

**Laws 2022**

**Second Session, Fifty-Fifth Legislature**

**Certificate of Authentication**

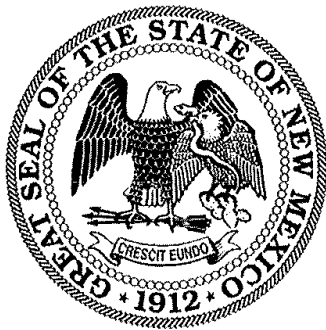
**CERTIFICATE OF AUTHENTICATION**

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

I, **MAGGIE TOULOUSE OLIVER**, Secretary of State of the State of New Mexico, do hereby certify that the printed law contained herein is a true and correct copy of the **ENROLLED AND ENGROSSED LAW** that was passed by the Fifty-Fifth State Legislature of New Mexico in its Second Session, which convened on the 18<sup>th</sup> day of January, 2022, and adjourned on the 17<sup>th</sup> day of February, 2022, in Santa Fe, the Capital of the State, as said copies appear on file in my office.

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

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



Done in the City of Santa Fe,  
the State Capital, this 22<sup>nd</sup> day of  
March 2022.

A handwritten signature in cursive script, reading "Maggie Toulouse Oliver".

Maggie Toulouse Oliver  
Secretary of State

# LAWS 2022, CONSTITUTIONAL AMENDMENT 2

## House Joint Resolution 1, aa

### A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW PUBLIC INVESTMENT TO PROVIDE ACCESS TO ESSENTIAL HOUSEHOLD SERVICES, INCLUDING INTERNET, ENERGY, WATER, WASTEWATER AND OTHER SIMILAR SERVICES AS PROVIDED BY LAW, UPON THE ENACTMENT OF GENERAL IMPLEMENTING LEGISLATION BY A MAJORITY VOTE OF THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE.

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

### **Constitutional Amendment 2 Section 1 Laws 2022**

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 H 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.

G. Nothing in this section prohibits the state from establishing a veterans' scholarship program, for military war veterans who are post-secondary students at educational institutions under the exclusive control of the state and who have exhausted all educational benefits offered by the United States department of defense or the United States department of veterans affairs, by exempting such veterans from the payment of tuition. For the purposes of this subsection, a "military war 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 or who has lived in New Mexico for ten years or more and who has been awarded a southwest Asia service medal, global war on terror service medal, Iraq campaign medal, Afghanistan campaign medal or any other medal issued for service in the armed forces of this country in support of any United States military campaign or armed conflict as defined by congress or by presidential executive order or any other campaign medal issued for service after August 1, 1990 in the armed forces of the United States during periods of armed conflict as defined by congress or by executive order.

H. Nothing in this section prohibits the state from expending state funds or resources for the purpose of providing essential services primarily for residential purposes if the assistance is granted pursuant to general implementing legislation approved by a majority vote of those elected to each house of the legislature. The implementing legislation shall provide for accessibility to essential services primarily for residential purposes and include safeguards to protect public money and other public resources used for the purposes authorized in this subsection. As used in this subsection, "essential services" means infrastructure that allows internet, energy, water, wastewater or other similar services as provided by law."

## **Constitutional Amendment 2 Section 2 Laws 2022**

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

## **LAWS 2022, CONSTITUTIONAL AMENDMENT 3**

**Senate Joint Resolution 3, aa**

## A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT AN APPOINTED JUDGE SERVE AT LEAST ONE YEAR BEFORE A GENERAL ELECTION IS HELD FOR THE OFFICE TO WHICH THE JUDGE WAS APPOINTED.

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

### **Constitutional Amendment 3 Section 1 Laws 2022**

SECTION 1. It is proposed to amend Article 6, Section 35 of the constitution of New Mexico to read:

"There is created the "appellate judges nominating commission", consisting of: the chief justice of the supreme court or the chief justice's designee from the supreme court; two judges of the court of appeals appointed by the chief judge of the court of appeals; the governor, the speaker of the house of representatives and the president pro tempore of the senate shall each appoint two persons, one of whom shall be an attorney licensed to practice law in this state and the other who shall be a citizen who is not licensed to practice law in any state; the dean of the university of New Mexico school of law, who shall serve as chair of the commission and shall vote only in the event of a tie vote; four members of the state bar of New Mexico, representing civil and criminal prosecution and defense, appointed by the president of the state bar and the judges on the commission. The appointments shall be made in such manner that each of the two largest major political parties, as defined by the Election Code, shall be equally represented on the commission. If necessary, the president of the state bar and the judges on the commission shall make the minimum number of additional appointments of members of the state bar as is necessary to make each of the two largest major political parties be equally represented on the commission. These additional members of the state bar shall be appointed such that the diverse interests of the state bar are represented. The dean of the university of New Mexico school of law shall be the final arbiter of whether such diverse interests are represented. Members of the commission shall be appointed for terms as may be provided by law. If a position on the commission becomes vacant for any reason, the successor shall be selected by the original appointing authority in the same manner as the original appointment was made and shall serve for the remainder of the term vacated.

The commission shall actively solicit, accept and evaluate applications from qualified lawyers for the position of justice of the supreme court or judge of the court of appeals and may require an applicant to submit any information it deems relevant to the consideration of the application.

Upon the occurrence of an actual vacancy in the office of justice of the supreme court or judge of the court of appeals, the commission shall meet within thirty days and

within that period submit to the governor the names of persons qualified for the judicial office and recommended for appointment to that office by a majority of the commission.

Immediately after receiving the commission nominations, the governor may make one request of the commission for submission of additional names, and the commission shall promptly submit such additional names if a majority of the commission finds that additional persons would be qualified and recommends those persons for appointment to the judicial office. The governor shall fill a vacancy or appoint a successor to fill an impending vacancy in the office of justice of the supreme court or judge of the court of appeals within thirty days after receiving final nominations from the commission by appointing one of the persons nominated by the commission for appointment to that office. If the governor fails to make the appointment within that period or from those nominations, the appointment shall be made from those nominations by the chief justice or the acting chief justice of the supreme court. The person appointed shall serve until the first general election following one year after appointment. The appointee's successor shall be chosen at such election and shall hold the office until the expiration of the term in effect at the time of election."

### **Constitutional Amendment 3 Section 2 Laws 2022**

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

# LAWS 2022, CHAPTER 1

House Bill 1, aa, w/ec  
Approved January 21, 2022

## AN ACT

RELATING TO THE LEGISLATIVE BRANCH OF GOVERNMENT; APPROPRIATING FUNDS FOR THE EXPENSE OF THE FIFTY-FIFTH LEGISLATURE, SECOND SESSION, 2022, AND FOR OTHER LEGISLATIVE EXPENSES, INCLUDING THE LEGISLATIVE COUNCIL SERVICE, THE LEGISLATIVE FINANCE COMMITTEE, THE LEGISLATIVE EDUCATION STUDY COMMITTEE, THE SENATE RULES COMMITTEE, THE SENATE CHIEF CLERK'S OFFICE, THE HOUSE CHIEF CLERK'S OFFICE AND OTHER EXPENSES OF THE LEGISLATURE; DECLARING AN EMERGENCY.

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

### Chapter 1 Section 1 Laws 2022

#### SECTION 1. SESSION EXPENSES.--

A. There is appropriated from the general fund for the expense of the legislative department of the state of New Mexico for the second session of the fifty-fifth legislature for per diem and mileage of its members, for salaries of employees and for other expenses of the legislature, five million nine hundred sixteen thousand eight hundred dollars (\$5,916,800) 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 members of the senate   | \$ 217,980;   |
| (2) | per diem for members of the house of representatives   | \$ 363,300;   |
| (3) | mileage traveled by members of the senate going to and returning from the seat of government by the usually traveled route, one round trip                   | \$ 6,700;     |
| (4) | mileage traveled by members of the house of representatives going to and returning from the seat of government by the usually traveled route, one round trip | \$ 10,760;    |
| (5) | salaries and employee benefits of senate employees   | \$ 1,771,661; |



(6) salaries and employee benefits of house of representatives employees \$ 1,665,200;

(7) for expense of the senate not itemized above, three hundred ninety-five thousand eight hundred fifty-nine dollars (\$395,859). 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 twenty-six thousand five hundred forty dollars (\$426,540). 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, one million fifty-eight thousand eight hundred dollars (\$1,058,800) to be disbursed upon vouchers signed by the director of the legislative council service or the director's designee.

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

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

## **Chapter 1 Section 2 Laws 2022**

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

A. For the second session of the fifty-fifth legislature, bills, resolutions, joint resolutions, memorials and joint memorials delivered to the printer shall be returned by the printer to the joint billroom within forty-two hours after they are ordered to be printed. The billroom personnel shall supply a complete file of bills, resolutions, joint resolutions, memorials, joint memorials and other printed distribution materials to the following:

(1) upon request, one copy to each member of the house of representatives and the senate;

(2) upon written request, one copy to each county clerk, district judge, radio or television station and newspaper and to the general library of each state-supported institution of higher learning; and

(3) upon written request, one copy to each state department, commission, board, institution or agency, each elected state official, each incorporated municipality, each district attorney, each ex-governor, each member of the New Mexico congressional delegation and each school district in the state.

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

## **Chapter 1 Section 3 Laws 2022**

SECTION 3. LEGISLATIVE COUNCIL SERVICE.--There is appropriated from the general fund to the legislative council service, to be disbursed on vouchers signed by the director of the legislative council service or the director's designee, one million five hundred thousand dollars (\$1,500,000) for expenditure in fiscal year 2022 and subsequent fiscal years for the ongoing planning, output development and design of a legislative processing system, and for fiscal year 2023 the following:

Personal Services & Employee Benefits	\$5,707,000
Contractual Services	758,200
Other Costs	985,700
Total	\$7,450,900.

## **Chapter 1 Section 4 Laws 2022**

SECTION 4. LEGISLATURE.--There is appropriated from the general fund or other source as indicated for the expense of the legislative department, not provided for in Section 1 of this act, for fiscal years 2022 and 2023 unless otherwise indicated, to be disbursed on vouchers signed by the director of the legislative council service or the director's designee, the following:

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

B. for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation, four hundred fifty thousand dollars (\$450,000);

C. for a statewide legislative intern program, fifty thousand dollars (\$50,000);

D. for dues and fees of national organizations of which the legislature is a member, four hundred eighteen thousand dollars (\$418,000);

E. for the legislative information system, one million seven hundred twenty-three thousand four hundred dollars (\$1,723,400);

F. for audiovisual upgrades to committee rooms for virtual, hybrid and webcasting hardware and software, two hundred fifty thousand dollars (\$250,000) from legislative cash balances;

G. for the contractual services of the capitol buildings planning commission, one hundred fifty thousand dollars (\$150,000); and

H. for the interim duties of the senate rules committee, thirty-five thousand dollars (\$35,000).

## **Chapter 1 Section 5 Laws 2022**

SECTION 5. LEGISLATIVE FINANCE COMMITTEE.--There is appropriated from the general fund to the legislative finance committee for fiscal year 2023, to be disbursed on vouchers signed by the chair of the committee or the chair's designated representative, the following:

Personal Services & Employee Benefits	\$4,200,000
Contractual Services	330,000
Other Costs	313,900
Total	\$4,843,900.

## **Chapter 1 Section 6 Laws 2022**

SECTION 6. LEGISLATIVE EDUCATION STUDY COMMITTEE.--There is appropriated from the general fund to the legislative education study committee for

fiscal year 2023, to be disbursed on vouchers signed by the chair of the committee or the chair's designated representative, the following:

Personal Services & Employee Benefits	\$1,255,300
Contractual Services	70,000
Other Costs	112,500
Total	\$1,437,800.

## **Chapter 1 Section 7 Laws 2022**

SECTION 7. HOUSE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2023 for the operation of the house chief clerk's office, to be disbursed on vouchers signed by the director of the legislative council service, the following:

Personal Services & Employee Benefits	\$1,505,000
Contractual Services	253,100
Other Costs	45,000
Total	\$1,803,100.

## **Chapter 1 Section 8 Laws 2022**

SECTION 8. SENATE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2023 for the operation of the senate chief clerk's office, to be disbursed on vouchers signed by the director of the legislative council service, the following:

Personal Services & Employee Benefits	\$1,603,700
Contractual Services	218,800
Other Costs	53,200
Total	\$1,875,700.

## **Chapter 1 Section 9 Laws 2022**

SECTION 9. OFFICIAL MASTER DATABASE OF LAWS--SELF-PUBLICATION--TRANSITION TO NEW DATABASE TECHNOLOGY.--There is appropriated from the legislative cash balances for the legislative department's share of the continued development required for the master database of official annotated laws of the state, markup language and tagging and its use for legislative document systems and a tagged database of the session laws and for the costs associated in collaborating with the New Mexico compilation commission on the ongoing development and expanding partnership role with the New Mexico compilation commission in the self-publication of the *New Mexico Statutes Annotated 1978*, including completing the transition to new

database technology for freely accessible laws and hard-copy publication, four hundred thousand dollars (\$400,000) for expenditure during fiscal years 2022 and 2023.

### **Chapter 1 Section 10 Laws 2022**

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

### **Chapter 1 Section 11 Laws 2022**

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

### **Chapter 1 Section 12 Laws 2022**

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

## **LAWS 2022, CHAPTER 2**

**SJC/Senate Bill 12, aa, w/ec  
Approved February 24, 2022**

AN ACT

RELATING TO LAW ENFORCEMENT; CREATING THE POSITION OF MISSING INDIGENOUS PERSONS SPECIALIST WITHIN THE OFFICE OF THE ATTORNEY GENERAL; PROVIDING DUTIES; CREATING THE PARTNERSHIP IN NATIVE AMERICAN COMMUNITIES NETWORK GRANT PROGRAM; CREATING THE PARTNERSHIP IN NATIVE AMERICAN COMMUNITIES NETWORK GRANT FUND; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

### **Chapter 2 Section 1 Laws 2022**

SECTION 1. A new section of Chapter 8, Article 5 NMSA 1978 is enacted to read:

"ATTORNEY GENERAL--AUTHORITY TO INVESTIGATE AND PROSECUTE MISSING INDIGENOUS PERSONS CASES.--The attorney general shall assist, with the consent of an Indian nation, tribe or pueblo, with the investigation and prosecution of

all missing persons cases in which one or more indigenous persons are reasonably believed to be victims pursuant to the Missing Persons Information and Reporting Act."

## **Chapter 2 Section 2 Laws 2022**

SECTION 2. A new section of Chapter 8, Article 5 NMSA 1978 is enacted to read:

### "MISSING INDIGENOUS PERSONS SPECIALISTS--DUTIES.--

A. The position of "missing indigenous persons specialist" is created within the office of the attorney general.

B. The attorney general shall employ one or more missing indigenous persons specialists, who shall work in collaboration with local, state, federal and tribal law enforcement agencies on missing indigenous persons cases pursuant to the Missing Persons Information and Reporting Act.

C. The missing indigenous persons specialists shall:

(1) review entries in the database of the national crime information center of the United States department of justice and other databases, including the missing persons information clearinghouse, to ensure records of missing indigenous persons are accurate, complete and made in a timely fashion;

(2) collaborate with other state and international missing persons programs and the national center for missing and exploited children to aid in locating indigenous children who are unlawfully taken out of or unlawfully brought into New Mexico;

(3) provide public outreach and education on missing indigenous persons issues and the prevention of indigenous child abductions;

(4) provide support and technical assistance to law enforcement agencies regarding data collection, data sharing and the cooperative use of available resources;

(5) compile reports of pending missing indigenous persons cases, including the status of pending missing indigenous persons cases, the clearance rate of investigating agencies responsible for tracking missing indigenous persons cases and an analysis by year of the characteristics of missing indigenous persons;

(6) assist with alerts and advisories at the request of the department of public safety to assist in locating a missing indigenous person; and

(7) collaborate with the New Mexico law enforcement academy to facilitate training for law enforcement agencies related to missing indigenous persons cases."

## **Chapter 2 Section 3 Laws 2022**

SECTION 3. A new section of Chapter 8, Article 5 NMSA 1978 is enacted to read:

### **"PARTNERSHIP IN NATIVE AMERICAN COMMUNITIES NETWORK GRANT PROGRAM--CREATED--PURPOSE.--**

A. The "partnership in Native American communities network grant program" is created within the office of the attorney general. The purpose of the program is to create a network to support the efforts by the state's Indian nations, tribes and pueblos to identify, report and find Native Americans who are missing.

B. The "partnership in Native American communities network" shall be developed and operated by the office of the attorney general as an online portal with a database to securely upload information regarding missing indigenous persons.

C. The office of the attorney general shall award grants to create and administer the Native American communities network and develop the application and criteria for the grant program. The partnership in Native American communities network grant program criteria shall include:

(1) policies and standards for technology equipment, including data storage and security of information entered into the network;

(2) standards for data verification;

(3) job qualifications and requirements for a data specialist to administer the network; and

(4) development of a system to provide automatic initial alerts pursuant to law enforcement, tribal and community organizations when a missing indigenous person report is made.

D. The office of the attorney general may also award grants through the partnership in Native American communities network grant program to a qualifying tribal agency at each Indian nation, tribe and pueblo as matching funds for a tribal agency to create and maintain access to the partnership in Native American communities network."

## **Chapter 2 Section 4 Laws 2022**

SECTION 4. A new section of Chapter 8, Article 5 NMSA 1978 is enacted to read:

"PARTNERSHIP IN NATIVE AMERICAN COMMUNITIES NETWORK GRANT FUND--CREATED.--The "partnership in Native American communities network grant fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations. Money in the fund at the end of fiscal year 2024 shall revert to the consumer settlement fund of the office of the attorney general. The office of the attorney general shall administer the fund, and money in the fund is appropriated to the office of the attorney general to administer the partnership in Native American communities network grant program and to carry out the provisions of Section 3 of this 2022 act. Disbursements from the fund shall be made by warrant signed by the secretary of finance and administration pursuant to vouchers signed by the attorney general or the attorney general's authorized representative."

## **Chapter 2 Section 5 Laws 2022**

SECTION 5. APPROPRIATION.--One million dollars (\$1,000,000) is appropriated from the consumer settlement fund of the office of the attorney general to the partnership in Native American communities network grant fund for expenditure in fiscal years 2023 and 2024 to provide grants in accordance with the partnership in Native American communities network grant program. Any unexpended or unencumbered balance remaining at the end of fiscal year 2024 shall revert to the consumer settlement fund of the office of the attorney general.

## **Chapter 2 Section 6 Laws 2022**

SECTION 6. DELAYED REPEAL.--Sections 3 and 4 of this act are repealed effective July 1, 2024.

## **Chapter 2 Section 7 Laws 2022**

SECTION 7. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

# **LAWS 2022, CHAPTER 3**

**Senate Bill 13, aa, w/ec  
Approved February 24, 2022**

AN ACT



RELATING TO MISSING PERSONS; CREATING THE "MISSING IN NEW MEXICO EVENT"; DECLARING AN EMERGENCY.

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

### **Chapter 3 Section 1 Laws 2022**

SECTION 1. A new section of the Missing Persons Information and Reporting Act is enacted to read:

"MISSING IN NEW MEXICO EVENT.--Each year, the department of public safety, in collaboration with the clearinghouse, shall host a "missing in New Mexico event" in support of all New Mexicans who are searching for missing relatives. The missing in New Mexico event is designated to:

A. provide an opportunity for federal, state, local and tribal governments to come together in one location and virtually to assist families to file missing persons reports, update missing persons reports, submit DNA records or meet with an investigator;

B. provide a network for New Mexicans with missing relatives to heal, access support services and access media outlets to distribute information about missing relatives to the general public; and

C. encourage the department of public safety, local law enforcement agencies, the office of the attorney general, the office of the state medical investigator, the Indian affairs department, the department of health and the behavioral health services and income support divisions of the human services department to come together to provide support and services for New Mexican families with missing relatives."

### **Chapter 3 Section 2 Laws 2022**

SECTION 2. Section 29-15-3 NMSA 1978 (being Laws 1995, Chapter 146, Section 3, as amended) is amended to read:

"29-15-3. MISSING PERSONS INFORMATION CLEARINGHOUSE--  
FUNCTION.--

A. The "missing persons information clearinghouse" is established in the department of public safety. The department of public safety shall provide for the administration of the clearinghouse. The department of public safety may adopt rules to carry out the provisions of the Missing Persons Information and Reporting Act in the manner prescribed in Subsection E of Section 9-1-5 NMSA 1978.

B. The clearinghouse is a central repository of information on missing persons and shall be used by all law enforcement agencies, including tribal agencies, in this state.

C. The clearinghouse shall:

(1) establish a system of intrastate communication of information relating to missing persons;

(2) provide a centralized file for the exchange of information on missing persons and unidentified human remains within the state;

(3) communicate with the national crime information center for the exchange of information on missing persons suspected of interstate travel;

(4) collect, process, maintain and disseminate accurate and complete information on missing persons;

(5) provide a statewide toll-free telephone line for the reporting of missing persons and for receiving information on missing persons;

(6) disseminate to custodians, law enforcement agencies, the public education department, the children, youth and families department and the general public information that explains how to prevent child abduction and what to do if a child becomes missing;

(7) compile statistics relating to the incidence of missing persons within the state;

(8) provide training and technical assistance to law enforcement agencies and social services agencies pertaining to missing persons;

(9) establish a media protocol for disseminating information pertaining to missing persons; and

(10) host the annual missing in New Mexico event.

D. The clearinghouse shall print and distribute posters, flyers and other forms of information containing descriptions of missing persons.

E. The department of public safety may accept public or private grants, gifts and donations to assist the department in carrying out the provisions of the Missing Persons Information and Reporting Act."

## **Chapter 3 Section 3 Laws 2022**

SECTION 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

## **LAWS 2022, CHAPTER 4**

**House Bill 52**

**Approved February 28, 2022**

AN ACT

RELATING TO HEALTH; AMENDING THE HARM REDUCTION ACT TO EXPAND SUPPLIES OR DEVICES PROVIDED TO HARM REDUCTION PROGRAM PARTICIPANTS; PROVIDING THAT POSSESSION OF CERTAIN SUPPLIES OR DEVICES IS NOT A VIOLATION OF THE CONTROLLED SUBSTANCES ACT; ADJUSTING THE DEPARTMENT OF HEALTH AND ADVISORY COMMITTEE DUTIES PERTAINING TO THE HARM REDUCTION PROGRAM; ADJUSTING ADVISORY COMMITTEE MEMBERSHIP; REPEALING SECTIONS 24-2C-2 AND 24-2C-6 NMSA 1978 (BEING LAWS 1997, CHAPTER 256, SECTIONS 2 AND 6).

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

## **Chapter 4 Section 1 Laws 2022**

SECTION 1. Section 24-2C-3 NMSA 1978 (being Laws 1997, Chapter 256, Section 3) is amended to read:

"24-2C-3. DEFINITIONS.--As used in the Harm Reduction Act:

- A. "department" means the department of health; and
- B. "participant" means a person who receives supplies or devices or services provided by the harm reduction program."

## **Chapter 4 Section 2 Laws 2022**

SECTION 2. Section 24-2C-4 NMSA 1978 (being Laws 1997, Chapter 256, Section 4) is amended to read:

"24-2C-4. HARM REDUCTION PROGRAM CREATED--DEPARTMENT RESPONSIBILITIES.--

- A. The department shall:

(1) establish and administer a program that shall be known as the "harm reduction program" to reduce overdose mortality and other negative health outcomes associated with drug use;

(2) pursuant to rules established by the department, qualify persons as harm reduction program participants, issue a document that identifies the bearer of the document as a participant and provide the bearer of the document with access to supplies, devices or services provided by the program;

(3) compile data to assist in planning and evaluating efforts to combat overdose mortality and other negative health outcomes associated with drug use; and

(4) make an annual report, including legislative recommendations, to the legislative health and human services committee by October 1 each year.

B. The department shall appoint an advisory committee to include representation from:

(1) the office of the attorney general;

(2) the New Mexico state police division of the department of public safety;

(3) the infectious disease prevention and control bureau of the department;

(4) the director of the epidemiology and response division of the department or the director's designee;

(5) a medical officer of the public health division of the department; and

(6) other persons or representatives as chosen by the secretary of health to ensure a thorough and unbiased evaluation of the program established under the Harm Reduction Act.

C. The advisory committee shall:

(1) develop policies and procedures for evaluation of the harm reduction program;

(2) develop criteria for data collection and program evaluation; and

(3) meet as necessary to monitor and analyze data and produce a report on the harm reduction program's impact on overdose mortality and other negative health outcomes associated with drug use.

D. The department may contract with private providers to operate the harm reduction program.

E. The department shall promulgate rules as necessary for the administration of the Harm Reduction Act, including developing criteria for the types of supplies or devices provided pursuant to the harm reduction program and standards for distribution of those supplies or devices through that program. The criteria and standards shall be developed to provide supplies and devices in order to reduce:

(1) cases of negative health outcomes associated with drug use, such as overdoses or the spread of infectious disease; and

(2) harm by promoting reduced use of non-sterile items and improving participant engagement in harm reduction services and prevention education."

## **Chapter 4 Section 3 Laws 2022**

SECTION 3. Section 24-2C-5 NMSA 1978 (being Laws 1997, Chapter 256, Section 5) is amended to read:

"24-2C-5. PROGRAM.--The harm reduction program shall provide participants with:

A. sterile hypodermic syringes and needles in exchange for used hypodermic syringes, needles or other objects used to inject controlled substances or controlled substance analogs into the human body;

B. other objects used to prepare or consume controlled substances or controlled substance analogs;

C. supplies or devices used for testing controlled substances or controlled substance analogs for potentially dangerous adulterants;

D. supplies or devices approved by the department for distribution in accordance with rules established pursuant to Subsection E of Section 24-2C-4 NMSA 1978;

E. education on the prevention of:

(1) the transmission of the human immunodeficiency virus and hepatitis B and C; and

(2) drug overdose mortality and other negative health outcomes; and

F. referral to substance abuse treatment services."

## Chapter 4 Section 4 Laws 2022

SECTION 4. Section 30-31-25.1 NMSA 1978 (being Laws 1981, Chapter 31, Section 2, as amended) is amended to read:

### "30-31-25.1. POSSESSION, DELIVERY OR MANUFACTURE OF DRUG PARAPHERNALIA PROHIBITED--EXCEPTIONS.--

A. It is unlawful for a person to use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act. The provisions of this subsection do not apply to a person who is in possession of:

- (1) hypodermic syringes or needles for the purpose of participation in or administration of the Harm Reduction Act;
- (2) supplies or devices obtained pursuant to the Harm Reduction Act in accordance with rules established by the department of health for the harm reduction program; or
- (3) supplies or devices used for the testing of controlled substances or controlled substance analogs for dangerous adulterants.

B. It is unlawful for a person to deliver, possess with intent to deliver or manufacture with the intent to deliver drug paraphernalia with knowledge, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act. The provisions of this subsection do not apply to:

- (1) department of health employees or their designees while they are directly and immediately engaged in activities related to the harm reduction program authorized by the Harm Reduction Act; or
- (2) the sale or distribution of hypodermic syringes and needles by pharmacists licensed pursuant to the Pharmacy Act.

C. A person who violates the provisions of Subsection A of this section shall be issued a penalty assessment pursuant to Section 31-19A-1 NMSA 1978 and is subject to a fine of fifty dollars (\$50.00). A person who violates the provisions of Subsection B of this section is guilty of a misdemeanor.

D. A person eighteen years of age or over who violates the provisions of Subsection B of this section by delivering drug paraphernalia to a person under eighteen years of age and who is at least three years the person's junior is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978."

## **Chapter 4 Section 5 Laws 2022**

SECTION 5. REPEAL.--Sections 24-2C-2 and 24-2C-6 NMSA 1978 (being Laws 1997, Chapter 256, Sections 2 and 6) are repealed.

## **LAWS 2022, CHAPTER 5**

**Senate Bill 4, aa**  
**Approved February 28, 2022**

### **AN ACT**

RELATING TO PUBLIC WORKS; SPECIFYING THAT PREVAILING WAGE RATES AND PREVAILING FRINGE BENEFIT RATES ARE TO BE DETERMINED ANNUALLY BY OCTOBER 1 TO TAKE EFFECT THE NEXT JANUARY 1; PROVIDING THAT AN APPEAL OF A DETERMINED PREVAILING WAGE RATE OR PREVAILING FRINGE BENEFIT RATE DOES NOT STAY IMPLEMENTATION OF THE RATE UNLESS MODIFIED BY A FINAL DECISION OR JUDGMENT OR UPON ORDER OF THE COURT.

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

## **Chapter 5 Section 1 Laws 2022**

SECTION 1. Section 13-4-11 NMSA 1978 (being Laws 1965, Chapter 35, Section 1, as amended) is amended to read:

"13-4-11. PREVAILING WAGE AND BENEFIT RATES DETERMINED--MINIMUM WAGES AND FRINGE BENEFITS ON PUBLIC WORKS--WEEKLY PAYMENT--WITHHOLDING FUNDS.--

A. Every contract or project in excess of sixty thousand dollars (\$60,000) that the state or any political subdivision thereof is a party to for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads of the state and that requires or involves the employment of mechanics, laborers or both shall contain a provision stating the minimum wages and fringe benefits to be paid to various classifications of laborers and mechanics, which shall be based upon the wages and benefits that will be determined by the director to be prevailing for the corresponding classifications of laborers and

mechanics employed on contract work of a similar nature in the state or locality, and every contract or project shall contain a stipulation that the contractor, subcontractor, employer or a person acting as a contractor shall pay all mechanics and laborers employed on the site of the project, unconditionally and not less often than once a week and without subsequent unlawful deduction or rebate on any account, the full amounts accrued at time of payment computed at wage rates and fringe benefit rates not less than those determined pursuant to Subsection B of this section to be the prevailing wage rates and prevailing fringe benefit rates issued for the project.

B. Annually, no later than October 1, the director shall determine prevailing wage rates and prevailing fringe benefit rates to take effect the next January 1 for respective classifications of laborers and mechanics employed on public works projects at the same wage rates and fringe benefit rates used in collective bargaining agreements between labor organizations and their signatory employers that govern predominantly similar classifications of laborers and mechanics for the locality of the public works project and the crafts involved; provided that:

(1) if the prevailing wage rates and prevailing fringe benefit rates cannot reasonably and fairly be determined in a locality because no collective bargaining agreements exist, the director shall determine the prevailing wage rates and prevailing fringe benefit rates for the same or most similar classification of laborer or mechanic in the nearest and most similar neighboring locality in which collective bargaining agreements exist;

(2) the director shall give due regard to information obtained during the director's determination of the prevailing wage rates and the prevailing fringe benefit rates made pursuant to this subsection;

(3) any interested person shall have the right to submit to the director written data, personal opinions and arguments supporting changes to the prevailing wage rate and prevailing fringe benefit rate determination;

(4) prevailing wage rates and prevailing fringe benefit rates determined pursuant to the provisions of this section shall be compiled as official records and kept on file in the director's office, and the records shall be updated in accordance with the applicable rates used in subsequent collective bargaining agreements;

(5) an appeal of the prevailing wage determination pursuant to the provisions of this section shall not have the effect of creating a stay of the implementation of the rate; and

(6) during the pendency of an appeal, whether before the labor and industrial commission or in a court, a court of competent jurisdiction may grant a stay of the implementation of the wage rate based on a motion made by a party or an interested person, provided the court gives an opportunity for any interested person to be heard on the matter.



C. The prevailing wage rates and prevailing fringe benefit rates to be paid shall be posted by the contractor or person acting as a contractor in a prominent and easily accessible place at the site of the work; provided that there shall be withheld from the contractor, subcontractor, employer or a person acting as a contractor so much of accrued payments as may be considered necessary by the director or contracting officer of the state or political subdivision to pay to laborers and mechanics employed on the project the difference between the prevailing wage rates and prevailing fringe benefit rates required by the director to be paid to laborers and mechanics on the work and the wage rates and fringe benefit rates received by the laborers and mechanics and not refunded to the contractor, subcontractor, employer or a person acting as a contractor or the contractor's, subcontractor's, employer's or person's agents.

D. Certified weekly payroll records of a contracting agency are subject to inspection pursuant to the Inspection of Public Records Act; provided that the request shall be fulfilled within twenty days of receipt of the written request. Certified weekly payroll records are subject to record retention requirements applicable to payroll records of a state agency.

E. Notwithstanding any other provision of law applicable to public works contracts or agreements, the director may, with cause:

(1) issue investigative or hearing subpoenas for the production of documents or witnesses pertaining to public works prevailing wage projects; and

(2) attach and prohibit the release of any assurance of payment required under Section 13-4-18 NMSA 1978 for a reasonable period of time beyond the time limits specified in that section until the director satisfactorily resolves any probable cause to believe a violation of the Public Works Minimum Wage Act or its implementing rules has taken place.

F. A person may file with the director a complaint that a contractor, subcontractor, employer or person acting as a contractor on the project has failed to pay the person wages or fringe benefits at the rates required by the Public Works Minimum Wage Act. Within thirty days after the filing of the complaint, either party may request in writing a mediation to resolve the complaint.

G. The director shall, within thirty days of the filing of the complaint, commence an investigation of the allegations contained in the complaint. The director shall, within seventy-five days after the completion of mediation or if no mediation is requested, within seventy-five days after the filing of the complaint, make a determination supported by findings of fact and conclusions of law whether there has been an underpayment of wages or fringe benefits or other violation of the Public Works Minimum Wage Act; provided that if the complaint is of a continuing or significantly complex nature or involves multiple projects or job sites, the director may extend the time in which to make a determination by up to six months by providing written notice and an explanation to all parties of the need to extend the time. Prior to issuing a

determination, the director shall provide the contractor, subcontractor, employer or other person against whom the complaint has been filed with an opportunity to respond to the complaint and provide any exculpatory evidence.

H. If the director determines that there has been an underpayment of wages or fringe benefits or a violation of the Public Works Minimum Wage Act, the director shall, in the absence of a voluntary resolution by the parties and within thirty days of making that determination, order the withholding of accrued payments as provided in Subsection C of this section.

I. The director shall issue rules necessary to administer and accomplish the purposes of the Public Works Minimum Wage Act."

## **LAWS 2022, CHAPTER 6**

**SFL/Senate Bill 39**  
**Approved February 28, 2022**

### **AN ACT**

RELATING TO PROCUREMENT; INCREASING THE PREFERENCE FOR NEW MEXICO RESIDENT BUSINESSES AND CONTRACTORS; ELIMINATING THE TIME LIMITATION FOR SPECIAL PREFERENCES FOR NEW MEXICO RESIDENT VETERAN BUSINESSES AND RESIDENT VETERAN CONTRACTORS; PROVIDING FOR A PREFERENCE FOR NEW MEXICO NATIVE AMERICAN RESIDENT AND RESIDENT VETERAN BUSINESSES AND CONTRACTORS.

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

### **Chapter 6 Section 1 Laws 2022**

SECTION 1. Section 13-1-21 NMSA 1978 (being Laws 1979, Chapter 72, Section 1, as amended) is amended to read:

"13-1-21. APPLICATION OF PREFERENCES.--

A. For the purposes of this section:

(1) "business" means a commercial enterprise carried on for the purpose of selling goods or services, including growing, producing, processing or distributing agricultural products;

(2) "formal bid process" means a competitive bid process;

(3) "formal request for proposals process" means a competitive proposal process, including a competitive qualifications-based proposal process;

(4) "Native American resident business" means a business that has a valid Native American resident business certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978 but does not include a Native American resident veteran business;

(5) "Native American resident veteran business" means a business that has a valid Native American resident veteran business certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978;

(6) "public body" means a department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of the state or a political subdivision of the state and the agencies, instrumentalities and institutions thereof, including two-year post-secondary educational institutions, school districts, local school boards and all municipalities, including home-rule municipalities;

(7) "recycled content goods" means supplies and materials composed twenty-five percent or more of recycled materials; provided that the recycled materials content meets or exceeds the minimum content standards required by bid specifications;

(8) "resident business" means a business that has a valid resident business certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978 but does not include a resident veteran business; and

(9) "resident veteran business" means a business that has a valid resident veteran business certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978.

B. Except as provided in Subsection C of this section, when a public body makes a purchase using a formal bid process, the public body shall deem a bid submitted by a:

(1) resident business or Native American resident business to be eight percent lower than the bid actually submitted; or

(2) resident veteran business or Native American resident veteran business with annual gross revenues of up to six million dollars (\$6,000,000) in the preceding tax year to be ten percent lower than the bid actually submitted.

C. When a public body makes a purchase using a formal bid process and the bids are received for both recycled content goods and nonrecycled content goods, the public body shall deem:

(1) bids submitted for recycled content goods from any business, except a resident veteran business or Native American resident veteran business, to be eight percent lower than the bids actually submitted; or

(2) bids submitted for recycled content goods from a resident veteran business or Native American resident veteran business with annual gross revenues of up to six million dollars (\$6,000,000) in the preceding tax year to be ten percent lower than the bids actually submitted.

D. When a public body makes a purchase using a formal request for proposals process, not including contracts awarded on a point-based system, the public body shall award an additional:

(1) eight percent of the total weight of all the factors used in evaluating the proposals to a resident business or Native American resident business; and

(2) ten percent of the total weight of all the factors used in evaluating the proposals to a resident veteran business or Native American resident veteran business that has annual gross revenues of up to six million dollars (\$6,000,000) in the preceding tax year.

E. When a public body makes a purchase using a formal request for proposals process, and the contract is awarded based on a point-based system, the public body shall award additional points equivalent to:

(1) eight percent of the total possible points to a resident business or Native American resident business; or

(2) ten percent of the total possible points to a resident veteran business or Native American resident veteran business that has annual gross revenues of up to six million dollars (\$6,000,000) in the preceding tax year.

F. When a joint bid or joint proposal is submitted by a combination of resident veteran, Native American resident veteran, resident, Native American resident or nonresident businesses, the preference provided pursuant to Subsection B, C, D or E of this section shall be calculated in proportion to the percentage of the contract, based on the dollar amount of the goods or services provided under the contract, that will be performed by each business as specified in the joint bid or proposal.

G. A person shall not benefit from the provisions of this section based on more than one business concurrently.

H. A public body shall not award a business both a resident business preference and a resident veteran business preference or a Native American resident business preference and a Native American resident veteran business preference.

I. The procedures provided in Sections 13-1-172 through 13-1-183 NMSA 1978 or in an applicable purchasing ordinance apply to a protest to a public body concerning the awarding of a contract in violation of this section.

J. This section shall not apply when the expenditure includes federal funds for a specific purchase."

## **Chapter 6 Section 2 Laws 2022**

SECTION 2. Section 13-1-22 NMSA 1978 (being Laws 2012, Chapter 56, Section 4, as amended) is amended to read:

"13-1-22. RESIDENT BUSINESS AND RESIDENT CONTRACTOR CERTIFICATION--NATIVE AMERICAN RESIDENT BUSINESS AND NATIVE AMERICAN RESIDENT CONTRACTOR CERTIFICATES--RESIDENT VETERAN BUSINESS AND RESIDENT VETERAN CONTRACTOR CERTIFICATES.--

A. To receive a resident business, Native American resident business, resident veteran business or Native American resident veteran business preference pursuant to Section 13-1-21 NMSA 1978 or a resident contractor, Native American resident contractor, resident veteran contractor or Native American resident veteran contractor preference pursuant to Section 13-4-2 NMSA 1978, a business or contractor shall submit with its bid or proposal a copy of a valid resident business, Native American resident business, resident veteran business or Native American resident veteran business certificate or valid resident contractor, Native American resident contractor, resident veteran contractor or Native American resident veteran contractor certificate issued by the taxation and revenue department.

B. An application for a resident business certificate shall include an affidavit from a certified public accountant setting forth that the business is licensed to do business in this state and that:

(1) the business has paid property taxes or rent on real property in the state and paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit;

(2) if the business is a new business, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit and has not applied for a resident business or resident contractor certificate pursuant to this section during that time period;

(3) if the business is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were residents of the state and that, prior to the submission of the affidavit, the

business either leased real property for ten years or purchased real property greater than one hundred thousand dollars (\$100,000) in value in the state; or

(4) if the business is a previously certified business or was eligible for certification, the business has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same commercial enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

C. An application for a resident veteran business certificate shall include the affidavit required by Subsection B of this section and:

(1) verification by the United States department of veterans affairs as being either a veteran-owned small business or a service-disabled veteran-owned small business; or

(2) verification of veteran status as indicated by the United States department of defense DD form 214 of release or discharge from active duty with an honorable discharge or of service-disabled veteran status by the United States department of veterans affairs and proof that a veteran or veterans own a majority of the business.

D. An application for a resident contractor certificate shall include an affidavit from a certified public accountant setting forth that the contractor is currently licensed as a contractor in this state and that:

(1) the contractor has:

(a) registered with the state at least one vehicle; and

(b) in each of the five years immediately preceding the submission of the affidavit: 1) paid property taxes or rent on real property in the state and paid at least one other tax administered by the state; and 2) paid unemployment insurance on at least three full-time employees who are residents of the state; provided that if a contractor is a legacy contractor, the requirement of at least three full-time employees who are residents of the state is waived;

(2) if the contractor is a new contractor, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the five years immediately preceding the submission of the affidavit and has not applied for a resident business or resident contractor certificate pursuant to this section during that time period;

(3) if the contractor is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were residents of the state and that, prior to the submission of the affidavit,

the contractor either leased real property for ten years or purchased real property greater than one hundred thousand dollars (\$100,000) in value in the state; or

(4) if the contractor is a previously certified contractor or was eligible for certification, the contractor has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

E. An application for a resident veteran contractor certificate shall include the affidavit required by Subsection D of this section and:

(1) verification by the United States department of veterans affairs as being either a veteran-owned small business or a service-disabled veteran-owned small business; or

(2) verification of veteran status as indicated by the United States department of defense DD form 214 of release or discharge from active duty with an honorable discharge or of service-disabled veteran status by the United States department of veterans affairs and proof that a veteran or veterans own a majority of the business.

F. An application for a Native American resident business certificate or a Native American resident contractor certificate shall include an affidavit from a notary public setting forth that the business is:

(1) operating on lands located on an Indian nation, tribe or pueblo located in whole or in part on land within New Mexico; and

(2) at least fifty-one percent owned by an Indian nation, tribe or pueblo located in whole or in part on land within New Mexico; provided that:

(a) the Indian nation, tribe or pueblo receives at least a majority of the net income from the business; and

(b) the management and daily operation of the business are controlled by one or more individuals who are members of a New Mexico Indian nation, tribe or pueblo; or

(3) at least fifty-one percent owned by one or more New Mexico residents who are members of a federally recognized Indian nation, tribe or pueblo located in whole or in part on land within New Mexico and that is established for the purpose of profit; provided that:

(a) the Native American owners receive at least a majority of the net income from the business; and

(b) the management and daily operation of the business are controlled by one or more individuals who are members of a New Mexico Indian nation, tribe or pueblo.

G. An application for a Native American resident veteran business certificate or a Native American resident veteran contractor certificate shall include the affidavit required by Subsection F of this section and, if the business is not owned by an Indian nation, tribe or pueblo:

(1) verification by the United States department of veterans affairs that the business is either a veteran-owned small business or a service-disabled veteran-owned small business;

(2) verification of veteran status of a majority of the owners of the business as indicated by the United States department of defense DD form 214 of release or discharge from active duty with an honorable discharge or of service-disabled veteran status by the United States department of veterans affairs; or

(3) verification of veteran status of the contractor as indicated by the United States department of defense DD form 214 of release or discharge from active duty with an honorable discharge or of service-disabled veteran status by the United States department of veterans affairs.

H. The taxation and revenue department shall prescribe the form and content of the application and required affidavit. The taxation and revenue department shall examine the application and affidavit and, if necessary, may seek additional information to ensure that the business or contractor is eligible to receive the certificate pursuant to the provisions of this section. If the taxation and revenue department determines that an applicant is eligible, the department shall issue a certificate pursuant to the provisions of this section. If the taxation and revenue department determines that the applicant is not eligible, the department shall issue notification within thirty days. If no notification is provided by the department, the certificate is deemed approved. A certificate is valid for three years from the date of its issuance; provided that if there is a change of ownership of more than fifty percent, a resident business or resident contractor shall reapply for a certificate.

I. A business or contractor whose application for a certificate is denied has fifteen days from the date of the taxation and revenue department's decision to file an objection with the taxation and revenue department. The person filing the objection shall submit evidence to support the objection. The taxation and revenue department shall review the evidence and issue a decision within fifteen days of the filing of the objection.

J. If, following a hearing and an opportunity to be heard, the administrative hearings office finds that a business or contractor provided false information to the taxation and revenue department in order to obtain a certificate or that a business or contractor used a certificate to obtain a resident business or resident contractor



preference for a bid or proposal and the resident business or contractor did not perform the percentage of the contract specified in the bid or proposal, the business or contractor:

(1) is not eligible to receive a certificate or a preference pursuant to Section 13-1-21 or 13-4-2 NMSA 1978 for a period of five years from the date on which the taxation and revenue department became aware of the submission of the false information or the failure to perform the contract as specified in the bid or proposal; and

(2) is subject to an administrative penalty of up to fifty thousand dollars (\$50,000) for each violation.

K. In a decision issued pursuant to Subsection I or J of this section, the taxation and revenue department or the administrative hearings office shall state the reasons for the action taken and inform an aggrieved business or contractor of the right to judicial review of the determination pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

L. The taxation and revenue department may assess a reasonable fee for the issuance of a certificate not to exceed the actual cost of administering the taxation and revenue department's duties pursuant to this section.

M. The state auditor may audit or review the issuance or validity of certificates.

N. For purposes of this section:

(1) "new business" means a person that did not exist as a business in any form and that has been in existence for less than three years;

(2) "new contractor" means a person that did not exist as a business in any form and that has been in existence for less than five years;

(3) "legacy contractor" means a construction business that has been licensed in this state for ten consecutive years; and

(4) "relocated business" means a business that moved eighty percent of its total domestic personnel from another state to New Mexico in the past five years."

## **Chapter 6 Section 3 Laws 2022**

SECTION 3. Section 13-4-2 NMSA 1978 (being Laws 1984, Chapter 66, Section 2, as amended) is amended to read:

"13-4-2. APPLICATION OF PREFERENCE.--

A. For the purposes of this section:

(1) "formal bid process" means a competitive sealed bid process;

(2) "formal request for proposals process" means a competitive sealed proposal process, including a competitive sealed qualifications-based proposal process;

(3) "Native American resident contractor" means a person that has a valid Native American resident contractor certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978 but does not include a Native American resident veteran contractor;

(4) "Native American resident veteran contractor" means a person that has a valid Native American resident veteran contractor certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978;

(5) "public body" means a department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of the state or a political subdivision of the state and the agencies, instrumentalities and institutions thereof, including two-year post-secondary educational institutions, school districts, local school boards and all municipalities, including home-rule municipalities;

(6) "public works contract" means a contract for construction, construction management, architectural, landscape architectural, engineering, surveying or interior design services;

(7) "resident contractor" means a person that has a valid resident contractor certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978 but does not include a resident veteran contractor; and

(8) "resident veteran contractor" means a person that has a valid resident veteran contractor certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978.

B. For the purpose of awarding a public works contract using a formal bid process, a public body shall deem a bid submitted by a:

(1) resident contractor or Native American resident contractor to be eight percent lower than the bid actually submitted; or

(2) resident veteran contractor or Native American resident veteran contractor with annual gross revenues of up to six million dollars (\$6,000,000) in the preceding tax year to be ten percent lower than the bid actually submitted.

C. When a public body awards a contract using a formal request for proposals process, not including contracts awarded on a point-based system, the public body shall award an additional:

(1) eight percent of the total weight of all the factors used in evaluating the proposals to a resident contractor or Native American resident contractor; or

(2) ten percent of the total weight of all the factors used in evaluating the proposals to a resident veteran contractor or Native American resident veteran contractor that has annual gross revenues of up to six million dollars (\$6,000,000) in the preceding tax year.

D. When a public body makes a purchase using a formal request for proposals process, and the contract is awarded based on a point-based system, the public body shall award an additional of the equivalent of:

(1) eight percent of the total possible points to a resident contractor or Native American resident contractor; or

(2) ten percent of the total possible points to a resident veteran contractor or Native American resident veteran contractor that has annual gross revenues of up to six million dollars (\$6,000,000) in the preceding tax year.

E. When a joint bid or joint proposal is submitted by a combination of resident veteran, Native American resident veteran, resident, Native American resident or nonresident contractors, the preference provided pursuant to Subsection B, C or D of this section shall be calculated in proportion to the percentage of the contract, based on the dollar amount of the goods or services provided under the contract, that will be performed by each contractor as specified in the joint bid or joint proposal.

F. A person shall not benefit from the provisions of this section based on more than one business concurrently.

G. A public body shall not award a contractor both a resident contractor preference and a resident veteran contractor preference or a Native American resident contractor preference and a Native American resident veteran contractor preference.

H. The procedures provided in Sections 13-1-172 through 13-1-183 NMSA 1978 or in an applicable purchasing ordinance apply to a protest to a public body concerning the awarding of a contract in violation of this section."

## **Chapter 6 Section 4 Laws 2022**

SECTION 4. Section 62-16B-7 NMSA 1978 (being Laws 2021, Chapter 34, Section 7) is amended to read:

"62-16B-7. PUBLIC REGULATION COMMISSION--ENFORCEMENT AND RULEMAKING.--

A. The commission shall administer and enforce the rules and provisions of the Community Solar Act, including regulation of subscriber organizations in accordance with the Community Solar Act and oversight and review of the consumer protections established for the community solar program.

B. The commission shall adopt rules to establish a community solar program by no later than April 1, 2022. The rules shall:

(1) provide an initial statewide capacity program cap of two hundred megawatts alternating current proportionally allocated to investor-owned utilities until November 1, 2024. The statewide capacity program cap shall exclude native community solar projects and rural electric distribution cooperatives;

(2) establish an annual statewide capacity program cap to be in effect after November 1, 2024;

(3) require thirty percent of electricity produced from each community solar facility to be reserved for low-income customers and low-income service organizations. The commission shall issue guidelines to ensure the carve-out is achieved each year and develop a list of low-income service organizations and programs that may pre-qualify low-income customers;

(4) establish a process for the selection of community solar facility projects and allocation of the statewide capacity program cap, consistent with Section 13-1-21 NMSA 1978 regarding resident business, Native American resident business, resident veteran business and Native American resident veteran business preferences;

(5) require a qualifying utility to file the tariffs, agreement or forms necessary for implementation of the community solar program;

(6) establish reasonable, uniform, efficient and non-discriminatory standards, fees and processes for the interconnection of community solar facilities that are consistent with the commission's existing interconnection rules and interconnection manual that allows a qualifying utility to recover reasonable costs for administering the community solar program and interconnection costs for each community solar facility, such that a qualifying utility and its non-subscribing customers do not subsidize the costs attributable to the subscriber organization pursuant to this paragraph;

(7) provide consumer protections for subscribers, including a uniform disclosure form that identifies the information that shall be provided by a subscriber organization to a potential subscriber, in both English and Spanish, and when appropriate, native or indigenous languages, to ensure fair disclosure of future costs and benefits of subscriptions, key contract terms, security interests and other relevant

but reasonable information pertaining to the subscription, as well as grievance and enforcement procedures;

(8) provide a community solar bill credit rate mechanism for subscribers derived from the qualifying utility's total aggregate retail rate on a per-customer-class basis, less the commission-approved distribution cost components, and identify all proposed rules, fees and charges; provided that non-subscribers shall not subsidize costs attributable to subscribers; and provided further that if the commission determines that it is in the public interest for non-subscribers to subsidize subscribers, non-subscribers shall not be charged more than three percent of the non-subscribers' aggregate retail rate on an annual basis to subsidize subscribers;

(9) reasonably allow for the creation, financing and accessibility of community solar facilities; and

(10) provide requirements for the siting and co-location of community solar facilities with other energy resources; provided that community solar facilities shall not be co-located with other community solar facilities.

C. The commission may through rule establish a reasonable application fee for subscriber organizations that is designed to cover a portion of the administrative costs of the commission in carrying out the community solar program. Application fees collected by the commission shall be remitted to the state treasurer no later than the day after their receipt.

D. The commission shall solicit input from relevant state agencies, public utilities, low-income stakeholders, disproportionately impacted communities, potential owners or operators of community solar facilities, Indian nations, tribes and pueblos and other interested parties in its rulemaking process.

E. By no later than November 1, 2024, the commission shall provide to the appropriate interim legislative committee a report on the status of the community solar program, including the development of community solar facilities, the participation of investor-owned utilities and rural electric distribution cooperatives, low-income participation, the adequacy of facility size, proposals for alternative rate structures and bill credit mechanisms, cross-subsidization issues, local developer project selection and expansion of the local solar industry, community solar facilities' effect on utility compliance with the renewable portfolio standard and an evaluation of the effectiveness of the commission's rules to implement the Community Solar Act and any recommended changes."

## **Chapter 6 Section 5 Laws 2022**

SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

# LAWS 2022, CHAPTER 7

House Bill 42, aa, w/ec  
Approved February 28, 2022

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 7 Section 1 Laws 2022

SECTION 1. AUTHORIZATION OF PROJECTS.--Pursuant to Section 6-21-6 NMSA 1978, the legislature authorizes the New Mexico finance authority to make loans from the public project revolving fund for public projects as defined in Section 6-21-3 NMSA 1978. Pursuant to Section 6-21-6 NMSA 1978, loans of one million dollars (\$1,000,000) or less do not require specific authorization and need not be identified in this act. Authorization is given to the New Mexico finance authority to make loans to the following qualified entities on terms and conditions established by the authority:

1. the academy for technology and the classics in Santa Fe county for building, equipment, infrastructure, land acquisition and refinancing projects;
2. Aggie development, incorporated, in Dona Ana county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport and public transportation system projects;
3. the city of Alamogordo in Otero county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights and solid waste projects;
4. the Alamogordo public school district in Otero county for building, equipment, infrastructure, education technology and land acquisition projects;
5. the city of Albuquerque in Bernalillo county for building, equipment, infrastructure, land acquisition, road, airport, public transportation system, public recreation facility and refinancing projects;
6. the Albuquerque public school district in Bernalillo county for building, equipment, infrastructure, education technology and land acquisition projects;
7. the city of Anthony in Dona Ana county for building, equipment, infrastructure, land acquisition, road, airport, public transportation system and public recreation facility projects;

8. the ASK academy in Sandoval county for building, equipment, infrastructure, land acquisition and refinancing projects;
9. the Aspire public improvement district in Bernalillo county for water, wastewater, water rights, solid waste, road, airport and public transportation system projects;
10. the Aztec municipal school district in San Juan county for building, equipment, infrastructure, education technology and land acquisition projects;
11. the city of Bayard in Grant county for building, equipment, infrastructure and land acquisition projects;
12. the Belen consolidated school district in Valencia county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport and public transportation system projects;
13. the city of Belen in Valencia county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinancing projects;
14. the city of Belen fire department in Valencia county for building, equipment, infrastructure and land acquisition projects;
15. Bernalillo county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;
16. the Bernalillo county metropolitan court in Bernalillo county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport and public transportation system projects;
17. the Bernalillo public school district in Sandoval county for building, equipment, infrastructure, education technology, land acquisition, water, wastewater, water rights, solid waste and refinance projects;
18. the city of Bloomfield in San Juan county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation projects;
19. the Bloomfield school district in San Juan county for building, equipment, infrastructure, education technology and land acquisition projects;
20. the Bluewater water and sanitation district in Cibola county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste,

road, airport, public transportation system, public recreation facility and refinance projects;

21. the village of Bosque Farms in Valencia county for water, wastewater, water rights and solid waste projects;

22. the Broadmoor Heights public improvement district in Sandoval county for water, wastewater, water rights, solid waste, road, airport and public transportation system projects;

23. the Cabezon public improvement district in Sandoval county for refinancing projects;

24. central New Mexico community college in Bernalillo county for building, equipment, infrastructure, land acquisition and refinancing projects;

25. the Cimarron municipal school district in Colfax county for building, equipment, infrastructure, land acquisition, education technology and refinancing projects;

26. the Camino Real regional water utility authority in Dona Ana county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

27. the city of Carlsbad in Eddy county for building, equipment, infrastructure and land acquisition projects;

28. the Carlsbad municipal school district in Eddy county for building, equipment, infrastructure, education technology, land acquisition and refinance projects;

29. the town of Carrizozo in Lincoln county for building, equipment, infrastructure and land acquisition projects;

30. the village of Causey in Roosevelt county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

31. the Central consolidated school district in San Juan county for building, equipment, infrastructure, education technology and land acquisition projects;

32. the village of Chama in Rio Arriba county for building, equipment, infrastructure and land acquisition projects;

33. Chaves county for building, equipment, infrastructure and land acquisition projects;



34. the village of Cimarron in Colfax county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

35. the town of Clayton in Union county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

36. the Clayton municipal school district in Union county for building, equipment, infrastructure, land acquisition, education technology, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

37. the village of Cloudcroft in Otero county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

38. the Cloudcroft municipal school district in Otero county for building, equipment, infrastructure, education technology and land acquisition projects;

39. the Clovis municipal school district in Curry county for building, equipment, infrastructure, land acquisition, education technology and refinancing projects;

40. the city of Clovis in Curry county for water, wastewater, water rights, solid waste, road, airport and public transportation system projects;

41. the Cobre consolidated school district in Grant county for building, equipment, infrastructure, land acquisition, education technology and refinancing projects;

42. Colfax county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

43. the village of Columbus in Luna county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

44. the village of Corrales in Sandoval county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinancing projects;

45. the village of Cuba in Sandoval county for water, wastewater, water rights and solid waste projects;

46. the Cuba independent school district in Sandoval county for building, equipment, infrastructure, land acquisition, education technology, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

47. Curry county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

48. the Deming public school district in Luna county for building, equipment, infrastructure, land acquisition, education technology, water, wastewater, water rights and solid waste projects;

49. the city of Deming in Luna county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

50. the department of transportation for building, equipment, infrastructure, land acquisition, road, airport, public transportation system and refinance projects;

51. the village of Dexter in Chaves county for building, equipment, infrastructure and land acquisition projects;

52. the Dexter consolidated school district in Chaves county for building, equipment, infrastructure, land acquisition, education technology and refinancing projects;

53. Dona Ana county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

54. the village of Dora in Roosevelt county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport and public transportation system projects;

55. the Dora consolidated school district in Roosevelt county for building, equipment, infrastructure, land acquisition, education technology, water, wastewater and solid waste projects;

56. the village of Eagle Nest in Colfax county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

57. East Mountain high school in Bernalillo county for building, equipment, infrastructure, land acquisition, education technology and public recreation projects;

58. the board of regents of eastern New Mexico university for refinancing, building acquisition and facility renovation projects at the Ruidoso branch campus of eastern New Mexico university in Lincoln county;

59. the board of regents of eastern New Mexico university in Roosevelt county for building, equipment, infrastructure and land acquisition projects;

60. the board of regents of eastern New Mexico university for the Roswell branch campus in Chaves county for building, equipment, infrastructure and land acquisition projects;

61. the East Rio Arriba soil and water conservation district in Rio Arriba county for building, equipment, infrastructure and land acquisition projects;

62. Eddy county for building, equipment, infrastructure and land acquisition projects;

63. the Eldorado area water and sanitation district in Santa Fe county for building, equipment, infrastructure and land acquisition projects;

64. the city of Elephant Butte in Sierra county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

65. the town of Elida in Roosevelt county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport and public transportation system projects;

66. El Prado water and sanitation district in Taos county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights and solid waste projects;

67. El Valle de Los Ranchos water and sanitation district in Taos county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights and solid waste projects;

68. the village of Encino in Torrance county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

69. the Entramosa water and wastewater association in Bernalillo county for water, wastewater, water rights and solid waste projects;

70. the city of Espanola in Rio Arriba county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

71. the Espanola public school district in Rio Arriba and Santa Fe counties for building, equipment, infrastructure, land acquisition, education technology, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

72. the Estancia Moriarty Willard Torrance county regional water association in Torrance county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste and refinance projects;

73. the town of Estancia in Torrance county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

74. the city of Eunice in Lea county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinancing projects;

75. the Farmington municipal school district in San Juan county for building, equipment, infrastructure, land acquisition, education technology and refinance projects;

76. the village of Fort Sumner in De Baca county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste and public recreation facility projects;

77. the Gadsden independent school district in Dona Ana county for building, equipment, infrastructure, land acquisition and education technology projects;

78. the city of Gallup in McKinley county for water, wastewater, water rights, solid waste, road, airport and public transportation system projects;

79. the Gallup-McKinley county school district in McKinley county for building, equipment, infrastructure, land acquisition, education technology and refinancing projects;

80. the Gila regional medical center in Grant county for building, equipment, infrastructure and land acquisition projects;

81. the village of Grady in Curry county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste and public recreation facility projects;

82. the Grady municipal school district in Curry county for building, equipment, infrastructure, education technology and land acquisition projects;

83. the city of Grants in Cibola county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;
84. Grant county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;
85. the board of regents of New Mexico state university for the Grants campus in Cibola county for building, equipment, infrastructure and land acquisition projects;
86. the town of Hagerman in Chaves county for water, wastewater, water rights, solid waste, road, airport and public transportation system projects;
87. Hidalgo county for building, equipment, infrastructure, land acquisition, road, airport, public transportation system and public recreation facility projects;
88. the city of Hobbs in Lea county for building, equipment, infrastructure and land acquisition projects;
89. the Hondo Valley public school district in Lincoln county for building, equipment, infrastructure, land acquisition, education technology, water, wastewater, water rights and solid waste projects;
90. the House municipal school district in Quay county for building, equipment, infrastructure, education technology and land acquisition projects;
91. the village of House in Quay county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport and public transportation system projects;
92. Indian Pueblos marketing, incorporated, in Bernalillo county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;
93. the Indian Pueblo cultural center in Bernalillo county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;
94. Indian Pueblo marketing 3, incorporated, limited liability company, in Bernalillo county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

95. Indian Pueblo marketing 6, incorporated, limited liability company, in Bernalillo county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

96. the Jal public school district in Lea county for building, equipment, infrastructure, land acquisition, education technology, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

97. the city of Jal in Lea county for water, wastewater, solid waste, water rights, road, airport, public transportation system and public recreation facility projects;

98. the Jemez Valley public school district in Sandoval county for building, equipment, infrastructure, education technology and land acquisition projects;

99. Kewa enterprises, incorporated, in Sandoval county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

100. Kewa gas, limited, in Sandoval county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

101. the Kewa Pueblo health corporation in Sandoval county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

102. the Laguna healthcare corporation in Cibola county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

103. the Laguna development corporation in Cibola county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

104. the Laguna economic advancement, limited liability corporation, in Cibola county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

105. the Las Vegas city public school district in San Miguel county for building, equipment, infrastructure, education technology, land acquisition, refinancing, recreation facility and school-based health center improvement projects;

106. La Union mutual domestic sewer and water association in Dona Ana county for water, wastewater, water rights and solid waste projects;

107. the village of Logan in Quay county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

108. the city of Lordsburg in Hidalgo county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

109. the Lordsburg municipal school district in Hidalgo county for building, equipment, infrastructure, land acquisition and education technology projects;

110. Los Alamos county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility, broadband infrastructure and economic development projects;

111. the Los Lunas public school district in Valencia county for building, equipment, infrastructure, education technology, land acquisition and public recreation facility projects;

112. the village of Los Lunas in Valencia county for water, wastewater, water rights, solid waste, road, airport and public transportation system projects;

113. the village of Los Ranchos de Albuquerque in Bernalillo county for building, equipment, infrastructure and land acquisition projects;

114. the Loving municipal school district in Eddy county for building, equipment, infrastructure, education technology and land acquisition projects;

115. the Lovington municipal school district in Lea county for building, equipment, infrastructure, education technology, land acquisition, refinancing and public recreation facility projects;

116. Luna county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights and solid waste projects;

117. the Magdalena municipal school district in Socorro county for building, equipment, infrastructure, education technology, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

118. McKinley county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights and solid waste projects;
119. the Media Arts Collaborative charter school in Bernalillo county for building, equipment, infrastructure, land acquisition, education technology and refinancing projects;
120. the Melrose public school district in Curry county for building, equipment, infrastructure, land acquisition and education technology projects;
121. the Mesa Vista consolidated school district in Rio Arriba county for building, equipment, infrastructure, education technology and land acquisition projects;
122. the town of Mesilla in Dona Ana county for building, equipment, infrastructure and land acquisition projects;
123. the middle Rio Grande conservancy district in Bernalillo county for building, equipment, infrastructure and land acquisition projects;
124. the village of Milan in Cibola county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;
125. the Moriarty-Edgewood school district in Tarrant county for building, equipment, infrastructure, land acquisition and education technology projects;
126. the city of Moriarty in Tarrant county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, refinancing and public recreation facility projects;
127. the town of Mountainair in Tarrant county for water, wastewater, water rights, solid waste, road, airport and public transportation system projects;
128. the Nambe Pueblo development corporation in Santa Fe county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;
129. the Navajo tribal utility authority in San Juan county for building, equipment, infrastructure and land acquisition projects;
130. the board of regents of the New Mexico military institute in Chaves county for building, equipment, infrastructure and land acquisition projects;
131. the board of regents of New Mexico state university in Dona Ana county for the arrowhead center for building, equipment, infrastructure, land acquisition, water,



wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

132. the board of regents of New Mexico state university in Dona Ana county for building, equipment, infrastructure, land acquisition, refinancing and recreation facility projects;

133. the board of regents of northern New Mexico state school in Rio Arriba county for building, equipment, infrastructure and land acquisition projects;

134. the north central regional transit district in Santa Fe, Rio Arriba, Los Alamos and Taos counties for building, equipment, infrastructure, land acquisition and public transportation system projects;

135. the northwest New Mexico regional solid waste authority in Cibola and McKinley counties for building, equipment, infrastructure and land acquisition projects;

136. the Pojoaque Valley public school district in Santa Fe county for building, equipment, infrastructure, education technology, land acquisition and public recreation facility projects;

137. the city of Portales in Roosevelt county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

138. the Portales municipal school district in Roosevelt county for building, equipment, infrastructure, education technology and land acquisition projects;

139. the Pueblo of Santa Ana in Sandoval county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights and solid waste projects;

140. Quay county for building, equipment, infrastructure and land acquisition projects;

141. the Quemado independent school district in Catron county for building, equipment, infrastructure, education technology, land acquisition and public recreation facility projects;

142. the village of Questa in Taos county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

143. the Questa independent school district in Taos county for building, equipment, infrastructure, education technology and land acquisition projects;

144. the city of Raton in Colfax county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport and public transportation system projects;

145. the Raton public school district in Colfax county for building, equipment, infrastructure, education technology, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

146. Rio Arriba county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, refinancing and public recreation facility projects;

147. the Rio Rancho public school district in Sandoval county for building, equipment, infrastructure, education technology, land acquisition and refinance projects;

148. Roosevelt county for building, equipment, infrastructure, land acquisition, road, airport, public transportation system and public recreation facility projects;

149. the Roswell independent school district in Chaves county for building, equipment, infrastructure, education technology, land acquisition, water, wastewater, water rights, solid waste, road, airport, school transportation system, refinancing and public recreation facility projects;

150. the city of Ruidoso Downs in Lincoln county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

151. the village of Ruidoso in Lincoln county for building, equipment, infrastructure, education technology, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

152. the Ruidoso municipal school district in Lincoln county for building, equipment, infrastructure, education technology, land acquisition, water, wastewater, water rights, solid waste, road, public transportation system, public recreation facility and refinancing projects;

153. Sandoval county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

154. the San Jon municipal school district in Quay county for building, equipment, infrastructure, education technology and land acquisition projects;

155. the San Juan regional medical center in San Juan county for building, equipment, infrastructure and land acquisition projects;

156. San Miguel county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinancing projects;

157. the Santa Ana hospitality corporation, a wholly owned enterprise of the Pueblo of Santa Ana, in Sandoval county for building, equipment, infrastructure, recreation and land acquisition projects;

158. the village of Santa Clara in Grant county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

159. Santa Fe county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

160. the city of Santa Fe water division in Santa Fe county for water, wastewater, water rights and solid waste projects;

161. the governing board of Santa Fe community college in Santa Fe county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

162. the Pueblo of Santo Domingo in Sandoval county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

163. the Santo Domingo tribal housing authority in Sandoval county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

164. the village of San Ysidro in Sandoval county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

165. the town of Silver City in Grant county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

166. the Socorro consolidated school district in Socorro county for building, equipment, infrastructure, education technology and land acquisition projects;

167. Socorro county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and energy efficiency projects;

168. the south central solid waste authority in Dona Ana county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights and solid waste projects;

169. the southwest solid waste authority in Grant county for building, equipment, infrastructure, water, wastewater, water rights and solid waste projects;

170. the town of Springer in Colfax county for building, equipment, infrastructure and land acquisition projects;

171. the state parks division of the energy, minerals and natural resources department for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

172. the town of Taos in Taos county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

173. the Pueblo of Taos in Taos county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system, public recreation facility and refinance projects;

174. the Taos Pueblo business development corporation in Taos county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and refinance projects;

175. the Taos Pueblo housing authority in Taos county for building, equipment, infrastructure and land acquisition projects;

176. the Taos Pueblo utility service in Taos county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights and solid waste projects;

177. the Tatum municipal school district in Lea county for building, equipment, infrastructure, education technology and land acquisition projects;

178. the Pueblo of Tesuque in Santa Fe county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights and solid waste projects;

179. the Texico municipal school district in Curry county for building, equipment, infrastructure, land acquisition, education technology and public recreation facility projects;

180. the Tierra del Oro public improvement district in Sandoval county for water, wastewater, water rights, solid waste, road, airport and public transportation system projects;

181. the village of Tijeras in Bernalillo county for water, wastewater, water rights and solid waste projects;

182. the city of Truth or Consequences in Sierra county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

183. the Tucumcari public school district in Quay county for building, equipment, infrastructure, education technology and land acquisition projects;

184. the Tularosa municipal school district in Otero county for building, equipment, infrastructure, education technology, land acquisition and public recreation facility projects;

185. the 21st Century public academy in Bernalillo county for building, equipment, infrastructure and land acquisition projects;

186. Valencia county for building, equipment, infrastructure, land acquisition, road, airport, public transportation system and public recreation facility projects;

187. the Valencia public improvement district in Dona Ana county for water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects;

188. the town of Vaughn in Guadalupe county for water, wastewater, water rights, solid waste, road, airport and public transportation system projects;

189. the Wagon Mound public school district in Mora county for building, equipment, infrastructure, education technology and land acquisition projects; and

190. the village of Willard in Torrance county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste, road, airport, public transportation system and public recreation facility projects.

