shall remain in the fund.

D. Money and investment income in the fund is appropriated to the administrative center for expenditure in fiscal year 1998 and subsequent fiscal years for the purposes of the fund.

E. The fund shall be used for the purposes of the DNA Identification Act, including paying the expenses incurred by the administrative center and all other reasonable expenses. The administrative center may use money in the fund for loans or grants of money, equipment or personnel to any law enforcement agency, correctional facility, jail, detention facility, judicial agency, the public defender department or the office of the state medical investigator, upon recommendation of the DNA oversight committee."

Chapter 104 Section 10 Laws 2006

Section 10. SEXUAL ASSAULT--SUBMISSION OF DNA SAMPLES BY LAW ENFORCEMENT AND LABORATORIES.--

A. Samples from biological material collected pursuant to a medical examination of a sexual assault victim shall be submitted by the investigating law enforcement agency to that agency's servicing laboratory for DNA testing. Records derived from DNA testing that qualify for insertion into CODIS shall be submitted by the servicing laboratory to the administrative center.

B. As used in this section:

(1) "administrative center" means the law enforcement agency or unit that administers and operates the DNA identification system pursuant to the provisions of the DNA Identification Act;

(2) "biological material" means material that is derived from a human body and includes bodily fluids, hair and skin cells;

(3) "CODIS" means the federal bureau of investigation's national DNA index system for storage and exchange of DNA records submitted by forensic DNA laboratories;

(4) "DNA" means deoxyribonucleic acid;

(5) "DNA testing" means a forensic DNA analysis that includes restriction fragment length polymorphism, polymerase chain reaction or other valid methods of DNA typing performed to obtain identification characteristics of samples; and

(6) "sample" means a sample of biological material sufficient for DNA testing.

Chapter 104 Section 11 Laws 2006

Section 11. 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.

Chapter 104 Section 12 Laws 2006

Section 12. EFFECTIVE DATE.--

The effective date of the provisions of this act is January 1, 2007.

for Senate Bill 216, as amended

Approved March 7, 2006

LAWS 2006, CHAPTER 105

AN ACT

RELATING TO EXPENDITURE OF PUBLIC MONEY; PROVIDING FOR CAPITAL EXPENDITURES; ESTABLISHING CONDITIONS FOR PROJECTS WITHIN THE NAVAJO NATION; PROVIDING FOR DIRECT PAYMENTS TO VENDORS; DEFINING INDIGENCY; DECLARING AN EMERGENCY.

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

Chapter 105 Section 1 Laws 2006

Section 1. LEGISLATIVE FINDINGS AND PURPOSE.--

A. The legislature finds that many residents of this state living within Indian country are impoverished and are involuntarily living without electric service, indoor plumbing, adequate potable water, telecommunications or related infrastructure due to federal government policies over the decades. This finding is based upon federal decennial census data showing that Native Americans living in Indian country have a long history of income below federal poverty levels and a lack of basic domestic amenities. Living under such adverse circumstances has a negative impact on the education of children at the elementary and secondary school levels and on the health and welfare of Native Americans in general.

B. Since the nineteenth century, the federal government has assumed a trust responsibility for Native Americans, but since New Mexico attained statehood, it has had a responsibility for its Native American residents.

C. The legislature finds it is the policy of the state of New Mexico to improve the basic quality of life of residents within Indian country through the use of any means available.

D. The purpose of this act is in part to enable the state, in compliance with the provisions of the constitution of New Mexico, to provide financial assistance to residents within Indian country so that they may be served by basic residential services such as electric service, indoor plumbing, sewer, adequate potable water, telecommunications and related infrastructure.

E. The state has developed government-to-government relationships and agreements with the twenty-two Indian nations, tribes and pueblos in New Mexico regarding education and other topics. To better provide services to Native Americans,

many state agencies have designated divisions or liaisons to work with the nations, tribes and pueblos.

F. The state has worked with Indian nations, tribes and pueblos, of which the Navajo Nation is the largest tribal government, and recognizes that the Navajo Nation is divided into political subdivisions designated as chapters.

G. Due to federal, state and tribal policies related to the implementation of capital outlay and other projects, delays in implementation due to bureaucratic red tape have resulted in the reversion of millions of dollars in capital outlay funds designated for projects in Indian country.

H. Tribal governments and their subdivisions have, through the years, organized nonprofit entities to assist in the provision of education and other basic services.

Chapter 105 Section 2 Laws 2006

Section 2. FISCAL AGENTS FOR NAVAJO NATION PROJECTS.--The state recognizes the chapters of the Navajo Nation as local tribal entities having the capability and capacity to apply for and implement capital improvement projects. The state also recognizes as local tribal entities those nonprofit entities organized under the supervision of tribal governments whose mission or objective is to provide education and other basic services and who may apply for and implement capital improvement projects. Therefore, the state may contract through a fiscal agent other than the Navajo Nation for the expenditure of state funds on behalf of local tribal entities of the Navajo Nation. Unless otherwise negotiated, an administrative fee of no more than five percent of a project's cost may be charged by the entity that serves as fiscal agent.

Chapter 105 Section 3 Laws 2006

Section 3. PUBLIC EMPLOYMENT PROGRAMS.--Local tribal entities may be considered as vendors when they utilize their own resources to implement capital improvement projects.

Chapter 105 Section 4 Laws 2006

Section 4. DIRECT PAYMENTS.--

A. In the case of capital outlay projects located within Indian country and authorized to the Indian affairs department or other state agencies, the state may make payments directly to third-party contractors for services rendered or goods supplied regarding such projects. Upon approval by the Indian affairs department or other state agency of a billing statement submitted on behalf of a vendor by a tribal government or a local tribal entity, the department may arrange for payment of that statement directly to the vendor. Capital outlay projects may be invoiced and paid in phases.

B. The department of finance and administration is authorized to make payments directly to third-party contractors for services rendered or goods supplied regarding capital outlay projects located within Indian country and authorized to the Indian affairs department or other state agency.

Chapter 105 Section 5 Laws 2006

Section 5. 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 Indian affairs department and approval by the state board of finance.

Chapter 105 Section 6 Laws 2006

Section 6. TRIBAL INFRASTRUCTURE ACT.--The provisions of this act also may be used to implement the provisions of the Tribal Infrastructure Act.

Chapter 105 Section 7 Laws 2006

Section 7. PRESUMPTION OF INDIGENCY.--For the purposes of capital outlay projects located within Indian country and authorized to the Indian affairs department, pursuant to Subsection A of Section 14 of Article 9 of the constitution of New Mexico, persons who reside in Indian country who are not served by electric service, water service, indoor plumbing, sewers, telecommunications or related infrastructure are presumed to be indigent. State agencies may contract with and make payment to local tribal entities to assist the indigent in local tribal entities.

Chapter 105 Section 8 Laws 2006

Section 8. RULEMAKING AUTHORITY.--The department of finance and administration or the Indian affairs department shall promulgate rules necessary to implement the provisions of this act.

Chapter 105 Section 9 Laws 2006

Section 9. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Senate Bill 579, as amended,

with emergency clause,

Approved March 7, 2006

LAWS 2006, CHAPTER 106

AN ACT

RELATING TO MINES; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; PROVIDING FOR EMERGENCY RESPONSE TO MINE ACCIDENTS; PROVIDING PENALTIES; DECLARING AN EMERGENCY.

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

Chapter 106 Section 1 Laws 2006

Section 1. A new section of Chapter 69, Article 5 NMSA 1978 is enacted to read:

"MINE ACCIDENT RAPID RESPONSE SYSTEM.--

A. The state mine inspector shall:

(1) adopt rules requiring each mine operator to prepare an emergency notification plan for its operations and, upon the inspector's approval of the plan, shall retain a copy of each mine operator's emergency notification plan at the emergency operations center; and

(2) establish and maintain the mine accident emergency operations center as the primary state government communications center for dealing with mine accidents that:

(a) provides emergency assistance and response coordination for mine accidents or emergencies; and

(b) is accessible twenty-four hours a day, seven days a week, at a statewide telephone number established and designated by the inspector.

B. Upon receipt of an emergency call regarding an accident, as defined in Section 69-5-17 NMSA 1978, the mine accident emergency operations center shall immediately notify the state mine inspector, who will ensure that the emergency notification plan for the appropriate mine is complied with.

C. In the event of an accident or recovery operation in or about a mine, the state mine inspector may coordinate the assignment of mine rescue teams to assist with needed rescues."

Chapter 106 Section 2 Laws 2006

Section 2. Section 69-5-17 NMSA 1978 (being Laws 1933, Chapter 153, Section 23, as amended) is amended to read:

"69-5-17. FATAL AND SERIOUS MINE ACCIDENTS--

ASSISTANCE--INVESTIGATION--NOTIFICATION--CIVIL PENALTY.--

A. The state mine inspector shall proceed immediately upon notification to the site of any mine accident causing the loss of life or requiring activation of a mine rescue team and shall assist in the rescue of persons within the mine, investigate the causes of the accident, conduct a closeout conference and make necessary recommendations for the present and future safety of the miners. So far as possible, the operator shall not change the surroundings of an accident until the state mine inspector has made an investigation; provided, however, that the investigation is made within a reasonable time.

B. Whenever an accident occurs in or about a mine or the machinery connected to a mine, the operator of the mine shall give notice within thirty minutes of ascertaining the occurrence of the accident to the mine accident emergency operations center at the statewide telephone number established by the state mine inspector stating the particulars of the accident.

C. Nothing in this section shall be construed to relieve the operator of the mine from any reporting or notification requirement under federal law.

D. As used in this section, "accident" means "accident" as provided in 30 C.F.R. 50.2.

E. The state mine inspector shall impose a civil penalty of up to one hundred thousand dollars (\$100,000) on the operator of the mine if it is determined that the operator failed to give immediate notice as required in this section. The inspector may waive imposition of the civil penalty at any time if the inspector finds that the failure to give immediate notice was caused by circumstances outside the control of the operator."

Chapter 106 Section 3 Laws 2006

Section 3. Section 69-8-1 NMSA 1978 (being Laws 1961, Chapter 136, Section 1) is amended to read:

"69-8-1. SHORT TITLE.-- Chapter 69, Article 8 NMSA 1978 may be cited as the "Mining Safety Act"."

Chapter 106 Section 4 Laws 2006

Section 4. A new section of the Mining Safety Act is enacted to read:

"UNDERGROUND MINE SAFETY REQUIREMENTS--PENALTIES.-- In addition to requirements pursuant to federal law for underground mines:

A. a self-contained self-rescue device approved by the state mine inspector shall be worn by each person while underground or kept within the person's immediate reach while underground. The device shall be provided by the employer. The self-contained self-rescue device shall be adequate to protect a miner for one hour or longer or, alternatively, sufficient to allow the employee time to reach an additional self-contained self-rescue device. Each employer shall train each miner in the use of the device, and refresher training courses for all underground employees shall be held during each calendar year;

B. the employer shall provide caches of additional self-contained self-rescue devices throughout the mine in accordance with a plan approved by the state mine inspector. Each additional self-contained self-rescue device shall be adequate to protect a miner for one hour or longer. Battery-powered strobe lights or permanently activated strobe lights shall be affixed to each cache. A luminescent sign with the words "SELF-CONTAINED SELF-RESCUER" or "SELF-CONTAINED SELF-RESCUERS" shall be conspicuously posted at each cache, and luminescent direction signs shall be posted leading to each cache. The employer shall conduct weekly inspections of each cache and the affixed strobe lights to ensure operability;

C. a wireless emergency communication device or a two-way radio system approved by the state mine inspector and provided by the employer shall be available to each person in the active working section of an underground mine. Each employer shall train each miner in the use of the device and provide refresher training courses for all underground employees during each calendar year. The employer shall install in or around the mine any and all equipment necessary to transmit emergency communications from the surface to each wireless emergency communication device or two-way radio system in active working sections of the underground mine;

D. a wireless tracking device approved by the state mine inspector and provided by the employer shall be worn by each person in an underground coal mine. In the event of an accident or other emergency, the tracking device shall be capable of providing the approximate physical location of each person who is underground. Each employer shall train each employee in the use of the device and provide refresher training courses for all underground employees during each calendar year. The employer shall install in or around the mine all equipment necessary to provide the approximate physical location of each person who is underground;

E. a person who, without the authorization of the employer or the state mine inspector, knowingly removes or attempts to remove any device or related equipment, required by this section and approved by the inspector, from a mine or mine site with the intent to permanently deprive the employer of the device or equipment or knowingly tampers with or attempts to tamper with the device or equipment shall be

guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; and

F. the state mine inspector shall, within ninety days of the effective date of this section, approve an implementation plan for each mine covered by this section that includes a schedule for meeting the requirements of this section."

Chapter 106 Section 5 Laws 2006

Section 5. A new section of the Mining Safety Act is enacted to read:

"EMPLOYEE RIGHTS.--An employer shall not discharge or in any manner discriminate against, cause to be discharged or cause discrimination against an employee, representative of employees or applicant for employment in a mine subject to the Mining Safety Act because the employee, representative of employees or applicant for employment has filed or made a complaint under or related to that act or Chapter 69, Article 5 NMSA 1978, including a complaint notifying the operator, the operator's agent or the state mine inspector of an alleged danger or a safety or health violation in a mine, or because the employee, representative of employees or applicant for employment has instituted or caused to be instituted a proceeding under or related to the Mining Safety Act or has testified or is about to testify in any such proceeding."

Chapter 106 Section 6 Laws 2006

Section 6. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect.

Senate Bill 628,

with emergency clause,

Approved March 7, 2006

LAWS 2006, CHAPTER 107

AN ACT

RELATING TO THE EXPENDITURE OF PUBLIC MONEY; REAUTHORIZING OR REAPPROPRIATING BALANCES, EXPANDING OR CHANGING PURPOSES, EXTENDING EXPENDITURE PERIODS, CHANGING AGENCIES AND ESTABLISHING CONDITIONS FOR THE REVERSION OF UNEXPENDED BALANCES OF CAPITAL OUTLAY PROJECTS APPROVED BY THE LEGISLATURE IN PRIOR YEARS.

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

Chapter 107 Section 1 Laws 2006

Section 1. SEVERANCE TAX BONDS--REVERSION OF UNEXPENDED PROCEEDS.--

A. Except as otherwise provided in another section of this act, the unexpended balance from the proceeds of severance tax bonds issued for a project that has been reauthorized in this act shall revert to the severance tax bonding fund 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, including emergency vehicles and other vehicles that require special equipment; 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 two years following the fiscal year in which the severance tax bonds were issued for the purchase; and

(3) 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 2010.

B. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

Chapter 107 Section 2 Laws 2006

Section 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS--LIMITATIONS--REVERSIONS.--

A. Except as otherwise provided in another section of this act, the unexpended balance of an appropriation from the general fund or other state fund that has been changed in this act 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, including emergency vehicles and other vehicles that require special equipment; 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 two years following the fiscal year in which the appropriation was made for the purchase; and

(3) 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. 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 107 Section 3 Laws 2006

Section 3. CAPITAL PROJECT APPROPRIATIONS WITH A FISCAL YEAR 2006 REVERSION--EXTEND TIME.--The time of expenditure for any capital project appropriation otherwise scheduled for reversion at the end of fiscal year 2006 is extended through fiscal year 2007.

Chapter 107 Section 4 Laws 2006

Section 4. PAVING DON PEDRO PADILLA ROAD--CHANGE TO PADILLA ROAD IMPROVEMENTS AND PAVING--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 29 of Section 43 of Chapter 126 of Laws 2004 to pave Don Pedro Padilla road in Bernalillo county shall not be expended for the original purpose but is changed to plan, design and construct improvements, including paving and drainage, to Padilla road in Bernalillo county.

Chapter 107 Section 5 Laws 2006

Section 5. NEW MEXICO HIGHWAY 467 OVERPASS IN CLOVIS--CHANGE TO ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY AUTHORITY SOIL AMENDMENT FACILITY--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 38 of Section 52 of Chapter 347 of Laws 2005 for an overpass on New Mexico highway 467 in Clovis in Curry county shall not be expended for the original purpose but is appropriated to the local government division to plan, design and construct improvements to the Albuquerque-Bernalillo county water utility authority's soil amendment facility in Bernalillo county.

Chapter 107 Section 6 Laws 2006

Section 6. HOLOCAUST AND INTOLERANCE MUSEUM IN ALBUQUERQUE--EXPAND PURPOSE TO ACQUIRE A BUILDING--SEVERANCE TAX BONDS AND GENERAL FUND.--The local government division projects in Subsection 12 of Section 16 and Subsection 19 of Section 45 of Chapter 347 of Laws 2005 to plan, design, construct and equip the New Mexico holocaust and intolerance museum and study

center in Albuquerque in Bernalillo county may also be expended to acquire a building for that museum and center, which also houses the African-American museum and cultural center and offices of the New Mexico human rights coalition education fund.

Chapter 107 Section 7 Laws 2006

Section 7. AMISTAD CRISIS SHELTER--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The local government division project in Subsections 47 and 60 of Section 22 of Chapter 429 of Laws 2003 to renovate the Amistad crisis shelter in Bernalillo county may include constructing facilities.

Chapter 107 Section 8 Laws 2006

Section 8. WESTGATE SKATE PARK--CHANGE TO ALAMOSA MULTISERVICE CENTER EQUIPMENT--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 50 of Section 22 of Chapter 110 of Laws 2002 for a skate park in the Westgate area of Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to purchase and install physical fitness equipment at the Alamosa multiservice center in Albuquerque.

Chapter 107 Section 9 Laws 2006

Section 9. NUESTROS VALORES CHARTER SCHOOL--CHANGE TO WEST CENTRAL AVENUE NEON ARCHES--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the public education department in Subsection 52 of Section 23 of Chapter 429 of Laws 2003 for Nuestros Valores charter school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but is appropriated to the department of transportation to plan, design and construct neon arches on west Central avenue in Albuquerque in Bernalillo county.

Chapter 107 Section 10 Laws 2006

Section 10. NUESTROS VALORES CHARTER SCHOOL--CHANGE TO WEST CENTRAL AVENUE NEON ARCHES--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the public education department in Subsection 73 of Section 23 of Chapter 110 of Laws 2002 for Nuestros Valores charter school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but is appropriated to the department of transportation to plan, design and construct neon arches on west Central avenue in Albuquerque in Bernalillo county. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 11 Laws 2006

Section 11. AFRICAN-AMERICAN PAVILION EQUIPMENT AND IMPROVEMENTS--CHANGE TO PERFORMING ARTS AND EXHIBIT HALL--CAPITAL PROJECTS FUND.-- The unexpended balance of the appropriation to the state fair commission in Subsection 6 of Section 30 of Chapter 126 of Laws 2004 for the African-American pavilion at the New Mexico state fairgrounds in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct and equip an African-American performing arts and exhibit hall at the state fairgrounds.

Chapter 107 Section 12 Laws 2006

Section 12. BERNALILLO COUNTY DOMESTIC VIOLENCE MONITORING EQUIPMENT AND TRACKING DEVICE--CHANGE TO SECOND JUDICIAL DISTRICT COURT--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 31 of Section 45 of Chapter 347 of Laws 2005 for electronic monitoring equipment and a single unit satellite tracking device for domestic violence purposes in Bernalillo county is appropriated to the second judicial district court for that purpose.

Chapter 107 Section 13 Laws 2006

Section 13. CHARLIE MORRISEY RESEARCH HALL AT THE UNIVERSITY OF NEW MEXICO--CHANGE LOCATION AND PURPOSE TO THE AFRICAN-AMERICAN PERFORMING ARTS AND EXHIBIT HALL AT THE STATE FAIRGROUNDS--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the board of regents of the university of New Mexico in Paragraph (1) of Subsection E of Section 39 of Chapter 429 of Laws 2003 for the Charlie Morrissey research hall at the university of New Mexico shall not be expended for the original purpose but is appropriated to the state fair commission to construct and equip the African-American performing arts and exhibit hall at the state fairgrounds in Albuquerque in Bernalillo county.

Chapter 107 Section 14 Laws 2006

Section 14. CHARLIE MORRISEY RESEARCH HALL--CHANGE TO AFRICAN-AMERICAN PERFORMING ARTS AND EXHIBIT HALL--GENERAL FUND.-- The unexpended balance of the appropriation to the board of regents of the university of New Mexico in Paragraph (3) of Subsection L of Section 53 of Chapter 347 of Laws 2005 to furnish, equip and purchase art, artifacts and rare documents for the Charlie Morrissey research hall at the African-American performing arts and exhibit hall at the state fairgrounds in Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to the state fair commission to furnish, equip and purchase art, artifacts and rare documents for the African-American performing arts and exhibit hall at the state fairgrounds.

Chapter 107 Section 15 Laws 2006

Section 15. MANZANO MESA MULTIGENERATIONAL CENTER PARTITIONS AND RAMPS--CHANGE TO BUILDING AND EXTERIOR IMPROVEMENTS--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the local government division in Subsection 8 of Section 20 of Chapter 126 of Laws 2004 for partitions and ramps at Manzano Mesa multigenerational center in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to building and exterior improvements and renovations to that center.

Chapter 107 Section 16 Laws 2006

Section 16. LOS ALTOS POOL DIVING TANK RENOVATION--CHANGE TO HILAND THEATER RENOVATION--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 25 of Section 13 of Chapter 126 of Laws 2004 for a diving tank at Los Altos pool in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to design and renovate the Hiland theater in Bernalillo county.

Chapter 107 Section 17 Laws 2006

Section 17. SABINO CANYON OPEN SPACE--EXPAND TO INCLUDE IMPROVEMENTS--SEVERANCE TAX BONDS.--The local government division project in 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 may also include making improvements to the Sabino canyon open space area. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 18 Laws 2006

Section 18. EXPLORA SCIENCE CENTER AND CHILDREN'S MUSEUM--EXPAND PURPOSE FOR AN ADDITION--SEVERANCE TAX BONDS AND GENERAL FUND.--The local government division projects in Subsection 21 of Section 16 and Subsection 30 of Section 45 of Chapter 347 of Laws 2005 for exhibits, furniture, fixtures, equipment, facilities and portable buildings for the Explora science center and children's museum in Albuquerque in Bernalillo county may also include planning, designing, constructing, equipping and furnishing an addition to the facility.

Chapter 107 Section 19 Laws 2006

Section 19. ALBUQUERQUE SOUTH VALLEY URBAN FARMING AND SCIENCE CENTER EDUCATION CENTER--EXPAND PURPOSE TO INCLUDE A FEASIBILITY STUDY--SEVERANCE TAX BONDS.--The New Mexico state university project in Paragraph (11) of Subsection D of Section 21 of Chapter 347 of Laws 2005 to acquire land for, plan, design and construct an urban farming science education center in Albuquerque's south valley may include doing a feasibility study that includes comprehensive planning and concept development.

Chapter 107 Section 20 Laws 2006

Section 20. NUESTROS VALORES CHARTER SCHOOL CONSTRUCTION--CHANGE TO LAND ACQUISITION, SITE IMPROVEMENTS AND CONSTRUCTION--SEVERANCE TAX BONDS AND CAPITAL PROJECTS FUND.--The unexpended balance of the appropriations to the public education department in Subsections 133 and 162 of Section 118 and Subsection 147 of Section 136 of Chapter 126 of Laws 2004 for equipment, design and construction of a facility for Nuestros Valores charter school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but is changed to land acquisition, site development and construction at that charter school.

Chapter 107 Section 21 Laws 2006

Section 21. NUESTROS VALORES CHARTER SCHOOL CONSTRUCTION--CHANGE TO LAND ACQUISITION, SITE IMPROVEMENTS AND CONSTRUCTION--SEVERANCE TAX BONDS.--The unexpended balance of the appropriations to the public education department in Subsections 266, 307 and 315 of Section 23 of Chapter 429 of Laws 2003 to design and construct a facility for Nuestros Valores charter school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but is changed to land acquisition, site development and construction at that charter school.

Chapter 107 Section 22 Laws 2006

Section 22. MONTEZUMA ELEMENTARY SCHOOL EDUCATIONAL TECHNOLOGY--CHANGE TO PLAYGROUND EQUIPMENT--GENERAL FUND.--The unexpended balance of the appropriation to the public education department in Subsection 200 of Section 48 of Chapter 347 of Laws 2005 for educational technology at Montezuma elementary school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but is changed to purchase and install playground equipment at that school.

Chapter 107 Section 23 Laws 2006

Section 23. NEW MEXICO HOLOCAUST AND INTOLERANCE MUSEUM--EXPAND TO INCLUDE PURCHASE--GENERAL FUND.--The local government division project in Subsection 19 of Section 45 of Chapter 347 of Laws 2005 to plan, design, construct and equip the New Mexico holocaust and intolerance museum and study center in Albuquerque in Bernalillo county may also be expended to acquire a building for that museum and center, which also houses the African-American museum and cultural center and offices of the New Mexico human rights coalition education fund.

Chapter 107 Section 24 Laws 2006

Section 24. HIGH DESERT ATHLETIC CLUB EQUIPMENT--CHANGE TO OLYMPIC WEIGHTLIFTING PROGRAM EQUIPMENT--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 272 of Section 16 of Chapter 347 of Laws 2005 for power-lifting equipment at High Desert athletic club in Santa Fe county shall not be expended for the original purpose but is changed to purchase

power-lifting equipment for an olympic weightlifting program in Bernalillo county.

Chapter 107 Section 25 Laws 2006

Section 25. LOS RANCHOS DE ALBUQUERQUE FIRE STATION--EXPAND PURPOSE TO INCLUDE ACQUIRING LAND--SEVERANCE TAX BONDS.--The local government division project in Subsection 44 of Section 16 of Chapter 347 of Laws 2005 to plan, design and construct a fire station in Los Ranchos de Albuquerque in Bernalillo county may include acquiring land.

Chapter 107 Section 26 Laws 2006

Section 26. LOS RANCHOS DE ALBUQUERQUE FIRE STATION--EXPAND PURPOSE TO INCLUDE LAND ACQUISITION--GENERAL FUND.--The local government division project in Subsection 392 of Section 45 of Chapter 347 of Laws 2005 to plan, design and construct a fire station in Los Ranchos de Albuquerque in Bernalillo county may also include acquiring land.

Chapter 107 Section 27 Laws 2006

Section 27. BACHECHI PARK MULTIPURPOSE CENTER--CHANGE TO OPEN SPACE AND FACILITY IMPROVEMENTS--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 361 of Section 45 of Chapter 347 of Laws 2005 for a multipurpose center at Bachechi park in Bernalillo county shall not be expended for the original purpose but is changed for open space and facility improvements to the Bachechi open space area in Bernalillo county.

Chapter 107 Section 28 Laws 2006

Section 28. RIO RANCHO BOYS' AND GIRLS' CLUB

EXPANSION--CHANGE TO NORTH VALLEY DEMONSTRATION TRAIL--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 267 of Section 16 of Chapter 347 of Laws 2005 for the boys' and girls' club in Rio Rancho in Sandoval county shall not be expended for the original purpose but is changed to plan, design and construct the north valley demonstration trail along the Griegos dam between Chavez and Griegos roads for the middle Rio Grande conservancy district in Bernalillo county.

Chapter 107 Section 29 Laws 2006

Section 29. LOS RANCHOS DE ALBUQUERQUE MAINSTREET PROJECT--EXPAND PURPOSE--CAPITAL PROJECTS FUND.--The local government division project in Subsection 55 of Section 34 of Chapter 126 of Laws 2004 for the mainstreet project in Los Ranchos de Albuquerque in Bernalillo county may include design and equipment, including a trolley.

Chapter 107 Section 30 Laws 2006

Section 30. LOS RANCHOS DE ALBUQUERQUE ANIMAL CONTROL VEHICLE--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 365 of Section 45 of Chapter 347 of Laws 2005 for an animal control vehicle for Los Ranchos de Albuquerque in Bernalillo county may include purchase of multiple vehicles.

Chapter 107 Section 31 Laws 2006

Section 31. ALAMEDA ELEMENTARY SCHOOL SOCCER FIELDS--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The public education department project in Subsection 248 of Section 23 of Chapter 110 of Laws 2002 for the soccer field at Alameda elementary school in the Albuquerque public school district in Bernalillo county may include planning, designing and constructing new soccer fields. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 32 Laws 2006

Section 32. YOUTH DEVELOPMENT FACILITY--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The local government division project in Subsection 624 of Section 22 of Chapter 429 of Laws 2003 to renovate a facility occupied by Youth Development, incorporated, in Albuquerque in Bernalillo county may include constructing facilities.

Chapter 107 Section 33 Laws 2006

Section 33. PALO DURO SENIOR CENTER EQUIPMENT--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The aging and long-term services department project in Subsection 20 of Section 3 of Chapter 347 of Laws 2005 for equipment for the Palo Duro senior center in Albuquerque in Bernalillo county may include renovation and repairs to that facility, and the time of expenditure is extended through fiscal year 2009.

Chapter 107 Section 34 Laws 2006

Section 34. NUESTROS VALORES CHARTER SCHOOL CONSTRUCTION--CHANGE TO LAND ACQUISITION, SITE IMPROVEMENTS AND CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the public education department in Subsection 1 of Section 14 of Chapter 385 of Laws 2003 to design and construct a facility for Nuestros Valores charter school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but is changed to acquire land, develop the site for and construct that charter school.

Chapter 107 Section 35 Laws 2006

Section 35. IMPROVEMENTS TO TO'HAJIILEE CHAPTER BASKETBALL COURTS--CHANGE TO CONSTRUCTING A MULTIPURPOSE COURT, SITE WORK AND FENCING--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 3 of Section 21 of Chapter 429 of Laws 2003 for improvements to outdoor basketball courts at the To'hajiilee chapter of the Navajo Nation in Bernalillo county shall not be expended for the original purpose but is changed to plan, design and construct an outdoor multipurpose court, including site work and fencing, at that chapter.

Chapter 107 Section 36 Laws 2006

Section 36. ROSWELL POLICE DEPARTMENT PURCHASE MACROSCOPE--CHANGE TO ROSWELL POLICE DEPARTMENT NEW VEHICLE PURCHASE--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 84 of Section 45 of Chapter 347 of Laws 2005 for the Roswell police department macroscope in Chaves county shall not be expended for the original purpose but is changed to purchase and equip a new vehicle for use by the police department. The time of expenditure is extended through fiscal year 2008.

Chapter 107 Section 37 Laws 2006

Section 37. DEXTER CONSOLIDATED SCHOOL DISTRICT PLAYGROUND EQUIPMENT--CHANGE TO DEXTER ELEMENTARY SCHOOL IRRIGATION AND LAND IMPROVEMENTS--GENERAL FUND.--The unexpended balance of the appropriation to the public education department in Subsection 147 of Section 37 of Chapter 126 of Laws 2004 for playground equipment in the Dexter consolidated school district in Chaves county shall not be expended for the original purpose but is changed to purchase and install an irrigation system and make land and soil improvements at Dexter elementary school in that school district. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 38 Laws 2006

Section 38. DEXTER ELEMENTARY SCHOOL PLAYGROUND EQUIPMENT--EXPAND TO INCLUDE IRRIGATION AND SOIL IMPROVEMENTS--GENERAL FUND.--The public education department project in Subsection 120 of Section 48 of

Chapter 347 of Laws 2005 for playground equipment at Dexter elementary school in the Dexter consolidated school district in Chaves county may also include the purchase and installation of an irrigation system and making soil improvements at that school. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 39 Laws 2006

Section 39. ROSWELL ENERGY LIBRARY--EXPAND PURPOSE TO INCLUDE ACQUISITION--SEVERANCE TAX BONDS AND GENERAL FUND.--The local government division projects in Subsection 60 of Section 16 and Subsection 81 of Section 45 of Chapter 347 of Laws 2005 to plan, design, construct and remodel the energy library in Roswell in Chaves county may also include acquiring a building for the library.

Chapter 107 Section 40 Laws 2006

Section 40. NEW MEXICO REHABILITATION CENTER BUS--CHANGE TO EASTERN NEW MEXICO UNIVERSITY ROSWELL CAMPUS BUS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of health in Subsection 3 of Section 13 of Chapter 427 of Laws 2005 to purchase a bus for the New Mexico rehabilitation center in Roswell in Chaves county shall not be expended for the original purpose but is appropriated to the board of regents of eastern New Mexico university to purchase and equip a handicapped-accessible bus for the special services program at the Roswell campus in Chaves county.

Chapter 107 Section 41 Laws 2006

Section 41. DUNKEN VOLUNTEER FIRE DEPARTMENT BUILDING AND DRILLING A WELL--EXPAND TO INCLUDE WATER WELL AND SYSTEM IMPROVEMENTS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 153 of Section 117 of Chapter 126 of Laws 2004 and reauthorized in Laws 2005, Chapter 347, Section 219 to drill and plumb a water well and expand the building for the Dunken volunteer fire department in Chaves county may also include improvements to a water well and water system for that fire department.

Chapter 107 Section 42 Laws 2006

Section 42. RAMAH CHAPTER YOUTH RECREATION CENTER--CHANGE TO PINE HILL SCHOOL RECREATION AREAS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 5 of Section 21 of Chapter 429 of Laws 2003 for an outdoor youth recreation center for the Ramah chapter of the Navajo Nation in Cibola county shall not be expended for the original purpose but is changed to repair, renovate and expand youth recreation areas at Pine Hill school in that chapter.

Chapter 107 Section 43 Laws 2006

Section 43. PURCHASING PROPERTY FOR THE GRANTS MAINSTREET PROJECT--CHANGE TO CONSTRUCTING OR RENOVATING A SWIMMING POOL--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 364 of Section 22 of Chapter 110 of Laws 2002 to purchase frontage property for the mainstreet project in Grants in Cibola county shall not be expended for the original purpose but is changed to construct or renovate a swimming pool in Grants. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 44 Laws 2006

Section 44. GRANTS HEAD START CENTER MULTIPURPOSE ROOM--CHANGE TO IMPROVEMENTS AT THE MULTIPURPOSE CENTER IN GRANTS--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 24 of Section 12 of Chapter 385 of Laws 2003 for a multipurpose room at the head start center in Grants in Cibola county shall not be expended for the original purpose but is changed for a security alarm system, security lighting and gutters at the multipurpose center in Grants.

Chapter 107 Section 45 Laws 2006

Section 45. PUEBLO OF ACOMA BOYS' AND GIRLS' CLUB BUSES--CHANGE TO YOUTH CENTER VEHICLE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 44 of Section 15 of Chapter 347 of Laws 2005 to purchase buses for the boys' and girls' club at the Pueblo of Acoma in Cibola county shall not be expended for the original purpose but is changed to purchase a vehicle for the youth center at that pueblo.

Chapter 107 Section 46 Laws 2006

Section 46. GRANTS ELECTRONIC MESSAGE SIGN--CHANGE TO INFORMATION TECHNOLOGY AND RENOVATIONS FOR A CITY BUILDING IN GRANTS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 94 of Section 117 of Chapter 126 of Laws 2004 for an electronic message sign in Grants in Cibola county shall not be expended for the original purpose but is changed to purchase and install information technology, including related equipment and furniture, and to make renovations to a city-owned building in Grants.

Chapter 107 Section 47 Laws 2006

Section 47. GRANTS RAIL SPUR AND FENCING--CHANGE PURPOSE TO GRANTS SWIMMING POOL--SEVERANCE TAX BONDS.--The unexpended balance

of the appropriation to the local government division in Subsection WWWWWWW of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) and reauthorized in Laws 2005, Chapter 347, Section 222 for fencing and relocation of a rail spur at the train depot in Grants in Cibola county shall not be expended for the original purpose but is changed to construct or renovate a swimming pool in Grants.

Chapter 107 Section 48 Laws 2006

Section 48. MINERS' COLFAX MEDICAL CENTER ADDITION AND RENOVATION--CHANGE TO CONSTRUCTION OF AN ACUTE CARE

HOSPITAL--MINERS' TRUST FUND.--The unexpended balance of the appropriation to the board of trustees of miners' Colfax medical center in Laws 2003, Chapter 429, Section 42 for an addition and renovations at miners' Colfax medical center in Raton in Colfax county shall not be expended for the original purpose but is changed to plan, design and construct an acute care hospital at that site.

Chapter 107 Section 49 Laws 2006

Section 49. EAGLE NEST WATER RIGHTS PURCHASE--CHANGE TO WATER SYSTEM IMPROVEMENTS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the office of the state engineer in Subsection 10 of Section 14 of Chapter 110 of Laws 2002 to purchase water rights in Eagle Nest in Colfax county shall not be expended for the original purpose but is appropriated to the department of environment to plan, design, construct and equip a water system in Eagle Nest. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 50 Laws 2006

Section 50. MAXWELL MUNICIPAL SCHOOL DISTRICT YOUTH ENTREPRENEURIAL AND TEEN CENTER--EXPAND PURPOSE--GENERAL FUND.--The public education department project in Subsection 287 of Section 48 of Chapter 347 of Laws 2005 for a youth entrepreneurial and teen center in the Maxwell municipal school district in Colfax county may include purchase of a building.

Chapter 107 Section 51 Laws 2006

Section 51. RATON FACILITY FOR YOUTH AND FAMILY SERVICES--EXPAND PURPOSE--CAPITAL PROJECTS FUND.--The local government division project in Subsection 108 of Section 134 of Chapter 126 of Laws 2004 for a youth and family services facility in Raton in Colfax county may include site improvements, including a retaining wall, at that facility.

Chapter 107 Section 52 Laws 2006

Section 52. SOUTHWEST VELODROME PARK IN ALBUQUERQUE--CHANGE TO ANGEL FIRE VELODROME PARK--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the local government division in Subsection 238 of Section 134 of Chapter 126 of Laws 2004 for the southwest velodrome park in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct and equip a velodrome park in Angel Fire in Colfax county.

Chapter 107 Section 53 Laws 2006

Section 53. SOUTHWEST VELODROME PARK IN ALBUQUERQUE--CHANGE TO ANGEL FIRE VELODROME PARK--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 195 of Section 16 of Chapter 347 of Laws 2005 for the southwest velodrome park in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct and equip a velodrome park in Angel Fire in Colfax county.

Chapter 107 Section 54 Laws 2006

Section 54. SNOW FENCE ON STATE ROAD 241 IN CLOVIS--CHANGE TO SNOW FENCE ON VARIOUS ROADS IN CURRY COUNTY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation in Subsection 71 of Section 20 of Chapter 347 of Laws 2005 to purchase and install a living snow fence on state road 241 in Clovis in Curry county shall not be expended for the original purpose but is changed to plan, design and install a living snow fence on various roads in Curry county.

Chapter 107 Section 55 Laws 2006

Section 55. LA CLINICA DE FAMILIA FACILITY IN CHAPARRAL RENOVATIONS--CHANGE TO EQUIPPING AND FURNISHING--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 142 of Section 45 of Chapter 347 of Laws 2005 to repair and renovate La Clinica de Familia facility in Chaparral in Dona Ana county shall not be expended for the original purpose but is changed to equip and furnish the new La Clinica de Familia facility in Chaparral.

Chapter 107 Section 56 Laws 2006

Section 56. NEW MEXICO HIGHWAY 292 IMPROVE--CHANGE TO ROAD IMPROVEMENTS IN MESILLA IN DONA ANA COUNTY--SEVERANCE TAX BONDS.-
-The unexpended balance of the appropriation to the department of transportation in Subsection 18 of Section 20 of Chapter 347 of Laws 2005 for improvements to New Mexico highway 292 in Dona Ana county shall not be expended for the original purpose

but is changed to plan, design and construct improvements, including landscaping, to roads in Mesilla in Dona Ana county.

Chapter 107 Section 57 Laws 2006

Section 57. MEMORIAL MEDICAL CENTER RURAL MEDICAL RESIDENCY PROGRAM EQUIPMENT--CHANGE TO MESILLA PARK AND RECREATION CENTER PARKING LOT--GENERAL FUND.--The unexpended balance of the local government division project originally authorized in Subsection 32 of Section 37 of Chapter 429 of Laws 2003 and reauthorized in Laws 2004, Chapter 126, Section 79 for equipment for the rural medical residency program facility at Memorial medical center in Las Cruces in Dona Ana county shall not be expended for the original or reauthorized purpose but is changed to plan, design and construct a parking lot and walking path at the Mesilla park and recreation center in Las Cruces. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 58 Laws 2006

Section 58. THOMAS BRANIGAN MEMORIAL LIBRARY CHILDREN'S AREA--EXPAND PURPOSE--CAPITAL PROJECTS FUND.--The local government division project in Subsections 172 and 188 of Section 34 of Chapter 126 of Laws 2004 for a children's area at the Thomas Branigan memorial library in Las Cruces in Dona Ana county may include planning and design for the library complex.

Chapter 107 Section 59 Laws 2006

Section 59. DONA ANA COUNTY TRANSITIONAL LIVING FACILITY CONSTRUCTION--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 130 of Section 45 of Chapter 347 of Laws 2005 for a transitional living facility in Dona Ana county may include purchase of land and a facility.

Chapter 107 Section 60 Laws 2006

Section 60. NORTHERN DONA ANA JUDICIAL COMPLEX CONSTRUCTION--CHANGE TO THE PUBLIC SAFETY BUILDING IN HATCH--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 56 of Section 13 of Chapter 126 of Laws 2004 to construct the northern Dona Ana judicial complex shall not be expended for the original purpose but is changed to develop the site for and construct, equip and furnish a public safety building in Hatch in Dona Ana county.

Chapter 107 Section 61 Laws 2006

Section 61. JUDICIAL COMPLEX IN HATCH--CHANGE TO A PUBLIC SAFETY BUILDING--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation

to the local government division in Subsection 99 of Section 117 of Chapter 126 of Laws 2004 for the judicial complex in Hatch shall not be expended for the original purpose but is changed to develop the site for and construct, equip and furnish a public safety building in Hatch in Dona Ana county.

Chapter 107 Section 62 Laws 2006

Section 62. DONA ANA PLAZA LAND ACQUISITION--CHANGE TO MUSEUM FACILITY PURCHASE IN DONA ANA COUNTY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 245 of Section 16 of Chapter 347 of Laws 2005 for land acquisition and improvements at the Dona Ana plaza in Dona Ana county shall not be expended for the original purpose but is changed to purchase and renovate a building for a museum facility in that county.

Chapter 107 Section 63 Laws 2006

Section 63. DONA ANA COUNTY PARK AND NATURE REFUGE ACQUISITION--CHANGE TO DEVELOPMENT AND CONSTRUCTION OF THE PARK--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 419 of Section 45 of Chapter 347 of Laws 2005 to acquire a park and nature refuge in Dona Ana county shall not be expended for the original purpose but is changed to develop and construct that park.

Chapter 107 Section 64 Laws 2006

Section 64. MESQUITE ENVIRONMENTAL PARK IMPROVEMENTS--CHANGE AGENCY TO PUBLIC EDUCATION DEPARTMENT--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 131 of Section 45 of Chapter 347 of Laws 2005 to plan, design, install, landscape, equip and improve the Mesquite environmental park near Mesquite elementary school in Dona Ana county is appropriated to the public education department for that purpose in the Gadsden independent school district in Dona Ana county.

Chapter 107 Section 65 Laws 2006

Section 65. SAN JOSE SENIOR CENTER ADDITION--CHANGE TO ADULT RESPITE FACILITY IN EDDY COUNTY--GENERAL FUND.--The unexpended balance of the appropriation for the aging and long-term services department project in Subsection 27 of Section 20 of Chapter 126 of Laws 2004 for land and an addition to the San Jose senior center in Carlsbad in Eddy county shall not be expended for the original purpose but is changed to construct, furnish and equip an adult respite facility in Eddy county.

Chapter 107 Section 66 Laws 2006

Section 66. CARLSBAD ANIMAL SHELTER CONSTRUCT--CHANGE TO IMPROVEMENTS AT THE NATIONAL CAVE AND KARST RESEARCH INSTITUTE--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 159 of Section 45 of Chapter 347 of Laws 2005 to plan, design and construct an animal shelter in Carlsbad in Eddy county shall not be expended for the original purpose but is changed to plan, design and construct improvements at the national cave and karst research institute in Carlsbad in Eddy county.

Chapter 107 Section 67 Laws 2006

Section 67. CARLSBAD ADULT DAYCARE AND RESPITE FACILITY CONSTRUCT--CHANGE TO CONSTRUCT, FURNISH AND EQUIP AN ADULT RESPITE FACILITY--GENERAL FUND.--The unexpended balance of the appropriation to the aging and long-term services department in Subsection 33 of Section 23 of Chapter 347 of Laws 2005 for an adult daycare and respite facility in Carlsbad in Eddy county shall not be expended for the original purpose but is changed to construct, furnish and equip an adult respite facility in Eddy county.

Chapter 107 Section 68 Laws 2006

Section 68. CARLSBAD CORRALES ROAD STREETSCAPING--CHANGE TO NATIONAL PARKS HIGHWAY--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 52 of Section 43 of Chapter 126 of Laws 2004 for streetscaping projects on Corrales road in Carlsbad in Eddy county shall not be expended for the original purpose but is changed to streetscaping on the National Parks highway in Carlsbad.

Chapter 107 Section 69 Laws 2006

Section 69. CAVE AND KARST INSTITUTE EQUIP--EXPAND PURPOSE TO INCLUDE CONSTRUCTION--SEVERANCE TAX BONDS.--The local government division project in Subsection 98 of Section 16 of Chapter 347 of Laws 2005 for the equipping and furnishing of the cave and karst institute in Carlsbad in Eddy county may also include construction. The time of expenditure is extended to fiscal year 2010.

Chapter 107 Section 70 Laws 2006

Section 70. LAS CRUCES VETERINARY MOBILE SURGERY CLINIC--CHANGE TO EQUIP THE CAVE AND KARST RESEARCH INSTITUTE--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the local government division in Subsection 363 of Section 34 of Chapter 126 of Laws 2004 for a veterinary mobile surgery clinic in Las Cruces shall not be expended for the original purpose but is changed to construct and equip the cave and karst research institute in Carlsbad in Eddy county.

Chapter 107 Section 71 Laws 2006

Section 71. CARLSBAD ANIMAL SHELTER--CHANGE TO NATIONAL CAVE AND KARST RESEARCH INSTITUTE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 143 of Section 22 of Chapter 110 of Laws 2002 for an animal shelter in Carlsbad shall not be expended for the original purpose but is changed to plan, design and construct improvements at the national cave and karst research institute in Carlsbad in Eddy county. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 72 Laws 2006

Section 72. CARLSBAD ANIMAL SHELTER--CHANGE TO CAVE AND KARST INSTITUTE--GENERAL FUND AND SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 91 of Section 37 and Subsections 204 and 527 of Section 22 of Chapter 429 of Laws 2003 for an animal shelter in Carlsbad in Eddy county shall not be expended for the original purpose but is changed to construct, equip and furnish the national cave and karst research institute in Carlsbad in Eddy county.

Chapter 107 Section 73 Laws 2006

Section 73. LOS AMIGOS NURSING HOME PURCHASE--CHANGE TO ROAD EQUIPMENT FOR GUADALUPE COUNTY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the capital program fund in Subsection 3 of Section 22 of Chapter 347 of Laws 2005 to purchase Los Amigos nursing home for a state building in Santa Rosa in Guadalupe county shall not be expended for the original purpose but is appropriated to the local government division to purchase road equipment for Guadalupe county.

Chapter 107 Section 74 Laws 2006

Section 74. SANTA CLARA REGIONAL WASTEWATER FACILITY--CHANGE TO LORDSBURG WATER SYSTEM IMPROVEMENTS--SEVERANCE TAX BONDS.--Two hundred fifty thousand dollars (\$250,000) of the unexpended balance of the appropriation to the department of environment in Subsection 13 of Section 12 of Chapter 347 of Laws 2005 for a regional wastewater facility with the city of Bayard for the village of Santa Clara in Grant county shall not be expended for the original purpose but is changed to plan, design and construct water system improvements in Lordsburg in Hidalgo county.

Chapter 107 Section 75 Laws 2006

Section 75. LOVINGTON SCHOOLS ADMINISTRATION BUILDING ROOF CONSTRUCT--CHANGE TO LOVINGTON HIGH SCHOOL STADIUM LIGHTING

SYSTEM CONSTRUCT--GENERAL FUND.--The unexpended balance of the appropriation to the public education department in Subsection 138 of Section 48 of Chapter 347 of Laws 2005 to plan, design and construct a new roof for the Lovington schools administration building shall not be expended for the original purpose but is changed to purchase, install, design and construct the stadium lighting system at Lovington high school in the Lovington municipal school district in Lea county.

Chapter 107 Section 76 Laws 2006

Section 76. JAL WATER AND WASTEWATER STORAGE TANK PURCHASE--CHANGE TO UPGRADING THE WASTEWATER TREATMENT PLANT AND SUPPORTING FACILITIES--GENERAL FUND.--The unexpended balance of the appropriation to the department of environment in Subsection 24 of Section 36 of Chapter 347 of Laws 2005 for a water storage tank in Jal in Lea county shall not be expended for the original purpose but is changed to plan, design, construct and equip upgrades at the wastewater treatment plant and any supporting facilities in Jal.

Chapter 107 Section 77 Laws 2006

Section 77. CAPITAN BASEBALL AND RECREATION FIELD CONSTRUCT--CHANGE TO BASEBALL FIELD IN CAPITAN MUNICIPAL SCHOOL DISTRICT--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 118 of Section 16 of Chapter 347 of Laws 2005 for a baseball field and recreational facilities in Capitan shall not be expended for the original purpose but is appropriated to the public education department to plan, design and construct a baseball field in the Capitan municipal school district in Lincoln county.

Chapter 107 Section 78 Laws 2006

Section 78. CAPITAN MUNICIPAL SCHOOL DISTRICT FAMILY AND CONSUMER SCIENCE PROGRAM IMPROVEMENTS--EXPAND TO INCLUDE LABORATORY FACILITIES--CAPITAL PROJECTS FUND.--The public education department project in Subsection 177 of Section 37 of Chapter 126 of Laws 2004 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 may also include planning, designing and constructing laboratory facilities for the science, family and consumer science and computer programs in that school district.

Chapter 107 Section 79 Laws 2006

Section 79. CARRIZOZO HIGH SCHOOL FOOTBALL EQUIPMENT--EXPAND TO PURCHASE OF ATHLETIC EQUIPMENT--GENERAL FUND.--The public education department project in Subsection 143 of Section 48 of Chapter 347 of Laws 2005 to purchase football equipment for Carrizozo high school in the Carrizozo municipal school district in Lincoln county may include the purchase of athletic equipment in that school district.

Chapter 107 Section 80 Laws 2006

Section 80. YOUTH DIAGNOSTIC DETENTION AND DEVELOPMENT CENTER AND NEW MEXICO BOYS' SCHOOL IMPROVEMENTS--EXPAND PURPOSE--GENERAL FUND.--The capital program fund project in Subsection 7 of Section 54 of Chapter 347 of Laws 2005 for repairs, enhancements and upgrades at the youth diagnostic detention and development center in Albuquerque in Bernalillo county and the New Mexico boys' school in Springer in Colfax county may include Camp Sierra Blanca in Fort Stanton in Lincoln county.

Chapter 107 Section 81 Laws 2006

Section 81. RUIDOSO DOMESTIC SHELTER--EXPAND PURPOSE--CHANGE LOCATION--GENERAL FUND.--The local government division project in Subsection 201 of Section 45 of Chapter 347 of Laws 2005 for a domestic shelter in Ruidoso in Lincoln county may include purchase and renovation of a facility for a domestic violence shelter, and the location is changed to Lincoln county.

Chapter 107 Section 82 Laws 2006

Section 82. EASTERN NEW MEXICO UNIVERSITY COMMERCIAL BUILDING PURCHASE--CHANGE TO INFRASTRUCTURE IMPROVEMENTS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the board of regents of eastern New Mexico university in Subsection B of Section 17 of Chapter 126 of Laws 2004 to purchase a building adjacent to the Ruidoso branch campus in Lincoln county shall not be expended for the original purpose but is changed to construct infrastructure improvements at that campus.

Chapter 107 Section 83 Laws 2006

Section 83. LINCOLN COUNTY DOMESTIC VIOLENCE SHELTER--EXPAND PURPOSE--SEVERANCE TAX BONDS AND GENERAL FUND.--The local government division project in Subsection 116 of Section 16 and Subsection 437 of Section 45 of Chapter 347 of Laws 2005 for a domestic violence shelter in Lincoln county may include purchase and renovation of a facility for that shelter.

Chapter 107 Section 84 Laws 2006

Section 84. IMPROVEMENTS FOR THE FAMILY AND CONSUMER SCIENCE PROGRAM IN THE CAPITAN MUNICIPAL SCHOOL DISTRICT--EXPAND TO INCLUDE CONSTRUCTION AND EQUIPMENT--GENERAL FUND.--The public education department project in Subsection 12 of Section 136 of Chapter 126 of Laws 2004 for improvements for the family and consumer science program in the Capitan municipal school district in Lincoln county may also be expended to plan, design, construct and equip laboratory facilities for that program in that school district.

Chapter 107 Section 85 Laws 2006

Section 85. FIVE-YEAR MASTER FACILITY DEVELOPMENT PLAN FOR THE CAPITAN MUNICIPAL SCHOOL DISTRICT--CHANGE TO A DISTRICT-WIDE SITE DEVELOPMENT PLAN--GENERAL FUND.--The unexpended balance of the appropriation to the public education department in Subsection 300 of Section 48 of Chapter 347 of Laws 2005 for a five-year master facility development plan for the Capitan municipal school district in Lincoln county shall not be expended for the original purpose but is changed to develop a district-wide site development plan in that school district.

Chapter 107 Section 86 Laws 2006

Section 86. LINCOLN COUNTY DOMESTIC VIOLENCE SHELTER--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 437 of Section 45 of Chapter 347 of Laws 2005 for a domestic violence shelter in Lincoln county may also include purchase and renovation of the shelter.

Chapter 107 Section 87 Laws 2006

Section 87. BOYS' AND GIRLS' CLUB BUILDING IN CROWNPOINT CHAPTER IMPROVE--CHANGE TO PURCHASE AND INSTALL INFORMATION TECHNOLOGY IN SCHOOL DISTRICT--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 12 of Section 33 of Chapter 126 of Laws 2004 for the boys' and girls' club in the Crownpoint chapter of the Navajo Nation shall not be expended for the original purpose but is appropriated to the public education department to purchase and install information technology, including related equipment and furniture, in the Central consolidated school district in San Juan county.

Chapter 107 Section 88 Laws 2006

Section 88. MONTANA AZUL ROAD IMPROVEMENTS--CHANGE TO NEW MEXICO HIGHWAY 118 AND TOLTEC DRIVE IN GALLUP--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation in Subsection 19 of Section 20 of Chapter 347 of Laws 2005 for improvements to Montana Azul road in Dona Ana county shall not be expended for the original purpose but is changed to plan, design and construct improvements to the intersection of New Mexico highway 118 and Toltec drive in Gallup in McKinley county.

Chapter 107 Section 89 Laws 2006

Section 89. PUEBLO OF ZUNI YOUTH CENTER RENOVATE--CHANGE PURPOSE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 6 of Section 21 of Chapter 429 of Laws 2003 to renovate the youth center at the Pueblo of Zuni in McKinley county shall not be

expended for the original purpose but is changed to plan, design and construct a youth center at that pueblo.

Chapter 107 Section 90 Laws 2006

Section 90. GALLUP DOMESTIC VIOLENCE SHELTER--EXPAND PURPOSE TO INCLUDE PURCHASE--SEVERANCE TAX BONDS.--The local government division project in Subsection 245 of Section 22 of Chapter 429 of Laws 2003 and reauthorized in Laws 2005, Chapter 347, Section 120 to construct a domestic violence shelter in Gallup in McKinley county may also be expended to purchase the selected site for the shelter.

Chapter 107 Section 91 Laws 2006

Section 91. GALLUP DOMESTIC VIOLENCE SHELTER--EXPAND TO INCLUDE PURCHASE--SEVERANCE TAX BONDS.--The local government division project in Subsection 79 of Section 13 of Chapter 126 of Laws 2004 to renovate a domestic violence shelter in Gallup in McKinley county may also be expended to purchase the selected site for the shelter.

Chapter 107 Section 92 Laws 2006

Section 92. GALLUP DOMESTIC VIOLENCE SHELTER--EXPAND TO INCLUDE PURCHASE--GENERAL FUND.--The local government division project in Subsection 209 of Section 45 of Chapter 347 of Laws 2005 for a domestic violence shelter in Gallup in McKinley county may also be expended to purchase the selected site for the shelter.

Chapter 107 Section 93 Laws 2006

Section 93. UNIVERSITY OF NEW MEXICO GALLUP CAMPUS LIBRARY BASEMENT REMODEL--CHANGE TO SEWER LIFT STATION REPLACE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the board of regents of the university of New Mexico in Paragraph (11) of Subsection I of Section 26 of Chapter 429 of Laws 2003 to remodel the basement of the library at the Gallup branch campus in McKinley county shall not be expended for the original purpose but is changed to replace sewer lift stations on that campus.

Chapter 107 Section 94 Laws 2006

Section 94. GALLUP TOLTEC AVENUE AND UNITED STATES HIGHWAY 66 INTERSECTION TRAFFIC LIGHT--CHANGE TO TOLTEC DRIVE AND NEW MEXICO HIGHWAY 118 INTERSECTION IMPROVEMENTS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation in Subsection 31 of Section 20 of Chapter 347 of Laws 2005 for a traffic light at the

intersection of Toltec avenue and United States highway 66 in Gallup in McKinley county shall not be expended for the original purpose but is changed to plan, design and construct improvements to the intersection of New Mexico highway 118 and Toltec drive in Gallup.

Chapter 107 Section 95 Laws 2006

Section 95. TOHATCHI CHAPTER POWERLINE EXTENSION AND FITNESS ROOM--CHANGE TO MULTIPURPOSE FACILITY--SEVERANCE TAX BONDS.--The Indian affairs department project originally authorized in Subsection JJ of Section 15 of Chapter 2 of Laws 1999 (1st S.S.) and reauthorized in Laws 2003, Chapter 429, Section 91 for powerline extensions and a fitness room in the Tohatchi chapter of the Navajo Nation in McKinley county shall not be expended for the original or reauthorized purpose but is changed to plan, design and construct a multipurpose facility in that chapter. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 96 Laws 2006

Section 96. UNIVERSITY OF NEW MEXICO GALLUP CAMPUS LIBRARY BASEMENT REMODEL--CHANGE TO SEWER LIFT STATION REPLACE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the board of regents of the university of New Mexico in Paragraph (12) of Subsection I of Section 26 of Chapter 429 of Laws 2003 to renovate the library at the Gallup branch campus in McKinley county shall not be expended for the original purpose but is changed to replace sewer lift stations on that campus.

Chapter 107 Section 97 Laws 2006

Section 97. MEXICAN SPRINGS CHAPTER IMPROVEMENTS--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The Indian affairs department project in Subsection 16 of Section 15 of Chapter 347 of Laws 2005 to prepare the site for and make infrastructure improvements at the Mexican Springs chapter of the Navajo Nation in McKinley county may include site preparation and infrastructure improvements for the multipurpose building in that chapter.

Chapter 107 Section 98 Laws 2006

Section 98. UNIVERSITY OF NEW MEXICO GALLUP CAMPUS GURLEY HALL IMPROVEMENTS--CHANGE TO PARKING LOTS--GENERAL FUND.--The unexpended balance of the appropriation to the board of regents of the university of New Mexico in Paragraph (7) of Subsection L of Section 53 of Chapter 347 of Laws 2005 for improvements at Gurley hall on the Gallup campus in McKinley county shall not be expended for the original purpose but is changed to pave parking lots on that campus.

Chapter 107 Section 99 Laws 2006

Section 99. RED ROCK STATE PARK--CHANGE AGENCY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 2 of Section 12 of Chapter 126 of Laws 2004 for improvements to Red Rock state park in McKinley county is appropriated to the state parks division of the energy, minerals and natural resources department for improvements to that state park.

Chapter 107 Section 100 Laws 2006

Section 100. CROWNPOINT CHILD SUPPORT PROGRAM MODULAR BUILDING--CHANGE TO PLAN AND DESIGN THE EASTERN NAVAJO ADMINISTRATIVE COMPLEX AND RETAIL CENTER--SEVERANCE TAX BONDS.-- The unexpended balance of the appropriation to the Indian affairs department in Subsection NN of Section 13 of Chapter 23 of Laws 2000 (2nd S.S.) and reauthorized in Laws 2005, Chapter 347, Section 258 for a modular building for the child support program in Crownpoint shall not be expended for the original purpose but is changed to plan and design the eastern Navajo administrative complex and retail center in the Crownpoint chapter of the Navajo Nation in McKinley county.

Chapter 107 Section 101 Laws 2006

Section 101. COYOTE CANYON CHAPTER PRESCHOOL BUILDING CONSTRUCTION--CHANGE TO PLAN AND DESIGN--SEVERANCE TAX BONDS.-- The unexpended balance of the appropriation to the Indian affairs department in Subsection 43 of Section 20 of Chapter 110 of Laws 2002 to construct a preschool building at Coyote Canyon chapter of the Navajo Nation in McKinley county shall not be expended for the original purpose but is changed to plan and design that building.

Chapter 107 Section 102 Laws 2006

Section 102. UNIVERSITY OF NEW MEXICO GALLUP BRANCH LIBRARY IMPROVEMENTS--CHANGE TO SEWER LIFT STATION--SEVERANCE TAX BONDS.-- The unexpended balance of the appropriations to the board of regents of the university of New Mexico in Paragraphs (27) and (28) of Subsection I of Section 26 of Chapter 429 of Laws 2003 for improving and constructing the basement of the library at the Gallup branch campus of the university of New Mexico in McKinley county shall not be expended for the original purpose but is changed to replace the sewer lift station at that campus.

Chapter 107 Section 103 Laws 2006

Section 103. WARNING SIGNAL LIGHTS AT CHEE DODGE ELEMENTARY SCHOOL--EXPAND TO INCLUDE STUDY, PLANNING AND DESIGN--SEVERANCE TAX BONDS.--The department of transportation project in Subsection 128 of Section 18

of Chapter 429 of Laws 2003 to purchase and install school zone warning signals and speed signs on United States highway 666 at the Chee Dodge elementary school in the Navajo Nation in McKinley county may also include study, planning and design for that project.

Chapter 107 Section 104 Laws 2006

Section 104. IMPROVEMENTS AT GURLEY HALL AT THE GALLUP CAMPUS OF THE UNIVERSITY OF NEW MEXICO--CHANGE TO PARKING LOT RENOVATIONS--GENERAL FUND.-- The unexpended balance of the appropriations to the board of regents of the university of New Mexico in Paragraphs (21) and (22) of Subsection L of Section 53 of Chapter 347 of Laws 2005 for improvements at Gurley hall at the Gallup branch campus of the university of New Mexico in McKinley county shall not be expended for the original purposes but is changed to plan, design and construct renovations to the parking lots at that branch campus.

Chapter 107 Section 105 Laws 2006

Section 105. PUEBLO OF ZUNI YOUTH CENTER RENOVATE--CHANGE PURPOSE--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 3 of Section 11 of Chapter 385 of Laws 2003 to renovate the youth center at the Pueblo of Zuni in McKinley county shall not be expended for the original purpose but is changed to plan, design and construct a youth center at that pueblo. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 106 Laws 2006

Section 106. WAGON MOUND SCHOOLS PROJECT--ACTIVITY BUS PURCHASE--CHANGE TO SCHOOL VEHICLES--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the public education department in Subsection 125 of Section 19 of Chapter 347 of Laws 2005 for the purchase of an activity bus for the Wagon Mound public school district in Mora county shall not be expended for the original purpose but is changed to purchase school vehicles to upgrade that district's school fleet.

Chapter 107 Section 107 Laws 2006

Section 107. MORA AND COLFAX COUNTY HEAD START BUS BARN--CHANGE TO CAPITAL IMPROVEMENTS FOR THE HEAD START PROGRAMS--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the local government division in Subsection 99 of Section 134 of Chapter 126 of Laws 2004 for a bus barn for use by the head start program in Mora county shall not be expended for the original purpose but is changed to plan, design and construct capital improvements for the Mora-Colfax county head start program in Mora county.

Chapter 107 Section 108 Laws 2006

Section 108. MORA COUNTY RECREATIONAL PARK--EXPAND TO INCLUDE LAND ACQUISITION--SEVERANCE TAX BONDS.--The local government division project in Subsection 125 of Section 16 of Chapter 347 of Laws 2005 to plan, design, construct, equip and furnish a park in Mora county may also include land acquisition for the Mora county recreational park.

Chapter 107 Section 109 Laws 2006

Section 109. MORA COUNTY CULTURAL INSTITUTE--CHANGE TO MORA COUNTY RECREATIONAL PARK--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 218 of Section 45 of Chapter 347 of Laws 2005 for a cultural institute in Mora county shall not be expended for the original purpose but is changed to plan and design the Mora recreational park in Mora county.

Chapter 107 Section 110 Laws 2006

Section 110. MORA LIBRARY AND HEALTH CENTER CONSTRUCT--CHANGE TO MORA LIBRARY CONSTRUCT--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 128 of Section 16 of Chapter 347 of Laws 2005 for a library and health center in Mora in Mora county shall not be expended for the original purpose but is changed to design and construct a county library in Mora.

Chapter 107 Section 111 Laws 2006

Section 111. AGUA PURA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION WATER TREATMENT SYSTEM--CHANGE TO WATER STORAGE TANK AND IMPROVEMENTS--SEVERANCE TAX BONDS AND GENERAL

FUND.--The unexpended balance of the appropriations to the department of environment in Subsection 68 of Section 12 and Subsection 95 of Section 36 of Chapter 347 of Laws 2005 for a water treatment system for the Agua Pura mutual domestic water consumers association in Chacon in Mora county shall not be expended for the original purpose but is changed to plan, design and construct water system improvements, including a water storage tank, for that association.

Chapter 107 Section 112 Laws 2006

Section 112. MORA POLICE DEPARTMENT EQUIPMENT--CHANGE TO MORA COUNTY SHERIFF'S DEPARTMENT EQUIPMENT--GENERAL

FUND.--The unexpended balance of the appropriation to the local government division in Subsection 445 of Section 45 of Chapter 347 of Laws 2005 for equipment for the Mora police department in Mora county shall not be expended for the original purpose but is changed to purchase equipment for the county sheriff's office in Mora county.

Chapter 107 Section 113 Laws 2006

Section 113. NAVAJO NATION VETERANS TRANSPORTATION SYSTEM VEHICLES--CHANGE TO FOUR-WHEEL-DRIVE VEHICLE AND TRAILER--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 21 of Section 131 of Chapter 126 of Laws 2004 for vehicles for the Navajo Nation veterans transportation system in San Juan and McKinley counties shall not be expended for the original purpose but is changed to purchase a

four-wheel-drive vehicle and flatbed trailer for the Navajo Nation. The time of expenditure is extended through fiscal year 2008.

Chapter 107 Section 114 Laws 2006

Section 114. NEW MEXICO MUSEUM OF SPACE HISTORY IMPROVEMENTS--CHANGE TO ALAMOGORDO HIGH SCHOOL TENNIS COMPLEX--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the cultural affairs department in Subsection 4 of Section 10 of Chapter 110 of Laws 2002 and reauthorized in Laws 2004, Chapter 126, Section 177 for improvements to the facility, equipment or exhibits of the New Mexico museum of space history in Alamogordo in Otero county shall not be expended for the original or reauthorized purpose but is appropriated to the public education department to plan, design and construct a tennis complex at Alamogordo high school in the Alamogordo public school district in Otero county. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 115 Laws 2006

Section 115. FARM AND RANCH HERITAGE MUSEUM IMPROVEMENTS--CHANGE TO ALAMOGORDO HIGH SCHOOL TENNIS COMPLEX--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the cultural affairs department in Subsection 4 of Section 9 of Chapter 429 of Laws 2003 for improvements at the New Mexico farm and ranch heritage museum in Las Cruces in Dona Ana county shall not be expended for the original purpose but is appropriated to the public education department to plan, design and construct a tennis complex at Alamogordo high school in the Alamogordo public school district in Otero county.

Chapter 107 Section 116 Laws 2006

Section 116. CHAPARRAL MIDDLE SCHOOL TENNIS COURTS REPAIR--CHANGE TO ALAMOGORDO HIGH SCHOOL TENNIS COMPLEX--SEVERANCE TAX

BONDS.--The unexpended balance of the appropriation to the public education department in Subsection 163 of Section 23 of Chapter 110 of Laws 2002 and reauthorized in Laws 2003, Chapter 429, Section 113 to repair the tennis courts at Chaparral middle school in the Alamogordo public school district in Otero county shall not be expended for the original or reauthorized purpose but is changed to plan, design and construct a tennis complex at Alamogordo high school in that school district. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 117 Laws 2006

Section 117. MESCALERO FIRE DEPARTMENT CONSTRUCTION--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The Indian affairs department project in Subsection 14 of Section 21 of Chapter 429 of Laws 2003 for a fire department in Mescalero in Otero county may include purchase and installation of equipment and furnishings.

Chapter 107 Section 118 Laws 2006

Section 118. CLOUDCROFT ELEMENTARY AND MIDDLE SCHOOL ROOF--CHANGE TO IMPROVEMENTS TO ATHLETIC FACILITIES--GENERAL FUND.--The unexpended balance of the appropriation to the public education department in Subsection 85 of Section 136 of Chapter 126 of Laws 2004 to replace the roof on the Cloudcroft elementary and middle school in the Cloudcroft municipal school district in Otero county shall not be expended for the original purpose but is changed for improvements to athletic facilities in that school district.

Chapter 107 Section 119 Laws 2006

Section 119. COMMUNICATIONS TOWER FOR THE TULAROSA SAFETY BUILDING--CHANGE TO EQUIPMENT AND VEHICLES--GENERAL FUND.--The unexpended balance of the appropriation to the department of public safety in Subsection 3 of Section 50 of Chapter 347 of Laws 2005 to construct a communications tower for the Tularosa safety building in Otero county shall not be expended for the original purpose but is appropriated to the local government division to purchase equipment and vehicles for the Tularosa department of public safety in Otero county.

Chapter 107 Section 120 Laws 2006

Section 120. JEMEZ MOUNTAIN PUBLIC SCHOOL DISTRICT MULTIPURPOSE ATHLETIC FIELD--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The public education department project in Subsection 61 of Section 19 of Chapter 347 of Laws 2005 for a multipurpose athletic field in the Jemez Mountain public school district in Rio Arriba county may include repairs to the gymnasium roof at Coronado high school in that school district.

Chapter 107 Section 121 Laws 2006

Section 121. EL RITO FIRE DEPARTMENT EXPANSION--CHANGE TO CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 230 of Section 45 of Chapter 347 of Laws 2005 for an additional bay for El Rito volunteer fire station in Rio Arriba county shall not be expended for the original purpose but is changed to plan, design and construct a new facility for that fire station.

Chapter 107 Section 122 Laws 2006

Section 122. ESPANOLA REGIONAL WATER SYSTEM--EXPAND TO INCLUDE REGIONAL WASTEWATER TREATMENT FACILITY--SEVERANCE TAX BONDS.--The department of environment project in Subsection 18 of Section 9 of Chapter 126 of Laws 2004 for construction of a regional water system in Espanola in Rio Arriba county may also include expansion of the existing wastewater treatment facility into a regional facility in Espanola.

Chapter 107 Section 123 Laws 2006

Section 123. SAN JUAN DETOXIFICATION CENTER--CHANGE TO BEHAVIORAL HEALTH CENTER IN FARMINGTON--SEVERANCE TAX

BONDS.--The unexpended balance of the appropriation to the local government division for the project in Subsection 155 of Section 16 of Chapter 347 of Laws 2005 for the San Juan detoxification center in San Juan county shall not be expended for the original purpose but is changed to furnish and equip the behavioral health center in Farmington in San Juan county.

Chapter 107 Section 124 Laws 2006

Section 124. NENAHNEZAD CHAPTER POWERLINE EXTEND--CHANGE TO CHAPTER HOUSE REPAIR--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 18 of Section 20 of Chapter 110 of Laws 2002 to extend an electric powerline in the Nenahnezad chapter of the Navajo Nation in San Juan county shall not be expended for the original purpose but is changed to repair the chapter house in Nenahnezad. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 125 Laws 2006

Section 125. NENAHNEZAD CHAPTER HOUSE ELECTRICAL IMPROVE--CHANGE TO REPAIR CHAPTER BUILDING ROOF AND EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 40 of Section 43 of Chapter 347 of Laws 2005 for planning, designing and

constructing electrical house wiring in the Nenahnezad chapter of the Navajo Nation in San Juan county is changed to repair of the chapter building roof. The time of expenditure is extended through fiscal year 2011.

Chapter 107 Section 126 Laws 2006

Section 126. SHIPROCK CHAPTER BOYS' AND GIRLS' CLUB--CHANGE TO RIVERVIEW EDUCATION AND RECREATIONAL CENTER--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 26 of Section 21 of Chapter 429 of Laws 2003 for an addition to the boys' and girls' club at the Shiprock chapter of the Navajo Nation in San Juan county shall not be expended for the original purpose but is appropriated to the public education department to renovate, expand and equip the Riverview education and recreational center in the Central consolidated school district in San Juan county.

Chapter 107 Section 127 Laws 2006

Section 127. SHIPROCK CHAPTER BOYS' AND GIRLS' CLUB--CHANGE TO EQUIPMENT PURCHASES FOR THE SAN JUAN RIVER DINEH WATER USERS ASSOCIATION--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 32 of Section 33 of Chapter 126 of Laws 2004 for an addition to the boys' and girls' club for the Shiprock chapter of the Navajo Nation in San Juan county shall not be expended for the original purpose but is changed for heavy equipment and vehicle purchases for the San Juan river Dineh water users association in the Navajo Nation in San Juan county.

Chapter 107 Section 128 Laws 2006

Section 128. NASCHITTI CHAPTER SOLAR ELECTRIC SYSTEM REHABILITATION--CHANGE TO POWERLINE EXTENSION AND HOUSE WIRING--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 20 of Section 20 of Chapter 110 of Laws 2002 to rehabilitate the solar electric system in the Naschitti chapter of the Navajo Nation in San Juan county shall not be expended for the original purpose but is changed to construct powerline extensions and electrical wiring in homes in that chapter. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 129 Laws 2006

Section 129. MCGEE PARK FAIRGROUNDS LAND ACQUISITION--EXPAND TO INCLUDE FAIRGROUNDS IMPROVEMENTS--SEVERANCE TAX BONDS AND GENERAL FUND.--The local government division projects in Subsection 187 of Section 117 and Subsection 175 of Section 134 of Chapter 126 of Laws 2004 for land acquisition and expansion of the McGee park fairgrounds in San Juan county may also include improvements to that site.

Chapter 107 Section 130 Laws 2006

Section 130. SAN JUAN CHAPTER VAN PURCHASE--CHANGE TO FURNISH AND EQUIP SAN JUAN CHAPTER MULTIPURPOSE BUILDING--GENERAL FUND.--The unexpended balance of the appropriation to the aging and long-term services department in Subsection 190 of Section 23 of Chapter 347 of Laws 2005 for purchase of a van for the San Juan chapter senior center in San Juan county shall not be expended for the original purpose but is appropriated to the Indian affairs department to furnish and equip the San Juan chapter multipurpose building.

Chapter 107 Section 131 Laws 2006

Section 131. SHIPROCK CHAPTER BOYS' AND GIRLS' CLUB PARKING LOT--CHANGE TO RIVERVIEW EDUCATION AND RECREATION CENTER--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 59 of Section 21 of Chapter 429 of Laws 2003 for a parking lot at the boys' and girls' club at the Shiprock chapter of the Navajo Nation in San Juan county shall not be expended for the original purpose but is appropriated to the public education department to renovate, expand and equip the Riverview education and recreation center in the Central consolidated school district in San Juan county.

Chapter 107 Section 132 Laws 2006

Section 132. SHIPROCK CHAPTER BOYS' AND GIRLS' CLUB--CHANGE TO RIVERVIEW EDUCATION AND RECREATION CENTER--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 19 of Section 131 of Chapter 126 of Laws 2004 for improvements to the boys' and girls' club building in the Shiprock chapter of the Navajo Nation in San Juan county shall not be expended for the original purpose but is appropriated to the public education department to renovate, expand and equip the Riverview education and recreation center in the Central consolidated school district in San Juan county.

Chapter 107 Section 133 Laws 2006

Section 133. MEXICAN SPRINGS CHAPTER ECONOMIC DEVELOPMENT FACILITIES--CHANGE TO MULTIPURPOSE FACILITIES--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 21 of Section 33 of Chapter 126 of Laws 2004 for infrastructure for economic development facilities for the Mexican Springs chapter of the Navajo Nation in McKinley county shall not be expended for the original purpose but is changed to plan, design and construct multipurpose facilities for that chapter.

Chapter 107 Section 134 Laws 2006

Section 134. LAS VEGAS VETERANS HEALTH FACILITY AND TRANSITIONAL HOUSING--CHANGE TO CLINIC FOR HEALTH CENTERS OF NORTHERN NEW MEXICO--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the local government division in Subsection 315 of Section 34 of Chapter 126 of Laws 2004 for a health facility for victims of family violence and transitional housing for veterans in Las Vegas in San Miguel county shall not be expended for the original purpose but is changed to plan, design and renovate a health facility for the health centers of northern New Mexico clinic in Las Vegas.

Chapter 107 Section 135 Laws 2006

Section 135. NEW MEXICO HIGHLANDS UNIVERSITY HEALTH FACILITY--EXPAND PURPOSE--GENERAL FUND.--The New Mexico highlands university project in Paragraph (3) of Subsection C of Section 53 of Chapter 347 of Laws 2005 for a health facility at New Mexico highlands university in Las Vegas in San Miguel county may include purchase and installation of equipment.

Chapter 107 Section 136 Laws 2006

Section 136. SAN JOSE FIRE STATION CONSTRUCT--CHANGE TO SAN JOSE MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION WATER LINES--SEVERANCE TAX BONDS.--The unexpended balance for the department of environment project originally authorized in Subsection OO of Section 8 of Chapter 23 of Laws 2000 (2nd S.S.) and reauthorized in Laws 2003, Chapter 429, Section 184 to the local government division for a fire station in San Jose in San Miguel county shall not be expended for the original or reauthorized purpose but is appropriated to the department of environment to plan, design and construct water system improvements, including water lines, for the San Jose mutual domestic water consumers association in San Miguel county. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 137 Laws 2006

Section 137. EL ANCON MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION IMPROVEMENTS--CHANGE TO VALLE WATER ALLIANCE WATER SYSTEM IMPROVEMENTS--GENERAL FUND.--The unexpended balance of the appropriation to the department of environment in Subsection 105 of Section 36 of Chapter 347 of Laws 2005 for water and wastewater system improvements for El Ancon mutual domestic water consumers association in San Miguel county shall not be expended for the original purpose but is changed to plan, design and construct water system improvements for the Valle water alliance in San Miguel county.

Chapter 107 Section 138 Laws 2006

Section 138. SOUTH SAN YSIDRO MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION IMPROVEMENTS--CHANGE TO VALLE WATER ALLIANCE WATER SYSTEM IMPROVEMENTS--GENERAL FUND.--The unexpended

balance of the appropriation to the department of environment in Subsection 103 of Section 36 of Chapter 347 of Laws 2005 for water and wastewater system improvements for the South San Ysidro mutual domestic water consumers association in San Miguel county shall not be expended for the original purpose but is changed to plan, design and construct water system improvements for the Valle water alliance in San Miguel county.

Chapter 107 Section 139 Laws 2006

Section 139. PUEBLO OF COCHITI PUMP HOUSE AND WATER PUMP--CHANGE TO PURCHASE AND EQUIP A WASTE MANAGEMENT VEHICLE--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 15 of Section 35 of Chapter 429 of Laws 2003 for a pump house and water pump for the Pueblo of Cochiti in Sandoval county shall not be expended for the original purpose but is changed to purchase and equip a waste management vehicle for that pueblo.

Chapter 107 Section 140 Laws 2006

Section 140. PONDEROSA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION WATER TANK--CHANGE TO WATER LINES--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 39 of Section 12 of Chapter 347 of Laws 2005 for a water storage tank for the Ponderosa mutual domestic water consumers association in Sandoval county shall not be expended for the original purpose but is changed to relocate and expand water lines for that association.

Chapter 107 Section 141 Laws 2006

Section 141. SANDOVAL COUNTY COURTHOUSE BUST PURCHASE--CHANGE TO CASA SAN YSIDRO RENOVATION--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 275 of Section 45 of Chapter 347 of Laws 2005 for a bust of Edmund "Joe" Lang for the Sandoval county courthouse in Bernalillo shall not be expended for the original purpose but is changed to renovate Casa San Ysidro in Corrales in Sandoval county.

Chapter 107 Section 142 Laws 2006

Section 142. ALGODONES ELEMENTARY SCHOOL ROAD REALIGNMENT--CHANGE TO IMPROVEMENTS TO ALGODONES ELEMENTARY SCHOOL--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 18 of Section 34 of Chapter 429 of Laws 2003 to realign the road at Algodones elementary school in Sandoval county shall not be expended for the original purpose but is appropriated to the public education department for repairs and improvements at that school in the Bernalillo public school district in Sandoval county.

Chapter 107 Section 143 Laws 2006

Section 143. EDGEWOOD LIBRARY--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The local government division project originally authorized in Subsection XXXX of Section 11 of Chapter 118 of Laws 1998 and reauthorized in Laws 2000 (2nd S.S.), Chapter 23, Section 85 to plan, design, construct, equip and furnish the Edgewood library in Edgewood in Santa Fe county may include planning, designing and constructing municipal buildings in Edgewood. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 144 Laws 2006

Section 144. PUEBLO OF TESUQUE ADMINISTRATION

BUILDING--CHANGE TO CONSTRUCT A SCHOOL--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 59 of Section 33 of Chapter 126 of Laws 2004 for an administration building at the Pueblo of Tesuque in Santa Fe county shall not be expended for the original purpose but is changed to plan, design, construct and equip a school for kindergarten through sixth grade at that pueblo.

Chapter 107 Section 145 Laws 2006

Section 145. POJOAQUE VALLEY REGIONAL WATER SUPPLY PROJECT--CHANGE TO WATER AND WASTEWATER REUSE SUPPLY

PROJECT--GENERAL FUND.--The unexpended balance of the appropriation to the water project fund in Subsection 5 of Section 55 of Chapter 110 of Laws 2002 for improvements related to the Pojoaque Valley regional water supply project shall not be expended for the original purpose but is changed to plan, design, construct and develop the water and wastewater reuse supply project in the Pojoaque valley area in Santa Fe county. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 146 Laws 2006

Section 146. SANTA FE COUNTY WETLAND SYSTEM IMPROVE--CHANGE TO WATER TREATMENT SYSTEM IMPROVE--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 307 of Section 45 of Chapter 347 of Laws 2005 to plan, design and improve a wetland system in Santa Fe county shall not be expended for the original purpose but is appropriated to the department of environment to plan, design and construct improvements to a water treatment system in Santa Fe county.

Chapter 107 Section 147 Laws 2006

Section 147. NAMBE HEAD START PROGRAM TENNIS AND BASKETBALL COURTS AND WALKING TRACK--CHANGE AGENCY TO LOCAL GOVERNMENT DIVISION--SEVERANCE TAX BONDS AND CAPITAL PROJECTS FUND.--The unexpended balances of the appropriations to the public education department in Subsection 220 of Section 23 and Subsections 12 and 28 of Section 38 of Chapter 429 of Laws 2003 to improve and plan, design and construct tennis and basketball courts and a walking track for the Nambe head start program in the Pojoaque Valley public school district in Santa Fe county are appropriated to the local government division for that purpose in Nambe in Santa Fe county.

Chapter 107 Section 148 Laws 2006

Section 148. STATE LAND OFFICE FIRE SUPPRESSION

SYSTEM--CHANGE TO STUCCO AND WINDOWS--STATE LANDS MAINTENANCE FUND.--The unexpended balance of the appropriation to the state land office in Subsection 3 of Section 61 of Chapter 347 of Laws 2005 for a sprinkler system in the state land office in Santa Fe in Santa Fe county shall not be expended for the original purpose but is changed to building improvements, including stucco and window replacements, to that facility.

Chapter 107 Section 149 Laws 2006

Section 149. ECONOMIC DEVELOPMENT OFFICES AT SANTA FE OPERA--CHANGE AGENCY TO LOCAL GOVERNMENT DIVISION--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the general services department in Subsection 1 of Section 36 of Chapter 126 of Laws 2004 to develop a master plan to determine the feasibility of locating state offices at the Santa Fe opera for economic development purposes is appropriated to the local government division.

Chapter 107 Section 150 Laws 2006

Section 150. SANTA FE COUNTY SEWER LINE--CHANGE TO AGUA FRIA COMMUNITY CENTER--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 39 of Section 14 of Chapter 429 of Laws 2003 for a sewer line extension in Santa Fe county shall not be expended for the original purpose but is appropriated to the local government division to plan, design, construct, renovate and equip a community center in Agua Fria in Santa Fe county.

Chapter 107 Section 151 Laws 2006

Section 151. LA CIENEGA COMMUNITY PARK--CHANGE TO COMMUNITY CENTER--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 283 of Section 45 of Chapter 347 of Laws 2005 for

La Cienega community park in Santa Fe county shall not be expended for the original purpose but is changed to purchase land for La Cienega community center in Santa Fe county.

Chapter 107 Section 152 Laws 2006

Section 152. PUEBLO OF NAMBE SENIOR CENTER--CHANGE TO MULTIPURPOSE CENTER--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the aging and long-term services department in Subsection 14 of Section 3 of Chapter 347 of Laws 2005 for improvements to the Pueblo of Nambe senior center in Santa Fe county shall not be expended for the original purpose but is appropriated to the Indian affairs department to plan, design and construct a multipurpose center at that pueblo.

Chapter 107 Section 153 Laws 2006

Section 153. SANTA FE COUNTY RECOVERING ALCOHOLICS MODULAR STRUCTURE PURCHASE--CHANGE TO CONSTRUCT--CAPITAL PROJECTS FUND.--The unexpended balance of the appropriation to the local government division in Subsection 193 of Section 134 of Chapter 126 of Laws 2004 to purchase a modular structure for a center for recovering alcoholics in Santa Fe county shall not be expended for the original purpose but is changed to purchase land for, plan, design, construct, equip and renovate a facility for a recovering alcoholics center in Santa Fe county.

Chapter 107 Section 154 Laws 2006

Section 154. PUEBLO OF NAMBE MULTIPURPOSE, WELLNESS AND SENIOR CENTER--CHANGE TO MULTIPURPOSE CENTER--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 63 of Section 43 of Chapter 347 of Laws 2005 for a multipurpose, wellness and senior center at the Pueblo of Nambe in Santa Fe county shall not be expended for the original purpose but is changed to plan, design and construct a multipurpose center at that pueblo.

Chapter 107 Section 155 Laws 2006

Section 155. STUDIO AND OFFICE SPACE AT EL MUSEO CULTURAL FOR USE BY THE MARIA BENITEZ INSTITUTE FOR SPANISH ARTS--CHANGE TO CONSTRUCT AT BATAAN MEMORIAL COMPLEX--SEVERANCE TAX BONDS AND GENERAL FUND.--The unexpended balance of the appropriations to the local government division in Subsection 269 of Section 16 and Subsection 278 of Section 45 of Chapter 347 of Laws 2005 to design, construct and renovate studio and office space at el museo cultural for use by the Maria Benitez institute of Spanish arts shall not be expended for the original purpose but is changed to plan, design, construct, equip, furnish and renovate studio and office space at the Bataan memorial complex for use by the Maria Benitez institute for Spanish arts in Santa Fe county.

Chapter 107 Section 156 Laws 2006

Section 156. SEWER LINE EXTENSION AT SILER AND AGUA FRIA ROADS--CHANGE TO TRADITIONAL ADMINISTRATION BUILDING AT THE PUEBLO OF POJOAQUE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 34 of Section 113 of Chapter 126 of Laws 2004 for a sewer line extension at the intersection of Siler and Agua Fria roads in Santa Fe county shall not be expended for the original purpose but is appropriated to the Indian affairs department to plan, design, construct and improve a traditional administration building at the Pueblo of Pojoaque in Santa Fe county.

Chapter 107 Section 157 Laws 2006

Section 157. JICARILLA APACHE TRIBE EARLY CHILDHOOD CENTER--CHANGE TO TRADITIONAL ADMINISTRATION BUILDING AT THE PUEBLO OF POJOAQUE--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 84 of Section 43 of Chapter 347 of Laws 2005 for an early childhood center at the Jicarilla Apache Tribe in Rio Arriba county shall not be expended for the original purpose but is changed to plan, design, construct and improve a traditional administration building at the Pueblo of Pojoaque in Santa Fe county.

Chapter 107 Section 158 Laws 2006

Section 158. NORTH ESTRELLA ROAD IMPROVEMENTS--CHANGE TO PUEBLO OF POJOAQUE TRADITIONAL ADMINISTRATION BUILDING--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation in Subsection 114 of Section 20 of Chapter 347 of Laws 2005 for improvements to north Estrella road in La Cienega in Santa Fe county shall not be expended for the original purpose but is appropriated to the Indian affairs department to plan, design, construct and improve a traditional administration building at the Pueblo of Pojoaque in Santa Fe county.

Chapter 107 Section 159 Laws 2006

Section 159. ABEYTAS COMMUNITY CENTER--CHANGE TO NORTHERN SOCORRO COUNTY COMMUNITY CENTER--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 311 of Section 45 of Chapter 347 of Laws 2005 for a community center in Abeytas in Socorro county shall not be expended for the original purpose but is changed to plan, design, construct and equip the northern Socorro county community center in Socorro county.

Chapter 107 Section 160 Laws 2006

Section 160. SOCORRO ANIMAL CONTROL SHELTER--CHANGE TO VEHICLE PURCHASE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 127 of Section 13 of Chapter 126 of Laws 2004 to renovate and equip the animal control shelter in Socorro in Socorro county shall not be expended for the original purpose but is changed to purchase a vehicle for the shelter.

Chapter 107 Section 161 Laws 2006

Section 161. ROY E. DISNEY CENTER EQUIPMENT--CHANGE PURPOSE FOR INFORMATION TECHNOLOGY AT NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the cultural affairs department in Subsection 5 of Section 110 of Chapter 126 of Laws 2004 for equipment for the Roy E. Disney center at the national Hispanic cultural center shall not be expended for the original purpose but is appropriated to the board of regents of New Mexico institute of mining and technology to purchase and install information technology, including related equipment and furniture, for the Mesa program at New Mexico institute of mining and technology in Socorro in Socorro county.

Chapter 107 Section 162 Laws 2006

Section 162. PUBLIC AND ACADEMIC LIBRARY ACQUISITIONS--EXTEND TIME--GENERAL OBLIGATION BONDS.--The time of expenditure for the library acquisitions projects from general obligation bond proceeds to the higher education department, the cultural affairs department and the public education department in Subsection C of Section 10 of Chapter 117 of Laws 2004 is extended through fiscal year 2008. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the debt service fund.

Chapter 107 Section 163 Laws 2006

Section 163. AFFORDABLE HOUSING PROJECTS--EXPAND PURPOSE TO INCLUDE LANDS AND BUILDINGS--GENERAL FUND.--The department of finance and administration project in Subsection 3 of Section 38 of Chapter 347 of Laws 2005 for infrastructure projects to implement the Affordable Housing Act statewide may include lands and buildings to implement that act.

Chapter 107 Section 164 Laws 2006

Section 164. EXPO NEW MEXICO ARENA AT THE STATE FAIRGROUNDS--CHANGE TO RODEO FACILITIES STATEWIDE--GENERAL FUND.--The unexpended balance of the appropriation to the state fair commission in Subsection 4 of Section 37 of Chapter 347 of Laws 2005 for improvements and equipment at the Expo New Mexico arena at the state fairgrounds in Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to the department of finance and

administration to plan, design, construct, improve, renovate and equip rodeo facilities statewide.

Chapter 107 Section 165 Laws 2006

Section 165. SPACEPORT SITE INFRASTRUCTURE--REMOVE CONTINGENCY LANGUAGE--GENERAL FUND OPERATING RESERVE.--The unexpended balance of the appropriation to the space commercialization division of the economic development department in Laws 1998 (1st S.S.), Chapters 11 and 13 and reauthorized in Laws 2005, Chapter 347, Section 173 to provide matching funds not to exceed ten percent of the costs of designing and constructing roads, runways and infrastructure for a spaceport site, contingent upon receipt of the remaining funds for such design and construction from private sources, and upon selection of New Mexico for development of a spaceport site for reusable aerospace launch vehicles, is changed so that all contingency language included pursuant to Laws 1998 (1st S.S.), Chapters 11 and 13 for the spaceport project is removed and the project shall include land acquisition, planning, designing, constructing, equipping and infrastructure improvements at that site.

Chapter 107 Section 166 Laws 2006

Section 166. TAOS SKI VALLEY MUNICIPAL COMPLEX--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection BBBB of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) and reauthorized in Laws 2005, Chapter 347, Section 174 for constructing a municipal complex in Taos Ski Valley in Taos county is extended through fiscal year 2010.

Chapter 107 Section 167 Laws 2006

Section 167. ARROYO HONDO ACEQUIA ASSOCIATION CULVERTS--CHANGE AGENCY AND PURPOSE TO EXCLUDE ROADWORK--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 107 of Section 43 of Chapter 126 of Laws 2004 for culverts on county roads for the Arroyo Hondo acequia association in Taos county shall not be expended for the original purpose but is appropriated to the interstate stream commission for culvert improvements for that acequia association.

Chapter 107 Section 168 Laws 2006

Section 168. TAOS LAND GRANT AGRI-WHEAT PROJECT BUILDING--CHANGE TO TAOS LAND GRANT BUILDING--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 328 of Section 45 of Chapter 347 of Laws 2005 for a building for the agri-wheat project on the

Taos land grant in Taos county shall not be expended for the original purpose but is changed to purchase, renovate, construct and equip a building, including land acquisition and site improvements, for that land grant.

Chapter 107 Section 169 Laws 2006

Section 169. TAOS COUNTY CHILDREN'S RESIDENTIAL TREATMENT FACILITY--CHANGE TO TAOS COUNTY COMMUNITY SERVICES DETOXIFICATION PROGRAM BUILDING ROOF--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 339 of Section 22 of Chapter 429 of Laws 2003 for a children's residential treatment facility in Taos county shall not be expended for the original purpose but is changed to repair the roof on the Taos county community services detoxification program building in Taos county.

Chapter 107 Section 170 Laws 2006

Section 170. CUCHILLA HILL ROAD IMPROVEMENTS--CHANGE TO ROAD IMPROVEMENTS IN TAOS COUNTY--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 98 of Section 52 of Chapter 347 of Laws 2005 for improvements to Cuchilla Hill road in Taos county shall not be expended for the original purpose but is changed to plan, design and construct improvements, including drainage, paving and surfacing, to various roads in Taos county.

Chapter 107 Section 171 Laws 2006

Section 171. ARROYO HONDO ACEQUIA ASSOCIATION CULVERTS--CHANGE AGENCY AND PURPOSE TO EXCLUDE ROADWORK--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 12 of Section 138 of Chapter 126 of Laws 2004 for culverts on county roads for the Arroyo Hondo acequia association in Taos county shall not be expended for the original purpose but is appropriated to the interstate stream commission for culvert improvements for that acequia association.

Chapter 107 Section 172 Laws 2006

Section 172. TAOS DETOXIFICATION FACILITY RE-ROOFING--CHANGE TO ROOF REPAIRS--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 505 of Section 45 of Chapter 347 of Laws 2005 to

re-roof and make improvements to the Taos detoxification facility in Taos county shall not be expended for the original purpose but is changed for roof repairs and other improvements to that facility.

Chapter 107 Section 173 Laws 2006

Section 173. SANTA BARBARA ROAD IMPROVE--CHANGE TO ROAD IMPROVEMENTS IN TAOS COUNTY--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 99 of Section 52 of Chapter 347 of Laws 2005 for improvements to Santa Barbara road in Taos county shall not be expended for the original purpose but is changed to plan, design and construct improvements to roads in that county.

Chapter 107 Section 174 Laws 2006

Section 174. CERRO COMMUNITY CENTER RENOVATION--CHANGE TO TALPA COMMUNITY CENTER GYMNASIUM--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 501 of Section 45 of Chapter 347 of Laws 2005 for renovations to the Cerro community center in Costilla in Taos county shall not be expended for the original purpose but is changed to plan, design and construct a gymnasium for youth at the Talpa community center in Taos county.

Chapter 107 Section 175 Laws 2006

Section 175. FINE ARTS FACILITY IN MORIARTY--CHANGE AGENCY TO MORIARTY MUNICIPAL SCHOOL DISTRICT--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 337 of Section 45 of Chapter 347 of Laws 2005 to plan, design, construct and furnish a fine arts facility in Moriarty in Torrance county is appropriated to the public education department for that purpose in the Moriarty municipal school district in Torrance county.

Chapter 107 Section 176 Laws 2006

Section 176. ENCINO SENIOR CENTER--CHANGE TO ENCINO COMMUNITY CENTER--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 172 of Section 23 of Chapter 347 of Laws 2005 for roof improvements at the senior center in Encino in Torrance county shall not be expended for the original purpose but is changed to construct improvements to the community center in Encino.

Chapter 107 Section 177 Laws 2006

Section 177. CLAYTON WATER TOWER--CHANGE TO WATER INFRASTRUCTURE IMPROVEMENTS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 34 of Section 9 of Chapter 126 of Laws 2004 for repairs to the water tower in Clayton in Union county shall not be expended for the original purpose but is changed to plan, design and construct water system infrastructure improvements in Clayton.

Chapter 107 Section 178 Laws 2006

Section 178. MESA ROAD ASBESTOS REMEDIATION--CHANGE TO BELEN LIBRARY CONSTRUCT--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment for the project in Subsection 58 of Section 12 of Chapter 347 of Laws 2005 for asbestos remediation in water and sewer lines on Mesa road in Belen in Valencia county shall not be expended for the original purpose but is appropriated to the local government division to plan, design, construct, equip and furnish a public library in Belen.

Chapter 107 Section 179 Laws 2006

Section 179. NEW MEXICO STATE UNIVERSITY LOS LUNAS AGRICULTURAL SCIENCE CENTER FEED AND PLANT STOCKS--CHANGE TO GREENHOUSE IMPROVEMENTS AND SKID LOADER--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the board of regents of New Mexico state university in Paragraph (10) of Subsection G of Section 26 of Chapter 429 of Laws 2003 for the agricultural science center in Los Lunas in Valencia county to establish feed and plant stocks for grassland and riparian improvements shall not be expended for the original purpose but is changed to repair and improve the greenhouse at and purchase a skid loader for that agricultural science center.

Chapter 107 Section 180 Laws 2006

Section 180. BELEN INTERCHANGE AT INTERSTATE 25--CHANGE TO BELEN LIBRARY CONSTRUCT--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation for the project in Subsection 56 of Section 20 of Chapter 347 of Laws 2005 for improvements to the Belen interchange at interstate 25 and exit 195 in Valencia county shall not be expended for the original purpose but is appropriated to the local government division to plan, design, construct, equip and furnish a public library in Belen in Valencia county.

Chapter 107 Section 181 Laws 2006

Section 181. BOSQUE FARMS LIBRARY UPGRADES--CHANGE TO GENERAL IMPROVEMENTS TO THE LIBRARY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 526 of Section 22 of Chapter 110 of Laws 2002 and reauthorized in Section 293 of Chapter 347 of Laws 2005 for upgrades to the Bosque Farms library in Valencia county, including air conditioning, handicap doors, counters and a drinking fountain, shall not be expended for the original or reauthorized purpose but is changed to make improvements to the library in Bosque Farms in Valencia county. The time of expenditure is extended through fiscal year 2010.

Chapter 107 Section 182 Laws 2006

Section 182. BELEN HIGH SCHOOL WRESTLING MAT AND ROOM--EXPAND PURPOSE--GENERAL FUND.--The public education department project in Subsection 320 of Section 48 of Chapter 347 of Laws 2005 for a wrestling mat and wrestling room improvements at Belen high school in the Belen consolidated school district in Valencia county may include purchase of equipment.

Senate Finance Committee Substitute

for Senate Bill 639

Approved March 7, 2006

LAWS 2006, CHAPTER 108

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 AND FOR PUBLIC LIBRARY ACQUISITIONS; 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 2006 GENERAL ELECTION OF THE STATE; DECLARING AN EMERGENCY.

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

Chapter 108 Section 1 Laws 2006

Section 1. SHORT TITLE.--This act may be cited as the "2006 Capital Projects General Obligation Bond Act".

Chapter 108 Section 2 Laws 2006

Section 2. PURPOSE.--For the purpose of providing funds for capital expenditures as authorized in the 2006 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 108 Section 3 Laws 2006

Section 3. BOND TERMS.--

A. The state board of finance, except as limited by the 2006 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 2006 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 2006 Capital Projects General Obligation Bond Act.

Chapter 108 Section 4 Laws 2006

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 2006 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 108 Section 5 Laws 2006

Section 5. SALE.--The bonds authorized under the 2006 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 108 Section 6 Laws 2006

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 108 Section 7 Laws 2006

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 2006 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 108 Section 8 Laws 2006

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 2006 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 108 Section 9 Laws 2006

Section 9. IRREPEALABLE CONTRACT--AUTHORITY FOR ISSUANCE.--An owner of bonds issued pursuant to the provisions of the 2006 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 2006 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 108 Section 10 Laws 2006

Section 10. PROJECTS.--The proceeds from the sale of bonds issued under the provisions of the 2006 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 aging and long-term services department:

(1) forty-nine thousand three hundred eighty dollars (\$49,380) to purchase and install meals equipment for senior centers citywide in Albuquerque in Bernalillo county;

(2) three million dollars (\$3,000,000) to plan, design, construct and equip a centralized kitchen for comprehensive and coordinated services for senior centers in Albuquerque in Bernalillo county;

(3) two hundred thousand dollars (\$200,000) to make improvements, including purchase and installation of equipment, to the Armijo senior center in Bernalillo county;

(4) twenty-two thousand five hundred forty-two dollars (\$22,542) to make improvements, including purchase and installation of equipment, to the Armijo senior meal site in Bernalillo county;

(5) one hundred forty thousand dollars (\$140,000) to make improvements, including purchase and installation of equipment, to the Barelas senior center in Bernalillo county;

(6) one hundred twenty thousand dollars (\$120,000) to purchase and install equipment for the Barelas and Highland senior centers in Bernalillo county;

(7) forty thousand dollars (\$40,000) to make improvements, including purchase and installation of equipment, to the Highland senior center in Bernalillo county;

(8) forty-two thousand dollars (\$42,000) to make improvements, including purchase and installation of equipment, to the Pueblo of Isleta senior center in Bernalillo county;

(9) eighteen thousand sixty-six dollars (\$18,066) to make improvements, including purchase and installation of equipment, to Los Vecinos senior meal site in Bernalillo county;

(10) one hundred fifty thousand dollars (\$150,000) to make improvements, including purchase and installation of equipment, to the North Valley senior center in Bernalillo county;

(11) five thousand nine hundred fifty dollars (\$5,950) to make improvements, including purchase and installation of equipment, to the Pajarito senior meal site in Bernalillo county;

(12) two hundred thousand dollars (\$200,000) to make improvements, including purchase and installation of equipment, to the Palo Duro senior center in Bernalillo county;

(13) seventeen thousand six hundred thirty-two dollars (\$17,632) to make improvements, including purchase and installation of equipment, to the Paradise Hills senior meal site in Bernalillo county;

(14) fifteen thousand three hundred seventy-six dollars (\$15,376) to make improvements, including purchase and installation of equipment, to the Raymond G. Sanchez senior meal site in Bernalillo county;

(15) five thousand nine hundred fifty dollars (\$5,950) to make improvements, including purchase and installation of equipment, to the Rio Bravo senior meal site in Bernalillo county;

(16) one hundred fifty thousand dollars (\$150,000) to make improvements, including purchase and installation of equipment, to the Whispering Pines senior meal site in Bernalillo county;

(17) two hundred thousand dollars (\$200,000) to plan, design, construct and equip a senior center, including purchase of a facility, in Glenwood in Catron county;

(18) eight thousand dollars (\$8,000) to make improvements, including purchase and installation of equipment, to the Reserve and Quemado senior centers in Catron county;

(19) sixty-four thousand two hundred ninety-five dollars (\$64,295) to purchase and install equipment for the senior olympics program in Chaves county;

(20) five hundred thousand dollars (\$500,000) to plan, design, construct and equip a new facility to accommodate seniors for the Hagerman and Dexter Joy center in Chaves county;

(21) four thousand eighty-nine dollars (\$4,089) to make improvements, including purchase and installation of equipment, to the Lake Arthur senior center in Chaves county;

(22) thirty-one thousand dollars (\$31,000) to make improvements, including purchase and installation of equipment, to the Roswell Joy center in Chaves county;

(23) ten thousand three hundred ninety dollars (\$10,390) to purchase and install equipment for the Roswell senior center in Chaves county;

(24) three hundred thousand dollars (\$300,000) to make improvements, including purchase and installation of equipment, to the Roswell senior center in Chaves county;

(25) twelve thousand one hundred forty dollars (\$12,140) to purchase and install equipment for the Pueblo of Acoma senior center in Cibola county;

(26) fifty thousand dollars (\$50,000) to make improvements, including purchase and installation of equipment, to the Pueblo of Acoma senior center in Cibola county;

(27) thirty-two thousand forty-two dollars (\$32,042) to purchase and install equipment for the Grants senior center in Cibola county;

(28) two thousand seven hundred eighty-five dollars (\$2,785) to purchase and install meals equipment for the Grants senior center in Cibola county;

(29) five hundred thousand dollars (\$500,000) to plan, design, construct, equip and furnish a senior center to meet adult daycare needs at the Pueblo of Laguna in Cibola county;

(30) twenty-five thousand dollars (\$25,000) to make improvements, including purchase and installation of equipment, to the To'hajiilee chapter senior center on the Navajo Nation in Cibola county;

(31) sixty-five thousand five hundred fifty-five dollars (\$65,555) to purchase and install meals equipment for senior centers countywide in Colfax county;

(32) eight thousand six hundred dollars (\$8,600) to purchase and install equipment for the Cimarron senior center in Colfax county;

(33) seven thousand five hundred dollars (\$7,500) to make improvements, including purchase and installation of equipment, to the Maxwell senior center in Colfax county;

(34) forty-seven thousand five hundred dollars (\$47,500) to make improvements, including purchase and installation of equipment, to the Springer senior center in Colfax county;

(35) ten thousand dollars (\$10,000) to make improvements, including purchase and installation of equipment, to the Grady senior center in Curry county;

(36) ten thousand dollars (\$10,000) to make improvements, including purchase and installation of equipment, to the Melrose senior center in Curry county;

(37) nineteen thousand six hundred dollars (\$19,600) to make improvements, including purchase and installation of equipment, to senior centers countywide in Dona Ana county;

(38) four thousand dollars (\$4,000) to purchase and install meals equipment for senior centers countywide in Dona Ana county;

(39) sixteen thousand eight hundred dollars (\$16,800) to purchase and install equipment for senior centers countywide in Dona Ana county;

(40) twelve thousand dollars (\$12,000) to purchase and install equipment for the East Mesa senior center in Dona Ana county;

(41) six hundred thousand dollars (\$600,000) to make improvements, including purchase and installation of equipment, to the East Mesa senior center in Dona Ana county;

(42) two hundred thousand dollars (\$200,000) to plan, design, construct, expand and equip the Munson senior center in Dona Ana county;

(43) one hundred thousand dollars (\$100,000) to make improvements, including purchase and installation of equipment, to the Munson senior center in Dona Ana county;

(44) ninety-six thousand eight hundred sixty-seven dollars (\$96,867) to purchase and install meals equipment for the Munson senior center in Dona Ana county;

(45) thirty-four thousand ninety-four dollars (\$34,094) to purchase and install equipment for the Artesia senior center in Eddy county;

(46) one hundred thirty-two thousand four hundred thirty-six dollars (\$132,436) to make improvements, including purchase and installation of equipment, to the Artesia senior center in Eddy county;

(47) seventy-six thousand five hundred seventy-two dollars (\$76,572) to make improvements, including purchase and installation of equipment, to the Artesia meal site in Eddy county;

(48) one hundred fifty thousand dollars (\$150,000) to make improvements, including purchase and installation of equipment, to the Carlsbad senior center in Eddy county;

(49) sixty-seven thousand five hundred fifty dollars (\$67,550) to make improvements, including purchase and installation of equipment, to the Silver City senior center in Grant county;

(50) sixteen thousand three hundred forty dollars (\$16,340) to make improvements, including purchase and installation of equipment, to La Loma senior center in Guadalupe county;

(51) ten thousand dollars (\$10,000) to make improvements, including purchase and installation of equipment, to the Puerto de Luna senior center in Guadalupe county;

(52) six thousand two hundred thirty-five dollars (\$6,235) to purchase and install equipment for the Vaughn senior center in Guadalupe county;

(53) eighty-two thousand dollars (\$82,000) to make improvements, including purchase and installation of equipment, to the Vaughn senior center in Guadalupe county;

(54) twenty-eight thousand six hundred seven dollars (\$28,607) to purchase and install meals equipment for the Vaughn senior center in Guadalupe county;

(55) two thousand six hundred dollars (\$2,600) to make improvements, including purchase and installation of equipment, to the Roy senior center in Harding county;

(56) three thousand dollars (\$3,000) to purchase and install equipment for the Eunice senior center in Lea county;

(57) five thousand five hundred fifty dollars (\$5,550) to purchase and install meals equipment for the Eunice senior center in Lea county;

(58) sixteen thousand dollars (\$16,000) to purchase and install meals equipment for the Hobbs senior center in Lea county;

(59) one thousand four hundred fourteen dollars (\$1,414) to make improvements, including purchase and installation of equipment, to the Jal senior center in Lea county;

(60) five hundred ten dollars (\$510) to purchase and install meals equipment for the Jal senior center in Lea county;

(61) one hundred forty-six thousand dollars (\$146,000) to make improvements, including purchase and installation of equipment, to the Lovington senior center in Lea county;

(62) eleven thousand two hundred twenty-five dollars (\$11,225) to make improvements, including purchase and installation of equipment, to the Tatum senior center in Lea county;

(63) five thousand eight hundred dollars (\$5,800) to make improvements, including purchase and installation of equipment, to the Capitan, Carrizozo and Ruidoso Downs senior centers in Lincoln county;

(64) ten thousand dollars (\$10,000) to make improvements, including purchase and installation of equipment, to the Capitan senior center in Lincoln county;

(65) twenty-five thousand dollars (\$25,000) to make improvements, including purchase and installation of equipment, to the Corona senior center in Lincoln county;

(66) three thousand seven hundred sixty dollars (\$3,760) to purchase and install meals equipment for the Deming/Luna county senior center in Luna county;

(67) one hundred twenty-seven thousand dollars (\$127,000) to make improvements, including purchase and installation of equipment, to the Baca chapter senior center on the Navajo Nation in McKinley county;

(68) sixteen thousand dollars (\$16,000) to make improvements, including purchase and installation of equipment, to the Becenti chapter senior center on the Navajo Nation in McKinley county;

(69) two hundred thousand dollars (\$200,000) to make improvements, including purchase and installation of equipment, to the Bread Springs chapter senior center on the Navajo Nation in McKinley county;

(70) seventy-five thousand dollars (\$75,000) to make improvements, including purchase and installation of equipment, to the Casamero Lake chapter senior center on the Navajo Nation in McKinley county;

(71) twenty-five thousand dollars (\$25,000) to make improvements, including purchase and installation of equipment, to the Church Rock chapter senior center on the Navajo Nation in McKinley county;

(72) ten thousand dollars (\$10,000) to make improvements, including purchase and installation of equipment, to the Manuelito chapter senior center on the Navajo Nation in McKinley county;

(73) seven thousand five hundred dollars (\$7,500) to make improvements, including purchase and installation of equipment, to the Nahodishgish senior center on the Navajo Nation in McKinley county;

(74) two hundred thousand dollars (\$200,000) to plan, design, construct and equip a multigenerational activity space and repair the roof and plumbing at the Neighborhood recreation center in McKinley county;

(75) seventy-seven thousand dollars (\$77,000) to make improvements, including purchase and installation of equipment, to the Ojo Encino chapter senior center on the Navajo Nation in McKinley county;

(76) six thousand five hundred dollars (\$6,500) to make improvements, including purchase and installation of equipment, to the Ramah senior center in McKinley county;

(77) forty-five thousand dollars (\$45,000) to make improvements, including purchase and installation of equipment, to the Rock Springs chapter senior center on the Navajo Nation in McKinley county;

(78) fifty-five thousand dollars (\$55,000) to make improvements, including purchase and installation of equipment, to the Smith Lake chapter senior center on the Navajo Nation in McKinley county;

(79) twenty-five thousand dollars (\$25,000) to make improvements, including purchase and installation of equipment, to the Thoreau senior center in McKinley county;

(80) five thousand dollars (\$5,000) to make improvements, including purchase and installation of equipment, to the Tohatchi chapter senior center on the Navajo Nation in McKinley county;

(81) thirty-five thousand dollars (\$35,000) to purchase and install equipment for the Pueblo of Zuni senior center in McKinley county;

(82) one hundred forty-two thousand six hundred forty-six dollars (\$142,646) to purchase and install meals equipment for senior centers nationwide on the Navajo Nation in McKinley and San Juan counties;

(83) twenty-nine thousand dollars (\$29,000) to make improvements, including purchase and installation of equipment, to the Mora senior center in Mora county;

(84) six thousand dollars (\$6,000) to purchase and install meals equipment for the Mora senior center in Mora county;

(85) thirty thousand dollars (\$30,000) to purchase and install meals equipment for the Wagon Mound senior center in Mora county;

(86) two thousand dollars (\$2,000) to make improvements, including purchase and installation of equipment, to the Alamo senior center in Otero county;

(87) fourteen thousand one hundred ninety-four dollars (\$14,194) to make improvements, including purchase and installation of equipment, to the Alamogordo senior center in Otero county;

(88) seven thousand five hundred dollars (\$7,500) to make improvements, including purchase and installation of equipment, to the Cloudcroft senior center in Otero county;

(89) one hundred forty-five thousand dollars (\$145,000) to make improvements, including purchase and installation of equipment, to the Tularosa senior center in Otero county;

(90) thirty thousand dollars (\$30,000) to make improvements, including purchase and installation of equipment, to the Nara Visa senior center in Quay county;

(91) fifteen thousand dollars (\$15,000) to make improvements, including purchase and installation of equipment, to the Pioneer senior center in Quay county;

(92) eight thousand six hundred dollars (\$8,600) to purchase and install equipment for senior programs in Tucumcari in Quay county;

(93) seventeen thousand eight hundred dollars (\$17,800) to purchase and install meals equipment for the Tucumcari and House senior centers in Quay county;

(94) sixteen thousand nine hundred dollars (\$16,900) to purchase and install equipment for senior centers countywide in Rio Arriba county;

(95) ninety-two thousand seven hundred dollars (\$92,700) to purchase and install meals equipment for senior centers countywide in Rio Arriba county;

(96) eighty-four thousand dollars (\$84,000) to make improvements, including purchase and installation of equipment, to the senior center in Espanola in Rio Arriba county;

(97) four thousand five hundred dollars (\$4,500) to make improvements, including purchase and installation of equipment, to the Espanola, Tierra Amarilla and Coyote senior centers in Rio Arriba county;

(98) one hundred thousand dollars (\$100,000) to make improvements, including purchase and installation of equipment, to the Medanales senior center in Rio Arriba county;

(99) three thousand three hundred dollars (\$3,300) to purchase and install equipment for the Ohkay Owingeh senior center in Rio Arriba county;

(100) eight hundred thousand dollars (\$800,000) to plan, design, construct and equip a senior center at Ohkay Owingeh in Rio Arriba county;

(101) one million six hundred thousand dollars (\$1,600,000) to construct, furnish and equip a regional adult daycare facility at the Pueblo of Santa Clara in Rio Arriba county;

(102) fifty-six thousand four hundred dollars (\$56,400) to make improvements, including purchase and installation of equipment, to the Pueblo of Santa Clara senior center in Rio Arriba county;

(103) twenty-six thousand five hundred dollars (\$26,500) to purchase and install meals equipment for the Pueblo of Santa Clara senior center in Rio Arriba county;

(104) one hundred thousand dollars (\$100,000) to make improvements, including purchase and installation of equipment, to the Truchas senior center in Rio Arriba county;

(105) one hundred twenty thousand twenty-six dollars (\$120,026) to make improvements, including purchase and installation of equipment, to the Portales senior center in Roosevelt county;

(106) five thousand eight hundred forty dollars (\$5,840) to make improvements, including purchase and installation of equipment, to the Aztec senior center in San Juan county;

(107) one thousand dollars (\$1,000) to purchase and install meals equipment for the Aztec senior center in San Juan county;

(108) one thousand three hundred seventy-five dollars (\$1,375) to purchase and install equipment for the Blanco senior center in San Juan county;

(109) twenty thousand dollars (\$20,000) to make improvements, including purchase and installation of equipment, to the Bloomfield senior center in San Juan county;

(110) nine thousand eight hundred dollars (\$9,800) to purchase and install meals equipment for the Bonnie Dallas senior center in San Juan county;

(111) two thousand nine hundred ten dollars (\$2,910) to make improvements, including purchase and installation of equipment, to the Naschitti chapter senior center on the Navajo Nation in San Juan county;

(112) eight thousand dollars (\$8,000) to make improvements, including purchase and installation of equipment, to the Northwest New Mexico Seniors, incorporated, senior center in San Juan county;

(113) two thousand nine hundred ten dollars (\$2,910) to make improvements, including purchase and installation of equipment, to the Sheep Springs chapter senior center on the Navajo Nation in San Juan county;

(114) ninety-six thousand dollars (\$96,000) to purchase and install meals equipment for the Las Vegas and San Miguel senior centers in San Miguel county;

(115) five hundred thousand dollars (\$500,000) to construct, equip and furnish a senior center in Pecos in San Miguel county;

(116) four thousand one hundred fifty dollars (\$4,150) to purchase and install equipment for senior centers countywide in Sandoval county;

(117) ninety-two thousand dollars (\$92,000) to purchase and install meals equipment for senior centers countywide in Sandoval county;

(118) sixteen thousand dollars (\$16,000) to make improvements, including purchase and installation of equipment, to the Pena Blanca, Jemez, Placitas and Bernalillo senior centers in Sandoval county;

(119) ten thousand dollars (\$10,000) to make improvements, including purchase and installation of equipment, to the Placitas and Jemez senior centers in Sandoval county;

(120) eight thousand dollars (\$8,000) to purchase and install equipment for the Pueblo of Jemez senior center in Sandoval county;

(121) three hundred thousand dollars (\$300,000) to make improvements, including purchase and installation of equipment, to the Pueblo of Jemez senior center in Sandoval county;

(122) one hundred seventy-six thousand dollars (\$176,000) to make improvements, including purchase and installation of equipment, to the Meadowlark senior center in Sandoval county;

(123) twenty-six thousand nine hundred dollars (\$26,900) to purchase and install meals equipment for the Meadowlark senior center in Sandoval county;

(124) four hundred thousand dollars (\$400,000) to construct a building to provide adult daycare services at the north Sandoval county senior center in Sandoval county;

(125) three thousand three hundred dollars (\$3,300) to purchase and install equipment for the Pena Blanca senior center in Sandoval county;

(126) one thousand four hundred dollars (\$1,400) to purchase and install equipment for the Pueblo of San Felipe senior center in Sandoval county;

(127) one hundred thousand dollars (\$100,000) to make improvements, including purchase and installation of equipment, to the Pueblo of San Felipe senior center in Sandoval county;

(128) two thousand dollars (\$2,000) to purchase and install meals equipment for the Pueblo of San Felipe senior center in Sandoval county;

(129) thirty-five thousand dollars (\$35,000) to purchase and install equipment for the Pueblo of Santo Domingo senior center in Sandoval county;

(130) sixty thousand dollars (\$60,000) to make improvements, including purchase and installation of equipment, to the Pueblo of Santo Domingo senior center in Sandoval county;

(131) twenty thousand dollars (\$20,000) to purchase and install meals equipment for the Pueblo of Santo Domingo senior center in Sandoval county;

(132) nineteen thousand forty dollars (\$19,040) to purchase and install equipment for senior centers citywide in Santa Fe in Santa Fe county;

(133) five thousand seven hundred dollars (\$5,700) to purchase and install meals equipment for senior centers citywide in Santa Fe in Santa Fe county;

(134) fifty-five thousand five hundred dollars (\$55,500) to make improvements, including purchase and installation of equipment, to the Abedon Lopez senior center in Santa Fe county;

(135) fifty thousand dollars (\$50,000) for the purchase and installation of equipment at El Rancho senior center in Santa Fe county;

(136) twenty-four thousand eight hundred twenty dollars (\$24,820) to purchase and install equipment for the Pueblo of Nambe senior center in Santa Fe county;

(137) seventy-eight thousand dollars (\$78,000) to make improvements, including purchase and installation of equipment, to the Pueblo of Nambe senior center in Santa Fe county;

(138) two hundred thousand dollars (\$200,000) to make improvements, including purchase and installation of equipment, to the Pasatiempo senior center in Santa Fe county;

(139) four thousand five hundred dollars (\$4,500) to purchase and install meals equipment for the Pasatiempo senior center in Santa Fe county;

(140) four thousand six hundred five dollars (\$4,605) to purchase and install equipment for the Pueblo of San Ildefonso senior center in Santa Fe county;

(141) eighty thousand dollars (\$80,000) to make improvements, including purchase and installation of equipment, to the Pueblo of San Ildefonso senior program in Santa Fe county;

(142) forty-six thousand dollars (\$46,000) to make improvements, including purchase and installation of equipment, to the Kenneth James senior center in Sierra county;

(143) twelve thousand six hundred fifty dollars (\$12,650) to make improvements, including purchase and installation of equipment, to the Alamo chapter senior center on the Navajo Nation in Socorro county;

(144) one thousand dollars (\$1,000) to purchase and install equipment for the Socorro senior center in Socorro county;

(145) fifteen thousand dollars (\$15,000) to make improvements, including purchase and installation of equipment, to the Socorro senior center in Socorro county;

(146) thirty-four thousand dollars (\$34,000) to make improvements, including purchase and installation of equipment, to senior centers countywide in Taos county;

(147) one thousand six hundred eighty dollars (\$1,680) to purchase and install meals equipment for senior centers countywide in Taos county;

(148) three hundred thousand dollars (\$300,000) to plan, design, construct and equip improvements and renovations to the Amalia senior center in Taos county;

(149) two thousand eight hundred eighty dollars (\$2,880) to purchase and install equipment for the Amalia and Taos senior centers in Taos county;

(150) fifteen thousand dollars (\$15,000) to make improvements, including purchase and installation of equipment, to the Pueblo of Picuris senior center in Taos county;

(151) three thousand dollars (\$3,000) to purchase and install meals equipment for the Pueblo of Picuris senior center in Taos county;

(152) one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip a facility to replace the old facility for elders at the Pueblo of Taos senior center in Taos county;

(153) seven thousand ninety-four dollars (\$7,094) to purchase and install equipment for the Pueblo of Taos senior center in Taos county;

(154) one hundred twelve thousand seven hundred fifty dollars (\$112,750) to make improvements, including purchase and installation of equipment, to senior centers in Torrance county;

(155) twenty-seven thousand eight hundred sixty-one dollars (\$27,861) to purchase and install meals equipment for senior centers in Torrance county;

(156) seventy-five thousand dollars (\$75,000) to make improvements, including purchase and installation of equipment, to the McIntosh senior center in Torrance county;

(157) one thousand dollars (\$1,000) to purchase and install equipment for the Clayton senior center in Union county;

(158) five thousand dollars (\$5,000) to make improvements, including purchase and installation of equipment, to the Clayton senior center in Union county;

(159) nine thousand five hundred dollars (\$9,500) to purchase and install meals equipment for the Clayton senior center in Union county; and

(160) two hundred fifty thousand dollars (\$250,000) to make improvements, including purchase and installation of equipment, to Los Lunas senior center in Valencia county;

B. for higher education capital improvements and acquisitions:

(1) to the higher education department:

(a) eleven million three hundred thousand dollars (\$11,300,000) to develop the site for, plan, design, construct and equip a main campus

classroom and technology building at Albuquerque technical-vocational institute in Albuquerque in Bernalillo county;

(b) three million dollars (\$3,000,000) to develop the site for and plan, design, construct, equip and furnish the Clovis community college allied health center in Clovis in Curry county;

(c) two million dollars (\$2,000,000) to construct a multipurpose education center at Luna community college in Las Vegas in San Miguel county;

(d) one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, equip and furnish an academic building at Mesalands community college in Tucumcari in Quay county;

(e) two hundred forty-five thousand dollars (\$245,000) to remodel the cowboy hall of fame at New Mexico junior college in Hobbs in Lea county;

(f) one million dollars (\$1,000,000) to plan, design and construct the remodeling of the testing center at New Mexico junior college in Hobbs in Lea county;

(g) eight hundred thousand dollars (\$800,000) to develop the site for and plan, design and construct the outdoor learning center demonstration gardens at San Juan college in Farmington in San Juan county; and

(h) three million dollars (\$3,000,000) to develop the site for and plan, design, construct and equip an allied health and science building at Santa Fe community college in Santa Fe county;

(2) to the board of regents of eastern New Mexico university:

(a) four million five hundred thousand dollars (\$4,500,000) to develop the site for and plan, design, construct and equip the renovation of the music building at the main campus in Portales in Roosevelt county;

(b) one million three hundred thousand dollars (\$1,300,000) to develop the site for and plan, design, construct and equip the allied health center at the Roswell branch in Chaves county;

(c) four million five hundred thousand dollars (\$4,500,000) to plan, design, construct, upgrade, expand and equip the dental clinic facilities at the Roswell branch in Chaves county; and

(d) one million two hundred fifty thousand dollars (\$1,250,000) to plan, design and construct an expansion of the instructional center at the Ruidoso branch in Lincoln county;

(3) to the board of regents of New Mexico highlands university:

(a) three million dollars (\$3,000,000) to develop the site for and plan, design, construct and equip the renovation of Burris hall in Las Vegas in San Miguel county;

(b) three million five hundred thousand dollars (\$3,500,000) to develop the site for and plan, design, construct and equip the Felix Martinez building in Las Vegas in San Miguel county; and

(c) four million five hundred thousand dollars (\$4,500,000) to plan, design, construct, equip and furnish a student services center in Las Vegas in San Miguel county;

(4) to the board of regents of New Mexico institute of mining and technology:

(a) one million dollars (\$1,000,000) to design, construct, landscape, equip and furnish the Joseph A. Fidel student services center in Socorro in Socorro county; and

(b) six million five hundred thousand dollars (\$6,500,000) to develop the site for and plan, design, construct and equip renovations to Kelly and Jones halls in Socorro in Socorro county;

(5) to the board of regents of New Mexico state university:

(a) eleven million dollars (\$11,000,000) to plan, design, construct, furnish and equip renovations and expansion of Gardiner hall in Las Cruces in Dona Ana county;

(b) two million dollars (\$2,000,000) to plan, design, construct, equip and furnish an addition to the health and social services building in Las Cruces in Dona Ana county;

(c) three million dollars (\$3,000,000) to develop the site for and plan, design, construct and equip the Native American cultural center in Las Cruces in Dona Ana county;

(d) one million five hundred thousand dollars (\$1,500,000) to plan, design and construct an addition to the Reidlinger math and science building at the Alamogordo branch in Otero county;

(e) one million five hundred thousand dollars (\$1,500,000) for infrastructure renovation, expansion and deferred maintenance at the Carlsbad branch in Eddy county;

(f) three million five hundred thousand dollars (\$3,500,000) to develop the site for and plan, design, construct and equip the East Mesa center at the Dona Ana branch in Dona Ana county; and

(g) four hundred thousand dollars (\$400,000) to plan and design a college and community library center at the Grants branch in Cibola county;

(6) to the board of regents of northern New Mexico state school:

(a) three hundred thousand dollars (\$300,000) to plan, design and construct a plaza at the El Rito campus in Rio Arriba county; and

(b) three million dollars (\$3,000,000) to acquire land and develop the site for and plan, design, construct and equip a building for teacher education and general education in Espanola in Rio Arriba county;

(7) to the board of regents of the university of New Mexico:

(a) three million five hundred thousand dollars (\$3,500,000) to develop the site for and plan, design, construct, equip and furnish the college of education in Albuquerque in Bernalillo county;

(b) four million dollars (\$4,000,000) to plan, design, construct and equip the health sciences center education building at the university of New Mexico in Albuquerque in Bernalillo county;

(c) seven million dollars (\$7,000,000) to develop the site for and plan, design, construct and equip a science and mathematics learning center in Albuquerque in Bernalillo county;

(d) two million dollars (\$2,000,000) to develop the site for and plan, design, construct and equip a technology center and classroom building at the Gallup branch in McKinley county;

(e) three hundred fifty thousand dollars (\$350,000) to develop the site for, plan, design, construct and equip the renovation of instructional facilities at the Los Alamos branch in Los Alamos county;

(f) two hundred fifty thousand dollars (\$250,000) to plan, design and construct a lecture hall at the Los Alamos branch in Los Alamos county;

(g) four hundred thousand dollars (\$400,000) to expand the career technical multipurpose facility at the Taos branch in Taos county; and

(h) one million dollars (\$1,000,000) to develop the site for and plan, design, construct and equip improvements, including upgrading security and lighting systems, landscaping and additions, at the Valencia branch in Los Lunas in Valencia county;

(8) to the board of regents of western New Mexico university:

(a) one million dollars (\$1,000,000) to renovate the career and technical education center in Silver City in Grant county; and

(b) six million dollars (\$6,000,000) to develop the site for and plan, design, construct and equip the renovation and expansion of the Juan Chacon building in Silver City in Grant county;

(9) to the board of regents of New Mexico military institute, three million four hundred thousand dollars (\$3,400,000) to renovate and expand Dow hall at New Mexico military institute in Roswell in Chaves county;

(10) to the board of regents of New Mexico school for the blind and visually impaired, three million dollars (\$3,000,000) to purchase land for and plan, design, construct and equip a facility to house the early childhood program at the New Mexico school for the blind and visually impaired in Albuquerque in Bernalillo county; and

(11) to the board of regents of New Mexico school for the deaf, seven million dollars (\$7,000,000) to develop the site for and plan, design, construct and equip the renovation of Dillon and Connor halls at New Mexico school for the deaf in Santa Fe in Santa Fe county; and

C. for statewide library acquisitions:

(1) to the cultural affairs department, three million dollars (\$3,000,000) for supplemental library resource acquisitions, including books, equipment and resources, for public libraries statewide;

(2) to the higher education department, three million dollars (\$3,000,000) for library resource acquisitions for academic libraries statewide; and

(3) to the public education department, three million dollars (\$3,000,000) to acquire library books, equipment and library resources for eligible public school and juvenile detention libraries in the state of New Mexico. The secretary of public education shall identify all eligible school libraries and distribute these funds by

providing a base amount of three thousand dollars (\$3,000) per library and the remaining balance on a per-membership basis.