## **Chapter 7 Section 2 Laws 2022**

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 2025 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 7 Section 3 Laws 2022**

SECTION 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

## **LAWS 2022, CHAPTER 8**

**House Bill 56**

**Approved February 28, 2022**

AN ACT

RELATING TO VETERINARY MEDICINE; REQUIRING ISSUANCE OF SIX-MONTH, TEMPORARY PERMITS TO PRACTICE VETERINARY MEDICINE TO CERTAIN NONRESIDENT VETERINARIANS EMPLOYED BY OR CONTRACTED WITH THE STATE, A MUNICIPALITY OR A COUNTY TO PROVIDE VETERINARY SERVICES AT NATIONALLY ACCREDITED ZOOS OR AQUARIUMS LOCATED IN NEW MEXICO.

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

## **Chapter 8 Section 1 Laws 2022**

SECTION 1. Section 61-14-10 NMSA 1978 (being Laws 1967, Chapter 62, Section 7, as amended) is amended to read:

"61-14-10. LICENSE BY ENDORSEMENT.--

A. Pursuant to its regulations, the board may issue a license without written examination, except an examination on state laws and other state and federal regulations related to the practice of veterinary medicine, to a qualified applicant who furnishes satisfactory evidence that the applicant is a veterinarian and has, for the five years next prior to filing the application, been a practicing veterinarian and licensed in a state, territory or district of the United States having license requirements at the time the applicant was first licensed that were substantially equivalent to the requirements of the Veterinary Practice Act.

B. Pursuant to its regulations, the board may issue, with examination, a limited practice license in veterinary medicine, which limited practice license shall describe adequately that area of veterinary medicine that the licensee is entitled to practice.

C. At its discretion, the board may examine, orally or practically, any person qualifying for a license under this section.

D. The board may issue without examination a temporary permit to practice veterinary medicine to:

(1) a qualified applicant for a license pending examination, provided the applicant is a graduate veterinarian and employed by and working under the direct supervision of a licensed veterinarian; provided that:

(a) the temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued;

(b) a qualified applicant for a license pending examination may, at the board's discretion, be exempted from the requirement of working under the direct supervision of a licensed veterinarian, provided the applicant submits a written request for such exemption; and

(c) no additional temporary permit shall be issued to an applicant who has failed the required components of the New Mexico examination in this or any other state or any other territory, district or commonwealth of the United States; or

(2) a nonresident veterinarian validly licensed and in good standing with the licensing authority in another state, territory, district or commonwealth of the United States; provided that:

(a) except as otherwise provided in Subparagraph (b) of this paragraph, the temporary permit shall be issued for a period lasting no more than sixty days, not more than one permit shall be issued to the nonresident veterinarian during a calendar year and no more than two sixty-day, temporary permits shall be issued to the nonresident veterinarian; and

(b) if a nonresident veterinarian is employed by or has a contract with the state, a municipality or a county to provide veterinary services at a nationally accredited zoo or aquarium located in New Mexico, the temporary permit shall be issued for a period lasting no more than six months and no more than two consecutive six-month, temporary permits shall be issued to any one individual.

E. A temporary permit to practice veterinary medicine may be summarily revoked by a majority vote of the board without a hearing."

## **LAWS 2022, CHAPTER 9**

**House Bill 57, aa**  
**Approved February 28, 2022**

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; ADJUSTING SCHOOL DISTRICTS' AND CHARTER SCHOOLS' FISCAL YEAR 2023 TRANSPORTATION DISTRIBUTION CALCULATIONS FOR EFFECTS OF THE CORONAVIRUS DISEASE 2019 PANDEMIC ON TRANSPORTATION; MAKING TEMPORARY ADJUSTMENTS TO TRANSPORTATION DISTRIBUTIONS.

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

**Chapter 9 Section 1 Laws 2022**

SECTION 1. 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. On the second reporting date and the third reporting date 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 each respective reporting date of the current year:

(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, including special education students, transported on each reporting date of the current year 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, calculated and distributed for the entire school year using an average of the amounts reported pursuant to Subsection A of this section on the second reporting date and third reporting date of the prior school year, and are subject to audit and verification; provided that for fiscal years 2022 and 2023, the state transportation director shall use an average of the amounts reported pursuant to Subsection A of this section on the second and third reporting dates of fiscal year 2020.

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 9 Section 2 Laws 2022**

SECTION 2. 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; provided that for fiscal years 2022 and 2023, the coefficients shall be calculated by regressing the total operational expenditures from fiscal year 2019;

(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 operational 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. The adjustment factor shall be applied to the calculation.

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."

## **Chapter 9 Section 3 Laws 2022**

SECTION 3. TEMPORARY PROVISION.--Notwithstanding the provisions of the Public School Finance Act, for a state-chartered charter school that did not operate a to-and-from school transportation program in fiscal year 2019 or 2020 but did operate a to-and-from school transportation program in fiscal year 2022, the public education department shall use data from fiscal year 2022 to calculate the transportation distribution for fiscal year 2023.

## **LAWS 2022, CHAPTER 10**

**House Bill 37, aa**  
**Approved February 28, 2022**

AN ACT

RELATING TO UTILITIES; ENACTING THE COMMUNITY ENERGY EFFICIENCY DEVELOPMENT BLOCK GRANT ACT; CREATING A GRANT PROGRAM TO IMPLEMENT ENERGY EFFICIENCY MEASURES IN LOW-INCOME HOUSEHOLDS; AUTHORIZING THE NEW MEXICO MORTGAGE FINANCE AUTHORITY TO APPLY FOR COMMUNITY ENERGY EFFICIENCY DEVELOPMENT BLOCK GRANTS; DIRECTING RULEMAKING; CREATING A FUND.

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

## **Chapter 10 Section 1 Laws 2022**

SECTION 1. SHORT TITLE.--This act may be cited as the "Community Energy Efficiency Development Block Grant Act".

## **Chapter 10 Section 2 Laws 2022**

SECTION 2. DEFINITIONS.--As used in the Community Energy Efficiency Development Block Grant Act:

A. "affordable housing" means residential housing primarily for low-income persons, including housing currently occupied by low-income persons or housing that is affordable to low-income persons based on assessed value, rent or estimated mortgage;

B. "community energy efficiency project" means a project that provides improvements to residential buildings in an underserved community that will in the aggregate reduce energy consumption, energy-related operating costs or the carbon intensity of energy consumption;

C. "community partner" means an organization that provides services or outreach to an underserved community to implement a community energy efficiency project;

D. "department" means the energy, minerals and natural resources department;

E. "division" means the energy conservation and management division of the department;

F. "energy efficiency" means measures that target efficient energy consumer behavior, equipment or devices and result in a decrease in energy consumption without reducing the amount or quality of energy services, and includes health and safety measures that use efficient equipment or devices to improve indoor air or drinking water quality;

G. "low-income person" means an individual, couple or family whose annual household adjusted gross income, as defined in Section 62 of the federal Internal Revenue Code of 1986, as that section may be amended or renumbered, does not exceed two hundred percent of the federal poverty level;

H. "registered apprenticeship program that promotes diversity" means an apprenticeship program registered pursuant to the Apprenticeship Assistance Act that encourages diversity among participants, participation by those underrepresented in the industry associated with the apprenticeship program and participation from disadvantaged communities as determined by the workforce solutions department;

I. "residential housing" means:

(1) a building, structure or portion thereof that is primarily occupied or designed for or intended primarily for occupancy as a residence by one or more households, including congregate housing, manufactured homes and other facilities; or

(2) real property that is offered for sale or lease for the construction or location on that real property of a building, structure or portion thereof that is intended primarily for occupancy as a residence by one or more households; and

J. "underserved community" means an area in the state, including a county, municipality or neighborhood, or subset of an area, where:

(1) the median adjusted gross income, as defined in Section 62 of the Internal Revenue Code of 1986, as that section may be amended or renumbered, does not exceed two hundred percent of the federal poverty level; or

(2) there is a high energy burden or limited access to energy efficiency services as determined by department rule.

## **Chapter 10 Section 3 Laws 2022**

### **SECTION 3. COMMUNITY ENERGY EFFICIENCY DEVELOPMENT BLOCK GRANT--PROGRAM CREATED--RULEMAKING--REPORT TO LEGISLATURE.--**

A. The "community energy efficiency development program" is created and shall be administered by the division.

B. If state or federal funds have been deposited into the community energy efficiency block grant fund, the department shall:

(1) adopt rules to:

(a) administer the community energy efficiency development program;

(b) restrict eligibility for certain funds, if required by the entity that provided the funding to the program;

(c) govern the acceptance, evaluation and prioritization of applications submitted by qualified entities for grants made pursuant to the Community Energy Efficiency Development Block Grant Act;

(d) determine whether the status of a person or household is low-income; and

(e) assess whether the value, rent or estimated mortgage of residential housing is affordable to low-income persons;

(2) solicit, review and prioritize community energy efficiency project applications;

(3) make grants for community energy efficiency projects from the community energy efficiency development block grant fund; and

(4) approve and enter into contracts with grantees to implement selected community energy efficiency projects; provided that the contracts shall include project performance measures, penalties or other provisions that ensure the successful completion of the projects in accordance with Article 9, Section 14 of the constitution of New Mexico and shall require reporting on project performance, energy savings and non-energy benefits resulting from the energy efficiency measures.

C. The department shall not be required to carry out the responsibilities in Subsection B of this section in any year that there are insufficient funds available for making grants in the community energy efficiency block grant fund.

D. In a year in which state or federal funds have been deposited into the community energy efficiency block grant fund or in which a community energy efficiency project is in operation, the department and the New Mexico mortgage finance authority shall coordinate the work done in the state to implement energy efficiency measures.

E. By November 1 of each year in which a community energy efficiency project is in operation, the department shall provide to the interim legislative committee that addresses the status of the development of energy efficiency measures and programs a report on the status of participation in the community energy efficiency development program by people in underserved communities, the types of projects funded by grants made through the program and any recommended changes with respect to the program.

## **Chapter 10 Section 4 Laws 2022**

### **SECTION 4. COMMUNITY ENERGY EFFICIENCY PROJECT REQUIREMENTS.--**

A. A county, municipality, Indian nation, tribe or pueblo or the New Mexico mortgage finance authority may submit an application to the department for a grant for a community energy efficiency project.

B. An application shall:

(1) describe the community energy efficiency project for which a grant is requested and how the project would support infrastructure improvements for affordable housing;

(2) describe how the community energy efficiency project would benefit an underserved community in which it is located;

(3) identify the targeted underserved community;

(4) set forth the energy efficiency improvements to residential units located within an underserved community that meet the following eligibility criteria pursuant to Article 9, Section 14 of the constitution of New Mexico:

(a) residential housing units occupied by low-income persons within an underserved community; or

(b) residential housing units within an underserved community that otherwise meet the criteria for housing that is affordable to low-income persons as established by the department in rule;

(5) propose a series of energy efficiency measures expected to reduce energy use in targeted households and the estimated reduction of energy use from the implementation of the measures;

(6) identify a service provider that will implement the energy efficiency measures in targeted households and set forth the experience of the service provider in working with the targeted underserved community;

(7) identify one or more community partners that will identify and work with targeted households to implement a community energy efficiency project in an underserved community and set forth the experience of the community partner in working with the targeted underserved community;

(8) set forth any commitment by a service provider or community partner to employ apprentices from a registered apprenticeship program that promotes diversity or to provide paid internships to persons from the targeted underserved community; and

(9) provide a project budget detailing anticipated expenditures and additional sources of funding that would complement a grant obtained pursuant to the Community Energy Efficiency Development Block Grant Act.

C. Notwithstanding the application requirements of Subsection B of this section, the New Mexico mortgage finance authority may submit an application that:

(1) describes the community energy efficiency project for which a grant is requested and how the project would support infrastructure improvements for affordable housing that would complement and not duplicate other energy efficiency programs in the state;

(2) either meets the requirements of Paragraphs (2) through (4) of Subsection B of this section or sets forth the energy efficiency improvements to residential housing units, regardless of whether the residential housing units are located in an underserved community; provided that the residential housing units meet the eligibility criteria established by the New Mexico mortgage finance authority pursuant to Article 9, Section 14 of the constitution of New Mexico; and provided further that the application describes how energy efficiency improvements to the residential housing units will help to reduce the energy burden of low-income households that may not qualify for other energy efficiency programs in the state;

(3) proposes a series of energy efficiency measures expected to reduce energy use in targeted households and the estimated reduction of energy use from the implementation of the measures;

(4) identifies a service provider that will implement the energy efficiency measures in targeted households and sets forth the experience of the service provider in working with underserved communities;

(5) identifies one or more community partners that will identify and work with targeted households and sets forth the experience of the community partner in working with underserved communities; and

(6) provides a project budget detailing anticipated expenditures and additional sources of funding that would complement a grant awarded pursuant to the Community Energy Efficiency Development Block Grant Act.

D. The department may require that applications meet additional criteria consistent with the goal of improving the energy efficiency, livability or public health and safety of affordable housing in underserved communities.

## **Chapter 10 Section 5 Laws 2022**

### **SECTION 5. REQUIRED GRANT OF AUTHORITY.--**

A. The Community Energy Efficiency Development Block Grant Act is enacted to allow the state, a county or a municipality to provide or pay the costs of financing infrastructure necessary to support affordable housing projects as provided by Article 9, Section 14 of the constitution of New Mexico.

B. Prior to the department's final approval of an application for a grant pursuant to the Community Energy Efficiency Development Block Grant Act, an

applicant that is a county or a municipality shall provide the department with a copy of the ordinance enacted by the county or municipality that provides the county's or municipality's formal approval for a specific community energy efficiency development block grant and includes in the ordinance the terms and conditions of the grant approved by the department. The department shall not approve an application for a community energy efficiency project if the county or municipality fails to enact an ordinance that gives formal approval for the terms and conditions approved by the department for the community energy efficiency development block grant and includes in the ordinance those exact terms and conditions.

C. Prior to the department's final approval of an application for a grant pursuant to the Community Energy Efficiency Development Block Grant Act, an applicant that is an Indian nation, tribe or pueblo shall provide the department with a copy of a resolution enacted by the Indian nation, tribe or pueblo that provides the Indian nation's, tribe's or pueblo's formal approval for a specific community energy efficiency development block grant and includes in the ordinance the terms and conditions of the grant approved by the department. The department shall not approve an application for a community energy efficiency project if the Indian nation, tribe or pueblo fails to enact a resolution that gives formal approval for the terms and conditions approved by the department for the community energy efficiency development block grant and includes in the resolution those exact terms and conditions.

D. Prior to the department's final approval of an application from the New Mexico mortgage finance authority for a grant pursuant to the Community Energy Efficiency Development Block Grant Act, the New Mexico mortgage finance authority shall provide the department with formal approval of the New Mexico mortgage finance authority to accept a specific community energy efficiency development block grant.

## **Chapter 10 Section 6 Laws 2022**

### **SECTION 6. SELECTION OF COMMUNITY ENERGY EFFICIENCY PROJECTS.--**

A. When reviewing and selecting community energy efficiency projects for grants from the community energy efficiency development block grant fund, the department shall consider:

- (1) the estimated reduction in energy use from the project;
- (2) the geographic diversity of the portfolio of community energy efficiency projects to be approved by the department;
- (3) the experience of each community partner or service provider identified in the application in working with the targeted underserved community;



(4) whether the application includes a commitment by a service provider or community partner to employ apprentices from a registered apprenticeship program that promotes diversity or to provide paid internships to persons from the targeted underserved communities;

(5) the value of the project as a demonstration project to provide data for the effectiveness of implementing similar projects elsewhere; and

(6) the degree to which the project benefits an underserved community, including any non-energy benefits and health benefits provided by the project.

B. Provided that the criteria are published in the project solicitation, the department may further consider in its review and selection of community energy efficiency projects:

(1) the degree to which the project will protect public health, including protecting underserved communities from a public health threat such as the coronavirus disease 2019;

(2) the degree to which the project will contribute to economic recovery, including from the coronavirus disease 2019 pandemic; or

(3) the degree to which the project will reduce economic hardship of individual families due to the coronavirus disease 2019 pandemic.

C. In considering an application from the New Mexico mortgage finance authority, the department shall consider whether full or partial funding of the New Mexico mortgage finance authority application would:

(1) promote geographic diversity of the portfolio of community energy efficiency projects;

(2) reduce the energy burden of low-income persons, within or outside of underserved communities, who would not be likely to otherwise receive energy efficiency improvements through other state programs; or

(3) help create a portfolio of community energy efficiency projects that would best meet the goals of the Community Energy Efficiency Development Block Grant Act.

## **Chapter 10 Section 7 Laws 2022**

SECTION 7. COMMUNITY ENERGY EFFICIENCY DEVELOPMENT BLOCK GRANT FUND CREATED--ADMINISTRATION.--

A. The "community energy efficiency development block grant fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations to the fund, federal funding for purposes consistent with the fund and income from investment of the fund; provided that federal funding allocated to the state for the federal weatherization assistance program pursuant to 42 U.S.C. Section 6863 or the federal low income home energy assistance program pursuant to 42 U.S.C. Sections 8621 through 8630 shall not be deposited in the fund without the written approval of the appropriate federal agency and the New Mexico mortgage finance authority. Expenditures from the fund shall be made on warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of energy, minerals and natural resources or the secretary's authorized representative.

B. Money in the fund is subject to appropriation by the legislature to the department to carry out the purposes of the Community Energy Efficiency Development Block Grant Act, including the administrative costs of the department; provided that money in the fund that is derived from the federal government may be expended by the department without legislative authorization for any purpose that is consistent with the goal of reducing the energy burden of low-income persons or underserved communities as otherwise allowed by law, including carrying out the community energy efficiency development block grant program and the administrative costs of the department.

## **LAWS 2022, CHAPTER 11**

**House Bill 171, aa**  
**Approved February 28, 2022**

### **AN ACT**

RELATING TO AVIATION; AMENDING THE RURAL AIR SERVICE ENHANCEMENT ACT TO BROADEN ELIGIBILITY FOR RURAL AIR SERVICE ENHANCEMENT GRANTS; INCREASING THE AMOUNT OF GRANTS; ALLOWING THE DIRECTOR OF THE AVIATION DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO EXTEND THE TIME FRAME OF EXISTING GRANTS; MAKING AN APPROPRIATION.

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

### **Chapter 11 Section 1 Laws 2022**

SECTION 1. Section 64-6-2 NMSA 1978 (being Laws 2021, Chapter 47, Section 2) is amended to read:

"64-6-2. DEFINITIONS.--As used in the Rural Air Service Enhancement Act:

A. "air route" means any scheduled operation or public charter;

B. "charter flight" means a flight operated under the terms of a charter contract between a direct air carrier and the carrier's customer. "Charter flight" does not include scheduled air transportation, scheduled foreign air transportation or nonscheduled cargo air transportation, sold on an individually ticketed or individually waybilled basis;

C. "department" means the department of transportation;

D. "director" means the director of the division;

E. "division" means the aviation division of the department;

F. "expanded air route" means an air route served by the rural air service enhancement grant program that expands passenger capacity or the number of scheduled operations or public charter flights from what was served at the time a grant was made;

G. "minimum revenue guarantee" means the amount of money guaranteed by a municipality or county to be earned by an airline providing scheduled air services to and from that municipality or county, which is the difference between the minimum flight charge revenue specified in the contract between the municipality or county and the airline and the amount of actual flight charge revenue received by the airline that is less than that contractual amount;

H. "new air route" means an air route to be served by the rural air service enhancement grant program that was not served prior to January 1, 2021;

I. "public charter" means a one-way or round-trip charter flight to be performed by one or more direct air carriers that is arranged and sponsored by a charter operator; and

J. "scheduled operation" means any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier for which the air carrier or the air carrier's representatives offers in advance the departure location, departure time and arrival location."

## **Chapter 11 Section 2 Laws 2022**

SECTION 2. Section 64-6-3 NMSA 1978 (being Laws 2021, Chapter 47, Section 3) is amended to read:

"64-6-3. RURAL AIR SERVICE ENHANCEMENT GRANT PROGRAM.--

A. The "rural air service enhancement grant program" is created in the division to be administered by the director.

B. The director shall:

- (1) establish and publish deadlines and guidelines for the submission of grant applications;
- (2) develop procedures for receipt, review and approval of grant applications;
- (3) receive, review and approve grant applications;
- (4) monitor municipalities' and counties' use of grant money by reviewing annual reports submitted to the director to ensure that grants are used consistently with the terms of the grant awards;
- (5) establish grant reporting requirements that meet the general purpose of the Rural Air Service Enhancement Act; and
- (6) perform other duties as necessary to carry out the provisions of the Rural Air Service Enhancement Act.

C. Each fiscal year, competitive grants for minimum revenue guarantees shall be awarded to applicants for the sole purpose of funding rural air service enhancement grants.

D. The director shall award grants to applicants through a competitive process and based upon the following criteria:

- (1) the demand for service on the proposed new air routes or expanded air routes;
- (2) the economic impact on the municipality or county of the proposed new air routes or expanded air routes; and
- (3) the feasibility of a common carrier licensed by the state servicing proposed new air routes or expanded air routes.

E. Applicants shall meet the following minimum criteria to be eligible for a grant:

- (1) municipalities or counties shall have a minimum population of twenty thousand persons residing within a fifty-mile radius of the airport unless the municipality or county has existing air routes;
- (2) aircraft to be used to service proposed new air routes or expanded air routes served by the rural air service enhancement grant program shall have a passenger capacity of not more than thirty persons; and

(3) minimum matching funds from a municipality or county shall be:

(a) ten percent if the municipality or county has no existing scheduled air routes at the time of application; and

(b) twenty percent if the municipality or county has existing scheduled air routes at the time of application.

F. Individual grants awarded through the rural air service enhancement grant program shall not:

(1) exceed two million two hundred fifty thousand dollars (\$2,250,000) per year for municipalities or counties with existing scheduled air routes;

(2) exceed two million seven hundred fifty thousand dollars (\$2,750,000) per year for municipalities or counties not served by existing scheduled air routes; or

(3) be used for infrastructure improvement.

G. Individual grants awarded through the rural air service enhancement grant program shall cover a time frame of at least two years. If funds are available in the rural air service enhancement fund, the director may extend the term of an existing grant up to three additional years.

H. No more than ten percent of the balance of the rural air service enhancement fund on July 1 of any year may be used by the division for infrastructure improvements associated with individual grants awarded through the rural air service enhancement grant program.

I. Funds received through individual grants awarded through the rural air service enhancement grant program shall be expended by the grantee municipality or county only to airlines that have been selected through a competitive process pursuant to the Procurement Code."

## **Chapter 11 Section 3 Laws 2022**

SECTION 3. Section 64-6-4 NMSA 1978 (being Laws 2021, Chapter 47, Section 4) is amended to read:

"64-6-4. GRANT APPLICATIONS.--A municipality or county may submit an application to the director for a rural air service enhancement grant. An applicant shall comply with deadlines and guidelines published by the director. A grant application shall include:

- A. a description of the facility that will serve the proposed new air routes or expanded air routes;
- B. an estimate of the demand for the proposed new air routes or expanded air routes;
- C. identification of the air common carrier that will service the proposed new air routes or expanded air routes and the aircraft to be used on the proposed air routes;
- D. a description of existing air routes serving the applicant;
- E. a description and schedule of the proposed new air routes or expanded air routes to serve the applicant;
- F. a justification for the proposed air routes;
- G. the requested grant amount and the amount of any matching funds; and
- H. the time frame for a commitment to subsidize the proposed new air routes or expanded air routes."

## **Chapter 11 Section 4 Laws 2022**

SECTION 4. Section 64-6-5 NMSA 1978 (being Laws 2021, Chapter 47, Section 5) is amended to read:

"64-6-5. RURAL AIR SERVICE ENHANCEMENT FUND--CREATED.--

A. The "rural air service enhancement fund" is created as a nonreverting fund in the state treasury. All appropriations, gifts, devises, grants and donations received shall be deposited in the fund. Money in the fund is appropriated to the division for the purpose of carrying out the rural air service enhancement grant program and related infrastructure improvements pursuant to the provisions of the Rural Air Service Enhancement Act.

B. The fund shall be administered by the division. Disbursements from the fund shall be made only upon warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the director or the director's designee for the purpose of carrying out the rural air service enhancement grant program and related infrastructure improvements pursuant to the provisions of the Rural Air Service Enhancement Act."

## **LAWS 2022, CHAPTER 12**

**SJC/Senate Bill 84**  
**Approved February 28, 2022**

## AN ACT

RELATING TO PROCUREMENT; ENACTING THE TRANSPORTATION CONSTRUCTION MANAGER GENERAL CONTRACTOR ACT TO PROVIDE AN ALTERNATIVE PROJECT DELIVERY METHOD FOR CERTAIN DEPARTMENT OF TRANSPORTATION PROJECTS; PROVIDING ANOTHER EXCEPTION TO THE COMPETITIVE SEALED BID REQUIREMENT; ELIMINATING THE CAP FOR DESIGN AND BUILD PROCUREMENT FOR CERTAIN TRANSPORTATION PROJECTS; SPECIFYING ALTERNATIVES TO THE DESIGN-BID-BUILD PROJECT DELIVERY METHOD FOR TRANSPORTATION PROJECTS.

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

### **Chapter 12 Section 1 Laws 2022**

SECTION 1. A new section of the Procurement Code, Section 13-1-122.1 NMSA 1978, is enacted to read:

"13-1-122.1. SHORT TITLE.--Sections 13-1-122.1 through 13-1-122.4 NMSA 1978 may be cited as the "Transportation Construction Manager General Contractor Act"."

### **Chapter 12 Section 2 Laws 2022**

SECTION 2. A new section of the Procurement Code, Section 13-1-122.2 NMSA 1978, is enacted to read:

"13-1-122.2. DEFINITIONS.--As used in the Transportation Construction Manager General Contractor Act:

A. "construction manager general contractor" means a person who, pursuant to a contract with the department, provides preconstruction services, construction management and construction services required for a project;

B. "construction manager general contractor delivery method" means a project delivery method in which a contract for construction manager general contractor services is procured separately from a contract for project design services and a contract for independent cost estimate services;

C. "department" means the department of transportation;

D. "guaranteed maximum price" means the maximum amount to be paid by the department for the construction of the project;

E. "preconstruction services" means consulting services related to construction management and construction provided during the transportation project design stage;

F. "project" means a state public works project for highway construction or reconstruction;

G. "project design services" means engineering services, surveying services or landscape architectural services; and

H. "secretary" means the secretary of transportation."

## **Chapter 12 Section 3 Laws 2022**

SECTION 3. A new section of the Procurement Code, Section 13-1-122.3 NMSA 1978, is enacted to read:

### **"13-1-122.3. CONSTRUCTION MANAGER GENERAL CONTRACTOR DELIVERY METHOD AUTHORIZED.--**

A. The secretary may use a construction manager general contractor delivery method on a project if the department makes a written determination that it is appropriate and in the best interest of the department to use this method of project delivery to procure an eligible project. The determination to use the construction manager general contractor delivery method shall be issued only after the department considers the following criteria, at a minimum:

- (1) the level of design and the extent to which the project requirements have been or can be adequately defined;
- (2) time constraints for project delivery;
- (3) project complexity;
- (4) the suitability of use of the construction manager general contractor delivery method; and
- (5) the capability of the department to manage the project, including experienced personnel or outside consultants.

B. The secretary shall not make a determination to use a construction manager general contractor delivery method unless the project is posted with such determination on the department's website for at least ninety days.

C. The secretary, in consultation with the professional associations and contractors from within the highway design and construction industry, shall promulgate



rules for solicitation and award of construction manager general contractor contracts. The rules shall establish criteria for selecting, procuring and contracting a project using the construction manager general contractor delivery method. The rules shall define the scope of the construction manager general contractor contract to require the construction manager general contractor to:

(1) provide a range of preconstruction services and participate in project design, cost control, scheduling and value engineering efforts for the project; and

(2) if the second phase of the contract is entered into, provide the construction work for the project or work packages associated with the project at a guaranteed maximum price for which the construction manager general contractor is financially responsible."

## **Chapter 12 Section 4 Laws 2022**

SECTION 4. A new section of the Procurement Code, Section 13-1-122.4 NMSA 1978, is enacted to read:

"13-1-122.4. CONSTRUCTION MANAGER GENERAL CONTRACTOR--MULTI-PHASED PROCEDURE.--

A. The selection procedure shall use a competitive sealed qualifications-based proposal method that conforms with Sections 13-1-111 through 13-1-117 NMSA 1978 and results in a professional services contract. The contract scope of work shall be divided into two separate but related phases:

(1) phase one for design consultation and preconstruction services; and

(2) phase two for project construction.

B. The department shall issue a separate request for proposals for each project that uses a construction manager general contractor delivery method.

C. The department's request for proposals for a construction manager general contractor contract shall contain, at a minimum, the following elements:

(1) a statement of the minimum qualifications for the construction manager general contractor, including requirements for:

(a) a contractor's license for the type of work to be performed, issued pursuant to the Construction Industries Licensing Act;

(b) registration pursuant to Section 13-4-13.1 NMSA 1978;

- (c) minimum bond capacity;
  - (d) the ability to self-perform, with its own organization, a minimum percentage of construction work as required and defined in the department's standard specifications for highway and bridge construction, current edition; and
  - (e) current registration as a prequalified contractor pursuant to rule promulgated by the department;
- (2) the procedures for submitting proposals, the criteria for evaluation of qualifications and the relative weight of the criteria;
  - (3) the form of contract to be awarded;
  - (4) a listing or description of the types of preconstruction and construction services that will be required;
  - (5) identification of requirements for liability insurance, a proposal bond pursuant to Section 13-1-146 NMSA 1978 and performance and payment bonds pursuant to Section 13-4-18 NMSA 1978;
  - (6) a description of the method to be used for pricing or negotiation of construction manager general contractor fees for the scope of services; and
  - (7) preferences as allowed by law in the Procurement Code for New-Mexico-based businesses and others.

D. The department shall use a selection committee for the evaluation of the qualifications submitted by offerors and shall determine the offerors that qualify for award of the construction manager general contractor contract. The department shall establish a construction manager general contractor selection committee by rule. The selection committee shall rank the offerors and provide a recommendation to the department identifying the offeror most qualified based on the highest ranking score.

E. Nothing in this section precludes the selection committee from recommending the termination of the selection procedure pursuant to Section 13-1-131 NMSA 1978.

F. The department shall promulgate rules for the selection process and award of contract that include interviews with top-ranked offerors, price negotiations and the authority to terminate negotiations.

G. The department rules shall address the processes applicable to the award of a contract for construction management and construction services, including the process for conducting contract negotiations with the construction manager general

contractor for construction of the project or work packages associated with the project in accordance with contract documents and specifications.

H. The department shall secure and use an independent cost estimate for the project or each work package associated with the project to validate the negotiated costs for the construction management and construction services contract. The independent cost estimate shall remain confidential until notice of award of the construction contract.

I. The construction manager general contractor shall submit a guaranteed maximum price proposal for construction management and construction services for the project or work packages associated with the project.

J. Negotiations may begin between the department and the construction manager general contractor for the construction services before completion of the design work. Upon successful negotiation, the department shall execute the contract with the construction manager general contractor for construction of the project or work packages associated with the project.

K. Negotiations shall be terminated if the department is unable to reach a price agreement with the construction manager general contractor. In the event that negotiations are terminated, the department may competitively bid the construction phase of the project, in accordance with the department's procedures applicable to public works construction projects. The construction manager general contractor may be allowed to bid or provide subcontract services for the project, unless prohibited by Section 10-16-13 NMSA 1978.

L. Data developed during the design services and the construction manager general contractor's preconstruction services, unless otherwise protected by law, shall be made available to all bidders.

M. After a construction manager general contractor contract is awarded for the preconstruction services, the department shall make the names of each offeror and the ranking and evaluation scores for each available for public inspection."

## **Chapter 12 Section 5 Laws 2022**

SECTION 5. Section 13-1-102 NMSA 1978 (being Laws 1984, Chapter 65, Section 75, as amended) is amended to read:

"13-1-102. COMPETITIVE SEALED BIDS REQUIRED.--All procurement shall be achieved by competitive sealed bid pursuant to Sections 13-1-103 through 13-1-110 NMSA 1978, except procurement achieved pursuant to the following sections of the Procurement Code:

- A. Sections 13-1-111 through 13-1-122 NMSA 1978, competitive sealed proposals;
- B. Section 13-1-125 NMSA 1978, small purchases;
- C. Section 13-1-126 NMSA 1978, sole source procurement;
- D. Section 13-1-127 NMSA 1978, emergency procurements;
- E. Section 13-1-129 NMSA 1978, existing contracts;
- F. Section 13-1-130 NMSA 1978, purchases from antipoverty program businesses;
- G. the Educational Facility Construction Manager At Risk Act; and
- H. the Transportation Construction Manager General Contractor Act."

## **Chapter 12 Section 6 Laws 2022**

SECTION 6. Section 13-1-119.2 NMSA 1978 (being Laws 2009, Chapter 207, Section 1, as amended) is amended to read:

"13-1-119.2. DESIGN AND BUILD PROCUREMENT FOR CERTAIN TRANSPORTATION PROJECTS.--Notwithstanding any prohibition on road and highway construction or reconstruction projects in Section 13-1-119.1 NMSA 1978, the department of transportation may use a design and build project delivery system pursuant to Section 13-1-119.1 NMSA 1978."

## **Chapter 12 Section 7 Laws 2022**

SECTION 7. A new Section 67-3-8.4 NMSA 1978 is enacted to read:

"67-3-8.4. DEPARTMENT--POWERS.--

A. The secretary may use an alternative to the design-bid-build project delivery method for project procurement to allow the department to use the services of a construction manager general contractor. No more than twenty-five percent of the projects placed on the department's letting schedule in any calendar year may be let pursuant to the design and build project delivery method pursuant to Section 13-1-119.2 NMSA 1978 or the construction manager general contractor delivery method pursuant to the Transportation Construction Manager General Contractor Act.

B. As used in this section, "letting schedule" means the department's construction projects that are posted to give notice to the public prior to receiving bids on any project."

## **Chapter 12 Section 8 Laws 2022**

SECTION 8. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

## **LAWS 2022, CHAPTER 13**

**SJC/Senate Bill 103**  
**Approved February 28, 2022**

AN ACT

RELATING TO THE WORKFORCE SOLUTIONS DEPARTMENT; PROVIDING FOR CRIMINAL HISTORY BACKGROUND CHECKS FOR EMPLOYEES, FINALISTS FOR EMPLOYMENT, CONTRACTORS AND SUBCONTRACTORS OF THE WORKFORCE SOLUTIONS DEPARTMENT UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR LIMITED USE AND REQUIRING CONFIDENTIALITY OF INFORMATION OBTAINED THROUGH THE BACKGROUND CHECKS; PROVIDING FOR DENIAL OR TERMINATION OF EMPLOYMENT BASED UPON INFORMATION OBTAINED THROUGH THE BACKGROUND CHECKS; REPEALING SECTION 9-26-15 NMSA 1978 (BEING LAWS 2007, CHAPTER 200, SECTION 23); PROVIDING A PENALTY.

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

## **Chapter 13 Section 1 Laws 2022**

SECTION 1. Section 9-26-1 NMSA 1978 (being Laws 2007, Chapter 200, Section 1) is amended to read:

"9-26-1. SHORT TITLE.--Chapter 9, Article 26 NMSA 1978 may be cited as the "Workforce Solutions Department Act"."

## **Chapter 13 Section 2 Laws 2022**

SECTION 2. A new section of the Workforce Solutions Department Act is enacted to read:

"BACKGROUND CHECKS--AUTHORIZATION--PROCEDURES--  
RULEMAKING--CONFIDENTIALITY--PENALTIES.--

- A. The department shall require fingerprint-based records on:
- (1) department employees who have or will have access to federal tax information; and

(2) finalists for employment by the department who have or may have access to federal tax information.

B. The department shall request the fingerprint-based criminal history record for each subject required pursuant to Subsection A from:

(1) the department of public safety, which shall:

(a) conduct a criminal history background check to determine the existence and content of a record of convictions and arrests of the subject in this state, in accordance with rules of the department of public safety;

(b) provide the fingerprint-based record to the federal bureau of investigation to obtain a national criminal history background check to determine the existence and content of a record of convictions and arrests of the subject in other law enforcement jurisdictions, in accordance with regulations of the federal bureau of investigation; and

(c) compile and provide the information determined and obtained pursuant to this subsection to the department; and

(2) the law enforcement agency of each county and municipality in which the subject lived, worked or attended any high school or post-secondary educational institution, which shall conduct a criminal history background check to determine the existence and content of a record of convictions and arrests of the subject in the law enforcement agency's respective jurisdiction within the last five years and provide that information to the department.

C. Subject to any restrictions imposed by federal law, the department shall have access to the information furnished by the federal bureau of investigation, the department of public safety and any other law enforcement agency or organization pursuant to Subsection B of this section.

D. A finalist for employment by the department shall not be hired for a position that provides access to federal tax information before the completion of the criminal history background checks required by this section.

E. Before entering into a contract with the department or with a contractor of the department, a prospective contractor or subcontractor who may have access to federal tax information pursuant to specific duties that would be assigned to that person by the department shall arrange to have criminal history background checks to be conducted by the department of public safety and the necessary law enforcement agencies as required pursuant to Subsection B of this section for department employees and finalists for employment by the department. That person shall bear the costs associated with obtaining the criminal history background checks.

F. The department shall use the information obtained from a criminal history background check pursuant to this section only to investigate and determine whether a department employee or finalist for employment by the department or prospective contractor or prospective subcontractor with the department has been convicted of a crime that has a direct impact on the ability of that person to meet federal requirements or to perform the specific duties assigned to that person. The provisions of the Criminal Offender Employment Act shall govern consideration of criminal history records of employees and finalists for employment obtained pursuant to this section. The secretary may deny or terminate employment of a person who has been convicted of a felony or other crime that directly reflects on the person's ability to access federal tax information.

G. The department shall conduct a check for eligibility to legally work in the United States on each department employee and each finalist for employment by the department who has or may have access to federal tax information. The department shall complete a check every five years for continued eligibility to legally work in the United States.

H. The information obtained from criminal history background checks or legal residency background checks pursuant to this section is confidential and shall not be released or disclosed by the department except pursuant to a court order or with written consent of the person who is the subject of the records. A person who releases or discloses information obtained pursuant to a criminal history background check or legal residency background check in violation of the provisions of this subsection is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978."

## **Chapter 13 Section 3 Laws 2022**

SECTION 3. REPEAL.--Section 9-26-15 NMSA 1978 (being Laws 2007, Chapter 200, Section 23) is repealed.

## **LAWS 2022, CHAPTER 14**

**Senate Bill 17, w/ec**  
**Approved February 28, 2022**

AN ACT

RELATING TO FINANCE; AUTHORIZING THE NEW MEXICO FINANCE AUTHORITY TO MAKE LOANS OR GRANTS FROM THE WATER PROJECT FUND FOR CERTAIN WATER PROJECTS; DECLARING AN EMERGENCY.

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

## Chapter 14 Section 1 Laws 2022

### SECTION 1. AUTHORIZATION OF QUALIFYING WATER PROJECTS.--

Pursuant to Section 72-4A-9 NMSA 1978, the legislature authorizes the New Mexico finance authority to make loans or grants from the water project fund to the following qualifying entities for the following qualifying water projects on terms and conditions established by the water trust board and the New Mexico finance authority:

1. to the city of Albuquerque in Bernalillo county for three water conservation, treatment, recycling or reuse projects;
2. to the Albuquerque-Bernalillo county water utility authority in Bernalillo county for two water conservation, treatment, recycling or reuse projects;
3. to the city of Anthony in Dona Ana county for a flood prevention project;
4. to the town of Bernalillo in Sandoval county for a water storage, conveyance and delivery project;
5. to the Canada de los Alamos mutual domestic water consumers' and mutual sewage works association in Santa Fe county for a water storage, conveyance and delivery project;
6. to the eastern New Mexico water utility authority in Curry county for a water storage, conveyance and delivery project;
7. to the Eldorado area water and sanitation district in Santa Fe county for a water storage, conveyance and delivery project;
8. to the EMWT regional water association in Torrance county for a water storage, conveyance and delivery project;
9. to the energy, minerals and natural resources department for a watershed restoration and management project in Socorro county;
10. to the greater Chimayo mutual domestic water consumers association in Santa Fe county for a water storage, conveyance and delivery project;
11. to the interstate stream commission for a federal Endangered Species Act implementation project in Bernalillo county;
12. to La Jara mutual domestic water consumers and mutual sewage works association in Sandoval county for a water storage, conveyance and delivery project;
13. to the Lincoln mutual domestic water consumers association and Lincoln sewage works in Lincoln county for a water storage, conveyance and delivery project;



14. to Los Alamos county for a water conservation, treatment, recycling or reuse project;
15. to Luna county for a flood prevention project;
16. to the middle Rio Grande conservancy district in Bernalillo county for a water storage, conveyance and delivery project;
17. to the village of Milan in Cibola county for a flood prevention project and a water storage, conveyance and delivery project;
18. to the New Mexico new model community ditch association in Hidalgo county for a water storage, conveyance and delivery project;
19. to the Quail Hollow mutual domestic water users association in Bernalillo county for a water storage, conveyance and delivery project;
20. to the Ramah water and sanitation district in McKinley county for a water storage, conveyance and delivery project;
21. to the town of Red River in Taos county for a water storage, conveyance and delivery project;
22. to the Regina mutual domestic water consumers association, incorporated, in Sandoval county for a water storage, conveyance and delivery project;
23. to the village of Ruidoso in Lincoln county for a water storage, conveyance and delivery project;
24. to the San Francisco soil and water conservation district in Catron county for a watershed restoration and management project;
25. to the San Juan soil and water conservation district in San Juan county for a watershed restoration and management project;
26. to the Sangre de Cristo regional mutual domestic water consumers and mutual sewage works association in Guadalupe county for a water storage, conveyance and delivery project;
27. to the city of Santa Fe in Santa Fe county for a water storage, conveyance and delivery project;
28. to the southern Sandoval county arroyo flood control authority in Sandoval county for a flood prevention project;

29. to the city of Sunland Park in Dona Ana county for a flood prevention project;

30. to the Talpa mutual domestic water consumers association in Taos county for a water storage, conveyance and delivery project;

31. to the village of Tijeras in Bernalillo county for a water storage, conveyance and delivery project; and

32. to the Williams Acres water and sanitation district in McKinley county for a water storage, conveyance and delivery project.

## **Chapter 14 Section 2 Laws 2022**

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

## **LAWS 2022, CHAPTER 15**

### **Senate Bill 37**

**Approved February 28, 2022**

#### **AN ACT**

MAKING APPROPRIATIONS FROM THE PUBLIC PROJECT REVOLVING FUND TO THE DRINKING WATER STATE REVOLVING LOAN FUND, THE WASTEWATER FACILITY CONSTRUCTION LOAN FUND AND THE CULTURAL AFFAIRS FACILITIES INFRASTRUCTURE FUND.

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

## **Chapter 15 Section 1 Laws 2022**

### **SECTION 1. APPROPRIATIONS.--**

A. The following amounts are appropriated from the public project revolving fund to the following funds:

(1) six million seven hundred twenty thousand dollars (\$6,720,000) to the drinking water state revolving loan fund for expenditure in fiscal year 2023 and subsequent fiscal years to provide state matching funds for federal Safe Drinking Water Act of 1974 projects and to carry out the purposes of the Drinking Water State Revolving Loan Fund Act;

(2) two million five hundred thousand dollars (\$2,500,000) to the wastewater facility construction loan fund pursuant to Section 6-21-6.1 NMSA 1978 for expenditure in fiscal year 2023 and subsequent fiscal years to provide state matching funds for federal Clean Water Act of 1977 projects and to carry out the purposes of the Wastewater Facility Construction Loan Act; and

(3) five million dollars (\$5,000,000) to the cultural affairs facilities infrastructure fund for expenditure in fiscal year 2023 and subsequent fiscal years to carry out the purposes of the fund.

B. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the public project revolving fund.

## **LAWS 2022, CHAPTER 16**

**Senate Bill 159, aa**  
**Approved February 28, 2022**

### **AN ACT**

RELATING TO LEGISLATIVE RETIREMENT; CHANGING THE CALCULATION FOR THE AMOUNT OF PENSION PURSUANT TO STATE LEGISLATOR MEMBER COVERAGE PLAN 2; PROVIDING A LIMITED OPPORTUNITY TO MAKE CONTRIBUTIONS FOR THE PURPOSE OF QUALIFYING FOR A PENSION UNDER STATE LEGISLATOR MEMBER COVERAGE PLAN 2.

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

### **Chapter 16 Section 1 Laws 2022**

SECTION 1. Section 10-11-43.3 NMSA 1978 (being Laws 2003, Chapter 85, Section 9, as amended) is amended to read:

"10-11-43.3. STATE LEGISLATOR MEMBER COVERAGE PLAN 2-- AMOUNT OF PENSION--FORM OF PAYMENT A.--Under state legislator member coverage plan 2, the annual amount of pension under form of payment A is equal in any calendar year to fourteen percent of the per diem rate in effect, pursuant to Section 2-1-8 NMSA 1978, on the first day of the fiscal year that the legislator or lieutenant governor retires multiplied by sixty and further multiplied by credited service as a legislator or lieutenant governor. A pension paid under state legislator member coverage plan 2 shall be adjusted pursuant to Section 10-11-118 NMSA 1978 for a legislator or lieutenant governor who has been retired for at least two full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted."

## **Chapter 16 Section 2 Laws 2022**

SECTION 2. TEMPORARY PROVISION--ADDITIONAL CONTRIBUTION PERIOD FOR STATE LEGISLATOR MEMBER COVERAGE PLAN 2.--A state legislator member who is otherwise ineligible for the amount of pension provided in Section 10-11-43.3 NMSA 1978 solely because of the failure to make a timely election pursuant to Section 10-11-43.1 NMSA 1978 shall be eligible for that amount of pension if, before January 1, 2023, the member makes a contribution of:

- A. five hundred dollars (\$500) for each year of credited service prior to 2012;
- B. six hundred dollars (\$600) for each year of credited service from 2012 through 2018;
- C. one thousand dollars (\$1,000) for each year of credited service after 2018; and
- D. interest on the amount paid pursuant to Subsections A through C of this section from December 31, 2004 to the date of payment at a rate to be determined by the retirement board created pursuant to the Public Employees Retirement Act.

## **LAWS 2022, CHAPTER 17**

**House Bill 13, aa**  
**Approved March 1, 2022**

AN ACT

RELATING TO PUBLIC EDUCATION; AMENDING SECTIONS OF THE TEACHER RESIDENCY ACT.

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

## **Chapter 17 Section 1 Laws 2022**

SECTION 1. Section 22-10B-3 NMSA 1978 (being Laws 2020, Chapter 25, Section 3) is amended to read:

"22-10B-3. TEACHER RESIDENCY PROGRAM--CREATED.--

- A. On or before July 1 of each year, the secretary, in partnership with a department-approved teacher preparation program, shall establish and maintain department-approved New Mexico teacher residency programs at public post-secondary educational institutions and tribal colleges that have a department-approved teacher preparation program and have developed a commitment to investing in teacher

education. The secretary shall ensure that the department-approved New Mexico teacher residency programs include representation from rural, urban and suburban areas across the state.

B. The public post-secondary educational institution or tribal college shall form a partnership with one or more school districts or charter schools to coadminister the teacher residency program and to provide employment to residents in the program following completion of all licensure requirements.

C. The program shall be designed to:

(1) diversify the teaching profession with teaching residents that reflect the diversity of students in the public schools in the state or the geographic area where the school is located;

(2) fill high-need teaching positions within the state and ensure that teaching residents are prepared for a department-issued teaching license at the end of the program; and

(3) provide at least one full academic year of rigorous department-approved teacher preparation program coursework while concurrently providing a full academic year of guided apprenticeship in the classroom of a level two or level three teacher at the partner area school district or charter school.

D. The public post-secondary educational institution or tribal college shall ensure faculty or university supervisors who work with the teacher residency program visit residency sites no less than one time per month to monitor teacher residents' programs."

## **Chapter 17 Section 2 Laws 2022**

SECTION 2. Section 22-10B-4 NMSA 1978 (being Laws 2020, Chapter 25, Section 4) is amended to read:

"22-10B-4. TEACHER RESIDENCY PROGRAM COMPONENTS.--A teacher residency program established pursuant to the Teacher Residency Act shall include:

A. competitive admission requirements with multiple criteria;

B. rigorous department-approved teacher preparation program coursework, which shall be offered while the teaching resident undertakes a full academic year of guided apprenticeship in the classroom of a level two or level three teacher at the partner area school district or charter school;

C. a co-teaching approach to expose teaching residents to a variety of teaching methods, philosophies and classroom environments;

- D. clear criteria for the selection of level two and level three teachers based on measures of teacher effectiveness and the appropriate subject area knowledge;
- E. providing level two and level three teachers with ongoing evidence-based training in coaching and mentoring teaching residents and compensation for time and added responsibility;
- F. grouping teaching residents in cohorts to facilitate professional collaboration among residents and placing teaching residents in teaching schools or professional development programs that are organized to support a high-quality teacher learning experience in a supportive work environment;
- G. measures of appropriate progress through the program;
- H. a stipend of no less than thirty-five thousand dollars (\$35,000) per year for teaching residents;
- I. a stipend of no less than two thousand dollars (\$2,000) per year for level two and level three teachers participating in the program;
- J. a stipend of no less than two thousand dollars (\$2,000) per year for principals or head administrators at the partner school district or charter school;
- K. funding of no less than fifty thousand dollars (\$50,000) per year for teacher residency program coordinators at each department-approved New Mexico teacher residency program;
- L. a post-completion commitment by teaching residents to serve a minimum of three years at schools in the sponsoring school district;
- M. an expectation of employment for the teaching resident from the partner school district or charter school;
- N. support for teaching residents for not less than one year following the resident's completion of the program through the provision of mentoring, professional development and networking opportunities; and
- O. demonstration of the integral role and responsibilities of the partner area school district or charter school in fulfilling the purpose of the program."

## **Chapter 17 Section 3 Laws 2022**

SECTION 3. Section 22-10B-5 NMSA 1978 (being Laws 2020, Chapter 25, Section 5) is amended to read:

"22-10B-5. TEACHER RESIDENCY PROGRAM ELIGIBILITY.--To be eligible to be admitted and hired as a teaching resident under the program, an individual shall not hold a level one, two or three-A teaching license and shall:

A. be in the final year of a department-approved undergraduate teacher preparation program; or

B. hold a bachelor's degree, be a professional from outside the field of education and have strong content knowledge or a record of achievement."

## **Chapter 17 Section 4 Laws 2022**

SECTION 4. Section 22-10B-9 NMSA 1978 (being Laws 2020, Chapter 25, Section 9) is amended to read:

"22-10B-9. REPORTING REQUIREMENTS.--Public post-secondary educational institutions and tribal colleges shall collaborate with their partner school district or charter school to submit data to the department no later than July 1 of each year. The department shall compile data from all residency sites and submit a report to the legislature no later than November of each year. The report shall include the following indicators of teacher residency program success:

A. the standards for entering and exiting the program;

B. the number of credit hours required to complete the program;

C. the number and percentage of teaching residents completing the program;

D. the number and types of teaching licenses teaching residents are obtaining, including endorsements;

E. the educator evaluation rating for teaching residents during their first five years of teaching;

F. the educator evaluation rating for level two and level three teachers during their time supporting a teacher resident;

G. the number and percentage of teaching residents who continue to teach in New Mexico school districts or charter schools after one, two, three, four and five years;

H. the percentage of teaching residents who are diverse candidates that reflect the diversity of the public schools in the state or the geographic area where the school is located;

I. academic performance of pre-kindergarten through twelfth grade students in classes taught by residency graduates in comparison to students in classes taught by other trained teachers;

J. principal perception surveys of teaching resident and level two and level three teacher effectiveness;

K. state-student perception surveys;

L. the residency program graduate achievement, as determined by first-time pass rates on the state teaching performance assessment; and

M. other data as determined by the department."

## **LAWS 2022, CHAPTER 18**

**House Bill 22, aa**  
**Approved March 1, 2022**

### **AN ACT**

RELATING TO GOVERNMENTAL ACCESSIBILITY; REQUIRING ALL STATE DEPARTMENTS TO PROVIDE MEANINGFUL ACCESS TO STATE PROGRAMS FOR INDIVIDUALS WITH LIMITED PROFICIENCY IN ENGLISH.

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

### **Chapter 18 Section 1 Laws 2022**

SECTION 1. Section 9-1-5 NMSA 1978 (being Laws 1977, Chapter 248, Section 5, as amended) is amended to read:

"9-1-5. SECRETARY--DUTIES AND GENERAL POWERS.--

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

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



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

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

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

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

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

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

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

(8) prepare an annual budget of the department;

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

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

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

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

(10) implement, as much as legally permissible, the strategic plan developed by the sustainable economy task force as provided in Section 9-15-59 NMSA 1978;

(11) develop and implement a departmental plan to provide meaningful access to state programs for individuals with limited English proficiency that includes:

(a) an annual public assessment, submitted to the governor, that details the need for departmental services to improve access for individuals with limited English proficiency;

(b) the department's plan to meet the needs identified in the assessment, including interpretation and translation services and bilingual staffing;

(c) the cost, including competitive salary structures for employees with multilingual proficiencies, to implement the departmental plan to provide meaningful language access to state programs; and

(d) submission of an annual report to the governor and the legislative finance committee regarding the implementation of the department's language access plan;

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

(13) give bond in the penal sum of twenty-five thousand dollars (\$25,000) and require directors to each give bond in the penal sum of ten thousand dollars (\$10,000) conditioned upon the faithful performance of duties, as provided in the Surety Bond Act. The department shall pay the costs of these bonds; and

(14) require performance bonds of such department employees and officers as the secretary deems necessary, as provided in the Surety Bond Act. The department shall pay the costs of these bonds.

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

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

E. The secretary may make and adopt such reasonable procedural rules as may be necessary to carry out the duties of the department and its divisions. No rule

promulgated by the director of any division in carrying out the functions and duties of the division shall be effective until approved by the secretary unless otherwise provided by statute. Unless otherwise provided by statute, no rule affecting any person or agency outside the department shall be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by the secretary. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed rule or proposed amendment or repeal of an existing rule may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing. All rules shall be filed in accordance with the State Rules Act.

F. If this section conflicts with the powers and duties specifically given by statute to a particular secretary, the specific powers and duties shall control. If this section conflicts with other statutes specifically limiting the powers of a secretary, the specific limitations shall control."

## **Chapter 18 Section 2 Laws 2022**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

# **LAWS 2022, CHAPTER 19**

**House Bill 43, aa**  
**Approved March 1, 2022**

AN ACT

RELATING TO PUBLIC SCHOOLS; AUTHORIZING THE NEW MEXICO FINANCE AUTHORITY TO MAKE CHARTER SCHOOL FACILITY LOANS; CREATING THE CHARTER SCHOOL FACILITY REVOLVING FUND; REQUIRING REPORTS; REQUIRING NOTIFICATION TO CHARTER SCHOOLS OF PROPERTY AVAILABLE FOR THEIR EDUCATIONAL OPERATIONS; ALLOWING SCHOOL DISTRICTS TO DEVELOP FACILITY PRIORITIZATION PLANS; MODIFYING THE TERMS APPLICABLE TO GRANTS FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND FOR LEASED FACILITIES; SPECIFYING THE DATE BY WHICH CHARTER SCHOOLS MUST PROVIDE INFORMATION ON CAPITAL IMPROVEMENT PROJECTS PROPOSED FOR FUNDING THROUGH PROPERTY TAX IMPOSITION; MAKING AN APPROPRIATION.

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

## Chapter 19 Section 1 Laws 2022

### SECTION 1. CHARTER SCHOOL FACILITY LOANS--CHARTER SCHOOL FACILITY REVOLVING FUND--CREATED--REPORTS.--

A. The New Mexico finance authority may receive and review applications for charter school facility loans pursuant to this section. The authority shall adopt rules to govern the application procedures and requirements for disbursing charter school facility loans and for determining the eligibility of charter schools for loans. The authority may make loans to a charter school for the purchase, construction, expansion or renovation of facilities or to pay off lease-purchase agreements; provided that an application shall include:

- (1) evidence that any lease-purchase agreements are in accordance with the Public School Lease Purchase Act;
- (2) evidence that a charter school's charter has been renewed at least once; and
- (3) a review of the last two audits of the charter school.

B. The authority may consult with the applicant's authorizer in evaluating applications; provided that a final determination shall be made solely by the authority.

C. Receipts from the repayment of principal or interest accrued on the charter school facility loans made and other fees or charges paid to the New Mexico finance authority in connection with charter school facility loans shall be deposited in the charter school facility revolving fund.

D. The "charter school facility revolving fund" is created within the New Mexico finance authority. The fund consists of appropriations, gifts, grants, donations and money otherwise accruing to the fund. The fund shall be administered by the authority as a separate account and may consist of such subaccounts as the authority deems necessary to carry out the purposes of the fund. The authority may establish procedures for administering the fund in accordance with the provisions of this section. Balances in the fund at the end of a fiscal year shall not revert to any other fund.

E. Money in the charter school facility revolving fund is appropriated to the New Mexico finance authority to make charter school facility loans and to pay the reasonably necessary administrative and other costs incurred by the authority in evaluating, processing, originating and servicing loans.

F. Money in the charter school facility revolving fund that is not needed for immediate disbursement, including money held in reserve, may be deposited or invested in the same manner as other funds administered by the New Mexico finance authority.

G. Prior to December 1, 2023 and each December 1 thereafter, the New Mexico finance authority shall submit a report to the New Mexico finance authority oversight committee. The report shall provide details regarding any loans made pursuant to this section.

H. The New Mexico finance authority may exercise any power provided to the authority in the New Mexico Finance Authority Act to assist in the administration of this section; provided that the power is consistent with the provisions of that act.

## **Chapter 19 Section 2 Laws 2022**

SECTION 2. Section 22-8B-4 NMSA 1978 (being Laws 1999, Chapter 281, Section 4, as amended by Laws 2021, Chapter 19, Section 2 and by Laws 2021, Chapter 37, Section 2) 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, physical or mental handicap, serious medical condition, race, creed, color, sex, gender identity, sexual orientation, spousal affiliation, national origin, religion, ancestry or need for special education services and shall not allow for the imposition of discipline, discrimination or disparate treatment against a student based on the student's race, religion or culture or because of the student's use of protective hairstyles or cultural or religious headdresses.

B. A charter school shall be governed by a governing body in the manner set forth in the charter contract; 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. No member of a local school board shall be a member of a governing body for a charter school or employed in any capacity by a locally chartered charter school located within the local school board's school district during the term of office for which the member was elected or appointed.

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 contract. 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. A school district that has available land or one or more available facilities not currently used for other educational purposes shall make facilities and may make land available for lease, lease-purchase or purchase to the charter schools located in the school district for the charter schools' operations and shall notify the charter schools of that availability no later than May 1 of each year. The public school facilities authority shall annually ensure that each school district with available land or one or more available facilities has provided that notification. A school district may develop a facility prioritization plan that identifies which charter schools may lease, lease-purchase or purchase available school district facilities. School-district-owned land shall not be considered available to a charter school if the school district has justified future use of that land through its five-year facilities master plan. An agreement for the use of school district facilities by a charter school may provide for reasonable lease payments; provided that the payments do not exceed the sum of the lease reimbursement rate provided in Paragraph (1) of Subsection I of Section 22-24-4 NMSA 1978 plus any reimbursement for actual direct costs incurred by the school district in providing the facilities; and provided further that any lease payments received by a school district may be retained by the school district and shall not be considered to be cash balances in any calculation pursuant to Section 22-8-41 NMSA 1978. 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, except that, if all or any portion of a state-chartered charter school facility is financed with the proceeds of general obligation bonds issued by a local school board, the facility shall revert to the local school board.

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.

U. As used in this section:

(1) "cultural or religious headdresses" includes hijabs, head wraps or other headdresses used as part of an individual's personal cultural or religious beliefs;

(2) "protective hairstyles" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, weaves, wigs or head wraps; and

(3) "race" includes traits historically associated with race, including hair texture, length of hair, protective hairstyles or cultural or religious headdresses."

## **Chapter 19 Section 3 Laws 2022**

SECTION 3. Section 22-24-4 NMSA 1978 (being Laws 1975, Chapter 235, Section 4, as amended) is amended to read:

"22-24-4. PUBLIC SCHOOL CAPITAL OUTLAY FUND CREATED-- USE.--

A. The "public school capital outlay fund" is created. Balances remaining in the fund at the end of each fiscal year shall not revert.

B. Except as provided in Subsections G and I through Q of this section, money in the fund may be used only for capital expenditures deemed necessary by the council for an adequate educational program.

C. The council may authorize the purchase by the 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 to and custody of the portable classrooms shall rest in the 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 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 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 that 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 authority pursuant to the Public School Capital Outlay Act, and, in addition, balances in the fund may be expended by the authority, upon approval of the council, for project management expenses; provided that:

(1) the total annual expenditures from the fund for the core administrative functions 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. The fund may be expended by the council for building system repair, renovation or replacement initiatives with projects to be identified by the council pursuant to Section 22-24-4.6 NMSA 1978; provided that money allocated pursuant to this subsection shall be expended within three years of the allocation.

I. The fund may be expended annually by the council for grants to school districts for the purpose of making lease payments for 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 or charter school shall not exceed:

(a) the actual annual lease payments owed for leasing a facility;  
or

(b) seven hundred dollars (\$700) multiplied by the MEM using the leased facilities; provided that in fiscal year 2009 and in each subsequent fiscal year, this amount shall be adjusted by the percentage change between the penultimate calendar year and the immediately preceding calendar year of the consumer price index for the United States, all items, as published by the United States department of labor;

(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 Every Student Succeeds Act;

(3) at the end of each fiscal year, any unexpended or unencumbered balance of the grant shall revert to the fund;

(4) no grant shall be made for lease payments due pursuant to a financing agreement under which the facilities may be purchased for a price that is reduced according to the lease payments made unless:

(a) the agreement has been approved pursuant to the provisions of the Public School Lease Purchase Act; and

(b) the facilities are leased by a charter school;

(5) if the lease payments are made pursuant to a financing agreement under which the facilities may be purchased for a price that is reduced according to the lease payments made, neither a grant nor any provision of the Public School Capital Outlay Act creates a legal obligation for the school district or charter school to continue the lease from year to year or to purchase the facilities nor does it create a legal obligation for the state to make subsequent grants pursuant to the provisions of this subsection; and

(6) as used in this subsection:

(a) "MEM" means: 1) the average full-time-equivalent enrollment using leased facilities on the second and third reporting dates of the prior school year; or 2) in the case of an approved charter school that has not commenced classroom

instruction, the estimated full-time-equivalent enrollment that will use leased facilities in the first year of instruction, as shown in the approved charter school application; provided that, after the second reporting date of the current school year, the MEM shall be adjusted to reflect the full-time-equivalent enrollment on that date; and

(b) "facilities" includes the space needed for school activities.

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 authority to pay 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 may 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. Such a contract may provide for initial estimated payments from the fund prior to the expenditures if the contract also provides for additional payments from the fund if the actual expenditures exceed the initial payments and for repayments back to the fund if the initial payments exceed the actual expenditures. Money distributed from the fund to the state fire marshal or the construction industries division pursuant to this subsection shall be used to supplement, rather than supplant, appropriations to those entities.

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 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 second and third reporting dates 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 second and third reporting dates 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

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 to fully fund the demolition of the abandoned school district facility if Paragraphs (1) and (2) of this subsection are satisfied.

M. Up to ten million dollars (\$10,000,000) of the fund may be expended each year for an education technology infrastructure deficiency corrections initiative pursuant to Section 22-24-4.5 NMSA 1978; provided that funding allocated pursuant to this section shall be expended within three years of its allocation.

N. For each fiscal year from 2018 through 2022, twenty-five million dollars (\$25,000,000) of the fund is reserved for appropriation by the legislature to the instructional material fund or to the transportation distribution of the public school fund. The secretary shall certify the need for the issuance of supplemental severance tax bonds to meet an appropriation from the public school capital outlay fund to the instructional material fund or to the transportation distribution of the public school fund. Any portion of an amount of the public school capital outlay fund that is reserved for appropriation by the legislature for a fiscal year, but that is not appropriated before the first day of that fiscal year, may be expended by the council as provided in this section.

O. Up to ten million dollars (\$10,000,000) of the fund may be expended in each of fiscal years 2019 through 2022 for school security system project grants made in accordance with Section 22-24-4.7 NMSA 1978.

P. The fund may be expended in each of fiscal years 2020 through 2024 for a pre-kindergarten classroom facilities initiative in accordance with Section 22-24-12 NMSA 1978.

Q. The council may fund pre-kindergarten classrooms with a qualifying, awarded standards-based project; provided that pre-kindergarten classroom space shall

not be included in the project prioritization calculation adopted by the council pursuant to Section 22-24-5 NMSA 1978. The council shall develop pre-kindergarten classroom standards to use when funding pre-kindergarten space."

## **Chapter 19 Section 4 Laws 2022**

SECTION 4. Section 22-25-3 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 3, as amended) is amended to read:

### **"22-25-3. AUTHORIZATION FOR LOCAL SCHOOL BOARD TO SUBMIT QUESTION OF CAPITAL IMPROVEMENTS TAX IMPOSITION.--**

A. A local school board may adopt a resolution to submit to the qualified electors of the school district the question of whether a property tax should be imposed upon the net taxable value of property allocated to the school district under the Property Tax Code at a rate not to exceed that specified in the resolution for the purpose of capital improvements in the school district. The resolution shall:

- (1) identify the capital improvements for which the revenue proposed to be produced will be used;
- (2) specify the rate of the proposed tax, which shall not exceed two dollars (\$2.00) on each one thousand dollars (\$1,000) of net taxable value of property allocated to the school district under the Property Tax Code;
- (3) limit the imposition of the proposed tax to no more than six property tax years; and
- (4) indicate the regular election on which the ballot question shall appear or specify the date a special election will be held to submit the question of imposition of the tax to the qualified electors of the district.

B. A school district that has one or more charter schools located within the school district boundaries shall collaborate with the charter schools to establish a process through which the charter schools submit necessary information to the school district for inclusion in the resolution. This process shall include:

- (1) identification of the capital improvements of the charter school for which the revenue proposed to be produced will be used;
- (2) a requirement that necessary information be submitted to the school district no later than June 1 of the calendar year in which the local school board will consider the resolution; and
- (3) the point of contact in the school district to which the charter school is to submit the information.

C. A resolution submitted to the qualified electors pursuant to Subsection A of this section shall include capital improvements funding for a locally chartered or state-chartered charter school located within the school district if the charter school has complied with the process outlined in Subsection B of this section."

## **Chapter 19 Section 5 Laws 2022**

SECTION 5. Section 22-26-3 NMSA 1978 (being Laws 1983, Chapter 163, Section 3, as amended) is amended to read:

"22-26-3. AUTHORIZATION FOR LOCAL SCHOOL BOARD TO SUBMIT QUESTION OF CAPITAL IMPROVEMENTS TAX IMPOSITION.--

A. A local school board may adopt a resolution to submit to the qualified electors of the school district the question of whether a property tax at a rate not to exceed the rate specified in the resolution should be imposed upon the net taxable value of property allocated to the school district under the Property Tax Code for the purpose of capital improvements to public schools in the school district. The resolution shall:

- (1) identify the capital improvements for which the revenue proposed to be produced will be used;
- (2) specify the rate of the proposed tax, which shall not exceed ten dollars (\$10.00) on each one thousand dollars (\$1,000) of net taxable value of property allocated to the school district under the Property Tax Code;
- (3) limit the imposition of the proposed tax to no more than six property tax years; and
- (4) indicate the regular election on which the ballot question shall appear or specify the date a special election will be held to submit the question of imposition of the tax to the qualified electors of the district.

B. A school district that has one or more charter schools located within the school district boundaries shall collaborate with the charter schools to establish a process through which the charter schools submit necessary information to the school district for inclusion in the resolution. This process shall include:

- (1) identification of the capital improvements of the charter school for which the revenue proposed to be produced will be used;
- (2) a requirement that necessary information be submitted to the school district no later than June 1 of the calendar year in which the local school board will consider the resolution; and

(3) the point of contact in the school district to which the charter school is to submit the information.

C. A resolution submitted to the qualified electors pursuant to Subsection A of this section shall include capital improvements funding for a locally chartered or state-chartered charter school located within the school district if:

(1) the charter school has complied with the process outlined in Subsection B of this section; and

(2) the capital improvements are included in the five-year facilities plan:

(a) of the school district, if the charter school is a locally chartered charter school; or

(b) of the charter school, if the charter school is a state-chartered charter school."

## **LAWS 2022, CHAPTER 20**

**House Bill 73, aa**  
**Approved March 1, 2022**

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; ALLOWING CERTAIN RETIREES TO RETURN TO WORK WITHOUT A SUSPENSION OF RETIREMENT BENEFITS.

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

### **Chapter 20 Section 1 Laws 2022**

SECTION 1. Section 22-11-25.1 NMSA 1978 (being Laws 2001, Chapter 283, Section 2, as amended) is amended to read:

"22-11-25.1. RETURN TO EMPLOYMENT--BENEFITS--CONTRIBUTIONS.--

A. Except as otherwise provided in Subsections B, F, H and I of this section, until January 1, 2024, a retired member who begins employment with a local administrative unit at a level greater than one-quarter full-time employee, regardless of salary level, is required to suspend the member's retirement benefits until the end of that employment unless the member has not rendered service to a local administrative unit for at least twelve consecutive months after the date of retirement.

B. Until January 1, 2024, a retired member who retired on or before January 1, 2001, has not suspended or been required to suspend retirement benefits pursuant to

the Educational Retirement Act and returns to employment with a local administrative unit is not required to suspend the member's retirement benefits.

C. A retired member who returns to employment with a local administrative unit in accordance with this section is entitled to receive retirement benefits during that employment but is not entitled to acquire or purchase service credit for that employment.

D. A retired member may return to employment with a local administrative unit only if the member submits an application to return to work, on a form prescribed by the board, the board approves the application and the applicant complies with other application rules promulgated by the board.

E. A retired member who returns to employment pursuant to Subsection A, B, F or I of this section shall make nonrefundable contributions to the fund as would be required by Section 22-11-21 NMSA 1978 if the retired member were a non-retired employee. The local administrative unit employing the retired member shall likewise make contributions as would be required by that section.

F. Until January 1, 2024, a retired member who retired on or before January 1, 2001, who suspended or was required to suspend retirement benefits under the Educational Retirement Act is not required to suspend the member's retirement benefits if the retired member has not rendered service to a local administrative unit for an additional twelve or more consecutive months, not including any part of a summer or other scheduled break or vacation period, after the initial date of retirement.

G. A retired member who returns to employment with a local administrative unit shall make contributions to the retiree health care fund during the period of that employment and in the amount specified in Section 10-7C-15 NMSA 1978. The local administrative unit employing the retired member shall likewise make contributions during the period of that employment and in the amount specified in that section.

H. A retired member may return to employment with a local administrative unit without a suspension of the member's retirement benefits; provided that:

(1) the retired member has not rendered service to a local administrative unit for at least ninety days after the date of retirement;

(2) prior to the date of retirement, or within ninety days after the date of retirement, the retired member did not enter into any formal or informal agreement with a local administrative unit or with any contractor providing services to a local administrative unit to return to employment; and

(3) the retired member earns a salary of less than fifteen thousand dollars (\$15,000) per year.



I. A retired member may return to employment with a local administrative unit without a suspension of the member's retirement benefits; provided that:

(1) the retired member has not rendered service to a local administrative unit for at least ninety days after the date of retirement; and

(2) the retired member returns to employment for a period of no more than thirty-six consecutive or nonconsecutive months pursuant to this subsection.

J. As used in this section:

(1) "rendered service" includes employment, whether full or part time; substitute teaching; voluntarily performing duties that would otherwise be, or in the past have been, performed by a paid employee or independent contractor; and performing duties as an independent contractor or an employee of an independent contractor; and

(2) "local administrative unit" includes any entity incorporated, formed or otherwise organized by, or subject to the control of, a local administrative unit, regardless of whether the entity is created for profit or nonprofit purposes."

## **LAWS 2022, CHAPTER 21**

**House Bill 104, aa**  
**Approved March 1, 2022**

AN ACT

RELATING TO PUBLIC FINANCES; ENACTING THE VENTURE CAPITAL PROGRAM ACT; CREATING A FUND; PROVIDING FOR INVESTMENTS IN CERTAIN NEW MEXICO BUSINESSES AND PRIVATE EQUITY FUNDS; MAKING AN APPROPRIATION.

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

### **Chapter 21 Section 1 Laws 2022**

SECTION 1. SHORT TITLE.--This act may be cited as the "Venture Capital Program Act".

### **Chapter 21 Section 2 Laws 2022**

SECTION 2. DEFINITIONS.--As used in the Venture Capital Program Act:

A. "authority" means the New Mexico finance authority;

B. "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 at least eighty percent of its assets located in New Mexico; and

C. "venture private equity fund" means an entity that makes, manages or sources potential investments in New Mexico businesses and that:

(1) 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 business purposes in early stages of development;

(2) holds out prospects for capital appreciation from such investments;

(3) 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;

(4) is committed to investing or helps secure investing by others, in an amount at least equal to the total investment made by the authority in that fund pursuant to the Venture Capital Program Act, in New Mexico businesses and that hold promise for attracting additional capital from individual or institutional investors nationwide for businesses in New Mexico; and

(5) accepts investments only from accredited investors, as that term is defined in the federal Securities Act of 1933, as amended, and rules and regulations promulgated pursuant to that section, or federally recognized Indian nations, tribes and pueblos with at least five million dollars (\$5,000,000) in overall investment assets.

## **Chapter 21 Section 3 Laws 2022**

### **SECTION 3. VENTURE CAPITAL PROGRAM FUND.--**

A. The "venture capital program fund" is created in the authority. The fund consists of appropriations, gifts, grants, deposits, transfers, donations and money earned from investment of the fund and otherwise accruing to the fund. The authority shall administer the fund. Money in the fund is appropriated to the authority for investment in New Mexico businesses and venture private equity funds pursuant to the Venture Capital Program Act and to pay the cost of administering that act. Balances remaining in the fund at the end of a fiscal year shall not revert. Money from the fund may be drawn only on warrants approved by the chief executive officer of the authority pursuant to vouchers signed by the chief financial officer of the authority.

B. The authority shall adopt rules governing the terms and conditions of investments made from the venture capital program fund. The authority may make investments from the venture capital program fund as permitted pursuant to Subsection A of Section 4 of the Venture Capital Program Act without specific authorization by law.

## **Chapter 21 Section 4 Laws 2022**

### **SECTION 4. INVESTMENTS--QUALIFICATIONS--BOARD APPROVAL.--**

A. In making investments pursuant to the Venture Capital Program Act, the authority shall make:

- (1) investments in venture private equity funds; or
- (2) early stage investments in New Mexico businesses whose investments or enterprises enhance the economic development objectives of the state.

B. The authority is authorized to make investments in New Mexico businesses to create new job opportunities and to support new, emerging or expanding businesses in a manner consistent with the constitution of New Mexico if:

- (1) the investments are made in conjunction with cooperative investment agreements with parties that have demonstrated abilities and relationships in making investments in new, emerging or expanding businesses;
- (2) an investment in any one business or industry does not exceed ten percent of the balance of the venture capital program fund; 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 authority 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 fund.

C. The authority shall make investments pursuant to the Venture Capital Program Act only upon approval of the board of directors of the authority and within guidelines and policies established by the board.

## **Chapter 21 Section 5 Laws 2022**

### **SECTION 5. BOND--BUDGET.--**

A. Before a responsible employee of the authority enters upon the employee's duties, the authority shall require an individual bond for that employee or shall include all employees of the authority under a blanket bond for an amount and for a coverage deemed best to protect the state's interest. The bond premiums shall be paid by the venture capital program fund.

B. The authority shall annually prepare a budget for administering and investing all funds managed by the venture capital program, which shall be reviewed and approved by the board of directors of the authority. Funds provided for the operating budget of the venture capital program may be made from the assets of the venture capital program fund or any other funds managed by the authority, as authorized by law.

## **Chapter 21 Section 6 Laws 2022**

SECTION 6. COMPROMISE--ADJUSTMENT.--In the event of default in the payment of principal of or interest on an investment made, the authority is authorized to institute proper proceedings to collect matured interest and principal; the authority may, after consultation with the board of directors of the authority, accept for exchange purposes refunding bonds or other evidences of indebtedness at interest rates to be agreed upon with the obligor. The authority, after consultation with the board of directors of the authority, is authorized to adjust past-due interest or principal in default.

## **Chapter 21 Section 7 Laws 2022**

SECTION 7. REPORTS.--No later than July 1 of each year, the authority shall submit a report to the legislative finance committee, the revenue stabilization and tax policy committee and any other appropriate interim legislative committee. The report shall provide for the prior calendar year the amounts invested in each venture private equity fund, as well as information about the objectives of the funds, the companies in which each venture private equity fund is invested and how each venture private equity investment enhances the economic development objectives of the state. Each report shall also provide the amounts invested in each New Mexico business during the prior calendar year.

## **Chapter 21 Section 8 Laws 2022**

SECTION 8. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

# LAWS 2022, CHAPTER 22

**House Bill 119**  
**Approved March 1, 2022**

AN ACT

RELATING TO SCHOOL DISTRICTS; ADJUSTING AMOUNTS TO BE USED IN CALCULATING STATE DISTRIBUTIONS TO SCHOOL DISTRICTS THAT IMPOSE A PUBLIC SCHOOL CAPITAL IMPROVEMENTS TAX AND TO CHARTER SCHOOLS WITHIN THOSE SCHOOL DISTRICTS; CREATING AN ADDITIONAL DISTRIBUTION TO THOSE SCHOOL DISTRICTS AND CHARTER SCHOOLS; REPEALING AN OUTDATED SECTION OF LAW.

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

## **Chapter 22 Section 1 Laws 2022**

SECTION 1. Section 22-25-2 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 2, as amended) is amended to read:

"22-25-2. DEFINITIONS.--As used in the Public School Capital Improvements Act, "capital improvements" means expenditures, including payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment Act or the Public School Lease Purchase Act but excluding any other debt service expenses, for:

- A. erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings, including teacher housing and pre-kindergarten classroom facilities;
- B. purchasing or improving public school or pre-kindergarten grounds;
- C. maintenance of public school buildings, including teacher housing, or public school or pre-kindergarten grounds, including the purchasing or repairing of maintenance equipment and participating in the facility information management system as required by the Public School Capital Outlay Act and including payments under contracts with regional education cooperatives for maintenance support services and expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of school district employees;
- D. purchasing activity vehicles for transporting students to extracurricular school activities;
- E. purchasing computer software and hardware for student use in public school classrooms; and

F. purchasing and installing education technology improvements, excluding salary expenses of school district employees, but including tools used in the educational process that constitute learning and administrative resources, and that may also include:

(1) satellite, copper and fiber-optic transmission; computer and network connection devices; digital communication equipment, including voice, video and data equipment; servers; switches; portable media devices, such as discs and drives to contain data for electronic storage and playback; and the purchase or lease of software licenses or other technologies and services, maintenance, equipment and computer infrastructure information, techniques and tools used to implement technology in schools and related facilities; and

(2) improvements, alterations and modifications to, or expansions of, existing buildings or tangible personal property necessary or advisable to house or otherwise accommodate any of the tools listed in this subsection."

## **Chapter 22 Section 2 Laws 2022**

SECTION 2. Section 22-25-7 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 7, as amended) is amended to read:

### **"22-25-7. IMPOSITION OF TAX--LIMITATION ON EXPENDITURES.--**

A. If as a result of an election held in accordance with the Public School Capital Improvements Act a majority of the qualified electors voting on the question votes in favor of the imposition of the tax, the tax rate shall be certified, unless the local school board requests by resolution that a rate be discontinued, by the department of finance and administration at the rate specified in the resolution authorized under Section 22-25-3 NMSA 1978 or at any lower rate required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon the rate specified in the resolution and be imposed at the rate certified in accordance with the provisions of the Property Tax Code.

B. The revenue produced by the tax and, except as provided in Subsections D and F of Section 22-25-9 NMSA 1978, any state distribution resulting to the district under the Public School Capital Improvements Act shall be expended only for the capital improvements specified in the authorizing resolution.

C. The amount of tax revenue to be distributed to each charter school that was included in the resolution shall be determined each year and shall be in the same proportion as the average full-time-equivalent enrollment of the charter school on the first reporting date of the prior school year is to the total such enrollment in the school district; provided that, in determining the school district's total enrollment, charter school students located within the school district shall be included; and provided further that no distribution shall be made to an approved charter school that had not commenced

classroom instruction in the prior school year. Each year, the department shall certify to the county treasurer of the county in which the eligible charter schools in the school district are located the percentage of the revenue to be distributed to each charter school. The county treasurer shall distribute the charter school's share of the property tax revenue directly to the charter school."

## **Chapter 22 Section 3 Laws 2022**

SECTION 3. Section 22-25-9 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 9, as amended) is amended to read:

"22-25-9. STATE DISTRIBUTION TO SCHOOL DISTRICT IMPOSING TAX UNDER CERTAIN CIRCUMSTANCES.--

A. Except as provided in Subsection E of this section, for each year that a capital improvements tax is imposed by a school district, the secretary shall distribute from the public school capital improvements fund to the school district an amount equal to the greater of:

(1) the difference between:

(a) the product of: 1) the school district's program units; 2) multiplied by the tax rate imposed by the school district; and 3) multiplied further by the sum calculated pursuant to Subsection B of this section; and

(b) the school district's estimated tax revenue; or

(2) the product of:

(a) five dollars (\$5.00) for fiscal year 2023; and in each subsequent fiscal year, the amount for the previous fiscal year adjusted by the percentage increase between the next preceding calendar year and the preceding calendar year of the consumer price index for the United States, all items, as published by the United States department of labor;

(b) multiplied by the school district's program units; and

(c) multiplied further by the tax rate imposed by the school district.

B. The amount in Item 3) of Subparagraph (a) of Paragraph (1) of Subsection A of this section shall be equal to the sum of:

(1) for fiscal year 2023, eighty-nine dollars twenty-five cents (\$89.25); and in each subsequent fiscal year, the amount for the previous fiscal year adjusted by the percentage increase between the next preceding calendar year and the preceding

calendar year of the consumer price index for the United States, all items, as published by the United States department of labor; plus

(2) an additional amount certified to the secretary by the public school capital outlay council. No later than June 1 of each year, the council shall determine the amount needed in the next fiscal year for public school capital outlay projects pursuant to the Public School Capital Outlay Act and the amount of revenue, from all sources, available for the projects. If, in the sole discretion of the council, the amount available exceeds the amount needed, the council may certify an additional amount pursuant to this paragraph; provided that the sum of the amount calculated pursuant to this paragraph plus the amount in Paragraph (1) of this subsection shall not result in a total statewide distribution that, in the opinion of the council, exceeds one-half of the total revenue estimated to be received from taxes imposed pursuant to the Public School Capital Improvements Act.

C. If a distribution is made to a school district pursuant to Subsection A of this section, the secretary shall make an additional distribution from the public school capital improvements fund to the school district in an amount equal to the product of:

- (1) fifty-three dollars (\$53.00);
- (2) multiplied by the sum of the school district's program units;
- (3) multiplied further by the greater of six percent or the percentage calculated pursuant to Paragraph (6) of Subsection B of Section 22-24-5 NMSA 1978; and
- (4) multiplied further by the tax rate imposed by the school district.

D. In expending distributions made pursuant to this section, school districts and charter schools shall give priority to maintenance projects, including payments under contracts with regional education cooperatives for maintenance support services. In addition, distributions made pursuant to this section may be expended by school districts and charter schools as follows, but no distribution from the public school capital improvements fund may be used for capital improvements to any administration building of a school district:

- (1) for the school district portion of the total project cost for roof repair or replacement required by Section 22-24-4.3 NMSA 1978; or
- (2) for the school district portion of payments made under a financing agreement entered into by a school district or a charter school for the leasing of a building or other real property with an option to purchase for a price that is reduced according to the payments made, if the school district has received a grant for the state share of the payments pursuant to Subsection D of Section 22-24-5 NMSA 1978.



E. In the event that sufficient funds are not available in the public school capital improvements fund to make the distributions pursuant to this section, the dollar per program unit figure shall be reduced as necessary.

F. A portion of each distribution made by the state pursuant to this section shall be further distributed by the school district to each locally chartered or state-chartered charter school located within the school district. The amount to be distributed to each charter school shall be in the same proportion as the average full-time-equivalent enrollment of the charter school on the second and third reporting dates of the prior school year is to the total such enrollment in the school district; provided that, in determining the school district's total enrollment, charter school students located within the school district shall be included; and provided further that no distribution shall be made to an approved charter school that had not commenced classroom instruction in the prior school year. Each year, the department shall certify to the school district the amount to be distributed to each charter school. Distributions received by a charter school pursuant to this subsection shall be expended pursuant to the provisions of the Public School Capital Improvements Act; except that if capital improvements for the charter school were not identified in a resolution approved by the electors, the charter school may expend the distribution for any capital improvements, including those specified in Subsection D of this section.

G. In making distributions pursuant to this section, the secretary shall include such reporting requirements and conditions as are required by rule of the public school capital outlay council. The council shall adopt such requirements and conditions as are necessary to ensure that the distributions are expended in the most prudent manner possible and are consistent with the original purpose as specified in the authorizing resolution. Copies of reports or other information received by the secretary in response to the requirements and conditions shall be forwarded to the council.

H. As used in this section:

(1) "capital improvements tax" means the tax authorized pursuant to the Public School Capital Improvements Act;

(2) "estimated tax revenue" means the revenue estimated to be received by a school district from the capital improvements tax, using prior year valuations and assuming a one hundred percent collection rate;

(3) "program units" means a school district's final program units determined pursuant to Sections 22-8-19, 22-8-20 through 22-8-23.1 and 22-8-23.3 NMSA 1978 generated in the previous fiscal year, including such program units generated by a charter school located within the school district; and

(4) "tax rate" means the rate approved by the qualified electors in the most recent election on the question of imposing a tax pursuant to the Public School Capital Improvements Act."

## **Chapter 22 Section 4 Laws 2022**

SECTION 4. REPEAL.--Section 22-24-4.4 NMSA 1978 (being Laws 2005, Chapter 274, Section 7, as amended) is repealed.

## **Chapter 22 Section 5 Laws 2022**

SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

# **LAWS 2022, CHAPTER 23**

**House Bill 132, aa**  
**Approved March 1, 2022**

AN ACT

RELATING TO FINANCIAL INSTITUTIONS; CHANGING THE PERMITTED PERCENTAGE RATES FOR LOANS PURSUANT TO THE NEW MEXICO BANK INSTALLMENT LOAN ACT OF 1959 AND THE NEW MEXICO SMALL LOAN ACT OF 1955; REQUIRING A LICENSE FOR CERTAIN LENDERS; CHANGING CERTAIN REPORTING REQUIREMENTS; REQUIRING NOTICE.

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

## **Chapter 23 Section 1 Laws 2022**

SECTION 1. Section 58-7-3 NMSA 1978 (being Laws 1995, Chapter 190, Section 15, as amended) is amended to read:

"58-7-3. LOANS COVERED BY ACT.--

A. The New Mexico Bank Installment Loan Act of 1959 applies to a loan that is a precomputed loan repayable in installments and that is clearly identified on the loan documents as being made under that act.

B. A loan in an amount equal to ten thousand dollars (\$10,000) or less shall be made only pursuant to the New Mexico Bank Installment Loan Act of 1959 or the New Mexico Small Loan Act of 1955. A loan made pursuant to the New Mexico Bank Installment Loan Act of 1959 shall be identified in the loan documents as being made pursuant to that act.

C. The provisions of Subsection B of this section shall not apply to a federally insured depository institution."

## Chapter 23 Section 2 Laws 2022

SECTION 2. Section 58-7-6 NMSA 1978 (being Laws 1959, Chapter 327, Section 6, as amended) is amended to read:

### "58-7-6. PERMITTED CHARGES--LIMITATION ON PRESENTMENT.--

A. No amount, other than the total finance charge, calculated pursuant to Subsections D, E and F of Section 58-7-7 NMSA 1978, which consists solely of interest and a fully earned processing fee not to exceed the lesser of two hundred dollars (\$200) or ten percent of the principal, shall be charged or contracted for, directly or indirectly, on or in connection with a precomputed loan transaction except as follows:

(1) delinquency charges not to exceed five cents (\$.05) for each one dollar (\$1.00) of each installment more than ten days in arrears may be charged; provided that the total of delinquency charges on any such installment shall not exceed ten dollars (\$10.00) and that only one delinquency charge shall be made on any one installment regardless of the period during which the installment remains unpaid;

(2) the lender may charge for only the actual cost of any insurance; provided, however, all insurance shall be written by companies licensed to operate within the state and at rates no higher than those approved by the superintendent of insurance; and provided further that the lender shall not require any insurance to be written or provided by or through any particular agent, broker or insurer as a condition to making the loan but shall, at the borrower's option, permit the insurance to be procured from any reputable insurer or through any reputable agent authorized by law to provide it;

(3) in the event that a borrower fails to maintain in effect any insurance required in connection with a loan transaction, the lender may purchase the required insurance or lender's single interest insurance covering the lender's interest in the property, and the cost of that insurance shall be added to the loan and may accrue interest as provided for in the New Mexico Bank Installment Loan Act of 1959;

(4) such amounts as are necessary to reimburse the lender for fees paid to a public officer for filing, recording or releasing any instrument or lien;

(5) if a loan under the New Mexico Bank Installment Loan Act of 1959 is secured and if the borrower fails to pay any governmental or other levy arising after the date of the loan that would create a lien superior to the lien of the lender on the property standing as security, the lender, at the lender's option, may pay the levy and add the amount so paid to the balance due from the borrower;

(6) the actual expenditures, including reasonable attorney fees, for legal process or proceedings to collect on a precomputed loan; provided, however, that no attorney fees are permitted where the loan is referred for collection to an attorney

who is a salaried employee of the holder of the contract; and further provided that attorney fees shall not be charged or collected unless the note or other contract has been submitted to an attorney for collection after the lender has made a diligent and good faith effort to collect and has failed; and

(7) the actual cost of charges incurred in making a real estate loan secured by a mortgage on real estate, including the charges for an abstract of title, title examination, title insurance premiums, property survey, appraisal fees, notary fees, preparation of deeds, mortgages or other documents, escrow charges, credit reports and filing and recording fees.

B. If there are insufficient funds to pay a check or other type of debit on the date of presentment by the lender, a check or debit authorization request shall not be presented to a financial institution by a lender for payment more than one time per payment due unless the consumer agrees in writing, after a check or other type of debit has been dishonored, to one additional presentment or deposit.

C. The charges permitted under this section may be added to the balance due from the borrower."

## **Chapter 23 Section 3 Laws 2022**

SECTION 3. Section 58-7-7 NMSA 1978 (being Laws 1959, Chapter 327, Section 8, as amended) is amended to read:

### "58-7-7. RESTRICTIONS.--

A. No lender shall make a loan pursuant to the New Mexico Bank Installment Loan Act of 1959 to a borrower who is also indebted to that lender pursuant to the New Mexico Small Loan Act of 1955 unless the loan made pursuant to the New Mexico Small Loan Act of 1955 is paid and released at the time the loan is made.

B. No lender other than a federally insured depository institution shall make a loan pursuant to the New Mexico Bank Installment Loan Act of 1959 if a loan has an initial stated maturity of less than one hundred twenty days.

C. No lender other than a federally insured depository institution shall make a loan pursuant to the New Mexico Bank Installment Loan Act of 1959 unless the loan is repayable in a minimum of four substantially equal installment payments of principal and interest.

D. No lender, other than a federally insured depository institution, shall make a loan pursuant to the New Mexico Bank Installment Loan Act of 1959 that has a permitted annual percentage rate greater than thirty-six percent, calculated pursuant to 12 CFR Part 1026, known as "Regulation Z", this subsection and Subsections E and F

of this section; provided that the calculation of the permitted annual percentage rate shall:

(1) include finance charges as defined in 12 CFR Part 1026, known as "Regulation Z", charges for any ancillary product or service sold or any fee charged in connection or concurrent with the extension of credit, any credit insurance premium or fee and any charge for single premium credit insurance or any other fee related to insurance;

(2) include any charge as provided in Paragraph (1) of this subsection even if that charge would be excluded from the calculation of finance charges pursuant to Regulation Z;

(3) not include any amount paid to a public official in relation to the extension of credit, including fees to record liens;

(4) not include a fee on a loan of five hundred dollars (\$500) or less; provided further that the fee shall not exceed five percent of the total principal of the loan and shall not be imposed on any borrower more than one time per twelve-month period; and

(5) follow the rules established for calculating the disclosed annual percentage rate for credit transactions pursuant to Regulation Z based on the charges set forth in Paragraphs (1) and (4) of this subsection.

E. Nothing in Subsection D of this section shall permit the imposition of fees, interest or charges of any kind not otherwise permitted by the New Mexico Bank Installment Loan Act of 1959.

F. If the prime rate of interest exceeds ten percent for three consecutive months, then during the month following the third consecutive month in which prime exceeded ten percent, the maximum allowable permitted annual percentage rate set forth in this section shall increase to thirty-six percent plus each percentage point or fraction of a percentage point by which the prime rate of interest exceeded ten percent in the most recent month. When the prime rate of interest falls below ten percent for three consecutive months, the maximum allowable permitted annual percentage rate shall return to thirty-six percent.

G. The director of the financial institutions division of the regulation and licensing department shall post a notice on the division's website within ten days after the provisions of Subsection F of this section become applicable. The notice shall state the date on which any increase or decrease in the maximum allowable permitted annual percentage rate is effective.

H. The maximum allowable permitted annual percentage rate for a loan to a consumer shall be determined as of the date that the loan is made.

I. The provisions of Subsections B and C of this section shall not apply to refund anticipation loans. As used in this subsection, "refund anticipation loan" means a loan that is secured by or that the creditor arranges or expects to be repaid, directly or indirectly, from the proceeds of the consumer's federal or state personal income tax refunds or tax credits, including any sale, assignment or purchase of a tax refund or tax credit at a discount or for a fee.

J. Except as provided by Section 58-7-3.2 NMSA 1978, any rollover, renewal, refinance or modification of an existing loan agreement with a lender, except a modification without any additional cost to the consumer, shall constitute a new loan and shall require new disclosures pursuant to the federal Truth in Lending Act."

## **Chapter 23 Section 4 Laws 2022**

SECTION 4. Section 58-7-9 NMSA 1978 (being Laws 1959, Chapter 327, Section 10, as amended) is amended to read:

"58-7-9. CONSTRUCTION--DEFINITIONS.--

A. None of the provisions of the New Mexico Small Loan Act of 1955 are amended or repealed by the New Mexico Bank Installment Loan Act of 1959.

B. None of the provisions of the New Mexico Bank Installment Loan Act of 1959 apply to the assignment or purchase of retail installment contracts originated under the provisions of Sections 58-19-1 through 58-19-14 NMSA 1978 or originated under the provisions of Sections 56-1-1 through 56-1-15 NMSA 1978.

C. In the event of a conflict between a requirement of the New Mexico Bank Installment Loan Act of 1959 and a requirement of the Home Loan Protection Act, the requirement of the Home Loan Protection Act shall control.

D. As used in the New Mexico Bank Installment Loan Act of 1959:

(1) "consumer" means a person who resides in New Mexico or who enters into a loan agreement in New Mexico;

(2) "consumer reporting agency" means any person that, for monetary fees or dues or on a cooperative nonprofit basis, regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's creditworthiness, credit standing or credit capacity, each of the following regarding consumers:

(a) public record information; or

(b) credit account information from persons who furnish that information regularly and in the ordinary course of business;

(3) "debit authorization" means an authorization signed by a consumer to electronically transfer or withdraw funds from the consumer's account for the specific purpose of repaying a loan;

(4) "make a loan" means to originate a new loan agreement or to make any change to the terms of an existing loan agreement, including the principal amount financed, the annual percentage rate, finance charge, fees or payment schedule;

(5) "month" means one-twelfth of a year;

(6) "person" includes an individual, copartner, association, trust, corporation and any other legal entity;

(7) "prime rate of interest" means the bank prime loan rate published by the board of governors of the federal reserve system on the last business day of the preceding month; and

(8) "year" means three hundred sixty-five days.

E. The director of the financial institutions division of the regulation and licensing department shall issue and file as required by law interpretive regulations to effectuate the purposes of the New Mexico Bank Installment Loan Act of 1959. In issuing, amending or repealing interpretive regulations, the director shall issue the regulation amendment or repeal of the regulation as a proposed regulation amendment or repeal of a regulation and file it for public inspection in the office of the director of the financial institutions division. Distribution thereof shall be made to interested persons, and their comments shall be invited. After the proposed regulation has been on file for not less than two months, the director may issue it as a final regulation by filing as required by law. Any person who is or may be adversely affected by the adoption, amendment or repeal of a regulation under this section may file an appeal of that action in the district court in Santa Fe county within thirty days after the filing of the adopted regulation, amendment or repeal as required by law.

F. Any person complying with the regulations adopted by the director of the financial institutions division of the regulation and licensing department is deemed to have complied with the provisions of the New Mexico Bank Installment Loan Act of 1959."

## **Chapter 23 Section 5 Laws 2022**

SECTION 5. Section 58-15-2 NMSA 1978 (being Laws 1955, Chapter 128, Section 2, as amended) is amended to read:

"58-15-2. DEFINITIONS.--The following words and terms when used in the New Mexico Small Loan Act of 1955 have the following meanings unless the context clearly

requires a different meaning. The meaning ascribed to the singular form applies also to the plural:

A. "consumer" means a person who resides in New Mexico or who enters into a loan agreement in New Mexico;

B. "consumer reporting agency" means any person that, for monetary fees or dues or on a cooperative nonprofit basis, regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's creditworthiness, credit standing or credit capacity, each of the following regarding consumers:

(1) public record information; or

(2) credit account information from persons who furnish that information regularly and in the ordinary course of business;

C. "debit authorization" means an authorization signed by a consumer to electronically transfer or withdraw funds from the consumer's account for the specific purpose of repaying a loan;

D. "division" means the financial institutions division of the regulation and licensing department;

E. "director" means the director of the division;

F. "installment loan" means a loan that is not a refund anticipation loan and is in an amount less than or equal to ten thousand dollars (\$10,000) that is to be repaid:

(1) in a minimum of four substantially equal payments of principal and interest to pay off a loan in its entirety with an initial stated maturity of not less than one hundred twenty days to maturity; or

(2) in any number of payments and with any initial stated days to maturity that bears no finance charge as disclosed pursuant to 12 CFR Part 1026, known as "Regulation Z", and with respect to which no other fees or charges of any kind are imposed at any time;

G. "license" means a permit issued under the authority of the New Mexico Small Loan Act of 1955 to make loans and collect charges therefor strictly in accordance with the provisions of that act at a single place of business. It shall constitute and shall be construed as a grant of a revocable privilege only to be held and enjoyed subject to all the conditions, restrictions and limitations contained in the New Mexico Small Loan Act of 1955 and lawful regulations promulgated by the director and not otherwise;



H. "licensee" means a person to whom one or more licenses have been issued pursuant to the New Mexico Small Loan Act of 1955 upon the person's written application electing to become a licensee and consenting to exercise the privilege of a licensee solely in conformity with the New Mexico Small Loan Act of 1955 and the lawful regulations promulgated by the director under that act and whose name appears on the face of the license;

I. "make a loan" means to originate a new loan agreement or to make any change to the terms of an existing loan agreement, including the principal amount financed, the annual percentage rate, finance charge, fees or payment schedule;

J. "person" includes an individual, copartner, association, trust, corporation and any other legal entity;

K. "prime rate of interest" means the bank prime loan rate published by the board of governors of the federal reserve system on the last business day of the preceding month;

L. "refund anticipation loan" means a loan that is secured by or that the creditor arranges or expects to be repaid, directly or indirectly, from the proceeds of the consumer's federal or state personal income tax refunds or tax credits, including any sale, assignment or purchase of a tax refund or tax credit at a discount or for a fee; and

M. "simple interest" means a method of calculating interest in which the amount of interest is calculated based on the annual percentage rate disclosed in the loan agreement and is computed only on the outstanding principal balance of the loan."

## **Chapter 23 Section 6 Laws 2022**

SECTION 6. Section 58-15-3 NMSA 1978 (being Laws 1955, Chapter 128, Section 3, as amended) is amended to read:

"58-15-3. APPLICABILITY OF ACT--EXEMPTIONS--EVASIONS-- PENALTY.--

A. A person shall not engage in the business of lending in amounts of ten thousand dollars (\$10,000) or less for a loan without first having obtained a license from the director. Nothing contained in this subsection shall restrict or prohibit a licensee under the New Mexico Small Loan Act of 1955 from making loans in any amount under the New Mexico Bank Installment Loan Act of 1959 in accordance with the provisions of Section 58-7-2 NMSA 1978.

B. Nothing in the New Mexico Small Loan Act of 1955 shall apply to a person making individual advances of ten thousand dollars (\$10,000) or less under a written agreement providing for a total loan or line of credit in excess of ten thousand dollars (\$10,000).

C. A banking corporation, savings and loan association or credit union operating under the laws of the United States or of a state shall be exempt from the licensing requirements of the New Mexico Small Loan Act of 1955, nor shall that act apply to business transacted by any person under the authority of and as permitted by any such law nor to any bona fide pawnbroking business transacted under a pawnbroker's license nor to bona fide commercial loans made to dealers upon personal property held for resale. Nothing contained in the New Mexico Small Loan Act of 1955 shall be construed as abridging the rights of any of those exempted from the operations of that act from contracting for or receiving interest or charges not in violation of an existing applicable statute of this state.

D. The provisions of Subsection A of this section apply to:

(1) a person who owns an interest, legal or equitable, in the business or profits of a licensee and whose name does not specifically appear on the face of the license, except a stockholder in a corporate licensee;

(2) a person who seeks to evade its application by any device, subterfuge or pretense whatsoever, including but not thereby limiting the generality of the foregoing:

(a) the loan, forbearance, use or sale of credit (as guarantor, surety, endorser, comaker or otherwise), money, goods or things in action;

(b) the use of collateral or related sales or purchases of goods or services or agreements to sell or purchase, whether real or pretended;

(c) receiving or charging compensation for goods or services, whether or not sold, delivered or provided;

(d) the real or pretended negotiation, arrangement or procurement of a loan through any use or activity of a third person, whether real or fictitious;

(e) making loans disguised as a personal property sale and leaseback transaction;

(f) disguising loan proceeds as a cash rebate for the pretextual installment sale of goods or services; and

(g) making, offering, assisting or arranging a debtor to obtain a loan with a greater rate of interest, consideration or charge than is permitted by Chapter 58 NMSA 1978 through any method, including mail, telephone, internet or any electronic means, regardless of whether the person has a physical location in the state; and

(3) if the loan exceeds the rate permitted by Chapter 58 NMSA 1978, a person purporting to act as an agent, service provider or in another capacity for another entity that is exempt from the New Mexico Small Loan Act of 1955, if, among other things:

(a) the person holds, acquires or maintains, directly or indirectly, the predominant economic interest in the loan;

(b) the person markets, brokers, arranges or facilitates the loan and holds the right, requirement or first right of refusal to purchase loans, receivables or interests in the loans; or

(c) the totality of the circumstances indicate that the person is the lender and the transaction is structured to evade the requirements of the New Mexico Small Loan Act of 1955. In deciding whether the totality of the circumstances indicate that the person is a lender and a transaction is structured to evade the requirements of the New Mexico Small Loan Act of 1955, all relevant factors may be considered, including where the person: 1) indemnifies, insures or protects an exempt entity for any costs or risks related to the loan; 2) predominantly designs, controls or operates the loan program; or 3) purports to act as an agent, service provider or in another capacity for an exempt entity while acting directly as a lender in other states.

E. A person, copartnership, trust or a trustee or beneficiary thereof or an association or corporation or a member, officer, director, agent or employee thereof who violates or participates in the violation of a provision of Subsection A of this section is guilty of a petty misdemeanor and upon conviction shall be sentenced pursuant to the provisions of Subsection B of Section 31-19-1 NMSA 1978. A contract or loan in the making or collection of which an act is done that violates Subsection A or D of this section or Section 58-15-17 or 58-15-20 NMSA 1978 is void and the lender has no right to collect, receive or retain any principal, interest or charges whatsoever.

F. A loan in an amount equal to ten thousand dollars (\$10,000) or less shall be made only pursuant to the New Mexico Bank Installment Loan Act of 1959 or the New Mexico Small Loan Act of 1955.

G. A violation of a provision of the New Mexico Small Loan Act of 1955 that constitutes either an unfair or deceptive trade practice or an unconscionable trade practice pursuant to Section 57-12-2 NMSA 1978 is actionable pursuant to the Unfair Practices Act."

## **Chapter 23 Section 7 Laws 2022**

SECTION 7. Section 58-15-9 NMSA 1978 (being Laws 1955, Chapter 128, Section 9, as amended) is amended to read:

"58-15-9. EXAMINATION OF LICENSEE'S BOOKS AND RECORDS--  
WITNESSES.--

A. At least once each year, the director or the director's authorized representative shall make an examination of the place of business of each licensee and the loans, transactions, books, papers and records of the licensee insofar as they pertain to the business licensed under the New Mexico Small Loan Act of 1955 as the director may deem necessary. The licensee shall pay to the director for such annual examination a fee of two hundred dollars (\$200).

B. Within a reasonable time after the completion of an examination of a licensed office, the director shall mail to the licensee a copy of the report of the examination, together with any comments, exceptions, objections or criticisms of the director concerning the conduct of the licensee and the operation of the licensed office.

C. For the purpose of discovering violations of the New Mexico Small Loan Act of 1955 or of securing information lawfully required under that act, the director or the director's authorized representative may at any time investigate the business and examine the books, accounts, papers and records used therein, including income tax returns or other reports filed in the office of the director of the revenue processing division of the taxation and revenue department of:

(1) any licensee;

(2) any other person engaged in the business described in Subsection A of Section 58-15-3 NMSA 1978 or participating in such business as principal, agent, broker or otherwise; and

(3) any person who the director has reasonable cause to believe is violating any provision of the New Mexico Small Loan Act of 1955, whether the person claims to be within the authority or beyond the scope of that act.

D. For the purposes of this section, a person who advertises, solicits or makes any representation as being willing to make loan transactions in any amount, except persons, financial institutions or lending agencies operating under charters or licenses issued by a state or federal agency or under any special statute, shall be subject to investigation under the New Mexico Small Loan Act of 1955 and shall be presumed to be engaged in the business described in Subsection A of Section 58-15-3 NMSA 1978 as to any loans of ten thousand dollars (\$10,000) or less.

E. To facilitate the examinations and investigations by the director and fully disclose the operations and methods of operation of each licensed office, the licensee shall, in each licensed office, keep on file as part of the records of the office all office manuals, communications or directives containing statements of loan policy to office managers and employees. If the licensee is an individual, corporation, trust or association, the licensee shall keep in at least one office for information of the director a

record of the several individuals, firms, beneficiaries of any trust and corporations deriving or receiving any part of the benefits, net income or profits from the operation of the licensee within New Mexico.

F. For the purposes of this section, the director or the director's authorized representative shall have and be given free access to the offices and places of business, files, safes and vaults of all licensees and shall have authority to require the attendance of any person and to examine the person under oath relative to such loans or business or to the subject matter of any examination, investigation or hearing as provided in the New Mexico Small Loan Act of 1955. Notices to appear before the director for examination under oath may be served by registered mail. If the party notified to appear is the licensee, any person named on the face of the license being investigated or any agent, employee or manager participating in the licensee's business and the party fails to appear for examination or refuses to answer questions submitted, the director may, forthwith and without further notice to the licensee, suspend the license involved pending compliance with the notice. Upon failure of any other person to appear or to answer questions, the director may apply to and invoke the aid of any district court of New Mexico in compelling the attendance and testimony of any such person and the production of books, records, written instruments and documents relating to the business of the licensee. The district court whose aid is so invoked by the director may, in case of contumacy or refusal to obey any order of the district court issued to compel the attendance of the person or the production of books, records, written instruments and documents, punish the person as for contempt of court.

G. The director shall prescribe rules of procedure for all hearings, examinations or investigations provided for in the New Mexico Small Loan Act of 1955. The director is not bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure or pleading and specification of charges other than as specifically provided in the New Mexico Small Loan Act of 1955 but may conduct hearings, examinations and investigations in the manner best calculated to ascertain the substantial rights of the parties interested.

H. The director has the power to administer oaths, certify official acts and records of the director's office, issue subpoenas for witnesses in the name of and under the seal of the director's office and compel the production of papers, books, accounts and documents. The director shall issue subpoenas at the instance of any party to a hearing before the division upon payment of a fee of two dollars fifty cents (\$2.50) for each subpoena so issued.

I. Depositions may be taken with or without a commission, and written interrogatories may be submitted in the same manner and on the same grounds provided by law for the taking of depositions or submission of written interrogatories in civil actions pending in the district courts of this state.

J. Each witness who appears before the director by the director's order shall receive the fees and mileage provided for witnesses in civil actions in the district court.

Fees and mileage shall be paid by the state, but no witness subpoenaed at the instance of parties other than the director is entitled to compensation from the state for attendance or mileage unless the director certifies that the witness' testimony is material.

K. Whenever the director has reasonable cause to believe that a person is violating a provision of the New Mexico Small Loan Act of 1955, the director may, in addition to all actions provided for in that act and without prejudice thereto, enter an order requiring the person to desist or to refrain from the violation. An action may be brought on the relation of the attorney general and the director to enjoin the person from engaging in or continuing the violation or from doing any act in furtherance of the violation. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction or final injunction, the court in which such action is brought shall have power and jurisdiction to impound and to appoint a receiver for the property and business of the defendants, including books, papers, documents and records pertaining thereto or so much thereof as the court may deem reasonably necessary to prevent further violations of the New Mexico Small Loan Act of 1955 through or by means of the use of the property and business. The receiver, when appointed and qualified, shall have powers and duties as to custody, collection, administration, winding up and liquidation of the property and business as are from time to time conferred upon the receiver by the court."

## **Chapter 23 Section 8 Laws 2022**

SECTION 8. Section 58-15-10.1 NMSA 1978 (being Laws 2011, Chapter 105, Section 1, as amended) is amended to read:

### **"58-15-10.1. LICENSEE REPORTING REQUIREMENTS-- PENALTIES--**

A. Licensees shall file with the director each year reports containing at least the following information for the preceding calendar year ending December 31 in an aggregated, nonidentifying consumer manner as specified below:

- (1) a description of each loan product offered by the licensee, including:
  - (a) whether the loan product was secured or unsecured;
  - (b) whether the loan product was made pursuant to the New Mexico Small Loan Act of 1955 or the New Mexico Bank Installment Loan Act of 1959;
  - (c) the total dollar amount of principal loaned for that product;
  - (d) the percentage of the total dollar amount of all principal for that product that was repaid; and

(e) the total number of individual borrowers who took out this type of loan product;

(2) the total number of loan transactions entered into for each loan product in the following amounts:

- (a) five hundred dollars (\$500) or less;
- (b) five hundred one dollars (\$501) to one thousand dollars (\$1,000);
- (c) one thousand one dollars (\$1,001) to three thousand dollars (\$3,000);
- (d) three thousand one dollars (\$3,001) to five thousand dollars (\$5,000); and
- (e) five thousand one dollars (\$5,001) to ten thousand dollars (\$10,000);

(3) for each loan product, the number of loans made and the total dollar amount of interest and fees charged on the contracts for loans made within the following categories of annual percentage rate calculated pursuant to 12 CFR Part 1026, known as "Regulation Z":

- (a) less than or equal to ten percent;
- (b) more than ten percent through eighteen percent;
- (c) more than eighteen percent through thirty-six percent; and
- (d) more than thirty-six percent;

(4) for each loan product, the following aggregate amounts of fees and interest:

- (a) a list of each fee charged by the lender and a description of each fee product or type, including fees charged for loan origination and credit insurance;
- (b) the total dollar amount of each fee product charged by the lender and paid by the borrower; and
- (c) the total dollar amount of interest charged by the lender and paid by the borrower;

(5) for each loan product:

(a) the number of loans for which the original term of the loan was: 1) less than one hundred twenty days; 2) between one hundred twenty days and three hundred sixty-five days; 3) between three hundred sixty-five days and seven hundred thirty-one days; 4) between seven hundred thirty-one days and five years; and 5) longer than five years;

(b) for each item set forth in Subparagraph (a) of this paragraph, the average actual repayment time for the given loan product and loan term; and

(c) for each item set forth in Subparagraph (a) of this paragraph, the number of loans for which payments were due: 1) every two weeks; 2) every four weeks; and 3) monthly;

(6) the number of borrowers who took out one or two loans with the lender in the previous calendar year, and the percentage of all borrowers who took out one or two loans with the lender in the previous calendar year;

(7) the number of borrowers who took out three or more loans with the lender in the previous calendar year, and the percentage of all borrowers who took out three or more loans with the lender in the previous calendar year;

(8) for each loan product, the number of loans that have been repaid in full without an extension, renewal, refinance, rollover or new loan within thirty days of repaying that loan, and for each loan product, the percentage of all borrowers who have repaid their loans in full without an extension, renewal, refinance, rollover or new loan within thirty days of repaying that loan;

(9) for each loan product, the number of borrowers who extended, renewed, refinanced or rolled over their loans prior to or at the same time as paying their loan balance in full, or took out a new loan within thirty days of repaying that loan, and for each loan product, the percentage of all borrowers who extended, renewed, refinanced or rolled over their loans prior to or at the same time as paying the loan balance in full, or took out a new loan within thirty days of repaying that loan;

(10) for each loan product, the total number of loans for which a late payment fee was charged and the percentage of the total loans for which a late payment fee was charged;

(11) for each loan product, the total number of loans for which a late payment fee was charged more than once over the term of the contract, and the percentage of the total loans for which a late payment fee was charged more than once over the term of the contract;



(12) for each loan product, the number of loans for which a borrower has defaulted on a loan, and for each loan product, the percentage of total loans of that product for which the borrower has defaulted on a loan;

(13) for each loan product, the dollar amount of loan principal and accrued interest that was charged-off or written-off, and the number of borrowers for which the lender charged-off or wrote-off loan principal and accrued interest;

(14) the number of loans and percentage of all borrowers the lender filed action against for default;

(15) the total number of loans secured by a motor vehicle and the number of those loans for which the motor vehicle was repossessed;

(16) the total number of loans secured by non-motor vehicle personal property and the number of those loans for which the non-motor vehicle personal property was repossessed;

(17) the total number and percentage of borrowers of all loan products whose sources of income, as provided by borrowers in the loan origination process, included a means-tested public benefit as defined by 8 U.S.C. Section 1613(c);

(18) the total number and percentage of borrowers of all loan products who are aged sixty-five or older;

(19) the total number of loans of all loan products that were made to borrowers in each county in New Mexico; and

(20) the percentage of all borrowers who took out a refund anticipation loan who were eligible for a federal earned income tax credit.

B. The reports required pursuant to Subsection A of this section shall be submitted to the director on or before the fifteenth day of April each year.

C. The reports required pursuant to Subsection A of this section shall be accompanied by a sworn statement by the licensee under penalty of perjury that the report is complete and accurate.

D. A licensee that fails to timely submit complete and accurate reports as required pursuant to Subsection A of this section on or before the fifteenth day of April may:

(1) be fined an amount not to exceed one thousand five hundred dollars (\$1,500) per day for each day after the fifteenth day of April, a complete and accurate report is not filed; and

(2) have a license required pursuant to the New Mexico Small Loan Act of 1955 suspended pursuant to Section 58-15-8 NMSA 1978."

## **Chapter 23 Section 9 Laws 2022**

SECTION 9. Section 58-15-10.2 NMSA 1978 (being Laws 2017, Chapter 110, Section 21) is amended to read:

"58-15-10.2. REPORTING OF CREDIT REQUIRED.--

A. For each installment loan issued pursuant to Paragraph (1) of Subsection F of Section 58-15-2 NMSA 1978 and refund anticipation loan made pursuant to the New Mexico Small Loan Act of 1955, a lender shall report to a consumer reporting agency the terms of the loan and the borrower's performance pursuant to those terms.

B. For each installment loan issued pursuant to Paragraph (2) of Subsection F of Section 58-15-2 NMSA 1978, a lender may report to a consumer reporting agency the terms of the loan and the borrower's performance pursuant to those terms.

C. Any lender making a report to a consumer reporting agency pursuant to this section shall report both positive and negative performance by the borrower."

## **Chapter 23 Section 10 Laws 2022**

SECTION 10. Section 58-15-12 NMSA 1978 (being Laws 1955, Chapter 128, Section 12, as amended) is amended to read:

"58-15-12. ADVERTISING.--A licensee or other person subject to the New Mexico Small Loan Act of 1955 shall not advertise, display, distribute or broadcast or cause or permit to be advertised, displayed, distributed or broadcast in any manner whatsoever a false, misleading or deceptive statement or representation with regard to the charges, terms or conditions for loans in the amount or of the value of ten thousand dollars (\$10,000) or less. The director may require that charges or rates of charge, if stated by a licensee, be stated fully and clearly in such manner as the director deems necessary to prevent misunderstanding by prospective borrowers. The director may permit or require licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by the director to prevent erroneous impressions as to the scope or degree of protection provided by the New Mexico Small Loan Act of 1955."

## **Chapter 23 Section 11 Laws 2022**

SECTION 11. Section 58-15-17 NMSA 1978 (being Laws 1955, Chapter 128, Section 15, as amended) is amended to read:

"58-15-17. REQUIREMENTS FOR MAKING AND PAYING OF LOANS--  
INCOMPLETE INSTRUMENTS--LIMITATIONS ON CHARGES AFTER JUDGMENT  
AND INTEREST.--

A. Every licensee shall:

(1) at the time a consumer becomes contractually obligated on a loan pursuant to the New Mexico Small Loan Act of 1955, deliver to the borrower or, if there are two or more borrowers on the same obligation, to one of them, a statement on which shall be printed a copy of Section 58-15-14.1 NMSA 1978 and which shall disclose in clear and distinct terms:

- (a) the amount of the loan;
- (b) the date the loan was made;
- (c) a schedule or a description of the payments;
- (d) the type of the security, if any, for the loan;
- (e) the name and address of the licensee;
- (f) the name of the person primarily obligated for the loan;
- (g) the amount of principal;
- (h) the annual percentage rate as disclosed pursuant to 12 CFR Part 1026, known as "Regulation Z", and the amount in dollars and cents;
- (i) all other disclosures required pursuant to state and federal law; and
- (j) the charge for any other item allowable and included pursuant to the New Mexico Small Loan Act of 1955, so stated as to clearly show the allocation of each item included;

(2) for each payment made on account of a loan, give to the person making the payment a plain and complete receipt specifying the date and amount of the payment, the amount applied to interest and principal and the balance unpaid. When payment is made in any other manner than by the borrower in person, by an agent of the borrower or by check or money order, the licensee shall mail the receipt to the borrower's last known address or retain and deliver the receipt upon request of the borrower. A licensee may deliver the receipt electronically to the borrower via text message or email, if requested to do so in writing by the borrower. A borrower may withdraw authorization for electronic delivery of receipts in writing at any time. A licensee shall not require a borrower to receive receipts electronically. The licensee

shall maintain a copy of each receipt in the office of the licensee as a part of the licensee's records; and

(3) upon repayment of the loan in full, mark plainly every note and promise to pay signed by any borrower with the word "paid" or "canceled" and promptly file or record a release of any mortgage if the mortgage has been recorded, restore any pledge and cancel and return any note and any assignment given to the licensee. A licensee may mark and return a copy of the note, promise to pay or any assignment if the copy accurately reproduces the complete original.

B. A licensee shall not take a note or promise to pay that does not disclose the amount of the loan, a schedule of payments, or a description thereof, and the agreed charge or rate of charge or any instrument in which blanks are left to be filled in after execution.

C. A judgment against a party on a loan made pursuant to the New Mexico Small Loan Act of 1955 shall not include, and the loan shall not include, from the date of the judgment, charges against a party to the loan other than costs, attorney fees and post-judgment interest as provided by law.

D. A loan made pursuant to the New Mexico Small Loan Act of 1955 that is filed and approved as a claim in any bankruptcy proceeding shall bear interest at the rate of ten percent per year beginning on the ninetieth day following the date of adjudication. This limitation shall not apply when the bankrupt is not discharged in bankruptcy or to any obligation not dischargeable under the provisions of the United States Bankruptcy Code presently in force.

E. A loan made pursuant to the provisions of the New Mexico Small Loan Act of 1955 shall not bear interest in excess of ten percent per year on the unpaid principal balance of a loan after ninety days following the date of the death of the borrower.

F. A loan made pursuant to the New Mexico Small Loan Act of 1955 shall not bear interest in excess of ten percent per year upon the unpaid principal balance of the loan after twelve months following the date of maturity of the loan.

G. A lender shall not make a loan pursuant to the New Mexico Small Loan Act of 1955 if a loan has an initial stated maturity of less than one hundred twenty days unless the loan is a refund anticipation loan.

H. A lender shall not make a loan pursuant to the New Mexico Small Loan Act of 1955 unless the loan is an installment loan or a refund anticipation loan.

I. A lender shall not make a loan pursuant to the New Mexico Small Loan Act of 1955, other than a refund anticipation loan, unless the loan is repayable in a minimum of four substantially equal installment payments of principal and interest.

J. A lender shall not make a loan pursuant to the New Mexico Small Loan Act of 1955 that has a permitted annual percentage rate greater than thirty-six percent, calculated pursuant to 12 CFR Part 1026, known as "Regulation Z", this subsection and Subsections K and L of this section; provided that the calculation of the permitted annual percentage rate shall:

(1) include finance charges as defined in 12 CFR Part 1026, known as "Regulation Z", charges for any ancillary product or service sold or any fee charged in connection or concurrent with the extension of credit, any credit insurance premium or fee and any charge for single premium credit insurance or any other fee related to insurance;

(2) include any charge as provided in Paragraph (1) of this subsection even if that charge would be excluded from the calculation of finance charges pursuant to Regulation Z;

(3) not include any amount paid to a public official in relation to the extension of credit, including fees to record liens;

(4) not include a fee on a loan of five hundred dollars (\$500) or less; provided further that the fee shall not exceed five percent of the total principal of the loan and shall not be imposed on any borrower more than one time per twelve-month period; and

(5) follow the rules established for calculating the disclosed annual percentage rate for credit transactions pursuant to Regulation Z based on the charges set forth in Paragraphs (1) and (4) of this subsection.

K. Nothing in Subsection J of this section shall permit the imposition of fees, interest or charges of any kind not otherwise permitted by the New Mexico Small Loan Act of 1955.

L. If the prime rate of interest exceeds ten percent for three consecutive months, then during the month following the third consecutive month in which prime exceeded ten percent, the maximum allowable permitted annual percentage rate set forth in this section shall increase to thirty-six percent plus each percentage point or fraction of a percentage point by which the prime rate of interest exceeded ten percent in the most recent month. When the prime rate of interest falls below ten percent for three consecutive months, the maximum allowable permitted annual percentage rate shall return to thirty-six percent.

M. The director of the division shall post a notice on the division's website within ten days after the provisions of Subsection L of this section become applicable. The notice shall state the date on which any increase or decrease in the maximum allowable permitted annual percentage rate is effective.

N. The maximum allowable permitted annual percentage rate for a loan to a consumer shall be determined as of the date that the loan is made.

O. Upon request from the borrower, all lenders licensed pursuant to the New Mexico Small Loan Act of 1955 shall give or forward to the borrower copies of all loan agreements concerning that borrower, a copy of all receipts maintained in that borrower's loan file and a written statement of that borrower's loan history, including all fees charged, amortization schedules, that borrower's payment history, including the dates and amounts of payments made, and the total amount unpaid pursuant to each contract. All lenders shall retain for seven years from the date of loan file origination or loan payoff, whichever is the later, the documentation specified in this subsection.

P. Any rollover, renewal, refinance or modification of an existing loan agreement with a licensee, except a modification without any additional cost to the borrower, shall constitute a new loan and shall require new disclosures pursuant to the federal Truth in Lending Act."

## **Chapter 23 Section 12 Laws 2022**

SECTION 12. Section 58-15-21 NMSA 1978 (being Laws 1955, Chapter 128, Section 19, as amended) is amended to read:

"58-15-21. WHAT CONSTITUTES LOAN OF MONEY--WAGE PURCHASES.-- The payment of ten thousand dollars (\$10,000) or less in money, credit, goods or things in action, as consideration for any sale or assignment of or order for the payment of wages, salary, commission or other compensation for services, whether earned or to be earned, shall, for the purposes of regulation under the New Mexico Small Loan Act of 1955, be deemed a loan of money secured by such sale, assignment or order. The amount by which compensation so sold, assigned or ordered paid exceeds the amount of consideration actually paid shall for the purpose of regulation under the New Mexico Small Loan Act of 1955 be deemed interest or charges upon the loan from the date of payment to the date the compensation is payable. Such transaction shall be governed by and subject to the provisions of the New Mexico Small Loan Act of 1955."

## **Chapter 23 Section 13 Laws 2022**

SECTION 13. Section 58-15-24 NMSA 1978 (being Laws 1955, Chapter 128, Section 22, as amended) is amended to read:

"58-15-24. LOANS MADE ELSEWHERE.--No loan made outside this state to a resident of New Mexico in the amount or of the value of ten thousand dollars (\$10,000) or less for which a greater rate of interest, consideration, charge or compensation to the lender than is permitted by the general laws of New Mexico in force governing money, interest and usury has been charged, contracted for or received shall be enforced in this state. Every person in any way participating in such a loan in this state is subject to the provisions of the New Mexico Small Loan Act of 1955. Any loan made to a nonresident

of New Mexico in conformity with the law of the state where made may be enforced in this state."

## **Chapter 23 Section 14 Laws 2022**

SECTION 14. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2023.

# **LAWS 2022, CHAPTER 24**

**House Bill 144, aa**  
**Approved March 1, 2022**

AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSES; ALIGNING NEW MEXICO COMMERCIAL DRIVER'S LICENSE REQUIREMENTS WITH FEDERAL LAW; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

## **Chapter 24 Section 1 Laws 2022**

SECTION 1. Section 66-1-4.12 NMSA 1978 (being Laws 1990, Chapter 120, Section 13, as amended) is amended to read:

"66-1-4.12. DEFINITIONS.--As used in the Motor Vehicle Code:

A. "natural gas vehicle" means a vehicle operated by an engine that primarily uses natural gas;

B. "neighborhood electric car" means a four-wheeled electric motor vehicle that has a maximum speed of more than twenty miles per hour but less than twenty-five miles per hour and complies with the federal requirements specified in 49 CFR 571.500;

C. "nonrepairable vehicle" means a vehicle of a type otherwise subject to registration that:

(1) has no resale value except as a source of parts or scrap metal or that the owner irreversibly designates as a source of parts or scrap metal or for destruction;

(2) has been substantially stripped as a result of theft or is missing all of the bolts on sheet metal body panels, all of the doors and hatches, substantially all of the interior components and substantially all of the grill and light assemblies and has

little or no resale value other than its worth as a source of a vehicle identification number that could be used illegally; or

(3) is a substantially burned vehicle that has burned to the extent that there are no more usable or repairable body or interior components, tires and wheels or drive train components or that the owner irreversibly designates for destruction or as having little or no resale value other than its worth as a source of scrap metal or as a source of a vehicle identification number that could be used illegally;

D. "nonrepairable vehicle certificate" means a vehicle ownership document conspicuously labeled "NONREPAIRABLE" issued to the owner of the nonrepairable vehicle;

E. "nonresident" or "non-domiciled" means every person who is not a resident of this state;

F. "nonresident commercial driver's instruction permit" or "non-domiciled commercial driver's instruction permit" means a commercial driver's instruction permit issued by another state to a person domiciled in that state or by a foreign country to a person domiciled in that country;

G. "nonresident commercial driver's license" or "non-domiciled commercial driver's license" means a commercial driver's license issued by another state to a person domiciled in that state or by a foreign country to a person domiciled in that country; and

H. "nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by the nonresident of a motor vehicle, or the use of a motor vehicle owned by the nonresident, in this state."

## **Chapter 24 Section 2 Laws 2022**

SECTION 2. A new section of the New Mexico Commercial Driver's License Act is enacted to read:

**"NON-DOMICILED COMMERCIAL DRIVER'S LICENSE OR NON-DOMICILED COMMERCIAL DRIVER'S INSTRUCTION PERMIT BY A FOREIGN NATIONAL WITH LAWFUL STATUS.--**

A. An application for a non-domiciled commercial driver's license or a non-domiciled commercial driver's instruction permit by a foreign national with lawful status for a REAL ID-compliant non-domiciled commercial driver's license or non-domiciled commercial driver's instruction permit shall contain the unique identifying number and expiration date, if applicable, of the foreign national's valid passport, valid visa, employment authorization card issued under the applicant's approved deferred action status or other arrival-departure record or document issued by the federal government



that conveys lawful status. The division may issue to an eligible foreign national applicant a REAL ID-compliant non-domiciled commercial driver's license or non-domiciled commercial driver's instruction permit that is valid for a period not to exceed the duration of the applicant's lawful status; provided that if that date cannot be determined by the division and the applicant is not a legal permanent resident, the license or permit shall expire one year after the effective date of the license.

B. A non-domiciled commercial driver's license issued to a foreign national with lawful status shall contain the prominent statement:

- (1) "Non-domiciled commercial driver's license"; or
- (2) "Non-domiciled CDL".

C. A non-domiciled commercial driver's instruction permit issued to a foreign national with lawful status shall contain the prominent statement:

- (1) "Non-domiciled commercial learner's permit"; or
- (2) "Non-domiciled CLP".

D. The word "Non-domiciled" shall be conspicuously and unmistakably displayed but may be noncontiguous with the words or phrases "commercial driver's license", "CDL", "commercial learner's permit" or "CLP".

## **Chapter 24 Section 3 Laws 2022**

SECTION 3. Section 66-5-60 NMSA 1978 (being Laws 1989, Chapter 14, Section 9, as amended) is amended to read:

"66-5-60. COMMERCIAL DRIVER'S LICENSE--QUALIFICATIONS--STANDARDS.--

A. The division shall not issue a commercial driver's license to a person unless that person can establish that New Mexico is the person's state of domicile and has passed a knowledge test and a skills test for driving a commercial motor vehicle and, for related endorsements, has passed a medical fitness test and has satisfied any other requirements of the New Mexico Commercial Driver's License Act.