Chapter 108 Section 11 Laws 2006

Section 11. ELECTION.--

A. Bonds issued pursuant to the 2006 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 2006 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 that act until the registered voters of this state have voted upon and approved the bonds and property tax as provided in this section. Any bonds issued under that act shall be issued within thirty months from the date of such election.

B. The ballots used at the 2006 general election shall contain substantially the following language:

(1) "The 2006 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 fifteen million nine hundred fifty-eight thousand dollars (\$15,958,000) 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 2006 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 one hundred eighteen million three hundred sixty thousand dollars (\$118,360,000) 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 _____"; and

(3) "The 2006 Capital Projects General Obligation Bond Act authorizes the issuance and sale of public library acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed nine million ninety thousand dollars (\$9,090,000) 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 _____".

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 2006 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 2006 Capital Projects General Obligation Bond Act. The failure of a question to be approved by the electorate at the 2006 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 2006 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 2006 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 108 Section 12 Laws 2006

Section 12. ART IN PUBLIC PLACES.--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in the 2006 Capital Projects General Obligation Bond Act include money for the art in public places fund.

Chapter 108 Section 13 Laws 2006

Section 13. PROJECT SCOPE--EXPENDITURES--REVERSION.--

A. If an appropriation for a project authorized in the 2006 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 2006 Capital Projects General Obligation Bond Act shall be responsible for monitoring the projects funded in that act to ensure compliance with the constitution and laws of New Mexico, and shall cause to be reverted any unexpended or unencumbered balance remaining at the earlier of the third full fiscal year after issuance of the bonds or the termination or completion of the specific project. Reverted funds shall be deposited in the debt service fund established by the state treasurer for the purpose of paying the principal of and interest on the state's general obligation bonds.

Chapter 108 Section 14 Laws 2006

Section 14. SEVERABILITY.--If any part or application of the 2006 Capital Projects General Obligation Bond Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Chapter 108 Section 15 Laws 2006

Section 15. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect

immediately.

Senate Finance Committee Substitute

for Senate Bill 301, as amended,

with emergency clause,

Approved March 7, 2006

LAWS 2006, CHAPTER 109

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 109 Section 1 Laws 2006

Section 1. **SHORT TITLE.**--This act may be cited as the "General Appropriation Act of 2006".

Chapter 109 Section 2 Laws 2006

Section 2. **DEFINITIONS.**--As used in the General Appropriation Act of 2006:

A. "agency" means an office, department, agency, institution, board, bureau, commission, court, district attorney, council or committee of state government;

B. "efficiency" means the measure of the degree to which services are efficient and productive and is often expressed in terms of dollars or time per unit of output;

C. "explanatory" means information that can help users to understand reported performance measures and to evaluate the significance of underlying factors that may have affected the reported information;

D. "federal funds" means any payments by the United States government to state government or agencies except those payments made in accordance with the federal Mineral Lands Leasing Act;

E. "full-time equivalent" or "FTE" means one or more authorized positions that alone or together receives or receive compensation for not more than two thousand eighty hours worked in fiscal year 2007. 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 2006;

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 2006;

(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 109 Section 3 Laws 2006

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 2006, or so much as may be necessary, are appropriated from the indicated source for expenditure in fiscal year 2007 for the objects expressed.

D. Unencumbered balances in agency accounts remaining at the end of fiscal year 2006 shall revert to the general fund by October 1, 2006, unless otherwise indicated in the General Appropriation Act of 2006 or otherwise provided by law.

E. Unencumbered balances in agency accounts remaining at the end of fiscal year 2007 shall revert to the general fund by October 1, 2007, unless otherwise indicated in the General Appropriation Act of 2006 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 2006, appropriations are made in that act for the expenditures of agencies and for other purposes as required by existing law for fiscal year 2007. If any other act of the second session of the forty-seventh 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 2006 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 2007 revenue collections with the revenue estimate. If the analyses indicate that revenues and transfers to the general fund are not expected to meet appropriations, then the department shall present a plan to the legislative finance committee that outlines the methods by which the administration proposes to address the deficit.

I. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, agencies whose revenue from state board of finance loans, from revenue appropriated by other acts of the legislature, or from gifts, grants, donations, bequests, insurance settlements, refunds or payments into revolving funds exceeds specifically appropriated amounts may request budget increases from the state budget division. If approved by the state budget division, such money is appropriated.

~~J. Pursuant to Section 6-4-2 NMSA 1978, federal funds received during fiscal year 2007 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 2007 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-seventh 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-eighth legislature.~~

~~K. For fiscal year 2007, 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 2006 or another act of the second session of the forty-seventh legislature provides for additional employees.~~

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 2006 may be expended for payment of agency-issued credit card invoices.

M. To prevent unnecessary spending, expenditures from the General Appropriation Act of 2006 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 2006, 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 2006, 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 109 Section 4 Laws 2006

Section 4. FISCAL YEAR 2007 APPROPRIATIONS.--

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency/Trnsf	Federal Funds	Total/Target
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A. LEGISLATIVE

LEGISLATIVE COUNCIL SERVICE:

(1) Legislative building services:

Appropriations:

(a) Personal services and employee benefits	2,460.6		2,460.6
(b) Contractual services		115.0	115.0
(c) Other	968.4	968.4	

Authorized FTE: 52.00 Permanent; 4.00 Temporary

(2) Energy council dues:

Appropriations:	32.0		32.0
Subtotal			3,576.0
TOTAL LEGISLATIVE	3,576.0		3,576.0

B. JUDICIAL

SUPREME COURT LAW LIBRARY:

The purpose of the supreme court law library program is to provide and produce legal information for the judicial, legislative and executive branches of state government, the legal community and the public so they may have equal access to the law, effectively address the courts, make laws and write regulations, better understand the legal system and conduct their affairs in accordance with the principles of law.

Appropriations:

(a) Personal services and employee benefits	636.9		636.9
(b) Contractual services		364.6	364.6

(c) Other 684.0 684.0

Authorized FTE: 9.00 Permanent

Performance measures:

(a) Output: Percent of updated titles 80%

(b) Output: Number of research requests 6,600

Subtotal 1,685.5

NEW MEXICO COMPILATION COMMISSION:

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 and to ensure the accuracy and reliability of its publications.

Appropriations:

(a) Personal services and
employee benefits 167.4 166.5 333.9

(b) Contractual services 1,040.5 1,040.5

(c) Other .2 185.1 185.3

Authorized FTE: 5.00 Permanent; 1.00 Term

Performance measures:

(a) Output: Amount of revenue collected, in thousands
\$1,392.1

Subtotal 1,559.7

JUDICIAL STANDARDS COMMISSION:

The purpose of the judicial standards commission program is to provide a public review process addressing complaints involving judicial misconduct in order to preserve the integrity and impartiality of the judicial process.

Appropriations:

(a)	Personal services and employee benefits	508.4	508.4
(b)	Contractual services	30.0	30.0
(c)	Other	96.3 30.0	126.3

Authorized FTE: 7.00 Permanent

Performance measures:

(a)	Efficiency:	Upon knowledge of cause for emergency interim suspension,	
		time for commission to file petition for temporary suspension, in days	2
(b)	Output:	Time for release of annual report to the public, from the end of the fiscal year, in months	2
(c)	Efficiency:	For cases in which formal charges are filed, average time for formal hearings to be reached, in meeting cycles	3

Subtotal 664.7

COURT OF APPEALS:

The purpose of the court of appeals program is to provide access to justice, to 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	4,468.7	4,468.7
(b)	Contractual services	23.7	23.7
(c)	Other	424.9 1.0	425.9

Authorized FTE: 58.00 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
95%

Subtotal 4,918.3

SUPREME COURT:

The purpose of the supreme court program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status 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 2,271.9 2,271.9
- (b) Contractual services 47.3 47.3
- (c) Other 205.2 205.2

Authorized FTE: 31.00 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
95%

Subtotal 2,524.4

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	2,363.3		206.3	2,569.6
(b)	Contractual services	327.0		165.5	237.8 730.3
(c)	Other	3,971.8	525.0	217.6	4,714.4
(d)	Other financing uses			546.5	546.5

Authorized FTE: 34.30 Permanent; 2.80 Term

Performance measures:

- (a) Outcome: Percent of jury summons successfully executed
92%
- (b) Output: Average cost per juror \$41

(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	1,727.7	1,905.0		3,632.7
(b)	Contractual services	18.0	609.3		627.3
(c)	Other	2,759.3		2,759.3	

Authorized FTE: 38.50 Permanent; 9.00 Term

Performance measures:

- (a) Quality: Percent of accurate driving-while-intoxicated court reports
98%
- (b) Quality: Average time to respond to automation calls for assistance,
in minutes 25

(3) Magistrate court:

The purpose of the magistrate court 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	14,814.6	2,045.9	63.3	16,923.8
(b)	Contractual services	200.1	329.8	82.3	612.2
(c)	Other	5,004.5	624.3	373.4	6,002.2
	Authorized FTE: 278.50 Permanent; 56.50 Term				

Performance measures:

- (a) Outcome: Bench warrant revenue collected annually, in millions
\$2.3
- (b) Explanatory: Percent of cases disposed as a percent of cases filed
95%
- (c) Efficiency: Percent of magistrate courts financial reports submitted to
fiscal services division and reconciled on a monthly basis
96%

(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 tem and adjudicate water rights disputes so that the constitutional rights and safety of citizens (especially children and families) are protected.

Appropriations:

(a)	Contractual services	4,725.5	350.0	5,075.5
(b)	Other	12.4	12.4	
(c)	Other financing uses	1,673.8		1,673.8

Performance measures:

(a)	Output:	Number of required events attended by attorneys in abuse and neglect cases	8,000
(b)	Output:	Number of monthly supervised child visitations conducted	500
(c)	Output:	Number of cases to which court appointed special advocates volunteers are assigned	1,600
Subtotal			45,880.0

SUPREME COURT BUILDING COMMISSION:

The purpose of the supreme court building commission program 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	567.9	567.9
(b)	Contractual services	6.9	6.9
(c)	Other	135.4	135.4

Authorized FTE: 15.30 Permanent

Performance measures:

(a)	Quality:	Accuracy of fixed-assets inventory records	100%
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Subtotal			710.2
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DISTRICT COURTS:

(1) First judicial district:

The purpose the first judicial district court program, statutorily created in Santa Fe, Rio Arriba and Los Alamos counties, is to provide access to justice, resolve disputes justly

and timely and maintain accurate records of legal proceedings that affect rights and legal status 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	4,755.9	156.1	235.8	5,147.8
(b)	Contractual services	761.7	33.1	158.6	953.4
(c)	Other	227.0	175.6	57.9	460.5

Authorized FTE: 76.50 Permanent; 6.50 Term

Performance measures:

(a)	Explanatory: 95%	Cases disposed as a percent of cases filed	
(b)	Quality:	Recidivism of adult drug-court graduates	9.3%
(c)	Quality: 27%	Recidivism of juvenile drug-court graduates	
(d)	Output: 22	Number of adult drug-court graduates	
(e)	Output:	Number of juvenile drug-court graduates	16
(f)	Output: 14	Number of days to process juror payment vouchers	
(g)	Explanatory: 46%	Graduation rate, juvenile drug court	
(h)	Explanatory:	Graduation rate, adult drug court	35%

(2) Second judicial district:

The purpose of the second judicial district court program, statutorily created in Bernalillo county, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

- (a) Personal services and
employee benefits 17,587.2 628.3 1,102.8 19,318.3
- (b) Contractual services 379.6 285.0 6.3 670.9
- (c) Other 835.9 184.6 2.4 119.3 1,142.2

Authorized FTE: 303.00 Permanent; 28.50 Term

Performance measures:

- (a) Explanatory: 95% Cases disposed as a percent of cases filed
- (b) Quality: Recidivism of adult drug-court graduates 11%
- (c) Quality: 10% Recidivism of juvenile drug-court graduates
- (d) Output: 185 Number of adult drug-court graduates
- (e) Output: Number of juvenile drug-court graduates 17
- (f) Output: 14 Number of days to process juror payment vouchers
- (g) Explanatory: Graduation rate, adult drug court 55%
- (h) Explanatory: 52% Graduation rate, juvenile drug court

(3) Third judicial district:

The purpose of the third judicial district court program, statutorily created in Dona Ana county, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status 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	4,366.9		413.2	4,780.1
(b)	Contractual services	767.5	100.8	163.6	1,031.9
(c)	Other	285.1	39.0	114.4	438.5

Authorized FTE: 72.60 Permanent; 7.30 Term; .50 Temporary

Performance measures:

(a)	Explanatory: 95%	Cases disposed as a percent of cases filed	
(b)	Quality:	Recidivism of adult drug-court graduates	15%
(c)	Output: 18	Number of adult drug-court graduates	
(d)	Output:	Number of juvenile drug-court graduates	20
(e)	Explanatory:	Graduation rate, adult drug court	58%
(f)	Explanatory: 80%	Graduation rate, juvenile drug court	

(4) Fourth judicial district:

The purpose of the fourth judicial district court program, statutorily created in Mora, San Miguel and Guadalupe counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status 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	1,373.7			1,373.7
(b)	Contractual services	83.4	11.0	126.6	221.0
(c)	Other	69.3	20.0	15.7	105.0

Authorized FTE: 23.50 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
95%
- (b) Output: Number of days to process juror payment vouchers
14
- (c) Explanatory: Graduation rate, juvenile drug court
67%
- (d) Quality: Recidivism of juvenile drug-court graduates
30%
- (e) Output: Number of juvenile drug-court graduates 9

(5) Fifth judicial district:

The purpose of the fifth judicial district court program, statutorily created in Eddy, Chaves and Lea counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status 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 3,979.8 110.5 4,090.3
- (b) Contractual services 298.4 50.0 302.3 650.7
- (c) Other 337.4 45.0 6.9 389.3

Authorized FTE: 68.00 Permanent; 1.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
95%
- (b) Output: Number of days to process juror payment vouchers
14
- (c) Explanatory: Graduation rate, family drug court 85%
- (d) Quality: Recidivism of family drug-court graduates
15%

Appropriations:

(a)	Personal services and				
	employee benefits	1,657.1		245.7	1,902.8
(b)	Contractual services	62.8	23.0	32.0	117.8
(c)	Other	130.9	13.0	58.5	202.4

Authorized FTE: 26.50 Permanent; 4.00 Term

Performance measures:

- (a) Explanatory: 95% Cases disposed as a percent of cases filed
- (b) Output: 14 Number of days to process juror payment vouchers

(8) Eighth judicial district:

The purpose of the eighth judicial district court program, statutorily created in Taos, Colfax and Union counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status 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	1,560.5			1,560.5
(b)	Contractual services	538.1	113.0	75.6	726.7
(c)	Other	130.2	30.0	160.2	

Authorized FTE: 25.30 Permanent

Performance measures:

- (a) Explanatory: 95% Cases disposed as a percent of cases filed
- (b) Quality: 16% Recidivism of adult drug-court graduates

- (c) Quality: Recidivism of juvenile drug-court graduates
11%
- (d) Output: Number of adult drug-court graduates
18
- (e) Output: Number of juvenile drug-court graduates 8
- (f) Output: Number of days to process juror payment vouchers
14
- (g) Explanatory: Graduation rate, juvenile drug court
60%
- (h) Explanatory: Graduation rate, adult drug court 75%

(9) Ninth judicial district:

The purpose of the ninth judicial district court program, statutorily created in Curry and Roosevelt counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status 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 2,324.2 293.8 2,618.0
- (b) Contractual services 104.9 29.5 112.1 246.5
- (c) Other 214.1 51.5 64.2 329.8

Authorized FTE: 38.80 Permanent; 4.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
95%
- (b) Output: Number of days to process juror payment vouchers
14

(10) Tenth judicial district:

The purpose of the tenth judicial district court program, statutorily created in Quay, De Baca and Harding counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status 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	591.8		591.8	
(b)	Contractual services	16.0	11.6		27.6
(c)	Other	58.5	5.7	64.2	
(d)	Other financing uses	15.0			15.0

Authorized FTE: 10.10 Permanent

Performance measures:

- (a) Explanatory: 95% Cases disposed as a percent of cases filed
- (b) Output: 14 Number of days to process juror payment vouchers

(11) Eleventh judicial district:

The purpose of the eleventh judicial district court program, statutorily created in San Juan and McKinley counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status 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	3,903.8	324.2		4,228.0
(b)	Contractual services	214.3	69.9	158.7	25.8
(c)	Other	418.5	46.2	55.4	1.2
					521.3

Authorized FTE: 69.00 Permanent; 5.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
95%
- (b) Quality: Recidivism of adult drug-court graduates 11%
- (c) Quality: Recidivism of juvenile drug-court graduates
25%
- (d) Output: Number of adult drug-court graduates
30
- (e) Output: Number of juvenile drug-court graduates 15
- (f) Output: Number of days to process juror payment vouchers
14
- (g) Explanatory: Graduation rate, juvenile drug court
75%
- (h) Explanatory: Graduation rate, adult drug court 70%

(12) Twelfth judicial district:

The purpose of the twelfth judicial district court program, statutorily created in Otero and Lincoln counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status 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 2,010.0 38.4 2,048.4
- (b) Contractual services 246.4 30.0 158.3 107.6 542.3
- (c) Other 162.4 20.0 11.5 27.4 221.3

Authorized FTE: 35.50 Permanent; 1.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
95%
- (b) Quality: Recidivism of juvenile drug-court participants
16%
- (c) Output: Number of juvenile drug-court graduates 14
- (d) Output: Number of days to process juror payment vouchers
14
- (e) Explanatory: Graduation rate, juvenile drug court
65%

(13) Thirteenth judicial district:

The purpose of the thirteenth judicial district court program, statutorily created in Valencia, Sandoval and Cibola counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status 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 3,695.5 318.8 4,014.3
- (b) Contractual services 305.8 93.0 174.6 573.4
- (c) Other 428.3 4.0 66.5 498.8

Authorized FTE: 61.50 Permanent; 4.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
95%
- (b) Quality: Recidivism of juvenile drug-court graduates
9%
- (c) Output: Number of juvenile drug-court graduates 44
- (d) Output: Number of days to process juror payment vouchers
14

(e) Explanatory: Graduation rate, juvenile drug court
65%

Subtotal 64,958.3

BERNALILLO COUNTY METROPOLITAN COURT:

The purpose of the Bernalillo county metropolitan court program is to provide access to justice, resolve disputes justly and timely, and maintain accurate records of legal proceedings that affect rights and legal status 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	14,695.3	1,033.6	909.1	16,638.0
(b)	Contractual services	1,790.3	486.9	754.0	3,031.2
(c)	Other	2,874.1	394.1	99.6	3,367.8
(d)	Other financing uses	127.4			127.4

Authorized FTE: 281.00 Permanent; 50.00 Term

Performance measures:

(a)	Explanatory: 95%	Cases disposed as a percent of cases filed	
(b)	Efficiency: \$14	Cost per client per day for adult drug-court participants	
(c)	Quality:	Recidivism of DWI/drug-court graduates	7%
(d)	Output: 230	Number of DWI/drug-court graduates	
(e)	Explanatory: 70%	Graduation rate of drug-court participants	
(f)	Outcome:	Fees and fines collected as a percent of fees and fines assessed	90%

Subtotal 23,164.4

DISTRICT ATTORNEYS:

(1) First judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Santa Fe, Rio Arriba and Los Alamos counties.

Appropriations:

- (a) Personal services and
employee benefits 3,508.9 170.4 508.4 4,187.7
- (b) Contractual services 29.6 29.6
- (c) Other 386.4 386.4

Authorized FTE: 63.00 Permanent; 13.50 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <2%
- (b) Efficiency: Average time from filing of petition to final disposition, in months 3
- (c) Efficiency: Average attorney caseload 150
- (d) Output: Number of cases prosecuted 2,600
- (e) Output: Number of cases referred for screening 2,800

(2) Second judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Bernalillo county.

Appropriations:

- (a) Personal services and
employee benefits 13,378.0 46.0 953.9 174.5 14,552.4
- (b) Contractual services 147.0 35.0 182.0
- (c) Other 696.6 233.1 929.7

Authorized FTE: 253.00 Permanent; 17.00 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule
<4%
- (b) Efficiency: Average time from filing of petition to final disposition,
in months 6
- (c) Efficiency: Average attorney caseload 580
- (d) Output: Number of cases prosecuted
29,800
- (e) Output: Number of cases referred for screening
45,500

(3) Third judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Dona Ana county.

Appropriations:

- (a) Personal services and
employee benefits 2,848.6 413.7 116.2 470.8 3,849.3
- (b) Contractual services 28.6 28.6
- (c) Other 252.6 252.6

Authorized FTE: 47.00 Permanent; 23.00 Term

Performance measures:

- | | | | |
|-----|-------------|---|-------|
| (a) | Outcome: | Percent of cases dismissed under the six-month rule
<.4% | |
| (b) | Efficiency: | Average time from filing of petition to final disposition,
in months | 6 |
| (c) | Efficiency: | Average attorney caseload | 200 |
| (d) | Output: | Number of cases prosecuted | 4,000 |
| (e) | Output: | Number of cases referred for screening | 5,700 |

(4) Fourth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Mora, San Miguel and Guadalupe counties.

Appropriations:

- | | | | | |
|-----|--|---------|-------|---------|
| (a) | Personal services and
employee benefits | 2,298.4 | 68.7 | 2,367.1 |
| (b) | Contractual services | 65.7 | | 65.7 |
| (c) | Other | 220.3 | 220.3 | |

Authorized FTE: 34.00 Permanent; 3.00 Term

Performance measures:

- | | | | |
|-----|-------------|---|-------|
| (a) | Outcome: | Percent of cases dismissed under the six-month rule
<1% | |
| (b) | Efficiency: | Average time from filing of petition to final disposition,
in months | 6 |
| (c) | Efficiency: | Average attorney caseload | 200 |
| (d) | Output: | Number of cases prosecuted | 1,700 |

(e) Output: Number of cases referred for screening 5,455

(5) Fifth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Eddy, Lea and Chaves counties.

Appropriations:

(a) Personal services and

employee benefits 3,020.5 33.6 97.2 3,151.3

(b) Contractual services 115.7 115.7

(c) Other 253.2 10.0 263.2

Authorized FTE: 51.50 Permanent; 3.00 Term

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule
0%

(b) Efficiency: Average time from filing of petition to final disposition,
in months 3

(c) Efficiency: Average attorney caseload 200

(d) Output: Number of cases prosecuted 3,300

(e) Output: Number of cases referred for screening 3,800

(6) Sixth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Grant, Hidalgo and Luna counties.

Appropriations:

(a) Personal services and

	employee benefits	1,704.0	207.2	290.3	2,201.5
(b)	Contractual services	8.9		50.0	58.9
(c)	Other	202.1	49.4	251.5	

Authorized FTE: 29.00 Permanent; 11.00 Term

Performance measures:

(a)	Outcome:	Percent of cases dismissed under the six-month rule		
		<1%		
(b)	Efficiency:	Average time from filing of petition to final disposition,		
		in months	6	
(c)	Efficiency:	Average attorney caseload		150
(d)	Output:	Number of cases prosecuted		1,900
(e)	Output:	Number of cases referred for screening		2,200

(7) Seventh judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Catron, Sierra, Socorro and Torrance counties.

Appropriations:

(a)	Personal services and			
	employee benefits	1,813.2		1,813.2
(b)	Contractual services	49.7		49.7
(c)	Other	167.8	167.8	

Authorized FTE: 33.00 Permanent

Performance measures:

(a)	Outcome:	Percent of cases dismissed under the six-month rule		
		<2%		

- (b) Efficiency: Average time from filing of petition to final disposition,
in months 5
- (c) Efficiency: Average attorney caseload 130
- (d) Output: Number of cases prosecuted 2,280
- (e) Output: Number of cases referred for screening 2,450

(8) Eighth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Taos, Colfax and Union counties.

Appropriations:

- (a) Personal services and
employee benefits 1,867.6 15.0 37.4 1,920.0
- (b) Contractual services 58.1 42.0 100.1
- (c) Other 227.3 18.0 245.3

Authorized FTE: 30.00 Permanent; 3.00 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule
<2%
- (b) Efficiency: Average time from filing of petition to final disposition,
in months 7
- (c) Efficiency: Average attorney caseload 200
- (d) Output: Number of cases prosecuted 1,750
- (e) Output: Number of cases referred for screening 3,650

(9) Ninth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Curry and Roosevelt counties.

Appropriations:

(a)	Personal services and employee benefits	2,161.0	2,161.0
(b)	Contractual services	8.6	8.6
(c)	Other	103.7	103.7

Authorized FTE: 36.00 Permanent; 1.00 Term

Performance measures:

(a)	Outcome:	Percent of cases dismissed under the six-month rule <3%	
(b)	Efficiency:	Average time from filing of petition to final disposition, in months	4
(c)	Efficiency:	Average attorney caseload	190
(d)	Output:	Number of cases prosecuted	2,390
(e)	Output:	Number of cases referred for screening	3,890

(10) Tenth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Quay, Harding and De Baca counties.

Appropriations:

(a)	Personal services and employee benefits	753.4	753.4
(b)	Contractual services	6.8	6.8

(c) Other 82.8 82.8

Authorized FTE: 12.00 Permanent

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule
<1%
- (b) Efficiency: Average time from filing of petition to final disposition,
in months 3
- (c) Efficiency: Average attorney caseload 350
- (d) Output: Number of cases prosecuted 1,200
- (e) Output: Number of cases referred for screening 2,045

(11) Eleventh judicial district-division I:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within San Juan county.

Appropriations:

- (a) Personal services and
employee benefits 2,535.4 337.1 88.5 68.6 3,029.6
- (b) Contractual services 10.5 14.3 24.8
- (c) Other 187.3 9.0 196.3

Authorized FTE: 50.00 Permanent; 10.30 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule
<.5%
- (b) Efficiency: Average time from filing of petition to final disposition,
in months 6

(c)	Efficiency:	Average attorney caseload	209
(d)	Output:	Number of cases prosecuted	4,000
(e)	Output:	Number of cases referred for screening	4,500

(12) Eleventh judicial district-division II:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within McKinley county.

Appropriations:

(a)	Personal services and employee benefits	1,771.6	35.0	1,806.6
(b)	Contractual services	7.4		7.4
(c)	Other	151.7	151.7	

Authorized FTE: 32.00 Permanent; 3.00 Term

Performance measures:

(a)	Outcome:	Percent of cases dismissed under the six-month rule <1.5%	
(b)	Efficiency:	Average time from filing of petition to final disposition, in months	7
(c)	Efficiency:	Average attorney caseload	450
(d)	Output:	Number of cases prosecuted	2,750
(e)	Output:	Number of cases referred for screening	4,100

(13) Twelfth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Lincoln and Otero counties.

Appropriations:

(a)	Personal services and employee benefits	1,943.3	79.4	307.6	2,330.3
(b)	Contractual services	5.8			5.8
(c)	Other	240.8	2.9	243.7	

Authorized FTE: 37.00 Permanent; 8.50 Term

Performance measures:

(a)	Outcome:	Percent of cases dismissed under the six-month rule <.5%			
(b)	Efficiency:	Average time from filing of petition to final disposition, in months		7	
(c)	Efficiency:	Average attorney caseload			160
(d)	Output:	Number of cases prosecuted			3,000
(e)	Output:	Number of cases referred for screening			6,500

(14) Thirteenth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Cibola, Sandoval and Valencia counties.

Appropriations:

(a)	Personal services and employee benefits	3,112.5	29.3	147.7	3,289.5
(b)	Contractual services	67.5			67.5
(c)	Other	298.5		298.5	

Authorized FTE: 62.00 Permanent; 4.00 Term

Performance measures:

(a)	Outcome:	Percent of cases dismissed under the six-month rule <.2%		
(b)	Efficiency:	Average time from filing of petition to final disposition, in months	9	
(c)	Efficiency:	Average attorney caseload	190	
(d)	Output:	Number of cases prosecuted		7,500
(e)	Output:	Number of cases referred for screening		8,685
Subtotal			51,957.6	

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	715.8	77.9	793.7
(b)	Contractual services	15.7		15.7
(c)	Other	604.0	315.0	919.0

Authorized FTE: 11.00 Permanent; 1.00 Term

Performance measures:

(a)	Output:	Number of district attorney employees receiving training	
	800		
Subtotal			1,728.4

TOTAL JUDICIAL	170,291.1	15,312.2	9,492.5	4,655.7	199,751.5
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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	10,725.4	137.2	10,862.6	
(b)	Contractual services	422.2	141.5	563.7	
(c)	Other	137.2	1,471.3	104.0	1,712.5

Authorized FTE: 149.00 Permanent; 1.00 Temporary

The internal services/interagency transfers appropriation to the legal services program of the attorney general in the other category includes one hundred four thousand dollars (\$104,000) 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 appropriations to the legal services program of the attorney general include one million seven hundred fifty thousand dollars (\$1,750,000) from settlement funds.

The other state funds appropriation to the legal services program of the attorney general in the personal services and employee benefits category includes one hundred thirty-seven thousand two hundred dollars (\$137,200) from settlement funds for the investigation of public funds fraud and abuse cases.

Performance measures:

(a)	Outcome:	Percent of initial responses for attorney general opinions
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made within three days of request

95%

(2) Medicaid fraud:

The purpose of the medicaid fraud program is to investigate and prosecute medicaid provider fraud, recipient abuse and neglect in the medicaid program.

Appropriations:

(a)	Personal services and employee benefits	439.6	1,013.7	1,453.3
(b)	Contractual services		27.7	27.7
(c)	Other	277.4	277.4	
(d)	Other financing uses		104.0	104.0

Authorized FTE: 21.00 Permanent

Performance measures:

(a)	Outcome:	Three-year projected savings resulting from fraud investigations, in millions	\$9.5
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Subtotal 15,001.2

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	1,937.6	276.1	2,213.7
(b)	Contractual services	237.9		237.9
(c)	Other	143.7 200.0 123.9	467.6	

Authorized FTE: 30.00 Permanent; 1.00 Term

Performance measures:

- (a) Outcome: Percent of audits completed by regulatory due date
70%
 - (b) Output: Total audit fees generated \$400,000
- Subtotal 2,919.2

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 20,642.5 275.4 996.6 21,914.5
- (b) Contractual services 398.5 18.0 416.5
- (c) Other 5,385.5 385.9 205.0 5,976.4

Authorized FTE: 483.00 Permanent; 22.00 Term; 31.70 Temporary

Performance measures:

- (a) Outcome: Collections as a percent of collectable outstanding
balances from June 30, 2006 10%
- (b) Outcome: Collections as a percent of collectable audit assessments
generated in the current fiscal year
40%
- (c) Outcome: Successful tax fraud prosecutions as a percent of total
cases prosecuted 80%
- (d) Output: Percent of electronically filed personal income tax and

combined reporting system returns

45%

(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	10,593.3	2,306.9	12,900.2
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(b) Contractual services	62.5	1,807.5	1,870.0
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(c) Other	1,249.8	5,766.5	7,016.3
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Authorized FTE: 316.00 Permanent; 4.00 Term; 4.00 Temporary

Performance measures:

(a) Outcome:	Percent of registered vehicles with liability insurance
87%	

(b) Efficiency:	Average call center wait time to reach an agent, in minutes
3.75	

(c) Efficiency:	Average wait time in Q-Matic equipped offices, in minutes
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	541.4	1,705.6	2,247.0
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(b) Contractual services	37.9	88.4	126.3
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(c) Other	207.3	490.4	697.7
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Authorized FTE: 44.00 Permanent; 6.00 Term

Performance measures:

- (a) Outcome: Percent of delinquent accounts that are resolved
88%
- (b) Output: Number of appraisals and valuations for companies
conducting business within the state subject to state
assessment 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 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 12,372.4 270.1 370.2 13,012.7
- (b) Contractual services 1,400.1 52.8 1,452.9
- (c) Other 4,381.1 93.2 4,474.3

Authorized FTE: 210.00 Permanent; 4.00 Term

Upon reorganization and creation of the compliance enforcement program, the taxation and revenue department is authorized to create the program in the fiscal year 2007 operating budget and may transfer existing resources from other programs. The authorization is contingent on a reorganization plan approved by the department of finance and administration and reviewed by the legislative finance committee.

Performance measures:

- (a) Outcome: Number of tax protest cases resolved
728
- (b) Outcome: Percent of driving-while-intoxicated drivers license

revocations rescinded due to failure to hold hearings in
 ninety days 2%

Subtotal 72,104.8

STATE INVESTMENT COUNCIL:

(1) State investment:

The purpose of the state investment program is to provide investment management of the state's permanent funds for the citizens of New Mexico to maximize distributions to the state's operating budget while preserving the real value of the funds for future generations of New Mexicans.

Appropriations:

(a)	Personal services and employee benefits	3,036.2	3,036.2
(b)	Contractual services	25,716.3	25,716.3
(c)	Other	725.8	725.8

Authorized FTE: 29.00 Permanent

The other state funds appropriation to the state investment program of the state investment council in the contractual services category includes twenty-four million nine hundred thirty-four thousand dollars (\$24,934,000) to be used only for money manager fees.

Performance measures:

- (a) Outcome: One-year annualized investment returns to exceed internal benchmarks, in basis points >25
- (b) Outcome: Five-year annualized investment returns to exceed internal benchmarks, in basis points >25
- (c) Outcome: One-year annualized percentile performance ranking in endowment investment peer universe >49

(d) Outcome: Five-year annualized percentile performance ranking in
 endowment investment peer universe
 >49

Subtotal 29,478.3

DEPARTMENT OF FINANCE AND ADMINISTRATION:

(1) Policy development, fiscal analysis, budget oversight and education accountability:

The purpose of the policy development, fiscal analysis, budget oversight and education accountability program is to provide professional, coordinated policy development and analysis and oversight to the governor, the legislature and state agencies so they can advance the state's policies and initiatives using appropriate and accurate data to make informed decisions for the prudent use of the public's tax dollars.

Appropriations:

(a)	Personal services and			
	employee benefits	3,293.3		3,293.3
(b)	Contractual services	272.7	150.0	422.7
(c)	Other	278.2	278.2	

Authorized FTE: 41.80 Permanent

The general fund appropriations to the policy development, fiscal analysis, budget oversight and education accountability program of the department of finance and administration in the personal services and employee benefits, contractual services and other categories include six hundred thirty-six thousand one hundred dollars (\$636,100) for the capital outlay unit.

Performance measures:

(a)	Outcome:	Error rate for eighteen-month general fund revenue forecast
		2.75%
(b)	Outcome:	Percent of bond proceeds balances not reauthorized and
		older than five years for inactive projects that are
		reverted by June 30
		90%

(c)	Outcome:	Average number of working days to process budget adjustment	
		requests	5
(d)	Outcome:	New Mexico bond rating	AAA
(e)	Quality:	Level of general fund reserves maintained as a percent of recurring appropriations	9%
(f)	Output:	Percent of key agencies reporting key performance data by specified deadlines	100%

(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, lasting communities.

Appropriations:

(a)	Personal services and employee benefits	1,470.7	583.0	408.2	515.7	2,977.6
(b)	Contractual services	52.7	2,047.4	395.5	10.0	2,505.6
(c)	Other	160.4	12,308.5	9,924.9	15,274.3	37,668.1
(d)	Other financing uses		13,002.6			13,002.6

Authorized FTE: 26.00 Permanent; 21.00 Term

The other state funds appropriation to the community development, local government assistance and fiscal oversight program of the department of finance and administration in the other financing uses category includes one million five hundred thousand dollars (\$1,500,000) from the local DWI grant fund for drug courts.

~~The general fund appropriation to the community development, local government assistance and fiscal oversight program of the department of finance and administration in the other category includes sixty thousand dollars (\$60,000) for a forum on regional planning issues in the Espanola basin.~~

Performance measures:

- (a) Output: Percent of community development block grant closeout letters issued within forty-five days of review of final report 70%
- (b) Output: Percent of capital outlay projects closed by the reversion date 75%
- (c) Outcome: Number of alcohol-related fatalities in New Mexico 183
- (d) Outcome: Number of alcohol-related fatal crashes in New Mexico 158

(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 3,092.4 3,092.4
- (b) Contractual services 481.8 481.8
- (c) Other 833.0 833.0

Authorized FTE: 51.00 Permanent

Performance measures:

- (a) Output: Percent of time the central payroll system is operational 100%
- (b) Quality: Percent of time the central accounting system is operational 100%

- (c) Efficiency: Average number of business days required to process payments 2
- (d) Quality: Number of state agencies achieving five or more of the six "responsibility for the accounting function" standards 50

(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 1,376.8 1,376.8
- (b) Contractual services 56.0 56.0
- (c) Other 55.9 55.9

Authorized FTE: 20.00 Permanent

(5) Dues and membership fees/special appropriations:

Appropriations:

- (a) Council of state governments 86.3 86.3
- (b) Western interstate commission for higher education 112.0 112.0
- (c) Education commission of the states 56.0 56.0
- (d) Rocky mountain corporation for public broadcasting 13.1 13.1

(e)	National association of state budget officers	14.3		14.3
(f)	National conference of state legislatures	109.8	109.8	
(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	80.6	80.6	
(m)	Citizens' review board	410.0	190.0	600.0
(n)	Emergency water fund	100.0		100.0
(o)	Fiscal agent contract	1,050.0		1,050.0
(p)	New Mexico water resources association	6.6	6.6	
(q)	State planning districts	874.2		874.2
(r)	Emergency 911 principal			

	and interest	4.6	774.0	778.6
(s)	Mentoring program	893.3		893.3
(t)	Law enforcement enhancement			
	fund	7,809.4		7,809.4
(u)	Leasehold community			
	assistance	123.9		123.9
(v)	Acequia and community ditch			
	program	30.0		30.0
(w)	Food banks	400.0		400.0
(x)	Weatherization	800.0		800.0

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 of 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 five hundred thousand dollars (\$1,500,000) in fiscal year 2007. 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 2007 exceed two hundred fifty thousand dollars (\$250,000), any additional repayments shall be transferred to the general fund.

Upon reorganization and transfer of the capital outlay unit from the policy development, fiscal analysis, budget oversight and education accountability program to the community development, local government assistance and fiscal oversight program, the department of finance and administration is authorized in the fiscal year 2007 operating budget to transfer appropriations relating to the capital outlay unit to reflect the reorganization.

Subtotal 80,137.5

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	245,047.0	245,047.0
(b)	Other financing uses	537.6	537.6

Performance measures:

- (a) Outcome: Percent of participants receiving recommended preventive care 70%
- (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	54,739.0	54,739.0
(b)	Other financing uses	537.6	537.6

Performance measures:

- (a) Outcome: Percent variance of public property premium change between public school insurance authority and industry average $\leq 15\%$
- (b) Outcome: Percent variance of workers' compensation premium change between public school insurance authority and industry

average </=8%

- (c) Outcome: Percent variance of public liability premium change between public school insurance authority and industry average </=8%

(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 | 694.4 | 694.4 |
| (b) Contractual services | 177.8 | 177.8 |
| (c) Other | 203.0 | 203.0 |

Authorized FTE: 10.00 Permanent

Subtotal 301,936.4

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 | 168,286.2 | 168,286.2 |
| (b) Other financing uses | 2,620.9 | 2,620.9 |

Performance measures:

- (a) Output: Minimum number of years of long-term actuarial solvency
15

- (b) Outcome: Total revenue generated, in millions
\$161.9
- (c) Efficiency: Average monthly per-participant claim cost, non-medicare
eligible \$482
- (d) Output: Average monthly per-participant claim cost, medicare
eligible \$283

(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

(3) Program support:

The purpose of program support is to provide administrative support for the healthcare benefits administration program to assist the agency in delivering its services to its constituents.

Appropriations:

- (a) Personal services and
employee benefits 1,186.9 1,186.9
- (b) Contractual services 667.3 667.3
- (c) Other 766.7 766.7

Authorized FTE: 24.00 Permanent

Any unexpended or unencumbered balance in program support of the retiree health care authority remaining at the end of fiscal year 2007 shall revert to the benefits program.

Subtotal 173,538.0

GENERAL SERVICES DEPARTMENT:

(1) Employee group health benefits:

The purpose of the employee group health benefits program is to effectively administer comprehensive health-benefit plans to state and local government employees.

Appropriations:

(a)	Contractual services		16,526.0	16,526.0
(b)	Other	226,270.5	226,270.5	
(c)	Other financing uses		881.9	881.9

Performance measures:

(a)	Efficiency:	Percent change in state employee medical premium lower than	industry average	$\leq 3\%$
(b)	Efficiency:	Percent of employees expressing satisfaction with the group health benefits		90%
(c)	Efficiency:	Percent change in dental premium compared with the industry	average	$\leq 3\%$
(d)	Output:	Number of state employees participating in state group health plan		20,000

(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		3,198.2	3,198.2
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(b)	Contractual services		525.5	525.5
(c)	Other	487.6	487.6	
(d)	Other financing uses		405.9	405.9

Authorized FTE: 51.00 Permanent

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		
			95%	
(c)	Output:	N	umber of risk prevention programs offered in high-claim agencies to prevent future claims	
				8

(3) Risk management funds:

Appropriations:

(a)	Public liability		40,424.0	40,424.0
(b)	Surety bond	137.6	137.6	
(c)	Public property reserve		6,987.3	6,987.3
(d)	Local public bodies			
	unemployment compensation		1,761.7	1,761.7
(e)	Workers' compensation			
	retention	15,198.1	15,198.1	
(f)	State unemployment			
	compensation		6,730.4	6,730.4

(4) Information technology:

The purpose of the information technology program is to provide quality information processing services that are both timely and cost-effective so agencies can perform their missions efficiently and responsively.

Appropriations:

(a)	Personal services and employee benefits	8,860.2	8,860.2
(b)	Contractual services	7,044.5	7,044.5
(c)	Other	4,880.5	4,880.5
(d)	Other financing uses	751.2	751.2

Authorized FTE: 136.00 Permanent

~~The internal services funds/interagency transfers appropriations to the information technology program of the general services department are contingent upon implementation of the recommendations of the rate study of the office of the chief information officer.~~

Performance measures:

- | | | |
|-----|--------------------|--|
| (a) | Outcome:
70% | Percent of information processing rates five percent lower than the average of the three lowest competitors |
| (b) | Efficiency:
80% | Percent of individual information processing services that break even, including sixty days of operating reserve |
| (c) | Outcome:
100% | Compliance with federal cost reimbursement rules |
| (d) | Quality:
90% | Customer satisfaction with information processing services |
| (e) | Quality:
99% | Percent of time automated systems are fully operational |

(f) Quality: Error rate for e-mail transmissions
0.5%

(5) Communications:

The purpose of the communications program is to provide quality communications services that are both timely and cost effective so that agencies can perform their missions in an effective and responsive manner.

Appropriations:

(a)	Personal services and employee benefits	4,783.6	4,783.6
(b)	Contractual services	338.6	338.6
(c)	Other	11,812.1	11,812.1
(d)	Other financing uses	1,007.4	1,007.4

Authorized FTE: 79.00 Permanent

Performance measures:

(a) Efficiency: Percent of individual communication services that break
even, including sixty days of operational reserve 91%

(6) 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	5,879.2	5,879.2
(b)	Contractual services	335.2	335.2
(c)	Other	4,794.0	4,894.0
(d)	Other financing uses	315.8	315.8

Authorized FTE: 152.00 Permanent

Performance measures:

- (a) Efficiency: Percent increase in average cost per square foot of both leased and owned office space in Santa Fe
1%
- (b) Explanatory: Percent of state-controlled space occupied
90%
- (c) Efficiency: Operating costs per square foot in Santa Fe for state-owned buildings \$5.14
- (d) Quality: Percent of customers satisfied with property control services 95%
- (e) Efficiency: Percent of property control capital projects on schedule within approved budget 90%

(7) 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 49.8 1,644.5 1,694.3
- (b) Contractual services 16.3 18.6 34.9
- (c) Other 623.6 6,834.1 7,457.7
- (d) Other financing uses 328.1 328.1

Authorized FTE: 35.00 Permanent

The internal service funds/interagency transfers appropriation to the transportation services program of the general services department in the other category includes

three million dollars (\$3,000,000) for replacement vehicles, of which seventy-five percent shall be gas-electric hybrid vehicles or capable of operating on alternative fuel pursuant to the Alternative Fuel Acquisition Act.

Performance measures:

- (a) Efficiency: Percent of long-term auto lease rates that are five percent lower than the average of the three lowest competitors
70%
- (b) Efficiency: Percent of short-term auto lease rates that are five percent lower than the average of the three lowest competitors
70%
- (c) Efficiency: Percent of aviation rates that are five percent lower than the average of the three lowest competitors
70%
- (d) Quality: Percent of customers satisfied with vehicle lease services
95%
- (e) Efficiency: Percent of aircraft expenditures paid by enterprise revenues
100%
- (f) Explanatory: Percent of short-term vehicle utilization
80%

(8) 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 that agencies can perform their mission in an efficient and responsive manner.

Appropriations:

- (a) Personal services and employee benefits 1,076.1 281.1 200.6 1,557.8
- (b) Contractual services 34.3 34.3
- (c) Other 59.8 76.0 61.4 197.2

(d)	Other financing uses	132.8	55.8	188.6
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Authorized FTE: 23.00 Permanent; 6.00 Term

Performance measures:

- | | | | |
|-----|-------------------|--|----------|
| (a) | Output:
50% | Percent increase in small business clients | |
| (b) | Output:
Mexico | Total annual audited savings from the save smart New Mexico program in thousands | \$16,022 |
| (c) | Efficiency: | Average cycle-completion times for construction projects, in days | 50 |
| (d) | Quality:
95% | Percent of customers satisfied with procurement services | |

(9) Program support:

The purpose of the program support division is to manage the program performance process to demonstrate success.

Appropriations:

- | | | | |
|-----|--|---------|---------|
| (a) | Personal services and
employee benefits | 2,669.4 | 2,669.4 |
| (b) | Contractual services | 149.0 | 149.0 |
| (c) | Other | 596.3 | 596.3 |
| (d) | Other financing uses | 219.4 | 219.4 |

Authorized FTE: 47.00 Permanent

Performance measures:

- | | | | |
|-----|-------------|--|--------------|
| (a) | Efficiency: | Dollar value of accounts receivable at thirty, sixty and ninety days | \$20,000,000 |
|-----|-------------|--|--------------|

Subtotal 385,564.0

EDUCATIONAL RETIREMENT BOARD:

(1) Educational retirement:

The purpose of the educational retirement program is to provide secure retirement benefits to active and retired members so they can have secure monthly benefits when their careers are finished.

Appropriations:

(a)	Personal services and employee benefits	3,125.2	3,125.2
(b)	Contractual services	20,915.9	20,915.9
(c)	Other	724.5	724.5

Authorized FTE: 50.00 Permanent

The other state funds appropriation to the educational retirement program of the educational retirement board in the contractual services category includes eighteen million eight hundred thirty-eight thousand dollars (\$18,838,000) to be used only for investment manager fees.

The other state funds appropriation to the educational retirement program of the educational retirement board in the contractual services category includes five hundred twenty-five thousand dollars (\$525,000) for payment of custody services associated with the fiscal agent contract upon monthly assessments.

Performance measures:

(a)	Outcome: 8%	Average rate of return over a cumulative five-year period
(b)	Outcome:	Funding period of unfunded actuarial accrued liability in years
		<=30

Subtotal 24,765.6

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	653.9		653.9
(b)	Other 6.0		6.0	
	Subtotal		659.9	

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	19,798.6		19,798.6
(b)	Contractual services	10,465.2	74.0	10,539.2
(c)	Other 5,411.6	76.0	5,487.6	

Authorized FTE: 345.00 Permanent

~~The general fund appropriation to the criminal legal services program of the public defender department in the contractual services category includes five hundred thousand dollars (\$500,000) to increase fees for contract attorneys.~~

~~The general fund and other state funds appropriations to the criminal legal services program of the public defender department in the contractual services category shall not be used to increase expenditures related to drug cartel case defense.~~

Performance measures:

(a)	Output:	Number of alternative sentencing treatment placements for felony and juvenile clients	3,500
(b)	Output: department	Number of expert witness services approved by the department	3,500
(c)	Efficiency: 40%	Percent of cases in which application fees were collected	
(d)	Quality:	Percent of felony cases resulting in a reduction of original formally filed charges	60%
(e)	Explanatory: 10%	Annual attorney full-time-equivalent turnover rate	
Subtotal			35,825.4

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 the agencies within that branch of government.

Appropriations:

(a)	Personal services and employee benefits	3,904.7	3,904.7
(b)	Contractual services	110.1	110.1
(c)	Other	559.7	559.7

Authorized FTE: 45.30 Permanent

Subtotal	4,574.5
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LIEUTENANT GOVERNOR:

(1) State ombudsman:

The purpose of the state ombudsman program is to facilitate and promote cooperation and understanding between the citizens of New Mexico and the agencies of state government, refer any complaints or special problems citizens may have to the proper entities and keep records of activities to make an annual report to the governor.

Appropriations:

(a)	Personal services and employee benefits	559.3	559.3
(b)	Contractual services	6.8	6.8
(c)	Other	56.2	56.2
	Authorized FTE: 7.00 Permanent		
	Subtotal		622.3

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	826.2	826.2
(b)	Contractual services	10.7	10.7
(c)	Other	156.5	156.5
	Authorized FTE: 10.00 Permanent		

Performance measures:

- (a) Outcome: Amount of savings in information technology, in millions
\$5
- (b) Outcome: Number of key information technology project reviews

completed

36

Subtotal 993.4

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION:

(1) Pension administration:

The purpose of the pension administration program is to provide information, retirement benefits, and an actuarially sound fund to association members so they can receive the defined benefit they are entitled (based on age and service) when they retire from public service.

Appropriations:

(a)	Personal services and employee benefits	4,908.7	4,908.7
(b)	Contractual services	21,024.7	21,024.7
(c)	Other	2,017.2	2,017.2

Authorized FTE: 88.00 Permanent

The other state funds appropriation to the pension administration program of the public employees retirement association in the contractual services category includes eighteen million five hundred five thousand five hundred dollars (\$18,505,500) to be used only for investment manager fees.

The other state funds appropriation to the pension administration program of 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

>49th in the United States, as a percentile

(c) Efficiency: Average number of days to respond to requests for benefit estimates, military buy-backs, and service credit verifications 15-30

Subtotal 27,950.6

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 2,041.8 45.7 9.2 2,096.7
(b) Contractual services 34.0 5.9 39.9
(c) Other 400.6 140.4 .5 541.5

Authorized FTE: 38.50 Permanent; 2.00 Term

Performance measures:

(a) Outcome: Maximum number of days between rule effective date and online availability 35

(b) Outcome: Percent of total records items scheduled, reviewed, amended or replaced within a five-year period 75%

(c) Output: Number of consultations, research reports and educational

activities provided by the state historian

300

Subtotal 2,678.1

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 2,109.3 2,109.3
- (b) Contractual services 85.1 1,000.0 1,085.1
- (c) Other 1,052.2 304.0 1,000.0 2,356.2

Authorized FTE: 40.00 Permanent; 1.00 Temporary

Performance measures:

- (a) Output: Number of newly registered voters
250,000

Subtotal 5,550.6

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 managements of state affairs may be provided while protecting the interest of the public.

Appropriations:

- (a) Personal services and employee benefits 3,841.8 3,841.8
- (b) Contractual services .5 71.0 71.5

(c) Other 301.0 301.0

Authorized FTE: 65.00 Permanent

Any unexpended or unencumbered balance in the state employee career development conference fund remaining at the end of fiscal year 2007 shall not revert to the general fund.

Performance measures:

(a) Outcome: Average employee pay as a percent of board-approved comparator market, based on legislative authorization
95%

(b) Output: Number of days to produce employment lists
15

(c) Outcome: Average days to fill a vacant position
90

(d) Outcome: Number of agencies with line authority 50

Subtotal 4,214.3

PUBLIC EMPLOYEES LABOR RELATIONS BOARD:

The purpose of the public employee labor relations board program is to assure that all state and local public employees have the right to organize and bargain collectively with their employers or to refrain from such activities.

Appropriations:

(a) Personal services and
employee benefits 231.1 231.1

(b) Contractual services 4.0 4.0

(c) Other 83.8 83.8

Authorized FTE: 3.00 Permanent

Subtotal 318.9

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	2,767.0	25.4	2,792.4
(b)	Contractual services	429.6		429.6
(c)	Other	877.1	877.1	

Authorized FTE: 42.50 Permanent

Performance measures:

(a)	Output:	Percent of investments purchased exceeding the overnight rate of return	100%
(b)	Output:	Percent of cash-to-books reconciling items resolved and agency funds balanced within thirty days of treasury close	25%

Subtotal		4,099.1		
TOTAL GENERAL CONTROL	158,132.3	304,894.0	689,184.3	20,721.5
	1,172,932.1			

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	225.5	225.5
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(b)	Contractual services	14.2	14.2
(c)	Other	64.1	64.1

Authorized FTE: 4.00 Permanent

Subtotal 303.8

SPORTS AUTHORITY:

The purpose of the sports authority is to boost tourism and economic development while giving more exposure to the state through sports.

Appropriations:

(a)	Personal services and employee benefits	211.4	211.4
(b)	Contractual services	1.5	1.5
(c)	Other	73.6	73.6

Subtotal 286.5

Authorized FTE: 3.00 Permanent

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 to attract new industries and businesses to the New Mexico border and to assist industries, businesses and the traveling public in their efficient and effective use of ports and related facilities.

Appropriations:

(a)	Personal services and employee benefits	344.1	344.1
(b)	Contractual services	22.8	22.8
(c)	Other	60.4	60.4

Authorized FTE: 5.00 Permanent

Performance measures:

- (a) Outcome: Annual trade share of New Mexico ports within the west
Texas and New Mexico region 3.1%

Subtotal 427.3

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 1,355.0 1,355.0
- (b) Contractual services 125.0 125.0
- (c) Other 3,405.7 60.0 3,465.7

Authorized FTE: 36.50 Permanent

Performance measures:

- (a) Outcome: New Mexico's domestic tourism market share
1.15%
- (b) Output: Print advertising conversion rate 20%
- (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 trades so that they may increase their awareness of New Mexico as a premier tourist destination.

Appropriations:

(a)	Personal services and employee benefits	260.3	260.3
(b)	Contractual services	150.0	150.0
(c)	Other	185.6	185.6

Authorized FTE: 4.00 Permanent

Performance measures:

(a)	Output:	Number of events increasing awareness of New Mexico as a visitor destination	130
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(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	193.5	193.5
(b)	Contractual services	20.0	20.0
(c)	Other	1,090.2	1,090.2

Authorized FTE: 3.00 Permanent

Performance measures:

(a)	Output:	Number of partnered cooperative advertising applications received	25
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(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	1,020.1	1,020.1
(b)	Contractual services	910.9	910.9
(c)	Other	2,277.1	2,277.1

Authorized FTE: 17.00 Permanent

Performance measures:

(a)	Outcome:	Circulation rate	118,000
(b)	Output:	Ancillary product revenue, in dollars	\$275,000

(5) New Mexico clean and beautiful:

The purpose of the New Mexico clean and beautiful program is to reduce litter to the maximum practical extent and raise overall litter awareness statewide. New Mexico clean and beautiful provides funding to incorporated municipalities, counties, and tribal governments in order to reduce litter by involving the public during local community and statewide events, programs and projects.

Appropriations:

(a)	Personal services and employee benefits	124.6	124.6
(b)	Contractual services	150.0	150.0
(c)	Other	683.0	683.0

Authorized FTE: 2.00 Permanent

Performance measures:

(a)	Outcome:	Pounds of litter removed	5,500,000
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(6) Off-highway vehicle:

The purpose of the off-highway vehicle program is to support fulfillment of the obligations of the Off-Highway Motor Vehicle Act; identify, develop and promote new off-highway vehicle trails; promote off-highway vehicle safety rules and regulations; and market New Mexico's off-highway vehicle trails as part of the state's tourism attractions.

Appropriations:

(a)	Personal services and		
	employee benefits	86.8	86.8
(b)	Contractual services	5.0	5.0
(c)	Other	93.6	93.6

Authorized FTE: 2.00 Permanent

Performance measures:

(a)	Output:	Number of off-highway vehicle trails developed
	3	

(7) 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	906.4	906.4
(b)	Contractual services	92.0	92.0
(c)	Other	574.3	574.3

Authorized FTE: 14.00 Permanent

Subtotal 13,769.1

ECONOMIC DEVELOPMENT DEPARTMENT:

(1) Economic development:

The purpose of the economic development program is to assist the communities in preparing 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	1,451.1	1,451.1
(b)	Contractual services	973.5	973.5
(c)	Other	582.1	582.1

Authorized FTE: 23.00 Permanent

The general fund appropriation to the economic development program of the economic development department in the contractual services category includes five hundred thousand dollars (\$500,000) for municipal mainstreet programs.

Performance measures:

(a)	Outcome:	Cumulative number of communities certified through the community certification initiative	25
(b)	Outcome:	Number of business expansions assisted by the economic development program in urban areas of New Mexico	42
(c)	Outcome:	Total number of rural jobs created	2,200
(d)	Outcome:	Number of jobs created through the economic development partnership	1,200

(2) Film:

The purpose of the film program is to maintain the core business for the film location services and stimulate growth in digital film media to maintain the economic vitality of the New Mexico film industry.

Appropriations:

(a)	Personal services and employee benefits	632.8	632.8
(b)	Contractual services	70.0	70.0
(c)	Other	115.0	115.0

Authorized FTE: 12.00 Permanent

Performance measures:

(a)	Outcome:	Number of media industry worker days	
		75,000	
(b)	Outcome:	Economic impact of media industry productions in New Mexico, in millions	\$140
(c)	Outcome:	Number of films and media projects principally photographed in New Mexico	65

(3) Mexican affairs:

The purpose of the Mexican affairs program is to produce new high-paying employment opportunities for New Mexicans so they can increase their wealth and improve their quality of life.

Appropriations:

(a)	Personal services and employee benefits	188.4	188.4
(b)	Contractual services	30.5	30.5
(c)	Other	91.2	91.2

Authorized FTE: 3.00 Permanent

Performance measures:

(a) Outcome: Dollar value of New Mexico exports to Mexico as a result of the Mexican affairs program, in millions \$350

(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 for high-paying jobs.

Appropriations:

(a) Personal services and employee benefits 462.6 462.6

(b) Other 124.7 124.7

Authorized FTE: 8.00 Permanent

Performance measures:

(a) Outcome: Ranking of New Mexico in technology intensiveness according to the state science and technology institute index
12

(5) Program support:

The purpose of program support is to provide central direction to agency management processes, and fiscal support to agency programs to ensure consistency, continuity and legal compliance.

Appropriations:

(a) Personal services and employee benefits 1,517.7 1,517.7

(b) Contractual services 335.7 335.7

(c) Other 316.2 316.2

Authorized FTE: 23.00 Permanent

The general fund appropriation to program support of the economic development department in the contractual services category includes one hundred fifty thousand dollars (\$150,000) for the economic development corporation, commonly known as the economic development partnership.

Subtotal 6,891.5

REGULATION AND LICENSING DEPARTMENT:

(1) Construction industries and manufactured housing:

The purpose of the construction industries and manufactured housing program is to provide code compliance oversight; issue licenses, permits and citations; perform inspections; administer exams; process complaints; and enforce laws, rules and regulations relating to general construction and manufactured housing standards to industry professionals.

Appropriations:

- (a) Personal services and employee benefits 7,132.1 108.4 105.0 7,345.5
- (b) Contractual services 60.3 60.3
- (c) Other 1,714.4 100.0 1,814.4

Authorized FTE: 134.00 Permanent; 3.00 Term

Performance measures:

- (a) Output: Percent of consumer complaint cases resolved out of the total number of complaints filed 90%
- (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; 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	2,580.4	77.4	2,657.8
(b)	Contractual services	5.8	200.0	205.8
(c)	Other	269.4	164.3	433.7

Authorized FTE: 43.00 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 in cooperation with the department of public safety and to enforce the Liquor Control Act to protect the health, safety and welfare of the citizens of and visitors to New Mexico.

Appropriations:

(a)	Personal services and			
	employee benefits	806.4		806.4
(b)	Contractual services	1.8		1.8
(c)	Other	48.4	48.4	

Authorized FTE: 15.00 Permanent

Performance measures:

- (a) Outcome: Number of days to issue new or transfer liquor licenses
125
- (b) Output: Number of days to resolve an administrative citation
46

(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 1,675.6 40.0 581.4 2,297.0
- (b) Contractual services 251.5 64.6 316.1
- (c) Other 357.6 352.2 709.8

Authorized FTE: 35.70 Permanent; 1.00 Term

(5) New Mexico state board of public accountancy:

The purpose of the public accountancy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

- (a) Personal services and
employee benefits 252.6 252.6
- (b) Contractual services 46.2 46.2
- (c) Other 134.4 134.4
- (d) Other financing uses 61.9 61.9

Authorized FTE: 5.00 Permanent

(6) Board of acupuncture and oriental medicine:

The purpose of the acupuncture and oriental medicine board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	135.7	135.7
(b)	Contractual services	24.0	24.0
(c)	Other	20.6	20.6
(d)	Other financing uses	16.3	16.3

Authorized FTE: 3.20 Permanent

Performance measures:

(a)	Output:	Average number of days to process completed application	
	and		
		issue a license	5

(7) New Mexico athletic commission:

The purpose of the 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	39.5	39.5
(b)	Contractual services	21.0	21.0
(c)	Other	25.7	25.7
(d)	Other financing uses	23.6	23.6

Authorized FTE: 1.00 Permanent

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 trainers practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

- | | | |
|--|------|------|
| (a) Personal services and
employee benefits | 11.1 | 11.1 |
| (b) Contractual services | .9 | .9 |
| (c) Other 6.4 | 6.4 | |
| (d) Other financing uses | 3.1 | 3.1 |

Authorized FTE: .20 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 barbers and cosmetology board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

- | | | |
|--|-------|-------|
| (a) Personal services and
employee benefits | 401.9 | 401.9 |
|--|-------|-------|

(b)	Contractual services	50.0	50.0
(c)	Other	96.4	96.4
(d)	Other financing uses	97.4	97.4

Authorized FTE: 9.90 Permanent

Performance measures:

(a)	Output:	Average number of days to process a completed application and issue a license	5
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(10) Chiropractic board:

The purpose of the chiropractic board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	83.9	83.9
(b)	Contractual services	1.6	1.6
(c)	Other	25.8	25.8
(d)	Other financing uses	22.0	22.0

Authorized FTE: 2.10 Permanent

(11) Counseling and therapy board:

The purpose of the counseling and therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	254.2	254.2
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(b)	Contractual services	15.5	15.5
(c)	Other	119.4	119.4
(d)	Other financing uses	67.4	67.4

Authorized FTE: 5.90 Permanent

(12) New Mexico board of dental health care:

The purpose of the dental health care board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	243.5	243.5
(b)	Contractual services	21.7	21.7
(c)	Other	67.2	67.2
(d)	Other financing uses	57.2	57.2

Authorized FTE: 5.90 Permanent

Performance measures:

(a)	Output:	Average number of days to process a completed application and issue a license	5
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(13) Interior design board:

The purpose of the interior design board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	10.9	10.9
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(b)	Other	11.5	11.5	
(c)	Other financing uses		5.4	5.4

Authorized FTE: .20 Permanent

(14) Board of landscape architects:

The purpose of the landscape architects board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		18.3	18.3
(b)	Contractual services		.3	.3
(c)	Other	11.0	11.0	
(d)	Other financing uses		4.8	4.8

Authorized FTE: .30 Permanent

(15) Board of massage therapy:

The purpose of the massage therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		154.2	154.2
(b)	Contractual services		12.0	12.0
(c)	Other	50.2	50.2	
(d)	Other financing uses		31.7	31.7

Authorized FTE: 3.50 Permanent

(16) Board of nursing home administrators:

The purpose of the nursing home administrators board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	27.3	27.3
(b)	Contractual services	.2	.2
(c)	Other	8.2	8.2
(d)	Other financing uses	7.5	7.5

Authorized FTE: .60 Permanent

(17) Nutrition and dietetics practice board:

The purpose of the nutrition and dietetics practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	19.1	19.1
(b)	Other	12.2	12.2
(c)	Other financing uses	3.4	3.4

Authorized FTE: .30 Permanent

(18) Board of examiners for occupational therapy:

The purpose of the occupational therapy practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	38.0	38.0
(b)	Contractual services	2.0	2.0
(c)	Other	17.9	17.9
(d)	Other financing uses	9.3	9.3

Authorized FTE: .60 Permanent

Performance measures:

(a) Output:	Average number of days to process a completed application and issue a license	5
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(19) Board of optometry:

The purpose of the optometry board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	45.6	45.6
(b)	Contractual services	11.5	11.5
(c)	Other	12.9	12.9
(d)	Other financing uses	9.6	9.6

Authorized FTE: .80 Permanent

Performance measures:

(a) Output:	Average number of days to process a completed application and issue a license	5
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(20) Board of osteopathic medical examiners:

The purpose of the osteopathic medical examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	58.0	58.0
(b)	Contractual services	2.0	2.0
(c)	Other	25.2	25.2
(d)	Other financing uses	11.1	11.1

Authorized FTE: 1.00 Permanent

(21) Board of pharmacy:

The purpose of the pharmacy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	922.1	922.1
(b)	Contractual services	26.8	26.8
(c)	Other	261.4	261.4
(d)	Other financing uses	211.6	211.6

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: complaints	Average number of hours to respond to telephone complaints	24

(22) Physical therapy board:

The purpose of the physical therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	79.6	79.6
(b)	Contractual services	3.0	3.0
(c)	Other	29.1	29.1
(d)	Other financing uses	19.3	19.3

Authorized FTE: 1.60 Permanent

(23) Board of podiatry:

The purpose of the podiatry board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	18.2	18.2
(b)	Contractual services	.5	.5
(c)	Other	10.8	10.8
(d)	Other financing uses	3.9	3.9

Authorized FTE: .30 Permanent

(24) Private investigators and polygraphers advisory board:

The purpose of the private investigators and polygraphers board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	59.5	59.5
(b)	Contractual services	5.0	5.0
(c)	Other	35.7	35.7
(d)	Other financing uses	27.3	27.3

Authorized FTE: 1.40 Permanent

(25) New Mexico state board of psychologist examiners:

The purpose of the psychologist examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	105.2	105.2
(b)	Contractual services	20.0	20.0
(c)	Other	49.8	49.8
(d)	Other financing uses	30.0	30.0

Authorized FTE: 2.30 Permanent

Performance measures:

(a)	Output:	Average number of days to process a completed application and issue a license	5
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(26) Real estate appraisers board:

The purpose of the real estate appraisers board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	88.2	88.2
(b)	Contractual services	12.5	12.5
(c)	Other	36.7	36.7
(d)	Other financing uses	23.2	23.2

Authorized FTE: 2.10 Permanent

(27) New Mexico real estate commission:

The purpose of the real estate commission program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	561.6	561.6
(b)	Contractual services	267.0	267.0
(c)	Other	277.8	277.8
(d)	Other financing uses	132.2	132.2

Authorized FTE: 11.00 Permanent

(28) Advisory board of respiratory care practitioners:

The purpose of the respiratory care board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	45.9	45.9
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(b)	Other	6.8	6.8	
(c)	Other financing uses		10.0	10.0

Authorized FTE: .80 Permanent

(29) Board of social work examiners:

The purpose of the social work examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	232.5	232.5	
(b)	Contractual services	3.0	3.0	
(c)	Other	77.1	77.1	
(d)	Other financing uses	42.7	42.7	

Authorized FTE: 5.00 Permanent

(30) Speech language pathology, audiology and hearing aid dispensing practices board:

The purpose of the speech language pathology, audiology and hearing aid dispensing practices board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	102.1	102.1	
(b)	Contractual services	2.7	2.7	
(c)	Other	21.7	21.7	
(d)	Other financing uses	21.4	21.4	

Authorized FTE: 2.00 Permanent

(31) Board of thanatopractice:

The purpose of the thanatopractice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	91.2	91.2
(b)	Contractual services	7.5	7.5
(c)	Other	35.3	35.3
(d)	Other financing uses	14.0	14.0

Authorized FTE: 1.80 Permanent

Performance measures:

(a)	Output:	Average number of days to process a completed application and issue a license	5
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(32) Naprapathy board:

Appropriations:

(a)	Other	5.4	5.4
Subtotal			23,813.7

PUBLIC REGULATION COMMISSION:

(1) Policy and regulation:

The purpose of the policy and regulation program is to fulfill the constitutional and legislative mandates regarding regulated industries through rulemaking, adjudications and policy initiatives to ensure the provisions of adequate and reliable services at fair, just and reasonable rates so 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	6,062.7	12.5	6,075.2
(b)	Contractual services	170.5		170.5
(c)	Other	1,432.3	1,432.3	

Authorized FTE: 89.70 Permanent

The internal services funds/interagency transfers appropriation to the policy and regulation program of the public regulation commission in the personal services and employee benefits category includes twelve thousand five hundred dollars (\$12,500) from the patient's compensation fund.

Performance measures:

(a)	Outcome:	Average commercial electric rate comparison between major New Mexico utilities and selected regional utilities +/-5%
(b)	Output: transportation	Number of formal complaints processed by the division 70
(c)	Output: 223	Number of docketed cases completed
(d)	Efficiency: 210	Average number of days for a rate case to reach final order
(e)	Efficiency:	Percent of cases processed in less than the statutory time allowance 100%

(2) Insurance policy:

The purpose of the insurance policy program is to assure easy public access to reliable insurance products that meet consumers' needs, 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	896.1	4,179.2	5,075.3
(b)	Contractual services	138.2	215.0	353.2
(c)	Other	310.5	725.4	1,035.9
(d)	Other financing uses	245.0		245.0

Authorized FTE: 86.00 Permanent

The internal service funds/interagency transfers appropriations to the insurance policy program of the public regulation commission include forty thousand dollars (\$40,000) from the title insurance maintenance assessment fund, one hundred thousand dollars (\$100,000) from the insurance fraud fund, four hundred twenty-eight thousand one hundred dollars (\$428,100) from the agents' surcharge fund, two hundred twelve thousand five hundred dollars (\$212,500) from the patients' compensation fund and four million three hundred thirty-nine thousand dollars (\$4,339,000) from the insurance operations fund.

The other state fund appropriations to the insurance policy program of the public regulation commission include one million two hundred thirty-two thousand four hundred dollars (\$1,232,400) from the insurance fraud fund and three hundred fifty-seven thousand four hundred dollars (\$357,400) from the title insurance maintenance assessment fund.

Performance measures:

(a)	Output:	Percent of internal and external insurance-related grievances closed within one hundred eighty days of filing	95%
(b)	Output:	Percent of insurance division interventions conducted with domestic and foreign insurance companies when risk-based capital is less than two hundred percent	90%
(c)	Efficiency: and	Percent of insurance fraud bureau complaints processed 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	2,283.1	378.1	2,661.2
(b)	Contractual services	246.2	6.7	252.9
(c)	Other	1,229.3	305.8	1,535.1

Authorized FTE: 47.30 Permanent; 1.00 Term

The internal service funds/interagency transfers appropriations to the public safety program of the public regulation commission include one million nine hundred three thousand seven hundred dollars (\$1,903,700) for the office of the state fire marshal from the fire protection fund.

The internal service funds/interagency transfers appropriations to the public safety program of the public regulation commission include one million two hundred sixty-one thousand six hundred dollars (\$1,261,600) for the firefighter training academy from the fire protection fund.

Performance measures:

(a)	Output:	Number of inspection and audit hours performed by the state fire marshal's office and pipeline safety bureau	30,000
(b)	Output:	Number of training contact hours delivered by the state fire marshal's office, state firefighter training academy and pipeline safety bureau	137,982
(c)	Output:	Number of personnel completing training through the state firefighter training academy	3,700

(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	2,063.1	357.3	2,420.4
(b)	Contractual services	78.7		78.7
(c)	Other	701.0	701.0	

Authorized FTE: 52.00 Permanent

The internal service funds/interagency transfers appropriations to program support of the public regulation commission include two hundred thirty-two thousand three hundred dollars (\$232,300) from the fire protection fund, sixty-seven thousand two hundred dollars (\$67,200) from the insurance fraud fund, twenty thousand dollars (\$20,000) from the reproduction fund, and thirty-seven thousand eight hundred dollars (\$37,800) from the title insurance maintenance assessment fund.

(5) Patient's compensation fund:

Appropriations:

(a)	Contractual services		300.0	300.0
(b)	Other	10,064.0	10,064.0	
(c)	Other financing uses		225.0	225.0
	Subtotal		32,625.7	

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 to ensure competent and ethical medical care to consumers.

Appropriations:

(a)	Personal services and employee benefits	793.4	793.4
(b)	Contractual services	282.2	282.2
(c)	Other	273.1	273.1
(d)	Other financing uses	40.0	40.0

Authorized FTE: 12.00 Permanent

Performance measures:

(a)	Output: 4,000	Number of tri-annual physician licenses issued or renewed	
(b)	Output:	Number of biennial physician assistant licenses issued or renewed	450

Subtotal 1,388.7

BOARD OF NURSING:

(1) Licensing and certification:

The purpose of the licensing and certification program is to provide regulations to nurses, hemodialysis technicians, medication aides and their education and training programs, so they can provide competent and professional healthcare services to consumers.

Appropriations:

(a)	Personal services and employee benefits	817.1	817.1
(b)	Contractual services	56.5	56.5
(c)	Other	395.7	395.7

Authorized FTE: 15.00 Permanent

Performance measures:

(a) Output:	Number of licenses issued	11,000
Subtotal		1,269.3

NEW MEXICO STATE FAIR:

The purpose of the state fair program is to promote the New Mexico state fair as a year-round operation with venues, events and facilities that provide for greater use of the assets of the agency.

Appropriations:

(a) Personal services and employee benefits	6,353.0	6,353.0
(b) Contractual services	3,746.5	3,746.5
(c) Other	3,630.5	697.0
		4,327.5

Authorized FTE: 59.00 Permanent; 18.00 Term

The internal services funds/interagency transfers appropriation to the New Mexico state fair in the other category includes six hundred ninety-seven thousand dollars (\$697,000) from pari-mutuel revenues for debt service on negotiable bonds issued for capital improvements.

Performance measures:

(a) Outcome:	Percent of surveyed attendees at the annual state fair event rating their experience as satisfactory or better
	87%
(b) Output:	Number of paid attendees at annual state fair event
	500,000
(c) Output:	Percent of surveyed attendees at the annual state fair event rating that the state fair has improved
	44%
(d) Output:	Number of total attendees at annual state fair event
	650,000

Subtotal		14,427.0
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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.

Appropriations:

(a)	Personal services and		
	employee benefits	293.0	293.0
(b)	Contractual services	68.7	68.7
(c)	Other	212.1	212.1
	Authorized FTE: 7.00 Permanent		
	Subtotal	573.8	

GAMING CONTROL BOARD:

(1) Gaming control:

The purpose of the gaming control program is to strictly regulate gaming activities and to promote responsible gaming to the citizens of New Mexico so they can have confidence in the board's administration of gambling laws and feel assured the state has honest and competitive gaming free from criminal and corruptive elements and influences.

Appropriations:

(a)	Personal services and		
	employee benefits	3,841.1	3,841.1
(b)	Contractual services	733.6	733.6
(c)	Other	1,458.8	1,458.8
	Authorized FTE: 61.00 Permanent; .50 Temporary		

Performance measures:

- (a) Output: Percent decrease in repeat violations by licensed gaming operators 80%
- (b) Output: Percent variance identified between actual tribal quarterly payments to the state and the audited financial statements received from the tribe 10%
- (c) Outcome: Ratio of revenue generated to general funds expended 21:1
- (d) Quality: Percent of time central monitoring system is operational 100%

Subtotal 6,033.5

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 pari-mutuel 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 1,100.3 1,100.3
- (b) Contractual services 833.3 833.3
- (c) Other 272.7 272.7

Authorized FTE: 17.30 Permanent; .60 Term; 1.80 Temporary

Performance measures:

- (a) Outcome: Percent of equine samples testing positive for illegal substances .8%

(b) Efficiency: Average regulatory cost per live race day at each racetrack
\$4,000

Subtotal 2,206.3

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	140.9	140.9
(b)	Contractual services	80.9	80.9
(c)	Other	50.1	50.1

Authorized FTE: 3.00 Permanent

Performance measures:

(a)	Output:	Number of veterinarian licenses issued annually
	60	

Subtotal 271.9

CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION:

The purpose of the Cumbres and Toltec scenic railroad commission is to provide railroad excursions into the scenic San Juan mountains.

Appropriations:

(a)	Other	100.0	100.0
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Any revenues generated by the Cumbres and Toltec scenic railroad commission in fiscal year 2007, including but not limited to ticket sales, are appropriated to the Cumbres and Toltec scenic railroad commission for use toward operating expenses of the railroad.

Subtotal 100.0

OFFICE OF MILITARY BASE PLANNING AND SUPPORT:

Appropriations:

(a) Personal services and
employee benefits 150.0 150.0
Authorized FTE: 3.00 Term

Subtotal 150.0

TOTAL COMMERCE AND INDUSTRY 49,865.1 41,682.8 12,194.6 795.6
104,538.1

E. AGRICULTURE, ENERGY AND NATURAL RESOURCES

CULTURAL AFFAIRS DEPARTMENT:

(1) Museums and monuments:

The purpose of the museums and monuments program is to develop and enhance the quality of state museums and monuments by providing the highest standards in exhibitions, performances and programs showcasing the arts, history and science of New Mexico and cultural traditions worldwide.

Appropriations:

(a) Personal services and
employee benefits 14,303.0 2,141.5 137.5 16,582.0
(b) Contractual services 625.5 571.5 5.0 1,202.0
(c) Other 3,733.9 1,540.5 50.2 82.3 5,406.9

Authorized FTE: 305.20 Permanent; 52.60 Term; 4.00 Temporary

The general fund appropriations to the museums and monuments program of the cultural affairs department include fifty thousand dollars (\$50,000) to provide for the administration and promotion of the African-American culture and history collection for the African-American performing arts center and exhibit hall at the New Mexico state fair.

The general fund appropriation to the museums and monuments program of the cultural affairs department in the other category includes one hundred twenty-five thousand dollars (\$125,000) for Camino Real monument operational costs.

Performance measures:

- (a) Output: Attendance to museum and monument exhibitions, performances, films and other presenting programs
825,097
- (b) Output: Number of participants to off-site educational, outreach and special events related to museum missions
64,632

(2) Preservation:

The purpose of the preservation program is to identify, study and protect New Mexico's unique cultural resources, including its archaeological sites, architectural and engineering achievements, cultural landscapes and diverse heritage.

Appropriations:

- (a) Personal services and employee benefits 707.8 2,253.2 76.6 962.0 3,999.6
- (b) Contractual services 40.0 142.0 130.0 312.0
- (c) Other 102.7 199.2 19.2 224.2 545.3

Authorized FTE: 36.00 Permanent; 39.50 Term; 6.00 Temporary

The other state funds appropriations to the preservation program of the cultural affairs department include one million dollars (\$1,000,000) from the department of transportation for archaeological studies related to highway projects.

Performance measures:

- (a) Outcome: Percent of grant funds from recurring appropriations distributed to communities outside of Santa Fe, Albuquerque and Las Cruces 56%

(b) Output: Total number of new structures preserved annually utilizing preservation tax credits 45

(3) Library services:

The purpose of the library services program is to empower libraries to support the educational, economic and health goals of their communities and to deliver direct library and information services to those who need them.

Appropriations:

(a)	Personal services and employee benefits	1,996.9	851.3	2,848.2
(b)	Contractual services	822.5	249.7	1,072.2
(c)	Other	887.7 30.0	303.3	1,221.0

Authorized FTE: 42.00 Permanent; 19.50 Term

Performance measures:

(a) Outcome: Percent of grant funds from recurring appropriations distributed to communities outside of Santa Fe, Albuquerque and Las Cruces 75%

(b) Output: Total number of library materials catalogued in systemwide access to libraries in state agencies and keystone library automation system online databases, available through the internet 950,000

(4) Arts:

The purpose of the arts program is to preserve, enhance and develop the arts in New Mexico through partnerships, public awareness and education.

Appropriations:

Performance measures:

- (a) Output: Percent reduction in number of budget adjustment requests processed annually, excluding budget adjustment requests for additional revenues 15%
 - (b) Outcome: Percent of performance measures' targets in the General Appropriation Act, that were met excluding this measure 80%
- Subtotal 38,947.4

NEW MEXICO LIVESTOCK BOARD:

(1) Livestock inspection:

The purpose of the livestock inspection program is to protect the livestock industry from loss of livestock by theft or straying and to help control the spread of dangerous livestock diseases.

Appropriations:

- (a) Personal services and employee benefits 567.0 2,821.4 131.2 3,519.6
- (b) Contractual services 252.1 252.1
- (c) Other 139.7 950.2 1,089.9

Authorized FTE: 65.20 Permanent

~~The appropriations to the livestock inspection program of the New Mexico livestock board include five hundred fifty four thousand four hundred dollars (\$554,400) to raise the salaries of livestock inspectors to midpoint of the salary range.~~

Performance measures:

- (a) Output: Number of road stops per month 30
- (b) Outcome: Number of livestock thefts reported per one thousand 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 | 518.6 | 84.6 | 518.6 | 1,121.8 |
| (b) | Contractual services | | 8.8 | | 8.8 |
| (c) | Other | 66.2 | 30.1 | 119.0 | 215.3 |

Authorized FTE: 21.80 Permanent

The general fund appropriations to the meat inspection program of the New Mexico livestock board, including administrative costs, are contingent upon a dollar-for-dollar match of federal funds for that program.

~~The appropriations to the meat inspection program of the New Mexico livestock board include forty-six thousand four hundred dollars (\$46,400) to raise the salaries of meat inspectors to midpoint of the salary range.~~

Performance measures:

- | | | |
|-----|---------------------------|---|
| (a) | Outcome:
2% | Percent of inspections where violations are found |
| (b) | Outcome:
240 | Number of violations resolved within one day |
| (c) | Output:
establishments | Number of compliance visits made to approved
7,500 |

(3) Administration:

The purpose of the administration program is to provide administrative and logistical services to employees.

Appropriations:

- | | |
|-----|-----------------------|
| (a) | Personal services and |
|-----|-----------------------|

	employee benefits	73.5	340.5	85.1	499.1
(b)	Contractual services		33.1		33.1
(c)	Other	163.4		163.4	

Authorized FTE: 8.00 Permanent

Beginning in fiscal year 2007, the New Mexico livestock board shall submit vouchers to the department of finance and administration and shall not be granted non-vouchering status for fiscal year 2007.

Subtotal 6,903.1

DEPARTMENT OF GAME AND FISH:

(1) Sport hunting and fishing:

The purpose of the sport hunting and fishing program is to provide a statewide system for hunting activities as well as self-

sustaining and hatchery-supported fisheries taking into account hunter safety, quality hunts, high-demand areas, guides and outfitters, quotas and assuring local and financial interests receive consideration.

Appropriations:

(a)	Personal services and				
	employee benefits		7,913.5	3,840.0	11,753.5
(b)	Contractual services		317.8	471.8	789.6
(c)	Other	2,513.5	2,153.0	4,666.5	
(d)	Other financing uses		82.3	315.0	397.3

Authorized FTE: 190.00 Permanent; 2.00 Term; 4.00 Temporary

The internal services funds/interagency transfers appropriations to the sport hunting and fishing program of the department of game and fish in the other category 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 2007 from this appropriation shall revert to the game protection fund.

The internal services funds/interagency transfers appropriations to the sport hunting and fishing program of the department of game and fish in the other financing uses category include eighty-two thousand three hundred dollars (\$82,300) from the game protection fund for Eagle Nest dam operation. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 from this appropriation shall revert to the game protection fund.

Performance measures:

- (a) Outcome: Angler opportunity and success 80%
- (b) Outcome: Number of days of elk hunting opportunity provided to New Mexico resident hunters on an annual basis
165,000
- (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 181.9 540.9 1,548.3 2,271.1
- (b) Contractual services 530.4 837.2 1,367.6
- (c) Other 2,931.5 1,458.3 4,389.8

Authorized FTE: 32.00 Permanent; 8.00 Term; .50 Temporary

Performance measures:

- (a) Output: Number of threatened and endangered species monitored,

35 studied or involved in the recovery plan process

(b) Outcome: Number of wildlife areas opened for access under the gaining access into nature project 2

(c) Outcome: Number of acres of wildlife habitat conserved, enhanced or positively affected statewide 100,000

(3) Wildlife depredation and nuisance abatement:

The purpose of the wildlife depredation and nuisance abatement program is to provide complaint administration and intervention processes to private landowners, leaseholders and other New Mexicans so they may be relieved of and precluded from property damage, annoyances or risks to public safety caused by protected wildlife.

Appropriations:

(a)	Personal services and employee benefits	279.3	279.3
(b)	Contractual services	179.7	179.7
(c)	Other	614.2	614.2

Authorized FTE: 5.00 Permanent

Performance measures:

(a) Outcome: Percent of depredation complaints resolved within the mandated one-year timeframe 95%

(4) Program support:

The purpose of program support is to provide an adequate and flexible system of direction, oversight, accountability and support to all divisions so they may successfully attain planned outcomes for all department programs.

Appropriations:

(a) Personal services and

	employee benefits	3,920.9	79.5	4,000.4
(b)	Contractual services	574.3	288.3	862.6
(c)	Other	2,044.6	183.9	2,228.5

Authorized FTE: 57.00 Permanent; 2.00 Term

Performance measures:

- (a) Output: Number of contacts made to increase department diversity
5,000
- (b) Output: Percent of vacancies filled within one hundred eighty days
of occurrence 90%
- (c) Quality: Percent error rate in processing special hunt applications
<1%

Subtotal 33,800.1

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 in order 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	792.0	124.3	916.3
(b)	Contractual services	12.2	58.0	115.4
(c)	Other	20.3	130.0	150.3
(d)	Other financing uses	57.6	58.0	115.6

Authorized FTE: 9.00 Permanent; 2.00 Term

Performance measures:

- (a) Explanatory: Annual utility costs for state-owned buildings in dollars
13,023,000
- (b) Outcome: Percent decrease in gasoline consumption by state and local government fleets through the application of alternative transportation fuel technologies 15%
- (c) Outcome: Percent reduction in energy use in public facilities receiving energy, minerals, and natural resources department funding for efficiency retrofit projects
10%

(2) Healthy forests:

The purpose of the healthy forests program is to promote the health of New Mexico's forest lands by managing wildfires, mitigating urban interface fire threats and providing stewardship of private and state forest lands and associated watersheds.

Appropriations:

- (a) Personal services and employee benefits 2,502.0 134.6 1,062.2 3,698.8
- (b) Contractual services 42.1 2.0 768.6 812.7
- (c) Other 740.8 47.7 390.2 2,075.4 3,254.1
- (d) Other financing uses 392.4 392.4

Authorized FTE: 57.00 Permanent; 11.00 Term

The general fund appropriation to the healthy forests program of the energy, minerals and natural resources department in the other category includes one hundred thousand dollars (\$100,000) for pinon tree preservation.

Performance measures:

- (a) Output: Number of nonfederal wildland firefighters provided

technical fire training appropriate to their incident
 command system 500

(3) State parks:

The purpose of the state parks program is to create the best recreational opportunities possible in state parks by preserving cultural and natural resources, continuously improving facilities and providing quality, fun activities and to do it all efficiently.

Appropriations:

(a)	Personal services and employee benefits	8,099.0	3,472.6	285.9	11,857.5
(b)	Contractual services	172.5	124.5	4,350.0	4,647.0
(c)	Other	1,927.2	3,616.1	2,499.6	3,073.8
(d)	Other financing uses		2,499.6		2,499.6

Authorized FTE: 233.00 Permanent; 6.00 Term; 48.00 Temporary

The general fund appropriation to the state parks program of the energy, minerals and natural resources department in the other category includes one hundred thousand dollars (\$100,000) to support operations at Red Rock park.

Performance measures:

(a)	Explanatory: 4,000,000	Number of visitors to state parks	
(b)	Explanatory: \$0.83	Self-generated revenue per visitor, in dollars	
(c)	Output: 2,500	Number of interpretive programs available to park visitors	
(d)	Outcome: projects	Percent completion of new parks and park expansion	
		receiving appropriations	45%

(4) Mine reclamation:

The purpose of the mine reclamation program is to implement the state laws that regulate the operation and reclamation of hard rock and coal mining facilities and to reclaim abandoned mine sites.

Appropriations:

(a)	Personal services and employee benefits	342.3	638.4		1,177.1	2,157.8
(b)	Contractual services	8.1	19.7		2,214.5	2,242.3
(c)	Other	43.2	125.0	199.3	367.5	
(d)	Other financing uses			783.1		783.1

Authorized FTE: 16.00 Permanent; 15.00 Term

Performance measures:

(a)	Outcome:	Percent of permitted mines with approved reclamation plans and adequate financial assurance posted to cover the cost of reclamation	96%
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(5) Oil and gas conservation:

The purpose of the oil and gas conservation program is to assure the conservation and responsible development of oil and gas resources through professional and dynamic regulation.

Appropriations:

(a)	Personal services and employee benefits	3,273.9	133.7	380.0	232.2	4,019.8
(b)	Contractual services	123.0	11.0	2,500.0		2,634.0
(c)	Other	597.2	155.3	40.0	13.0	805.5
(d)	Other financing uses			2,800.0		118.5 2,918.5

Authorized FTE: 61.00 Permanent; 5.00 Term

Performance measures:

- (a) Outcome: Percent of inventoried orphaned wells plugged annually
25%
- (b) Output: Number of inspections of oil and gas wells and associated facilities
21,750
- (c) Explanatory: Number of inventoried orphaned wells statewide
90

(6) Program leadership and support:

The purpose of program leadership and support is to provide leadership, set policy and provide support for every division in achieving goals.

Appropriations:

- (a) Personal services and employee benefits 2,827.9 50.0 254.9 3,132.8
- (b) Contractual services 23.1 8.0 31.1
- (c) Other 226.1 219.8 445.9
- (d) Other financing uses 1,522.5 1,522.5

Authorized FTE: 45.00 Permanent; 3.00 Term

Subtotal 60,707.4

YOUTH CONSERVATION CORPS:

The purpose of the youth conservation corps program is to provide funding for the employment of New Mexicans between the ages of fourteen and twenty-five to work on projects that will improve New Mexico's natural, cultural, historical and agricultural resources.

Appropriations:

- (a) Personal services and employee benefits 128.3 128.3

(b)	Contractual services	2,175.9	2,175.9
(c)	Other	47.8	47.8
(d)	Other financing uses	50.0	50.0

Authorized FTE: 2.00 Permanent

Performance measures:

- | | | | |
|-----|----------|--|-----|
| (a) | Output: | Number of projects funded in a year that improve New Mexico's natural resources and provide lasting community benefits | 45 |
| (b) | Outcome: | Percent of projects completed during the year | 95% |
| (c) | Output: | Number of youth employed annually | 625 |
| (d) | Output: | Number of cash bonuses and tuition vouchers awarded | 18 |

Subtotal 2,402.0

COMMISSIONER OF PUBLIC LANDS:

(1) Land trust stewardship:

The purpose of the land trust stewardship program is to generate sustainable revenue from state trust lands to support 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	9,425.8	9,425.8
(b)	Contractual services	413.5	413.5
(c)	Other	2,561.2	2,561.2

(d)	Other financing uses	517.1	517.1
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Authorized FTE: 155.00 Permanent

Performance measures:

- | | | | |
|-----|--------------------|--|---------|
| (a) | Output:
\$300.9 | Total trust revenue generated, in millions | |
| (b) | Output: | Percent of total trust revenue generated allocated to beneficiaries | 96% |
| (c) | Outcome: | Dollars generated through oil, natural gas and mineral audit activities, in millions | \$5 |
| (d) | Output: | Average income per acre from oil, natural gas and mineral activities | \$95.04 |
| (e) | Output:
\$.92 | Average income per acre from agriculture leasing activities | |
| (f) | Output:
\$19.32 | Average income per acre from commercial leasing activities | |

Subtotal		12,917.6	
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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 non-federal dams within the state, to owners and operators of such dams, so they can operate the dam safely.

Appropriations:

- | | | | | |
|-----|--|---------|-------|---------|
| (a) | Personal services and
employee benefits | 8,711.7 | 388.4 | 9,100.1 |
| (b) | Contractual services | 11.0 | 439.0 | 450.0 |

(c) Other 608.2 111.6 138.4 858.2

Authorized FTE: 162.00 Permanent

The internal services funds/interagency transfers appropriations to the water resource allocation program of the state engineer include one hundred forty-seven thousand six hundred dollars (\$147,600) from the improvement of the Rio Grande income fund and four hundred twenty-nine thousand eight hundred dollars (\$429,800) from the irrigation works construction fund.

Performance measures:

- | | | | | |
|-----|--------------|---|--|-----|
| (a) | Output: | Average number of unprotested new and pending applications | | |
| | | processed per month | | 80 |
| (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 | | 198 |
| (e) | Outcome: | Percent of applications abstracted into the water administration technical engineering resource system database | | 54% |

(2) Interstate stream compact compliance and water development:

The purpose of the interstate stream compact compliance and water development program is to provide resolution of federal and interstate water issues and to develop water resources and stream systems for the people of New Mexico, so they can have maximum sustained beneficial use of available water resources.

Appropriations:

- | | | | | | |
|-----|-----------------------|---------|-------|-----|---------|
| (a) | Personal services and | | | | |
| | employee benefits | 3,606.0 | 214.9 | 4.8 | 3,825.7 |

(b)	Contractual services		3,080.7	3,080.7
(c)	Other	2,647.9	2,647.9	

Authorized FTE: 53.00 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 eight hundred sixty-three thousand seven hundred dollars (\$4,863,700) from the irrigation works construction fund. Of this amount two million two hundred ninety-eight thousand one hundred dollars (\$2,298,100) is in the contractual services category and two million five hundred sixty-five thousand six hundred dollars (\$2,565,600) 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 seven hundred eighty-two thousand six hundred dollars (\$782,600) from the improvement of the Rio Grande income 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 2007 from this appropriation shall revert to the game protection fund.

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 28, 2013, and from contractual reimbursements associated with state engineer use of the revenue, 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.

The appropriations to the irrigation works construction fund 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 income 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 or 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 one hundred twenty thousand dollars (\$120,000) 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 fund 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.

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 for flood control or carriage of water or both.

The general fund and other state funds appropriation to the state engineer in the contractual services category is contingent upon the state engineer including performance measures in its contracts to increase contract oversight and accountability. ~~The appropriation is 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, 2006.~~

The internal services funds/interagency transfers appropriations to the interstate stream compact compliance and water development program of the state engineer in the other category include eighty-two thousand three hundred dollars (\$82,300) from the game protection fund for Eagle Nest dam operation. Any unexpended balance remaining at the end of fiscal year 2007 from this appropriation shall revert to the game protection fund.

Revenue from the sale of water to United States government agencies by New Mexico resulting from litigation settlement between New Mexico and the United States

implemented by the conservation water agreement dated June 29, 2001, and from contractual reimbursements associated with state engineer use of the revenue is appropriated to the state engineer for use as required by the conservation water agreement.

The interstate stream commission's authority to make loans from the irrigation works construction fund includes two million dollars (\$2,000,000) to irrigation districts, acequias, conservancy districts and soil and water conservation districts for purchase and installation of meters and measuring equipment. The maximum loan term is five years.

Performance measures:

- (a) Outcome: Pecos river compact accumulated delivery credit or deficit, in acre-feet 0
- (b) Outcome: Rio Grande river compact accumulated delivery credit or deficit, in acre-feet 0

(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 4,751.2 4,751.2
- (b) Contractual services 50.0 1,420.0 1,470.0
- (c) Other 120.1 253.2 373.3

Authorized FTE: 75.00 Permanent

Performance measures:

- (a) Outcome: Number of offers to defendants in adjudications 1,800
- (b) Outcome: Percent of all water rights that have judicial

determinations

40%

(4) Program support:

The purpose of program support is to provide necessary administrative support to agency programs so they may be successful in reaching their goals and objectives.

Appropriations:

(a) Personal services and

employee benefits	3,004.9		3,004.9
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(b) Contractual services	29.9	190.0	219.9
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(c) Other	201.2	223.6	424.8
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Authorized FTE: 41.00 Permanent

Performance measures:

(a) Output:	Percent of department contracts that include performance measures	100%
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(5) New Mexico irrigation works construction fund:

Appropriations:

(a) Other financing uses	5,509.0	1,871.3	7,380.3
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(6) Debt service fund:

Appropriations:

(a) Other	270.0	270.0
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(7) Hydrographic income fund:

Appropriations:

(a) Other financing uses	7,050.0	7,050.0
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(8) Improvement of the Rio Grande fund:

Appropriations:

(a) Other financing uses	935.0	935.0
Subtotal	45,842.0	

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 made 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	205.8	205.8
(b) Contractual services	12.9	30.0 42.9
(c) Other	74.3 43.1	117.4

Authorized FTE: 4.00 Permanent

Performance measures:

(a) Outcome: measured	Percent increase in New Mexico organic market as measured
10%	by clients' gross sales of organic products
(b) Output: 20	Number of residue tests performed

Subtotal	366.1
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TOTAL AGRICULTURE, ENERGY AND NATURAL RESOURCES	72,663.8	49,478.6	46,240.1	33,503.2
	201,885.7			

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	343.1	322.9	666.0
(b)	Contractual services	3.5	857.2	860.7
(c)	Other	195.5	363.6	559.1

Authorized FTE: 7.00 Permanent; 7.00 Term

The internal services funds/interagency transfers appropriation to the status of women program of the commission on the status of women includes one million four hundred forty thousand dollars (\$1,440,000) for the teamworks program directed toward workforce development for adult women on temporary assistance for needy families from the federal block grant to New Mexico, fifty thousand dollars (\$50,000) from the women in transition fund to host the year of the New Mexico girl conference and associated expenses and fifty-three thousand seven hundred dollars (\$53,700) from the commission on the status of women conference fund to host the governor's award for outstanding New Mexico women, the pioneer award, the trailblazer award and various conference booths.

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	
		315	
(b)	Outcome:	Percent of teamworks participants employed at nine months after initial employment placement	
		70%	
(c)	Output:	Number of temporary assistance for needy families clients served through the teamworks program	1,000

Subtotal 2,085.8

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	267.4	267.4
(b)	Contractual services	153.2	153.2
(c)	Other	105.5	105.5

Authorized FTE: 5.00 Permanent

Subtotal 526.1

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 to provide advocacy, outreach, referral, education and oversee the New Mexico telecommunications relay network for the deaf and hard-of-hearing citizens, government agencies, institutions, businesses and hearing individuals affiliated with those who have a hearing loss so they may become more aware of accessibility and services available and have equal access to telecommunications services.

Appropriations:

(a)	Personal services and employee benefits	684.2	684.2
(b)	Contractual services	2,650.0	2,650.0
(c)	Other	271.0	271.0
(d)	Other financing uses	175.0	175.0

Authorized FTE: 13.00 Permanent

The internal service funds/interagency transfers appropriation to the deaf and hard-of-hearing program of the commission for deaf and hard-of-hearing persons in the other financing uses category includes one hundred seventy-five thousand dollars (\$175,000) to transfer to the rehabilitation services program of the division of vocational rehabilitation to match with federal funds to provide deaf and hard-of-hearing rehabilitation services.

Performance measures:

- | | | | |
|-----|------------------|--|--------|
| (a) | Output:
16 | Number of workshops and training sessions conducted | |
| (b) | Output:
7,500 | Number of information and outreach clients served | |
| (c) | Output: | Hours provided by the sign language interpreter referral service | 40,000 |
| (d) | Output:
16 | Number of sign language interpreting mentors | |

Subtotal 3,780.2

MARTIN LUTHER KING, JR. COMMISSION:

The purpose of the Martin Luther King, Jr. commission is to promote Martin Luther King, Jr.'s nonviolent principles and philosophy to the people of New Mexico through remembrance, celebration and action so that everyone gets involved in making a difference toward the improvement of interracial cooperation and reduction of youth violence in our communities.

Appropriations:

- | | | | |
|-----|--|-------|-------|
| (a) | Personal services and
employee benefits | 130.7 | 130.7 |
| (b) | Contractual services | 39.0 | 39.0 |
| (c) | Other | 109.3 | 109.3 |

Authorized FTE: 2.00 Permanent

Subtotal 279.0

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	825.0	891.9	2,979.7	4,696.6
(b)	Contractual services		44.2	163.2	207.4
(c)	Other	905.1	400.0	2,270.7	3,575.8

Authorized FTE: 106.50 Permanent; 1.00 Term

Any unexpended or unencumbered balances in the commission for the blind remaining at the end of fiscal year 2007 from appropriations made from the general fund shall not revert.

The general fund appropriation to the blind services program of the commission for the blind in the other category includes two hundred thousand dollars (\$200,000) to match with federal funds and provide services to persons between fourteen and eighteen years of age.

Performance measures:

- | | | | |
|-----|----------|---|-----|
| (a) | Output: | Number of quality employment opportunities for blind or visually impaired consumers | 36 |
| (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 | 600 |
| (c) | Outcome: | Average employment wage for the blind or visually impaired | |

	person	\$12
(d) Output:	Number of employment opportunities provided for blind business entrepreneurs in different vending and food facilities through the business enterprise program	
	30	
Subtotal		8,479.8

INDIAN AFFAIRS DEPARTMENT:

(1) Indian affairs:

The purpose of the Indian affairs program is to serve as the coordinating agency for intergovernmental and interagency programs concerning tribal governments and the state.

Appropriations:

(a) Personal services and		
employee benefits	1,090.7	1,090.7
(b) Contractual services	276.2	276.2
(c) Other	1,100.7	500.0
		1,600.7

Authorized FTE: 14.00 Permanent

The other state funds appropriation to the Indian affairs program of the Indian affairs department includes five hundred thousand dollars (\$500,000) from the tobacco settlement program fund for tobacco cessation and prevention programs for native American communities throughout the state.

Performance measures:

(a) Output:	Number of capital projects over fifty thousand dollars completed and closed	40
(b) Output:	Number of capital outlay process training sessions conducted for tribes	8

(c)	Output:	Percent of grants and service contracts with more than two performance measures	100%
(d)	Output:	Number of capital outlay projects under fifty thousand dollars completed and closed	30
Subtotal			2,967.6

AGING AND LONG-TERM SERVICES DEPARTMENT:

(1) Consumer and elder rights:

The purpose of the consumer and elder rights program is to provide current information, assistance, counseling, education and support to older individuals and persons with disabilities, residents of long-term care facilities and their families and caregivers that allow them to protect their rights and make informed choices about quality service.

Appropriations:

(a)	Personal services and employee benefits	459.9	786.2	1,246.1
(b)	Contractual services	27.1	61.0	88.1
(c)	Other	167.3	271.7	439.0

Authorized FTE: 10.00 Permanent; 12.00 Term

Performance measures:

(a)	Output:	Number of client contacts to assist on health, insurance, prescriptions and other programs	35,000
(b)	Output:	Number of clients who receive assistance to access low- or no-cost prescription drugs through MEDBANK and brownbag events	5,200

(c) Output: Number of resident contacts by ombudsmen
83,000

(2) Aging network:

The purpose of the aging network program is to provide supportive social and nutrition services for older individuals and persons with disabilities so they can remain independent and involved in their communities and to provide training, education and work experience to older individuals so they can enter or re-enter the work force and receive appropriate income and benefits.