B. The division may authorize a person, including an agency of this or another state, an employer, a private driver-training facility or other private institution or a department, agency or instrumentality of local government to administer the skills test or knowledge test specified by this section; provided that the person being authorized has completed entry-level driver training as required by federal law.

C. A commercial driver's license applicant who does not pass the skills test or knowledge test may repeat the:

- (1) knowledge test no more than twice a week; and
- (2) skills test no more than three times a year.

D. If the department determines that a commercial driver's license applicant has committed an offense in taking a test specified in this section, the division shall not issue a commercial driver's license to that applicant within one year of the department's determination."

## **Chapter 24 Section 4 Laws 2022**

SECTION 4. Section 66-5-62 NMSA 1978 (being Laws 1989, Chapter 14, Section 11) is amended to read:

"66-5-62. COMMERCIAL DRIVER'S LICENSE--INSTRUCTION PERMIT--APPLICATION--DUPLICATE.--

A. A commercial driver's instruction permit may be issued to an individual who holds a valid driver's license.

B. The commercial driver's instruction permit may be issued for a period not to exceed one year; provided that a knowledge exam is passed prior to each issuance. The holder of a commercial driver's instruction permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven, who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle."

## **Chapter 24 Section 5 Laws 2022**

SECTION 5. Section 66-5-67 NMSA 1978 (being Laws 1989, Chapter 14, Section 16, as amended) is amended to read:

"66-5-67. EXPIRATION AND RENEWAL--STAGGERED LICENSING DURING IMPLEMENTATION PERIOD.--

A. Except as provided in Subsections C and E of this section, a commercial driver's license issued pursuant to the provisions of the New Mexico Commercial Driver's License Act shall expire thirty days after the applicant's birthday in the fourth year after the effective date of the license.

B. The license is renewable within ninety days prior to its expiration or at an earlier date as approved by the secretary.

C. At the option of an applicant, a commercial driver's license may be issued for a period of eight years, provided that the applicant:

- (1) pays the amount required for a commercial driver's license issued for a term of eight years;
- (2) otherwise qualifies for a four-year commercial driver's license; and
- (3) will not reach the age of seventy-nine during the last four years of the eight-year license period.

D. A driver's license issued pursuant to the provisions of Subsection C of this section shall expire thirty days after the applicant's birthday in the eighth year after the effective date of the license.

E. A commercial driver's license with a hazardous material endorsement shall expire:

- (1) for an applicant transferring a commercial driver's license with the hazardous material endorsement, four years from the date of the last background check and testing for the hazardous material endorsement; or
- (2) for an applicant adding endorsements or other changes to the commercial driver's license, no later than the expiration date of the hazardous material endorsement."

## **Chapter 24 Section 6 Laws 2022**

SECTION 6. Section 66-5-68 NMSA 1978 (being Laws 1989, Chapter 14, Section 17, as amended) is amended to read:

"66-5-68. DISQUALIFICATION.--

A. The department shall disqualify a person from driving a commercial motor vehicle for at least thirty days if the federal motor carrier safety administration reports to the division that the person poses an imminent hazard.

B. The department shall disqualify a person who holds a commercial driver's license or who is required to hold a commercial driver's license or commercial driver's instruction permit from driving a commercial motor vehicle for a period of not less than one year, which shall run concurrently with any revocation or suspension action for the same offense, if the person:

- (1) refuses to submit to a chemical test when requested pursuant to the provisions of the Implied Consent Act;

(2) is twenty-one years of age or more and submits to chemical testing pursuant to the Implied Consent Act and the test results indicate an alcohol concentration of eight one hundredths or more;

(3) submits to chemical testing pursuant to the Implied Consent Act and the test results indicate an alcohol concentration of four one hundredths or more if the person is driving a commercial motor vehicle;

(4) is less than twenty-one years of age and submits to chemical testing pursuant to the Implied Consent Act and the test results indicate an alcohol concentration of two one hundredths or more; or

(5) is convicted of a violation of:

(a) driving a motor vehicle while under the influence of intoxicating liquor or drugs in violation of Section 66-8-102 NMSA 1978, an ordinance of a municipality of this state or the law of another state;

(b) leaving the scene of an accident involving a commercial motor vehicle driven by the person in violation of Section 66-7-201 NMSA 1978 or an ordinance of a municipality of this state or the law of another state;

(c) using a motor vehicle in the commission of a felony;

(d) driving a commercial motor vehicle after the driver's commercial driver's license, non-domiciled commercial driver's license, commercial driver's instruction permit or non-domiciled commercial driver's instruction permit is revoked, suspended, disqualified or canceled for violations while operating a commercial motor vehicle; or

(e) causing a fatality in the unlawful operation of a motor vehicle pursuant to Section 66-8-101 NMSA 1978.

C. The department shall disqualify a person from driving a commercial motor vehicle for a period of not less than three years if any of the violations specified in Subsection B of this section occur while transporting a hazardous material required to be placarded.

D. The department shall disqualify a person from driving a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in Subsection B of this section, or any combination of those offenses, arising from two or more separate incidents, but the secretary may issue rules establishing guidelines, including conditions, under which a disqualification for life under this subsection may be reduced to a period of not less than ten years. This subsection applies only to those offenses committed after July 1, 1989.

E. The department shall disqualify a person from driving a commercial motor vehicle for life if the person is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance or involving an act or practice of severe forms of trafficking in persons, as defined in federal law.

F. The department shall disqualify a person from driving a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations, if the violations were committed while driving a commercial motor vehicle, arising from separate incidents occurring within a three-year period.

G. The department shall disqualify a person from driving a commercial motor vehicle for a period of:

(1) not less than one hundred eighty days nor more than two years if the person is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded pursuant to the federal Hazardous Materials Transportation Act or while operating a motor vehicle designed to transport more than fifteen passengers, including the driver;

(2) not more than one year if the person is convicted of a first violation of an out-of-service order; or

(3) not less than three years nor more than five years if, during any ten-year period, the person is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded pursuant to that act or while operating a motor vehicle designed to transport more than fifteen passengers, including the driver.

H. The department shall disqualify a person from driving a commercial motor vehicle for sixty days if:

(1) the person has been convicted of two serious traffic violations in separate incidents within a three-year period; and

(2) the second conviction results in revocation, cancellation or suspension of the person's commercial driver's license, non-domiciled commercial driver's license, commercial driver's instruction permit or non-domiciled commercial driver's instruction permit or noncommercial motor vehicle driving privileges for sixty days.

I. The department shall disqualify a person from driving a commercial motor vehicle for one hundred twenty days, in addition to any other period of disqualification, if:

(1) the person has been convicted of more than two serious traffic violations within a three-year period; and

(2) the third or a subsequent conviction results in the revocation, cancellation or suspension of the person's commercial driver's license, non-domiciled commercial driver's license, commercial driver's instruction permit or non-domiciled commercial driver's instruction permit or noncommercial motor vehicle driving privileges.

J. When a person is disqualified from driving a commercial motor vehicle, any commercial driver's license held by that person is invalidated without a separate proceeding of any kind and the driver is not eligible to apply for a commercial driver's license until the period of time for which the driver was disqualified has elapsed.

K. The department shall disqualify a person from driving a commercial motor vehicle for not less than:

(1) sixty days if the person is convicted of a first violation of a railroad-highway grade crossing violation;

(2) one hundred twenty days if, during any three-year period, the person is convicted of a second railroad-highway grade crossing violation in a separate incident; and

(3) one year if, during any three-year period, the person is convicted of a third or subsequent railroad-highway grade crossing violation in a separate incident.

L. After disqualifying, suspending, revoking or canceling a commercial driver's license, the department shall, within ten days, update its records to reflect that action. After disqualifying, suspending, revoking or canceling a non-domiciled commercial driver's privileges, the department shall, within ten days, notify the licensing authority of the state that issued the commercial driver's license.

M. When disqualifying, suspending, revoking or canceling a commercial driver's license, the department shall treat a conviction received in another state in the same manner as if it was received in this state.

N. The department shall post and enforce any disqualification sent by the federal motor carrier safety administration to the department that indicates that a commercial motor vehicle driver poses an imminent hazard.

O. The federal transportation security administration of the department of homeland security shall provide for an appeal of a disqualification for a commercial driver's license hazardous materials endorsement on the basis of a background check, and the department shall provide to a hazardous materials applicant a copy of the procedures established by the transportation security administration, on request, at the time of application.

P. New Mexico shall conform to the federal transportation security administration of the department of homeland security rules and shall "look back" or review a maximum of seven years for a background check."

## **Chapter 24 Section 7 Laws 2022**

SECTION 7. REPEAL.--Section 66-5-65.1 NMSA 1978 (being Laws 2004, Chapter 59, Section 15) is repealed.

## **Chapter 24 Section 8 Laws 2022**

SECTION 8. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2023.

# **LAWS 2022, CHAPTER 25**

**House Bill 148**  
**Approved March 1, 2022**

AN ACT

RELATING TO BUSINESS; EXTENDING THE DATE APPLICATIONS FOR LOANS PURSUANT TO THE SMALL BUSINESS RECOVERY AND STIMULUS ACT MUST BE RECEIVED; EXTENDING THE REVERSION DATE OF UNENCUMBERED MONEY IN THE SMALL BUSINESS RECOVERY LOAN FUND.

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

## **Chapter 25 Section 1 Laws 2022**

SECTION 1. Section 6-32-3 NMSA 1978 (being Laws 2020 (1st S.S.), Chapter 6, Section 3, as amended) is amended to read:

"6-32-3. SMALL BUSINESS RECOVERY LOAN FUND--CREATED--FUNDING SCHEDULE.--

A. The "small business recovery loan fund" is created in the authority. The fund consists of appropriations, gifts, grants, deposits, transfers and donations to the fund. Money in the fund is appropriated to the authority to administer the provisions of the Small Business Recovery and Stimulus Act. The authority shall administer the fund. Balances remaining in the fund as of December 31, 2023 and not identified by the authority as necessary to administer the Small Business Recovery and Stimulus Act over the life of the loans provided pursuant to that act shall revert to the severance tax permanent fund. The authority may expend no more than two percent of the state

investment council's commitment pursuant to Section 7-27-5.15 NMSA 1978 for administering the Small Business Recovery and Stimulus Act.

B. On March 3, 2021, the authority and the state investment council shall coordinate to develop a funding schedule to ensure that sufficient funding, as provided for in Section 7-27-5.15 NMSA 1978, is made available to the authority to carry out the provisions of the Small Business Recovery and Stimulus Act."

## **Chapter 25 Section 2 Laws 2022**

SECTION 2. Section 6-32-4 NMSA 1978 (being Laws 2020 (1st S.S.), Chapter 6, Section 4, as amended) is amended to read:

"6-32-4. LOANS--TERMS.--

A. The authority shall receive and review applications for small business recovery loans pursuant to the Small Business Recovery and Stimulus Act. The authority may designate one or more application periods and shall review small business recovery loan applications received in each application period in the order in which the completed applications were received and shall provide a determination to the applicant within a reasonable time period after review. The authority shall make loans to qualifying small businesses; provided that funds are available and the qualifying small business satisfies credit and identification criteria, as determined by the authority. The authority shall adopt rules to govern the application procedures and requirements for disbursing loans under the Small Business Recovery and Stimulus Act, including requirements consistent with the purpose of that act for determining the eligibility of qualifying small businesses for loans; provided that the authority may issue rules to permit a business that does not have a record of actual losses, but can otherwise satisfy the requirements of the Small Business Recovery and Stimulus Act, to apply for a small business recovery loan.

B. The authority shall evaluate an application based on information received from the applicant as well as third-party credit and identification reports.

C. The authority shall make small business recovery loans in accordance with the following:

(1) the loan amount shall be in an amount not to exceed three hundred percent of the qualifying small business's average monthly business expenses as determined by the authority; provided that the maximum loan amount shall be no greater than one hundred fifty thousand dollars (\$150,000);

(2) the terms of the loan shall require that:

(a) for a loan recipient that is not a non-employer business, the recipient shall use a minimum of eighty percent of the proceeds of the loan for: 1)



ordinary and necessary business expenses, including capital expenses, other than compensation for an individual who owns equity in the business; 2) making adaptations or improvements to assets, including real property, that are necessary due to the coronavirus disease 2019 public health emergency to protect the public health; and 3) purchasing or improving any assets for the purpose of developing and growing the qualifying small business's e-commerce production and sales capacity;

(b) for a loan recipient that is a non-employer business, the recipient shall use a minimum of fifty percent of the proceeds of the loan for: 1) ordinary and necessary business expenses, including capital expenses, other than compensation for an individual who owns equity in the business; 2) making adaptations or improvements to assets, including real property, that are necessary due to the coronavirus disease 2019 public health emergency to protect the public health; and 3) purchasing or improving any assets for the purpose of developing and growing the qualifying small business's e-commerce production and sales capacity;

(c) the loan recipient provide a written certification signed by an appropriate officer of the qualifying small business that certifies that: 1) the officer understands that the business is receiving a loan under the Small Business Recovery and Stimulus Act that must be repaid by the business with interest under the terms of the loan agreement; 2) all documents submitted in support of the loan application and all statements and certifications made in the loan application are true and accurate to the best of the officer's knowledge; 3) prior to the issuance of the public health order issued by the secretary of health on March 23, 2020, the business was current on all obligations pursuant to the Income Tax Act, the Corporate Income and Franchise Tax Act, the Withholding Tax Act, the Gross Receipts and Compensating Tax Act and the Unemployment Compensation Law applicable to the business's operations; and 4) all loan proceeds will be used for purposes as provided in the Small Business Recovery and Stimulus Act, including that no more than twenty percent of the proceeds may be used as compensation for employees who own equity in the business; and

(d) the loan recipient provide the authority with ongoing information relevant to the reporting requirements of the authority provided in Section 6-32-7 NMSA 1978;

(3) the terms of the loan shall not require that the qualifying small business provide a personal guarantee or collateral to secure a loan in the amount of seventy-five thousand dollars (\$75,000) or less. For a loan in an amount greater than seventy-five thousand dollars (\$75,000), the authority may require a personal guarantee or collateral to secure the amount of the loan greater than seventy-five thousand dollars (\$75,000); provided that the authority shall define specific guidelines related to personal guarantees or collateral; and

(4) the application for a loan must be received no later than December 31, 2022.

D. The authority may exercise any power provided to the authority in the New Mexico Finance Authority Act to assist in the administration of the Small Business Recovery and Stimulus Act; provided that the power is consistent with the provisions of that act."

## **LAWS 2022, CHAPTER 26**

**HENRC/House Bill 164, aa**  
**Approved March 1, 2022**

### **AN ACT**

RELATING TO THE ENVIRONMENT; DIRECTING THE DEPARTMENT OF ENVIRONMENT TO COORDINATE EFFORTS ACROSS THE STATE TO CLEAN UP AND RECLAIM FORMER URANIUM MINE AND MILL SITES; PROVIDING DUTIES; DIRECTING THE CREATION OF A URANIUM MINE RECLAMATION COORDINATOR POSITION IN THE DEPARTMENT OF ENVIRONMENT; DIRECTING THE CREATION OF A URANIUM MINE RECLAMATION COORDINATOR POSITION IN THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT; CREATING THE URANIUM MINING RECLAMATION REVOLVING FUND.

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

### **Chapter 26 Section 1 Laws 2022**

**SECTION 1. URANIUM MINING RECLAMATION--DEPARTMENT OF ENVIRONMENT--DUTIES.--**

A. The department of environment shall:

(1) coordinate efforts across the state to clean up and reclaim former uranium mine and mill sites. The energy, minerals and natural resources department; the Indian affairs department; the office of natural resources trustee; the state land office; the department of game and fish; the cultural affairs department; the department of health; the workforce solutions department; the economic development department; and the department of transportation shall work in conjunction with the department of environment to support the department's duties as they relate to the purposes of the respective departments and agencies;

(2) develop a strategic plan for the cleanup of uranium mine and mill sites throughout the state, including reclamation goals, time lines for the completion of cleanup activities at specific sites and anticipated funding requirements. The department of environment shall consult with the departments and agencies enumerated in Paragraph (1) of this subsection in the development of the strategic plan and include in the strategic plan the respective agencies' and departments' input;

(3) establish an effective mechanism for consultation and coordination with the federal government; Indian nations, tribes and pueblos; communities impacted by uranium mining; and other states on uranium mine and mill reclamation activities;

(4) work with the economic development department, workforce solutions department and industry to establish uranium mine and mill reclamation as a target economic development industry in New Mexico, including the creation, coordination and promotion of worker training and business development programs for reclamation activities;

(5) develop, maintain and update on a regular basis a centralized repository of uranium mine and mill sites and reclamation activities. The repository shall include, at minimum, the location of uranium mine and mill sites, information about the ownership and legal jurisdiction of each site and each site's cleanup status and shall use any information currently maintained or possessed by the energy, minerals and natural resources department relating to uranium mine and mill sites; and

(6) on an annual basis, report to the radioactive and hazardous materials committee on the department of environment's activities in the preceding year. The department of environment shall consult with the departments and agencies enumerated in Paragraph (1) of this subsection and include in the report the activities undertaken by the respective departments and agencies in the preceding year that are related to uranium mine and mill site reclamation.

B. The secretary of environment shall create a uranium mine reclamation coordinator position and employ additional staff as needed for the department of environment to carry out the provisions of this section.

## **Chapter 26 Section 2 Laws 2022**

SECTION 2. ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT--URANIUM MINE RECLAMATION COORDINATOR.--The secretary of energy, minerals and natural resources shall create a uranium mine reclamation coordinator position and employ additional staff as needed to coordinate the department's uranium mine and mill site reclamation activities and effectively collaborate and engage with the department of environment in carrying out the provisions of Section 1 of this 2022 act.

## **Chapter 26 Section 3 Laws 2022**

SECTION 3. URANIUM MINING RECLAMATION REVOLVING FUND--CREATED.--

A. The "uranium mining reclamation revolving fund" is created in the state treasury. The uranium mining reclamation revolving fund consists of appropriations, gifts, grants, donations and money received by the department of environment or the

energy, minerals and natural resources department from the federal government or other state agencies and other sources for conducting uranium mine and mill reclamation activities. Money recovered for the state by or on behalf of the department of environment or the energy, minerals and natural resources department from uranium mine or mill reclamation related litigation or settlements shall be deposited in the uranium mining reclamation revolving fund.

B. The uranium mining reclamation revolving fund shall be administered by the department of environment. Money in the fund is subject to appropriation by the legislature. Expenditures may be made from the fund for the department of environment or the energy, minerals and natural resources department to undertake projects to reclaim uranium mine and mill sites, including the acquisition of tools and equipment; expenses incurred by the department of environment or the energy, minerals and natural resources department in planning, supervising and completing uranium mine and mill reclamation projects; and expenses incurred in litigation involving uranium mine or mill sites; provided that money in the fund shall not be used for the operational expenses of the department of environment or the energy, minerals and natural resources department. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary of energy, minerals and natural resources or their designees.

C. Money in the uranium mining reclamation revolving fund shall not revert to the general fund at the end of a fiscal year.

## **LAWS 2022, CHAPTER 27**

**House Bill 180, w/ec**  
**Approved March 1, 2022**

AN ACT

RELATING TO NOTARIAL OFFICERS; REPEALING A SECTION OF THE REVISED UNIFORM LAW ON NOTARIAL ACTS REGARDING THE INSPECTION OF PUBLIC RECORDS ACT; DECLARING AN EMERGENCY.

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

### **Chapter 27 Section 1 Laws 2022**

SECTION 1. REPEAL.--Section 14-14A-29 NMSA 1978 (being Laws 2021, Chapter 21, Section 29) is repealed.

## **Chapter 27 Section 2 Laws 2022**

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

## **LAWS 2022, CHAPTER 28**

**Senate Bill 1**  
**Approved March 1, 2022**

AN ACT

RELATING TO PUBLIC EDUCATION; INCREASING THE MINIMUM SALARIES FOR LEVEL ONE, LEVEL TWO AND LEVEL THREE LICENSED TEACHERS.

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

## **Chapter 28 Section 1 Laws 2022**

SECTION 1. Section 22-10A-7 NMSA 1978 (being Laws 2003, Chapter 153, Section 38, as amended by Laws 2019, Chapter 206, Section 21 and by Laws 2019, Chapter 207, Section 21) is amended to read:

"22-10A-7. LEVEL ONE LICENSURE.--

A. A level one license is a provisional five-year license for beginning teachers that requires as a condition of licensure that the licensee undergo a formal mentorship program for at least one full school year and an annual intensive performance evaluation by a school administrator for at least three full school years before applying for a level two license.

B. Each school district, in accordance with department rules, shall provide for the mentorship and evaluation of level one teachers. At the end of each year and at the end of the license period, the level one teacher shall be evaluated for competency. If the teacher fails to demonstrate satisfactory progress and competence annually, the teacher may be terminated as provided in Section 22-10A-24 NMSA 1978. If the teacher has not demonstrated satisfactory progress and competence by the end of the five-year period, the teacher shall not be granted a level two license.

C. Except in exigent circumstances defined by department rule, a level one license shall not be extended beyond the initial period.

D. The department shall issue a standard level one license to an applicant who is at least eighteen years of age who:

(1) holds a baccalaureate degree from an accredited educational institution;

(2) has successfully completed a department-approved teacher preparation program from a nationally accredited or state-approved educational institution;

(3) has passed the New Mexico teacher assessments examination, including for elementary licensure beginning January 1, 2013, a rigorous assessment of the candidate's knowledge of the science of teaching reading; and

(4) meets other qualifications for level one licensure, including clearance of the required background check.

E. The department shall issue an alternative level one license to an applicant who meets the requirements of Section 22-10A-8 NMSA 1978.

F. The department shall establish competencies and qualifications for specific grade levels, types and subject areas of level one licensure, including early childhood, elementary, middle school, secondary, special and vocational education.

G. The minimum salary for a level one teacher is fifty thousand dollars (\$50,000) for a standard nine and one-half month contract; provided that teachers in an extended learning time program or K-5 plus program shall receive additional salary at the same rate as their base salary for that teaching time."

## **Chapter 28 Section 2 Laws 2022**

SECTION 2. Section 22-10A-10 NMSA 1978 (being Laws 2003, Chapter 153, Section 41, as amended by Laws 2019, Chapter 191, Section 1 and by Laws 2019, Chapter 206, Section 22 and also by Laws 2019, Chapter 207, Section 22) is amended to read:

### **"22-10A-10. LEVEL TWO LICENSURE.--**

A. A level two license is a nine-year license granted to a teacher who meets the qualifications for that level and who annually demonstrates essential competency to teach. If a level two teacher does not demonstrate essential competency in a given school year, the school district shall provide the teacher with additional professional development and peer intervention during the following school year. If by the end of that school year the teacher fails to demonstrate essential competency, a school district may choose not to contract with the teacher to teach in the classroom.

B. The department shall issue a level two license to an applicant who has successfully taught at least three, but no more than five, years as a level one teacher or

an alternative level one teacher, or a combination of the two, or is granted reciprocity as provided by department rules. An applicant for a level two license shall:

(1) demonstrate essential competency required by the department as verified by the local superintendent through the highly objective uniform statewide standard of evaluation; and

(2) meet other qualifications as required by the department.

C. The department shall provide for qualifications for specific grade levels, types and subject areas of level two licensure, including early childhood, elementary, middle, secondary, special and vocational education.

D. The minimum salary for a level two teacher is sixty thousand dollars (\$60,000) for a standard nine and one-half month contract; provided that teachers in an extended learning time program or K-5 plus program shall receive additional salary at the same rate as their base salary for that teaching time."

## **Chapter 28 Section 3 Laws 2022**

SECTION 3. Section 22-10A-11 NMSA 1978 (being Laws 2003, Chapter 153, Section 42, as amended by Laws 2019, Chapter 206, Section 23 and by Laws 2019, Chapter 207, Section 23) is amended to read:

### **"22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS.--**

A. A level three-A license is a nine-year license granted to a teacher who meets the qualifications for that level and who annually demonstrates instructional leader competencies. If a level three-A teacher does not demonstrate essential competency in a given school year, the school district shall provide the teacher with additional professional development and peer intervention during the following school year. If by the end of that school year the teacher fails to demonstrate essential competency, a school district may choose not to contract with the teacher to teach in the classroom.

B. The department shall grant a level three-A license to an applicant who has been a level two teacher for at least three years and holds a post-baccalaureate degree or national board for professional teaching standards certification; demonstrates instructional leader competence as required by the department and verified by the local superintendent through the highly objective uniform statewide standard of evaluation; and meets other qualifications for the license.

C. The minimum salary for a level three-A teacher is seventy thousand dollars (\$70,000) for a standard nine and one-half month contract; provided that teachers in an extended learning time program or K-5 plus program shall receive additional salary at the same rate as their base salary for that teaching time.

D. The minimum salary for a counselor who holds a level three or three-A license as provided in the School Personnel Act and rules promulgated by the department shall be the same as provided for level three-A teachers pursuant to Subsection C of this section."

## **Chapter 28 Section 4 Laws 2022**

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

## **LAWS 2022, CHAPTER 29**

**Senate Bill 36**  
**Approved March 1, 2022**

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; INCREASING CERTAIN CONTRIBUTIONS TO THE EDUCATIONAL RETIREMENT FUND.

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

## **Chapter 29 Section 1 Laws 2022**

SECTION 1. Section 22-11-21 NMSA 1978 (being Laws 1967, Chapter 16, Section 144, as amended) is amended to read:

"22-11-21. CONTRIBUTIONS--MEMBERS--LOCAL ADMINISTRATIVE UNITS.--

A. Except as provided in Subsection D of this section, for a member whose annual salary is greater than twenty-four thousand dollars (\$24,000), the member shall make contributions to the fund at the rate of ten and seven-tenths percent of the member's annual salary.

B. For a member whose annual salary is twenty-four thousand dollars (\$24,000) or less, the member shall make contributions to the fund at the rate of seven and nine-tenths percent of the member's annual salary.

C. Except as provided in Subsection D of this section, each local administrative unit shall make an annual contribution to the fund according to the following schedule:

(1) from July 1, 2021 through June 30, 2022, at the rate of fifteen and fifteen-hundredths percent of the annual salary of each member employed by the local administrative unit;



(2) from July 1, 2022 through June 30, 2023, at the rate of seventeen and fifteen-hundredths percent of the annual salary of each member employed by the local administrative unit; and

(3) on and after July 1, 2023, at the rate of eighteen and fifteen-hundredths percent of the annual salary of each member employed by the local administrative unit.

D. If, in a calendar year, the salary of a member, initially employed by a local administrative unit on or after July 1, 1996, equals the annual compensation limit set pursuant to Section 401(a)(17) of the Internal Revenue Code of 1986, as amended, then:

(1) for the remainder of that calendar year, no additional member contributions or local administrative unit contributions for that member shall be made pursuant to this section; provided that no member shall be denied service credit solely because contributions are not made by the member or on behalf of the member pursuant to this subsection; and

(2) the amount of the annual compensation limit shall be divided into four equal portions, and, for purposes of attributing contributory employment and crediting service credit, each portion shall be attributable to one of the four quarters of the calendar year."

## **Chapter 29 Section 2 Laws 2022**

SECTION 2. Section 22-11-49 NMSA 1978 (being Laws 1991, Chapter 118, Section 7, as amended) is amended to read:

"22-11-49. ALTERNATIVE RETIREMENT PLAN--CONTRIBUTIONS.--

A. A participant shall contribute an amount equal to the percentage of the participant's salary that the participant would be required to contribute if the participant were, instead, a regular member. The contribution shall be made as provided by the board.

B. A qualifying state educational institution shall contribute on behalf of each participant an amount of the participant's salary equal to the contribution that would be required of the employer if the participant were, instead, a regular member. Of that contribution, a sum equal to the following percentage of the annual salary of each participant shall be paid to the fund, and the remainder of the contribution shall be paid to the alternative retirement plan as provided by the board:

(1) from July 1, 2021 through June 30, 2022, four and one-fourth percent;

(2) from July 1, 2022 through June 30, 2023, six and one-fourth percent; and

(3) on and after July 1, 2023, seven and one-fourth percent; or

(4) if, on July 1 following any report by the actuary to the board that concludes that less than that percentage is required to satisfy the unfunded actuarial liability attributable to the participation of the participants in the alternative retirement plan, then the percentage the actuary determines is the minimum required to satisfy that liability.

C. Contributions required by this section may be made by a reduction in salary or by a public employer pick-up as provided in the Internal Revenue Code of 1986, as amended."

## **LAWS 2022, CHAPTER 30**

**Senate Bill 38, aa**  
**Approved March 1, 2022**

### **AN ACT**

RELATING TO GOVERNMENT ORGANIZATION; CLARIFYING STATUTORY PROVISIONS PERTAINING TO CHILD CARE FACILITIES; CLARIFYING THE EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT'S RESPONSIBILITIES FOR INFANTS, TODDLERS AND CHILDREN WITH DEVELOPMENTAL DELAYS; AUTHORIZING THE EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT TO PERFORM CRIMINAL HISTORY INVESTIGATIONS FOR CHILD CARE FACILITY LICENSURE AND OTHER PURPOSES; REQUIRING CONFIDENTIALITY; INCLUDING THE EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT IN THE MEMBERSHIP OF RELEVANT BOARDS; PROVIDING A PENALTY.

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

### **Chapter 30 Section 1 Laws 2022**

SECTION 1. Section 9-7-6.4 NMSA 1978 (being Laws 2004, Chapter 46, Section 8, as amended) is amended to read:

"9-7-6.4. INTERAGENCY BEHAVIORAL HEALTH PURCHASING COLLABORATIVE.--

A. The "interagency behavioral health purchasing collaborative" is created, consisting of the secretaries of aging and long-term services; Indian affairs; human services; health; corrections; children, youth and families; early childhood education and care; finance and administration; workforce solutions; public education; and

transportation; the directors of the administrative office of the courts; the New Mexico mortgage finance authority; the governor's commission on disability; the developmental disabilities council; the instructional support and vocational education division of the public education department; and the New Mexico health policy commission; and the governor's health policy coordinator, or their designees. The collaborative shall be chaired by the secretary of human services with the respective secretaries of health and children, youth and families alternating annually as co-chairs.

B. The collaborative shall meet regularly and at the call of either co-chair and shall:

(1) identify behavioral health needs statewide, with an emphasis on that hiatus between needs and services set forth in the department of health's gap analysis and in ongoing needs assessments, and develop a master plan for statewide delivery of services;

(2) give special attention to regional differences, including cultural, rural, frontier, urban and border issues;

(3) inventory all expenditures for behavioral health, including mental health and substance abuse;

(4) plan, design and direct a statewide behavioral health system, ensuring both availability of services and efficient use of all behavioral health funding, taking into consideration funding appropriated to specific affected departments; and

(5) contract for operation of one or more behavioral health entities to ensure availability of services throughout the state.

C. The plan for delivery of behavioral health services shall include specific service plans to address the needs of infants, children, adolescents, adults and seniors, as well as to address workforce development and retention and quality improvement issues. The plan shall be revised every two years and shall be adopted by the department of health as part of the statewide health plan.

D. The plan shall take the following principles into consideration, to the extent practicable and within available resources:

(1) services should be individually centered and family-focused based on principles of individual capacity for recovery and resiliency;

(2) services should be delivered in a culturally responsive manner in a home- or community-based setting, where possible;

(3) services should be delivered in the least restrictive and most appropriate manner;

(4) individualized service planning and case management should take into consideration individual and family circumstances, abilities and strengths and be accomplished in consultation with appropriate family, caregivers and other persons critical to the individual's life and well-being;

(5) services should be coordinated, accessible, accountable and of high quality;

(6) services should be directed by the individual or family served to the extent possible;

(7) services may be consumer- or family-provided, as defined by the collaborative;

(8) services should include behavioral health promotion, prevention, early intervention, treatment and community support; and

(9) services should consider regional differences, including cultural, rural, frontier, urban and border issues.

E. The collaborative shall seek and consider suggestions of Native American representatives from Indian nations, tribes and pueblos and the urban Indian population, located wholly or partially within New Mexico, in the development of the plan for delivery of behavioral health services.

F. Pursuant to the State Rules Act, the collaborative shall adopt rules through the human services department for:

(1) standards of delivery for behavioral health services provided through contracted behavioral health entities, including:

(a) quality management and improvement;

(b) performance measures;

(c) accessibility and availability of services;

(d) utilization management;

(e) credentialing of providers;

(f) rights and responsibilities of consumers and providers;

(g) clinical evaluation and treatment and supporting documentation; and

(h) confidentiality of consumer records; and

(2) approval of contracts and contract amendments by the collaborative, including public notice of the proposed final contract.

G. The collaborative shall, through the human services department, submit a separately identifiable consolidated behavioral health budget request. The consolidated behavioral health budget request shall account for requested funding for the behavioral health services program at the human services department and any other requested funding for behavioral health services from agencies identified in Subsection A of this section that will be used pursuant to Paragraph (5) of Subsection B of this section. Any contract proposed, negotiated or entered into by the collaborative is subject to the provisions of the Procurement Code.

H. The collaborative shall, with the consent of the governor, appoint a "director of the collaborative". The director is responsible for the coordination of day-to-day activities of the collaborative, including the coordination of staff from the collaborative member agencies.

I. The collaborative shall provide a quarterly report to the legislative finance committee on performance outcome measures. The collaborative shall submit an annual report to the legislative finance committee and the interim legislative health and human services committee that provides information on:

(1) the collaborative's progress toward achieving its strategic plans and goals;

(2) the collaborative's performance information, including contractors and providers; and

(3) the number of people receiving services, the most frequently treated diagnoses, expenditures by type of service and other aggregate claims data relating to services rendered and program operations."

## **Chapter 30 Section 2 Laws 2022**

SECTION 2. Section 9-29-1 NMSA 1978 (being Laws 2019, Chapter 48, Section 1) is amended to read:

"9-29-1. SHORT TITLE.--Chapter 9, Article 29 NMSA 1978 may be cited as the "Early Childhood Education and Care Department Act"."

## **Chapter 30 Section 3 Laws 2022**

SECTION 3. Section 9-29-8 NMSA 1978 (being Laws 2019, Chapter 48, Section 8) is amended to read:

"9-29-8. DEPARTMENT--DUTIES.--The department shall:

- A. develop priorities for department programs and the use of department resources based on state policy, national best-practice standards, evidence-based interventions and practices and local considerations and priorities;
- B. coordinate and align an early childhood education and care system to:
  - (1) include the family, infant, toddler program, child care, pre-kindergarten, early pre-kindergarten, home visitation, early head start, head start, early childhood special education and early intervention and family support; and
  - (2) provide New Mexico families with consistent access to appropriate early childhood care and education services;
- C. administer the child care assistance, child care facility licensing and registered child care home programs;
- D. develop standards for the department-sponsored delivery of early childhood programs;
- E. cooperate with other state agencies that affect children to develop common contracting procedures and service definitions and a uniform system of access to early childhood programs;
- F. develop reimbursement criteria for child care facilities and home providers licensed by the department;
- G. conduct biennial assessments of child care or early learning service gaps and needs and establish plans to address those service gaps and needs;
- H. conduct pre-employment fingerprint-based national criminal background checks on all department employees, including those whose employment by the department arises as a result of the transfer provisions of Laws 2019, Chapter 48, Section 34, and on staff members and volunteers of department-contracted providers whose jobs involve direct contact with children participating in programs delivered by the department or those providers;
- I. provide a system of seamless transition from prenatal to early childhood programs to kindergarten;
- J. provide consumer education and accessibility to early childhood care and education programs;
- K. advance quality early childhood education and care programs to support the development of children to prepare them for success in school;

- L. ensure effective collaboration with state and local child welfare programs and early childhood health and behavioral health programs;
- M. develop and manage effective data systems to support the necessary functions of a coordinated program;
- N. develop an aligned system of workforce development for early childhood professionals; and
- O. promote culturally and linguistically appropriate programming and provide equal education and care opportunities to non-English speaking families."

## **Chapter 30 Section 4 Laws 2022**

SECTION 4. A new section of the Early Childhood Education and Care Department Act is enacted to read:

"CRIMINAL HISTORY INVESTIGATIONS--PROCEDURES--  
CONFIDENTIALITY--VIOLATION--PENALTY.--

A. To investigate the suitability of an applicant for licensure or registration as a child care facility or child care home programs or for employment or volunteering at a licensed child care facility or registered child care home program, including any facility or program that has primary custody of infants, toddlers and children for twenty hours or more per week, the department shall have access to criminal history records information furnished by the department of public safety and the federal bureau of investigation, subject to any restrictions imposed by federal law.

B. An applicant for a license or registration or for employment or volunteering shall undergo a state and national criminal history records check, and the applicant shall submit an electronic set of fingerprints to the department of public safety for that purpose. The department of public safety shall conduct a check of state criminal history records and forward the fingerprints to the federal bureau of investigation for a national criminal history records check to determine the existence and content of records of convictions and arrests in this state or other law enforcement jurisdictions and to generate a criminal history records check in accordance with rules of the department of public safety and regulations of the federal bureau of investigation. The department of public safety shall review the information obtained from the criminal history records check and shall compile and provide that information to the early childhood education and care department. The early childhood education and care department shall use the information to investigate and determine whether an applicant is qualified to hold a license or an employment or volunteer position. The department shall promulgate rules for the investigation and determination of qualifications.

C. Criminal history information obtained by the department is confidential and shall be used only for the purpose of determining the suitability for licensure,

employment or volunteer service and shall not be disclosed to anyone other than public employees directly involved in the decision affecting the applicant.

D. A person who releases or discloses criminal history records or information contained in those records in violation of the provisions of this section is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978."

## **Chapter 30 Section 5 Laws 2022**

SECTION 5. Section 24-1-2 NMSA 1978 (being Laws 1973, Chapter 359, Section 2, as amended) is amended to read:

"24-1-2. DEFINITIONS.--As used in the Public Health Act:

A. "condition of public health importance" means an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and can reasonably be expected to lead to adverse health effects in the community;

B. "crisis triage center" means a health facility that:

(1) is licensed by the department of health; and

(2) provides stabilization of behavioral health crises and may include residential and nonresidential stabilization;

C. "department" means:

(1) the department of health; or

(2) the children, youth and families department as to residential treatment centers that serve persons up to twenty-one years of age, community mental health centers that serve only persons up to twenty-one years of age, day treatment centers that serve persons up to twenty-one years of age, shelter care homes and those outpatient facilities that are also community-based behavioral health facilities serving only persons up to twenty-one years of age;

D. "director" means the secretary;

E. "health care provider" means a person licensed to provide health care in the ordinary course of business, except as otherwise defined in the Public Health Act;

F. "health facility" means a public hospital, profit or nonprofit private hospital, general or special hospital, outpatient facility, crisis triage center, freestanding birth center, adult daycare facility, nursing home, intermediate care facility, assisted living



facility, boarding home not under the control of an institution of higher learning, child care facility, shelter care home, diagnostic and treatment center, rehabilitation center, infirmary, community mental health center that serves both children and adults or adults only, residential treatment center that serves persons up to twenty-one years of age, community mental health center that serves only persons up to twenty-one years of age and day treatment center that serves persons up to twenty-one years of age or a health service organization operating as a freestanding hospice or a home health agency. The designation of these entities as health facilities is only for the purposes of definition in the Public Health Act and does not imply that a freestanding hospice or a home health agency is considered a health facility for the purposes of other provisions of state or federal laws. "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. It does not include the offices and treatment rooms of licensed private practitioners;

G. "screening" means a preliminary procedure, including a test or examination, that:

- (1) may require further investigation; and
- (2) can identify individuals with unrecognized health risk factors or asymptomatic disease conditions in populations;

H. "secretary" means:

- (1) the secretary of health;
- (2) the secretary of children, youth and families as to residential treatment centers that serve persons up to twenty-one years of age, community mental health centers that serve only persons up to twenty-one years of age, day treatment centers that serve persons up to twenty-one years of age, shelter care homes and those outpatient facilities that are also community-based behavioral health facilities serving only persons up to twenty-one years of age; or
- (3) the secretary of early childhood education and care for child care facilities; and

I. "test" means any diagnostic or investigative analysis or medical procedure that determines the presence of, absence of or exposure to a condition of public health importance or its precursor in an individual."

## **Chapter 30 Section 6 Laws 2022**

SECTION 6. Section 28-10-1 NMSA 1978 (being Laws 1973, Chapter 349, Section 1, as amended) is amended to read:

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

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

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

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

## **Chapter 30 Section 7 Laws 2022**

SECTION 7. Section 28-16A-4 NMSA 1978 (being Laws 1993, Chapter 50, Section 4, as amended) is amended to read:

"28-16A-4. DEVELOPMENTAL DISABILITIES COUNCIL--CREATION--MEMBERSHIP--TERMS.--

A. The "developmental disabilities council" is created in accordance with the federal Developmental Disabilities Assistance and Bill of Rights Act. The council shall be an adjunct agency as provided in the Executive Reorganization Act.

B. The council shall consist of no fewer than twenty-six members, at least sixty percent of whom shall be:

- (1) persons with developmental disabilities;

(2) parents or legal guardians of children with developmental disabilities; or

(3) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.

C. Of the sixty percent of members described in Subsection B of this section, one-third shall be persons with developmental disabilities, one-third shall be members described in Paragraphs (2) and (3) of Subsection B of this section and one-third shall be a combination of members described in Subsection B of this section. At least one member described in Subsection B of this section shall be an immediate relative or guardian of a person who resides or previously resided in an institution or shall be a person with a developmental disability who resides or previously resided in an institution. No member of the council shall be an employee, or someone who manages employees, of a state agency that receives funds to provide developmental disabilities supports and services.

D. The council shall also include:

(1) the secretary of health, or the secretary's designee;

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

(3) the secretary of children, youth and families, or the secretary's designee;

(4) the secretary of early childhood education and care, or the secretary's designee;

(5) the secretary of aging and long-term services, or the secretary's designee;

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

(7) the director of the vocational rehabilitation division of the public education department, or the director's designee;

(8) the director of the state protection and advocacy system established pursuant to the federal Developmental Disabilities Assistance and Bill of Rights Act of 1990, or the director's designee;

(9) the director of an entity within a state institution of higher education designated as a university center for excellence in developmental disabilities education, research and service; and

(10) at all times, representatives of local and nongovernmental agencies and private nonprofit groups concerned with services for persons with developmental disabilities in New Mexico.

E. The governor shall select the members of the council for appointment pursuant to Subsection B and Paragraphs (9) and (10) of Subsection D of this section after soliciting recommendations from organizations representing a broad range of persons with developmental disabilities and other persons interested in persons with developmental disabilities. The council may, at the initiative of the council or at the request of the governor, coordinate council and public input to the governor regarding all recommendations.

F. The membership of the council shall be geographically representative of the state and reflect the diversity of the state with respect to race and ethnicity.

G. Members, except for ex-officio members, shall be appointed by the governor for terms of three years.

H. The governor shall provide for rotation of the membership of the council. These provisions shall allow members to continue to serve on the council until those members' successors are appointed and qualified.

I. The council shall notify the governor regarding membership requirements of the council and shall notify the governor when vacancies on the council remain unfilled for a significant period of time.

J. Council members shall recuse themselves from any discussion of grants or contracts for which such members' departments, agencies or programs are grantees, contractors or applicants. The council shall ensure that no council member casts a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest."

## **Chapter 30 Section 8 Laws 2022**

SECTION 8. Section 28-16A-6 NMSA 1978 (being Laws 1993, Chapter 50, Section 6, as amended) is amended to read:

"28-16A-6. ELIGIBILITY.--

A. For purposes of eligibility for support and services, "developmental disability" means a severe chronic disability of a person, which disability:

(1) is attributable to a mental or physical impairment, including the result from trauma to the brain, or combination of mental and physical impairments;

(2) is manifested before the person reaches the age of twenty-two years;

(3) is expected to continue indefinitely;

(4) results in substantial functional limitations in three or more of the following areas of major life activity:

(a) self-care;

(b) receptive and expressive language;

(c) learning;

(d) mobility;

(e) self-direction;

(f) capacity for independent living; and

(g) economic self-sufficiency; and

(5) reflects the person's need for a combination and sequence of special, interdisciplinary or generic care treatment or other support and services that are of lifelong or extended duration and are individually planned and coordinated.

B. A child, from birth through two years of age, who is at risk for or who has a developmental delay as defined by rules of the early childhood education and care department is eligible for early intervention services.

C. A person who is eligible for developmental disability supports and services based on any previous definition of developmental disability used by the state and was receiving services on June 15, 1993 shall remain eligible for developmental disability supports and services. However, a child, from birth through age two, who is determined to be at risk for or who has a developmental delay shall be eligible for early intervention services only, unless the child meets the criteria set forth in Subsection A of this section."

## **Chapter 30 Section 9 Laws 2022**

SECTION 9. Section 28-16A-8 NMSA 1978 (being Laws 1993, Chapter 50, Section 8, as amended) is amended to read:

"28-16A-8. REPORTING ON COMMUNITY SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.--The department of health, the human services department, the public education department, the vocational rehabilitation division of the

public education department, the children, youth and families department, the early childhood education and care department, the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf shall provide to the council, on an annual basis, information and data with respect to the actual or estimated number of persons with developmental disabilities served by the agency, the type of services provided, any major changes in policies adopted in the previous year or anticipated in the coming year that have had or are expected to have a beneficial or deleterious effect on persons with developmental disabilities and any gaps in eligibility or services that pose a barrier to the provision of services needed by persons with developmental disabilities."

## **Chapter 30 Section 10 Laws 2022**

SECTION 10. Section 28-16A-9 NMSA 1978 (being Laws 1993, Chapter 50, Section 9, as amended) is amended to read:

"28-16A-9. INFORMATION AND REFERRAL SYSTEM--COORDINATION AND CONTINUATION.--In order to coordinate information and referral services and eliminate the duplication of effort, the council shall provide information and referral services for persons with disabilities, their families, providers of support and services and local and state agencies, including:

- A. the human services department;
- B. the department of health;
- C. the public education department and its vocational rehabilitation division;
- D. the New Mexico school for the deaf;
- E. the New Mexico school for the blind and visually impaired;
- F. the Carrie Tingley crippled children's hospital;
- G. the children, youth and families department; and
- H. the early childhood education and care department."

## **Chapter 30 Section 11 Laws 2022**

SECTION 11. Section 28-16A-13 NMSA 1978 (being Laws 1993, Chapter 50, Section 13, as amended) is amended to read:

"28-16A-13. AUTHORIZATION FOR PROVIDING SUPPORT AND SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.--

A. Subject to the availability of appropriations provided expressly for this purpose, the department may:

(1) acquire, provide or coordinate support and services for persons with developmental disabilities;

(2) enter into contracts and provider agreements with agencies and persons capable of providing support and services to persons with developmental disabilities; and

(3) establish advisory councils and task forces as necessary to guide the development and review of support and services to persons with developmental disabilities.

B. Support and services shall be provided based on individual support and service plans developed by an interdisciplinary team. The team is responsible for collectively evaluating a child's or adult's needs and developing an individual support and service plan to meet the needs; provided that the early childhood education and care department shall be responsible for the team that is evaluating a child for family, infant, toddler program services.

C. The department or, for children eligible for family, infant, toddler program services, the early childhood education and care department shall:

(1) solicit the involvement of consumers, providers, parents, professional organizations and other governmental organizations prior to the adoption or revision of rules concerning the provision of support, services, standards or funding systems. Participants shall be selected in a manner that reflects geographical, cultural, organizational and professional representation across the state;

(2) develop rules, including policies and procedures that, to the extent possible, will promote uniformity in reimbursement and quality assurance systems regardless of the source of funding; and

(3) convene and maintain a family, infant, toddler interagency coordinating council and a statewide adult support and services task force that shall, at a minimum, address quality assurance."

## **Chapter 30 Section 12 Laws 2022**

SECTION 12. Section 28-16A-18 NMSA 1978 (being Laws 1993, Chapter 50, Section 18, as amended) is amended to read:

"28-16A-18. DEVELOPMENTAL DISABILITIES EARLY CHILDHOOD EVALUATION SYSTEM.--The state shall have a timely, comprehensive, multidisciplinary system for evaluating infants, toddlers and preschool-age children

suspected of having developmental delays. Diagnostic evaluations for infants and toddlers shall address family service needs and shall include training capabilities to educate community providers and parents in the understanding and application of the evaluations. This diagnostic evaluation system shall be jointly provided through a coordinated system by the children's medical services bureau of the public health division or the developmental disabilities supports division of the department, the early childhood education and care department, the university of New Mexico's center for development and disability and the public education department."

## **Chapter 30 Section 13 Laws 2022**

SECTION 13. Section 28-16A-19 NMSA 1978 (being Laws 2003, Chapter 323, Section 1, as amended) is amended to read:

"28-16A-19. INFORMATION AND REFERRAL TASK FORCE CREATION.--The "information and referral task force" is created in the council to develop a statewide, comprehensive "211" information and referral plan for use as a telephone dialing code for access to health and human services. The plan shall include a tariff structure based on existing agreements, a common taxonomy of terms, coordination between public and private systems and standardized statewide training and exploration of a centralized information repository. The task force shall include representation from the department of health; the human services department; the children, youth and families department; the early childhood education and care department; the workforce solutions department; the aging and long-term services department; the internet long-term care link program; the governor's commission on disability; the New Mexico commission for the blind; the commission for deaf and hard-of-hearing persons; a statewide organization that raises money for health and human service purposes; and other interested parties."

## **Chapter 30 Section 14 Laws 2022**

SECTION 14. Section 32A-15-3 NMSA 1978 (being Laws 1985, Chapter 103, Section 3 and Laws 1985, Chapter 140, Section 3, as amended) is amended to read:

"32A-15-3. CRIMINAL HISTORY RECORDS CHECK--BACKGROUND CHECKS.--

A. State and national criminal history records checks shall be conducted on all operators, staff, employees and volunteers and prospective operators, staff, employees and volunteers of child care facilities, including every facility or program that has primary custody of children for twenty hours or more per week, and juvenile detention, correction or treatment facilities. State and national criminal history records checks shall also be conducted on all prospective foster or adoptive parents and other adult relatives and non-relatives residing in the prospective foster or adoptive parent's household. The objective of conducting the records checks is to protect the children involved and promote the children's safety and welfare while receiving service from the facilities and programs.



B. The early childhood education and care department shall have access to criminal history information on prospective and current operators, staff, employees and volunteers of child care facilities, including every facility or program under the department's authority that has primary custody of infants, toddlers and children for twenty hours or more per week.

C. The children, youth and families department shall have access to criminal history information on:

(1) prospective and current operators, staff, employees and volunteers of juvenile detention, correction or treatment facilities or a facility or program under the department's authority that has primary custody of children for twenty hours or more per week; and

(2) all prospective foster or adoptive parents or other adult relatives and non-relatives residing in a prospective foster or adoptive parent's household.

D. For purposes of investigating the suitability of persons enumerated in Subsections B and C of this section, the early childhood education and care department or the children, youth and families department, as applicable, shall have access to criminal history records information furnished by the department of public safety and the federal bureau of investigation, subject to any restrictions imposed by federal law. As directed by the applicable department, a person enumerated in Subsection A of this section shall submit a set of electronic fingerprints to the department of public safety. The department of public safety shall conduct a check of state criminal history records and forward the fingerprints to the federal bureau of investigation for a national criminal history records check to determine the existence and content of records of convictions and arrests in this state or other law enforcement jurisdictions and to generate a criminal history records check in accordance with rules of the department and regulations of the federal bureau of investigation. The department of public safety shall review the information returned from the criminal history records check and compile and disseminate a response to the appropriate department, which shall use the information to investigate and determine whether a person is qualified to provide care for a child or be a foster or adoptive parent.

E. Criminal history records obtained pursuant to the provisions of this section are confidential and are not a public record for purposes of the Inspection of Public Records Act and shall not be used for any purpose other than determining suitability for licensure, employment, volunteer service, fostering or adoption. Criminal history records obtained pursuant to the provisions of this section and the information contained in those records shall not be released or disclosed to any other person or agency, except pursuant to a court order or with the written consent of the person who is the subject of the records.

F. A person who releases or discloses criminal history records or information contained in those records in violation of the provisions of this section is guilty of a

misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978."

## **Chapter 30 Section 15 Laws 2022**

SECTION 15. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

## **LAWS 2022, CHAPTER 31**

**Senate Bill 123**  
**Approved March 1, 2022**

AN ACT

RELATING TO STATE AGENCIES; PROVIDING A NEW SUNSET DATE FOR THE STATE RACING COMMISSION.

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

## **Chapter 31 Section 1 Laws 2022**

SECTION 1. Section 60-1A-29 NMSA 1978 (being Laws 2007, Chapter 39, Section 29, as amended) is amended to read:

"60-1A-29. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The state racing commission is terminated on July 1, 2027 pursuant to the Sunset Act. The commission shall continue to operate according to the provisions of Chapter 60, Article 1A NMSA 1978 until July 1, 2028. Effective July 1, 2028, Chapter 60, Article 1A NMSA 1978 is repealed."

## **LAWS 2022, CHAPTER 32**

**House Bill 8, aa**  
**Approved March 2, 2022**

AN ACT

RELATING TO GOVERNMENT FINANCING; CREATING THE LAND GRANT-MERCED ASSISTANCE FUND; PRESCRIBING DUTIES; PROVIDING FOR DISTRIBUTIONS PURSUANT TO THE TAX ADMINISTRATION ACT; MAKING AN APPROPRIATION.

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

## **Chapter 32 Section 1 Laws 2022**

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

"DISTRIBUTION--LAND GRANT-MERCED ASSISTANCE FUND.--A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the land grant-merced assistance fund in an amount equal to five-hundredths percent of the net receipts attributable to the gross receipts tax after distributions have been made pursuant to Sections 7-1-6.46 and 7-1-6.47 NMSA 1978."

## **Chapter 32 Section 2 Laws 2022**

SECTION 2. A new section of Chapter 49 NMSA 1978 is enacted to read:

"LAND GRANT-MERCED ASSISTANCE FUND CREATED--DISTRIBUTION.--

A. The "land grant-merced assistance fund" is created in the state treasury and shall be administered by the department of finance and administration. The fund consists of gifts, grants, donations, appropriations to the fund and distributions to the fund made pursuant to the Tax Administration Act.

B. On or before September 1, 2023 and on or before September 1 of each subsequent year, the state auditor shall provide a list to the land grant council of the land grants-mercedes that are in compliance with the Audit Act and the category of compliance required for each land grant-merced pursuant to Subsection B of Section 12-6-3 NMSA 1978.

C. Within thirty days of the receipt of the list of Audit-Act-compliant land grants-mercedes and their Audit Act compliance levels provided by the state auditor pursuant to Subsection B of this section, the land grant council shall determine the land grants-mercedes on the list that are assistance-qualified pursuant to Paragraph (1) of Subsection F of this section and their distribution categories pursuant to Subsection D of this section and provide a list of those determinations to the department of finance and administration and the state treasurer.

D. An assistance-qualified land grant-merced with an annual revenue, calculated on a cash basis of accounting, exclusive of capital outlay funds or federal or private grants disbursed directly by an administering agency or previous year distributions from the land grant-merced assistance fund, shall receive an annual distribution amount starting in fiscal year 2024 and continuing in each subsequent fiscal year in accordance with the following:

(1) less than fifty thousand dollars (\$50,000), the assistance-qualified land grant-merced shall receive a full distribution;

(2) at least fifty thousand dollars (\$50,000) but not more than two hundred fifty thousand dollars (\$250,000), the assistance-qualified land grant-merced shall receive seventy-five percent of a full distribution;

(3) at least two hundred fifty thousand dollars (\$250,000) but not more than five hundred thousand dollars (\$500,000), the assistance-qualified land grant-merced shall receive fifty percent of a full distribution; and

(4) five hundred thousand dollars (\$500,000) or more, the assistance-qualified land grant-merced shall receive twenty-five percent of a full distribution.

E. Within thirty days of receiving the list of assistance-qualified land grants-mercedes pursuant to Subsection C of this section, the state treasurer shall distribute to each assistance-qualified land grant-merced the amount determined pursuant to Subsections C and D of this section. If the balance in the fund as of the preceding June 30 exceeds the sum of certified amounts distributed, the difference shall revert to the general fund.

F. As used in this section:

(1) "assistance-qualified land grant-merced" means a land grant-merced that has supplied an account of its previous fiscal year revenue calculated in the same manner used for an annual calculation pursuant to Subsection D of this section to the land grant council, is in compliance with Chapter 49, Article 1 or 4 NMSA 1978, including having an elected board of trustees, and is in compliance with the Audit Act; and

(2) "full distribution" means an amount equal to the annual amount of money in the land grant-merced assistance fund at the start of a fiscal year divided by the total number of assistance-qualified land grants-mercedes as determined by the land grant council pursuant to Subsection C of this section for that fiscal year."

## **Chapter 32 Section 3 Laws 2022**

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

# **LAWS 2022, CHAPTER 33**

**House Bill 95, aa**  
**Approved March 2, 2022**

AN ACT

RELATING TO HEALTH; ENACTING THE EASY ENROLLMENT ACT;  
ESTABLISHING THE EASY ENROLLMENT PROGRAM; REQUIRING REVISION OF

STATE INCOME TAX FORMS TO ALLOW TAXPAYERS TO CONSENT TO PROVISION OF CERTAIN INFORMATION PERTAINING TO ENROLLMENT IN CERTAIN HEALTH COVERAGE PROGRAMS; ALLOWING THE HUMAN SERVICES DEPARTMENT TO ENROLL CONSENTING TAXPAYERS IN MEDICAID; ALLOWING THE NEW MEXICO HEALTH INSURANCE EXCHANGE TO ENROLL CONSENTING TAXPAYERS IN QUALIFIED HEALTH PLANS UNDER CERTAIN CIRCUMSTANCES; PROVIDING AN EXCEPTION TO CONFIDENTIALITY FOR CERTAIN TAX RETURN INFORMATION.

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

### **Chapter 33 Section 1 Laws 2022**

SECTION 1. SHORT TITLE.--Sections 1 through 6 of this act may be cited as the "Easy Enrollment Act".

### **Chapter 33 Section 2 Laws 2022**

SECTION 2. DEFINITIONS.--As used in the Easy Enrollment Act:

- A. "department" means the human services department;
- B. "exchange" means the New Mexico health insurance exchange;
- C. "health coverage program" means medicaid, health care coverage available through the federal children's health insurance program, a qualified health plan available through the exchange pursuant to the New Mexico Health Insurance Exchange Act or a health plan available through the New Mexico medical insurance pool pursuant to the Medical Insurance Pool Act;
- D. "insurance-relevant information" means information pertaining to the insurance enrollment status of a taxpayer or members of a taxpayer's household and that is derived or obtained from the taxpayer's state income tax return; provided that information is limited to that information necessary to assess the eligibility of the taxpayer or members of the taxpayer's household for health coverage programs and includes:
  - (1) adjusted gross income and other types of reported income used to assess eligibility for health coverage programs;
  - (2) household size;
  - (3) claimed dependents; and

(4) contact information and identifying information necessary to assess health coverage program eligibility and used to match against relevant third-party data sources;

E. "medicaid" means the joint federal-state health coverage program pursuant to Title 19 or Title 21 of the federal Social Security Act, as amended, and the rules promulgated pursuant to that act;

F. "qualified health plan" means a health plan that has in effect a certification from the superintendent of insurance that meets the standards set forth in applicable federal and state law and rules as well as any additional requirements established by the board of directors of the exchange pursuant to the New Mexico Health Insurance Exchange Act; and

G. "taxpayer" means an individual subject to the tax imposed pursuant to the Income Tax Act.

### **Chapter 33 Section 3 Laws 2022**

SECTION 3. EASY ENROLLMENT PROGRAM--ESTABLISHMENT--PURPOSE.--The "easy enrollment program" is established to, in accordance with the provisions of the Easy Enrollment Act:

A. facilitate identification of taxpayers and members of the taxpayers' households who are uninsured;

B. provide taxpayers with a method to consent to the taxation and revenue department's provision of insurance-relevant information to the department and the exchange for the purpose of assessing eligibility for health coverage programs;

C. provide for notification to taxpayers regarding their eligibility or eligibility of their household members for health coverage programs; and

D. facilitate enrollment in health coverage programs.

### **Chapter 33 Section 4 Laws 2022**

SECTION 4. TAXATION AND REVENUE DEPARTMENT DUTIES--INCOME TAX FORM REVISION--TAXPAYER CONSENT.--

A. The state income tax form shall allow a taxpayer to:

(1) identify whether the taxpayer or members of the taxpayer's household are uninsured;

(2) provide the taxpayer's consent to provide to the department and the exchange:

(a) the taxpayer's insurance-relevant information; and

(b) information on any consent provided by the taxpayer pursuant to this subsection;

(3) provide the taxpayer's consent to enroll:

(a) the taxpayer in medicaid; or

(b) members of the taxpayer's household in medicaid if: 1) coverage by medicaid is available to those household members; and 2) the taxpayer has legal authority to consent to enroll those household members; and

(4) provide information on any consent provided by the taxpayer pursuant to this subsection.

B. The taxation and revenue department shall forward to the department:

(1) the taxpayer's insurance-relevant information if, on the taxpayer's state income tax form, the taxpayer elects to provide the taxpayer's insurance-relevant information to the department and the exchange pursuant to Subsection A of this section; and

(2) information on any consent by a taxpayer provided pursuant to this section if the taxpayer agrees to provide information on that consent to the department and the exchange in accordance with this section.

## **Chapter 33 Section 5 Laws 2022**

### **SECTION 5. HUMAN SERVICES DEPARTMENT DUTIES.--**

A. Upon receipt of a taxpayer's insurance-relevant information from the taxation and revenue department, the department shall assess the taxpayer's eligibility or the eligibility of members of the taxpayer's household for health coverage programs. If the required insurance-relevant information is insufficient to assess the eligibility of the taxpayer or of the members of the taxpayer's household for those health coverage programs, the department may request additional information from the taxpayer.

B. If the department assesses that a taxpayer or a member of the taxpayer's household is eligible for medicaid, the department shall contact the taxpayer and provide the taxpayer with information on:

(1) health coverage programs available to the taxpayer or member of the taxpayer's household; and

(2) specific enrollment instructions and information on enrollment assistance.

C. If the information transferred to the department is sufficient to complete an eligibility determination and the taxpayer has consented to being enrolled in medicaid, the department may enroll the taxpayer in medicaid.

D. The department shall refer taxpayers or members of the taxpayer's household to the exchange if the department assesses that a taxpayer or a member of the taxpayer's household may be eligible for a qualified health plan available through the exchange pursuant to the New Mexico Health Insurance Exchange Act. The department may share insurance-relevant information provided by the taxation and revenue department with the exchange for the purpose of assisting a taxpayer with enrollment in a qualified health plan.

## **Chapter 33 Section 6 Laws 2022**

### **SECTION 6. NEW MEXICO HEALTH INSURANCE EXCHANGE DUTIES.--**

A. Upon receipt of a taxpayer's insurance-relevant information from the department, the exchange shall assess the taxpayer's eligibility or the eligibility of members of the taxpayer's household for qualified health plans and financial assistance. If the required insurance-relevant information is insufficient to assess the eligibility of the taxpayer or the eligibility of the members of the taxpayer's household for those health coverage programs, the exchange may request additional information from the taxpayer.

B. If the exchange assesses that a taxpayer or a member of the taxpayer's household is eligible for a qualified health plan available through the exchange pursuant to the New Mexico Health Insurance Exchange Act, the exchange shall provide the taxpayer with information on:

(1) qualified health plans available to the taxpayer or members of the taxpayer's household through the exchange;

(2) specific enrollment instructions for each of those qualified health plans available to the taxpayer or members of the taxpayer's household; and

(3) the federal premium assistance credit provided pursuant to 26 U.S.C. 36B.

C. If a taxpayer informs the exchange that the taxpayer is interested in enrolling in a qualified health plan for which the taxpayer or a member of the taxpayer's



household is eligible, the exchange shall provide the taxpayer with a special enrollment period pursuant to the provisions of Section 59A-23F-6.1 NMSA 1978.

D. The exchange may enroll a taxpayer or a member of the taxpayer's household in a qualified health plan for which that person is eligible and for which that person would not be charged a premium; provided that the required consent under the required legal authority is made pursuant to Section 4 of the Easy Enrollment Act.

E. When, pursuant to this section, a taxpayer enrolls or is enrolled in a qualified health plan available through the exchange, the exchange shall:

(1) ensure that coverage begins within the time period required by law;  
and

(2) provide the taxpayer with at least an annual reminder of the need for the taxpayer to notify the exchange of any change in household circumstances applicable to health care coverage of the taxpayer or the taxpayer's household member.

F. If the exchange assesses that a taxpayer or a member of the taxpayer's household may be eligible for a health plan available through the New Mexico medical insurance pool pursuant to the Medical Insurance Pool Act, the exchange shall inform the taxpayer of that potential eligibility and refer the taxpayer to the New Mexico medical insurance pool for enrollment purposes.

## **Chapter 33 Section 7 Laws 2022**

SECTION 7. Section 7-1-8.8 NMSA 1978 (being Laws 2019, Chapter 87, Section 2, as amended) is amended to read:

"7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE AND LEGISLATIVE AGENCIES.--An employee of the department may reveal confidential return information to the following agencies; provided that a person who receives the information on behalf of the agency shall be subject to the penalties in Section 7-1-76 NMSA 1978 if the person fails to maintain the confidentiality required:

A. a committee of the legislature for a valid legislative purpose, return information concerning any tax or fee imposed pursuant to the Cigarette Tax Act;

B. the attorney general, return information acquired pursuant to the Cigarette Tax Act for purposes of Section 6-4-13 NMSA 1978 and the master settlement agreement defined in Section 6-4-12 NMSA 1978;

C. the commissioner of public lands, return information for use in auditing that pertains to rentals, royalties, fees and other payments due the state under land sale, land lease or other land use contracts;

D. the secretary of human services or the secretary's delegate under a written agreement with the department:

(1) the last known address with date of all names certified to the department as being absent parents of children receiving public financial assistance, but only for the purpose of enforcing the support liability of the absent parents by the child support enforcement division or any successor organizational unit;

(2) return information needed for reports required to be made to the federal government concerning the use of federal funds for low-income working families;

(3) return information of low-income taxpayers for the limited purpose of outreach to those taxpayers; provided that the human services department shall pay the department for expenses incurred by the department to derive the information requested by the human services department if the information requested is not readily available in reports for which the department's information systems are programmed;

(4) return information required to administer the Health Care Quality Surcharge Act; and

(5) return information in accordance with the provisions of the Easy Enrollment Act;

E. the department of information technology, by electronic media, a database updated quarterly that contains the names, addresses, county of address and taxpayer identification numbers of New Mexico personal income tax filers, but only for the purpose of producing the random jury list for the selection of petit or grand jurors for the state courts pursuant to Section 38-5-3 NMSA 1978;

F. the state courts, the random jury lists produced by the department of information technology under Subsection E of this section;

G. the director of the New Mexico department of agriculture or the director's authorized representative, upon request of the director or representative, the names and addresses of all gasoline or special fuel distributors, wholesalers and retailers;

H. the public regulation commission, return information with respect to the Corporate Income and Franchise Tax Act required to enable the commission to carry out its duties;

I. the state racing commission, return information with respect to the state, municipal and county gross receipts taxes paid by racetracks;

J. the gaming control board, tax returns of license applicants and their affiliates as provided in Subsection E of Section 60-2E-14 NMSA 1978;

K. the director of the workers' compensation administration or to the director's representatives authorized for this purpose, return information to facilitate the identification of taxpayers that are delinquent or noncompliant in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA 1978;

L. the secretary of workforce solutions or the secretary's delegate, return information for use in enforcement of unemployment insurance collections pursuant to the terms of a written reciprocal agreement entered into by the department with the secretary of workforce solutions for exchange of information;

M. the New Mexico finance authority, information with respect to the amount of municipal and county gross receipts taxes collected by municipalities and counties pursuant to any local option municipal or county gross receipts taxes imposed, and information with respect to the amount of governmental gross receipts taxes paid by every agency, institution, instrumentality or political subdivision of the state pursuant to Section 7-9-4.3 NMSA 1978;

N. the superintendent of insurance, return information with respect to the premium tax and the health insurance premium surtax;

O. the secretary of finance and administration or the secretary's designee, return information concerning a credit pursuant to the Film Production Tax Credit Act;

P. the secretary of economic development or the secretary's designee, return information concerning a credit pursuant to the Film Production Tax Credit Act;

Q. the secretary of public safety or the secretary's designee, return information concerning the Weight Distance Tax Act;

R. the secretary of transportation or the secretary's designee, return information concerning the Weight Distance Tax Act;

S. the secretary of energy, minerals and natural resources or the secretary's designee, return information concerning tax credits or deductions for which eligibility is certified or otherwise determined by the secretary or the secretary's designee; and

T. the secretary of environment or the secretary's designee, return information concerning tax credits for which eligibility is certified or otherwise determined by the secretary or the secretary's designee."

## **Chapter 33 Section 8 Laws 2022**

SECTION 8. Section 7-1-8.10 NMSA 1978 (being Laws 2009, Chapter 243, Section 12) is amended to read:

"7-1-8.10. INFORMATION THAT MAY BE REVEALED TO PRIVATE PERSONS OTHER THAN THE TAXPAYER.--An employee of the department may reveal to:

A. a transferee, assignee, buyer or lessor of a liquor license, the amount and basis of an unpaid assessment of tax for which the transferor, assignor, seller or lessee is liable;

B. a purchaser of a business as provided in Sections 7-1-61 through 7-1-63 NMSA 1978, the amount and basis of an unpaid assessment of tax for which the purchaser's seller is liable;

C. a rack operator, importer, blender, distributor or supplier, the identity of a rack operator, importer, blender, supplier or distributor and the number of gallons reported on returns required under the Gasoline Tax Act, Special Fuels Supplier Tax Act or Alternative Fuel Tax Act, but only when it is necessary to enable the department to carry out its duties under the Gasoline Tax Act, the Special Fuels Supplier Tax Act or the Alternative Fuel Tax Act;

D. a corporation authorized to be formed under the Educational Assistance Act, upon its written request, the last known address and the date of that address of every person certified to the department as an absent obligor of an educational debt due and owed to the corporation or that the corporation has lawfully contracted to collect; this information may only be used by the corporation and its officers and employees to enforce the educational debt obligation of the absent obligors; and

E. the executive director of the New Mexico health insurance exchange:

(1) insurance-relevant information for which the taxpayer consents to disclosure in accordance with the provisions of the Easy Enrollment Act; and

(2) information on consent that a taxpayer provides on a state income tax return in accordance with the provisions of the Easy Enrollment Act."

## **Chapter 33 Section 9 Laws 2022**

SECTION 9. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2022.

# **LAWS 2022, CHAPTER 34**

**Senate Bill 141, w/ec  
Approved March 2, 2022**

AN ACT

RELATING TO GAS; PROVIDING AN EMERGENCY EXCEPTION TO WHO MAY FILL AN OWNER'S LP GAS CONTAINER; DECLARING AN EMERGENCY.

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

## **Chapter 34 Section 1 Laws 2022**

SECTION 1. Section 70-5-23 NMSA 1978 (being Laws 1993, Chapter 186, Section 20) is amended to read:

"70-5-23. CONTAINERS TO BE FILLED ONLY BY OWNER OR UPON THE OWNER'S AUTHORIZATION--EMERGENCY EXCEPTION--LIST OF CUSTOMERS.--

A. As used in this section:

(1) "emergency" means a situation in which the state, a county or municipality or a tribal government issues a declaration finding in whole or in part that a lack of LP gas for heating, cooling or refrigeration is endangering customers' health or safety; and

(2) "LP gas dispenser" means a person that delivers LP gas to an ultimate consumer for consumption only.

B. Except as provided in Subsection C of this section, an LP gas container shall be filled only by the owner or upon the owner's authorization.

C. When the bureau receives customer complaints about nondelivery of LP gas, the bureau shall contact the LP gas dispenser to determine the reason for the nondelivery and shall work with the LP gas dispenser to ensure timely delivery to customers. In an emergency, the bureau may require the LP gas dispenser that owns the containers used by customers to deliver LP gas within twenty-four hours or authorize one or more other LP gas dispensers to deliver and fill the owner's containers that are leased to customers; provided that if there is not enough LP gas to fill all containers, the bureau and the LP gas dispensers shall determine priorities and proportional deliveries, as appropriate. The LP gas dispenser shall provide its customer list to the bureau and the delivering LP gas dispenser. The customer list is not a public document subject to the provisions of the Inspection of Public Records Act.

D. If a container holds LP gas for which a customer has paid either the owner or another dispenser, the owner of the container shall not remove the fuel or remove the container from a customer's premises without paying the customer the fair market price of the LP gas."

## **Chapter 34 Section 2 Laws 2022**

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

## **LAWS 2022, CHAPTER 35**

**Senate Bill 150, w/ec**  
**Approved March 2, 2022**

AN ACT

RELATING TO INSURANCE; ENACTING THE CREDIT FOR REINSURANCE ACT; PROVIDING FOR CREDIT TO INSURERS OBTAINING REINSURANCE; REPEALING AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

## **Chapter 35 Section 1 Laws 2022**

SECTION 1. SHORT TITLE.--This act may be cited as the "Credit for Reinsurance Act".

## **Chapter 35 Section 2 Laws 2022**

SECTION 2. DEFINITIONS.--As used in the Credit for Reinsurance Act:

- A. "accredited jurisdiction" means a jurisdiction that meets the accreditation standards established by the national association of insurance commissioners;
- B. "alien assuming insurer" means an assuming insurer that is formed according to the laws of a foreign country;
- C. "assuming insurer" means an insurer assuming risk from another insurer;
- D. "ceding insurer" means an insurer that transfers risk by purchasing reinsurance;
- E. "qualified United States financial institution" means an institution that:
  - (1) for purposes of Paragraphs (3) and (4) of Subsection B of Section 16 of the Credit for Reinsurance Act:

(a) is organized, or in the case of a United States office of a foreign banking organization, licensed pursuant to laws of the United States or any state thereof;

(b) is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies; and

(c) has been determined by either the superintendent or the securities valuation office of the national association of insurance commissioners to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the superintendent; or

(2) for purposes of those provisions of the Credit for Reinsurance Act specifying those institutions that are eligible to act as a fiduciary of a trust:

(a) is organized, or in the case of a United States branch or agency office of a foreign banking organization, licensed, pursuant to the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

(b) is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies;

F. "reciprocal jurisdiction" means a jurisdiction that meets one of the following descriptions:

(1) a non-United-States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and the European Union, is a member state of the European Union. For purposes of this paragraph, a "covered agreement" is an agreement entered into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance;

(2) a United States jurisdiction that meets the requirements for accreditation pursuant to the national association of insurance commissioners financial standards and accreditation program; or

(3) a qualified jurisdiction, as determined by the superintendent pursuant to Section 8 and Subsection A of Section 9 of the Credit for Reinsurance Act, which is not otherwise described in Paragraph (1) or (2) of Subsection F of Section 2 of the Credit for Reinsurance Act and which meets certain additional requirements,

consistent with the terms and conditions of in-force covered agreements, as specified by the superintendent in rule; and

G. "superintendent" means the superintendent of insurance.

## **Chapter 35 Section 3 Laws 2022**

### **SECTION 3. CREDIT ALLOWED A DOMESTIC CEDING INSURER.--**

A. Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of the Credit for Reinsurance Act. The superintendent shall adopt and promulgate rules for:

(1) specific additional requirements relating to or setting forth the valuation of assets or reserve credits;

(2) the amount and forms of security supporting reinsurance arrangements described in Section 17 of the Credit for Reinsurance Act; and

(3) the circumstances pursuant to which credit shall be reduced or eliminated.

B. Credit for reinsurance shall be allowed a domestic ceding insurer pursuant to this section only for cessions of those kinds or classes of business for which the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance.

C. Credit for reinsurance shall be allowed a domestic ceding insurer pursuant to this section only if the applicable requirements of Subsection F of Section 13 of the Credit for Reinsurance Act have been satisfied.

D. Credit for reinsurance shall be allowed a domestic ceding insurer when the reinsurance is ceded to an assuming insurer:

(1) that is licensed to transact insurance or reinsurance in this state or is accredited by the superintendent as a reinsurer in this state; or

(2) that is domiciled in, or in the case of a United States branch of an alien assuming insurer, is entered through, a state that employs standards regarding credit for reinsurance substantially similar to those applicable pursuant to the Credit for Reinsurance Act and the assuming insurer or United States branch of an alien assuming insurer maintains a surplus as regards policyholders in an amount not less than twenty million dollars (\$20,000,000) and submits to the authority of the superintendent to examine its books and records; provided that the requirements of this



paragraph shall not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers within a single holding company system; and

(3) that maintains a trust fund in a qualified United States financial institution as defined in Paragraph (2) of Subsection E of Section 2 of the Credit for Reinsurance Act for the payment of the valid claims of its United States ceding insurers, their assigns and successors in interest; provided that to enable the superintendent to determine the sufficiency of the trust fund, the assuming insurer shall report annually to the superintendent information substantially the same as that required to be reported on the national association of insurance commissioners annual statement form by licensed insurers; and further provided that the assuming insurer shall submit to examination of its books and records by the superintendent and bear the expense of examination.

E. Credit for reinsurance shall not be allowed pursuant to Paragraph (3) of Subsection D of Section 3 of the Credit for Reinsurance Act unless the form of the trust pursuant to Subsection D of this section and any amendments to the trust have been approved by:

(1) the regulator of insurance of the state where the trust is domiciled;  
or

(2) the regulator of insurance of another state that, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

## **Chapter 35 Section 4 Laws 2022**

### **SECTION 4. TRUSTS--TRUST AMENDMENTS.--**

A. The form of the trust pursuant to Subsection D of Section 3 of the Credit for Reinsurance Act and any trust amendments shall be filed with the regulator of insurance of every state in which the ceding insurer beneficiaries of the trust are domiciled.

B. The trust instrument shall:

(1) provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States; and

(2) vest legal title to its assets in its trustees for the benefit of the assuming insurer's United States ceding insurers, their assigns and successors in interest.

C. The trust and the assuming insurer shall be subject to examination as determined by the superintendent.

D. The trust shall remain in effect for as long as the assuming insurer has outstanding obligations due pursuant to the reinsurance agreements subject to the trust.

E. No later than February 28 of each year, the trustee of the trust shall report to the superintendent in writing the balance of the trust and a list of the trust's investments at the preceding year's end and shall certify the date of termination of the trust, if so planned, or certify that the trust will not expire prior to the following December 31.

## **Chapter 35 Section 5 Laws 2022**

SECTION 5. ACCREDITATION OF REINSURERS.--Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited by the superintendent as a reinsurer in this state. To be eligible for accreditation, a reinsurer shall:

A. file with the superintendent evidence of its submission to the state's jurisdiction;

B. submit to the superintendent's authority to examine its books and records;

C. be licensed to transact insurance or reinsurance in at least one state, or in the case of a United States branch of an alien assuming insurer, be entered through and licensed to transact insurance or reinsurance in at least one state;

D. file annually with the superintendent a copy of its annual statement filed with the insurance department of its state of domicile and a copy of its most recent audited financial statement; and

E. demonstrate to the satisfaction of the superintendent that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers, provided that an assuming insurer is deemed to meet this requirement as of the time of its application if it maintains a surplus as regards policyholders in an amount not less than twenty million dollars (\$20,000,000) and its accreditation has not been denied by the superintendent within ninety days after submission of its application.

## **Chapter 35 Section 6 Laws 2022**

SECTION 6. TRUST REQUIREMENTS.--

A. The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers, and, in addition, the assuming insurer shall maintain a trustee surplus of not less than twenty million dollars (\$20,000,000), except as provided in Subsection B of this section.

B. At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years, the government agency with principal regulatory oversight of the trust may authorize a reduction in the required trusteed surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including, when applicable, the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus shall not be reduced to an amount less than thirty percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.

C. In the case of a group including incorporated and individual unincorporated underwriters:

(1) for reinsurance ceded pursuant to reinsurance agreements with an inception, amendment or renewal date on or after January 1, 1993, the trust shall consist of a trusteed account in an amount not less than the respective underwriters' several liabilities attributable to business ceded by United-States-domiciled ceding insurers to any underwriter of the group;

(2) for reinsurance ceded pursuant to reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of the Credit for Reinsurance Act, the trust shall consist of a trusteed account in an amount not less than the respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States;

(3) in addition to the trusts provided for in Paragraphs (1) and (2) of this subsection, the group shall maintain in trust a trusteed surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of the United-States-domiciled ceding insurers of any member of the group for all years of account;

(4) the incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members; and

(5) within ninety days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the superintendent an annual certification by the group's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the group.

D. In the case of a group of incorporated underwriters under common administration, the group shall:

(1) have continuously transacted an insurance business outside the United States for at least three years immediately prior to making application for accreditation;

(2) maintain aggregate policyholders' surplus of at least ten billion dollars (\$10,000,000,000);

(3) maintain a trust fund in an amount not less than the group's several liabilities attributable to business ceded by United-States-domiciled ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of the group;

(4) maintain a joint trusteed surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United-States-domiciled ceding insurers of any member of the group as additional security for these liabilities; and

(5) within ninety days after its financial statements are due to be filed with the group's domiciliary regulator, make available to the superintendent an annual certification of each underwriter member's solvency by the member's domiciliary regulator and financial statements of each underwriter member of the group prepared by its independent public accountant.

## **Chapter 35 Section 7 Laws 2022**

### **SECTION 7. CERTIFIED REINSURERS--QUALIFICATIONS.--**

A. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the superintendent as a reinsurer in the state and complies with this section and secures its obligations in accordance with the requirements of Sections 7 through 9 of the Credit for Reinsurance Act. To be eligible for certification, the assuming insurer shall:

(1) be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the superintendent pursuant to Section 8 and Subsection A of Section 9 of the Credit for Reinsurance Act;

(2) maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the superintendent pursuant to rule;

(3) maintain financial strength ratings from two or more rating agencies deemed acceptable by the superintendent pursuant to rule;

(4) agree to submit to the jurisdiction of this state, appoint the superintendent as its agent for service of process in the state and agree to provide security for one hundred percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment;

(5) agree to meet applicable information filing requirements as determined by the superintendent, both with respect to an initial application for certification and on an ongoing basis; and

(6) satisfy any other requirements for certification deemed relevant by the superintendent.

B. An association, including incorporated and individual unincorporated underwriters, may be a certified reinsurer. To be eligible for certification, in addition to satisfying the requirements of Subsection A of this section:

(1) the association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents, net of liabilities, of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the superintendent to provide adequate protection;

(2) the incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and

(3) within ninety days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the superintendent an annual certification by the association's domiciliary regulator of the solvency of each underwriter member or, if a certification is unavailable, financial statements prepared by independent public accountants, of each underwriter member of the association.

## **Chapter 35 Section 8 Laws 2022**

### **SECTION 8. QUALIFIED JURISDICTIONS.--**

A. The superintendent shall create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the superintendent as a certified reinsurer.

B. To determine whether the domiciliary jurisdiction of a non-United-States-assuming insurer is eligible to be recognized as a qualified jurisdiction, the superintendent shall evaluate the appropriateness and effectiveness of the reinsurance

supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits and the extent of reciprocal recognition afforded by the non-United-States jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction shall agree to share information and cooperate with the superintendent with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction shall not be recognized as a qualified jurisdiction if the superintendent has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the superintendent.

C. The superintendent shall consider a list of qualified jurisdictions published through the national association of insurance commissioners committee process in determining qualified jurisdictions. If the superintendent approves a jurisdiction as qualified that does not appear on a list of qualified jurisdictions, the superintendent shall provide thoroughly documented justification in accordance with criteria to be developed by rule.

D. United States jurisdictions that meet the requirement for accreditation pursuant to the national association of insurance commissioners financial standards and accreditation program shall be recognized as qualified jurisdictions.

## **Chapter 35 Section 9 Laws 2022**

### **SECTION 9. CERTIFIED REINSURERS--RATINGS--REQUIRED SECURITY.--**

A. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the superintendent may suspend the certified reinsurer's certification indefinitely, in lieu of revocation.

B. The superintendent shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the superintendent pursuant to rule. The superintendent shall publish a list of all certified reinsurers and their ratings.

C. A certified reinsurer shall secure obligations assumed from United States ceding insurers pursuant to this section at a level consistent with its rating, as specified in rules promulgated by the superintendent.

D. For a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the superintendent and consistent with the provisions of this section or in a multi-beneficiary trust in accordance with Paragraph (3) of Subsection D and Subsection E of Section 3 and Sections 4 and 6 of the Credit for Reinsurance Act, except as otherwise provided in this section.

E. If a certified reinsurer maintains a trust to fully secure its obligations subject to Paragraph (3) of Subsection D and Subsection E of Section 3 and Sections 4 and 6 of the Credit for Reinsurance Act and chooses to secure its obligations incurred as a certified reinsurer in the form of a multi-beneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred pursuant to reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this section or comparable laws of other United States jurisdictions and for its obligations subject to Paragraph (3) of Subsection D and Subsection E of Section 3 and Sections 4 and 6 of the Credit for Reinsurance Act. It shall be a condition to the grant of certification pursuant to Sections 7 through 9 of the Credit for Reinsurance Act that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the government agency with principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, out of the remaining surplus of such trust any deficiency of any other such trust account.

F. The minimum trusteed surplus requirements provided in Paragraph (3) of Subsection D and Subsection E of Section 3 and Sections 4 and 6 of the Credit for Reinsurance Act are not applicable with respect to a multi-beneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred pursuant to this section, except that such trust shall maintain a minimum trusteed surplus of ten million dollars (\$10,000,000).

G. With respect to obligations incurred by a certified reinsurer pursuant to this section, if the security is insufficient, the superintendent shall reduce the allowable credit by an amount proportionate to the deficiency, and the superintendent may impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

H. For purposes of this section, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure one hundred percent of its obligations. As used in this subsection, "terminated" refers to revocation, suspension, voluntary surrender and inactive status.

I. If the superintendent continues to assign a higher rating as permitted by Sections 3 through 15 of the Credit for Reinsurance Act, the requirement to secure one hundred percent of its obligations does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

J. If an applicant for certification has been certified as a reinsurer in an accredited jurisdiction, the superintendent may defer to that jurisdiction's certification and may defer to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be a certified reinsurer in this state.

K. A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall

continue to comply with all applicable requirements of this section, and the superintendent shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

## **Chapter 35 Section 10 Laws 2022**

### **SECTION 10. RECIPROCAL JURISDICTION REINSURERS.--**

A. Credit shall be allowed when reinsurance is ceded to an assuming insurer meeting each of the following conditions:

(1) the assuming insurer shall have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction;

(2) the assuming insurer shall have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in rules promulgated pursuant to Section 17 of the Credit for Reinsurance Act; provided that if the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, minimum capital and surplus equivalents, net of liabilities, calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth in rules promulgated pursuant to Section 17 of the Credit for Reinsurance Act;

(3) the assuming insurer shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as applicable, which will be set forth in rules promulgated pursuant to Section 17 of the Credit for Reinsurance Act; provided that if the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed;

(4) the assuming insurer shall agree and provide adequate assurance to the superintendent in a form specified by the superintendent pursuant to rule, as follows:

(a) the assuming insurer shall provide prompt written notice and explanation to the superintendent if it falls below the minimum requirements set forth in Paragraphs (2) and (3) of this subsection or if any regulatory action is taken against it for serious noncompliance with applicable law;

(b) the assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the superintendent as agent for service of process; provided that the superintendent may require that consent for service of process be provided to the superintendent and included in each reinsurance agreement; and further provided that nothing in this subparagraph shall



limit or in any way alter the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable pursuant to applicable insolvency or delinquency laws;

(c) the assuming insurer shall consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained;

(d) each reinsurance agreement shall include a provision requiring the assuming insurer to provide security in an amount equal to one hundred percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable pursuant to the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and

(e) the assuming insurer shall confirm that it is not currently participating in any solvent scheme of arrangement that involves this state's ceding insurers and shall agree to notify the ceding insurer and the superintendent and to provide security in an amount equal to one hundred percent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into such a solvent scheme of arrangement; provided that such security shall be in a form consistent with the provisions of the Credit for Reinsurance Act and as specified by the superintendent in rule;

(5) the assuming insurer or its legal successor shall provide, if requested by the superintendent, on behalf of itself and any legal predecessors, certain documentation to the superintendent as specified by the superintendent in rule;

(6) the assuming insurer shall maintain a practice of prompt payment of claims pursuant to reinsurance agreements pursuant to criteria set forth in rule; and

(7) the assuming insurer's supervisory authority shall confirm to the superintendent on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements set forth in Paragraphs (2) and (3) of this subsection.

B. Nothing in this section precludes an assuming insurer from providing the superintendent with information on a voluntary basis.

## **Chapter 35 Section 11 Laws 2022**

### **SECTION 11. RECIPROCAL JURISDICTIONS.--**

A. The superintendent shall timely create and publish a list of reciprocal jurisdictions. A list of reciprocal jurisdictions shall be published through the national association of insurance commissioners committee process. The superintendent's list shall include any reciprocal jurisdiction as defined in Paragraphs (1) and (2) of Subsection F of Section 2 of the Credit for Reinsurance Act and shall consider any other reciprocal jurisdiction included on the national association of insurance commissioners list. The superintendent may approve a jurisdiction that does not appear on the national association of insurance commissioners list of reciprocal jurisdictions in accordance with criteria to be developed pursuant to rules adopted by the superintendent.

B. The superintendent may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process set forth in rules adopted by the superintendent, except that the superintendent shall not remove from the list a reciprocal jurisdiction as defined in Paragraphs (1) and (2) of Subsection F of Section 2 of the Credit for Reinsurance Act. Upon removal of a reciprocal jurisdiction from the list, credit for reinsurance ceded to an assuming insurer that has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to the Credit for Reinsurance Act.

## **Chapter 35 Section 12 Laws 2022**

### **SECTION 12. RECIPROCAL JURISDICTION ASSUMING INSURERS.--**

A. The superintendent shall timely create and publish a list of reciprocal jurisdiction assuming insurers that have satisfied the conditions set forth in this section and to which cessions shall be granted credit. The superintendent may add an assuming insurer to the list if a national association of insurance commissioners accredited jurisdiction has added the assuming insurer to its list of assuming insurers or if, upon initial eligibility for credit for reinsurance, the assuming insurer submits the information to the superintendent as required pursuant to Paragraph (4) of Subsection A of Section 10 of the Credit for Reinsurance Act and complies with any additional requirements that the superintendent may impose by rule, except to the extent that they conflict with an applicable covered agreement.

B. If the superintendent determines that an assuming insurer no longer meets one or more of the requirements pursuant to this section, the superintendent may revoke or suspend the eligibility of the assuming insurer for recognition pursuant to this section in accordance with procedures set forth in rule.

C. While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations pursuant to the contract are secured in accordance with Section 16 of the Credit for Reinsurance Act.

D. If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations pursuant to the contract are secured in a form acceptable to the superintendent and consistent with the provisions of Section 16 of the Credit for Reinsurance Act.

E. If subject to a legal process of rehabilitation, liquidation or conservation, as applicable, the ceding insurer or its representative may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

F. Nothing in this section shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by the Credit for Reinsurance Act or other applicable law or rule.

## **Chapter 35 Section 13 Laws 2022**

### **SECTION 13. AGREEMENTS OF RECIPROCAL JURISDICTION REINSURERS.--**

A. With respect to reciprocal jurisdiction reinsurers, credit may be taken pursuant to this section only for reinsurance agreements entered into, amended or renewed on or after the effective date of the Credit for Reinsurance Act and only with respect to losses incurred and reserves reported on or after the later of:

- (1) the date on which the assuming insurer has met all eligibility requirements pursuant to Section 10 of the Credit for Reinsurance Act; and
- (2) the effective date of the new reinsurance agreement, amendment or renewal.

B. This section does not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available pursuant to this section, as long as the reinsurance qualifies for credit pursuant to any other applicable provision of the Credit for Reinsurance Act.

C. Nothing in this section shall authorize an assuming insurer to withdraw or reduce the security provided pursuant to any reinsurance agreement except as permitted by the terms of the agreement.

D. Nothing in this section shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement.

E. Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of Sections 3 through 12 and Subsections A through D of Section 13 of the Credit for Reinsurance Act, but only as to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

F. If the assuming insurer is not licensed, accredited or certified to transact insurance or reinsurance in this state, the credit permitted by Paragraphs (2) and (3) of Subsection D of Section 3, Section 4 and Subsections A through C of Section 6 of the Credit for Reinsurance Act shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(1) that in the event of the failure of the assuming insurer to perform its obligations pursuant to the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States; will comply with all requirements necessary to give the court jurisdiction; and will abide by the final decision of the court or of any appellate court in the event of an appeal; and

(2) to designate the superintendent or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on behalf of the ceding insurer; provided that this subsection is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement.

G. If the assuming insurer does not meet the requirements of this section, Subsections B and D of Section 3 and Sections 10 through 13 of the Credit for Reinsurance Act, the credit permitted by Paragraph (3) of Subsection D of Section 3, Subsection E of Section 3 and Sections 4 and 6 of the Credit for Reinsurance Act shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

(1) notwithstanding any other provision in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by Section 6 of the Credit for Reinsurance Act, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation or similar proceedings pursuant to the laws of its state or country of domicile, the trustee shall comply with an order of the government agency with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the government agency with regulatory oversight all of the assets of the trust fund;

(2) the assets shall be distributed by and claims shall be filed with and valued by the government agency with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies;

(3) if the government agency with regulatory oversight determines that the assets of the trust fund or any part of the fund are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or part of the assets shall be returned by the government agency with regulatory oversight to the trustee for distribution in accordance with the trust agreement; and

(4) the grantor shall waive any right otherwise available to it pursuant to United States law that is inconsistent with this subsection.

## **Chapter 35 Section 14 Laws 2022**

### **SECTION 14. REVOCATION OF ACCREDITATION OR CERTIFICATION.--**

A. If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the superintendent may suspend or revoke the reinsurer's accreditation or certification.

B. The superintendent shall give the reinsurer notice and opportunity for hearing. The suspension or revocation shall not take effect until after the superintendent's order on hearing unless:

(1) the reinsurer waives its right to hearing;

(2) the superintendent's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer pursuant to Subsection J of Section 9 of the Credit for Reinsurance Act; or

(3) the superintendent finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the superintendent's action.

C. While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations pursuant to the contract are secured in accordance with Section 16 of the Credit for Reinsurance Act. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance shall be granted after the effective date of the revocation, except to the extent that the reinsurer's obligations pursuant to the contract are secured in accordance with Subsections C through I of Section 9 or Section 16 of the Credit for Reinsurance Act.

## **Chapter 35 Section 15 Laws 2022**

### **SECTION 15. CONCENTRATION OF RISK.--**

A. A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the superintendent within thirty days after reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceeds fifty percent of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

B. A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the superintendent within thirty days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than twenty percent of the ceding insurer's gross written premium in the prior calendar year, or after it has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

## **Chapter 35 Section 16 Laws 2022**

### **SECTION 16. REDUCTION IN LIABILITY.--**

A. An asset or a reduction in liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of Sections 3 through 15 of the Credit for Reinsurance Act shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer; provided that the superintendent may adopt by rule pursuant to Section 17 of the Credit for Reinsurance Act specific additional requirements relating to or setting forth:

- (1) the valuation of assets or reserve credits;
- (2) the amount and forms of security supporting reinsurance arrangements described in Section 17 of the Credit for Reinsurance Act; and
- (3) the circumstances pursuant to which credit will be reduced or eliminated.

B. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, pursuant to a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution as defined in Paragraph (2) of Subsection E of Section 2 of the Credit for Reinsurance Act. This security may be in the form of:

- (1) cash;

(2) securities listed by the securities valuation office of the national association of insurance commissioners, including those deemed exempt from filing as defined by the purposes and procedures manual of the securities valuation office, and qualifying as admitted assets;

(3) clean, irrevocable, unconditional letters of credit issued or confirmed by a qualified United States financial institution effective no later than December 31 of the year for which the filing is being made and in the possession of, or in trust for, the ceding insurer on or before the filing date of its annual statement;

(4) letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs; or

(5) any other form of security acceptable to the superintendent.

## **Chapter 35 Section 17 Laws 2022**

### **SECTION 17. PROMULGATION OF RULES.--**

A. The superintendent shall adopt rules to implement the provisions of the Credit for Reinsurance Act.

B. The superintendent may adopt rules applicable to reinsurance arrangements as set forth in Subsection C of this section.

C. A rule adopted pursuant to Subsections B through G of this section may apply only to reinsurance relating to:

(1) life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits;

(2) universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;

(3) variable annuities with guaranteed death or living benefits;

(4) long-term care insurance policies; or

(5) such other life and health insurance and annuity products as to which the national association of insurance commissioners adopts model regulatory requirements with respect to credit for reinsurance.

D. A rule adopted pursuant to Paragraph (1) or (2) of Subsection C of this section may apply to any treaty containing:

(1) policies issued on or after January 1, 2015; or

(2) policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015.

E. A rule adopted pursuant to Subsections B through G of this section may require the ceding insurer, in calculating the amounts or forms of security required to be held pursuant to rules promulgated pursuant to the Credit for Reinsurance Act, to use the valuation manual adopted by the national association of insurance commissioners pursuant to Paragraph (1) of Section 11B of the national association of insurance commissioners standard valuation law, including all amendments adopted by the national association of insurance commissioners and in effect on the date as of which the calculation is made, to the extent applicable.

F. A rule adopted pursuant to Subsections B through G of this section shall not apply to cessions to an assuming insurer that:

(1) meets the conditions set forth in Sections 10 through 12 and Subsections A through D of Section 13 of the Credit for Reinsurance Act;

(2) is certified in this state; or

(3) maintains at least two hundred fifty million dollars (\$250,000,000) in capital and surplus when determined in accordance with the national association of insurance commissioners accounting practices and procedures manual, including all amendments thereto adopted by the national association of insurance commissioners, excluding the impact of any permitted or prescribed practices; and

(4) is licensed in at least twenty-six states; or

(5) is licensed in at least ten states, and licensed or accredited in at least thirty-five states.

G. The authority to adopt rules pursuant to Subsections B through F of this section shall not limit the superintendent's general authority to adopt rules pursuant to Subsection A of this section.

## **Chapter 35 Section 18 Laws 2022**

SECTION 18. INSOLVENCY.--Upon the insolvency of a non-United-States insurer or reinsurer that provides security to fund its obligations in the United States in accordance with the Credit for Reinsurance Act, the assets representing the security



shall be maintained in the United States, and claims shall be filed with and valued by the state insurance commissioner with regulatory oversight, and the assets shall be distributed, in accordance with the insurance laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic United States insurance companies.

### **Chapter 35 Section 19 Laws 2022**

SECTION 19. REPEAL.--Section 59A-7-11 NMSA 1978 (being Laws 1984, Chapter 127, Section 117, as amended) is repealed.

### **Chapter 35 Section 20 Laws 2022**

SECTION 20. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

## **LAWS 2022, CHAPTER 36**

**SJC/Senate Bill 35**  
**Approved March 2, 2022**

AN ACT

RELATING TO PROTECTIVE ARRANGEMENTS; REVISING PROCEDURES FOR THE APPOINTMENT OF TEMPORARY GUARDIANS AND TEMPORARY CONSERVATORS FOR ALLEGEDLY INCAPACITATED PERSONS; CLARIFYING REPORTING REQUIREMENTS.

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

### **Chapter 36 Section 1 Laws 2022**

SECTION 1. Section 45-5-310 NMSA 1978 (being Laws 1975, Chapter 257, Section 5-310, as amended) is amended to read:

"45-5-310. TEMPORARY GUARDIANS.--

A. When a petition for guardianship has been filed, but adherence to the procedures set out in Section 45-5-303 NMSA 1978 would cause serious, immediate and irreparable harm to the alleged incapacitated person's health, safety or welfare, the court may appoint a temporary guardian prior to the final hearing and decision on the petition, subject to the requirements of this section.

B. Upon separate motion by the petitioner, the court shall schedule and hold a hearing on the appointment of a temporary guardian no later than ten business days

from the date the motion is filed and appoint a guardian ad litem for the alleged incapacitated person. The guardian ad litem shall file a report no later than two days prior to the hearing. The report shall include those items found in Paragraphs (1) through (3) of Subsection A of Section 45-5-303.1 NMSA 1978. Notice of the hearing shall be as set out in Section 45-5-309 NMSA 1978.

C. Upon a finding that serious, immediate and irreparable harm to the alleged incapacitated person's health, safety or welfare would result during the pendency of petition, the court shall appoint a temporary guardian and shall specify the temporary guardian's powers in order to prevent serious, immediate and irreparable harm to the alleged incapacitated person. The duration of the temporary guardianship shall not exceed thirty days. However, if after a hearing in which there is a showing of good cause, the court may extend the temporary guardianship for no more than an additional sixty days.

D. A temporary guardian may be appointed without notice to the alleged incapacitated person and to the alleged incapacitated person's attorney only if it clearly appears from specific facts shown by affidavit or sworn testimony that serious, immediate and irreparable harm will result to the alleged incapacitated person's health, safety or welfare before a ten-day hearing on the appointment of a temporary guardian can be held. If a temporary guardian is appointed without notice to the alleged incapacitated person and the alleged incapacitated person's attorney, the court shall schedule and hold a hearing no later than ten business days from the date the motion for temporary guardian is filed to determine whether the temporary guardianship should continue and, if so, to address the continued authority of the temporary guardian. The petitioner shall have the alleged incapacitated person and the alleged incapacitated person's attorney served personally within twenty-four hours of the appointment of a temporary guardian as provided in Subsection B of Section 45-5-309 NMSA 1978. The alleged incapacitated person, the alleged incapacitated person's counsel or any interested person may appear and move dissolution or modification of the court's order, and, in that event, the court shall proceed to hear and determine such motion at the initial ten-day hearing or no later than ten business days from the date the motion is made, whichever comes first.

E. A temporary guardian is entitled to the care and custody of the alleged incapacitated person, but a temporary guardian may not sell or dispose of any property belonging to the alleged incapacitated person, or make a change to the housing or other placement of the alleged incapacitated person, without specific authorization from the court. A temporary guardian may be removed by the court at any time. A temporary guardian shall file an initial written report with the court within fifteen days of appointment by completing the guardian's report, as approved by the supreme court. A temporary guardian shall file a final written report with the court by completing the guardian's report, as approved by the supreme court, within fifteen days of the termination of the temporary guardianship or as otherwise ordered by the court. In all other respects, the provisions of the Uniform Probate Code concerning guardians apply to temporary guardians.

F. Appointment of a temporary guardian shall have the temporary effect of limiting the legal rights of the alleged incapacitated person as specified in the court order. Appointment of a temporary guardian shall not be evidence of incapacity."

## **Chapter 36 Section 2 Laws 2022**

SECTION 2. Section 45-5-408 NMSA 1978 (being Laws 1989, Chapter 252, Section 21, as amended) is amended to read:

### "45-5-408. TEMPORARY CONSERVATORS.--

A. When a petition for conservatorship has been filed, but adherence to the procedures set out in Section 45-5-407 NMSA 1978 would cause serious, immediate and irreparable harm to the alleged incapacitated person's or minor's estate or financial interests, or both, the court may appoint a temporary conservator prior to the final hearing and decision on the petition, subject to the requirements of this section.

B. Upon separate motion by the petitioner, the court shall schedule and hold a hearing on the appointment of a temporary conservator no later than ten business days from the date the motion is filed and appoint a guardian ad litem for the alleged incapacitated person. The guardian ad litem shall file a report no later than two days prior to the hearing. The report shall identify and present all available less restrictive alternatives to conservatorship and include those items found in Paragraphs (1) and (2) of Subsection A of Section 45-5-404.1 NMSA 1978. Notice of the hearing shall be provided as set out in Section 45-5-405 NMSA 1978.

C. Upon a finding that serious, immediate and irreparable harm to the alleged incapacitated person's estate and financial interests would result during the pendency of petition, the court shall appoint a temporary conservator and shall specify the temporary conservator's powers in order to prevent serious, immediate and irreparable harm to the alleged incapacitated person's property. The duration of the temporary conservatorship shall not exceed thirty days. However, if after a hearing in which there is a showing of good cause, the court may extend the temporary conservatorship for no more than an additional sixty days.

D. A temporary conservator may be appointed without notice to the alleged incapacitated person and to the alleged incapacitated person's attorney only if it clearly appears from specific facts shown by affidavit or sworn testimony that serious, immediate and irreparable harm will result to the alleged incapacitated person's estate or financial interests before a ten-day hearing on the appointment of a temporary conservator can be held. If a temporary conservator is appointed without notice to the alleged incapacitated person and the alleged incapacitated person's attorney, the court shall schedule and hold a hearing no later than ten business days from the date the motion for temporary conservator is filed to determine whether the temporary conservatorship should continue and, if so, to address the continued authority of the temporary conservator. The petitioner shall have the alleged incapacitated person and

the alleged incapacitated person's attorney served personally within twenty-four hours of the appointment of a temporary conservator as provided in Subsection B of Section 45-5-405 NMSA 1978. The alleged incapacitated person, the alleged incapacitated person's counsel or any interested person may appear and move dissolution or modification of the court's order, and, in that event, the court shall proceed to hear and determine such motion at the initial ten-day hearing or no later than ten business days from the date the motion is made, whichever comes first.

E. A temporary conservator is entitled to the care and custody of the alleged incapacitated person's estate and financial interests, but a temporary conservator may not sell or dispose of any property belonging to the alleged incapacitated person, or make a change to the housing or other placement of the alleged incapacitated person, without specific authorization from the court. A temporary conservator may be removed by the court at any time. A temporary conservator shall file an initial written report with the court within fifteen days of appointment by completing the conservator's inventory, as approved by the supreme court. A temporary conservator shall file a final written report with the court by completing the conservator's report, as approved by the supreme court, within fifteen days of the termination of the temporary conservatorship or as otherwise ordered by the court. In all other respects, the provisions of the Uniform Probate Code concerning conservators apply to temporary conservators.

F. Appointment of a temporary conservator shall have the temporary effect of limiting the legal rights of the alleged incapacitated person as specified in the court order. Appointment of a temporary conservator shall not be evidence of incapacity."

## **Chapter 36 Section 3 Laws 2022**

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

## **LAWS 2022, CHAPTER 37**

**Senate Bill 40**  
**Approved March 2, 2022**

AN ACT

RELATING TO HEALTH CARE; REPEALING THE DELAYED REPEAL OF THE HEALTH CARE QUALITY SURCHARGE ACT.

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

## **Chapter 37 Section 1 Laws 2022**

SECTION 1. REPEAL.--Laws 2019, Chapter 53, Section 12 is repealed.

# LAWS 2022, CHAPTER 38

**Senate Bill 134**  
**Approved March 3, 2022**

AN ACT

RELATING TO PUBLIC FINANCE; ALLOCATING SEVERANCE TAX BONDING CAPACITY TO THE NEW MEXICO HOUSING TRUST FUND; AUTHORIZING SEVERANCE TAX BONDS; REQUIRING CERTAIN REVERSIONS TO THE SEVERANCE TAX BONDING FUND; REQUIRING THE NEW MEXICO MORTGAGE FINANCE AUTHORITY TO PRIORITIZE EXPENDING OR ENCUMBERING CERTAIN BALANCES IN THE NEW MEXICO HOUSING TRUST FUND.

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

## **Chapter 38 Section 1 Laws 2022**

SECTION 1. A new section of the Severance Tax Bonding Act is enacted to read:

"AUTHORIZATION FOR SEVERANCE TAX BONDS--NEW MEXICO MORTGAGE FINANCE AUTHORITY--NEW MEXICO HOUSING TRUST FUND.--

A. After the annual estimate of severance tax bonding capacity is made pursuant to Subsection B of Section 7-27-10.1 NMSA 1978, the board of finance division of the department of finance and administration shall allocate two and one-half percent of the estimated bonding capacity for the New Mexico housing trust fund for the purposes of carrying out the provisions of the New Mexico Housing Trust Fund Act.

B. The legislature authorizes the state board of finance to issue severance tax bonds in the amount allocated pursuant to this section for use by the New Mexico mortgage finance authority to fund the New Mexico housing trust fund for the purposes of carrying out the provisions of the New Mexico Housing Trust Fund Act. The New Mexico mortgage finance authority shall certify to the state board of finance the need for issuance of bonds. The state board of finance may issue and sell the bonds in the same manner as other severance tax bonds in an amount not to exceed the authorized amount provided for in this section. If necessary, the state board of finance shall take the appropriate steps to comply with the federal Internal Revenue Code of 1986, as that code may be amended or renumbered. Proceeds from the sale of the bonds are appropriated to the New Mexico housing trust fund for the purposes certified by the New Mexico mortgage finance authority to the state board of finance.

C. Money from the severance tax bonds provided for in this section shall not be used to pay indirect project costs. Any unexpended balance from proceeds of severance tax bonds issued for projects pursuant to the New Mexico Housing Trust

Fund Act shall revert to the severance tax bonding fund within one year of completion of the project. Any unencumbered balance from the proceeds of severance tax bonds issued pursuant to this section after three years from the issuance of those bonds shall revert to the severance tax bonding fund. The New Mexico mortgage finance authority shall monitor and ensure proper reversions of the bond proceeds appropriated for the projects."

## **Chapter 38 Section 2 Laws 2022**

SECTION 2. Section 58-18C-4 NMSA 1978 (being Laws 2005, Chapter 105, Section 4) is amended to read:

### **"58-18C-4. NEW MEXICO HOUSING TRUST FUND CREATED.--**

A. The "New Mexico housing trust fund" is created in the authority. The fund shall consist of all distributions, appropriations and other allocations made to the fund. Earnings of the fund shall be credited to the fund, and unexpended and unencumbered balances in the fund shall not revert to any other fund except as provided in Subsection D of this section. The authority shall be the trustee for the fund, and the state investment council shall be the investment agent for the fund. The fund may consist of such subaccounts as the authority deems necessary to carry out the purpose of the fund.

B. The fund shall consist of revenue from the following recurring sources:

- (1) appropriations and transfers from the general fund;
- (2) proceeds of severance tax bonds issued pursuant to Section 1 of this 2022 act and any payments of principal of and interest on loans for projects funded by the proceeds of those bonds;
- (3) any other money appropriated or distributed to the fund; or
- (4) any private contributions to the fund.

C. Money in the fund is appropriated to the authority for the purposes of carrying out the provisions of the New Mexico Housing Trust Fund Act. The authority shall prioritize expending or encumbering balances in the fund from payments of principal of and interest on loans for projects funded by the proceeds of severance tax bonds prior to expending or encumbering any proceeds from more recently issued bonds.

D. The authority shall monitor and ensure proper reversions of severance tax bond proceeds as required by Section 1 of this 2022 act."

## **Chapter 38 Section 3 Laws 2022**

SECTION 3. APPLICABILITY.--The allocation of severance tax bonding capacity and the authorization of severance tax bonds for the New Mexico housing trust fund pursuant to Section 1 of this 2022 act shall commence with the severance tax bonding capacity estimated in January 2024.

## **LAWS 2022, CHAPTER 39**

**HCEDC/House Bill 191, aa, w/cc**  
**Approved March 3, 2022**

### **AN ACT**

RELATING TO LICENSURE; CLARIFYING THAT PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS ARE REQUIRED TO FOLLOW THE PROVISIONS OF THE STATE RULES ACT WHEN PROMULGATING RULES AND THE PROVISIONS OF THE UNIFORM LICENSING ACT FOR LICENSING AND DISCIPLINARY MATTERS; PROVIDING FOR EXPEDITED LICENSURE FOR PERSONS HOLDING PROFESSIONAL OR OCCUPATIONAL LICENSES FROM OTHER LICENSING JURISDICTIONS; REVISING BOARD OF BARBERS AND COSMETOLOGISTS AND REGULATION AND LICENSING DEPARTMENT POWERS AND DUTIES; REVISING CERTAIN LICENSING REQUIREMENTS; ESTABLISHING CERTAIN FEES; EXTENDING THE SUNSET DATE FOR THE BOARD OF BODY ART PRACTITIONERS; AMENDING, REPEALING, ENACTING AND RECOMPILING SECTIONS OF THE NMSA 1978.

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

## **Chapter 39 Section 1 Laws 2022**

SECTION 1. Section 61-1-2 NMSA 1978 (being Laws 1957, Chapter 247, Section 2, as amended) is amended to read:

"61-1-2. DEFINITIONS.--As used in the Uniform Licensing Act:

A. "board" means:

(1) the construction industries commission, the construction industries division and the electrical bureau, mechanical bureau and general construction bureau of the construction industries division of the regulation and licensing department;

(2) the manufactured housing committee and manufactured housing division of the regulation and licensing department;

- (3) the crane operators licensure examining council;
  - (4) a board, commission or agency that administers a profession or occupation licensed pursuant to Chapter 61 NMSA 1978; and
  - (5) any other state agency to which the Uniform Licensing Act is applied by law;
- B. "applicant" means a person who has applied for a license;
  - C. "expedited license", whether by examination, endorsement, credential or reciprocity, means a license issued to a person in this state based on licensure in another state or territory of the United States, the District of Columbia or a foreign country, as applicable;
  - D. "initial license" means the first regular license received from a board for a person who has not been previously licensed;
  - E. "license" means a certificate, permit or other authorization to engage in a profession or occupation regulated by a board;
  - F. "licensing jurisdiction" means another state or territory of the United States, the District of Columbia or a foreign country, as applicable;
  - G. "regular license" means a license that is not issued as a temporary or provisional license;
  - H. "revoke a license" means to prohibit the conduct authorized by the license; and
  - I. "suspend a license" means to prohibit, for a stated period of time, the conduct authorized by the license. "Suspend a license" also means to allow, for a stated period of time, the conduct authorized by the license, subject to conditions that are reasonably related to the grounds for suspension."

## **Chapter 39 Section 2 Laws 2022**

SECTION 2. A new section of the Uniform Licensing Act is enacted to read:

"RESIDENCY IN NEW MEXICO NOT A REQUIREMENT FOR LICENSURE.--A person who otherwise meets the requirements for a professional or occupational license shall not be denied licensure or relicensure because the person does not live in New Mexico."



## **Chapter 39 Section 3 Laws 2022**

SECTION 3. A new section of the Uniform Licensing Act is enacted to read:

"INCOMPLETE APPLICATION--NOTICE--EXPIRATION.--If a board deems an application for licensure incomplete, the board shall notify the applicant within thirty days, including the ways in which the application is incomplete. An incomplete application expires after one year."

## **Chapter 39 Section 4 Laws 2022**

SECTION 4. Section 61-1-4 NMSA 1978 (being Laws 1957, Chapter 247, Section 4, as amended) is amended to read:

"61-1-4. NOTICE OF CONTEMPLATED BOARD ACTION--REQUEST FOR HEARING--NOTICE OF HEARING.--

A. When investigating complaints against licensees, a board may issue investigative subpoenas prior to the issuance of a notice of contemplated action as provided in this section.

B. When a board contemplates taking an action of a type specified in Subsection A, B or C of Section 61-1-3 NMSA 1978, it shall serve upon the applicant a written notice containing a statement:

(1) that the applicant has failed to satisfy the board of the applicant's qualifications to be examined or to be issued a license, as the case may be;

(2) indicating in what respects the applicant has failed to satisfy the board;

(3) that the applicant may secure a hearing before the board by depositing in the mail within twenty days after service of the notice a certified return receipt requested letter addressed to the board and containing a request for a hearing; and

(4) calling the applicant's attention to the applicant's rights under Section 61-1-8 NMSA 1978.

C. In a board proceeding to take an action of a type specified in Subsection A, B or C of Section 61-1-3 NMSA 1978, the burden of satisfying the board of the applicant's qualifications shall be upon the applicant.

D. When a board contemplates taking an action of a type specified in Subsections D through N of Section 61-1-3 NMSA 1978, it shall serve upon the licensee a written notice containing a statement:

(1) that the board has sufficient evidence that, if not rebutted or explained, will justify the board in taking the contemplated action;

(2) indicating the general nature of the evidence;

(3) that unless the licensee within twenty days after service of the notice deposits in the mail a certified return receipt requested letter addressed to the board and containing a request for a hearing, the board shall take the contemplated action; and

(4) calling the licensee's attention to the licensee's rights as provided in Section 61-1-8 NMSA 1978.

E. Except as provided in Section 61-1-15 NMSA 1978, if the licensee or applicant does not mail a request for a hearing within the time and in the manner required by this section, the board may take the action contemplated in the notice and such action shall be final and not subject to judicial review.

F. If the licensee or applicant does mail a request for a hearing as required by this section, the board shall, within twenty days of receipt of the request, notify the licensee or applicant of the time and place of hearing, the name of the person who shall conduct the hearing for the board and the statutes and rules authorizing the board to take the contemplated action. The hearing shall be held not more than sixty nor less than fifteen days from the date of service of the notice of hearing.

G. Licensees shall bear all costs of disciplinary proceedings unless they are excused by the board from paying all or part of the fees or if they prevail at the hearing and an action specified in Section 61-1-3 NMSA 1978 is not taken by the board.

H. All fines collected by a board shall be deposited to the credit of the current school fund as provided in Article 12, Section 4 of the constitution of New Mexico."

## **Chapter 39 Section 5 Laws 2022**

SECTION 5. Section 61-1-29 NMSA 1978 (being Laws 1971, Chapter 54, Section 3, as amended) is amended to read:

"61-1-29. ADOPTION OF RULES--NOTICE AND HEARING.--Rulemaking procedures of a board shall be as provided in the State Rules Act."

## **Chapter 39 Section 6 Laws 2022**

SECTION 6. Section 61-1-31 NMSA 1978 (being Laws 1971, Chapter 54, Section 5, as amended) is amended to read:

"61-1-31. VALIDITY OF RULE--JUDICIAL REVIEW.--

A. A person who is or may be affected by a rule promulgated by a board may appeal to the court of appeals for relief. All appeals shall be upon the record made at the hearing by the board and shall be taken to the court of appeals within thirty days after filing of the rule pursuant to the State Rules Act.

B. An appeal to the court of appeals under this section is perfected by the timely filing of a notice of appeal with the court of appeals, with a copy attached of the rule from which the appeal is taken. The appellant shall certify in the appellant's notice of appeal that arrangements have been made with the board for preparation of a sufficient number of transcripts of the record of the hearing on which the appeal depends to support the appellant's appeal to the court, at the expense of the appellant, including three copies that the appellant shall furnish to the board.

C. Upon appeal, the court of appeals shall set aside the rule only if it is found to be:

- (1) arbitrary, capricious or an abuse of discretion;
- (2) contrary to law; or
- (3) against the clear weight of substantial evidence of the record."

## **Chapter 39 Section 7 Laws 2022**

SECTION 7. Section 61-1-31.1 NMSA 1978 (being Laws 2016, Chapter 19, Section 1, as amended) is amended to read:

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

A. A board that issues an occupational or professional license pursuant to this 2022 act shall, as soon as practicable but no later than thirty days after an out-of-state licensee files an application for an expedited license accompanied by any required fees:

- (1) process the application; and
- (2) issue a license to a qualified applicant who submits satisfactory evidence that the applicant:
  - (a) holds a license that is current and in good standing issued by another licensing jurisdiction;
  - (b) has practiced the profession or occupation for which expedited licensure is sought for a period required by New Mexico law; and

(c) provides fingerprints and other information necessary for a state and national criminal background check, if required.

B. An expedited license is a one-year provisional license that confers the same rights, privileges and responsibilities as regular licenses issued by a board; provided that a board may extend an expedited license upon a showing of extenuating circumstances.

C. Before the end of the expedited license period and upon application, a board shall issue a regular license through its license renewal process. If a board requires a state or national examination for initial licensure that was not required when the out-of-state applicant was licensed in the other licensing jurisdiction, the board shall issue the expedited license and may require the license holder to pass the required examination prior to renewing the license.

D. A board by rule shall determine those states and territories of the United States and the District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the board will accept an applicant for expedited licensure. The list of those licensing jurisdictions shall be posted on the board's website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed by the board annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 8 Laws 2022**

SECTION 8. A new section of the Uniform Licensing Act is enacted to read:

"TEMPORARY OR PROVISIONAL LICENSE--EVIDENCE OF INSURANCE.--A board may issue a temporary or other provisional license, including an expedited license, to a person licensed in another licensing jurisdiction, which license is limited as to a time, practice or other requirement of regular licensure. If a board requires regular licensees to carry professional or occupational liability or other insurance, the board shall require the applicant for a temporary or provisional license to show evidence of having required insurance that will cover the person in New Mexico during the term of the temporary or provisional license. Each board shall provide information on the board's website that describes the insurance requirements for practice in New Mexico."

## **Chapter 39 Section 9 Laws 2022**

SECTION 9. Section 61-1-32 NMSA 1978 (being Laws 1981, Chapter 349, Section 22) is amended to read:

"61-1-32. PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF RULES.-  
-An interested person may request in writing that a board subject to the Uniform Licensing Act adopt, amend or repeal a rule. Within one hundred twenty days after receiving the written request, the board shall either initiate proceedings in accordance

with the State Rules Act or issue a concise written statement of its reason for denial of the request. The denial of such a request is not subject to judicial review."

## **Chapter 39 Section 10 Laws 2022**

SECTION 10. Section 61-1-34 NMSA 1978 (being Laws 2013, Chapter 33, Section 1, as amended) is amended to read:

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

A. A board that issues an occupational or professional license pursuant to Chapter 61 NMSA 1978 shall, as soon as practicable but no later than thirty days after a military service member or a veteran files an application, and provides a background check if required:

(1) process the application; and

(2) issue a license prima facie to a qualified applicant who submits satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of the armed forces of the United States.

B. A license issued pursuant to this section is a provisional license but shall confer the same rights, privileges and responsibilities as a regular license. If the military service member or veteran was licensed in a licensing jurisdiction that did not require examination, a board may require the military service member or veteran to take a board-required examination before making application for renewal.

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

D. Each board that issues a license to practice a trade or profession shall, upon the conclusion of the state fiscal year, prepare a report on the number and type of licenses that were issued during the fiscal year under this section. The report shall be provided to the director of the office of military base planning and support not later than ninety days after the end of the fiscal year.

E. As used in this section:

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

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

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

(b) the spouse of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard, or a surviving spouse of a member who at the time of the member's death was serving on active duty; or

(c) the child of a military service member if the child is also a dependent of that person for federal income tax purposes; and

(3) "veteran" means a person who has received an honorable discharge or separation from military service."

## **Chapter 39 Section 11 Laws 2022**

SECTION 11. Section 61-2-6 NMSA 1978 (being Laws 1973, Chapter 353, Section 5, as amended) is amended to read:

"61-2-6. OPTOMETRY BOARD ORGANIZATION--MEETINGS--  
COMPENSATION--POWERS AND DUTIES.--

A. The board shall annually elect a chair, a vice chair and a secretary-treasurer; each shall serve until a successor is elected and qualified.

B. The board shall meet at least annually for the purpose of examining candidates for licensure. Special meetings may be called by the chair and shall be called upon the written request of a majority of the board members. A majority of the board members currently serving constitutes a quorum.

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

D. The board has the authority to determine what constitutes the practice of optometry in accordance with the provisions of the Optometry Act and has jurisdiction to exercise any other powers and duties pursuant to that act. The board may issue advisory opinions and declaratory rulings pursuant to that act and rules promulgated in accordance with the State Rules Act, but shall not expand the scope of practice of optometry beyond the provisions of the Optometry Act.

E. The board shall:

(1) administer and enforce the provisions of the Optometry Act;

- (2) promulgate in accordance with the State Rules Act, all rules for the implementation and enforcement of the provisions of the Optometry Act;
- (3) adopt and use a seal;
- (4) administer oaths and take testimony on matters within the board's jurisdiction;
- (5) keep an accurate record of meetings, receipts and disbursements;
- (6) keep a record of examinations held, together with the names and addresses of persons taking the examinations and the examination results. Within thirty days after an examination, the board shall give written notice to each applicant examined of the results of the examination as to the respective applicant;
- (7) certify as passing each applicant who obtains a grade of at least seventy-five percent on each subject upon which the applicant is examined; providing that an applicant failing may apply for re-examination at the next scheduled examination date;
- (8) keep a book of registration in which the name, address and license number of licensees shall be recorded, together with a record of license renewals, suspensions and revocations;
- (9) grant, deny, renew, suspend or revoke licenses to practice optometry in accordance with the provisions of the Uniform Licensing Act for any cause stated in the Optometry Act;
- (10) develop and administer qualifications for certification for the use of pharmaceutical agents as authorized in Section 61-2-10.2 NMSA 1978, including minimum educational requirements and examination, as required by Section 61-2-10.2 NMSA 1978 and provide the board of pharmacy with an annual list of optometrists certified to use pharmaceutical agents as authorized in Section 61-2-10.2 NMSA 1978; and
- (11) provide for the suspension of an optometrist's license for sixty days upon a determination of use of pharmaceutical agents without prior certification in accordance with Section 61-2-10.2 NMSA 1978, after proper notice and an opportunity to be heard before the board."

## **Chapter 39 Section 12 Laws 2022**

SECTION 12. Section 61-2-8 NMSA 1978 (being Laws 1973, Chapter 353, Section 7, as amended) is amended to read:

"61-2-8. QUALIFICATIONS FOR LICENSURE AS AN OPTOMETRIST.--Each applicant for licensure as an optometrist shall furnish evidence satisfactory to the board that the applicant:

A. has reached the age of majority; and

B. has graduated and been awarded a doctor of optometry degree from a school or college of optometry approved and accredited by the board. In the event the applicant applies for licensure by endorsement, the applicant shall have been awarded a doctor of optometry degree from a school or college of optometry, approved and accredited by the board, which had a minimum course of study of four thousand clock hours of instruction leading to that degree."

## **Chapter 39 Section 13 Laws 2022**

SECTION 13. Section 61-2-9 NMSA 1978 (being Laws 1973, Chapter 353, Section 8) is amended to read:

"61-2-9. LICENSURE BY EXAMINATION--EXPEDITED LICENSURE BY ENDORSEMENT.--

A. An applicant meeting the qualifications set forth in Section 61-2-8 NMSA 1978 for initial licensure shall file an application under oath on forms supplied by the board for an examination by the board. The examination shall be confined to the subjects within the curriculum of colleges of optometry approved and accredited by the board and shall include written tests and practical demonstrations and may include oral tests. A person issued a license by examination shall be issued the license upon payment of required fees.

B. No later than thirty days after an out-of-state licensee files an application for an expedited license, the board shall process the application and issue an expedited license in accordance with Section 61-1-31.1 NMSA 1978. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require the person to pass an examination before applying for license renewal.

C. The board by rule shall determine those states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and shall determine any foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."



## Chapter 39 Section 14 Laws 2022

SECTION 14. Section 61-3-10 NMSA 1978 (being Laws 1968, Chapter 44, Section 7, as amended by Laws 2003, Chapter 276, Section 4 and by Laws 2003, Chapter 307, Section 7) is amended to read:

"61-3-10. POWERS--DUTIES.--The board:

- A. shall promulgate rules in accordance with the State Rules Act as necessary to enable it to carry into effect the provisions of the Nursing Practice Act and to maintain high standards of practice;
- B. shall prescribe standards and approve curricula for educational programs preparing persons for licensure under the Nursing Practice Act;
- C. shall provide for surveys of educational programs preparing persons for licensure under the Nursing Practice Act;
- D. shall grant, deny or withdraw approval from educational programs for failure to meet prescribed standards, if a majority of the board concurs in the decision;
- E. shall provide for the examination, licensing and renewal of licenses of applicants;
- F. shall conduct hearings upon charges relating to discipline of a licensee or nurse not licensed to practice in New Mexico who is permitted to practice professional registered nursing or licensed practical nursing in New Mexico pursuant to a multistate licensure privilege as provided in the Nurse Licensure Compact;
- G. conduct hearings upon charges related to an applicant or discipline of a licensee or the denial, suspension or revocation of a license in accordance with the procedures of the Uniform Licensing Act;
- H. shall cause the prosecution of persons violating the Nursing Practice Act and have the power to incur such expense as is necessary for the prosecution;
- I. shall keep a record of all proceedings;
- J. shall make an annual report to the governor;
- K. shall appoint and employ a qualified registered nurse, who shall not be a member of the board, to serve as executive officer to the board, and the board shall define the duties and responsibilities of the executive officer except that the power to grant, deny or withdraw approval for schools of nursing or to revoke, suspend or withhold a license authorized by the Nursing Practice Act shall not be delegated by the board;

L. shall provide for such qualified assistants as may be necessary to carry out the provisions of the Nursing Practice Act. Such employees shall be paid a salary commensurate with their duties;

M. shall, for the purpose of protecting the health and well-being of residents of New Mexico and promoting current nursing knowledge and practice, promulgate rules establishing continuing education requirements as a condition of license renewal and shall study methods of monitoring continuing competence;

N. may appoint advisory committees consisting of at least one member who is a board member and at least two members who are expert in the pertinent field of health care to assist it in the performance of its duties. Committee members may be reimbursed as provided in the Per Diem and Mileage Act;

O. may promulgate rules designed to maintain an inactive status listing for registered nurses and licensed practical nurses;

P. may promulgate rules to regulate the advanced practice of professional registered nursing and expanded practice of licensed practical nursing;

Q. shall license qualified certified nurse practitioners, certified registered nurse anesthetists and clinical nurse specialists;

R. shall register nurses not licensed to practice in New Mexico who are permitted to practice professional registered nursing or licensed practical nursing in New Mexico pursuant to a multistate licensure privilege as provided in the Nurse Licensure Compact;

S. shall promulgate rules establishing standards for authorizing prescriptive authority to certified nurse practitioners, clinical nurse specialists and certified registered nurse anesthetists; and

T. shall determine by rule the states and territories of the United States or the District of Columbia from which it will not accept an applicant for expedited licensure and shall determine any foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of unapproved and approved licensing jurisdictions on the board's website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 15 Laws 2022**

SECTION 15. Section 61-3-14 NMSA 1978 (being Laws 1968, Chapter 44, Section 11, as amended) is amended to read:

"61-3-14. LICENSURE OF REGISTERED NURSES--BY EXAMINATION--  
EXPEDITED LICENSURE.--

A. Applicants for licensure by examination shall be required to pass the national licensing examination for registered nurses. The applicant who successfully passes the examination may be issued by the board a license to practice as a registered nurse.

B. The board shall issue an expedited license to practice professional registered nursing without an examination to an applicant who has been duly licensed in another licensing jurisdiction and holds a valid, unrestricted license and is in good standing with the licensing board in that licensing jurisdiction. The board shall expedite the issuance of a license in accordance with Section 61-1-31.1 NMSA 1978 within thirty days. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require that person to pass an examination before applying for license renewal.

C. An applicant licensed under the laws of a territory or foreign country shall demonstrate proficiency in English."

## **Chapter 39 Section 16 Laws 2022**

SECTION 16. Section 61-3-19 NMSA 1978 (being Laws 1968, Chapter 44, Section 16, as amended) is amended to read:

"61-3-19. LICENSURE OF LICENSED PRACTICAL NURSES--BY  
EXAMINATION--BY EXPEDITED LICENSURE.--

A. Applicants for licensure by examination shall be required to pass the national licensing examination for licensed practical nurses. The applicant who passes the examination may be issued by the board a license to practice as a licensed practical nurse.

B. The board shall issue an expedited license as a licensed practical nurse without an examination to an applicant who has been duly licensed in another licensing jurisdiction and holds a valid, unrestricted license and is in good standing with the licensing board in that licensing jurisdiction. The board shall expedite the issuance of a license in accordance with Section 61-1-31.1 NMSA 1978 within thirty days. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require that person to pass an examination before applying for license renewal.

C. An applicant licensed under the laws of a territory or foreign country shall demonstrate proficiency in English."

## Chapter 39 Section 17 Laws 2022

SECTION 17. Section 61-3-23.2 NMSA 1978 (being Laws 1991, Chapter 190, Section 14, as amended) is amended to read:

"61-3-23.2. CERTIFIED NURSE PRACTITIONER--QUALIFICATIONS--PRACTICE--EXAMINATION--ENDORSEMENT--EXPEDITED LICENSURE.--

A. The board may license for advanced practice as a certified nurse practitioner an applicant who furnishes evidence satisfactory to the board that the applicant:

- (1) is a registered nurse;
- (2) has successfully completed a program for the education and preparation of nurse practitioners; provided that, if the applicant is initially licensed by the board or a board in another jurisdiction after January 1, 2001, the program shall be at the master's level or higher;
- (3) has successfully completed the national certifying examination in the applicant's specialty area; and
- (4) is certified by a national nursing organization.

B. Certified nurse practitioners may:

- (1) perform an advanced practice that is beyond the scope of practice of professional registered nursing;
- (2) practice independently and make decisions regarding health care needs of the individual, family or community and carry out health regimens, including the prescription and distribution of dangerous drugs and controlled substances included in Schedules II through V of the Controlled Substances Act; and
- (3) serve as a primary acute, chronic long-term and end-of-life health care provider and as necessary collaborate with licensed medical doctors, osteopathic physicians or podiatrists.

C. Certified nurse practitioners who have fulfilled requirements for prescriptive authority may prescribe in accordance with rules, guidelines and formularies for individual certified nurse practitioners promulgated by the board.

D. Certified nurse practitioners who have fulfilled requirements for prescriptive authority may distribute to their patients dangerous drugs and controlled substances included in Schedules II through V of the Controlled Substances Act that have been prepared, packaged or fabricated by a registered pharmacist or doses of

drugs that have been prepackaged by a pharmaceutical manufacturer in accordance with the Pharmacy Act and the New Mexico Drug, Device and Cosmetic Act.

E. Certified nurse practitioners licensed by the board on and after December 2, 1985 shall successfully complete a national certifying examination and shall maintain national professional certification in their specialty area. Certified nurse practitioners licensed by a board prior to December 2, 1985 are not required to sit for a national certification examination or be certified by a national organization.

F. The board shall issue an expedited license to an applicant without an examination if the person has been duly licensed as a certified nurse practitioner in another licensing jurisdiction and is in good standing with the licensing board in that licensing jurisdiction. The board shall expedite the issuance of the license in accordance with Section 61-1-31.1 NMSA 1978 within thirty days. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require that person to pass an examination before applying for license renewal. An applicant licensed under the laws of a territory or foreign country shall demonstrate proficiency in English."