Appropriations:

(a)	Personal services and employee benefits	168.1	40.5	208.6	
(b)	Other	24,291.3	325.6	7,743.2	32,360.1
(c)	Other financing uses	280.6		280.6	

Authorized FTE: 4.00 Term

The general fund appropriation to the aging network program of the aging and long-term services department in the other category includes three million dollars (\$3,000,000) to expand direct aging network services to local communities.

The general fund appropriation to the aging network program of the aging and long-term services department in the other category to supplement the federal Older Americans Act shall be contracted to the designated area agencies on aging.

Performance measures:

(a)	Outcome:	Percent of individuals participating in the federal older worker program obtaining unsubsidized permanent employment	16%
(b)	Outcome:	Percent of temporary assistance for needy families clients placed in meaningful employment	32%
(c)	Outcome:	Percent of individuals aged sixty and over served through community services	40%

- (d) Output: Unduplicated number of persons served through community services 120,000
- (e) Output: 187,500 Number of adult daycare service hours provided
- (f) Output: 147,000 N umber of hours of respite care provided

(3) Long-term services:

The purpose of the long-term services program is to administer home- and community-based long-term service programs that support individuals in the least restrictive environment possible.

Appropriations:

- (a) Personal services and employee benefits 1,256.5 979.0 226.7 2,462.2
- (b) Contractual services 367.4 1,766.5 294.8 2,428.7
- (c) Other 299.3 360.4 123.2 782.9

Authorized FTE: 35.00 Permanent; 13.00 Term

~~The general fund appropriation to the long-term services program of the aging and long-term services department in the other category includes seventy-five thousand dollars (\$75,000) for project management and operating expenses of the existing 2-1-1 information and referral system, expansion into new areas of the state, a statewide information and referral task force, development of a strategic plan, a certified operator and data entry training.~~

Performance measures:

- (a) Outcome: Percent of total personal-care option cases that are consumer-directed 6%
- (b) Outcome: Percent of disabled and elderly medicaid waiver clients who receive services within ninety days of eligibility determination 100%

(4) Adult protective services:

The purpose of the adult protective services program is to investigate allegations of abuse, neglect and exploitation of seniors and adults with disabilities and provide in-home support services to adults at high risk of repeat neglect.

Appropriations:

(a)	Personal services and			
	employee benefits	6,301.0	1,540.2	7,841.2
(b)	Contractual services	2,088.0	598.2	2,686.2
(c)	Other	3,444.5	1,011.0	4,455.5

Authorized FTE: 170.00 Permanent

Performance measures:

(a)	Outcome:	Percent of adults with repeat maltreatment
	9.5%	

(5) Program support:

The purpose of program support is to provide clerical, record keeping and administrative support in the areas of personnel, budget, procurement and contracting to agency staff, outside contractors and external control agencies to implement and manage programs.

Appropriations:

(a)	Personal services and				
	employee benefits	1,592.6	146.0	626.5	2,365.1
(b)	Contractual services	120.0		15.6	135.6
(c)	Other	206.2	28.4	46.6	281.2

Authorized FTE: 30.00 Permanent; 5.00 Term

Subtotal 58,061.1

HUMAN SERVICES DEPARTMENT:

(1) Medical assistance program:

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	4,446.0	173.8	4,868.2	9,488.0
(b)	Contractual services	4,014.7	640.2	1,405.0	19,567.8
		25,627.7			
(c)	Other	601,369.9	49,379.8	99,834.0	1,865,434.8
					2,616,018.5
(d)	Other financing uses	15,989.6	6.2	53,690.0	69,685.8

Authorized FTE: 144.00 Permanent

The general fund appropriations to the medical assistance program of the human services department include fifteen million six hundred thousand dollars (\$15,600,000) to provide direct services for the disabled and elderly program.

The other state funds appropriations to the medical assistance program of the human services department include one million three hundred thousand dollars (\$1,300,000) from the tobacco settlement program fund for breast and cervical cancer treatment for uninsured women under age sixty-five identified through the centers for disease control national early detection program.

~~The general fund appropriations to the medical assistance program of the human services department include three hundred twelve thousand five hundred dollars (\$312,500) to match with federal funds to maximize the graduate medical education and indirect medical education payments through medicaid.~~

~~The human services department shall authorize eight thousand participants in the state coverage insurance program administered by the university of New Mexico hospital provided that, if a participant determined by the hospital to be qualified for the program is later determined to be ineligible for federal participation, then any reimbursement or payment due to the federal government as a result of the ineligibility determination shall be the responsibility of the hospital and shall not be passed on to the human services department.~~

~~The general fund appropriations to the medical assistance program of the human services department shall be reduced by five million three hundred forty thousand dollars (\$5,340,000) contingent on the enactment of House Bill 365 or similar legislation.~~

~~of the second session of the forty-seventh legislature that repeals the nursing home bed tax.~~

The general fund appropriations to the medical assistance program of the human services department include five million two hundred thousand dollars (\$5,200,000) for medicaid provider increases, four million five hundred thousand dollars (\$4,500,000) to change recertification from six months to twelve months, three million seven hundred forty-eight thousand dollars (\$3,748,000) for the income disregard program in medicaid, four million six hundred thousand dollars (\$4,600,000) to expand medicaid outreach for children, one million dollars (\$1,000,000) for medicaid program expansion on the Navajo nation, five hundred thousand dollars (\$500,000) to expand medicaid child dental programs, ~~seven hundred fifty thousand dollars (\$750,000) for medicaid obstetrician rate increases, two hundred fifty thousand dollars (\$250,000) for medicaid behavioral health provider increases~~ and one million seven hundred thousand dollars (\$1,700,000) for a health insurance premium assistance program.

The general fund appropriation to the medical assistance program of the human services department in the other category includes (1) nine hundred fifty thousand dollars (\$950,000) to increase medicaid payments for dental services; and (2) nine million four hundred fifty thousand dollars (\$9,450,000) to increase medicaid payments to physicians. For the portion of physician payment increases allocated to managed care organizations, each managed care organization shall provide a written report to the human services department and the legislative finance committee of its increased compensation to physicians. The department shall promulgate rules to ensure full implementation of the physician payment increase provided for by this appropriation, including rules providing that the department may pay physicians directly if a managed care organization does not increase its compensation to physicians as provided in this paragraph.

Performance measures:

- (a) Outcome: Percent of children enrolled in medicaid managed care who have a dental exam within the performance measure year
92%
- (b) Outcome: Percent of readmissions to the same level of care or higher for individuals in managed care discharged from residential treatment centers
12%
- (c) Outcome: Number of children receiving services in the medicaid school-based services program
16,500

- (d) Outcome: Percent of children in medicaid managed care receiving early and periodic screening, diagnosis and treatment services 85%
- (e) Outcome: Percent of age appropriate women enrolled in medicaid managed care receiving breast cancer screens 75%
- (f) Outcome: Percent of age appropriate women enrolled in medicaid managed care receiving cervical cancer screens 75%

(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	16,272.3	848.0	24,470.6	41,590.9
(b) Contractual services	4,129.2	113.2	19,929.5	24,171.9
(c) Other	22,302.8	1,856.8	429,316.4	453,476.0
(d) Other financing uses			37,360.3	37,360.3

Authorized FTE: 981.00 Permanent

The federal funds appropriations to the income support program of the human services department include ten million seven hundred ninety-five thousand two hundred dollars (\$10,795,200) 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 five hundred fifty-

four thousand eight hundred dollars (\$11,554,800) from the general fund and fifty-seven million seven hundred eighty-six thousand seven hundred dollars (\$57,786,700) 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, wage subsidies, one-time diversion payments and state-funded payments to aliens.

The federal funds appropriations to the income support program of the human services department include fourteen million four hundred sixty thousand dollars (\$14,460,000) from the federal temporary assistance for needy families block grant for support services, including seven hundred twenty thousand dollars (\$720,000) for employment-related costs, eight hundred thousand dollars (\$800,000) for transportation services, four hundred thousand dollars (\$400,000) for a family-strengthening and fatherhood program, eight hundred thousand dollars (\$800,000) for a substance abuse program and eleven million seven hundred forty thousand dollars (\$11,740,000) for job training and placement that includes one million four hundred forty thousand dollars (\$1,440,000) to the commission on the status of women for the teamworks program and five hundred thousand dollars (\$500,000) to the aging and long-term services department for the gold mentor program.

The federal funds appropriations to the income support program of the human services department include thirty-four million eight hundred nineteen thousand three hundred dollars (\$34,819,300) from the temporary assistance for needy families block grant for the transfer of thirty-two million two hundred nineteen thousand three hundred dollars (\$32,219,300) to the children, youth and families department for childcare programs and two million six hundred thousand dollars (\$2,600,000) to the children, youth and families department for domestic violence programs.

The general fund appropriations to the income support program of the human services department include five million six hundred sixty-five thousand five hundred dollars (\$5,665,500) and one million six hundred thousand dollars (\$1,600,000) from other state funds for general assistance. These funds cannot be used for any other purpose.

The general fund appropriations to the income support program of the human services department include two hundred eighteen thousand dollars (\$218,000) for the Navajo sovereign temporary assistance for needy families program.

The general fund appropriations to the income support program of the human services department include thirty-two thousand dollars (\$32,000) for the Zuni sovereign temporary assistance for needy families program.

~~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 the state maintenance-of-effort expenditures.~~

The general fund appropriation to the income support program of the human services department in the other category includes two hundred thousand dollars (\$200,000) for food bank programs.

Performance measures:

- (a) Outcome: Percent of temporary assistance for needy families participants who retain a job three or more months
75%
- (b) Outcome: Percent of temporary assistance for needy families single-parent recipients meeting federally required work participation requirements 60%
- (c) Outcome: Percent of temporary assistance for needy families two-parent recipients meeting federally required work participation requirements 80%
- (d) Outcome: Percent of food-stamp eligible children participating in the program 93%
- (e) Outcome: Percent of expedited food stamp cases meeting federally required measure of timeliness within seven days
98%
- (f) Outcome: Percent of temporary assistance for needy families clients phased into the interagency state workforce consolidation effort 100%
- (g) Outcome: Number of temporary assistance for needy families clients who receive a job 9,500

(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 to ensure that all court orders for support payments are being met to maximize child support collections and to reduce public assistance rolls.

Appropriations:

(a)	Personal services and employee benefits	3,580.5	2,813.5	10,804.0	17,198.0
(b)	Contractual services	1,581.8	1,215.5	4,667.4	
		7,464.7			
(c)	Other	1,039.4	659.7	2,532.9	4,232.0

Authorized FTE: 388.00 Permanent

The general fund appropriation to the child support enforcement program of the human services department includes thirty-five thousand dollars (\$35,000) in the contractual services category for hearing officers.

The general fund appropriation to the child support enforcement program of the human services department in the other category includes two hundred thousand dollars (\$200,000) for the paternity establishment program.

Performance measures:

- (a) Outcome: Percent of temporary assistance for needy families cases with court-ordered child support receiving collections
65%
- (b) Outcome: Amount of child support collected, in millions
\$95
- (c) Outcome: Percent of current support owed that is collected
65%
- (d) Outcome: Percent of cases with support orders
65%
- (e) Outcome: Percent of children born out of wedlock with voluntary paternity acknowledgment
75%
- (f) Outcome: Percent of children with court-ordered medical support covered by private health insurance
37%

(4) Program support:

The purpose of program support is to provide overall leadership, direction and administrative support to each agency program and to assist in achieving its programmatic goals.

Appropriations:

(a)	Personal services and employee benefits	3,289.7	2,928.0	8,867.7	15,085.4
(b)	Contractual services	3,558.0	216.7	9,063.0	12,837.7
(c)	Other	3,938.6	1,037.1	7,747.1	12,722.8
(d)	Other financing uses	6.3	14.6	29.1	50.0

Authorized FTE: 245.00 Permanent

The general fund appropriation to the program support of the human services department in the other category includes one hundred thirty-three thousand eight hundred dollars (\$133,800) for immunization system support.

Performance measures:

(a)	Outcome:	Percent of invoices paid within thirty days of receipt of the invoice	100%
(b)	Outcome:	Number of office of inspector general claims over thirty-six months old	0
(c)	Outcome:	Percent of reconciling items resolved within fifteen days of completion of reconciliation	95%

Subtotal 3,347,009.7

LABOR DEPARTMENT:

(1) Operations:

The purpose of the operations program is to provide workforce development and labor market services that meet the needs of job seekers and employers.

Appropriations:

(a)	Personal services and employee benefits	1,556.9	4,542.7	5,646.9	11,746.5
(b)	Contractual services		417.2	219.0	636.2
(c)	Other	314.7	2,726.8	3,041.5	

Authorized FTE: 184.00 Permanent; 98.50 Term; 1.00 Temporary

The federal funds appropriations to the operations program of the labor department include four hundred thirty thousand seven hundred dollars (\$430,700) of federal Reed Act funds.

Performance measures:

(a)	Outcome:	Number of individuals served by labor market services who found	54,000
(b)	Outcome:	Percent of status determinations for newly established employers made within ninety days of the quarter's end	90%
(c)	Explanatory:	Number of persons served by the labor market services	370,000

(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	1,042.3	444.9	198.2	290.0	1,975.4
(b)	Contractual services		5.9	3.0		8.9
(c)	Other	305.1	490.3	795.4		

Authorized FTE: 41.00 Permanent

The internal services/interagency transfers appropriations to the compliance program of the labor department include six hundred ninety-one thousand five hundred dollars (\$691,500) from the 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
- (f) Output: Annual collections of apprentice contributions for public
works projects \$850,000

(3) Unemployment administration:

The purpose of the unemployment administration program is to provide payment of unemployment insurance benefits to qualified individuals who have lost their jobs through no fault of their own so that they may maintain economic stability and continue their livelihood while seeking employment and collect unemployment taxes from employers.

Appropriations:

- (a) Personal services and
employee benefits 509.8 7,153.4 7,663.2
- (b) Contractual services 351.5 351.5

(c) Other	1,165.1	1,165.1
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Authorized FTE: 180.00 Permanent; 5.00 Term

The federal funds appropriations to the unemployment administration program of the labor department include seven hundred seventeen thousand one hundred dollars (\$717,100) of federal Reed Act funds.

(4) Support:

The purpose of the support program 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	1,355.5	689.9	4,418.7	6,464.1
(b) Contractual services			1,497.6	1,497.6
(c) Other	1,766.0	1,766.0		

Authorized FTE: 111.00 Permanent; 7.00 Term

The federal funds appropriations to the support program of the labor department include one million six hundred twelve thousand eight hundred dollars (\$1,612,800) of federal Reed Act funds.

Performance measures:

(a) Outcome:	Error rate for forecasting employment data +/-2%
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Subtotal	37,111.4
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WORKERS' COMPENSATION ADMINISTRATION:

(1) 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	7,528.0	7,528.0
(b)	Contractual services	330.9	330.9
(c)	Other	1,276.8	1,276.8
(d)	Other financing uses	691.5	691.5

Authorized FTE: 134.00 Permanent

Performance measures:

- | | | | |
|-----|-------------------|--|-------|
| (a) | Output:
40,500 | Number of first reports of injury processed | |
| (b) | Outcome:
85% | Percent of formal claims resolved without trial | |
| (c) | Output: | Number of reviews of employers to ensure the employer has
workers' compensation insurance | 4,000 |

(2) Uninsured employers' fund:

Appropriations:

(a)	Contractual services	100.0	100.0
(b)	Other	800.0	800.0
Subtotal			10,727.2

OFFICE OF WORKFORCE TRAINING AND DEVELOPMENT:

The purpose of the office of workforce training and development program is to administer, oversee, and coordinate the provision of workforce development services that meet the needs of job seekers and employers and to provide resources to job training entities so that they may train and re-train individuals seeking work or improved employment opportunities.

Appropriations:

- (a) Personal services and

	employee benefits			2,337.7	2,337.7
(b)	Contractual services			220.0	220.0
(c)	Other	800.0	11,740.0	20,963.6	33,503.6
(d)	Other financing uses			7.0	7.0

Authorized FTE: 37.00 Permanent; 1.00 Temporary

Performance measures:

(a)	Outcome:	Number of program audit findings			0
(b)	Outcome:	Percent of adults receiving workforce development services who have entered employment within one quarter of leaving job training services			78%
(c)	Outcome:	Percent of youth receiving workforce development services who have entered employment within one quarter of leaving the program			70%
(d)	Outcome:	Percent of dislocated workers receiving workforce development services who have entered employment within one quarter of leaving the program			86%
(e)	Outcome:	Total number of individuals in the adult, dislocated worker and youth programs receiving services through the federal Workforce Investment Act			8,800

Subtotal 36,068.3

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	2,031.5	716.4	8,419.1	11,167.0
(b)	Contractual services	153.8	188.5	557.7	900.0
(c)	Other	2,458.7	300.0	175.0	14,622.2
					17,555.9

Authorized FTE: 186.00 Permanent; 26.00 Term

The internal services funds/interagency transfers appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other category includes one hundred seventy-five thousand dollars (\$175,000) to match with federal funds to support and enhance deaf and hard-of-hearing rehabilitation services.

Any unexpended or unencumbered balance in the division of vocational rehabilitation remaining at the end of fiscal year 2007 from the general fund shall not revert.

Performance measures:

- (a) Outcome: Number of persons achieving suitable employment for a minimum of ninety days 1,750
- (b) Outcome: Percent of persons achieving suitable employment outcomes of all cases closed after receiving planned services 65%
- (c) Outcome: Percent of persons achieving suitable employment outcomes competitively employed or self employed and earning at least minimum wage 95%
- (d) Outcome: Percent of persons achieving suitable employment outcomes

who are competitively employed or self employed, earning at least minimum wage and individuals with significant disabilities 95%

(2) Independent living services:

The purpose of the independent living services program is to increase access for individuals with disabilities to technologies and services needed for various applications in learning, working and home management.

Appropriations:

(a) Other 1,210.0 250.0 1,460.0

Performance measures:

(a) Output: 400 Number of independent living plans developed

(b) Output: 600 Number of individuals served for independent living

(3) 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 5,495.1 5,495.1

(b) Contractual services 391.1 391.1

(c) Other 5,704.5 5,704.5

Authorized FTE: 100.00 Permanent

Performance measures:

The purpose of the consumer services program is to provide training, information and referral for individuals with disabilities and their family members so they can live more independent and self-directed lives.

Appropriations:

(a)	Personal services and			
	employee benefits	75.7		75.7
(b)	Contractual services		6.7	6.7
(c)	Other	150.8	30.0	180.8

Authorized FTE: 2.00 Permanent

Performance measures:

(a)	Outcome:	Percent of participant knowledge gained through education or training on self-advocacy and disability-related issues as evidenced by training tests	80%
(b)	Output:	Number of client contacts to assist on health, housing, transportation, education, child care, medicaid services and other programs	3,500

(2) Developmental disabilities planning council:

The purpose of the developmental disabilities planning council program is to provide and produce opportunities to and for persons with developmental disabilities so that they realize their dreams and potentials and become integrated members of society.

Appropriations:

(a)	Personal services and			
	employee benefits	264.1	104.6	368.7
(b)	Contractual services		12.0	157.6 169.6
(c)	Other	69.0	255.5	324.5

Authorized FTE: 6.50 Permanent

Performance measures:

- | | | | |
|-----|---------|---|-------|
| (a) | Output: | Number of project, programmatic and financial reports reviewed to assure compliance with state and federal regulations | 50 |
| (b) | Output: | Number of monitoring site visits conducted | 40 |
| (c) | Output: | Number of persons with developmental disabilities, their family members or guardians and others involved in services for persons with developmental disabilities served by the agency in the federally mandated areas | 7,500 |

(3) 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 aging and long-term services department's brain injury services fund so that they may align with the needs as identified by the brain injury community.

Appropriations:

- | | | | |
|-----|---|------|------|
| (a) | Personal services and employee benefits | 55.9 | 55.9 |
| (b) | Contractual services | 30.4 | 30.4 |
| (c) | Other | 44.7 | 44.7 |

Authorized FTE: 1.00 Permanent

Performance measures:

- | | | |
|-----|----------|---|
| (a) | Outcome: | Percent of participant knowledge gained through education or training on traumatic brain injury issues as evidenced |
|-----|----------|---|

by training tests

85%

(4) 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 to maintain the dignity, safety and security of the indigent and incapacitated adults of the state.

Appropriations:

(a) Personal services and

employee benefits	220.6	220.6
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(b) Contractual services	2,262.3	2,262.3
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(c) Other	53.0	53.0
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Authorized FTE: 4.00 Permanent

Performance measures:

(a) Outcome:	Percent of wards properly served with the least restrictive means as evidenced by an annual technical compliance audit	75%
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Subtotal	3,792.9
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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	7,867.9	2,600.0	105.0	10,572.9
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(b) Contractual services	2,184.3	750.0	119.7	3,054.0
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(c)	Other	2,852.3	1,150.0	35.0	4,037.3	
(d)	Other financing uses			4,500.0		4,500.0

Authorized FTE: 211.50 Permanent; 13.50 Term

The internal services fund/interagency transfers appropriation to the healthcare program of the miners' hospital of New Mexico in the other financing uses category includes four million five hundred thousand dollars (\$4,500,000) from the miners' trust fund.

Performance measures:

- (a) Outcome: Percent of billed revenue collected
80%
- (b) Output: Number of patient days at the long-term care facility
9,000
- (c) Output: Number of outpatient visits 16,000
- (d) Output: Number of outreach clinics conducted
18
- (e) Output: Number of emergency room visits 5,000
- (f) Output: Number of patient days at the acute care facility
6,300

Subtotal 22,164.2

DEPARTMENT OF HEALTH:

(1) Public health:

The purpose of the public health program is to provide a coordinated system of community-based public health services focusing on disease prevention and health promotion in order to improve health status, reduce disparities and ensure timely access to quality, culturally competent health care.

Appropriations:

(a)	Personal services and employee benefits	24,739.8	2,766.5	364.6	19,293.3	47,164.2
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(b)	Contractual services	23,044.6	9,308.6	2,369.3	11,699.3
		46,421.8			
(c)	Other	19,538.8	15,422.2	1,849.6	36,916.7
					73,727.3
(d)	Other financing uses	600.0		600.0	

Authorized FTE: 363.50 Permanent; 597.50 Term

The general fund appropriation to the public health program of the department of health in the contractual services category includes two million eight hundred twenty-two thousand seven hundred eight dollars (\$2,822,708) for contracts related to the County Maternal and Child Health Plan Act, one million six hundred thousand dollars (\$1,600,000) for the hepatitis C extension for community health outcomes program at the university of New Mexico, thirty-seven thousand nine hundred dollars (\$37,900) to support the sickle cell research council and an additional eight hundred thousand dollars (\$800,000) for the primary care clinics under the Rural Primary Health Care Act to sustain capability to serve the uninsured.

The general fund appropriation to the public health program of the department of health in the other category includes ~~three hundred thousand dollars (\$300,000) to review and monitor a public health and social service delivery program for low-income and indigent residents in Bernalillo county~~ and three hundred thousand dollars (\$300,000) to provide mammogram and related diagnostic services statewide to low-income women from forty to forty-nine years of age through the breast and cervical cancer early detection program criteria.

The other state funds appropriation to the public health program of the department of health includes seven million two hundred fifteen thousand eight hundred dollars (\$7,215,800) from the tobacco settlement program fund for smoking cessation and prevention programs, one million dollars (\$1,000,000) from the tobacco settlement program fund for diabetes prevention and control services and four hundred seventy thousand dollars (\$470,000) from the tobacco settlement program fund for HIV/AIDS prevention services and medicine.

Any unexpended balances in the public health program of the department of health in the contractual services category from appropriations made from the county-supported medicaid fund for the support of primary health care services related to the Rural Primary Health Care Act remaining at the end of fiscal year 2007 shall not revert.

Performance measures:

(a)	Outcome:	Percent of preschoolers fully immunized	92%
(b)	Outcome:	Percent of adolescents fully immunized	95%

- (c) Outcome: Number of births per one thousand females ages fifteen to seventeen 25
- (d) Outcome: Number of HIV/AIDS deaths in New Mexico 10
- (e) Outcome: Percent of adolescents, grades nine through twelve, who are overweight or obese 18%
- (f) Outcome: Youth suicide rate among fifteen to nineteen year olds per one hundred thousand 5
- (g) Outcome: Percent of schools with school-based health centers that have decreased teen birth, suicide and obesity rates 100%
- (h) Outcome: Tobacco use by adolescents 20%
- (i) Output: Number of hepatitis C clients treated by the extension for community health outcomes program 5,000
- (j) Output: Number of clients referred and screened for hepatitis C through the public health system 10,000
- (k) Output: Number of operating school-based health centers 68
- (l) Output: Number of youth served at school-based health centers 11,000
- (m) Explanatory: Per capita consumption of tobacco products 39 packs

(2) Epidemiology and response:

The purpose of the epidemiology and response program is to maintain and enhance a statewide system of population-based surveillance, vital records and health statistics,

emergency medical services, bioterrorism and health emergency management and injury prevention so information on the health of New Mexicans is readily available, to identify and respond to threats to the health of the public, to assure safe environments for New Mexicans, to ensure the provision of emergency medical services and to provide vital records to the public.

Appropriations:

(a)	Personal services and					
	employee benefits	3,840.4	254.1	131.5	6,882.0	11,108.0
(b)	Contractual services	1,647.7	206.7	38.5	6,044.2	7,937.1
(c)	Other	4,286.0	38.0	289.5	1,317.4	5,930.9

Authorized FTE: 55.00 Permanent; 144.50 Term

The general fund appropriation to the epidemiology and response program of the department of health in the other category includes ~~an additional~~ two hundred thousand dollars (\$200,000) for regional emergency medical services programs.

Performance measures:

(a)	Outcome:	Percent of urgent calls received by the epidemiology and response program for which response activities are initiated within fifteen minutes of report	100%
(b)	Output:	Number of health professionals on the volunteer health professional emergency registry	3,000

(3) Laboratory services:

The purpose of the laboratory services program is to provide laboratory analysis and science policy for tax-supported public health, environmental and toxicology programs in the state of New Mexico in order to provide timely identification of threats to the health of New Mexicans.

Appropriations:

(a)	Personal services and			
	employee benefits	4,062.1	1,838.0	623.8 6,523.9

(b)	Contractual services	304.3	1,138.1		1,442.4
(c)	Other	1,476.6	1,334.9	1,053.4	3,864.9

Authorized FTE: 77.00 Permanent; 46.00 Term

Performance measures:

- (a) Outcome: Percent of public health threat samples for communicable diseases and other threatening illnesses analyzed within specified turnaround times 98%
- (b) Outcome: Percent of blood alcohol tests from driving-while-intoxicated cases analyzed and reported within seven business days 90%

(4) Behavioral health services:

The purpose of the behavioral health services program is to lead and oversee the provision of an integrated and comprehensive behavioral health prevention and treatment system so that the program fosters recovery and supports the health and resilience of all New Mexicans.

Appropriations:

(a)	Personal services and employee benefits	1,566.3	1.6	1,060.3	2,628.2
(b)	Contractual services	36,348.2		35.3	22,640.2
(c)	Other	3,959.9	4.2	2,680.3	6,644.4
(d)	Other financing uses	869.8	.9	588.7	1,459.4

Authorized FTE: 25.00 Permanent; 19.00 Term

The general fund appropriation to the behavioral health services program of the department of health in the contractual services category includes ~~two hundred fifty thousand dollars (\$250,000) to provide a rate increase for non-medicaid mental health service providers, one million five hundred thousand dollars (\$1,500,000) for inpatient assessment and treatment of individuals who are under protective custody or are under~~

~~thirty-day involuntary civil commitment~~, two hundred fifty thousand dollars (\$250,000) to establish and operate mobile crisis teams, two hundred fifty thousand dollars (\$250,000) for residential and nonresidential transitional treatment or temporary beds for court-ordered jail diversion, six hundred fifty thousand dollars (\$650,000) for prevention and treatment services to methamphetamine addicts and two hundred thousand dollars (\$200,000) for an alcohol recovery center in Santa Fe county.

Two million dollars (\$2,000,000) is appropriated from the appropriation contingency fund to the behavioral health services program of the department of health in the contractual services category. Disbursement is contingent upon the secretary of the department of health submitting to the secretary of the department of finance and administration, ~~with review by the legislative finance committee~~, an increase-in-services plan to enhance direct mental health and substance abuse treatment and prevention services in schools and communities that integrates the funding with existing programs and indicates the program purpose, number served, how the program will reduce the prevalence of mental illness and the desired outcomes. Further, the plan must include outcome-based performance measures.

Performance measures:

- (a) Outcome: Percent of people receiving substance abuse treatment who demonstrate improvement on three or more domains of the addiction severity index TBD
- (b) Outcome: 21.7 Suicide rate among adults twenty years and older
- (c) Output: Number of adults with serious mental illness in competitive employment of their choice TBD
- (d) Output: Number of individuals with mental illness and substance abuse disorders with decent, safe, affordable housing TBD
- (e) Quality: Number of customers and families reporting satisfaction with services TBD
- (f) Quality: Number of driving-while-intoxicated arrests and convictions among persons receiving substance abuse treatment services TBD

(5) Facilities management:

The purpose of the facilities management program is to provide oversight for department of health facilities that provide health and behavioral health care services including mental health, substance abuse, nursing home and rehabilitation programs in both facility and community-based settings and serve as the safety net for the citizens of New Mexico.

Appropriations:

(a) Personal services and

employee benefits	34,421.4	12,404.5	34,230.2	2,627.5
83,683.6				

(b) Contractual services	2,078.4	774.8	2,138.2	164.1	5,155.5
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(c) Other	6,538.5	2,437.7	6,726.7	516.4	16,219.3
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(d) Other financing uses	3.9	1.5	4.1	.3	9.8
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Authorized FTE: 1,698.00 Permanent; 240.50 Term; 1.00 Temporary

Performance measures:

(a) Outcome:	Number of substantiated cases of abuse, neglect and exploitation per one hundred residents in agency-operated long-term care programs confirmed by the division of health improvement	6
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(b) Output:	Average length of stay at fort bayard medical center, in days	550
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(6) Developmental disabilities support:

The purpose of the developmental disabilities support program is to administer a statewide system of community-based services and supports in order to improve the quality of life and increase the independence and interdependence of individuals with developmental disabilities, children with or at risk for developmental delay or disability, and their families.

Appropriations:

(a)	Personal services and employee benefits	4,156.8	890.0	15,287.1	425.8	20,759.7
(b)	Contractual services	26,488.5		879.4	2,900.0	30,267.9
(c)	Other	2,624.2	813.0	2,627.2	57.2	6,121.6
(d)	Other financing uses		70,689.1			70,689.1

Authorized FTE: 165.00 Permanent; 296.00 Term; 13.00 Temporary

The general fund appropriation to the developmental disabilities support program of the department of health in the other financing uses category includes seventy million six hundred eighty-nine thousand one hundred dollars (\$70,689,100) for medicaid waiver services in local communities, including one million nine hundred ninety-two thousand six hundred dollars (\$1,992,600) for medically fragile services and sixty-eight million six hundred ninety-six thousand five hundred dollars (\$68,696,500) to provide direct developmental disabilities services and ~~serve 250 additional clients over the average number served per month for fiscal year 2006.~~

~~The general fund appropriation to the developmental disabilities support program of the department of health in the contractual services category includes one million dollars (\$1,000,000) to provide a rate increase for developmental disabilities medicaid waiver providers.~~

~~Five million dollars (\$5,000,000) is appropriated to the department of health from the appropriation contingency fund for use in fiscal year 2007 and fiscal year 2008. Disbursement is contingent upon certification from the secretary of the human services department and the secretary of the department of health to the department of finance and administration and review by the legislative finance committee that the funding in the developmental disabilities support program of the department of health in the other financing uses category for additional developmental disabilities medicaid waiver services in local communities has been exhausted and the department is able to move additional clients off the developmental disabilities medicaid waiver waiting list and into services.~~

Performance measures:

- (a) Outcome: Percent of adults receiving developmental disabilities day services engaged in community-integrated employment
45%
- (b) Outcome: Percent of families who report an increased capacity to

- address their child's developmental needs as an outcome of receiving early intervention services
- 99%+
- (c) Outcome: Percent of infants and toddlers in the family infant toddler program who make progress in their development
- 95%
- (d) Efficiency: Percent of developmental disabilities medicaid waiver applicants determined to be both income eligible and clinically eligible within ninety days of allocation
- 95%
- (e) Efficiency: Percent of developmental disabilities medicaid waiver applicants who have a service plan in place within ninety days of income and clinical eligibility determination
- 99%+

(7) Health certification, licensing and oversight:

The purpose of the health certification, licensing and oversight program is to provide health facility licensing and certification surveys, community-based oversight and contract compliance surveys and a statewide incident management system so that people in New Mexico have access to quality health care and that vulnerable populations are safe from abuse, neglect and exploitation.

Appropriations:

- (a) Personal services and
- | | | | | | |
|-------------------|---------|-------|---------|---------|----------|
| employee benefits | 4,353.5 | 663.7 | 3,888.0 | 1,239.5 | 10,144.7 |
|-------------------|---------|-------|---------|---------|----------|
- (b) Contractual services
- | | | | | | |
|--|-------|-------|------|-------|--|
| | 552.0 | 235.0 | 20.0 | 807.0 | |
|--|-------|-------|------|-------|--|
- (c) Other
- | | | | | | |
|--|-------|-------|-------|-------|---------|
| | 215.5 | 711.1 | 689.0 | 561.5 | 2,177.1 |
|--|-------|-------|-------|-------|---------|

Authorized FTE: 58.00 Permanent; 112.00 Term

The general fund appropriation to the health certification, licensing and oversight program of the department of health in the contractual services category includes five hundred thousand dollars (\$500,000) for receivership services.

Performance measures:

- | | | | |
|-----|-------------|--|-------|
| (a) | Outcome: | Number of long-term services, developmental disabilities
medicaid provider agencies that receive unannounced on-
site
reviews | 41 |
| (b) | Output: | Number of regulatory compliance surveys conducted by the
division of health improvement for licensed facilities | 200 |
| (c) | Output: | Number of quality management reviews as a result of
disproportionate substantiated findings of abuse, neglect
and exploitation | 5 |
| (d) | Efficiency: | Number of community-based program incident investigations
completed | 4,300 |
| (e) | Quality: | Number of providers that receive a quality management
review as a result of disproportionate substantiated
findings of abuse, neglect and exploitation | 5 |

(8) Administration:

The purpose of the administration program is to provide leadership, policy development, information technology, administrative and legal support to the department of health so that the department achieves a high level of accountability and excellence in services provided to the people of New Mexico.

Appropriations:

- (a) Personal services and

employee benefits	4,978.3	299.8	520.9	3,297.3	9,096.3
(b) Contractual services	1,031.4	62.1	107.9	683.2	1,884.6
(c) Other	935.3	56.3	97.9	619.5	1,709.0
(d) Other financing uses	2,700.0				2,700.0

Authorized FTE: 132.00 Permanent; 22.50 Term

The general fund appropriation to the administration program of the department of health in the other financing uses category includes one million three hundred thousand dollars (\$1,300,000) for trauma services at the university of New Mexico health sciences center and one million four hundred thousand dollars (\$1,400,000) to expand trauma services statewide. ~~The department of health shall provide the department of finance and administration and the legislative finance committee quarterly reports on the expenditures of the trauma services funds matched with federal medicaid funds.~~

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.

Performance measures:

(a) Outcome:	Percent capital project funds expended over a five-year period	16%
(b) Output:	Number of repeat audit findings	0
Subtotal		535,901.4

DEPARTMENT OF ENVIRONMENT:

(1) Field operations:

The purpose of the field operations program is to protect public health and the environment through specific programs that provide regulatory oversight over food service and food processing facilities, regulation of on-site treatment and disposal of liquid wastes, regulation of public swimming pools and baths, regulation of medical radiation and radiological technologist certification, compliance with the Safe Drinking Water Act, application of the mosquito abatement regulation, oversight of implementation of consent orders at Sandia and Los Alamos national laboratories, oversight of waste isolation pilot plant transportation and education and public outreach about radon in homes and public buildings.

Appropriations:

(a)	Personal services and employee benefits	4,249.7	3,063.2	2,809.1	10,122.0
(b)	Contractual services	51.3	2,098.8	1,222.5	3,372.6
(c)	Other	1,328.4	1,038.9	620.5	2,987.8

Authorized FTE: 111.00 Permanent; 66.00 Term

Performance measures:

- (a) Efficiency: 85% Percent of new septic tanks inspections completed
- (b) Efficiency: Percent of public drinking water systems inspected within
one week of notification of system problems that may impact
public health 95%
- (c) Efficiency: Percent of drinking water chemical samplings completed
within the regulatory timeframe 95%
- (d) Output: inspections Percent of annual commercial food establishment
completed 100%
- (e) Output: Percent of license inspections and radiation-producing
machine inspections completed within nuclear regulatory
commission and food and drug administration guidelines
100%
- (f) Outcome: Percent of public water systems that comply with acute
maximum contaminant levels 95%

(2) Water quality:

The purpose of the water quality program is to protect the quality of New Mexico's ground- and surface-water resources to ensure clean and safe water supplies are available now and in the future to support domestic, agricultural, economic and recreational activities and provide healthy habitat for fish, plants and wildlife and to ensure that hazardous waste generation, storage, treatment and disposal is conducted in a manner protective of public health and environmental quality.

Appropriations:

- (a) Personal services and
employee benefits 3,035.0 3,266.2 6,433.3 12,734.5
- (b) Contractual services 125.2 806.9 3,116.4 4,048.5
- (c) Other 309.8 873.0 730.7 1,913.5

Authorized FTE: 45.00 Permanent; 151.50 Term

Performance measures:

- (a) Outcome: Number of impaired stream miles restored to beneficial use
200
- (b) Output: Percent of groundwater discharge permitted facilities
receiving annual field inspections 60%
- (c) Output: Number of inspections of permitted hazardous waste
facilities and hazardous waste generators, handlers and
transporters 160
- (d) Efficiency: Percent of department of energy generator site audits for
the waste isolation pilot project on which agency action
will be taken within forty-five days 80%
- (e) Explanatory: Stream miles and acreage of lakes monitored annually to
determine if surface water quality is impaired
1,500/10K
- (f) Output: Number of nonpoint source pollution impaired stream miles

currently being addressed through watershed restoration plans to improve surface water quality

220

(3) Environmental protection:

The purpose of the environmental protection program is to ensure that New Mexicans breathe healthy air, prevent releases of petroleum products into the environment, ensure solid waste is handled and disposed without harming natural resources, and ensure every employee safe and healthful working conditions.

Appropriations:

(a)	Personal services and employee benefits	1,994.8	6,737.6	2,446.0	11,178.4
(b)	Contractual services	27.7	126.3	560.0	714.0
(c)	Other	477.7	1,174.9	636.1	2,288.7

Authorized FTE: 66.00 Permanent; 123.00 Term

Performance measures:

(a)	Outcome:	Percent of landfills meeting groundwater monitoring requirements	93%
(b)	Outcome:	Percent of confirmed releases from leaking storage tank sites undergoing assessment or corrective action	55%
(c)	Outcome:	Percent of facilities taking corrective action to mitigate air quality violations discovered as a result of inspections	95%
(d)	Outcome:	Improvement in visibility at all monitored locations in New Mexico based on a rolling average of the previous four quarters	3.25/172 KM

- (e) Outcome: Percent of underground storage tank facilities in significant operational compliance with release prevention and release detection regulations of the petroleum storage tank regulations 80%
- (f) Outcome: Percent of inspected solid waste facilities in substantial compliance with the solid waste management regulations 75%
- (g) Outcome: Number of days per year in which the air quality index exceeds one hundred, exclusive of natural events such as high winds and wildfires </=8
- (h) Output: Number of storage tank sites with confirmed releases of petroleum products undergoing assessment or corrective action 550
- (i) Outcome: Number of serious injuries and illnesses caused by workplace conditions 4,882
- (j) Outcome: Rate of serious injuries and illnesses caused by workplace conditions per one hundred workers .62

(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 1,985.9 2,264.2 2,850.2 7,100.3

(b)	Contractual services	223.4	198.8	437.0	859.2
(c)	Other	268.5	362.5	399.7	1,030.7

Authorized FTE: 58.00 Permanent; 44.00 Term

Performance measures:

- (a) Quality: Percent customer satisfaction with the construction bureau's technical assistance and engineering services provided in conjunction with federal and state loan and grant projects for construction of water, wastewater and solid waste projects, based on written customer surveys
100%
- (b) Output: Percent of enforcement actions brought within one year of inspection or documentation of violation 90%
- (c) Quality: Number of responsibility for the accounting function standards achieved at the end of fiscal year
4

(5) Special revenue funds:

Appropriations:

(a)	Contractual services		4,000.0	4,000.0
(b)	Other	11,850.0	11,850.0	
(c)	Other financing uses		21,674.8	21,674.8
	Subtotal		95,875.0	

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	234.2	76.0	310.2
(b)	Contractual services		24.6	24.6
(c)	Other	55.2	55.2	
Authorized FTE: 3.80 Permanent				
Subtotal				390.0

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	762.1		762.1
(b)	Contractual services		196.7	196.7
(c)	Other	296.6	1.0	297.6
Authorized FTE: 15.00 Permanent				

Performance measures:

(a)	Output:	Number of health-related bills analyzed during the legislative session	200
Subtotal			1,256.4

VETERANS' SERVICE DEPARTMENT:

(1) Veterans' services:

The purpose of the veterans' services program is to provide information and assistance to veterans and their eligible dependents to obtain benefits to which they are entitled in order to improve their quality of life.

Appropriations:

- (a) Personal services and
employee benefits 1,608.7 117.8 1,726.5
- (b) Contractual services 487.2 297.7 784.9
- (c) Other 257.0 30.8 26.0 44.2 358.0

Authorized FTE: 33.00 Permanent; 2.00 Term

Performance measures:

- (a) Outcome: Percent of New Mexico veterans impacted by department programs 25%
- (b) Output: 42,000 Number of veterans served by field officers
- (c) Output: Number of homeless veterans provided shelter for a period of two weeks or more 500
- (d) Output: Compensation received by New Mexico veterans as a result of the department's contracts with veterans' organizations, in millions \$170

Subtotal 2,869.4

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, early intervention and prevention, detention and screening and probation and parole supervision aimed at keeping youth from committing additional delinquent acts.

Appropriations:

(a)	Personal services and			
	employee benefits	40,073.0	984.4	41,057.4
(b)	Contractual services	11,250.6		11,250.6
(c)	Other	5,426.2	1,394.8	1,220.1
				8,041.1

Authorized FTE: 843.30 Permanent

The general fund appropriation to the juvenile justice program of the children, youth and families department in the other category includes two hundred thousand dollars (\$200,000) for gang intervention and three hundred thousand dollars (\$300,000) for a vocational training program in the secure facilities.

The general fund appropriation to the juvenile justice program of the children, youth and families department in the contractual services category includes one million dollars (\$1,000,000) to increase community-based programming.

The general fund appropriation to the juvenile justice program of the children, youth and families department includes sufficient funding to transition youth from the Springer, New Mexico, facility no later than January 1, 2007.

Performance measures:

(a)	Output:	Percent of clients who complete formal probation	
		83%	
(b)	Outcome:	Percent of youth confined over ninety days who show an increase in reading, math or language arts scores between children, youth and families department facility admission and discharge	70%
(c)	Output:	Percent of re-adjudicated clients	5%

- (d) Outcome: Percent of clients recommitted to a children, youth and families department facility 11.5%
- (e) Outcome: Percent of clients receiving functional family therapy and multi-systemic therapy who have not committed a subsequent juvenile offense 65%
- (f) Output: Percent of clients earning education credits while in facility schools 75%
- (g) Output: Number of children in community corrections programs 800

(2) Protective services:

The purpose of the protective services program is to receive and investigate referrals of child abuse and neglect, and provide family preservation, treatment and legal services to vulnerable children and their families to ensure their safety and well being.

Appropriations:

- (a) Personal services and employee benefits 28,489.1 4,381.3 10,346.3 43,216.7
- (b) Contractual services 1,894.6 7,578.5 9,473.1
- (c) Other 20,055.2 1,352.4 1,093.3 26,500.9 49,001.8
- (d) Other financing uses 208.0 208.0

Authorized FTE: 833.50 Permanent

The general fund appropriation to the protective services program of the children, youth and families department in the other category includes five hundred forty-seven thousand dollars (\$547,000) to be matched with federal funds to increase the foster care subsidy paid to foster families.

Performance measures:

- (a) Outcome: Percent of children with repeat maltreatment
7.5%
- (b) Outcome: Percent of children adopted within twenty-four months from
entry into foster care 35%
- (c) Output: Percent of children maltreated while in foster care
.9%
- (d) Output: Percent of children determined to be maltreated within six
month of a prior determination 7.5%
- (e) Output: Percent of children committed to a juvenile facility who
were the subjects of an accepted report of maltreatment
within five years of a commitment 65%
- (f) Output: Number of children in foster care for twelve months with no
more than two placements 2,100

(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 7,407.4 595.0 2,257.1 10,259.5
- (b) Contractual services 35,308.6 234.0 2,000.0 6,684.9
44,227.5
- (c) Other 5,876.2 891.9 33,319.0 80,092.7 120,179.8
- (d) Other financing uses 125.0 523.0 648.0

Authorized FTE: 148.30 Permanent; 64.00 Term

The general fund appropriation to the family services program of the children, youth and families department in the contractual services category includes one million dollars (\$1,000,000) for a pilot first-born home-visiting program ~~contingent on quarterly reporting to the legislative finance committee regarding program outcomes, cost-effectiveness and progress securing additional medicaid funding.~~

The general fund appropriation to the family services program of the children, youth and families department in the contractual services category includes one million three hundred eighty-three thousand six hundred dollars (\$1,383,600) to expand childcare eligibility, one million three hundred twelve thousand dollars (\$1,312,000) for childcare provider rate increases, two hundred thousand dollars (\$200,000) for the americorp/vista program, and one million dollars (\$1,000,000) to the regional juvenile services grant fund for the juvenile justice continuum.

~~The federal funds appropriations to the family services program of the children, youth and families department include fifty thousand dollars (\$50,000) to continue disproportional minority studies by the juvenile justice advisory committee.~~

~~The children, youth and families department and the public education department shall report jointly and quarterly to the legislative education study committee and the legislative finance committee regarding the implementation of the pre-kindergarten program. The total of four quarterly reports will address student progress, infrastructure expenditures, teacher and provider qualifications and adequacy of instructional materials.~~

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: Percent of movement through levels one through five of aim high 20%
- (d) Outcome: Percent of children receiving state subsidy in aim high programs of levels two, three, four and five and with

- | | | | |
|-----|----------|---|-------|
| | | national accreditation | 15% |
| (e) | Outcome: | Percent of adult victims receiving domestic violence services who show improved client competencies in social, living, coping and thinking skills | 65% |
| (f) | Outcome: | Percent of adult victims receiving domestic violence services living in a safer, more stable environment | 85% |
| (g) | Output: | Number of adult victim witnesses receiving domestic violence services | 5,700 |

(4) Program support:

The purpose of program support is to provide the direct services divisions with functional and administrative support so they may provide client services consistent with the department's mission and also support the development and professionalism of employees.

Appropriations:

- | | | | | | |
|-----|---|---------|-------|---------|----------|
| (a) | Personal services and employee benefits | 7,093.9 | 506.7 | 2,533.7 | 10,134.3 |
| (b) | Contractual services | 1,395.2 | 105.7 | 354.8 | 1,855.7 |
| (c) | Other | 914.3 | 553.2 | 1,797.5 | 3,265.0 |

Authorized FTE: 168.00 Permanent

Performance measures:

- | | | | |
|-----|---------|--|-------|
| (a) | Output: | Turnover rate for social workers | 15% |
| (b) | Output: | Turnover rate for juvenile correctional officers | 11.9% |

Subtotal	352,818.5
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TOTAL HEALTH, HOSPITALS AND HUMAN SERVICES	1,217,379.3	183,884.1	280,186.8	2,884,261.3	4,565,711.5
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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 1,988.4 2,761.9 4,750.3
- (b) Contractual services 19.9 757.5 777.4
- (c) Other 2,107.6 60.1 3,360.4 5,528.1

Authorized FTE: 31.00 Permanent; 71.00 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-four in the governor's exempt plan and funding for the deputy adjutant general position not to exceed range thirty-two in the governor's exempt plan.

The general fund appropriation to the national guard support program of the department of military affairs in the other category includes seventy-five thousand dollars (\$75,000) for expenditures for the employee support of guard and reserve program.

Performance measures:

- (a) Outcome: Rate of attrition of the New Mexico army national guard
14%
- (b) Outcome: Percent of strength of the New Mexico national guard
85%
- (c) Output: Number of major environmental compliance findings from

(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	698.8	1,217.3	1,916.1
(b)	Contractual services	260.0	390.0	650.0
(c)	Other	275.5	13.7	289.2

Authorized FTE: 1.00 Permanent; 47.00 Term

Performance measures:

(a)	Outcome:	Percent of cadets successfully graduating from the youth challenge academy	100%
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Subtotal 13,911.1

PAROLE BOARD:

(1) Adult parole:

The purpose of the adult parole program is to provide and establish parole conditions and guidelines for inmates and parolees so they may reintegrate back into the community as law-abiding citizens.

Appropriations:

(a)	Personal services and employee benefits	297.3	297.3
(b)	Contractual services	6.6	6.6
(c)	Other	158.8	158.8

Authorized FTE: 6.00 Permanent

The general fund appropriation to the adult parole program of the adult parole board in personal services and employee benefits category includes thirty thousand eight hundred dollars (\$30,800) for one permanent full-time-equivalent position to assist with parole certificate and record processing.

The general fund appropriation to the adult parole program of the adult parole board in other category includes thirty thousand eight hundred dollars (\$30,800) for per diem and mileage for the board due to increases in caseload.

Performance measures:

- (a) Efficiency: Percent of revocation hearings held within thirty days of a parolee's return to the corrections department
90%
- (b) Efficiency: Percent of initial parole hearings held a minimum of thirty days prior to the inmate's projected release date
90%

Subtotal 462.7

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 335.6 335.6
- (b) Contractual services 5.6 5.6
- (c) Other 47.7 47.7

Authorized FTE: 6.00 Permanent

Subtotal 388.9

CORRECTIONS DEPARTMENT:

(1) Inmate management and control:

The purpose of the inmate management and control program is to incarcerate in a humane, professionally sound manner offenders sentenced to prison and to provide safe and secure prison operations. This includes quality hiring and in-service training of correctional officers, protecting the public from escape risks and protecting prison staff, contractors and inmates from violence to the extent possible within budgetary resources.

Appropriations:

(a)	Personal services and employee benefits	78,315.6	7,157.8	76.0	85,549.4
(b)	Contractual services	34,649.9			34,649.9
(c)	Other	81,872.7	4,211.9	150.0	86,234.6

Authorized FTE: 1,812.00 Permanent; 26.00 Term

The general fund appropriations to the inmate management and control program of the corrections department include five million dollars (\$5,000,000) for transition and operating costs to open the Springer facility no later than January 1, 2007.

The general fund appropriations to the inmate management and control program of the corrections department include thirty-

three million eighty-two thousand six hundred dollars (\$33,082,600) for medical services, a comprehensive medical contract and other health-related expenses.

If Senate Bill 21 of the second session of the forty-seventh legislature or similar legislation regarding revised prison-earned meritorious deductions is not enacted, one million seven hundred thousand eight hundred dollars (\$1,700,800) is appropriated from the general fund operating reserve to the corrections department.

Performance measures:

- | | | | |
|-----|----------|---|-----|
| (a) | Outcome: | Percent turnover of correctional officers | 15% |
| (b) | Outcome: | Percent of female offenders successfully released in
accordance with their scheduled release dates | 95% |

- (c) Output: Percent of inmates testing positive or refusing the random monthly drug test <=5%
- (d) Output: Graduation rate of correctional officer cadets from the corrections department training academy 78%
- (e) Output: Number of cadets entering corrections department training academy 200
- (f) Output: Percent of participants in the residential program for women dually diagnosed with mental illness and substance abuse issues and women dually diagnosed who have children 85%
- (g) Efficiency: Daily cost per inmate, in dollars \$88.27

(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 violence while incarcerated and the opportunity to acquire living skills and links to community support systems that can assist them on release.

Appropriations:

- (a) Personal services and employee benefits 6,842.5 141.7 6,984.2
- (b) Contractual services 792.8 45.0 837.8
- (c) Other 2,006.1 5.5 66.6 2,078.2

Authorized FTE: 135.50 Permanent; 2.00 Term

The general fund appropriations to the inmate programming program of the corrections department include one million four hundred fifty thousand dollars (\$1,450,000) to provide residential treatment, mental health, substance abuse, parenting and

reintegration services for women under the supervision of the probation and parole division and their children as appropriate.

Performance measures:

- | | | | |
|-----|----------|--|-------|
| (a) | Outcome: | Recidivism rate of the success for offenders after release program by thirty-six months | 40% |
| (b) | Output: | Number of inmates who successfully complete general equivalency diploma | 175 |
| (c) | Output: | Average number of inmates enrolled in cognitive education, pre-release planning and literacy skills per year | 700 |
| (d) | Output: | Percentage of reception diagnostic center intake inmates who receive substance abuse screening | 99% |
| (e) | Output: | Annual number of inmates enrolled in adult basic education | 1,650 |
| (f) | Output: | Number of inmates enrolled into 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 and to prepare them to perform effectively in an employment position and to reduce idle time of inmates while in prison.

Appropriations:

- | | | | |
|-----|---|---------|---------|
| (a) | Personal services and employee benefits | 2,012.7 | 2,012.7 |
| (b) | Contractual services | 20.6 | 20.6 |
| (c) | Other | 4,010.5 | 4,010.5 |

(d) Other financing uses 100.0 100.0

Authorized FTE: 33.00 Permanent; 4.00 Term

Performance measures:

(a) Outcome: Profit and loss ratio break even
(b) Outcome: Percent of inmates employed 7.4%
(c) Outcome: Percent of eligible inmates employed
10%

(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 emphasis on high-risk offenders to better ensure the probability of them becoming law-abiding citizens to protect the public from undue risk and to provide intermediate sanctions and post-incarceration support services as a cost-effective alternative to incarceration.

Appropriations:

(a) Personal services and
employee benefits 14,704.2 1,127.6 15,831.8
(b) Contractual services 80.4 80.4
(c) Other 6,972.6 6,972.6

Authorized FTE: 344.00 Permanent

No more than one million dollars (\$1,000,000) of the general fund appropriation to the community offender management program of the corrections department shall be used for detention costs for parole violators.

The general fund appropriations to the community offender management program of the corrections department include three hundred fifty thousand dollars (\$350,000) for the residential evaluation and treatment center at Fort Stanton as a sentencing alternative to incarceration for selected nonviolent prisoners and parole violators.

The general fund appropriations to the community offender management program of the corrections department include four hundred fifty-two thousand five hundred dollars (\$452,500) to continue treatment services for drug court.

Performance measures:

- (a) Outcome: Percent of out-of-office contacts per month with offenders on high and extreme supervision on standard caseloads
90%
- (b) Quality: Average standard caseload per probation and parole officer
92
- (c) Quality: Average specialized program caseload per probation and parole officer
30
- (d) Quality: Average intensive supervision program caseload per probation and parole officer
20

(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 735.1 20.0 755.1
- (b) Contractual services 92.8 92.8
- (c) Other 3,007.8 545.7 3,553.5

Authorized FTE: 17.00 Permanent

The appropriations for the community corrections/vendor-run program of the corrections department are appropriated to the community corrections grant fund.

Performance measures:

- (a) Output: Number of successful completions per year from male residential treatment center at Fort Stanton

(b) Output: Number of terminations per year from male residential treatment center at Fort Stanton 10

(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, personnel management and cost-effective management information system services.

Appropriations:

(a)	Personal services and employee benefits	5,362.0	52.5	226.3	5,640.8
(b)	Contractual services	430.7			430.7
(c)	Other	1,282.1		1,282.1	
(d)	Other financing uses		1,311.5		1,311.5

Authorized FTE: 94.00 Permanent

The other state funds appropriation to the program support program of the corrections department in the other financing uses category includes one million two hundred sixty-four thousand one hundred dollars (\$1,264,100) for the corrections department building fund.

Performance measures:

(a) Outcome: Percent of prisoners who were reincarcerated within twelve months after being released from the New Mexico corrections department prison system into community supervision or were discharged 35%

(b)	Outcome:	Percent of prisoners who were reincarcerated within twenty-four months after being released from the New Mexico corrections department prison system into community supervision or were discharged	45%
(c)	Outcome:	Percent of prisoners who were reincarcerated within thirty-six months after being released from the New Mexico corrections department prison system into community supervision or were discharged	55%
Subtotal		258,429.2	

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	748.0	748.0
(b)	Contractual services	205.7	205.7
(c)	Other	1,122.8 450.0	1,572.8

Authorized FTE: 15.00 Permanent

Performance measures:

(a)	Efficiency:	Average number of days to process applications <120
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(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		219.2	219.2
(b)	Contractual services		28.0	28.0
(c)	Other	3,430.4	3,430.4	
(d)	Other financing uses		947.6	947.6

Authorized FTE: 4.00 Term

Subtotal 7,151.7

DEPARTMENT OF PUBLIC SAFETY:

(1) Law enforcement:

The purpose of the law enforcement program is to provide the highest quality of law enforcement services to the public and ensure a safer state.

Appropriations:

(a)	Personal services and employee benefits	49,051.4	1,032.3	10,051.2	3,397.7
		63,532.6			
(b)	Contractual services	1,410.5		213.9	196.2
					1,820.6
(c)	Other	13,314.1	1,206.9	2,840.2	1,571.3
					18,932.5
(d)	Other financing uses		20.0	20.0	40.0

Authorized FTE: 1,028.00 Permanent; 58.00 Term; 31.10 Temporary

The internal services funds/interagency transfers appropriations to the law enforcement program of the department of public safety include nine million seven hundred eighty-seven thousand dollars (\$9,787,000) from the state road fund for the motor transportation division.

Any unexpended or unencumbered balance in the department of public safety remaining at the end of fiscal year 2007 made from appropriations from the state road fund shall revert to the state road fund.

Performance measures:

- | | | | |
|-----|----------------------|---|--------|
| (a) | Outcome:
423 | Number of traffic deaths in New Mexico per year | |
| (b) | Outcome: | Number of serious commercial motor vehicle crashes in New Mexico per year | 900 |
| (c) | Outcome:
year 250 | Number of illegal-drug-related deaths in New Mexico per year | |
| (d) | Outcome: | Number of driving-while-intoxicated fatalities in New Mexico per year | 183 |
| (e) | Outcome: | Number of driving-while-intoxicated crashes in New Mexico per year | 2,999 |
| (f) | Output:
3,656 | Number of driving-while-intoxicated arrests per year | |
| (g) | Output: | Number of first time driving-while-intoxicated arrests per year | 2,083 |
| (h) | Output:
1,573 | Number of repeat driving-while-intoxicated arrests per year | |
| (i) | Output:
984 | Number of drug arrests by New Mexico state police per year | |
| (j) | Output: | Pounds of narcotics seized by motor transportation division per year | 53,861 |

(2) Emergency management and homeland security support:

The purpose of the emergency management and homeland security support program is to provide for and coordinate an integrated, statewide, comprehensive emergency

management system for New Mexico including all agencies, branches and levels of government for the citizens of New Mexico.

Appropriations:

(a)	Personal services and				
	employee benefits	1,071.0	87.0	1,002.4	2,160.4
(b)	Contractual services	35.4	27.0	650.6	713.0
(c)	Other	215.1	105.8	26,321.3	26,642.2

Authorized FTE: 16.00 Permanent; 31.00 Term

Performance measures:

(a)	Outcome:	Percent compliance with fifty-four emergency management accreditation program standards endorsed by federal Emergency Management Act	95%
(b)	Outcome:	Percent increase in emergency management and homeland security training hours per year	5%
(c)	Output:	Number of students trained in national incident management system awareness per year	6,200

(3) Program support:

The purpose of program support is to provide quality protection for the citizens of New Mexico through the business of information technology, forensic science, criminal records and financial management and administrative support to the participants in the criminal justice community.

Appropriations:

(a)	Personal services and				
	employee benefits	9,065.6	194.4	54.8	897.8
(b)	Contractual services	137.2	368.5	25.0	184.1
					714.8

(c) Other 2,767.6 468.7 35.6 5,639.6 8,911.5

Authorized FTE: 155.00 Permanent; 32.00 Term

Performance measures:

- (a) Outcome: Percent of crime laboratory compliance with american society of crime laboratory director's standards
100%
- (b) Outcome: Percent of deoxyribonucleic acid cases completed within seventy days from submission 100%
- (c) Outcome: Percent of applicants criminal background checks completed with twenty-eight days of submission
100%
- (d) Outcome: Percent of criminal fingerprint cards completed within thirty-five days of submission 100%
- (e) Outcome: Percent of operability for all mission-critical software applications residing on agency servers 99.9%

Subtotal 133,680.2

TOTAL PUBLIC SAFETY 322,493.5 24,377.2 14,121.1 53,032.0
414,023.8

H. TRANSPORTATION

DEPARTMENT OF TRANSPORTATION:

(1) Programs and infrastructure:

The purpose of the programs and infrastructure program is to provide improvements and additions to the state's highway infrastructure to serve the interest of the general public. These improvements include those activities directly related to highway planning, design and construction necessary for a complete system of highways in the state.

Appropriations:

(a)	Personal services and employee benefits	17,869.7	5,172.3	23,042.0
(b)	Contractual services	69,157.7	249,658.4	318,816.1
(c)	Other	50,892.7	600.0	126,751.1
			178,243.8	

Authorized FTE: 389.00 Permanent; 12.00 Term; 1.00 Temporary

The other state funds appropriation to the department of transportation in contractual services in all programs is contingent upon the department's total expenditures for commuter rail between Belen and Santa Fe not exceeding three hundred eighteen million thirty-

eight thousand dollars (\$318,038,000) in governor Richardson's investment partnership funding and seventy-five million dollars (\$75,000,000) in statewide transportation improvement program funding.

The other state funds and federal funds appropriations to the programs and infrastructure program of the department of transportation pertaining to prior fiscal years may be extended into fiscal year 2007, but not to exceed three hundred twenty million dollars (\$320,000,000).

The other state funds appropriations to the programs and infrastructure program of the department of transportation include fifteen million one hundred and ninety-nine thousand dollars (\$15,199,000) for a state construction program.

Twenty-four million one hundred thousand dollars (\$24,100,000) of interest earned on bond proceeds issued pursuant to governor Richardson's investment partnership is appropriated for expenditure on highway 491 for reconstruction and preservation of the existing two lanes.

Performance measures:

(a)	Quality:	Ride quality index for new construction	>=4.3
(b)	Output:	Annual rural public transportation ridership	
		700,000	
(c)	Output:	Revenue dollars per passenger on park and ride	
		\$1.60	
(d)	Explanatory:	Annual number of riders on park and ride	
		200,000	

- (e) Outcome: Percent capacity-filled on commuter rail service between Belen and Bernalillo 85%
- (f) Quality: 4.0% Percent of final cost over bid amount
- (g) Explanatory: 85% Percent of programmed projects let according to schedule
- (h) Outcome: 92% Percent of front-occupant seat belt use by the public
- (i) Outcome: Number of traffic fatalities per one hundred million vehicle miles traveled 2.4

(2) Transportation and highway operations:

The purpose of the transportation and highway operations program is to maintain and provide improvements to the state's highway infrastructure to serve the interest of the general public. These improvements include those activities directly related to preserving roadway integrity and maintaining open highway access throughout the state system.

Appropriations:

(a)	Personal services and			
	employee benefits	77,614.6	9,971.7	87,586.3
(b)	Contractual services	50,671.8		50,671.8
(c)	Other	92,169.1	429.4	92,598.5

Authorized FTE: 1,924.00 Permanent; 6.00 Term; 43.70 Temporary

The other state funds and federal funds appropriations to the transportation and highway operations program of the department of transportation pertaining to prior fiscal years may be extended into fiscal year 2007, but not to exceed eighty million dollars (\$80,000,000).

Performance measures:

- (a) Output: 5,000 Number of statewide improved pavement surface miles

- (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) Program support:

The purpose of program support is to provide management and administration of financial and human resources, custody and maintenance of information and property and the management of construction and maintenance projects.

Appropriations:

(a)	Personal services and employee benefits	25,474.9	176.9	25,651.8
(b)	Contractual services	2,206.2	573.5	2,779.7
(c)	Other	17,070.7	195.3	17,266.0
(d)	Other financing uses	9,787.0		9,787.0

Authorized FTE: 287.00 Permanent; 9.00 Term; 1.80 Temporary

Performance measures:

- (a) Outcome: Percent of vacancy rate in all programs 8.5%

Subtotal 806,443.0

TOTAL TRANSPORTATION 412,914.4 600.0 392,928.6 806,443.0

I. OTHER EDUCATION

PUBLIC EDUCATION DEPARTMENT:

The purpose of the public education department is to provide a public education to all students. The secretary of public education is responsible to the governor for the operation of the department. It is the secretary's duty to manage all operations of the department and to administer and enforce the laws with which the secretary or the department is charged. To do this, the department is focusing on leadership and support, productivity, building capacity, accountability, communication, and fiscal responsibility.

Appropriations:

(a)	Personal services and employee benefits	10,188.4	317.9	6,743.2	17,249.5
(b)	Contractual services	351.6	57.2	10,501.8	10,910.6
(c)	Other	1,411.3	360.2	1,997.9	3,769.4

Authorized FTE: 200.20 Permanent; 100.00 Term; 2.60 Temporary

The general fund appropriation to the public education department in the other category includes five hundred thousand dollars (\$500,000) for a charter school authority, contingent on the enactment of House Bill 630 or similar legislation of the second session of the forty-seventh legislature.

Performance measures:

- (a) Outcome: Percent of No Child Left Behind Act adequate yearly progress designations publicly reported by August 1
100%
- (b) Outcome: Percent of fiscal year 2004 audit findings resolved and not repeated in the fiscal year 2005 audit
100%
- (c) Outcome: Percent of completion of fiscal corrective action plan
100%
- (d) Outcome: Percent of money designated for teacher scholarships through the Indian Education Act that has been expended
90%

(e) Outcome: Percent of compliance with the agreed-upon audit schedule
for the public education department internal audit section
100%

(f) Outcome: Percent completion of the data warehouse project
50%

Subtotal 31,929.5

APPRENTICESHIP ASSISTANCE:

Appropriations:

(a) Other 650.0 650.0

Subtotal 650.0

REGIONAL EDUCATION COOPERATIVES:

Appropriations:

(a) Northwest: 1,593.0 1,593.0

(b) Northeast: 2,124.1 2,124.1

(c) Lea county: 3,301.0 3,301.0

(d) Pecos valley: 1,321.5 1,371.8 2,693.3

(e) Southwest: 150.0 3,500.0 3,650.0

(f) Central: 2,000.0 2,000.0 4,000.0

(g) High plains: 1,889.9 1,745.6 3,635.5

(h) Clovis: 111.0 1,649.0 1,760.0

(i) Ruidoso: 3,010.0 4,750.0 7,760.0

Subtotal 30,516.9

PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:

Appropriations:

(a)	Accelerated educational retirement board contribution	13,555.0	13,555.0
(b)	Beginning teacher mentorship	900.0	900.0
(c)	Core curriculum framework	382.0	382.0
(d)	Indian Education Act	2,500.0	2,500.0
(e)	Family and Youth Resource Act	1,500.0	1,500.0
(f)	Pre-kindergarten program	4,000.0	4,000.0
(g)	Kindergarten plus	1,000.0	1,000.0
(h)	Graduation reality and dual-role skills program	1,000.0	1,000.0
(i)	Truancy and drop out prevention	1,000.0	1,000.0
(j)	Cyber academy at Rio Rancho high school	85.0	85.0
(k)	Advanced placement	1,200.0	1,200.0
(l)	Summer reading, math and science institutes	700.0	700.0

~~The general fund appropriation to the public education department includes thirteen million five hundred fifty-five thousand dollars (\$13,555,000) to provide a three-quarter percent increase in the employer contribution to the education retirement fund to be transferred in fiscal year 2007 to the educational retirement board to provide in advance for the fiscal year 2008 cost of the employer share of contribution increases for public education employees.~~

The general fund appropriation to the public education department for the Family and Youth Resource Act shall fund family and youth services pursuant to the Family and Youth Resource Act.

The general fund appropriation to the public education department for the Indian Education Act contains sufficient funding for a comprehensive study on the status of Indian education in New Mexico.

The general fund appropriation to the public education department for the Indian Education Act includes one million dollars (\$1,000,000) ~~to contract with a nonprofit organization~~ to provide a rural literacy initiative to support new after-school and summer literacy block programs for students in kindergarten through eighth grade in schools with a high proportion of Native American students, contingent on receipt of five hundred thousand dollars (\$500,000) in matching funds from sources other than the state.

The general fund appropriation to the public education department for truancy and dropout prevention includes two hundred thirty thousand dollars (\$230,000) to the second judicial district court for truancy court.

~~The public education department and the children, youth and families department shall report jointly and quarterly to the legislative education study committee and the legislative finance committee regarding the implementation of the prekindergarten program. The four quarterly reports will address student progress, infrastructure expenditures, teacher and provider qualifications and adequacy of instructional materials.~~

Subtotal 27,822.0

PUBLIC SCHOOL FACILITIES AUTHORITY:

The purpose of the public school facilities oversight program is to oversee public school facilities in all eighty-nine school districts to ensure correct and prudent planning, building and maintenance using state funds and to ensure adequacy of all facilities in accordance with public education department approved educational programs.

Appropriations:

- (a) Personal services and
employee benefits 3,942.0 3,942.0
- (b) Contractual services 255.0 255.0
- (c) Other 1,495.5 1,495.5

Authorized FTE: 55.00 Permanent

Performance measures:

- (a) Explanatory: Change in statewide public school facility condition index

measured at December 31 of prior calendar year compared
with prior year

Subtotal		5,692.5	
TOTAL OTHER EDUCATION	40,423.3	14,910.2	41,277.4
	96,610.9		

J. HIGHER EDUCATION

On approval of the higher education department, the state budget division of the department of finance and administration may approve increases in budgets of agencies in this section whose other state funds exceed amounts specified, with the exception of the policy development and institutional financial oversight program of the higher education department. 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.

In reviewing institutional operating budgets, the higher education department shall ensure funds appropriated for nursing programs at public, post-secondary institutions are directed to that purpose.

The general fund appropriations for special projects expansion are to continue projects initiated by Chapter 34 of Laws 2005. The higher education department shall develop performance criteria and outcomes and report on financial accountability to ensure efficient funding allocation.

Except as otherwise provided, any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall not revert to the general fund.

HIGHER EDUCATION DEPARTMENT:

(1) Policy development and institutional financial oversight:

The purpose of the policy development and institutional financial oversight program is to provide a continuous process of statewide planning and oversight within the department's statutory authority for the 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	2,285.4	40.0	301.0	2,626.4
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(b)	Contractual services	30.7		430.8	461.5	
(c)	Other	340.5	52.0	283.0	1,177.7	1,853.2
(d)	Other financing uses	19,594.3			2,506.8	22,101.1

Authorized FTE: 28.50 Permanent; 5.50 Term

Any unexpended or unencumbered balance in the policy development and institutional financial oversight program of the higher education department remaining at the end of fiscal year 2007 from appropriations made from the general fund shall revert to the general fund.

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other financing uses category includes three million five hundred thousand dollars (\$3,500,000) for the program development enhancement fund for higher education institutions to address the state's nursing shortage. In allocating these funds, the higher education department is directed to consider past performance and implementation of new and innovative programs to increase enrollment and accelerate matriculation. Further, the higher education department should annually report appropriate performance measures on outcomes across institutions and across programs designed to address the nursing shortage.

~~The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other financing uses category includes five million seven hundred eight thousand one hundred dollars (\$5,708,100) to provide a three-quarter percent increase in the employer contribution to the educational retirement fund to be transferred in fiscal year 2007 to the educational retirement board to provide in advance for the fiscal year 2008 cost of the employer share of contribution increase for higher education employees.~~

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other financing uses category includes two million six hundred eighty thousand eight hundred dollars (\$2,680,800) for special projects expansion to continue projects initiated by Chapter 34 of Laws 2005. For general fund monies provided for special projects expansion, the higher education department shall develop performance criteria and outcomes and report on financial accountability to ensure efficient funding allocation.

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other financing uses category includes three hundred thousand dollars (\$300,000) for the statewide collaborative engaging Latino communities for education based at New Mexico state university, university of New Mexico and Santa Fe community college.

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other financing uses category includes one hundred thousand dollars (\$100,000) for dental residencies.

~~By September 1, 2006, the higher education department 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 higher education department shall provide an action plan by institution to achieve targeted results.~~

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) Outcome: Percent of adult basic education students who set attainment of general educational development as a goal 16%

(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 23,954.6 38,244.2 569.9 62,768.7
- (b) Other financing uses 100.0 100.0

The general fund appropriation to the student financial aid program of the higher education department in the other category includes one hundred thirty-eight thousand dollars (\$138,000) for the western interstate commission for higher education loan for service program to increase dental slots.

Performance measures:

- (a) Output: Number of lottery success recipients enrolled in or

	2,500	raduated from college after the ninth semester	
(b)	Outcome:	Percent of students meeting eligibility criteria for state loan programs who continue to be enrolled by the sixth semester	75%
(c)	Outcome:	Percent of students meeting eligibility criteria for work-study programs who continue to be enrolled by the sixth semester	70%
(d)	Outcome:	Percent of students meeting eligibility criteria for merit-based programs who continue to be enrolled by the sixth semester	85%
(e)	Outcome:	Percent of students meeting eligibility criteria for need-based programs who continue to be enrolled by the sixth semester	65%
(f)	Outcome:	Percent of state funds for need-based aid relative to Pell grant aid	NA
	Subtotal		89,910.9

UNIVERSITY OF NEW MEXICO:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

- (a) Instruction and general

	purposes	160,123.0	144,732.7	6,435.0	311,290.7
(b)	Athletics	2,703.8	25,677.8	115.0	28,496.6
(c)	Educational television	8,500.8	1,292.5	4,794.6	2,413.7
(d)	Other - main campus		190,144.8	112,985.2	303,130.0

Performance measures:

- (a) Outcome: Percent of full-time, degree-seeking, first-time freshmen retained to second year 76.5%
- (b) Output: Number of post-baccalaureate degrees awarded 1,325
- (c) Outcome: Amount of external dollars for research and public service, in millions \$116.7
- (d) Output: Number of undergraduate transfer students from two-year colleges 1,610
- (e) Outcome: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 44%

(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 8,625.4 8,158.4 1,773.2 18,557.0

(b) Nurse expansion 35.8 35.8

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 42.2%
- (b) Outcome: 60% Percent of graduates placed in jobs in New Mexico
- (c) Output: Number of students enrolled in the area vocational schools program 453
- (d) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 82%

(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 2,269.1 2,278.1 161.2 4,708.4

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 65%
- (b) Outcome: 65% Percent of graduates placed in jobs in New Mexico
- (c) Output: Number of students enrolled in the small business

development center program 282

- (d) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 78%

(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

purposes	4,456.6	4,456.2	2,680.5	11,593.3
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Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 60%
- (b) Outcome: 68% Percent of graduates placed in jobs in New Mexico
- (c) Output: Number of students enrolled in the adult basic education program 950
- (d) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 75%

(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 purposes	1,925.5	2,979.6	541.5	5,446.6
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Performance measures:

(a) Outcome:	Percent of new students taking nine or more credit hours successful after three years	58%
(b) Outcome:	Percent of graduates placed in jobs in New Mexico	70%
(c) Output:	Number of students enrolled in the concurrent enrollment program	400
(d) Outcome:	Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term	75%

(6) Research and public service projects:

Appropriations:

(a)	Judicial selection	73.9	73.9
(b)	Judicial education center	161.7	161.7
(c)	Spanish resource center	106.4	106.4
(d)	Southwest research center	1,508.8	1,508.8
(e)	Substance abuse program	150.4	150.4
(f)	Native American intervention	189.5	189.5
(g)	Resource geographic		

	information system	127.8		127.8
(h)	Natural heritage program	77.6		77.6
(i)	Southwest Indian law clinic	120.5		120.5
(j)	BBER census and population analysis	243.0	4.4	247.4
(k)	New Mexico historical review	81.5		81.5
(l)	Ibero-American education consortium	164.9		164.9
(m)	Youth education recreation program	139.5		139.5
(n)	Advanced materials research		65.4	65.4
(o)	Manufacturing engineering program	628.3		628.3
(p)	Hispanic student center	121.5		121.5
(q)	Wildlife law education	71.5		71.5
(r)	Science and engineering women's career	22.5		22.5
(s)	Youth leadership development		72.7	72.7
(t)	Morrissey hall research	55.9		55.9
(u)	Disabled student services	222.2		222.2

(v)	Minority graduate recruitment and retention	162.1		162.1
(w)	Graduate research development fund	86.5		86.5
(x)	Community-based education	413.1		413.1
(y)	Corrine Wolfe children's law center	65.5		65.5
(z)	Mock trials program	82.8		82.8
(aa)	Engaging Latino communities for education	95.0		95.0
(bb)	Pre-college minority student math/science	171.0		171.0
(cc)	Special projects expansion	1,469.9		1,469.9

(7) Health sciences center:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Medical school instruction and general purposes	47,435.9	28,000.0	1,450.0
		76,885.9		
(b)	Office of medical investigator	3,367.7	1,332.4	5.0
				4,705.1
(c)	Emergency medical services			

	academy	806.9	500.0		1,306.9	
(d)	Children's psychiatric					
	hospital	5,724.1	12,000.0			17,724.1
(e)	Hemophilia program	540.1	5.0			545.1
(f)	Carrie Tingley hospital	4,201.4		11,168.5		15,369.9
(g)	Out-of-county indigent					
	fund	1,242.4			1,242.4	
(h)	Specialized perinatal care	554.3				554.3
(i)	Newborn intensive care	3,180.9		1,602.9		4,783.8
(j)	Pediatric oncology	379.1	700.0		1,079.1	
(k)	Young children's health					
	center	269.0	1,475.9		1,744.9	
(l)	Pediatric pulmonary center	184.4				184.4
(m)	Area health education					
	centers	177.6	50.0	350.0	577.6	
(n)	Grief intervention program	164.5				164.5
(o)	Pediatric dysmorphology	143.6				143.6
(p)	Locum tenens	498.9	1,550.0			2,048.9
(q)	Disaster medicine program	101.8				101.8
(r)	Poison control center	1,004.4		570.0	125.9	1,700.3
(s)	Fetal alcohol study	168.0			168.0	
(t)	Telemedicine	286.1	1,800.0	500.0		2,586.1
(u)	Nurse-midwifery program	377.4				377.4

(v)	Other - health sciences		266,338.8		59,834.8	326,173.6
(w)	Cancer center	2,711.6	4,298.6		6,821.5	13,831.7
(x)	Children's cancer camp	100.0			100.0	
(y)	Oncology	100.0		100.0		
(z)	Genomics, biocomputing and environmental health research		52.9	1,500.0		1,552.9
(aa)	Los pasos program	2.0	50.0		52.0	
(bb)	Trauma specialty education		8.2	400.0		408.2
(cc)	Pediatrics specialty education	8.1	400.0		408.1	
(dd)	Native American health center		300.0		300.0	
(ee)	Donated dental services	25.0			25.0	
(ff)	Rural physicians residencies		300.0			300.0
(gg)	Nurse expansion	1,418.2			1,418.2	
(hh)	Special projects expansion	735.9			735.9	

The other state funds appropriation to the university of New Mexico health sciences center includes four million four hundred thousand dollars (\$4,400,000) from the tobacco settlement program fund for the following: one million dollars (\$1,000,000) for instruction and general purposes; 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. These funds may not be used for any other purpose.

Performance measures:

(a)	Outcome:	University of New Mexico inpatient satisfaction rate	
		79.1%	
(b)	Output:	Number of university of New Mexico patients participating	
		in cancer research and treatment center clinical trials	185
(c)	Output:	Number of post-baccalaureate degrees awarded	
		275	
(d)	Outcome:	External dollars for research and public service, in	
		millions	\$240.7
(e)	Outcome:	Pass rates for step three of the United States medical	
		licensing exam on the first attempt	
		99	
	Subtotal		1,178,114.7

NEW MEXICO STATE UNIVERSITY:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general				
	purposes	102,710.5	71,906.0	11,603.9	186,220.4
(b)	Athletics	3,278.3	5,631.2	45.8	8,955.3
(c)	Educational television	1,159.6	334.7	734.6	2,228.9
(d)	Other	65,126.8	89,253.7	154,380.5	

Performance measures:

(a)	Outcome:	Percent of full-time, degree-seeking, first-time freshmen
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	retained to second year	75%
(b)	Outcome: External dollars for research and creative activity, in millions	\$185
(c)	Output: Number of teacher preparation programs available at New Mexico community college sites	5
(d)	Outcome: Number of undergraduate transfer students from two-year colleges	1,028
(e)	Outcome: Percent of full-time, degree-seeking, first-time freshmen completing an academic program 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	5,511.3	3,964.3	2,061.2	11,536.8
(b)	Nurse expansion	28.9		28.9	

Performance measures:

(a)	Outcome: Percent of new students taking nine or more credit hours successful after three years	48%
(b)	Outcome: Percent of graduates placed in jobs in New Mexico	60%
(c)	Output: Number of students enrolled in the small business	

development center program 1,000

- (d) Outcome: Percent of first-time, full-time degree-seeking students enrolled in a given fall term who persist to the following spring term 78%

(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 3,396.5 3,776.1 3,337.6 10,510.2
- (b) Nurse expansion 36.0 36.0

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 55%
- (b) Outcome: 82% Percent of graduates placed in jobs in New Mexico
- (c) Output: 300 Number of students enrolled in the contract training program
- (d) Outcome: Percent of first-time, full-time degree-seeking students enrolled in a given fall term who persist to the following spring term 75%

(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	15,491.6	12,584.8	8,834.4	36,910.8
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(b) Nurse expansion	107.4		107.4	
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Performance measures:

(a) Outcome:	Percent of new students taking nine or more credit hours successful after three years	41%
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(b) Outcome:	Percent of graduates placed in jobs in New Mexico	77%
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(c) Output:	Number of students enrolled in the adult basic education program	5,100
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(d) Outcome:	Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term	81%
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(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	2,751.5	1,890.7	1,461.6	6,103.8
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Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 46%
- (b) Outcome: Percent of graduate students placed in jobs in New Mexico 79%
- (c) Output: Number of students enrolled in the community services program 1,180
- (d) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 75%

(6) Department of agriculture:

Appropriations:	8,926.6	2,582.2	3,184.9	14,693.7
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(7) Research and public service projects:

Appropriations:

- (a) Agricultural experiment station 13,228.4 3,301.4 9,805.0 26,334.8
- (b) Cooperative extension service 10,096.0 5,034.3 10,812.0 25,942.3
- (c) Water resource research 426.6 85.5 281.9 794.0
- (d) Coordination of Mexico programs 90.7 24.1 114.8
- (e) Indian resources development 371.4 77.0 448.4
- (f) Waste management

	education program	497.7	260.3	2,989.2	3,747.2
(g)	Campus security	89.3		89.3	
(h)	Carlsbad manufacturing sector development program		350.3	10.6	360.9
(i)	Manufacturing sector development program	384.0	.8	53.0	437.8
(j)	Alliances for underrepresented students	348.1	131.1		479.2
(k)	Arrowhead center for business development	72.0			72.0
(l)	Viticulturist	72.0		72.0	
(m)	Family strengthening/ parenting classes	47.5		47.5	
(n)	Aerospace engineering	152.0			152.0
(o)	Math and science skills for disadvantaged students	28.5			28.5
(p)	Nurse expansion	432.6		432.6	
(q)	Special projects expansion	1,532.2			1,532.2
	Subtotal			492,798.2	

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 workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	26,239.5	11,612.3	5,310.6	43,162.4
(b)	Athletics	1,475.1	190.8	1,665.9	

Performance measures:

(a)	Outcome:	Percent of full-time, degree-seeking, first-time freshmen retained to second year	57%
(b)	Outcome:	Percent of graduating seniors indicating "satisfied" or "very satisfied" with the university on student satisfaction survey	93%
(c)	Outcome:	Percent of total funds generated by grants and contracts	23%
(d)	Output:	Number of undergraduate transfer students from two-year colleges	275
(e)	Output:	Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years	28%

(2) Research and public service projects:

Appropriations:

(a)	Upward bound	96.8	96.8
(b)	Advanced placement	281.3	281.3
(c)	Native American recruitment and retention	42.6	42.6
(d)	Diverse populations study	210.1	210.1

(e)	Visiting scientist	17.5		17.5
(f)	Spanish program	288.0		288.0
(g)	Forest and watershed institute	250.0		250.0
(h)	Special projects expansion	576.5		576.5
(i)	Spanish/English immersion program	200.0		200.0
	Subtotal			46,791.1

WESTERN NEW MEXICO UNIVERSITY:

(1) Main:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	14,513.4	4,583.2	407.9	19,504.5
(b)	Athletics	1,604.5	173.0		1,777.5
(c)	Extended services instruction		1,351.7		1,351.7

Performance measures:

(a)	Outcome:	Percent of full-time, degree-seeking, first-time freshmen retained to second year	54%
(b)	Output:	Number of graduates receiving teacher licensure	155

- (c) Outcome: External dollars to be used for programs to promote student success, in millions \$4
- (d) Output: Number of undergraduate transfer students from two-year colleges 160
- (e) Output: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 23%

(2) Research and public service projects:

Appropriations:

(a)	Educational television	123.2	123.2
(b)	Child development center	564.1	564.1
(c)	North American free trade agreement	14.7	14.7
(d)	Web-based teacher licensure	213.8	213.8
(e)	Nurse expansion	145.0	145.0
(f)	Special projects expansion	321.9	321.9
	Subtotal		24,016.4

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	23,070.3	7,950.0	2,438.0	33,458.3
(b)	Athletics	1,725.5	318.0	2,043.5	
(c)	Educational television		1,049.1	530.0	106.0 1,685.1
(d)	Extended services				
	instruction	636.0		636.0	
(e)	Other - main campus		10,070.0	8,480.0	18,550.0

Performance measures:

- (a) Outcome: Percent of full-time, degree-seeking, first-time freshmen retained to second year 62.5%
- (b) Efficiency: Ratio of full-time-equivalent students to full-time-equivalent instruction and general staff 6.2:1
- (c) Outcome: External dollars supporting research and student success, in millions \$8.65
- (d) Output: Number of undergraduate transfer students from two-year colleges 370
- (e) Output: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 32.5%

(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	13,443.1	9,911.0	10,812.0	34,166.1
(b)	Nurse expansion	72.5		72.5	

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 61%
- (b) Outcome: 75.5% Percent of graduates placed in jobs in New Mexico
- (c) Efficiency: 80.5% Percent of programs having stable or increasing enrollments
- (d) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 76%

(3) Ruidoso 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	1,163.1	1,060.0	2,223.1
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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
66%
- (c) Efficiency: Percent of programs having stable or increasing enrollments
81%
- (d) Outcome: Percent of first-time, full-time, degree-seeking students
enrolled in a given fall term who persist to the following
spring term 75%

(4) Research and public service projects:

Appropriations:

(a) Center for teaching excellence	253.2	253.2
(b) Blackwater Draw site and museum	88.1	88.1
(c) Assessment project	130.1	130.1
(d) Social work	149.4	149.4
(e) Job training for physically and mentally challenged	22.8	22.8
(f) Airframe mechanics	70.8	70.8
(g) Nurse expansion	42.0	42.0
(h) Special projects expansion	609.7	609.7
Subtotal		94,200.7

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 workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	24,592.2	9.3	24,601.5
(b)	Athletics	162.3	183.3	345.6

Performance measures:

(a)	Outcome:	Percent of full-time, degree-seeking, first-time freshmen retained to second year	75%
(b)	Output:	Number of students registered in master of science teaching program	150
(c)	Outcome:	External dollars for research and creative activity, in millions	\$71
(d)	Output:	Number of undergraduate transfer students from two-year colleges	40
(e)	Output:	Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years	50%

(2) Research and public service projects:

Appropriations:

(a)	Bureau of mines	3,788.7	4,468.1	848.0	9,104.8
(b)	Petroleum recovery research center	1,872.7	2,012.7	3,710.0	7,595.4
(c)	Bureau of mines inspection	286.6	338.2	265.0	889.8

(d)	Energetic materials research center	761.2	908.3	21,200.0	22,869.5	
(e)	Science and engineering fair	358.5	157.0			515.5
(f)	Institute for complex additive systems analysis	523.2	618.3	21,200.0		22,341.5
(g)	Cave and karst research	317.3	408.1	1,060.0		1,785.4
(h)	Geophysical research center	863.8	1,017.5			15,900.0
		17,781.3				
(i)	Homeland security center	238.5	281.9	21,200.0		21,720.4
(j)	Special projects expansion	1,038.5				1,038.5

The general fund appropriation to the New Mexico institute of mining and technology for the bureau of mines includes one hundred thousand dollars (\$100,000) from federal Mineral Lands Leasing Act receipts.

Subtotal 130,589.2

NORTHERN NEW MEXICO 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	8,101.4	689.0	2,650.0	11,440.4
(b)	Nurse expansion	29.2		29.2	

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 70%
- (c) Output: Number of students enrolled in the adult basic education program 300
- (d) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 75%

(2) Research and public service projects:

Appropriations:

(a) Northern pueblos institute	54.6	65.7	120.3
(b) Special projects expansion	456.5		456.5
(c) Faculty salary adjustments	250.0		250.0
Subtotal			12,296.4

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	6,899.6	26,300.0	3,600.0	36,799.6
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(b) Nurse expansion 36.3 36.3 72.6

Contingent upon the higher education department and the department of finance and administration certifying mill levy revenues are inadequate to meet workload funding requirements ~~and with review by the legislative finance committee~~, one million nine hundred twelve thousand five hundred dollars (\$1,912,500) is appropriated from the appropriation contingency fund to Santa Fe community college for instruction and general purposes.

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 45%
- (b) Outcome: 78% Percent of graduates placed in jobs in New Mexico
- (c) Output: 2,900 Number of students enrolled in the contract training program
- (d) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 75%

(2) Research and public service projects:

Appropriations:

- (a) Small business development centers 3,437.8 4,300.0 900.0 8,637.8
 - (b) Sign language services 21.3 21.3 42.6
- Subtotal 45,552.6

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	49,058.1	40,000.0		89,058.1
(b)	Other	5,600.0	22,000.0	27,600.0	

Performance measures:

(a)	Outcome:	Percent of new students taking nine or more credit hours		
		successful after three years		44.2%
(b)	Outcome:	Percent of graduates placed in jobs in New Mexico		
		83.5%		
(c)	Output:	Number of students enrolled in distance education program		
		2,600		
(d)	Outcome:	Percent of first-time, full-time, degree-seeking students		
		enrolled in a given fall term who persist to the following		
		spring term		81.3%

Subtotal 116,658.1

LUNA 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	7,376.9	249.1	1,003.8	8,629.8

(b)	Nurse expansion	36.1	318.0	354.1
(c)	Other	2,862.0	2,496.3	5,358.3

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 93%
- (c) Output: Number of students enrolled in the small business development center program 350
- (d) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 84%

Subtotal 14,342.2

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	2,387.8	402.3	537.8	3,327.9
(b)	Other	1,484.0		1,484.0	

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours

		successful after three years	42.1%
(b)	Outcome:	Percent of graduates placed in jobs in New Mexico	
		59.2%	
(c)	Output:	Number of students enrolled in the small business	
		development center program	75
(d)	Outcome:	Percent of first-time, full-time, degree-seeking students	
		enrolled in a given fall term who persist to the following	
		spring term	75%
Subtotal			4,811.9

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	7,240.6	6,230.7	1,504.1	14,975.4
(b)	Athletics	38.7	37.8	76.5	
(c)	Nurse expansion	81.8	76.5	158.3	
(d)	Other		4,363.0	4,363.0	

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	
		66%	

(c)	Output: 3,000	Number of students enrolled in distance education program	
(d)	Outcome:	Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term	72.08%
Subtotal			19,573.2

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	19,314.3	5,404.6	3,772.2	28,491.1
(b)	Other	102.3	102.3		

Performance measures:

(a)	Outcome:	Percent of new students taking nine or more credit hours successful after three years	66%
(b)	Outcome: 65%	Percent of graduates placed in jobs in New Mexico	
(c)	Output: 375	Number of students enrolled in the service learning program	
(d)	Outcome:	Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following	

spring term 82%

(2) Research and public service projects:

Appropriations:

(a)	Dental hygiene program	195.6	208.3	403.9
(b)	Oil and gas job training program	100.9	100.9	
(c)	Indigent youth program	80.0		80.0
(d)	Nurse expansion	351.8	359.7	711.5
	Subtotal		29,889.7	

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 purposes	9,918.2	1,831.7	1,602.7	13,352.6
(b)	Nurse expansion	72.0		72.0	
(c)	Other	457.9	572.4	1,030.3	

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 55%
- (b) Outcome: Percent of graduates placed in jobs in New Mexico 81%

(c)	Output:	Number of students enrolled in the concurrent enrollment program	450
(d)	Outcome:	Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term	75%
Subtotal			14,454.9

NEW MEXICO MILITARY INSTITUTE:

The purpose of the New Mexico military institute is to provide a college-preparatory instruction for students in a residential, military environment culminating in a high school diploma or associates degree.

Appropriations:

(a)	Instruction and general purposes	18,503.5	466.4	18,969.9
(b)	Other	5,950.7	5,950.7	
(c)	Knowles legislative scholarship program	500.0		500.0
(d)	Special projects expansion	213.8		213.8

Performance measures:

(a)	Output:	Percent of full-time-equivalent capacity enrolled each fall term	95%
(b)	Outcome:	American college testing composite scores for graduating high school seniors	21.5
(c)	Quality:	Number of faculty development events	70
(d)	Efficiency:	Percent of cadets on scholarships or financial assistance	68%

Subtotal 25,634.4

NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED:

The purpose of the New Mexico school for the blind and visually impaired program is to provide the training, support and resources necessary to prepare blind and visually impaired children of New Mexico to participate fully in their families, communities and the workforce and to lead independent, productive lives.

Appropriations: 153.1 10,508.5 193.2 10,854.8

Performance measures:

- (a) Outcome: Percent of students achieving at least seventy percent of annual individualized education 95%
- (b) Quality: 52 Number of staff proficient in Braille on main campus
- (c) Efficiency: 5:1 Ratio of students per teacher at main campus
- (d) Outcome: Percent of students achieving at least seventy percent of annual individualized education program goals in the early childhood program 80%
- (e) Output: 200 Number of students served through outreach programs

Subtotal 10,854.8

NEW MEXICO SCHOOL FOR THE DEAF:

The purpose of the New Mexico school for the deaf program is to provide a school-based comprehensive, fully accessible and language-rich learning environment for its students who are deaf or hard-of-hearing and to work collaboratively with families, agencies and communities throughout the state to meet the unique communication, language and learning needs of children and youth who are deaf and hard-of-hearing.

Appropriations: 2,140.8 9,271.0 636.0 12,047.8

Performance measures:

- (a) Outcome: Percent of students in grades three to twelve demonstrating academic improvement across curriculum domains
75%
- (b) Outcome: Rate of transition to post-secondary education, vocational-technical training schools, junior colleges, work training or employment for graduates based on a three-year rolling average 90%
- (c) Outcome: Percent of parents satisfied with educational services from New Mexico school for the deaf 90%
- (d) Outcome: Number of teachers and support staff participating in a two-year intensive staff development-training program in bilingual education methodologies
TBD

Subtotal 12,047.8

TOTAL HIGHER EDUCATION 725,194.9 1,132,146.4 323.0 504,872.9
2,362,537.2

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 2007.

PUBLIC SCHOOL SUPPORT:

The purpose of public school support is to carry out the mandate to establish and maintain a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state.

(1) State equalization guarantee distribution:

Appropriations: 2,119,174.2 850.0 2,120,024.2

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

shall establish a preliminary unit value to establish budgets for the 2006-2007 school year and then upon verification of the number of units statewide for fiscal year 2007 but no later than January 31, 2007, the secretary of public education may adjust the program unit value.

The general fund appropriation for the state equalization guarantee distribution contains sufficient funds to provide an average five percent salary increase for all teachers, an average nine and one-half percent salary increase for educational assistants and an average five percent salary increase for other instructional staff and other licensed and nonlicensed staff, effective on the first full pay period after July 1, 2006. Prior to the approval of a school district's or a charter school's budget, the secretary of public education shall verify that each school district or charter school is providing an average five percent salary increase for all teachers and other licensed school employees; an average five percent salary increase for nonlicensed school employees, except educational assistants; and an average nine and one-half percent salary increase for educational assistants.

The general fund appropriation for the state equalization guarantee distribution contains sufficient funds to implement the forty-

five thousand dollar (\$45,000) minimum salary for level three-A teachers. The secretary of public education shall verify that school districts and charter schools have implemented the salary increases for teachers prior to implementing the minimum salaries for level three-A teachers.

The secretary of public education, in collaboration with the department of finance and administration, office of educational accountability, shall ensure all level three-A teachers receiving salary increases under the three-tiered minimum salary have been evaluated under the tiered licensure evaluation system and have the professional competencies of level three-A teachers. The secretary of public education shall withhold funding for the minimum salary for any teacher who has not been evaluated from the public school district distribution.

The general fund appropriation for the state equalization guarantee distribution contains sufficient funding to provide a three-

quarter percent increase in the employer contribution to the educational retirement fund.

For the 2006-2007 school year, the state equalization guarantee distribution contains sufficient funding for school districts to implement 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 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., and 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.

Any unexpended or unencumbered balance in the authorized distributions remaining at the end of fiscal year 2007 from appropriations made from the general fund shall revert to the general fund.

Performance measures:

- (a) Outcome: Annual percent of stakeholders positively rating their involvement with public elementary, middle and high schools
80%
- (b) Outcome: Annual percent of core academic subjects taught by highly qualified teachers in kindergarten through twelfth grade
95%
- (c) Outcome: Percent of school districts and charter schools participating in the national center for education statistics chart of accounts
100%
- (d) Outcome: Percent of recent New Mexico high school graduates who take remedial courses in higher education at two-year and four-year schools
55%
- (e) Outcome: Percent of elementary school students who achieve the school year 2006-2007 No Child Left Behind Act annual measurable objective for proficiency or above on standards-based assessments in reading and language arts
49%
- (f) Outcome: Percent of middle school students who achieve the school

year 2006-2007 No Child Left Behind Act annual measurable

objective for proficiency or above on standards-based

assessments in reading and language arts

42%

- (g) Outcome: Percent of elementary school students who achieve the school year 2006-2007 No Child Left Behind Act annual measurable objective for proficiency or above on standards-based assessments in mathematics

33%

- (h) Outcome: Percent of middle school students who achieve the school year 2006-2007 No Child Left Behind Act annual measurable objective for proficiency or above on standards-based assessments in mathematics 20%

(2) Transportation distribution:

Appropriations:	104,499.2	104,499.2
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The general fund appropriation for the transportation distribution includes sufficient funding to provide an average five percent salary increase for transportation employees effective the first full pay period after July 1, 2006.

The general fund appropriation for the transportation distribution includes sufficient funding to provide a three-quarter percent increase in the employer contribution to the educational retirement fund.

(3) Supplemental distribution:

Appropriations:

- | | | |
|----------------------------|---------|---------|
| (a) Out-of-state tuition | 370.0 | 370.0 |
| (b) Emergency supplemental | 2,000.0 | 2,000.0 |

Any unexpended or unencumbered balance in the supplemental distributions of the public education department remaining at the end of fiscal year 2007 from appropriations made from the general fund shall revert to the general fund.

Subtotal 2,226,893.4

FEDERAL FLOW THROUGH:

Appropriations: 368,323.5 368,323.5

Subtotal 368,323.5

INSTRUCTIONAL MATERIAL FUND:

Appropriations: 33,000.0 33,000.0

The appropriation to the instructional materials fund is made from the federal Minerals Land Leasing Act (30 USCA 181, et seq.) receipts.

Subtotal 33,000.0

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

SCHOOLS IN NEED OF IMPROVEMENT FUND:

Appropriations: 2,400.0 2,400.0

Subtotal 2,400.0

TOTAL PUBLIC SCHOOL SUPPORT 2,268,043.4 850.0 368,323.5
2,637,216.9

GRAND TOTAL FISCAL YEAR 2007

APPROPRIATIONS 5,028,062.7 2,180,449.9 1,052,342.4 4,304,371.7 12,565,226.7

Chapter 109 Section 5 Laws 2006

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 2006 and 2007. Unless otherwise indicated, any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the appropriate fund.

(1) LEGISLATIVE COUNCIL SERVICE: 500.0 500.0

For the public school funding formula study task force. The funding formula study task force shall report to the legislative education study committee and the legislative finance committee by November 1, 2006, proposed formula changes to eliminate or reduce recurring categorical appropriations for salaries, small districts and other public school support costs. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

~~(2) LEGISLATIVE COUNCIL SERVICE: 120.0 120.0~~

~~To conduct a study examining universal health coverage for all New Mexicans.~~

(3) SUPREME COURT: 81.0 81.0

For a transitional drafting contract.

(4) ADMINISTRATIVE OFFICE OF THE COURTS: 423.0
423.0

For continued operation and maintenance of existing magistrate court video conferencing and video arraignment sites. The general fund appropriation shall be reduced by the amount transferred by the New Mexico finance authority from the court facilities fund after payment of the annual debt service.

(5) FOURTH JUDICIAL DISTRICT ATTORNEY:

The period of time for expending the three hundred seventy-five thousand dollars (\$375,000) appropriated from the general fund contained in Subsection F of Section 2 of Chapter 83 of Laws 2003 for prosecution of criminal cases related to the Santa Rosa prison riots is extended through fiscal year 2007, for the same purpose.

(6) FOURTH JUDICIAL DISTRICT ATTORNEY:

The period of time for expending the four hundred fifty thousand dollars (\$450,000) appropriated from the general fund contained in Subsection 6 of Section 5 of Chapter 4

of Laws 2002 (1st E.S.) for prosecution of criminal cases related to the Santa Rosa prison riots is extended through fiscal year 2007, for the same purpose.

(7) ADMINISTRATIVE OFFICE OF THE

DISTRICT ATTORNEYS: 250.0 250.0

For a case management system maintenance agreement.

~~(8) ATTORNEY GENERAL: 100.0 100.0~~

~~For terminal leave costs.~~

(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 is extended through fiscal year 2007, 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.) 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 the need is extended through fiscal year 2007, for the same purpose.

(11) ATTORNEY GENERAL: 225.0 225.0

To replace aging information technology equipment.

(12) TAXATION AND REVENUE DEPARTMENT:

The period of time for expending the two million three hundred thousand dollars (\$2,300,000) appropriated from the general fund in Subsection 14 of Section 5 of Chapter 114 of Laws 2004 for the tax administration program to enhance tax collection efforts as extended by Subsection 14 of Section 5 of Chapter 33 of Laws 2005 is extended through fiscal year 2007, for the same purpose.

(13) TAXATION AND REVENUE DEPARTMENT: 1,500.0
1,500.0

For equipment purchase for and installation of a centralized system to issue driver's licenses, vehicle titles and registrations and individual taxpayer identification number compliance.

(14) TAXATION AND REVENUE DEPARTMENT:

The period of time for expending the two hundred thirty thousand dollars (\$230,000) appropriated from the general fund in Subsection 15 of Section 5 of Chapter 114 of Laws 2004 for revising motor vehicle division "agent" agreements in order to standardize agent contracts, operating procedures and accountability and maximize state revenues as extended by Subsection 15 of Section 5 of Chapter 33 of Laws 2005 is extended through fiscal year 2007, for the same purpose.

(15) TAXATION AND REVENUE DEPARTMENT:

The period of time for expending the three hundred eighty-one thousand dollars (\$381,000) appropriated from the general fund in Subsection 15 of Section 5 of Chapter 114 of Laws 2004 for revising the traffic citation process, clearing backlogs, collecting overdue fines and maximizing revenues as extended by Subsection 16 of Section 5 of Chapter 33 of Laws 2005 is extended through fiscal year 2007, for the same purpose.

(16) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 850.0 850.0

For nine accountant positions to facilitate timely preparation of the comprehensive annual financial report using the new statewide human resources, accounting and management reporting system.

(17) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 100.0 100.0

For driving-while-intoxicated curriculum in the schools.

(18) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 250.0 250.0

For rural economic development projects.

(19) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 500.0 500.0

For the international science and engineering fair.

(20) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 100.0 100.0

For the New Mexico activities association state basketball tournament.

(21) GENERAL SERVICES DEPARTMENT:

Upon certification by the secretary of the department of finance and administration that sufficient fund balance is available in the office of information processing fund, the general services department is authorized to expend up to three million four hundred thousand dollars (\$3,400,000) in fiscal years 2006 and 2007 from the office of information processing fund for a federal claim against the fund.

(22) GENERAL SERVICES DEPARTMENT:

The appropriation made from the property control reserve fund to the capital program fund pursuant to Section 33 of Chapter 23 of Laws 2000 (2nd S.S.) as amended by ~~Section 54 of Chapter 347 of Laws 2005~~ to relocate state agencies currently housed in the La Villa Rivera building and Marian hall is increased to nine million eight hundred thousand dollars (\$9,800,000) for interim lease costs and relocation for the public regulation commission.

(23) NEW MEXICO SENTENCING COMMISSION: 150.0 150.0

For a comprehensive workload study.

(24) PUBLIC DEFENDER DEPARTMENT:

The period of time for expending the eight hundred seventy thousand dollars (\$870,000) appropriated from the general fund in Subsection 27 of Section 5 of Chapter 114 of Laws 2004 for criminal cases related to the Santa Rosa prison riots is extended through fiscal year 2007, for the same purpose.

(25) PUBLIC DEFENDER DEPARTMENT: 250.0 250.0

For litigation expenses related to drug cartel case defense.

(26) PUBLIC DEFENDER DEPARTMENT:

The period of time for expending the three hundred thousand dollars (\$300,000) appropriated from the general fund in Subsection 26 of Section 5 of Chapter 33 of Laws

2005 for providing a fee structure for contracting representation of defendants in death penalty cases is extended through fiscal year 2007, for the same purpose.

(27) SECRETARY OF STATE: 1,200.0 1,200.0

For costs associated with election reform and the 2006 general election.

(28) SECRETARY OF STATE: 1,431.4 1,431.4

For costs associated with state election reform and the 2006 primary election.

(29) SECRETARY OF STATE: 60.0 60.0

To retire the state board of finance loan for litigation and settlement expenses.

(30) SECRETARY OF STATE: 160.0 160.0

To secure and maintain the voter registration and election management system.

(31) SPORTS AUTHORITY: 100.0 100.0

For attracting the class AAA baseball all-star game.

~~(32) TOURISM DEPARTMENT: 100.0 100.0~~

~~For a marketing study in the New Mexico magazine program to expand magazine readership.~~

(33) TOURISM DEPARTMENT: 200.0 200.0

For joint marketing activities for the X-prize cup.

(34) TOURISM DEPARTMENT: 1,500.0 1,500.0

For marketing, advertising, promotion and cooperative outreach. One hundred thousand dollars (\$100,000) is contingent on maximizing statewide advertising efforts with the state parks division of the energy, minerals and natural resources department and reporting the results of the collaboration with the state parks division to the legislative finance committee by September 1, 2006; and one hundred thousand dollars (\$100,000) is contingent on maximizing advertising efforts with the cultural affairs department and reporting results of the collaboration with the cultural affairs department to the legislative finance committee by September 1, 2006; and one hundred fifty thousand dollars (\$150,000) shall be used in collaboration with the New Mexico sports authority to promote golf in New Mexico.

(35) ECONOMIC DEVELOPMENT DEPARTMENT: 100.0
100.0

For a contract with the international business accelerator to provide the office of Mexican affairs export, import and trade services.

(36) ECONOMIC DEVELOPMENT DEPARTMENT: 200.0
200.0

For manufacturing extension services contracts.

(37) ECONOMIC DEVELOPMENT DEPARTMENT: 1,100.0
1,100.0

For the economic development partnership.

(38) ECONOMIC DEVELOPMENT DEPARTMENT: 7,000.0
7,000.0

To the development training fund. The appropriation is contingent on the job training incentive program adopting a provision to return state funds should a grantee close operations within a specified period of time.

(39) PUBLIC REGULATION COMMISSION:

The period of time for expending the seventy-five thousand dollars (\$75,000) appropriated from other state funds in Subsection 39 of Section 5 of Chapter 33 of Laws 2005 for engineering, design and construction of a women's shower and locker facility at the New Mexico firefighter training academy is extended through fiscal year 2007, for the same purpose.

(40) PUBLIC REGULATION COMMISSION: 2,000.0
2,000.0

For distribution from the fire protection fund to fire departments for equipment and training to improve insurance service office class ratings, prioritizing fire departments with insurance service office class ratings of a nine or a ten.

(41) PUBLIC REGULATION COMMISSION:

The period of time for expending the one hundred fifty thousand dollars (\$150,000) appropriated from other state funds in Subsection 38 of Section 5 of Chapter 33 of Laws 2005 for engineering, design and construction of fire-fighting wastewater lagoons at the New Mexico firefighter training academy is extended through fiscal year 2007, for the same purpose.

(42) PUBLIC REGULATION COMMISSION: 30.0 30.0

For the qwest performance assurance plan study.

~~(43) BOARD OF NURSING: 20.0 20.0~~

~~For a task force to evaluate the licensing of military hospital corpsmen as nurses in New Mexico.~~

(44) BOARD OF NURSING: 100.0 100.0

For online license renewal.

(45) OFFICE OF MILITARY BASE

PLANNING AND SUPPORT: 200.0 200.0

For developing a new mission for Cannon air force base and supporting missions of existing military bases.

(46) CULTURAL AFFAIRS DEPARTMENT: 250.0 250.0

For art-based trails.

(47) CULTURAL AFFAIRS DEPARTMENT: 300.0 300.0

For state monument upgrades, including Lincoln, Camino Real, and the Taylor Reynolds Barela Mesilla state monuments.

(48) ENERGY, MINERALS AND NATURAL

RESOURCES DEPARTMENT: 250.0 250.0

For Pecos-area dairy biomass renewable energy projects.

(49) ENERGY, MINERALS AND NATURAL

RESOURCES DEPARTMENT: 1,000.0 1,000.0

For the renewable energy transmission authority, contingent upon enacting House Bill 111 or similar legislation of the second session of the forty-seventh legislature.

(50) ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT:

The period of time for expending the one million seven hundred thousand dollars (\$1,700,000) appropriated from the general fund in Subsection 55 of Section 5 of

(57) STATE ENGINEER: 1,500.0 1,500.0

For legal and technical contractor support to continue agency efforts in addressing the federal Endangered Species Act and the national Environmental Policy Act as they relate to water and state water rights. The funding is to develop technical studies, to represent the state in river-related Endangered Species Act litigation, and to implement strategies to reduce conflicts between state water users and endangered species.

(58) STATE ENGINEER: 771.4 771.4

To maintain hydrology groundwater measurement activities in support of active water resource management and drought-related measurement and conservation activities.

(59) STATE ENGINEER: 1,465.9 1,465.9

For joint funding agreements between the interstate stream commission and federal agencies for maintenance of areas adjacent to Elephant Butte and Caballo reservoirs and to perform water salvage activities in the Rio Grande.

(60) STATE ENGINEER:

The period of time for expending three hundred sixty-six thousand eight hundred dollars (\$366,800) appropriated from the general fund in Subsection 62 of Section 5 of Chapter 33 of Laws 2005 for term full-time-equivalent positions for water rights backlog is extended through fiscal year 2007, for the same purpose.

(61) STATE ENGINEER:

The period of time for expending the three million dollars (\$3,000,000) appropriated from the general fund in Subsection 60 of Section 5 of Chapter 33 of Laws 2005 for interstate stream commission compact compliance is extended through fiscal year 2007, for the same purpose.

(62) 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, 2007, for the same purpose.

(63) STATE ENGINEER:

The period of time for expending the twenty million dollars (\$20,000,000) appropriated from the general fund in Subsection 76 of Section 5 of Chapter 114 of Laws 2004 for the purchase of land and appurtenant water rights or rights to the delivery of water pursuant to Chapter 94 of Laws 2002 is extended through fiscal year 2007, for the same purpose.

(64) STATE ENGINEER: 900.0 900.0

For the water administration technical engineering resource system. ~~The appropriation is contingent upon the state engineer collaborating with the legislative finance committee to conduct an information technology audit of the water administration technical engineering resource system.~~

(65) MARTIN LUTHER KING, JR. COMMISSION: 89.0 89.0

For the leadership scholarship tour and an administrative assistant.

(66) COMMISSION FOR THE BLIND: 393.0 393.0

For heating, ventilating and air-conditioning and other infrastructure improvements.

(67) INDIAN AFFAIRS DEPARTMENT: 200.0 200.0

For a Navajo code talker documentary.

(68) AGING AND LONG-TERM SERVICES DEPARTMENT:

The period of time for expending the two million dollars (\$2,000,000) appropriated from the general fund in Section 2 of Chapter 243 of Laws 2005 for the purpose of providing services to persons with brain injuries with emphasis on long-term disability services provided through home- and community-based programs is extended through fiscal year 2007, for the same purpose.

(69) HUMAN SERVICES DEPARTMENT:

Up to three million six hundred twenty thousand dollars (\$3,620,000) of the general fund appropriation to the income support program of the human services department contained in Section 4 of Laws 2005 to provide cash assistance grants to participants as defined in the New Mexico Works Act may be used as matching funds for administrative functions in the same program. Up to three million six hundred twenty thousand dollars (\$3,620,000) from the temporary assistance for needy families block grant to the income support program of the human services department contained in Section 4 of Laws 2005 for administrative functions may be used to provide cash assistance grants to participants as defined in the New Mexico Works Act.

(70) HUMAN SERVICES DEPARTMENT: 1,300.0
1,300.0

For a federal department of agriculture food stamp administration penalty.

(71) WORKERS' COMPENSATION ADMINISTRATION: 200.0 200.0

From the workers' compensation administration fund for transfer to the insurance division of the public regulation commission to implement a program in cooperation with the workers' compensation administration to reduce workers= compensation premiums for safety-certified forest workers.

(72) OFFICE OF WORKFORCE TRAINING

AND DEVELOPMENT: 500.0 500.0

For start-up and infrastructure for "one stop" service centers.

(73) OFFICE OF WORKFORCE TRAINING

AND DEVELOPMENT: 1,500.0 1,500.0

For the individual development account program.

(74) GOVERNOR'S COMMISSION ON

DISABILITY: 500.0 500.0

For programs to improve the quality of life.

(75) DEVELOPMENTAL DISABILITIES

PLANNING COUNCIL: 50.0 50.0

For a disability accessible van to transport disabled state employees.

(76) DEPARTMENT OF HEALTH: 200.0 200.0

For a sex offender treatment program.

(77) DEPARTMENT OF HEALTH: 500.0 500.0

For adult influenza vaccine.

(78) DEPARTMENT OF HEALTH: 100.0 100.0

For detoxification and behavioral healthcare services in San Juan county.

(79) DEPARTMENT OF HEALTH: 95.0 95.0

For developing a telemedicine training and service delivery model to screen and treat hepatitis C.

(80) DEPARTMENT OF HEALTH: 750.0 750.0

For equipment, wiring and first-year telecommunication service provider fees to provide telehealth services to school-based health centers and rural health clinics. The appropriation is contingent on the department of health developing a business plan, submitting it to the legislative finance committee for review and approval by the information technology commission, which includes a rollout schedule and allocation of resources, project management and how benefits and outcomes will be captured. The first three sites must be in different parts of the state and results shall be used to determine if telehealth services should be extended to the remaining sites. The department of health shall use wire New Mexico telecommunication infrastructure.

(81) DEPARTMENT OF HEALTH: 250.0 250.0

For the replacement of breathalyzer equipment.

(82) DEPARTMENT OF HEALTH: 110.0 110.0

For the women's health council.

(83) DEPARTMENT OF HEALTH: 400.0 400.0

For the youth dance program targeted at increasing physical fitness and reducing obesity.

(84) DEPARTMENT OF ENVIRONMENT:

The period of time for expending the two million dollars (\$2,000,000) appropriated from the general fund in Subsection 89 of Section 5 of Chapter 33 of Laws 2005 for the superfund cleanup at the Fruit avenue plume site in Albuquerque, the North Railroad avenue plume site in Espanola, the Griggs and Walnut site in Las Cruces, the McGaffey and Main plume site in Roswell and the Cimarron mining site in Carrizozo is extended through fiscal year 2008, for the same purpose. Any unreserved, undesignated balance remaining at the end of fiscal year 2008 shall revert to the general fund.