## **Chapter 39 Section 18 Laws 2022**

SECTION 18. Section 61-3-23.3 NMSA 1978 (being Laws 1991, Chapter 190, Section 15, as amended) is amended to read:

"61-3-23.3. CERTIFIED REGISTERED NURSE ANESTHETIST--  
QUALIFICATIONS--LICENSURE--PRACTICE--ENDORSEMENT--EXPEDITED  
LICENSURE.--

A. The board may license for advanced practice as a certified registered nurse anesthetist an applicant who furnishes evidence satisfactory to the board that the applicant:

(1) is a registered nurse;

(2) has successfully completed a nurse anesthesia education program accredited by the council on accreditation of nurse anesthesia educational programs; provided that, if the applicant is initially licensed by the board or a board in another licensing jurisdiction after January 1, 2001, the program shall be at a master's level or higher; and

(3) is certified by the national board of certification and recertification for nurse anesthetists.

B. A certified registered nurse anesthetist may provide preoperative, intraoperative and postoperative anesthesia care and related services, including

ordering of diagnostic tests, in accordance with the current American association of nurse anesthetists' guidelines for nurse anesthesia practice.

C. Certified registered nurse anesthetists shall function in an interdependent role as a member of a health care team in which the medical care of the patient is directed by a licensed physician, osteopathic physician, dentist or podiatrist licensed in New Mexico pursuant to the Dental Health Care Act, the Medical Practice Act or the Podiatry Act. The certified registered nurse anesthetist shall collaborate with the licensed physician, osteopathic physician, dentist or podiatrist concerning the anesthesia care of the patient. As used in this subsection, "collaboration" means the process in which each health care provider contributes the health care provider's respective expertise. Collaboration includes systematic formal planning and evaluation between the health care professionals involved in the collaborative practice arrangement.

D. A certified registered nurse anesthetist who has fulfilled the requirements for prescriptive authority in the area of anesthesia practice is authorized to prescribe and administer therapeutic measures, including dangerous drugs and controlled substances included in Schedules II through V of the Controlled Substances Act within the emergency procedures, perioperative care or perinatal care environments. Dangerous drugs and controlled substances, pursuant to the Controlled Substances Act, that have been prepared, packaged or fabricated by a registered pharmacist or doses of drugs that have been prepackaged by a pharmaceutical manufacturer in accordance with the Pharmacy Act and the New Mexico Drug, Device and Cosmetic Act may be prescribed and administered.

E. A certified registered nurse anesthetist who has fulfilled the requirements for prescriptive authority in the area of anesthesia practice may prescribe in accordance with rules of the board. The board shall adopt rules concerning a prescriptive authority formulary for certified registered nurse anesthetists that shall be based on the scope of practice of certified registered nurse anesthetists. The board, in collaboration with the New Mexico medical board, shall develop the formulary. Certified registered nurse anesthetists who prescribe shall do so in accordance with the prescriptive authority formulary.

F. The board shall issue an expedited license to an applicant without an examination if the person has been duly licensed as a certified registered nurse anesthetist in another licensing jurisdiction and is in good standing with the licensing board in that licensing jurisdiction. The board shall expedite the issuance of the license in accordance with Section 61-1-31.1 NMSA 1978 within thirty days. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require that person to pass an examination before applying for license renewal. An applicant licensed under the laws of a territory or foreign country shall demonstrate proficiency in English.

G. A health care facility may adopt policies relating to the providing of anesthesia care.

H. A certified registered nurse anesthetist licensed by the board shall maintain this certification with the national board of certification and recertification for nurse anesthetists."

## **Chapter 39 Section 19 Laws 2022**

SECTION 19. Section 61-3-23.4 NMSA 1978 (being Laws 1991, Chapter 190, Section 16, as amended) is amended to read:

"61-3-23.4. CLINICAL NURSE SPECIALIST--QUALIFICATIONS--  
ENDORSEMENT--EXPEDITED LICENSURE.--

A. The board may license for advanced practice as a clinical nurse specialist an applicant who furnishes evidence satisfactory to the board that the applicant:

- (1) is a registered nurse;
- (2) has a master's degree or doctoral degree in a defined clinical nursing specialty;
- (3) has successfully completed a national certifying examination in the applicant's area of specialty; and
- (4) is certified by a national nursing organization.

B. Clinical nurse specialists may:

- (1) perform an advanced practice that is beyond the scope of practice of professional registered nursing;
- (2) make independent decisions in a specialized area of nursing practice using expert knowledge regarding the health care needs of the individual, family and community, collaborating as necessary with other members of the health care team when the health care need is beyond the scope of practice of the clinical nurse specialist; and
- (3) carry out therapeutic regimens in the area of specialty practice, including the prescription and distribution of dangerous drugs.

C. A clinical nurse specialist who has fulfilled the requirements for prescriptive authority in the area of specialty practice is authorized to prescribe, administer and distribute therapeutic measures, including dangerous drugs and controlled substances included in Schedules II through V of the Controlled Substances

Act within the scope of specialty practice, including controlled substances pursuant to the Controlled Substances Act that have been prepared, packaged or fabricated by a registered pharmacist or doses of drugs that have been prepackaged by a pharmaceutical manufacturer in accordance with the Pharmacy Act and the New Mexico Drug, Device and Cosmetic Act.

D. Clinical nurse specialists who have fulfilled the requirements for prescriptive authority in the area of specialty practice may prescribe in accordance with rules, guidelines and formularies based on scope of practice and clinical setting for individual clinical nurse specialists promulgated by the board.

E. Clinical nurse specialists licensed by the board shall maintain certification in their specialty area.

F. The board shall issue an expedited license to an applicant without an examination if the person has been duly licensed as a clinical nurse specialist in another licensing jurisdiction and is in good standing with the licensing board in that licensing jurisdiction. The board shall expedite the issuance of the license in accordance with Section 61-1-31.1 NMSA 1978 within thirty days. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require that person to pass an examination before applying for license renewal. An applicant licensed under the laws of a territory or foreign country shall demonstrate proficiency in English."

## **Chapter 39 Section 20 Laws 2022**

SECTION 20. Section 61-36-1 NMSA 1978 (being Laws 2017, Chapter 136, Section 1) is recompiled as Section 61-3B-1 NMSA 1978 and is amended to read:

"61-3B-1. SHORT TITLE.--Chapter 61, Article 3B NMSA 1978 may be cited as the "Lactation Care Provider Act"."

## **Chapter 39 Section 21 Laws 2022**

SECTION 21. Section 61-36-3 NMSA 1978 (being Laws 2017, Chapter 136, Section 3) is recompiled as Section 61-3B-3 NMSA 1978 and is amended to read:

"61-3B-3. BOARD POWERS.--The board may:

A. enforce the provisions of the Lactation Care Provider Act in accordance with the Uniform Licensing Act and promulgate rules in accordance with the State Rules Act to execute the provisions of the Lactation Care Provider Act;

B. license qualified applicants;

C. discipline licensees;



- D. enforce qualification for licensure;
- E. establish standards for licensee competence for continuing in or returning to practice based on approved certification;
- F. issue orders relating to the practice of lactation care and services in accordance with the Uniform Licensing Act;
- G. regulate licensee advertising and prohibit false, misleading or deceptive practices;
- H. establish a code of conduct for licensees;
- I. prepare information for the public that describes the regulatory functions of the board and the procedures by which complaints are filed with and resolved by the board; and
- J. appoint a lactation care provider advisory committee consisting of at least one member who is a board member and at least two members who are experts in lactation to assist in the performance of the board's duties."

## **Chapter 39 Section 22 Laws 2022**

SECTION 22. Section 61-36-6 NMSA 1978 (being Laws 2017, Chapter 136, Section 6) is recompiled as Section 61-3B-6 NMSA 1978 and is amended to read:

### **"61-3B-6. DISCIPLINARY PROCEEDINGS.--**

A. In accordance with the procedures contained in the Uniform Licensing Act, the board may deny, revoke or suspend a license held or applied for pursuant to the Lactation Care Provider Act, reprimand or place a licensee on probation or deny, limit or revoke a privilege of a licensee desiring to practice or practicing lactation care and services upon grounds that the licensee or applicant:

- (1) is guilty of fraud or deceit in procuring or attempting to procure a license;
- (2) is convicted of a felony;
- (3) is unfit or incompetent;
- (4) is intemperate or is addicted to the use of habit-forming drugs;
- (5) is guilty of unprofessional conduct as defined by board rules;

(6) has willfully or repeatedly violated any provisions of the Lactation Care Provider Act, including any board rule adopted pursuant to that act; or

(7) was certified or licensed to provide lactation care and services in another licensing jurisdiction and was the subject of disciplinary action for acts similar to acts described in this subsection. A certified copy of the record of the certification or licensure board disciplinary action taken by another licensing jurisdiction is conclusive evidence of the action.

B. The board may summarily suspend or restrict a license issued by the board without a hearing, simultaneously with or at any time after the initiation of proceedings for a hearing provided under the Uniform Licensing Act, if the board finds that evidence in its possession indicates that the licensee:

(1) poses a clear and immediate danger to the public health and safety if the licensee continues to practice;

(2) has been adjudged mentally incompetent by a final order or adjudication by a court of competent jurisdiction; or

(3) has pled guilty to or been found guilty of any offense related to the practice of medicine or for any violent criminal offense in this state or a substantially equivalent criminal offense in another jurisdiction.

C. A licensee is not required to comply with a summary action taken pursuant to Subsection B of this section until service has been made or the licensee has actual knowledge of the order, whichever occurs first.

D. A person whose license is suspended or restricted under this section is entitled to a hearing by the board pursuant to the Uniform Licensing Act within fifteen days from the date that the licensee requests a hearing.

E. Disciplinary proceedings may be instituted by any person, shall be by complaint and shall conform with the provisions of the Uniform Licensing Act. A party to a hearing may obtain a copy of the hearing record upon payment of costs for the copy.

F. A person filing a complaint shall be immune from liability arising out of civil action if the complaint is filed in good faith and without actual malice.

G. All written and oral communication made by any person to the board relating to actual or potential disciplinary action, including complaints made to the board, shall be confidential communications and are not public records for the purposes of the Inspection of Public Records Act. All data, communications and information acquired, prepared or disseminated by the board relating to actual or potential disciplinary action or its investigation of complaints shall not be disclosed, except to the extent necessary to carry out the purposes of the board or in a judicial appeal from the actions of the

board or in a referral of cases made to law enforcement agencies, national database clearinghouses or other licensing boards.

H. The board shall not initiate a disciplinary action more than two years after the date that it receives a complaint.

I. The time limitation contained in Subsection D of this section shall not be tolled by any civil or criminal litigation in which the licensee or applicant is a party, arising substantially from the same facts, conduct, transactions or occurrences that would be the basis for the board's disciplinary action.

J. The board may recover the costs associated with the investigation and disposition of a disciplinary proceeding from the person who is the subject of the proceeding."

## **Chapter 39 Section 23 Laws 2022**

SECTION 23. A new section of the Lactation Care Provider Act is enacted to read:

"EXPEDITED LICENSE.--The board shall issue an expedited license to a person who holds a license in another licensing jurisdiction in accordance with Section 61-1-31.1 NMSA 1978 if the person holds a current approved certification or license in another licensing jurisdiction. The board by rule shall determine the states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and determine foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 24 Laws 2022**

SECTION 24. 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. The "chiropractic board" is created and is administratively attached to the regulation and licensing department. The board shall consist of six persons, four of whom 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 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 rule mandatory continuing education requirements for chiropractic physicians and certified advanced practice chiropractic physicians licensed in this state.

H. Failure to comply with the rules 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 39 Section 25 Laws 2022**

SECTION 25. Section 61-4-8 NMSA 1978 (being Laws 1968, Chapter 3, Section 8) is amended to read:

"61-4-8. LICENSE WITHOUT EXAMINATION.--

A. The board shall issue a license without examination to a chiropractic physician who is a graduate of a standard college of chiropractic and has been licensed in another licensing jurisdiction if the applicant holds a valid and unrestricted license, is in good standing with the licensing board of the other licensing jurisdiction and has practiced as a chiropractor for at least two years immediately prior to application in New Mexico. The board shall, as soon as practicable but no later than thirty days after a person files an application for a license accompanied by any required fees, process the application and issue the expedited license in accordance with Section 61-1-31.1 NMSA 1978. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require that person to pass an examination before applying for license renewal.

B. The board by rule shall determine the states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 26 Laws 2022**

SECTION 26. Section 61-5A-10 NMSA 1978 (being Laws 1994, Chapter 55, Section 10, as amended) is amended to read:

"61-5A-10. POWERS AND DUTIES OF THE BOARD AND COMMITTEE.--In addition to any other authority provided by law, the board and the committee, when designated, shall:

A. enforce and administer the provisions of the Dental Health Care Act and the Dental Amalgam Waste Reduction Act;

B. promulgate in accordance with the State Rules Act, all rules as necessary to:

(1) regulate the examination and licensure of dentists and dental therapists and, through the committee, regulate the examination and licensure of dental hygienists;

(2) provide for the examination and certification of dental assistants by the board;

(3) provide for the regulation of dental technicians by the board;

(4) regulate the practice of dentistry, dental therapy and dental assisting and, through the committee, regulate the practice of dental hygiene; and

(5) provide for the regulation and licensure of non-dentist owners by the board;

C. adopt and use a seal;

D. administer oaths to all applicants, witnesses and others appearing before the board or the committee, as appropriate;

E. keep an accurate record of all meetings, receipts and disbursements;

F. grant, deny, review, suspend and revoke licenses and certificates to practice dentistry, dental therapy, dental assisting and, through the committee, dental hygiene and censure, reprimand, fine and place on probation and stipulation dentists, dental therapists, dental assistants and, through the committee, dental hygienists, in accordance with the Uniform Licensing Act for any cause stated in the Dental Health Care Act and the Dental Amalgam Waste Reduction Act;

G. grant, deny, review, suspend and revoke licenses to own dental practices and censure, reprimand, fine and place on probation and stipulation non-dentist owners, in accordance with the Uniform Licensing Act, for any cause stated in the Dental Health Care Act and the Dental Amalgam Waste Reduction Act;

H. maintain records of the name, address, license number and such other demographic data as may serve the needs of the board of licensees, together with a record of license renewals, suspensions, revocations, probations, stipulations, censures, reprimands and fines. The board shall make available composite reports of demographic data but shall limit public access to information regarding individuals to their names, addresses, license numbers and license actions or as required by statute;

I. hire and contract for services from persons as necessary to carry out the board's duties;

J. establish ad hoc committees whose members shall be appointed by the chair with the advice and consent of the board or committee and shall include at least one member of the board or committee as it deems necessary for carrying on its business;

K. have the authority to pay per diem and mileage to persons who are appointed by the board or the committee to serve on ad hoc committees;

L. have the authority to hire or contract with investigators to investigate possible violations of the Dental Health Care Act and the Dental Amalgam Waste Reduction Act;

M. have the authority to issue investigative subpoenas prior to the issuance of a notice of contemplated action for the purpose of investigating complaints against

dentists, dental therapists, dental assistants and, through the committee, dental hygienists licensed under the Dental Health Care Act and the Dental Amalgam Waste Reduction Act;

N. have the authority to sue or be sued and to retain the services of an attorney at law for counsel and representation regarding the carrying out of the board's duties;

O. have the authority to create and maintain a formulary, in consultation with the board of pharmacy, of medications that a dental therapist or dental hygienist may prescribe, administer or dispense in accordance with rules the board has promulgated; and

P. establish continuing education or continued competency requirements for dentists, dental therapists, certified dental assistants in expanded functions, dental technicians and, through the committee, dental hygienists."

## **Chapter 39 Section 27 Laws 2022**

SECTION 27. Section 61-5A-14 NMSA 1978 (being Laws 1994, Chapter 55, Section 14, as amended) is amended to read:

"61-5A-14. TEMPORARY LICENSURE--EXPEDITED LICENSURE.--

A. The board or the committee may issue a temporary license to practice dentistry or dental hygiene to an applicant who is licensed to practice dentistry or dental hygiene in another state or territory of the United States or the District of Columbia and who is otherwise qualified to practice dentistry or dental hygiene in this state. The following provisions shall apply:

(1) the applicant shall hold a valid license in good standing in another state or territory of the United States or the District of Columbia;

(2) the applicant shall practice dentistry or dental hygiene under the sponsorship of or in association with a licensed New Mexico dentist or dental hygienist;

(3) the temporary license may be issued for those activities as stipulated by the board or committee in the rules of the board. It may be issued upon written application of the applicant when accompanied by such proof of qualifications as the secretary-treasurer of the board or committee, in the secretary-treasurer's discretion, may require. Temporary licensees shall engage in only those activities specified on the temporary license for the time designated, and the temporary license shall identify the licensed New Mexico dentist or dental hygienist who will sponsor or associate with the applicant during the time the applicant practices dentistry or dental hygiene in New Mexico;

(4) the sponsoring or associating dentist or dental hygienist shall submit an affidavit attesting to the qualifications of the applicant and the activities the applicant will perform;

(5) the temporary license shall be issued for a period not to exceed twelve months and may be renewed upon application and payment of required fees;

(6) the application for a temporary license under this section shall be accompanied by a license fee; and

(7) the temporary licensee shall be required to comply with the Dental Health Care Act and all rules promulgated pursuant to that act.

B. The board or committee shall issue an expedited license without examination to a dentist or dental hygienist licensed in another licensing jurisdiction if the applicant holds a license that is current and in good standing issued by the other licensing jurisdiction. The board shall, as soon as practicable but no later than thirty days after a person files an application for a license accompanied by any required fees, process the application and issue the expedited license in accordance with Section 61-1-31.1 NMSA 1978. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require that person to pass an examination before applying for license renewal.

C. The board by rule shall determine the states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 28 Laws 2022**

SECTION 28. Section 61-6-5 NMSA 1978 (being Laws 1973, Chapter 361, Section 2, as amended) is amended to read:

"61-6-5. MEDICAL BOARD DUTIES AND POWERS.--The board shall:

A. enforce and administer the provisions of the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act, the Genetic Counseling Act, the Impaired Health Care Provider Act, the Polysomnography Practice Act, the Naturopathic Doctors' Practice Act and the Naprapathic Practice Act;

B. promulgate, in accordance with the State Rules Act, all rules for the implementation and enforcement of the provisions of the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act, the Genetic Counseling



Act, the Impaired Health Care Provider Act, the Polysomnography Practice Act, the Naturopathic Doctors' Practice Act and the Naprapathic Practice Act;

- C. adopt and use a seal;
- D. administer oaths to all applicants, witnesses and others appearing before the board, as appropriate;
- E. take testimony on matters within the board's jurisdiction;
- F. keep an accurate record of all its meetings, receipts and disbursements;
- G. maintain records in which the name, address and license number of all licensees shall be recorded, together with a record of all license renewals, suspensions, revocations, probations, stipulations, censures, reprimands and fines;
- H. discipline licensees or deny, review, suspend and revoke licenses to practice medicine and censure, reprimand, fine and place on probation and stipulation licensees and applicants in accordance with the Uniform Licensing Act for any cause stated in the law that the board is charged with enforcing;
- I. hire staff and administrators as necessary to carry out the provisions of the Medical Practice Act;
- J. have the authority to hire or contract with investigators to investigate possible violations of the Medical Practice Act;
- K. have the authority to hire a competent attorney to give advice and counsel in regard to any matter connected with the duties of the board, to represent the board in any legal proceedings and to aid in the enforcement of the laws in relation to a health care profession or occupation over which the board has authority and to fix the compensation to be paid to such attorney; provided, however, that such attorney shall be compensated from the funds of the board;
- L. establish continuing education requirements for licensed practitioners over which the board has authority;
- M. establish committees as it deems necessary for carrying on its business;
- N. hire or contract with a licensed physician to serve as medical director and fulfill specified duties of the secretary-treasurer;
- O. establish and maintain rules related to the management of pain based on review of national standards for pain management; and

P. have the authority to waive licensure fees for the purpose of the recruitment and retention of health care practitioners over which the board has authority."

## **Chapter 39 Section 29 Laws 2022**

SECTION 29. A new Section 61-6C-1 NMSA 1978 is enacted to read:

"61-6C-1. SHORT TITLE.--Chapter 61, Article 6C NMSA 1978 may be cited as the "Physician Assistant Act"."

## **Chapter 39 Section 30 Laws 2022**

SECTION 30. Section 61-6-7.1 NMSA 1978 (being Laws 1989, Chapter 9, Section 2) is recompiled as Section 61-6C-2 NMSA 1978 and is amended to read:

"61-6C-2. DEFINITIONS.--As used in the Physician Assistant Act:

A. "administer" means to apply a prepackaged drug directly to the body of a patient by any means;

B. "board" means the New Mexico medical board;

C. "dispense" means to deliver a drug directly to a patient and includes the compounding, labeling and repackaging of a drug from a bulk or original container;

D. "distribute" means to administer or supply directly to a patient under the direct care of the distributing physician assistant one or more doses of drugs prepackaged by a licensed pharmacist and excludes the compounding or repackaging from a bulk or original container;

E. "licensed physician" means a medical or osteopathic physician; and

F. "prescribe" means to issue an order individually for the person for whom prescribed, either directly from the prescriber to the pharmacist 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 of the drug prescribed, directions for use and the date of issue."

## **Chapter 39 Section 31 Laws 2022**

SECTION 31. A new section of the Physician Assistant Act, Section 61-6C-3 NMSA 1978, is enacted to read:

"61-6C-3. LICENSURE AS A PHYSICIAN ASSISTANT--SCOPE OF PRACTICE--BIENNIAL REGISTRATION OF SUPERVISION--LICENSE RENEWAL--FEES.--

A. The board may license as a physician assistant a qualified person who has graduated from a physician assistant program accredited by the national accrediting body as established by rule of the board in accordance with the State Rules Act and has passed a physician assistant national certifying examination as established by rule. The board may also license as a physician assistant a person who passed the physician assistant national certifying examination administered by the national commission on certification of physician assistants prior to 1986.

B. A person shall not perform, attempt to perform or hold the person's own self out as a physician assistant without first applying for and obtaining a license from the board.

C. Physician assistants may prescribe, administer, dispense and distribute dangerous drugs other than controlled substances in Schedule I of the Controlled Substances Act pursuant to rules adopted by the board after consultation with the board of pharmacy if the prescribing, administering, dispensing and distributing are done with the supervision of a licensed physician or in collaboration with a licensed physician. The distribution process shall comply with state laws concerning prescription packaging, labeling and recordkeeping requirements.

D. A physician assistant shall perform only the acts and duties that are within the physician assistant's scope of practice.

E. An applicant for licensure as a physician assistant shall complete application forms supplied by the board and shall pay a licensing fee as provided in Section 61-6-19 NMSA 1978.

F. A physician assistant shall biennially submit proof of current certification by the national commission on certification of physician assistants or another certifying agency designated by the board and shall renew the license and registration of supervision of the physician assistant with the board.

G. A physician assistant shall not practice medicine until the physician assistant has established a supervising or collaborating relationship with a licensed physician in accordance with rules promulgated by the board.

H. Each biennial renewal of licensure shall be accompanied by a fee as provided in Section 61-6-19 NMSA 1978."

## **Chapter 39 Section 32 Laws 2022**

SECTION 32. Section 61-6-7.2 NMSA 1978 (being Laws 1997, Chapter 187, Section 3, as amended) is recompiled as Section 61-6C-4 NMSA 1978 and is amended to read:

"61-6C-4. PHYSICIAN ASSISTANT--INACTIVE LICENSE.--

A. A physician assistant license shall expire every two years on a date established by the board.

B. A physician assistant who notifies the board in writing on forms prescribed by the board may elect to place the physician assistant's license on an inactive status. A physician assistant with an inactive license shall be excused from payment of renewal fees and shall not practice as a physician assistant.

C. A physician assistant who engages in practice while the physician assistant's license is lapsed or on inactive status is practicing without a license, and this is grounds for discipline pursuant to the Physician Assistant Act and Medical Practice Act in accordance with the Uniform Licensing Act.

D. A physician assistant requesting restoration from inactive status shall pay the current renewal fee and fulfill the requirement for renewal pursuant to the Physician Assistant Act and the Medical Practice Act.

E. The board may, in its discretion, summarily suspend for nonpayment of fees the license of a physician assistant who has not renewed the physician assistant's license within ninety days of expiration.

F. A physician assistant who has not submitted an application for renewal on or before the license expiration date, but who has submitted an application for renewal within forty-five days after the license expiration date, shall be assessed a late fee.

G. A physician assistant who has not submitted an application for renewal between forty-six and ninety days after the expiration date shall be assessed a late fee."

## **Chapter 39 Section 33 Laws 2022**

SECTION 33. Section 61-6-9 NMSA 1978 (being Laws 1973, Chapter 361, Section 5, as amended) is recompiled as Section 61-6C-7 NMSA 1978 and is amended to read:

"61-6C-7. PHYSICIAN ASSISTANTS--RULES.--The board may promulgate in accordance with the State Rules Act and enforce those rules in accordance with the Uniform Licensing Act for:

A. education, skill and experience for licensure of a person as a physician assistant and providing forms and procedures for biennial license renewal;

B. examining and evaluating an applicant for licensure as a physician assistant as to skill, knowledge and experience of the applicant in the field of medical care;

C. establishing when and for how long physician assistants are permitted to prescribe, administer, dispense and distribute dangerous drugs other than controlled substances in Schedule I of the Controlled Substances Act pursuant to rules adopted by the board after consultation with the board of pharmacy;

D. allowing a supervising or collaborating licensed physician to temporarily delegate supervision or collaboration responsibilities for a physician assistant to another licensed physician;

E. establishing when a physician assistant may engage in the practice of medicine in collaboration with a licensed physician; and

F. carrying out all other provisions of the Physician Assistant Act."

## **Chapter 39 Section 34 Laws 2022**

SECTION 34. Section 61-6-10 NMSA 1978 (being Laws 1973, Chapter 361, Section 6, as amended) is recompiled as Section 61-6C-8 NMSA 1978 and is amended to read:

"61-6C-8. SUPERVISING OR COLLABORATING LICENSED PHYSICIAN--  
RESPONSIBILITY.--

A. As a condition of licensure, all physician assistants practicing in New Mexico shall be supervised by a licensed physician. The physician assistant shall inform the board of the name of the licensed physician under whose supervision the physician assistant will practice. All supervising physicians shall be licensed pursuant to the Medical Practice Act and approved by the board.

B. Every licensed physician supervising a physician assistant shall be individually responsible and liable for the performance of the acts and omissions delegated to the physician assistant the physician supervises. Nothing in this section shall be construed to relieve the physician assistant of responsibility and liability for the acts and omissions of the physician assistant. Rules promulgated in accordance with the State Rules Act pursuant to the Physician Assistant Act shall:

(1) require that a physician assistant whose practice is a specialty care, as defined by the board, shall be supervised by a licensed physician in accordance with requirements established by the board; and

(2) allow a physician assistant whose practice is primary care, as defined by the board, to collaborate with a licensed physician in accordance with requirements established by the board for different practice settings.

C. A physician assistant shall be supervised by or collaborate with a licensed physician in accordance with rules adopted by the board."

## **Chapter 39 Section 35 Laws 2022**

SECTION 35. Section 61-6-10.1 NMSA 1978 (being Laws 2001, Chapter 311, Section 1) is recompiled as Section 61-6D-1 NMSA 1978 and is amended to read:

"61-6D-1. SHORT TITLE.--Chapter 61, Article 6D NMSA 1978 may be cited as the "Anesthesiologist Assistants Act"."

## **Chapter 39 Section 36 Laws 2022**

SECTION 36. Section 61-6-10.9 NMSA 1978 (being Laws 2001, Chapter 311, Section 9, as amended) is recompiled as Section 61-6D-8 NMSA 1978 and is amended to read:

"61-6D-8. RULES.--

A. The board may adopt in accordance with the State Rules Act and enforce in accordance with the Uniform Licensing Act reasonable rules:

(1) for setting qualifications of education, skill and experience for licensure of a person as an anesthesiologist assistant;

(2) for providing procedures and forms for licensure and annual registration;

(3) for examining and evaluating applicants for licensure as an anesthesiologist assistant regarding the required skill, knowledge and experience in developing and implementing anesthesia care plans under supervision;

(4) for allowing a supervising anesthesiologist to temporarily delegate supervisory responsibilities for an anesthesiologist assistant to another anesthesiologist;

(5) for allowing an anesthesiologist assistant to temporarily serve under the supervision of an anesthesiologist other than the supervising anesthesiologist with whom the anesthesiologist assistant is registered; and

(6) to carry out the provisions of the Anesthesiologist Assistants Act.

B. The board shall not adopt a rule allowing an anesthesiologist assistant to perform procedures outside the anesthesiologist assistant's scope of practice.

C. The board shall adopt rules:

(1) establishing requirements for anesthesiologist assistant licensing, including:

(a) completion of a graduate level training program accredited by the commission on accreditation of allied health education programs;

(b) successful completion of a certifying examination for anesthesiologist assistants administered by the national commission for the certification of anesthesiologist assistants; and

(c) current certification by the American heart association in advanced cardiac life-support techniques;

(2) establishing minimum requirements for continuing education of not less than forty hours every two years;

(3) requiring adequate identification of the anesthesiologist assistant to patients and others;

(4) requiring the presence, except in cases of emergency, and the documentation of the presence, of the supervising anesthesiologist in the operating room during induction of a general or regional anesthetic and during emergence from a general anesthetic, the presence of the supervising anesthesiologist within the operating suite and immediate availability to the operating room at other times when the anesthetic procedure is being performed and requiring that the anesthesiologist assistant comply with the above restrictions;

(5) requiring the supervising anesthesiologist to ensure that all activities, functions, services and treatment measures are properly documented in written form by the anesthesiologist assistant. The anesthesia record shall be reviewed, countersigned and dated by the supervising anesthesiologist;

(6) requiring the anesthesiologist assistant to inform the supervising anesthesiologist of serious adverse events;

(7) establishing, with respect to practice outside of a university in New Mexico with a medical school, that the number of anesthesiologist assistants a supervising anesthesiologist may supervise at one time, except in emergency cases, shall not exceed three anesthesiologist assistants;

(8) establishing, with respect to practice at a university in New Mexico with a medical school, that an anesthesiologist shall not supervise, except in emergency cases, more than four anesthesia providers if at least one anesthesia provider is an anesthesiologist assistant; and

(9) within twelve months of the date on which the Anesthesiologist Assistants Act becomes effective, providing for enhanced supervision at the commencement of an anesthesiologist assistant's practice."

## Chapter 39 Section 37 Laws 2022

SECTION 37. Section 61-8-6 NMSA 1978 (being Laws 1977, Chapter 221, Section 6, as amended) is amended to read:

"61-8-6. BOARD ORGANIZATION--MEETINGS--COMPENSATION--POWERS AND DUTIES.--

A. The board shall hold a regular meeting at least annually and shall elect annually a chair, vice chair and secretary-treasurer from its membership, each of whom shall serve until a successor is selected and qualified.

B. The board shall hold a minimum of one examination for licensure each year in the month of June or July at a place and at a time designated by the board. Notice of the examination shall be given to all applicants at least thirty days prior to the date of the examination.

C. Special meetings may be called by the chair and shall be called upon the written request of any three board members. Notice of all meetings shall be made in conformance with the Open Meetings Act.

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

E. The board shall:

- (1) administer and enforce the provisions of the Podiatry Act;
- (2) promulgate, in accordance with the State Rules Act, all rules for the implementation and enforcement of the provisions of the Podiatry Act;
- (3) adopt and use a seal;
- (4) conduct hearings, administer oaths and take testimony on matters within the board's jurisdiction;
- (5) keep an accurate record of its meetings, receipts and disbursements;
- (6) keep a record of licensure examinations held, together with the names and addresses of persons taking the examinations and the examination results. Within forty-five days after an examination, the board shall give written notice to each applicant examined of the results of the examination as to the respective applicant;
- (7) certify as passing each applicant who obtains a passing score, as defined by board rule, on examinations administered or approved by the board;



(8) keep records of registration in which the name, address and license number of licensed podiatrists are recorded, together with a record of license renewals, suspensions and revocations;

(9) grant, deny, renew, suspend or revoke licenses to practice podiatry or take other actions provided in Section 61-1-3 NMSA 1978 in accordance with the provisions of the Uniform Licensing Act for any cause stated in the Podiatry Act;

(10) promulgate rules setting standards of preliminary and professional qualifications for the practice of podiatry;

(11) promulgate rules and prepare and administer examinations for the licensure and regulation of podiatric assistants as are necessary to protect the public. The rules shall include definitions and limitations on the practice of podiatric assistants, qualifications for applicants for licensure, an initial license fee in an amount not to exceed two hundred fifty dollars (\$250) and a renewal fee not to exceed one hundred dollars (\$100) per year, provisions for the regulation of podiatric assistants and provisions for the suspension or revocation of licenses;

(12) determine by rule all qualifications and requirements for applicants seeking licensure as podiatrists or podiatric assistants; and

(13) promulgate rules and prepare and administer examinations for applicants seeking licensure as foot and ankle radiation technologists."

## **Chapter 39 Section 38 Laws 2022**

SECTION 38. Section 61-8-8 NMSA 1978 (being Laws 1977, Chapter 221, Section 8, as amended) is amended to read:

"61-8-8. QUALIFICATIONS FOR LICENSURE AS A PODIATRIST.--

A. Each applicant for licensure as a podiatrist shall furnish evidence satisfactory to the board that the applicant:

(1) has reached the age of majority;

(2) has graduated and been awarded a doctor of podiatric medicine degree from a college of podiatric medicine accredited by the American podiatric medical association council on podiatric medical education; and

(3) has completed, at a minimum, a one-year residency program at a hospital accredited by the American podiatric medical association council on education.

B. Each applicant shall file an application under oath on forms supplied by the board and shall pay the required fees.

C. An applicant for licensure by examination shall submit evidence to the board that the applicant has passed the examinations administered by the national board of podiatry examiners for students graduating from colleges of podiatry and shall furnish the board an official transcript and take clinical and written examinations as the board deems necessary. The examinations shall be in English and the subjects covered by the examinations shall be determined by the board and taken from subjects taught in accredited colleges of podiatric medicine. No applicant for licensure by examination shall be licensed who has not received a passing score on all board-approved or board-administered examinations.

D. A podiatrist licensed in another state may, on a temporary basis, consult, advise or cooperate in patient treatment with a podiatrist licensed in New Mexico, subject to rules promulgated by the board."

## **Chapter 39 Section 39 Laws 2022**

SECTION 39. Section 61-8-9 NMSA 1978 (being Laws 1977, Chapter 221, Section 9, as amended) is amended to read:

### **"61-8-9. EXPEDITED LICENSURE BY RECIPROCITY.--**

A. An applicant for expedited licensure by reciprocity shall meet the qualifications set forth in Section 61-8-8 NMSA 1978, shall file an application under oath on forms supplied by the board that conform to board rules on reciprocity and furnish proof satisfactory to the board of having been licensed by national examination in another licensing jurisdiction. In addition, each applicant for licensure by reciprocity shall furnish the board:

(1) an affidavit from the applicant's state board showing a valid, unrestricted license and the fact that the applicant has been licensed to practice podiatry and has practiced podiatry for at least five consecutive years immediately preceding the filing of the application for reciprocal licensure and is in good standing with the other licensing jurisdiction; and

(2) pay required fees.

B. The board shall, as soon as practicable but no later than thirty days after an out-of-state licensee files an application for licensure by reciprocity, process the application and issue the license in accordance with Section 61-1-31.1 NMSA 1978.

C. The board shall determine the states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and the foreign countries from which it will accept an applicant for expedited licensure. The board shall post the list of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include

the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 40 Laws 2022**

SECTION 40. Section 61-9-6 NMSA 1978 (being Laws 1963, Chapter 92, Section 5, as amended) is amended to read:

"61-9-6. BOARD--MEETING--POWERS.--

A. The board shall, annually in the month of July, hold a meeting and elect from its membership a chair, vice chair and secretary-treasurer. The board shall meet at other times as it deems necessary or advisable or as deemed necessary and advisable by the chair or a majority of its members or the governor. Reasonable notice of all meetings shall be given in the manner prescribed by the board. A majority of the board constitutes a quorum at a meeting or hearing.

B. The board may:

(1) promulgate rules in accordance with the State Rules Act to carry into effect the provisions of the Professional Psychologist Act. The rules shall include a code of conduct for psychologists and psychologist associates in the state;

(2) adopt a seal, and the administrator shall have the care and custody of the seal;

(3) examine for, approve, deny, revoke, suspend and renew the licensure of psychologist and psychologist associate applicants as provided in the Professional Psychologist Act in accordance with the Uniform Licensing Act;

(4) conduct hearings in accordance with the Uniform Licensing Act upon complaints concerning the disciplining of a psychologist or psychologist associate; and

(5) cause the prosecution and enjoinder of persons violating the Professional Psychologist Act and incur related necessary expenses.

C. Within sixty days after the close of each fiscal year, the board shall submit a written report, reviewed and signed by the board members, to the governor concerning the work of the board during the preceding fiscal year. The report shall include the names of psychologists and psychologist associates to whom licenses have been granted; cases heard and decisions rendered in relation to the work of the board; the recommendations of the board as to future policies, including the appropriate application of technology for supervision; and an account of all money received and expended by the board."

## **Chapter 39 Section 41 Laws 2022**

SECTION 41. 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--  
EXPEDITED LICENSURE.--

A. Except as provided in Section 61-9-10.1 NMSA 1978 for temporary or other provisional licensure that is not an expedited license, upon application accompanied by a fee as required by the Professional Psychologist Act, the board shall, without written or oral examination, issue an expedited license to a person who furnishes, upon a form and in such manner as the board prescribes, evidence to the board that the person has been licensed or certified as a psychologist or prescribing psychologist by another licensing jurisdiction for two years. An applicant seeking a license shall demonstrate to the board that the training and education received by the applicant is equivalent to the requirements for a doctoral degree in psychology as provided in the Professional Psychologist Act; that the applicant holds a valid, unrestricted license and is in good standing with the licensing board of that licensing jurisdiction; and the applicant has practiced psychology for at least two years immediately prior to application in New Mexico.

B. The board shall, as soon as practicable but not later than thirty days after an out-of-state licensee files an application for an expedited license, process the application and issue an expedited license in accordance with Section 61-1-31.1 NMSA 1978.

C. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require the person to pass an examination before license renewal.

D. The board by rule shall determine the states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and shall determine any foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The rule shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 42 Laws 2022**

SECTION 42. Section 61-9-13 NMSA 1978 (being Laws 1963, Chapter 92, Section 12, as amended) is amended to read:

"61-9-13. DENIAL, REVOCATION OR SUSPENSION OF LICENSE.--

A. In accordance with the Uniform Licensing Act, the board, by an affirmative vote of at least five of its eight members, shall withhold, deny, revoke or suspend a psychologist or psychologist associate license issued or applied for in accordance with the provisions of the Professional Psychologist Act or otherwise discipline a psychologist or psychologist associate upon proof that the applicant, psychologist or psychologist associate:

(1) has been convicted of a felony or an offense involving moral turpitude, the record of conviction being conclusive evidence thereof;

(2) is using a drug, substance or alcoholic beverage to an extent or in a manner dangerous to the psychologist or psychologist associate, any other person or the public or to an extent that the use impairs the psychologist's or psychologist associate's ability to perform the work of a professional psychologist or psychologist associate with safety to the public;

(3) has impersonated another person holding a psychologist or psychologist associate license or allowed another person to use the psychologist's or psychologist associate's license;

(4) has used fraud or deception in applying for a license or in taking an examination provided for in the Professional Psychologist Act;

(5) has accepted commissions or rebates or other forms of remuneration for referring clients to other professional persons;

(6) has allowed the psychologist's or psychologist associate's name or license issued under the Professional Psychologist Act to be used in connection with a person who performs psychological services outside of the area of that person's training, experience or competence;

(7) is legally adjudicated insane or mentally incompetent, the record of such adjudication being conclusive evidence thereof;

(8) has willfully or negligently violated the provisions of the Professional Psychologist Act;

(9) has violated any code of conduct adopted by the board;

(10) has been disciplined by another state for acts similar to acts described in this subsection, and a certified copy of the record of discipline of the state imposing the discipline is conclusive evidence;

(11) is incompetent to practice psychology;

(12) has failed to furnish to the board or its representative information requested by the board;

(13) has abandoned patients or clients;

(14) has failed to report to the board adverse action taken against the licensee by:

(a) another licensing jurisdiction;

(b) a professional psychologist association of which the psychologist or psychologist associate is or has been a member;

(c) a government agency; or

(d) a court for actions or conduct similar to acts or conduct that would constitute grounds for action as described in this subsection;

(15) has failed to report to the board surrender of a license or other authorization to practice psychology in another jurisdiction or surrender of membership on a health care staff or in a professional association following a disciplinary investigation, or in lieu of or while under a disciplinary investigation, by any of those authorities for acts or conduct that would constitute grounds for action as defined in this subsection;

(16) has failed to adequately supervise a psychologist associate or a licensed psychologist holding a conditional prescription certificate;

(17) has employed abusive billing practices;

(18) has aided or abetted the practice of psychology by a person not licensed by the board; or

(19) uses conversion therapy on a minor.

B. A person who has been refused a license or whose license has been restricted or suspended under the provisions of this section may reapply for licensure after more than two years have elapsed from the date the restriction or suspension is terminated.

C. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex. "Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

(b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth;

(3) "minor" means a person under eighteen years of age; and

(4) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."

## **Chapter 39 Section 43 Laws 2022**

SECTION 43. Section 61-9A-3 NMSA 1978 (being Laws 1993, Chapter 49, Section 3, as amended) is amended to read:

"61-9A-3. DEFINITIONS.--As used in the Counseling and Therapy Practice Act:

A. "accredited institution" means a university or college accredited by an accrediting agency of institutions of higher education;

B. "appraisal" means selecting, administering, scoring and interpreting instruments designed to assess a person's aptitudes, attitudes, abilities, achievements, interests, personal characteristics and current emotional or mental state by appropriately educated, trained and experienced clinicians and the use of nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to or changing life situations of a physical, mental or emotional nature; "appraisal" shall not be construed to permit the performance of any act that a counselor or a therapist is not educated, trained and licensed to perform;

C. "appropriate clinical supervision" means, as defined by rule, supervision provided by a licensed:

(1) professional clinical mental health counselor;

(2) marriage and family therapist;

(3) professional art therapist;

- (4) psychiatrist;
- (5) clinical psychologist;
- (6) clinical nurse specialist in psychiatry;
- (7) independent social worker with two years of mental health and supervised clinical experience; or
- (8) alcohol and drug abuse counselor with three years of work experience in the field of alcohol and drug abuse prior to providing supervision;

D. "appropriate clinical supervisor for substance abuse associate" means a person who has education and experience specific to the career track of the associate and has training in transmitting knowledge, skills and attitudes through a relational process that includes direct oversight of the clinical work;

E. "approved clinical supervisor" means a person who is a licensed professional clinical mental health counselor, licensed marriage and family therapist, licensed professional art therapist, licensed psychiatrist, licensed clinical psychologist, clinical nurse specialist in psychiatry or licensed independent social worker and provides supervision to a licensed mental health counselor or therapist;

F. "art therapy" means the rendering of art therapy principles whereby communication is facilitated through therapeutic counseling and art media. This involves the application of the principles of human development and psychological theories, which are implemented in the full spectrum of models of assessment and treatment, including psychodynamics and cognitive, interpersonal and other therapeutic means to individuals, couples, families, groups and communities for the promotion of optimal mental health;

G. "board" means the counseling and therapy practice board;

H. "client contact hours" means the face-to-face time spent with a client to appraise, assess, evaluate, diagnose, treat psychopathology and provide counseling services;

I. "clinical counseling" means the rendering of counseling services involving the application of principles of psychotherapy, human development, learning theory, diagnosis, treatment and the etiology of mental illness and dysfunctional behavior to individuals, couples, families or groups for the purpose of assessing and treating psychopathology and promoting optimal mental health;

J. "consultation" means the voluntary, nonsupervisory relationship between professionals or other pertinent persons, in application of scientific counseling, guidance and human development principles and procedures to provide assistance in



understanding and resolving a current or potential problem that the consultee may have in relation to a third party, be it an individual, group, family or organization;

K. "counselor training and education" means a process that prepares counselors and therapists in both didactic and clinical aspects of counseling;

L. "course" means an integrated, organized course of study, which encompasses a minimum of one school semester or equivalent hours;

M. "counseling" means the application of scientific principles and procedures in therapeutic counseling, guidance and human development to provide assistance in understanding and solving a mental, emotional, physical, social, moral, educational, spiritual or career development and adjustment problem that a client may have;

N. "counseling-related field" as defined by rule, means a degree in guidance counseling, mental health-community counseling or agency counseling; psychology, clinical psychology or counseling psychology; human services; family services; human and family studies; art therapy; or art education with an emphasis in art therapy;

O. "department" means the regulation and licensing department or the division of the department designated to administer the counseling and therapy practice board;

P. "diagnosis and treatment planning" means assessing, analyzing and providing diagnostic descriptions of mental, emotional or behavioral conditions; exploring possible solutions; and developing and implementing a treatment plan for mental, emotional and psychosocial adjustment or development. "Diagnosis and treatment planning" shall not be construed to permit the performance of any act that counselors or therapists are not educated, trained and licensed to perform;

Q. "evaluation" means the act of making informed decisions based on the use and analysis of pertinent data;

R. "internship" means a distinctly defined, pre-graduate, supervised clinical experience in which the student refines, enhances and integrates professional knowledge with basic counselor or therapist skills appropriate to the student's program and preparation for postgraduate professional placement;

S. "licensure" means the process by which a state agency or government grants permission to an individual to engage in a given profession and to use the designated title of that profession after the applicant has attained the minimal degree of competency necessary to ensure that the public health, safety and welfare are reasonably well protected;

T. "marriage and family therapy" means the assessment, diagnosis and treatment of nervous and mental disorders, whether cognitive, affective or behavioral, within the context of marriage and family systems;

U. "mental disorder" means any of several conditions or disorders that meet the diagnostic criteria contained in the diagnostic and statistical manual of the American psychiatric association or the world health organization's international classification of mental disorders;

V. "practicum" means a distinctly defined, supervised clinical experience in which the student develops basic counselor or therapist skills and integrates professional knowledge, which practicum is completed prior to or concurrent with an internship;

W. "program" means a structured sequence of curricular and clinical experiences housed within an academic unit;

X. "referral" means evaluating and identifying the needs of a client to determine the advisability of referrals to other specialists, advising the client of such judgments and communicating as requested or deemed appropriate to such referral sources;

Y. "research" means a systematic effort to collect, analyze and interpret quantitative or qualitative data that describe how social characteristics, behavior, emotions, cognition, disabilities, mental disorders and interpersonal transactions among individuals, couples, families and organizations interact;

Z. "standard" means a minimal criterion that must be met; and

AA. "substance abuse-related field" means a degree in guidance counseling, mental health-community counseling, agency counseling, psychology, clinical psychology, counseling psychology, human services, family services, human and family studies, social work, art therapy or art education with appropriate clinical background and two hundred seventy-six clock hours in education or training in alcohol and drug abuse counseling."

## **Chapter 39 Section 44 Laws 2022**

SECTION 44. Section 61-9A-22 NMSA 1978 (being Laws 1993, Chapter 49, Section 22, as amended) is amended to read:

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

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

- (1) files a completed application accompanied by the required fees;
- (2) submits evidence that the applicant holds a valid, unrestricted license in a counseling-related field issued by another licensing jurisdiction;
- (3) is in good standing with that licensing jurisdiction with no disciplinary action pending or brought against the applicant within the past two years;
- (4) has practiced in New Mexico for at least two years immediately prior to application; and
- (5) possesses a master's or doctoral degree in counseling or a counseling-related field from an accredited institution.

B. As soon as practicable but no later than thirty days after an out-of-state licensee files an application for a license, the board shall process the application and issue the expedited license in accordance with Section 61-1-31.1 NMSA 1978.

C. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require that person to pass the required examination before applying for license renewal.

D. The board by rule shall determine the states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and determine any foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted.

E. Applicants who do not meet the licensure by credential requirements must meet the current licensure requirements for a regular license."

## **Chapter 39 Section 45 Laws 2022**

SECTION 45. Section 61-11-6 NMSA 1978 (being Laws 1969, Chapter 29, Section 5, as amended) is amended to read:

"61-11-6. POWERS AND DUTIES OF BOARD.--

A. The board shall:

- (1) promulgate rules in accordance with the provisions of the State Rules Act to carry out the provisions of the Pharmacy Act in accordance with the provisions of the Uniform Licensing Act;

- (2) provide for examinations of applicants for licensure as pharmacists;
- (3) provide for the issuance and renewal of licenses for pharmacists;
- (4) require and establish criteria for continuing education as a condition of renewal of licensure for pharmacists;
- (5) provide for the issuance and renewal of licenses for pharmacist interns and for their training, supervision and discipline;
- (6) provide for the licensing of retail pharmacies, nonresident pharmacies, wholesale drug distributors, drug manufacturers, hospital pharmacies, nursing home drug facilities, industrial and public health clinics and all places where dangerous drugs are stored, distributed, dispensed or administered and provide for the inspection of the facilities and activities;
- (7) enforce the provisions of all laws of the state pertaining to the practice of pharmacy and the manufacture, production, sale or distribution of drugs or cosmetics and their standards of strength and purity;
- (8) conduct hearings upon charges relating to the discipline of a registrant or licensee or the denial, suspension or revocation of a registration or a license in accordance with the Uniform Licensing Act;
- (9) cause the prosecution of any person violating the Pharmacy Act, the New Mexico Drug, Device and Cosmetic Act or the Controlled Substances Act;
- (10) keep a record of all proceedings of the board;
- (11) make an annual report to the governor;
- (12) appoint and employ, in the board's discretion, a qualified person who is not a member of the board to serve as executive director and define the executive director's duties and responsibilities; except that the power to deny, revoke or suspend any license or registration authorized by the Pharmacy Act shall not be delegated by the board;
- (13) appoint and employ inspectors necessary to enforce the provisions of all acts under the administration of the board, which inspectors shall be pharmacists and have all the powers and duties of peace officers;
- (14) provide for other qualified employees necessary to carry out the provisions of the Pharmacy Act;
- (15) have the authority to employ a competent attorney to give advice and counsel in regard to any matter connected with the duties of the board, to represent

the board in any legal proceedings and to aid in the enforcement of the laws in relation to the pharmacy profession and to fix the compensation to be paid to the attorney; provided, however, that the attorney shall be compensated from the money of the board, including that provided for in Section 61-11-19 NMSA 1978;

(16) register and regulate qualifications, training and permissible activities of pharmacy technicians;

(17) provide a registry of all persons licensed as pharmacists or pharmacist interns in the state;

(18) promulgate rules that prescribe the activities and duties of pharmacy owners and pharmacists in the provision of pharmaceutical care, emergency prescription dispensing, drug regimen review and patient counseling in each practice setting;

(19) promulgate, after approval by the New Mexico medical board and the board of nursing, rules and protocols for the prescribing of dangerous drug therapy, including vaccines and immunizations, and the appropriate notification of the primary or appropriate physician of the person receiving the dangerous drug therapy; and

(20) have the authority to authorize emergency prescription dispensing.

B. The board may:

(1) delegate its authority to the executive director to issue temporary licenses as provided in Section 61-11-14 NMSA 1978;

(2) provide by rule for the electronic transmission of prescriptions; and

(3) delegate its authority to the executive director to authorize emergency prescription dispensing procedures during civil or public health emergencies."

## **Chapter 39 Section 46 Laws 2022**

SECTION 46. Section 61-12A-9 NMSA 1978 (being Laws 1996, Chapter 55, Section 9, as amended) is amended to read:

"61-12A-9. BOARD--POWERS AND DUTIES.--

A. The board shall:

(1) promulgate rules in accordance with the State Rules Act to carry out the provisions of the Occupational Therapy Act;

(2) use funds to meet the necessary expenses incurred in carrying out the provisions of the Occupational Therapy Act;

(3) adopt a code of ethics;

(4) enforce the provisions of the Occupational Therapy Act to protect the public by conducting hearings on charges relating to the discipline of licensees, including the denial, suspension or revocation of a license in accordance with the Uniform Licensing Act;

(5) establish and collect fees;

(6) provide for examination for and issuance, renewal and reinstatement of licenses;

(7) establish, impose, collect and remit fines for violations of the Occupational Therapy Act to the current school fund;

(8) appoint a registrar to keep records and minutes necessary to carry out the functions of the board; and

(9) obtain the legal assistance of the attorney general.

B. The board may:

(1) issue investigative subpoenas for the purpose of investigating complaints against licensees prior to the issuance of a notice of contemplated action;

(2) hire or contract with an investigator to investigate complaints that have been filed with the board. The board shall set the compensation of the investigator to be paid from the funds of the board;

(3) inspect establishments; and

(4) designate hearing officers."

## **Chapter 39 Section 47 Laws 2022**

SECTION 47. Section 61-12A-14 NMSA 1978 (being Laws 1996, Chapter 55, Section 14, as amended) is amended to read:

"61-12A-14. EXPEDITED LICENSURE BY ENDORSEMENT.--

A. The board shall grant a license to an applicant who presents a valid, unrestricted license as an occupational therapist or an occupational therapy assistant in another licensing jurisdiction and is in good standing with the licensing board of that

licensing jurisdiction. The board shall, as soon as practicable but no later than thirty days after an out-of-state licensee files an application for an expedited license accompanied by required fees, process the application and issue the expedited license in accordance with Section 61-1-31.1 NMSA 1978.

B. If the out-of-state licensee was licensed in a jurisdiction that did not require passage of the national examination for certification in occupational therapy, the board may require the licensee to pass that examination to continue to be licensed in New Mexico.

C. The board shall determine the other states and territories of the United States and the District of Columbia from which it will not accept applicants for expedited licensure and the foreign countries from which it will accept applicants for expedited licensure. The board shall post the list of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 48 Laws 2022**

SECTION 48. Section 61-12B-6 NMSA 1978 (being Laws 1984, Chapter 103, Section 6, as amended) is amended to read:

"61-12B-6. DEPARTMENT--DUTIES AND POWERS.--

A. The department, in consultation with the board, shall:

(1) evaluate the qualifications of applicants and review the required examination results of applicants. The department may recognize the entry level examination written by the national board for respiratory care or a successor board;

(2) promulgate rules in accordance with the State Rules Act to implement the provisions of the Respiratory Care Act;

(3) issue and renew licenses and temporary permits to qualified applicants who meet the requirements of the Respiratory Care Act; and

(4) administer, coordinate and enforce the provisions of the Respiratory Care Act and investigate persons engaging in practices that may violate the provisions of that act in accordance with the Uniform Licensing Act.

B. The department, in consultation with the board, may:

(1) conduct examinations of respiratory care practitioner applicants as required by rules of the department;

(2) reprimand, fine, deny, suspend or revoke a license or temporary permit to practice respiratory care as provided in the Respiratory Care Act in accordance with the provisions of the Uniform Licensing Act;

(3) for the purpose of investigating complaints against applicants and licensees, issue investigative subpoenas prior to the issuance of a notice of contemplated action as set forth in the Uniform Licensing Act;

(4) enforce and administer the provisions of the Impaired Health Care Provider Act and promulgate rules to implement the provisions of that act as it relates to respiratory care practitioners;

(5) promulgate rules, including disciplinary guidelines, relating to impaired practitioners;

(6) promulgate rules to allow the interstate transport of patients; and

(7) promulgate rules to determine and regulate the scope and qualifications for expanded practice for respiratory care practitioners."

## **Chapter 39 Section 49 Laws 2022**

SECTION 49. Section 61-12B-7 NMSA 1978 (being Laws 1984, Chapter 103, Section 7, as amended) is amended to read:

"61-12B-7. LICENSING BY TRAINING AND EXAMINATION.--A person desiring to become licensed as a respiratory care practitioner shall make application to the department on a written form and in such manner as the department prescribes, pay all required application fees and certify and furnish evidence to the department that the applicant:

A. has successfully completed a training program as defined in the Respiratory Care Act and set forth by rules of the department;

B. has passed an entry level examination, as specified by rules of the department, for respiratory care practitioners administered by the national board for respiratory care or a successor board; and

C. has successfully completed other training or education programs and passed other examinations as set forth by rules of the department."

## **Chapter 39 Section 50 Laws 2022**

SECTION 50. Section 61-12B-8 NMSA 1978 (being Laws 1984, Chapter 103, Section 8, as amended) is amended to read:



"61-12B-8. EXPEDITED LICENSING WITHOUT TRAINING AND EXAMINATION.--

A. The department shall waive the education and examination requirements for an applicant who presents proof that the applicant holds a valid, unrestricted license in another licensing jurisdiction and is in good standing with that licensing jurisdiction.

B. The department shall, as soon as practicable but no later than thirty days after an out-of-state licensee files an application paid the required fees, process the application and issue the expedited license in accordance Section 61-1-31.1 NMSA 1978.

C. The department shall determine the states and territories of the United States and the District of Columbia from which it will not accept applicants for expedited licensure and the foreign countries from which it will accept applicants for expedited licensure. The department shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 51 Laws 2022**

SECTION 51. Section 61-12C-16 NMSA 1978 (being Laws 1991, Chapter 147, Section 16, as amended) is amended to read:

"61-12C-16. EXPEDITED LICENSURE BY CREDENTIALS.--

A. The board shall license an out-of-state applicant in accordance with Section 61-1-31.1 NMSA 1978 if the applicant possesses a valid, unrestricted license or registration to practice massage therapy in another licensing jurisdiction and pays required fees. As soon as practicable but no later than thirty days after a person files an application for an expedited license, the board shall process the application and issue the expedited license in accordance with Section 61-1-31.1 NMSA 1978.

B. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require the person to pass an examination before license renewal.

C. The board shall determine each year the states and territories of the United States and the District of Columbia from which it will not accept applicants for expedited licensure and determine foreign countries from which it will accept applicants for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval."

## Chapter 39 Section 52 Laws 2022

SECTION 52. Section 61-12D-5 NMSA 1978 (being Laws 1997, Chapter 89, Section 5, as amended) is amended to read:

"61-12D-5. POWERS AND DUTIES.--The board:

- A. shall examine all applicants for licensure to practice physical therapy and issue licenses or permits to those who are duly qualified;
- B. shall regulate the practice of physical therapy by interpreting and enforcing the provisions of the Physical Therapy Act;
- C. may promulgate rules in accordance with the State Rules Act to carry out the provisions of the Physical Therapy Act;
- D. may meet as often as it deems necessary. A majority of the members constitutes a quorum for the transaction of business. The board shall keep an official record of all its proceedings;
- E. may establish requirements for assessing continuing competency;
- F. may collect fees;
- G. may elect such officers as it deems necessary for the operations and obligations of the board. Terms of office shall be one year;
- H. shall provide for the timely orientation and training of new professional and public appointees to the board, including training in licensing and disciplinary procedures and orientation to all statutes, rules, policies and procedures of the board;
- I. may establish ad hoc committees and pay per diem and mileage to the members;
- J. may enter into contracts;
- K. may deny, suspend or revoke a license or take other disciplinary action in accordance with the Uniform Licensing Act;
- L. shall report final disciplinary action taken against a physical therapist or physical therapist assistant to the national disciplinary database;
- M. shall publish at least annually final disciplinary action taken against any physical therapist or physical therapist assistant; and

N. may prescribe the forms of license certificates, application forms and such other documents as it deems necessary to carry out the provisions of the Physical Therapy Act."

## **Chapter 39 Section 53 Laws 2022**

SECTION 53. Section 61-12D-10 NMSA 1978 (being Laws 1997, Chapter 89, Section 10, as amended) is amended to read:

"61-12D-10. LICENSURE--QUALIFICATIONS--LICENSURE FROM FOREIGN SCHOOLS--TEMPORARY LICENSES--REINSTATEMENT.--

A. An applicant for licensure as a physical therapist shall submit a completed application and have the following minimum qualifications:

- (1) be a graduate of an accredited physical therapy program approved by the board;
- (2) have successfully passed the national physical therapy examination approved by the board; and
- (3) have successfully passed the state jurisprudence examination.

B. An applicant for licensure as a physical therapist who has been educated outside the United States shall submit a completed application and meet the following minimum qualifications in addition to those required in Subsection A of this section:

- (1) provide satisfactory evidence that the applicant's education is substantially equivalent to the requirements of physical therapists educated in accredited educational programs in the United States, as determined by the board. If the board determines that a foreign-educated applicant's education is not substantially equivalent, it may require completion of additional course work before proceeding with the application process;
- (2) provide evidence that the applicant is a graduate of a school of training that is recognized by the foreign country's own ministry of education or similar institution;
- (3) provide written proof of authorization to practice as a physical therapist without limitations in the legal jurisdiction where the post-secondary institution from which the applicant has graduated is located;
- (4) have the applicant's educational credentials evaluated by a board-approved credential evaluation agency; and

(5) participate in an interim supervised clinical practice period as may be prescribed by the board.

C. The board may issue an interim permit to a foreign-trained applicant who satisfies the board's requirements. An interim permit shall be issued for the purpose of participating in a supervised clinical practice period.

D. If the foreign-educated physical therapist applicant is a graduate of a college accredited by the commission on accreditation in physical therapy education, the board shall waive requirements of Paragraphs (1), (2), (4) and (5) of Subsection B of this section.

E. An applicant for licensure as a physical therapist assistant shall submit a completed application and meet the following minimum requirements:

(1) be a graduate of an accredited physical therapist assistant program approved by the board; and

(2) have successfully passed the national physical therapy examination approved by the board.

F. An applicant for licensure as a physical therapist or physical therapist assistant shall file a written application on forms provided by the board. A nonrefundable application fee and the cost of the examination shall accompany the completed written application.

G. Applicants who fail to pass the examinations shall be subject to requirements determined by board regulations prior to being approved by the board for subsequent testing.

H. The board or its designee shall issue an expedited license to a physical therapist or physical therapist assistant who has a valid unrestricted license from another United States licensing jurisdiction.

I. Prior to licensure, if prescribed by the board, the board or its designee may issue a temporary nonrenewable license to a physical therapist or physical therapist assistant who has completed the education and experience requirements of the Physical Therapy Act. The temporary license shall allow the applicant to practice physical therapy under the supervision of a licensed physical therapist until a permanent license is approved that shall include passing the national physical therapy examination.

J. The board or its designee may issue a temporary license to a physical therapist or physical therapist assistant performing physical therapy while teaching an educational seminar who has met the requirements established by regulation of the board.

K. A physical therapist or physical therapist assistant licensed under the provisions of the Physical Therapy Act shall renew the physical therapist's or physical therapist assistant's license as specified in board rules. A person who fails to renew the person's license by the date of expiration shall not practice physical therapy as a physical therapist or physical therapist assistant in New Mexico.

L. Reinstatement of a lapsed license following a renewal deadline requires payment of a renewal fee and late fee.

M. Reinstatement of a physical therapist or physical therapist assistant license that has lapsed for more than three years, without evidence of continued practice in another state pursuant to a valid unrestricted license in that state, requires reapplication and payment of fees, as specified in board rules. The board shall promulgate rules establishing the qualifications for reinstatement of a lapsed license.

N. The board may establish, by rule, activities to periodically assess continuing competence to practice physical therapy.

O. A physical therapist shall refer a patient to the patient's licensed health care provider if:

(1) after thirty days of initiating physical therapy intervention, the patient has not made measurable or functional improvement with respect to the primary complaints of the patient; provided that the thirty-day limit shall not apply to:

(a) treatment provided for a condition related to a chronic, neuromuscular or developmental condition for a patient previously diagnosed by a licensed health care provider as having a chronic, neuromuscular or developmental condition;

(b) services provided for health promotion, wellness, fitness or maintenance purposes; or

(c) services provided to a patient who is participating in a program pursuant to an individual education plan or individual family service plan under federal law; or

(2) at any time, the physical therapist has reason to believe the patient has symptoms or conditions requiring treatment that is beyond the scope of practice of the physical therapist.

P. As used in this section, "licensed health care provider" means:

(1) a medical doctor or an osteopathic physician licensed pursuant to the Medical Practice Act;

- (2) a chiropractic physician licensed pursuant to the Chiropractic Physician Practice Act;
- (3) a podiatrist licensed pursuant to the Podiatry Act;
- (4) a dentist licensed pursuant to the Dental Health Care Act;
- (5) a doctor of oriental medicine licensed pursuant to the Acupuncture and Oriental Medicine Practice Act;
- (6) a certified nurse practitioner licensed pursuant to the Nursing Practice Act;
- (7) a certified nurse-midwife licensed pursuant to the Nursing Practice Act and registered with the public health division of the department of health as a certified nurse-midwife;
- (8) a certified nurse specialist licensed pursuant to the Nursing Practice Act; or
- (9) a physician assistant licensed pursuant to the Medical Practice Act."

## **Chapter 39 Section 54 Laws 2022**

SECTION 54. A new section of the Physical Therapy Act is enacted to read:

"EXPEDITED PHYSICAL THERAPIST AND PHYSICAL THERAPIST ASSISTANT LICENSURE.--

A. The board shall issue an expedited license to a person licensed as a physical therapist or physical therapist assistant in another state or the District of Columbia who pays the required fees and demonstrates that the person holds a valid, unrestricted license and is in good standing with the licensing board in the other licensing jurisdiction. The board shall, as soon as practicable but no later than thirty days, process the application and issue the expedited license in accordance Section 61-1-31.1 NMSA 1978.

B. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require the person to pass an examination.

C. The board shall determine licensing jurisdictions from which it will not accept applicants for expedited licensure. The board shall post the list of disapproved licensing jurisdictions on its website, including the specific reasons for disapproval."

## **Chapter 39 Section 55 Laws 2022**

SECTION 55. Section 61-13-6 NMSA 1978 (being Laws 1970, Chapter 61, Section 5, as amended) is amended to read:

"61-13-6. DUTIES OF THE BOARD.--The board shall:

A. promulgate rules in accordance with the State Rules Act to adopt and enforce standards for licensing nursing home administrators and to carry into effect the provisions of the Nursing Home Administrators Act;

B. approve for licensure applicants for:

- (1) initial licensure;
- (2) annual renewal of current, active licenses;
- (3) reciprocity;
- (4) reinstatement of revoked or suspended licenses; and
- (5) reactivation of inactive or expired licenses;

C. cause the prosecution or enjoinder of all persons violating the Nursing Home Administrators Act and deny, suspend or revoke licenses in accordance with the provisions of the Uniform Licensing Act;

D. submit a written annual report to the governor and the legislature detailing the actions of the board and including an accounting of all money received and expended by the board; and

E. maintain a register of licensees and a record of all applicants for licensure received by the board."

## **Chapter 39 Section 56 Laws 2022**

SECTION 56. Section 61-13-8 NMSA 1978 (being Laws 1970, Chapter 61, Section 7, as amended) is amended to read:

"61-13-8. LICENSURE OF NURSING HOME ADMINISTRATORS.--The board shall issue a license as a nursing home administrator to each applicant who files an application in the form and manner prescribed by the board, accompanied by the required fee, and who furnishes evidence, including a criminal records check satisfactory to the board that the applicant:

A. has successfully completed a course of study for a baccalaureate degree and has been awarded such degree from an accredited institution in a course of study approved by the board as being adequate preparation for nursing home administrators;

B. demonstrates professional competence by passing an examination in nursing home administration as prepared and published by the professional examination service or such other nationally recognized examination as the board prescribes in its rules;

C. demonstrates knowledge of state rules governing the operation of nursing homes in a manner the board prescribes in its rules; and

D. has successfully completed an internship or administrator-in-training program as prescribed by the board in its rules."

## **Chapter 39 Section 57 Laws 2022**

SECTION 57. Section 61-13-11 NMSA 1978 (being Laws 1970, Chapter 61, Section 10, as amended) is amended to read:

"61-13-11. EXPEDITED LICENSURE WITHOUT EXAMINATION.--

A. The board shall issue an expedited license without examination to an out-of-state applicant in accordance with Section 61-1-31.1 NMSA 1978. The board shall issue the expedited license as soon as practicable but no later than thirty days after the person files an application with the required fees and demonstrates that the person holds a valid, unrestricted license and is in good standing with the licensing board in the other licensing jurisdiction. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require the person to pass an examination before license renewal.

B. The board by rule shall determine the states and territories of the United States and the District of Columbia from which it will not accept applicants for expedited licensure and determine the foreign countries from which it will accept applicants for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 58 Laws 2022**

SECTION 58. Section 61-14-5 NMSA 1978 (being Laws 1967, Chapter 62, Section 4, as amended) is amended to read:

"61-14-5. BOARD--DUTIES.--The board shall:



A. examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in New Mexico and issue, renew, deny, suspend or revoke licenses in accordance with the Uniform Licensing Act;

B. regulate artificial insemination and pregnancy diagnosis by establishing standards of practice and issuing permits to persons found qualified;

C. establish a schedule of license and permit fees based on the board's financial requirements for the ensuing year;

D. conduct investigations necessary to determine violations of the Veterinary Practice Act and discipline persons found in violation in accordance with the Uniform Licensing Act;

E. employ personnel necessary to carry out its duties;

F. in accordance with the State Rules Act, promulgate and enforce rules necessary to establish recognized standards for the practice of veterinary medicine and to carry out the provisions of the Veterinary Practice Act. The board shall make available to interested members of the public copies of the Veterinary Practice Act and all rules promulgated by the board;

G. examine applicants for veterinary technician certification purposes. Such examination shall be held at least once a year at the times and places designated by the board;

H. establish a five-member veterinary technician examining committee;

I. promulgate rules establishing continuing education requirements as a condition for license renewal;

J. regulate the operation of veterinary facilities, including:

(1) establishing requirements for operation of a veterinary facility in accordance with recognized standards for the practice of veterinary medicine;

(2) issuing permits to qualified veterinary facilities; and

(3) promulgating standards for inspection of veterinary facilities.

For purposes of this subsection, "veterinary facility" means a building, mobile unit, vehicle or other location where services included within the practice of veterinary medicine are provided;

K. perform the duties imposed on the board pursuant to the Animal Sheltering Act; and

L. establish a five-member sheltering committee."

## **Chapter 39 Section 59 Laws 2022**

SECTION 59. Section 61-14A-8 NMSA 1978 (being Laws 1993, Chapter 158, Section 16, as amended) is amended to read:

"61-14A-8. BOARD--POWERS.--The board has the power to:

- A. enforce the provisions of the Acupuncture and Oriental Medicine Practice Act;
- B. promulgate, in accordance with the State Rules Act, all rules necessary for the implementation and enforcement of the provisions of the Acupuncture and Oriental Medicine Practice Act;
- C. adopt a code of ethics;
- D. adopt and use a seal;
- E. inspect facilities of approved educational programs, extern programs and the offices of licensees;
- F. promulgate rules implementing continuing education requirements 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; and
- G. in accordance with the Uniform Licensing Act:
  - (1) issue investigative subpoenas for the purpose of investigating complaints against licensees prior to the issuance of a notice of contemplated action;
  - (2) administer oaths and take testimony on any matters within the board's jurisdiction;
  - (3) conduct hearings upon charges relating to the discipline of licensees, including the denial, suspension or revocation of a license; and
  - (4) grant, deny, renew, suspend or revoke licenses to practice acupuncture and oriental medicine or grant, deny, renew, suspend or revoke approvals of educational programs and extern programs for any cause stated in the Acupuncture and Oriental Medicine Practice Act or the rules of the board."

## **Chapter 39 Section 60 Laws 2022**

SECTION 60. Section 61-14A-13 NMSA 1978 (being Laws 1993, Chapter 158, Section 21, as amended) is amended to read:

### **"61-14A-13. REQUIREMENTS FOR EXPEDITED LICENSING.--**

A. The board shall grant a license to practice acupuncture and oriental medicine without examination to a person who has been licensed, certified, registered or legally recognized as a doctor of oriental medicine in another licensing jurisdiction in accordance with Section 61-1-31.1 NMSA 1978 if the applicant:

- (1) submits the completed application for expedited licensing on the form provided by the board;
- (2) submits the required documentation as determined by the board;
- (3) submits the required fee for application for expedited licensing; and
- (4) passes a written examination on the state laws and rules that pertain to the practice of acupuncture and oriental medicine, if the board requires regular applicants for licensure to pass such an examination.

B. The board shall issue the expedited license as soon as practicable but no later than thirty days after the person files an application with the required fees and demonstrates that the person holds a valid, unrestricted license and is in good standing with the licensing board in the other licensing jurisdiction and has practiced for at least two years immediately prior to application in New Mexico. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require the person to pass an examination before license renewal.

C. The board by rule shall determine the states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and determine any foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 61 Laws 2022**

SECTION 61. Section 61-14A-16 NMSA 1978 (being Laws 1993, Chapter 158, Section 24, as amended) is amended to read:

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

A.	application for licensing	\$800;
B.	application for expedited licensing	750;
C.	application for temporary licensing	500;
D.	examination, not including the cost of any nationally recognized examination	700;
E.	annual license renewal	400;
F.	late license renewal	200;
G.	expired license renewal	400;
H.	temporary license renewal	100;
I.	application for approval or renewal of approval of an educational program	600;
J.	late renewal of approval of an educational program	200;
K.	annual continuing education provider registration	200;
L.	application for extended or expanded prescriptive authority	500;
M.	application for externship supervisor registration	500;
N.	application for extern certification	500;

and

O. fees to cover reasonable and necessary administrative expenses."

## **Chapter 39 Section 62 Laws 2022**

SECTION 62. Section 61-14B-11 NMSA 1978 (being Laws 1996, Chapter 57, Section 11, as amended) is amended to read:

"61-14B-11. BOARD POWERS AND DUTIES.--The board shall:

A. promulgate rules necessary to carry out the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act in accordance with the State Rules Act;

B. promulgate rules implementing continuing education requirements;

C. adopt a code of ethics that includes rules requiring audiologists and hearing aid dispensers, at the time of the initial examination for possible sale and fitting of a hearing aid if a hearing loss is determined, to inform each prospective purchaser about hearing aid options that can provide a direct connection between the hearing aid and assistive listening systems. These rules shall be in accordance with the latest standards for accessible design adopted by the United States department of justice in accordance with the federal Americans with Disabilities Act of 1990, as amended;

D. conduct hearings upon charges relating to the discipline of licensees, including the denial, suspension or revocation of a license in accordance with the Uniform Licensing Act;

E. investigate complaints against licensees by issuing investigative subpoenas prior to the issuance of a notice of contemplated action;

F. establish fees for licensure;

G. provide for the licensing and renewal of licenses of applicants; and

H. promulgate rules that provide for expedited licensure and temporary permits for speech-language pathologists, audiologists or hearing aid dispensers."

### **Chapter 39 Section 63 Laws 2022**

SECTION 63. A new section of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act is enacted to read:

"EXPEDITED LICENSURE.--

A. The board shall issue an expedited license without examination to a speech-language pathologist, audiologist or hearing aid dispenser licensed in another licensing jurisdiction in accordance with Section 61-1-31.1 NMSA 1978. The board shall issue the expedited license as soon as practicable but no later than thirty days after the person files an application with the required fees and demonstrates that the person holds a valid, unrestricted license and is in good standing with the licensing board in the other licensing jurisdiction. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require the person to pass an examination before license renewal.

B. The board by rule shall determine the states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and determine any foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

### **Chapter 39 Section 64 Laws 2022**

SECTION 64. Section 61-14D-8 NMSA 1978 (being Laws 1993, Chapter 325, Section 8, as amended) is amended to read:

"61-14D-8. DEPARTMENT DUTIES.--The department shall assist the board in administering the Athletic Trainer Practice Act and shall:

- A. process applications and conduct and review the required examinations;
- B. issue licenses and provisional permits to applicants who meet the requirements of the Athletic Trainer Practice Act;
- C. administer and coordinate the provisions of the Athletic Trainer Practice Act and investigate persons engaging in practices that may violate the provisions of that act;
- D. conduct any required examinations of applicants;
- E. hire staff as may be necessary to carry out the actions of the board;
- F. maintain board records, including financial records; and
- G. maintain a current register of licensees as a matter of public record."

## **Chapter 39 Section 65 Laws 2022**

SECTION 65. A new section of the Athletic Trainer Practice Act is enacted to read:

"EXPEDITED LICENSURE.--

A. The board shall issue an expedited license without examination to an athletic trainer licensed in another licensing jurisdiction in accordance with Section 61-1-31.1 NMSA 1978. The board shall issue the expedited license as soon as practicable but no later than thirty days after the person files an application with the required fees and demonstrates that the person holds a valid, unrestricted license and is in good standing with the licensing board in the other licensing jurisdiction. If the board issues an expedited license to a person whose prior licensing jurisdiction did not require examination, the board may require the person to pass an examination before license renewal.

B. The board by rule shall determine the states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and determine any foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 66 Laws 2022**

SECTION 66. Section 61-14D-14 NMSA 1978 (being Laws 1993, Chapter 325, Section 14, as amended) is amended to read:

"61-14D-14. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board shall establish a schedule of reasonable fees, not to exceed one hundred dollars (\$100) each for applications, licenses, expedited licenses, provisional permits, renewal of licenses, placement on inactive status and necessary and reasonable administrative fees and initial prorated licensing fees."

## **Chapter 39 Section 67 Laws 2022**

SECTION 67. Section 61-15-4 NMSA 1978 (being Laws 1931, Chapter 155, Section 3, as amended) is amended to read:

"61-15-4. POWERS AND DUTIES OF THE BOARD.--

A. The board shall hold at least four regular meetings each year. Any board member failing to attend three consecutive regular meetings is automatically removed as a member of the board. A majority of the board members constitutes a quorum.

B. A board member may participate in a meeting of the board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person if:

(1) each member participating by conference telephone can be identified when speaking;

(2) all participants are able to hear each other at the same time; and

(3) members of the public attending the meeting are able to hear all board members who speak during the hearing.

C. The board may establish committees to carry out the provisions of the Architectural Act. The board or any committee of the board shall have the power to subpoena any witness, to administer oaths and to take testimony concerning matters within its jurisdiction. It is within the jurisdiction of the board to determine and prescribe by rules promulgated in accordance with the State Rules Act the professional and technical qualifications necessary for the practice of architecture in New Mexico. The board shall adopt and have an official seal, which shall be affixed to all certificates of registration granted, and shall not make rules inconsistent with law.

D. The board may offer, engage in and promote educational and other activities as it deems necessary to fulfill its duty to promote the public welfare.

E. The board may, for the purpose of protecting the citizens of New Mexico and promoting current architectural knowledge and practice, promulgate rules establishing continuing education requirements as a condition of registration renewal.

F. Members of the board shall receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance. All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized reimbursement and necessary expenses incident to cooperation with like boards of other states, shall be paid by the state treasurer out of the "fund of the board of examiners for architects" on the warrant of the secretary of finance and administration issued upon vouchers signed by the chair or the chair's designee; provided, however, that at no time shall the total warrants issued exceed the total amount of funds accumulated under the Architectural Act. All money derived from the operation of the Architectural Act, not including fines, shall be deposited with the state treasurer, who shall keep the money in the fund of the board of examiners for architects.

G. The board shall by rule provide for the examinations required for registration. The board shall keep a complete record of all examinations.

H. Upon application for registration, upon a prescribed form and upon payment by the applicant of a fee set by the board, the board shall consider the application and shall issue a certificate of registration as an architect to any person who submits evidence satisfactory to the board that the person is fully qualified to practice architecture.

I. It is the duty of the board to report to the district attorney of the district where the offense was committed any criminal violation of the Architectural Act.

J. The board may deny, review, suspend or revoke a registration to practice architecture and may censure, fine, reprimand and place on probation and stipulation any architect in accordance with the Uniform Licensing Act for any cause as stated in the Architectural Act.

K. The board, in cooperation with the state board of licensure for professional engineers and professional surveyors and the board of landscape architects, shall create a joint standing committee to be known as the "joint practice committee". In order to safeguard life, health and property and to promote public welfare, the purpose of the committee is to promote and develop the highest professional standards in design, planning and construction and the resolution of ambiguities concerning the professions. The composition of the committee and its duties and powers shall be in accordance with identical resolutions adopted by each board.

L. Pursuant to the notice and hearing requirements of the Uniform Licensing Act, the board may impose a civil penalty in an amount not to exceed seven thousand five hundred dollars (\$7,500) for each violation on a person found to be engaging in the practice of architecture without being registered pursuant to the Architectural Act. Civil penalties shall be deposited to the credit of the current school fund as provided in Article 12, Section 4 of the constitution of New Mexico."



## Chapter 39 Section 68 Laws 2022

SECTION 68. Section 61-15-10 NMSA 1978 (being Laws 1979, Chapter 362, Section 8, as amended) is amended to read:

"61-15-10. VIOLATIONS--PENALTIES.--

A. A person who knowingly uses a forged architectural registration seal on a document for the purpose of permitting the constructing of a building for human habitation or occupancy is guilty of a fourth degree felony, punishable pursuant to Section 31-18-15 NMSA 1978.

B. Each of the following acts constitutes a misdemeanor, punishable pursuant to Section 31-19-1 NMSA 1978:

(1) willfully forging or giving false evidence of any kind to the board or any board member for the purpose of obtaining a certificate of registration as an architect;

(2) using or attempting to use an expired, suspended or revoked certificate of registration as an architect;

(3) using or permitting another to use the person's official architect's seal to stamp or seal any documents that have not been prepared either by the architect or the architect's responsible charge;

(4) engaging or offering to engage in the practice of architecture, unless exempted or duly registered to do so under the Architectural Act;

(5) using a designation tending to imply to the public that the person is an architect unless:

(a) the person is duly registered to do so under the provisions of the Architectural Act;

(b) the title containing the designation is allowed by rule of the board; or

(c) the title containing the designation does not imply that the person using the designation, when describing occupation, business name or services, is offering to perform architectural services; or

(6) procuring, aiding or abetting any violation of the provisions of the Architectural Act or the rules adopted by the board.

C. If, after a disciplinary hearing conducted in accordance with the Uniform Licensing Act, the board determines that based on the evidence, a person committed a violation pursuant to the Architectural Act, the board, in addition to any other sanction, shall issue an order that imposes a civil penalty not to exceed seven thousand five hundred dollars (\$7,500) for each violation on the person. In determining the amount of the civil penalty, the board shall consider:

- (1) the seriousness of the violation;
- (2) the degree of harm inflicted on individuals or the public;
- (3) the economic benefit received by the person due to the violation;
- (4) the person's history of violations; and
- (5) any other aggravating or mitigating factors relating to the violation."

## **Chapter 39 Section 69 Laws 2022**

SECTION 69. Section 61-17A-2 NMSA 1978 (being Laws 1993, Chapter 171, Section 2, as amended by Laws 2017, Chapter 108, Section 1 and by Laws 2017, Chapter 112, Section 3) is amended to read:

"61-17A-2. DEFINITIONS.--As used in the Barbers and Cosmetologists Act:

- A. "barber" means a person, other than a student, who for compensation engages in barbering;
- B. "board" means the board of barbers and cosmetologists;
- C. "cosmetologist" means a person, other than a student, who for compensation engages in cosmetology;
- D. "department" means the regulation and licensing department;
- E. "electrologist" means a person, other than a student, who for compensation removes hair from or destroys hair on the human body through the use of an electric current applied to the body with a needle-shaped electrode or probe;
- F. "enterprise" means a business venture, firm or organization;
- G. "establishment" means an immobile beauty shop, barber shop, electrology clinic, salon or similar place of business in which cosmetology, barbering, eyebrow threading, hairstyling or electrolysis is performed;
- H. "esthetician" means a person, other than a student, who for compensation:

(1) uses cosmetic preparations, including makeup applications, antiseptics, powders, oils, clays or creams, for the purpose of preserving the health and beauty of the skin and body;

(2) massages, cleans, stimulates or manipulates the skin for the purpose of preserving the health and beauty of the skin and body; or

(3) performs activities similar to the activities described in Paragraph (1) or (2) of this subsection on any part of the body of a person;

I. "eyebrow threading" means a method of hair removal in which a thin thread is doubled, twisted and then rolled over areas of unwanted hair, plucking the hair at the follicle level;

J. "hairstylist" means a person, other than a student, who for compensation engages in hairstyling;

K. "manicurist-pedicurist" means a person, other than a student, who for compensation performs work on the nails of a person and applies nail extensions or products to the nails for the purpose of strengthening or preserving the health and beauty of the hands or feet;

L. "sanitation" means the maintenance of sanitary conditions to promote hygiene and the prevention of disease through the use of chemical agents or products;

M. "school" means a public or private instructional facility approved by the board that teaches cosmetology, barbering or hairstyling; and

N. "student" means a person enrolled in a school to learn or be trained in cosmetology, barbering, hairstyling or electrolysis."

## **Chapter 39 Section 70 Laws 2022**

SECTION 70. Section 61-17A-7 NMSA 1978 (being Laws 1993, Chapter 171, Section 7, as amended) is amended to read:

"61-17A-7. BOARD AND DEPARTMENT POWERS AND DUTIES.--

A. The board shall:

(1) adopt and file, in accordance with the State Rules Act, rules necessary to carry out the provisions of the Barbers and Cosmetologists Act;

(2) establish fees;

(3) provide for the examination, licensure and license renewal of applicants for licensure;

(4) establish standards for and provide for the examination, licensure and license renewal of manicurists-pedicurists, estheticians and electrologists;

(5) keep a record of its proceedings and a register of applicants for licensure;

(6) provide for the licensure of barbers, hairstylists, cosmetologists, manicurists-pedicurists, estheticians, electrologists, instructors, schools, enterprises and establishments;

(7) establish administrative penalties and fines;

(8) create and establish standards and fees for special licenses;

(9) establish guidelines for schools to calculate tuition refunds for withdrawing students; and

(10) issue cease and desist orders to persons violating the provisions of the Barbers and Cosmetologists Act and rules promulgated in accordance with that act in accordance with the Uniform Licensing Act.

B. The board may establish continuing education requirements as requirements for licensure.

C. A member of the board, its employees or agents may enter and inspect a school, enterprise or establishment at any time during regular business hours for the purpose of determining compliance with the Barbers and Cosmetologists Act.

D. The department shall:

(1) process and issue licenses to applicants who meet the requirements of the Barbers and Cosmetologists Act and board rules;

(2) investigate persons engaging in practices that may violate the provisions of the Barbers and Cosmetologists Act and report results of investigations to the board;

(3) approve the selection of and supervise primary staff assigned to the board;

(4) carry out the operations of the board to include budgetary expenditures;

(5) maintain records, including financial records; and

(6) keep a licensee record in which the names, addresses and license numbers of all licensees shall be recorded together with a record of all license renewals, suspensions and revocations."

## **Chapter 39 Section 71 Laws 2022**

SECTION 71. Section 61-17A-8 NMSA 1978 (being Laws 1993, Chapter 171, Section 8, as amended) is amended to read:

"61-17A-8. LICENSURE REQUIREMENTS--BARBERS.--

A. Except as provided in Subsection B of this section, a barber license shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who:

(1) is at least seventeen years of age;

(2) has completed a course in barbering of at least one thousand two hundred hours or equivalent credits in a school or apprenticeship approved by the board; and

(3) has passed an examination approved by the board.

B. A barbering license shall be issued to a person who files a completed application, accompanied by the required fees and documentation, meets the requirements of Paragraphs (1) through (3) of Subsection A of this section and shows proof of having successfully completed a registered barbering apprenticeship approved by the state apprenticeship agency and the board of barbers and cosmetologists.

C. The holder of a barber license has the right and privilege to use the title "barber", and the initials "R.B." following the holder's surname and to use a barber pole, the traditional striped, vertical emblem of the barbering trade."

## **Chapter 39 Section 72 Laws 2022**

SECTION 72. Section 61-17A-8.1 NMSA 1978 (being Laws 2017, Chapter 112, Section 2) is amended to read:

"61-17A-8.1. LICENSURE REQUIREMENTS--HAIRSTYLISTS.--

A. Except as provided in Subsection B of this section, a hairstylist license shall be issued to a person who files a completed application, accompanied by the required fees and documentation, and who:

- (1) is at least seventeen years of age;
- (2) has completed a course in hairstyling of at least one thousand two hundred hours in a school approved by the board; and
- (3) has passed an examination approved by the board.

B. A hairstylist license shall be issued to a person who files a completed application, accompanied by the required fees and documentation, and meets the requirements of Paragraphs (1) through (3) of Subsection A of this section.

C. The holder of a hairstylist license has the right and privilege to use the title "hairstylist".

### **Chapter 39 Section 73 Laws 2022**

SECTION 73. Section 61-17A-9 NMSA 1978 (being Laws 1993, Chapter 171, Section 9, as amended) is amended to read:

"61-17A-9. LICENSURE REQUIREMENTS--COSMETOLOGISTS.--

A. A cosmetologist license shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who:

- (1) is at least seventeen years of age;
- (2) has completed a course in cosmetology of at least one thousand six hundred hours at a school approved by the board; and
- (3) has passed an examination approved by the board.

B. The name of a licensed cosmetologist may be immediately followed by the initials "R.C.", as a right and privilege of licensure."

### **Chapter 39 Section 74 Laws 2022**

SECTION 74. Section 61-17A-11 NMSA 1978 (being Laws 1993, Chapter 171, Section 11, as amended) is amended to read:

"61-17A-11. LICENSURE OF INSTRUCTORS.--

A. A cosmetologist instructor license shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who:

- (1) is a licensed cosmetologist;

- (2) has met all requirements established by the board; and
- (3) has passed an examination approved by the board.

B. A barber instructor license shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who:

- (1) is a licensed barber;
- (2) has completed at least a four-year high school course of study or its equivalent as approved by the board;
- (3) has met all requirements established by the board; and
- (4) has passed an examination approved by the board.

C. An electrologist instructor license shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who submits satisfactory evidence of compliance with all requirements established by the board.

D. The name of a licensed instructor may be immediately followed by the initials "R.I.", as a right and privilege of licensure."

## **Chapter 39 Section 75 Laws 2022**

SECTION 75. Section 61-17A-14 NMSA 1978 (being Laws 1993, Chapter 171, Section 14) is amended to read:

"61-17A-14. BARBERS AND COSMETOLOGISTS FUND CREATED.--The "barbers and cosmetologists fund" is created in the state treasury. All license fees and charges imposed by the board shall be deposited in the fund. Money in the fund is appropriated to the board for the purpose of carrying out the provisions of the Barbers and Cosmetologists Act. Any balance remaining in the fund at the end of each fiscal year shall not revert to the general fund."

## **Chapter 39 Section 76 Laws 2022**

SECTION 76. Section 61-17A-17 NMSA 1978 (being Laws 1993, Chapter 171, Section 17, as amended) is amended to read:

"61-17A-17. LICENSURE UNDER PRIOR LAW--EXPEDITED LICENSURE.--

A. A person licensed as a barber, a cosmetologist, an esthetician, an electrologist, an instructor of cosmetology or barbering or an instructor of electrology, a manicurist-pedicurist or a person holding an establishment license, clinic license or

school owner's license under prior laws of this state, which license is valid on June 18, 1993, shall be held to be licensed under the provisions of the Barbers and Cosmetologists Act and shall be entitled to the renewal of the person's license as provided in that act.

B. The board shall grant a license pursuant to the provisions of the Barbers and Cosmetologists Act without an examination, upon payment of the required fee; provided that the applicant holds a valid, unrestricted license from another licensing jurisdiction.

C. No later than thirty days after a person files an application for licensure, the board shall process the application and issue an expedited license in accordance with procedures in Section 61-1-31.1 NMSA 1978. The board by rule shall determine the states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and shall determine foreign countries from which it will accept an applicant for expedited licensure. The board shall post the lists of disapproved and approved licensing jurisdictions on its website. The list of disapproved licensing jurisdictions shall include the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

### **Chapter 39 Section 77 Laws 2022**

SECTION 77. Section 61-17A-18 NMSA 1978 (being Laws 1993, Chapter 171, Section 18, as amended) is amended to read:

"61-17A-18. LICENSE TO BE DISPLAYED--NOTICE OF CHANGE OF PLACE OF BUSINESS.--Every holder of a license issued pursuant to the Barbers and Cosmetologists Act shall notify the department of any change in place of business. A license shall be displayed conspicuously at the holder's place of business."

### **Chapter 39 Section 78 Laws 2022**

SECTION 78. Section 61-17A-19 NMSA 1978 (being Laws 1993, Chapter 171, Section 19) is amended to read:

"61-17A-19. LICENSE NONTRANSFERABLE.--Each license shall be issued under the authority of the Barbers and Cosmetologists Act by the department in the name of the licensee. The license may not be the subject of a sale, transfer, assignment, conveyance, lease, bequest, gift or other means of transfer."

### **Chapter 39 Section 79 Laws 2022**

SECTION 79. Section 61-17A-21 NMSA 1978 (being Laws 1993, Chapter 171, Section 21, as amended) is amended to read:



"61-17A-21. GROUNDS FOR REFUSAL TO ISSUE, RENEW, SUSPEND OR REVOKE A LICENSE.--

A. The board shall, in accordance with the provisions of the Uniform Licensing Act, issue a fine or penalty, restrict, refuse to issue or renew or shall suspend or revoke a license for any one or more of the following causes:

- (1) the commission of any offense described in the Barbers and Cosmetologists Act;
- (2) the violation of any sanitary regulation promulgated by the board;
- (3) malpractice or incompetency;
- (4) advertising by means of knowingly false or deceptive statements;
- (5) working in a capacity regulated pursuant to the Barbers and Cosmetologists Act while under the influence of intoxicating liquor or drugs;
- (6) continuing to practice in or be employed by an establishment, an enterprise, a school or an electrology clinic in which the sanitary rules of the board, of the department of health or of any other lawfully constituted board or state agency, promulgated for the regulation of establishments, enterprises, schools or electrology clinics, are known by the licensee to be violated;
- (7) default of a licensee on a student loan;
- (8) gross continued negligence in observing the rules and regulations;
- (9) renting, loaning or allowing the use of the license to any person not licensed under the provisions of the Barbers and Cosmetologists Act;
- (10) dishonesty or unfair or deceptive practices;
- (11) sexual, racial or religious harassment;
- (12) conduct of illegal activities in an establishment, enterprise, school or electrology clinic or by a licensee; or
- (13) aiding, abetting or conspiring to evade or violate the provisions of the Barbers and Cosmetologists Act.

B. Any license suspended or revoked shall be delivered to the department or any agent of the department upon demand."

## Chapter 39 Section 80 Laws 2022

SECTION 80. Section 61-17B-5 NMSA 1978 (being Laws 2007, Chapter 181, Section 5, as amended) is amended to read:

"61-17B-5. LICENSE--APPLICATION--RENEWAL--EXPEDITED LICENSURE--REVOCATION--SUSPENSION.--

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

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

C. An operator or body artist shall apply to the board for the issuance or renewal of a license annually and shall pay license fees established by the board. Except as provided in Section 61-1-34 NMSA 1978, the board shall set license fees and license renewal fees not to exceed three hundred dollars (\$300) and late fees not to exceed one hundred dollars (\$100). If an operator or body artist fails to renew a license for the next year, the license is void; provided that the voided license may be restored at any time during the year following the license's expiration upon the payment of the appropriate license renewal fee and a late charge not to exceed one hundred dollars (\$100) as set forth by board rules. If the operator or body artist fails to restore a license within one year following the license's expiration, the operator or body artist may request restoration of the license pursuant to rules promulgated by the board.

D. As soon as practicable, but no later than thirty days after an application is submitted, the board shall process the application and issue an expedited license in accordance with Section 61-1-31.1 NMSA 1978 to a person licensed in another licensing jurisdiction. The board by rule shall determine those states and territories of the United States and the District of Columbia from which it will not accept an applicant for expedited licensure and those foreign countries from which it will accept an application for expedited licensure. The lists of disapproved and approved licensing jurisdictions shall be posted on the board's website. The list of disapproved licensing

jurisdictions shall include specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted.

E. The board may suspend or revoke a license for a body art establishment or a body artist who fails to comply with a provision of the Body Art Safe Practices Act or rules promulgated pursuant to that act in accordance with the Uniform Licensing Act. A license shall not be suspended or revoked without providing the operator or the body artist with an opportunity for an administrative hearing unless conditions in the body art establishment warrant immediate suspension pursuant to Section 61-17B-9 NMSA 1978. The hearing officer shall not be a person previously involved in the suspension or revocation action. An inspection made more than twenty-four months prior to the most recent inspection shall not be used as a basis for suspension or revocation.

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

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

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

- (1) the full names of all employees in the establishment and their exact duties;
- (2) the board-issued license with identification photograph for the operator and any body artists;
- (3) the body art establishment name and hours of operation;
- (4) the name and address of the operator;
- (5) a complete description of all body art performed at the body art establishment;
- (6) a list of all instruments, body jewelry, sharps and inks used at the body art establishment, including names of manufacturers and serial or lot numbers or invoices or other documentation sufficient to identify and locate the manufacturer of those items; and
- (7) a current copy of the Body Art Safe Practices Act.

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

## **Chapter 39 Section 81 Laws 2022**

SECTION 81. Section 61-17B-16 NMSA 1978 (being Laws 2015, Chapter 129, Section 8) is amended to read:

"61-17B-16. BOARD POWERS AND DUTIES.--

A. The board shall:

(1) in conjunction with the department of health, promulgate rules in accordance with the State Rules Act necessary to implement the provisions of the Body Art Safe Practices Act;

(2) establish fees;

(3) establish standards and provide for the issuance of new and renewal operator and body artist licenses to applicants;

(4) adopt a seal;

(5) furnish copies of rules and sanitation and sterilization requirements promulgated by the board to each operator of a body art establishment;

(6) keep a record of its proceedings, a register of applicants for licensure and a register of licensed operators and body artists;

(7) issue cease and desist orders to persons who violate the provisions of the Body Art Safe Practices Act or rules promulgated pursuant to that act; and

(8) deny, suspend or revoke a license or undertake any other disciplinary action in accordance with the Uniform Licensing Act.

B. The board may establish continuing education or other requirements for licensure.

C. A member of the board, its employees or agents may enter and inspect a body art establishment at any time during regular business hours for the purpose of determining compliance with the Body Art Safe Practices Act."

## **Chapter 39 Section 82 Laws 2022**

SECTION 82. Section 61-17B-17 NMSA 1978 (being Laws 2015, Chapter 129, Section 7) is amended to read:

"61-17B-17. BODY ART PRACTITIONERS FUND CREATED.--The "body art practitioners fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations; license fees and charges that are imposed by the board; and money otherwise accruing to the fund. Money in the fund is appropriated to the board for the purpose of carrying out the provisions of the Body Art Safe Practices Act. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the chair of the board or the chair's authorized representative. Any balance remaining in the fund at the end of a fiscal year shall not revert to the general fund."

## **Chapter 39 Section 83 Laws 2022**

SECTION 83. Section 61-17B-18 NMSA 1978 (being Laws 2015, Chapter 129, Section 9) is amended to read:

"61-17B-18. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The board of body art practitioners is terminated on July 1, 2027 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Body Art Safe Practices Act until July 1, 2028. Effective July 1, 2028, the Body Art Safe Practices Act is repealed."

## **Chapter 39 Section 84 Laws 2022**

SECTION 84. Section 61-18A-4 NMSA 1978 (being Laws 1987, Chapter 252, Section 4) is amended to read:

"61-18A-4. RULES--VIOLATIONS.--

A. The director shall promulgate rules in accordance with the State Rules Act and enforce those rules as are reasonable or necessary for the examination and licensing of collection agencies, repossessioners, managers and solicitors, for the conduct of such persons and for the general enforcement of the various provisions of the Collection Agency Regulatory Act in the protection of the public.

B. The violation of any provisions of the Collection Agency Regulatory Act or of rules promulgated by the director is sufficient ground for revocation of a license or for other disciplinary action as provided in the Uniform Licensing Act.

C. A provision of the Collection Agency Regulatory Act imposing a liability shall not apply to an act done or omitted in good faith in conformity with a rule of the director, notwithstanding that after the act or omission has occurred, the rule is

amended, rescinded or determined by judicial or other authority to be invalid for any reason."

## **Chapter 39 Section 85 Laws 2022**

SECTION 85. Section 61-18A-31 NMSA 1978 (being Laws 1987, Chapter 252, Section 31) is amended to read:

"61-18A-31. DEPOSIT OF MONEY.--All money received under the Collection Agency Regulatory Act by the director shall be deposited in the general fund."

## **Chapter 39 Section 86 Laws 2022**

SECTION 86. Section 61-23-10 NMSA 1978 (being Laws 1987, Chapter 336, Section 10, as amended) is amended to read:

"61-23-10. DUTIES AND POWERS OF THE BOARD.--

A. The board shall administer the provisions of the Engineering and Surveying Practice Act and exercise the authority granted the board in that act. The board is the sole state agency with the power to certify the qualifications of professional engineers and professional surveyors. The board may engage such personnel, including an executive director, as it deems necessary.

B. The board may promulgate rules in accordance with the State Rules Act that are reasonable for the proper performance of its duties and the regulation of its procedures, meeting records and examinations and the conduct of examinations. The board shall promulgate rules of professional responsibility for professional engineers and professional surveyors that are not exclusive to the practice of engineering or exclusive to the practice of surveying. All such rules shall be binding upon all persons licensed pursuant to the Engineering and Surveying Practice Act.

C. The professional engineering committee shall promulgate rules of professional responsibility exclusive to the practice of engineering. All such rules shall be binding upon all persons licensed pursuant to the Engineering and Surveying Practice Act.

D. The professional surveying committee shall promulgate rules of professional responsibility exclusive to the practice of surveying. All such rules shall be binding upon all persons licensed pursuant to the Engineering and Surveying Practice Act.

E. The joint engineering and surveying standing committee has exclusive authority over practice disputes between engineers and surveyors to determine if proposed rules of professional responsibility are exclusive to the practice of engineering or exclusive to the practice of surveying so that rulemaking authority is delegated to the

engineering committee or to the surveying committee. Determination of exclusive practice of engineering or surveying requires an affirmative vote by no less than three members of the joint committee. If an affirmative vote of three members cannot be achieved, the determination of exclusivity shall be made by the full board.

F. To effect the provisions of the Engineering and Surveying Practice Act, the board may, under the chair's hand and the board's seal, subpoena witnesses and compel the production of books, papers and documents in any disciplinary action conducted in accordance with the Uniform Licensing Act against a licensee or a person practicing or offering to practice without licensure. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If a person refuses to obey a subpoena so issued or refuses to testify or produce any books, papers or documents, the board may apply to a court of competent jurisdiction for an order to compel the requisite action. If a person willfully fails to comply with such an order, that person may be held in contempt of court.

G. The board may apply for injunctive relief to enforce the provisions of the Engineering and Surveying Practice Act or to restrain any violation of that act. The members of the board shall not be personally liable under this proceeding.

H. The board may subject an applicant for licensure to such examinations as it deems necessary to determine the applicant's qualifications.

I. The board shall create enforcement advisory committees composed of licensees as necessary. Each committee shall include at least four licensees in the same category as the respondent. An engineering enforcement advisory committee shall have at least one licensee in the same branch as the respondent. Enforcement advisory committees shall provide technical assistance to the board and its staff. The board shall select members from a list of volunteers submitting their resumes and letters of interest.

J. No action or other legal proceedings for damages shall be instituted against the board, a board member or an agent, an employee or a member of an advisory committee of the board for any act done in good faith and in the intended performance of any power or duty granted pursuant to the Engineering and Surveying Practice Act or for any neglect or default in the good faith performance or exercise of any such power or duty.

K. The board, in cooperation with the board of examiners for architects and the board of landscape architects, shall create a joint standing committee to be known as the "joint practice committee". In order to safeguard life, health and property and to promote the public welfare, the committee shall have as its purpose the promotion and development of the highest professional standards in design, planning and construction and the resolution of ambiguities concerning the professions. The composition of the committee and its powers and duties shall be in accordance with identical resolutions adopted by each board.

L. As used in the Engineering and Surveying Practice Act, "incidental practice" shall be defined by identical rules of the board and the board of examiners for architects."

## **Chapter 39 Section 87 Laws 2022**

SECTION 87. Section 61-23-24 NMSA 1978 (being Laws 1993, Chapter 218, Section 18, as amended) is amended to read:

"61-23-24. ENGINEERING--VIOLATIONS--DISCIPLINARY ACTION--PENALTIES--REISSUANCE OF LICENSES.--

A. In accordance with the Uniform Licensing Act, the board may suspend, refuse to renew or revoke a license, impose a fine not to exceed seven thousand five hundred dollars (\$7,500), place on probation for a specific period of time with specific conditions or reprimand any professional engineer who is found by the board to have:

- (1) practiced or offered to practice engineering in New Mexico in violation of the Engineering and Surveying Practice Act;
- (2) attempted to use the license of another;
- (3) given false or forged evidence to the board or to a board member for obtaining a license;
- (4) falsely impersonated another licensee of like or different name;
- (5) attempted to use an expired, suspended or revoked license;
- (6) falsely purported to be a professional engineer by claim, sign, advertisement or letterhead;
- (7) violated the rules of professional responsibility for professional engineers adopted and promulgated by the board;
- (8) been disciplined in another state for action that would constitute a violation of either or both the Engineering and Surveying Practice Act or the rules adopted by the board;
- (9) been convicted of a felony; or
- (10) procured, aided or abetted any violation of the provisions of the Engineering and Surveying Practice Act or the rules of the board.

B. Except as provided in Subsection C of Section 61-23-21 NMSA 1978, nothing in the Engineering and Surveying Practice Act shall prohibit the general use of



the word "engineer", "engineered" or "engineering" so long as such words are not used in an offer to the public to perform engineering work as defined in Subsections F and H of Section 61-23-3 NMSA 1978.

C. The board may by rule establish the guidelines for the disposition of disciplinary cases involving specific types of violations. The guidelines may include minimum and maximum fines, periods of probation or conditions of probation or reissuance of a license.

D. Failure to pay a fine levied by the board or to otherwise comply with an order issued by the board pursuant to the Uniform Licensing Act is a misdemeanor and shall be grounds for further action against the licensee by the board and for judicial sanctions or relief.

E. A person may prefer charges of fraud, deceit, gross negligence, incompetence or misconduct against a licensed professional engineer. The charges shall be in writing and shall be sworn to by the person making the charges and filed with the executive director of the board. All charges shall be referred to the engineering committee, acting for the board. No action that would have any of the effects specified in Subsection D, E or F of Section 61-1-3 NMSA 1978 may be initiated later than two years after the discovery by the board, but in no case shall an action be brought more than ten years after the completion of the conduct that constitutes the basis for the action. All charges, unless dismissed as unfounded, trivial, resolved by reprimand or settled informally, shall be heard in accordance with the provisions of the Uniform Licensing Act by the engineering committee acting for the board or by the board.

F. Persons making charges shall not be subject to civil or criminal suits; provided that the charges are made in good faith and are not frivolous or malicious.

G. The board or a board member may initiate proceedings pursuant to the provisions of this section in accordance with the provisions of the Uniform Licensing Act. Nothing in the Engineering and Surveying Practice Act shall deny the right of appeal from the decision and order of the board in accordance with the provisions of the Uniform Licensing Act.

H. The board, for reasons it deems sufficient, may reissue a license to a person whose license has been revoked or suspended if a majority of the members of the engineering committee, acting for the board, or of the board votes in favor of the reissuance. A new license bearing the original license number to replace a revoked, lost, destroyed or mutilated license may be issued subject to the rules of the board with payment of a fee.

I. A violation of any provision of the Engineering and Surveying Practice Act is a misdemeanor punishable upon conviction by a fine of not more than seven thousand five hundred dollars (\$7,500) or by imprisonment of no more than one year, or both.

J. The attorney general or district attorney of the proper district or special prosecutor retained by the board shall prosecute violations of the Engineering and Surveying Practice Act by a nonlicensee.

K. The practice of engineering in violation of the provisions of the Engineering and Surveying Practice Act shall be deemed a nuisance and may be restrained and abated by injunction without bond in an action brought in the name of the state by the district attorney or on behalf of the board by the attorney general or the special prosecutor retained by the board. Action shall be brought in the county where the violation occurs."

## **Chapter 39 Section 88 Laws 2022**

SECTION 88. Section 61-23-27.11 NMSA 1978 (being Laws 1993, Chapter 218, Section 32, as amended) is amended to read:

"61-23-27.11. SURVEYING--VIOLATIONS--DISCIPLINARY ACTIONS--PENALTIES--REISSUANCE OF LICENSES.--

A. In accordance with the Uniform Licensing Act, the board may suspend, refuse to renew or revoke the license, impose a fine not to exceed seven thousand five hundred dollars (\$7,500), place on probation for a specific period of time with specific conditions or reprimand a professional surveyor who is found by the board to have:

- (1) practiced or offered to practice surveying in New Mexico in violation of the Engineering and Surveying Practice Act;
- (2) attempted to use the license of another;
- (3) given false or forged evidence to the board or to a board member for obtaining a license;
- (4) falsely impersonated another licensee of like or different name;
- (5) attempted to use an expired, suspended or revoked license;
- (6) falsely purported to be a professional surveyor by claim, sign, advertisement or letterhead;
- (7) violated the rules of professional responsibility for professional surveyors adopted and promulgated by the board;
- (8) been disciplined in another state for action that would constitute a violation of either or both the Engineering and Surveying Practice Act or the rules adopted by the board pursuant to the Engineering and Surveying Practice Act;

(9) been convicted of a felony; or

(10) procured, aided or abetted any violation of the provisions of the Engineering and Surveying Practice Act or the rules adopted by the board.

B. The board may by rule and in accordance with the Uniform Licensing Act establish the guidelines for the disposition of disciplinary cases involving specific types of violations. Guidelines may include minimum and maximum fines, periods of probation or conditions of probation or reissuance of a license.

C. Failure to pay a fine levied by the board or to otherwise comply with an order issued by the board pursuant to the Uniform Licensing Act is a misdemeanor and shall be grounds for further action against the licensee by the board and for judicial sanctions or relief.

D. A person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against a professional surveyor. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the executive director of the board. No action that would have any of the effects specified in Subsection D, E or F of Section 61-1-3 NMSA 1978 may be initiated later than two years after the discovery by the board, but in no case shall such an action be brought more than ten years after the completion of the conduct that constitutes the basis for the action. All charges shall be referred to the professional surveying committee, acting for the board, or to the board. All charges, unless dismissed as unfounded, trivial, resolved by reprimand or settled informally, shall be heard in accordance with the provisions of the Uniform Licensing Act by the surveying committee, acting for the board, or by the board.

E. Persons making charges shall not be subject to civil or criminal suits if the charges are made in good faith and are not frivolous or malicious.

F. The board or a board member may initiate proceedings pursuant to the provisions of this section in accordance with the provisions of the Uniform Licensing Act. Nothing in the Engineering and Surveying Practice Act shall deny the right of appeal from the decision and order of the board in accordance with the provisions of the Uniform Licensing Act.

G. The board, for reasons it deems sufficient, may reissue a license to a person whose license has been revoked or suspended; provided that a majority of the members of the surveying committee, acting for the board, or of the board votes in favor of reissuance. A new license bearing the original license number to replace a revoked, lost, destroyed or mutilated license may be issued subject to the rules of the board with payment of a fee determined by the board.

H. A violation of any provision of the Engineering and Surveying Practice Act is a misdemeanor punishable upon conviction by a fine of not more than seven

thousand five hundred dollars (\$7,500) or by imprisonment of no more than one year, or both.

I. The attorney general or district attorney of the proper district or special prosecutor retained by the board shall prosecute violations of the Engineering and Surveying Practice Act by a nonlicensee.

J. The practice of surveying in violation of the provisions of the Engineering and Surveying Practice Act shall be deemed a nuisance and may be restrained and abated by injunction without bond in an action brought in the name of the state by the district attorney or on behalf of the board by the attorney general or the special prosecutor retained by the board. Action shall be brought in the county in which the violation occurs."

## **Chapter 39 Section 89 Laws 2022**

SECTION 89. Section 61-24B-7 NMSA 1978 (being Laws 1985, Chapter 151, Section 7, as amended) is amended to read:

"61-24B-7. BOARD--POWERS AND DUTIES.--The board shall:

A. promulgate rules in accordance with the State Rules Act to implement the provisions of the Landscape Architects Act;

B. provide for the examination, registration and re-registration of applicants;

C. adopt and use a seal;

D. administer oaths and take testimony on matters within the board's jurisdiction;

E. grant, deny, renew, suspend or revoke certificates of registration to practice landscape architecture in accordance with the provisions of the Uniform Licensing Act for any cause stated in the Landscape Architects Act;

F. grant, deny, renew, suspend or revoke landscape architect in training certificates in accordance with the provisions of the Uniform Licensing Act for any cause stated in the Landscape Architects Act;

G. conduct hearings upon charges relating to discipline of a registrant or the denial, suspension or revocation of a certificate of registration; and

H. in cooperation with the state board of examiners for architects and the state board of licensure for professional engineers and surveyors, create a joint standing committee to be known as the "joint practice committee" to safeguard life, health and property and to promote the public welfare. The committee shall promote

and develop the highest professional standards in design, planning and construction and the resolution of ambiguities concerning the professions. The composition of this committee and its powers and duties shall be in accordance with identical resolutions adopted by each board."

## **Chapter 39 Section 90 Laws 2022**

SECTION 90. Section 61-24B-9 NMSA 1978 (being Laws 1985, Chapter 151, Section 9, as amended) is amended to read:

"61-24B-9. REGISTRATION OF LANDSCAPE ARCHITECTS--EXAMINATIONS--EXEMPTIONS--EXPEDITED REGISTRATION.--

A. Applicants for certificates of registration shall be required to pass the board's examination for landscape architects. An applicant who passes the examination may be issued a certificate of registration to practice as a landscape architect.

B. The board shall conduct examinations of applicants for certificates of registration as landscape architects at least once each year. The examination shall determine the ability of the applicant to use and understand the theory and practice of landscape architecture and may be divided into such subjects as the board deems necessary.

C. An applicant who fails to pass the examination may reapply for the examination if the applicant complies with the rules established by the board.

D. The board shall issue an expedited certificate to practice as a landscape architect without an examination to an applicant who holds a current certificate of registration or license as a landscape architect issued by another licensing jurisdiction if the applicant demonstrates that the person holds a valid, unrestricted license and is in good standing with the licensing board in the other licensing jurisdiction. The board shall, as soon as practicable but no later than thirty days after an out-of-state registrant or licensee files an application for a license accompanied by required fees, process the application and issue an expedited certificate of registration in accordance with Section 61-1-31.1 NMSA 1978. The board by rule shall determine the states and territories of the United States and the District of Columbia from which it will not accept applications for expedited registration and foreign countries from which it will accept applications for expedited licensure. The board shall post on its website the list of disapproved licensing jurisdictions and the specific reasons for disapproval. The lists shall be reviewed annually to determine if amendments to the rule are warranted."

## **Chapter 39 Section 91 Laws 2022**

SECTION 91. Section 61-24B-15 NMSA 1978 (being Laws 1985, Chapter 151, Section 15) is amended to read:

"61-24B-15. BOARD--RULES.--The board shall make rules in accordance with the State Rules Act to implement the provisions of the Landscape Architects Act in accordance with the Uniform Licensing Act."

## **Chapter 39 Section 92 Laws 2022**

SECTION 92. Section 61-24D-1 NMSA 1978 (being Laws 2019, Chapter 239, Section 1) is amended to read:

"61-24D-1. SHORT TITLE.--Chapter 61, Article 24D NMSA 1978 may be cited as the "Home Inspector Licensing Act"."

## **Chapter 39 Section 93 Laws 2022**

SECTION 93. Section 61-24D-3 NMSA 1978 (being Laws 2019, Chapter 239, Section 3) is amended to read:

"61-24D-3. NEW MEXICO HOME INSPECTORS BOARD--CREATED--  
POWERS AND DUTIES.--

A. The "New Mexico home inspectors board" is created and is administratively attached to the regulation and licensing department.

B. The board shall consist of five members, appointed by the governor, who have been residents of the state for at least three consecutive years immediately prior to their appointment. Three members shall be home inspectors. One member shall be a real estate qualifying or associate broker licensed in accordance with Chapter 61, Article 29 NMSA 1978, and one member shall be a member of the public who has never been licensed as a home inspector or real estate broker. No more than one member shall be a resident of any one county in the state. The initial home inspector members appointed shall demonstrate that they have been actively and lawfully engaged in home inspections for at least twenty-four months prior to the effective date of the Home Inspector Licensing Act and have met the requirements of Paragraphs (1) through (4) of Subsection A of Section 61-24D-6 NMSA 1978. The initial home inspector members appointed shall comply with Paragraph (6) of Subsection A of Section 61-24D-6 NMSA 1978 within six months of the effective date of the licensing examination rule promulgated by the board in accordance with the State Rules Act. After the board is initially established, any replacement of a home inspector member shall be a licensee.

C. Board members shall serve for five years or until their successors are appointed and qualified. The governor may remove a member with or without cause. In the event of a vacancy, the governor shall appoint a member to complete the unexpired term. The initial board members appointed shall serve staggered terms from the date of their appointment as follows:

- (1) two members for three-year terms;

- (2) two members for two-year terms; and
- (3) one member for a one-year term.

D. The board shall elect annually from among its members a chair and other officers as the board determines. The board shall meet at times and places as fixed by the board. A majority of the board constitutes a quorum.

E. Members of the board may receive per diem and mileage as provided in the Per Diem and Mileage Act but shall receive no other compensation, perquisite or allowance.

F. The board shall possess all powers and perform all duties prescribed by the Home Inspector Licensing Act and as otherwise provided by law and may promulgate rules in accordance with the State Rules Act to carry out the provisions of the Home Inspector Licensing Act.

G. Pursuant to the provisions of the Home Inspector Licensing Act, the board shall:

- (1) adopt rules and procedures necessary to administer and enforce the provisions of the Home Inspector Licensing Act;
- (2) adopt and publish a code of ethics and standards of practice for persons licensed under the Home Inspector Licensing Act;
- (3) issue, renew, suspend, modify or revoke licenses to home inspectors in accordance with the Uniform Licensing Act;
- (4) establish standards for the training, experience and continuing education requirements of the Home Inspector Licensing Act;
- (5) establish the amount and administer the fees charged for examinations, initial licensure, license renewals, reinstatement of revoked or suspended licenses, reactivation of inactive or expired licenses, criminal background checks and other services pursuant to the provisions of the Home Inspector Licensing Act;
- (6) adopt and approve a licensing examination, which may be administered by a nationally accepted testing service as determined by the board;
- (7) conduct state and criminal background checks on all applicants for a license;
- (8) maintain a list of the names and addresses of all licensees and of all persons whose licenses have been suspended or revoked within that year, together

with such other information relative to the enforcement of the provisions of the Home Inspector Licensing Act;

(9) maintain a statement of all funds received and a statement of all disbursements;

(10) mail copies of statements to any person in this state upon request;  
and

(11) perform other functions and duties as may be necessary to administer or carry out the provisions of the Home Inspector Licensing Act."

## **Chapter 39 Section 94 Laws 2022**

SECTION 94. Section 61-27B-5 NMSA 1978 (being Laws 1993, Chapter 212, Section 5, as amended) is amended to read:

"61-27B-5. ADMINISTRATION OF ACT--RULES.--

A. The department shall enforce and administer the provisions of the Private Investigations Act in accordance with the Uniform Licensing Act.

B. The department shall keep a record of each individual licensee.

C. The department shall promulgate rules in accordance with the State Rules Act and enforce those rules necessary to carry out the provisions of the Private Investigations Act, including establishing professional ethical standards.

D. The department shall promulgate rules regarding:

(1) licensing private investigators, private investigations managers, private investigation companies, private patrol operators, private patrol operations managers, private patrol employees and polygraph examiners;

(2) registering private investigations employees, security guards and private patrol employees;

(3) establishing minimum training and educational standards for licensure and registration;

(4) establishing continuing education requirements;

(5) establishing and operating a branch office;

(6) creating a policy on reciprocity with other licensing jurisdictions of the United States;



- (7) providing permits for security guards for special events; and
- (8) conducting background investigations."

## **Chapter 39 Section 95 Laws 2022**

SECTION 95. Section 61-28B-5 NMSA 1978 (being Laws 1999, Chapter 179, Section 5, as amended) is amended to read:

"61-28B-5. BOARD--POWERS AND DUTIES.--

A. The board may:

- (1) appoint committees or persons to advise or assist it in carrying out the provisions of the 1999 Public Accountancy Act;
- (2) retain its own counsel to advise and assist it in addition to advice and assistance provided by the attorney general;
- (3) contract, sue and be sued and have and use a seal;
- (4) cooperate with the appropriate authorities in other states in investigation and enforcement concerning violations of the 1999 Public Accountancy Act and comparable acts of other states; and
- (5) promulgate rules in accordance with the State Rules Act to carry out the provisions of the 1999 Public Accountancy Act, including rules governing the administration and enforcement of the 1999 Public Accountancy Act and the conduct of certificate and permit holders.

B. The board shall:

- (1) maintain a registry of the names and addresses of certificate and permit holders;
- (2) develop, in conjunction with the department of public safety, rules requiring a criminal history background check of an applicant for initial or reciprocal certification in New Mexico as provided for in the 1999 Public Accountancy Act; and
- (3) conduct disciplinary or licensure proceedings in accordance with the Uniform Licensing Act."

## **Chapter 39 Section 96 Laws 2022**

SECTION 96. Section 61-29-4 NMSA 1978 (being Laws 1959, Chapter 226, Section 3, as amended) is amended to read:

"61-29-4. CREATION OF COMMISSION--POWERS AND DUTIES.--

A. The "New Mexico real estate commission" is created. The commission shall be appointed by the governor and shall consist of five members who shall have been residents of the state for three consecutive years immediately prior to their appointment, four of whom shall have been associate brokers or qualifying brokers licensed in New Mexico and one of whom shall be a member of the public who has never been licensed as an associate broker or a qualifying broker; provided that not more than one member shall be from any one county within the state. The members of the commission shall serve for a period of five years or until their successors are appointed and qualified. The governor may remove a member for cause. In the event of vacancies, the governor shall appoint members to complete unexpired terms.

B. The commission shall possess all the powers and perform all the duties prescribed by Chapter 61, Article 29 NMSA 1978 and as otherwise provided by law, and it is expressly vested with power and authority to promulgate rules in accordance with the State Rules Act and enforce those rules to carry out the provisions of that article."

## **Chapter 39 Section 97 Laws 2022**

SECTION 97. Section 61-29-12 NMSA 1978 (being Laws 1959, Chapter 226, Section 11, as amended) is amended to read:

"61-29-12. REFUSAL, SUSPENSION OR REVOCATION OF LICENSE FOR CAUSES ENUMERATED.--

A. In accordance with the Uniform Licensing Act, the commission may refuse to issue a license or may suspend, revoke, limit or condition a license if the applicant or licensee has, by false or fraudulent representations, obtained a license or, in performing or attempting to perform any of the actions specified in Chapter 61, Article 29 NMSA 1978, an applicant or licensee has:

- (1) made a substantial misrepresentation;
- (2) pursued a continued and flagrant course of misrepresentation; made false promises through agents, salespersons, advertising or otherwise; or used any trade name or insignia of membership in any real estate organization of which the licensee is not a member;
- (3) paid or received a rebate, profit, compensation or commission to or from any unlicensed person, except the licensee's principal or other party to the transaction, and then only with that principal's written consent;
- (4) represented or attempted to represent a qualifying broker other than a qualifying broker with whom the licensee is associated without the express knowledge and consent of that qualifying broker;

(5) failed, within a reasonable time, to account for or to remit any money coming into the licensee's possession that belongs to others, commingled funds of others with the licensee's own or failed to keep funds of others in an escrow or trustee account or failed to furnish legible copies of all listing and sales contracts to all parties executing them;

(6) been convicted in any court of competent jurisdiction of a felony or any offense involving moral turpitude;

(7) employed or compensated, directly or indirectly, a person for performing any of the acts regulated by Chapter 61, Article 29 NMSA 1978 who is not a licensed qualifying broker or an associate broker; provided, however, that a qualifying broker may pay a commission to a qualifying broker of another state as provided in Section 61-29-16.1 NMSA 1978;

(8) failed, if a qualifying broker, to place as soon after receipt as is practicably possible, after securing signatures of all parties to the transaction, any deposit money or other money received by the qualifying broker in a real estate transaction in a custodial, trust or escrow account, maintained by the qualifying broker in a bank or savings and loan institution or title company authorized to do business in this state, in which the funds shall be kept until the transaction is consummated or otherwise terminated, at which time a full accounting of the funds shall be made by the qualifying broker. Records relative to the deposit, maintenance and withdrawal of the funds shall contain information as may be prescribed by the rules of the commission. Nothing in this paragraph prohibits a qualifying broker from depositing nontrust funds in an amount not to exceed the required minimum balance in each trust account so as to meet the minimum balance requirements of the bank necessary to maintain the account and avoid charges. The minimum balance deposit shall not be considered commingling and shall not be subject to levy, attachment or garnishment. This paragraph does not prohibit a qualifying broker from depositing any deposit money or other money received by the qualifying broker in a real estate transaction with another cooperating broker who shall in turn comply with this paragraph;

(9) failed, if an associate broker, to place as soon after receipt as is practicably possible in the custody of the associate broker's qualifying broker, after securing signatures of all parties to the transaction, any deposit money or other money entrusted to the associate broker by any person dealing with the associate broker as the representative of the qualifying broker;

(10) violated a provision of Chapter 61, Article 29 NMSA 1978 or a rule promulgated by the commission;

(11) committed an act, whether of the same or different character from that specified in this subsection, that is related to dealings as a qualifying broker or an associate broker and that constitutes or demonstrates bad faith, incompetency, untrustworthiness, impropriety, fraud, dishonesty, negligence or any unlawful act; or

(12) been the subject of disciplinary action as a licensee while licensed to practice real estate in another jurisdiction, territory or possession of the United States or another country.

B. An unlawful act or violation of Chapter 61, Article 29 NMSA 1978 by an associate broker, employee, partner or associate of a qualifying broker shall not be cause for the revocation of a license of the qualifying broker unless it appears to the satisfaction of the commission that the qualifying broker had guilty knowledge of the unlawful act or violation."

## **Chapter 39 Section 98 Laws 2022**

SECTION 98. Section 61-29-20 NMSA 1978 (being Laws 1980, Chapter 82, Section 1) is amended to read:

"61-29-20. SHORT TITLE.--Sections 61-29-20 through 61-29-29 NMSA 1978 may be cited as the "Real Estate Recovery Fund Act"."

## **Chapter 39 Section 99 Laws 2022**

SECTION 99. Section 61-30-7 NMSA 1978 (being Laws 1990, Chapter 75, Section 7, as amended) is amended to read:

"61-30-7. BOARD--POWERS--DUTIES.--The board shall:

A. promulgate rules in accordance with the State Rules Act to implement the provisions of the Real Estate Appraisers Act;

B. establish educational programs and research projects related to the appraisal of real estate;

C. establish the administrative procedures for processing applications and issuing registrations, licenses and certificates to persons who qualify to be real estate appraiser trainees, state licensed residential real estate appraisers or state certified real estate appraisers;

D. receive, review and approve applications for real estate appraiser trainees, state licensed residential real estate appraisers and each category of state certified real estate appraisers;

E. define the extent and type of educational experience, appraisal experience and equivalent experience that will meet the requirements for registration, licensing and certification pursuant to the Real Estate Appraisers Act after considering generally recognized appraisal practices and set minimum requirements for education and experience;

F. provide for continuing education programs for the renewal of registrations, licenses and certification that will meet the requirements provided in the Real Estate Appraisers Act and set minimum requirements;

G. adopt standards to define the education programs that will meet the requirements of the Real Estate Appraisers Act and that will encourage conducting programs at various locations throughout the state;

H. adopt standards for the development and communication of real estate appraisals provided in the Real Estate Appraisers Act and adopt rules explaining and interpreting the standards after considering generally recognized appraisal practices;

I. adopt a code of professional responsibility for real estate appraiser trainees, state licensed residential real estate appraisers and state certified real estate appraisers;

J. comply with annual reporting requirements and other requirements set forth in the federal real estate appraisal reform amendments;

K. collect and transmit annual registry fees from persons who perform or seek to perform appraisals in federally related transactions and from an appraisal management company that either has registered with the board or operates as a subsidiary of a federally regulated financial institution;

L. maintain a registry of the names and addresses of the persons who hold current registrations, licenses and certificates issued under the Real Estate Appraisers Act;

M. establish procedures for disciplinary action in accordance with the Uniform Licensing Act against any applicant or holder of a registration, license or certificate for violations of the Real Estate Appraisers Act and any rules adopted pursuant to provisions of that act;

N. register and supervise appraisal management companies and submit additional information about the appraisal management company to the appraisal subcommittee's national registry;

O. recognize appraiser certifications and licenses from states whose appraisal program is found to be consistent with Title 11 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as determined by the appraisal subcommittee; and

P. perform such other functions and duties as may be necessary to carry out the provisions of the Real Estate Appraisers Act."

## **Chapter 39 Section 100 Laws 2022**

SECTION 100. Section 61-32-6 NMSA 1978 (being Laws 1993, Chapter 204, Section 6, as amended) is amended to read:

"61-32-6. BOARD POWERS.--

A. In addition to any other authority provided by law, the board has the power to:

- (1) promulgate rules in accordance with the State Rules Act that are necessary to carry out the provisions of the Funeral Services Act;
- (2) promulgate rules implementing continuing education requirements;
- (3) conduct hearings upon charges relating to the discipline of licensees and take administrative actions pursuant to the Uniform Licensing Act;
- (4) except as provided in Section 61-1-34 NMSA 1978, establish reasonable fees to carry out the provisions of the Funeral Services Act;
- (5) provide for investigations necessary to determine violations of the Funeral Services Act;
- (6) establish committees as the board deems necessary for carrying out the provisions of the Funeral Services Act;
- (7) apply for injunctive relief to enforce the provisions of the Funeral Services Act or to restrain any violation of that act; and
- (8) conduct criminal background checks on applicants for licensure.

B. No action or other legal proceedings for damages shall be instituted against the board, any board member or employee of the board for any act performed in good faith and in the intended performance of any power or duty granted under the Funeral Services Act or for any neglect or default in the good faith performance or exercise of any such power or duty."

## **Chapter 39 Section 101 Laws 2022**

SECTION 101. Section 61-33-3 NMSA 1978 (being Laws 1973, Chapter 394, Section 3, as amended) is amended to read:

"61-33-3. ADMINISTRATION--ENFORCEMENT.--

A. The administration and enforcement of the Utility Operators Certification Act is vested in the department.

B. The department shall:

(1) approve and accredit schools and training programs designed to educate and qualify persons for certification in one of the classifications of public water supply system operators or public wastewater facility operators;

(2) prepare and administer written and practical examinations, based on nationally accepted standards, for certification of applicants as operators for one of the facility classifications established pursuant to Subsection A of Section 61-33-4 NMSA 1978;

(3) enter into agreements, contracts or cooperative arrangements with persons;

(4) receive and accept financial and technical assistance;

(5) promulgate rules in accordance with the State Rules Act; and

(6) issue, renew, suspend or revoke licenses or discipline a licensee in accordance with the Uniform Licensing Act."

## **Chapter 39 Section 102 Laws 2022**

SECTION 102. Section 61-34-8 NMSA 1978 (being Laws 2007, Chapter 248, Section 8) is amended to read:

"61-34-8. BOARD POWERS AND DUTIES.--

A. The board shall:

(1) administer and enforce provisions of the Signed Language Interpreting Practices Act;

(2) promulgate rules in accordance with the State Rules Act setting forth the qualifications of applicants for licensure and the provisions for the administration of examinations and the issuance, renewal, suspension or revocation of licenses;

(3) evaluate the qualifications of applicants for licensure and issue licenses;

(4) promulgate rules to effectively carry out and enforce the provisions of the Signed Language Interpreting Practices Act;

- (5) submit an annual budget for each fiscal year to the department;
- (6) maintain a record of all proceedings; and
- (7) provide an annual report to the governor.

B. The board may refuse, suspend or revoke a license of an interpreter, conduct investigations, issue subpoenas and hold hearings as provided in the Uniform Licensing Act."

### **Chapter 39 Section 103 Laws 2022**

SECTION 103. Section 61-37-12 NMSA 1978 (being Laws 2020, Chapter 46, Section 12) is amended to read:

"61-37-12. FEES RETAINED BY THE DIVISION.--All fees collected by the division pursuant to the Tobacco Products Act shall be deposited into the tobacco products administration fund."

### **Chapter 39 Section 104 Laws 2022**

SECTION 104. TEMPORARY PROVISION--RULE CHANGES TO COMPLY WITH ACT.--A board that is required by this act to change its licensing provisions to allow for new or different expedited licensure shall have rules in place and operational by January 1, 2023.

### **Chapter 39 Section 105 Laws 2022**

SECTION 105. RECOMPILATION.--

A. Sections 61-6-7.3 and 61-6-7.4 NMSA 1978 (being Laws 1997, Chapter 187, Section 4 and Laws 2017, Chapter 103, Section 6) are recompiled as Sections 61-6C-5 and 61-6C-6 NMSA 1978.

B. Sections 61-6-10.2 through 61-6-10.7, 61-6-10.10 and 61-6-10.11 NMSA 1978 (being Laws 2001, Chapter 311, Sections 2 through 7 and 10 and Laws 2015, Chapter 52, Section 3, as amended) are recompiled as Sections 61-6D-2 through 61-6D-7, 61-6D-9 and 61-6D-10 NMSA 1978.

C. Sections 61-36-2, 61-36-4 and 61-36-5 NMSA 1978 (being Laws 2017, Chapter 136, Sections 2, 4 and 5, as amended) are recompiled as Sections 61-3B-2, 61-3B-4 and 61-3B-5 NMSA 1978.



## **Chapter 39 Section 106 Laws 2022**

SECTION 106. REPEAL.--

A. Sections 61-1-27 and 61-1-30 NMSA 1978 (being Laws 1957, Chapter 247, Section 27 and Laws 1971, Chapter 54, Section 4, as amended) are repealed.