(85) VETERANS' SERVICE DEPARTMENT: 400.0 400.0

For homeless veterans' services.

(86) CHILDREN, YOUTH AND

FAMILIES DEPARTMENT: 1,000.0 1,000.0

For matching the Los Alamos national laboratory foundation home visiting efforts.

(87) CHILDREN, YOUTH AND

FAMILIES DEPARTMENT: 1,000.0 1,000.0

For transfer to the next generation fund.

(88) CHILDREN, YOUTH AND

FAMILIES DEPARTMENT:

The two hundred fifty thousand (\$250,000) appropriated from the general fund in Section 4 of Chapter 33 of Laws of 2005 designated to match federal funds for the state children=s health insurance program, shall not revert but is extended through fiscal year 2007 for a home visiting program matched with federal funds.

(89) DEPARTMENT OF MILITARY AFFAIRS: 1,181.1
1,181.1

To the service members' life insurance reimbursement fund for expenditure in fiscal year 2007 to pay premium reimbursements.

(90) DEPARTMENT OF MILITARY AFFAIRS:

The one hundred seventy-one thousand dollars (\$171,000) appropriated from the general fund in Item 1 of Subsection A of Section 8, Chapter 34 of Laws 2005 for supplies and equipment for New Mexico components of the multinational taskforce in Iraq, task force 134, shall not be expended for the original purpose but is reauthorized and extended through fiscal year 2007 for the purpose of maintenance and upkeep of state armories.

(91) DEPARTMENT OF MILITARY AFFAIRS: 100.0 100.0

For commemorating the USS New Mexico.

(92) DEPARTMENT OF MILITARY AFFAIRS: 200.0 200.0

For the maintenance and upkeep of state armories.

~~(93) DEPARTMENT OF MILITARY AFFAIRS: 100.0 100.0~~

~~For a national guard convention.~~

(94) CORRECTIONS DEPARTMENT: 50.0 50.0

For a study to track children whose parents are in the corrections system.

(95) CORRECTIONS DEPARTMENT: 80.0 80.0

For a workforce housing development feasibility study.

(96) CORRECTIONS DEPARTMENT: 150.0 150.0

For the overnight visitation program at the Camino Nuevo and Grants women's facilities.

(97) CORRECTIONS DEPARTMENT: 61.0 61.0

For video conferencing equipment, switches and routers for probation and parole hearings statewide. The department shall use existing and proposed wire New Mexico infrastructure where and when available, ensuring appropriate network security and applying savings from reduced travel expenditures to the project.

(98) DEPARTMENT OF PUBLIC SAFETY: 1,000.0
1,000.0

For counties that border Mexico for homeland security purposes.

(99) DEPARTMENT OF PUBLIC SAFETY: 200.0 200.0

For in-car camera replacements.

(100) DEPARTMENT OF PUBLIC SAFETY: 3,000.0
3,000.0

For police vehicle replacement.

(101) DEPARTMENT OF PUBLIC SAFETY: 300.0 300.0

For processing deoxyribonucleic acid samples for felony arrests. The appropriation is contingent on enactment of House Bill 130 or similar legislation of the second session of the forty-seventh legislature.

(102) DEPARTMENT OF PUBLIC SAFETY: 100.0 100.0

For staff to reduce a background-check backlog.

(103) DEPARTMENT OF PUBLIC SAFETY: 52.8 52.8

For the purchase of satellite phones.

(104) PUBLIC EDUCATION DEPARTMENT:

The one million five hundred four thousand one hundred dollars (\$1,504,100) of fiscal year 2003 appropriations that was expended by the department in fiscal year 2004 shall

be deemed, for audit purposes, to have been appropriated for expenditure in fiscal year 2004.

(105) PUBLIC EDUCATION DEPARTMENT: 2,000.0
2,000.0

For breakfast for elementary students and food to schools. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(106) PUBLIC EDUCATION DEPARTMENT: 2,500.0
2,500.0

To equip selected pilot schools with software and hardware to be used to teach mathematics and for developing and implementing online and secured access to student records and class assignments. Future funding is contingent upon the public education department developing a program that demonstrates improved student proficiency. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

~~(107) PUBLIC EDUCATION DEPARTMENT: 2,000.0
2,000.0~~

~~For continued implementation of a computerized learning system that aligns public school curricula to state academic standards and the statewide assessment program through local and wide-area networks; diagnose student skill deficiencies; prepares lesson plans; measures objectives by grade level; and provides reading, language arts and mathematics programs in english and spanish and includes the capability to translate educational programs to other languages.~~

(108) PUBLIC EDUCATION DEPARTMENT: 300.0 300.0

For a summer day camp program in Santa Fe.

(109) PUBLIC EDUCATION DEPARTMENT: 6,600.0
6,600.0

For assessment and test development and exit exams. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(110) PUBLIC EDUCATION DEPARTMENT: 2,000.0
2,000.0

For elementary school physical education and anti-obesity programs. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(111) PUBLIC EDUCATION DEPARTMENT: 5,000.0
5,000.0

For emergency supplemental expenditures.

(112) PUBLIC EDUCATION DEPARTMENT: 750.0 750.0

For parental training and involvement and domestic violence curriculum. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(113) PUBLIC EDUCATION DEPARTMENT: 750.0 750.0

For regional education cooperatives operations. The general fund appropriation to the public education department for regional education cooperatives temporary cash flow assistance is to be used to cover costs associated with federal reimbursement requirements. The public education department may advance amounts to one or more regional education cooperatives upon a finding that the cooperative has a timely audit, is in compliance with financial reporting requirements, is otherwise financially stable and has adequately justified a need for the advance. A regional education cooperative shall return the general fund advance to the public education department by June 30, 2007. Funds returned to the public education department shall not revert to the general fund and shall remain available for advances to regional education cooperatives in fiscal year 2008.

(114) PUBLIC EDUCATION DEPARTMENT: 250.0 250.0

For rural education and community revitalization. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(115) PUBLIC EDUCATION DEPARTMENT: 3,680.9
3,680.9

For school-owned bus replacement in fiscal year 2007.

(116) PUBLIC EDUCATION DEPARTMENT: 1,000.0
1,000.0

For summer reading and math institutes professional development. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(117) PUBLIC EDUCATION DEPARTMENT: 6,000.0
6,000.0

~~For the school improvement framework. The public education department shall report quarterly to the legislative education study committee and the legislative finance committee regarding program expenditures and outcomes. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.~~

(118) PUBLIC EDUCATION DEPARTMENT: 300.0 300.0

For a three-tiered licensure evaluation system. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

~~(119) PUBLIC EDUCATION DEPARTMENT: 6,300.0
6,300.0~~

~~For the transition to the three-tiered licensure system. The general fund appropriation to the public education department for the three-tiered transition is to address shortfalls experienced by school districts and charter schools in implementing the minimum salary for level three-A teachers. The secretary of public education shall verify the amount needed by each school district and charter school prior to distributing the funds. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.~~

~~(120) PUBLIC EDUCATION DEPARTMENT: 2,000.0
2,000.0~~

~~For transfer to the state support reserve fund.~~

(121) PUBLIC EDUCATION DEPARTMENT: 1,500.0
1,500.0

For one-time prekindergarten start-up costs for developmentally appropriate equipment and classroom safety improvements. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(128) HIGHER EDUCATION DEPARTMENT: 20,000.0
20,000.0

To provide a one-time supplement for building renewal and replacement for public, post-secondary educational institutions and special schools for expenditure in fiscal year 2007 to be distributed according to the building renewal and replacement formula. Institutions shall submit to the higher education department, department of finance and administration and legislative finance committee by July 1, 2006 a plan for expenditure of these funds.

(129) HIGHER EDUCATION DEPARTMENT: 49,000.0
49,000.0

To the college affordability endowment fund.

(130) HIGHER EDUCATION DEPARTMENT: 5,000.0
5,000.0

To the higher education performance fund for expenditure in fiscal years 2007, 2008 and 2009 for performance awards to public, post-secondary educational institutions that meet or exceed performance targets for freshmen enrollment and persistence and graduation rates, including minority students.

(131) UNIVERSITY OF NEW MEXICO: 2,000.0
2,000.0

For membership fees to participate in a national consortium of higher education institutions that provides a national scale infrastructure for research and experimentation in networking technologies and applications.

~~(132) UNIVERSITY OF NEW MEXICO: 100.0 100.0~~

~~For the center for regional studies.~~

~~(133) UNIVERSITY OF NEW MEXICO: 1,000.0
1,000.0~~

~~For transfer to the center for regional studies endowment fund to provide for professorships.~~

(134) UNIVERSITY OF NEW MEXICO:

The period of time for expending the seven hundred five thousand dollars (\$705,000) appropriated from the general fund in Item 1 of Subsection B of Section 10 of Chapter 34 of Laws 2005 to expand enrollment in the school of medicine through a combined

bachelor's degree to medical degree program is extended through fiscal year 2007, for the same purpose.

(135) UNIVERSITY OF NEW MEXICO: 5,500.0
5,500.0

To the health sciences center for cancer center equipment.

(136) UNIVERSITY OF NEW MEXICO: 10,000.0
10,000.0

To the health sciences center for patient care equipment.

(137) UNIVERSITY OF NEW MEXICO: 1,250.0
1,250.0

To the health sciences center for the out-of-county indigent fund.

~~(138) NEW MEXICO STATE UNIVERSITY: 4,000.0
4,000.0~~

~~For non-native phreatophyte eradication, monitoring, riparian revegetation and rehabilitation projects. Fiscal oversight shall be provided by the New Mexico department of agriculture. Programmatic management shall be provided by the New Mexico soil and water conservation commission. The appropriation is contingent upon the New Mexico department of agriculture including performance and outcomes measures in its contracts to increase performance oversight and fiscal accountability and presenting a report on the program's purposes, activities and outcomes to the department of finance and administration, the state engineer and the legislative finance committee prior to October 1, 2006. The New Mexico department of agriculture shall not assess an administrative charge exceeding two and one-half percent for fiscal oversight and monitoring.~~

(139) NEW MEXICO STATE UNIVERSITY: 550.0 550.0

For operating costs of soil and water conservation districts. Fiscal oversight shall be provided by the New Mexico department of agriculture. ~~Programmatic management shall be provided by the New Mexico soil and water conservation commission. The New Mexico department of agriculture shall not assess an administrative charge exceeding two and one-half percent.~~

(140) NEW MEXICO STATE UNIVERSITY: 200.0 200.0

For petroleum and chemical laboratory equipment replacement.

(141) NEW MEXICO STATE UNIVERSITY: 50.0 50.0

To the New Mexico department of agriculture to provide assistance to New Mexico winemakers to improve or refine New Mexico wines and to increase public awareness of New Mexico wines.

(142) NEW MEXICO STATE UNIVERSITY: 500.0 500.0

To match federal funds for soil and water conservation districts for water conservation and resource restoration technical assistance. Fiscal oversight shall be provided by the New Mexico department of agriculture. ~~Programmatic management shall be provided by the New Mexico soil and water conservation commission. The New Mexico department of agriculture shall not assess an administrative charge exceeding two and one-half percent.~~

(143) NEW MEXICO HIGHLANDS UNIVERSITY: 200.0 200.0

For bilingual education materials.

(144) NEW MEXICO HIGHLANDS UNIVERSITY: 300.0 300.0

For the Ben Altamirano leadership institute.

(145) EASTERN NEW MEXICO UNIVERSITY: 100.0 100.0

To archive and document capitol-based news coverage.

~~(146) NEW MEXICO INSTITUTE OF MINING~~

~~AND TECHNOLOGY: 300.0 300.0~~

~~For aerosol detection research.~~

(147) NEW MEXICO INSTITUTE OF MINING

AND TECHNOLOGY: 72.0 72.0

To the bureau of mines for mine safety inspections and emergency preparedness.

(148) NORTHERN NEW MEXICO COLLEGE: 1,000.0
1,000.0

For program start-up costs for teacher education programs.

(149) LUNA COMMUNITY COLLEGE: 88.0 88.0

For the national youth sports program.

(150) COMPUTER SYSTEMS ENHANCEMENT

FUND: 2,000.0 2,000.0

For information technology systems projects. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(151) COMPUTER SYSTEMS ENHANCEMENT

FUND: 13,898.0 13,898.0

For transfer to the computer enhancement fund for system replacements or enhancements.

TOTAL SPECIAL APPROPRIATIONS 287,311.0 2,920.0
290,231.0

Chapter 109 Section 6 Laws 2006

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 2006 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 2006 for the purpose specified and approval by the department of finance and administration. Any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2006 shall revert to the appropriate fund.

(1) SUPREME COURT: 5.6 5.6

For in-state travel costs.

(2) ADMINISTRATIVE OFFICE OF THE COURTS: 250.0
250.0

For jury and witness fees.

(3) ADMINISTRATIVE OFFICE OF THE COURTS: 25.0
25.0

For shortfalls in the judges pro tempore fund.

(4) ADMINISTRATIVE OFFICE OF THE COURTS: 500.0
500.0

To the court-appointed attorneys fund for attorney fees in child abuse cases.

(5) SUPREME COURT BUILDING COMMISSION: 24.0
24.0

For a personal services and employee benefits shortfall.

~~(6) THIRD JUDICIAL DISTRICT COURT: 43.5 43.5~~

~~For personal services and employee benefits shortfall.~~

(7) ADMINISTRATIVE OFFICE OF THE
DISTRICT ATTORNEYS: 25.0 25.0

To purchase office furniture for expansion into a new facility.

(8) DEPARTMENT OF FINANCE AND
ADMINISTRATION: 450.0 450.0

To retire the state board of finance loan.

(9) PUBLIC SCHOOL INSURANCE AUTHORITY: 4,132.1
4,132.1

To fund increased risk insurance claims using fund balance.

(10) GENERAL SERVICES DEPARTMENT: 500.0 500.0

For personal services and employee benefits in the building services division.

(11) STATE TREASURER: 375.2 375.2

To convert from the treasurer=s reconciliation accounting and cashiering system to the statewide human resource, accounting and management reporting system and to hire an investment consultant.

(12) CUMBRES AND TOLTEC SCENIC
RAILROAD COMMISSION: 435.0 435.0

To cover revenue shortfalls.

(13) CULTURAL AFFAIRS DEPARTMENT: 300.0 300.0

For moving expenses.

(14) CULTURAL AFFAIRS DEPARTMENT: 65.0 65.0

For staff and operating costs for the Lincoln state monument.

(15) ENERGY, MINERALS AND NATURAL
RESOURCES DEPARTMENT: 100.0 100.0

For information technology maintenance and equipment in the oil conservation division.

(16) AGING AND LONG-TERM SERVICES
DEPARTMENT: 89.5 89.5

For personal services and employee benefits in the adult protective services program.

(17) HUMAN SERVICES DEPARTMENT: 2,000.0
2,000.0

For the general assistance program shortfall.

(18) CHILDREN, YOUTH AND
FAMILIES DEPARTMENT: 4,112.7 4,112.7

For Title XIX medicaid and Title IV-E review shortfalls.

(19) DEPARTMENT OF MILITARY AFFAIRS: 369.5 369.5

For life insurance reimbursements.

(20) DEPARTMENT OF MILITARY AFFAIRS: 345.5 345.5

To fund anticipated increases in utility costs for national guard armories statewide.

(21) PAROLE BOARD: 17.1 17.1

For per diem and travel for board members.

(22) CORRECTIONS DEPARTMENT: 10,000.0
10,000.0

For budget shortfalls, including those in personal services and employee benefits, the operation of Camino Nuevo and resulting from inmate population growth.

(23) DEPARTMENT OF PUBLIC SAFETY: 25.0 25.0

For data circuit installations and upgrades.

(24) DEPARTMENT OF PUBLIC SAFETY: 250.0 250.0

For radio communication.

(25) DEPARTMENT OF PUBLIC SAFETY: 100.0 100.0

For software licensing.

(26) PUBLIC EDUCATION DEPARTMENT: 3,200.0
3,200.0

To replace school buses not purchased in fiscal year 2006 in accordance with the statutory twelve-year replacement schedule.

~~(27) NEW MEXICO STATE UNIVERSITY: 52.3 52.3~~

~~For Aamodt water rights adjudication.~~

(28) NEW MEXICO STATE UNIVERSITY: 150.0 150.0

For personal services and employee benefits and other costs at the New Mexico department of agriculture veterinary diagnostic services laboratory.

TOTAL SUPPLEMENTAL AND DEFICIENCY
APPROPRIATIONS 23,757.6 52.3 4,132.1 27,942.0

Chapter 109 Section 7 Laws 2006

Section 7. **DATA PROCESSING APPROPRIATIONS.**--The following amounts are appropriated from the computer systems enhancement fund, or other funds as indicated, for the purposes specified. Unless otherwise indicated, the appropriations may be expended in fiscal years 2006 and 2007. Unless otherwise indicated, any unexpended or unencumbered balances remaining at the end of fiscal year 2007 shall revert to the computer systems enhancement fund or other funds as indicated. The department of finance and administration shall allocate amounts from appropriations made in Sections 4, 5, 6 and 7 of this act for the purposes specified upon receiving certification and supporting documentation from the state chief information officer that documents compliance with the information technology commission project certification process. For executive branch agencies, all hardware and software purchases funded through appropriations made in Sections 4, 5, 6 and 7 of this act shall be procured using consolidated purchasing led by the state chief information officer and state purchasing division to achieve economies of scale and to provide the state with the best unit price

and shall receive funding only after receiving certification and supporting documentation from the state chief information officer that indicates compliance with the information technology commission project certification process.

(1) ADMINISTRATIVE OFFICE OF THE COURTS:

The period of time for expending the one million two hundred thousand dollars (\$1,200,000) appropriated from the computer systems enhancement fund contained in Subsection 2 of Section 7 of Chapter 33 of Laws 2005 for the judicial information division to implement an electronic document management system is extended through fiscal year 2007. The appropriation shall be contingent upon an approved, detailed project plan that includes electronic document filing and other document management functions. Three hundred thousand dollars (\$300,000) of this appropriation shall be allocated to the metropolitan court to coordinate this project with the second judicial district court.

(2) ADMINISTRATIVE OFFICE OF THE COURTS: 750.0
750.0

To conduct a needs assessment and document business requirements for an integrated and consolidated case management system that includes system interface specifications to allow for integration of existing and future electronic document management and electronic filing for all court levels, and for a proof of concept to determine future direction.

(3) TAXATION AND REVENUE DEPARTMENT: 1,000.0
1,000.0

For the gentax taxpayer access point system to provide taxpayers online access to their tax records to view and manage their accounts.

(4) TAXATION AND REVENUE DEPARTMENT: 2,000.0
2,000.0

To address network and security deficiencies identified in the motor vehicle system needs assessment. All improvements shall provide a basis for any replacement system identified at the conclusion of the previously funded needs assessment. The period of time for expending the seven hundred fifty thousand dollars (\$750,000) appropriated from the computer systems enhancement fund contained in Subsection 3 of Section 7 of Chapter 33 of Laws 2005 for the motor vehicle division to complete the planning and modeling phases of the motor vehicle division systems re-engineering project is extended through fiscal year 2007. This appropriation includes two term full-time-equivalent positions. The project deliverables shall be aligned with changes to motor vehicle division statutes.

(5) GENERAL SERVICES DEPARTMENT:

The period of time for expending the one million dollars (\$1,000,000) appropriated from the computer systems enhancement fund contained in Subsection 7 of Section 8 of Chapter 114 of Laws 2004 as extended by Subsection 6 of Section 7 of Chapter 33 of Laws 2005 for developing and publishing a state information technology consolidation plan and initial activities is extended through fiscal year 2007. A statewide 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.

(6) GENERAL SERVICES DEPARTMENT: 4,800.0
4,800.0

To continue telecommunication infrastructure in the southeast quadrant of New Mexico. The bandwidth shall be of sufficient capacity to accommodate distance education, telehealth services and corrections department needs. The period of time for expending the two million dollars (\$2,000,000) appropriated from the computer systems enhancement fund contained in Subsection 11 of Section 8 of Chapter 114 of Laws 2004 as extended by Subsection 7 of Section 7 of Chapter 33 of Laws 2005 for continuing implementation of a single, statewide, integrated telecommunications backbone for state government is extended through fiscal year 2007. 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, legislative finance committee and department of finance and administration. The telecommunications architecture plan shall be in accordance with the state information architecture, information technology consolidation plan, and enterprise-wide information security program and shall be 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 possible locations to enhance statewide telecommunications and leverage state-owned resources without incurring additional costs. The general services department shall provide monthly written status 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 in accordance with the telecommunications architecture plan.

(7) EDUCATIONAL RETIREMENT BOARD: 750.0 750.0

To address unplanned legislative changes and upgrade servers. The appropriation is from the educational retirement fund. The period of time for expending the three hundred thousand dollars (\$300,000) appropriated from the educational retirement fund contained in Subsection 5 of Section 7 of Chapter 33 of Laws 2005 to complete the replacement of the educational retirement accounting system used to administer

retirement benefits for educational employees of the state of New Mexico is extended through fiscal year 2007. The period of time for expending the two million dollars (\$2,000,000) appropriated from the educational retirement fund contained in Subsection 11 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 as extended by Subsection 16 of Section 8 of Chapter 114 of Laws 2004 as extended by Subsection 5 of Section 7 of Chapter 33 of Laws 2005 is extended through fiscal year 2007, and the period of time for expending the seven hundred fifty thousand dollars (\$750,000) appropriated from the educational retirement fund contained in Subsection 16 of Section 8 of Chapter 114 of Laws 2004 as extended in Subsection 5 of Section 7 of Chapter 33 of Laws 2005 is extended through fiscal year 2007 to complete implementation of a commercial off-the-shelf solution for managing educational retirement membership information. This appropriation is from the educational retirement fund. The educational retirement board shall provide periodic status reports to the legislative finance committee and the state chief information officer.

(8) NEW MEXICO SENTENCING COMMISSION:

The period of time for expending the two hundred fifty thousand dollars (\$250,000) appropriated from the computer systems enhancement fund contained in Subsection 8 of Section 7 of Chapter 33 of Laws 2005 to enhance the justice information system to include data exchange query capability and portal maintenance is extended through fiscal year 2007. This appropriation is contingent upon an approved plan that details the final solution for funding and ownership of the justice information system.

(9) PUBLIC EMPLOYEES RETIREMENT ASSOCIATION:

The period of time for expending the six million two hundred eighty-five thousand nine hundred dollars (\$6,285,900) appropriated from the public employees retirement income fund contained in Subsection 9 of Section 7 of Chapter 33 of Laws 2005 to complete the implementation of the retirement information online system is extended through fiscal year 2007. Five million four hundred ninety-four thousand seven hundred dollars (\$5,494,700) of this appropriation is re-appropriated from an unspent fund balance that reverted to the public employees retirement income fund contained in Subsection 8 of Section 7 of Chapter 76 of Laws 2003. This appropriation is contingent upon project re-certification by the information technology commission. This appropriation includes four term full-time-equivalent positions.

(10) STATE COMMISSION OF PUBLIC RECORDS: 130.0
130.0

To replace the DOS-based archives records management system with a commercial off-the-shelf solution.

(11) SECRETARY OF STATE:

The period of time for expending the one hundred twelve thousand dollars (\$112,000) appropriated from the computer systems enhancement fund contained in Subsection 10 of Section 7 of Chapter 33 of Laws 2005 to complete the implementation of trademark, agricultural lien and campaign reporting modules of the secretary of state knowledgeable application is extended through fiscal year 2007.

(12) PUBLIC REGULATION COMMISSION:

The period of time for expending the six hundred fifty thousand dollars (\$650,000) appropriated from the computer systems enhancement fund contained in Subsection 11 of Section 7 of Chapter 33 of Laws 2005 to implement secretary of state knowledgeable computer software developed by North Carolina for managing corporate registrations to enable enhanced reporting, electronic processing of certified document requests, cash management and electronic payment services for corporations is extended through fiscal year 2007. This appropriation is contingent on demonstrating that the new system does not automate outdated agency business practices.

(13) GAMING CONTROL BOARD:

The period of time for expending the two million two hundred thousand dollars (\$2,200,000) appropriated from the computer systems enhancement fund contained in Subsection 14 of Section 7 of Chapter 33 of Laws 2005 to implement a new central gaming monitoring system with appropriate security is extended through fiscal year 2007. The gaming control board shall implement procedures to ensure that legacy systems interfacing with the proposed system are allowed sufficient time to become compliant and undue hardship is not imposed on owners and licensees of these legacy systems. This appropriation is contingent upon the gaming control board providing a written report that indicates (1) a favorable result from their pilot project being conducted with the new gaming machines, (2) verification that the new system also supports the old gaming machines and (3) identification of significant savings opportunities such as the use of save smart for equipment hardware purchases.

~~(14) CULTURAL AFFAIRS DEPARTMENT: 370.0 370.0~~

~~To complete a needs assessment and document business requirements for all state-operated museums and galleries and to identify a commercial off-the-shelf solution that will meet the documented needs.~~

(15) HUMAN SERVICES DEPARTMENT:

The period of time for expending the one million two hundred thousand dollars (\$1,200,000) appropriated from the computer systems enhancement fund and the eight hundred thousand dollars (\$800,000) in federal funds contained in Subsection 6 of Section 8 of Chapter 114 of Laws 2004 as extended by Subsection 18 of Section 7 of Chapter 33 of Laws 2005 for implementing a multi-agency system for imaging and archiving documents electronically to improve access, integration and accuracy of

information is extended through fiscal year 2007. The human services department shall serve as lead agency using a multi-agency steering committee composed of, at a minimum, the state commission of public records and the taxation and revenue department. The portion of this appropriation related to the human services department is contingent upon receiving written approval from the federal funding agency.

(16) HUMAN SERVICES DEPARTMENT:

The period of time for expending the seven million eight hundred thousand dollars (\$7,800,000) appropriated from the computer systems enhancement fund and the four million five hundred thousand dollars (\$4,500,000) in federal funds contained in Subsection 4 of Section 7 of Chapter 76 of Laws 2003 as extended by Subsection 15 of Section 8 of Chapter 114 of Laws 2004 as extended by Subsection 17 of Section 7 of Chapter 33 of Laws 2005 to enable healthcare and human services agencies to comply with the federal Health Insurance Portability and Accountability Act information security rules is extended through fiscal year 2007. The period of time for expending the seven hundred thousand dollars (\$700,000) appropriated from the general fund and the two million one hundred thousand dollars (\$2,100,000) in federal funds contained in Subsection 13 of Section 6 of Chapter 76 of Laws 2003 as extended by Subsection 25 of Section 8 of Chapter 114 of Laws 2004 as extended by Subsection 17 of Section 7 of Chapter 33 of Laws 2005 for the medical assistance program for computer system enhancements to enable healthcare and human services agencies to comply with the federal Health Insurance Portability and Accountability Act information security rules is extended through fiscal year 2007. The period of time for expending the three hundred thousand dollars (\$300,000) appropriated from the computer systems enhancement fund and the two million four hundred thousand dollars (\$2,400,000) in federal funds contained in Subsection 23 of Section 8 of Chapter 114 of Laws 2004 as extended by Subsection 17 of Section 7 of Chapter 33 of Laws 2005 for automating the process of reviewing medicaid claims for fraud and abuse is extended through fiscal year 2007. The human services department shall provide the legislative finance committee and the department of finance and administration with quarterly written reports on medicaid claims recovered as a result of the new software. This appropriation is contingent upon a solution that is based on a design that can be used with any medicaid systems the state may choose to adopt in the future.

(17) HUMAN SERVICES DEPARTMENT:

The period of time for expending the one million dollars (\$1,000,000) appropriated from the computer systems enhancement fund and the six million two hundred thousand dollars (\$6,200,000) in federal funds contained in Subsection 16 of Section 7 of Chapter 33 of Laws 2005 to convert the current human services systems into the layered structure specified in the social services architecture plan is extended through fiscal year 2007. This appropriation includes two term full-time-equivalent positions. This appropriation is contingent upon an approved social services architecture plan and a federally approved advance planning document.

(18) LABOR DEPARTMENT:

The period of time for expending the three million five hundred thousand dollars (\$3,500,000) from the Economic Security and Recovery Act of 2001 (H.R. 3090) and Section 903 of the Social Security Act, as amended, also known as the federal Reed Act, and made available to the New Mexico labor department in Subsection 21 of Section 7 of Chapter 33 of Laws 2005 to meet federal accounting and reporting requirements not addressed by the base component of the statewide human resources, accounting and reporting system project is extended through fiscal year 2007.

(19) LABOR DEPARTMENT:

The period of time for expending the re-appropriated twelve million five hundred thousand dollars (\$12,500,000) in unexpended federal Reed Act funds contained in Subsection 13 of Section 7 of Chapter 76 of Laws 2003 as extended by Subsection 20 of Section 7 of Chapter 33 of Laws 2005 is extended through fiscal year 2007 as follows: one million three hundred thousand dollars (\$1,300,000) to complete the implementation of the unemployment insurance claims re-engineering project and the remainder to complete the implementation of the unemployment insurance tax system. The period of time for expending the six hundred thousand dollars (\$600,000) in federal Reed Act and Economic Security Recovery Act of 2001 funds contained in Subsection 15 of Section 7 of Chapter 76 Laws 2003 as extended by Subsection 20 of Section 7 of Chapter 33 of Laws 2005 to replace a document scanning system used for unemployment tax administration is extended through fiscal year 2007.

(20) DEPARTMENT OF HEALTH:

The period of time for expending the one million dollars (\$1,000,000) appropriated from the computer systems enhancement fund and the nine hundred thousand dollars (\$900,000) in federal funds contained in Subsection 23 of Section 7 of Chapter 33 of Laws 2005 to implement a single, integrated laboratory information management system is extended through fiscal year 2007. This appropriation is contingent upon a written approved social services architecture plan.

(21) DEPARTMENT OF HEALTH:

The period of time for expending the seven hundred fifty thousand dollars (\$750,000) appropriated from the computer systems enhancement fund contained in Subsection 22 of Section 7 of Chapter 33 of Laws 2005 to implement an integrated medical billing solution addressing all department of health billing and claims functions is extended through fiscal year 2007. This project shall standardize claim submission and comply with the Health Insurance Portability and Accountability Act. This appropriation is contingent upon an approved social services architecture plan.

(22) DEPARTMENT OF HEALTH:

The period of time for expending the two million nine hundred thousand dollars (\$2,900,000) appropriated from the computer systems enhancement fund contained in Subsection 30 of Section 7 of Chapter 33 of Laws 2005 to implement an automated fingerprint imaging system and to replace the interim distributed imaging system is extended through fiscal year 2007. This appropriation is contingent upon the department of public safety first publishing a plan to use fee revenue to resolve the backlog of paper forms.

(26) DEPARTMENT OF PUBLIC SAFETY:

The period of time for expending the one million five hundred thousand dollars (\$1,500,000) appropriated from the computer systems enhancement fund contained in Subsection 32 of Section 7 of Chapter 33 of Laws 2005 to purchase and install mobile computers in state police and motor transportation officers' vehicles is extended through fiscal year 2007. This appropriation is contingent on an approved plan to include future purchases of mobile computers as standard equipment for these vehicles along with items such as vehicle communications and radar equipment.

(27) DEPARTMENT OF PUBLIC SAFETY:

The period of time for expending the five hundred thousand dollars (\$500,000) appropriated from the computer systems enhancement fund contained in Subsection 31 of Section 7 of Chapter 33 of Laws 2005 to replace obsolete wiring and associated equipment, but not to include network servers, at state police district offices is extended through fiscal year 2007.

~~(28) DEPARTMENT OF PUBLIC SAFETY: 2,000.0~~
~~2,000.0~~

~~To replace the New Mexico law enforcement telecommunications system that provides access to state and national law enforcement databases with a commercial off-the-shelf solution.~~

(29) PUBLIC EDUCATION DEPARTMENT: 2,000.0
2,000.0

To continue implementation of the student and teacher accountability reporting system. The appropriation is from the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms promulgated by Section 12 of Chapter 114 of Laws 2004.

~~(30) HIGHER EDUCATION DEPARTMENT: 2,548.0~~
~~2,548.0~~

(6) one million six hundred forty-two thousand six hundred dollars (\$1,642,600) to provide executive exempt employees, including attorney general employees and workers' compensation judges, with an average five percent salary increase salary;

(7) three million one hundred twenty-seven thousand eight hundred dollars (\$3,127,800), of which one hundred twenty-nine thousand six hundred dollars (\$129,600) is for commissioned officers within the motor transportation division, one hundred eighty-two thousand six hundred dollars (\$182,600) is for commissioned officers within the special investigation division and two million eight hundred fifteen thousand six hundred dollars (\$2,815,600) is for commissioned officers of the state police division, to provide an average ten percent salary increase to commissioned officers of the department of public safety in accordance with the New Mexico state police career pay system and the Personnel Act as determined by the secretary for the department of public safety and the state personnel board;

(8) three hundred forty-five thousand seven hundred dollars (\$345,700) to provide teachers in the department of health, corrections department, children, youth and families department and commission for the blind with a five percent salary increase and for statutory minimum salaries for level three-A teachers; and

(9) five hundred two thousand one hundred dollars (\$502,100) to provide permanent legislative employees, including permanent employees of the legislative council service, legislative finance committee, legislative education study committee, legislative building service, the house and senate, house and senate chief clerks' offices, and house and senate leadership, with an average of five percent salary increase.

~~(10) five hundred fifty-four thousand dollars (\$554,000) for an additional three percent salary increase for state employees classified as probation and parole officers, librarians, library technicians, library assistants and police, fire and ambulance dispatchers.~~

B. Thirty-nine million nine hundred fifty-six thousand seven hundred dollars (\$39,956,700) is appropriated from the general fund to the higher education department for expenditure in fiscal year 2007 to provide faculty and staff of four and two-year post-secondary education institutions with an average of four and one-half percent compensation increase.

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 2006. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

D. For those state employees whose salaries are referenced in or received as a result of nongeneral fund appropriations in the General Appropriation Act of 2006, the department of finance and administration shall transfer from the appropriate fund to the appropriate agency the amount required for the salary increases equivalent to those provided for in this section, and such amounts are appropriated for expenditure in fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the appropriate fund.

Chapter 109 Section 9 Laws 2006

Section 9. ADDITIONAL FISCAL YEAR 2006 BUDGET ADJUSTMENT AUTHORITY.--During fiscal year 2006,

subject to review and approval by the department of finance and administration, pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, in addition to the budget adjustment authority in the General Appropriation Act of 2005:

A. the judicial standards commission may request budget increases from other state funds up to twenty-five thousand dollars (\$25,000) of funds received from trial cost reimbursement imposed by the supreme court on a respondent as part of the court's imposition of discipline on that respondent;

B. the administrative office of the courts may request budget increases from other state funds above the five percent limitation from the warrant enforcement fund;

C. the second judicial district court may request budget increases from internal services funds/interagency transfers for duplication fees and pre-trial services up to three hundred fifty thousand dollars (\$350,000);

D. the ninth judicial district court may request budget increases from internal services funds/interagency transfers and other state funds for reimbursed expenses up to twenty thousand dollars (\$20,000);

E. the eleventh judicial district attorney-division I may request budget increases from internal services funds/interagency transfers and other state funds up to one hundred thousand dollars (\$100,000);

F. the administrative office of the district attorneys may request budget increases from other state funds up to fifty thousand dollars (\$50,000) for costs associated with the district attorneys training conference and other operating expenses in furtherance of the business office and may request budget increases from miscellaneous revenue collected from non-district attorney employee registration fees up to two thousand dollars (\$2,000) to pay for conference-related expenses;

G. the attorney general may request budget increases from internal services funds/interagency transfers up to forty-five thousand dollars (\$45,000) for the prosecution of criminal cases related to the Santa Rosa prison riots and may request budget increases from settlement funds up to five hundred fifty thousand dollars (\$550,000) for the legal services program to include consumer education and alert programs;

H. the taxation and revenue department may request program transfers to the property tax program not to exceed one hundred fifty thousand dollars (\$150,000);

I. the general services department may request budget increases from internal services funds/interagency transfers in the amounts of three million five hundred thousand dollars (\$3,500,000) for the information technology program, seven million dollars (\$7,000,000) for the communications program, five hundred thousand dollars (\$500,000) for the building office space management and maintenance program, and four million five hundred thousand dollars (\$4,500,000) for the transportation services program if the department collects revenue in excess of appropriated levels;

J. the tourism department may request budget increases from other state funds from the trail safety fund and may request program transfers for operations and fulfillment of the off-highway vehicle program up to one hundred thousand dollars (\$100,000);

K. the pharmacy board of the boards and commissions program of the regulation and licensing department may request budget increases from other state funds up to three million three hundred thousand dollars (\$3,300,000) to pay the costs associated with prescription drug programs for seniors operated by the aging and long-term services department, the New Mexico medical insurance pool, or for the transition associated with medicare part D;

L. the public regulation commission may request transfers to and from the other financing uses category up to one hundred forty thousand dollars (\$140,000);

M. the department of cultural affairs may request budget increases from internal services funds/interagency transfers and other state funds up to seven hundred forty-seven thousand dollars (\$747,000);

N. the department of game and fish may request budget increases from internal services funds/interagency transfers up to five hundred thousand dollars (\$500,000);

O. the renewable energy and energy efficiency program of the energy, minerals and natural resources department may request budget increases to and from internal services funds/interagency transfers and federal funds for clean energy program projects up to five hundred thousand dollars (\$500,000); the oil and gas

conservation program of the energy, minerals and natural resources department may request budget increases up to three hundred thousand dollars (\$300,000) from the assessment of penalties for violations of the Oil and Gas Act; the state parks program of the energy, minerals and natural resources department may request budget increases up to six hundred thousand dollars (\$600,000) from other state funds;

P. the office of the state engineer may request transfers into the hydrographic income fund from internal services funds/interagency transfers in the amount of seven hundred thousand dollars (\$700,000), may request transfers into the improvement of the Rio Grande income fund from internal services funds/interagency transfers of two hundred thousand dollars (\$200,000), and may request transfers into the irrigation works construction fund from internal services funds/interagency transfers of five hundred thousand dollars (\$500,000);

Q. the aging and long-term services department may request budget increases up to ninety thousand dollars (\$90,000) from other state funds to sponsor the annual conference on aging, provided any unexpended or unencumbered balances remaining from registration fees from the aging conference at the end of fiscal year 2006 shall not revert to the general fund; the consumer and elder rights program of the aging and long-term services department may request budget increases from internal services funds/interagency transfers from the pharmacy board of the boards and commissions program of the regulation and licensing department up to three million three hundred thousand dollars (\$3,300,000) to operate prescription drug programs for seniors, including those operated by the New Mexico medical insurance pool, or for the transition associated with medicare part D;

R. the human services department may request transfers in the temporary assistance for needy families program from support services to cash assistance;

S. the workers' compensation administration may request budget increases up to twenty-five thousand dollars (\$25,000) per catastrophic claim from the uninsured employers' fund to pay medical and indemnity workers' compensation benefits payments;

T. the department of health may request budget increases from other state funds from health facility license and certification fees pursuant to Section 24-1-5(g) NMSA 1978 and from other state funds related to private insurance payments for services provided through the public health and family infant toddler programs;

U. the children, youth and families department may request budget increases from other state funds up to three million seven hundred sixty-seven thousand eight hundred fifty-five dollars (\$3,767,855) for funds and interest distributed to the department from the state permanent and land income funds;

V. the corrections department may request program transfers from the program support, inmate programming and community offender management programs

not to exceed seven and one-half percent, may request budget increases from other state funds and internal services funds/interagency transfers in excess of the five percent limitation from revenue generated from the permanent fund and transfers from the university of New Mexico and department of health to fund the hepatitis C drug treatment program, and may request budget transfers to and from the other financing uses category for the community corrections/vendor run program; and

W. the department of public safety may request program transfers from law enforcement, public safety support, office of emergency management and accountability and compliance support programs into the information technology program not to exceed three hundred fifty-nine thousand one hundred dollars (\$359,100) to support the information technology consolidation, may request budget increases from internal services funds/interagency transfers and other state funds for records fees collected in excess of those budgeted, may request budget increases up to three hundred fifty thousand dollars (\$350,000) from fingerprint fee revenues collected in excess of those budgeted to continue processing fingerprint cards, may request budget increases up to one hundred thirty-five thousand six hundred dollars (\$135,600) from revenues collected in excess of those budgeted from legislative council services for security provided during the 2006 legislative session, may request budget increases up to twenty-nine thousand three hundred dollars (\$29,300) from revenues collected in excess of those budgeted from the state fair for security provided during the 2006 state fair, and may request budget increases up to seventy-five thousand dollars (\$75,000) from revenues collected in excess of those budgeted from the advance training fund.

Chapter 109 Section 10 Laws 2006

Section 10. CERTAIN FISCAL YEAR 2007 BUDGET ADJUSTMENTS AUTHORIZED.--

A. As used in this section and Section 9 of the General Appropriation Act of 2006:

(1) "budget category" means an item or an aggregation of related items that represents the object of an appropriation. Budget categories include personal services and employee benefits, contractual services, other and other financing uses;

(2) "budget increase" means an approved increase in expenditures by an agency from a specific source;

(3) "category transfer" means an approved transfer of funds from one budget category to another budget category, provided that a category transfer does not include a transfer of funds between divisions; and

(4) "program transfer" means an approved transfer of funds from one program of an

agency to another program of that agency.

B. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, those budget adjustments specified in this section are authorized for fiscal year 2007.

C. In addition to the specific category transfers authorized in Subsection E of this section and unless a conflicting category transfer is authorized in Subsection E of this section, all agencies, including legislative agencies, may request category transfers among personal services and employee benefits, contractual services and other, ~~except that notwithstanding the ten-day requirement of Subsection B of Section 6-3-25 NMSA 1978, no request, made prior to October 1, 2006 for a category transfer shall go into effect until the earliest of the following:~~

~~(1) thirty-five calendar days after the category transfer request is filed with the director of the legislative finance committee pursuant to Subsection A of Section 6-3-25 NMSA 1978; or~~

~~(2) the day after the category transfer request is reviewed by the legislative finance committee or a subcommittee of the legislative finance committee.~~

D. Unless a conflicting budget increase is authorized in Subsection E of this section, a program with internal services 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 services funds/interagency transfers or other state

funds appropriation contained in Section 4 of the General Appropriation Act of 2006. 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 2006, 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 judicial standards commission may request budget increases from other state funds up to twenty-five thousand dollars (\$25,000) of funds received from trial cost reimbursement imposed by the supreme court on a respondent as part of the court's imposition of discipline on that respondent;

(3) the Bernalillo county metropolitan court may request budget increases up to four hundred thousand dollars (\$400,000) from internal services funds/interagency transfers and other state funds for pre- and post-adjudication services;

(4) the district attorneys and administrative office of district attorneys may request category transfers to and from other financing uses for the purpose of supporting the administrative office of the district attorneys information technology plan;

(5) the first judicial district attorney may request budget increases from internal services funds/interagency transfers and other state funds for funds received from any political subdivision of the state or from Indian tribes and may request budget increases from internal services funds/interagency transfers up to one hundred twenty-five thousand dollars (\$125,000) to prosecute tax crimes statewide;

(6) the second judicial district attorney may request budget increases from other state funds up to fifty thousand dollars (\$50,000) for attorney bar dues and may request budget increases from internal services funds/interagency transfers and other state funds up to three hundred thousand dollars (\$300,000) for personal services and employee benefits and contractual services;

(7) the eighth judicial district attorney may request budget increases from internal services funds/interagency transfers and other state funds for funds received from any political

subdivision of the state or from Indian tribes and may request budget increases from internal services funds/interagency transfers and other state funds up to seventy-five thousand dollars (\$75,000);

(8) the eleventh judicial district attorney-division I may request budget increases from internal services funds/interagency transfers and other state funds up to one hundred twenty-five thousand dollars (\$125,000);

(9) the eleventh judicial district attorney-division II may request budget increases up to one hundred twenty-five thousand dollars (\$125,000); from internal services funds/interagency transfers and other state funds;

(10) the thirteenth judicial district attorney may request budget increases from internal services 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 fifty thousand dollars (\$50,000) for costs associated with the district attorneys training conference and may request budget increases from miscellaneous revenue collected from non-district attorney employee registration fees up to two thousand dollars (\$2,000) to pay for

conference-related expenses;

(12) the attorney general may request budget increases from internal services funds/interagency transfers for the prosecution of criminal cases related to the Santa Rosa prison riots and may request budget increases from settlement funds up to three hundred thousand dollars (\$300,000) for the legal services program to include consumer education and alert programs;

(13) the taxation and revenue department may request budget increases for the motor vehicle program, the tax administration program and the property tax program from other state funds in

excess of the five percent limitation up to two hundred thousand dollars (\$200,000) per program;

(14) 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, 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;

(15) the public school insurance authority may request budget increases from internal services funds/interagency transfers and other state funds for the benefits and risk programs;

(16) the retiree health care authority may request budget increases from internal

services funds/interagency transfers and other state funds for the benefits program;

(17) the general services department may request budget increases from internal services funds/interagency transfers in an amount not to exceed twenty percent of the appropriation for each of the employee group health benefits, risk management, information technology, communications, business office space

management and maintenance services and transportation services programs if it collects revenue in excess of appropriated levels;

(18) the educational retirement board may request budget increases from other state funds for investment manager fees and custody fees, provided that 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, 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;

(19) the public defender department may request budget increases from internal services

funds/interagency transfers and other state funds up to five hundred thousand dollars (\$500,000);

(20) the public employees retirement association may request budget increases from other state funds for investment 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, 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 services 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;

(21) the economic development department may request program transfers up to five hundred thousand dollars (\$500,000) to assist New Mexico communities with their economic development strategic planning and marketing needs;

(22) the pharmacy board of the boards and commissions program of the regulation and licensing department may request budget increases from other state funds up to three million three hundred thousand dollars (\$3,300,000) to pay the costs associated with prescription drug programs for seniors operated by the aging and long-

term services department, the New Mexico medical insurance pool, or for the transition associated with medicare part D;

(23) the public regulation commission state fire marshal's office may request budget

increases from the training academy use fee fund;

(24) the New Mexico state fair may request budget increases from unforeseen internal services funds/interagency transfers and other state funds;

(25) the cultural affairs department may request budget increases from internal services funds/interagency transfers for archaeological services, may request budget increases up to sixty-nine thousand six hundred dollars (\$69,600) from other state funds for independent audit services, and may request budget increases up to seventy-seven thousand dollars (\$77,000) from internal services funds/interagency transfers for energy conservation projects;

(26) the oil and gas conservation program of the energy, minerals and natural resources department may request budget increases up to three hundred thousand dollars (\$300,000) from the

assessment of penalties for violations of the Oil and Gas Act, may request transfers to and from the other financing uses category to transfer funds to the department of environment for the underground injection program, may request budget increases from internal services funds/interagency transfers for funds received from the department of environment for the water quality program and may request budget increases from funds received in the oil and gas reclamation fund to close abandoned wells; the healthy forests, state parks and renewable energy and energy efficiency 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 and budget increases from internal services funds/interagency transfers and federal funds up to five hundred thousand dollars (\$500,000) for clean energy program projects; and the state parks program of the energy, minerals and natural resources department may request budget increases up to six hundred thousand dollars (\$600,000) from other state funds;

(27) the office of the state engineer may request budget increases up to three hundred seventy thousand dollars (\$370,000) from the Ute construction fund to develop a master plan, may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from internal services funds/interagency transfers from the attorney general's office to prepare for anticipated water litigation, and may request transfers from other state funds and internal services funds/interagency transfers up to one million five hundred dollars (\$1,500,000) for the Eagle Nest dam rehabilitation;

(28) 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;

(29) the aging and long-term services department may request budget increases up to ninety thousand dollars (\$90,000) from other state funds to sponsor the annual conference on aging provided that any unexpended or unencumbered balances remaining from registration fees from the aging conference at the end of fiscal year 2007 shall not revert to the general fund; the consumer and elder rights program of the aging and long-term services department may request budget increases from internal services funds/interagency transfers from the pharmacy board of the boards and commissions program of the regulation and licensing department up to three million three hundred thousand dollars (\$3,300,000) to operate prescription drug programs for seniors, including those operated by the New Mexico medical insurance pool, or for the transition associated with medicare part D and may use up to three percent for administration of the prescription drug programs;

(30) the labor department may request program transfers up to ten percent of the general fund appropriation between the unemployment administration program and the operations program to ensure each program is able to adequately function throughout fiscal year 2007;

(31) the workers' compensation administration may request budget increases up to twenty-five thousand dollars (\$25,000) per catastrophic claim from the uninsured employers fund to pay medical and indemnity workers' compensation benefits payments;

(32) the office of workforce training and development may request budget increases from

federal Workforce Investment Act funds up to the current federal allocation plus prior-year fund

balances, may request budget increases up to two hundred thousand dollars (\$200,000) from federal temporary assistance for needy families funding for the New Mexico works transportation program, may request budget increases up to five hundred thousand dollars (\$500,000) for New Mexico works administrative costs, and may request budget increases up to one million four hundred thousand dollars (\$1,400,000) for the food stamp employment and training program;

(33) the miners' hospital of New Mexico may request budget increases from other state

funds;

(34) the department of health may request category transfers up to five percent of the other financing uses category in the developmental disabilities support program for developmental disabilities medicaid waiver program infrastructure and may request budget increases from other state funds from health facility license and certification fees pursuant to Section 24-1-5(g) NMSA 1978 and from other state funds related to private insurer payments for services provided through the public health and family infant toddler programs;

(35) the department of environment may request budget increases from other state funds for responsible party payments, may request budget increases from the corrective action fund to pay claims and may request budget increases from the hazardous waste emergency fund;

(36) the office of the natural resources trustee may request budget increases from internal services 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;

(37) the corrections department may request budget increases from internal services 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 all funding sources by more than five percent;

(38) the crime victims' reparation commission may request budget increases from other state funds for victim reparation services;

(39) 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, may request budget increases from the state forfeiture fund to address the enforcement of the Controlled Substances Act, may request category transfers to and from other financing uses for administration of homeland security grants and may request program transfers from the law enforcement program, emergency management and homeland security programs into program support not to exceed eighty-three thousand six hundred dollars (\$83,600) to support the information technology consolidation;

(40) the department of transportation may request program transfers from the program support and transportation and highway operations programs to the programs and infrastructure 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 2005;

(41) the public school facilities authority may request budget increases for project

management expenses pursuant to the Public School Outlay Act; and

(42) the higher education department may request budget increases up to five hundred

thousand dollars (\$500,000) from fees earned from the education trust board for costs associated with the operations of the education trust board and may request transfers to and from the other financing uses category.

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 109 Section 11 Laws 2006

Section 11. APPROPRIATION ADJUSTMENTS. --

A. The state budget division of the department of finance and administration shall reduce agency general fund appropriations set out in Section 4 of the General Appropriation Act of 2006 by two million dollars (\$2,000,000) to reflect general services department reductions for communications rates.

B. If, prior to fiscal year 2007, the public employees retirement association building is purchased by the property control division of the general services department:

(1) the state budget division of the department of finance and administration shall reduce the general fund appropriations set out in Section 4 of the General Appropriation Act of 2006 for the children, youth and families department by seven hundred thousand dollars (\$700,000) to reflect rent savings from the purchase;

(2) the state budget division of the department of finance and administration shall reduce the general fund appropriations set out in Section 4 of the

General Appropriation Act of 2006 for the public regulation commission by four hundred thousand dollars (\$400,000) to reflect rent savings from the purchase;

(3) the state budget division of the department of finance and administration shall increase the general fund appropriations set out in Section 4 of the General Appropriation Act of 2006 for the business office space management and maintenance services program of the general services department by seven hundred thousand dollars (\$700,000) to pay for maintaining and operating the building; and

(4) if the building is purchased after July 1, 2006, the state budget division of the department of finance and administration shall pro-rate the adjustments in paragraphs (1) through (3) of this subsection.

C. For those agencies for which the total general fund appropriations in Section 4 of the General Appropriation Act of 2006 equal or exceed five million dollars (\$5,000,000) all amounts set out under the general fund column in Section 4 of the General Appropriation Act of 2006 shall be reduced by one hundred five thousandths of one percent rounded to the nearest tenth of one thousand dollars. Where required as part of the operating budget approval process, the state budget division of the department of finance and administration shall reduce all appropriations set out under the other state funds, internal service funds/interagency transfers and federal funds columns to reflect the revised general fund appropriations.

Chapter 109 Section 12 Laws 2006

Section 12. **FUND TRANSFERS.**--Forty million dollars (\$40,000,000) shall be transferred from the general fund at the beginning of fiscal year 2007 to the water trust fund created by the Water Project Finance Act.

Chapter 109 Section 13 Laws 2006

Section 13. **TRANSFER AUTHORITY.**--If revenues and transfers to the general fund as of the end of fiscal year 2006 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 two hundred million dollars (\$200,000,000).

Chapter 109 Section 14 Laws 2006

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 & 78, aa, w/cc
Approved March 8, 2006

LAWS 2006, CHAPTER 110

WITH LINE ITEM VETOES

AN ACT

MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY
STATE AGENCIES.

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

Chapter 110 Section 1 Laws 2006

"Section 1. LEGISLATIVE AND JUDICIAL PROJECTS.--The following amounts are appropriated from the general fund to the following agencies for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

~~1. to the legislative council service:~~

~~(a) seventy-five thousand dollars (\$75,000) to plan, design, purchase and install equipment to webcast the governor's state of the state address, presentations by the congressional delegation and the chief justice of the supreme court in joint sessions and legislative deliberations; and~~

~~(b) one hundred sixty thousand dollars (\$160,000) to study health care coverage for all New Mexicans;] [LINE-ITEM VETO]~~

2. to the administrative office of the courts:

(a) one hundred ninety thousand dollars (\$190,000) to increase the court-appointed attorney fee fund;

(b) two hundred fifty-seven thousand dollars (\$257,000) for recurring operational expenses of New Mexico's drug court program as replacement of lapsing funding, drug court expansion or implementation of new drug courts;

~~[(c) sixty-five thousand dollars (\$65,000) for training, education and outreach activities of the commission on access to justice;~~

~~(d) eighty thousand dollars (\$80,000) for personal services and employee benefits for one full-time mediation program manager and related expenses and to provide volunteer training for the Otero magistrate court; and~~

~~(e) forty-five thousand dollars (\$45,000) for personal services and employee benefits for one full-time DWI enforcement clerk and related expenses in the division 2 Valencia magistrate court in Belen;~~

~~3. to the first judicial district court:~~

~~(a) fifty thousand dollars (\$50,000) for a court interpreter; and~~

~~(b) fifty-five thousand dollars (\$55,000) for personal services and employee benefits for one staff attorney;] [**LINE-ITEM VETO**]~~

4. to the second judicial district court:

(a) fifty-seven thousand dollars (\$57,000) for operational expenses of the drug court;

(b) two hundred twelve thousand dollars (\$212,000) for personal services and employee benefits for a mental health diversion services supervisor, a family counselor, probation officers, mental health supervised release specialists and a judicial specialist in an adult mental health program;

~~[(c) forty-three thousand dollars (\$43,000) for a full-time civil staff attorney;] [**LINE-ITEM VETO**]~~

(d) sixty thousand dollars (\$60,000) for the family assessment intervention resources domestic violence program;

(e) fifty-eight thousand dollars (\$58,000) for a domestic violence program coordinator; and

~~[(f) twenty-five thousand dollars (\$25,000) for a restorative justice program for women;~~

~~5. to the third judicial district court, one hundred twenty-five thousand dollars (\$125,000) for personal services and employee benefits for two additional full-time-equivalent positions;~~

~~6. to the fourth judicial district court, one hundred sixty-seven thousand dollars (\$167,000) to create a family dependency drug court;] [**LINE-ITEM VETO**]~~

7. to the fifth judicial district court,

eighty-seven thousand dollars (\$87,000) for a domestic violence prevention program;

8. to the sixth judicial district court:

~~[(a) twenty-two thousand dollars (\$22,000) to expand the drug court program; and]~~ [**LINE-ITEM VETO**]

(b) one hundred twenty thousand dollars (\$120,000) for the juvenile justice continuum;

~~[9. to the seventh judicial district court, one hundred four thousand dollars (\$104,000) to establish a drug court program;~~

~~10. to the eleventh judicial district court, one hundred seventy-five thousand dollars (\$175,000) for adult drug courts;~~

~~11. to the thirteenth judicial district court:~~

~~(a) sixty-two thousand dollars (\$62,000) for personal services and employee benefits for one full-time clerk and related expenses in Valencia county; and~~

~~(b) forty thousand dollars (\$40,000) for a prisoner compliance program in Cibola county;]~~ [**LINE-ITEM VETO**]

12. to the second judicial district attorney, one hundred fifty thousand dollars (\$150,000) to be divided equally between the district attorney's office and the Bernalillo county sheriff's office for enhanced DWI enforcement and prosecution;

~~[13. to the third judicial district attorney, one hundred thousand dollars (\$100,000) for personal services and employee benefits for two additional full-time-equivalent positions;]~~ [**LINE-ITEM VETO**]

14. to the fifth judicial district attorney:

~~[(a) two hundred thousand dollars (\$200,000) to establish and expand elementary and middle school drug abuse prevention education programs and curriculum to prevent gang and drug activity in Loving, Carlsbad and Artesia; and]~~ [**LINE-ITEM VETO**]

(b) fifty thousand dollars (\$50,000) for a methamphetamine drug education program;

15. to the sixth judicial district attorney, fifty thousand dollars (\$50,000) for one domestic violence victims' advocate;

16. to the eighth judicial district attorney, nineteen thousand five hundred dollars (\$19,500) for the Taos family justice center;

17. to the ninth judicial district attorney, forty-five thousand dollars (\$45,000) to fund the Newman project, which is a safety program for senior citizens[; and

~~18. to the twelfth judicial district attorney:~~

~~(a) one hundred thousand dollars (\$100,000) to establish and expand elementary and middle school drug abuse prevention education programs and curriculum to prevent gang and drug activity in Alamogordo;~~

~~(b) fifty thousand dollars (\$50,000) to establish and expand elementary and middle school drug abuse prevention education programs and curriculum to prevent gang and drug activity in Cloudercroft; and~~

~~(c) seventy-seven thousand dollars (\$77,000) to establish and expand elementary and middle school drug abuse prevention education programs and curriculum to prevent gang and drug activity in Tularosa]. [LINE-ITEM VETO]~~

Chapter 110 Section 2 Laws 2006

Section 2. TAXATION AND REVENUE DEPARTMENT PROJECT.--Seven hundred eighty-nine thousand dollars (\$789,000) is appropriated from the general fund to the taxation and revenue department for expenditure in fiscal year 2007 for a centralized system to issue driver's licenses, vehicle titles and registrations and ITIN compliance. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

Chapter 110 Section 3 Laws 2006

Section 3. DEPARTMENT OF FINANCE AND ADMINISTRATION PROJECTS.--The following amounts are appropriated from the general fund to the department of finance and administration for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund unless otherwise indicated:

1. two million dollars (\$2,000,000) to provide commissioned officers of the department of public safety, including motor transportation officers, a general salary increase and to address compaction issues for those officers; provided that this appropriation is in addition to the salary increases provided in the General Appropriation Act of 2006;

2. twenty-four thousand dollars (\$24,000) for the state board of finance to conduct an audit of state treasurer investments;

~~[3. forty thousand dollars (\$40,000) to provide community development venture capital for underserved technology and community areas through a social and financial bottom-line small business equity organization that will invest in small businesses throughout the state, with a focus on rural communities;] and [**LINE-ITEM VETO**]~~

4. two hundred thousand dollars (\$200,000) for the civil legal services fund to provide legal services for low-income persons, which shall not revert at the end of a fiscal year and may be expended in any fiscal year.

Chapter 110 Section 4 Laws 2006

Section 4. LOCAL GOVERNMENT DIVISION PROJECTS.--The following amounts are appropriated from the general fund to the local government division of the department of finance and administration for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

~~[1. fifty thousand dollars (\$50,000) to provide training for members of the New Mexico mounted patrol;] [**LINE-ITEM VETO**]~~

2. four hundred thousand dollars (\$400,000) to contract for statewide low-cost or no-cost cat and dog spay and neuter services for low-income caretakers;

~~[3. seventy thousand dollars (\$70,000) to implement and administer a demonstration program in San Juan, McKinley and Cibola counties designed to help communities understand and reduce risks due to toxics from all sources;] [**LINE-ITEM VETO**]~~

4. fifty thousand dollars (\$50,000) for computer clubhouses in Bernalillo, Dona Ana, Sandoval and Santa Fe counties;

5. seventy-five thousand dollars (\$75,000) for youth mentorship in central New Mexico;

~~[6. eighteen thousand dollars (\$18,000) for operating expenses of the southeast New Mexico council of governments;]~~

~~7. thirty three thousand dollars (\$33,000) to provide a grant-in-aid to the mid-region council of governments for a study on the feasibility of incorporating the south valley of Bernalillo county;] [**LINE-ITEM VETO**]~~

8. thirty-five thousand dollars (\$35,000) for tutoring services to youth at the John Marshall multipurpose facility in the south Broadway area of Albuquerque;

~~9. thirty-five thousand dollars (\$35,000) for youth conservation corps activities in the south Broadway area of Albuquerque;~~

~~10. thirty thousand dollars (\$30,000) for operational expenses of a business incubator in the south valley of Bernalillo county;~~

~~11. twenty-one thousand dollars (\$21,000) for the Bernalillo county anti-graffiti program for graffiti cleanup in the area contained between Central avenue southwest on the north, Rio Bravo boulevard southwest on the south, Coors boulevard southwest on the west and the Rio Grande on the east;~~

~~12. one hundred six thousand dollars (\$106,000) for community policing in northeast Albuquerque;~~

~~13. twenty-five thousand dollars (\$25,000) to conduct a study for a trail system in the north valley of Albuquerque;~~

~~14. sixty-five thousand dollars (\$65,000) for the second annual youth day to be held in Albuquerque;]~~ [**LINE-ITEM VETO**]

15. seventy-five thousand dollars (\$75,000) for the national police shooting program in Albuquerque;

16. one hundred fifty thousand dollars (\$150,000) for youth mentorship in Albuquerque;

~~[17. ninety thousand dollars (\$90,000) for a general educational development certificate and workforce development and training program for young adults in Bernalillo county;~~

~~18. one hundred fifty thousand dollars (\$150,000) for a workforce development and training program for young adults in Bernalillo county;]~~ [**LINE-ITEM VETO**]

19. fifty thousand dollars (\$50,000) for law-enforcement-sponsored athletic programs at the Bernalillo county sheriff's department;

~~[20. one hundred thousand dollars (\$100,000) for an adult literacy program in Grants;~~

21. thirty thousand dollars (\$30,000) for youth employment programs in Grants;

~~22. three thousand dollars (\$3,000) for training and equipment for low-income children who apply for jobs as lifeguards in Clovis;~~

~~23. fifty thousand dollars (\$50,000) for medical services at the Hidalgo medical center;]~~ [***LINE-ITEM VETO***]

~~24. twenty thousand dollars (\$20,000) to contract with a domestic violence shelter to provide counseling services to children in Lea county who witness domestic violence;~~

~~25. twenty thousand dollars (\$20,000) for a teen court program in Hobbs in Lea county;~~

~~[26. twelve thousand dollars (\$12,000) for a program that helps disabled persons find appropriate employment in McKinley county;~~

~~27. sixty thousand dollars (\$60,000) to develop a regional gleaning project and provide for acquisition, storage and distribution of nutritional food to the poor in McKinley county;]~~ [***LINE-ITEM VETO***]

~~28. three hundred fifty thousand dollars (\$350,000) for operational expenses of DWI, alcohol and drug treatment and rehabilitation programs in San Juan county;~~

~~[29. fifty thousand dollars (\$50,000) for education and sports programs for the Farmington parks and recreation department;~~

~~30. fifty thousand dollars (\$50,000) for an Indian center in Farmington that promotes tourism and educational information that is culturally appropriate and traditionally oriented;~~

~~31. twenty-five thousand dollars (\$25,000) for a visual and performing arts education program for primary, secondary and post-secondary students in Otero county;]~~ [***LINE-ITEM VETO***]

~~32. three hundred forty-four thousand dollars (\$344,000) for emergency medical services and firefighter services in Rio Rancho in Sandoval county;~~

~~[33. thirty-five thousand dollars (\$35,000) for boys and girls baseball programs in Sandoval county;~~

~~34. twenty-five thousand dollars (\$25,000) to implement a Native American voting rights program in Sandoval county;~~

~~35. ten thousand dollars (\$10,000) for Casa San Ysidro in Corrales;~~

~~36. ninety thousand dollars (\$90,000) to study the need for a regional water and sanitation district in rural Sandoval county; provided that the study area shall encompass rural Sandoval county from San Ysidro to the community of La Cueva along New Mexico highway 4; shall identify the area's water associations and other parties that could participate in the regionalization of water and wastewater management; shall gather information about the parties, including organizational structure, water rights, number of members, rates, water and wastewater use levels and location of existing water storage and water resources; and shall make recommendations regarding the creation of a regional~~

~~self-sustaining water and sanitation district;~~

~~37. seventy thousand dollars (\$70,000) to stimulate sports activities for Las Vegas and the west Las Vegas and Las Vegas city school districts;~~

~~38. twenty-seven thousand dollars (\$27,000) to operate and support an athletes and coach leadership training program in Santa Fe;] [**LINE-ITEM VETO**]~~

~~39. one hundred thousand dollars (\$100,000) for crash and fire protection services at the Santa Fe municipal airport;~~

~~40. eighty-five thousand dollars (\$85,000) for the teen court in Santa Fe county;~~

~~[41. forty thousand dollars (\$40,000) to have Santa Fe county continue a forum on regional planning issues in the Espanola basin;] [**LINE-ITEM VETO**]~~

~~42. thirty thousand dollars (\$30,000) for emergency medical services and firefighter services for the Pojoaque volunteer fire district[;~~

~~43. fifty-seven thousand dollars (\$57,000) for community activities, including youth programs and alcohol programs, in Talpa in Taos county;~~

~~44. nineteen thousand five hundred dollars (\$19,500) to contract with a nonprofit entity to provide opportunities for Taos county youth to overcome personal and societal problems by learning entrepreneurial skills, studying worldwide economic development while serving as ambassadors from New Mexico and participating in design and construction training;] [**LINE-ITEM VETO**]~~

~~45. nineteen thousand five hundred dollars (\$19,500) for services for homeless, abused and neglected youth in Taos county[;~~

~~46. five thousand six hundred dollars (\$5,600) for an articulated land use map in Taos county; and~~

~~47. five thousand six hundred dollars (\$5,600) for a growth management plan for Taos county].~~**[LINE-ITEM VETO]**

Chapter 110 Section 5 Laws 2006

Section 5. GENERAL SERVICES DEPARTMENT PROJECT.--One hundred thirty-one thousand dollars (\$131,000) is appropriated from the general fund to the general services department for expenditure in fiscal year 2007 for the aviation division. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

Chapter 110 Section 6 Laws 2006

~~[Section 6. NEW MEXICO SENTENCING COMMISSION PROJECT.--Twenty-five thousand dollars (\$25,000) is appropriated from the general fund to the New Mexico sentencing commission for expenditure in fiscal year 2007 to study gender-specific probation and parole models. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.~~

Chapter 110 Section 7 Laws 2006

~~Section 7. STATE COMMISSION OF PUBLIC RECORDS PROJECTS.--The following amounts are appropriated from the general fund to the state commission of public records for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund:~~

- ~~1. one hundred twenty thousand dollars (\$120,000) to develop a New Mexico historical web site; and~~
- ~~2. thirty thousand dollars (\$30,000) to research state-owned property on community land grants.~~

Chapter 110 Section 8 Laws 2006

~~Section 8. TOURISM DEPARTMENT PROJECTS.--The following amounts are appropriated from the general fund to the tourism department for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund:~~

- ~~1. twenty-seven thousand five hundred dollars (\$27,500) for the Indian tourism program;~~
- ~~2. fifty thousand dollars (\$50,000) to create and implement a pilot program for statewide hospitality and customer service training certification;~~

~~3. seventy thousand dollars (\$70,000) to administer a program to promote adventure tourism and to provide hospitality training in McKinley county;~~

~~4. ten thousand dollars (\$10,000) to plan, operate and conduct a law enforcement convention in June 2006 in Santa Fe; and~~

~~5. fifty thousand dollars (\$50,000) to plan, operate and conduct the Santa Fe fiesta.] [**LINE-ITEM VETO**]~~

Chapter 110 Section 9 Laws 2006

Section 9. ECONOMIC DEVELOPMENT DEPARTMENT PROJECTS.--The following amounts are appropriated from the general fund to the economic development department for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund:

1. three hundred thousand dollars (\$300,000) to expand the New Mexico film division;

~~[2. one hundred thousand dollars (\$100,000) to contract with a statewide organization that promotes workplace mentor relationships between middle and junior high school students and business people in communities;] [**LINE-ITEM VETO**]~~

3. one hundred sixty thousand dollars (\$160,000) for additional funding for the New Mexico economic development partnership;

~~[4. one hundred eighty thousand dollars (\$180,000) to match federal funds and foundation grants and to make grants to assist rural communities in creating economic development projects from conception through implementation pursuant to the federal national rural development partnership;~~

~~5. five thousand dollars (\$5,000) to market and promote New Mexico and its unique culture by supporting the marketing of the film *La Llorona*;~~

~~6. thirty thousand dollars (\$30,000) for economic development projects in southeastern New Mexico;~~

~~7. twenty-five thousand dollars (\$25,000) for increased rural community and Native American economic development activities;] [**LINE-ITEM VETO**]~~

8. eighty thousand dollars (\$80,000) to contract for services to conduct an international digital filmmaking festival as part of the Albuquerque tricentennial that will serve to educate trainees of the state film technicians training program and students of the media arts program at the university of New Mexico;

~~[9. two thousand dollars (\$2,000) to promote and advertise a tractor-trailer pull event in Springer;] [LINE-ITEM VETO]~~

10. ten thousand dollars (\$10,000) for a timber harvesting and processing program in Mora, Rio Arriba and Taos counties; and

11. ten thousand dollars (\$10,000) to provide workforce training for manufacturing jobs in Mora county.

Chapter 110 Section 10 Laws 2006

~~[Section 10. REGULATION AND LICENSING DEPARTMENT PROJECT.-- Seventy thousand dollars (\$70,000) is appropriated from the general fund to the regulation and licensing department for expenditure in fiscal year 2007 to research and propose legislation and rules to establish a state certification mark to identify Native American arts and crafts produced in New Mexico in accordance with specified standards and criteria. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.] [LINE-ITEM VETO]~~

Chapter 110 Section 11 Laws 2006

Section 11. CULTURAL AFFAIRS DEPARTMENT PROJECTS.--The following amounts are appropriated from the general fund to the cultural affairs department for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

~~1. for the historic preservation division:~~

~~(a) one hundred twenty thousand dollars (\$120,000) to contract for the development of education programs in historic preservation and regionalism;~~

~~(b) two thousand dollars (\$2,000) to conserve and repair historic furnishings and equipment at the historic Shuler theater in Raton; and~~

~~(c) eighty-five thousand dollars (\$85,000) for historic preservation efforts in the Galisteo basin;~~

~~2. for the library division:~~

~~(a) twenty thousand dollars (\$20,000) to study the needs of the Espanola community library; and~~

~~(b) fifty thousand dollars (\$50,000) for library materials at libraries in house district 41;] [LINE-ITEM VETO]~~

3. for the national Hispanic cultural center:

(a) fifty-five thousand dollars (\$55,000) to fund two art exhibits, one of which is Latin American posters and the other a traveling exhibit of Latin American artists;

(b) fifty thousand dollars (\$50,000) for a touring performing arts presentation; [and

~~(c) fifty thousand dollars (\$50,000) for traveling exhibits from the permanent collection of the national Hispanic cultural center to mid-sized and small communities in the state;~~

~~4. one hundred fifty-seven thousand dollars (\$157,000) to provide symphony music programs and concerts and to support community outreach for those programs in Roswell;~~

~~5. thirty thousand dollars (\$30,000) for a symphony on-tour program for Lea county;~~

~~6. ten thousand dollars (\$10,000) to provide symphonic music for public concerts in communities in northern New Mexico and educational performances in northern New Mexico public schools provided by orchestras located in Santa Fe; provided the programs may include performances by ensembles of less than orchestra size and solo instruments with accompaniment;~~

~~7. twenty-five thousand dollars (\$25,000) to survey, inventory and assess the condition of public art created through the federal works project administration in buildings around the state;] [**LINE-ITEM VETO**]~~

8. thirty-two thousand dollars (\$32,000) to develop educational programs and fund a symposium for the Bosque Redondo memorial at Fort Sumner;

~~9. ninety thousand dollars (\$90,000) for one~~

~~full-time equivalent position each at Coronado state monument and Jemez state monument for stabilization and other maintenance work;~~

~~10. twenty-five thousand dollars (\$25,000) for a flight simulator program at the balloon fiesta museum;] [**LINE-ITEM VETO**]~~

11. one hundred thousand dollars (\$100,000) to contract for a science education program at a children's museum in Albuquerque;

~~[12. seventy thousand dollars (\$70,000) to contract for programming at a children's museum in Santa Fe;~~

~~13. fifty thousand dollars (\$50,000) to support performing arts in Santa Fe to educate school children and the general public regarding Native American culture and traditions and encouraging new performing arts talent;] [LINE-ITEM VETO]~~

14. forty thousand dollars (\$40,000) for the Santa Fe international folk art market;

15. thirty thousand dollars (\$30,000) to fund six main-stage performing arts productions for children performed by children, classes for children in all the performing arts disciplines and educational outreach programs in the performing arts that have a bilingual component; and

16. seventy-five thousand dollars (\$75,000) for operational expenses of the office of music.

Chapter 110 Section 12 Laws 2006

Section 12. GAME AND FISH AND PARKS PROJECTS.--The following amounts are appropriated from the general fund to the following agencies for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

1. to the department of game and fish, forty-five thousand dollars (\$45,000) for operational expenses at the Rock lake warm water fish hatchery in Santa Rosa; and

2. to the energy, minerals and natural resources department:

~~[(a) fifty thousand dollars (\$50,000) for operations and maintenance at the Rio Grande nature center state park in Albuquerque;~~

~~(b) sixty-five thousand dollars (\$65,000) for personal services and employee benefits for one~~

~~full-time-equivalent position at Villanueva state park;] [LINE-ITEM VETO]~~

(c) fifty thousand dollars (\$50,000) for the secretary of energy, minerals and natural resources [to convene a roadless areas review task force to hold public hearings in Santa Fe, Alamogordo, Carlsbad, Carrizozo, Espanola, Grants, Las Vegas, Lordsburg, Mountainair, Raton, Reserve, Silver City, Socorro, Springer and Taos;] to review new federal forest service rules on designation of New Mexico roadless areas; and to make formal recommendations to the governor for the governor's petition to the United States secretary of agriculture regarding conservation of areas designated as roadless areas by the United States department of agriculture[, including boundary adjustments to federal improvements to federal management of roadless areas; and

~~(d) nineteen thousand five hundred dollars (\$19,500) to prepare a wildfire responder guide for Taos county]. [LINE-ITEM VETO]~~

Chapter 110 Section 13 Laws 2006

Section 13. INTERTRIBAL CEREMONIAL OFFICE PROJECT.--One hundred seventy-five thousand dollars (\$175,000) is appropriated from the general fund to the intertribal ceremonial fund for expenditure in fiscal year 2007 and subsequent fiscal years to pay costs associated with the intertribal ceremonial office and board and the intertribal ceremonial. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

Chapter 110 Section 14 Laws 2006

Section 14. STATE LAND OFFICE PROJECTS.--The following amounts are appropriated from the general fund to the state land office for expenditure in fiscal year 2007 for the following purposes, and any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund:

1. forty thousand dollars (\$40,000) to purchase land and rights of way for wireless telecommunications and other public utility infrastructure in rural areas of the Navajo checkerboard area[; and

2. two hundred fifty thousand dollars (\$250,000) for the natural resources revenue recovery task force; provided that if Senate Bill 573, House Bill 443 or similar legislation of the second session of the forty-seventh legislature becomes law, this appropriation shall be transferred to the New Mexico department of agriculture for the same purpose].**[LINE-ITEM VETO]**

Chapter 110 Section 15 Laws 2006

~~[Section 15. COMMISSION ON THE STATUS OF WOMEN~~

~~PROJECT.--Twenty five thousand dollars (\$25,000) is appropriated from the general fund to the commission on the status of women for expenditure in fiscal year 2007 to develop best practices and curriculum and training for gender-specific programs for personnel serving incarcerated girls and women. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.] **[LINE-ITEM VETO]**~~

Chapter 110 Section 16 Laws 2006

Section 16. OFFICE OF AFRICAN AMERICAN AFFAIRS PROJECTS.--The following amounts are appropriated from the general fund to the office of African American affairs for expenditure in fiscal year 2007 for the purposes specified, and any

unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund:

~~[1. twenty thousand dollars (\$20,000) for community arts education; and]~~
[LINE-ITEM VETO]

2. one hundred fifty-three thousand five hundred dollars (\$153,500) to develop and implement cultural, historical, fine arts and performing arts education programs and coordinate education activities at the African American performing arts and exhibit hall at the state fair.

Chapter 110 Section 17 Laws 2006

~~[Section 17. MARTIN LUTHER KING, JR. COMMISSION PROJECT.--Forty thousand dollars (\$40,000) is appropriated from the general fund to the Martin Luther King, Jr. commission for expenditure in fiscal year 2007 for a~~

~~full-time program specialist. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.]~~ **[LINE-ITEM VETO]**

Chapter 110 Section 18 Laws 2006

Section 18. INDIAN AFFAIRS DEPARTMENT PROJECTS.--The following amounts are appropriated from the general fund to the Indian affairs department for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

~~[1. one hundred ten thousand dollars (\$110,000) for personal services and employee benefits for two full-time equivalent positions and related expenses to provide case management services to victims of radiation exposure or their surviving families in New Mexico;]~~ **[LINE-ITEM VETO]**

2. fifty thousand dollars (\$50,000) to fund activities to increase economic development initiatives in tribal communities;

3. forty thousand dollars (\$40,000) to provide legal advocacy and counseling services for women and families who are low-income or are victims of domestic violence in New Mexico communities of the Navajo Nation;

4. twenty thousand dollars (\$20,000) for reading materials for head start and senior center programs at the Becenti chapter of the Navajo Nation;

~~[5. one hundred twenty-seven thousand dollars (\$127,000) to fund youth development programs, including the youth leadership project, at the Tohatchi chapter of the Navajo Nation;~~

~~6. twenty-five thousand dollars (\$25,000) to promote Native American cultural tourism in Albuquerque;] and [**LINE-ITEM VETO**]~~

7. one hundred five thousand dollars (\$105,000) to contract for the continued provision of a summer leadership and public policy academy that provides college preparation and leadership training for Native American high school students and involves a partnership between the Santa Fe Indian school and Harvard and Princeton universities.

Chapter 110 Section 19 Laws 2006

~~[Section 19. AGING AND LONG-TERM SERVICES DEPARTMENT PROJECTS.--The following amounts are appropriated from the general fund to the aging and long-term services department for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund:~~

~~1. one hundred twenty thousand dollars (\$120,000) for a federal demonstration project known as "naturally occurring retirement communities" and to contract with a collaboration of community service providers to provide a coordinated array of services to elderly persons seeking to remain in their own homes through this demonstration project;~~

~~2. seventy-five thousand dollars (\$75,000) for current and expanded information and referral 211 telephone services;~~

~~3. ninety-one thousand dollars (\$91,000) for the south valley multipurpose family services center in Bernalillo county;~~

~~4. twenty-five thousand dollars (\$25,000) for services at La Casa de Buena Salud senior center in Clovis;~~

~~5. for Lea county senior centers as follows:~~

~~(a) fifty-eight thousand dollars (\$58,000) for the Eunice senior center;~~

~~(b) fifty-nine thousand dollars (\$59,000) for the Hobbs senior center; and~~

~~(c) fifty-eight thousand dollars (\$58,000) for the Jal senior center;~~

~~6. forty-three thousand seven hundred dollars (\$43,700) for services at the Mescalero senior center in Otero county;~~

~~7. one hundred five thousand dollars (\$105,000) for in-home care for the frail and elderly in Sandoval county; and~~

~~8. seven thousand eight hundred dollars (\$7,800) for the Phil Lovato senior center to support educational programs on the issues and needs of senior citizens of Taos.] [LINE-ITEM VETO]~~

Chapter 110 Section 20 Laws 2006

Section 20. HUMAN SERVICES DEPARTMENT PROJECTS.--The following amounts are appropriated from the general fund to the human services department for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

~~[1. one hundred seventy-five thousand dollars (\$175,000) to provide state matching funds for eligible family formation programs authorized under the temporary assistance for needy families program;~~

~~2. fifty thousand dollars (\$50,000) to expand access to programs and services for homeless persons statewide;] [LINE-ITEM VETO]~~

3. three million eight hundred seventy-seven thousand dollars (\$3,877,000) to raise eligibility for prenatal care under medicaid from the current level of one hundred eighty-five percent of the federal poverty level;

~~[4. one hundred thousand dollars (\$100,000) for a computer systems analyst and a database administrator to operate and maintain the immunization system;] [LINE-ITEM VETO]~~

5. twenty-five thousand dollars (\$25,000) for the commodity food program in southern New Mexico;

~~[6. twenty thousand dollars (\$20,000) for the southern New Mexico action program;~~

~~7. forty-five thousand dollars (\$45,000) for the homeless shelter clinic and soup kitchen in Las Cruces;~~

~~8. twenty thousand dollars (\$20,000) to contract for adult daycare services and community outreach services for elderly, disabled and low-income persons in Santa Fe, Taos and Torrance counties;~~

~~9. fifty thousand dollars (\$50,000) for homeless shelter services in Santa Fe;~~

~~10. thirty-five thousand dollars (\$35,000) for a homeless program in Socorro;] [LINE-ITEM VETO]~~

11. one million dollars (\$1,000,000) for payment of premiums for medical and long-term care insurance to New Mexico residents who are ineligible for public assistance under medicaid; provided that this appropriation is contingent upon House Bill 118 or similar legislation of the second session of the forty-seventh legislature becoming law; and

12. one hundred fifty thousand dollars (\$150,000) to expand outreach to eligible clients.

Chapter 110 Section 21 Laws 2006

~~[Section 21. OFFICE OF WORKFORCE TRAINING AND DEVELOPMENT PROJECT.--One hundred thousand dollars (\$100,000) is appropriated from the general fund to the office of workforce training and development for expenditure in fiscal year 2007 for a retail service training program for at-risk youth. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund. [LINE ITEM VETO]~~

Chapter 110 Section 22 Laws 2006

~~Section 22. VOCATIONAL REHABILITATION PROJECT.--~~

~~Thirty-four thousand dollars (\$34,000) is appropriated from the general fund to the vocational rehabilitation division of the public education department for an assisted living program in San Juan county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.] [LINE-ITEM VETO]~~

Chapter 110 Section 23 Laws 2006

Section 23. DEPARTMENT OF HEALTH PROJECTS.--The following amounts are appropriated from the general fund to the department of health for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

1. one hundred thousand dollars (\$100,000) to develop and maintain stroke centers in hospitals statewide, promote stroke prevention and treatment protocols, develop a stroke registry and develop a public education campaign;

2. ninety-five thousand dollars (\$95,000) to continue development of a clinical teaching institute to support clinical education and retention of nurses;

3. fifty thousand dollars (\$50,000) to expand suicide prevention resources and support to the adult population through statewide community coordination;

~~[4. seventy-five thousand dollars (\$75,000) to contract for permanent supportive housing for women being released from jail or a correctional facility who have a dual diagnosis, co-occurring disorder of substance abuse addiction and a diagnosed mental health illness;~~

~~5. twenty thousand dollars (\$20,000) to contract with a statewide prostate cancer advocacy organization to promote education and convey awareness to men throughout the state so they can make informed decisions for detection and management of prostate cancer;] [LINE-ITEM VETO]~~

6. one hundred thousand dollars (\$100,000) to provide for comprehensive community-based cancer prevention and peer-led survivor services, including education, patient library services, one-to-one matching with cancer veterans, support services and outreach programs, in southern New Mexico;

~~[7. fifty thousand dollars (\$50,000) to develop and implement assertive community treatment teams to provide comprehensive, community-based psychiatric treatment, rehabilitation and support to persons with mental illness in southern New Mexico;] [LINE-ITEM VETO]~~

8. six hundred fifty-nine thousand dollars (\$659,000) for a sex offender program at the New Mexico behavioral health institute;

9. one hundred twenty-one thousand dollars (\$121,000) for methamphetamine treatment and services statewide;

~~[10. fifty-seven thousand dollars (\$57,000) for behavioral health services in southern New Mexico;] [LINE-ITEM VETO]~~

11. fifty thousand dollars (\$50,000) for rape crisis services in Albuquerque;

~~[12. thirty-two thousand dollars (\$32,000) to implement the male involvement project, a male reproductive health project, in the south valley of Bernalillo county;~~

~~13. fifty thousand dollars (\$50,000) for social and therapeutic services for profoundly disabled and medically fragile children in Bernalillo county;] [LINE-ITEM VETO]~~

14. one hundred thousand dollars (\$100,000) to support prenatal and perinatal health care for indigent women provided by physicians and certified nurse midwives in Dona Ana county;

~~[15. one hundred fifty-seven thousand dollars (\$157,000) for residential juvenile crisis services in Gallup in McKinley county;~~

~~16. eighty-five thousand dollars (\$85,000) for the Mora county ambulance service;~~

~~17. one hundred twenty thousand dollars (\$120,000) for emergency management services and ground ambulance services in San Juan county;~~

~~18. sixty thousand dollars (\$60,000) for the Pecos ambulance service in San Miguel county;~~

~~19. ninety thousand dollars (\$90,000) for the San Miguel medical center health professional center in San Miguel county;] [**LINE-ITEM VETO**]~~

20. one hundred ninety-two thousand dollars (\$192,000) to contract for women's health services in Santa Fe county;

~~[21. fifteen thousand dollars (\$15,000) to provide mammogram and related diagnostic services statewide to~~

~~low-income women from forty to forty-nine years of age who meet the department's criteria for its breast and cervical cancer early detection program;] [**LINE-ITEM VETO**]~~

22. five hundred thousand dollars (\$500,000) to expand school-based health centers;

23. two million dollars (\$2,000,000) to expand trauma services statewide;

24. one hundred ninety thousand dollars (\$190,000) for planning and program development for telehealth;

25. five hundred thousand dollars (\$500,000) for the statewide immunization program to increase immunization rates of children;

~~[26. one hundred ninety thousand dollars (\$190,000) for comprehensive eye examinations for children going into the first grade; provided that this appropriation is contingent upon House Bill 791 or similar legislation of the second session of the forty-seventh legislature becoming law;~~

~~27. forty-one thousand dollars (\$41,000) for the farmers' market nutrition program for senior citizens;] [**LINE-ITEM VETO**]~~

28. one hundred thousand dollars (\$100,000) for rural primary health care clinics;

29. nineteen thousand five hundred dollars (\$19,500) for a suicide prevention project in northern New Mexico;

~~[30. fifty thousand dollars (\$50,000) for health and mental health services in Chimayo and Espanola areas of district 2 of the public health division;~~

~~31. one hundred seventy-five thousand dollars (\$175,000) for developmental disability services in Bernalillo and Valencia counties;~~

~~32. eleven thousand dollars (\$11,000) for substance abuse prevention in the south Broadway area of Albuquerque;~~

~~33. forty-three thousand eight hundred dollars (\$43,800) for low-income health clinic services in Otero county;] [LINE-ITEM VETO]~~

34. thirty thousand dollars (\$30,000) for substance abuse treatment in San Juan county;

35. fifty-five thousand dollars (\$55,000) for alcoholism treatment programs in Santa Fe county;

~~[36. one hundred thousand dollars (\$100,000) for maternal and child health services in Socorro county;] [LINE-ITEM VETO]~~

37. nineteen thousand five hundred dollars (\$19,500) for alcohol and substance abuse treatment in Talpa in Taos county[; and

~~38. nineteen thousand five hundred dollars (\$19,500) for long-term alcohol and substance abuse rehabilitation in Taos county. [LINE-ITEM VETO]~~

Chapter 110 Section 24 Laws 2006

~~Section 24. DEPARTMENT OF ENVIRONMENT PROJECT.--Twenty thousand dollars (\$20,000) is appropriated from the general fund to the department of environment for expenditure in fiscal year 2007 to provide for the establishment and maintenance of a file that contains all the environmental covenants pursuant to the Uniform Environmental Covenants Act; provided that this appropriation is contingent upon House Bill 314 or similar legislation of the second session of the forty-seventh legislature becoming law. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.] [LINE-ITEM VETO]~~

Chapter 110 Section 25 Laws 2006

Section 25. NEW MEXICO HEALTH POLICY COMMISSION PROJECT.--Thirty thousand dollars (\$30,000) is appropriated from the general fund to the New Mexico health policy commission for expenditure in fiscal year 2007 to fund a study to examine

alternatives for resolving problems related to reducing the injuries suffered in the course of childbirth and the cost and availability of malpractice insurance for childbirth health care professionals and institutions. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

Chapter 110 Section 26 Laws 2006

Section 26. CHILDREN, YOUTH AND FAMILIES DEPARTMENT PROJECTS.-- The following amounts are appropriated from the general fund to the children, youth and families department for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

~~[1. fifty thousand dollars (\$50,000) to support grandparents and kinship caregivers statewide;]~~ [**LINE-ITEM VETO**]

2. fifty-five thousand dollars (\$55,000) to continue the at-home infant care services pilot program;

~~[3. forty-three thousand eight hundred dollars (\$43,800) for citizen review board training;~~

~~4. thirty thousand dollars (\$30,000) for out-of-school network after-school programs;]~~ [**LINE-ITEM VETO**]

5. one million five hundred thousand dollars (\$1,500,000) for statewide domestic violence services;

6. one hundred ninety thousand dollars (\$190,000) for a Native American domestic violence program;

7. forty-seven thousand five hundred dollars (\$47,500) to provide services and outreach for Native American victims of domestic violence and sexual assault and to train people who provide those services;

~~[8. forty thousand dollars (\$40,000) to provide experiential education, including mentoring, team building, teacher training, ropes courses and outdoor programming for at-risk youth in Bernalillo county;~~

~~9. one hundred fifty-two thousand dollars (\$152,000) to provide child care and health care services to homeless children, birth to age five, and their families in Bernalillo county;~~

~~10. thirty-five thousand dollars (\$35,000) for after-school programming and computer-based education services for adolescents in the south Broadway area of Albuquerque;] [**LINE-ITEM VETO**]~~

11. one hundred forty-one thousand dollars (\$141,000) for domestic violence prevention and rape crisis services in Catron county;

12. one hundred sixty-six thousand dollars (\$166,000) for the Roswell victim protection unit;

13. seventeen thousand dollars (\$17,000) for additional funding for the "Fresh Eyes" photography program at the John Paul Taylor center in Dona Ana county;

~~[14. twenty thousand dollars (\$20,000) to provide programs for homeless children in Dona Ana county;] [**LINE-ITEM VETO**]~~

15. ninety-five thousand dollars (\$95,000) for domestic violence programs in Lincoln county;

16. one hundred thousand dollars (\$100,000) for a domestic violence shelter in Shiprock;

17. one hundred thousand dollars (\$100,000) for domestic violence programs in Torrance county[; and

~~18. twenty-three thousand dollars (\$23,000) to provide matching funds for a federal grant to provide counseling services for substance abuse prevention and child abuse prevention in the Las Vegas city, Wagon Mound and Mora school districts]. [**LINE-ITEM VETO**]~~

Chapter 110 Section 27 Laws 2006

~~[Section 27. DEPARTMENT OF MILITARY AFFAIRS PROJECTS.--The following amounts are appropriated from the general fund to the department of military affairs for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:~~

~~1. fifty-seven thousand dollars (\$57,000) to provide the New Mexico national guard in Iraq and Afghanistan with equipment, including global positioning systems and visual technology;~~

~~2. fifty thousand dollars (\$50,000) for training to civil air patrol members, including costs of aircraft and vehicle operation, purchase of equipment and instructional materials;~~

~~3. thirty thousand dollars (\$30,000) for a drug demand reduction program through the civil air patrol cadet program for at-risk middle and high school students; and~~

~~4. fifteen thousand dollars (\$15,000) to equip the New Mexico honor guard.] [**LINE-ITEM VETO**]~~

Chapter 110 Section 28 Laws 2006

Section 28. CORRECTIONS DEPARTMENT PROJECTS.--The following amounts are appropriated from the general fund to the corrections department for expenditure in fiscal year 2007 for the specified purposes, and any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund:

~~[1. one hundred thousand dollars (\$100,000) for the community corrections grant fund to expand housing assistance for male and female parolees provided by a corrections vendor located in Albuquerque or Santa Fe; and] [**LINE-ITEM VETO**]~~

2. fifty thousand dollars (\$50,000) for a family visitation program at the Grants women's correctional facility and Camino Nuevo in Albuquerque.

Chapter 110 Section 29 Laws 2006

Section 29. DEPARTMENT OF PUBLIC SAFETY PROJECTS.--The following amounts are appropriated from the general fund to the department of public safety for expenditure in fiscal year 2007 for the specified purposes, and any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund:

1. one hundred twenty-eight thousand dollars (\$128,000) for the McKinley county sheriff's office narcotics unit to concentrate on methamphetamine interdiction efforts;

2. one hundred thousand dollars (\$100,000) for additional funding for DNA testing for felony arrests; provided that this appropriation is contingent upon House Judiciary Committee Substitute for House Bill 130 or similar legislation of the second session of the forty-seventh legislature becoming law[; and

~~3. twenty-five thousand dollars (\$25,000) for law enforcement youth academies in northern and southern New Mexico]. [**LINE-ITEM VETO**]~~

Chapter 110 Section 30 Laws 2006

~~[Section 30. DEPARTMENT OF TRANSPORTATION PROJECT.--Seventy-five thousand dollars (\$75,000) is appropriated from the general fund to the department of transportation for expenditure in fiscal year 2007 to establish a rural regional transit district encompassing Luna, Hidalgo and Grant counties. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.] [LINE-ITEM VETO]~~

Chapter 110 Section 31 Laws 2006

Section 31. PUBLIC EDUCATION DEPARTMENT PROJECTS.--The following amounts are appropriated from the general fund to the public education department for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

1. two hundred fifty thousand dollars (\$250,000) to establish a math and science bureau of the instructional support and vocational education division;

2. one hundred fifty thousand dollars (\$150,000) to assist school districts in developing phase 1 wellness policies based on department rules;

3. forty thousand dollars (\$40,000) to develop a model multicultural arts and education program for public schools;

~~[4. thirty thousand dollars (\$30,000) for statewide social studies and civics professional development;] [LINE-ITEM VETO]~~

5. one hundred thousand dollars (\$100,000) to the reading materials fund to carry out the purposes of the fund; provided that this appropriation is contingent on House Bill 225 or similar legislation of the second session of the forty-seventh legislature becoming law;

~~[6. fifty-seven thousand dollars (\$57,000) for extracurricular activities in the Dexter consolidated, Hagerman municipal and Lake Arthur municipal school districts;~~

~~7. fifty thousand dollars (\$50,000) for a restorative justice program at Amy Biehl charter high school in Albuquerque;~~

~~8. fifty-seven thousand dollars (\$57,000) to support the Espanola military academy charter school in the Espanola public school district;~~

~~9. forty thousand dollars (\$40,000) to contract through the Espanola public school district to provide summer enrichment programs for youth in the communities of Truchas, Ojo Sarco, Chimayo and Cordova;~~

~~10. one hundred seventy-five thousand dollars (\$175,000) for an alternative learning center for the Estancia municipal school district;] [**LINE-ITEM VETO**]~~

11. seven thousand dollars (\$7,000) for the fiesta educativa parent conference and outreach for parents of children with disabilities in the Gadsden independent school district;

~~[12. seventy-five thousand dollars (\$75,000) for Saturday school programs for at-risk high school students in the Grants-Gibola county school district;~~

~~13. eighty-five thousand dollars (\$85,000) to provide in-school classroom cultural activities in the west Las Vegas school district;~~

~~14. one hundred thousand dollars (\$100,000) for drop-out prevention programs in Los Lunas public school district;] [**LINE-ITEM VETO**]~~

15. eighty thousand dollars (\$80,000) for a comprehensive secondary school reform initiative in Los Lunas school district that focuses on leadership, counseling, classroom teaching and parent and community awareness;

~~[16. fifty thousand dollars (\$50,000) for training in substance abuse and child abuse prevention and intervention strategies in the Pojoaque valley school district;] [**LINE-ITEM VETO**]~~

17. one hundred seventy-two thousand dollars (\$172,000) for the cyber academy in the Rio Rancho public school district to provide additional core courses and elective learning opportunities for students in Rio Rancho, Sandoval county and statewide[;

~~18. eighty thousand dollars (\$80,000) for athletic programs in the Roswell independent school district;~~

~~19. thirty thousand dollars (\$30,000) for character counts in the Roswell independent school district;~~

~~20. twenty-five thousand dollars (\$25,000) to contract with a nonprofit organization dedicated to improving science education in the Santa Fe public school district to provide teacher training and in-class mentors and to integrate hands-on science techniques into standard curricula;~~

~~21. forty thousand dollars (\$40,000) to provide for automated individual education programs for special education students in the Santa Fe public school district; and~~

~~22. nineteen thousand five hundred dollars (\$19,500) for the Taos municipal school district to operate its summerbridge academy, an experimental~~

~~summertime academic program designed to help students prepare for the next school year and serve as a demonstration project for other school districts].~~ [LINE-ITEM VETO]

Chapter 110 Section 32 Laws 2006

Section 32. HIGHER EDUCATION DEPARTMENT PROJECTS.--The following amounts are appropriated from the general fund to the higher education department for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund unless otherwise indicated:

1. one hundred thousand dollars (\$100,000) to contract with a statewide association of community colleges to develop and implement an interactive distance learning program to teach dental hygiene and dental assisting statewide;

~~2. one hundred fifty thousand dollars (\$150,000) to the public service law loan repayment fund to implement the Public Service Law Loan Repayment Act; provided that this appropriation shall not revert at the end of a fiscal year and may be expended in any fiscal year;~~

~~3. eighty thousand dollars (\$80,000) to contract with the Crownpoint institute of technology to plan and develop a curriculum to teach repair and maintenance of telecommunications infrastructure;~~

~~4. for Albuquerque technical vocational institute, one hundred thousand dollars (\$100,000) for the small business innovation research educational outreach program to educate and coach small business entrepreneurs to benefit from grants and contracts available through the federal government;~~

~~5. for Clovis community college:~~

~~(a) fifty thousand dollars (\$50,000) to develop a vocational high school curriculum for Curry county; and~~

~~(b) twenty-five thousand dollars (\$25,000) to expand the paramedic and emergency medical services programs;~~

~~6. for Luna community college:~~

~~(a) forty thousand dollars (\$40,000) for additional staff at the Nick Salazar early childhood center; and~~

~~(b) twenty thousand dollars (\$20,000) for a mariachi pilot program;~~

~~7. for Mesalands community college, fifty-seven thousand dollars (\$57,000) to expand the intercollegiate rodeo program;~~

8. for New Mexico junior college:

~~(a) seventy-five thousand dollars (\$75,000) for a commercial driver's license certification program;~~

~~(b) seventy-five thousand dollars (\$75,000) for the distance education consortium;~~

~~(c) fifty thousand dollars (\$50,000) for the regional law enforcement academy; and~~

~~(d) two hundred twenty-six thousand dollars (\$226,000) to support and operate the western heritage museum and Lea county cowboy hall of fame;] and~~
[**LINE-ITEM VETO**]

9. for San Juan college:

(a) one hundred thirty-nine thousand dollars (\$139,000) for allied health programs;

(b) twenty-five thousand dollars (\$25,000) for the dental hygiene and dental assistant program[;

~~(c) seventy-five thousand dollars (\$75,000) to implement a training course for parents of autistic children; and~~

~~(d) twenty-five thousand dollars (\$25,000) for the nursing program].~~[**LINE-ITEM VETO**]

Chapter 110 Section 33 Laws 2006

Section 33. UNIVERSITY OF NEW MEXICO PROJECTS.--The following amounts are appropriated from the general fund to the board of regents of the university of New Mexico for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

~~1. eighty-nine thousand dollars (\$89,000) to expand the graduate research program;~~

~~2. one hundred thousand dollars (\$100,000) to expand the manufacturing engineering program;~~

~~3. seventy-five thousand dollars (\$75,000) to fund faculty positions in Native American studies;~~

~~4. eighty thousand dollars (\$80,000) for~~

~~African-American student services programs and operations;~~

~~5. twenty-six thousand five hundred dollars (\$26,500) to the African-American studies department for programs for high school students and university freshmen to help them bridge the academic achievement gap and prepare them for university coursework in the field of African-American studies; for fellowships and assistantships for graduate and post-doctoral students; and for a distinguished lecture series in African-American studies;~~

~~6. one hundred thousand dollars (\$100,000) to expand the Chicano Hispano-Mexicano studies program;] [**LINE-ITEM VETO**]~~

~~7. two hundred forty-seven thousand dollars (\$247,000) for Latin American student recruitment programs;~~

~~8. four hundred ten thousand dollars (\$410,000) to expand services for the college of education's family development program, including personal services and employee benefits of additional full-time-equivalent positions;~~

~~[9. thirty thousand dollars (\$30,000) to expand the programs at the department of theatre and dance;~~

~~10. one hundred seventy-five thousand dollars (\$175,000) for the center for regional studies for undergraduate and graduate fellowships, scholarships and internships; to support faculty research and encourage faculty recruitment; to produce film documentaries and collaborations about New Mexico and the United States-Mexico southwest borderlands; and to increase library collections and archives;~~

~~11. fifty thousand dollars (\$50,000) for professorships at the center for regional studies;~~

~~12. fifty thousand dollars (\$50,000) to establish a geospatial resources program at the earth data analysis center;] [**LINE-ITEM VETO**]~~

~~13. seventy thousand dollars (\$70,000) for the Saturday science and mathematics academy mentorship program to prepare minority children in kindergarten through grade twelve for college studies;~~

~~[14. twenty-five thousand dollars (\$25,000) for youth programming and educational outreach through the Popejoy performing arts center;~~

~~15. fifty thousand dollars (\$50,000) to increase the medical school instruction and general purposes~~

~~line-item;~~] [**LINE-ITEM VETO**]

16. seven hundred twenty-seven thousand dollars (\$727,000) to expand enrollment in the school of medicine combined bachelor's degree and medical degree program to increase the number of physicians practicing in the state;

~~[17. one hundred seven thousand dollars (\$107,000) to expand the nursing program;~~

~~18. one hundred thousand dollars (\$100,000) for the donated dental services program at the health sciences center;]~~ [**LINE-ITEM VETO**]

19. one hundred fifty thousand dollars (\$150,000) for the hepatitis C extension for community health care outcomes program;

20. one hundred two thousand dollars (\$102,000) for the children's hospital;

~~[21. fifty thousand dollars (\$50,000) for a post-doctoral fellowship program in clinical toxicology;~~

~~22. twenty-five thousand dollars (\$25,000) for neurodevelopmental interdisciplinary diagnostic clinic programs, including diagnostic evaluations for children with autism spectrum disorders and telemedicine consultation for autism spectrum disorders;~~

~~23. one hundred fifty-five thousand dollars (\$155,000) to develop a program in collaboration with New Mexico state university that will provide qualified and interested high school students with conditional admission to the school of pharmacy;~~

~~24. forty-five thousand dollars (\$45,000) for the university hospital to develop and produce a telenovela health care drama to be shown in health care clinic waiting rooms statewide;~~

~~25. one hundred thousand dollars (\$100,000) for the office of the state medical investigator to conduct forensic investigation and related services as requested by Indian nations, tribes and pueblos in New Mexico;]~~ [**LINE-ITEM VETO**]

26. eighty thousand dollars (\$80,000) to expand the southwest Indian law clinic at the school of law;

27. one hundred thousand dollars (\$100,000) for programs at the Utton transboundary resources center at the school of law;

28. forty thousand dollars (\$40,000) to the office of water rights ombudsman at the Utton transboundary resources center to provide public education statewide on water rights and to assist water rights claimants and the courts in adjudication of water rights;

29. one hundred twenty-five thousand dollars (\$125,000) for college preparatory mentoring programs at the school of law for children in grades eight through twelve in Albuquerque public schools[;]

~~30. one hundred ninety-five thousand dollars (\$195,000) to provide educational programs and resources for the child welfare community through the Corrine Wolfe children's law center at the school of law;~~

~~31. one hundred thousand dollars (\$100,000) for improvements at the school of law;~~

~~32. eighty-two thousand dollars (\$82,000) for the indigenous peoples library;~~

~~33. eighteen thousand dollars (\$18,000) to expand the *New Mexico Historical Review* journal;~~

~~34. thirty-nine thousand dollars (\$39,000) for La Raza research center;~~

~~35. two hundred eighty thousand dollars (\$280,000) for expenses related to facility planning;~~

~~36. thirty-seven thousand five hundred dollars (\$37,500) to establish a speakers' bureau at the Gallup branch;~~

~~37. three hundred fifty-seven thousand dollars (\$357,000) to establish a community-based educational program for customized training in mining-related fields and career trades at the Taos branch; and~~

~~38. twenty thousand dollars (\$20,000) to support ongoing design activities by the design and planning assistance center pursuant to a joint powers agreement with the mainstreet program of the economic development department]. [**LINE-ITEM VETO**]~~

Chapter 110 Section 34 Laws 2006

Section 34. NEW MEXICO STATE UNIVERSITY PROJECTS.--The following amounts are appropriated from the general fund to the board of regents of New Mexico state university for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

~~[1. twenty-five thousand dollars (\$25,000) for the judging program in the college of agriculture and home economics' department of animal and range sciences;~~

~~2. two hundred thousand dollars (\$200,000) to establish an agriculture leadership program in the college of agriculture and home economics to provide business skills training for agricultural producers;]~~ [**LINE-ITEM VETO**]

3. one hundred ten thousand dollars (\$110,000) for an agricultural science education project at Memorial middle school in the Las Vegas city school district;

4. two hundred forty-seven thousand dollars (\$247,000) to establish degree programs in aerospace engineering;

5. fifty thousand dollars (\$50,000) to match federal funds for the New Mexico space consortium grant in the engineering department;

~~[6. twenty thousand dollars (\$20,000) to establish a tourism extension program in the school of hotel, restaurant and tourism management;~~

~~7. twenty thousand dollars (\$20,000) to support the alliance for underrepresented students;~~

~~8. fifty-five thousand dollars (\$55,000) for the college assistance migrant program;~~

~~9. twenty-five thousand dollars (\$25,000) to support the Apache point observatory outreach program;~~

~~10. one hundred thousand dollars (\$100,000) for athletics;]~~ [**LINE-ITEM VETO**]

11. fifty thousand dollars (\$50,000) to support the rodeo team;

12. fifty thousand dollars (\$50,000) to expand the intercollegiate athletics department equestrian program;

~~[13. fifty-five thousand dollars (\$55,000) to support the southwest and border regions health, education, culture and development research program;]~~ [**LINE-ITEM VETO**]

14. thirty-five thousand dollars (\$35,000) to support economic development programs of the Arrowhead center, incorporated, for economic and sustainable development;

~~[15. twenty thousand dollars (\$20,000) to support the work of the J. Paul Taylor center for social policy;]~~ [**LINE-ITEM VETO**]

16. one hundred thousand dollars (\$100,000) for the nursing program at the Alamogordo branch;

~~[17. forty three thousand seven hundred dollars (\$43,700) for a film initiative at the Alamogordo branch;~~

~~18. twenty five thousand dollars (\$25,000) to support the music program at the Alamogordo branch;]~~ [**LINE-ITEM VETO**]

19. twenty thousand dollars (\$20,000) for start-up funds for a dental hygiene program at the Dona Ana branch;

20. for the New Mexico department of agriculture:

(a) one hundred thirty thousand dollars (\$130,000) for dairy inspection and sampling;

~~[(b) one hundred thousand dollars (\$100,000) for the small farmers initiative;~~

~~(c) seventy five thousand dollars (\$75,000) to promote and develop New Mexico's farmers' markets;~~

~~(d) seventy five thousand dollars (\$75,000) for the Santa Fe farmers' market;~~

~~(e) one hundred thousand dollars (\$100,000) to contract with a specialty food association to market products created from indigenous specialty crops;]~~ [**LINE-ITEM VETO**]

(f) forty-two thousand dollars (\$42,000) for a marketing campaign to promote out-of-state sales of New Mexico-grown chile and salsa products;

~~[(g) seventy five thousand dollars (\$75,000) to match pink bollworm control districts' expenditures pursuant to the Pink Bollworm Control Act;~~

~~(h) thirty five thousand dollars (\$35,000) for the east Torrance soil and water conservation district for educational and training programs;~~

~~(i) three hundred thousand dollars (\$300,000) for the Canadian river soil and water conservation district to administer the Canadian river riparian restoration project with the Cimarron watershed alliance;]~~ [**LINE-ITEM VETO**]

(j) one hundred thousand dollars (\$100,000) for pecan industry marketing efforts, research and pest eradication programs; and

~~[(k) thirty thousand dollars (\$30,000) for an agricultural program in Milan; and]~~ [**LINE-ITEM VETO**]

21. for the cooperative extension service:

(a) sixty thousand dollars (\$60,000) to support the economic sustainability of the chile industry;

~~[(b) one hundred thousand dollars (\$100,000) for the water management research and education program;~~

~~(c) fifty-seven thousand dollars (\$57,000) for the viticulture program;]~~ [**LINE-ITEM VETO**]

(d) ten thousand dollars (\$10,000) for a chile task force[;

~~(e) one hundred fifty-five thousand dollars (\$155,000) to support the 4-H youth program; and~~

~~(f) twenty-four thousand dollars (\$24,000) for the livestock judging team].~~ [**LINE-ITEM VETO**]

Chapter 110 Section 35 Laws 2006

Section 35. NEW MEXICO HIGHLANDS UNIVERSITY PROJECTS.--The following amounts are appropriated from the general fund to the board of regents of New Mexico highlands university for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

~~1. ten thousand dollars (\$10,000) for staffing and graduate assistants for the political science department;~~

~~2. twenty-five thousand dollars (\$25,000) to support an English-Spanish and cultural immersion program and curricula development;~~

~~3. ten thousand dollars (\$10,000) for transportation, faculty and other costs of the upward bound program;~~

~~4. twenty-five thousand dollars (\$25,000) for the athletic program;~~

~~5. fifteen thousand dollars (\$15,000) for the intercollegiate basketball program;]~~ [**LINE-ITEM VETO**]

6. one hundred thousand dollars (\$100,000) for the men's wrestling program;

~~[7. two thousand dollars (\$2,000) to promote the north-south all-state football game to be held at the university;] [**LINE-ITEM VETO**]~~

8. sixty thousand dollars (\$60,000) to prepare, compile and distribute bilingual education materials statewide for kindergarten through twelfth grade and for production of a monthly periodical, digitalization of materials and production of a weekly radio show[;

~~9. forty-eight thousand dollars (\$48,000) for the early childhood center;~~

~~10. four hundred twenty-five thousand dollars (\$425,000) to fund a collaborative program with the university's school of social work for a secure statewide long-term multijurisdictional residential treatment facility; and~~

~~11. twenty-five thousand dollars (\$25,000) for a symposium on Padre Antonio Jose Martinez]. [**LINE-ITEM VETO**]~~

Chapter 110 Section 36 Laws 2006

Section 36. WESTERN NEW MEXICO UNIVERSITY PROJECTS.--The following amounts are appropriated from the general fund to the board of regents of western New Mexico university for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund:

~~[1. sixty thousand dollars (\$60,000) for instructional television;] [**LINE-ITEM VETO**]~~

2. one hundred seventy-five thousand dollars (\$175,000) for continuation and expansion of the web-based teacher preparation program; and

3. sixty thousand dollars (\$60,000) to expand the bachelor of science nursing program.

Chapter 110 Section 37 Laws 2006

Section 37. EASTERN NEW MEXICO UNIVERSITY PROJECTS.--The following amounts are appropriated from the general fund to the board of regents of eastern New Mexico university for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

~~[1. fifty thousand dollars (\$50,000) for staff development;~~

~~2. one hundred forty-one thousand dollars (\$141,000) to enhance the faculty development program;~~

~~3. fifty thousand dollars (\$50,000) to increase funding for the college of education and technology;~~

~~4. twenty five thousand dollars (\$25,000) for enhancements at the science center;] [**LINE-ITEM VETO**]~~

~~5. twenty-five thousand dollars (\$25,000) for mathematics and science programs;~~

~~[6. two hundred fifty thousand dollars (\$250,000) for travel, operations, recruiting and facility upkeep for intercollegiate athletic programs;~~

~~7. one hundred thousand dollars (\$100,000) to expand the athletic training program;~~

~~8. fifty thousand dollars (\$50,000) to implement a hospitality and tourism education initiative in public schools throughout the state;~~

~~9. one hundred thousand dollars (\$100,000) for KENW educational television station conversion to digital technology and to partially fund an engineer;] [**LINE-ITEM VETO**]~~

~~10. seventy-seven thousand dollars (\$77,000) to increase funding to the "success program" to raise retention and graduation rates of university students;~~

~~[11. one hundred twenty five thousand dollars (\$125,000) for the distance education consortium;~~

~~12. twenty five thousand dollars (\$25,000) to expand distance education course offerings;] [**LINE-ITEM VETO**]~~

~~13. seventy-five thousand dollars (\$75,000) for the Roswell branch to offer distance education college courses to high school students in the Dexter, Roswell, Hagerman, Lake Arthur, Loving, Hondo Valley and Capitan school districts and the Mescalero Apache schools;~~

~~[14. fifty-nine thousand dollars (\$59,000) for the special services for disabled clients program at the Roswell branch;~~

~~15. seventy-five thousand dollars (\$75,000) to improve the emergency medical services and aviation maintenance programs at the Roswell branch;~~

~~16. twenty-five thousand dollars (\$25,000) for the mathematics, engineering and science achievement program at the Roswell branch;] [**LINE-ITEM VETO**]~~

17. one hundred thirty-five thousand dollars (\$135,000) for adult basic education at the Ruidoso branch[; and

~~18. fifty thousand dollars (\$50,000) to expand distance education for public schools at the Ruidoso branch].~~ [**LINE-ITEM VETO**]

Chapter 110 Section 38 Laws 2006

Section 38. NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY PROJECTS.--The following amounts are appropriated from the general fund to the board of regents of New Mexico institute of mining and technology for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2007 shall revert to the general fund:

~~1. twenty-eight thousand dollars (\$28,000) to increase the athletics budget to augment the wellness program;~~

~~2. three hundred thousand dollars (\$300,000) for the bureau of geology and mineral resources to map underground water in the state;]~~ [**LINE-ITEM VETO**]

3. sixty-seven thousand dollars (\$67,000) for homeland security activities and programs at Playas and marketing for use of the facility;

4. fifty-three thousand dollars (\$53,000) for the hydrology program of the geophysical research center;

~~5. seventy-five thousand dollars (\$75,000) for the Roswell energy laboratory;~~

~~6. fifty-seven thousand dollars (\$57,000) for the energetic materials research and testing center;]~~ [**LINE-ITEM VETO**]

7. one hundred eighty thousand dollars (\$180,000) for the mathematics, engineering and science achievement program, including expansion of the programs in Tohatchi middle school and Zuni high school and for Native American students in western San Juan county;

8. one hundred thousand dollars (\$100,000) for the national cave and karst research institute[;]

~~9. one hundred thousand dollars (\$100,000) to support computer security efforts and provide matching funds for federal contracts at the institute for complex additive system analysis;~~

~~10. seventy-seven thousand dollars (\$77,000) for the petroleum recovery research institute;~~

~~11. twenty-five thousand dollars (\$25,000) for publication expenses of the bureau of geology and mineral resources; and~~

~~12. thirteen thousand dollars (\$13,000) for a science fair].~~ **[LINE-ITEM VETO]**

Chapter 110 Section 39 Laws 2006

Section 39. NORTHERN NEW MEXICO STATE SCHOOL

PROJECTS.--The following amounts are appropriated from the general fund to the board of regents of northern New Mexico state school for expenditure in fiscal year 2007 for the purposes specified, and any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund:

1. two hundred fifty thousand dollars (\$250,000) to train middle school teachers to improve their skills, technical knowledge and teaching techniques in science, mathematics and technology;

2. two hundred thousand dollars (\$200,000) for the teacher education baccalaureate program, including personnel and other new program start-up costs[; and

3. forty thousand dollars (\$40,000) for the eight northern pueblos institute]. **[LINE-ITEM VETO]**

Chapter 110 Section 40 Laws 2006

Section 40. NEW MEXICO MILITARY INSTITUTE PROJECT.--Seventy-five thousand dollars (\$75,000) is appropriated from the general fund to the board of regents of New Mexico military institute for expenditure in fiscal year 2007 for the General Richard T. Knowles legislative scholarship program. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

Chapter 110 Section 41 Laws 2006

~~[Section 41. NEW MEXICO SCHOOL FOR THE DEAF PROJECT.-- Fifty-eight thousand five hundred dollars (\$58,500) is appropriated from the general fund to the board of regents of the New Mexico school for the deaf for expenditure in fiscal year 2007 for outreach efforts in the Albuquerque public schools. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.]~~ **[LINE-ITEM VETO]**

Chapter 110 Section 42 Laws 2006

Section 42. Laws 2005 (1st S.S.), Chapter 2, Section 3 is amended to read:

Chapter 110 Section 43 Laws 2006

"Section 3. APPROPRIATIONS.--

A. The following amounts are appropriated from the general fund to the following agencies for expenditure in fiscal year 2006 for the following purposes:

(1) twenty-three million dollars (\$23,000,000) to the human services department for the

low-income home energy assistance program;

(2) two million five hundred thousand dollars (\$2,500,000) to the department of finance and administration for weatherization programs statewide;

(3) one million five hundred thousand dollars (\$1,500,000) to the department of public safety for fuel costs;

(4) two million five hundred thousand dollars (\$2,500,000) to the public education department for increased heating costs for public schools;

(5) two million five hundred thousand dollars (\$2,500,000) to the public education department for increased school transportation costs for public schools;

(6) three million five hundred thousand dollars (\$3,500,000) to the higher education department for increased heating costs of public post-secondary educational institutions, to be distributed to each institution on a pro rata basis of the difference between fiscal year 2005 actual expenditures for that item and the fiscal year 2006 projections of expenditures as of October 5, 2005; and

(7) two million dollars (\$2,000,000) to the state fire marshal to be divided among the volunteer and predominantly volunteer fire departments to be used for increased fuel and heating costs; provided that the distribution shall be based on ten percent of each department's current-year distribution from the fire protection fund.

B. Any unexpended or unencumbered balance remaining in Paragraphs (1) and (2) of Subsection A of this section at the end of fiscal year 2006 shall not revert to the general fund and may be expended in fiscal years 2007 and 2008.

C. Any unexpended or unencumbered balance in Paragraphs (3) through (7) of Subsection A of this section remaining at the end of fiscal year 2006 shall revert to the general fund."

Senate Finance Committee Substitute

for Senate Bill 415, as amended

Approved March 8, 2006

LAWS 2006, CHAPTER 111

WITH LINE-ITEM VETOES

AN ACT

RELATING TO THE EXPENDITURE OF PUBLIC MONEY; PROVIDING FOR CAPITAL EXPENDITURES; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS; AUTHORIZING EXPENDITURES FROM CERTAIN FUNDS AND BALANCES; CLARIFYING CONDITIONS FOR THE ISSUANCE OF BONDS; ESTABLISHING CONDITIONS FOR THE EXPENDITURE OF SEVERANCE TAX BOND PROCEEDS; REAUTHORIZING BALANCES; CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION; ESTABLISHING CONDITIONS FOR THE REVERSION OF UNEXPENDED BALANCES; PROVIDING FOR OPERATING EXPENSES AND OTHER EXPENDITURES; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Chapter 111 Section 1 Laws 2006

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 2008, 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, emergency vehicles or other vehicles that require special equipment, 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 two years following the fiscal year in which the severance tax bonds were issued for the purchase; and

(3) 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 2010.

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 111 Section 2 Laws 2006

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, emergency vehicles or other vehicles that require special equipment, 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 two years following the fiscal year in which the appropriation was made for the purchase; and

(3) 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 2010.

B. Upon certification by an agency that money from the general fund is needed for a purpose specified in this act, the secretary of finance and administration shall disburse such amount of the appropriation for that project as is necessary to meet that need.

C. Except for appropriations to the capital program fund, money from appropriations made in this act shall not be used to pay indirect project costs.

D. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

Chapter 111 Section 3 Laws 2006

Section 3. AGING PROJECTS--AGING AND LONG-TERM SERVICES DEPARTMENT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the aging and long-term services department that the need exists for the issuance of the bonds, the following amounts are appropriated to the aging and long-term services department for the following purposes:

~~[1. two hundred thousand dollars (\$200,000) to plan, design, construct, furnish and equip a senior center in Tijeras in Bernalillo county;]~~ [**LINE-ITEM VETO**]

2. one hundred thousand dollars (\$100,000) to make improvements, including purchase and installation of equipment, to the Artesia meal site in Eddy county;

3. one hundred thousand dollars (\$100,000) to design and construct an expansion of the San Jose senior center in Carlsbad in Eddy county;

4. fifty thousand dollars (\$50,000) to purchase and install a modular building for the senior center in Pinedale in McKinley county;

5. six hundred fifty-three thousand dollars (\$653,000) to plan, design, construct, equip and furnish a senior center for the Mescalero Apache Tribe in Otero county;

6. three hundred thousand dollars (\$300,000) to construct, furnish and equip a regional adult daycare facility at the Pueblo of Santa Clara in Rio Arriba county;

7. seventy-five thousand dollars (\$75,000) to purchase land for, plan, design and construct a senior center in Dixon in Rio Arriba county;

8. fifty thousand four hundred dollars (\$50,400) to make improvements, including installing holding ponds, drainage, grading and paving, to the parking area at the Pena Blanca senior center in Sandoval county;

~~9. fifty thousand dollars (\$50,000) to plan, design and construct additional facility space at the Edgewood senior center in Edgewood in Santa Fe county;~~

~~10. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish a facility for the senior center in Edgewood in Santa Fe county;~~

~~11. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish and equip a senior center in the Eldorado area of Santa Fe county;]~~
[LINE-ITEM VETO]

12. fifty thousand dollars (\$50,000) to make improvements, including purchase and installation of equipment, to the Alamo chapter senior center of the Navajo Nation in Socorro county;

13. fifty thousand dollars (\$50,000) to plan, design, construct and equip repairs and renovations to the Magdalena senior center in Magdalena in Socorro county;

14. twenty-five thousand dollars (\$25,000) to plan, purchase, equip, furnish and install a statewide 211 information and referral telephone system for the aging and long-term services department; and

15. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip improvements and renovations to the Amalia senior center in Taos county.

Chapter 111 Section 4 Laws 2006

Section 4. COURT PROJECTS--FIFTH, SEVENTH AND ELEVENTH JUDICIAL DISTRICT COURTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the following judicial district courts that the need exists for the issuance of the bonds, the following amounts are appropriated to the following judicial district courts for the following purposes:

1. to the fifth judicial district court, one hundred thousand dollars (\$100,000) to purchase equipment and furniture for the fifth judicial district court in Lovington in Lea county;

2. to the seventh judicial district court, fifty thousand dollars (\$50,000) to purchase and install equipment for the seventh judicial district court in Socorro county; and

3. to the eleventh judicial district court, seventy thousand dollars (\$70,000) to purchase and equip vehicles and furnish and equip the eleventh judicial district courthouses in San Juan and McKinley counties.

Chapter 111 Section 5 Laws 2006

Section 5. SUPREME COURT PROJECT--SUPREME COURT BUILDING COMMISSION--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the supreme court building commission that the need exists for the issuance of the bonds, fifty thousand dollars (\$50,000) is appropriated to the supreme court building commission to purchase and install security equipment for the state supreme court in Santa Fe in Santa Fe county.

Chapter 111 Section 6 Laws 2006

Section 6. CULTURAL AFFAIRS PROJECTS--CULTURAL AFFAIRS DEPARTMENT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the cultural affairs department that the need exists for the issuance of the bonds, the following amounts are appropriated to the cultural affairs department for the following purposes:

1. one hundred fifty thousand dollars (\$150,000) to plan, design and construct an educational center building for the national Hispanic cultural center in Albuquerque in Bernalillo county;

2. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate, equip and furnish workspace, offices, classrooms, meeting rooms and public spaces at the New Mexico museum of natural history and science in Albuquerque in Bernalillo county;

3. fifty thousand dollars (\$50,000) to plan, design and construct facilities for education at the New Mexico museum of natural history and science in Albuquerque in Bernalillo county;

4. fifty thousand dollars (\$50,000) to plan, design, construct and equip interpretive exhibits and educational facilities at the farm and ranch heritage museum in Las Cruces in Dona Ana county;

~~[5. one hundred eighty six thousand dollars (\$186,000) for renovations to the visitor center facilities and site at Lincoln state monument in Lincoln county;] [**LINE-ITEM VETO**]~~

6. one hundred three thousand dollars (\$103,000) to plan, design, construct, equip and renovate the New Mexico museum of space history in Alamogordo in Otero county];~~and~~

~~7. fifty thousand dollars (\$50,000) to plan, design and construct a New Mexico archaeology center to serve as a research and collections repository for the state's archaeological collection in Santa Fe in Santa Fe county]. [**LINE-ITEM VETO**]~~

Chapter 111 Section 7 Laws 2006

Section 7. ECONOMIC DEVELOPMENT PROJECT--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, five hundred thousand dollars (\$500,000) is appropriated to the economic development department to acquire property and equipment to support the wood harvesting project in San Miguel county.

Chapter 111 Section 8 Laws 2006

Section 8. 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. one hundred thousand dollars (\$100,000) to improve the playgrounds and athletic fields at Cibola high school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

2. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, for Dennis Chavez elementary school in the Albuquerque public school district in Bernalillo county;

~~[3. one hundred thousand dollars (\$100,000) to purchase and install a telephone system, including cable, at James Monroe middle school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

4. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment and furniture, and multimedia equipment in the Eldorado high school cluster in the Albuquerque public school district in Bernalillo county;

5. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at Wherry elementary school in the Albuquerque public school district in Bernalillo county;

6. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, for Highland high school in the Albuquerque public school district in Bernalillo county;

7. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

8. two hundred thousand dollars (\$200,000) to purchase and install educational technology, including related equipment and furniture, and to purchase laboratory equipment and textbooks, for Desert Ridge middle school in the Albuquerque public school district in Bernalillo county;

~~[9. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at Cibola high school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

10. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at Taft middle school in the Albuquerque public school district in Bernalillo county;

11. four hundred twenty-five thousand dollars (\$425,000) to plan, design, construct, equip and furnish facilities, including purchase and installation of portables, for La Promesa early learning center charter school in the Albuquerque public school district in Bernalillo county;

~~[12. fifty thousand dollars (\$50,000) to plan, design, construct, purchase and install improvements, including security and fire systems and asbestos abatement, at South Valley Academy charter school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

13. one hundred fifty thousand dollars (\$150,000) for television and film production and broadcast equipment for schools in the Highland cluster in the Albuquerque public school district in Bernalillo county;

14. one hundred fifty thousand dollars (\$150,000) for television and film production and broadcast equipment for schools in the Manzano cluster in the Albuquerque public school district in Bernalillo county;

15. seventy-five thousand dollars (\$75,000) to purchase library books, materials and desks for La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

16. seventy-five thousand dollars (\$75,000) to purchase and install educational technology, including related equipment and furniture, at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

17. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip improvements, including fields, to the playground of La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

18. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment and furniture, at Roosevelt middle school in the Albuquerque public school district in Bernalillo county;

19. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Osuna elementary school in the Albuquerque public school district in Bernalillo county;

20. fifty-eight thousand two hundred dollars (\$58,200) to purchase and install educational technology, including related equipment and furniture, at Edmund G. Ross elementary school in the Albuquerque public school district in Bernalillo county;

21. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at the Twenty-first Century charter school in the Albuquerque public school district in Bernalillo county;

~~[22. fifty thousand dollars (\$50,000) to plan, design, construct and equip tennis courts at Cibola high school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

23. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment and furniture, at Kennedy middle school in the Albuquerque public school district in Bernalillo county;

24. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at Grant middle school in the Albuquerque public school district in Bernalillo county;

25. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at Tomasita elementary school in the Albuquerque public school district in Bernalillo county;

26. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment and furniture, and a track field at John Adams middle school in the Albuquerque public school district in Bernalillo county;

27. two hundred forty-nine thousand dollars (\$249,000) to purchase and install educational technology, library books, related equipment and furnishings at West Mesa high school in the Albuquerque public school district in Bernalillo county;

28. fifty thousand dollars (\$50,000) to plan, design and construct classroom facilities, including portables, for use as technology and science laboratories at Osuna elementary school in the Albuquerque public school district in Bernalillo county;

29. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish educational technology classrooms and libraries at Bellehaven elementary school in the Albuquerque public school district in Bernalillo county;

30. fifty thousand dollars (\$50,000) to plan, design, construct, purchase and install playground equipment and for improvements to restroom facilities at Sombra del Monte elementary school in the Albuquerque public school district in Bernalillo county;

31. seventy-five thousand dollars (\$75,000) to purchase and install educational technology, including related equipment and furniture, at Inez elementary school in the Albuquerque public school district in Bernalillo county;

32. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

33. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Acoma elementary school in the Albuquerque public school district in Bernalillo county;

34. one hundred thousand dollars (\$100,000) to construct improvements to playgrounds and restrooms to comply with the Americans with Disabilities Act of 1990 at Acoma elementary school in the Albuquerque public school district in Bernalillo county;

35. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Matheson Park elementary school in the Albuquerque public school district in Bernalillo county;

36. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment and furniture, at Collet Park elementary school in the Albuquerque public school district in Bernalillo county;

37. fifty thousand dollars (\$50,000) to purchase equipment, furniture and an electric marquee and for improvements to the library office at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;

~~38. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, and library furniture at Madison middle school in the Albuquerque public school district in Bernalillo county;~~ [**LINE-ITEM VETO**]

39. ninety-eight thousand dollars (\$98,000) to purchase and install educational technology, including related equipment and furnishings, at Van Buren middle school in the Albuquerque public school district in Bernalillo county;

40. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment and furniture, at Hayes middle school in the Albuquerque public school district in Bernalillo county;

41. fifty thousand dollars (\$50,000) for capital improvements and to purchase and install educational technology, including related equipment and furnishings, for the library at Inez elementary school in the Albuquerque public school district in Bernalillo county;

42. fifty thousand dollars (\$50,000) to purchase and install educational technology and an intercom sound system, including related equipment and furniture, at Eubank elementary school in the Albuquerque public school district in Bernalillo county;

43. ninety-five thousand dollars (\$95,000) to plan, design and construct site upgrades, including compliance with the Americans with Disabilities Act of 1990, at Roosevelt middle school in the Albuquerque public school district in Bernalillo county;

44. one hundred seventy thousand dollars (\$170,000) to purchase and install educational technology, library books and related equipment and furnishings for Edward Gonzales elementary school in the Albuquerque public school district in Bernalillo county;

45. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment, supporting infrastructure and

furniture, at Taylor middle school in the Albuquerque public school district in Bernalillo county;

46. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, for Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;

47. one hundred twenty thousand dollars (\$120,000) to purchase and install educational technology, books and related equipment and furnishings for Lavaland elementary school in the Albuquerque public school district in Bernalillo county;

48. eighty thousand dollars (\$80,000) to purchase library books for the Manzano and Highland school clusters in the Albuquerque public school district in Bernalillo county;

49. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture and a mobile laboratory, for Susie R. Marmon elementary school in the Albuquerque public school district in Bernalillo county;

50. one hundred thousand dollars (\$100,000) to purchase and install information and educational technology, including related equipment and furniture, and network upgrades for Painted Sky elementary school in the Albuquerque public school district in Bernalillo county;

51. one hundred thousand dollars (\$100,000) to purchase and install educational technology and related equipment and furnishings at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;

52. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip improvements to facilities for the West Mesa high school athletic department in the Albuquerque public school district in Bernalillo county;

~~53. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology and related equipment and furniture for Southwest secondary learning center in the Albuquerque public school district in Bernalillo county;~~

~~54. one hundred thousand dollars (\$100,000) for improvements to the playground, including purchase and installation of equipment and turf, at John Baker elementary school in the Albuquerque public school district in Bernalillo county;]~~ **[LINE-ITEM VETO]**

55. one hundred twenty-five thousand dollars (\$125,000) to make improvements to portables at Tomasita elementary school in the Albuquerque public school district in Bernalillo county;

56. eighty thousand dollars (\$80,000) to make improvements to the electrical support systems in the portable classrooms at Tomasita elementary school in the Albuquerque public school district in Bernalillo county;

57. one hundred eighty thousand dollars (\$180,000) for site development at Hawthorne elementary school in the Albuquerque public school district in Bernalillo county;

58. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at La Luz del Monte learning center charter school in the Albuquerque public school district in Bernalillo county;

59. eighty thousand dollars (\$80,000) to purchase and install window blinds for Jackson middle school in the Albuquerque public school district in Bernalillo county;

60. one hundred thousand dollars (\$100,000) to purchase educational technology, including related equipment and furniture, for Mountain View elementary school in the Albuquerque public school district in Bernalillo county;

~~61. three hundred seventy thousand dollars (\$370,000) to plan, design, construct, survey, repair and replace the drainage system at Sandia high school in the Albuquerque public school district in Bernalillo county;~~ [**LINE-ITEM VETO**]

62. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct improvements to athletic fields, tracks and drainage at Alameda elementary school in the Albuquerque public school district in Bernalillo county;

~~63. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furnishings, and to purchase video scopes for James Monroe middle school in the Albuquerque public school district in Bernalillo county;~~ [**LINE-ITEM VETO**]

64. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment, furniture and infrastructure, for distance learning in the Manzano and Highland school clusters in the Albuquerque public school district in Bernalillo county;

~~65. seventy-five thousand dollars (\$75,000) to upgrade the soccer fields at Albuquerque high school in the Albuquerque public school district in Bernalillo county;~~ [**LINE-ITEM VETO**]

66. seventy-five thousand dollars (\$75,000) to purchase books and equipment for the library at Inez elementary school in the Albuquerque public school district in Bernalillo county;

~~[67. three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct and equip a classroom at Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;] [LINE-ITEM VETO]~~

68. one hundred thousand dollars (\$100,000) for playground and athletic field improvements at Rio Rancho high school in the Rio Rancho public school district in Sandoval county;

69. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Lowell elementary school in the Albuquerque public school district in Bernalillo county;

70. fifty thousand dollars (\$50,000) to furnish and to purchase and install educational technology, including related equipment and furniture, at Amy Biehl charter high school in the Albuquerque public school district in Bernalillo county;

71. five hundred fifty thousand dollars (\$550,000) to plan, design and construct a cafeteria at Susie R. Marmon elementary school in the Albuquerque public school district in Bernalillo county;

72. fifty thousand dollars (\$50,000) to purchase and equip vehicles for the Quemado independent school district in Catron county;

73. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements, including purchase and installation of lights, to the baseball field at Goddard high school in the Roswell independent school district in Chaves county;

74. fifty thousand dollars (\$50,000) to purchase and install scoreboards and a marquee in the gymnasium at Berrendo middle school in the Roswell independent school district in Chaves county;

75. fifty thousand dollars (\$50,000) to purchase and install educational technology in the Dexter consolidated school district in Chaves county;

~~[76. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, for the Roswell independent school district in Chaves county;] [LINE-ITEM VETO]~~

77. fifty thousand dollars (\$50,000) to plan, design and construct a field house at Bobcat stadium in the Hagerman municipal school district in Chaves county;

78. fifty thousand dollars (\$50,000) to design, purchase, construct and install bleachers at Bobcat stadium in the Hagerman municipal school district in Chaves county;

79. fifty-eight thousand dollars (\$58,000) to construct a playfield and related structures, including purchase and installation of equipment, in the Lake Arthur municipal school district in Chaves county;

80. one hundred seventy thousand dollars (\$170,000) to purchase and install or renovate the existing roof at Dexter middle school in the Dexter consolidated school district in Chaves county;

81. seventy-five thousand dollars (\$75,000) to purchase and install lighting at the football field at Goddard high school in the Roswell independent school district in Chaves county;

82. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, a sprinkler system, playground equipment and library books, shelves and furniture at Pecos elementary school in the Roswell independent school district in Chaves county;

83. fifty thousand dollars (\$50,000) to plan, design and construct a storage shed for athletic equipment, a sprinkler system and an outdoor track and make related landscaping and safety improvements at Mountain View middle school in the Roswell independent school district in Chaves county;

84. fifty thousand dollars (\$50,000) to purchase and install flashing lights and make improvements, including equipment, furniture, sprinkler systems and library renovations, at Nancy Lopez elementary school in the Roswell independent school district in Chaves county;

85. one hundred thousand dollars (\$100,000) to furnish, equip, install and improve facilities, including educational technology and related equipment and furniture, at the Roswell high school fine arts department in the Roswell independent school district in Chaves county;

86. one hundred thousand dollars (\$100,000) to design, construct, equip and furnish a fine arts center at Bella Vista elementary school in the Clovis municipal school district in Curry county;

~~87. twenty thousand dollars (\$20,000) to construct, purchase and install improvements to the patio and playground area at Alameda elementary school in the Las Cruces public school district in Dona Ana county;~~

~~88. seventy five thousand dollars (\$75,000) for improvements to the athletic track at Oñate high school in the Las Cruces public school district in Dona Ana county;~~ **[LINE-ITEM VETO]**

89. eight hundred thousand dollars (\$800,000) to purchase land for a multipurpose facility for the Las Cruces public school district in Dona Ana county;

90. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, and other school furnishings, storage units and equipment at Central, Mesilla, Mesilla Park, Valley View and Tombaugh elementary schools, Las Cruces high school and San Andres learning center in the Las Cruces public school district in Dona Ana county;

91. seventy-five thousand dollars (\$75,000) to purchase and install equipment and furniture for the Carlsbad high school band and choir program in the Carlsbad municipal school district in Eddy county;

92. one hundred thousand dollars (\$100,000) to purchase and install heating, ventilation and air conditioning units at secondary school gymnasiums in the Carlsbad municipal school district in Eddy county;

93. two hundred thousand dollars (\$200,000) to plan, design, construct and equip restrooms and concession stands at the Mack Chase athletic complex in the Artesia public school district in Eddy county;

94. one hundred forty-five thousand dollars (\$145,000) to install and equip a natatorium, including heating and water storage, at Artesia high school in the Artesia public school district in Eddy county;

95. fifty thousand dollars (\$50,000) to plan, design, construct and equip a playground at the Grand Heights early childhood center in Artesia in Eddy county;

~~96. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the tennis courts for the Cobre consolidated school district in Grant county;~~ [***LINE-ITEM VETO***]

97. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a joint-use multipurpose facility in the Hobbs municipal school district in Lea county;

98. one hundred twenty-nine thousand dollars (\$129,000) to plan, design and construct improvements, including paving, to playgrounds within the Tatum municipal school district in Lea county;

~~99. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a computer keyboarding and application laboratory at Taylor middle school in the Lovington municipal school district in Lea county;~~ [***LINE-ITEM VETO***]

100. five hundred ten thousand dollars (\$510,000) to plan, design and construct improvements to the heating, ventilation and air conditioning system for the Tasker arena complex in the Hobbs municipal school district in Lea county;

101. one hundred thousand dollars (\$100,000) to plan, design and construct a heating, ventilation and air conditioning system for the Jal public school district in Lea county;

102. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a health clinic for the Hondo Valley public school district in Lincoln county;

103. fifty thousand dollars (\$50,000) to plan, design and construct a football and track facility at the Mora high school sports complex in the Mora independent school district in Mora county;

~~104. one hundred three thousand dollars (\$103,000) to purchase and install playground equipment and sun shades that comply with the Americans with Disabilities Act of 1990 in the Alamogordo public school district in Otero county;~~

~~105. two hundred twenty thousand dollars (\$220,000) to plan, design and construct the athletic facilities project in the Cloudercroft municipal school district in Otero county;]~~ **[LINE-ITEM VETO]**

106. fifty thousand dollars (\$50,000) to purchase and install educational technology related to the governor's laptop initiative, including related equipment and furniture, for the Tularosa municipal school district in Otero county;

107. three hundred fifty thousand dollars (\$350,000) to purchase and install educational technology, including related equipment and furniture, for Espanola military academy in the Espanola public school district in Rio Arriba county;

108. one hundred thousand dollars (\$100,000) to plan, design and construct a new Tierra Amarilla elementary school in the Chama Valley independent school district in Rio Arriba county;

109. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish improvements at San Juan elementary school in the Espanola public school district in Rio Arriba county;

110. two hundred seventy-five thousand dollars (\$275,000) to renovate, including upgrading restrooms and replacing windows, the elementary schools in the Portales municipal school district in Roosevelt county;

111. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, for the Bloomfield school district science classrooms in San Juan county;

112. two hundred fifty thousand dollars (\$250,000) to upgrade and equip the central office of the west Las Vegas public school district in San Miguel county;

113. three hundred fifty thousand dollars (\$350,000) to construct and equip a health clinic for the Las Vegas city public school district in San Miguel county;

114. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment, furnishings and wiring, at Corrales elementary school in the Albuquerque public school district in Sandoval county;

115. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip athletic training facilities in the Rio Rancho public school district in Sandoval county;

116. three hundred thousand dollars (\$300,000) to plan, design, construct, equip and furnish soccer fields at Rio Rancho high school in the Rio Rancho public school district in Sandoval county;

117. one hundred thousand dollars (\$100,000) to purchase and install playground equipment and make playground improvements at Maggie Cordova elementary school in the Rio Rancho public school district in Sandoval county;

~~118. fifty thousand dollars (\$50,000) for playground and athletic field improvements at Martin Luther King, Jr. elementary school in the Rio Rancho public school district in Sandoval county;~~ [**LINE-ITEM VETO**]

119. fifty thousand dollars (\$50,000) for playground and athletic field improvements at Puesta del Sol elementary school in the Rio Rancho public school district in Sandoval county;

120. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, equip and furnish a high school gymnasium for the Monte del Sol charter school in the Santa Fe public school district in Santa Fe county;

121. seventy-five thousand dollars (\$75,000) to prepare the site for and plan, design, construct, equip and furnish a facility, including demolition of a building, for the Cottonwood valley charter school in the Socorro consolidated school district in Socorro county;

122. four million dollars (\$4,000,000) to plan, design, construct, equip and furnish pre-kindergarten classrooms statewide;

123. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a multipurpose building, including purchasing and installing portables, for the Taos municipal charter school in the Taos municipal school district in Taos county;

124. sixty thousand dollars (\$60,000) to plan, design, construct and equip improvements to La Cienega elementary school in the Questa independent school district in Taos county;

125. sixty-five thousand dollars (\$65,000) to purchase, install and construct bleachers at Des Moines high school in the Des Moines municipal school district in Union county;

126. three hundred fifty thousand dollars (\$350,000) to construct the weight room at Los Lunas high school in Los Lunas public school district in Valencia county;

127. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, renovate and expand the performing arts building at Belen high school in the Belen consolidated school district in Valencia county;

128. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment and furnishings, at Bosque Farms elementary school in Los Lunas public school district in Valencia county;

129. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip improvements to the walking track and repair and furnish the classrooms at Ann Parish elementary school in Los Lunas public school district in Valencia county; and

130. five hundred thousand dollars (\$500,000) to purchase and install track and field facilities at Belen high school in the Belen consolidated school district in Valencia county.

Chapter 111 Section 9 Laws 2006

Section 9. SERVICE FOR PERSONS WITH DISABILITIES PROJECT-- VOCATIONAL REHABILITATION DIVISION--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the vocational rehabilitation division of the public education department that the need exists for the issuance of the bonds, fifty thousand dollars (\$50,000) is appropriated to the vocational rehabilitation division of the public education department to purchase and equip vehicles and to purchase equipment for use by an organization providing employment and residential services to persons with disabilities in Albuquerque in Bernalillo county.

Chapter 111 Section 10 Laws 2006

Section 10. WILDFIRE PROTECTION 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, four

million dollars (\$4,000,000) is appropriated to the energy, minerals and natural resources department for engineering studies and environmental assessments, and to purchase and equip fire trucks, conduct wildfire mitigation projects, increase global information systems capability and develop community wildfire protection plans statewide.

Chapter 111 Section 11 Laws 2006

Section 11. 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. one hundred thousand dollars (\$100,000) to purchase water rights for the Carnuel mutual domestic water and wastewater consumers association in Carnuel in Bernalillo county;
2. two hundred thousand dollars (\$200,000) to design and construct the Spring river channel, including walls and drainage piping, in Roswell in Chaves county;
3. two hundred fifty thousand dollars (\$250,000) to plan, design and construct the rehabilitation of the dam at the San Mateo acequia in San Mateo in Cibola county;
4. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to diversion dams on the Cimarron river below Eagle Nest lake in Colfax county;
5. one hundred thousand dollars (\$100,000) to create a flood control map and plan for upper and lower Nogal canyon in Otero county;
6. four hundred thousand dollars (\$400,000) to plan and design basin hydrology, flood routing and spillway flood capacity and make repairs to the Ponderosa irrigation reservoir dam in Sandoval county;
7. two hundred thousand dollars (\$200,000) to plan, design and construct flood control and arroyo improvements in Jemez Springs in Sandoval county;
8. nine million dollars (\$9,000,000) for purchasing water rights and land and making related infrastructure improvements to implement the long-term strategy for the state's permanent compliance with the Pecos River Compact and the United States supreme court amended decree in *Texas v. New Mexico, No. 65 original*; and
9. five hundred thousand dollars (\$500,000) to repair and improve Cabresto Lake dam in Taos county.

Chapter 111 Section 12 Laws 2006

Section 12. ACEQUIA PROJECTS--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, the following amounts are appropriated to the interstate stream commission for the following purposes:

1. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the San Jose ditch and La Isla ditch in Mora county;
2. fifty thousand dollars (\$50,000) to make improvements, including installing culverts, to la acequia del Rito Diego in Mora in Mora county;
3. seventy-five thousand dollars (\$75,000) to plan, design and construct, including site preparation, a permanent inlet structure for the west Pecos acequia association in Pecos in San Miguel county;
4. fifty thousand dollars (\$50,000) to plan, design and construct improvements to acequias for the east Pecos ditch association in San Miguel county;
5. two hundred thousand dollars (\$200,000) to purchase and install acequia improvements, including pipelines, valves and head gates, for the acequia de la Cienega in La Cienega in Santa Fe county;
6. one hundred fifty thousand dollars (\$150,000) to construct acequia and pipeline improvements in Cuchillo in Sierra county; and
7. seventy thousand dollars (\$70,000) to plan, design and construct improvements to the acequia madre del Rio Grande in Taos county.

Chapter 111 Section 13 Laws 2006

Section 13. 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. two hundred thousand dollars (\$200,000) to plan, design and construct water system improvements in Tijeras in Bernalillo county;
2. one hundred fifty thousand dollars (\$150,000) for design, drainage, erosion control, grading and slope stabilization, including a solar photovoltaic system on the erosion control slope, as part of a landfill reuse and renewable energy project on

land owned by the state land office and the Albuquerque public school district in Albuquerque in Bernalillo county;

3. three hundred thousand dollars (\$300,000) to plan, design and construct a wastewater system in Tijeras in Bernalillo county;

4. fifty-five thousand dollars (\$55,000) to plan, design, construct and equip improvements to the water system for the Sierra Vista mutual domestic association in Bernalillo county;

5. ten thousand dollars (\$10,000) to purchase and install a water tank for the Wildwood substation fire suppression in Catron county;

6. one hundred thousand dollars (\$100,000) to plan, design and construct water system improvements for the Cumberland cooperative water users association in Chaves county;

7. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Fambrough mutual domestic water consumers association water system in Chaves county;

8. two hundred thousand dollars (\$200,000) to plan, design, construct, repair and improve a water well in Grants in Cibola county;

9. one hundred thousand dollars (\$100,000) to replace and improve water and sewer lines in Grants in Cibola county;

10. two hundred thousand dollars (\$200,000) to replace and improve water and sewer lines on Roosevelt, First and Second streets in Grants in Cibola county;

11. seventy-five thousand dollars (\$75,000) to plan, design and construct the Cubero land grant wastewater system in Cubero in Cibola county;

12. four hundred thousand dollars (\$400,000) to plan, design, construct and equip water system improvements, including replacing the water tank, lines and fire hydrants, in Melrose in Curry county;

13. four hundred thousand dollars (\$400,000) to purchase a wastewater pretreatment plant, acquire land, make improvements and design, equip and construct wastewater system infrastructure for economic development projects in Curry county;

14. fifty thousand dollars (\$50,000) to plan, design and construct a septic system and make other improvements at the fairgrounds in Dona Ana county;

15. fifty thousand dollars (\$50,000) to plan, design and construct wastewater improvements, including sewer lines and a force main line, in Milagro in Dona Ana county;
16. one hundred thousand dollars (\$100,000) for construction of the effluent reuse project at the Carlsbad municipal golf course in Carlsbad in Eddy county;
17. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements for the Otis water users cooperative in Eddy county;
18. one hundred fifty thousand dollars (\$150,000) to plan, design and construct water and wastewater improvements to the Morningside and lower subdivision area of Eddy county;
19. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to the wastewater system in Artesia in Eddy county;
20. two hundred twenty-five thousand dollars (\$225,000) to plan, design and construct improvements to the wastewater treatment plant in Silver City in Grant county;
21. three hundred thousand dollars (\$300,000) to plan, design, construct and equip a southern extension of the sewer and water line in Lordsburg in Hidalgo county;
22. two hundred thousand dollars (\$200,000) to plan, design and construct upgrades at the wastewater treatment plant in Jal in Lea county;
23. one hundred thousand dollars (\$100,000) to purchase and equip garbage trucks in Tatum in Lea county;
24. two hundred thousand dollars (\$200,000) to plan, design and construct water system improvements, including water wells, storage tanks and a booster station, in Eunice in Lea county;
25. two hundred thousand dollars (\$200,000) to plan, design and construct improvements, including replacement of pumps and related equipment, to the water distribution system in Lovington in Lea county;
26. two hundred forty thousand dollars (\$240,000) to drill and construct water wells in Lovington in Lea county;
27. three hundred eighty thousand dollars (\$380,000) to plan, design and construct or acquire a wastewater management system in Corona in Lincoln county;

28. one hundred sixty-one thousand dollars (\$161,000) to plan, design, construct and equip the expansion of the wastewater treatment plant jointly owned by Ruidoso and Ruidoso Downs in Lincoln county;

29. three hundred thousand dollars (\$300,000) to plan, design and construct the Green Tree solid waste transfer station and administration building for the Lincoln county solid waste authority in Ruidoso Downs in Lincoln county;

30. two hundred thousand dollars (\$200,000) to plan, design, construct and equip a regional wastewater facility in Ruidoso in Lincoln county;

31. one hundred thousand dollars (\$100,000) to restore the site for, demolish the old building and plan, design and construct the Bayo wastewater treatment plant in Los Alamos county;

~~32. four hundred fifty thousand dollars (\$450,000) to plan, design and construct a water line extension with fire hydrants, including purchase and installation of equipment, along Camp May road in Los Alamos in Los Alamos county;]~~ [**LINE-ITEM VETO**]

33. seventy thousand dollars (\$70,000) for improvements to the Gamercoco water and sanitation district water system in McKinley county;

34. two hundred twenty-five thousand dollars (\$225,000) to plan, design and construct the Williams Acres water and sanitation district water treatment system project in McKinley county;

35. one hundred thousand dollars (\$100,000) to plan, design and construct water system improvements for the Ya-Tah-Hey water and sanitation district in McKinley county;

36. four hundred fifty thousand dollars (\$450,000) to plan, design and construct a water and wastewater system for the White Cliffs mutual domestic water users association in McKinley county;

37. fifty thousand dollars (\$50,000) to plan and design an engineering study for the Bluewater Lake mutual domestic water consumers association in McKinley county;

38. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct improvements to the Agua Pura mutual domestic water consumers association, including purchasing and installing a water tank, upgrading water lines, constructing a building and acquiring property, in Mora county;

39. two hundred thousand dollars (\$200,000) to plan, design, construct and improve the drinking water system for the Twin Forks mutual domestic water consumers association in Otero county;

40. four hundred thousand dollars (\$400,000) to renovate, expand and improve the drinking water and wastewater systems for La Luz mutual domestic water consumers association in La Luz in Otero county;

41. one hundred thousand dollars (\$100,000) to design and construct a water distribution system for the Pineywoods estates water association in Otero county;

42. two hundred thousand dollars (\$200,000) to plan, design and construct water and wastewater system improvements in Tucumcari in Quay county;

43. seventy-five thousand dollars (\$75,000) to plan, design and construct a sewer system, including purchase and installation of equipment, in Logan in Quay county;

44. two hundred thousand dollars (\$200,000) to plan, design, construct and equip improvements to the landfill in Tucumcari in Quay county;

45. fifty thousand dollars (\$50,000) to plan, design and construct water and wastewater system improvements, including purchase and installation of equipment, in San Jon in Quay county;

46. two hundred twenty-five thousand dollars (\$225,000) to plan, design and construct improvements and extensions to the water system for the Alcalde mutual domestic water consumers and mutual sewage works association in Rio Arriba county;

47. one hundred twenty-five thousand dollars (\$125,000) to purchase and equip garbage and rodder trucks for Portales in Roosevelt county;

48. fifty thousand dollars (\$50,000) to plan, design, construct, acquire, equip and install city wastewater improvements in Portales in Roosevelt county;

49. three hundred seventy-five thousand dollars (\$375,000) to plan, design and construct improvements to the water system, including a pipeline to connect the upper La Plata water system to the lower valley water system, for the upper La Plata water users association in San Juan county;

50. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements to the Bloomfield water and wastewater system in San Juan county;

51. seventy-five thousand dollars (\$75,000) to plan, design and construct a water line along county road 5793 for the Lee Acres water users association in San Juan county;

52. three hundred thousand dollars (\$300,000) to plan, design, construct and equip improvements, including storage tanks, supply wells, pumphouses, waterlines, new connections, meters and fire hydrants, for El Valle water alliance in San Miguel county;

53. sixty thousand dollars (\$60,000) to plan, design, construct and equip improvements for the Rowe mutual domestic water consumers association in San Miguel county;

54. three hundred thousand dollars (\$300,000) to plan, design and construct water system improvements, including water lines, water tanks and hydrants, for the Ponderosa mutual domestic water consumers and sewage works association in Sandoval county;

55. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish public water system improvements for the Jemez Springs domestic water association in Sandoval county;

56. one hundred thousand dollars (\$100,000) to drill wells and purchase and install tanks and equipment for fire suppression in Corrales in Sandoval county;

57. four hundred thousand dollars (\$400,000) to plan, design, construct and equip water and wastewater system and facility improvements in Bernalillo in Sandoval county;

58. two hundred thousand dollars (\$200,000) to design and construct a convenience station at the southern Sandoval county regional landfill;

59. fifty thousand dollars (\$50,000) to plan, design and construct arsenic remediation and water treatment to comply with the environmental protection agency standards for the Jemez Springs domestic water association in Sandoval county;

60. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to the water and wastewater system in Bernalillo in Sandoval county;

61. fifty thousand dollars (\$50,000) to plan, design and construct a water treatment plant in San Ysidro in Sandoval county;

62. five hundred thousand dollars (\$500,000) for acquiring water rights, including needed applications and transfers, and for improvements to the water distribution system and wells for Agua Fria in Santa Fe county;

63. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements to the Canoncito at Apache Canyon mutual domestic water users association water system in Santa Fe county;

64. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a wastewater collection, treatment and disposal system in Edgewood in Santa Fe county;

65. two hundred thousand dollars (\$200,000) to plan, design and construct water system improvements for La Cienega mutual domestic water consumers and mutual sewage works association in La Cienega in Santa Fe county;

66. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish an integrated administration, operations and maintenance facility for the Eldorado water and sanitation district in Santa Fe county;

67. one million seven hundred thousand dollars (\$1,700,000) to plan, design and construct a wastewater treatment and collection system in Elephant Butte in Sierra county;

68. two hundred thousand dollars (\$200,000) to repair water tanks in Truth or Consequences in Sierra county;

69. one hundred thousand dollars (\$100,000) to plan, design and construct an expansion of the wastewater treatment plant, including acquiring property, in Truth or Consequences in Sierra county;

70. one hundred thousand dollars (\$100,000) to purchase a paddlewheel scraper for the landfill in Sierra county;

71. fifty thousand dollars (\$50,000) to purchase water rights and drill a well for the Polvadera mutual domestic water consumers association in Socorro county;

72. two hundred fifty thousand dollars (\$250,000) to purchase equipment for the solid waste department in Socorro county;

73. one hundred twenty-five thousand dollars (\$125,000) to make improvements to the water system, including construction of a well and a water storage tank and improvements to the metering system, for the upper Arroyo Hondo mutual domestic water association in Taos county;

74. three hundred thousand dollars (\$300,000) to plan, design and construct water system improvements, including water transmission lines and a storage tank, in Estancia in Tarrant county;

75. one hundred thousand dollars (\$100,000) to design, construct and line a subtitle D municipal solid waste landfill cell for the Estancia Valley solid waste authority in the Torrance county and Bernalillo county regional landfill; and

76. two hundred thousand dollars (\$200,000) to plan, design, construct, purchase, equip and install a water system in Des Moines in Union county.

Chapter 111 Section 14 Laws 2006

Section 14. 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, one million five hundred fifty thousand dollars (\$1,550,000) is appropriated to the state fair commission to plan, design, construct and equip a statewide African-American performing arts and exhibit hall at the state fairgrounds in Albuquerque in Bernalillo county.

Chapter 111 Section 15 Laws 2006

Section 15. FINANCE AND ADMINISTRATION PROJECTS--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, the following amounts are appropriated to the department of finance and administration for the following purposes:

1. four hundred twenty-five thousand dollars (\$425,000) for disbursement by the New Mexico mortgage finance authority pursuant to the Affordable Housing Act to renovate, expand and improve infrastructure for low-income rental housing to be managed by the Albuquerque mental health housing coalition in Albuquerque in Bernalillo county;

2. five million dollars (\$5,000,000) to acquire land and water rights and to plan, design and construct infrastructure for Cannon air force base in Curry county, contingent upon Cannon air force base being selected for a new mission; and

3. five million dollars (\$5,000,000) to provide funding for tribal infrastructure projects related to water, wastewater, electrical, communications, roads, health, emergency facilities and economic development statewide.

Chapter 111 Section 16 Laws 2006

Section 16. INDIAN AFFAIRS PROJECTS--INDIAN AFFAIRS DEPARTMENT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the Indian affairs department that the need exists for the issuance of the

bonds, the following amounts are appropriated to the Indian affairs department for the following purposes:

1. nine hundred thousand dollars (\$900,000) to plan, design and construct a judicial, police and emergency response complex at the Pueblo of Isleta in Bernalillo county;

2. one hundred two thousand dollars (\$102,000) to plan, design and replace the fire alarm system at the Indian pueblo cultural center in Albuquerque in Bernalillo county;

~~[3. seventy five thousand dollars (\$75,000) to plan, design, renovate and expand the east-facing entry of the Indian pueblo cultural center in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

4. fifty thousand dollars (\$50,000) to extend powerlines in the Ramah chapter of the Navajo Nation in Cibola county;

5. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip improvements to the Kawaika center in the Pueblo of Laguna in Cibola county;

6. fifty thousand dollars (\$50,000) for improvements to the parking area, lighting, signage and landscaping at the wellness center in the Ramah chapter of the Navajo Nation in Cibola county;

7. seventy thousand dollars (\$70,000) to plan, design and construct water system improvements, including water storage, distribution and a well, for the Pueblo of Laguna in Cibola county;

8. fifty thousand dollars (\$50,000) to plan, design and construct bathroom additions in the Iyanbito chapter of the Navajo Nation in McKinley county;

9. three hundred thousand dollars (\$300,000) to plan, design and construct water line extensions for the White Horse Lake chapter of the Navajo Nation in McKinley county;

10. one hundred thousand dollars (\$100,000) to plan, design and construct powerlines in the Manuelito chapter of the Navajo Nation in McKinley county;

11. one hundred thousand dollars (\$100,000) to plan, design and construct water lines in the Mexican Springs chapter of the Navajo Nation in McKinley county;

12. one hundred thousand dollars (\$100,000) to plan, design and construct a multipurpose building in the Rock Springs chapter of the Navajo Nation in McKinley county;

13. fifty thousand dollars (\$50,000) to plan, design and construct the restoration of Our Lady of Guadalupe mission at the Pueblo of Zuni in McKinley county;

14. one hundred thousand dollars (\$100,000) to plan, design and construct an arts and visitors center at the Pueblo of Zuni in McKinley county;

15. fifty thousand dollars (\$50,000) to purchase and equip a four-wheel-drive emergency response vehicle at the Red Rock chapter of the Navajo Nation in McKinley county;

16. five hundred thousand dollars (\$500,000) to plan, design and construct a transportation center in Tse Bonito on the Navajo Nation in McKinley county;

17. fifty thousand dollars (\$50,000) to construct a warehouse for equipment in the Coyote Canyon chapter of the Navajo Nation in McKinley county;

18. fifty thousand dollars (\$50,000) for renovations to the chapter house in the Coyote Canyon chapter of the Navajo Nation in McKinley county;

19. one hundred thousand dollars (\$100,000) to plan, design and construct a water and wastewater system in the Mariano Lake chapter of the Navajo Nation in McKinley county;

20. fifty thousand dollars (\$50,000) to plan, design, construct and equip a Crownpoint judicial complex for the Navajo Nation in McKinley county;

21. one hundred fifty thousand dollars (\$150,000) to construct a fire station for the Chichiltah chapter of the Navajo Nation in McKinley county;

22. two hundred thousand dollars (\$200,000) to plan, design, construct and equip bathroom additions at the White Rock chapter of the Navajo Nation in McKinley county;

23. fifty thousand dollars (\$50,000) to improve and redevelop the pueblo church park at the Pueblo of Isleta in Bernalillo, Tarrant and Valencia counties;

24. fifty thousand dollars (\$50,000) to improve and redevelop the park in the Chical neighborhood at the Pueblo of Isleta in Bernalillo, Tarrant and Valencia counties;

25. fifty thousand dollars (\$50,000) to conduct a land survey and archaeological clearance survey for the Navajo Nation department of veterans' affairs to determine feasibility for veterans' housing assistance home construction;

26. eight hundred fifty-three thousand dollars (\$853,000) to plan, design, construct and equip a fire station for the Mescalero Apache Tribe in Otero county;

27. eighty-three thousand dollars (\$83,000) to plan, design, construct and equip a skateboard park for the Mescalero Apache Tribe in Otero county;

28. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct and equip a fire station, including purchase and installation of a metal building, at Ohkay Owingeh in Rio Arriba county;

29. three hundred thousand dollars (\$300,000) to plan, design and construct a wastewater system and water lines for the Shiprock chapter of the Navajo Nation in San Juan county;

30. four hundred thousand dollars (\$400,000) to plan, design and construct a veterans complex in Shiprock on the Navajo Nation in San Juan county;

~~31. two hundred thousand dollars (\$200,000) to plan, design, construct and equip a multipurpose education and wellness center at the Pueblo of Santa Ana in Sandoval county;~~ [**LINE-ITEM VETO**]

32. two hundred thousand dollars (\$200,000) to plan, design and construct a regional water and wastewater system for the Pueblo of San Felipe in Sandoval county;

33. seventy thousand dollars (\$70,000) to purchase and equip a fire truck for the Pueblo of Santo Domingo in Sandoval county;

34. fifty thousand dollars (\$50,000) to plan, design and construct an emergency medical services, fire station and police complex off New Mexico highway 22 near interstate 25 in the Pueblo of Santo Domingo in Sandoval county;

35. one hundred thousand dollars (\$100,000) to plan, design, construct and equip an ambulatory care facility at the Pueblo of Zia in Sandoval county;

36. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, improve and equip the Poeh suntower and studio space at the museum of the Poeh cultural center in the Pueblo of Pojoaque in Santa Fe county;

37. seventy thousand dollars (\$70,000) to plan, design, construct, equip and furnish a multipurpose law enforcement training facility at the Pueblo of Tesuque in Santa Fe county;

38. five hundred fifty thousand dollars (\$550,000) to plan, design and construct a wellness center at Santa Fe Indian school in Santa Fe in Santa Fe county;

39. two hundred thousand dollars (\$200,000) to plan, design, construct and improve a multipurpose building and infrastructure at the Pueblo of Nambe in Santa Fe county;

40. one hundred thirty thousand dollars (\$130,000) for repairs to the tribal judicial facility at the Pueblo of Tesuque in Santa Fe county;

41. forty thousand dollars (\$40,000) to plan, design and construct a multipurpose student living and lifelong education center for the institute of American Indian arts in Santa Fe county;

42. five hundred thousand dollars (\$500,000) to plan, design and construct the necessary telecommunications and technological infrastructure, including acquisition of rights of way and surveys, needed in counties to provide internet access as part of the internet-to-hogan initiative statewide;

43. two hundred eighty thousand dollars (\$280,000) to plan, design and construct renovations and improvements to the administrative office, clinic, youth development center and fire station on the Pueblo of Picuris in Taos county;

44. two hundred thirty-five thousand dollars (\$235,000) to purchase road graders for the Pueblo of Picuris in Taos county;

45. fifty thousand dollars (\$50,000) to improve and re-establish a park in the Pichele heights neighborhood at the Pueblo of Isleta in Valencia county; and

46. fifty thousand dollars (\$50,000) to renovate and improve the Ranchitas neighborhood park at the Pueblo of Isleta in Valencia county.

Chapter 111 Section 17 Laws 2006

Section 17. WEBCASTING PROJECT--LEGISLATIVE COUNCIL SERVICE--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the legislative council service that the need exists for the issuance of the bonds, seventy-five thousand dollars (\$75,000) is appropriated to the legislative council service to plan and design a system and purchase and install equipment required to webcast legislative sessions at the state capitol in Santa Fe in Santa Fe county.

Chapter 111 Section 18 Laws 2006

Section 18. 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. five hundred thirty thousand dollars (\$530,000) to plan, design, construct and equip improvements to Shooting Range park in Albuquerque in Bernalillo county;

2. three hundred thousand dollars (\$300,000) to plan, design and construct a transitional housing facility for the metropolitan assessment and treatment services program in Bernalillo county;
3. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip a small business incubator for the Carnue land grant community in Bernalillo county;
4. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, equip and furnish improvements at the West Mesa community center in Albuquerque in Bernalillo county;
5. six hundred fifty thousand dollars (\$650,000) to plan, design, construct and equip a multipurpose family services center in the south valley in Bernalillo county;
6. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Martineztown park and walkway in Albuquerque in Bernalillo county;
7. seven hundred thousand dollars (\$700,000) to plan, design, construct, equip and furnish a business incubator in east downtown Albuquerque in Bernalillo county;
8. one hundred thousand dollars (\$100,000) for construction of Valle del Bosque park, including athletic facilities, open turf areas, parking areas and purchase and installation of an irrigation system, in Bernalillo county;
9. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to and rehabilitation of the historic Hubbell house, to be used as an educational and community facility in Bernalillo county;
10. twenty-five thousand dollars (\$25,000) for purchasing and renovating a building and purchasing and installing equipment for channel 27 and quote unquote organizations in Albuquerque in Bernalillo county;
11. fifty thousand dollars (\$50,000) to purchase Olympic power-lifting equipment for an Olympic weightlifting program in Bernalillo county;
12. three hundred thousand dollars (\$300,000) to plan, design, construct, equip and furnish improvements to fields and facilities for Roadrunner little league in Albuquerque in Bernalillo county;
13. two hundred thousand dollars (\$200,000) to design, construct and furnish recreation courts, landscaping and improvements at Manzano Mesa community park in Albuquerque in Bernalillo county;

14. three hundred fifty thousand dollars (\$350,000) to design, construct and equip a public safety building at Balloon Fiesta park in Albuquerque in Bernalillo county;

15. four hundred seventy-five thousand dollars (\$475,000) to plan, design, construct and purchase equipment, furnishings and exhibits for the Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county;

16. thirty thousand dollars (\$30,000) to design and construct improvements, including site preparation and a visitors' center, at the Piedras Marcadas pueblo ruins in Albuquerque in Bernalillo county;

17. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a multipurpose center at Bachechi park in Bernalillo county;

18. three hundred thousand dollars (\$300,000) to design, construct and renovate the Hiland theater in Bernalillo county;

19. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct the Amistad youth crisis shelter in Albuquerque in Bernalillo county;

~~[20. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Altamont little league facility and fields in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

21. two hundred thousand dollars (\$200,000) to purchase open space land adjacent to Los Poblanos and Anderson fields in Los Ranchos de Albuquerque in Bernalillo county;

22. four hundred thousand dollars (\$400,000) to plan, design, construct and equip a park facility at the north Domingo Baca park in Albuquerque in Bernalillo county;

23. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, equip and furnish improvements to the Mesa Verde community center in Albuquerque in Bernalillo county;

24. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, equip and furnish improvements, including a concession stand and equipment, for the Alameda little league complex in Albuquerque in Bernalillo county;

25. one hundred thousand dollars (\$100,000) to plan for a business improvement district in the Nob Hill highland metropolitan redevelopment area in Albuquerque in Bernalillo county;

~~[26. one hundred thousand dollars (\$100,000) to plan, design and construct improvements and facilities at Avalon park in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

27. two hundred thousand dollars (\$200,000) to renovate, improve and equip a rape crisis center in Albuquerque in Bernalillo county;

28. seventy-five thousand dollars (\$75,000) to renovate the mid-region council of governments building, including improvements to comply with the Americans with Disabilities Act of 1990, in Albuquerque in Bernalillo county;

29. three hundred seventy-five thousand dollars (\$375,000) to design and construct improvements, including fencing, playgrounds, basketball courts and site amenities, at Los Padillas multipurpose field in Bernalillo county;

30. two hundred fifty thousand dollars (\$250,000) to design, construct and furnish, including site improvements, paving, walkways, a shade pavilion, exterior lighting and landscaping, the village center in Tijeras in Bernalillo county;

31. three hundred fifty thousand dollars (\$350,000) to improve, equip and furnish the village hall, including upgrading plumbing fixtures, replacing kitchen cabinets and furnishing the facility, in Tijeras in Bernalillo county;

32. one hundred thirty thousand dollars (\$130,000) to plan, design, construct and renovate the tennis courts, including drainage improvements, at Rio Bravo park in Bernalillo county;

~~[33. seventy five thousand dollars (\$75,000) to plan, design and construct improvements, including purchase and installation of equipment, at Jerry Cline park in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

34. four hundred thousand dollars (\$400,000) to plan, design, construct, equip and furnish a public health district 1 clinic, including administrative offices, in Albuquerque in Bernalillo county;

35. two hundred thousand dollars (\$200,000) to purchase and install heating, ventilation and cooling units and fire suppression sprinklers at the juvenile detention center in Albuquerque in Bernalillo county;

36. two hundred thousand dollars (\$200,000) to plan, design and construct Vista del Norte park in Albuquerque in Bernalillo county;

37. four hundred thousand dollars (\$400,000) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum, including purchase and installation of exhibits, in Los Ranchos de Albuquerque in Bernalillo county;

38. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip the south valley economic development center in Bernalillo county;

39. six hundred thousand dollars (\$600,000) to acquire land for and plan, design and construct a fire station in Los Ranchos de Albuquerque in Bernalillo county;

40. two hundred thousand dollars (\$200,000) to renovate the Thunderbird little league fields and facilities in Albuquerque in Bernalillo county;

41. nine hundred thousand dollars (\$900,000) to plan, design, construct, equip and furnish an addition to the building and to design, construct, purchase and install exhibits, furnishings and equipment for the Explora science center and children's museum in Albuquerque in Bernalillo county;

42. four hundred thousand dollars (\$400,000) to purchase, plan, design, construct and equip a building for the New Mexico holocaust and intolerance museum and study center in Albuquerque in Bernalillo county;

43. one million two hundred ten thousand dollars (\$1,210,000) to plan, design and construct a gymnasium at East Mountain charter high school in Bernalillo county;

44. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, equip and furnish an insectarium at the Rio Grande botanical gardens in Albuquerque in Bernalillo county;

45. four hundred twenty thousand dollars (\$420,000) to acquire, plan, design, expand, improve and equip the national institute of flamenco facility in Albuquerque in Bernalillo county;

46. fifty thousand dollars (\$50,000) to plan, design, construct and equip baseball fields at the Vista Grande community center, including installing field lighting, in Bernalillo county;

47. one hundred thousand dollars (\$100,000) to plan, design and construct the Boca Negra park and trailhead in Albuquerque in Bernalillo county;

~~[48. one hundred thousand dollars (\$100,000) to construct and equip a multipurpose child abuse prevention and treatment facility in the south valley of Bernalillo county;]~~ [**LINE-ITEM VETO**]

49. one hundred twenty thousand dollars (\$120,000) to renovate, construct and expand the Lobo little league fields and facilities in Albuquerque in Bernalillo county;

50. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and furnish a Dr. Martin Luther King, Jr., memorial in Albuquerque in Bernalillo county;

51. one hundred eighteen thousand dollars (\$118,000) for a pedestrian path, ramp and bridge connecting to the bosque at the open space visitors' center on the west side of Albuquerque in Bernalillo county;

52. two hundred thousand dollars (\$200,000) to plan, design and construct public infrastructure, including streets, water, sewer, drainage, grading and sidewalks, at the Sawmill community land trust in Bernalillo county;

53. one hundred thousand dollars (\$100,000) to purchase and install information technology, including related equipment and furniture, for an organization that provides support services to children and adults with developmental disabilities in Albuquerque in Bernalillo county;

54. three hundred eighty thousand dollars (\$380,000) to plan, design, construct, equip, furnish, renovate and expand a multipurpose theater and stage for the Paradise Hills community center in Bernalillo county;

55. fifty thousand dollars (\$50,000) to plan, design, construct and equip the Paradise Hills community center with a heating and cooling system in Bernalillo county;

56. two hundred fifty thousand dollars (\$250,000) to renovate and expand the Centro Familiar family and youth services facility in Albuquerque in Bernalillo county;

57. three million two hundred thousand dollars (\$3,200,000) to plan, design and construct improvements and purchase related equipment and furniture for Balloon Fiesta park in Albuquerque in Bernalillo county;

58. three hundred thousand dollars (\$300,000) to design, engineer and construct the North Valley demonstration trail along the Griegos drain between Chavez and Griegos roads, including a multiuse trail surface, trailheads, parking, artwork and a grade-separated crossing, at Montano road in Bernalillo county;

~~[59. one hundred thousand dollars (\$100,000) to construct and make related improvements to a multipurpose trail on Paseo del Norte to Alameda boulevard connecting to the Balloon Fiesta park in Albuquerque in Bernalillo county;~~

~~60. seventy-five thousand dollars (\$75,000) for playground equipment and upgrades at Jade park in Albuquerque in Bernalillo county;]~~ **[LINE-ITEM VETO]**

61. two hundred thousand dollars (\$200,000) to plan, design and construct a multipurpose facility adjacent to the juvenile detention center in Albuquerque in Bernalillo county;

62. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish improvements to the Albuquerque animal shelters in Bernalillo county;

63. two hundred fifty thousand dollars (\$250,000) to purchase and equip mobile clinic vans and transport vans for the spay and neuter program in Albuquerque in Bernalillo county;

64. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, equip and furnish a high-volume spay and neuter clinic in Albuquerque in Bernalillo county;

65. one hundred thirty-five thousand dollars (\$135,000) to purchase and renovate facilities, including exterior sites, for a health clinic and employment center in La Mesa neighborhood in Bernalillo county;

~~66. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a community center in city council district 8 in Albuquerque in Bernalillo county;~~ [**LINE-ITEM VETO**]

67. fifty thousand dollars (\$50,000) to plan, design, construct and equip infrastructure necessary for the commercial development center, including roads and water and wastewater systems, for the Carnue land grant community in Bernalillo county;

68. three hundred fifty thousand dollars (\$350,000) to acquire land for and design and construct fields, buildings and other facilities for the North Valley little league at a site currently owned by Our Lady of Guadalupe church in Bernalillo county;

69. one hundred thousand dollars (\$100,000) to design and construct improvements to the main library in Albuquerque in Bernalillo county;

70. three hundred thousand dollars (\$300,000) to renovate, equip and furnish a multipurpose facility for persons with disabilities in the north valley of Albuquerque in Bernalillo county;

71. one hundred seventy-five thousand dollars (\$175,000) to purchase helicopters for the sheriff's department in Bernalillo county;

~~72. two hundred thousand dollars (\$200,000) to purchase land for open space in the Four Hills area of Albuquerque in Bernalillo county;~~

~~73. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a strip park on Tramway boulevard between Lomas boulevard and Copper avenue in Albuquerque in Bernalillo county;] [**LINE-ITEM VETO**]~~

74. fifty thousand dollars (\$50,000) to acquire land for a fire station in the Ventana Ranch area of Albuquerque in Bernalillo county;

75. one hundred fifty thousand dollars (\$150,000) to design and construct improvements, including purchase and installation of equipment, to Ventana Ranch park in Albuquerque in Bernalillo county;

76. fifty-five thousand dollars (\$55,000) to purchase road maintenance vehicles for Los Ranchos de Albuquerque in Bernalillo county;

77. six hundred thousand dollars (\$600,000) to purchase and install information technology, including related equipment and furniture, for the police department in Albuquerque in Bernalillo county;

78. three hundred thousand dollars (\$300,000) to plan, design and construct an entrance road and parking area for the national atomic museum in Albuquerque in Bernalillo county;

79. one hundred thousand dollars (\$100,000) to purchase and install furniture and equipment for and to renovate the main library in Albuquerque in Bernalillo county;

80. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish, including exterior site improvements, the open space visitors' center on the west side of Albuquerque in Bernalillo county;

~~[81. fifty thousand dollars (\$50,000) to build a monument to Edmund G. Ross in Bernalillo county;] [**LINE-ITEM VETO**]~~

82. fifteen thousand dollars (\$15,000) to purchase and install soccer field lights in Phil Chacon park in the Trumbull neighborhood of Albuquerque in Bernalillo county;

83. ten thousand dollars (\$10,000) to plan and design a center to assist immigrants in attaining United States citizenship, to be located at Central and Rhode Island avenues in Albuquerque in Bernalillo county;

84. twenty-five thousand dollars (\$25,000) to design and renovate the Sawmill property and facility in the Sawmill neighborhood of Albuquerque in Bernalillo county;

85. three hundred thousand dollars (\$300,000) to plan, design, construct and equip outdoor fitness factories in house district 13 in Albuquerque in Bernalillo county;

~~[86. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements to Montgomery pool in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

87. two hundred thousand dollars (\$200,000) to plan, design and construct public infrastructure and streetscape improvements to the Central/Highland upper Nob Hill redevelopment area in Albuquerque in Bernalillo county;

88. thirty thousand dollars (\$30,000) for a shade structure at Phil Chacon park in the Trumbull neighborhood in Albuquerque in Bernalillo county;

89. two hundred fifty thousand dollars (\$250,000) to acquire land for and plan, design and construct a facility for the urban agriculture program in the south valley in Bernalillo county;

90. fifty thousand dollars (\$50,000) to purchase books and information technology, including related equipment and furnishings, for the Cherry Hills library in Albuquerque in Bernalillo county;

91. one hundred fifty thousand dollars (\$150,000) to construct an emergency management facility at the county fairgrounds in Catron county;

92. three hundred thousand dollars (\$300,000) to plan, design, construct and install a statue of Pat Garrett for the plaza and parking area east of the courthouse in Roswell in Chaves county;

93. three hundred seventy thousand dollars (\$370,000) to plan, design and construct improvements to the Cielo Grande recreation area in Roswell in Chaves county;

94. four hundred thousand dollars (\$400,000) to plan, design and construct improvements, including replacing the sprinkler system, to the South Park cemetery in Roswell in Chaves county;

95. sixty thousand dollars (\$60,000) to plan, design and construct a police station and a courthouse, including a parking lot, in Lake Arthur in Chaves county;

~~[96. one hundred thousand dollars (\$100,000) to plan, design and construct renovations to the baseball field, including purchase and installation of a cover and scoreboard, at the Noon Optimist baseball complex in Roswell in Chaves county;]~~ [**LINE-ITEM VETO**]

97. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct baseball fields at the Wool Bowl in Roswell in Chaves county;

98. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a firefighter training facility in Roswell in Chaves county;

99. two hundred fifty thousand dollars (\$250,000) to plan, design and construct infrastructure improvements to the museum and arts center in Roswell in Chaves county;

100. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements to the adult center, the parks and recreation administrative office and the park swimming pool in Roswell in Chaves county;

101. fifty thousand dollars (\$50,000) to purchase vehicles for the police department in Roswell in Chaves county;

102. two hundred thousand dollars (\$200,000) to plan, design and construct a public swimming pool, bathhouse, concession building and restrooms at Lake Van in Dexter in Chaves county;

103. four hundred thousand dollars (\$400,000) to plan, design and construct a fire station in Hagerman in Chaves county;

104. fifty thousand dollars (\$50,000) to plan, design, construct, purchase and repair the softball complex at the Wool Bowl in Roswell in Chaves county;

105. one hundred thousand dollars (\$100,000) to plan, design, construct, improve and renovate the UFO museum in Roswell in Chaves county;

106. seventy-five thousand dollars (\$75,000) to construct and equip a fire station for the Candy Kitchen fire department in Cibola county;

107. one hundred thousand dollars (\$100,000) to renovate the courthouse in Cibola county;

108. seventy-five thousand dollars (\$75,000) to plan, design and construct a new municipal court building in Grants in Cibola county;

109. seventy-five thousand dollars (\$75,000) to repair and improve the economic development building in Grants in Cibola county;

110. two hundred thousand dollars (\$200,000) to repair and improve buildings on Main street and Santa Fe avenue in Grants for the Cibola county historical museum and art gallery;

111. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish a fire department in Cubero in Cibola county;

112. one hundred thousand dollars (\$100,000) to design and renovate a county complex in Cibola county;

113. four hundred thousand dollars (\$400,000) to plan, design, construct, equip and furnish a recreation and aquatic center in Raton in Colfax county;

114. sixty-five thousand dollars (\$65,000) to plan, design, construct and equip a velodrome park in Angel Fire in Colfax county;

115. two hundred thousand dollars (\$200,000) to plan, design, construct and equip the Clovis industrial park, including roads, curbs, gutters, drainage, utility infrastructure, wastewater infrastructure, a business accelerator facility and railroad siding and fixtures, in Curry county;

116. nine hundred thousand dollars (\$900,000) to plan, design, construct, equip and furnish a special events center at the fairgrounds in Curry county;

117. one hundred thousand dollars (\$100,000) to plan, design, construct and equip street and landscape improvements for the mainstreet program in Clovis in Curry county;

118. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, equip and furnish a wellness and youth development center in Clovis in Curry county;

119. three hundred thousand dollars (\$300,000) to acquire land and buildings, make improvements and plan, design, construct, equip and furnish the Norman Petty studios and museum in Clovis in Curry county;

120. five hundred fifty thousand dollars (\$550,000) to plan, design, construct, equip and furnish a multipurpose facility/special events center and make fairgrounds improvements in Clovis in Curry county;

121. fifty thousand dollars (\$50,000) to purchase and equip an ambulance in Grady in Curry county;

122. fifty thousand dollars (\$50,000) to acquire and equip an ambulance for the Texico volunteer fire and rescue department in Texico in Curry county;

123. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a community center, including site infrastructure, in Butterfield in Dona Ana county;

124. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the Placitas community center and park in Placitas in Dona Ana county;

~~[125. fifty thousand dollars (\$50,000) to plan, design and construct additions and supporting infrastructure, including restrooms, for future expansion at the High Noon soccer complex in Las Cruces in Dona Ana county;]~~ [**LINE-ITEM VETO**]

126. fifty thousand dollars (\$50,000) to acquire rights of way for and purchase and install bus shelters for the city transit system in Las Cruces in Dona Ana county;

127. two hundred thousand dollars (\$200,000) to acquire land and existing buildings for the Rodey community center in Rodey in Dona Ana county;

128. one hundred nine thousand dollars (\$109,000) to plan, design, construct and equip a swimming pool in Hatch in Dona Ana county;

129. nine hundred fifty thousand dollars (\$950,000) to plan, design and construct a multipurpose public safety building in Hatch in Dona Ana county;

130. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip improvements, including soccer equipment, concession and restroom facilities, paving and lighting, at Delores Wright memorial park in Chaparral in Dona Ana county;

131. fifty thousand dollars (\$50,000) to plan, design, construct and equip an addition to La Casa domestic violence shelter in Las Cruces in Dona Ana county;

132. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the dormitories in fire station 5 in Las Cruces in Dona Ana county;

133. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the dormitories in fire station 4 in Las Cruces in Dona Ana county;

134. fifty thousand dollars (\$50,000) to plan, design and construct an expansion to the Branigan library in Las Cruces in Dona Ana county;

~~[135. fifty thousand dollars (\$50,000) to plan, design and construct a parking lot at the Ben Archer health clinic facility in Dona Ana county;]~~

~~136. fifty thousand dollars (\$50,000) to prepare the site for and plan, design, construct, equip and furnish a community center in La Mesa in Dona Ana county;]~~ [**LINE-ITEM VETO**]

137. fifty thousand dollars (\$50,000) to plan, design and construct, including site improvements, the Vado del Cerro community center in Vado in Dona Ana county;

138. one hundred thousand dollars (\$100,000) to acquire and renovate a building, to be owned by Dona Ana county, in Las Cruces for La Pinon sexual assault recovery of southern New Mexico;

139. fifty thousand dollars (\$50,000) to plan, design, construct and equip the expansion of the Fairacres volunteer fire department station in Dona Ana county;

140. fifty thousand dollars (\$50,000) to purchase vehicles and equipment for drainage maintenance and control in Dona Ana county;

141. fifty thousand dollars (\$50,000) to renovate the third judicial district court building in Dona Ana county;

142. fifty thousand dollars (\$50,000) to purchase fire suppression vehicles, including a pumper tanker, to serve communities in Dona Ana county;

~~143. fifty thousand dollars (\$50,000) to acquire land for and plan, design, construct, equip and furnish the Chamberino community center in Dona Ana county;]~~
[LINE-ITEM VETO]

144. fifty thousand dollars (\$50,000) to purchase and install video cameras in sheriff's department vehicles in Dona Ana county;

145. fifty thousand dollars (\$50,000) to plan, design and construct a community park in Santa Teresa in Dona Ana county;

~~146. fifty thousand dollars (\$50,000) for a feasibility study to construct a swimming pool in southern Dona Ana county;]~~ **[LINE-ITEM VETO]**

147. seventy-five thousand dollars (\$75,000) to plan, design and construct the Anthony-Berino business park in Anthony in Dona Ana county;

148. one hundred thousand dollars (\$100,000) to plan, design and construct the south valley regional recreation center in Dona Ana county;

149. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct a community center in Sunland Park in Dona Ana county;

150. two hundred thousand dollars (\$200,000) to construct a sports complex in Sunland Park in Dona Ana county;

151. seventy thousand dollars (\$70,000) to construct an expansion to the J. Paul Taylor visitor center in Mesilla in Dona Ana county;

152. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a multipurpose center in Chamberino in Dona Ana county;

153. seventy-five thousand dollars (\$75,000) to plan, design and construct a park in Butterfield in Dona Ana county;

~~154. one hundred thousand dollars (\$100,000) to plan, design and construct a skate park in Radium Springs in Dona Ana county;]~~ [**LINE-ITEM VETO**]

155. nine million one hundred twenty-four thousand five hundred dollars (\$9,124,500) to acquire land for, plan, design, construct, equip and furnish an aquatic and family recreation center in Las Cruces in Dona Ana county; provided that the facility is not named after any person living or dead and that the location of the facility is determined by the respective legislators from house districts 33, 34, 35, 36, 37, 52 and 53 and senate districts 31, 36, 37 and 38;

156. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including purchase and installation of equipment, for Anthony park in Dona Ana county;

157. one hundred fifty thousand dollars (\$150,000) to purchase, install and equip a portable building for the boxing club in Anthony in Dona Ana county;

158. one hundred thousand dollars (\$100,000) to plan, design and construct improvements and renovations to the resource center in Mesquite in Dona Ana county;

159. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the parking lot of the Mesquite mutual domestic water consumers and mutual sewer works association in Mesquite in Dona Ana county;

160. one million fifty thousand dollars (\$1,050,000) to plan, design and construct improvements to the downtown plaza in Las Cruces in Dona Ana county;

~~161. fifty thousand dollars (\$50,000) to plan, design and construct the renovation and expansion, including a parking lot and walking paths, of the Mesilla Park community center in Las Cruces in Dona Ana county;]~~ [**LINE-ITEM VETO**]

162. four hundred thousand dollars (\$400,000) to plan, design and construct a facility for the Dona Ana boxing club, including site and infrastructure improvements, in Dona Ana in Dona Ana county;

163. one million dollars (\$1,000,000) to acquire land for and plan, design and construct improvements related to the revitalization of Dona Ana in Dona Ana county;

164. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Carlsbad riverwalk recreation center in Carlsbad in Eddy county;

165. five hundred fifty thousand dollars (\$550,000) to plan, design, construct, furnish and equip the cave and karst research institute in Carlsbad in Eddy county;

166. two hundred thousand dollars (\$200,000) to plan, design and construct a youth sports complex in Carlsbad in Eddy county;

167. seventy thousand dollars (\$70,000) to plan, design and construct improvements to the Walter Gerrells performing arts and exhibition center in Carlsbad in Eddy county;

168. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a domestic violence shelter in Carlsbad in Eddy county;

169. one hundred thousand dollars (\$100,000) to construct, equip and furnish the expansion to Artesia general hospital in the Artesia special hospital district in Eddy county;

170. one hundred thousand dollars (\$100,000) to design and construct improvements, including improvements to comply with the Americans with Disabilities Act of 1990 and additional paving, for the Sheriff Posse rodeo arena in Eddy county;

171. two hundred thousand dollars (\$200,000) to design and construct a health office in Artesia in Eddy county;

172. one hundred thousand dollars (\$100,000) to purchase and equip a water tanker for wildland and rangeland fire protection for the Loving volunteer fire department in Loving in Eddy county;

173. seventy-five thousand dollars (\$75,000) to purchase multimedia equipment for Eddy county;

174. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a residential treatment center in Eddy county;

175. two hundred fifty thousand dollars (\$250,000) to construct repairs to sidewalks, including paving, in Silver City in Grant county;

176. one hundred thousand dollars (\$100,000) to plan, design and construct an emergency medical services facility at Gila regional medical center in Silver City in Grant county;

177. four hundred sixty-five thousand dollars (\$465,000) to plan, design, construct, equip and furnish a county-owned multipurpose facility for Casa Mia ranch in Silver City in Grant county;

178. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip improvements to the Fort Bayard Bataan memorial park in Santa Clara in Grant county;

179. two hundred thousand dollars (\$200,000) to plan, design and construct an industrial park in Grant county;

~~180. seventy thousand dollars (\$70,000) to construct improvements, including a well, to the Cliff Gila cemetery in Grant county;~~ [**LINE-ITEM VETO**]

181. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip a library and instruction center in Anton Chico in Guadalupe county;

182. fifty thousand dollars (\$50,000) to purchase and equip an ambulance in district 1 in Harding county;

183. three hundred thousand dollars (\$300,000) to plan, design, construct, equip and furnish a detention center in Lordsburg in Hidalgo county;

184. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a city hall in Lordsburg in Hidalgo county;

185. three hundred ninety thousand dollars (\$390,000) to plan, design and construct a roof replacement and purchase and install an air conditioning system at the county event center in Lea county;

186. five hundred thousand dollars (\$500,000) to plan, design, construct, equip and furnish a new animal shelter in Hobbs in Lea county;

187. three hundred thousand dollars (\$300,000) to renovate and expand the Lovington medical clinic at Nor-Lea general hospital in Lovington in Lea county;

188. two hundred seventy-six thousand dollars (\$276,000) to upgrade the emergency services communications system in Lovington in Lea county;

189. one hundred ninety-eight thousand dollars (\$198,000) to purchase and equip ambulances for Lovington in Lea county;

190. sixty-four thousand dollars (\$64,000) to plan, design, construct, renovate and repair the fairgrounds in Lincoln county;

191. three hundred thousand dollars (\$300,000) to plan, design, construct and equip an amphitheater, pavilion and restroom facilities in Deming in Luna county;

192. five hundred thousand dollars (\$500,000) to plan, design and construct a judicial complex for the sixth judicial district in Deming in Luna county;

193. eight hundred thousand dollars (\$800,000) to renovate the Luna county courthouse, including third floor renovations and historic restoration of the original courtroom, in Luna county;

194. three hundred fifty thousand dollars (\$350,000) to acquire land for and plan, design and construct stockyards at the port of entry in Columbus in Luna county;

195. three hundred thousand dollars (\$300,000) to plan, design and construct a sheriff's department building in McKinley county;

196. sixty-five thousand dollars (\$65,000) to purchase and install equipment to comply with the Help America Vote Act of 2002 at the bureau of elections office in McKinley county;

197. ninety thousand dollars (\$90,000) to remodel and equip the county-owned building used by the northwest New Mexico council of governments in Gallup in McKinley county;

198. one hundred thousand dollars (\$100,000) to plan, design and construct paving, fencing, erosion control and community gardens and to purchase a truck for the community pantry project in McKinley county;

199. two hundred thousand dollars (\$200,000) to plan, design and construct a police facility, including facilities for the municipal court, in Gallup in McKinley county;

200. fifty thousand dollars (\$50,000) to purchase a bus for the head start program in Gallup in McKinley county;

201. one hundred thousand dollars (\$100,000) to plan, design and construct a multipurpose indoor arena, including a Native American pavilion, museum and parking facility, in McKinley county;

202. seventy-five thousand dollars (\$75,000) to plan, design and renovate the Gallup business incubator in McKinley county;

203. seventy thousand dollars (\$70,000) to purchase and equip vehicles for the juvenile substance abuse crisis center in McKinley county;

204. fifty thousand dollars (\$50,000) to acquire land for and plan, design, construct, equip and furnish low-income rental housing for people living in poverty in McKinley county;

205. one hundred thousand dollars (\$100,000) to plan, design and equip improvements to the county-owned northwest New Mexico council of governments building in Gallup in McKinley county;

206. two hundred forty thousand dollars (\$240,000) to plan, design, construct, equip and furnish a police facility in Gallup in McKinley county;

207. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a community center in Watrous in Mora county;

208. one hundred fifty thousand dollars (\$150,000) to plan, design and construct the Sangre de Cristo complex in Mora in Mora county;

209. five hundred thousand dollars (\$500,000) to plan, design, construct and make improvements to a community resource center in Chimayo in Santa Fe and Rio Arriba counties;

~~[210. one hundred thirteen thousand dollars (\$113,000) to renovate and improve buildings, including roof replacement and electrical, heating and cooling improvements, at the Otero county fairgrounds in Alamogordo in Otero county;]~~ [**LINE-ITEM VETO**]

211. six hundred ninety-three thousand dollars (\$693,000) to plan, design and renovate the Otero county jail to expand the office space of the New Mexico twelfth judicial district in Otero county;

212. two hundred thirteen thousand dollars (\$213,000) to purchase property and equipment for the expansion to the domestic violence shelter in Alamogordo in Otero county;

213. one hundred thousand dollars (\$100,000) to plan, design, construct, equip, furnish and renovate the Flickinger performing arts center in Otero county;

214. six hundred thirty-three thousand dollars (\$633,000) to construct, equip and furnish a public library in Alamogordo in Otero county;

215. seventy-three thousand dollars (\$73,000) to plan, design, construct and equip an addition to the sheriff's office to comply with electronic recording requirements in Alamogordo in Otero county;

216. three hundred three thousand dollars (\$303,000) to plan, design, construct, renovate, improve and acquire land for the Tularosa Basin historical society museum in Alamogordo in Otero county;

217. four hundred seventy-five thousand dollars (\$475,000) to plan, design and construct a tennis complex at Alamogordo high school in Alamogordo in Otero county;

218. fifty thousand dollars (\$50,000) to purchase and install equipment for the Arch Hurley conservancy district in Quay county;

219. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, equip and furnish improvements to the agricultural education center in Quay county;

220. one hundred forty-five thousand dollars (\$145,000) to construct, equip and furnish an addition to the Agua Sana fire station in Hernandez in Rio Arriba county;

221. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a fire station in Lindrith in Rio Arriba county;

222. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish a health and human services complex in Espanola in Rio Arriba county;

223. one hundred thousand dollars (\$100,000) to plan, design and construct a multipurpose facility in Chama in Rio Arriba county;

224. fifty thousand dollars (\$50,000) to plan, design, construct and equip a new animal shelter in Chama in Rio Arriba county;

225. two hundred fifty thousand dollars (\$250,000) to make repairs to the roof of the city hall building in Espanola in Rio Arriba county;

226. one hundred thousand dollars (\$100,000) to plan, design, construct and equip an intensive care expansion to the Roosevelt county district hospital in Portales in Roosevelt county;

227. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the heating, ventilation, air conditioning and security systems at the county detention center in Roosevelt county;

228. seventy-five thousand dollars (\$75,000) to purchase equipment for the road department in Roosevelt county;

229. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including roof replacement, to the animal control facility in Portales in Roosevelt county;

230. sixty thousand dollars (\$60,000) to plan, design, construct, equip and furnish improvements to the fire station in Causey in Roosevelt county;

231. fifty thousand dollars (\$50,000) to purchase and install playground equipment in Portales in Roosevelt county;

232. two hundred sixty thousand dollars (\$260,000) to improve and upgrade the Portales municipal swimming pool in Portales in Roosevelt county;

233. fifty thousand dollars (\$50,000) to repair the roofs of several Portales municipal buildings, including the city hall, library, fire station and memorial building, in Portales in Roosevelt county;

234. one hundred ten thousand dollars (\$110,000) to purchase and equip an ambulance for Dora in Roosevelt county;

235. eight hundred thousand dollars (\$800,000) to acquire land for and plan, design, construct and equip a domestic violence shelter and center in Farmington in San Juan county;

236. seven hundred fifty thousand dollars (\$750,000) to plan, design and construct or acquire a building for the Farmington public health department in Farmington in San Juan county;

237. two hundred thousand dollars (\$200,000) to construct, equip and furnish an expansion of the fire department and acquire land for the relocation of the police department in Bloomfield in San Juan county;

238. one million dollars (\$1,000,000) to renovate and expand the San Juan regional medical center in Farmington in San Juan county;

239. five hundred thousand dollars (\$500,000) to plan, design, construct, equip and furnish the animal shelter expansion, including additional kennels, a hospital room and a staff area, in Aztec in San Juan county;

240. five hundred fifty thousand dollars (\$550,000) to renovate a substance abuse treatment facility in San Juan county;

241. one hundred thousand dollars (\$100,000) to plan, design and construct improvements and to purchase and install equipment and furniture, including information technology, for the aquatic center in Farmington in San Juan county;

242. four hundred thousand dollars (\$400,000) to plan, design, construct, equip and furnish a substance abuse treatment facility in Aztec in San Juan county;

243. five hundred thousand dollars (\$500,000) to plan, design and construct or purchase, remodel and equip a building for the San Juan county consolidated crime investigative unit in San Juan county;

244. one hundred thousand dollars (\$100,000) to purchase equipment for the fire department in Las Vegas in San Miguel county;

245. fifty thousand dollars (\$50,000) to purchase information technology and related equipment and furnishings for use by the Pecos Valley medical center in Pecos in San Miguel county;

246. fifty thousand dollars (\$50,000) to plan, design and construct renovations to the Tecolote community center in Tecolote in San Miguel county;

~~247. one hundred thousand dollars (\$100,000) to plan, design and construct a pedestrian walkway, including right-of-way acquisition, in Jemez Springs in Sandoval county;~~ [**LINE-ITEM VETO**]

248. four hundred fifty thousand dollars (\$450,000) to plan, design and construct a community library and multiuse center adjacent to New Mexico highway 165 in Placitas in Sandoval county;

249. two hundred eighty-five thousand dollars (\$285,000) to plan, design, construct and equip improvements, including lighting, bleachers, landscaping, concession facilities and infrastructure, at the New Mexico soccer tournament complex in Sandoval county;

250. fifty thousand dollars (\$50,000) to plan, design and construct improvements to Casa San Ysidro, including a visitor center and a bridge, in Corrales in Sandoval county;

251. seventy-five thousand dollars (\$75,000) to purchase and equip police vehicles for the police department in Cuba in Sandoval county;

252. five hundred thousand dollars (\$500,000) to plan, design, construct and equip a multijurisdictional police headquarters, including related infrastructure, in Cuba in Sandoval county;

253. one million three hundred thousand dollars (\$1,300,000) to repair and renovate El Zocalo compound for use as a multiuse business development facility in Bernalillo in Sandoval county;

254. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, equip and furnish a fire station near the intersection of interstate 25 and United States highway 550 in Sandoval county;

255. three hundred thousand dollars (\$300,000) to purchase and install fuel pumps and in-ground fuel storage tanks in Sandoval county to service both Sandoval county and the city of Rio Rancho;

256. one hundred thousand dollars (\$100,000) to plan, design and construct a fire station in La Jara in Sandoval county;

257. three hundred thousand dollars (\$300,000) to acquire land for, plan, design, construct, furnish and equip a public safety substation near the Mariposa development in Rio Rancho in Sandoval county;

258. one hundred fifty thousand dollars (\$150,000) to acquire land for, plan, design, construct and equip a baseball field, including lighting, landscaping, related facilities and erosion control, in Sandoval county;

259. two hundred thousand dollars (\$200,000) to purchase farmland preservation easements in Corrales in Sandoval county;

260. three hundred thousand dollars (\$300,000) to plan, design and construct an addition to the fire substation in Corrales in Sandoval county;

261. one hundred sixty thousand dollars (\$160,000) to plan, design, construct and equip a records center for Corrales in Sandoval county;

262. one hundred thousand dollars (\$100,000) to design, construct and furnish, including landscaping, a convention and economic development center in Jemez Springs in Sandoval county;

263. one hundred thousand dollars (\$100,000) to plan, design and construct a New Mexico military history museum in Rio Rancho in Sandoval county;

264. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish, including landscaping, a business incubator in Bernalillo in Sandoval county;

265. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish and equip a radiography suite at El Pueblo health services in Bernalillo in Sandoval county;

266. two hundred thousand dollars (\$200,000) to plan, design, construct and equip a baseball field in Rio Rancho in Sandoval county;

267. one hundred fifty thousand dollars (\$150,000) to plan, design and construct an emergency safety complex at the Pueblo of Santo Domingo in Sandoval county;

268. eight hundred fifty thousand dollars (\$850,000) to plan, design, renovate and expand, including the emergency department, facilities at St. Vincent regional medical center in Santa Fe county;

~~269. one million seven hundred thousand dollars (\$1,700,000) to acquire land for, plan, design, construct, equip and furnish the first judicial district complex in Santa Fe county;~~ [**LINE-ITEM VETO**]

270. four hundred thousand dollars (\$400,000) to acquire land for, plan, design, construct, equip and furnish the Esperanza shelter administrative complex in Santa Fe county;

271. one hundred thousand dollars (\$100,000) to plan, design, construct and equip improvements, including parking lot and infrastructure improvements, to the fairgrounds in Santa Fe county;

272. one million dollars (\$1,000,000) to acquire land and a building for and to plan, design, construct, renovate, equip and furnish a women's health services complex in Santa Fe county;

273. fifty thousand dollars (\$50,000) to construct, equip and acquire land for La Cienega community park in Santa Fe county;

274. one hundred thousand dollars (\$100,000) to acquire land for and plan, design and construct improvements to municipal facilities in Edgewood in Santa Fe county;

275. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish an expansion to, and make improvements to the interior infrastructure of, La Familia medical center on Alto street in Santa Fe in Santa Fe county;

276. one million dollars (\$1,000,000) to plan, design, construct and equip a facility for the farmers' market in Santa Fe in Santa Fe county;

277. seven hundred thousand dollars (\$700,000) to plan, design and construct a joint training facility and related infrastructure and access roads for the police and fire departments in Santa Fe in Santa Fe county;

~~278. fifty thousand dollars (\$50,000) to design and construct a soccer field in Eldorado, contingent upon Santa Fe county and the Santa Fe public school~~

~~district executing an agreement for a joint-use county school soccer field in Santa Fe county;]~~ [**LINE-ITEM VETO**]

279. one hundred thousand dollars (\$100,000) to plan, design and construct a concession building at the municipal outdoor recreation complex at the rugby fields on Caja del Rio road in Santa Fe in Santa Fe county;

280. two hundred fifty thousand dollars (\$250,000) to plan, design and construct a multipurpose center in Cerrillos in Santa Fe county;

281. one hundred thousand dollars (\$100,000) to construct improvements, including purchase and installation of equipment and furnishings, to the Lensic theater in Santa Fe in Santa Fe county;

282. two hundred fifty thousand dollars (\$250,000) to acquire land for, plan, design and construct a county-owned building that will house the Santa Fe mountain center in Santa Fe county;

283. one hundred thousand dollars (\$100,000) to plan, design, construct and equip buildings for the Agua Fria children's zone project in Santa Fe county;

284. five hundred thousand dollars (\$500,000) to construct, furnish, equip and landscape the southside branch of the Santa Fe public library in Santa Fe county;

285. one hundred thousand dollars (\$100,000) to purchase the Parker property adjacent to Atalaya mountain to preserve one hundred three acres of wildlife habitat, to link the Dale Ball and Atalaya mountain trail systems and to minimize fire threat in Santa Fe in Santa Fe county;

~~[286. one hundred fifty thousand dollars (\$150,000) to construct a museum in Truth or Consequences in Sierra county;]~~ [**LINE-ITEM VETO**]

287. two hundred thousand dollars (\$200,000) to plan, design, construct, equip, renovate and expand the detention center in Sierra county;

288. three hundred thousand dollars (\$300,000) to acquire property for, plan, design, construct and equip a county administration complex in Sierra county;

289. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a learning center in Truth or Consequences in Sierra county;

290. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a multipurpose center in Sabinal Abeytas in Socorro county;

291. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including lighting and landscaping, to the plaza area in Socorro in Socorro county;

292. five hundred fifty thousand dollars (\$550,000) to acquire, renovate, repair, equip and furnish the bureau of land management building as an administrative complex in Socorro in Socorro county;

293. one hundred thousand dollars (\$100,000) to plan, design and construct repairs and renovations to, and purchase equipment for, the county detention center in Socorro in Socorro county;

294. one hundred thousand dollars (\$100,000) for site preparation and portable building acquisition and installation for the northern Socorro clinic in Veguita in Socorro county;

295. two hundred thousand dollars (\$200,000) to plan, design, construct and equip a municipal building in Magdalena in Socorro county;

296. five million dollars (\$5,000,000) to plan, design and construct infrastructure improvements for colonias statewide;

297. fifty thousand dollars (\$50,000) to improve, upgrade, equip and furnish the Talpa community center in Taos county;

298. one hundred thousand dollars (\$100,000) to plan, design and construct the center for the arts complex in Taos in Taos county;

299. seventy-five thousand dollars (\$75,000) to plan, design and construct an emergency response center in Taos county;

300. two hundred thousand dollars (\$200,000) to construct civic park, including landscaping, a skate park, baseball field lighting, curbs, gutters and a parking area, in Moriarty in Torrance county;

301. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish the county hospital in Union county;

302. one hundred thousand dollars (\$100,000) to plan, design, construct and furnish, including the installation of equipment, city parks in Clayton in Union county;

303. fifty thousand dollars (\$50,000) for renovations to and to purchase equipment for the courthouse in Clayton in Union county;

304. one million one hundred thousand dollars (\$1,100,000) to construct improvements, including a gymnasium, exercise rooms and courts, to the multipurpose community center in Belen in Valencia county;

305. one hundred thousand dollars (\$100,000) to plan, design, construct and equip an addition to the Meadow Lakes fire station in Valencia county;

306. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish the fire and police station in Bosque Farms in Valencia county;

307. five hundred thousand dollars (\$500,000) to plan, design, construct, equip and furnish the thirteenth judicial district courthouse in Valencia county; and

308. thirty thousand dollars (\$30,000) to plan, design and construct a health care complex and hospital in Valencia county, contingent upon receiving matching funds from the county.

Chapter 111 Section 19 Laws 2006

Section 19. CIVIL AIR PATROL PROJECT--DEPARTMENT OF MILITARY AFFAIRS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of military affairs that the need exists for the issuance of the bonds, one hundred fifty thousand dollars (\$150,000) is appropriated to the department of military affairs to plan, design, construct and equip a civil air patrol hangar at the Las Cruces airport in Dona Ana county.

Chapter 111 Section 20 Laws 2006

Section 20. STATE PARK PROJECTS--ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the state parks division of the energy, minerals and natural resources department that the need exists for the issuance of the bonds, the following amounts are appropriated to the state parks division of the energy, minerals and natural resources department for the following purposes:

1. one hundred thirty thousand dollars (\$130,000) to replace the heating, ventilation and air conditioning system and insulate the roof at the Rio Grande nature center in the north valley of Albuquerque in Bernalillo county;

2. fifty thousand dollars (\$50,000) to expand and renovate the interior space at the Rio Grande nature center in the north valley of Albuquerque in Bernalillo county;

3. five hundred thousand dollars (\$500,000) to plan, design, construct and equip an education building at the Rio Grande nature center in the north valley of Albuquerque in Bernalillo county; and

4. fifty thousand dollars (\$50,000) to acquire land and construct a visitors' center at Mesilla Valley Bosque state park in Dona Ana county.

Chapter 111 Section 21 Laws 2006

Section 21. PUBLIC SAFETY PROJECT--DEPARTMENT OF PUBLIC SAFETY--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of public safety that the need exists for the issuance of the bonds, five hundred thousand dollars (\$500,000) is appropriated to the department of public safety to plan, design, construct, equip and furnish a radio emergency voice and data repeater network for disaster communications statewide.

Chapter 111 Section 22 Laws 2006

Section 22. 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 fifty thousand dollars (\$350,000) to plan, design and construct streetscaping and median landscaping improvements on Paradise boulevard in Albuquerque in Bernalillo county;

2. sixty-nine thousand dollars (\$69,000) to plan, design and construct improvements, including paving, to Primera Agua road in Bernalillo county;

3. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including drainage, to Sunset Gardens road from Atrisco drive east to the Arenal ditch, including sections of this street both inside and outside Albuquerque, in Bernalillo county;

4. one hundred fifty-nine thousand dollars (\$159,000) to plan, design and construct road improvements, including paving, to Derek road and Jennifer drive in Bernalillo county;

5. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to median landscaping on Candelaria road from Juan Tabo boulevard to Tramway in Albuquerque in Bernalillo county;

~~[6. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements, including drainage, paving, curbs and gutters, to Paradise boulevard in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

7. two hundred thousand dollars (\$200,000) to design and construct pedestrian improvements to streets, sidewalks and intersections on Central avenue in the Nob Hill highland area in Albuquerque in Bernalillo county;

8. four hundred thousand dollars (\$400,000) to plan, design, construct, purchase and install pedestrian lighting along Central avenue in the Nob Hill highland area in Albuquerque in Bernalillo county;

9. two hundred fifty thousand dollars (\$250,000) to plan, design and construct sidewalk and street improvements in the Huning Highland area of Albuquerque in Bernalillo county;

10. one hundred thousand dollars (\$100,000) to plan, design and construct landscape improvements for the median and bike trail on Rio Bravo boulevard from interstate 25 west to Del Rio in the south valley in Bernalillo county;

~~[11. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct arroyo crossings in Tijeras in Bernalillo county;] [LINE-ITEM VETO]~~

12. two hundred thousand dollars (\$200,000) to plan, design and construct landscaping improvements at the interchange of interstate highways 40 and 25 in Albuquerque in Bernalillo county;

~~[13. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to landscaping on the medians on Central between Unser and Ninety-eighth and on the medians on Coors between Central and Bridge in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

14. four hundred fifty thousand dollars (\$450,000) to plan, design and construct improvements to streets in the Sandia Heights area of Bernalillo county;

15. two hundred thousand dollars (\$200,000) to plan, design and construct a wall for noise abatement along the east side of Tramway boulevard in the Sandia Heights area of Bernalillo county;

~~[16. fifty thousand dollars (\$50,000) to plan, design and construct the Rio Grande pedestrian observation platform on Central avenue bridge in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

17. four hundred thousand dollars (\$400,000) to plan, design and construct improvements to Eldorado crossing in Albuquerque in Bernalillo county;

18. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements, including resurfacing, to roadway and streetscapes in the vicinity of Twelfth street and Menaul boulevard northwest, including roundabouts, roadway medians, sidewalks, bicycle paths and landscaping, in Albuquerque in Bernalillo county;

19. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including the purchase of equipment, easements and modern streetcars, to the transit system feeder routes in Albuquerque in Bernalillo county;

~~[20. three hundred thousand dollars (\$300,000) to plan, design and construct improvements, including paving, to Glendale and Florence roads in Bernalillo county;]~~ [**LINE-ITEM VETO**]

21. one hundred fifty thousand dollars (\$150,000) to purchase and install traffic lights on Juan Tabo boulevard from Spain boulevard to Montgomery boulevard in Albuquerque in Bernalillo county;

22. two hundred fifty thousand dollars (\$250,000) to landscape street medians in Albuquerque in Bernalillo county;

23. two hundred thousand dollars (\$200,000) to design and construct median landscaping and streetscape improvements at the intersection of Eubank boulevard and Candelaria road in Albuquerque in Bernalillo county;

24. seven hundred fifty thousand dollars (\$750,000) to plan, design and construct improvements to roads in the north Albuquerque Acres area in Bernalillo county;

25. two hundred seventy-five thousand dollars (\$275,000) to plan, design and construct improvements, including resurfacing, to Saunders, El Porvenir, Entrada Bonita, La Mora, Santa Anita, Santa Maria and Santa Rosa roads in the south valley of Bernalillo county;

26. two hundred fifty thousand dollars (\$250,000) to plan, design, install, improve and landscape medians on Innovation parkway, the main thoroughfare through the Sandia science and technology park, in Albuquerque in Bernalillo county;

27. two hundred thousand dollars (\$200,000) to construct improvements to streets and lighting in the Hardy, Riverside and La Vega areas of the south valley in Albuquerque in Bernalillo county;

28. one hundred thousand dollars (\$100,000) for a feasibility study for an additional road from Tramway boulevard and Central avenue to Eubank boulevard in the Sandia Base area along the Tijeras arroyo in Albuquerque in Bernalillo county;

29. fifty thousand dollars (\$50,000) to plan, design and construct improvements at the intersection of Balloon Museum drive and Horizon boulevard in Albuquerque in Bernalillo county;

30. one hundred fifty thousand dollars (\$150,000) to plan, design and construct quiet railroad crossings for commuter park and ride locations at Montano boulevard and Alameda boulevard in Bernalillo county;

31. one hundred thousand dollars (\$100,000) to purchase and install a traffic signal at the intersection of Alameda boulevard and Balloon Museum drive in Albuquerque in Bernalillo county;

32. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements, including resurfacing, to De Vita road from Valley road to Blake road in Bernalillo county;

33. one hundred fifty-two thousand dollars (\$152,000) to pave roads in north Albuquerque, including Palomas and Tennyson to Lowell, in Bernalillo county;

34. one hundred forty-two thousand dollars (\$142,000) to pave roads in north Albuquerque, including Carmel and Browning to Lowell, in Bernalillo county;

35. one hundred thirty-three thousand dollars (\$133,000) to pave roads in north Albuquerque, including Corona and Browning to Lowell, in Bernalillo county;

36. one hundred ninety thousand dollars (\$190,000) to pave roads in north Albuquerque, including Santa Monica, Eubank to Browning and Browning east to dead end, in Bernalillo county;

37. five hundred thousand dollars (\$500,000) to plan, design and construct improvements, including an extension of lanes, to Paseo del Norte west of Golf Course road in Albuquerque in Bernalillo county;

38. one hundred thousand dollars (\$100,000) to design and construct median landscaping on Candelaria road from Morris street to Juan Tabo boulevard in Albuquerque in Bernalillo county;

39. eight million dollars (\$8,000,000) to acquire land for and plan, design, improve and construct transit service between the Alvarado station and a hub on University boulevard in Albuquerque in Bernalillo county;

40. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements to Mountaineer road in Reserve in Catron county;

41. one hundred twenty thousand dollars (\$120,000) to plan, design and construct street improvements, including paving, curbs, gutters, sidewalks and handicapped access, in the northeast quadrant of Dexter in Chaves county;

42. sixty thousand dollars (\$60,000) to plan, design and construct improvements, including resurfacing, to west McGaffey street from the Roswell relief route to Sycamore avenue in Chaves county;

43. three hundred thousand dollars (\$300,000) to plan, design, survey and construct a drainage channel or means of conveyance of storm, rain or excess water flows from United States highway 70 and 380 and adjacent areas in west Roswell in Chaves county;

44. three hundred thousand dollars (\$300,000) to plan, design and construct drainage improvements, including resurfacing, to New Mexico highway 70/380 and adjacent areas in Roswell in Chaves county;

45. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements on Milan street and Uranium avenue in Milan in Cibola county;

46. three hundred thousand dollars (\$300,000) to acquire rights of way for and to plan, design and construct the Martin Luther King, Jr., bridge in Clovis in Curry county;

~~47. three hundred thousand dollars (\$300,000) to plan, design and construct an intersection in the area of Twenty-first, Commerce and Prince streets in Clovis in Curry county;~~ [**LINE-ITEM VETO**]

48. fifty thousand dollars (\$50,000) to plan, design and construct an extension of Shrode road, including surveying, paving and acquiring rights of way and property, in Dona Ana county;

49. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including drainage, to Corona road in Dona Ana county;

50. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including storm drains and reconstruction, to El Molino street in Las Cruces in Dona Ana county;

51. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to Elks drive in Las Cruces in Dona Ana county;

52. fifty thousand dollars (\$50,000) to plan, design, acquire rights of way for and install a traffic signal system at the intersection of United States highway 70 or Picacho and Picacho Hills drive in Las Cruces in Dona Ana county;

53. fifty thousand dollars (\$50,000) to plan, design, survey and construct, including curb, gutter and drainage, Raasaf circle in Las Cruces in Dona Ana county;

54. fifty thousand dollars (\$50,000) to plan, design, survey and construct improvements to east Berino road in Dona Ana county;

55. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including paving, curbing, drainage, storm sewers and lighting, to Fred way in Las Cruces in Dona Ana county;

56. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to the Dripping Springs roadway and bridge crossing the arroyo in Las Cruces in Dona Ana county;

57. one hundred seventy thousand dollars (\$170,000) to plan and design a bridge over the Pecos river on South Loop road in Carlsbad in Eddy county;

58. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including resurfacing, to Quay avenue from First to Eighth streets in Artesia in Eddy county;

59. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements to roads and highways in Roy in Harding county;

60. three hundred thousand dollars (\$300,000) to plan, design and construct an airport terminal building in Lea county;

61. six hundred thousand dollars (\$600,000) to plan, design and construct utility and street improvements to the Goodwin area in Hobbs in Lea county;

62. four hundred fifty thousand dollars (\$450,000) to plan, design and construct improvements to paved and unpaved streets in Tatum in Lea county;

63. four hundred seventy-five thousand dollars (\$475,000) to plan, design, construct and equip emergency evacuation routes, including replacing culverts, and upgrades to utility and infrastructure systems in the wildland urban interface area in Ruidoso in Lincoln county;

64. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to Cedar street, including an extension, in Deming in Luna county;

65. one hundred thousand dollars (\$100,000) to plan, design and construct road improvements to Nizhoni-Mendoza road, including construction of a roadway, bicycle lanes, a pedestrian walkway, an intersection and a bridge, in McKinley county;

66. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct the Tse Bonito washout bridge on New Mexico highway 264 in McKinley county;

67. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to roads in the Rock Springs chapter of the Navajo Nation in McKinley county;

68. one hundred thousand dollars (\$100,000) to plan, design and construct improvements at the Timberon airport in Timberon in Otero county;

69. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to First street, including eliminating a dangerous curve, adding two travel lanes, paving shoulders and building a railroad crossing, in Alamogordo in Otero county;

70. five hundred thousand dollars (\$500,000) to plan, design and construct improvements to a double penetration roadway from south Florida avenue to Desert Lakes road in Alamogordo in Otero county;

~~71. eighty-three thousand dollars (\$83,000) to pave a parking lot in Alamogordo in Otero county;~~ [**LINE-ITEM VETO**]

72. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including resurfacing, roads in district 2 in Rio Arriba county;

73. seventy-five thousand dollars (\$75,000) to plan, design and construct low water crossings in district 2 in Rio Arriba county;

74. one hundred eighty-five thousand dollars (\$185,000) to plan, design and construct improvements to roads in Roosevelt county;

75. five hundred fifty thousand dollars (\$550,000) to plan, design and construct improvements to Main street, including acquiring right-of-way property, in Aztec in San Juan county;

76. one hundred seventeen thousand nine hundred dollars (\$117,900) to plan, design, construct and improve sidewalks and bike lanes for Third and Fourth streets in Bloomfield in San Juan county;

~~77. four hundred thousand dollars (\$400,000) to plan, design and construct improvements, including chip sealing, to county road 7950 in San Juan county;~~ [**LINE-ITEM VETO**]

78. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including resurfacing, to county roads in the Conchas lake area of San Miguel county;

79. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to Pendaries road in San Miguel county;

80. two hundred seventy-five thousand dollars (\$275,000) to plan, design and construct road improvements to Loma Larga road in Corrales in Sandoval county;

81. three hundred fifty thousand dollars (\$350,000) to plan, design and construct the widening of Unser boulevard from Farol road to King boulevard in Rio Rancho in Sandoval county;

~~[82. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to Lincoln avenue between Springer drive and Chayote in Rio Rancho in Sandoval county;]~~ [**LINE-ITEM VETO**]

83. eighty-seven thousand dollars (\$87,000) to plan, design and construct road improvements to Long Branch road and Faith drive in Sandoval county;

84. one hundred thousand dollars (\$100,000) to plan, design and construct curbing and sidewalks along Lisbon road in Rio Rancho in Sandoval county;

85. two hundred thousand dollars (\$200,000) to plan, design and construct road improvements in Corrales in Sandoval county;

86. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including paving, to Unser boulevard from Farol to King boulevard and on Thirty-fourth avenue beginning at Unser boulevard in Rio Rancho in Sandoval county;

87. eighty thousand dollars (\$80,000) to plan, design and construct improvements to Mansion Ridge road, contingent on area homeowners meeting the city of Santa Fe's requirements for approval of road improvements, in Santa Fe in Santa Fe county;

88. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements, including paving, to Fifth street, Neal street and Vigil street in Socorro in Socorro county;

89. fifty thousand dollars (\$50,000) to plan, design and construct street improvements in Willard in Tarrant county;

90. one hundred thousand dollars (\$100,000) to plan, design, construct and equip improvements and resurfacing of streets and sidewalks in Clayton in Union county;

91. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including resurfacing, to roads in Union county;

92. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including an extension, to Harrison road in Valencia county;

93. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to district 5 roads in Valencia county;

94. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct improvements to Monterey boulevard in Valencia county; and

95. one million eight hundred thousand dollars (\$1,800,000) to plan, design, construct and improve roads in Los Lunas in Valencia county.

Chapter 111 Section 23 Laws 2006

Section 23. COMMUNITY COLLEGE PROJECTS--HIGHER EDUCATION DEPARTMENT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the higher education department that the need exists for the issuance of the bonds, the following amounts are appropriated to the higher education department for the following purposes at the following community colleges:

1. two hundred thousand dollars (\$200,000) to purchase equipment for the Santa Rosa satellite campus of Luna community college in Santa Rosa in Guadalupe county;

2. one million six hundred thousand dollars (\$1,600,000) to plan, design, construct, equip and furnish a trades and technology building at San Juan college in Farmington in San Juan county; and

3. one million two hundred thousand dollars (\$1,200,000) to plan, design and construct a learning commons and courtyard plaza for San Juan college in Farmington in San Juan county.

Chapter 111 Section 24 Laws 2006

Section 24. UNIVERSITIES, COLLEGES AND SPECIAL CONSTITUTIONAL SCHOOLS--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 and constitutional special schools for the following purposes:

A. to the board of regents of eastern New Mexico university:

(1) two hundred thousand dollars (\$200,000) to equip and furnish the media arts center at the Roswell branch campus of eastern New Mexico university in Chaves county;

(2) eight hundred thousand dollars (\$800,000) to plan, design, construct and equip the national flight test center at the Roswell branch campus of eastern New Mexico university in Chaves county;

(3) fifty thousand dollars (\$50,000) to purchase equipment and furnishings for classrooms at the Ruidoso branch campus of eastern New Mexico university in Lincoln county;

(4) six hundred fifty thousand dollars (\$650,000) to purchase and install information technology, including related equipment and furniture, in the KENW-TV broadcast center at eastern New Mexico university in Portales in Roosevelt county;

(5) fifty thousand dollars (\$50,000) to plan, acquire, equip and furnish multimedia classrooms at eastern New Mexico university in Portales in Roosevelt county;

(6) fifty thousand dollars (\$50,000) to purchase and install equipment at the agriculture laboratory at eastern New Mexico university in Portales in Roosevelt county;

(7) fifty thousand dollars (\$50,000) to purchase and install exercise equipment for the wellness center at eastern New Mexico university in Portales in Roosevelt county;

(8) seventy-five thousand dollars (\$75,000) to equip the mobile unit of the KENW-TV broadcasting station with audio/video equipment at eastern New Mexico university in Portales in Roosevelt county;

~~[(9) fifty thousand dollars (\$50,000) to purchase and install communications equipment for the communications center at eastern New Mexico university in Portales in Roosevelt county; and] [LINE-ITEM VETO]~~

(10) two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, equip and furnish a language lab at eastern New Mexico university in Portales in Roosevelt county;

B. to the board of regents of New Mexico highlands university:

~~[(1) fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish an early childhood center at New Mexico highlands university in Las Vegas in San Miguel county; and] [LINE-ITEM VETO]~~

(2) five hundred thousand dollars (\$500,000) for the acquisition of land and to plan, design, construct and improve facilities at New Mexico highlands university in Las Vegas in San Miguel county;

C. to the board of regents of New Mexico institute of mining and technology:

(1) two hundred thousand dollars (\$200,000) to design, construct, landscape, equip and furnish the Joseph A. Fidel student services center at the New Mexico institute of mining and technology in Socorro in Socorro county;

(2) three hundred fifty thousand dollars (\$350,000) to plan, design and construct landscape improvements for the Joseph A. Fidel center at the New Mexico institute of mining and technology in Socorro in Socorro county; and

(3) two hundred ten thousand dollars (\$210,000) to purchase and install information technology, including related equipment and furniture, for computer science facilities at the New Mexico institute of mining and technology in Socorro in Socorro county;

D. to the board of regents of New Mexico military institute:

(1) fifty thousand dollars (\$50,000) to plan, design and construct the outdoor complex fitness factory at New Mexico military institute in Roswell in Chaves county;

~~[(2) fifty thousand dollars (\$50,000) to purchase and install lighting on Stapp field at New Mexico military institute in Roswell in Chaves county;]~~ [**LINE-ITEM VETO**]

(3) one hundred thousand dollars (\$100,000) to purchase and install physical fitness and athletic training equipment for New Mexico military institute in Roswell in Chaves county;

(4) three hundred thousand dollars (\$300,000) to plan, design, construct and equip an athletic training center at New Mexico military institute in Roswell in Chaves county; and

(5) fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish, including information technology, a learning center for the first tee program of the Pecos valley at New Mexico military institute in Roswell in Chaves county;

E. to the board of regents of New Mexico state university:

(1) seven hundred twenty-five thousand dollars (\$725,000) to acquire land for, plan, design and construct a multiuse agricultural facility in the south valley of Albuquerque in Bernalillo county;

(2) four hundred thousand dollars (\$400,000) to plan, design, construct, improve, renovate and equip the library at the Grants branch campus of New Mexico state university in Cibola county;

(3) fifty thousand dollars (\$50,000) to plan, design, construct, equip, furnish and install a research center building and equipment at New Mexico state university in Clovis in Curry county;

(4) five hundred thousand dollars (\$500,000) to plan, design, construct and equip the renovation of existing facilities at the creative media institute of New Mexico state university in Las Cruces in Dona Ana county;

~~(5) fifty thousand dollars (\$50,000) to purchase equipment and furniture for the football program at New Mexico state university in Las Cruces in Dona Ana county;~~ [**LINE-ITEM VETO**]

(6) one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements and an expansion to the Aggie memorial stadium press box at New Mexico state university in Las Cruces in Dona Ana county;

(7) seventy-five thousand dollars (\$75,000) to purchase and equip a building for the Caballo soil and water conservation district in Hatch in Dona Ana county;

(8) one hundred twenty thousand dollars (\$120,000) to purchase and install lighting at the intramural fields at New Mexico state university in Las Cruces in Dona Ana county;

(9) fifty thousand dollars (\$50,000) to purchase baseball equipment and furniture, including a trailer, for New Mexico state university in Las Cruces in Dona Ana county;

(10) three hundred thousand dollars (\$300,000) to plan, design, construct and equip an extension and improvements to the water system at New Mexico state university in Las Cruces in Dona Ana county;

(11) two hundred eighty-five thousand dollars (\$285,000) to plan, design, construct and equip a tennis center at New Mexico state university in Las Cruces in Dona Ana county;

(12) five hundred thousand dollars (\$500,000) to construct, equip, furnish and renovate improvements to the Pan American center at New Mexico state university in Las Cruces in Dona Ana county;

~~[(13) fifty thousand dollars (\$50,000) to purchase equipment for the animal and food testing laboratory, and to renovate the facilities, at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(14) fifty thousand dollars (\$50,000) to construct, equip and furnish a food production laboratory for the school of hotel, restaurant and tourism management at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(15) fifty thousand dollars (\$50,000) to purchase and install equipment and furniture for the basketball program at New Mexico state university in Las Cruces in Dona Ana county;]~~ [**LINE-ITEM VETO**]

(16) fifty thousand dollars (\$50,000) to purchase and install equipment for the New Mexico department of agriculture petroleum and chemistry laboratories at New Mexico state university in Las Cruces in Dona Ana county;

~~[(17) seventy thousand dollars (\$70,000) to purchase and install a scoreboard, including a message board, at the baseball field at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(18) fifty thousand dollars (\$50,000) to purchase heavy equipment, including a skid loader, a truck, a trailer, a fuel tank and a grubbing blade, for the Lea soil and water conservation district in Lea county;]~~ [**LINE-ITEM VETO**]

(19) one hundred fifty thousand dollars (\$150,000) to purchase farm equipment for the western Mora soil and water conservation district and la asociacion de las acequias del valle de Mora in Mora county;

(20) seven hundred three thousand dollars (\$703,000) to conduct a comprehensive hydrogeologic study of the Sacramento mountains for the Otero soil and water conservation district in Otero, Lincoln and Chaves counties;

(21) five hundred seventy-five thousand dollars (\$575,000) to expand the health sciences building at the Alamogordo branch campus of New Mexico state university in Otero county;

(22) fifty thousand dollars (\$50,000) to repair, purchase and install equipment at the agricultural science center at New Mexico state university in Quay county;

(23) four hundred seventy-five thousand dollars (\$475,000) to plan, design and construct a United States department of agriculture service center in the Roosevelt soil and water conservation district in Portales in Roosevelt county;

(24) one hundred thousand dollars (\$100,000) for renovations and expansions of New Mexico state university agricultural science centers statewide; and

(25) one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish an agricultural building for the Edgewood soil and water conservation district in Torrance county;

F. to the board of regents of the university of New Mexico:

(1) two million two hundred thousand dollars (\$2,200,000) to plan, design, construct, equip and furnish the Centennial engineering center at the school of engineering at the university of New Mexico in Albuquerque in Bernalillo county;

~~[(2) two hundred thousand dollars (\$200,000) for constructing, purchasing and installing equipment for the manufacturing training and technology center clean room at the university of New Mexico in Albuquerque in Bernalillo county;]~~
[LINE-ITEM VETO]

(3) seventy-five thousand dollars (\$75,000) to purchase and install a heating, ventilation and air conditioning system in the Tow Diehm athletic facility at the university of New Mexico in Albuquerque in Bernalillo county; (4)
four hundred seventy-five thousand dollars (\$475,000) to purchase and install equipment for the cancer research and treatment center at the university of New Mexico in Albuquerque in Bernalillo county;

(5) seven hundred fifty thousand dollars (\$750,000) to construct improvements, including restrooms, concession facilities and drainage control, to the softball complex at the university of New Mexico in Albuquerque in Bernalillo county;

(6) one hundred thousand dollars (\$100,000) to improve the soccer practice fields, including purchasing and installing bleachers, at the university of New Mexico in Albuquerque in Bernalillo county;

(7) three hundred fifty thousand dollars (\$350,000) to replace seating in Popejoy hall at the university of New Mexico in Albuquerque in Bernalillo county;

(8) three hundred fifty thousand dollars (\$350,000) to plan, design, construct and equip a high definition broadcast television production facility for KNME-TV at the university of New Mexico in Albuquerque in Bernalillo county;

~~[(9) ten thousand dollars (\$10,000) to plan, design, construct, equip and furnish an alumni center at the university of New Mexico in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

(10) fifty thousand dollars (\$50,000) to plan and design a Native American living and learning community center at the university of New Mexico in Albuquerque in Bernalillo county;

(11) eight hundred thousand dollars (\$800,000) to equip and furnish the Centennial engineering center at the school of engineering at the university of New Mexico in Albuquerque in Bernalillo county;

(12) sixty-five thousand dollars (\$65,000) to equip the Tow Diehm trainers' room at the university of New Mexico in Albuquerque in Bernalillo county;

~~[(13) fifty thousand dollars (\$50,000) to purchase and install shelving for all branches of the main campus library system at the university of New Mexico in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

(14) six million dollars (\$6,000,000) to plan, design, construct, improve, renovate, equip and furnish an indoor football practice facility at the university of New Mexico in Albuquerque in Bernalillo county;

(15) eight million dollars (\$8,000,000) to plan, design, construct, improve, renovate, equip and furnish the Pit facility at the university of New Mexico in Albuquerque in Bernalillo county; and

(16) fifty thousand dollars (\$50,000) to develop the site for and plan, design, construct and equip a technology center and classroom building on the Gallup branch campus of the university of New Mexico in McKinley county; and

G. to the board of regents of western New Mexico university, three hundred fifty thousand dollars (\$350,000) to plan, design and construct improvements to Fleming hall museum at western New Mexico university in Silver City in Grant county.

Chapter 111 Section 25 Laws 2006

Section 25. STATE BUILDINGS PROJECTS--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, the following amounts are appropriated to the capital program fund for the following purposes:

1. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the mining museum in Grants in Cibola county;

2. fifty-five thousand dollars (\$55,000) for improvements and athletic equipment at the J. Paul Taylor juvenile facility in Mesilla in Dona Ana county;

3. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to historic buildings, including stables, at Fort Stanton in Lincoln county;

4. three hundred thousand dollars (\$300,000) to renovate, expand, furnish and equip the existing motor vehicle division building in Aztec in San Juan county; and

5. two hundred fifty thousand dollars (\$250,000) to plan, design and construct the repair and installation of water pipes and purchase and install equipment at the data center of the department of public safety in Santa Fe in Santa Fe county.

Chapter 111 Section 26 Laws 2006

Section 26. AGING PROJECTS--AGING AND LONG-TERM SERVICES DEPARTMENT--GENERAL FUND.--The following amounts are appropriated from the general fund to the aging and long-term services department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

~~1. twenty thousand dollars (\$20,000) to make improvements, including purchase and installation of equipment, to the Rio Bravo senior meal site in Bernalillo county;~~

~~2. twenty thousand dollars (\$20,000) to make improvements, including purchase and installation of equipment, to the Armijo senior meal site in Bernalillo county;~~

~~3. twenty thousand dollars (\$20,000) to make improvements, including purchase and installation of equipment, to the Pajarito senior meal site in Bernalillo county;]~~ **[LINE-ITEM VETO]**

4. one hundred fifty thousand dollars (\$150,000) to make improvements, including purchase and installation of equipment, to the Palo Duro senior center in Bernalillo county;

5. one hundred thousand dollars (\$100,000) to construct a centralized kitchen and a social services center for the department of senior affairs in Albuquerque in Bernalillo county;

6. thirty-five thousand dollars (\$35,000) to purchase and install information technology, including related equipment and furniture, for the Highland senior center in Albuquerque in Bernalillo county;

7. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip a senior center, including purchase of a facility, in Glenwood in Catron county;

8. thirty-five thousand dollars (\$35,000) to purchase and install equipment for the Pueblo of Acoma senior center in Cibola county;

9. twenty-five thousand dollars (\$25,000) to purchase and install equipment for the Melrose senior center in Curry county;

10. forty thousand dollars (\$40,000) to plan, design and construct an addition to La Casa senior center in Clovis in Curry county;

11. twenty-five thousand dollars (\$25,000) to plan, design, construct, improve, equip and furnish the senior center in Fort Sumner in De Baca county;

12. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, expand and equip the Munson senior center in Dona Ana county;

13. one hundred ninety-five thousand dollars (\$195,000) to plan, design and construct an adult daycare and respite facility in Carlsbad in Eddy county;

14. fifty thousand dollars (\$50,000) to make improvements, including purchase and installation of equipment, to the Artesia meal site in Eddy county;

~~15. one hundred sixty-five thousand dollars (\$165,000) to design and construct an expansion of the San Jose senior center in Carlsbad in Eddy county;]~~
[LINE-ITEM VETO]

16. one hundred forty thousand dollars (\$140,000) to purchase and install a fire suppression system and insulation at the North Mesa senior recreation center in Carlsbad in Eddy county;

17. fifty thousand dollars (\$50,000) to plan, design and construct, including handicapped-accessible parking areas and sidewalks, an addition to the adult daycare meal site project in Artesia in Eddy county;

18. seventy thousand dollars (\$70,000) to purchase and install equipment for the Vaughn senior center in Guadalupe county;

19. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip, including lighting on the access road to the center, a senior center at the Red Rock chapter of the Navajo Nation in McKinley county;

20. one hundred fifty thousand dollars (\$150,000) to pave the parking lot of the senior center in the Crownpoint chapter of the Navajo Nation in McKinley county;

~~[21. one hundred thousand dollars (\$100,000) to plan, design, purchase or construct a senior center at the White Horse Lake chapter of the Navajo Nation in McKinley county;] [LINE-ITEM VETO]~~

22. fifty thousand dollars (\$50,000) to plan, design and construct a senior center facility at the Baca chapter of the Navajo Nation in McKinley county;

23. twenty-five thousand dollars (\$25,000) to construct and equip a senior center in the Iyanbito chapter of the Navajo Nation in McKinley county;

24. thirty-two thousand dollars (\$32,000) to construct a parking lot at the senior center in the Iyanbito chapter of the Navajo Nation in McKinley county;

25. forty-five thousand dollars (\$45,000) to purchase and install kitchen and office equipment in the Iyanbito chapter senior center of the Navajo Nation in McKinley county;

~~[26. thirty five thousand dollars (\$35,000) to purchase and equip a vehicle for the Baca chapter senior center in the Navajo Nation in McKinley county;~~

~~27. seventy five thousand dollars (\$75,000) to plan, design, construct and equip improvements to the senior center in the Thoreau chapter of the Navajo Nation in McKinley county;] [LINE-ITEM VETO]~~

28. four hundred seventy-five thousand dollars (\$475,000) to plan, design, construct and equip a senior center in Tularosa in Otero county;

29. seventy thousand dollars (\$70,000) to construct and equip an addition and make improvements to the Tierra Amarilla senior center in Tierra Amarilla in Rio Arriba county;

30. thirty-seven thousand five hundred dollars (\$37,500) to plan, design, construct, equip and furnish improvements to the senior center in Chama in Rio Arriba county;

31. seventy-nine thousand dollars (\$79,000) to make improvements to the San Juan senior center in San Juan county;

32. three hundred thousand dollars (\$300,000) to construct and equip a senior center in the Beclabito chapter of the Navajo Nation in San Juan county;

33. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a senior center in the Huerfano chapter of the Navajo Nation in San Juan county;

~~[34. fifty thousand dollars (\$50,000) to plan, design and construct additional facility space at the Edgewood senior center in Edgewood in Santa Fe county;~~

~~35. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip a senior center in the Eldorado area of Santa Fe county;]~~
[LINE-ITEM VETO]

36. one hundred twenty thousand dollars (\$120,000) to renovate, furnish and equip the Mary Esther Gonzales senior center in Santa Fe in Santa Fe county;

37. two hundred thousand dollars (\$200,000) to acquire land for and plan, design, construct and equip a senior and community center in the Pojoaque valley area in Santa Fe county;

38. one hundred twenty-five thousand dollars (\$125,000) to plan, purchase, equip, furnish and install a statewide 211 information and referral telephone system for the aging and long-term services department;

39. two million eight hundred thousand dollars (\$2,800,000) to purchase and equip vehicles for senior centers statewide;

40. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip improvements and renovations to the Amalia senior center in Taos county[; and

~~41. five thousand dollars (\$5,000) to purchase and install equipment and furnishings for the Phil Lovato senior center in Taos in Taos county].~~**[LINE-ITEM VETO]**

Chapter 111 Section 27 Laws 2006

Section 27. ARMORY PROJECT--STATE ARMORY BOARD--GENERAL FUND.--Twenty thousand dollars (\$20,000) is appropriated from the general fund to the state armory board for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to renovate the Bataan memorial museum in Santa Fe in Santa Fe county.

Chapter 111 Section 28 Laws 2006

Section 28. ATTORNEY GENERAL'S PROJECT--NEW MEXICO ATTORNEY GENERAL'S OFFICE--GENERAL FUND.--Seventy-five thousand dollars (\$75,000) is appropriated from the general fund to the New Mexico attorney general's office for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to purchase and install information technology, including related equipment and furniture, for the New Mexico attorney general's office.

Chapter 111 Section 29 Laws 2006

Section 29. CHILDREN, YOUTH AND FAMILIES PROJECTS--CHILDREN, YOUTH AND FAMILIES DEPARTMENT--GENERAL FUND.--The following amounts are appropriated from the general fund to the children, youth and families department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one hundred thousand dollars (\$100,000) for a program that provides services for homeless children in Bernalillo county; and

2. fifty thousand dollars (\$50,000) for the expansion of the Chimayo youth conservation corps to provide drug abuse prevention and harm reduction program services to youth twelve to twenty-one years of age in the Chimayo area in Rio Arriba and Santa Fe counties.

Chapter 111 Section 30 Laws 2006

~~[Section 30. JAIL AND DETENTION CENTER PROJECT--DNA IDENTIFICATION SYSTEM FUND--GENERAL FUND.--One hundred sixty thousand dollars (\$160,000) is appropriated from the general fund to the DNA identification system fund for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to purchase and install information technology and wiring, including related equipment and furniture, in jails and detention centers statewide, contingent on House Bill 130 or similar legislation from the second session of the forty-seventh legislature becoming law, and any unexpended or unencumbered balance remaining at the end of fiscal year 2010 shall not revert.] [LINE-ITEM VETO]~~

Chapter 111 Section 31 Laws 2006

Section 31. COURT PROJECTS--ADMINISTRATIVE OFFICE OF THE COURTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the administrative office of the courts for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. ten thousand dollars (\$10,000) to purchase and install equipment, including assistive listening devices for jurors and wireless equipment for interpreters, for the administrative office of the courts in Santa Fe in Santa Fe county; and

2. one million dollars (\$1,000,000) to plan, design, construct, improve, renovate and equip courts statewide.

Chapter 111 Section 32 Laws 2006

Section 32. COURT PROJECT--COURT OF APPEALS--GENERAL FUND.--One million two hundred thousand dollars (\$1,200,000) is appropriated from the general fund to the court of appeals for expenditure in fiscal years 2006 through 2010, unless

otherwise provided in Section 2 of this act, to plan, design and construct a court of appeals building adjacent to the university of New Mexico law school in Albuquerque in Bernalillo county.

Chapter 111 Section 33 Laws 2006

Section 33. COURT PROJECTS--FIRST, THIRD, FIFTH, SIXTH, ELEVENTH, TWELFTH AND THIRTEENTH JUDICIAL DISTRICT COURTS--GENERAL FUND.-- The following amounts are appropriated to the following judicial district courts for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

A. to the first judicial district court:

(1) fifty thousand dollars (\$50,000) to purchase and install furniture and equipment for the first judicial district court facility in Rio Arriba county;

(2) seven thousand dollars (\$7,000) to purchase and install an x-ray machine at the first judicial district courthouse in Rio Arriba county;

~~[(3) five thousand dollars (\$5,000) to purchase and install security and monitoring equipment, barriers and lighting in the first judicial district court in Santa Fe in Santa Fe county;~~

~~(4) forty five thousand dollars (\$45,000) to purchase, install and equip a digital imaging system in the first judicial district court in Santa Fe in Santa Fe county;]~~ and [**LINE-ITEM VETO**]

(5) fifteen thousand dollars (\$15,000) to purchase and install evidence scanning equipment in the first judicial district court in Santa Fe in Santa Fe county;

B. to the third judicial district court, ninety thousand dollars (\$90,000) to purchase and install equipment and furniture for the third judicial district court in Dona Ana county;

C. to the fifth judicial district court:

~~[(1) one hundred thousand dollars (\$100,000) to purchase and install information technology and furniture for the district court in Carlsbad in Eddy county;]~~ [**LINE-ITEM VETO**]

(2) eighty thousand dollars (\$80,000) to purchase equipment and furnishings, including digital recording equipment, for the fifth judicial district courthouse in Eddy county; and

~~[(3) one hundred thousand dollars (\$100,000) to purchase equipment and furniture for the fifth judicial district court in Lovington in Lea county;~~

~~D. to the sixth judicial district court, one hundred forty thousand dollars (\$140,000) to purchase and install equipment and furniture for the sixth judicial district court in Deming in Luna county;]~~ [**LINE-ITEM VETO**]

E. to the eleventh judicial district court:

(1) forty-five thousand dollars (\$45,000) to purchase and install courtroom equipment, including television monitors, in courtrooms in Gallup in McKinley county; and

~~[(2) one hundred seventy-five thousand dollars (\$175,000) to purchase and equip vehicles and furnish and equip the eleventh judicial district courthouse in San Juan and McKinley counties;~~

~~F. to the twelfth judicial district court, thirty thousand dollars (\$30,000) to purchase and install chairs in the twelfth judicial district courtrooms in Lincoln and Otero counties; and]~~ [**LINE-ITEM VETO**]

G. to the thirteenth judicial district court, fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment and furniture, for the thirteenth judicial district court in Cibola county.

Chapter 111 Section 34 Laws 2006

Section 34. DISTRICT ATTORNEY PROJECTS--FIRST, THIRD AND SEVENTH JUDICIAL DISTRICT ATTORNEYS' OFFICES--GENERAL FUND.--The following amounts are appropriated from the general fund to the following judicial district attorneys' offices for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

A. to the first judicial district attorney's office:

~~[(1) fifty thousand dollars (\$50,000) to purchase furniture for the first judicial district attorney's office in Santa Fe and Rio Arriba counties; and]~~ [**LINE-ITEM VETO**]

(2) twenty-five thousand dollars (\$25,000) to purchase a vehicle for the first judicial district attorney's office in Rio Arriba county;

~~[B. to the third judicial district attorney's office, eighty-seven thousand dollars (\$87,000) to purchase and equip secretarial workstations for the third judicial district attorney's office in Las Cruces in Dona Ana county;~~

and [*LINE-ITEM VETO*]

C. to the seventh judicial district attorney's office, fifty thousand dollars (\$50,000) to purchase vehicles for the seventh judicial district attorney's office in Socorro in Socorro county.

Chapter 111 Section 35 Laws 2006

Section 35. CULTURAL PROJECTS--CULTURAL AFFAIRS DEPARTMENT--GENERAL FUND.--The following amounts are appropriated from the general fund to the cultural affairs department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one million one hundred thirty thousand dollars (\$1,130,000) to plan, design and construct an educational center building for the national Hispanic cultural center in Albuquerque in Bernalillo county;

2. ten thousand dollars (\$10,000) for the New Mexico national Hispanic cultural center to purchase and install equipment and furnishings for the Atrisco tricentennial pictorial and artifact display in Albuquerque in Bernalillo county;

3. two hundred ninety-five thousand dollars (\$295,000) to plan, design, construct, renovate, equip and furnish workspace, offices, classrooms, meeting rooms and public spaces at the New Mexico museum of natural history and science in Albuquerque in Bernalillo county;

4. fifty thousand dollars (\$50,000) to purchase and install a tyrannosaurus skeleton for the New Mexico museum of natural history and science in Albuquerque in Bernalillo county;

5. two hundred fifty thousand dollars (\$250,000) to plan, design and construct facilities for education at the New Mexico museum of natural history and science in Albuquerque in Bernalillo county;

6. two hundred thousand dollars (\$200,000) to construct the Bosque Redondo memorial in Fort Sumner in De Baca county;

7. two hundred fifty thousand dollars (\$250,000) to plan, design and improve the Bosque Redondo park at the Fort Sumner state monument in De Baca county;

8. forty thousand dollars (\$40,000) to plan, design, construct and equip interpretive exhibits and educational facilities at the farm and ranch heritage museum in Las Cruces in Dona Ana county;

9. fifty thousand dollars (\$50,000) to purchase audio-visual laboratory equipment at Fort Selden state monument in Radium Springs in Dona Ana county;

10. fifty thousand dollars (\$50,000) to design and construct renovations to the main gallery at the farm and ranch heritage museum in Las Cruces in Dona Ana county;

11. one hundred eighty-five thousand dollars (\$185,000) to plan, design, construct, equip and renovate the New Mexico museum of space history in Alamogordo in Otero county;

~~[12. fifty thousand dollars (\$50,000) to plan, design, construct, equip, furnish and install improvements to the Santa Fe children's museum in Santa Fe county;]~~ [**LINE-ITEM VETO**]

13. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase and install exhibits for the museum of Spanish colonial art in Santa Fe in Santa Fe county;

14. thirty thousand dollars (\$30,000) to purchase a collection of two hundred original Paul Horgan drawings for the Fray Angelico Chavez history library, a division of the palace of the governors historical museum in Santa Fe in Santa Fe county;

~~[15. one hundred thousand dollars (\$100,000) to plan, design and construct renovations and purchase equipment for the museum of international folk art in Santa Fe in Santa Fe county;]~~ [**LINE-ITEM VETO**]

16. seventy-five thousand dollars (\$75,000) to plan, design, construct and renovate the Girard wing of the museum of international folk art in Santa Fe in Santa Fe county;

17. five million five hundred thousand dollars (\$5,500,000) to plan, design, construct, equip and furnish the New Mexico history museum in Santa Fe in Santa Fe county;

~~[18. fifty thousand dollars (\$50,000) to construct and equip El Camino Real international heritage center in Socorro in Socorro county;]~~

~~19. fifty thousand dollars (\$50,000) for restoration and conservation of the state's public art collection statewide;]~~ [**LINE-ITEM VETO**]

20. two million dollars (\$2,000,000) for renovations and repairs, including upgrades to comply with the Americans with Disabilities Act of 1990, at cultural affairs department facilities statewide;

21. one hundred thousand dollars (\$100,000) to provide operational costs for the New Mexico film museum;

~~[22. seventy five thousand dollars (\$75,000) to plan, design and implement an interactive fine arts outreach program to be available statewide;] [LINE-ITEM VETO]~~

23. one hundred seventy thousand dollars (\$170,000) to the library division to acquire and equip a bookmobile for the New Mexico state library for rural access library services ~~[in Colfax county];~~ [LINE-ITEM VETO]

24. ten thousand dollars (\$10,000) to the library division to purchase a bookmobile for rural access library services ~~[in northeastern New Mexico];~~ and [LINE-ITEM VETO]

25. fifty thousand dollars (\$50,000) to the library division to acquire and equip a bookmobile for the New Mexico state library for rural access library services ~~[in Los Lunas in Valencia county].~~ [LINE-ITEM VETO]

Chapter 111 Section 36 Laws 2006

Section 36. CUMBRES AND TOLTEC RAILROAD PROJECT--CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION--GENERAL FUND.--One million dollars (\$1,000,000) is appropriated from the general fund to the Cumbres and Toltec scenic railroad commission for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for track rehabilitation and locomotive upgrades and repairs for the Cumbres and Toltec scenic railroad in Rio Arriba county.

Chapter 111 Section 37 Laws 2006

Section 37. GOVERNOR'S COMMISSION ON DISABILITY PROJECTS--GOVERNOR'S COMMISSION ON DISABILITY--GENERAL FUND.--The following amounts are appropriated from the general fund to the governor's commission on disability for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. seventy-five thousand dollars (\$75,000) to purchase office equipment and a vehicle for the community outreach program of the governor's commission on disability in Santa Fe in Santa Fe county; and

2. fifty thousand dollars (\$50,000) to purchase and equip a van for the governor's commission on disability.

Chapter 111 Section 38 Laws 2006

Section 38. ECONOMIC DEVELOPMENT PROJECTS--ECONOMIC DEVELOPMENT DEPARTMENT--GENERAL FUND.--The following amounts are appropriated from the general fund to the economic development department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and improve a building and infrastructure for the garage door manufacturing building in Hagerman in Chaves county;

2. four hundred twenty-seven thousand dollars (\$427,000) to plan, design and construct a chile processing plant near Chimayo in Santa Fe and Rio Arriba counties;

3. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip a business incubator in Cuba in Sandoval county;

4. five hundred thousand dollars (\$500,000) to plan, design, construct and improve buildings to house business incubators in communities statewide, contingent on a forty percent match from rural community recipients and a fifty percent match from urban community recipients; provided that each community recipient can receive no more than one million five hundred thousand dollars (\$1,500,000);

5. two million dollars (\$2,000,000) to plan and design the redevelopment of central business districts as part of the mainstreet program statewide;

6. two hundred seventy-five thousand dollars (\$275,000) to contract for services to conduct an international digital filmmaking festival as part of the Albuquerque tricentennial; and

7. fifty thousand dollars (\$50,000) to promote film and media enterprises in New Mexico, including film exhibitions and festivals.

Chapter 111 Section 39 Laws 2006

Section 39. PUBLIC EDUCATION PROJECTS--PUBLIC EDUCATION DEPARTMENT--GENERAL FUND.--The following amounts are appropriated from the general fund to the public education department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

~~1. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture, at Kirtland elementary school in the Albuquerque public school district in Bernalillo county;~~

~~2. fifty-five thousand dollars (\$55,000) to purchase and install fitness equipment for the wellness center at the southwest secondary learning center in the Albuquerque public school district in Bernalillo county;~~

~~3. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at Dolores Gonzales elementary school in the Albuquerque public school district in Bernalillo county;~~

~~4. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture and library books, for Atrisco elementary school in the Albuquerque public school district in Bernalillo county;~~

~~5. ten thousand dollars (\$10,000) to construct improvements to the baseball field dugouts at Cibola high school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

6. twenty-five thousand dollars (\$25,000) to purchase and install educational technology, including related equipment and furniture, for Dennis Chavez elementary school in the Albuquerque public school district in Bernalillo county;

7. fifty-five thousand dollars (\$55,000) to purchase and install educational technology, including related equipment, furnishings and wiring, for Alameda elementary school in the Albuquerque public school district in Bernalillo county;

~~[8. twenty thousand dollars (\$20,000) to purchase library books at Eldorado high school in the Albuquerque public school district in Bernalillo county;~~

~~9. four hundred fifty thousand dollars (\$450,000) to purchase and install educational technology, including related equipment and furniture, and multimedia equipment in the Eldorado high school cluster in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

10. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at Manzano Mesa elementary school in the Albuquerque public school district in Bernalillo county;

11. two hundred thousand dollars (\$200,000) to improve and purchase books for the Eldorado high school cluster libraries in the Albuquerque public school district in Bernalillo county;

~~[12. three hundred fifty thousand dollars (\$350,000) to purchase and install educational technology, including related equipment and furniture, for the Manzano high school cluster in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

13. one hundred fifty-five thousand dollars (\$155,000) to purchase and install educational technology, including related equipment and furniture, at Sandia Base elementary school in the Albuquerque public school district in Bernalillo county;

~~[14. one hundred twenty-five thousand dollars (\$125,000) to purchase and install educational technology, including related equipment and furniture, at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;~~

~~15. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, for Highland high school in the Albuquerque public school district in Bernalillo county;~~

~~16. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture, at Emerson elementary school in the Albuquerque public school district in Bernalillo county;]~~ **[LINE-ITEM VETO]**

17. seventy-five thousand dollars (\$75,000) to purchase and install educational technology, including related equipment and furniture, at Seven Bar elementary school in the Albuquerque public school district in Bernalillo county;

18. fifty-five thousand dollars (\$55,000) to purchase and install educational technology, including related equipment and furniture, at Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

19. twenty-five thousand dollars (\$25,000) to purchase and install educational technology, including related equipment and furniture, and to purchase laboratory equipment and textbooks, for Desert Ridge middle school in the Albuquerque public school district in Bernalillo county;

~~[20. seventy-five thousand dollars (\$75,000) to purchase and install educational technology, including related equipment and furniture, at Cibola high school in the Albuquerque public school district in Bernalillo county;]~~ **[LINE-ITEM VETO]**

21. fifty-five thousand dollars (\$55,000) to purchase and install educational technology, including related equipment and furniture, for Alvarado elementary school in the Albuquerque public school district in Bernalillo county;

22. forty thousand dollars (\$40,000) to purchase, install and improve a portable classroom at East Mountain charter high school in the Albuquerque public school district in Bernalillo county;

~~[23. twenty five thousand dollars (\$25,000) to purchase and install educational technology, including related equipment and furniture, at A. Montoya elementary school in the Albuquerque public school district in Bernalillo county;]~~ **[LINE-ITEM VETO]**

24. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, equip and furnish facilities, including purchase and installation of portables, for La Promesa early learning center charter school in the Albuquerque public school district in Bernalillo county;

25. twenty-five thousand dollars (\$25,000) for television and film production and broadcast equipment for schools in the Highland cluster in the Albuquerque public school district in Bernalillo county;

~~26. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Jefferson middle school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

27. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Montezuma elementary school in the Albuquerque public school district in Bernalillo county;

28. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Monte Vista elementary school in the Albuquerque public school district in Bernalillo county;

29. one hundred thirty thousand dollars (\$130,000) to purchase and install educational technology, including related equipment and furniture, at Cochiti elementary school in the Albuquerque public school district in Bernalillo county;

~~30. seventy-five thousand dollars (\$75,000) to make improvements to the patio at Duranes elementary school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

31. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture, at La Luz elementary school in the Albuquerque public school district in Bernalillo county;

32. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture, at Douglas MacArthur elementary school in the Albuquerque public school district in Bernalillo county;

33. thirty thousand dollars (\$30,000) for improvements to landscaping and the playground at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;

34. one hundred twenty thousand dollars (\$120,000) for lighting improvements in classrooms at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;

35. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture, at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;

~~[36. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Apache elementary school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

37. one hundred eighty thousand dollars (\$180,000) to purchase and install educational technology, including related equipment and furniture, at Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

38. ten thousand dollars (\$10,000) to remodel, equip and furnish the former federal post office building in downtown Albuquerque for use as Amy Biehl charter high school in the Albuquerque public school district in Bernalillo county;

39. one hundred thirty-five thousand dollars (\$135,000) to purchase and install educational technology, including related equipment and furniture, at Wilson middle school in the Albuquerque public school district in Bernalillo county;

~~[40. one hundred thousand dollars (\$100,000) to plan, design, construct and equip tennis courts at Cibola high school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

41. one hundred thousand dollars (\$100,000) to upgrade the gymnasium at Kennedy middle school in the Albuquerque public school district in Bernalillo county;

42. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment and furniture, at Grant middle school in the Albuquerque public school district in Bernalillo county;

43. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at Tomasita elementary school in the Albuquerque public school district in Bernalillo county;

44. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at McCollum elementary school in the Albuquerque public school district in Bernalillo county;

~~[45. seventy five thousand dollars (\$75,000) to purchase and install educational technology, including related equipment and furniture, and a track field at John Adams middle school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

46. fifty-three thousand dollars (\$53,000) to purchase and install equipment, shelving and furnishings for the library at Susie R. Marmon elementary school in the Albuquerque public school district in Bernalillo county;

~~[47. fifty thousand dollars (\$50,000) to purchase and install educational technology, library books, related equipment and furnishings at West Mesa high school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

48. two hundred fifty thousand dollars (\$250,000) to purchase, install and equip a portable building for the Twenty-first Century charter school in the Albuquerque public school district in Bernalillo county;

49. fifty thousand dollars (\$50,000) to purchase and install equipment and educational technology, including related equipment and furniture, at Robert F. Kennedy charter school in the Albuquerque public school district in Bernalillo county;

50. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment, furniture, wiring and infrastructure, at Manzano high school in the Albuquerque public school district in Bernalillo county;

51. one hundred thirty thousand dollars (\$130,000) to purchase and install educational technology, including related equipment and furniture, at Zia elementary school in the Albuquerque public school district in Bernalillo county;

52. three hundred thousand dollars (\$300,000) to purchase and install educational technology, including related equipment and furniture, at schools in house district 13, including Carlos Rey, Edward Gonzales, Alamosa and Mary Ann Binford elementary schools and Jimmy E. Carter and Truman middle schools, in the Albuquerque public school district in Bernalillo county;

53. forty-five thousand dollars (\$45,000) to purchase and install educational technology, including related equipment and furniture, at Hayes middle school in the Albuquerque public school district in Bernalillo county;

~~[54. twenty-five thousand dollars (\$25,000) to purchase non-textbook books for the library at Sandia high school in the Albuquerque public school district in Bernalillo county;~~

~~55. twenty-five thousand dollars (\$25,000) to purchase non-textbook books for the library at Madison middle school in the Albuquerque public school district in Bernalillo county;~~

~~56. twenty-five thousand dollars (\$25,000) to purchase non-textbook books for the library at Comanche elementary school in the Albuquerque public school district in Bernalillo county;~~

~~57. twenty-five thousand dollars (\$25,000) to purchase non-textbook books for the library at Osuna elementary school in the Albuquerque public school district in Bernalillo county;~~

~~58. twenty-five thousand dollars (\$25,000) to purchase non-textbook books for the library at Del Norte high school in the Albuquerque public school district in Bernalillo county;~~

~~59. twenty-five thousand dollars (\$25,000) to purchase non-textbook books for the library at Cleveland middle school in the Albuquerque public school district in Bernalillo county;~~

~~60. twenty-five thousand dollars (\$25,000) to purchase non-textbook books for the library at Arroyo del Oso elementary school in the Albuquerque public school district in Bernalillo county;~~

~~61. twenty-five thousand dollars (\$25,000) to purchase non-textbook books for the library at Governor Bent elementary school in the Albuquerque public school district in Bernalillo county;~~

~~62. twenty-five thousand dollars (\$25,000) to purchase non-textbook books for the library at Zuni elementary school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

63. one hundred thousand dollars (\$100,000) to plan, design and construct landscaping improvements to the patio at West Mesa high school in the Albuquerque public school district in Bernalillo county;

64. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Garfield middle school in the Albuquerque public school district in Bernalillo county;

65. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, at Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;

~~[66. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, for Chamiza elementary school in the Albuquerque public school district in Bernalillo county;~~

~~67. one hundred sixty-five thousand dollars (\$165,000) to purchase and install educational technology, library books, related equipment and furniture for Jimmy E. Carter middle school in the Albuquerque public school district in Bernalillo county;~~

~~68. seventy-five thousand dollars (\$75,000) to purchase and install educational technology, including related wiring, equipment and furniture, at Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;~~

~~69. fifty thousand dollars (\$50,000) to purchase and install educational technology and information technology, including related equipment and furniture, at Marie M. Hughes elementary school in the Albuquerque public school district in Bernalillo county;] [LINE-ITEM VETO]~~

70. ninety thousand dollars (\$90,000) to purchase and install educational technology, including library books and related equipment and furnishings, for Los Padillas elementary school in the Albuquerque public school district in Bernalillo county;

71. two hundred thousand dollars (\$200,000) to construct and install roof and heating and air conditioning system improvements at Ernie Pyle middle school in the Albuquerque public school district in Bernalillo county;

72. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, and to purchase library books at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

73. forty thousand dollars (\$40,000) to purchase and install educational technology, including related equipment and furniture, and library books for Polk middle school in the Albuquerque public school district in Bernalillo county;

74. forty thousand dollars (\$40,000) to purchase and install educational technology, including related equipment and furniture, and library books for Harrison middle school in the Albuquerque public school district in Bernalillo county;

75. ninety thousand dollars (\$90,000) to purchase and install educational technology, including library books, related equipment and furnishings, for Ernie Pyle middle school in the Albuquerque public school district in Bernalillo county;

~~[76. forty thousand dollars (\$40,000) to purchase and install educational technology, including related equipment and furniture, and library books at Truman middle school in the Albuquerque public school district in Bernalillo county;] [LINE-ITEM VETO]~~

77. one hundred thirty thousand dollars (\$130,000) to purchase and install educational technology, including library books and related equipment and furniture, for Navajo elementary school in the Albuquerque public school district in Bernalillo county;

~~[78. eighty thousand dollars (\$80,000) to purchase and install educational technology, including related equipment and furniture, and to purchase library books for Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;] [LINE-ITEM VETO]~~

79. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture and library books, for Pajarito elementary school in the Albuquerque public school district in Bernalillo county;

80. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture and library books, for Carlos Rey elementary school in the Albuquerque public school district in Bernalillo county;

81. sixty-eight thousand dollars (\$68,000) to purchase and install educational technology, including books, related equipment and furnishings, for Barcelona elementary school in the Albuquerque public school district in Bernalillo county;

82. one hundred thirty thousand dollars (\$130,000) to purchase and install educational technology, including related equipment and furniture, and to purchase library books for Kit Carson elementary school in the Albuquerque public school district in Bernalillo county;

83. thirty thousand dollars (\$30,000) to purchase and install educational technology, library books and related equipment and furnishings for Edward Gonzales elementary school in the Albuquerque public school district in Bernalillo county;

~~84. ten thousand dollars (\$10,000) to purchase books for the library at Cibola high school in the Albuquerque public school district in Bernalillo county;~~

~~85. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture, and library books for Mary Ann Binford elementary school in the Albuquerque public school district in Bernalillo county;~~

~~86. ten thousand dollars (\$10,000) to purchase books for the library at Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;]~~ **[LINE-ITEM VETO]**

87. fifteen thousand dollars (\$15,000) to purchase books for the library at James Monroe middle school in the Albuquerque public school district in Bernalillo county;

88. ten thousand dollars (\$10,000) to purchase books for the library at Chamiza elementary school in the Albuquerque public school district in Bernalillo county;

~~89. ninety thousand dollars (\$90,000) to purchase and install educational technology, including related equipment and furniture, at Comanche elementary school in the Albuquerque public school district in Bernalillo county;~~

~~90. seventy-five thousand dollars (\$75,000) to purchase and install educational technology, including related equipment and furnishings, at Sandia high school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

91. seventy-five thousand dollars (\$75,000) to purchase and install educational technology, including related equipment, supporting infrastructure and furniture, at Taylor middle school in the Albuquerque public school district in Bernalillo county;

~~[92. eighty-five thousand dollars (\$85,000) to purchase and install educational technology, including related equipment and furniture, at Ventana Ranch elementary school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

93. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, for Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;

94. fifty thousand dollars (\$50,000) to improve the athletic fields and playgrounds at Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;

~~[95. seventy thousand dollars (\$70,000) to purchase and install educational technology, books and related equipment and furnishings for Lavaland elementary school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

96. fifty thousand dollars (\$50,000) to purchase and install information and educational technology, including related equipment and furniture, and network upgrades for Painted Sky elementary school in the Albuquerque public school district in Bernalillo county;

~~[97. one hundred thousand dollars (\$100,000) to purchase and install educational technology and related equipment and furnishings at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;~~

~~98. one hundred thousand dollars (\$100,000) to construct, purchase and install improvements to the physical education and wrestling room at Rio Grande high school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

99. three hundred thousand dollars (\$300,000) to plan, design, construct and equip improvements to facilities for the West Mesa high school athletic department in the Albuquerque public school district in Bernalillo county;

~~[100. sixty thousand dollars (\$60,000) to purchase furniture, including staging, mobile storage cabinets, display cases and mobile science centers, at~~

~~Southwest secondary learning center in the Albuquerque public school district in Bernalillo county;~~

~~101. two hundred twenty five thousand dollars (\$225,000) for improvements to the playground, including purchase and installation of equipment and turf, at John Baker elementary school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

102. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture, at Los Puentes charter school in the Albuquerque public school district in Bernalillo county;

~~[103. forty thousand dollars (\$40,000) to purchase and install an inflatable structure for an assembly hall at Los Puentes charter school in the Albuquerque public school district in Bernalillo county;~~

~~104. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, for the smart laboratory at Southwest secondary learning center in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

105. twenty-five thousand dollars (\$25,000) to paint the exterior trim at Highland high school in the Albuquerque public school district in Bernalillo county;

~~[106. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Southwest primary learning center charter school in the Albuquerque public school district in Bernalillo county;~~

~~107. one hundred fifteen thousand dollars (\$115,000) to purchase and install an avionics and graphical instructor station and aviation library for Southwest secondary learning center charter school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

108. two hundred thousand dollars (\$200,000) to purchase and equip mobile art and science centers for the Southwest primary learning center charter school in the Albuquerque public school district in Bernalillo county;

109. seventy thousand dollars (\$70,000) to purchase and install educational technology and related equipment and furniture at Alamosa elementary school in the Albuquerque public school district in Bernalillo county;

110. twenty-five thousand dollars (\$25,000) to furnish La Luz del Monte learning center charter school in the Albuquerque public school district in Bernalillo county;

111. twenty-five thousand dollars (\$25,000) to purchase and install educational technology, including related equipment and furniture, at La Luz del Monte learning center charter school in the Albuquerque public school district in Bernalillo county;

112. twenty thousand dollars (\$20,000) to purchase, install and equip a mobile video console system at La Luz del Monte learning center charter school in the Albuquerque public school district in Bernalillo county;

113. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Duranes elementary school in the Albuquerque public school district in Bernalillo county;

114. fifty thousand dollars (\$50,000) for a water line at Alvarado elementary school in the Albuquerque public school district in Bernalillo county;

115. eighty thousand dollars (\$80,000) to purchase and install carpet in classrooms at Cochiti elementary school in the Albuquerque public school district in Bernalillo county;

116. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture, at Griegos elementary school in the Albuquerque public school district in Bernalillo county;

~~[117. seventy five thousand dollars (\$75,000) to make improvements to the grass field at La Luz elementary school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

118. thirty thousand dollars (\$30,000) to make improvements to electrical systems at Douglas MacArthur elementary school in the Albuquerque public school district in Bernalillo county;

~~[119. eighty thousand dollars (\$80,000) to plan, design and construct a play area at Douglas MacArthur elementary school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

120. thirty thousand dollars (\$30,000) to purchase and install sinks in portable classrooms at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;

121. one hundred fifteen thousand dollars (\$115,000) for improvements to the science lab at Taft middle school in the Albuquerque public school district in Bernalillo county;

122. twenty-five thousand dollars (\$25,000) to make improvements at Taft middle school in the Albuquerque public school district in Bernalillo county;

~~[123. twenty-five thousand dollars (\$25,000) for renovations to building K and building L at Valley high school in the Albuquerque public school district in Bernalillo county;] [LINE-ITEM VETO]~~

124. seventy thousand dollars (\$70,000) for improvements to the computer center at Valley high school in the Albuquerque public school district in Bernalillo county;

125. fifty-five thousand dollars (\$55,000) to purchase and install educational technology, including related equipment and furniture, for Valley high school in the Albuquerque public school district in Bernalillo county;

126. seventy thousand dollars (\$70,000) to purchase library books and to purchase and install playground equipment for Montessori elementary charter school in the Albuquerque public school district in Bernalillo county;

~~[127. twenty-five thousand dollars (\$25,000) to purchase and install astroturf on the baseball field at Highland high school in the Albuquerque public school district in Bernalillo county;~~

~~128. twenty thousand dollars (\$20,000) to purchase and install blinds at Wilson middle school in the Albuquerque public school district in Bernalillo county;~~

~~129. twenty thousand dollars (\$20,000) to purchase and install blinds at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;~~

~~130. thirty thousand dollars (\$30,000) to purchase and install educational technology, including related equipment and furniture, at Whittier elementary school in the Albuquerque public school district in Bernalillo county;~~

~~131. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip improvements, including landscaping, to the playground at Jimmy E. Carter middle school in the Albuquerque public school district in Bernalillo county;] [LINE-ITEM VETO]~~

132. twenty thousand dollars (\$20,000) to upgrade the smart lab at La Luz del Monte learning center charter school in the Albuquerque public school district in Bernalillo county;

~~[133. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and furnish a recreational area and outdoor cafeteria patio area at James Monroe middle school in the Albuquerque public school district in Bernalillo county;] [LINE-ITEM VETO]~~

134. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Eugene Field elementary school in the Albuquerque public school district in Bernalillo county;

~~[135. twenty-eight thousand dollars (\$28,000) to purchase a universal patient simulator for the licensed practical nursing program in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

136. twenty-five thousand dollars (\$25,000) to purchase and install educational technology, including related equipment and furniture, for East Mountain charter high school in the Albuquerque public school district in Bernalillo county;

137. sixty thousand dollars (\$60,000) to equip and furnish classrooms at Southwest primary learning center in the Albuquerque public school district in Bernalillo county;

138. thirty-five thousand dollars (\$35,000) to purchase fully automatic timing packages for Milne and Wilson stadiums in the Albuquerque public school district in Bernalillo county;

139. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment and furniture, for east San Jose elementary school in the Albuquerque public school district in Bernalillo county;

~~[140. fifty-eight thousand dollars (\$58,000) to purchase an all-purpose vehicle for Highland high school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

141. seven hundred thousand dollars (\$700,000) to construct improvements to the pool at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

~~[142. forty-seven thousand dollars (\$47,000) to plan, design, construct, equip and furnish playground areas at Pajarito elementary school in the Albuquerque public school district in Bernalillo county;]~~

~~143. forty-five thousand dollars (\$45,000) to acquire land and to construct improvements to Nuestros Valores charter high school in the Albuquerque public school district in Bernalillo county;~~

~~144. three hundred eighty thousand dollars (\$380,000) to plan, design, construct, survey, repair and replace the drainage system at Sandia high school in the Albuquerque public school district in Bernalillo county;~~

~~145. twenty-five thousand dollars (\$25,000) to purchase and install educational technology, including related equipment and furniture, at Chamiza~~

~~elementary school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

146. fifty thousand dollars (\$50,000) to construct a play field, including purchase and installation of synthetic turf, at Seven Bar elementary school in the Albuquerque public school district in Bernalillo county;

147. twenty thousand dollars (\$20,000) to equip and improve the Albuquerque high school wrestling room in the Albuquerque public school district in Bernalillo county;

~~[148. thirty five thousand dollars (\$35,000) to acquire land, develop the site and purchase and install educational technology, including related equipment and furniture, for Nuestros Valores charter school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

149. twenty thousand dollars (\$20,000) to purchase and install educational technology, including related equipment and furniture, at Amy Biehl charter high school in the Albuquerque public school district in Bernalillo county;

150. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment and furniture, for Albuquerque high school in the Albuquerque public school district in Bernalillo county;

151. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, at Wherry elementary school in the Albuquerque public school district in Bernalillo county;

152. fifty-five thousand dollars (\$55,000) to plan, design and construct repairs to and replacement of the roof at Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

153. eighty thousand dollars (\$80,000) to plan, design and construct improvements to athletic fields, tracks and drainage at Alameda elementary school in the Albuquerque public school district in Bernalillo county;

154. thirty thousand dollars (\$30,000) for electrical upgrades at Garfield middle school in the Albuquerque public school district in Bernalillo county;

~~[155. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furnishings, and to purchase video scopes for James Monroe middle school in the Albuquerque public school district in Bernalillo county;] [**LINE-ITEM VETO**]~~

156. thirty thousand dollars (\$30,000) for electrical upgrades at Alvarado elementary school in the Albuquerque public school district in Bernalillo county;

157. thirty thousand dollars (\$30,000) to purchase library books and materials for Griegos elementary school in the Albuquerque public school district in Bernalillo county;

158. thirty thousand dollars (\$30,000) for field and parking area renovations at La Luz elementary school in the Albuquerque public school district in Bernalillo county;

159. thirty-five thousand dollars (\$35,000) to purchase and install educational technology, including related equipment and furnishings, for the continuation school of the Bernalillo county juvenile detention center in the Albuquerque public school district in Bernalillo county;

160. thirty thousand dollars (\$30,000) to purchase books in English and Spanish for Los Padillas elementary school in the Albuquerque public school district in Bernalillo county;

161. thirty thousand dollars (\$30,000) to purchase books for the library at Los Padillas elementary school in the Albuquerque public school district in Bernalillo county;

162. fifty thousand dollars (\$50,000) to improve and equip softball fields at Valley high school in the Albuquerque public school district in Bernalillo county;

~~[163. twelve thousand dollars (\$12,000) to plan, design and construct an expansion to the fire station outside the cafeteria patio court area at James Monroe middle school in the Albuquerque public school district in Bernalillo county;~~

~~164. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip a recreational area, including basketball courts, at James Monroe middle school in the Albuquerque public school district in Bernalillo county;]~~ **[LINE-ITEM VETO]**

165. twenty-five thousand dollars (\$25,000) to upgrade the media center, including the purchase of books and furniture, at Hayes middle school in the Albuquerque public school district in Bernalillo county;

166. six hundred thousand dollars (\$600,000) to renovate the soccer fields, including replacing turf, lighting and bleachers, at Highland high school in the Albuquerque public school district in Bernalillo county;

167. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furnishings, at Lew Wallace elementary school in the Albuquerque public school district in Bernalillo county;

168. fifty thousand dollars (\$50,000) to purchase and install equipment and educational technology, including related equipment and furniture, at Youth Build

Trade and Technology high school in the Albuquerque public school district in Bernalillo county;

169. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furnishings, at Washington middle school in the Albuquerque public school district in Bernalillo county;

170. fifty thousand dollars (\$50,000) to purchase and install equipment and educational technology, including related equipment, furniture and technology, at Cesar Chavez community school in the Albuquerque public school district in Bernalillo county;

~~[171. one hundred thousand dollars (\$100,000) to purchase and install equipment and educational technology, including related equipment and furniture, at South Valley Academy charter school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

172. fifty thousand dollars (\$50,000) to purchase and install equipment and educational technology, including related equipment and furniture, at La Resolana charter school in the Albuquerque public school district in Bernalillo county;

~~[173. ten thousand dollars (\$10,000) to purchase books for the library at Corrales elementary school in the Albuquerque public school district in Bernalillo county;]~~

~~174. twenty thousand dollars (\$20,000) to purchase library books at S.Y. Jackson elementary school in the Albuquerque public school district in Bernalillo county;~~

~~175. twenty thousand dollars (\$20,000) to purchase library books at Georgia O'Keeffe elementary school in the Albuquerque public school district in Bernalillo county;~~

~~176. twenty thousand dollars (\$20,000) to purchase library books at John Baker elementary school in the Albuquerque public school district in Bernalillo county;~~

~~177. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip improvements to the library at Governor Bent elementary school in the Albuquerque public school district in Bernalillo county;~~

~~178. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip improvements, including the fields, bleachers, goals, concession and restroom areas, at Del Norte high school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

179. one hundred thousand dollars (\$100,000) to purchase books and equipment at Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

~~[180. forty-five thousand dollars (\$45,000) to purchase educational technology, including related equipment and furniture, and technology infrastructure for campus wireless connectivity in the Eldorado cluster of the Albuquerque public school district in Bernalillo county;] [LINE-ITEM VETO]~~

181. forty-eight thousand dollars (\$48,000) to replace the roof on the cafeteria and art building at Van Buren middle school in the Albuquerque public school district in Bernalillo county;

182. forty thousand dollars (\$40,000) for library books, furniture and educational materials at Griegos elementary school in the Albuquerque public school district in Bernalillo county;

183. twenty-five thousand dollars (\$25,000) to purchase and install recreation equipment at Mountain View elementary school in the Albuquerque public school district in Bernalillo county;

~~[184. fifty thousand dollars (\$50,000) for playground and athletic field improvements at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;] [LINE-ITEM VETO]~~

185. fifty thousand dollars (\$50,000) for playground and athletic field improvements at Ventana Ranch elementary school in the Albuquerque public school district in Bernalillo county;

186. fifty thousand dollars (\$50,000) for playground and athletic field improvements at Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;

~~[187. fifty thousand dollars (\$50,000) for playground and athletic field improvements at Chamiza elementary school in the Albuquerque public school district in Bernalillo county;~~

~~188. fifty thousand dollars (\$50,000) for playground and athletic field improvements at Marie M. Hughes elementary school in the Albuquerque public school district in Bernalillo county;~~

~~189. fifty thousand dollars (\$50,000) for playground and athletic field improvements at Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;~~

~~190. fifty thousand dollars (\$50,000) for playground and athletic field improvements at James Monroe middle school in the Albuquerque public school district in Bernalillo county;~~

~~191. twenty-five thousand dollars (\$25,000) for improvements to the shooting sports team facilities at Cibola high school in the Albuquerque public school district in Bernalillo county;~~

~~192. seventy-five thousand dollars (\$75,000) to plan, design, construct, equip and furnish the science buildings at Sandia high school in the Albuquerque public school district in Bernalillo county;] [LINE-ITEM VETO]~~

193. two hundred forty thousand dollars (\$240,000) to plan, design and construct a cafeteria at Susie R. Marmon elementary school in the Albuquerque public school district in Bernalillo county;

194. two hundred seventy-five thousand dollars (\$275,000) to increase the number of faculty members at the Highland and Manzano high school clusters in the Albuquerque public school district in Bernalillo county and to add at least one additional social worker at each cluster;

~~[195. sixty thousand dollars (\$60,000) to plan, design and construct improvements, including purchase and installation of lights, to the baseball field at Goddard high school in the Roswell independent school district in Chaves county;~~

~~196. fifteen thousand dollars (\$15,000) to purchase and install educational technology, including related equipment and furniture, at Berrendo elementary school in the Roswell independent school district in Chaves county;~~

~~197. twenty-five thousand dollars (\$25,000) to purchase and install educational technology, including related equipment and furniture, at Del Norte elementary school in the Roswell independent school district in Chaves county;~~

~~198. seventy thousand dollars (\$70,000) to purchase and install educational technology, including related equipment and furniture such as presentation carts, laptops, cameras and wireless tablets, at Berrendo middle school in the Roswell independent school district in Chaves county;] [LINE-ITEM VETO]~~

199. one hundred thousand dollars (\$100,000) to replace the roof at Sidney Gutierrez middle school in the Roswell independent school district in Chaves county;

200. twenty-two thousand dollars (\$22,000) to purchase and install educational technology, including related equipment and furniture, at Valley View elementary school in the Roswell independent school district in Chaves county;

~~201. sixty-five thousand dollars (\$65,000) to plan, design, construct and improve a walking track, rubber mulch area, fencing, back stops, cement and ventilation for Del Norte elementary school in the Roswell independent school district in Roswell in Chaves county;~~

~~202. seventy thousand dollars (\$70,000) to purchase and install educational technology, including related equipment and furniture, at Military Heights elementary school in the Roswell independent school district in Chaves county;~~

~~203. forty thousand dollars (\$40,000) to plan, design and construct ticket booths for the Roswell independent school district in Chaves county;~~

~~204. twenty-five thousand dollars (\$25,000) to purchase equipment for the wrestling program at Goddard high school in the Roswell independent school district in Chaves county;~~

~~205. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements for the Wool Bowl complex in the Roswell independent school district in Chaves county;~~

~~206. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, for the Roswell independent school district in Chaves county;~~

~~207. fifty thousand dollars (\$50,000) to design, purchase, construct and install bleachers at Bobcat stadium in the Hagerman municipal school district in Chaves county;] [LINE-ITEM VETO]~~

208. twenty-five thousand dollars (\$25,000) to purchase water rights for the Dexter consolidated school district in Chaves county;

~~[209. seventy-five thousand dollars (\$75,000) to purchase and install equipment and information technology, including related equipment and furniture, for the Roswell high school football program in the Roswell independent school district in Chaves county;~~

~~210. fifty thousand dollars (\$50,000) to purchase and install equipment and information technology, including related equipment and furniture, for the Goddard high school basketball program in the Roswell independent school district in Chaves county;~~

~~211. ninety-five thousand dollars (\$95,000) to plan, design, construct and equip improvements, including artificial turf, tables and a security system, to the playground at Berrendo middle school in the Roswell independent school district in Chaves county;] [LINE-ITEM VETO]~~

212. seventy-five thousand dollars (\$75,000) for repairs and renovations to the restroom facilities at Berrendo middle school in the Roswell independent school district in Chaves county;

~~[213. ten thousand dollars (\$10,000) to purchase equipment, furniture and other support materials for the cheerleading team at Goddard high school in the Roswell independent school district in Chaves county;]~~ [**LINE-ITEM VETO**]

214. twenty thousand dollars (\$20,000) to purchase and install educational technology, including related equipment and furniture, at Goddard high school in the Roswell independent school district in Chaves county;

~~[215. twenty thousand dollars (\$20,000) to purchase and install equipment and information technology, including related equipment and furniture, for the Goddard high school baseball program in the Roswell independent school district in Chaves county;~~

~~216. twenty thousand dollars (\$20,000) to purchase information technology, equipment and uniforms for the baseball program at Goddard high school in the Roswell independent school district in Chaves county;~~

~~217. one hundred thousand dollars (\$100,000) to repair facilities at Goddard high school in the Roswell independent school district in Chaves county;~~

~~218. fifteen thousand dollars (\$15,000) to purchase and equip a trailer for the baseball program at Goddard high school in the Roswell independent school district in Chaves county;~~

~~219. fifteen thousand dollars (\$15,000) to purchase and equip a trailer for the band at Goddard high school in the Roswell independent school district in Chaves county;~~

~~220. twenty-five thousand dollars (\$25,000) to purchase and equip a trailer for the future farmers of America program at Goddard high school in the Roswell independent school district in Chaves county;~~

~~221. fifty-five thousand dollars (\$55,000) to purchase and install educational technology, including handheld devices, interactive classroom equipment, related equipment and furniture, at Berrendo middle school in the Roswell independent school district in Chaves county;~~

~~222. twenty-five thousand dollars (\$25,000) to purchase and install lighting at the football field at Goddard high school in the Roswell independent school district in Chaves county;~~

~~223. twenty-five thousand dollars (\$25,000) to purchase equipment for the wrestling program at Roswell high school in the Roswell independent school district in Chaves county;~~

~~224. twenty-five thousand dollars (\$25,000) to purchase equipment for the drum corps at Roswell high school in the Roswell independent school district in Chaves county;~~

~~225. forty thousand dollars (\$40,000) to purchase equipment for Berrendo middle school in the Roswell independent school district in Chaves county;~~

~~226. fifty thousand dollars (\$50,000) to purchase equipment and uniforms for the football program at Mesa middle school in the Roswell independent school district in Chaves county;~~

~~227. thirty thousand dollars (\$30,000) to purchase and install scoreboards at Mesa middle school in the Roswell independent school district in Chaves county;~~

~~228. ten thousand dollars (\$10,000) to purchase equipment and uniforms for the girls' volleyball and basketball programs at Berrendo middle school in the Roswell independent school district in Chaves county;~~

~~229. twenty-five thousand dollars (\$25,000) to purchase equipment for the football program at Berrendo middle school in the Roswell independent school district in Chaves county;~~

~~230. twenty-five thousand dollars (\$25,000) to purchase and install playground equipment in the Lupe Fresquez memorial park at Del Norte elementary school in the Roswell independent school district in Chaves county;] [**LINE-ITEM VETO**]~~

231. fifty thousand dollars (\$50,000) to plan, design, purchase and install security systems and monitors at Goddard and Roswell high schools and Berrendo middle school in the Roswell independent school district in Chaves county;

~~[232. thirty-four thousand dollars (\$34,000) to purchase and equip educational technology, including related equipment and furniture, for Monterrey elementary school in the Roswell independent school district in Chaves county;~~

~~233. twenty-five thousand dollars (\$25,000) to purchase and install educational technology, including related equipment and furniture, for El Capitan elementary school in the Roswell independent school district in Chaves county;] [**LINE-ITEM VETO**]~~

234. fifty thousand dollars (\$50,000) to purchase, install, equip and furnish improvements to the child care center and playground, including related furnishings, at University high school in the Roswell independent school district in Chaves county;

235. forty thousand dollars (\$40,000) to plan, design, purchase, construct and install a sprinkler system for Sierra middle school in the Roswell independent school district in Chaves county;

236. thirty-eight thousand dollars (\$38,000) to purchase, construct, equip and improve the physical education and health education departments at Roswell high school in the Roswell independent school district in Chaves county;

~~[237. one hundred forty thousand dollars (\$140,000) to furnish, equip, install and improve facilities, including educational technology and related equipment and furniture, at the Roswell high school fine arts department in the Roswell independent school district in Chaves county;]~~ [**LINE-ITEM VETO**]

238. forty-nine thousand dollars (\$49,000) to purchase and install educational technology, including related equipment and furniture, for the foreign language department at Roswell high school in the Roswell independent school district in Chaves county;

239. thirty-three thousand dollars (\$33,000) to purchase and improve the vocational education department facilities, including paving and remodeling, at Roswell high school in the Roswell independent school district in Chaves county;

240. fifty-two thousand dollars (\$52,000) to purchase and install educational technology, including related equipment and furniture, for the mathematics department at Roswell high school in the Roswell independent school district in Chaves county;

241. thirty-six thousand dollars (\$36,000) to purchase information technology, including related equipment and furniture, for the English department at Roswell high school in the Roswell independent school district in Chaves county;

242. fifty-five thousand dollars (\$55,000) to purchase and install educational technology, including related equipment and furniture, for the social studies department at Roswell high school in the Roswell independent school district in Chaves county;

243. sixty-two thousand dollars (\$62,000) to purchase and install educational technology, including related equipment and furniture, in the science department at Roswell high school in the Roswell independent school district in Chaves county;

~~[244. thirty-eight thousand dollars (\$38,000) to plan, design, purchase and install library improvements, including equipment, technology and furniture, at Military Heights elementary school in the Roswell independent school district in Chaves county;]~~
[LINE-ITEM VETO]

245. sixty-six thousand dollars (\$66,000) to purchase a bus for the head start program in the Grants-Cibola county school district in Cibola county;

246. fifty thousand dollars (\$50,000) to improve, including paving, the playground for the Grants head start center in Cibola county;

~~[247. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the lighting system in the gymnasium in the Springer municipal school district in Colfax county;]~~ **[LINE-ITEM VETO]**

248. forty-five thousand dollars (\$45,000) to improve and equip the library in the Maxwell municipal school district in Colfax county;

249. thirty thousand dollars (\$30,000) to improve the lighting, electrical and sound systems in the Springer municipal school district in Colfax county;

250. eighty-seven thousand dollars (\$87,000) to plan, design and construct improvements, including purchase and installation of playground equipment, to the playgrounds in the Texico municipal school district in Curry county;

251. thirty thousand dollars (\$30,000) to renovate gymnasium seating in the Melrose public school district in Curry county;

~~[252. fifty thousand dollars (\$50,000) to purchase and install bleachers for the gymnasium in the Melrose public school district in Curry county;]~~ **[LINE-ITEM VETO]**

253. fifty thousand dollars (\$50,000) to purchase equipment for San Miguel elementary school in the Gadsden independent school district in Dona Ana county;

254. one hundred thousand dollars (\$100,000) to purchase, install and construct playground equipment and shelters at Desert View elementary school in the Gadsden independent school district in Dona Ana county;

255. one hundred thousand dollars (\$100,000) for playground improvements, including purchase and installation of equipment, at Chaparral elementary school in the Gadsden independent school district in Dona Ana county;

256. three hundred thousand dollars (\$300,000) to construct an athletic track at Chaparral schools in the Gadsden independent school district in Dona Ana county;

257. three hundred thousand dollars (\$300,000) to construct a field house at Chaparral schools in the Gadsden independent school district in Dona Ana county;

258. fifty thousand dollars (\$50,000) to purchase and install equipment at Central elementary school in the Las Cruces public school district in Dona Ana county;

259. fifty thousand dollars (\$50,000) to purchase and install equipment at Mesilla elementary school in the Las Cruces public school district in Dona Ana county;

260. fifty thousand dollars (\$50,000) to purchase and install equipment at Mesilla Park elementary school in the Las Cruces public school district in Dona Ana county;

261. fifty thousand dollars (\$50,000) to purchase and install equipment at Tombaugh elementary school in the Las Cruces public school district in Dona Ana county;

~~262. fifty thousand dollars (\$50,000) to purchase and install equipment at Las Cruces high school in the Las Cruces public school district in Dona Ana county;]~~
[LINE-ITEM VETO]

263. fifty thousand dollars (\$50,000) to purchase and install equipment at San Andres high school in the Las Cruces public school district in Dona Ana county;

264. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furnishings, at Santa Teresa middle school in the Gadsden independent school district in Dona Ana county;

265. thirty thousand dollars (\$30,000) to plan, design and construct improvements to the tennis courts at Las Cruces high school in the Las Cruces public school district in Dona Ana county;

~~266. one hundred thousand dollars (\$100,000) to purchase and install playground equipment and other structures for Anthony elementary school in the Gadsden independent school district in Dona Ana county;]~~ **[LINE-ITEM VETO]**

267. one hundred fifty thousand dollars (\$150,000) to purchase and install educational technology, including related equipment and furniture, for Zia middle school in the Las Cruces public school district in Dona Ana county;

~~268. fifty-five thousand dollars (\$55,000) to purchase and install playground equipment at Conlee elementary school in the Las Cruces public school district in Dona Ana county;~~

~~269. seventy-five thousand dollars (\$75,000) to purchase and install playground equipment at Hermosa Heights elementary school in the Las Cruces public school district in Dona Ana county;] [**LINE-ITEM VETO**]~~

270. one hundred fifty thousand dollars (\$150,000) for landscaping and to purchase, plan, design and construct gazebos and sun shades at Santa Teresa high school in the Gadsden independent school district in Dona Ana county;

271. fifty thousand dollars (\$50,000) to purchase and install equipment at Fairacres elementary school in the Las Cruces public school district in Dona Ana county;

~~[272. twenty-five thousand dollars (\$25,000) to purchase athletic equipment for the soccer programs at Las Cruces high school in the Las Cruces public school district in Dona Ana county;] [**LINE-ITEM VETO**]~~

273. fifty thousand dollars (\$50,000) to purchase and install playground equipment and educational technology, including related equipment and furnishings, at Zia middle school in the Las Cruces public school district in Dona Ana county;

~~[274. two hundred fifteen thousand dollars (\$215,000) to purchase and install equipment and furniture for the Carlsbad high school band and choir program in the Carlsbad municipal school district in Eddy county;] [**LINE-ITEM VETO**]~~

275. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements necessary to comply with the Americans with Disabilities Act of 1990 at elementary schools in the Carlsbad municipal school district in Eddy county;

276. fifty thousand dollars (\$50,000) to purchase and install artificial turf at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

277. two hundred fifty thousand dollars (\$250,000) to purchase and install educational technology, including related equipment and furniture, in the Loving municipal school district in Eddy county;

278. twenty-five thousand dollars (\$25,000) to plan, design and construct a school-based health clinic in the Carlsbad municipal school district in Eddy county;

~~[279. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the parking lot at the Mack Chase athletic complex in the Artesia public school district in Eddy county;~~

~~280. fifty thousand dollars (\$50,000) to install and equip a natatorium, including heating and water storage, at Artesia high school in the Artesia public school district in Eddy county;] [**LINE-ITEM VETO**]~~

281. seventy-five thousand dollars (\$75,000) to purchase and equip vehicles for the Cobre consolidated school district in Grant county;

~~[282. one hundred twenty five thousand dollars (\$125,000) to plan, design and construct improvements to the tennis courts for the Cobre consolidated school district in Grant county;] [LINE-ITEM VETO]~~

283. two hundred thousand dollars (\$200,000) to purchase and install bleachers at Silver high school in the Silver consolidated school district in Grant county;

284. seventy-five thousand dollars (\$75,000) to landscape the playground, add playground courts, purchase and install playground equipment and make playground improvements at Santa Rosa middle school in the Santa Rosa consolidated school district in Guadalupe county;

285. forty thousand dollars (\$40,000) to purchase and install reader boards for the Santa Rosa consolidated school district in Guadalupe county;

~~[286. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including purchase and installation of equipment, to the football field in the Roy municipal school district in Harding county;] [LINE-ITEM VETO]~~

287. fifty thousand dollars (\$50,000) to plan, design, construct, purchase and install bleachers at the football stadium in the Lovington municipal school district in Lea county;

288. one hundred thousand dollars (\$100,000) to resurface the floor in the Lovington high school gymnasium annex in the Lovington municipal school district in Lea county;

289. one hundred fifty thousand dollars (\$150,000) to equip and construct playgrounds at Llano and Lea elementary schools in the Lovington municipal school district in Lea county;

290. twenty-five thousand dollars (\$25,000) to purchase and install educational technology, including related equipment and furniture, for the business laboratory at Lovington high school in the Lovington municipal school district in Lea county;

~~[291. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to the heating, ventilation and air conditioning system for the Tasker arena complex in the Hobbs municipal school district in Lea county;~~

~~292. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish the Eunice high school science lab in the Eunice public school district in Lea county;] [LINE-ITEM VETO]~~

293. fifty thousand dollars (\$50,000) to plan, design and construct a heating, ventilation and air conditioning system for the Jal public school district in Lea county;

294. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct a roof for the Jal public school district in Lea county;

~~295. one hundred seventy-five thousand dollars (\$175,000) to purchase, furnish and equip improvements for the baseball program and facilities at Capitan high school in the Capitan municipal school district in Lincoln county;~~

~~296. twenty thousand dollars (\$20,000) to purchase and install equipment and information technology for the basketball programs in the Capitan municipal school district in Lincoln county;~~

~~297. fifty five thousand dollars (\$55,000) to plan, design, construct and equip improvements to the family and consumer science laboratory for Capitan middle school in the Capitan municipal school district in Lincoln county;~~

~~298. twenty thousand dollars (\$20,000) to plan, design, construct and equip improvements to the nurse's office and storage areas for the Capitan municipal school district in Lincoln county;~~

~~299. twenty five thousand dollars (\$25,000) to plan, design and construct improvements to electrical panels and for renovations to the heating, ventilation and air conditioning system at Capitan high school in the Capitan municipal school district in Lincoln county;~~

~~300. thirty five thousand dollars (\$35,000) to purchase and install equipment and make renovations to facilities, including playground improvements, in the Carrizozo municipal school district in Lincoln county;~~

~~301. twenty five thousand dollars (\$25,000) to purchase equipment for athletic programs in the Capitan municipal school district in Lincoln county;]~~ **[LINE-ITEM VETO]**

302. one hundred thousand dollars (\$100,000) to plan, design and construct athletic fields and facilities, including restroom, concession and storage facilities, at Zuni high school in the Zuni public school district in McKinley county;

303. one hundred ten thousand dollars (\$110,000) to plan, design and construct a retaining wall in the Wagon Mound public school district in Mora county;

304. thirty thousand dollars (\$30,000) to plan, design and construct a water and wastewater system in the Mora independent school district in Mora county;

305. fifteen thousand dollars (\$15,000) to purchase and install equipment in the weight room in the Wagon Mound public school district in Mora county;

~~[306. five thousand dollars (\$5,000) to plan, design and equip the football and basketball weight room at Wagon Mound high school in the Wagon Mound public school district in Mora county;]~~ [**LINE-ITEM VETO**]

307. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, improve, equip and furnish schools and sports facilities in the Mora independent school district in Mora county;

308. seventy-five thousand dollars (\$75,000) to improve, renovate, expand and equip the track and field in the Mesa Vista consolidated school district in Rio Arriba and Taos counties;

309. one hundred fifty thousand dollars (\$150,000) to plan, design and construct renovations to the football field and to equip the football program with sports equipment in the Mesa Vista consolidated school district in Rio Arriba and Taos counties;

310. one hundred seventy-five thousand dollars (\$175,000) to purchase and install playground equipment and sun shades that comply with the Americans with Disabilities Act of 1990 in the Alamogordo public school district in Otero county;

~~[311. two hundred thousand dollars (\$200,000) to construct improvements, including new turf, to athletic fields in the Tularosa municipal school district in Otero county;]~~ [**LINE-ITEM VETO**]

312. sixty thousand dollars (\$60,000) to purchase and equip a vehicle to be used by the athletic department in the Tularosa municipal school district in Otero county;

~~[313. two hundred thousand dollars (\$200,000) to purchase and install educational technology related to the governor's laptop initiative, including related equipment and furniture, for the Tularosa municipal school district in Otero county;]~~ [**LINE-ITEM VETO**]

314. fifteen thousand dollars (\$15,000) to purchase and install information technology, including related equipment and furniture, and to make improvements to El Rito library in Rio Arriba county;

~~[315. fifty-five thousand dollars (\$55,000) to plan, design, construct, equip and furnish improvements for the athletic department at Espanola Valley high school in the Espanola public school district in Rio Arriba county;]~~

~~316. fifty thousand dollars (\$50,000) to plan, design, construct and equip a greenhouse and to purchase and install playground equipment for the Carinos charter school in the Espanola public school district in Rio Arriba county;~~

~~317. one hundred fifty thousand dollars (\$150,000) to purchase, install, repair and replace the roof on the high school gymnasium in the Jemez Mountain public school district in Rio Arriba county;] [**LINE-ITEM VETO**]~~

318. one hundred thousand dollars (\$100,000) to purchase, install and replace windows at Chama middle school in the Chama Valley independent school district in Rio Arriba county;

319. thirty thousand dollars (\$30,000) to purchase and equip vehicles for Espanola military academy in the Espanola public school district in Rio Arriba county;

320. seventy-five thousand dollars (\$75,000) to plan, design, construct, equip and furnish improvements at San Juan elementary school in the Espanola public school district in Rio Arriba county;

~~[321. twenty-five thousand dollars (\$25,000) to purchase equipment, instruments and an audio and recording system for the mariachi program in the Espanola public school district in Rio Arriba county;~~

~~322. twenty-five thousand dollars (\$25,000) to purchase uniforms for the mariachi band in the Espanola public school district in Rio Arriba county;] [**LINE-ITEM VETO**]~~

323. fifty thousand dollars (\$50,000) to renovate, including upgrading restrooms and replacing windows, the elementary schools in the Portales municipal school district in Roosevelt county;

324. twenty thousand dollars (\$20,000) to plan, design and construct a multipurpose facility for the Elida municipal school district in Roosevelt county;

325. ninety thousand dollars (\$90,000) to remove the existing metal gymnasium roof and replace it with a new roof in the Elida municipal school district in Roosevelt county;

326. forty thousand dollars (\$40,000) to purchase and equip vehicles for the Dora consolidated school district in Roosevelt county;

327. fifty thousand dollars (\$50,000) for repairs to the gymnasium in the Floyd municipal school district in Roosevelt county;

328. twenty-five thousand dollars (\$25,000) to purchase and install equipment for science classes in the Floyd municipal school district in Roosevelt county;

~~[329. one hundred five thousand dollars (\$105,000) to plan, design and construct improvements to, including renovations to meet the Americans with Disabilities Act of 1990, the sports complex in the Aztec municipal school district in San Juan county;] [LINE-ITEM VETO]~~

330. two hundred thousand dollars (\$200,000) to purchase and install educational technology, including related equipment and furniture, for the Bloomfield school district science classrooms in San Juan county;

~~[331. one hundred thousand dollars (\$100,000) to purchase equipment and upgrade existing sound and lighting systems and seating at the Bloomfield high school auditorium in the Bloomfield school district in San Juan county;] [LINE-ITEM VETO]~~

332. one hundred thousand dollars (\$100,000) to construct, improve, expand and equip the Riverview education and recreation center multipurpose facility in the Central consolidated school district in San Juan county;

~~[333. one hundred thousand dollars (\$100,000) to purchase and install educational technology, including related equipment and furniture, for the Central consolidated school district in San Juan county;] [LINE-ITEM VETO]~~

334. two hundred thousand dollars (\$200,000) to purchase and install furniture and equipment in science classrooms at schools in the Bloomfield school district in San Juan county;

335. one hundred thirty thousand dollars (\$130,000) to renovate, expand, improve and equip the administration building in the west Las Vegas public school district in San Miguel county;

336. four hundred fifty thousand dollars (\$450,000) to construct and equip the outdoor amphitheater at Robertson high school in the Las Vegas city public school district in San Miguel county;

337. forty thousand dollars (\$40,000) to purchase a food van for the Las Vegas city public school district in San Miguel county;

338. fifteen thousand dollars (\$15,000) to purchase equipment, a bus and information technology, including related equipment and furnishings, for Rio Gallinas charter school in the west Las Vegas public school district in San Miguel county;

339. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish a landscaping beautification project at Legion Park elementary school in the Las Vegas city public school district in San Miguel county;

340. twenty-five thousand dollars (\$25,000) to purchase and install playground equipment at schools in the Pecos independent school district in San Miguel county;

341. forty thousand dollars (\$40,000) to purchase a reader board for the Wagon Mound public school district in San Miguel county;

~~342. eighty thousand dollars (\$80,000) to purchase two reader boards for the Las Vegas city public school district in San Miguel county;~~ [**LINE-ITEM VETO**]

343. forty thousand dollars (\$40,000) to purchase equipment, including a bobcat, for the Las Vegas city public school district in San Miguel county;

~~344. eighty thousand dollars (\$80,000) to plan, design and construct soccer fields for the west Las Vegas public school district in San Miguel county;~~ [**LINE-ITEM VETO**]

345. one hundred ninety thousand dollars (\$190,000) to construct improvements to the track surface in the west Las Vegas public school district in San Miguel county;

~~346. twelve thousand dollars (\$12,000) to purchase equipment for the custodial department in the west Las Vegas public school district in San Miguel county;~~

~~347. twenty-five thousand dollars (\$25,000) to purchase and equip a service truck and other vehicles for the west Las Vegas public school district in San Miguel county;~~

~~348. fifteen thousand dollars (\$15,000) to purchase band equipment for the west Las Vegas public school district in San Miguel county;~~

~~349. forty thousand dollars (\$40,000) to renovate the special education building in the west Las Vegas public school district in San Miguel county;~~

~~350. twenty-five thousand dollars (\$25,000) to purchase and install a message board in the west Las Vegas public school district in San Miguel county;~~

~~351. five thousand dollars (\$5,000) to purchase band uniforms for the west Las Vegas public school district in San Miguel county;~~

~~352. seventy-five thousand dollars (\$75,000) to purchase and install security equipment and educational technology, including related equipment and furnishings, in the west Las Vegas public school district in San Miguel county;~~ [**LINE-ITEM VETO**]

353. fifteen thousand dollars (\$15,000) to purchase vehicles and equipment for Bridge academy charter school in the Las Vegas city public school district in San Miguel county;

354. thirty thousand dollars (\$30,000) to construct electrical improvements to the bus barns in the Las Vegas city public school district in San Miguel county;

355. one hundred twenty thousand dollars (\$120,000) to renovate and construct improvements to the dry space building in the Las Vegas city public school district in San Miguel county;

356. fifteen thousand dollars (\$15,000) to purchase and install playground equipment at Pecos elementary school in the Pecos independent school district in San Miguel county;

357. three hundred thousand dollars (\$300,000) to upgrade and equip the central office for the Las Vegas city public school district in San Miguel county;

~~358. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment, furnishings and wiring, at Corrales elementary school in the Albuquerque public school district in Sandoval county;~~

~~359. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, for Puesta del Sol elementary school in the Rio Rancho public school district in Sandoval county;~~

~~360. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, for Martin Luther King, Jr. elementary school in the Rio Rancho public school district in Sandoval county;~~

~~361. thirty four thousand five hundred dollars (\$34,500) to purchase books, including media resources, for the San Diego Riverside charter school library in the Jemez Valley public school district in Sandoval county;~~

~~362. twenty five thousand dollars (\$25,000) to purchase and install educational technology, including related equipment and furniture, in the Bernalillo public school district in Sandoval county;~~

~~363. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish soccer fields at Rio Rancho high school in the Rio Rancho public school district in Sandoval county;] [LINE-ITEM VETO]~~

364. forty thousand dollars (\$40,000) to purchase and install a reader board for the Bernalillo public school district in Sandoval county;

365. fifty thousand dollars (\$50,000) to purchase and install educational technology, including related equipment and furniture, for Rio Rancho high school in the Rio Rancho public school district in Sandoval county;

~~[366. twenty-five thousand dollars (\$25,000) to purchase equipment for the band at Rio Rancho high school in the Rio Rancho public school district in Sandoval county;]~~ [**LINE-ITEM VETO**]

367. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements, including water, wastewater and fire suppression systems, at Sombrillo elementary school in the Espanola public school district in Santa Fe county;

368. fifteen thousand dollars (\$15,000) to plan, design and construct a public park next to the Pojoaque Valley little league in the Pojoaque Valley public school district in Santa Fe county;

369. twenty-five thousand dollars (\$25,000) for equipment for the junior wrestling program at Santa Fe high school in the Santa Fe public school district in Santa Fe county;

370. six hundred fifty thousand dollars (\$650,000) to renovate and expand the Pojoaque Valley high school gymnasium in the Pojoaque Valley public school district in Santa Fe county;

371. one hundred ten thousand dollars (\$110,000) to purchase pupil transportation security systems and inspection and global positioning system equipment statewide;

372. two million dollars (\$2,000,000) to purchase laptops for seventh grade students statewide;

~~[373. twenty-five thousand dollars (\$25,000) to purchase and install televisions and VCR-DVD players for educational programming in rural school buses statewide, to be used on school bus routes that are at least thirty miles one way;]~~ [**LINE-ITEM VETO**]

374. two million dollars (\$2,000,000) to purchase school buses statewide;

375. one million five hundred thousand dollars (\$1,500,000) to purchase and install educational technology, including related equipment and furniture, at public schools statewide;

376. two hundred fifty thousand dollars (\$250,000) to purchase instructional materials for use in schools statewide;

~~[377. two hundred thousand dollars (\$200,000) to provide additional core courses and elective learning opportunities for students statewide;] [LINE-ITEM VETO]~~

378. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish a multipurpose building, including purchasing and installing portables, for the Taos municipal charter school in the Taos municipal school district in Taos county;

~~[379. fifty thousand dollars (\$50,000) to purchase and install a video surveillance system in the Penasco independent school district in Taos county;] [LINE-ITEM VETO]~~

380. fifty thousand dollars (\$50,000) for improvements, including carpeting, tile, windows and exterior lighting, at Penasco high and middle schools in the Penasco independent school district in Taos county;

381. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip improvements to La Cienega elementary school in the Questa independent school district in Taos county;

382. one hundred thousand dollars (\$100,000) to renovate, improve and equip a building for the Red River Valley charter school in the Questa independent school district in Taos county;

383. three hundred twenty-five thousand dollars (\$325,000) to plan, design and construct a cultural arts center at Moriarty high school in the Moriarty municipal school district in Torraine county;

~~[384. eighty thousand dollars (\$80,000) to renovate the bleachers, including handicapped-accessible improvements, in the gymnasium at Mountainair high school in the Mountainair public school district in Torraine county;~~

~~385. one hundred twenty-five thousand dollars (\$125,000) to purchase, install and construct bleachers at Des Moines high school in the Des Moines municipal school district in Union county;] [LINE-ITEM VETO]~~

386. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate and expand the field house complex at Belen high school in the Belen consolidated school district in Valencia county;

387. thirty thousand dollars (\$30,000) to construct a wall for the kindergarten playground at La Merced elementary school in the Belen consolidated school district in Valencia county;

388. forty-five thousand dollars (\$45,000) to construct improvements, including purchase and installation of equipment, to the playgrounds at La Merced elementary school in the Belen consolidated school district in Valencia county;

~~[389. three hundred thousand dollars (\$300,000) to plan, design and construct improvements, including purchase and installation of equipment, to playgrounds at Rio Grande elementary school in the Belen consolidated school district in Valencia county;]~~ **[LINE-ITEM VETO]**

390. ten thousand dollars (\$10,000) to equip and furnish science classrooms at Peralta elementary school in the Los Lunas public school district in Valencia county;

391. ten thousand dollars (\$10,000) to plan, design, construct and equip improvements to the walking track at Ann Parish elementary school in the Los Lunas public school district in Valencia county;

392. fifty thousand dollars (\$50,000) to plan, design, construct and equip a fueling system center for the Los Lunas public school district in Valencia county;

393. five hundred twenty-eight thousand dollars (\$528,000) to purchase and install an artificial playing field at Los Lunas high school in the Los Lunas public school district in Valencia county;

394. one hundred twenty-three thousand dollars (\$123,000) to purchase buses for Belen high school in the Belen consolidated school district in Valencia county;

~~[395. five hundred twenty-eight thousand dollars (\$528,000) to purchase and install an artificial playing field at Belen high school in the Belen consolidated school district in Valencia county;~~

~~396. one hundred nineteen thousand dollars (\$119,000) to plan, design, construct and equip the playground at Dennis Chavez elementary school in the Belen consolidated school district in Valencia county;]~~ **[LINE-ITEM VETO]**

397. sixty-six thousand dollars (\$66,000) to purchase a bus for the Adelino head start program in the Belen consolidated school district in Valencia county; and

398. twenty-five thousand dollars (\$25,000) to purchase a minivan for the Adelino head start program in the Belen consolidated school district in Valencia county.

Chapter 111 Section 40 Laws 2006

Section 40. READING MATERIALS--READING MATERIALS FUND--GENERAL FUND.--Three hundred forty thousand dollars (\$340,000) is appropriated from the general fund to the reading materials fund for expenditure in fiscal years 2006 and subsequent fiscal years to purchase reading materials for schools statewide, contingent on House Bill 225 or similar legislation of the second session of the forty-seventh legislature becoming law. Any unexpended or unencumbered balance remaining in the fund at the end of a fiscal year shall not revert.

Chapter 111 Section 41 Laws 2006

Section 41. VOCATIONAL REHABILITATION PROJECTS--VOCATIONAL REHABILITATION DIVISION--GENERAL FUND.--The following amounts are appropriated from the general fund to the vocational rehabilitation division of the public education department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip vehicles and to purchase equipment for use by an organization providing employment and residential services to persons with disabilities in Albuquerque in Bernalillo county;
2. fifty-five thousand dollars (\$55,000) to purchase and equip vehicles for use by an organization serving the developmentally disabled in Santa Fe and Rio Arriba counties; and
3. one hundred fifteen thousand dollars (\$115,000) to purchase and install information technology to automate timekeeping, payroll and staffing management for an organization serving persons with disabilities in Bernalillo and surrounding counties.

Chapter 111 Section 42 Laws 2006

Section 42. STATE ENGINEER PROJECTS--OFFICE OF THE STATE ENGINEER--GENERAL FUND.--The following amounts are appropriated from the general fund to the office of the state engineer for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

~~[1. two hundred thousand dollars (\$200,000) to purchase water rights for the Carnuel mutual domestic water and wastewater consumers association in Carnuel in Bernalillo county;]~~ [**LINE-ITEM VETO**]

2. twenty-five thousand dollars (\$25,000) to design and construct the Spring river channel, including walls and drainage piping, in Roswell in Chaves county;
3. one hundred fourteen thousand dollars (\$114,000) to purchase water rights for the San Rafael water and sanitation district in Cibola county;

4. sixty thousand dollars (\$60,000) for irrigation system and valve improvements for the Blue lake dam in the Bluewater Toltec irrigation district in Cibola and McKinley counties;

5. two hundred thousand dollars (\$200,000) to repair and improve the reservoir in Seboyeta in Cibola county;

6. fifty thousand dollars (\$50,000) to plan, design, repair and construct improvements to the flood control pond in the Rio San Jose flood control district in Cibola county;

7. sixty thousand dollars (\$60,000) to renovate and improve the Fort Sumner irrigation district lateral system in De Baca county;

8. one hundred fifty thousand dollars (\$150,000) to purchase water rights for Silver City in Grant county;

9. sixty thousand dollars (\$60,000) to plan, design and construct a diversion dam for the acequia de la Sierra in Mora county;

10. twenty-five thousand dollars (\$25,000) to plan, design and construct a mechanical and operational water utility in support of the proposed Navajo-Gallup water supply pipelines to serve northwest New Mexico in McKinley and San Juan counties;

~~[11. forty-eight thousand dollars (\$48,000) to create a flood control map and plan for upper and lower Nogal canyon in Otero county;]~~ [**LINE-ITEM VETO**]

12. fifty thousand dollars (\$50,000) to plan, design, construct and equip a drinking water reservoir for the Timberon water and sanitation district in Otero county;

13. twenty thousand dollars (\$20,000) to repair and install culverts to the dam in Sena in San Miguel county;

14. two hundred ninety-three thousand eight hundred sixty-seven dollars (\$293,867) for El Vadito de Cerrillos desalination water project in Santa Fe county;

15. one million five hundred thousand dollars (\$1,500,000) to plan, design and construct drainage improvements, including paving and a detention pond, in Elephant Butte in Sierra county;

~~[16. ten thousand dollars (\$10,000) for a water plan for the San Acacia mutual domestic water consumers association in Socorro county;]~~ [**LINE-ITEM VETO**]

17. three hundred thousand dollars (\$300,000) to plan, design and engineer acequia projects statewide;

18. two million dollars (\$2,000,000) to acquire water, water rights and storage rights to comply with the Endangered Species Act of 1973 for the strategic water reserve statewide;

19. one hundred forty-five thousand dollars (\$145,000) to purchase water rights for El Prado water and sanitation district in El Prado in Taos county;

20. one million eight hundred thousand dollars (\$1,800,000) to repair and improve Cabresto Lake dam in Taos county; and

21. seventy thousand dollars (\$70,000) to plan, design and construct irrigation system improvements for the Manzano spring and ditch association in Torrance county.

Chapter 111 Section 43 Laws 2006

Section 43. ACEQUIA PROJECTS--INTERSTATE STREAM COMMISSION--GENERAL FUND.--The following amounts are appropriated from the general fund to the interstate stream commission for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. thirty-one thousand two hundred fifty dollars (\$31,250) to design, construct, improve and repair the acequia Madre de San Antonio in Bernalillo county;

~~[2. one hundred twenty-three thousand dollars (\$123,000) to plan, design, construct and equip pump houses, including replacement of gas pumps with electric pumps, for the acequia Madre de Carnuel in Carnuel in Bernalillo county;]~~ [**LINE-ITEM VETO**]

3. one hundred seventy-five thousand dollars (\$175,000) to make improvements to the community irrigation system acequia in Seboyeta in Cibola county;

~~[4. twenty thousand dollars (\$20,000) to plan, design and construct improvements to the piping and headgates on the Giddings ditch in Guadalupe county;]~~ [**LINE-ITEM VETO**]

5. thirty thousand dollars (\$30,000) to replace sluice gates on the acequia de Tecolotito in Anton Chico in Guadalupe county;

6. fifty thousand dollars (\$50,000) to plan, design and construct sluice gates for the east Puerto de Luna community ditch association in Guadalupe county;

7. eighty-seven thousand dollars (\$87,000) to purchase excavating equipment for various Mora county acequias, including acequia de la Sierra, acequia del Encinal and acequia del Canoncito, in Mora county;

8. eighty thousand dollars (\$80,000) to plan, design and construct improvements to acequia de Encinal and acequia del Canoncito in Mora county;

9. sixty thousand dollars (\$60,000) to plan, design and construct improvements to the acequia de las Colonias in Mora county;

10. forty thousand dollars (\$40,000) to plan, design and construct repairs and improvements for the acequia del Aguila in Mora county;

11. fifty thousand dollars (\$50,000) to make improvements to the Lovato-Romero ditch in Holman in Mora county;

12. thirty-eight thousand dollars (\$38,000) to plan, design and construct improvements to the Ledoux ditch in Mora county;

13. twenty-five thousand dollars (\$25,000) to repair and construct a ditch for the acequia Aguilar del Valle association in Rio Arriba and Taos counties;

14. fifteen thousand dollars (\$15,000) to plan, design and construct improvements to the acequia de Los Ancones in Rio Arriba county;

15. thirty thousand dollars (\$30,000) to make repairs and improvements to the Chamita community acequia in Rio Arriba county;

16. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the acequia de la Posecion in Rio Arriba county;

~~17. seventy-five thousand dollars (\$75,000) to repair and construct La Mesilla community ditch, including removal and replacement of a bridge, in Rio Arriba county;~~ [**LINE-ITEM VETO**]

18. sixty thousand dollars (\$60,000) to plan, design and construct improvements to the headgate of the acequia de La Madera in La Madera in Rio Arriba county;

19. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the acequia Junta y Cienega in Rio Arriba county;

20. twenty-five thousand dollars (\$25,000) to plan, design and construct a diversion structure at the main acequia headgate for the Chimayo acequia association in Rio Arriba county;

21. fifteen thousand dollars (\$15,000) to design and construct improvements to the acequia de Alcalde in Rio Arriba county;

22. thirty-five thousand dollars (\$35,000) to plan, construct and repair acequias in the Embudo valley acequia association in Rio Arriba county;

23. seven thousand dollars (\$7,000) to make improvements to La Puente community ditch in Espanola in Rio Arriba county;

24. twenty-eight thousand dollars (\$28,000) to plan, design, construct, equip and install improvements to the acequia Mariano in Rio Arriba county;

~~25. sixty-six thousand dollars (\$66,000) to improve the main acequia and head gate and install culverts and a diversion dam at the Abeyta y Trujillo acequia in Rio Arriba county;~~ [**LINE-ITEM VETO**]

26. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the acequia del Llano in Dixon in Rio Arriba county;

27. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the acequias in El Rito in Rio Arriba county;

28. ten thousand dollars (\$10,000) to construct improvements to the West Vallecitos community acequia in Rio Arriba county;

29. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to the Turley-Manzanares community ditch in San Juan county;

30. twenty-five thousand dollars (\$25,000) to plan, design, repair and reconstruct the Villanueva northside ditch in San Miguel county;

~~31. ten thousand dollars (\$10,000) to plan, design and construct a pipeline and overshot on Los Trigos ditch in San Miguel county;~~ [**LINE-ITEM VETO**]

32. eight thousand dollars (\$8,000) to plan, design and construct a lining of the acequia madre de los Vigiles in San Miguel county;

33. ten thousand dollars (\$10,000) to plan, design and construct, including site preparation, a permanent inlet structure for the west Pecos acequia association in Pecos in San Miguel county;

34. thirty-five thousand dollars (\$35,000) to plan, design and construct improvements to the acequia del Ancon y Agua Caliente in San Miguel county;

35. fifty thousand dollars (\$50,000) to plan, design and construct improvements to acequias for the east Pecos ditch association in San Miguel county;

~~36. thirty-five thousand dollars (\$35,000) to design and construct a permanent diversion structure for La Concepcion acequia in San Miguel county;~~

~~37. ten thousand dollars (\$10,000) to make improvements to the Sabinoso community ditch in San Miguel county;~~ [**LINE-ITEM VETO**]

38. forty thousand dollars (\$40,000) to plan, design and construct a presa and diversion dam for the rio de la Vaca acequia in San Miguel county;

39. ten thousand dollars (\$10,000) to plan, design and construct improvements to acequias for El Pueblo ditch association in San Miguel county;

40. ten thousand dollars (\$10,000) to plan, design and construct a diversion dam for Ancon del Gato acequia in San Miguel county;

41. fifty thousand dollars (\$50,000) to make ditch repairs and improvements for the acequia de La Jara association in Sandoval county;

42. ten thousand dollars (\$10,000) to make improvements to the acequia de los Utes, including piping, in Sandoval county;

43. fifty thousand dollars (\$50,000) to purchase water rights for the Agua Fria mutual domestic water consumers association in Agua Fria in Santa Fe county;

44. twenty-five thousand dollars (\$25,000) to improve and repair la acequia Nueva, including water gates, irrigation piping and valves, culverts and tree removal, in Nambe in Santa Fe county;

45. three thousand dollars (\$3,000) to purchase and install culverts and gates and make improvements to the acequias de los Chupaderos in Santa Fe county;

46. two thousand dollars (\$2,000) to purchase and install headgates for the acequias de los Chupaderos in Santa Fe county;

47. five thousand dollars (\$5,000) to purchase and install ditch liners for the acequias de los Chupaderos in Santa Fe county;

48. thirty thousand dollars (\$30,000) to make improvements, including grading, lining and culverts, to the acequia de los Ranchos in Chimayo in Santa Fe county;

49. thirty thousand dollars (\$30,000) for repairs to acequias Nueva, Llano and Comunidad in Nambe in Santa Fe county;

50. fifty thousand dollars (\$50,000) for improvements and sediment removal in the Pojoaque Valley irrigation district in Santa Fe county;

51. one hundred thousand dollars (\$100,000) to plan, design, construct and improve a diversion structure for the Garduno acequia in Nambe in Santa Fe county;

52. ten thousand dollars (\$10,000) to improve the acequia del Rio, including water diversion structures, in Cuyamungue in Santa Fe county;

53. forty thousand dollars (\$40,000) to construct water conveyance siphons for the Monticello community ditch association in Sierra county;

54. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct improvements to the acequia del Monte del Rio Chiquito in Taos county;

55. fifty thousand dollars (\$50,000) for improvements to the acequias de Chamisal y Ojito in Taos county; and

56. one hundred thousand dollars (\$100,000) to purchase water rights for acequias to settle water rights litigation with the Pueblo of Taos in Taos county.

Chapter 111 Section 44 Laws 2006

Section 44. AFRICAN-AMERICAN AFFAIRS PROJECT--OFFICE ON AFRICAN AMERICAN AFFAIRS--GENERAL FUND.--Fifty thousand dollars (\$50,000) is appropriated from the general fund to the office on African American affairs for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for operational, contractual and travel expenses for the office on African American affairs in Albuquerque in Bernalillo county.

Chapter 111 Section 45 Laws 2006

Section 45. ENVIRONMENT PROJECTS--DEPARTMENT OF ENVIRONMENT--GENERAL FUND.--The following amounts are appropriated from the general fund to the department of environment for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. nine hundred fifty-three thousand four hundred dollars (\$953,400) to plan, design and construct water system improvements in Tijeras in Bernalillo county;

2. fifty thousand dollars (\$50,000) to plan, design and construct a wastewater system in Tijeras in Bernalillo county;

3. one hundred ten thousand dollars (\$110,000) to plan, design and construct a water line extension on Lisa lane in Bernalillo county;

4. four hundred seventy-five thousand dollars (\$475,000) to plan, design and construct a water and wastewater system for the Albuquerque-Bernalillo county water utility authority in Bernalillo county;

5. nine hundred eighty-four thousand six hundred sixty dollars (\$984,660) to plan, design and construct water and wastewater improvements for the Arroyo del Oso system in Albuquerque in Bernalillo county;

~~6. one hundred twenty thousand dollars (\$120,000) to plan, design and construct improvements to the Fambrough mutual domestic water consumers association water system in Chaves county;] [LINE-ITEM VETO]~~

7. fifty thousand dollars (\$50,000) to purchase equipment for the water and sewer department in Grants in Cibola county;

8. sixty-eight thousand dollars (\$68,000) to plan, design and construct well and water system improvements for the Bluewater water and sanitation district in Cibola county;

9. two hundred thousand dollars (\$200,000) to plan, design, construct, repair and improve a water well in Grants in Cibola county;

10. fifty thousand dollars (\$50,000) to improve the water system for the Bluewater Acres domestic water users association, including purchasing and installing new water tanks and distribution lines, in Cibola county;

11. seventy-five thousand dollars (\$75,000) to purchase a backhoe and other equipment for repairing waterlines for the Bluewater Acres domestic water users association in Cibola county;

12. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the Cebolleta land grant wastewater system in Seboyeta in Cibola county;

13. one hundred eighty thousand dollars (\$180,000) for water tank renovations in Grants in Cibola county;

14. thirty-five thousand dollars (\$35,000) to engineer and design a water system for the San Rafael water and sanitation district in Cibola county;

15. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a replacement water transmission line from the water treatment plant to the water storage facility in Cimarron in Colfax county;

~~[16. thirty-five thousand dollars (\$35,000) for an engineering study of the wastewater collection system in Angel Fire in Colfax county;] [LINE-ITEM VETO]~~

17. twenty-five thousand dollars (\$25,000) to plan, design and construct water and wastewater system improvements in Springer in Colfax county;

18. fifty thousand dollars (\$50,000) to plan, design and construct sewer line extensions in Eagle Nest in Colfax county;

19. one million dollars (\$1,000,000) to purchase a wastewater pretreatment plant, to acquire land, make improvements and design, equip and construct wastewater system infrastructure for economic development projects in Clovis in Curry county;

~~[20. one hundred thousand dollars (\$100,000) to plan, design and construct water and wastewater improvements in Clovis in Curry county;]~~ [**LINE-ITEM VETO**]

21. fifty thousand dollars (\$50,000) to plan, design and construct wastewater system improvements in Melrose in Curry county;

22. two hundred fifty thousand dollars (\$250,000) to plan, design and construct water and wastewater system improvements, including line and valve replacements and purchase and installation of hydrants and security fencing, in Fort Sumner in De Baca county;

~~[23. two hundred seventy-five thousand dollars (\$275,000) to dig and construct gas lines in Fort Sumner in De Baca county;]~~ [**LINE-ITEM VETO**]

24. one hundred five thousand dollars (\$105,000) to plan, design, construct and equip water system improvements, including replacement and extension of water lines, for the Mesquite mutual domestic water consumers and mutual sewage works association in Dona Ana county;

25. thirty-one thousand dollars (\$31,000) to construct a water and wastewater system, including an extension of the water line, in Hatch in Dona Ana county;

26. one hundred thousand dollars (\$100,000) to plan, design and construct water system improvements in Sunland Park in Dona Ana county;

27. forty-five thousand dollars (\$45,000) to plan, design and construct improvements to the water system for the Talavera mutual domestic water consumers association in Las Cruces in Dona Ana county;

28. three hundred thousand dollars (\$300,000) to plan, design and construct a septic system and make other improvements at the fairgrounds in Dona Ana county;

29. one hundred thousand dollars (\$100,000) to design and construct a pump house, chlorination unit and looping of the southern and northern water systems in Santa Teresa in Dona Ana county;

30. ten thousand dollars (\$10,000) for removal of water tanks in the Anthony water and sanitation district in Anthony in Dona Ana county;

31. thirty thousand dollars (\$30,000) to purchase, equip, construct and furnish a sludge belt press for the Anthony water and sanitation district in Anthony in Dona Ana county;

32. four hundred fifty thousand dollars (\$450,000) to plan, design and construct water system improvements, including the replacement of a well, in Las Cruces in Dona Ana county;

33. ten thousand dollars (\$10,000) to plan, design and construct improvements, including the closure of a lagoon, at the wastewater treatment plant for the Anthony water and sanitation district in Anthony in Dona Ana county;

34. two hundred thousand dollars (\$200,000) to plan, design and construct water system improvements, including a new waterline, for the La Union mutual domestic water consumers association in La Union in Dona Ana county;

35. one hundred thousand dollars (\$100,000) to plan, design and construct wastewater system improvements in Sunland Park in Dona Ana county;

36. one hundred thousand dollars (\$100,000) to plan, design and construct water and wastewater system improvements, including water storage and distribution, in Chamberino in Dona Ana county;

37. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to the drinking water system to address arsenic content in Anthony in Dona Ana county;

38. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and improve a regional wastewater system in Hatch in Dona Ana county;

39. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the water and wastewater system in Sunland Park in Dona Ana county;

40. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to the wastewater collection and treatment system in Loving in Eddy county;

41. three hundred seventy-five thousand dollars (\$375,000) for construction of the effluent reuse project at the Carlsbad municipal golf course in Carlsbad in Eddy county;

42. one hundred ten thousand dollars (\$110,000) to plan, design and construct water system improvements for the Otis water users cooperative in Eddy county;

43. fifty thousand dollars (\$50,000) to plan, design and construct water and wastewater improvements to the Morningside and lower subdivision area of Eddy county;

44. four hundred thousand dollars (\$400,000) to plan, design and construct improvements to the wastewater system in Artesia in Eddy county;

45. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a regional wastewater system in Bayard in Grant county;

46. one hundred thousand dollars (\$100,000) to plan, design and construct a regional wastewater system in Santa Clara in Grant county;

47. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a wastewater system in Hurley in Grant county;

48. one hundred thousand dollars (\$100,000) to plan, design and construct a water system in Hurley in Grant county;

49. one hundred thousand dollars (\$100,000) to plan, design, construct and improve the water system at Hachita domestic mutual water consumers association in Grant county;

~~50. one hundred thirty thousand dollars (\$130,000) to purchase equipment for the Grant county water and wastewater alliance in Grant county;~~ [**LINE-ITEM VETO**]

51. one hundred fifty thousand dollars (\$150,000) to purchase vehicles and equipment and to plan, design and construct a maintenance building for the Arenas valley water development association in Grant county;

52. one million thirty-six thousand dollars (\$1,036,000) to plan, design and construct water system improvements ~~[on the Gila river]~~ in Grant county; [**LINE-ITEM VETO**]

~~53. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the water system in Silver City in Grant county;~~ [**LINE-ITEM VETO**]

54. one million dollars (\$1,000,000) to plan, design, construct and replace water lines and storage tanks, refurbish wells, add fire protection and expand water lines in Guadalupe county;

~~[55. thirty-five thousand dollars (\$35,000) to plan, design, construct and equip a new water system for the Hollywood ranch domestic water users association in Guadalupe county;]~~ **[LINE-ITEM VETO]**

56. eighty thousand dollars (\$80,000) to improve and repair the water system for the Rio Pecos Villa domestic mutual water system association in Guadalupe county;

57. fifty thousand dollars (\$50,000) to plan, design and construct a landfill in Vaughn in Guadalupe county;

58. fifty thousand dollars (\$50,000) to plan, design and construct wastewater system improvements, including purchase and installation of equipment, in Mosquero in Harding county;

59. two hundred thousand dollars (\$200,000) to plan, design and construct a water system, including storage and distribution, in Roy in Harding county;

60. one hundred fifty thousand dollars (\$150,000) to plan, design and construct water system improvements, including purchase and installation of equipment, in Mosquero in Harding county;

61. one hundred fifty thousand dollars (\$150,000) to plan, design and construct water system fluoride improvements in Lordsburg in Hidalgo county;

62. four hundred fifty thousand dollars (\$450,000) to plan, design, construct and equip a southern extension of the sewer and water line in Lordsburg in Hidalgo county;

63. two hundred thousand dollars (\$200,000) to plan, design and construct water and wastewater system infrastructure in Lordsburg in Hidalgo county;

64. one hundred fifty thousand dollars (\$150,000) to plan, design and construct upgrades at the wastewater treatment plant in Jal in Lea county;

65. twenty-five thousand dollars (\$25,000) to purchase and equip garbage trucks in Tatum in Lea county;

66. one hundred thousand dollars (\$100,000) to plan, design and construct water system improvements, including water wells, storage tanks and a booster station, in Eunice in Lea county;

67. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements, including water storage and distribution, for the Monument mutual domestic water users association in Monument in Lea county;

68. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and improve the water system in Tatum in Lea county;

69. six hundred sixty thousand dollars (\$660,000) to plan, design and construct water system improvements in Carrizozo in Lincoln county;

70. four hundred eighty-nine thousand dollars (\$489,000) to plan, design, construct and equip a regional wastewater facility in Ruidoso in Lincoln county;

71. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the wastewater system in Ruidoso Downs in Lincoln county;

72. one hundred thousand dollars (\$100,000) to restore the site for, demolish the old building and plan, design and construct the Bayo wastewater treatment plant in Los Alamos county;

73. two hundred thousand dollars (\$200,000) to plan, design, construct and equip wastewater system improvements and expansion, including acquiring land, in Columbus in Luna county;

74. two hundred thousand dollars (\$200,000) to plan, design and improve the water system in Deming in Luna county;

75. two hundred thousand dollars (\$200,000) to plan, design, construct and equip wastewater system improvements, including an intercept line and force main, in Deming in Luna county;

76. three hundred thousand dollars (\$300,000) to plan, design, construct and renovate the wastewater plant in Deming in Luna county;

77. one hundred thousand dollars (\$100,000) to plan, design and construct a maintenance facility for the northwest New Mexico solid waste authority in Thoreau in McKinley county;

78. thirty thousand dollars (\$30,000) to plan, design and construct a regional water system in McKinley county;

79. thirty thousand dollars (\$30,000) to plan, design and construct a potable water system for the Watrous mutual domestic water consumers association in Mora county;

80. forty thousand dollars (\$40,000) to plan, design and construct improvements to the Agua Pura mutual domestic water consumers association, including purchasing and installing a water tank, upgrading water lines, constructing a building and acquiring property, in Mora county;

81. eighty-five thousand dollars (\$85,000) to plan, design and construct water system improvements for the Buena Vista mutual domestic water consumers and sewage works association in Buena Vista in Mora county;

82. ninety thousand dollars (\$90,000) to plan, design and construct improvements to the water system, including the storage tank, well and distribution lines, for the Mora mutual domestic water and sewer association in Mora county;

83. one hundred thousand dollars (\$100,000) to design and construct a water and wastewater system for the Cleveland mutual domestic water consumers and sewage works association in Mora county;

84. three hundred thousand dollars (\$300,000) for water system improvements, including the purchase, construction and installation of a water tank, in Wagon Mound in Mora county;

85. one hundred thousand dollars (\$100,000) to purchase solid waste transportation trucks and trailers for the northwest New Mexico regional solid waste authority in Cibola and McKinley counties;

86. forty thousand dollars (\$40,000) to plan, design, construct, equip and furnish water system improvements for the Rio Chiquito mutual domestic water consumers and mutual sewage works association in Rio Arriba and Santa Fe counties;

87. three hundred thousand dollars (\$300,000) to plan, design, construct and equip water infrastructure improvements for the greater Chimayo mutual domestic water consumers association in Rio Arriba and Santa Fe counties;

88. one hundred fifty-nine thousand dollars (\$159,000) to plan, design, develop and implement a water system for the rural eastern section of the state;

89. two hundred thousand dollars (\$200,000) to plan, design and construct a regional landfill for the northwest New Mexico regional solid waste authority in Cibola and McKinley counties;

90. two hundred thousand dollars (\$200,000) to acquire land for and plan, design and construct a wastewater treatment facility and a rest area with restroom facilities in Chimayo in Santa Fe and Rio Arriba counties;

91. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a reclaimed water distribution and storage system in Alamogordo in Otero county;

92. one hundred thousand dollars (\$100,000) to make improvements to the water and wastewater lines in Tularosa in Otero county;

93. one hundred fifty thousand dollars (\$150,000) to plan, design and construct water storage facilities and a wastewater reclamation system, including drilling water wells, in Cloudcroft in Otero county;

94. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip improvements to the water and wastewater system in Cloudcroft in Otero county;

95. one hundred fifty thousand dollars (\$150,000) for Alamogordo to plan, design and construct a water desalinization plant in Otero county;

96. one hundred three thousand dollars (\$103,000) to plan, design, construct and improve the drinking water system for the Twin Forks mutual domestic water consumers association in Otero county;

97. one hundred seventy-eight thousand dollars (\$178,000) to renovate, expand and improve the drinking water and wastewater systems for La Luz mutual domestic water consumers association in La Luz in Otero county;

98. one hundred fifty thousand dollars (\$150,000) to plan, design and construct wastewater reservoirs in Tularosa in Otero county;

99. fifty thousand dollars (\$50,000) to expand, improve and replace water lines in the Timberon water and sanitation district in Otero county;

100. two hundred thousand dollars (\$200,000) to plan, design, construct and improve the salt basin pipeline in Alamogordo in Otero county;

101. fifty thousand dollars (\$50,000) to plan, design and construct water and wastewater system improvements in Tukumcari in Quay county;

102. twenty-five thousand dollars (\$25,000) to plan, design and construct a sewer system, including purchase and installation of equipment, in Logan in Quay county;

103. two hundred fifty thousand dollars (\$250,000) to plan, design and construct water and wastewater system improvements, including purchase and installation of equipment, in San Jon in Quay county;

104. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the water and wastewater system in Logan in Quay county;

105. two hundred thousand dollars (\$200,000) to acquire land for and plan, design and construct a new landfill in Tucumcari in Quay county;

106. four hundred thousand dollars (\$400,000) to plan, design and construct improvements to the water and wastewater system in Chama in Rio Arriba county;

107. fifty thousand dollars (\$50,000) to plan, design and construct improvements to El Barranco mutual domestic water consumers and mutual sewage works association water system in Rio Arriba county;

108. fifty thousand dollars (\$50,000) to plan, design and construct water line extensions for the Canjilon mutual domestic water consumers and mutual sewage works association water system in Rio Arriba county;

109. one hundred thousand dollars (\$100,000) to plan, design, construct and install a secondary water supply and filtration system for the Canjilon mutual domestic water consumers and mutual sewage works association in Rio Arriba county;

110. fifty thousand dollars (\$50,000) to plan, design and construct improvements and extensions to la asociacion de agua de los Brazos water system in Rio Arriba county;

111. eighty-five thousand dollars (\$85,000) to plan, design and construct wastewater system improvements for the Cordova mutual domestic water consumers association in Rio Arriba county;

112. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements for the Ensenada mutual domestic water consumers and mutual sewage works association in Rio Arriba county;

113. twenty-five thousand dollars (\$25,000) to plan, design and construct water line extensions and a new well in Chama in Rio Arriba county;

114. one hundred thousand dollars (\$100,000) to purchase and install a water metering system for the Cebolla mutual domestic water consumers and sewage works association in Rio Arriba county;

115. four hundred thousand dollars (\$400,000) to plan, design and construct improvements and extensions to the water system for the Alcalde mutual domestic water consumers and mutual sewage works association in Rio Arriba county;

116. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish a water and wastewater system for the Abiquiu mutual domestic water consumers association and sewage works association in Abiquiu in Rio Arriba county;

117. twenty-five thousand dollars (\$25,000) to create a water and wastewater system master plan for La Petaca land grant in Rio Arriba county;

118. thirty thousand dollars (\$30,000) to plan, design, construct and equip a wastewater system for the Merced comunitaria de Juan Bautista Baldez in Rio Arriba county;

119. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements for the Abiquiu domestic water users association in Rio Arriba county;

120. eight hundred thousand dollars (\$800,000) to plan, design, construct and improve the water and wastewater system in Espanola in Rio Arriba county;

121. two hundred thousand dollars (\$200,000) to plan, design and construct a surface water treatment plant in Espanola in Rio Arriba county;

122. forty thousand dollars (\$40,000) to design and construct improvements to the water system, including replacing the water storage tank, in Elida in Roosevelt county;

123. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to the water system in Portales in Roosevelt county;

~~[124. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the water system, including a pipeline to connect the upper La Plata water system to the lower valley water system, for the upper La Plata water users association in San Juan county;]~~ [**LINE-ITEM VETO**]

125. four hundred fifty thousand dollars (\$450,000) to plan, design and construct a wastewater treatment system in Kirtland in San Juan county;

126. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to water lines and to increase water line size to service the Cedar Hill development and other areas along county road 2900 for the North Star domestic water consumers and mutual sewer works cooperative in San Juan county;

127. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and improve water line infrastructure for the Blanco mutual domestic water consumer and mutual sewage works association water distribution system in San Juan county;

128. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the Bloomfield water and wastewater system in San Juan county;

129. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct a water and wastewater system for Lee Acres water users cooperative association in San Juan county;

130. ninety thousand dollars (\$90,000) to construct and equip a facility for the Navajo dam domestic water consumers and mutual sewage works cooperative in San Juan county;

131. two hundred eighty-four thousand one hundred fifty-nine dollars (\$284,159) to plan, design and construct water system improvements in Farmington in San Juan county;

132. three hundred fifty-seven thousand nine hundred sixty-two dollars (\$357,962) to plan, design and construct a water system in the San Juan basin in San Juan county;

133. one hundred thousand dollars (\$100,000) to plan, design, construct and improve water tanks in Bloomfield in San Juan county;

134. one million one hundred thousand dollars (\$1,100,000) for renovations to the wastewater treatment plant in Las Vegas in San Miguel county;

135. four hundred thousand dollars (\$400,000) to plan, design and construct improvements to the water and wastewater system, including replacing meters and pressure regulators, in Pecos in San Miguel county;

136. forty thousand dollars (\$40,000) to plan, design and construct water system improvements for the Ribera mutual domestic water consumers association in San Miguel county;

137. twenty thousand dollars (\$20,000) to plan, design and construct water system improvements, including replacing waterlines, in Lower Colonias in San Miguel county;

138. forty thousand dollars (\$40,000) to plan, design, construct and equip improvements for the Rowe mutual domestic water consumers association in San Miguel county;

139. sixty thousand dollars (\$60,000) to purchase solid waste equipment for San Miguel county;

140. ten thousand dollars (\$10,000) for excavation and to plan, design and construct wastewater improvements in El Alcon in San Miguel county;

141. two hundred eighty thousand dollars (\$280,000) to plan, design and construct water system improvements in Las Vegas in San Miguel county;

142. three hundred thousand dollars (\$300,000) to plan, design and construct a wastewater line in Rio Rancho in Sandoval county;

143. three million dollars (\$3,000,000) to plan, design and construct improvements to the water reuse and distribution facilities in Rio Rancho in Sandoval county;

~~[144. one hundred thousand dollars (\$100,000) for improvements, equipment and an addition to the water office for the Ponderosa mutual domestic water consumers and sewage works association in Sandoval county;]~~ [**LINE-ITEM VETO**]

145. one hundred fifty thousand dollars (\$150,000) to drill wells and purchase and install tanks and equipment for fire suppression in Corrales in Sandoval county;

146. five hundred fifty thousand dollars (\$550,000) to plan, design, construct, equip and furnish a water and wastewater system for the San Luis-Cabezon mutual domestic water association in Sandoval county;

147. one million eighty-five thousand dollars (\$1,085,000) to plan, design, construct and equip water and wastewater system and facility improvements in Bernalillo in Sandoval county;

148. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip water and wastewater system improvements in Cuba in Sandoval county;

149. one hundred twenty-five thousand dollars (\$125,000) to design and construct a convenience station at the southern Sandoval county regional landfill;

150. one hundred ten thousand dollars (\$110,000) to plan, design and construct a wastewater system to serve the village and the commercial core in Corrales in Sandoval county;

151. sixteen thousand five hundred dollars (\$16,500) to plan, design and construct water system improvements, including water quality testing and drilling test wells, in San Ysidro, Canon, Gilman and Vista Hermosa in Sandoval county;

152. seventy-seven thousand nine hundred fifty-two dollars (\$77,952) to acquire land for and plan, design, construct and equip water system improvements and purchase water rights for La Jara mutual domestic water consumers and mutual sewage works association in Sandoval county;

153. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase and install a water storage tank, including all valves and connections, for La Jara mutual domestic water consumers and mutual sewage works association in Sandoval county;

154. fifty thousand dollars (\$50,000) to acquire land for and plan, design, construct, drill and equip well and water system improvements for the Regina mutual domestic water consumers association in Sandoval county;

155. fifty thousand dollars (\$50,000) to plan, design and construct a water treatment plant in San Ysidro in Sandoval county;

~~156. one hundred thousand dollars (\$100,000) to plan, design and construct a water tank for the fire substation in Corrales in Sandoval county;~~ [**LINE-ITEM VETO**]

157. one million four thousand dollars (\$1,004,000) to plan, design and construct water system leakage repairs in the Pueblo of Cochiti in Sandoval county;

158. fifty thousand dollars (\$50,000) for a sewer line extension in the vicinity of paseo de Tercero and via Don Toribio in Agua Fria in Santa Fe county;

159. two hundred thousand dollars (\$200,000) for acquiring water rights, including needed applications and transfers, and for improvements to the water distribution system and wells for Agua Fria in Santa Fe county;

160. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the water system, including drilling wells and connections, for the Eldorado area water and sanitation district in Santa Fe county;

161. six hundred seventy-five thousand dollars (\$675,000) to plan, design and construct a sewer and wastewater collection, treatment and disposal system in Edgewood in Santa Fe county;

162. forty thousand dollars (\$40,000) to design and construct water system improvements for the Cundiyo mutual domestic water consumers association in Santa Fe county;

163. fifty thousand dollars (\$50,000) to plan, design and improve sewer lines citywide in Santa Fe in Santa Fe county;

164. one hundred fifty thousand dollars (\$150,000) to plan, design and construct the water system for the Galisteo mutual domestic water users association in Santa Fe county;

165. seventy-five thousand dollars (\$75,000) to plan, design, construct and engineer a sewer line for the 2400 block of Agua Fria street across from Frenchy's park in Santa Fe in Santa Fe county;

166. twenty-five thousand dollars (\$25,000) to plan, design and upgrade the Santa Fe Canyon road water treatment plant in Santa Fe county;

167. fifty thousand dollars (\$50,000) to plan, design and construct the Tierra Contenta effluent transmission and distribution system in Santa Fe in Santa Fe county;

168. fifty thousand dollars (\$50,000) to plan, design and construct water and wastewater system improvements, including a storage tank, for the Eldorado area water and sanitation district's water utility system in Santa Fe county;

169. two hundred seventy thousand dollars (\$270,000) to plan, design and construct a wastewater treatment plant at the Santa Fe opera in Santa Fe county;

170. one hundred forty thousand dollars (\$140,000) for retrofitting a materials recovery facility into the Buckman road recycling and transfer station in Santa Fe in Santa Fe county;

171. two million dollars (\$2,000,000) to plan, design, construct and improve the community [~~wastewater~~] treatment plant in Santa Fe [county]; [**LINE-ITEM VETO**]

172. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a wastewater treatment and collection system in Elephant Butte in Sierra county;

173. two hundred fifty thousand dollars (\$250,000) to plan, design and construct an expansion of the wastewater treatment plant, including acquiring property, in Truth or Consequences in Sierra county;

174. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to the water system in Truth or Consequences in Sierra county;

175. two hundred thousand dollars (\$200,000) to plan, design and construct a water well for the San Acacia mutual domestic water consumers association in San Acacia in Socorro county;

176. three hundred forty-three thousand dollars (\$343,000) to plan, design and construct improvements to contaminated drinking water systems statewide;

177. two million nine hundred fifty thousand dollars (\$2,950,000) for water and wastewater regionalization infrastructure projects statewide;

178. two hundred thousand dollars (\$200,000) to plan, design and construct improvements, including a pump house, meters, a tank and water lines, to the Vadito mutual domestic water consumers association water system in Taos county;

179. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements, including a security fence, to the Trampas domestic water consumers and mutual sewage works association water system in Taos county;

180. twenty-five thousand dollars (\$25,000) to plan, design and construct water system improvements for the Penasco mutual domestic water consumers and mutual sewage works association in Penasco in Taos county;

181. three hundred thousand dollars (\$300,000) to plan, design and construct improvements, including a sewer line extension, to the wastewater system in Taos Ski Valley in Taos county;

182. one million six hundred thousand dollars (\$1,600,000) to plan, design and construct water and wastewater system improvements for El Valle de los Ranchos water and sanitation district in Taos county;

183. two hundred thousand dollars (\$200,000) to plan, design and construct water system improvements in Questa in Taos county;

184. twenty-five thousand dollars (\$25,000) for upgrades to the water well system of the Lower Arroyo Hondo mutual domestic water consumers association in Taos county;

185. twenty-five thousand dollars (\$25,000) to make improvements to the water system, including construction of a well and a water storage tank and improvements to the metering system, for the Upper Arroyo Hondo mutual domestic water association in Taos county;

186. two hundred fifty thousand dollars (\$250,000) to purchase equipment and vehicles for a solid waste collection system in Red River in Taos county;

187. sixty thousand dollars (\$60,000) to purchase solid waste equipment for Taos county;

188. twenty-five thousand dollars (\$25,000) to plan, design and construct water system improvements for the Arroyo Seco mutual domestic water consumers association in Taos county;

189. three hundred fifty-seven thousand dollars (\$357,000) to plan, design and construct improvements to the water system for the Cerro mutual domestic water consumers and sewage works association in Taos county;

190. seventy thousand dollars (\$70,000) to plan, design and construct improvements to the water and wastewater system in Willard in Torrance county;

191. two hundred seventy-five thousand dollars (\$275,000) to plan, design and construct water system improvements, including water transmission lines and a storage tank, in Estancia in Torrance county;

192. fifteen thousand dollars (\$15,000) to plan, design and construct water system improvements in Encino in Torrance county;

193. one hundred forty-nine thousand dollars (\$149,000) to design, construct and line a subtitle D municipal solid waste landfill cell for the Estancia Valley solid waste authority in the Torrance county and Bernalillo county regional landfill;

194. ten thousand dollars (\$10,000) to plan, design, construct, purchase, equip and install a water system in Des Moines in Union county;

195. one million three hundred thousand dollars (\$1,300,000) to plan, design and construct water leakage repairs to the water system in Clayton in Union county;

196. seventy-five thousand dollars (\$75,000) to plan, design, construct and provide water line hookups to the main water system in Clayton in Union county;

197. thirty thousand dollars (\$30,000) to drill, improve, construct and equip a well for the Highland Meadows volunteer fire department in Valencia county;

198. one million five hundred thousand dollars (\$1,500,000) to plan a pilot project and implementation system for regional water and sewer master plan in Valencia county;

199. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the water storage tank in Bosque Farms in Valencia county;

200. two hundred thousand dollars (\$200,000) to plan for arsenic removal from the water system in Belen in Valencia county;

~~[201. one hundred seventy-five thousand dollars (\$175,000) to replace pumps and related equipment, controls, gears, piping and a generator in the booster station in Belen in Valencia county;]~~ and [**LINE-ITEM VETO**]

202. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to the eastside well, including arsenic mitigation, in Los Lunas in Valencia county.

Chapter 111 Section 46 Laws 2006

Section 46. STATE FAIR PROJECTS--STATE FAIR COMMISSION--GENERAL FUND.--The following amounts are appropriated from the general fund to the state fair commission for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip a statewide African-American performing arts and exhibit hall at the state fairgrounds in Albuquerque in Bernalillo county;

2. fifty thousand dollars (\$50,000) to purchase artwork and display equipment for the statewide African-American performing arts and exhibit hall at the state fairgrounds in Albuquerque in Bernalillo county;

3. six million six hundred thousand dollars (\$6,600,000) to plan, design and construct improvements and to equip and furnish buildings and grounds at the state fairgrounds in Albuquerque in Bernalillo county;

4. two hundred eighty-five thousand dollars (\$285,000) to purchase, install, furnish and equip information technology, including related equipment and furniture, arts education equipment and furniture for the statewide African- American performing arts and exhibit hall at the state fairgrounds in Albuquerque in Bernalillo county; and

5. sixty thousand dollars (\$60,000) to purchase and install lighting, scoreboards, clocks and other equipment at Tingley coliseum and Expo New Mexico at the state fairgrounds in Albuquerque in Bernalillo county.

Chapter 111 Section 47 Laws 2006

Section 47. FINANCE AND ADMINISTRATION PROJECTS--DEPARTMENT OF FINANCE AND ADMINISTRATION--GENERAL FUND.--The following amounts are appropriated from the general fund to the department of finance and administration for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. two hundred thousand dollars (\$200,000) for disbursement by the New Mexico mortgage finance authority pursuant to the Affordable Housing Act to renovate, expand and improve infrastructure for low-income rental housing to be managed by the Albuquerque mental health housing coalition in Albuquerque in Bernalillo county;

2. two hundred fifty thousand dollars (\$250,000) to provide planning for the Holloman air force base in Alamogordo in Otero county;

3. four million dollars (\$4,000,000) for media production, education and training facilities, programs and initiatives statewide;

4. two million five hundred thousand dollars (\$2,500,000) to plan, design, construct, acquire and equip a warehouse facility, training facility and distribution facility for homeland security and specialized emergency response;

5. three million dollars (\$3,000,000) for capital improvements for innovative technologies that may be applied throughout the state to conserve, recycle or produce clean and safe water that could be used for drinking water or alternative purposes;

6. eight hundred thousand dollars (\$800,000) to plan, design and construct capital improvements that encourage economic development, land preservation and transportation statewide;

7. three hundred thousand dollars (\$300,000) for a feasibility study for a national football league franchise in New Mexico;

8. sixty-three thousand dollars (\$63,000) for the operation of food banks, to purchase fruits and vegetables for public school lunches and to contract with a statewide association of food banks to purchase foods from New Mexico producers and vendors for an emergency food program and the food for kids backpack program statewide;

9. ten million dollars (\$10,000,000) to plan, design, construct, equip and furnish rodeo arena facilities related to the statewide rodeo initiative, including contracting with the professional rodeo cowboys association to move from Colorado to New Mexico, for the establishment of its headquarters and for the rodeo hall of fame and its promotion and performance of rodeos and related services within this state; and

10. one million dollars (\$1,000,000) for disbursement by the New Mexico mortgage finance authority pursuant to the Affordable Housing Act for infrastructure projects, including land and buildings, to implement the Affordable Housing Act statewide.

Chapter 111 Section 48 Laws 2006

Section 48. GAME AND FISH PROJECTS--DEPARTMENT OF GAME AND FISH--GENERAL FUND.--The following amounts are appropriated from the general fund to the department of game and fish for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

~~[1. one hundred thousand dollars (\$100,000) to purchase water rights in Eagle Nest in Colfax county;]~~ [**LINE-ITEM VETO**]

2. one million dollars (\$1,000,000) to plan, design and improve the spillway of Bear Canyon dam in Grant county;

3. five hundred thousand dollars (\$500,000) to plan, design, construct and equip improvements to the Rock Lake warm water fish hatchery; and

4. one million dollars (\$1,000,000) to plan, design and make improvements to address water leakage at Clayton Lake dam and surrounding areas in Union county.

Chapter 111 Section 49 Laws 2006

Section 49. HEALTH PROJECTS--DEPARTMENT OF HEALTH--GENERAL FUND.--The following amounts are appropriated from the general fund to the department of health for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. twenty-five thousand dollars (\$25,000) to purchase automated external defibrillators for schools in Chaves and Lincoln counties;

2. four million dollars (\$4,000,000) to make improvements to school-based clinics and department of health facilities to meet the requirements of the school-based health initiative statewide;

3. fifty thousand dollars (\$50,000) 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 statewide survivorship conference statewide; and

4. forty thousand dollars (\$40,000) for a film project.

Chapter 111 Section 50 Laws 2006

Section 50. INDIAN AFFAIRS PROJECTS--INDIAN AFFAIRS DEPARTMENT--GENERAL FUND.--The following amounts are appropriated from the general fund to the Indian affairs department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct a judicial, police and emergency response complex at the Pueblo of Isleta in Bernalillo county;

2. seventy-five thousand dollars (\$75,000) to plan, design and construct parking lot improvements, including resurfacing, at the Indian pueblo cultural center in Albuquerque in Bernalillo county;

~~3. one hundred thousand dollars (\$100,000) to plan, design and replace the fire alarm system at the Indian pueblo cultural center in Albuquerque in Bernalillo county;~~ [**LINE-ITEM VETO**]

4. three hundred twenty-five thousand dollars (\$325,000) to plan, design and renovate the heating, ventilation and air conditioning system at the Indian pueblo cultural center in Albuquerque in Bernalillo county;

5. fifty thousand dollars (\$50,000) for stucco improvements at the pueblo house and the Indian pueblo cultural center in Albuquerque in Bernalillo county;

~~6. fifty thousand dollars (\$50,000) to plan, design, renovate and expand the east-facing entry of the Indian pueblo cultural center in Albuquerque in Bernalillo county;~~ [**LINE-ITEM VETO**]

7. sixty thousand dollars (\$60,000) to purchase equipment and vehicles for a domestic water system in the To'Hajiilee chapter of the Navajo Nation in Bernalillo county;

8. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Indian pueblo cultural center in Albuquerque in Bernalillo county;

9. one hundred thousand dollars (\$100,000) to plan, design and construct a road, entry and utility infrastructure at the Indian pueblo federal development corporation project on the grounds of the old Albuquerque Indian school in Albuquerque in Bernalillo county;

10. thirty-five thousand dollars (\$35,000) to purchase and equip vehicles for the head start program at the Pueblo of Acoma in Cibola county;

11. one hundred fifty thousand dollars (\$150,000) to extend powerlines in the Ramah chapter of the Navajo Nation in Cibola county;

12. fifty thousand dollars (\$50,000) to plan, design and construct a detention facility at the Ramah chapter of the Navajo Nation in Cibola county;

13. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including drilling a well, to the water and wastewater system in the Ramah chapter of the Navajo Nation in Cibola county;

14. fifty thousand dollars (\$50,000) for improvements to the parking area, lighting, signage and landscaping at the wellness center in the Ramah chapter of the Navajo Nation in Cibola county;

~~15. twenty thousand dollars (\$20,000) to renovate and equip the greenhouses at the Ramah Navajo school in the Ramah chapter of the Navajo Nation in Cibola county;~~ [**LINE-ITEM VETO**]

16. eighty-five thousand dollars (\$85,000) to purchase a backhoe for the Ramah chapter of the Navajo Nation in Cibola county;

~~[17. fifty thousand dollars (\$50,000) to plan, design and construct a cafeteria for the Pine Hill school dormitory in the Ramah chapter of the Navajo Nation in Cibola county;]~~ [**LINE-ITEM VETO**]

18. sixty-five thousand dollars (\$65,000) to purchase and equip a dump truck for the Ramah chapter of the Navajo Nation in Cibola county;

19. sixty-five thousand dollars (\$65,000) to purchase and equip handicapped-accessible buses for the Pine Hill school in the Ramah chapter of the Navajo Nation in Cibola county;

20. sixty thousand dollars (\$60,000) to purchase and equip ambulances for the Pine Hill health center in the Ramah chapter of the Navajo Nation in Cibola county;

21. fifty thousand dollars (\$50,000) to purchase buses for the head start program at Pine Hill for the Ramah chapter of the Navajo Nation in Cibola county;

22. forty thousand dollars (\$40,000) to plan, design, construct and equip an early childhood center building in Pine Hill for the Ramah chapter of the Navajo Nation in Cibola county;

23. ten thousand dollars (\$10,000) to purchase and install educational technology, including related equipment and furniture, at the Pueblo of Acoma in Cibola county;

24. one hundred seventy-five thousand dollars (\$175,000) to plan, design, purchase and install a modular home for use by the special diabetes program at the Pueblo of Acoma in Cibola county;

25. fifty thousand dollars (\$50,000) to plan, design and construct renovations to the language center building at the Pueblo of Acoma in Cibola county;

26. twenty-five thousand dollars (\$25,000) to renovate and expand the forestry tower in the Pueblo of Acoma in Cibola county;

27. twenty thousand dollars (\$20,000) to purchase and equip an animal control vehicle for the Pueblo of Acoma in Cibola county;

28. thirty-five thousand dollars (\$35,000) to purchase and equip vehicles for the law enforcement department in the Pueblo of Acoma in Cibola county;

29. fifty thousand dollars (\$50,000) to plan, design, construct and equip improvements to the community center at the Pueblo of Laguna in Cibola county;

30. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements to community buildings in the Pueblo of Laguna in Cibola county;

31. one hundred fifty thousand dollars (\$150,000) to conduct an engineering study for the Pueblo of Acoma in Cibola county;

32. seventy-five thousand dollars (\$75,000) to plan, design and construct a parking lot for the chapter house complex in the Bread Springs chapter of the Navajo Nation in McKinley county;

~~[33. fifty thousand dollars (\$50,000) to pave the parking lot of the chapter house in the Standing Rock chapter of the Navajo Nation in McKinley county;]~~ [**LINE-ITEM VETO**]

34. two hundred thousand dollars (\$200,000) to plan, design and construct powerline extensions at the Chichiltah chapter of the Navajo Nation in McKinley county;

35. thirty-five thousand dollars (\$35,000) to purchase equipment for and furnish the eastern Navajo veterans agency suboffice in the Crownpoint chapter of the Navajo Nation in McKinley county;

~~[36. fifty thousand dollars (\$50,000) to plan, design and construct bathroom additions and plumbing facilities in the Becenti chapter of the Navajo Nation in McKinley county;]~~ [**LINE-ITEM VETO**]

37. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct bathrooms and plumbing facilities improvements in the Casamero Lake chapter of the Navajo Nation in McKinley county;

38. two hundred thousand dollars (\$200,000) to purchase and equip a heavy transport vehicle and tractor for the Smith Lake chapter of the Navajo Nation in McKinley county;

39. two hundred thousand dollars (\$200,000) to plan, design and construct a wellness center in Crownpoint in McKinley county;

40. fifty thousand dollars (\$50,000) to plan, design and construct the farm board office complex building in the Red Lake chapter of the Navajo Nation in McKinley county;

41. seventy-five thousand dollars (\$75,000) to plan, design and construct powerlines in the Manuelito chapter of the Navajo Nation in McKinley county;

~~[42. seventy thousand dollars (\$70,000) to plan, design and construct a government office complex in the Twin Lakes chapter of the Navajo Nation in McKinley county;]~~ [**LINE-ITEM VETO**]

43. one hundred thousand dollars (\$100,000) to plan and construct a digital upgrade to the Navajo Nation translator system, including purchase and installation of equipment, in McKinley county;
44. twenty-six thousand dollars (\$26,000) to plan, design and construct powerline extensions in the Bread Springs chapter of the Navajo Nation in McKinley county;
45. twenty-five thousand dollars (\$25,000) to purchase a motor grader for the Bread Springs chapter of the Navajo Nation in McKinley county;
46. fifteen thousand five hundred dollars (\$15,500) to construct improvements, including purchase and installation of equipment, to the chapter house in the Bread Springs chapter of the Navajo Nation in McKinley county;
47. thirty-five thousand dollars (\$35,000) to construct bathroom additions in the Bread Springs chapter of the Navajo Nation in McKinley county;
48. fifty thousand dollars (\$50,000) to purchase a motor grader for the Red Rock chapter of the Navajo Nation in McKinley county;
49. one hundred forty thousand dollars (\$140,000) to plan, design and construct a sewer lagoon in the Pueblo Pintado chapter of the Navajo Nation in McKinley county;
50. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct an arts and visitors center at the Pueblo of Zuni in McKinley county;
51. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the veterans, warehouse and administration complex in the Chichiltah chapter of the Navajo Nation in McKinley county;
52. one hundred thousand dollars (\$100,000) to purchase road equipment for the Chichiltah chapter of the Navajo Nation in McKinley county;
53. eighty thousand dollars (\$80,000) to plan, design and construct improvements to the wastewater treatment system in the Chichiltah chapter of the Navajo Nation in McKinley county;
54. fifty thousand dollars (\$50,000) to plan, design and construct a fire station at the Red Rock chapter of the Navajo Nation in McKinley county;
55. fifty thousand dollars (\$50,000) to plan, design and construct powerline extensions at the Red Rock chapter of the Navajo Nation in McKinley county;

56. twenty-five thousand dollars (\$25,000) to purchase and install a modular office building at the Red Rock chapter of the Navajo Nation in McKinley county;

57. ten thousand dollars (\$10,000) to purchase farm equipment, including a backhoe, for the Coyote Canyon chapter of the Navajo Nation in McKinley county;

58. one hundred ten thousand dollars (\$110,000) to purchase and install pellet stoves for the pellet stove program in the White Horse Lake chapter of the Navajo Nation in McKinley county;

59. fifty thousand dollars (\$50,000) to purchase vehicles and heavy equipment, including a flatbed trailer and backhoe, for the White Horse Lake chapter of the Navajo Nation in McKinley county;

60. sixty thousand dollars (\$60,000) for community house wiring and powerline extensions in the Pinedale chapter of the Navajo Nation in McKinley county;

61. seventy-five thousand dollars (\$75,000) to construct bathrooms and wastewater systems for homes in the Mariano Lake chapter of the Navajo Nation in McKinley county; ~~62. one hundred thousand dollars (\$100,000) for renovations to bathrooms in low-income homes at the Baca chapter of the Navajo Nation in McKinley county;~~ [**LINE-ITEM VETO**]

63. fifty thousand dollars (\$50,000) to renovate and improve the old chapter house stone building at the Becenti chapter of the Navajo Nation in McKinley county;

64. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip a head start facility for the Littlewater chapter of the Navajo Nation in McKinley county;

65. ten thousand dollars (\$10,000) to renovate and improve the Littlewater chapter warehouse of the Navajo Nation in McKinley county;

66. one hundred thousand dollars (\$100,000) to plan, design and construct utility facilities at the Pueblo of Zuni in McKinley county;

67. fifty thousand dollars (\$50,000) to plan, design and construct infrastructure improvements, including power, roads, water and wastewater, at the Pueblo of Zuni in McKinley county;

68. fifty thousand dollars (\$50,000) to plan, design and construct three additional cells at existing constructed wetlands to provide storage for overflow of treated wastewater for the Pueblo of Zuni in McKinley county;

69. four hundred twenty-five thousand dollars (\$425,000) to plan, design and construct a veterans' hall at the Smith Lake chapter of the Navajo Nation in McKinley county;

70. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment and furniture, at Crownpoint institute of technology in McKinley county;

71. two hundred thousand dollars (\$200,000) to plan, design, construct and equip, including environmental assessments and archaeological surveys, a system of water stations throughout the Navajo Nation in McKinley county;

72. fifty thousand dollars (\$50,000) for powerline extensions in the Rock Springs chapter of the Navajo Nation in McKinley county;

~~73. seventy five thousand dollars (\$75,000) to landscape and improve, including irrigation and grass development, the little league fields at the Pueblo of Isleta in Bernalillo, Valencia and Torrance counties;~~

~~74. twenty thousand dollars (\$20,000) to conduct a land survey and archaeological clearance survey for the Navajo Nation department of veterans' affairs to determine feasibility for veterans' housing assistance home construction;] [LINE-ITEM VETO]~~

75. five hundred thousand dollars (\$500,000) to purchase building materials for veterans in the Navajo Nation;

76. one hundred thousand dollars (\$100,000) for home modifications and handicapped access for seniors on the Navajo Nation in McKinley, San Juan and Socorro counties;

77. forty-five thousand dollars (\$45,000) to purchase laptop computers for needy students on the Navajo Nation in McKinley, San Juan and Socorro counties;

78. one hundred thousand dollars (\$100,000) to expand, improve and construct road yards and highway maintenance facilities for the chapters of the Navajo Nation in northwest New Mexico;

79. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, equip and furnish a fire station in Mescalero for the Mescalero Apache Tribe in Otero county;

80. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the judicial complex at the Pueblo of Santa Clara in Rio Arriba county;

81. one hundred ninety-seven thousand five hundred dollars (\$197,500) to renovate the Ohkay Owingeh library to comply with the Americans with Disabilities Act of 1990 in Rio Arriba county;

82. twenty-two thousand five hundred dollars (\$22,500) to renovate the head start facility, including purchase and installation of playground equipment, at Ohkay Owingeh in Rio Arriba county;

83. ninety-five thousand dollars (\$95,000) to purchase and equip a school bus for Ohkay Owingeh in Rio Arriba county;

84. one hundred thousand dollars (\$100,000) to expand the visitors' center at Ohkay Owingeh in Rio Arriba county;

85. fifteen thousand dollars (\$15,000) to plan, design and paint an art piece of the pre-Juan de Onate history of San Gabriel del Yunque Yunque in Ohkay Owingeh in Rio Arriba county;

86. fifty thousand dollars (\$50,000) to plan, design, construct and equip a tribal administration building at the Pueblo of Santa Clara in Rio Arriba county;

87. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a wastewater system and water lines for the Shiprock chapter of the Navajo Nation in San Juan county;

88. seventy thousand dollars (\$70,000) to purchase a backhoe for the Nenahnezad chapter of the Navajo Nation in San Juan county;

89. twenty thousand dollars (\$20,000) to renovate the multipurpose facility in the Nenahnezad chapter of the Navajo Nation in San Juan county;

90. one hundred four thousand four hundred fifty dollars (\$104,450) to plan, design and construct rehabilitation of an irrigation pipeline system at the Gadii'ahi chapter of the Navajo Nation in San Juan county;

91. one hundred thousand dollars (\$100,000) to plan and design a powerline extension, including archaeological clearance, environmental assessment, biological survey and right-of-way easement, for the Huerfano chapter of the Navajo Nation in San Juan county;

92. two hundred thousand dollars (\$200,000) to plan, design and construct powerline extensions in the Newcomb chapter of the Navajo Nation in San Juan county;

93. fifty thousand dollars (\$50,000) to plan, design, construct and equip site improvements, including curbs, gutters, landscaping, handicapped access, a

parking lot and lights, at the chapter multipurpose facility in the San Juan chapter of the Navajo Nation in San Juan county;

94. nine hundred fifty thousand dollars (\$950,000) to plan, design and construct a dormitory for Navajo students attending Aztec high school in San Juan county;

95. thirty-seven thousand nine hundred dollars (\$37,900) to plan, design and construct improvements to the north campus parking lot at Dine college in Shiprock in San Juan county;

~~[96. four hundred thousand dollars (\$400,000) to plan, design and construct a chapter house in the Upper Fruitland chapter of the Navajo Nation in San Juan county;]~~ [**LINE-ITEM VETO**]

97. four hundred thousand dollars (\$400,000) to construct, equip, furnish, improve and expand the domestic violence shelter in the Shiprock chapter of the Navajo Nation in San Juan county;

98. two hundred seventy-five thousand dollars (\$275,000) to construct and equip the multipurpose facility in the San Juan chapter of the Navajo Nation in San Juan county;

99. fifty thousand dollars (\$50,000) to renovate Veterans' park in the Nenahnezad chapter of the Navajo Nation in San Juan county;

100. three hundred thousand dollars (\$300,000) to construct improvements to the military cemetery in the Shiprock chapter of the Navajo Nation in San Juan county;

101. seventy-five thousand dollars (\$75,000) to plan, design and construct bathroom additions and improvements for homes in the Lake Valley chapter of the Navajo Nation in San Juan county;

102. forty-five thousand dollars (\$45,000) to purchase and equip a four-wheel-drive truck and flatbed trailer for the Burnham chapter of the Navajo Nation in San Juan county;

103. twenty-seven thousand six hundred fifty dollars (\$27,650) to purchase and install propane tanks for veterans in the Burnham chapter of the Navajo Nation in San Juan county;

104. one hundred sixty thousand dollars (\$160,000) to construct bathroom additions in the Beclabito chapter of the Navajo Nation in San Juan county;

105. one hundred twenty-five thousand dollars (\$125,000) to construct bathroom additions in the White Rock chapter of the Navajo Nation in San Juan county;

106. two hundred thousand dollars (\$200,000) to plan, design, construct and equip a multipurpose facility in the Shiprock chapter of the Navajo Nation in San Juan county;

107. five hundred thousand five hundred dollars (\$500,500) to plan, design and construct an administrative office facility for the five Sandoval Indian pueblos in Sandoval county;

108. two hundred thousand dollars (\$200,000) to plan, design and construct a centralized community infrastructure system in the Pueblo of Santo Domingo in Sandoval county;

109. four hundred thousand dollars (\$400,000) to plan, design and construct water system improvements, including a water storage tank, plumbing and connection to an existing system, at the Pueblo of Santa Ana in Sandoval county;

110. one hundred sixty thousand dollars (\$160,000) to plan, design, construct and equip a multipurpose education and wellness center at the Pueblo of Santa Ana in Sandoval county;

111. one hundred thousand dollars (\$100,000) to plan, design and construct a regional water and wastewater system for the Pueblo of San Felipe in Sandoval county;

112. one hundred thousand dollars (\$100,000) to plan, design, construct and equip improvements to the water and wastewater system, including sewer system pipe replacements, in the Pueblo of Jemez in Sandoval county;

113. fifty thousand dollars (\$50,000) to plan, design and construct a childhood development center for the early childhood education programs for the Pueblo of Zia and five Sandoval Indian pueblo head start programs in Sandoval county;

114. five hundred thousand dollars (\$500,000) to plan, design, construct and equip an ambulatory care facility at the Pueblo of Zia in Sandoval county;

~~115. seventy-five thousand dollars (\$75,000) to purchase equipment related to the leveling of agricultural fields at the Pueblo of San Felipe in Sandoval county;~~ [**LINE-ITEM VETO**]

116. fifty thousand dollars (\$50,000) to purchase and equip vehicles to transport clients to health care services and alcohol and substance abuse treatment at the Pueblo of Sandia in Sandoval county;

117. eighty thousand dollars (\$80,000) to purchase and equip a vehicle to transport children to educational programs at the Pueblo of Sandia in Sandoval county;

118. three hundred thousand dollars (\$300,000) to plan, design, purchase, install, construct, equip and furnish a law enforcement building, including site preparation, in the Pueblo of Jemez in Sandoval county;

119. two hundred thousand dollars (\$200,000) to construct and install improvements and repairs to ceremonial homes in the Pueblo of Jemez in Sandoval county;

120. fifty thousand dollars (\$50,000) to purchase, equip and install an emergency backup power system and fire truck equipment at the Pueblo of Cochiti in Sandoval county;

121. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish improvements to the Cochiti health clinic at the Pueblo of Cochiti in Sandoval county;

122. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct the tribal administration building at the Pueblo of Pojoaque in Santa Fe county;

123. six hundred thousand dollars (\$600,000) to plan, design and construct recreational facilities and fields at the Pueblo of Pojoaque wellness center in Santa Fe county;

124. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish an educational facility at the Pueblo of Tesuque in Santa Fe county;

125. one million five hundred five thousand dollars (\$1,505,000) to plan, design and construct a wellness center at Santa Fe Indian school in Santa Fe in Santa Fe county;

126. one hundred seventy thousand dollars (\$170,000) to plan, design, construct, equip and furnish a pool and clinical offices at the intergenerational center at the Pueblo of Tesuque in Santa Fe county;

127. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and improve a multipurpose building and infrastructure at the Pueblo of Nambe in Santa Fe county;

128. seventy-five thousand dollars (\$75,000) to purchase and equip vans and purchase and install playground equipment and landscaping at the boys' and girls' club in the Pueblo of Pojoaque in Santa Fe county;

129. one hundred five thousand dollars (\$105,000) to plan, design and construct a multipurpose student living and lifelong education center for the institute of American Indian arts in Santa Fe county;

130. five hundred thousand dollars (\$500,000) to plan, design, construct and equip a water and wastewater system at the Pueblo of Nambe in Santa Fe county;

131. one hundred twenty-five thousand dollars (\$125,000) to renovate, equip and furnish the early childhood center at the Pueblo of San Ildefonso in Santa Fe county;

132. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip a daycare center at the Pueblo of Pojoaque in Santa Fe county;

133. one million three hundred thousand dollars (\$1,300,000) to plan, design and construct the necessary telecommunication and technological infrastructure, including acquisition of rights of way and surveys, needed in counties to provide internet access as part of the internet-to-Hogan initiative statewide;

134. one hundred seventy thousand dollars (\$170,000) to plan, design and construct renovations and improvements to the administrative office, clinic, youth development center and fire station on the Pueblo of Picuris in Taos county; and

135. one hundred thousand dollars (\$100,000) to plan, design, construct, improve and equip a community building for the Pueblo of Picuris in Taos county.

Chapter 111 Section 51 Laws 2006

Section 51. STATE CAPITOL PROJECT--LEGISLATIVE COUNCIL SERVICE--GENERAL FUND.--Twenty-five thousand dollars (\$25,000) is appropriated from the general fund to the legislative council service for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to purchase and install exercise equipment at the state capitol in Santa Fe in Santa Fe county.

Chapter 111 Section 52 Laws 2006

Section 52. LOCAL PROJECTS--LOCAL GOVERNMENT DIVISION--GENERAL FUND.--The following amounts are appropriated from the general fund to the local government division of the department of finance and administration for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one hundred fifty thousand dollars (\$150,000) to plan, design, acquire, equip, construct and install an emergency responder communication system in Bernalillo and Sandoval counties;

2. eight hundred forty thousand dollars (\$840,000) to plan, design, construct and equip improvements to Shooting Range park in Albuquerque in Bernalillo county;

3. five hundred forty thousand dollars (\$540,000) to plan, design and construct a transitional housing facility for the metropolitan assessment and treatment services program in Bernalillo county;

~~4. twenty five thousand dollars (\$25,000) to plan, design, construct and equip a small business incubator for the Carnue land grant community in Bernalillo county;~~

~~5. one hundred twenty five thousand dollars (\$125,000) to design and construct fencing for the Alamosa multiservice center in Albuquerque in Bernalillo county;~~

~~6. eighty thousand dollars (\$80,000) to plan, design, construct, equip and furnish improvements at the West Mesa community center in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

7. four hundred sixty-six thousand five hundred dollars (\$466,500) for improvements, including grass and turf replacement, to the West Mesa little league field in Albuquerque in Bernalillo county;

8. two million five hundred thousand dollars (\$2,500,000) to plan, design, construct and equip a multipurpose family services center in the south valley in Bernalillo county;

~~[9. one hundred seventy eight thousand five hundred dollars (\$178,500) for equipment and improvements to the site, facility and field, including improvements to comply with the Americans with Disabilities Act of 1990, for the Atrisco valley little league in Bernalillo county;]~~ [**LINE-ITEM VETO**]

10. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to the Martineztown park and walkway in Albuquerque in Bernalillo county;

11. two million two hundred twenty-three thousand dollars (\$2,223,000) to plan, design, construct, equip and furnish a business incubator in east downtown Albuquerque in Bernalillo county;

12. two hundred thousand dollars (\$200,000) for construction of Valle del Bosque park, including athletic facilities, open turf areas, parking areas and purchase and installation of an irrigation system, in Bernalillo county;

~~[13. one hundred forty thousand dollars (\$140,000) to plan, design, construct, equip and furnish improvements to fields and facilities for Roadrunner little league in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

14. two hundred forty-five thousand dollars (\$245,000) to plan, design, construct, improve and equip renovations and an expansion of the Albuquerque museum of art and history in Albuquerque in Bernalillo county;

15. one hundred seventy thousand dollars (\$170,000) to design, construct and equip a public safety building at Balloon Fiesta park in Albuquerque in Bernalillo county;

16. two hundred forty-five thousand dollars (\$245,000) to plan, design, construct and purchase equipment, furnishings and exhibits for the Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county;

17. one hundred ninety thousand dollars (\$190,000) to design, construct and renovate the Hiland theater in Bernalillo county;

18. one hundred ten thousand dollars (\$110,000) to plan, design and construct the Amistad youth crisis shelter in Albuquerque in Bernalillo county;

19. seventy-five thousand dollars (\$75,000) to design, construct, renovate and equip Valley neighborhood park in Albuquerque in Bernalillo county;

~~[20. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements to the Altamont little league facility and fields in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

21. four hundred fifty thousand dollars (\$450,000) to purchase open space land adjacent to Los Poblanos and Anderson fields in Los Ranchos de Albuquerque in Bernalillo county;

~~[22. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct and equip a park facility at the north Domingo Baca park in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

23. two hundred fifty-five thousand dollars (\$255,000) to plan, design, construct, equip and furnish improvements to the Mesa Verde community center in Albuquerque in Bernalillo county;

~~[24. fifty-five thousand dollars (\$55,000) to plan, design, construct and equip improvements to the Sierra Vista tennis and pool complex in Albuquerque in Bernalillo county;~~

~~25. fifty thousand dollars (\$50,000) to purchase and install exercise equipment and a surveillance system at the Pat Hurley community center in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

26. fifteen thousand dollars (\$15,000) to purchase and install equipment for use by the Isshin Ryu program at the Thomas Bell recreation center in Albuquerque in Bernalillo county;

27. two hundred thousand dollars (\$200,000) to renovate, improve and equip a rape crisis center in Albuquerque in Bernalillo county;

28. one hundred twenty-five thousand dollars (\$125,000) to equip and furnish the Wyoming library in Albuquerque in Bernalillo county;

29. fifty thousand dollars (\$50,000) to plan, design and construct a tennis complex at Jerry Cline park in Albuquerque in Bernalillo county;

30. one hundred thousand dollars (\$100,000) to renovate the mid-region council of governments building, including improvements to comply with the Americans with Disabilities Act of 1990, in Albuquerque in Bernalillo county;

31. fifty thousand dollars (\$50,000) to design and construct improvements, including fencing, playgrounds, basketball courts and site amenities, at Los Padillas multipurpose field in Bernalillo county;

32. one hundred forty-five thousand dollars (\$145,000) to improve the weight room at the Thomas Bell community center in Albuquerque in Bernalillo county;

33. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct improvements to the Barelas community center, including upgrading to Americans with Disabilities Act of 1990 standards, in Albuquerque in Bernalillo county;

34. thirty-five thousand dollars (\$35,000) to purchase and install recreation equipment for the east San Jose recreation center in Albuquerque in Bernalillo county;

35. thirty-five thousand dollars (\$35,000) to purchase and install recreation equipment for the Jack Candelaria recreation center in Albuquerque in Bernalillo county;

36. fifteen thousand dollars (\$15,000) to purchase and install equipment at the Thomas Bell recreation center in Albuquerque in Bernalillo county;

37. fifteen thousand dollars (\$15,000) to purchase and install equipment for the Loma Linda recreation center in Albuquerque in Bernalillo county;

38. fifteen thousand dollars (\$15,000) to purchase and install recreation equipment for the Dennis Chavez recreation center in Albuquerque in Bernalillo county;

39. seven hundred thousand dollars (\$700,000) to plan, design and construct the Tower community park and Westgate little league field improvements, including ball fields, irrigation, turf, lighting, a concession building and landscaping, in house district 13 in Albuquerque in Bernalillo county;

40. fifteen thousand dollars (\$15,000) to purchase and install equipment at Los Padillas community center in Bernalillo county;

41. two million six hundred thousand dollars (\$2,600,000) to plan, design, construct and equip a BMX and veloport park and facility in Albuquerque in Bernalillo county;

42. five hundred forty thousand dollars (\$540,000) to plan, design and construct improvements, including purchase and installation of equipment, at Jerry Cline park in Albuquerque in Bernalillo county;

43. two million dollars (\$2,000,000) to acquire and plan for the wheels museum in Albuquerque in Bernalillo county;

44. two hundred thousand dollars (\$200,000) to purchase and install heating, ventilation and cooling units and fire suppression sprinklers at the juvenile detention center in Albuquerque in Bernalillo county;

45. eight hundred ninety-five thousand dollars (\$895,000) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum, including purchase and installation of exhibits, in Los Ranchos de Albuquerque in Bernalillo county;

46. sixty-two thousand five hundred fifty dollars (\$62,550) to plan, design, construct and equip the south valley economic development center in Bernalillo county;

47. fifty thousand dollars (\$50,000) to plan, design, construct and equip a skate park at Coronado park in Albuquerque in Bernalillo county;

48. one hundred fifty thousand dollars (\$150,000) to design, construct and equip improvements at Los Duranes park in Albuquerque in Bernalillo county;

49. one hundred fifty thousand dollars (\$150,000) to install lighting at the athletic fields at Rio Grande high school, for joint use with Bernalillo county, in the Albuquerque public school district in Bernalillo county;

50. one hundred thousand dollars (\$100,000) to acquire land for and plan, design and construct a fire station in Los Ranchos de Albuquerque in Bernalillo county;

51. twenty-five thousand dollars (\$25,000) to renovate the Thunderbird little league fields and facilities in Albuquerque in Bernalillo county;

~~[52. one hundred ten thousand dollars (\$110,000) to design and construct improvements to Roosevelt park in Albuquerque in Bernalillo county;~~

~~53. twenty five thousand dollars (\$25,000) for reforestation, landscaping and streetscape improvements in the Silver Hill neighborhood in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

54. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip, including expansion, the park and community center in Chilili in Bernalillo county;

~~[55. sixty thousand dollars (\$60,000) to plan, design and construct improvements, including purchase and installation of equipment, to the Petroglyph little league field at Mariposa Basin park in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

56. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including lighting, playgrounds, landscaping, bathrooms and baseball fields, at Tom Tenorio park in Bernalillo county;

57. eighty thousand dollars (\$80,000) to construct improvements, including purchase and installation of lighting and shelving, to the South Valley library in Bernalillo county;

58. nine hundred ninety-five thousand dollars (\$995,000) to plan, design, construct, equip and furnish an addition to the building and to design, construct, purchase and install exhibits, furnishings and equipment for the Explora science center and children's museum in Albuquerque in Bernalillo county;

59. four hundred thirty-five thousand dollars (\$435,000) to purchase, plan, design, construct and equip a building for the New Mexico holocaust and intolerance museum and study center in Albuquerque in Bernalillo county;

60. seven hundred ninety thousand dollars (\$790,000) to plan, design and construct a gymnasium at East Mountain charter high school in Bernalillo county;

61. four hundred fifteen thousand dollars (\$415,000) to plan, design, construct, equip and furnish an insectarium at the Rio Grande botanical gardens in Albuquerque in Bernalillo county;

62. four hundred sixty-five thousand dollars (\$465,000) to acquire, plan, design, expand, improve and equip the national institute of flamenco facility in Albuquerque in Bernalillo county;

~~[63. fifty thousand dollars (\$50,000) to plan, design, construct and equip baseball fields at the Vista Grande community center, including installing field lighting, in Bernalillo county;~~

~~64. one hundred thousand dollars (\$100,000) to plan, design and construct the Boca Negra park and trailhead in Albuquerque in Bernalillo county;~~

~~65. fifty thousand dollars (\$50,000) for improvements, including purchase and installation of playground equipment, at Laurelwood park in Albuquerque in Bernalillo county;~~

~~66. fifty-five thousand dollars (\$55,000) to plan, design and construct a linear park, including an exercise trail and dog park, adjacent to Laurelwood park in Albuquerque in Bernalillo county;~~

~~67. twenty-five thousand dollars (\$25,000) to construct and equip a multipurpose child abuse prevention and treatment facility in the south valley of Bernalillo county;] [LINE-ITEM VETO]~~

~~68. fifty thousand dollars (\$50,000) to renovate, construct and expand the Lobo little league fields and facilities in Albuquerque in Bernalillo county;~~

~~69. four hundred fifteen thousand dollars (\$415,000) to plan, design, construct, equip and furnish a Dr. Martin Luther King, Jr., memorial in Albuquerque in Bernalillo county;~~

~~70. seven hundred thousand dollars (\$700,000) for the mid-Rio Grande council of governments to purchase a tract of vacant land south of Montano road, west of the Burlington Northern and Santa Fe railroad tracks and north of the Albuquerque crime laboratory in Albuquerque in Bernalillo county;~~

~~71. twenty thousand dollars (\$20,000) to plan, design and construct a gazebo at Hunter's Run park in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

~~72. three hundred fifteen thousand dollars (\$315,000) to purchase and install information technology, including related equipment and furniture, for an organization that provides support services to children and adults with developmental disabilities in Albuquerque in Bernalillo county;~~

~~73. thirty-five thousand dollars (\$35,000) to equip and furnish a youth center for the sheriff and police athletic league's recreational center in Albuquerque in Bernalillo county;~~

~~[74. ten thousand dollars (\$10,000) to landscape Little Cloud park in the Sandia Heights area of Bernalillo county;~~

~~75. forty-five thousand dollars (\$45,000) to replace the roof at the north valley public library in Albuquerque in Bernalillo county;~~

~~76. fifty thousand dollars (\$50,000) for a feasibility study on reuse of the Lovelace-Gibson property in Bernalillo county;] [LINE-ITEM VETO]~~

77. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements and purchase related equipment and furniture for Balloon Fiesta park in Albuquerque in Bernalillo county;

78. two hundred fifty thousand dollars (\$250,000) to design, engineer and construct the North Valley demonstration trail along the Griegos drain between Chavez and Griegos roads, including a multiuse trail surface, trailheads, parking, artwork and a grade-separated crossing, at Montano road in Bernalillo county;

79. fifty thousand dollars (\$50,000) to improve, including insulating and weatherizing, an emergency overnight shelter near Candelaria boulevard and Broadway NE in Albuquerque in Bernalillo county;

~~[80. twenty five thousand dollars (\$25,000) to purchase land for and design and construct soccer fields in Albuquerque in Bernalillo county;~~

~~81. twenty five thousand dollars (\$25,000) to plan, design and construct recreational fields on the west side of Albuquerque in Bernalillo county;~~

~~82. fifteen thousand dollars (\$15,000) to design, construct and equip office space, storage space and a multipurpose room for community use at Northeast Heights elementary school in the Albuquerque public school district in Bernalillo county;] [LINE-ITEM VETO]~~

83. fifty-nine thousand dollars (\$59,000) to plan, design and construct a multipurpose facility adjacent to the juvenile detention center in Albuquerque in Bernalillo county;

84. seventy-five thousand dollars (\$75,000) to plan, design, construct, equip and furnish a biopark Asian exhibit, including the giant panda, at the Albuquerque zoo in Bernalillo county;

85. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish improvements to the Albuquerque animal shelters in Bernalillo county;

86. one hundred thousand dollars (\$100,000) to design, construct, equip and furnish the Heights community center, including landscaping and lighting improvements, in Albuquerque in Bernalillo county;

~~[87. thirty five thousand dollars (\$35,000) to purchase and equip mobile clinic vans and transport vans for the spay and neuter program in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

88. three hundred eighty thousand dollars (\$380,000) to plan, design, construct, equip and furnish a high-volume spay and neuter clinic in Albuquerque in Bernalillo county;

89. one hundred fifty thousand dollars (\$150,000) to design and construct improvements to Westgate community center in Albuquerque in Bernalillo county;

90. seventy-five thousand dollars (\$75,000) to purchase and renovate facilities, including exterior sites, for a health clinic and employment center in La Mesa neighborhood in Bernalillo county;

~~[91. two hundred ninety thousand dollars (\$290,000) to purchase and install security system equipment and redesign and construct an entrance to the court facilities in the second judicial district court in Bernalillo county;~~

~~92. fifty thousand dollars (\$50,000) for renovations to the Highland pool in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

93. one hundred thousand dollars (\$100,000) to design, equip and renovate the east San Jose pool in Albuquerque in Bernalillo county;

94. fifty thousand dollars (\$50,000) to purchase equipment for a workforce training program for young adults in Albuquerque in Bernalillo county;

95. one hundred thousand dollars (\$100,000) to design and construct improvements and purchase and install equipment at Vista del Norte park in Albuquerque in Bernalillo county;

96. eighty thousand dollars (\$80,000) to plan, design and construct renovations to the Valley pool to comply with environmental health regulations and the Americans with Disabilities Act of 1990 in Albuquerque in Bernalillo county;

97. eight hundred fifty thousand dollars (\$850,000) to acquire land for and design and construct fields, buildings and other facilities for the North Valley little league at a site currently owned by Our Lady of Guadalupe church in Bernalillo county;

~~[98. forty thousand dollars (\$40,000) to design, construct, equip and improve the facilities, including adding storage space and a multipurpose room, at Northeast Heights elementary school in the Albuquerque public school district in Bernalillo county;]~~ [**LINE-ITEM VETO**]

99. two hundred seventy-five thousand dollars (\$275,000) to renovate, equip and furnish a multipurpose facility for persons with disabilities in the north valley of Albuquerque in Bernalillo county;

100. one hundred ninety thousand dollars (\$190,000) to plan, design, construct and equip improvements to the South Valley little league fields in Bernalillo county;

~~[101. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip improvements, including phone and internet lines, for the East Mountain little league in San Antonito in Bernalillo county;]~~ [**LINE-ITEM VETO**]

102. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Durand open space in the south valley of Bernalillo county;

~~[103. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip improvements, including lights and a community gazebo, to Nick Vitale park in Adobe Acres in Bernalillo county;]~~ [**LINE-ITEM VETO**]

104. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct and equip Clinton P. Anderson open space park in Adobe Acres in Bernalillo county;

105. six hundred ninety thousand dollars (\$690,000) to purchase helicopters for the sheriff's department in Bernalillo county;

~~[106. seventy-five thousand dollars (\$75,000) to design and construct a batting cage and storage facility for the Lobo little league in Bernalillo county;]~~

~~107. fifty thousand dollars (\$50,000) to plan, design and construct renovations to Alamosa park in Albuquerque in Bernalillo county;~~

~~108. twenty-five thousand dollars (\$25,000) to purchase and install information technology, including related equipment and furniture, at the Cherry Hills library in Albuquerque in Bernalillo county;~~

~~109. one hundred thousand dollars (\$100,000) to purchase land for open space in the Four Hills area of Albuquerque in Bernalillo county;~~

~~110. fifty thousand dollars (\$50,000) to design and construct improvements to the Singing Arrow community center in Albuquerque in Bernalillo county;~~

~~111. ninety-two thousand dollars (\$92,000) to plan, design and construct a strip park on Tramway boulevard between Lomas boulevard and Copper avenue in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

112. one hundred thousand dollars (\$100,000) to acquire land for a fire station in the Ventana Ranch area of Albuquerque in Bernalillo county;

~~[113. fifty-five thousand dollars (\$55,000) to purchase road maintenance vehicles for Los Ranchos de Albuquerque in Bernalillo county;~~

~~114. fifty thousand dollars (\$50,000) to design and construct improvements to the Arroyo del Oso tennis complex in Albuquerque in Bernalillo county;] [**LINE-ITEM VETO**]~~

115. six hundred thousand dollars (\$600,000) to plan, design, construct and equip the south valley health commons facility in Bernalillo county;

116. one million three hundred sixty thousand dollars (\$1,360,000) to purchase and install information technology, including related equipment and furniture, for the police department in Albuquerque in Bernalillo county;

~~[117. three hundred seventy thousand dollars (\$370,000) to plan, design and construct an entrance road and parking area for the national atomic museum in Albuquerque in Bernalillo county;] [**LINE-ITEM VETO**]~~

118. one hundred thousand dollars (\$100,000) to purchase and install furniture and equipment for and to renovate the main library in Albuquerque in Bernalillo county;

119. fifty thousand dollars (\$50,000) to purchase equipment and furniture for an art activities program serving the homeless in Albuquerque in Bernalillo county;

120. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and furnish a facility for use by a foundation promoting fetal alcohol syndrome awareness in Los Ranchos de Albuquerque in Bernalillo county;

121. one million five thousand dollars (\$1,005,000) to purchase and install exhibits, including a balloon flight simulator, for the Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county;

~~[122. one hundred twenty thousand dollars (\$120,000) to plan, design, construct, equip and furnish bleachers and shade structures for the Eastdale little league in Albuquerque in Bernalillo county;~~

~~123. thirty-five thousand dollars (\$35,000) to purchase books for the Cherry Hills library in Albuquerque in Bernalillo county;~~

~~124. fifty thousand dollars (\$50,000) to purchase equipment for the Albuquerque police department in Albuquerque in Bernalillo county;] [**LINE-ITEM VETO**]~~

125. one hundred thousand dollars (\$100,000) to plan, design, construct, equip, furnish and repair the tennis courts and facilities at the Highland high school tennis courts in Bernalillo county;

126. fifteen thousand dollars (\$15,000) to improve the metropolitan emergency homeless shelter in Albuquerque in Bernalillo county;

127. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to Grecian park in Albuquerque in Bernalillo county;

~~[128. twenty thousand dollars (\$20,000) to purchase external defibrillators for use by the Albuquerque police department in Bernalillo county;]~~ [**LINE-ITEM VETO**]

129. one hundred thousand dollars (\$100,000) to design, construct, equip and furnish kennels at the eastside and westside animal services centers in Albuquerque in Bernalillo county;

130. fifty thousand dollars (\$50,000) for renovations and expansion of the Sunport plaza apartments to be used as permanent supportive rental housing units for formerly homeless, special-needs veterans in Albuquerque in Bernalillo county;

131. fifty thousand dollars (\$50,000) to plan, design and construct renovations for county-owned tenant improvements in the south Broadway area of Albuquerque in Bernalillo county;

132. fifty thousand dollars (\$50,000) for repairs and renovations, including roof repairs or replacement, for the opportunity center for the homeless in Albuquerque in Bernalillo county;

133. fifty thousand dollars (\$50,000) to purchase equipment, furniture and materials for the after-school drama group in downtown Albuquerque in Bernalillo county;

~~[134. ten thousand dollars (\$10,000) to purchase open space land contiguous to the existing open space on the southeast corner of the intersection of Montano and Winterhaven roads in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

135. twenty thousand dollars (\$20,000) to plan, design, construct, equip and furnish a community center in the Taylor ranch subdivision in Albuquerque in Bernalillo county;

~~[136. one hundred thirty-five thousand dollars (\$135,000) to design, renovate, equip, landscape, irrigate and improve the site at the Novella park and play area in Albuquerque in Bernalillo county;~~

~~137. fifty thousand dollars (\$50,000) to renovate the children's playground at Novella park in Albuquerque in Bernalillo county;~~

~~138. twenty-five thousand dollars (\$25,000) to purchase and install, or plan, design and construct, batting cages at the Altamont little league in Albuquerque in Bernalillo county;~~

~~139. twenty-five thousand dollars (\$25,000) to plan, design and construct roads, fencing, security improvements and a building for the Albuquerque Bernalillo county water authority in Albuquerque in Bernalillo county;~~

[LINE-ITEM VETO]

140. fifty thousand dollars (\$50,000) to purchase and equip a vehicle to transport persons with disabilities for the developmental disabilities policy council in Bernalillo county;

~~[141. fifty thousand dollars (\$50,000) for improvements to Paradise Hills little league fields in Bernalillo county;~~

~~142. thirty thousand dollars (\$30,000) to plan, design and construct an open space wildlife preserve at Balloon Fiesta park in Albuquerque in Bernalillo county;~~

~~143. thirty thousand dollars (\$30,000) for access improvements for the disabled, including wheelchair ramps, parking and railings, at the Altamont little league facility in Albuquerque in Bernalillo county;]~~ **[LINE-ITEM VETO]**

144. fifty thousand dollars (\$50,000) to improve the Veterans' memorial park in Albuquerque in Bernalillo county;

~~[145. seventy-five thousand dollars (\$75,000) to purchase and install exercise equipment and make improvements to Workers' park in Albuquerque in Bernalillo county;~~

~~146. forty thousand dollars (\$40,000) for renovations to the Wilson pool in Albuquerque in Bernalillo county;]~~ **[LINE-ITEM VETO]**

147. fifty thousand dollars (\$50,000) to design, engineer and construct the South Valley demo trail along the Arenal ditch between Central and Bridge avenues, including a multiuse trail surface, trailheads, parking and grade crossings, in Bernalillo county;

148. fifty thousand dollars (\$50,000) to support Indian counseling in Bernalillo county;

149. ninety thousand dollars (\$90,000) to plan, design, construct, survey, acquire rights of way for and conduct an environmental assessment for construction of a youth center in Reserve in Catron county;

150. fifty thousand dollars (\$50,000) to plan, design and construct renovations to the head start center, including interior and exterior renovations, in Reserve in Catron county;

151. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including purchase and installation of equipment, to the dental and medical building in Reserve in Catron county;

152. eighteen thousand dollars (\$18,000) to purchase and install x-ray equipment for the Catron county medical center in Catron county;

153. one hundred thousand dollars (\$100,000) to purchase ambulances for Catron county;

~~154. fifty thousand dollars (\$50,000) to construct a fire substation in the Wildwood subdivision in Catron county;~~ [**LINE-ITEM VETO**]

155. ten thousand dollars (\$10,000) to purchase wildland firefighting equipment for the Reserve fire department in Catron county;

156. seventy thousand dollars (\$70,000) to purchase and equip an ambulance for Pie Town in Catron county;

157. one hundred thousand dollars (\$100,000) to plan, design, construct and equip, including installing the Elfego Baca statue, the Elfego Baca memorial and museum in Reserve in Catron county;

158. one hundred thousand dollars (\$100,000) to plan, design and construct improvements for the mainstreet program, including equipment, furnishings, landscaping, repair and renovation, in Reserve in Catron county;

~~159. one hundred twenty five thousand dollars (\$125,000) to plan, design and construct improvements to the Cielo Grande recreation area in Roswell in Chaves county;~~

~~160. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including replacing the sprinkler system, to the South Park cemetery in Roswell in Chaves county;~~

~~161. sixty thousand dollars (\$60,000) to plan, design and construct a police station and a courthouse, including a parking lot, in Lake Arthur in Chaves county;~~

~~162. ninety thousand dollars (\$90,000) to purchase a street sweeper for Dexter in Chaves county;~~

~~163. seventy-eight thousand dollars (\$78,000) to plan, design and construct renovations to the baseball field, including purchase and installation of a cover and scoreboard, at the Noon Optimist baseball complex in Roswell in Chaves county;~~

~~164. ten thousand dollars (\$10,000) to purchase equipment for the renegade youth wrestling program in Roswell in Chaves county;]~~ [**LINE-ITEM VETO**]

165. ten thousand dollars (\$10,000) to plan, design and construct improvements to and purchase equipment for the head start two center in Roswell in Chaves county;

166. fifty thousand dollars (\$50,000) to plan, design and construct improvements to facilities for the Penasco volunteer fire department in Chaves county;

167. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including facility expansion, for the Dunken volunteer fire department in Chaves county;

~~[168. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the baseball field in Lake Arthur in Chaves county;~~

~~169. thirty thousand dollars (\$30,000) to purchase equipment for the youth activity program in Roswell in Chaves county;~~

~~170. fifty thousand dollars (\$50,000) to plan, design, purchase and construct accessible playground equipment at Sertoma park in Roswell in Chaves county;~~

~~171. thirty-five thousand dollars (\$35,000) to plan, design, construct and equip an occupational therapy room at Reins for Life in Chaves county;~~

~~172. twenty-five thousand dollars (\$25,000) to plan, design, construct and furnish a museum in the courthouse in Chaves county;]~~ [**LINE-ITEM VETO**]

173. two hundred thousand dollars (\$200,000) to purchase an aerial ladder truck for the east Grand Plains volunteer fire department in Chaves county;

174. fifty thousand dollars (\$50,000) to plan, design, construct and equip a firefighter training facility in Roswell in Chaves county;

175. fifty thousand dollars (\$50,000) to plan, design and construct infrastructure improvements to the museum and arts center in Roswell in Chaves county;

176. one hundred thousand dollars (\$100,000) to purchase vehicles for the police department in Roswell in Chaves county;

177. twenty-five thousand dollars (\$25,000) to design, construct and install a bronze pioneer sculpture in Roswell in Chaves county;

~~178. seventy five thousand dollars (\$75,000) to purchase a backhoe loader and accessories for Hagerman in Chaves county;~~

~~179. one hundred fifty thousand dollars (\$150,000) to purchase a dump truck, a trailer, a tractor and accessories to maintain roads and a cemetery in Lake Arthur in Chaves county;~~

~~180. one hundred seventy five thousand dollars (\$175,000) to plan, design, purchase and construct accessible playground equipment at the Cielo Grande recreation area in Roswell in Chaves county;~~

~~181. fifty five thousand dollars (\$55,000) to purchase and equip a handicapped-accessible van in Roswell in Chaves county;~~

~~182. twenty five thousand dollars (\$25,000) to design, construct and install the "Tree of Knowledge" community-based public art project to commemorate the Roswell public library centennial in Chaves county;] [LINE-ITEM VETO]~~

183. one hundred forty-five thousand dollars (\$145,000) to plan, design, construct, equip and furnish, including landscape improvements, the Joe Bauman baseball field facilities in Roswell in Chaves county;

184. fifty thousand dollars (\$50,000) to plan, design, renovate and construct improvements to the Soy Mariachi cultural and educational center in Roswell in Chaves county;

~~185. one hundred thousand dollars (\$100,000) to plan, design and construct a memorial, including a statue, to honor the 1956 little league world champions in Chaves county;] [LINE-ITEM VETO]~~

186. twenty-five thousand dollars (\$25,000) to purchase electric lines and radio communications equipment for emergency vehicles in Chaves county;

~~187. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including purchase and installation of bleachers and lights, for the eastside little league, or for the Lion Hondo little league if the little league program is moved to Lion Hondo, in Roswell in Chaves county;~~

~~188. thirty thousand dollars (\$30,000) to repair roofs at the Roswell industrial air center in Chaves county;~~

~~189. thirty thousand dollars (\$30,000) to repair and construct the tarmac at the fixed base operations facility in Roswell in Chaves county;] [LINE-ITEM VETO]~~

190. twenty-five thousand dollars (\$25,000) to repair and renovate Styles football field and facilities, including improvements to the concession stand building, in Roswell in Chaves county;

~~[191. fifty-five thousand dollars (\$55,000) to purchase equipment for the summer parks and recreation program in Roswell in Chaves county;~~

~~192. forty thousand dollars (\$40,000) to purchase field equipment for the parks and recreation program in Roswell in Chaves county;~~

~~193. twenty-five thousand dollars (\$25,000) to purchase equipment for the youth football league program in Roswell in Chaves county;]~~ [**LINE-ITEM VETO**]

194. one hundred thousand dollars (\$100,000) to plan, design, construct and renovate the visitors' center in Roswell in Chaves county;

195. two hundred thousand dollars (\$200,000) to acquire land for, plan, design and construct a multipurpose center in Milan in Cibola county;

196. one hundred fifty-five thousand dollars (\$155,000) to purchase road maintenance equipment for Cibola county;

~~[197. fifty thousand dollars (\$50,000) to renovate the courthouse in Cibola county;]~~ [**LINE-ITEM VETO**]

198. fifty thousand dollars (\$50,000) to purchase equipment for the street department in Grants in Cibola county;

199. fifty thousand dollars (\$50,000) to purchase and equip vehicles for the police department in Grants in Cibola county;

200. fifteen thousand dollars (\$15,000) to purchase and install information technology and purchase equipment for the police department in Grants in Cibola county;

201. one hundred thousand dollars (\$100,000) to improve the city parks in Grants in Cibola county;

202. one hundred ninety thousand dollars (\$190,000) to purchase and equip vehicles for the sheriff's department in Cibola county;

~~[203. forty thousand dollars (\$40,000) for renovation and site improvements at the former senior center office building in Grants in Cibola county;~~

~~204. eighty thousand dollars (\$80,000) to renovate and expand the Milan municipal court complex, including acquiring additional land, in Cibola county;] [**LINE-ITEM VETO**]~~

205. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Cebolleta land grant community center in Seboyeta in Cibola county;

206. one hundred thousand dollars (\$100,000) for renovations to the existing county courthouse in Cibola county;

~~[207. fifty thousand dollars (\$50,000) to design and renovate a county complex in Cibola county;] [**LINE-ITEM VETO**]~~

208. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and make improvements to ball fields in Cibola county;

209. thirty-five thousand dollars (\$35,000) to plan, design and construct the renovation of a food distribution center in Grants in Cibola county;

210. twenty thousand dollars (\$20,000) to plan, design, renovate and equip the evidence room for the police department in Grants in Cibola county;

211. thirty thousand dollars (\$30,000) to purchase vehicles for animal control and the police department in Grants in Cibola county;

212. seventy-five thousand dollars (\$75,000) to plan, design and construct a park, including softball, baseball, football and soccer fields, in Grants in Cibola county;

~~[213. seventy five thousand dollars (\$75,000) to purchase a backhoe and equipment for Bluewater Acres in Cibola county;] [**LINE-ITEM VETO**]~~

214. one million one hundred fifty thousand dollars (\$1,150,000) to plan, design, construct, equip and furnish a recreation and aquatic center in Raton in Colfax county;

215. one hundred twenty thousand dollars (\$120,000) to purchase and equip an ambulance in Springer in Colfax county;

216. one hundred ten thousand dollars (\$110,000) to plan, design, construct and equip a primary care clinic in the Moreno valley in Colfax county;

~~[217. fifty thousand dollars (\$50,000) to plan, design, construct, equip, furnish and acquire land for a village park in Eagle Nest in Colfax county;~~

~~218. one hundred thousand dollars (\$100,000) to purchase and equip road graders for Cimarron in Colfax county;~~

~~219. fifty five thousand dollars (\$55,000) to plan, design and construct improvements to the fairgrounds in Springer in Colfax county;] [**LINE-ITEM VETO**]~~

220. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip improvements to the fire and security systems at the courthouse in Colfax county;

221. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct a village plaza, including sites for governmental and public buildings, utilities and roadways, in Angel Fire in Colfax county;

222. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the eighth judicial district attorney's office building in Colfax county;

223. twenty-nine thousand five hundred dollars (\$29,500) to purchase a van for the youth program in Raton in Colfax county;

224. one hundred thousand dollars (\$100,000) to plan, design and construct a multipurpose facility to house government and public facilities, including construction and installation of utilities and roadways, in Angel Fire in Colfax county;

225. twenty thousand dollars (\$20,000) to plan, design, construct and equip a health facility in Springer in Colfax county;

~~[226. fifty five thousand dollars (\$55,000) to purchase vehicles for Springer in Colfax county;] [**LINE-ITEM VETO**]~~

227. twenty-five thousand dollars (\$25,000) to plan, design and construct a World War II memorial in Raton in Colfax county;

228. ten thousand dollars (\$10,000) to plan, design, improve and equip the theater in Raton in Colfax county;

229. four hundred thousand dollars (\$400,000) to plan, design, construct, equip and furnish a special events center at the fairgrounds in Curry county;

~~[230. one hundred twenty five thousand dollars (\$125,000) to plan, design and construct sidewalks and remodel, furnish and equip the food bank of eastern New Mexico in Clovis in Curry county;] [**LINE-ITEM VETO**]~~

231. one hundred seventy-four thousand dollars (\$174,000) to plan, design, construct, equip and furnish a wellness and youth development center in Clovis in Curry county;

232. five hundred fifty thousand dollars (\$550,000) to plan, design, construct, equip and furnish La Casa family health center in Curry county;

233. fifty thousand dollars (\$50,000) to plan, design, construct and equip a substation for the Melrose fire department in Curry county;

234. fifty thousand dollars (\$50,000) to acquire land and buildings, make improvements and plan, design, construct, equip and furnish the Norman Petty studios and museum in Clovis in Curry county;

~~[235. one hundred twenty-five thousand dollars (\$125,000) to purchase and equip an ambulance in Grady in Curry county;]~~ [**LINE-ITEM VETO**]

236. forty thousand dollars (\$40,000) to acquire and equip an ambulance for the Texico volunteer fire and rescue department in Texico in Curry county;

237. twenty-five thousand dollars (\$25,000) to construct a building and repair restrooms at the swimming pool in Melrose in Curry county;

238. ten thousand dollars (\$10,000) to plan, design, construct and equip improvements to Baxter memorial park in Melrose in Curry county;

239. one hundred forty thousand dollars (\$140,000) to plan, design, purchase, equip and remodel buildings and parking areas for a support services facility for the regional housing authority region 4 in Clovis in Curry county;

240. twenty thousand dollars (\$20,000) to plan, design, construct and equip improvements to city hall in Melrose in Curry county;

241. three hundred thousand dollars (\$300,000) to purchase a building and parking lot for future development of a criminal justice complex in Clovis in Curry county;

242. fifty thousand dollars (\$50,000) to plan, design and construct handicapped-accessible restrooms at the courthouse in De Baca county;

243. sixty thousand dollars (\$60,000) to repair the roof and purchase and install a heating, ventilation and air conditioning system at the courthouse in De Baca county;

~~[244. thirty thousand dollars (\$30,000) to purchase and install a plotter at the assessor's office in De Baca county;]~~ [**LINE-ITEM VETO**]

245. fifty thousand dollars (\$50,000) to plan, design and construct a retaining wall and steps at the courthouse in De Baca county;

246. two hundred fifty thousand dollars (\$250,000) to construct an expansion to the public library in Fort Sumner in De Baca county;

~~[247. four hundred thousand dollars (\$400,000) to plan, design and construct a community center, including site infrastructure, in Butterfield in Dona Ana county;~~

~~248. forty thousand dollars (\$40,000) to plan, design and construct additions and supporting infrastructure, including restrooms, for future expansion at the High Noon soccer complex in Las Cruces in Dona Ana county;]~~ [**LINE-ITEM VETO**]

249. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements at the Club Fusion youth recreational facility in Las Cruces in Dona Ana county;

250. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip a swimming pool in Hatch in Dona Ana county;

251. three hundred twenty-five thousand dollars (\$325,000) to purchase, plan, design, construct, equip and furnish a transitional living facility for youth in Dona Ana county;

252. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip improvements, including soccer equipment, concession and restroom facilities, paving and lighting, at Delores Wright memorial park in Chaparral in Dona Ana county;

253. one hundred thousand dollars (\$100,000) for construction and expansion of the Talavera fire station in Talavera in Dona Ana county;

254. eighty thousand dollars (\$80,000) to purchase fire and emergency medical equipment for Las Alturas fire department in Dona Ana county;

~~[255. thirty thousand dollars (\$30,000) to pave the parking lot of the county-owned La Clinica de Familia facility in San Miguel in Dona Ana county;]~~ [**LINE-ITEM VETO**]

256. two hundred forty-five thousand dollars (\$245,000) to acquire land for, plan, design and construct the Mesilla Valley community of hope in Las Cruces;

257. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct and equip an addition to La Casa domestic violence shelter in Las Cruces in Dona Ana county;

258. one hundred fifty thousand dollars (\$150,000) to plan, design and construct infrastructure improvements, including gateways and bus stop structures, in the Mesquite historic district of Las Cruces in Dona Ana county;

259. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the dormitories in fire station 5 in Las Cruces in Dona Ana county;

260. ten thousand dollars (\$10,000) to plan, design and construct improvements to the dormitories in fire station 4 in Las Cruces in Dona Ana county;

261. two hundred sixty-five thousand dollars (\$265,000) to plan, design and construct an expansion to the Branigan library in Las Cruces in Dona Ana county;

262. eleven thousand dollars (\$11,000) to purchase electronic headsets for the special response team of the sheriff's department in Dona Ana county;

~~263. forty five thousand dollars (\$45,000) to purchase crime scene processing equipment for the sheriff's department in Dona Ana county;~~ [**LINE-ITEM VETO**]

264. thirty thousand dollars (\$30,000) to purchase and install information technology, including laptops and mounts, for the animal control unit of the sheriff's department in Dona Ana county;

265. one hundred thousand dollars (\$100,000) to purchase and install transport modules for the animal control unit of the sheriff's department in Dona Ana county;

266. two hundred thousand dollars (\$200,000) to prepare the site for and plan, design, construct, equip and furnish a community center in La Mesa in Dona Ana county;

267. one hundred thousand dollars (\$100,000) to plan, design and construct Raasaf Hills park in Dona Ana county;

~~268. fifty thousand dollars (\$50,000) to plan, design and construct, including site improvements, the Vado del Cerro community center in Vado in Dona Ana county;~~ [**LINE-ITEM VETO**]

269. twenty-five thousand dollars (\$25,000) to acquire and renovate a building, to be owned by Dona Ana county, in Las Cruces for La Pinon sexual assault recovery of southern New Mexico;

270. one hundred thousand dollars (\$100,000) to plan, design, construct and equip the expansion of the Fairacres volunteer fire department station in Dona Ana county;

271. thirty-five thousand dollars (\$35,000) to purchase vehicles and equipment for drainage maintenance and control in Dona Ana county;

~~[272. seventy-five thousand dollars (\$75,000) to renovate the third judicial district court building in Dona Ana county;]~~ [**LINE-ITEM VETO**]

273. twenty thousand dollars (\$20,000) to make improvements to and equip parks in Dona Ana county;

~~[274. thirty-eight thousand dollars (\$38,000) to plan, design and construct a playground at Berino park in Dona Ana county;~~

~~275. forty-seven thousand dollars (\$47,000) to purchase fire suppression vehicles, including a pumper tanker, to serve communities in Dona Ana county;~~

~~276. ninety-five thousand dollars (\$95,000) to purchase and equip vehicles with sprayers and foggers to assist the facilities and parks division of the county in controlling the spread of infectious disease in Dona Ana county;~~

~~277. twenty-five thousand dollars (\$25,000) to purchase and install video cameras in sheriff's department vehicles in Dona Ana county;~~

~~278. thirty-five thousand dollars (\$35,000) to purchase and install radar equipment in sheriff's department vehicles in Dona Ana county;]~~ [**LINE-ITEM VETO**]

279. thirty thousand dollars (\$30,000) to purchase and equip buses for San Miguel in Dona Ana county;

280. seventy-five thousand dollars (\$75,000) to plan, design and construct a community park in Santa Teresa in Dona Ana county;

281. fifteen thousand dollars (\$15,000) for a feasibility study to construct a swimming pool in southern Dona Ana county;

282. two hundred ninety thousand dollars (\$290,000) to plan, design and construct the Anthony-Berino business park in Anthony in Dona Ana county;

283. one hundred thousand dollars (\$100,000) to plan, design and construct a community center in Sunland Park in Dona Ana county;

284. two hundred fifty thousand dollars (\$250,000) to plan, design and construct a municipal complex in Sunland Park in Dona Ana county;

285. fifty thousand dollars (\$50,000) to construct a sports complex in Sunland Park in Dona Ana county;

286. three hundred twenty thousand dollars (\$320,000) to construct an expansion to the J. Paul Taylor visitor center in Mesilla in Dona Ana county;

~~[287. two hundred fifty thousand dollars (\$250,000) to construct and equip a park in the East Mesa area of Dona Ana county;~~

~~288. forty-five thousand dollars (\$45,000) to purchase and equip a brush service vehicle for the fire department in Radium Springs in Dona Ana county;]~~ [**LINE-ITEM VETO**]

289. seventy-five thousand dollars (\$75,000) to plan, design and construct a housing development for persons with mental illness in Las Cruces in Dona Ana county;

290. one hundred thousand dollars (\$100,000) to construct the town hall, including a public safety building, in Mesilla in Dona Ana county;

291. twenty-five thousand dollars (\$25,000) to purchase and install equipment and information technology at the teen center in Mesilla in Dona Ana county;

292. seventy-five thousand dollars (\$75,000) to plan, design and construct a wetland habitat and nature park on the Rio Grande near Mesilla in Dona Ana county;

293. three million seven hundred forty thousand dollars (\$3,740,000) to acquire land for, plan, design, construct, equip and furnish an aquatic and family recreation center in Las Cruces in Dona Ana county; provided that the facility is not named after any person living or dead and that the location of the facility is determined by the respective legislators from house districts 33, 34, 35, 36, 37, 52 and 53 and senate districts 31, 36, 37 and 38;

294. one hundred thousand dollars (\$100,000) to plan, design and construct a parking lot and equipment shelter for fire station 1 in Las Cruces in Dona Ana county;

295. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to the downtown plaza in Las Cruces in Dona Ana county;

296. sixty thousand dollars (\$60,000) to plan, design, construct and acquire land for a park and multipurpose center for the Anthony water and sanitation district in Dona Ana county;

297. fifty thousand dollars (\$50,000) to plan, design and construct the renovation and expansion, including a parking lot and walking paths, of the Mesilla Park community center in Las Cruces in Dona Ana county;

~~[298. thirty thousand dollars (\$30,000) to purchase boxing equipment for the police athletic league in Las Cruces in Dona Ana county;] [LINE-ITEM VETO]~~

299. fifty thousand dollars (\$50,000) to pave the parking lot at the Ben Archer health clinic facility in Hatch in Dona Ana county;

300. fifty-three thousand dollars (\$53,000) to construct, purchase and install a drainage pond, landscaping and an irrigation system at a housing facility in Las Cruces in Dona Ana county;

301. fifty thousand dollars (\$50,000) to construct, equip and furnish improvements to the roof, kitchen and park at Rincon resource center in Rincon in Dona Ana county;

302. one hundred twenty-five thousand dollars (\$125,000) to purchase and install equipment for the Mesquite volunteer fire department in Dona Ana county;

303. ten thousand dollars (\$10,000) to purchase and install a stone pedestal for the statue in the plaza in Dona Ana in Dona Ana county;

304. seventy thousand dollars (\$70,000) to purchase buses to provide transportation to residents of southern Dona Ana county;

305. one hundred thousand dollars (\$100,000) to plan, design and construct infrastructure improvements in Rodey in Dona Ana county;

306. one hundred thousand dollars (\$100,000) to plan, design and make infrastructure improvements in Milagro in Dona Ana county;

307. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip a little league complex in Loving in Eddy county;

308. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Carlsbad riverwalk recreation center in Carlsbad in Eddy county;

309. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including related equipment, to the Carlsbad community kitchen in Carlsbad in Eddy county;

310. one hundred twenty thousand dollars (\$120,000) to plan, design, construct and equip the Carlsbad roller hockey park in Carlsbad in Eddy county;

311. three hundred thousand dollars (\$300,000) to plan, design, construct, furnish and equip the cave and karst research institute in Carlsbad in Eddy county;

312. six hundred ten thousand dollars (\$610,000) to plan, design and construct a youth sports complex in Carlsbad in Eddy county;

313. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Walter Gerrells performing arts and exhibition center in Carlsbad in Eddy county;

314. four hundred forty-five thousand dollars (\$445,000) to plan, design, construct and equip a domestic violence shelter in Carlsbad in Eddy county;

315. twenty thousand dollars (\$20,000) to renovate the atrium at the Carlsbad museum and fine arts center in Carlsbad in Eddy county;

316. fifty thousand dollars (\$50,000) to construct a canopy at the San Jose plaza in Carlsbad in Eddy county;

317. two hundred thirty thousand dollars (\$230,000) to construct, equip and furnish the expansion to Artesia general hospital in the Artesia special hospital district in Eddy county;

318. fifty-five thousand dollars (\$55,000) to purchase and install breathalyzers and remote alcohol monitors for the county DWI program in Carlsbad in Eddy county;

319. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a juvenile shelter bed and transitional housing facility in Carlsbad in Eddy county;

320. one hundred twenty thousand dollars (\$120,000) to design and construct improvements, including improvements to comply with the Americans with Disabilities Act of 1990 and additional paving, for the Sheriff Posse rodeo arena in Eddy county;

321. one hundred forty thousand dollars (\$140,000) to plan, design and construct a county rehabilitation center in Carlsbad in Eddy county;

322. one hundred forty thousand dollars (\$140,000) to purchase and construct a metal building to serve as a modular home manufacturing training center in Carlsbad in Eddy county;

323. one hundred eighty thousand dollars (\$180,000) to design and construct erosion control structures along the banks of Lake Carlsbad in Carlsbad in Eddy county;

324. one hundred ninety thousand dollars (\$190,000) to plan, design, construct, equip and furnish a shooting range for the law enforcement complex in Carlsbad in Eddy county;

~~325. eighty thousand dollars (\$80,000) to design and construct renovations to the adult literacy building in Carlsbad in Eddy county;~~

~~326. one hundred eighty thousand dollars (\$180,000) to plan, design and construct improvements, including equipment upgrades, for area parks in Carlsbad in Eddy county;] [LINE-ITEM VETO]~~

327. one hundred thirty thousand dollars (\$130,000) to plan, design and construct renovations to the Pecos river village conference center in Carlsbad in Eddy county;

328. one hundred thousand dollars (\$100,000) to plan, design and construct renovations to the Lake Carlsbad municipal golf course pro shop in Carlsbad in Eddy county;

329. thirty-two thousand dollars (\$32,000) to purchase, install and construct directional signage in the downtown area of Carlsbad in Eddy county;

330. eighty-five thousand dollars (\$85,000) to plan, design and construct a shooting range in north Eddy county;

331. one hundred fifty thousand dollars (\$150,000) to purchase and install bleachers at the horse council arena in Eddy county;

332. ten thousand dollars (\$10,000) to plan, design and construct, including site surveys, a public safety and municipal court complex in Artesia in Eddy county;

333. one hundred thousand dollars (\$100,000) to construct and equip an economic development training center for regional business and industry in Artesia in Eddy county;

334. fifty thousand dollars (\$50,000) to design and construct a health office in Artesia in Eddy county;

~~335. twenty thousand dollars (\$20,000) to make improvements to the municipal court complex in Artesia in Eddy county;] [LINE-ITEM VETO]~~

336. fifty thousand dollars (\$50,000) to purchase and equip a water tanker for wildland and rangeland fire protection for the Loving volunteer fire department in Loving in Eddy county;

337. two hundred fifty thousand dollars (\$250,000) to purchase multimedia equipment for Eddy county;

338. thirty-five thousand dollars (\$35,000) to renovate and improve the parking lot at the Artesia chamber of commerce in Eddy county;

339. one hundred thousand dollars (\$100,000) to plan, design, construct and equip an art center in Carlsbad in Eddy county;

340. one hundred thousand dollars (\$100,000) to purchase street sweepers in Bayard in Grant county;

341. one hundred forty thousand dollars (\$140,000) to plan, design, construct and equip the community park in Bayard in Grant county;

342. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, equip and furnish an expansion, including land acquisition, to the public library in Bayard in Grant county;

343. fifty thousand dollars (\$50,000) for construction, landscaping and the purchase of equipment for Viola Stone park in Santa Clara in Grant county;

344. fifty thousand dollars (\$50,000) to plan, design, construct and equip a health center in Mimbres in Grant county;

~~345. twenty-seven thousand dollars (\$27,000) to conserve art located at the county courthouse in Silver City in Grant county;~~ [**LINE-ITEM VETO**]

346. one million dollars (\$1,000,000) to plan, design, construct, equip and furnish a comprehensive cancer center at the Gila regional medical center in Silver City in Grant county;

347. one hundred thousand dollars (\$100,000) to plan, design and construct parking lot improvements for the Life Quest building in Silver City in Grant county;

348. twenty thousand dollars (\$20,000) to plan, design and construct La Capilla heritage park, including an educational heritage building, Casa de Cuentos, a parking area and handicapped-accessible facilities, in Silver City in Grant county;

~~349. sixty thousand dollars (\$60,000) to purchase and install information technology, including related equipment and furniture, in Bayard in Grant county;~~ [**LINE-ITEM VETO**]

350. one hundred fifty thousand dollars (\$150,000) to plan, design and construct an emergency medical services facility at Gila regional medical center in Silver City in Grant county;

351. one hundred seventy thousand dollars (\$170,000) to plan, design and construct improvements to Penny park in Silver City in Grant county;

352. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a county-owned multipurpose facility for Casa Mia ranch in Silver City in Grant county;

353. twenty-eight thousand dollars (\$28,000) to purchase vehicles for the Corre Caminos transit in Silver City in Grant county;

354. one hundred ten thousand dollars (\$110,000) to plan, design, construct, equip and furnish an animal shelter in Bayard in Grant county;

355. forty-five thousand dollars (\$45,000) to plan, design, construct, furnish and equip an outpatient substance abuse facility for the border area mental health services in Silver City in Grant county;

356. sixty thousand dollars (\$60,000) to plan, design and construct a restroom facility for the Viola park on Main street in Santa Clara in Grant county;

357. seventy-five thousand dollars (\$75,000) to plan, design and construct an expansion, including the purchase of related equipment and furniture, for the police station and city hall in Santa Clara in Grant county;

358. one hundred fifty thousand dollars (\$150,000) for electrical renovation and improvements to the community center in Santa Clara in Grant county;

~~359. one hundred thousand dollars (\$100,000) to plan, design and construct a community center in Cliff in Grant county;~~ [**LINE-ITEM VETO**]

360. sixty thousand dollars (\$60,000) to purchase and equip a vehicle for El Grito head start in Silver City in Grant county;

~~361. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish the cooperative ownership development corporation facilities in Silver City in Grant county;~~ [**LINE-ITEM VETO**]

362. two hundred fifty thousand dollars (\$250,000) to plan, design and construct an industrial park in Grant county;

363. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a public library in Grant county;

364. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a library and instruction center in Anton Chico in Guadalupe county;

~~365. two hundred thousand dollars (\$200,000) to acquire property for, plan, design and construct a detention center and public safety building in Guadalupe county;]~~ [**LINE-ITEM VETO**]

366. thirty-five thousand dollars (\$35,000) to purchase and equip an ambulance for Anton Chico fire and rescue in Guadalupe county;

367. three million dollars (\$3,000,000) to plan, design, construct and renovate the downtown area, Ilfeld building and Pecos theater, including landscaping and purchase and installation of equipment, in Santa Rosa in Guadalupe county;

368. ten thousand dollars (\$10,000) to purchase a vehicle for the fire department in Puerto de Luna in Guadalupe county;

369. thirty thousand dollars (\$30,000) to purchase three vehicles for the sheriff's department in Guadalupe county;

370. ten thousand dollars (\$10,000) to plan, design, construct and equip a park in the Anton Chico land grant in Guadalupe county;

371. twenty thousand dollars (\$20,000) to purchase equipment for the Guadalupe county community youth agricultural learning center in Santa Rosa in Guadalupe county;

372. fifty thousand dollars (\$50,000) to plan, design, purchase and install a radio antenna for emergency broadcasts in Guadalupe county;

373. forty-five thousand dollars (\$45,000) to purchase equipment for the Anton Chico fire department in Guadalupe county;

374. two hundred thousand dollars (\$200,000) to renovate and equip the old courthouse in Santa Rosa in Guadalupe county;

375. seventy-five thousand dollars (\$75,000) to repair the town hall building in Vaughn in Guadalupe county;

376. twenty-five thousand dollars (\$25,000) to purchase and equip an ambulance in district 1 in Harding county;

377. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip a multipurpose facility in Roy in Harding county;

~~[378. fifty thousand dollars (\$50,000) for improvements, including construction, to the metal fabrication building in Solano in Harding county;~~

~~379. fifty thousand dollars (\$50,000) to renovate county facilities in Harding county;] [**LINE-ITEM VETO**]~~

380. four hundred seventy thousand dollars (\$470,000) to plan, design, construct, equip and furnish a detention center in Lordsburg in Hidalgo county;

~~[381. three hundred thousand dollars (\$300,000) to plan, design and construct, equip and furnish a vocational training learning center in Lordsburg in Hidalgo county;] [**LINE-ITEM VETO**]~~

382. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish a city hall in Lordsburg in Hidalgo county;

383. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish a vocational training career center in Lordsburg in Hidalgo county;

384. fifty thousand dollars (\$50,000) to plan, design and construct a roof replacement for the county courthouse in Lordsburg in Hidalgo county;

~~[385. three hundred thousand dollars (\$300,000) to plan, design and construct a roof replacement and purchase and install an air conditioning system at the county event center in Lea county;] [**LINE-ITEM VETO**]~~

386. two hundred thousand dollars (\$200,000) to renovate and expand the Lovington medical clinic at Nor-Lea general hospital in Lovington in Lea county;

387. eight hundred thirty thousand dollars (\$830,000) to design and construct a therapy pool for senior citizens in Eunice in Lea county;

388. one hundred thousand dollars (\$100,000) to purchase and install emergency warning systems in Jal in Lea county;

389. one hundred sixty-five thousand dollars (\$165,000) to construct, equip and furnish improvements, including walking trails, lighting, sprinkler systems, parking areas and restroom facilities, at Jal lake and park in Lea county;

390. ninety-six thousand dollars (\$96,000) to purchase and equip ambulances for Lovington in Lea county;

391. eight hundred thousand dollars (\$800,000) to purchase and equip firefighting vehicles and purchase equipment for fire departments in Hobbs and Tatum in Lea county;

392. seventy-five thousand dollars (\$75,000) to plan, design, construct, equip and furnish a domestic violence shelter in Lincoln county;

393. twenty-five thousand dollars (\$25,000) to plan, design and construct renovations to the Carrizozo heritage museum in Carrizozo in Lincoln county;

394. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish and equip improvements, including land acquisition, for the Nest domestic violence shelter in Ruidoso Downs in Lincoln county;

395. one hundred thousand dollars (\$100,000) to plan, design, construct and equip, including land acquisition, a fire station for Glencoe Palo Verde in Lincoln county;

396. one hundred ten thousand dollars (\$110,000) to purchase and equip a fire truck water tender for the Nogal volunteer fire department in Nogal in Lincoln county;

397. forty-one thousand dollars (\$41,000) to plan, design, construct, equip and furnish a fire station in Ruidoso Downs in Lincoln county;

398. ten thousand dollars (\$10,000) to purchase and install furniture for the jury room at the county courthouse in Los Alamos in Los Alamos county;

399. six hundred thousand dollars (\$600,000) to plan, design, construct and equip an amphitheater, pavilion and restroom facilities in Deming in Luna county;

400. twenty-five thousand dollars (\$25,000) to purchase and install a livestock scale in Columbus in Luna county;

401. one hundred thousand dollars (\$100,000) to renovate the Luna county courthouse, including third floor renovations and historic restoration of the original courtroom, in Luna county;

402. two hundred ten thousand dollars (\$210,000) to purchase a tanker truck for the volunteer fire department in Luna county;

403. two hundred thousand dollars (\$200,000) to renovate and furnish the Columbus city hall in Luna county;

404. fifty thousand dollars (\$50,000) to improve the community center in Columbus in Luna county;

~~[405. two hundred thousand dollars (\$200,000) to plan, design and construct a complex for the sixth judicial district court in Luna county;]~~ [**LINE-ITEM VETO**]

406. three hundred thousand dollars (\$300,000) to construct a veterans' memorial in Gallup in McKinley county;

407. two hundred thirty thousand dollars (\$230,000) to construct and equip an economic resource center in Gallup in McKinley county;

408. two hundred thousand dollars (\$200,000) to purchase land and a facility for and to plan, design, construct, equip and furnish a domestic violence shelter in Gallup in McKinley county;

~~409. two hundred ten thousand dollars (\$210,000) to repair and renovate Nakai park and softball fields, including trail and landscaping improvements, in the Tohatchi chapter of the Navajo Nation in McKinley county;]~~ [**LINE-ITEM VETO**]

410. sixty thousand dollars (\$60,000) to purchase handicapped-accessible vehicles for use by community-based programs for the disabled in Gallup in McKinley county;

411. fifty thousand dollars (\$50,000) to plan, design and construct a recreational facility in Thoreau in McKinley county;

~~412. fifty thousand dollars (\$50,000) to plan, design and construct a police facility, including facilities for the municipal court, in Gallup in McKinley county;]~~ [**LINE-ITEM VETO**]

413. two hundred thousand dollars (\$200,000) to plan, design and construct the westside fire station in Gallup in McKinley county;

414. two hundred thousand dollars (\$200,000) to plan, design and construct a multipurpose indoor arena, including a Native American pavilion, museum and parking facility, in McKinley county;

415. two hundred fifteen thousand dollars (\$215,000) to plan, design and construct a juvenile detention facility in McKinley county;

~~416. seventy thousand dollars (\$70,000) to plan, design and renovate the Gallup business incubator in McKinley county;~~

~~417. one hundred fifty thousand dollars (\$150,000) to plan, design and construct restroom facilities, including purchase and installation of equipment, on the courthouse square in Gallup in McKinley county;]~~ [**LINE-ITEM VETO**]

418. seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate and improve the Thoreau health clinic in McKinley county;

419. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish, including land acquisition, low-income rental housing in Gallup in McKinley county;

420. thirty-nine thousand dollars (\$39,000) to acquire land for and plan, design, construct, equip and furnish low-income rental housing for people living in poverty in McKinley county;

421. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct a public safety building for the Gallup police department and sheriff's office in McKinley county;

422. ninety thousand dollars (\$90,000) to purchase trucks for a food program in McKinley county;

423. sixty-five thousand dollars (\$65,000) to purchase and equip vehicles with handicapped-accessible lifts for the transit system in Gallup in McKinley county;

424. one hundred thousand dollars (\$100,000) to furnish the visitor information center in Gallup in McKinley county;

425. four hundred fifty thousand dollars (\$450,000) to plan, design, construct and equip an addition to the dialysis unit at the Rehoboth McKinley hospital in Gallup in McKinley county;

426. twenty thousand dollars (\$20,000) to purchase voting machines for Mora county;

427. twenty-five thousand dollars (\$25,000) to construct improvements, including perimeter fencing, for the rodeo arena multipurpose facility in Mora county;

428. thirty thousand dollars (\$30,000) to purchase and equip four-wheel-drive vehicles for the county assessor's office in Mora county;

429. sixty thousand dollars (\$60,000) to design, construct and equip an addition to the Mora county fire station in Mora county;

430. thirty thousand dollars (\$30,000) to plan, design, construct, equip and furnish a park in Ojo Feliz in Mora county;

431. twenty thousand dollars (\$20,000) to plan, design and construct a community center in Guadalupita in Mora county;

432. thirty thousand dollars (\$30,000) to purchase and install office equipment, furnishings and information technology at the treasurer's office in Mora county;

433. ten thousand dollars (\$10,000) to plan, design, construct and equip a community center in Watrous in Mora county;

434. fifty thousand dollars (\$50,000) to plan, design and construct a facility to house an ambulance for the fire department in Mora county;

435. fifty thousand dollars (\$50,000) to renovate and equip the Mora county fire station, including installing security gates, a chain link fence and razor wire, in Mora county;

436. forty thousand dollars (\$40,000) to purchase and install fire protection equipment for the Ledoux, Monte Aplanado and El Carmen volunteer fire department in Mora county;

437. thirty thousand dollars (\$30,000) to plan, design and construct a multipurpose facility for the Mora land grant in Mora county;

438. ten thousand dollars (\$10,000) to plan, design, construct and equip a video-audio cultural room in Mora in Mora county;

439. thirteen thousand dollars (\$13,000) to purchase ambulances and equipment for the fire department in Wagon Mound in Mora county;

440. five thousand dollars (\$5,000) to purchase and install information technology and equipment, including related furniture, for the adult daycare program at the Mora valley community health care clinic in Mora in Mora county;

441. one hundred thousand dollars (\$100,000) to acquire land for and to plan, design, construct and equip a rodeo facility in Wagon Mound in Mora county;

442. sixty thousand dollars (\$60,000) to acquire land for and plan, design, construct and furnish the veterans of foreign wars facility in Mora county;

443. five thousand dollars (\$5,000) to purchase and install recreational equipment in Mora county;

444. one million dollars (\$1,000,000) to plan, design, construct, renovate and improve the judicial complex in Mora in Mora county;

445. two hundred sixty-eight thousand dollars (\$268,000) to plan, design, construct and make improvements to a community resource center in Chimayo in Santa Fe and Rio Arriba counties;

446. fifty thousand dollars (\$50,000) to purchase and install an electronic medical record system for use by Las Clinicas del Norte in Taos and Rio Arriba counties;

447. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct and equip a fire station and training center in La Luz in Otero county;

~~[448. eighty-seven thousand dollars (\$87,000) to renovate and improve buildings, including roof replacement and electrical, heating and cooling improvements, at the Otero county fairgrounds in Alamogordo in Otero county;~~

~~449. one hundred fifty thousand dollars (\$150,000) to plan, design and renovate the Otero county jail to expand the office space of the New Mexico twelfth judicial district in Otero county;]~~ [**LINE-ITEM VETO**]

450. two hundred two thousand dollars (\$202,000) to plan, design and construct improvements to the Alamo West volunteer fire department building in Otero county;

451. three hundred thousand dollars (\$300,000) to renovate the red brick schoolhouse in Tularosa in Otero county;

~~[452. seventy-five thousand dollars (\$75,000) to purchase and install playground equipment and signage for parks in Tularosa in Otero county;~~

~~453. two hundred thousand dollars (\$200,000) to plan, design, construct and equip a library facility in Tularosa in Otero county;~~

~~454. four hundred thousand dollars (\$400,000) to design and construct a recreation facility, including a swimming pool, in Tularosa in Otero county;]~~ [**LINE-ITEM VETO**]

455. one hundred eighty-seven thousand dollars (\$187,000) to purchase property and equipment for the expansion to the domestic violence shelter in Alamogordo in Otero county;

456. seventy-five thousand dollars (\$75,000) to plan, design, construct, equip, furnish and renovate the Flickinger performing arts center in Otero county;

~~[457. twenty thousand dollars (\$20,000) to renovate and construct tennis courts at Zenith park in Clouderoft in Otero county;]~~ [**LINE-ITEM VETO**]

458. four hundred fifteen thousand dollars (\$415,000) to construct, equip and furnish a public library in Alamogordo in Otero county;

~~[459. two thousand dollars (\$2,000) to plan, design and construct a facility for the county sheriff's department to accommodate and comply with electronic recording requirements in Otero county;]~~ [**LINE-ITEM VETO**]

460. fifty thousand dollars (\$50,000) to design, construct and equip a fire station, including a warning siren and water storage tanks, in Timberon in Otero county;

461. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct and improve an industrial park and infrastructure in Alamogordo in Otero county;

462. one hundred thousand dollars (\$100,000) to plan, design, construct and equip the municipal swimming pool in Tucumcari in Quay county;

~~[463. fifty thousand dollars (\$50,000) to purchase and install equipment for the Arch Hurley conservancy district in Quay county;~~

~~464. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish improvements to the agricultural education center in Quay county;]~~ [**LINE-ITEM VETO**]

465. twenty-five thousand dollars (\$25,000) to purchase and install emergency services equipment in San Jon in Quay county;

~~[466. fifty thousand dollars (\$50,000) to purchase and install heating and air conditioning systems for community and senior facilities in House in Quay county;]~~ [**LINE-ITEM VETO**]

467. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish the visitor information center at the Glen Rio center in Quay county;

468. two hundred thousand dollars (\$200,000) to furnish and equip a community center in El Rito in Rio Arriba county;

469. one hundred forty thousand dollars (\$140,000) to plan, design and construct improvements to Las Cumbres learning services center in Espanola in Rio Arriba county;

470. eighty thousand dollars (\$80,000) to purchase equipment for the county-owned Casa de Corazon youth facility in Espanola in Rio Arriba county;

471. one hundred thousand dollars (\$100,000) to plan, design and construct street improvements, including resurfacing, and purchase road equipment in Espanola in Rio Arriba county;

~~[472. twenty thousand dollars (\$20,000) to plan, design and construct infrastructure improvements to the community center in Petaca in Rio Arriba county;]~~ [**LINE-ITEM VETO**]

473. fifty thousand dollars (\$50,000) to purchase and equip patrol vehicles for the police department in Espanola in Rio Arriba county;

474. one hundred thousand dollars (\$100,000) to purchase and equip a water tanker for the fire department in Espanola in Rio Arriba county;

475. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct a multipurpose facility in Chama in Rio Arriba county;

476. twenty-five thousand dollars (\$25,000) to plan, design, purchase and install fire suppression water storage tanks in Rio Arriba county;

477. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip a new animal shelter in Chama in Rio Arriba county;

478. ninety thousand dollars (\$90,000) to plan, design and construct improvements to a metal building for the Chamita volunteer fire department in Chamita in Rio Arriba county;

479. one hundred thousand dollars (\$100,000) to design and construct a convention center in Espanola in Rio Arriba county;

480. one hundred thousand dollars (\$100,000) to acquire land for and plan, design, construct, equip and furnish a facility for the first judicial district court in Espanola in Rio Arriba county;

481. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish an economic development facility for the Santa Cruz de la Canada land grant in Rio Arriba county;

482. fifty thousand dollars (\$50,000) to renovate and expand the community center in Canones in Rio Arriba county;

483. eighteen thousand dollars (\$18,000) to purchase and install equipment and make improvements to recreational facilities and fields in Tierra Amarilla in Rio Arriba county;

484. fifty thousand dollars (\$50,000) to purchase and install information technology, including related wiring and infrastructure, for Las Clinicas del Norte in Rio Arriba county;

485. fifty thousand dollars (\$50,000) to purchase and equip an animal control vehicle for Rio Arriba county;

486. thirty-two thousand dollars (\$32,000) to construct improvements, including paving and cement slabs, at La Mesilla fire station in Rio Arriba county;

487. seventy-five thousand dollars (\$75,000) for improvements to an alcoholism treatment facility in Embudo in Rio Arriba county;

488. fifty thousand dollars (\$50,000) to plan, design, construct and equip improvements to the fire station in Alcalde in Rio Arriba county;

489. ten thousand dollars (\$10,000) to purchase equipment, including a snowmobile and an all-terrain vehicle, for the Northern Sno-drift Breakers search and rescue team in Rio Arriba county;

490. forty thousand dollars (\$40,000) to plan, design, construct and equip a substation of the Truchas fire department in Cordova in Rio Arriba county;

491. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct and equip a multipurpose facility in Espanola in Rio Arriba county;

492. fifty thousand dollars (\$50,000) to plan, design, construct and equip a kitchen for the community center in Cebolla in Rio Arriba county;

493. one hundred thousand dollars (\$100,000) to purchase and equip a fire truck for Tierra Amarilla in Rio Arriba county;

494. fifty thousand dollars (\$50,000) to construct, equip and furnish the Bonem youth shelter home in Roosevelt county;

495. seventy-five thousand dollars (\$75,000) to purchase equipment for the road department in Roosevelt county;

496. one hundred forty thousand dollars (\$140,000) to plan, design and construct improvements, including roof replacement, to the animal control facility in Portales in Roosevelt county;

497. four hundred thousand dollars (\$400,000) to renovate, construct, equip and furnish improvements to the Yam movie palace for use as a performing arts center in Portales in Roosevelt county;

498. fifty thousand dollars (\$50,000) to plan, design, construct and equip improvements to the county fairgrounds facilities in Roosevelt county;

499. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and furnish improvements to the fire station in Causey in Roosevelt county;

500. forty thousand dollars (\$40,000) to purchase and equip a vehicle for use as a wildfire response unit for the Arch fire department in Arch in Roosevelt county;

~~501. twenty-five thousand dollars (\$25,000) to purchase and install playground equipment in Portales in Roosevelt county;]~~ [**LINE-ITEM VETO**]

502. one hundred thirty-three thousand dollars (\$133,000) to improve and upgrade the Portales municipal swimming pool in Portales in Roosevelt county;

503. seventy-five thousand dollars (\$75,000) to plan, design, construct, equip and furnish an intensive care unit at Roosevelt general hospital in the Roosevelt county special hospital district in Portales in Roosevelt county;

504. fifty thousand dollars (\$50,000) to plan, design and construct a judicial complex in Portales in Roosevelt county;

505. one hundred twenty-five thousand dollars (\$125,000) for capital projects for the Portales mainstreet program in Roosevelt county;

506. four hundred thousand dollars (\$400,000) to plan, design and construct or acquire a building for the Farmington public health department in Farmington in San Juan county;

507. one hundred thousand dollars (\$100,000) to plan, design and construct the southside multipurpose neighborhood facility in Farmington in San Juan county;

508. two hundred fifty thousand dollars (\$250,000) to purchase, install and equip smart intravenous pumps for San Juan regional medical center in Farmington in San Juan county;

509. one hundred thousand dollars (\$100,000) to renovate and expand the San Juan regional medical center in Farmington in San Juan county;

~~510. one hundred thousand dollars (\$100,000) to expand the facilities at the San Juan county archaeological research center and library at Salmon ruins in San Juan county;~~

~~511. two hundred thousand dollars (\$200,000) to plan, design, construct and equip improvements to municipal parks, including restrooms, landscaping, playground equipment and access, in Bloomfield in San Juan county;]~~ [**LINE-ITEM VETO**]

512. five hundred fifty thousand dollars (\$550,000) to renovate a substance abuse treatment facility in San Juan county;

513. ninety-three thousand dollars (\$93,000) to plan, design and construct a youth facility in Kirtland in San Juan county;

514. two hundred fifty-two thousand dollars (\$252,000) to plan, design, construct, equip and furnish a substance abuse treatment facility in Aztec in San Juan county;

515. two hundred fifty thousand dollars (\$250,000) to plan, design and construct a detention facility to serve methamphetamine offenders in San Juan county;

516. thirty thousand dollars (\$30,000) to purchase and install information technology and office equipment for the county clerk's office in San Miguel county;

517. ten thousand dollars (\$10,000) to repair the roof on the Romero hose and fire station in Las Vegas in San Miguel county;

518. ten thousand dollars (\$10,000) to furnish and equip the San Juan community center in San Juan in San Miguel county;

519. one hundred forty thousand dollars (\$140,000) to purchase and equip a fire truck for La Placita volunteer fire department in San Miguel county;

~~520. sixty five thousand dollars (\$65,000) to plan, design and construct improvements to the community center in San Geronimo in San Miguel county;~~ [**LINE-ITEM VETO**]

521. two hundred thousand dollars (\$200,000) to purchase vehicles for the police department in Las Vegas in San Miguel county;

522. thirty thousand dollars (\$30,000) to plan, design and construct improvements to the detention center in San Miguel county;

523. twenty-five thousand dollars (\$25,000) to purchase youth activities equipment for the recreation department in Las Vegas in San Miguel county;

524. fifty-three thousand dollars (\$53,000) to construct a soccer field at Commerce street park in Las Vegas in San Miguel county;

525. one hundred thousand dollars (\$100,000) to purchase a fire truck and equipment for El Pueblo in San Miguel county;

526. ten thousand dollars (\$10,000) to construct improvements to the fire station, including site improvements, in Tecolote in San Miguel county;

527. one hundred forty thousand dollars (\$140,000) to purchase and equip a fire truck for Pecos in San Miguel county;

528. thirty thousand dollars (\$30,000) to repair and equip the community center in San Jose in San Miguel county;

529. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish a health clinic in San Miguel county;

530. fifty thousand dollars (\$50,000) to purchase, design, equip and install new buildings and to demolish, renovate and improve existing buildings at the fairgrounds in San Miguel county;

~~531. twenty-five thousand dollars (\$25,000) to plan, design and construct a community park in San Miguel county;~~ [**LINE-ITEM VETO**]

532. thirty-five thousand dollars (\$35,000) to plan, design and construct a playground in Las Vegas in San Miguel county;

533. forty thousand dollars (\$40,000) to purchase and install information technology, including related equipment and furnishings, for a geographic information system in Las Vegas in San Miguel county;

534. ten thousand dollars (\$10,000) to purchase and install information technology, including related equipment and furniture, for the assessor's office in Las Vegas in San Miguel county;

535. ten thousand dollars (\$10,000) to purchase and install information technology, including related equipment and furniture, in the treasurer's office in Las Vegas in San Miguel county;

~~536. seventy thousand dollars (\$70,000) to replace gas lines in the westside area of Las Vegas in San Miguel county;~~ [**LINE-ITEM VETO**]

537. twenty-five thousand dollars (\$25,000) to construct improvements at Mountain View park in Las Vegas in San Miguel county;

538. seventy-five thousand dollars (\$75,000) to purchase youth sports equipment for Las Vegas in San Miguel county;

539. ten thousand dollars (\$10,000) for improvements to the pond in Montezuma in San Miguel county;

540. fifty thousand dollars (\$50,000) to construct improvements to the rodeo grounds and facilities in San Miguel county;

541. fifty thousand dollars (\$50,000) to acquire land for, plan, design and construct an industrial park in San Miguel county;

542. fifty thousand dollars (\$50,000) to purchase an ambulance and equipment for San Geronimo in San Miguel county;

543. fifty thousand dollars (\$50,000) to purchase farm equipment for San Miguel county;

544. five hundred fifty thousand dollars (\$550,000) to purchase and equip a building and land for the Tri-County Family Justice center of northern New Mexico in San Miguel county;

545. fifty thousand dollars (\$50,000) to improve parks in San Miguel county;

~~546. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct a pedestrian walkway, including right-of-way acquisition, in Jemez Springs in Sandoval county;]~~ [**LINE-ITEM VETO**]

547. fifty thousand dollars (\$50,000) to plan, design and construct a community library and multiuse center adjacent to New Mexico highway 165 in Placitas in Sandoval county;

548. one hundred thirty thousand dollars (\$130,000) to plan, design, construct and equip improvements, including lighting, bleachers, landscaping, concession facilities and infrastructure, at the New Mexico soccer tournament complex in Sandoval county;

549. twenty-five thousand dollars (\$25,000) to improve and equip the boys' and girls' club in Rio Rancho in Sandoval county;

~~550. eighty-three thousand dollars (\$83,000) to plan, design and construct improvements to Casa San Ysidro, including a visitor center and a bridge, in Corrales in Sandoval county;]~~ [**LINE-ITEM VETO**]

551. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, equip and furnish a community regional learning resource center and library in Cuba in Sandoval county;

552. sixty thousand dollars (\$60,000) to purchase and install a radiology machine for El Pueblo health center in Bernalillo in Sandoval county;

~~553. one hundred fifty thousand dollars (\$150,000) to acquire land for, plan, design, construct and equip a regional park facility near Paseo de Volcan in Rio Rancho in Sandoval county;]~~ [**LINE-ITEM VETO**]

554. four hundred twenty-five thousand dollars (\$425,000) to repair and renovate El Zocalo compound for use as a multiuse business development facility in Bernalillo in Sandoval county;

555. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, equip and furnish a fire station near the intersection of interstate 25 and United States highway 550 in Sandoval county;

556. fifty thousand dollars (\$50,000) to purchase and install fuel pumps and in-ground fuel storage tanks in Sandoval county to service both Sandoval county and Rio Rancho;

557. one hundred fifty thousand dollars (\$150,000) to purchase a pumper and a tanker to equip the Torreon volunteer fire department in Sandoval county;

558. forty-five thousand dollars (\$45,000) to plan, design and construct a fire station in La Jara in Sandoval county;

~~559. ninety-nine thousand dollars (\$99,000) to purchase, install and improve playground equipment, including surfacing, at Cielo Vista park in Rio Rancho in Sandoval county;~~

~~560. two hundred fifty thousand dollars (\$250,000) to acquire land for, plan, design, construct and equip a baseball field, including lighting, landscaping, related facilities and erosion control, in Sandoval county;~~

~~561. one hundred fifty thousand dollars (\$150,000) to purchase and install lighting for the city center in Rio Rancho in Sandoval county;~~

~~562. one hundred ten thousand dollars (\$110,000) to purchase and install information technology, including related equipment and furniture, for village offices in Corrales in Sandoval county;~~

~~563. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and acquire land for a community baseball field and related facilities, including batting cage, locker rooms, landscaping and lighting, in Rio Rancho in Sandoval county;] [**LINE-ITEM VETO**]~~

564. thirty thousand dollars (\$30,000) to purchase and equip police vehicles for San Ysidro in Sandoval county;

~~[565. twenty thousand dollars (\$20,000) to plan, design, construct, equip and furnish a facility, including exterior sites, for use by a small business equity foundation in Bernalillo in Sandoval county;~~

~~566. forty thousand dollars (\$40,000) to plan, design, construct, equip and furnish, including landscaping, a business incubator in Bernalillo in Sandoval county;] [**LINE-ITEM VETO**]~~

567. seventy-five thousand dollars (\$75,000) to plan, design, construct, furnish and equip a radiography suite at El Pueblo health services in Bernalillo in Sandoval county;

~~568. forty-five thousand dollars (\$45,000) to purchase a skid steer for use in the maintenance of parks in San Ysidro in Sandoval county;~~

~~569. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and furnish a facility for use by a small business equity foundation in Sandoval county;~~

~~570. fifty thousand dollars (\$50,000) to plan, design, construct and equip a humane education and training center for disabled students and at-risk teens in Sandoval county;]~~ [**LINE-ITEM VETO**]

571. sixty thousand dollars (\$60,000) to construct, equip and install improvements, including concessions, bleachers and infrastructure, to the New Mexico youth soccer complex in Bernalillo in Sandoval county;

~~572. twenty-five thousand dollars (\$25,000) to plan, design and renovate little league fields in Sandoval county;]~~ [**LINE-ITEM VETO**]

573. fifty thousand dollars (\$50,000) to plan, design, construct and equip a learning resources center in Cuba in Sandoval county;

574. fifty thousand dollars (\$50,000) for improvements to Rio Rancho little league fields in Rio Rancho in Sandoval county;

~~575. twenty thousand dollars (\$20,000) to acquire conservation easements at the Corrales gateway in the Rio Grande corridor in Corrales in Sandoval county;]~~ [**LINE-ITEM VETO**]

576. one million dollars (\$1,000,000) to plan, design and construct multiuse playing fields, including land acquisition for the north sports complex, in Rio Rancho in Sandoval county;

577. one million dollars (\$1,000,000) to plan, design, construct and equip the infrastructure to support the broadband project in Sandoval county;

578. five hundred eighty-three thousand five hundred dollars (\$583,500) to plan, design, renovate and expand, including the emergency department, facilities at St. Vincent regional medical center in Santa Fe county;

579. one hundred fifty thousand dollars (\$150,000) to acquire land for, plan, design and construct a youth and agriculture facility in the southern area of Santa Fe county;

~~[580. two hundred fifty thousand dollars (\$250,000) to acquire land for, plan, design, construct, equip and furnish the first judicial district complex in Santa Fe county;]~~ [**LINE-ITEM VETO**]

581. four hundred twenty-five thousand dollars (\$425,000) to acquire land for, plan, design, construct, equip and furnish the Esperanza shelter administrative complex in Santa Fe county;

582. two hundred thousand dollars (\$200,000) to plan, design, construct and equip improvements, including parking lot and infrastructure improvements, to the fairgrounds in Santa Fe county;

583. one million fifty thousand dollars (\$1,050,000) to acquire land and a building for and to plan, design, construct, renovate, equip and furnish a women's health services complex in Santa Fe county;

584. one hundred thousand dollars (\$100,000) to plan, design and construct an expansion to La Familia medical center on Caja del Oro Grant road in Santa Fe county;

585. fifty thousand dollars (\$50,000) to make improvements, including a new roof and gymnasium floor, at the city-owned Alto street boys' and girls' club site in Santa Fe in Santa Fe county;

586. fifty-five thousand dollars (\$55,000) for equipment and improvements to the senior housing units at the Santa Fe civic housing authority in Santa Fe county;

587. twenty-five thousand dollars (\$25,000) to purchase a van for the Genoveva Chavez community center in Santa Fe in Santa Fe county;

~~[588. fifty thousand dollars (\$50,000) to acquire land for and plan, design and construct improvements to municipal facilities in Edgewood in Santa Fe county;]~~ [**LINE-ITEM VETO**]

589. four hundred thousand dollars (\$400,000) to plan, design, construct, equip and furnish an expansion to, and make improvements to the interior infrastructure of, La Familia medical center on Alto street in Santa Fe in Santa Fe county;

590. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct and equip a community multipurpose center, including site development, in La Puebla in Santa Fe county;

591. twenty-five thousand dollars (\$25,000) to plan, design, construct and acquire land for a multipurpose park on paseo de la Conquistadora in Santa Fe in Santa Fe county;

592. one hundred five thousand dollars (\$105,000) to plan, design, construct and equip a facility for the farmers' market in Santa Fe in Santa Fe county;

593. one hundred thousand dollars (\$100,000) to construct, equip and furnish the Eldorado Vista Grande library in Santa Fe county;

594. three hundred eighty-six thousand five hundred dollars (\$386,500) to plan, design, construct, equip and furnish a teen center at the railyard in Santa Fe in Santa Fe county;

595. thirty-five thousand dollars (\$35,000) to purchase a bus for the Santa Fe boys' and girls' club in Santa Fe in Santa Fe county;

596. one hundred thousand dollars (\$100,000) to plan, design and construct the Zona del Sol youth center in Tierra Contenta in Santa Fe in Santa Fe county;

597. six hundred seventy-five thousand dollars (\$675,000) to plan, design and construct a joint training facility and related infrastructure and access roads for the police and fire departments in Santa Fe in Santa Fe county;

~~598. one hundred thousand dollars (\$100,000) to plan, design and construct a botanical garden at museum hill in Santa Fe in Santa Fe county;~~

~~599. twenty-five thousand dollars (\$25,000) to design and construct a soccer field in Eldorado, contingent upon Santa Fe county and the Santa Fe public school district executing an agreement for a joint-use county-school soccer field in Santa Fe county;] [LINE-ITEM VETO]~~

600. four hundred thousand dollars (\$400,000) to purchase open space land adjacent to Atalaya mountain in Santa Fe county;

~~601. sixty thousand dollars (\$60,000) to improve and equip the Marty Sanchez links golf course at the municipal recreation complex, including cart paths, in Santa Fe in Santa Fe county;~~

~~602. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a community facility in La Cionega in Santa Fe county;~~

~~603. eighty thousand dollars (\$80,000) to construct, install, equip and landscape a park and playground in Galisteo in Santa Fe county;] [LINE-ITEM VETO]~~

604. two hundred eighty thousand dollars (\$280,000) to acquire land for, plan, design and construct a county-owned building that will house the Santa Fe mountain center in Santa Fe county;

605. one hundred twenty-six thousand dollars (\$126,000) to equip and furnish the head start center in Santa Fe in Santa Fe county;

606. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, equip and furnish a teen arts center in Santa Fe in Santa Fe county;

607. six hundred forty-seven thousand dollars (\$647,000) to plan, design, construct and equip buildings for the Agua Fria children's zone project in Santa Fe county;

608. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to Alto park in Santa Fe in Santa Fe county;

609. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip the renovation of La Farge branch library in Santa Fe in Santa Fe county;

610. two hundred thousand dollars (\$200,000) to construct, furnish, equip and landscape the southside branch of the Santa Fe public library in Santa Fe county;

611. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a community meeting facility in Cundiyo in Santa Fe county;

612. fifty thousand dollars (\$50,000) to construct a monument to Don Diego de Vargas in Cathedral park in Santa Fe in Santa Fe county;

613. two hundred forty thousand dollars (\$240,000) to plan, design, construct, equip and furnish an administrative and clinical counseling facility for youth shelters and family services in Santa Fe county;

614. twenty thousand dollars (\$20,000) to replace the roof at the Santa Fe boys' and girls' club Alto street facility in Santa Fe in Santa Fe county;

615. thirty thousand dollars (\$30,000) to plan, design and construct a youth center in Santa Fe in Santa Fe county;

616. forty thousand dollars (\$40,000) to plan, design, map, equip and improve La Tierra trails for the Santa Fe city open-space project in Santa Fe county;

617. ten thousand dollars (\$10,000) to purchase and install information technology in Santa Fe in Santa Fe county;

618. three hundred seventy-five thousand dollars (\$375,000) to plan, design and construct a youth shelter and family services facility in Santa Fe county;

619. thirty thousand dollars (\$30,000) to plan, design and construct improvements, including purchase and installation of equipment, irrigation

improvements and improvements necessary to comply with the Americans with Disabilities Act of 1990, for Amelia White park in Santa Fe in Santa Fe county;

620. two hundred thousand dollars (\$200,000) to plan, design, renovate and construct additions and improvements to El Museo Cultural in Santa Fe in Santa Fe county;

621. twenty-five thousand dollars (\$25,000) to plan, design and construct youth soccer fields in Santa Fe in Santa Fe county;

622. one hundred fifty thousand dollars (\$150,000) to construct, expand and improve the national dance institute of New Mexico's dance barns in Santa Fe in Santa Fe county;

623. one hundred thousand dollars (\$100,000) to purchase land for and plan, design, construct and equip tennis and basketball courts and a walking track at the Nambe head start campus in Santa Fe county;

624. one hundred thousand dollars (\$100,000) to plan, design, purchase and construct an agricultural commerce center, including a community kitchen, in the Pojoaque valley in Santa Fe county;

625. fifty thousand dollars (\$50,000) to improve the Barela compound community center in Chimayo in Santa Fe county;

626. fifty thousand dollars (\$50,000) to plan, design, construct and equip an addition to the Agua Fria community center in Santa Fe county;

627. one hundred fifty thousand dollars (\$150,000) to purchase the Parker property adjacent to Atalaya mountain to preserve one hundred three acres of wildlife habitat, to link the Dale Ball and Atalaya mountain trail systems and to minimize fire threat in Santa Fe in Santa Fe county;

628. fifty thousand dollars (\$50,000) to plan, design and construct a soft-surface bicycle trail to connect Arroyo Chamiso and the rail trail with museum hill and the planned botanical garden in Santa Fe in Santa Fe county;

629. sixteen thousand dollars (\$16,000) to plan, design, construct and install a Korean war memorial in Amelia White park in Santa Fe in Santa Fe county;

630. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish an addition to and retrofitting of the interior infrastructure of the Alto street location of La Familia medical and dental center in Santa Fe in Santa Fe county;

~~[631. sixty-five thousand dollars (\$65,000) to plan, design and construct soccer fields at the municipal recreation complex in Santa Fe in Santa Fe county;]~~
[LINE-ITEM VETO]

632. forty thousand dollars (\$40,000) to plan, design, construct, equip, furnish and install museum exhibits at the Santa Fe children's museum in Santa Fe county;

633. thirty-five thousand dollars (\$35,000) to plan, design and construct a paved parking lot, including landscaping, at First Choice clinic in Edgewood in Santa Fe county;

634. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a water system, including a storage tank, for the Stanley fire department in Santa Fe county;

635. thirty thousand dollars (\$30,000) to purchase a vehicle to provide transportation for museum needs at the Santa Fe children's museum in Santa Fe in Santa Fe county;

636. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish a community center in the Pojoaque valley in Santa Fe county;

637. three million five hundred thousand dollars (\$3,500,000) to plan, design and construct bikeways and horse trails in Santa Fe county;

638. one million dollars (\$1,000,000) to plan, design and construct a park, plaza ~~[and farmers' market]~~ at the Santa Fe railyard site in Santa Fe county; **[LINE-ITEM VETO]**

639. one hundred sixty thousand dollars (\$160,000) to acquire property for, plan, design, construct and equip a county administration complex in Sierra county;

640. two hundred thousand dollars (\$200,000) to plan, design, construct, equip, furnish and landscape a multipurpose and special events center in Sierra county;

641. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, equip and furnish a boys' and girls' club in Socorro in Socorro county;

642. one hundred thousand dollars (\$100,000) to repair, equip, furnish and improve La Joya community recreation center in Socorro county;

643. two hundred thousand dollars (\$200,000) to plan, design and construct improvements, including lighting and landscaping, to the plaza area in Socorro in Socorro county;

~~[644. one hundred thousand dollars (\$100,000) to acquire, renovate, repair, equip and furnish the bureau of land management building as an administrative complex in Socorro in Socorro county;~~

~~645. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the animal control building for the animal protection association in Socorro in Socorro county;~~

~~646. thirty thousand dollars (\$30,000) to make improvements to the technology laboratory in Socorro in Socorro county;] [**LINE-ITEM VETO**]~~

~~647. sixty thousand dollars (\$60,000) to plan, design and construct a little league field in Socorro in Socorro county;~~

~~[648. twenty five thousand dollars (\$25,000) to construct and equip a playground and baseball park in Polvadera in Socorro county;] [**LINE-ITEM VETO**]~~

~~649. sixty-six thousand dollars (\$66,000) to purchase a bus for the head start program in Socorro county;~~

~~[650. thirty five thousand dollars (\$35,000) for site preparation and portable building acquisition and installation for the northern Socorro clinic in Veguita in Socorro county;] [**LINE-ITEM VETO**]~~

~~651. ten thousand dollars (\$10,000) to purchase and install a gurney for the ambulance in Datil in Socorro county;~~

~~[652. eighty thousand dollars (\$80,000) to plan, design, construct and equip improvements to the animal control facilities in Socorro in Socorro county;] [**LINE-ITEM VETO**]~~

~~653. eight million dollars (\$8,000,000) to plan, design, construct and equip local fair and arena facilities, including funding for expenses associated with the rodeo initiative;~~

~~654. one hundred thousand dollars (\$100,000) to support police agencies and county sheriffs in enforcing arrest and bench warrants statewide;~~

~~655. one hundred fifty thousand dollars (\$150,000) to purchase and install electronic technology at an institute that works to strengthen New Mexico's ties with Canada, Mexico and the United States;~~

~~656. one million dollars (\$1,000,000) to plan, design and improve land and facilities located adjacent to transit stops at various locations and to construct transit projects statewide;~~

657. two hundred thousand dollars (\$200,000) for production, education, promotion and acknowledgment of Billy the Kid statewide;

658. twenty-five thousand dollars (\$25,000) for promotional and other expenses for all-star games;

659. twenty-five thousand dollars (\$25,000) to purchase land and plan, design, construct and equip an administrative service facility for the Don Fernando de Taos land grant in Taos county;

660. five hundred thousand dollars (\$500,000) to plan, design and construct an emergency response center in Taos county;

~~661. twenty-five thousand dollars (\$25,000) to purchase vans for the county-owned Casa de Corazon youth facility in Taos in Taos county;~~ [**LINE-ITEM VETO**]

662. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, equip and furnish the Amalia community center in Taos county;

663. twenty-five thousand dollars (\$25,000) to plan, design and construct county-owned affordable housing in Taos county;

664. forty thousand dollars (\$40,000) to plan, design and construct a little league field, including dugouts, playgrounds and fencing, in Questa in Taos county;

665. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip a veterans' memorial in Questa in Taos county;

666. fifty thousand dollars (\$50,000) to acquire land for and plan, design and construct an administrative services building for Las Trampas land grant in Taos county;

667. seventy-five thousand dollars (\$75,000) to acquire land for, plan, design and construct a facility for the boys' and girls' club in Taos in Taos county;

668. fifty thousand dollars (\$50,000) to purchase vehicles for the boys' and girls' club in Taos in Taos county;

669. twenty-five thousand dollars (\$25,000) to purchase equipment and furnishings for a transitional living project in Taos in Taos county;

670. one hundred thousand dollars (\$100,000) to purchase land around well number three for El Prado water and sanitation district in El Prado in Taos county;

671. one hundred thousand dollars (\$100,000) to construct and equip a fire station and emergency management facility in Red River in Taos county;

672. twenty thousand dollars (\$20,000) to plan, design and construct an addition to the Juan I. Gonzales agricultural center in Taos county;

673. one hundred thousand dollars (\$100,000) to plan, design, construct and equip, including land acquisition, a multipurpose facility for El Valle de los Ranchos water and sanitation district in Taos county;

674. one hundred thousand dollars (\$100,000) to plan, design and construct soccer fields in Taos in Taos county;

675. two hundred forty thousand dollars (\$240,000) to purchase road equipment for Taos county;

676. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip an animal shelter in Taos county;

~~677. twenty five thousand dollars (\$25,000) to plan, design and construct El Prado community center in Taos county;~~ [**LINE-ITEM VETO**]

678. seventy thousand dollars (\$70,000) to plan, design, construct, equip and furnish a facility for the economic development project in Questa in Taos county;

679. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish the kitchen facility in the Rio Lucio community center in Taos county;

680. fifty thousand dollars (\$50,000) to plan, design and construct a facility to serve survivors of domestic and sexual violence adjacent to the domestic violence and rape crisis shelter and for improvements to the existing facility in Taos in Taos county;

681. one hundred thousand dollars (\$100,000) to plan, design, renovate and improve the Taos community auditorium in Taos county;

682. twenty-five thousand dollars (\$25,000) to renovate the Arroyo Seco Valdez community center in Taos county;

683. one hundred thousand dollars (\$100,000) to purchase and equip vehicles for the planning and zoning department in Taos in Taos county;

684. one million one hundred thousand dollars (\$1,100,000) to plan, design and construct a pediatric clinic in Taos in Taos county;

685. fifty thousand dollars (\$50,000) to plan, design and construct a women's drug and alcohol long-term rehabilitation center in Taos county;

~~686. twenty five thousand dollars (\$25,000) to purchase and install information technology and equipment for Taos-Cofax community services in Taos in Taos county;]~~ [**LINE-ITEM VETO**]

687. three hundred thousand dollars (\$300,000) to plan, design, construct, equip and furnish an earthship biotecture sustainable education complex in Taos county;

688. fifty thousand dollars (\$50,000) to purchase and install a filtration system for the swimming pool at the Taos youth and family center in Taos county;

689. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a community facility in Red River in Taos county;

690. one hundred fifty thousand dollars (\$150,000) to acquire land for and plan, design, construct and equip the Alexander Gusdorf park and soccer complex in Taos in Taos county;

691. sixty thousand dollars (\$60,000) to plan, design, construct, equip and furnish the Hope medical clinic building in Estancia in Torrance county;

~~692. twenty five thousand dollars (\$25,000) to plan, design and construct an office building for the Estancia Valley solid waste authority, including a recycling center, in Estancia in Torrance county;]~~ [**LINE-ITEM VETO**]

693. two hundred sixty-five thousand dollars (\$265,000) to purchase road equipment, including a grader and a backhoe, for Torrance county;

694. one hundred thousand dollars (\$100,000) to design and construct improvements to the public safety facility in Moriarty in Torrance county;

695. forty thousand dollars (\$40,000) to purchase a vehicle for animal control in Torrance county;

696. seventy-five thousand dollars (\$75,000) to renovate and construct improvements to the multipurpose center in Willard in Torrance county;

697. fifty thousand dollars (\$50,000) to purchase equipment for and make improvements to Willard park in Willard in Torrance county;

698. fifty thousand dollars (\$50,000) to plan, design, construct and equip a park in Torreon in Torrance county;

699. two million dollars (\$2,000,000) to plan, design, construct and furnish a fine arts facility in Moriarty in Torrance county;

700. forty-five thousand dollars (\$45,000) to repair the medical clinic building in Mountainair in Torrance county;

701. two hundred thousand dollars (\$200,000) to purchase and equip a facility for a community and youth center in Mountainair in Torrance county;

~~702. one hundred thousand dollars (\$100,000) to construct a civic park, including landscaping, a skate park, baseball field lighting, curbs, gutters and a parking area, in Moriarty in Torrance county;]~~ [**LINE-ITEM VETO**]

703. twenty-five thousand dollars (\$25,000) for economic development projects in Encino in Torrance county;

704. fifty thousand dollars (\$50,000) for improvements to parks at Torreon land grant in Torrance county;

705. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish an emergency medical services building in Des Moines in Union county;

~~706. eleven thousand dollars (\$11,000) to purchase road equipment for the road department in Union county;~~

~~707. fifty thousand dollars (\$50,000) to purchase and equip ambulances for Folsom in Union county;~~

~~708. sixty-five thousand dollars (\$65,000) to plan, design, construct, equip and install irrigation equipment for a golf course in Clayton in Union county;]~~ [**LINE-ITEM VETO**]

709. one hundred thousand two hundred fifty dollars (\$100,250) to renovate the public library, including construction of an addition and restrooms, in Belen in Valencia county;

710. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip improvements to the expansion of the Meadow Lake community center in Valencia county;

711. one hundred ten thousand dollars (\$110,000) to purchase land for the El Cerro fire station in Valencia county;

712. sixty thousand dollars (\$60,000) to renovate and construct an addition to the Rio Grande Estates fire station in Valencia county;

713. one hundred thousand dollars (\$100,000) to plan, design and construct improvements and expansions to the thirteenth judicial district attorney's office in Los Lunas in Valencia county;

714. two hundred fifty thousand dollars (\$250,000) to construct, renovate, equip and furnish the Jarales community center, including exterior site improvements, in Valencia county;

715. two hundred seven thousand dollars (\$207,000) to purchase road equipment for Valencia county;

716. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip an addition to the Meadow Lake fire station in Valencia county;

717. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish the fire and police station in Bosque Farms in Valencia county;

718. two hundred fifty thousand dollars (\$250,000) to construct improvements, renovate, equip and furnish the Casa Colorada community center, including exterior site improvements, in Valencia county;

719. thirty thousand dollars (\$30,000) to pave the parking area of the fire and police department building in Bosque Farms in Valencia county;

720. two hundred thousand dollars (\$200,000) to construct, equip and furnish the judicial complex in the thirteenth judicial district in Valencia county;

721. one hundred fifty thousand dollars (\$150,000) to purchase and equip a pumper tanker for Rio Grande estates in Valencia county;

722. ten thousand dollars (\$10,000) to construct, purchase and install improvements to the 9-11 memorial park in Belen in Valencia county;

723. one hundred thousand dollars (\$100,000) to plan, design and construct a health care complex and hospital in Valencia county, contingent upon receiving matching funds from the county;

724. sixty-five thousand dollars (\$65,000) to purchase a brush truck for the Tome-Adelino fire department in Valencia county;

725. sixty-five thousand dollars (\$65,000) to purchase a brush truck for the Valencia El Cerro fire department in Valencia county;

726. one hundred thirty thousand dollars (\$130,000) to purchase a class A pumper for the Manzano Vista El Cerro Mission fire department in Valencia county;

727. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip improvements to the Yucca little league baseball field in Bosque Farms in Valencia county;

728. one hundred fifteen thousand dollars (\$115,000) to purchase and equip a police crime scene vehicle for the police department in Los Lunas in Valencia county;

729. fifty thousand dollars (\$50,000) to renovate, repair and construct the Valencia county fairgrounds in Valencia county;

730. one hundred fifteen thousand dollars (\$115,000) to purchase and equip a mobile crime scene lab vehicle for the police department in Belen in Valencia county;

731. one hundred thirteen thousand dollars (\$113,000) to purchase and equip a class A pumper for the fire department in Los Chavez in Valencia county;

732. twenty thousand dollars (\$20,000) to purchase and install playground improvements and recreation equipment in Bosque Farms in Valencia county;

733. one million dollars (\$1,000,000) to plan, design, improve, renovate and repair the courthouse in Valencia county; and

734. thirty thousand dollars (\$30,000) to plan and design a health care complex and hospital in Valencia county.

Chapter 111 Section 53 Laws 2006

Section 53. ARMY AVIATION PROJECT--DEPARTMENT OF MILITARY AFFAIRS--GENERAL FUND.--One hundred fifty-five thousand dollars (\$155,000) is appropriated from the general fund to the department of military affairs for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to plan, design, construct and equip an army aviation support facility in Santa Fe in Santa Fe county.

Chapter 111 Section 54 Laws 2006

Section 54. STATE PARKS PROJECTS--ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT--GENERAL FUND.--The following amounts are appropriated from the general fund to the state parks division of the energy, minerals and natural resources department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. fifty thousand dollars (\$50,000) to replace the heating, ventilation and air conditioning system and insulate the roof at the Rio Grande nature center in the north valley of Albuquerque in Bernalillo county;

2. fifty thousand dollars (\$50,000) to upgrade the interpretive exhibits in the visitors' center at the Rio Grande nature center in the north valley of Albuquerque in Bernalillo county;

3. one hundred thirty-seven thousand dollars (\$137,000) for interpretive signage at the Rio Grande nature center in the north valley of Albuquerque in Bernalillo county;

4. twenty thousand dollars (\$20,000) to construct a facility for overnight field trips at the Rio Grande nature center in the north valley of Albuquerque in Bernalillo county;

5. twenty thousand dollars (\$20,000) to upgrade the maintenance facility at the Rio Grande nature center in the north valley of Albuquerque in Bernalillo county;

6. one hundred thousand dollars (\$100,000) to plan, design, construct and equip an education building at the Rio Grande nature center in the north valley of Albuquerque in Bernalillo county;

~~7. seventy-five thousand dollars (\$75,000) to plan, design and construct a visitor center and museum at Sugarite Canyon state park in Colfax county;~~ [**LINE-ITEM VETO**]

8. one million dollars (\$1,000,000) to renovate the Vietnam veterans memorial in Angel Fire in Colfax county;

9. ten thousand dollars (\$10,000) to acquire land and construct a visitor center at Mesilla Valley Bosque state park in Dona Ana county;

10. four hundred thousand dollars (\$400,000) to plan, design, construct and improve facilities and infrastructure at Red Rock state park in McKinley county;

11. twenty thousand dollars (\$20,000) to plan, design and construct improvements to the inlet channel, including replacing head gates and constructing a tower, at Morphy Lake state park in San Miguel county;

12. fifty thousand dollars (\$50,000) to plan, design, construct and install a fishing pier accessible to persons with disabilities on the Pecos river above Terrero in San Miguel county;

13. one million four hundred thousand dollars (\$1,400,000) to renovate, reconstruct and improve the Elephant Butte Lake state park [~~marina del sur, including~~]

~~relocating the visitor center, adding exhibit and concessionaire space and offices and relocating roads and water systems, in Elephant Butte] in Sierra county; and [**LINE-ITEM VETO**]~~

14. two million dollars (\$2,000,000) for park improvements statewide.

Chapter 111 Section 55 Laws 2006

Section 55. DAIRY BIOMASS AND FORESTRY PROJECTS--ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT--GENERAL FUND.--The following amounts are appropriated from the general fund to the energy, minerals and natural resources department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. five hundred thousand dollars (\$500,000) for the forestry division to purchase and equip fire trucks and carriers statewide; and

2. two million dollars (\$2,000,000) to plan, design and construct dairy biomass projects to convert dairy waste to energy statewide.

Chapter 111 Section 56 Laws 2006

Section 56. STATE POLICE PROJECT--STATE POLICE DIVISION--GENERAL FUND.--Ten thousand dollars (\$10,000) is appropriated from the general fund to the state police division for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to purchase scuba diving equipment for the New Mexico state police dive team in Santa Rosa in Guadalupe county.

Chapter 111 Section 57 Laws 2006

~~[Section 57. PUBLIC RECORDS--STATE COMMISSION OF PUBLIC RECORDS--GENERAL FUND.--Thirty thousand dollars (\$30,000) is appropriated from the general fund to the state commission of public records for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to equip and furnish the state records center and archives in Santa Fe in Santa Fe county.] [**LINE-ITEM VETO**]~~

Chapter 111 Section 58 Laws 2006

Section 58. TAXATION AND REVENUE PROJECT--TAXATION AND REVENUE DEPARTMENT--GENERAL FUND.--Eight hundred forty-five thousand dollars (\$845,000) is appropriated from the general fund to the taxation and revenue department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to purchase and install tax processing equipment at the taxation and revenue department in Santa Fe in Santa Fe county.

Chapter 111 Section 59 Laws 2006

Section 59. TOURISM PROJECTS--DEPARTMENT OF TOURISM--GENERAL FUND.--The following amounts are appropriated from the general fund to the tourism department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

~~1. twenty five thousand dollars (\$25,000) for the New Mexico sports authority to support a youth track and field sports program in Angel Fire in Colfax county;~~ [**LINE-ITEM VETO**]

2. one hundred twenty-five thousand dollars (\$125,000) for the intertribal ceremonial office to purchase, acquire, remodel and equip the Gallup Indian intertribal ceremonial office in Gallup in McKinley county;

3. three hundred thousand dollars (\$300,000) to support the Santa Fe world peace conference;

4. one hundred fifty thousand dollars (\$150,000) for the New Mexico sports authority to host and promote national and international sporting events in New Mexico[; and

~~5. fifty thousand dollars (\$50,000) for expenses related to the prop shop for film production].~~[**LINE-ITEM VETO**]

Chapter 111 Section 60 Laws 2006

Section 60. TRANSPORTATION PROJECTS--DEPARTMENT OF TRANSPORTATION--GENERAL FUND.--The following amounts are appropriated from the general fund to the department of transportation for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. twenty-three thousand dollars (\$23,000) to plan, design and construct road improvements, including a storm drain system and purchase and installation of lighting, on Sunflower place and on other roads in the Atrisco and Rancho de Atrisco areas in Bernalillo county;

2. twenty-nine thousand dollars (\$29,000) to plan, design and construct road improvements, including asphalt overlay, on Kelly road from the intersection with Foothill drive east to the intersection with Atrisco drive and on other roads in the Atrisco and Rancho de Atrisco areas in the south valley of Bernalillo county;

3. three hundred thousand dollars (\$300,000) to plan, design and construct improvements, including drainage, to Sunset Gardens road from Atrisco drive

east to the Arenal ditch, including sections of this street both inside and outside Albuquerque, in Bernalillo county;

4. five hundred thousand dollars (\$500,000) for acquisition of rights of way, planning, designing and construction of roadway drainage and paving improvements to Five Points road from Gatewood avenue to Atrisco drive in the south valley, including sections of this road both inside and outside the city of Albuquerque, in Bernalillo county;

~~5. eleven thousand dollars (\$11,000) to plan, design and construct road improvements, including asphalt overlay, on Rosendo Garcia road from the intersection with Foothill drive east to the intersection with Atrisco drive and on other roads in the Atrisco and Rancho de Atrisco areas in the south valley of Bernalillo county;~~

~~6. nineteen thousand dollars (\$19,000) to plan, design and construct road improvements, including asphalt overlay and base preparation, on Castanada road north of La Fonda drive to the end of the road and on other roads in the Atrisco and Rancho de Atrisco areas in the south valley of Bernalillo county;]~~ **[LINE-ITEM VETO]**

7. forty-five thousand dollars (\$45,000) to plan, design and construct improvements, including resurfacing, preparation and paving of gravel road alignments, to Vinnie road in Bernalillo county;

~~8. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to median landscaping on Candelaria road from Morris street to San Mateo boulevard in Albuquerque in Bernalillo county;~~

~~9. one hundred thousand dollars (\$100,000) to plan, design and construct median landscaping on Carlisle boulevard from Candelaria road to Comanche boulevard in Albuquerque in Bernalillo county;~~

~~10. thirty five thousand dollars (\$35,000) for mainstreet program improvements to Fourth street in Los Ranchos de Albuquerque in Bernalillo county;]~~ **[LINE-ITEM VETO]**

11. one million dollars (\$1,000,000) to design and construct pedestrian improvements to streets, sidewalks and intersections on Central avenue in the Nob Hill highland area in Albuquerque in Bernalillo county;

12. one hundred forty-five thousand dollars (\$145,000) to plan, design and construct streetscape improvements on Gold avenue from Yale boulevard to Sycamore street in Albuquerque in Bernalillo county;

~~13. seventy-five thousand dollars (\$75,000) to plan, design and construct landscaping improvements to the median on Wyoming boulevard from Wilshire boulevard to Academy boulevard in Albuquerque in Bernalillo county;~~

~~14. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct arroyo crossings in Tijeras in Bernalillo county;] [LINE-ITEM VETO]~~

15. five hundred thousand dollars (\$500,000) to plan, design and construct landscaping improvements at the interchange of interstate highways 40 and 25 in Albuquerque in Bernalillo county;

~~[16. twenty-five thousand dollars (\$25,000) to plan, design and construct median landscaping improvements on Coors boulevard from Montano boulevard to Eagle Ranch road in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

17. forty-six thousand dollars (\$46,000) to plan, design and construct improvements to Wilbur road from Foothill road to Atrisco drive and to other roads in the Atrisco and Rancho de Atrisco areas in the south valley of Bernalillo county;

~~[18. fifty-three thousand dollars (\$53,000) to plan, design and construct improvements to Sloan court, Sloan place and other roads in the Atrisco and Rancho de Atrisco areas in the south valley of Bernalillo county;~~

~~19. twelve thousand dollars (\$12,000) to plan, design and construct improvements, including drainage, valley curbs and compacted gravel shoulders, to Cypress drive from the Isleta drain west to Central avenue, including sections of this street both inside and outside Albuquerque, in Bernalillo county;] [LINE-ITEM VETO]~~

20. eighteen thousand dollars (\$18,000) to plan, design and construct improvements, including drainage, to Pear road SW, including sections of this street both inside and outside Albuquerque, in Bernalillo county;

21. one hundred fifteen thousand dollars (\$115,000) to purchase and install lighted street signs on traffic lights at signalized intersections in the south valley of Bernalillo county;

~~[22. thirty-five thousand dollars (\$35,000) for a walking and bicycle path adjacent to Rio Grande boulevard in Los Ranchos de Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

23. two hundred thousand dollars (\$200,000) to design and construct a pedestrian observation platform on the Central avenue bridge in Albuquerque in Bernalillo county;

~~[24. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to landscaping on the medians on Central between Unser and Ninety-eighth and on the medians on Coors between Central and Bridge in Albuquerque in Bernalillo county;] [LINE-ITEM VETO]~~

25. one million two hundred thousand dollars (\$1,200,000) to design and construct neon arches at the intersections of Unser and Central and Ninety-eighth and Central in Albuquerque in Bernalillo county;

26. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to Townsend street SW in Albuquerque in Bernalillo county;

~~27. one hundred thousand dollars (\$100,000) to plan, design and construct the Rio Grande pedestrian observation platform on Central avenue bridge in Albuquerque in Bernalillo county;~~

~~28. fifty thousand dollars (\$50,000) to plan, design and construct improvements to Eldorado crossing in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

29. two hundred thousand dollars (\$200,000) to plan, design and construct improvements, including resurfacing, to roadway and streetscapes in the vicinity of Twelfth street and Menaul boulevard NW, including roundabouts, roadway medians, sidewalks, bicycle paths and landscaping, in Albuquerque in Bernalillo county;

~~30. twenty five thousand dollars (\$25,000) to plan, design, construct and improve median landscaping on Golf Course boulevard from Paradise to Taylor Ranch road in Albuquerque in Bernalillo county;~~

~~31. twenty five thousand dollars (\$25,000) to plan, design and construct median landscape improvements on Golf Course road from Paseo del Norte to Taylor Ranch road in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

32. seventy thousand dollars (\$70,000) to plan, design and construct improvements, including the purchase of equipment, easements and modern streetcars, to the transit system feeder routes in Albuquerque in Bernalillo county;

33. one hundred thousand dollars (\$100,000) to design and construct improvements to Eighty-sixth and Sage SW streets in Albuquerque in Bernalillo county;

34. one hundred thousand dollars (\$100,000) to design and construct improvements to Ninety-eighth and Sage SW streets in Albuquerque in Bernalillo county;

35. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the street lighting on Yale boulevard between avenida Cesar Chavez and Gibson boulevard in Albuquerque in Bernalillo county;

36. one hundred fifty thousand dollars (\$150,000) to plan, design and construct sidewalks from Isleta boulevard at Clinton to Corte Florentino and from Isleta

boulevard at Camino del Valle to Clinton in Adobe Acres in the south valley of Bernalillo county;

37. fifty thousand dollars (\$50,000) to construct sidewalks for student safety in the Adobe Acres area of Bernalillo county;

~~[38. fifty thousand dollars (\$50,000) to plan, design, install, improve and landscape medians on Innovation parkway, the main thoroughfare through the Sandia science and technology park, in Albuquerque in Bernalillo county;] [**LINE-ITEM VETO**]~~

39. seventy-five thousand dollars (\$75,000) to plan, design and construct quiet zones at parking facilities for the commuter rail system in Albuquerque in Bernalillo county;

~~[40. sixty-nine thousand dollars (\$69,000) to plan, design and construct improvements, including resurfacing, to Saunders road in Bernalillo county;] [**LINE-ITEM VETO**]~~

41. forty thousand dollars (\$40,000) to plan, design and construct improvements, including resurfacing, to Dolly avenue from the beginning of the road to La Vega in Bernalillo county;

42. thirty-six thousand dollars (\$36,000) to plan, design and construct improvements, including resurfacing, to Verde road from Joe Sanchez road to Foothill drive in Bernalillo county;

43. thirty-nine thousand dollars (\$39,000) to plan, design and construct improvements, including resurfacing, to Sylvia road from the beginning of the road to Barcelona in Bernalillo county;

44. thirty thousand dollars (\$30,000) to pave North drive, which leads into Valley high school, in the Albuquerque public school district in Bernalillo county;

~~[45. one hundred twenty-five thousand dollars (\$125,000) to pave roads in north Albuquerque, including Elena and Tennyson to Lowell, in Bernalillo county;~~

~~46. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements for Twelfth, Fifth and Sixth streets between Lomas and Menaul in Albuquerque in Bernalillo county;] [**LINE-ITEM VETO**]~~

47. three hundred thousand dollars (\$300,000) to plan, design and construct improvements, including an extension of lanes, to Paseo del Norte west of Golf Course road in Albuquerque in Bernalillo county;

48. fifty thousand dollars (\$50,000) to plan, design and construct improvements to roads in senate district 11 in Bernalillo county;

49. two million dollars (\$2,000,000) to plan, design and construct improvements to extend University boulevard to Mesa del Sol in Albuquerque in Bernalillo county;

~~[50. fifty thousand dollars (\$50,000) for a feasibility and location study for a relief route on the east side of Roswell in Chaves county;~~

~~51. fifty thousand dollars (\$50,000) to purchase and install information technology and a heating, ventilation and air conditioning system for the New Mexico department of transportation district 2 office in Chaves county;] [**LINE-ITEM VETO**]~~

52. two million dollars (\$2,000,000) for infrastructure improvements at the Roswell international air center and for planning, designing and constructing an extension of College boulevard in Roswell in Chaves county;

53. eighty thousand dollars (\$80,000) to construct a median at the railroad crossing in Milan in Cibola county;

54. four hundred thousand dollars (\$400,000) to plan, design and construct improvements to the interstate 40 Rio Puerco exit in the Pueblo of Laguna in Cibola county;

~~[55. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to Back Basin road, including surfacing, in Angel Fire in Colfax county;] [**LINE-ITEM VETO**]~~

56. one hundred ten thousand dollars (\$110,000) to plan, design and construct improvements, including resurfacing, to roads in Melrose in Curry county;

~~[57. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to roads in Curry county;~~

~~58. four hundred thousand dollars (\$400,000) to plan, design and construct an intersection in the area of Twenty first, Commerce and Prince streets in Clovis in Curry county;] [**LINE-ITEM VETO**]~~

59. two hundred thousand dollars (\$200,000) to plan, design and construct an overpass on Martin Luther King, Jr. boulevard in Clovis in Curry county;

~~[60. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to county roads 8, L, 4 and 5 in Curry county;] [**LINE-ITEM VETO**]~~

61. two hundred thousand dollars (\$200,000) to plan, design and construct roads and road improvements to accommodate dairy and industrial development in Curry county;

~~[62. two hundred thousand dollars (\$200,000) to plan, design and construct drainage and pavement improvements to streets in Fort Sumner in De Baca county;~~

~~63. one hundred thirteen thousand dollars (\$113,000) to plan, design and construct improvements, including drainage, to Corona road in Dona Ana county;]~~
[LINE-ITEM VETO]

64. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including storm drains and reconstruction, to El Molino street in Las Cruces in Dona Ana county;

~~[65. five thousand dollars (\$5,000) to plan, design and construct traffic system upgrades, including purchase and installation of equipment, in Las Cruces in Dona Ana county;]~~ **[LINE-ITEM VETO]**

66. seventy-five thousand dollars (\$75,000) to plan, design, acquire rights of way for and install a traffic signal system at the intersection of United States highway 70 or Picacho and Picacho Hills drive in Las Cruces in Dona Ana county;

67. twenty-five thousand dollars (\$25,000) to plan, design, construct, survey and acquire property for drainage improvements and reconstruction of Tres Sendas road in Dona Ana county;

68. fifteen thousand dollars (\$15,000) to purchase and install flashing beacon signal lights in the Gadsden independent and Las Cruces public school districts in Dona Ana county;

69. one hundred thousand dollars (\$100,000) to plan, design, survey and construct improvements to east Berino road in Dona Ana county;

~~[70. twenty-six thousand dollars (\$26,000) to plan, design, survey and construct improvements, including base course and surfacing, to the Berino town site intersection in Dona Ana county;]~~ **[LINE-ITEM VETO]**

71. fifty thousand dollars (\$50,000) to plan, design and construct a bicycle and walking trail in Vado in Dona Ana county;

72. twenty-five thousand dollars (\$25,000) to purchase and install school district flashing beacons and signage in Santa Teresa, La Union and Chamberino in Dona Ana county;

~~[73. seven thousand dollars (\$7,000) to plan, design and construct improvements to Calle Jonguerra in Mesilla in Dona Ana county;~~

~~74. one hundred forty thousand dollars (\$140,000) to plan, design and construct improvements, including acquisition of rights of way, to east Thorpe road in Dona Ana in Dona Ana county;] [**LINE-ITEM VETO**]~~

75. fifty thousand dollars (\$50,000) to plan, design and construct road and sidewalk drainage improvements to Court avenue in Las Cruces in Dona Ana county;

76. one hundred thousand dollars (\$100,000) to improve the Jefferson and Davis road areas, including utilities, storm drains, lighting and sidewalks, in Las Cruces in Dona Ana county;

77. thirty thousand dollars (\$30,000) to plan, design and construct street lights in Tortugas in Dona Ana county;

78. one hundred thousand dollars (\$100,000) to plan, design and construct road and drainage improvements to Kit Carson road in Dona Ana county;

79. fifty thousand dollars (\$50,000) to plan, design and construct Upham road, including drainage improvements and acquisition of rights of way, in Dona Ana county;

~~[80. one hundred fifty thousand dollars (\$150,000) to plan, design and construct landscaping improvements for state highways in Anthony in Dona Ana county;~~

~~81. seventy five thousand dollars (\$75,000) to plan, survey, design and construct, including right-of-way acquisition, the Abeyta circle in Dona Ana in Dona Ana county;] [**LINE-ITEM VETO**]~~

82. four hundred thousand dollars (\$400,000) to plan, design and construct improvements to roads in Hatch in Dona Ana county;

83. six hundred thousand dollars (\$600,000) to plan, design and construct improvements to the school bus dropoff area and parking areas at Santa Teresa high school in the Gadsden independent school district in Dona Ana county;

84. five hundred thousand dollars (\$500,000) to plan, design, construct and improve Jack Rabbit interchange in Las Cruces in Dona Ana county;

85. fifty thousand dollars (\$50,000) to plan and design a bridge over the Pecos river on South Loop road in Carlsbad in Eddy county;

86. thirty-five thousand dollars (\$35,000) to plan, design and construct gateway structures and landscaping on the National Parks highway and the Hobbs highway in Carlsbad in Eddy county;

87. forty thousand dollars (\$40,000) to plan, design and construct improvements to the Living Desert state park road in Carlsbad in Eddy county;

88. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements, including resurfacing, to Quay avenue from First to Eighth streets in Artesia in Eddy county;

89. four hundred seventy-five thousand dollars (\$475,000) to plan, design and construct improvements to Texas street from Second street to Seventh street for the mainstreet project in Artesia in Eddy county;

~~[90. fifty thousand dollars (\$50,000) to plan, design and construct an office building for the New Mexico department of transportation in Carlsbad in Eddy county;]~~
[LINE-ITEM VETO]

91. two hundred fifty thousand dollars (\$250,000) to plan, design and construct street improvements, including street signs, sidewalks, drainage and curb and gutter improvements, for the Brewer Hill area in Silver City in Grant county;

92. two hundred thousand dollars (\$200,000) to plan, design and construct improvements, including paving, to streets in Silver City in Grant county;

~~[93. twenty-five thousand dollars (\$25,000) to plan, design, construct, improve and upgrade roads in Harding county;]~~ **[LINE-ITEM VETO]**

94. three hundred thousand dollars (\$300,000) to plan, design and construct improvements, including chip seal, to roads in Lea county;

95. three hundred sixty thousand dollars (\$360,000) to plan, design and construct an airport terminal building in Lea county;

~~[96. two hundred thousand dollars (\$200,000) to plan, design and construct utility and street improvements to the Goodwin area in Hobbs in Lea county;]~~
[LINE-ITEM VETO]

97. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to paved and unpaved streets in Tatum in Lea county;

~~[98. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to Cedar street, including an extension, in Deming in Luna county;~~

~~99. one hundred twenty five thousand dollars (\$125,000) to plan, design and construct improvements to county road 1 in McKinley county;]~~ **[LINE-ITEM VETO]**

100. seven hundred thousand dollars (\$700,000) to plan, design and construct the Mendoza boulevard extension project, including construction of a roadway, bicycle lanes, a pedestrian walkway, an intersection and a bridge, in McKinley county;

101. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct road improvements in the Iyanbito chapter of the Navajo Nation in McKinley county;

102. fifty thousand dollars (\$50,000) to plan, design and construct road improvements to Nizhoni-Mendoza road, including construction of a roadway, bicycle lanes, a pedestrian walkway, an intersection and a bridge, in McKinley county;

103. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to Sundance road in McKinley county;

104. fifty thousand dollars (\$50,000) to plan, design and construct improvements to school bus routes in the Bread Springs chapter of the Navajo Nation in McKinley county;

~~105. sixty-five thousand dollars (\$65,000) to plan, design and construct improvements to Pinehaven road in McKinley county;~~ [**LINE-ITEM VETO**]

106. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the intersection of New Mexico highway 118 and Toltec drive in Gallup in McKinley county;

107. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct road improvements to county road 6, also known as Cousins road, in McKinley county;

108. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to county road 19 in McKinley county;

109. fifty thousand dollars (\$50,000) to plan, design and construct improvements to county road 23 in McKinley county;

~~110. fifty thousand dollars (\$50,000) to plan, design and construct the Tse Bonito washout bridge on New Mexico highway 264 in McKinley county;~~ [**LINE-ITEM VETO**]

111. three hundred thousand dollars (\$300,000) to plan, design and construct improvements, including resurfacing and a new bridge, to Superman canyon road in McKinley county;

112. fifty thousand dollars (\$50,000) to plan, design and construct an access road from N 49 to Red Willow Springs road and west to the chapter compound in the Mariano Lake chapter of the Navajo Nation in McKinley county;

113. ten thousand dollars (\$10,000) to plan, design and construct improvements, including culverts and drainage, to Navajo route 54 in the P & M coal mine area in McKinley county;

114. thirty thousand dollars (\$30,000) to plan, design and construct improvements to Los Luceros road A-021 in Mora county;

115. fifty thousand dollars (\$50,000) to plan, design and construct improvements to Monte Aplanado road A-002 in Mora county;

116. sixty thousand dollars (\$60,000) to plan, design and construct improvements to county road A-011 and county road A-030 in Mora county;

117. fifty thousand dollars (\$50,000) to plan, design and construct water crossings on county road 0001 in Hernandez in Rio Arriba county;

118. forty thousand dollars (\$40,000) to plan, design and construct improvements, including resurfacing, to county road 82 in Rio Arriba county;

119. one hundred twenty-five thousand dollars (\$125,000) for streetscape improvements to the downtown area in Portales in Roosevelt county;

120. one hundred thousand dollars (\$100,000) to plan, design and construct road improvements, including streets, curbs, gutters and sidewalks, in Portales in Roosevelt county;

121. one hundred thirty thousand dollars (\$130,000) to plan, design and construct improvements, including resurfacing, to north Industrial drive between New Mexico highway 267 and west Eighteenth street in Roosevelt county;

122. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements, including resurfacing, to Base Line road in Roosevelt county;

123. two hundred thousand dollars (\$200,000) to plan, design and construct a chip-seal road for approximately five miles beginning at state road 236 going west on Roosevelt road 2 to Roosevelt road AD then south to state road 267 in Roosevelt county;

124. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including resurfacing, from west Gum to north avenue O; west Olive to north Main; west Hickory to north avenue O; and west Ivy to north avenue O in Portales in Roosevelt county;

~~[125. fifty thousand dollars (\$50,000) to plan, design and construct fencing along the Navajo route 19 right of way in the Two Grey Hills chapter of the Navajo Nation in San Juan county;~~

~~126. five hundred thousand dollars (\$500,000) to plan, design and construct improvements to bridge 567 in San Juan county;] [**LINE-ITEM VETO**]~~

127. two hundred seventy-five thousand dollars (\$275,000) to plan, design and construct improvements to Main street, including acquiring right-of-way property, in Aztec in San Juan county;

~~[128. two hundred thousand dollars (\$200,000) to plan, design, construct and improve sidewalks and bike lanes for Third and Fourth streets in Bloomfield in San Juan county;] [**LINE-ITEM VETO**]~~

129. one hundred thousand dollars (\$100,000) to plan, design and construct improvements and chip seal a three-mile section of county roads 1191, 1330 and 1424 in San Juan county;

~~[130. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements and chip seal a four-mile section of county road 1191 in San Juan county;] [**LINE-ITEM VETO**]~~

131. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including resurfacing, to roads for the Nenahnezad chapter of the Navajo Nation in San Juan county;

132. one hundred eight thousand dollars (\$108,000) to plan, design and construct improvements, including a chip-seal overlay, on county roads 390 and 3100 in San Juan county;

~~[133. two hundred ten thousand dollars (\$210,000) to plan, design and construct improvements, including paving, to county road 5512 in San Juan county;] [**LINE-ITEM VETO**]~~

134. thirty thousand dollars (\$30,000) for drainage improvements to Cinder road in Las Vegas in San Miguel county;

135. eighty thousand dollars (\$80,000) to plan, design and construct improvements to county road A-3 in San Miguel county;

136. forty-two thousand dollars (\$42,000) to plan, design and construct improvements to Gonzales road, county road B-31-A, in San Miguel county;

~~[137. seventy thousand dollars (\$70,000) to plan, design and construct drainage and road improvements to Las Dispensas road, county road A-2 and county road A-3 in San Miguel county;~~

~~138. one hundred fifty thousand dollars (\$150,000) to plan, design and construct drainage and improvements to roads in the Conchas dam and Big Mesa area in San Miguel county;] [**LINE-ITEM VETO**]~~

139. forty-eight thousand dollars (\$48,000) to plan, design and construct improvements to county road B-28-A in San Miguel county;

~~[140. sixty thousand dollars (\$60,000) to plan, design and construct road improvements to Romero street in Las Vegas in San Miguel county;~~

~~141. fifty two thousand dollars (\$52,000) to plan, design and construct road improvements in San Geronimo in San Miguel county;] [**LINE-ITEM VETO**]~~

142. twenty thousand dollars (\$20,000) to plan, design and construct improvements to county road B-36 in San Miguel county;

143. thirty thousand dollars (\$30,000) to plan, design and construct improvements to county road B-27 in San Miguel county;

~~[144. forty thousand dollars (\$40,000) to plan, design and construct improvements to El Cerrito road in San Miguel county;] [**LINE-ITEM VETO**]~~

145. one hundred twenty thousand dollars (\$120,000) to resurface Ellano road in San Miguel county;

~~[146. thirty thousand dollars (\$30,000) to plan, design and construct improvements to Blanchard road, county road B-26, in San Miguel county;] [**LINE-ITEM VETO**]~~

147. fifteen thousand dollars (\$15,000) to construct sidewalks on Eighth street in Las Vegas in San Miguel county;

148. fifty thousand dollars (\$50,000) to plan, design and construct road and bridge improvements to county roads B26A, B27 and A19A, Seridan road and the Curruco bridge in San Miguel county;

149. ten thousand dollars (\$10,000) to plan, design and construct improvements to county road A30 in San Miguel county;

150. five thousand dollars (\$5,000) to construct one-fourth of a mile of fence in San Miguel county;

~~[151. forty-eight thousand dollars (\$48,000) to plan, design and construct improvements to El Valle de los Padres road in Pecos in San Miguel county;] [**LINE-ITEM VETO**]~~

152. one hundred fifty thousand dollars (\$150,000) to plan, design and construct road improvements, including surfacing, of Regina cut-off road in Sandoval county;

~~[153. two hundred twenty-five thousand dollars (\$225,000) to plan, design and construct road improvements to Loma Larga road in Corrales in Sandoval county;~~

~~154. one hundred fifty thousand dollars (\$150,000) to plan, design and construct curbing and sidewalks along Lisbon road in Rio Rancho in Sandoval county;] [**LINE-ITEM VETO**]~~

155. one million forty-eight thousand dollars (\$1,048,000) to plan, design and construct improvements, including paving, to Unser boulevard from Farol to King boulevard and on Thirty-fourth avenue beginning at Unser boulevard in Rio Rancho in Sandoval county;

156. forty-seven thousand dollars (\$47,000) to plan, design and construct improvements to Cerro del Alamo road, Sunset road and Sunrise road as part of the C.R. Mayfield road project in La Cienega in Santa Fe county;

157. twenty thousand dollars (\$20,000) to pave Tano road north in Santa Fe in Santa Fe county;

158. 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;

159. two hundred fifty thousand dollars (\$250,000) for a pedestrian crossing and bicycle bridge over the Santa Fe river at the Camino Real river park in Santa Fe county;

160. eighty thousand dollars (\$80,000) to acquire easements for and plan, design and construct an urban pedestrian and bicycle trail for the Arroyo Chamiso trail extension project in Santa Fe county;

161. seventeen thousand five hundred dollars (\$17,500) to plan, design and construct median irrigation and landscaping improvements to Sawmill road east of St. Francis drive in Santa Fe in Santa Fe county;

162. fifty thousand dollars (\$50,000) to plan, design and construct pedestrian amenities on Bishop's Lodge road between Murales road and Paseo de Peralta in Santa Fe in Santa Fe county;

~~[163. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements, including drainage improvements, to Ravens Ridge road in Santa Fe county;] [**LINE-ITEM VETO**]~~

164. seventy-five thousand dollars (\$75,000) to plan, design and construct road improvements, including a culvert, on Kachina Ridge road in Santa Fe in Santa Fe county;

~~[165. one hundred ninety thousand dollars (\$190,000) to plan, design and construct a soft-surface bicycle trail on Old Santa Fe trail from the intersection of Zia road and Old Santa Fe trail southward to El Gancho way and then westward to Old Las Vegas highway in Santa Fe in Santa Fe county;] [**LINE-ITEM VETO**]~~

166. fifteen thousand dollars (\$15,000) to plan, design and construct road and drainage improvements to Mountain road in Santa Fe in Santa Fe county;

167. fifty thousand dollars (\$50,000) to plan, design and construct a [soft-surface] bicycle trail along Hyde Park [road from the intersection of Bishop's Lodge road and Washington street to Gonzales road] in Santa Fe in Santa Fe county; [**LINE-ITEM VETO**]

168. one hundred thousand dollars (\$100,000) to upgrade culverts and conveyance gutters for storm water drainage control in Elephant Butte in Sierra county;

169. two hundred thousand dollars (\$200,000) to plan, design and construct drainage and pavement improvements to streets in Socorro in Socorro county;

170. three hundred thirty thousand dollars (\$330,000) to purchase and install historical markers for the New Mexico women's historical marker initiative throughout New Mexico;

171. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to Camino Abajo la Loma in Taos county;

172. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including resurfacing, to upper Ranchitos road in Taos county;

173. ninety thousand dollars (\$90,000) to plan, design and construct improvements to Los Cordovas road in Taos county;

174. fifty thousand dollars (\$50,000) to plan, design and construct improvements to Llanito road in Taos county;

175. fifty thousand dollars (\$50,000) to plan, design and construct improvements to Old John Dunn road B-007 in Taos county;

176. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including resurfacing, to Camino del Medio in Taos in Taos county;

177. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements, including purchase and installation of lighting and signage, to Los Pandos road A-025 in Taos county;

~~178. fifty thousand dollars (\$50,000) to plan, design, construct and equip improvements and resurfacing of streets and sidewalks in Clayton in Union county;]~~
[LINE-ITEM VETO]

179. twenty-nine thousand forty dollars (\$29,040) to plan, design and construct road improvements, including resurfacing, to Marquez road in Valencia county;

180. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including paving, to roads in Highland Meadows in Valencia county;

181. forty thousand dollars (\$40,000) to plan, design and construct improvements to Hansen Farm road in Bosque Farms in Valencia county;

182. three hundred eighty thousand dollars (\$380,000) to plan, design and construct improvements, including an extension, to Christopher road in Belen in Valencia county;

183. thirty-five thousand dollars (\$35,000) to construct and landscape a driveway for student dropoff and pickup at La Merced elementary school in the Belen consolidated school district in Valencia county;

184. thirty-four thousand nine hundred eighty-five dollars (\$34,985) to plan, design and construct improvements to Horizon Vista road in Valencia county;

185. thirty-one thousand seven hundred twenty-five dollars (\$31,725) to plan, design and construct improvements to Western drive in Valencia county;

186. five hundred seventeen thousand two hundred fifty dollars (\$517,250) to plan, design and construct improvements to Trujillo road in Los Lunas in Valencia county;

~~187. sixteen thousand dollars (\$16,000) to plan, design and construct road improvements, including speed bumps on Serafini road, in Jarales in Valencia county;~~

~~188. six thousand dollars (\$6,000) to plan, design and construct road improvements, including speed bumps on Frederico boulevard, in Rio Communities in Valencia county;]~~ **[LINE-ITEM VETO]**

189. three hundred thousand dollars (\$300,000) to plan, design, purchase and install traffic lights on New Mexico highway 304 and 47 at Manzano expressway and Marigold boulevard in Valencia county;

190. fifty thousand dollars (\$50,000) to plan, design and construct improvements to El Cerro Mission boulevard in Valencia county;

191. ninety thousand dollars (\$90,000) to purchase and install traffic lights on El Cerro loop for the Valencia El Cerro volunteer fire district in Valencia county; and

~~[192. fifty-eight thousand dollars (\$58,000) to plan, design and construct improvements, including paving, to Franklin road in Valencia county.]~~ [**LINE-ITEM VETO**]

Chapter 111 Section 61 Laws 2006

Section 61. VETERANS PROJECTS--VETERANS' SERVICES DEPARTMENT--GENERAL FUND.--Forty-four thousand dollars (\$44,000) is appropriated from the general fund to the veterans' services department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to purchase and install bronze sculpture memorials to veterans in public locations statewide.

Chapter 111 Section 62 Laws 2006

Section 62. COMMUNITY COLLEGE AND OTHER HIGHER EDUCATION PROJECTS--HIGHER EDUCATION DEPARTMENT--GENERAL FUND.--The following amounts are appropriated from the general fund to the higher education department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

~~1. one hundred fifty thousand dollars (\$150,000) to purchase and install a file server to provide a back-up disaster system at the westside campus of the Albuquerque vocational technical institute in Bernalillo county;~~

~~2. twenty-five thousand dollars (\$25,000) to upgrade the heating, ventilation and cooling systems in classrooms, computer labs and the auditorium at the Luna community college satellite campus in Springer in Colfax county;~~

~~3. sixty thousand dollars (\$60,000) to equip the music laboratory at Clovis community college in Curry county;]~~ [**LINE-ITEM VETO**]

4. fifty thousand dollars (\$50,000) to purchase and install equipment for the science department at Clovis community college in Clovis in Curry county;

5. five hundred thousand dollars (\$500,000) to plan, design and construct a baseball field for New Mexico junior college in Hobbs in Lea county;

6. one hundred ninety thousand dollars (\$190,000) to construct and equip the commercial driver's license truck driver training program, including paving the practice driving area and the purchase of equipment and vehicles, for New Mexico junior college in Hobbs in Lea county;

7. forty thousand dollars (\$40,000) to furnish and equip the Mora satellite campus of the Luna community college in Mora in Mora county;

~~8. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish the wind research training center at Mesalands community college in Tucumcari in Quay county;~~

~~9. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish the renovation and expansion of the creative arts center at San Juan college in Farmington in San Juan county;]~~ [**LINE-ITEM VETO**]

10. four hundred thousand dollars (\$400,000) to plan, design, construct, equip and furnish a trades and technology building at San Juan college in Farmington in San Juan county;

~~11. fifty thousand dollars (\$50,000) to plan, design and construct a learning commons and courtyard plaza for San Juan college in Farmington in San Juan county;~~

~~12. twenty eight thousand dollars (\$28,000) to purchase a universal patient simulator for San Juan college in Farmington in San Juan county;]~~ [**LINE-ITEM VETO**]

13. ten thousand dollars (\$10,000) to plan, design and construct improvements to King stadium at Luna community college in San Miguel county;

14. ten thousand dollars (\$10,000) to purchase baseball equipment and uniforms for Luna community college in San Miguel county;

15. twenty thousand dollars (\$20,000) to purchase mariachi band instruments for Luna community college in Las Vegas in San Miguel county;

16. forty thousand dollars (\$40,000) to purchase and equip a bus for Luna community college in Las Vegas in San Miguel county;

17. three hundred fifteen thousand dollars (\$315,000) to develop the site for and plan, design, construct and equip an allied health and science building at Santa Fe community college in Santa Fe county;

18. one hundred ten thousand dollars (\$110,000) for Santa Fe community college to furnish and equip the broadcast studios and upgrade the signal for KSFR public radio station in Santa Fe county;

19. two million dollars (\$2,000,000) to provide matching funds to support the technology research collaborative at various participating research and higher education institutions statewide; and

20. two hundred thousand dollars (\$200,000) to support film and media employment training and student productions.

Chapter 111 Section 63 Laws 2006

Section 63. UNIVERSITIES, COLLEGES AND SPECIAL CONSTITUTIONAL SCHOOLS--GENERAL FUND.--The following amounts are appropriated from the general fund to the following institutions of higher learning and constitutional special schools for the following purposes:

A. to the board of regents of eastern New Mexico university:

~~[(1) twenty-five thousand dollars (\$25,000) to purchase and install tools and equipment for the machinist and woodworking technicians program at the Roswell branch campus of eastern New Mexico university in Chaves county;~~

~~(2) one hundred thirty-five thousand dollars (\$135,000) to purchase vehicles and equipment for the special services and career and technical education programs at the Roswell branch campus of eastern New Mexico university in Chaves county;] [**LINE-ITEM VETO**]~~

(3) twenty thousand dollars (\$20,000) to upgrade and equip the developmental studies and adult basic education classrooms at the Roswell branch campus of eastern New Mexico university in Chaves county;

~~[(4) fifty-seven thousand dollars (\$57,000) to purchase, construct, equip and furnish facilities for the welding department at the Roswell branch campus of eastern New Mexico university in Chaves county;~~

~~(5) seventy-five thousand dollars (\$75,000) to construct facilities, including portables, for the child development program at the Roswell branch campus of eastern New Mexico university in Chaves county;] [**LINE-ITEM VETO**]~~

(6) twenty thousand dollars (\$20,000) to purchase equipment, including a trailer, for the emergency medical services program at the Roswell branch campus of eastern New Mexico university in Chaves county;

~~[(7) two hundred twenty thousand dollars (\$220,000) to equip and furnish the media arts center at the Roswell branch campus of eastern New Mexico university in Chaves county;~~

~~(8) fifty thousand dollars (\$50,000) to purchase and install security systems, including telephones, in classrooms at the Roswell branch campus of eastern New Mexico university in Chaves county;~~

~~(9) twenty-eight thousand dollars (\$28,000) to purchase a universal patient simulator for the nursing program at the Roswell branch campus of eastern New Mexico university in Chaves county;] [**LINE-ITEM VETO**]~~

(10) one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, equip and furnish improvements to the science laboratories at [the Ruidoso branch campus of] eastern New Mexico university [in Lincoln county]; [**LINE-ITEM VETO**]

(11) one hundred thousand dollars (\$100,000) for internet access infrastructure as part of the internet-to-hogans initiative for rural education outreach in multiple counties;

(12) four hundred fifty thousand dollars (\$450,000) to purchase and install information technology, including related equipment and furniture, in the KENW-TV broadcast center at eastern New Mexico university in Portales in Roosevelt county;

~~[(13) twenty-five thousand dollars (\$25,000) to plan, design, construct and make improvements to the athletic facilities at eastern New Mexico university in Portales in Roosevelt county;] [**LINE-ITEM VETO**]~~

(14) fifty thousand dollars (\$50,000) to plan, acquire, equip and furnish multimedia classrooms at eastern New Mexico university in Portales in Roosevelt county;

~~[(15) twenty-five thousand dollars (\$25,000) to purchase and install exercise equipment for the wellness center at eastern New Mexico university in Portales in Roosevelt county;~~

~~(16) twenty-five thousand dollars (\$25,000) to purchase, equip, furnish and install videoconferencing equipment at eastern New Mexico university in Portales in Roosevelt county;] [**LINE-ITEM VETO**]~~

(17) fifty thousand dollars (\$50,000) to purchase and install communications equipment for the communications center at eastern New Mexico university in Portales in Roosevelt county;

(18) four hundred thousand dollars (\$400,000) to construct the fiber-optic network infrastructure to handle the distribution of data, voice and video at eastern New Mexico university in Portales in Roosevelt county; and

~~[(19) two hundred twenty thousand dollars (\$220,000) to pave the parking lot at the gymnasium at eastern New Mexico university in Portales in Roosevelt county;] [**LINE-ITEM VETO**]~~

B. to the board of regents of New Mexico highlands university:

~~[(1) twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and furnish an early childhood center at New Mexico highlands university in Las Vegas in San Miguel county;] [**LINE-ITEM VETO**]~~

(2) ten thousand dollars (\$10,000) to purchase sports equipment for New Mexico highlands university in Las Vegas in San Miguel county;

(3) seventy-five thousand dollars (\$75,000) to plan, design, construct and equip a student services center at New Mexico highlands university in Las Vegas in San Miguel county;

(4) forty thousand dollars (\$40,000) to plan, design, renovate, equip and furnish the health clinic at New Mexico highlands university in Las Vegas in San Miguel county;

(5) forty thousand dollars (\$40,000) for renovations and equipment at the wellness center at New Mexico highlands university in Las Vegas in San Miguel county;

(6) one hundred thousand dollars (\$100,000) to improve and equip the wrestling facility at New Mexico highlands university in Las Vegas in San Miguel county;

~~[(7) twenty-five thousand dollars (\$25,000) to purchase and install security equipment at New Mexico highlands university in Las Vegas in San Miguel county;] [**LINE-ITEM VETO**]~~

(8) ten thousand dollars (\$10,000) to purchase radio equipment for New Mexico highlands university in Las Vegas in San Miguel county;

(9) twenty-five thousand dollars (\$25,000) to purchase and install an electronic message board at New Mexico highlands university in Las Vegas in San Miguel county;

(10) one hundred thousand dollars (\$100,000) to purchase and install information technology, including related equipment and furnishings, for the

college assistance migrant program with local public schools tracking technology at New Mexico highlands university in Las Vegas in San Miguel county;

(11) ten thousand dollars (\$10,000) to purchase and install equipment and furnishings for the college assistance migrant program at New Mexico highlands university in Las Vegas in San Miguel county;

(12) fifty thousand dollars (\$50,000) to support the Spanish language program at New Mexico highlands university in Las Vegas in San Miguel county; and

(13) one hundred thousand dollars (\$100,000) to support the athletic program at New Mexico highlands university in Las Vegas in San Miguel county;

C. to the board of regents of New Mexico institute of mining and technology:

~~[(1) one hundred twenty-five thousand dollars (\$125,000) for the energetic materials research testing center to make infrastructure improvements at the Playas training center in Hidalgo county;~~

~~(2) fifty-five thousand dollars (\$55,000) for improvements to the golf course at the New Mexico institute of mining and technology in Socorro in Socorro county;]~~ [**LINE-ITEM VETO**]

(3) six hundred thousand dollars (\$600,000) to purchase a DNA sequencer for the New Mexico institute of mining and technology in Socorro in Socorro county;

(4) fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment and furniture, for the mathematics, engineering and science achievement program at the New Mexico institute of mining and technology in Socorro in Socorro county; and

(5) two hundred fifty thousand dollars (\$250,000) to equip the aerospace program at New Mexico institute of mining and technology in Socorro in Socorro county;

D. to the board of regents of New Mexico military institute:

(1) two hundred twenty-five thousand dollars (\$225,000) to plan, design and construct the outdoor complex fitness factory at New Mexico military institute in Roswell in Chaves county;

~~[(2) one hundred seventy thousand dollars (\$170,000) to purchase and install lighting on Stapp field at New Mexico military institute in Roswell in Chaves county;]~~ [**LINE-ITEM VETO**]

(3) one hundred fifty-nine thousand dollars (\$159,000) to purchase and install physical fitness and athletic training equipment for New Mexico military institute in Roswell in Chaves county;

(4) one hundred thousand dollars (\$100,000) to plan, design, construct and equip an athletic training center at New Mexico military institute in Roswell in Chaves county;

(5) three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct, equip and furnish, including information technology, a learning center for the first tee program of the Pecos valley at the New Mexico military institute in Roswell in Chaves county;

(6) twenty-five thousand dollars (\$25,000) to purchase and install equipment and information technology for the Colt football program at the New Mexico military institute in Chaves county;

~~[(7) twenty-five thousand dollars (\$25,000) to purchase and install equipment and information technology for the basketball program at the New Mexico military institute in Roswell in Chaves county;]~~

~~(8) twenty thousand dollars (\$20,000) to purchase and install equipment and information technology for the Bronco football program at the New Mexico military institute in Roswell in Chaves county;]~~

~~(9) twenty-five thousand dollars (\$25,000) to purchase information technology, equipment and uniforms for the baseball program at New Mexico military institute in Roswell in Chaves county; and~~

~~(10) seventy-five thousand dollars (\$75,000) to plan, design, construct, equip and furnish a building for a youth golf development program at New Mexico military institute in Roswell in Chaves county;]~~ [**LINE-ITEM VETO**]

E. to the board of regents of New Mexico state university:

~~[(1) thirty thousand dollars (\$30,000) to acquire land for, plan, design and construct a multiuse agricultural facility in the south valley of Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

(2) two hundred fifty thousand dollars (\$250,000) to renovate and acquire property located at 701 east Roosevelt avenue for New Mexico state university in Grants in Cibola county;

(3) thirty-five thousand dollars (\$35,000) to plan, design and construct a digital studio at the Grants branch campus of New Mexico state university in Cibola county;

~~[(4) fifty thousand dollars (\$50,000) for an equipment storage barn for the New Mexico state university agricultural science center in Clovis in Curry county;]~~ [**LINE-ITEM VETO**]

(5) one hundred forty thousand dollars (\$140,000) to purchase water conservation research equipment for the New Mexico state university agriculture science center in Clovis in Curry county;

~~[(6) sixty thousand dollars (\$60,000) to purchase a plot combine for the New Mexico state university agriculture science center in Clovis in Curry county;]~~ [**LINE-ITEM VETO**]

(7) one hundred fifty thousand dollars (\$150,000) to develop the site for and plan, design, construct and equip the Native American cultural center at New Mexico state university in Las Cruces in Dona Ana county;

(8) one hundred thousand dollars (\$100,000) to plan, design, construct and equip the renovation of existing facilities at the creative media institute of New Mexico state university in Las Cruces in Dona Ana county;

~~[(9) eighty thousand dollars (\$80,000) to purchase equipment and furniture for the football program at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(10) one hundred thousand dollars (\$100,000) to construct improvements to, equip and furnish the baseball and softball complexes at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(11) one hundred thousand dollars (\$100,000) to renovate classroom facilities at the village at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(12) one hundred ten thousand dollars (\$110,000) to purchase and install lighting at the intramural fields at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(13) twenty thousand dollars (\$20,000) to purchase technical equipment and furnishings for the music department at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(14) one hundred thousand dollars (\$100,000) to purchase and install instructional equipment for the college migrant program at New Mexico state university in Las Cruces in Dona Ana county;~~ [**LINE-ITEM VETO**]

(15) one hundred seventy thousand dollars (\$170,000) to plan, design, construct and equip a tennis center at New Mexico state university in Las Cruces in Dona Ana county;

(16) one hundred fifty thousand dollars (\$150,000) to purchase equipment for the animal and food testing laboratory, and to renovate the facilities, at New Mexico state university in Las Cruces in Dona Ana county;

~~[(17) fifty thousand dollars (\$50,000) to construct, equip and furnish a food production laboratory for the school of hotel, restaurant and tourism management at New Mexico state university in Las Cruces in Dona Ana county;]~~ [**LINE-ITEM VETO**]

(18) one hundred thousand dollars (\$100,000) to purchase and install photovoltaic equipment at New Mexico state university in Las Cruces in Dona Ana county;

(19) twenty-six thousand dollars (\$26,000) to purchase and equip a patient simulator for the Dona Ana branch community college school of nursing at New Mexico state university in Las Cruces in Dona Ana county;

(20) twenty thousand dollars (\$20,000) to purchase and install equipment and furniture for the tennis program at New Mexico state university in Las Cruces in Dona Ana county;

(21) fifty-two thousand dollars (\$52,000) to purchase and install equipment for the New Mexico department of agriculture petroleum and chemistry laboratories at New Mexico state university in Las Cruces in Dona Ana county;

(22) one hundred thousand dollars (\$100,000) to plan, design, purchase and equip information technology for the New Mexico department of agriculture in Las Cruces in Dona Ana county;

(23) thirty-five thousand dollars (\$35,000) to plan, design, construct, remodel, equip, furnish and landscape the New Mexico space grant consortium at the Sugarman space grant building at New Mexico state university in Las Cruces in Dona Ana county;

~~[(24) fifty thousand dollars (\$50,000) to purchase vehicles to transport band members and equipment at New Mexico state university in Dona Ana county;~~

~~(25) twenty thousand dollars (\$20,000) to purchase information technology, equipment and uniforms for the equestrian program at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(26) forty thousand dollars (\$40,000) to purchase information technology, equipment and uniforms for the baseball program at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(27) twenty thousand dollars (\$20,000) to purchase information technology, equipment and uniforms for the track program at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(28) twenty-five thousand dollars (\$25,000) to purchase information technology, equipment and uniforms for the marching band at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(29) thirty thousand dollars (\$30,000) to purchase and install a scoreboard, including a message board, at the baseball field at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(30) twenty-five thousand dollars (\$25,000) to upgrade the water resources research institute's computer server system that serves the water library and geographic information system mapping laboratory system at New Mexico state university in Las Cruces in Dona Ana county;] [**LINE-ITEM VETO**]~~

(31) eighty-five thousand dollars (\$85,000) to repair and upgrade the pipelines for the irrigation water delivery system in the Carlsbad soil and water conservation district in Eddy county;

(32) one hundred thirty thousand dollars (\$130,000) to plan, design and construct watershed improvements to reduce flooding in the La Huerta area in the Carlsbad soil and water conservation district in Eddy county;

~~[(33) fifty thousand dollars (\$50,000) to purchase heavy equipment, including a skid loader, a truck, a trailer, a fuel tank and a grubbing blade, for the Lea soil and water conservation district in Lea county;~~

~~(34) seventy-five thousand dollars (\$75,000) to purchase and equip a bulldozer for the Deming soil and water conservation district in Luna county;] [**LINE-ITEM VETO**]~~

(35) fifty thousand dollars (\$50,000) to plan, design and construct improvements for the Thoreau soil and water conservation district project in McKinley county;

(36) ten thousand dollars (\$10,000) to purchase farm equipment for the western Mora soil and water conservation district and la asociacion de las acequias del valle de Mora in Mora county;

(37) two hundred thousand dollars (\$200,000) to conduct a comprehensive hydrogeologic study of the Sacramento mountains for the Otero soil and water conservation district in Otero, Lincoln and Chaves counties;

~~[(38) four hundred thousand dollars (\$400,000) to expand the health sciences building at the Alamogordo branch campus of New Mexico state university in Otero county;]~~ [**LINE-ITEM VETO**]

(39) twenty-five thousand dollars (\$25,000) to plan, design, construct and equip, or purchase, install and equip, an equipment storage facility for the Upper Chama soil and water conservation district in Tierra Amarilla in Rio Arriba county;

~~[(40) ninety thousand dollars (\$90,000) to purchase a skid steer hydro mulcher for the San Juan soil and water conservation district for use in controlling the Russian olive and salt cedar infestations in San Juan county;]~~ [**LINE-ITEM VETO**]

(41) twenty-two thousand five hundred dollars (\$22,500) to purchase a four-wheel-drive vehicle for the Tierra y Monte soil and water conservation district in Las Vegas in San Miguel county;

(42) two hundred ten thousand dollars (\$210,000) for renovations and expansions of New Mexico state university agricultural science centers statewide;

(43) two hundred fifty thousand dollars (\$250,000) to provide funding for the New Mexico women's athletic conference tournament at New Mexico state university in Las Cruces in Dona Ana county;

~~[(44) thirty thousand dollars (\$30,000) to plan, design, construct, equip and furnish a natural resource educational center, including a weather station, for the east Torrance soil and water conservation district in Torrance county;]~~

~~(45) twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and furnish an agricultural building for the Edgewood soil and water conservation district in Torrance county;]~~ [**LINE-ITEM VETO**]

(46) one hundred thousand dollars (\$100,000) to purchase seeding equipment for the Edgewood soil and water conservation district in Torrance county; and

(47) two hundred thirty thousand dollars (\$230,000) to construct a building and site infrastructure and landscaping for the Whitfield wildlife conservation

visitor and education facility area in the Valencia soil and water conservation district in Valencia county;

F. to the board of regents of northern New Mexico state school, four hundred forty thousand dollars (\$440,000) to purchase, plan, design and develop land for the Espanola farmers' market and cultural center on the campus of northern New Mexico state school in Espanola in Rio Arriba county;

G. to the board of regents of the university of New Mexico:

(1) four hundred thousand dollars (\$400,000) to plan, design, construct, equip and furnish the Centennial engineering center at the school of engineering at the university of New Mexico in Albuquerque in Bernalillo county;

(2) fifty thousand dollars (\$50,000) to manage the university's works progress administration art collection, including cataloging, appraisal and preservation, at the university of New Mexico in Albuquerque in Bernalillo county;

~~[(3) two hundred thousand dollars (\$200,000) to purchase digital photography and editing equipment for the fine arts department at the university of New Mexico in Albuquerque in Bernalillo county;]~~ **[LINE-ITEM VETO]**

(4) six hundred seventy-two thousand dollars (\$672,000) to purchase and install equipment for the cancer research and treatment center at the university of New Mexico in Albuquerque in Bernalillo county;

(5) twenty-five thousand dollars (\$25,000) to purchase and equip biodiesel vehicles for the community sustainability resource center at the university of New Mexico in Albuquerque in Bernalillo county;

(6) ten thousand dollars (\$10,000) to plan, design and construct a biodiesel reactor and fuel storage system for the community sustainability resource center at the university of New Mexico in Albuquerque in Bernalillo county;

(7) one million dollars (\$1,000,000) to improve the soccer practice fields, including purchasing and installing bleachers, at the university of New Mexico in Albuquerque in Bernalillo county;

(8) one hundred twenty-five thousand dollars (\$125,000) to purchase a video film and editing system for the women's basketball program and related athletic programs at the university of New Mexico in Albuquerque in Bernalillo county;

(9) ninety thousand dollars (\$90,000) to purchase a video system for the men's basketball program at the university of New Mexico in Albuquerque in Bernalillo county;

(10) twenty-five thousand dollars (\$25,000) to plan, design, construct and equip the health sciences center education building at the university of New Mexico in Albuquerque in Bernalillo county;

(11) thirty-five thousand dollars (\$35,000) to purchase books and other media for the special library collection at the center for development and disability at the university of New Mexico in Albuquerque in Bernalillo county;

(12) two hundred thirty-five thousand dollars (\$235,000) to replace seating in Popejoy hall at the university of New Mexico in Albuquerque in Bernalillo county;

~~[(13) two hundred sixty-five thousand dollars (\$265,000) to plan, design, construct, equip and furnish an alumni center at the university of New Mexico in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

(14) ninety-four thousand dollars (\$94,000) to purchase and install telemedicine equipment at the university of New Mexico hospital in Albuquerque in Bernalillo county;

~~[(15) one hundred twenty-five thousand dollars (\$125,000) to purchase and install equipment for the Tamarind institute at the university of New Mexico in Albuquerque in Bernalillo county;]~~

~~(16) fifty thousand dollars (\$50,000) to purchase and install equipment at the Carlisle gymnasium at the university of New Mexico in Albuquerque in Bernalillo county;~~

~~(17) one hundred thousand dollars (\$100,000) to pave the parking lot at the university of New Mexico golf course in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

(18) two hundred thousand dollars (\$200,000) to equip the men's and women's golf team at the university of New Mexico in Albuquerque in Bernalillo county;

(19) fifty thousand dollars (\$50,000) to purchase books for the health sciences center library at the university of New Mexico health sciences center in Albuquerque in Bernalillo county;

(20) one million fifty thousand dollars (\$1,050,000) to equip and furnish the Centennial engineering center at the school of engineering at the university of New Mexico in Albuquerque in Bernalillo county;

~~[(21) eighty-seven thousand dollars (\$87,000) to purchase equipment, including tractors and utility vehicles, and to plan, design and construct a~~

~~fence adjacent to a wild horse preserve in Socorro county for the mammal division of the biology department at the university of New Mexico;]~~ [**LINE-ITEM VETO**]

(22) twenty-eight thousand dollars (\$28,000) to purchase a universal patient simulator for the nursing program at the university of New Mexico in Albuquerque in Bernalillo county;

(23) thirty-five thousand dollars (\$35,000) to purchase and install information technology, including related equipment and furniture, for the African-American studies program at the university of New Mexico in Albuquerque in Bernalillo county;

(24) forty-six thousand two hundred dollars (\$46,200) for the university of New Mexico's design and planning assistance center to partner with the urban land institute to plan and design facilities and reuse of historical buildings in the old Santa Fe railyards area of Albuquerque in Bernalillo county; provided that the university's overhead for the project be limited to ten percent;

(25) forty thousand dollars (\$40,000) for the university of New Mexico's design and planning assistance center to plan and design the physical connection between the Burlington Northern railroad yards, the Albuquerque zoo and other areas in the Barelmas neighborhood of Albuquerque in Bernalillo county to preserve its character; provided that the university's overhead for the project shall be limited to ten percent;

(26) fifty thousand dollars (\$50,000) to purchase and install entertainment technology at the pediatric oncology clinic at the university of New Mexico in Albuquerque in Bernalillo county;

(27) seventy-five thousand dollars (\$75,000) to renovate office and rehearsal space used by the theater company in residence, including improvements to the heating, cooling and security systems and purchase and installation of windows, lighting and information technology, in the fine arts department of the university of New Mexico in Albuquerque in Bernalillo county;

(28) one hundred seventy-five thousand dollars (\$175,000) to expand the programs of the department of theater and dance at the university of New Mexico in Albuquerque in Bernalillo county;

(29) two hundred forty thousand dollars (\$240,000) to support the sustainability studies program at the university of New Mexico in Albuquerque in Bernalillo county;

(30) three hundred fifty thousand dollars (\$350,000) to plan, design, construct and improve the pediatric oncology clinic at the university of New Mexico in Albuquerque in Bernalillo county;

(31) one hundred thousand dollars (\$100,000) for an indoor football practice field for the athletic department at the university of New Mexico in Albuquerque in Bernalillo county;

(32) twenty-five thousand dollars (\$25,000) to support the African-American studies program at the university of New Mexico in Albuquerque in Bernalillo county;

(33) fifty thousand dollars (\$50,000) to support the natural high program at the university of New Mexico in Albuquerque in Bernalillo county;

(34) one hundred thousand dollars (\$100,000) for the creation of the art, research, technology and science laboratory special project at the university of New Mexico in Albuquerque in Bernalillo county;

~~[(35) seventy five thousand dollars (\$75,000) to continue environmental and health research and demonstration projects, including those related to advancing knowledge of precautionary principles, sustainable development and healthy communities, by the alliance for transportation institute at the university of New Mexico in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

(36) twenty-five thousand dollars (\$25,000) for an inter-American cooperation and development program at the university of New Mexico in Albuquerque in Bernalillo county;

(37) fifty thousand dollars (\$50,000) to support the regional studies program at the university of New Mexico in Albuquerque in Bernalillo county;

(38) thirty-five thousand dollars (\$35,000) to support the special programs office at the university of New Mexico in Albuquerque in Bernalillo county;

(39) fifty thousand dollars (\$50,000) to increase funding for the wild friends program at the university of New Mexico in Albuquerque in Bernalillo county;

(40) three hundred ninety-five thousand dollars (\$395,000) to develop the site for and plan, design, construct and equip a technology center and classroom building on the Gallup branch campus of the university of New Mexico in McKinley county;

~~[(41) fifty thousand dollars (\$50,000) to plan, design, construct and renovate an archival facility to house the Gallup intertribal Indian ceremonial collection at the Gallup branch campus of the university of New Mexico in Gallup in McKinley county;~~

~~(42) one hundred thousand dollars (\$100,000) to plan, design and construct a building at the university of New Mexico west campus in Rio Rancho in Sandoval county;]~~ [**LINE-ITEM VETO**]

(43) one million two hundred twenty thousand dollars (\$1,220,000) to expand and renovate the Harwood museum of art at the Taos branch campus of the university of New Mexico in Taos county; and

(44) one hundred thousand dollars (\$100,000) to expand the career technical multipurpose facility at the Taos branch campus of the university of New Mexico in Taos county;

H. to the board of regents of western New Mexico university:

(1) one hundred fifty thousand dollars (\$150,000) to purchase and install information technology, including related equipment and furniture, at western New Mexico university in Silver City in Grant county;

(2) fifty thousand dollars (\$50,000) for museum renovations, including equipment and furniture, at western New Mexico university in Silver City in Grant county;

(3) one hundred twenty-five thousand dollars (\$125,000) to plan, design, equip and renovate the movimiento estudiantil Chicano Aztlan building at western New Mexico university in Silver City in Grant county;

(4) fifty thousand dollars (\$50,000) to plan, design and construct renovations, including related furniture and equipment, to the residence halls at western New Mexico university in Silver City in Grant county;

(5) fifty thousand dollars (\$50,000) to plan, design and construct renovations, including purchasing and installing equipment, to Ritch hall dormitory at western New Mexico university in Silver City in Grant county;

(6) fifty thousand dollars (\$50,000) to design, construct and install lighting for the tennis courts at western New Mexico university in Silver City in Grant county;

~~[(7) fifty thousand dollars (\$50,000) to plan, design, construct and equip renovations to the girls' dormitory at western New Mexico university in Silver City in Grant county; and~~

~~(8) ninety-five thousand dollars (\$95,000) to purchase and install information technology for the Gallup graduate studies center of western New Mexico university in Gallup in McKinley county;]~~ [**LINE-ITEM VETO**]

I. to the board of regents of New Mexico school for the blind and visually impaired, one hundred thousand dollars (\$100,000) to acquire land for, plan, design, construct, equip and furnish a campus and school facilities for the New Mexico school for the blind and visually impaired in Albuquerque in Bernalillo county; and

J. to the board of regents of New Mexico school for the deaf, one hundred thousand dollars (\$100,000) to renovate the New Mexico school for the deaf preschool facility in Albuquerque in Bernalillo county.

Chapter 111 Section 64 Laws 2006

Section 64. STATE BUILDINGS PROJECTS--CAPITAL PROGRAM FUND--GENERAL FUND.--The following amounts are appropriated from the general fund to the capital program fund for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one million dollars (\$1,000,000) to plan, design, construct, improve and renovate the facility and infrastructure at the state government center in Albuquerque in Bernalillo county;

2. one million dollars (\$1,000,000) to plan, design, construct, renovate and equip the department of public safety district office in Albuquerque in Bernalillo county;

~~[3. nine hundred fourteen thousand dollars (\$914,000) to plan, design, construct and improve the department of labor Tiwa building in Albuquerque in Bernalillo county;]~~ [**LINE-ITEM VETO**]

4. one hundred thousand dollars (\$100,000) to plan, design, construct and equip an overnight family visitation center for children and their inmate mothers, including purchase and installation of a modular facility, at the New Mexico women's correctional facility in Grants in Cibola county;

5. four million dollars (\$4,000,000) to plan, design, construct, improve, renovate and fence facilities at the New Mexico boys' school in Springer in Colfax county;

6. ten thousand dollars (\$10,000) to plan, design and construct a building for the New Mexico state police in Las Cruces in Dona Ana county;

7. one million dollars (\$1,000,000) to plan, design and construct a cafe and gymnasium at the J. Paul Taylor juvenile justice center in Dona Ana county;

8. five hundred fifty thousand dollars (\$550,000) to plan, design, construct and improve an addition to the department of labor office in Las Cruces in Dona Ana county;

9. two million dollars (\$2,000,000) to acquire land for and plan, design, construct, improve and equip a drop yard for commercial truck traffic in Santa Teresa in Dona Ana county; provided that up to three hundred sixty-four thousand dollars (\$364,000) may be utilized to match federal funds that have been authorized for the rail project at Santa Teresa;

10. one hundred thousand dollars (\$100,000) to plan, design, and construct improvements to the Fort Bayard theater in Fort Bayard in Grant county;

11. one million three hundred thousand dollars (\$1,300,000) to plan, design, construct, purchase and install a new dorm living unit and education building at Camp Sierra Blanca in Fort Stanton in Lincoln county;

12. one million six hundred thousand dollars (\$1,600,000) to plan, design and construct a motor vehicles department field office in Santa Fe in Santa Fe county;

13. three million eight hundred thousand dollars (\$3,800,000) to plan, design and make upgrades, replace the roof and purchase and install equipment at corrections department facilities statewide;

14. two million dollars (\$2,000,000) for infrastructure repairs and renovation at department of health facilities statewide;

15. sixty-two thousand dollars (\$62,000) for repairs and renovation of labor department facilities in Alamogordo in Otero county;

16. one million dollars (\$1,000,000) to plan, design, construct, renovate, equip and furnish human services department offices statewide;

17. five hundred thousand dollars (\$500,000) to plan, design, improve, renovate and make safety upgrades to motor vehicle division offices throughout the state;

18. two million dollars (\$2,000,000) to plan, design, construct, improve, renovate, equip and make emergency repairs to existing state buildings statewide; and

19. five hundred ninety-six thousand dollars (\$596,000) to plan, design, renovate and expand the motor vehicle division's Luna building field office in Belen in Valencia county.

Chapter 111 Section 65 Laws 2006

Section 65. WASTEWATER FACILITY CONSTRUCTION LOAN FUND--GENERAL FUND.--One million five hundred thousand dollars (\$1,500,000) is appropriated from the general fund to the wastewater facility construction loan fund for

expenditure in fiscal years 2006 and subsequent fiscal years to carry out the purposes of the Wastewater Facility Construction Loan Act. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert.

Chapter 111 Section 66 Laws 2006

Section 66. PUBLIC SCHOOL HIGH-PRIORITY PROJECTS--PUBLIC SCHOOL CAPITAL OUTLAY FUND--GENERAL FUND.--Ninety million dollars (\$90,000,000) is appropriated from the general fund to the public school capital outlay fund for expenditure in fiscal years 2006 through 2010 for the purpose of making local share advances for qualified high-priority projects pursuant to Section 22-24-5.7 NMSA 1978, contingent upon House Education Committee Substitute for House Bill 432, Senate Finance Committee Substitute for Senate Bill 450 or similar legislation of the second session of the forty-seventh legislature becoming law. Any unexpended or unencumbered balance remaining at the end of fiscal year 2010 shall not revert to the general fund but shall remain in the public school capital outlay fund and be expended pursuant to the Public School Capital Outlay Act.

Chapter 111 Section 67 Laws 2006

Section 67. VOTING MACHINES--SECRETARY OF STATE--GENERAL FUND.-
-Notwithstanding the provisions of Sections 1-9-8 and 1-9-17 through 1-9-19 NMSA 1978, eleven million dollars (\$11,000,000) is appropriated from the general fund to the secretary of state for expenditure in fiscal years 2006 through 2008 for the purchase and installation of voting systems for counties statewide, including the requisite number of voting booths, to meet the requirements of Section 1-9-7.1 NMSA 1978 contingent on an amendment to that section by the second session of the forty-seventh legislature to require the use of voting systems that use paper ballots becoming law. Any unexpended or unencumbered balance remaining on January 1, 2008 shall revert to the general fund.

Chapter 111 Section 68 Laws 2006

Section 68. ADDITIONAL SEVERANCE TAX BONDS--APPROPRIATION FOR SPACEPORT.--

A. In addition to the bonds authorized to be issued pursuant to Section 1 of this act, the state board of finance may issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act and the provisions of this section when the spaceport authority certifies the need for the issuance of the bonds. 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.

B. Before the spaceport authority may certify for the issuance of the severance tax bonds, the southwest regional spaceport project must be developed sufficiently so that the spaceport authority reasonably expects to:

(1) timely comply with the requirements of Subsection C of this section;

(2) 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

(3) spend at least eighty-five percent of the bond proceeds within three years after the applicable bonds have been issued.

C. The proceeds from the sale of the bonds are appropriated to the spaceport authority to acquire land and to plan, design, construct, furnish and equip the southwest regional spaceport in Sierra county subject to the following criteria:

(1) up to thirty-three million dollars (\$33,000,000) in severance tax bonds may be issued in fiscal year 2006 for expenditure in fiscal year 2006 and subsequent fiscal years upon the certification by the spaceport authority and a determination by the secretary of finance and administration that:

(a) any required environmental impact study for the southwest regional spaceport has been completed;

(b) the southwest regional spaceport has received an operating permit from the federal aviation administration;

(c) estimates of the total final construction costs do not exceed two hundred twenty-five million dollars (\$225,000,000); and

(d) if a lease has been entered into between the state or any of its agencies, political subdivisions or instrumentalities and the anchor tenant of the southwest regional spaceport, the lease has been approved as required by law and the provisions of the lease adequately protect the interests of the state;

(2) up to an additional thirty-three million dollars (\$33,000,000) in severance tax bonds may be issued in fiscal year 2007 for expenditure in fiscal year 2007 and subsequent fiscal years upon the certification by the spaceport authority and a determination by the secretary of finance and administration that:

(a) the requirements of Subparagraphs (a) through (d) of Paragraph (1) of this subsection continue to be satisfied; and

(b) at least once each calendar quarter, the spaceport authority has submitted a report to the legislative finance committee and the secretary of finance and administration detailing: 1) the progress of the southwest regional spaceport project; 2) the money expended and the purposes of the expenditure; 3) the status of the efforts to secure federal or private matching funds; and 4) the economic development that has occurred and is projected to occur as a result of the southwest regional spaceport project; and

(3) up to an additional thirty-four million dollars (\$34,000,000) in severance tax bonds may be issued in fiscal year 2008 for expenditure in fiscal year 2008 and subsequent fiscal years upon the certification by the spaceport authority and a determination by the secretary of finance and administration that:

(a) the requirements of Subparagraphs (a) through (d) of Paragraph (1) of this subsection continue to be satisfied;

(b) at least once each calendar quarter, the spaceport authority has submitted a report to the legislative finance committee and the secretary of finance and administration detailing: 1) the progress of the southwest regional spaceport project; 2) the money expended and the purposes of the expenditure; 3) the status of the efforts to secure federal or private matching funds; and 4) the economic development that has occurred and is projected to occur as a result of the southwest regional spaceport project; and

(c) the spaceport authority has received or is likely to receive sufficient matching funds from public or private sources to complete the construction and implementation of the southwest regional spaceport.

D. Any amount of severance tax bonding capacity authorized but not issued in a fiscal year may be carried forward and certified in subsequent fiscal years.

E. The unexpended balance from the proceeds of the severance tax bonds issued pursuant to this section shall revert to the severance tax bonding fund within six months of completion of the southwest regional spaceport project, but no later than the end of fiscal year 2012.

F. Severance tax bond proceeds provided pursuant to this section shall not be used to pay indirect project costs.

G. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

H. If the spaceport authority has not certified the need for the issuance of the bonds by the end of fiscal year 2010, the authorization provided in this section shall expire.

Chapter 111 Section 69 Laws 2006

Section 69. ROAD PROJECTS--STATE ROAD FUND.--The following amounts are appropriated from the state road fund to the department of transportation for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. seven hundred thousand dollars (\$700,000) to plan, design and construct a patrol building for the department of transportation in Clovis in Curry county;
2. five hundred eighty-three thousand dollars (\$583,000) to plan, design and construct a patrol building for the department of transportation in Lordsburg in Hidalgo county; and
3. seven hundred fifty thousand dollars (\$750,000) to plan, design and construct a patrol building for the department of transportation in Clines Corners in Torrance county.

Chapter 111 Section 70 Laws 2006

Section 70. MINERS' COLFAX MEDICAL CENTER PROJECTS--MINERS' TRUST FUND.--The following amounts are appropriated from the miners' trust fund to the miners' Colfax medical center for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one million five hundred thousand dollars (\$1,500,000) to purchase and install medical equipment at the miners' Colfax medical center in Raton in Colfax county; and
2. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct and equip an acute care hospital for the miners' Colfax medical center in Raton in Colfax county.

Chapter 111 Section 71 Laws 2006

Section 71. EDUCATIONAL RETIREMENT PROJECTS--EDUCATIONAL RETIREMENT FUND.--Five hundred thousand dollars (\$500,000) is appropriated from the educational retirement fund to the educational retirement board for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to plan, design and construct improvements and an addition to the educational retirement building in Santa Fe in Santa Fe county.

Chapter 111 Section 72 Laws 2006

Section 72. GADSDEN INDEPENDENT SCHOOL DISTRICT HIGH SCHOOL WEIGHT ROOMS--CHANGE PURPOSE TO RENOVATE AND IMPROVE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the public education department in Subsection 119 of Section 19 of Chapter 347 of Laws 2005 to purchase, install and equip weight room facilities at high schools in the Gadsden independent school district in Dona Ana county shall not be expended for the original purpose but is changed to purchase, renovate and improve weight room facilities at high schools in that school district.

Chapter 111 Section 73 Laws 2006

Section 73. CAPITAL EQUIPMENT FOR USE IN INDIAN COUNTRY.--

A. Capital equipment purchased with money appropriated in this act for use by an Indian nation, tribe or pueblo shall be made available for use to any political subdivision of that nation, tribe or pueblo. For the use of the equipment, the nation, tribe or pueblo may charge the political subdivision only a nominal fee equal to any direct costs incurred by the nation, tribe or pueblo.

B. Upon the formation of a Navajo road authority by chapter houses of the Navajo Nation, road construction equipment or road maintenance equipment purchased with money appropriated in this act for use by the Navajo Nation or a chapter house of the Navajo Nation may be pooled into the authority for joint use by the member chapter houses.

Chapter 111 Section 74 Laws 2006

Section 74. UNIVERSITY OF NEW MEXICO TECHNOLOGY HIGH SCHOOL AND MIDDLE SCHOOL--UNIVERSITY OF NEW MEXICO--GENERAL FUND.--One million three hundred thousand dollars (\$1,300,000) is appropriated from the general fund to the board of regents of the university of New Mexico for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to plan and design a new technology high school and middle school on the campus of the university of New Mexico in Albuquerque in Bernalillo county.

Chapter 111 Section 75 Laws 2006

Section 75. CENTER FOR ARCHAEOLOGY--CULTURAL AFFAIRS DEPARTMENT--GENERAL FUND.--One million three hundred thousand dollars (\$1,300,000) is appropriated from the general fund to the cultural affairs department for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, to complete the construction of the center for archaeology on property donated by the United States bureau of land management in Santa Fe in Santa Fe county.

Chapter 111 Section 76 Laws 2006

Section 76. REVERSIONS OF CERTAIN APPROPRIATIONS FOR INDIAN PROJECTS.--The unexpended balance, as defined in Subsection D of Section 2 of this act, of an appropriation made from the general fund or other state fund, including changes to prior appropriations, to the Indian affairs department or to the aging and long-term services department for projects located on lands of an Indian nation, tribe or pueblo, including projects that have been reauthorized, shall revert in the time frame set forth in Subsection A of Section 2 of this act to the tribal infrastructure fund.

Chapter 111 Section 77 Laws 2006

Section 77. CONTINGENT APPROPRIATIONS TO THE INDIAN WATER RIGHTS SETTLEMENT FUND.--

A. Upon certification, prior to July 1, 2007, by the state engineer to the secretary of finance and administration that the water rights in the *Aamodt* case have been settled, twenty million dollars (\$20,000,000) is appropriated from the appropriation contingency fund to the Indian water rights settlement fund. Notwithstanding the requirement for a joint resolution of the legislature in Subsection A of Section 72-1-11 NMSA 1978, if corresponding commitments have been made for the federal portion of the settlement, the money may be expended by the interstate stream commission in fiscal year 2007 and subsequent fiscal years to implement the state's portion of the settlement. Unexpended or unencumbered balances shall not revert at the end of a fiscal year.

B. Upon certification, prior to July 1, 2007, by the state engineer to the secretary of finance and administration that the claims of the Navajo Nation for the use of waters in the San Juan river basin have been settled, thirty-five million dollars (\$35,000,000) is appropriated from the appropriation contingency fund to the Indian water rights settlement fund. Notwithstanding the requirement for a joint resolution of the legislature in Subsection A of Section 72-1-11 NMSA 1978, if corresponding commitments have been made for the federal portion of the settlement, the money may be expended by the interstate stream commission in fiscal year 2007 and subsequent fiscal years to implement the state's portion of the settlement. Unexpended or unencumbered balances shall not revert at the end of a fiscal year.

C. Upon certification, prior to July 1, 2007, by the state engineer to the secretary of finance and administration that the water rights in the Rio Pueblo de Taos stream system have been settled, twenty million dollars (\$20,000,000) is appropriated from the appropriation contingency fund to the Indian water rights settlement fund. Notwithstanding the requirement for a joint resolution of the legislature in Subsection A of Section 72-1-11 NMSA 1978, if corresponding commitments have been made for the federal portion of the settlement, the money may be expended by the interstate stream commission in fiscal year 2007 and subsequent fiscal years to implement the state's portion of the settlement. Unexpended or unencumbered balances shall not revert at the end of a fiscal year.

Chapter 111 Section 78 Laws 2006

Section 78. CONTINGENT APPROPRIATIONS FOR THE PECOS RIVER COMPACT SETTLEMENT.--

A. Upon certification by the interstate stream commission to the secretary of finance and administration that at least ninety-five percent of existing appropriations to implement the Pecos River Compact settlement have been fully expended or encumbered for specific land and water rights purchases or for specific contracts for the development of augmentation well fields and pipelines and related professional services and that additional expenditures are necessary, the amount, up to four million five hundred thousand dollars (\$4,500,000), certified by the secretary as needed, is appropriated to the interstate stream commission for expenditure in fiscal year 2007 to purchase land and water rights within the interstate stream commission's existing pricing guidelines and for the development of augmentation well fields and pipelines and related professional services. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the appropriation contingency fund.

B. Upon certification by the interstate stream commission to the secretary of finance and administration that at least ninety-five percent of the appropriation made in Subsection A of this section has been fully expended or encumbered for specific land and water rights purchases or for specific contracts for the development of augmentation well fields and pipelines and related professional services and that additional expenditures are necessary, the amount, up to an additional four million five hundred thousand dollars (\$4,500,000), certified by the secretary as needed, is appropriated to the interstate stream commission for expenditure in fiscal year 2007 to purchase land and water rights within the interstate stream commission's existing pricing guidelines and for the development of augmentation well fields and pipelines and related professional services. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the appropriation contingency fund.

C. After a certification is made pursuant to this section, the interstate stream commission shall report monthly to the secretary of finance and administration and the legislative finance committee regarding the amount of money expended and encumbered, the specific contracts executed and the overall progress toward implementation of the Pecos River Compact settlement.

Chapter 111 Section 79 Laws 2006

Section 79. Laws 2005, Chapter 320, Section 8 is amended to read:

"Section 8. AUTHORIZATION FOR REVENUE BONDS--DEPARTMENT OF HEALTH FACILITIES.--Pursuant to Laws 2003, Chapter 341, Section 4, as amended by Laws 2005, Chapter 320, Section 7, the New Mexico finance authority may issue and sell revenue bonds in compliance with the provisions of that section and the provisions of the New Mexico Finance Authority Act in an amount not exceeding thirty-nine million

dollars (\$39,000,000) plus an amount equal to the costs of issuing the revenue bonds for the following purposes in the following amounts:

A. ten million three hundred thousand dollars (\$10,300,000) for capital outlay projects for the southern New Mexico rehabilitation center;

B. eleven million dollars (\$11,000,000) for capital outlay projects for the New Mexico behavioral health institute at Las Vegas;

C. four million dollars (\$4,000,000) for capital outlay projects for Fort Bayard medical center; and

D. thirteen million seven hundred thousand dollars (\$13,700,000) for use by the property control division of the general services department for land acquisition and the planning, designing, construction and equipping of a state laboratory facility in Bernalillo county for use by the department of health."

Chapter 111 Section 80 Laws 2006

Section 80. APPROPRIATION--LEGISLATIVE CASH BALANCES.--One hundred thousand dollars (\$100,000) is appropriated from legislative cash balances to the legislative council service for expenditure in fiscal year 2007 for the legislative share of the additional development required for the XML database and its use for legislative document systems and an integrated tagged database of the session laws and for the costs associated with the collaboration with the New Mexico compilation commission and the ongoing development of the self-publication of the New Mexico Statutes Annotated 1978. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to legislative cash balances.

Chapter 111 Section 81 Laws 2006

Section 81. 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 111 Section 82 Laws 2006

Section 82. 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 111 Section 83 Laws 2006

Section 83. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Taxation and Revenue Committee

Substitute for House Bill 622, with

certificate of corrections and

with emergency clause

Approved March 8, 2006

LAWS 2006, CHAPTER 112

AN ACT

RELATING TO DISABILITIES; ENACTING THE MONEY FOLLOWS THE PERSON IN NEW MEXICO ACT.

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

Chapter 112 Section 1 Laws 2006

Section 1. SHORT TITLE.--This act may be cited as the "Money Follows the Person in New Mexico Act".

Chapter 112 Section 2 Laws 2006

Section 2. DEFINITION.--As used in the Money Follows the Person in New Mexico Act, "department" means the aging and long-term services department.

Chapter 112 Section 3 Laws 2006

Section 3. COMMUNITY-BASED LIVING--CHOICE OF OPTIONS.--An elderly or disabled individual who is identified and assessed as eligible for community-based living shall be allowed to choose, from among all service options available, the type of service that best meets that individual's needs. The individual's medical assistance funds shall be made available for the individual for the service option the individual selects, not to exceed the cost of the service. The department shall apply for federal approval as necessary, and upon federal approval, implement this section under existing or future federal legislation.

Chapter 112 Section 4 Laws 2006

Section 4. INFORMATION.--The department shall identify and provide adequate information to a medicaid-eligible individual residing in a nursing home and, if appropriate, the individual's representative, of the opportunity for the individual to receive community-based services and support pursuant to the Money Follows the Person in New Mexico Act.

Chapter 112 Section 5 Laws 2006

Section 5. QUALITY IMPROVEMENT.--The department shall develop and implement a quality improvement system of performance indicators and outcome measures to evaluate the level and effectiveness of participation of individuals who are eligible for community-based services and to ensure that the services and support that an individual receives pursuant to the Money Follows the Person in New Mexico Act are adequate.

House Bill 353, as amended

Approved March 8, 2006

LAWS 2006, HOUSE JOINT RESOLUTION 3

A JOINT RESOLUTION

GRANTING APPROVAL TO THE CULTURAL AFFAIRS DEPARTMENT TO LEASE LAND LOCATED AT 1050 OLD PECOS TRAIL IN THE CITY OF SANTA FE TO THE SANTA FE CHILDREN'S MUSEUM, THE CENTER FOR CONTEMPORARY ARTS AND THE SANTA FE PERFORMING ARTS SCHOOL AND COMPANY.

WHEREAS, Section 13-6-3 NMSA 1978 requires ratification and approval by the state legislature of any lease of state-owned property that is more than twenty-five years in duration and is for a consideration of one hundred thousand dollars (\$100,000) or more; and

WHEREAS, the state armory board of the department of military affairs holds title to armories in its name on behalf of the state and has authority to lease armory property under its control in accordance with Section 20-8-3 NMSA 1978; and

WHEREAS, the following described property, consisting of approximately seven and one-half acres in the city of Santa Fe known as 1050 Old Pecos trail, is under the jurisdiction of the state armory board:

That certain tract or parcel of land situate in the City and County of Santa Fe, State of New Mexico, more particularly described as follows, to-wit: Beginning at a point on the West side of College Street, formerly known as the Pecos Road, which is the Southeast corner of the tract of land conveyed by Levi A. Hughes, Trustee of the Santa Fe Realty Company to Frank Springer, by deed dated August 3, 1916, and recorded August 4, 1916, in Book Q-4, Page 370, Miscellaneous Records, in the office of the County Clerk of Santa Fe County, New Mexico, which said point is the Northeast corner of the tract herein described; thence South 23° East along the West side of College Street 570 feet to the Southeast corner of this tract; thence North 4° 48' East 587 feet to the South line of the said Springer tract and the Northwest corner of this described tract; thence South 82° 30' East 488 feet to the place of beginning; and

WHEREAS, for the last twenty years, the described property has been an important cultural resource in the Santa Fe community, housing the Bataan memorial military museum, the Santa Fe children's museum, the armory for the arts theater and the center for contemporary arts; and

WHEREAS, the state armory board desires to see the Bataan memorial military museum managed and developed into a nationally recognized museum honoring the New Mexicans who have so courageously served in the United States armed forces and has determined that the cultural affairs department is an appropriate state entity to assist in professionally developing exhibitions for, operating and managing the Bataan memorial military museum and to further develop and manage the described property; and

WHEREAS, the cultural affairs department desires to assist the state armory board in furthering its goals of developing and managing the Bataan memorial military museum and developing and managing the described property; and

WHEREAS, on January 13, 2006, the state armory board entered an agreement to lease the property of approximately seven and one-half acres in the city of Santa Fe known as 1050 Old Pecos trail to the cultural affairs department for a period of ninety-nine years at an annual rate of one dollar (\$1.00) per year; and

WHEREAS, the cultural affairs department has agreed that it would be in the best interest of furthering the goals of developing and managing the described property to lease the described property located at 1050 Old Pecos trail in the city of Santa Fe to the Santa Fe children's museum, the center for contemporary arts and the Santa Fe performing arts school and company;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the cultural affairs department be authorized to lease the described property at 1050 Old Pecos trail in the city of Santa Fe for a period exceeding twenty-five years to the Santa Fe children's museum, the center for contemporary arts and the Santa Fe performing arts school and company for the purpose of assisting the state armory board in developing and managing the entire property; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the office of the adjutant general of the department of military affairs and to the secretary of cultural affairs.

House Joint Resolution 3

LAWS 2006, SENATE JOINT RESOLUTION 9

A JOINT RESOLUTION

GRANTING PRIOR APPROVAL TO THE PROPERTY CONTROL DIVISION OF THE GENERAL SERVICES DEPARTMENT TO EXCHANGE STATE-OWNED LAND FOR PRIVATE LAND ADJACENT TO THE FEDERAL BORDER CROSSING FACILITY AT SANTA TERESA IN DONA ANA COUNTY.

WHEREAS, Section 13-6-3 NMSA 1978 requires ratification and approval of any sale, trade or lease for a period exceeding twenty-five years of state property if the sale, trade or lease is for consideration of one hundred thousand dollars (\$100,000) or more; and

WHEREAS, Laws 1998, Chapter 7, Section 32 appropriated nine hundred thousand dollars (\$900,000) to "make site improvements and purchase and erect a modular office building and equip a port-of-entry facility near Santa Teresa" on approximately twelve and five hundred twenty-seven thousandths acres of land donated to the state in October 2000, which is located approximately one-half mile north of the Santa Teresa federal border crossing facility in Dona Ana county; and

WHEREAS, the state-owned land improvements include paved access from Booth road to the Pete Domenici highway, with a paved curb-and-gutter parking lot to accommodate approximately fifty semi-trucks; connection to the local water system; a septic system and leach field; and electric power with a one hundred KVA transformer; and

WHEREAS, a modular office building of approximately one thousand four hundred forty gross square feet, provided by the federal motor carrier safety administration, is located on the property, has an Americans with Disabilities Act of 1990-compliant entry ramp and is wired for telephone and data, which may be donated to the state when a new permanent facility is completed; and

WHEREAS, inspections conducted at the federal port of entry include compliance with federal requirements for customs, immigration, agriculture and homeland security, but do not include vehicle safety inspection; and

WHEREAS, the state conducts vehicle safety inspections at the state port of entry, issues permits and collects fees and other revenue owed to the state by commercial vehicles; and

WHEREAS, Booth road, which connects the federal and state ports of entry, intersects with Cattlemen's drive (recently renamed "Bi-national avenue") and therefore can be used by vehicles to circumvent the state port of entry vehicle safety inspection, permits and fees collection; and

WHEREAS, proposed development will include another opportunity for uninspected vehicles to circumvent the state port of entry; and

WHEREAS, the permanent state port of entry requires approximately twenty acres; and

WHEREAS, a private owner owns approximately eighteen and eight hundred fifty thousandths acres of undeveloped land immediately adjacent to the federal border crossing facility intersected by Cattlemen's drive; and

WHEREAS, Dona Ana county owns Cattlemen's drive, and approximately one and nineteen hundredths acres of that road will be required for the new port-of-entry project; and

WHEREAS, relocating the state port of entry adjacent to the federal port of entry removes the possibility of vehicles avoiding safety inspections, permits, fees and taxes; and

WHEREAS, the private owner is willing to trade the parcel adjacent to the federal facility for the site of the current state port of entry;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the trade of the state-owned land currently used as a state port of entry in Dona Ana county, described as a certain parcel of land containing twelve and five hundred twenty-seven thousandths acres more or less, situated within Section 7, Township 29S, Range 3E, New Mexico Principal Meridian, Dona Ana county, New Mexico, and more particularly described in a survey dated and recorded with the Dona Ana county clerk on January 21, 2001 in book 249, pages 1350 to 1352, in exchange for private land adjacent to the federal port of entry facility be ratified and approved pursuant to the provisions of Section 13-6-3 NMSA 1978; and

BE IT FURTHER RESOLVED that the trade is contingent on Dona Ana county transferring title to the property control division of the general services department that portion of Cattlemen's drive that intersects the proposed port of entry site; and

BE IT FURTHER RESOLVED that both parcels shall be appraised by one appraiser that is mutually agreeable to the property control division of the general

services department, the private owner and the property tax division of the taxation and revenue department; and

BE IT FURTHER RESOLVED that the appraisal of both parcels shall be reviewed and validated by the property tax division of the taxation and revenue department; and

BE IT FURTHER RESOLVED that the agreement between the parties shall provide that, if the state-owned property is not appraised at the same value as the private property, the difference between the value of the parcels to be exchanged shall be paid from the owner of the property with a lower value to the owner of the property with the higher value; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the property control division of the general services department, the border authority, the property tax division of the taxation and revenue department and the private landowner.

Senate Joint Resolution 9, as amended

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 - Picacho

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
Doug Brown	Interim State Treasurer
Patricia A. Madrid, Democrat	Attorney General
Patrick H. Lyons, Republican	Commissioner of Public Lands
Jason A. Marks, Democrat	Public Regulation Commissioner, District 1
David W. King, Republican	Public Regulation Commissioner, District 2
Ben R. Lujan, 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

Richard C. Bosson, Chief Justice

Pamela B. Minzner

Patricio M. Serna

Petra Jimenez Maes

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	James A. Hall	Santa Fe
Division III	Raymond Z. Ortiz	Santa Fe
Division IV	Michael Vigil	Santa Fe
Division V	Tim Garcia	Santa Fe
Division VI	Stephen Pfeffer	Santa Fe
Division VII	Daniel Sanchez	Santa Fe

SECOND JUDICIAL DISTRICT

Bernalillo County

Division I	Marie A. Baca	Albuquerque
Division II	James F. Blackmer	Albuquerque
Division III	M. Monica Zamora	Albuquerque
Division IV	Linda M. Vanzi	Albuquerque
Division V	Ted C. Baca	Albuquerque
Division VI	Neil C. Candelaria	Albuquerque
Division VII	John J. Romero, Jr.	Albuquerque
Division VIII	Ross C. Sanchez	Albuquerque
Division IX	Mark A. Macaron	Albuquerque

Division X	Theresa Baca	Albuquerque
Division XI	Ernest J. Romero	Albuquerque
Division XII	Clay Campbell	Albuquerque
Division XIII	Valerie A. Huling	Albuquerque
Division XIV	J. Michael Kavanaugh	Albuquerque
Division XV	Richard J. Knowles	Albuquerque
Division XVI	Carl Butkus	Albuquerque
Division XVII	Nan G. Nash	Albuquerque
Division XVIII	Denise Barela-Shepherd	Albuquerque
Division XIX	Albert S. "Pat" Murdoch	Albuquerque
Division XX	William F. Lang	Albuquerque
Division XXI	Angela A. Jewell	Albuquerque
Division XXII	Deborah Davis Walker	Albuquerque
Division XXIII	Geraldine E. Rivera	Albuquerque
Division XXIV	Kenneth H. Martinez	Albuquerque

THIRD JUDICIAL DISTRICT

Doña Ana County

Division I	Robert E. Robles	Las Cruces
Division II	Stephen Bridgforth	Las Cruces
Division III	Florencio "Larry" Ramirez	Las Cruces
Division IV	Jerald A. Valentine	Las Cruces
Division V	Silvia E. Cano-Garcia	Las Cruces
Division VI	Grace B. Duran	Las Cruces
Division VII	Douglas R. Driggers	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. Hones	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. Jeffrey	Deming
Division III	J. C. Robinson	Silver City

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 K. Quinn	Clovis
Division II	Joe Parker	Clovis
Division III	Ted 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	Sandra A. Price	Aztec
Division IV	John Arthur Dean, Jr.	Farmington
Division V	Grant L. Foutz	Gallup
Division VI	Thomas J. Hynes	Aztec
Division VII	Robert A. Aragon	Gallup

TWELFTH JUDICIAL DISTRICT

Lincoln & Otero Counties

Division I	Jerry H. Ritter, Jr.	Alamogordo
Division II	James Waylon Counts	Alamogordo
Division III	Karen L. Parsons	Carrizozo
Division IV	Frank K. Wilson	Alamogordo

THIRTEENTH JUDICIAL DISTRICT

Cibola, Sandoval & Valencia Counties

Division I	John W. Pope	Los Lunas
Division II	George P. Eichwald	Bernalillo
Division III	William "Bill" Sanchez	Los Lunas
Division IV	Camille E. Olguin	Grants
Division V	Louis P. McDonald	Bernalillo
Division VI	Violet C. Otero	

DISTRICT ATTORNEYS

First Judicial District	Henry R. Valdez	Santa Fe, Rio Arriba & Los Alamos
Second Judicial District	Kari E. Brandenburg	Bernalillo
Third Judicial District	Susana Martinez	Doña Ana
Fourth Judicial District	Richard D. Flores	San Miguel, Guadalupe & Mora
Fifth Judicial District	Thomas A. Rutledge	Chaves, Eddy & Lea
Sixth Judicial District	Mary Lynne Newell	Grant, Luna & Hidalgo
Seventh Judicial District	Clint Wellborn	Catron, Sierra, Socorro & Torrance
Eighth Judicial District	Donald A. Gallegos	Taos, Colfax & Union
Ninth Judicial District	Matthew E. Chandler	Curry & Roosevelt
Tenth Judicial District	Ronald W. Reeves	Quay, Harding & DeBaca
Eleventh Judicial District	Lyndy D. Bennett	Division 1: San Juan
	Karl R. Gillson	Division 2: McKinley
Twelfth Judicial District	Scott D. Key	Otero & Lincoln
Thirteenth Judicial District	Lemuel L. Martinez	Sandoval, Valencia & Cibola

STATE SENATORS SERVING IN THE FORTY-SEVENTH LEGISLATURE

STATE OF NEW MEXICO
SECOND SESSION
CONVENED JANUARY 17, 2006

<u>District</u>	<u>County</u>	<u>Name</u>	<u>City</u>
1	San Juan	William E. Sharer	Farmington
2	San Juan	Steven P. Neville	Aztec
3	McKinley & San Juan	John Pinto	Tohatchi
4	Cibola & McKinley	Lidio G. Rainaldi	Gallup
5	Los Alamos, Rio Arriba & Santa Fe	Richard C. Martinez	Española
6	Los Alamos, Rio Arriba, Santa Fe & Taos	Carlos R. Cisneros	Questa
7	Colfax, Curry, Harding, Quay, San Miguel, 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	John C. Ryan	Albuquerque
11	Bernalillo	Linda M. Lopez	Albuquerque
12	Bernalillo	Gerald Ortiz y Pino	Albuquerque
13	Bernalillo	Dede Feldman	Albuquerque
14	Bernalillo & Valencia Albuquerque	James G. Taylor	
15	Bernalillo Albuquerque	H. Diane Snyder	
16	Bernalillo	Cisco McSorley	Albuquerque
17	Bernalillo	Shannon Robinson	Albuquerque
18	Bernalillo	Mark Boitano	Albuquerque

19 Park	Bernalillo, Sandoval, Santa Fe & Torrance	Sue Wilson Beffort	Sandia
20	Bernalillo Albuquerque	William H. Payne	
21	Bernalillo & Sandoval	Kent L. Cravens	Albuquerque
22	Bernalillo, Cibola, McKinley, Rio Arriba & Sandoval	Leonard Tsosie	Crownpoint
23	Bernalillo & Sandoval Albuquerque	Joseph J. Carraro	
24 Fe	Santa Fe	Nancy Rodriguez	Santa
25	Santa Fe	John T. L. Grubestic	Santa Fe
26	Bernalillo	Bernadette M. Sanchez	Albuquerque
27	Chaves, Curry, DeBaca & Roosevelt	Stuart Ingle	Portales
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	Vernon D. Asbill	Carlsbad
35	Hidalgo, Luna & Sierra	John Arthur Smith	Deming
36	Doña Ana	Mary Jane M. Garcia	Doña Ana
37	Doña Ana & Sierra	Leonard Lee Rawson	Las Cruces
38 Cruces	Doña Ana	Mary Kay Papen	Las
39 Jose	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 G. Kernan	Hobbs

STATE REPRESENTATIVES SERVING IN THE FORTY-SEVENTH LEGISLATURE

STATE OF NEW MEXICO

SECOND SESSION

CONVENED JANUARY 17, 2006

District	County	Name	City
1	San Juan	Thomas C. Taylor	Farmington
2	San Juan	Richard P. Cheney	Farmington
3	San Juan	Sandra L. Townsend	Aztec
4	San Juan	Ray Begaye	Shiprock
5	McKinley & San Juan	Irvin Harrison	Gallup
6	Cibola & McKinley	George J. Hanosh	Grants
7	Valencia	Kandy Cordova	Belen
8	Valencia	Fred Luna	Los Lunas
9	McKinley & San Juan	Patricia A. Lundstrom	Gallup
10	Bernalillo & Valencia	Henry "Kiki" Saavedra	Albuquerque
11	Bernalillo	Rick Miera	Albuquerque
12	Bernalillo Albuquerque	Ernest H. Chavez	
13	Bernalillo	Daniel P. Silva	Albuquerque
14	Bernalillo Albuquerque	Miguel P. Garcia	
15	Bernalillo Albuquerque	Teresa A. Zanetti	

16	Bernalillo	Harriet I. Ruiz	Albuquerque
17	Bernalillo	Edward C. Sandoval	Albuquerque
18	Bernalillo	Gail Chasey	Albuquerque
19	Bernalillo Albuquerque	Sheryl Williams Stapleton	
20	Bernalillo	Ted Hobbs	Albuquerque
21	Bernalillo	Mimi Stewart	Albuquerque
22	Bernalillo, Sandoval & Santa Fe	Kathy A. McCoy	Cedar Crest
23	Bernalillo & Sandoval	Eric A. Youngberg	Albuquerque
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	Jimmie C. Hall	Albuquerque
29	Bernalillo	Thomas A. Anderson	Albuquerque
30	Bernalillo	Justine Fox-Young	Albuquerque
31	Bernalillo	William "Bill" R. Rehm	Albuquerque
32	Luna	Dona G. Irwin	Deming
33	Doña Ana	Joni Marie Gutierrez	Las Cruces
34	Doña Ana	Mary Helen Garcia	Las Cruces
35	Doña Ana	Antonio Lujan	Las Cruces
36	Doña Ana	Andy Nuñez	Hatch
37	Doña Ana	William "Ed" Boykin	Las Cruces
38	Grant, Hidalgo & Sierra City	Dianne Hamilton	Silver
39	Grant & HidaLgo	Manuel G. Herrera	Bayard
40	Mora, Rio Arriba, San Miguel, Santa Fe	Nick L. Salazar	Ohkay Owingeh

	& Taos		
41	Rio Arriba, Sandoval & Taos	Debbie A. Rodella	Ohkay Owingeh
42	Taos	Roberto J. Gonzales	Taos
43	Los Alamos, Sandoval & Santa Fe	Jeannette O. Wallace	Los Alamos
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	Peter F. Wirth	Santa Fe
48	Santa Fe	Luciano "Lucky" Varela	Santa Fe
49	Catron, Socorro & Valencia	Don L. Tripp	Socorro
50	Bernalillo, Santa Fe & Torrance	Rhonda S. King	Stanley
51	Otero	Gloria C. Vaughn	Alamogordo
52	Doña Ana Cruces	Joseph Cervantes	Las
53	Doña Ana & Otero	Terry T. Marquardt	Alamogordo
54	Eddy & Otero	Joe M Stell	Carlsbad
55	Eddy	John A. Heaton	Carlsbad
56	Lincoln & Otero	W. C. "Dub" Williams	Glencoe
57	Chaves, Lincoln & Otero	Daniel R. Foley	Roswell
58	Chaves	Candy Spence Ezzell	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	DeBaca, Curry, Guadalupe & Roosevelt Rosa	Jose A. Campos	Santa

64	Curry	Anna M. Crook	Clovis
65	Bernalillo, McKinley, Rio Arriba, & Sandoval	James Roger Madalena	Jemez Pueblo
66	Chaves, Eddy, Lea & Roosevelt	Keith J. Gardner	Roswell
67	Curry, Harding, Quay, Roosevelt, San Miguel & Union	Brian K. Moore	Clayton
68	Colfax, Guadalupe, Mora, San Miguel & Taos	Hector H. Balderas	Wagon Mound
69	Cibola, McKinley & San Juan	W. Ken Martinez	Grants
70	San Miguel & Torraine	Richard D. Vigil	Ribera