B. Section 61-6-7 NMSA 1978 (being Laws 1973, Chapter 361, Section 3, as amended) is repealed.

## **LAWS 2022, CHAPTER 40**

**House Bill 60, aa**  
**Approved March 3, 2022**

AN ACT

RELATING TO SCHOOL PERSONNEL; REQUIRING SALARY PARITY FOR PEOPLE WHO HOLD NATIVE AMERICAN LANGUAGE AND CULTURE CERTIFICATES.

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

## **Chapter 40 Section 1 Laws 2022**

SECTION 1. Section 22-10A-13 NMSA 1978 (being Laws 2003, Chapter 153, Section 44) is amended to read:

"22-10A-13. NATIVE AMERICAN LANGUAGE AND CULTURE CERTIFICATES.--The department shall issue a Native American language and culture certificate to a person proficient in a Native American language and culture of a New Mexico tribe or pueblo who meets criteria established through a memorandum of agreement between the tribe or pueblo and the public education department. A baccalaureate degree is not required for the person applying for this certificate. The Native American language and culture certificate shall be issued and renewable in accordance with procedures established by the department based on the agreement made with the tribe or pueblo. The minimum annual salary for a person holding a Native American language and culture certificate and working full time in an instructional capacity shall be equal to the minimum annual salary for a level one licensed teacher."

## **LAWS 2022, CHAPTER 41**

**HHHC/House Bill 135, aa**  
**Approved March 3, 2022**

AN ACT

RELATING TO CHILDREN; ENACTING THE INDIAN FAMILY PROTECTION ACT; CONSOLIDATING PROVISIONS SPECIFIC TO CHILD CUSTODY PROCEEDINGS INVOLVING INDIAN CHILDREN INTO THE INDIAN FAMILY PROTECTION ACT; PROVIDING ADDITIONAL REQUIREMENTS GOVERNING CHILD CUSTODY PROCEEDINGS INVOLVING INDIAN CHILDREN; PROVIDING FOR CONFIDENTIALITY OF CERTAIN RECORDS; PROVIDING A PENALTY; CREATING THE OFFICE OF TRIBAL AFFAIRS WITHIN THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT; REQUIRING A CULTURAL COMPONENT IN CASE PLANS IN ABUSE AND NEGLECT PROCEEDINGS; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

### **Chapter 41 Section 1 Laws 2022**

SECTION 1. A new section of the Children's Code is enacted to read:

"SHORT TITLE.--Sections 1 through 42 of this act may be cited as the "Indian Family Protection Act"."

### **Chapter 41 Section 2 Laws 2022**

SECTION 2. A new section of the Children's Code is enacted to read:

"DEFINITIONS.--As used in the Indian Family Protection Act:

A. "active efforts" means efforts that are affirmative, active, thorough and timely and that represent a higher standard of conduct than reasonable efforts;

B. "adoptive placement" means a permanent placement of an Indian child for adoption, including an action resulting in a final decree of adoption;

C. "child custody proceeding" means an action for foster care placement, termination of parental rights, permanent guardianship or adoptive placement or an action pursuant to Section 32A-3A-8 NMSA 1978 or the Family in Need of Court-Ordered Services Act and includes investigations and other preliminary activities preceding the formal initiation of an action, but does not include:

(1) delinquency proceedings; and

(2) custodial proceedings or kinship guardianships pursuant to Chapter 40 NMSA 1978;

D. "cultural compact" means an agreement that documents how an Indian child placed in an adoptive or guardianship home will continue to actively participate in the child's cultural learning and activities and that is entered into among:

(1) the adoptive parents or guardians of the Indian child, which parents or guardians are not members of the Indian child's tribe; and

(2) the Indian child's tribe;

E. "discussion with an Indian tribe" means documented good faith efforts to actively communicate and work with an Indian tribe;

F. "extended family member" means a person who is defined to be an extended family member by law or custom of an Indian child's tribe or, in the absence of such law or custom, means a person who is eighteen years of age or older and who is an Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, stepparent or godparent;

G. "fictive kin" means a person:

(1) who is not a relative or an extended family member of an Indian child and who has a significant, family-like relationship with the child or the child's family, which relationship existed prior to the child's entry into foster care;

(2) who meets the definition of "fictive kin" as established by an Indian child's tribe's law, custom or tradition; or

(3) chosen by an Indian child who is fourteen years of age or older, regardless of when the relationship between the person and the Indian child was established, when it is in the best interest of the child to identify that person as fictive kin; and

H. "foster care placement" means:

(1) an action pursuant to the Abuse and Neglect Act removing an Indian child from the child's parent, guardian or Indian custodian for temporary placement in a foster home or institution or the home of a guardian where the parent or Indian custodian cannot have the child returned upon demand, but in which parental rights have not been terminated; or

(2) the temporary placement of an Indian child in foster care pursuant to a voluntary agreement entered into between a parent, guardian or Indian custodian and the department pursuant to the Family Services Act."

## **Chapter 41 Section 3 Laws 2022**

SECTION 3. A new section of the Children's Code is enacted to read:

"INDIAN CHILD'S DOMICILE--DETERMINATION OF DOMICILE AND RESIDENCE.--

A. In a child custody proceeding involving an Indian child, the court shall determine and make an order of the domicile and residence of the Indian child and whether the Indian child is under the jurisdiction of a tribal court.

B. The department shall communicate with the Indian child's tribe as necessary to assist the court in making a determination pursuant to this section. If it is unclear which tribe is the Indian child's tribe, the department shall communicate with any tribe with which there is reason to know that the Indian child may be a member or eligible for membership."

## **Chapter 41 Section 4 Laws 2022**

SECTION 4. A new section of the Children's Code is enacted to read:

"ACTIVE EFFORTS REQUIRED IN CHILD CUSTODY PROCEEDINGS, INCLUDING VOLUNTARY PLACEMENT AGREEMENTS.--In a child custody proceeding involving an Indian child:

A. active efforts to maintain or reunite an Indian child with the Indian child's family shall be made pursuant to the Indian Family Protection Act. Active efforts shall be tailored to the facts and circumstances of each case. The department shall not seek findings of futility or aggravated circumstances;

B. the department shall, in cooperation with the Indian child and the Indian child's parents, extended family members, guardian, Indian custodian and Indian tribe, make active efforts to maintain or reunite an Indian child with the Indian child's family and tailor the active efforts to the facts and circumstances of the case and shall:

(1) document in writing the details demonstrating the quality and quantity of services and assistance provided to alleviate the causes and conditions leading to the child custody proceeding, on the court record;

(2) assist the Indian child's parent or parents, guardian or Indian custodian through the steps of a department case plan and with accessing or developing the resources necessary to satisfy the department case plan;

(3) provide assistance in a manner consistent with the prevailing social and cultural standards and way of life of the Indian child's tribe; and

(4) conduct a comprehensive assessment of the circumstances of an Indian child's family with a goal of reunification;

C. the department may make active efforts to maintain or reunite an Indian child with the Indian child's family by:

(1) identifying and establishing appropriate services and assisting the Indian child's parents to overcome barriers to reunification, including actively assisting the parents in obtaining those services;

(2) identifying, notifying and inviting representatives of the Indian child's tribe to participate in family team meetings, team decision meetings, permanency planning, resolution of placement issues and providing support and services to the Indian child's family;

(3) conducting or causing to be conducted a diligent search for the Indian child's extended family members and contacting and consulting with the Indian child's extended family members and adult relatives to provide family structure and support for the Indian child and the Indian child's parents;

(4) offering and employing culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the Indian child's tribe;

(5) taking steps to keep the Indian child and the Indian child's siblings together whenever possible;

(6) supporting regular visits with the Indian child's parent, guardian or Indian custodian, in the most natural setting as possible, as well as trial home visits during a period of removal, consistent with the need to ensure the health, safety and welfare of the Indian child;

(7) identifying community resources, including housing, financial assistance, transportation, mental health services, health care, substance use prevention and treatment and peer support services and actively assisting the Indian child's parents, guardian or Indian custodian or, when appropriate, the Indian child's family and extended family members, in using and accessing those resources;

(8) monitoring progress and participation of the Indian child's parents, guardian, Indian custodian or extended family members if the services described in Paragraphs (1), (2), (4) and (7) of this subsection are not available and considering alternative ways to address the needs of the Indian child's parents, guardian, Indian custodian and, where appropriate, the family, if the optimum services do not exist or are not available;

(9) providing post-reunification services and monitoring for the duration of the court's jurisdiction;

(10) allowing the Indian child to participate in customs and traditions, including attending and participating in traditional ceremonies centered around the Indian child and the Indian child's family; or

(11) any other efforts that are appropriate to the Indian child's circumstances;

D. prior to accepting an Indian child for voluntary placement, the department shall document the active efforts:

(1) made by the department to provide or arrange services by other public or private agencies that would be affordable to the family; and

(2) that would alleviate the conditions leading to the placement request;

E. the department shall record all efforts made toward active efforts and report them to the court; and

F. the court shall make a written determination at the conclusion of every proceeding as to whether the department has made active efforts to maintain or reunite the Indian child with the Indian child's family. The court shall make a written determination based on evidence on the record as to whether the department has made active efforts to provide services and support to preserve and reunify the family."

## **Chapter 41 Section 5 Laws 2022**

SECTION 5. A new section of the Children's Code is enacted to read:

"NOTICE TO INDIAN TRIBES.--

A. In a child custody proceeding when the court knows or has reason to know that an Indian child is involved, the department shall notify the parent, guardian or Indian custodian and the Indian child's tribe, by certified mail with return receipt requested, of:

(1) the pending proceedings;

(2) the right of the Indian child's parent, guardian, Indian custodian and Indian child's tribe to:

(a) intervention; and

(b) petition the court to transfer the proceeding to the tribal court;

(3) the right of the Indian child's parent, guardian or Indian custodian to court-appointed counsel if the court determines that person is unable to afford counsel; and

(4) the right of the Indian child's tribe to participate in the child custody proceeding whether or not the Indian child's tribe intervenes.

B. In the event that the department attempts to enter into discussion with an Indian tribe and the tribe does not respond within the time frame provided for in the Indian Family Protection Act, the department may proceed; provided that the absence of a tribal response does not:

(1) eliminate other requirements of future communication and work with the Indian tribe concerning the child; or

(2) affect the Indian tribe's ability to respond to an action that has not yet been taken."

## **Chapter 41 Section 6 Laws 2022**

SECTION 6. A new section of the Children's Code is enacted to read:

"TRIBAL MEMBERSHIP--DEPARTMENT ASSISTANCE.--When an Indian child is placed in the custody of the department, the department shall work with the parent, the guardian, the Indian custodian or the Indian child's tribe to establish membership, at the direction of the parent or the Indian tribe. The department shall not determine tribal membership. An Indian tribe shall have the sole right to determine membership and membership eligibility, as defined by the Indian tribe's law, custom, tradition and practice. The department shall provide records to assist with determining membership eligibility at the request of the parent or the Indian child's tribe."

## **Chapter 41 Section 7 Laws 2022**

SECTION 7. A new section of the Children's Code is enacted to read:

"INDIAN CHILD CUSTODY PROCEEDINGS--JURISDICTION--TRANSFER.--

A. An Indian tribe has exclusive jurisdiction over a child custody proceeding involving an Indian child who resides or is domiciled within the reservation of the Indian tribe, except when jurisdiction is otherwise vested in the state by federal law or pursuant to a tribal-state agreement. When an Indian child is under the jurisdiction of the tribal court, the Indian tribe shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child.

B. In a child custody proceeding involving an Indian child not domiciled or residing within the reservation of the Indian child's tribe, the court and the tribal court have concurrent jurisdiction.

C. At the inception of a child custody proceeding involving an Indian child not domiciled or residing within the reservation of the Indian child's tribe, or upon a motion for transfer at any stage of the proceeding, the department shall, without delay, ask the Indian child's tribe in writing whether the Indian child's tribe will accept jurisdiction over the child custody proceeding.

D. If the Indian child's tribe declines to accept jurisdiction, the court retains jurisdiction. A parent, guardian, Indian custodian or the Indian child's tribe retains the right to move the court to transfer the proceeding to the tribal court at any stage of the proceeding. A transfer motion may be made orally on the record or in writing.

E. If the Indian child's tribe accepts jurisdiction in writing provided to the court, the court shall transfer the child custody proceeding to the tribal court unless:

- (1) either parent of the Indian child objects to the transfer; or
- (2) good cause exists to deny the transfer.

F. If any party asserts that good cause to deny the transfer exists, the reasons for that belief or assertion shall be placed on the record in a written motion, and the motion shall be served on the parties and the Indian child's tribe. The court shall hold a hearing on the record in which:

- (1) all parties and the Indian child's tribe, even if the tribe has not formally intervened in the case, have an opportunity to present facts and legal arguments;
- (2) the burden to establish good cause is on the party opposing the transfer; and
- (3) good cause shall be established by clear and convincing evidence.

G. For the purpose of transferring a case, a finding of good cause shall not be based on:

- (1) the advanced stage of a child custody proceeding if the parent, guardian, Indian custodian or Indian child's tribe did not receive notice of the proceeding until an advanced stage;
- (2) the timing of the tribe's intervention;
- (3) whether there have been prior proceedings in the court involving the Indian child for which no petition to transfer was filed;
- (4) predictions of whether the transfer could result in a change in the placement of the Indian child;
- (5) the Indian child's cultural connections with the Indian tribe or its reservation;
- (6) consideration of any perceived inadequacy of an Indian tribe's judicial systems;



(7) consideration of the perceived socioeconomic conditions within an Indian tribe or reservation; or

(8) a delay in placing an Indian child with the Indian child's extended family members or adult relatives, regardless of the stage of the child custody proceeding.

H. If the court denies the transfer for good cause, the basis for the decision shall be stated orally on the record and in a written order.

I. When a court authorizes transfer, the court:

(1) retains jurisdiction and shall not dismiss the case until the tribal court exercises jurisdiction and confirms that the tribe has received all information required by this section;

(2) shall expeditiously transfer to the tribal court all records related to the proceeding, including all pleadings and the court record; and

(3) shall direct the department to:

(a) coordinate with the tribal court and the Indian child's tribe to ensure that the transfer is accomplished with minimal disruption of services to the Indian child and the Indian child's family; and

(b) expeditiously provide at no cost to the appropriate tribal agency: 1) all records and original documents related to the Indian child in the department's possession, including a birth certificate, social security card, certificate of Indian birth and similar documents; 2) documentation related to the Indian child's eligibility for state and federal assistance; and 3) the entire case record in the possession of the department."

## **Chapter 41 Section 8 Laws 2022**

SECTION 8. A new section of the Children's Code is enacted to read:

"TRIBAL-STATE AGREEMENTS.--

A. The department shall make a good faith effort to enter into a tribal-state agreement for the coordination of care and custody of Indian children with each Indian tribe within the borders of this state.

B. The department may enter into a tribal-state agreement with any Indian tribe outside of this state if there are children residing in this state who are members of or are eligible to become members of that Indian tribe.

C. Any state services requiring a tribal-state agreement based on a funding source shall be negotiated and entered into to meet the provisions of this section.

D. A tribal-state agreement may include an agreement regarding:

(1) whether a case needs to be filed, and whether the case would be filed by the department in court or by the appropriate tribal agency in tribal court;

(2) exclusive jurisdiction over cases filed by the department in which the court and tribal court would otherwise have concurrent jurisdiction;

(3) the process to transfer cases between a court and tribal court; and

(4) procedures for the assessment, removal, placement and custody of Indian children.

E. A tribal-state agreement shall:

(1) provide for cooperative delivery of child welfare services to Indian children in this state, including the use, to the extent available, of services provided by the Indian tribe; and

(2) if services provided by the Indian tribe are unavailable, provide for the department's use of community services and resources developed specifically for Indian families and that have demonstrated experience and capacity to provide culturally relevant and effective services to children.

F. The department shall review the tribal-state agreement every five years and invite the tribe to propose updates to the tribal-state agreement."

## **Chapter 41 Section 9 Laws 2022**

SECTION 9. A new section of the Children's Code is enacted to read:

"FULL FAITH AND CREDIT.--The state shall recognize and give full faith and credit to public acts, records and judicial proceedings regarding parentage, nonparentage, adoption and custody decided in an Indian tribe's jurisdiction."

## **Chapter 41 Section 10 Laws 2022**

SECTION 10. A new section of the Children's Code is enacted to read:

"RIGHT TO SERVICES.--An Indian child residing on or off a reservation, as a resident of this state, shall have the same right to services that are available to other children of this state. The cost of the services provided to an Indian child or the Indian child's parents, guardian or Indian custodian shall be determined and provided for in the

same manner as services are made to other children of the state, using tribal, state and federal funds."

## **Chapter 41 Section 11 Laws 2022**

SECTION 11. A new section of the Children's Code is enacted to read:

"TEMPORARY EMERGENCY JURISDICTION.--

A. The department shall file a petition for temporary emergency removal where the department demonstrates that an Indian child is a resident of or domiciled on a reservation but temporarily located off a reservation. The department shall provide notice and request receipt of notice to the Indian child's tribe, parents, guardian and Indian custodian within twenty-four hours of the filing of the petition.

B. A court of this state has temporary emergency jurisdiction if the Indian child is present in this state but is domiciled on a reservation and the Indian child has been abandoned or it is necessary in an emergency to protect the Indian child because the Indian child, or a sibling or parent of the Indian child, is subjected to or threatened with abuse or neglect.

C. A child custody determination made under this section remains in effect until an order is obtained from a tribal court. If a child custody proceeding has not been or is not commenced in tribal court, the department may file a petition alleging abuse and neglect.

D. A court of this state that has been asked to make a temporary emergency order for temporary jurisdiction, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a tribal court having jurisdiction shall immediately communicate with that tribal court to resolve the emergency, protect the safety of the parties and the Indian child and determine a period for the duration of the temporary order."

## **Chapter 41 Section 12 Laws 2022**

SECTION 12. A new section of the Children's Code is enacted to read:

"INVESTIGATIONS.--

A. Within twenty-four hours of initiating an investigation that involves an Indian child, the department shall notify the Indian child's tribe of:

- (1) the investigation;
- (2) the involvement of the Indian child;

(3) the department's obligation to collaborate with the Indian child's tribe to identify a potential qualified expert witness or witnesses to participate in the proceeding if the investigation results in a child custody proceeding; and

(4) the department's obligation to identify a potential qualified expert witness or witnesses no later than thirty days prior to a child custody or termination proceeding.

B. During an investigation that involves an Indian child, the department shall:

(1) coordinate services with the Indian child's tribe to prevent taking the child into custody;

(2) provide culturally appropriate remedial services designed to prevent the breakup of the Indian family; and

(3) make active efforts to identify extended family members and fictive kin able to be alternative care providers or to ensure the safety of the child.

C. The department's active efforts to coordinate services to prevent taking the Indian child into custody shall be documented in any subsequent action that may result in the child coming into the department's custody.

D. Before filing a petition related to an Indian child, the department shall notify the Indian child's tribe of the results of the investigation, including the active efforts that have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful, resulting in the department's intention to file the petition."

## **Chapter 41 Section 13 Laws 2022**

SECTION 13. A new section of the Children's Code is enacted to read:

"PENDING COURT PROCEEDINGS--NOTICE--STANDARDS OF EVIDENCE--DOCUMENTATION OF APPLICABILITY AND COMPLIANCE.--

A. The court shall not make findings of futility or aggravated circumstances in the child custody proceeding.

B. The standards of evidence of the following child custody proceedings are as follows:

(1) the court shall not order a foster care placement of an Indian child at adjudication unless clear and convincing evidence is presented, including the testimony of one or more qualified expert witnesses, demonstrating that the child's

continued custody by the child's parent, guardian or Indian custodian is likely to result in serious emotional or physical damage to the child;

(2) the court shall not order a termination of parental rights for an Indian child unless evidence beyond a reasonable doubt is presented, including the testimony of one or more qualified expert witnesses, demonstrating that the child's continued custody by the child's parent, guardian or Indian custodian is likely to result in serious emotional or physical damage to the child;

(3) for a foster care placement at adjudication or termination of parental rights, the evidence shall show a causal relationship between the particular conditions in the home and the likelihood that continued custody of the child will result in serious emotional or physical damage to the particular child who is the subject of the child custody proceeding; and

(4) without a causal relationship identified in Paragraph (3) of this subsection, evidence that shows only the existence of community or family poverty, isolation, single parenthood, custodian age, crowded or inadequate housing, substance abuse or nonconforming social behavior shall not by itself constitute clear and convincing evidence or evidence beyond a reasonable doubt that continued custody is likely to result in serious emotional or physical damage to the child.

C. If there is a reason to know that the Indian child's parent, guardian or Indian custodian has limited English proficiency and may not understand the contents of the notice pursuant to Subsection A of this section, the court shall provide language access services as required by Title 6 of the federal Civil Rights Act of 1964 and other applicable federal and state laws. If the court is unable to secure translation or interpretation support, the court shall contact or direct a party to contact the Indian child's tribe or the local office of the United States department of the interior bureau of Indian affairs for assistance identifying a qualified translator or interpreter.

D. If the identity or location of the parent, guardian or Indian custodian and the Indian tribe cannot be determined, a notice shall be given to the secretary in the same manner as provided in Subsection A of this section. The secretary shall have fifteen days after receipt of the notice to provide the same notice to the parent, guardian or Indian custodian and the Indian tribe.

E. A foster care placement or termination of parental rights proceeding shall not be held until at least ten days after receipt of notice by the parent, guardian or Indian custodian and the Indian tribe or the secretary pursuant to this section; provided that the parent, guardian or Indian custodian or the Indian tribe shall, upon request, be granted up to twenty additional days to prepare for that proceeding.

F. Nothing in this section prevents a court from reviewing a removal of an Indian child from the child's parent, guardian or Indian custodian at an emergency custody proceeding before the expiration of the waiting periods provided in Subsections

D and E of this section to determine the appropriateness of the removal and potential return of the child."

## **Chapter 41 Section 14 Laws 2022**

SECTION 14. A new section of the Children's Code is enacted to read:

"INTERVENTION.--

A. An Indian child's tribe has the right to intervene at any point in a child custody proceeding.

B. In any court proceeding subject to the Indian Family Protection Act for the foster care placement, guardianship placement, adoptive placement of or termination of parental rights to an Indian child, the Indian child's relative or extended family member, the guardian, the Indian custodian or a foster parent with whom the child has resided for at least twelve months may file a motion to intervene at any point in the proceeding.

C. When determining whether a person described in Subsection B of this section should be permitted to intervene, the court shall consider:

- (1) the person's rationale for the proposed intervention; and
- (2) whether intervention is in the best interest of the Indian child.

D. When the court determines that the Indian child's best interest will be served as a result of intervention by a person described in Subsection B of this section, the court may permit intervention unless the party opposing intervention can demonstrate that a viable plan for reunification with the respondents is in progress and that intervention could impede the progress of the reunification plan."

## **Chapter 41 Section 15 Laws 2022**

SECTION 15. A new section of the Children's Code is enacted to read:

"PETITION--FORM AND CONTENT.--In a petition initiating a child custody proceeding, the department shall include a statement as to whether the child who is the subject of the child custody proceeding is an Indian child and shall include information about:

- A. the Indian child's tribe;
- B. the tribal affiliations of the Indian child's parents;
- C. active efforts made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts

were proven to be unsuccessful and the reasons these efforts were unsuccessful, if known;

D. active efforts made to comply with the notice requirements pursuant to the Indian Family Protection Act, including results of the contact and the names, addresses, titles and telephone numbers of the persons contacted. Copies of any correspondence with the Indian child's tribe shall be attached as exhibits to the petition; and

E. active efforts made to comply with the placement preferences set forth in the Indian Family Protection Act or the placement preferences of the Indian child's tribe."

## **Chapter 41 Section 16 Laws 2022**

SECTION 16. A new section of the Children's Code is enacted to read:

"RECORD OF INDIAN CHILD'S TRIBE--INDIAN TRIBE'S RIGHT TO PARTICIPATE.--

A. The department shall keep a record of:

(1) an Indian tribe of which the Indian child is a member or eligible for membership, as determined by the Indian child's tribe;

(2) whether the Indian child is a member of one Indian tribe but is eligible for membership in one or more other Indian tribes;

(3) the Indian tribe designated by agreement between one or more Indian tribes if the Indian child is not a member of each of those Indian tribes but is eligible for membership in each of those Indian tribes; or

(4) the Indian tribe recorded by the court pursuant to Subsection D of this section if the Indian child is eligible for membership in each of those Indian tribes and the Indian tribes cannot agree on the designation of the Indian child's tribe.

B. If the department files a petition, the department shall inform the court on the record of the Indian tribe or tribes of which the Indian child is a member or eligible for membership.

C. If there is no dispute, the court shall make a record of the Indian child's tribe.

D. If there is a dispute as to which Indian tribe is the Indian child's tribe, the court shall, after a hearing, record the Indian tribe with which the Indian child has more significant contacts, taking into consideration:

- (1) the preference of each of the Indian child's parents;
- (2) the duration of the Indian child's current or prior domicile or residence on or near the reservation of each Indian tribe;
- (3) the tribal membership of the Indian child's custodial parent or Indian custodian;
- (4) the interests asserted by each Indian tribe;
- (5) whether the Indian tribe has previously adjudicated a case involving an Indian child;
- (6) the Indian tribe's custom and tradition; and
- (7) if the court determines that the Indian child is of sufficient age and capacity to meaningfully self-identify the Indian child's tribe, the self-identification of the Indian child.

E. If an Indian child is a member of or is eligible for membership in more than one Indian tribe, the court shall permit an Indian tribe, in addition to the Indian child's tribe as determined pursuant to Subsection D of this section, to participate in the child custody proceeding as an intervenor.

F. In a child custody proceeding involving an Indian child, the Indian child's tribe may be present and may participate at a closed hearing regardless of whether the Indian child's tribe has intervened.

G. The Indian child's tribe or any Indian tribe claiming the Indian child as a member, whether or not the Indian tribe has intervened, shall have the right to examine all reports or other documents filed with the court upon which a decision with respect to the action may be based."

## **Chapter 41 Section 17 Laws 2022**

SECTION 17. A new section of the Children's Code is enacted to read:

"QUALIFIED EXPERT WITNESS.--

A. The court shall receive testimony from one or more qualified expert witnesses in all adjudicatory hearings pursuant to the Abuse and Neglect Act and all hearings to terminate parental rights. The court shall receive testimony from a qualified expert witness regardless of whether the parties to the proceeding have stipulated to a finding of abuse or neglect.



B. A person may be qualified by the court to serve as a qualified expert witness if the court finds that the person is:

(1) knowledgeable about the prevailing social and cultural standards of the tribe and is familiar with the family and child-rearing practices of the Indian child's tribe;

(2) able to testify regarding whether the Indian child's continued custody by the parent, guardian or Indian custodian is likely to result in serious emotional or physical damage to the child; and

(3) a member of the Indian child's tribe; or

(4) a person recommended by the Indian child's tribe.

C. When the department notifies an Indian child's tribe of the pendency of an investigation involving an Indian child from that Indian tribe, the department shall request in writing that the Indian child's tribe designate a qualified expert witness to testify in any child custody or termination proceedings that may result from the investigation. The department shall make active efforts to collaborate with the Indian tribe to identify a person to serve as a qualified expert witness.

D. If, after active efforts and in no case later than fifteen days after filing the petition, the department does not receive a designation from the Indian tribe or if the department, after good faith efforts, is unable to retain the Indian tribe's designated qualified expert witness, the department may identify a qualified expert witness who meets the requirements provided in Paragraph (1) of Subsection B of this section from a list of qualified expert witnesses compiled through cooperation among the Indian tribes in the state and the department.

E. If, thirty days after filing the petition, the department has not identified a qualified expert witness to testify as required by the Indian Family Protection Act, in considering a motion by the department for a continuance, the court shall consider whether it is in the best interest of the Indian child to remain in the department's custody for additional time.

F. At least thirty days prior to an adjudicatory hearing pursuant to the Abuse and Neglect Act and a hearing to terminate parental rights, the department shall disclose to the Indian child's tribe the name of the qualified expert witness designated by the department to testify at the hearing.

G. An Indian child's tribe shall have the opportunity to question a qualified expert witness in all hearings involving an Indian child in which the qualified expert witness testifies, regardless of whether the Indian child's tribe has intervened. An Indian child's tribe may designate a qualified expert witness to testify in addition to any qualified expert witness designated by the department.

H. An employee of the department shall not serve as a qualified expert witness pursuant to this section."

## **Chapter 41 Section 18 Laws 2022**

SECTION 18. A new section of the Children's Code is enacted to read:

"VOLUNTARY PLACEMENT AGREEMENTS--PARENTAL RIGHTS--  
CONSENT--WITHDRAWAL--FRAUD OR DURESS.--

A. Prior to entering any voluntary placement agreement, the department shall make active efforts to prevent the breakup of the Indian family pursuant to the Indian Family Protection Act.

B. In a voluntary foster care placement involving an Indian child, an Indian child's parent or guardian may enter into a voluntary placement agreement with the department. An Indian child's parent's or guardian's consent is voidable unless it is executed in writing and recorded before the court.

C. The department shall notify the Indian child's tribe by certified mail, with return receipt requested, of the pending voluntary placement agreement and of the Indian child's tribe's right to intervene.

D. Before approving a voluntary placement agreement, the court shall ensure that the voluntary placement agreement is executed in writing. The court shall certify on the record that:

(1) the terms and consequences of the consent were fully explained in detail and in a manner that is understandable to the parent or guardian;

(2) the Indian child's parent or guardian fully understands the English language or that the voluntary placement agreement was interpreted into the primary language of the Indian child's parent or guardian;

(3) the child is an Indian child;

(4) there is no pending child abuse or neglect investigation involving the Indian child;

(5) the Indian child's parent or guardian is voluntarily entering into the voluntary placement without any threat of removal of the Indian child by the department;

(6) the department provided notice to the Indian child's tribe via certified or registered mail with return receipt requested;

(7) confidentiality has been requested or indicated and execution of consent was made in a closed court proceeding not open to the public;

(8) if not represented, the Indian child's parent or guardian is proceeding without an attorney and has the right to consult with an attorney of the Indian child's parent's or guardian's own choosing; and

(9) the Indian child's parent or guardian is of sound mind and judgment.

E. The request for voluntary placement shall be initiated in writing by the Indian child's parent or guardian, and if good cause is shown and the requirements of Subsection D of this section are met, the department may accept temporary custody or placement and care responsibility. Placement and care responsibility means that the department is legally accountable for the day-to-day care and protection of the Indian child in foster care. Responsibility for placement and care allows the department to make placement decisions about the Indian child, such as where the child is placed and the type of placement that is most appropriate for the Indian child.

F. During voluntary placement, the department shall make active efforts to provide tailored case planning to alleviate the causes and conditions leading to the voluntary placement agreement.

G. Any consent to a foster care placement that is given prior to or within ten days after birth of an Indian child is voidable.

H. An Indian child's parent or guardian may withdraw consent to a voluntary foster care placement of an Indian child pursuant to the Children's Code at any time. Upon receipt of a request to withdraw, the Indian child shall be returned to the Indian child's parent or guardian. The department shall have up to forty-eight hours after withdrawal of consent to allow for transition arrangements to be made for the Indian child's return to the Indian child's parent or guardian.

I. An Indian child shall not remain in voluntary placement for longer than one hundred eighty consecutive days or for more than one hundred eighty days in a calendar year; provided that a child may remain in voluntary placement up to an additional one hundred eighty consecutive days upon order of the court. If the Indian child's parent or guardian seeks to extend the voluntary placement, the department shall file a petition for an extension of voluntary placement prior to the expiration of the initial one-hundred-eighty-day period. The court shall hold a hearing and make a finding within the initial one-hundred-eighty-day period that the extension of voluntary placement is in the best interest of the Indian child.

J. If a request for an extension is not filed with the court prior to the initial one-hundred-eighty-day period, the agreement expires. No later than thirty days before the expiration of the initial agreement, the court shall hold a review hearing to determine if the voluntary placement should be extended.

K. In no event shall an Indian child remain in voluntary placement for a period in excess of three hundred sixty-five days in any two-year period.

L. Any voluntary placement pursuant to this section shall not be considered abandonment, neglect or abuse by an Indian child's parent, guardian or extended family member.

M. The parent or guardian whose Indian child is in voluntary placement pursuant to this section shall have the following rights to:

- (1) have visitation with the child;
- (2) be informed of changes in the Indian child's school or of changes in the child's placement by the department;
- (3) authorize decisions regarding medical and dental care and behavioral health services, including decisions that affect the daily care, support, safety and well-being of the child;
- (4) permit the department to consent to emergency services to ensure the safety and well-being of the Indian child, including medical, dental or behavioral health treatment, if the department is unable to make immediate prior contact with the parent or guardian. The department shall notify the parent or guardian within two hours of making emergency decisions due to inability to make prior contact;
- (5) consent to all non-emergency and non- routine medical care provided for the child;
- (6) make decisions regarding participation and attendance in cultural and religious events, including traditional and cultural events offered by the Indian child's tribe; and
- (7) make decisions of substantial legal significance.

N. If new safety concerns are identified during the voluntary placement, the department shall not extend a voluntary placement agreement, but instead shall make a new report of suspected abuse or neglect to be screened for determination of a new department investigation.

O. The voluntary placement shall adhere to and be in accordance with the placement preferences set forth in the Indian Family Protection Act.

P. All records or information concerning the voluntary placement shall be confidential in accordance with the confidentiality provision of the Indian Family Protection Act."

## Chapter 41 Section 19 Laws 2022

SECTION 19. A new section of the Children's Code is enacted to read:

### "TERMINATION OF PARENTAL RIGHTS.--

A. In a termination of parental rights proceeding, with respect to an Indian child, the court shall consider whether an alternative to termination of parental rights, including permanent guardianship of the child, would best support the Indian child.

B. In a termination of parental rights proceeding in court, when the court knows an Indian child is involved, the party seeking to effectuate the termination of parental rights shall notify the Indian child's tribe by certified mail, with return receipt requested, of the pending proceedings and of its right to intervene. The court shall not order a termination of parental rights proceeding until the department files documentation with the court that the Indian child's tribe received notice of the proceeding.

C. In a termination of parental rights proceeding, bonding between the Indian child and the Indian child's foster parent shall not be considered as a factor in terminating parental rights.

D. In a termination of parental rights proceeding, a termination shall not be ordered unless:

(1) the Indian child's tribe was provided timely notice of the proceeding in accordance with the Indian Family Protection Act and provided an opportunity to state whether it opposes the termination; and

(2) the Indian child's tribe proposes an alternate permanency plan, unless the department can show good cause supported by clear and convincing evidence why the alternate permanency plan should not be ordered.

E. In a proceeding involving an Indian child, the grounds for any attempted termination shall be proved beyond a reasonable doubt and shall meet the requirements set forth in the Indian Family Protection Act.

F. In a termination proceeding involving an Indian child, the court shall, in any termination order, make specific findings of all active efforts and ensure that all of the requirements of the Indian Family Protection Act have been met.

G. After the entry of a final decree of adoption of an Indian child in a court that is made pursuant to the Adoption Act, the parent may withdraw consent to the adoption upon the grounds that consent was obtained through fraud or duress and may petition the court to vacate the decree. Upon a finding that the consent was obtained through fraud or duress, the court shall vacate the decree and return the Indian child to the

parent. An adoption that has been in effect for at least two years shall not be invalidated except as otherwise provided by law.

H. In an adoption proceeding involving a child who is an Indian child, the court-ordered mediation pursuant to Section 32A-4-29 NMSA 1978 shall not be waived and the Indian child's tribe shall be allowed to participate, whether or not the Indian child's tribe intervenes."

## **Chapter 41 Section 20 Laws 2022**

SECTION 20. A new section of the Children's Code is enacted to read:

"PETITION TO COURT TO INVALIDATE ACTION.--An Indian child who is the subject of a child custody proceeding, a parent, guardian or Indian custodian from whose custody the child was removed or the Indian child's tribe may petition the court to invalidate that action upon a showing that the action violated any provision of Section 4, 5, 7, 9, 12, 13, 14, 16, 17, 18, 19, 21, 28, 34 or 35 of the Indian Family Protection Act."

## **Chapter 41 Section 21 Laws 2022**

SECTION 21. A new section of the Children's Code is enacted to read:

"PLACEMENT PREFERENCES--FOSTER CARE PLACEMENT--ADOPTION--GUARDIANSHIP--PLACEMENT OF INDIAN CHILDREN.--

A. In the case of a foster care placement of an Indian child, except as provided in Subsection C of this section, the child shall be placed in the least restrictive setting that:

(1) most closely approximates a family, taking into consideration the Indian child's sibling attachment;

(2) allows the Indian child's special needs, if any, to be met;

(3) is in reasonable geographic proximity to the Indian child's home, extended family members or siblings; and

(4) is in accordance with the order of preference established by the Indian child's tribe by any means, or, if that Indian tribe has not established placement preferences, preference shall be given in accordance with the following order of preference:

(a) an extended family member of the Indian child;

(b) a foster home licensed, approved or specified by the Indian child's tribe; or

(c) a foster home licensed or approved by a licensing authority in New Mexico and in which one or more of the licensed or approved foster parents is an Indian.

B. Under no circumstances shall an Indian child under three months of age be placed outside of the placement preferences provided in this section.

C. If an Indian child is placed in a foster care placement that is contrary to the placement preferences provided in this section, a secondary permanency plan shall not be simultaneously permitted, and before the child's placement may be changed to an adoptive or other permanent placement, the department shall:

(1) conduct monitoring at least every thirty days to determine whether a placement that comports with the placement preferences provided in this section is available;

(2) at the inception of the case and periodically through the pendency of the case, make active efforts to identify a placement that aligns with the placement preferences as soon as practicable; and

(3) at the inception of the case and periodically through the pendency of the case, document all active efforts made to identify a placement that aligns with the placement preferences. At minimum, this shall include:

- (a) contacting the Indian child's tribe;
- (b) conducting a relative search;
- (c) interviewing relatives throughout the case;
- (d) making ongoing active efforts to search for and identify relatives to the Indian child throughout the case;
- (e) providing the Indian child's tribe with all information regarding family members;
- (f) offering relatives an expedited foster care license;
- (g) assisting relatives with practical supports through the licensing process and actively supporting relatives in overcoming barriers for licensure;
- (h) conducting timely home studies when identifying a placement that aligns with the placement preference;
- (i) providing continued contact, including visitation; and

(j) providing access to culturally appropriate interventions.

D. If the Indian child is in a foster care placement that is not a preferred placement, the court shall hold hearings no less than every six months. The department shall continue to bear the burden of establishing why good cause continues to exist for the current placement or why the Indian child is not in a preferred placement.

E. Whenever there is any change in placement of an Indian child, the department shall file a notice of placement change with the court. The department shall also notify the Indian child's tribe, by certified mail with return receipt requested.

F. If there is a voluntary placement agreement in which the Indian child at first was not determined to be an Indian child and was later determined to be an Indian child, the agreement is voided.

G. If the Indian child's tribe has established a different order of preference than that specified in the Indian Family Protection Act, the Indian child's tribe's placement preferences shall apply.

H. In determining whether good cause exists, the court shall not permit departure from the placement preferences based on:

(1) the socioeconomic status of the placement;

(2) a home environment that does not impact the safety and well-being of the Indian child;

(3) ordinary bonding or attachment that occurred from time spent in a non-preferred placement that was made in violation of the Indian Family Protection Act; or

(4) the extent of the participation of the parents or the Indian child in tribal, cultural, social, religious or political activities.

I. In the case of a foster care placement, adoptive placement or guardianship of an Indian child pursuant to the Children's Code, if the Indian child's tribe establishes a different order of preference, the adoption agency or court effecting the placement shall follow the order of preference established by the Indian child's tribe. When appropriate, the preference of the Indian child or parent may be considered; provided that the court has not terminated the parental rights of the Indian child's parent.

J. The department shall support and not delay the placement of the Indian child with the Indian child's extended family members and adult relatives regardless of the stage of the case in the child custody proceedings.



K. Whenever there is any change in the placement of an Indian child, the department shall file notice of the placement change with the court.

L. If the court finds there was a delay in placement with the Indian child's extended family members or adult relatives pursuant to Paragraph (3) of Subsection C of Section 4 of the Indian Family Protection Act, this factor shall not be used in a finding for good cause to deviate from the placement preferences of this section or the placement preferences of the Indian child's tribe.

M. An Indian child shall be placed in accordance with the placement preferences unless there is good cause to depart from the placement preferences as determined by the court after a hearing; provided that:

(1) the party that asserts good cause exists not to follow the placement preferences shall state the reasons for this assertion in writing to the court. The court shall make a record. The party making the assertion shall provide all parties to the case and the Indian child's tribe with a copy;

(2) the party seeking the departure from the placement preferences has the burden of proving by clear and convincing evidence that there is good cause to depart from the preferences; and

(3) a court's determination of good cause to depart from the placement preferences shall be made in writing and be based on the considerations set forth by the Indian Family Protection Act."

## **Chapter 41 Section 22 Laws 2022**

SECTION 22. A new section of the Children's Code is enacted to read:

"INDIAN FAMILY PROTECTION ACT RESPONSIVENESS TRAINING.--

A. The administrative office of the courts in collaboration with the department shall develop and deliver annual mandatory training to all children's court judges, district court judges, attorneys, guardians ad litem and youth attorneys who are court appointed. The training shall include information on:

- (1) the Indian Family Protection Act, including cultural compacts; and
- (2) the Indian tribes geographically located within the state.

B. The training required in this section shall be required at least annually or no less than every fifteen months. The training shall be open for attorneys or other professionals to attend.

C. If an Indian child is placed in a household that does not include a foster parent or guardian who is a member of the Indian child's tribe, upon placement and at least annually thereafter, the department shall provide mandatory training to the foster parent. Training shall address conditions on foster care placements under federal, state and tribal law. The department shall work with each Indian tribe in New Mexico to develop the training required in this section."

## **Chapter 41 Section 23 Laws 2022**

SECTION 23. A new section of the Children's Code is enacted to read:

"ADOPTIVE AND GUARDIANSHIP PLACEMENTS--MAINTENANCE OF CULTURE--CULTURAL COMPACTS.--To ensure that the Indian Family Protection Act is fully implemented and that all Indian children have the opportunity to maintain strong connections to their culture, if the household into which an Indian child is placed for adoption or guardianship does not include a parent who is a member of the Indian child's tribe, the court shall require the parties to the adoption to enter a cultural compact, at the discretion of the Indian child's tribe, that documents the parties' agreement regarding how the Indian child will continue to actively participate in the Indian child's cultural learning and activities and engagement with family members. Each cultural compact shall be specific to the Indian child and shall articulate the Indian child's understanding as the Indian child grows and matures. The cultural compact shall become part of the court record, shall be enforced by the court and shall be included in the adoption decree."

## **Chapter 41 Section 24 Laws 2022**

SECTION 24. A new section of the Children's Code is enacted to read:

"TRANSITION SERVICES.--

A. Prior to an Indian child's reaching seventeen years of age, the department shall meet with the Indian child, the Indian child's tribe, the Indian child's attorney and others of the Indian child's choosing, including biological family members, to develop a transition plan. The department shall assist the Indian child in identifying and planning to meet the Indian child's needs after the Indian child's eighteenth birthday, including maintenance of culture, housing, education, employment or income, health and mental health, local opportunities for mentors and continuing support services.

B. The Indian child's tribe shall be included in developing the transition plan and shall be provided a copy of the transition plan prior to the presentation of the plan to the court pursuant to the Indian Family Protection Act."

## **Chapter 41 Section 25 Laws 2022**

SECTION 25. A new section of the Children's Code is enacted to read:

"DISCHARGE HEARING.--

A. At the last review or permanency hearing held prior to the Indian child's eighteenth birthday, the court shall determine whether documentation of the Indian child's tribal membership and any information regarding the Indian child's tribal affiliation have been provided to the Indian child.

B. If the court finds that the department has not made active efforts to meet all of the requirements of Section 32A-4-25.3 NMSA 1978 and of Subsection A of this section and that termination of jurisdiction would be harmful to the Indian child, the court may continue to exercise its jurisdiction. The court may dismiss the case at any time after the Indian child's eighteenth birthday for good cause."

**Chapter 41 Section 26 Laws 2022**

SECTION 26. A new section of the Children's Code is enacted to read:

"ABUSE OR NEGLECT PREDISPOSITION STUDIES--REPORTS AND EXAMINATIONS.--If the child is an Indian child, all predispositional studies and reports shall follow the requirements listed in Section 32A-4-21 NMSA 1978 and shall also document:

A. whether the placement preferences set forth in the Indian Family Protection Act or the placement preferences of the Indian child's tribe were followed;

B. whether the Indian child's case plan provides for maintaining the Indian child's cultural ties as well as the plan detailing how the department shall establish and maintain the Indian child's cultural connections, in conjunction with the Indian child's tribe and family;

C. whether active efforts were made by the department to prevent removal of the Indian child from the home prior to placement in substitute care and whether active efforts were made to attempt reunification of the Indian child with the natural parent;

D. whether active efforts were made by the department to place siblings in custody together, unless such joint placement would be contrary to the safety or well-being of any of the siblings in custody, and whether any siblings not jointly placed have been provided reasonable visitation or other ongoing interaction, unless visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings; and

E. whether the department has provided notification to the Indian child's tribe consistent with the requirements of the Indian Family Protection Act."

## **Chapter 41 Section 27 Laws 2022**

SECTION 27. A new section of the Children's Code is enacted to read:

"PERMANENCY HEARINGS--PERMANENCY REVIEW HEARINGS.--

A. The department shall submit a copy of any continuation of the dispositional order and notice of any permanency and permanency review hearings to the Indian child's tribe pursuant to notice requirements of the Indian Family Protection Act.

B. The department shall submit a progress report that documents:

(1) that the Indian child's tribe has been invited to attend the pre-permanency meeting and is included in any attempt to settle issues attendant to the permanency hearing and has the opportunity to participate in developing a proposed treatment plan that serves the Indian child's best interest;

(2) that active efforts were conducted to prevent the breakup of the Indian family or to reunify the Indian family;

(3) that the placement preferences set forth in the Indian Family Protection Act or the placement preferences of the Indian child's tribe were followed. When placement preferences have not been followed, good cause for noncompliance shall be clearly stated and supported by clear and convincing evidence;

(4) the active efforts made pursuant to the Indian Family Protection Act to implement the Indian child's cultural maintenance plan in conjunction with the Indian child's tribe and family;

(5) the inclusion of the Indian child's tribe in the department's active efforts for case planning and documentation of the Indian tribe's input; and

(6) that all requirements pursuant to the Indian Family Protection Act were followed."

## **Chapter 41 Section 28 Laws 2022**

SECTION 28. A new section of the Children's Code is enacted to read:

"DISPOSITIONAL JUDGMENTS--COURT FINDINGS.--

A. At the conclusion of a dispositional hearing in a child custody proceeding involving an Indian child, in addition to other requirements for a court's findings pursuant to the Children's Code, when the judgment is made in a child custody proceeding held pursuant to the Family in Need of Court-Ordered Services Act or the Abuse and Neglect Act, a court shall include findings of:

(1) whether the placement preferences set forth in the Indian Family Protection Act have been incorporated into a plan for family services made pursuant to Section 32A-3B-15 NMSA 1978 or in a case plan as described in Section 32A-4-21 NMSA 1978; provided that if those placement preferences are not incorporated into the plan for family services or the case plan, good cause for noncompliance shall be clearly stated and supported by clear and convincing evidence;

(2) whether the plan for family services or the case plan provides for maintenance of the Indian child's cultural ties;

(3) how the Indian child's cultural needs are considered and how, when reasonable, access to cultural practices and traditional treatment will be provided to the child; and

(4) whether the Indian child's tribe was included in developing the case plan for the Indian child and was provided a copy of the transition plan prior to the presentation of the plan to the court.

B. The court shall determine during a review of a dispositional judgment involving an Indian child pursuant to Section 32A-4-25 NMSA 1978 whether the judgment complies with the placement preferences set forth in the Indian Family Protection Act or the placement preferences of the Indian child's tribe and whether the child's case plan as described in Section 32A-4-21 NMSA 1978 provides for maintaining the Indian child's cultural ties. When placement preferences are not followed, good cause for noncompliance shall be clearly stated and supported by clear and convincing evidence. A court's determination of good cause shall be made on the record or in writing and shall be based on the considerations set forth in the federal regulations or other factors authorized by federal and state law.

C. The court shall make findings determining that the department made active efforts pursuant to the Indian Family Protection Act to meet the requirements of this section and may continue to exercise its jurisdiction for a period not to exceed one year from the Indian child's eighteenth birthday. The young adult must consent to continued jurisdiction of the court. Additionally, the Indian child may volunteer to participate in the fostering connections program through the department. The court may dismiss the case at any time after the Indian child's eighteenth birthday for good cause.

D. When the child is an Indian child, the court shall determine during review of a dispositional order whether all requirements pursuant to Section 27 of the Indian Family Protection Act were followed."

## **Chapter 41 Section 29 Laws 2022**

SECTION 29. A new section of the Children's Code is enacted to read:

"PERIODIC REVIEW OF DISPOSITIONAL JUDGMENTS.--

A. The initial judicial review shall be held within sixty days of the dispositional judgment. At the initial judicial review:

(1) the parties shall demonstrate to the court the active efforts made to implement the treatment plan approved by the court in its dispositional order; and

(2) the court shall determine the extent to which the treatment plan has been implemented and make supplemental orders as necessary to ensure compliance with the treatment plan and the safety of the Indian child.

B. The court shall determine during review of a dispositional order whether the placement preferences set forth in the Indian Family Protection Act or the placement preferences of the Indian child's tribe were followed and whether the department has made active efforts pursuant to the Indian Family Protection Act to implement the Indian child's treatment plan and reunify the Indian family.

C. The children's court attorney shall give notice to the Indian child's tribe of the time, place and purpose of any judicial review hearing held pursuant to the Indian Family Protection Act.

D. At any subsequent judicial review hearing held pursuant to Section 32A-4-25 NMSA 1978, the department shall show that it has made active efforts to implement any treatment plan approved by the court in its dispositional order and shall present a treatment plan consistent with the purposes of the Children's Code for any period of extension of the dispositional order."

## **Chapter 41 Section 30 Laws 2022**

SECTION 30. A new section of the Children's Code is enacted to read:

"PERMANENT GUARDIANSHIP.--

A. A motion for permanent guardianship shall set forth:

(1) the tribal affiliations of the Indian child's parents;

(2) the specific actions taken by the petitioner to notify the parents' Indian tribe and the results of the contacts, including the names, addresses, titles and telephone numbers of the persons contacted. Copies of any correspondence with the Indian tribes shall be attached as exhibits to the petition;

(3) the specific active efforts made to comply with the placement preferences set forth in the Indian Family Protection Act or the placement preferences of the appropriate Indian tribes and any additional requirements for that motion as provided pursuant to the Indian Family Protection Act; and

(4) that notice has been sent by certified mail, with return receipt requested, to the Indian child's tribe and to any Indian custodian pursuant to the Indian Family Protection Act.

B. The grounds for permanent guardianship shall be proved beyond a reasonable doubt and meet the requirements of the Indian Family Protection Act."

## **Chapter 41 Section 31 Laws 2022**

SECTION 31. A new section of the Children's Code is enacted to read:

"INDEPENDENT ADOPTIONS--PRE-PLACEMENT STUDIES.--To be certified to conduct pre-placement studies for the adoption of an Indian child, a person shall meet the standards adopted by the department."

## **Chapter 41 Section 32 Laws 2022**

SECTION 32. A new section of the Children's Code is enacted to read:

"TERMINATION PROCEDURES IN INDEPENDENT ADOPTIONS--NOTICE OF PETITION--BURDEN OF PROOF--REQUIRED FINDINGS.--

A. In addition to the requirements of the Adoption Act, a petition for termination of parental rights involving an Indian child shall set forth:

(1) the tribal affiliations of the Indian child's parents;

(2) the specific actions taken by the moving party to notify the parents' Indian tribe and the results of the contacts, including the names, addresses, titles and telephone numbers of the persons contacted. Copies of any correspondence with the Indian tribe shall be attached as exhibits to the petition; and

(3) the specific active efforts made to comply with the placement preferences of the Indian Family Protection Act.

B. Notice of the filing of the petition, accompanied by a copy of the petition, shall be served by the petitioner by certified or registered mail with return receipt requested on the Indian child's tribe and on the Indian child's parents or guardians.

C. The grounds for any termination shall be proved beyond a reasonable doubt.

D. A judgment of the court terminating parental rights shall include findings establishing that each requirement of the Indian Family Protection Act was met."

## **Chapter 41 Section 33 Laws 2022**

SECTION 33. A new section of the Children's Code is enacted to read:

"PERSONS WHOSE CONSENTS OR RELINQUISHMENTS ARE REQUIRED IN AN INDEPENDENT ADOPTION.--In an independent adoption, consent from the parent or guardian of an Indian child to adoption by the petitioner or relinquishment of parental rights shall be obtained in the manner required by the Indian Family Protection Act."

## **Chapter 41 Section 34 Laws 2022**

SECTION 34. A new section of the Children's Code is enacted to read:

"ADJUDICATION--DISPOSITION--DECREE OF ADOPTION--INVALIDATION.--

A. The court shall grant a decree of adoption if it finds that:

(1) the petitioner has proved by clear and convincing evidence that the placement preferences set forth in the Indian Family Protection Act, or the placement preferences established by the Indian child's tribe, have been followed or, if not followed, good cause for noncompliance has been proved by clear and convincing evidence; and

(2) provision has been made to ensure that the Indian child's cultural ties to the Indian child's tribe are protected and fostered.

B. In any adoption involving an Indian child, the clerk of the court shall provide the secretary with a copy of the final decree of adoption or adoptive placement order.

C. A parent may withdraw consent to a voluntary adoption of the Indian child at any time before entry of the final decree of adoption.

D. Within two years after a final decree of adoption of an Indian child, the court may invalidate a voluntary adoption upon finding that the parent's consent was obtained by fraud or duress.

E. Upon filing of a petition to vacate the final decree of adoption of the parent's Indian child, the petitioner shall give notice to all parties to the adoption proceedings and the Indian child's tribe, and the court shall hold a hearing on the petition.

F. Where the court finds that the parent's consent was obtained through fraud or duress, the court shall vacate the final decree of adoption, order the consent revoked and order that the child be returned to the parent."



## **Chapter 41 Section 35 Laws 2022**

SECTION 35. A new section of the Children's Code is enacted to read:

"RETURN OF CUSTODY.--Whenever an Indian child has been adopted and the relationship between the adoptive parent and the Indian child has been severed for any reason, a biological parent, guardian or prior Indian custodian may petition for return of custody, and there shall be a presumption that the Indian child shall be returned to the biological parent, guardian or prior Indian custodian, unless the return of custody is not in the best interests of the Indian child. The provisions of this section shall not be deemed to conflict with other provisions pertaining to return of custody in the Indian Family Protection Act."

## **Chapter 41 Section 36 Laws 2022**

SECTION 36. A new section of the Children's Code is enacted to read:

"BEST INTERESTS OF INDIAN CHILD.--When making a determination regarding the best interests of an Indian child pursuant to the Indian Family Protection Act, a court shall, after allowing testimony from all parties and the Indian child's tribe, consider the following relevant factors:

- A. the prioritization of placement of the Indian child in accordance with the placement preferences provided by the Indian Family Protection Act;
- B. the prevention of unnecessary out-of-home placement of the Indian child;
- C. the critical importance to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community and with familial ties such as clanship and family with unique cultural characteristics;
- D. the importance to the Indian child of the ability of the Indian child's tribe to maintain its existence and integrity in promotion of the stability and security of Indian children and families; and
- E. the protection, safety and well-being of the Indian child."

## **Chapter 41 Section 37 Laws 2022**

SECTION 37. A new section of the Children's Code is enacted to read:

"ACCESS TO POST-DECREE ADOPTION RECORDS--TRIBAL AFFILIATION AND OTHER INFORMATION.--"

A. Pursuant to the Indian Family Protection Act, an Indian tribe shall have access to the post-decree adoption records that involve an Indian child who is a member or eligible for membership in the Indian tribe.

B. Upon application by an Indian person who has reached the age of eighteen and who was the subject of an adoptive placement in this state prior to the enactment of the Indian Family Protection Act, the court that entered the final decree shall inform that Indian person of the tribal affiliation, if any, of the Indian person's biological parents and provide any other information necessary to protect any rights flowing from the Indian person's tribal relationship.

C. If the adoption predated enactment of the federal Indian Child Welfare Act of 1978, the court shall attempt to find information related to the adoption and may order the department to assist. If the adoption of an Indian person was completed after enactment of the federal Indian Child Welfare Act of 1978, the Indian person may contact the secretary for necessary information regarding the Indian person's adoption. If the secretary certifies that the secretary does not have that information, the state court shall attempt to find the information and may order the department to assist.

D. If an Indian person does not know the court that issued the adoption decree, the Indian person may request that information from the department. The department shall provide to the Indian person the name and location of the court that entered the final decree, if known."

## **Chapter 41 Section 38 Laws 2022**

SECTION 38. A new section of the Children's Code is enacted to read:

"ADOPTION DECREES--INFORMATION AVAILABILITY.--

A. The clerk of a court entering a final decree or order in an adoptive placement of an Indian child shall provide the secretary with a copy of that decree, adoptive placement order and any other information necessary to show:

- (1) the birth name and birthdate of the Indian child;
- (2) any information relating to tribal membership or eligibility for membership of the adopted Indian child;
- (3) the tribal affiliation and name of the Indian child after adoption;
- (4) the names and addresses of the biological parents;
- (5) the names and addresses of the adoptive parents;

(6) the name and contact information of any agency having files or information relating to the adoption; and

(7) any affidavit signed by the biological parent or parents asking that their identity remain confidential.

B. The attorney for the prospective adoptive parent shall provide to the clerk of the court a copy of the decree of adoption, an adoptive placement order or any other information required by the Indian Family Protection Act and a stamped envelope addressed to the secretary marked "Confidential".

## **Chapter 41 Section 39 Laws 2022**

SECTION 39. A new section of the Children's Code is enacted to read:

"CONFIDENTIALITY--RECORDS--PENALTY.--

A. All records or information, whether on file with the court, an agency, the department, an attorney or other provider of professional services, concerning a party to any proceedings pursuant to the Indian Family Protection Act, including social records, diagnostic evaluations, psychiatric or psychological reports, videotapes, transcripts and audio recordings of an Indian child's statement of abuse or medical reports incident to or obtained as a result of an investigation or proceeding pursuant to the Indian Family Protection Act or that were produced or obtained during an investigation in anticipation of or incident to any proceeding pursuant to the Indian Family Protection Act, shall be confidential and closed to the public.

B. The records described in Subsection A of this section shall be disclosed only to the parties and:

(1) court personnel and persons or entities authorized by contract with the court to review, inspect or otherwise have access to records or information in the court's possession;

(2) court-appointed special advocates appointed to the Indian child in a child custody proceeding;

(3) the Indian child's guardian ad litem;

(4) the attorney, including a public defender, representing the Indian child in any child custody proceeding pursuant to the Indian Family Protection Act;

(5) department personnel and persons or entities authorized by contract with the department to review, inspect or otherwise have access to records or information in the department's possession;

(6) any local substitute care review board or any agency contracted to implement local substitute care review boards;

(7) law enforcement officials, except when use immunity is granted pursuant to Section 32A-4-11 NMSA 1978;

(8) district attorneys, except when use immunity is granted pursuant to Section 32A-4-11 NMSA 1978;

(9) any state social services agency in any state or when, in the opinion of the department it is in the best interest of the Indian child, a governmental social services agency of another country;

(10) an Indian child's tribe;

(11) a foster parent, if the records are those of an Indian child currently placed with that foster parent or of an Indian child being considered for placement with that foster parent and the records concern the cultural, social, medical, psychological or educational needs of the Indian child;

(12) school personnel involved with the Indian child if the records concern the Indian child's cultural, social or educational needs;

(13) a grandparent, parent of a sibling, relative or fictive kin, if the records or information pertain to an Indian child being considered for placement with that grandparent, parent of a sibling, relative or fictive kin and the records or information concern the cultural, social, medical, psychological or educational needs of the Indian child;

(14) health care or mental health professionals involved in the evaluation or treatment of the Indian child or of the Indian child's parents or guardian, or other family members;

(15) protection and advocacy representatives pursuant to the federal Developmental Disabilities Assistance and Bill of Rights Act and the federal Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1991;

(16) children's safehouse organizations conducting investigatory interviews of children on behalf of a law enforcement agency or the department;

(17) representatives of the federal government or their contractors authorized by federal statute or regulation to review, inspect, audit or otherwise have access to records and information pertaining to neglect or abuse proceedings;

(18) any person or entity attending a meeting arranged by the department to discuss the safety, well-being and permanency of an Indian child, when

the parent or child, or parent or guardian on behalf of a child younger than fourteen years of age, has consented to the disclosure; and

(19) any other person or entity, by order of the court, having a legitimate interest in the case or the work of the court.

C. A parent or guardian whose Indian child has been the subject of an investigation of abuse or neglect where no petition has been filed shall have the right to inspect any medical report, psychological evaluation, law enforcement reports or other investigative or diagnostic evaluation; provided that any identifying information related to the reporting party or any other party providing information shall be deleted. The parent or guardian shall also have the right to the results of the investigation and the right to petition the court for full access to all department records and information except those records and information the department finds would be likely to endanger the life or safety of any person providing information to the department.

D. In an adoption proceeding, all hearings held pursuant to the Indian Family Protection Act shall be confidential and shall be held in closed court without admittance of any person other than parties and their counsel and the Indian child's tribe.

E. In an adoption proceeding, unless the petitioner agrees to be contacted or agrees to the release of the petitioner's identity to the parent and the parent agrees to be contacted or agrees to the release of the parent's identity to the petitioner, the attorneys, the court, the adoption agency and the department shall maintain confidentiality regarding the names of the parties, unless the information is already otherwise known. After the petition is filed and prior to the entry of the decree, the records in adoption proceedings shall be open to inspection only by the attorney for the petitioner, the department or the adoption agency, any attorney appointed as a guardian ad litem or attorney for the adoptee, the Indian child's tribe, any attorney retained by the adoptee or other persons upon order of the court for good cause shown.

F. In an adoption proceeding, all information and documentation provided for the purpose of full disclosure is confidential. Documentation provided for the purpose of full disclosure shall remain the property of the person making full disclosure when a prospective adoptive parent decides not to accept a placement. Immediately upon refusal of the placement, the prospective adoptive parent shall return all full disclosure documentation to the person providing full disclosure. A prospective adoptive parent shall not disclose any confidential information received during the full disclosure process, except as necessary to make a placement decision or to provide information to an Indian child's guardian ad litem or attorney or the court.

G. In an adoption proceeding, prior to the entry of the decree of adoption, the parent consenting to the adoption or relinquishing parental rights to an agency or the department shall execute an affidavit stating whether the parent will permit contact or the disclosure of the parent's identity to the adoptee or the adoptee's prospective adoptive parents.

H. Whoever intentionally and unlawfully releases any information or records closed to the public pursuant to the Indian Family Protection Act or releases or makes other unlawful use of records in violation of that act is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

I. The department shall promulgate rules for implementing disclosure of records pursuant to the Indian Family Protection Act and in compliance with state and federal law and the Children's Court Rules."

## **Chapter 41 Section 40 Laws 2022**

SECTION 40. A new section of the Children's Code is enacted to read:

"INDIAN FAMILY PROTECTION ACT SUPPLEMENTAL TO OTHER PROVISIONS OF LAW--CONFLICT OF LAWS.--

A. To the greatest extent possible, the Indian Family Protection Act shall be read as in harmony with the federal Indian Child Welfare Act of 1978.

B. The provisions of the Children's Code are supplemental to and in harmony with the Indian Family Protection Act. The provisions of the Indian Family Protection Act govern child custody proceedings involving Indian children. To the extent the provisions of those acts or any provision of New Mexico state law conflicts with the provisions of the Indian Family Protection Act, the provisions of the Indian Family Protection Act shall apply."

## **Chapter 41 Section 41 Laws 2022**

SECTION 41. A new section of the Children's Code is enacted to read:

"OFFICE OF TRIBAL AFFAIRS--CREATION.--The "office of tribal affairs" is created in the department. The office shall be dedicated to ensuring the department's compliance with and full implementation of the Indian Family Protection Act."

## **Chapter 41 Section 42 Laws 2022**

SECTION 42. A new section of the Children's Code is enacted to read:

"INDIAN CHILD WELFARE RULES.--The department, through discussion with the Indian nations, tribes and pueblos of the state, shall promulgate rules to implement the provisions of the Indian Family Protection Act. The administrative office of the courts shall also discuss with the Indian nations, tribes and pueblos of the state the recommendation of court rules for potential adoption by the courts of the state."

## Chapter 41 Section 43 Laws 2022

SECTION 43. A new section of Chapter 32A, Article 1 NMSA 1978 is enacted to read:

### "DETERMINATION OF WHETHER A CHILD IS AN INDIAN CHILD.--

- A. If a child is taken into custody by the department, the department shall make active efforts to determine whether there is reason to know the child is an Indian child.
- B. At the beginning of every proceeding under the Children's Code, the court shall make a written determination as to whether the Indian Family Protection Act applies to the case.
- C. At the commencement of any hearing in a child custody proceeding, the court shall determine whether the child is an Indian child by asking, on the record, each individual present on the matter whether the individual knows or has reason to know that the child is an Indian child. If no individual present at the hearing knows or has reason to know that the child is an Indian child, the court shall instruct each party to inform the court immediately if the individual later receives information that provides reason to know that the child is an Indian child.
- D. A court has reason to know that a child is an Indian child if:
- (1) an Indian tribe asserts that the child may be eligible for membership;
  - (2) any party in the proceeding, officer of the court involved in the proceeding or an Indian organization informs the court that the child is an Indian child;
  - (3) any party at the hearing, officer of the court present at the hearing, Indian tribe or Indian organization informs the court that information has been discovered indicating that the child is an Indian child;
  - (4) the child indicates to the court that the child is an Indian child;
  - (5) the court is informed that the domicile or residence of the child, the child's parent, the child's guardian or the child's Indian custodian is on a reservation or in an Alaska native village;
  - (6) the court is informed that the child is or has been under the jurisdiction of a tribal court;
  - (7) the court is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe;

(8) testimony or documents presented to the court indicate that the child may be an Indian child; or

(9) any other indicia provided to the court or within the court's knowledge indicate that the child is an Indian child.

E. If a court has reason to know that a child is an Indian child but does not have sufficient evidence to determine whether the child is an Indian child, the court shall:

(1) treat the child as an Indian child until the court determines, on the record, that the child is not an Indian child; and

(2) require the department or another party to submit a report, declaration or testimony on the record that the department or other party made active efforts to identify and work with all of the Indian tribes of which there is reason to know the child may be a member or be eligible for membership to verify whether the child is an Indian child.

F. As used in this section, "Indian organization" means a group, association, partnership, corporation or other legal entity owned or controlled by Indians, or a majority of whose members are Indians."

## **Chapter 41 Section 44 Laws 2022**

SECTION 44. Section 32A-1-4 NMSA 1978 (being Laws 1993, Chapter 77, Section 13, as amended) is amended to read:

"32A-1-4. DEFINITIONS.--As used in the Children's Code:

A. "active efforts" means efforts that are affirmative, active, thorough and timely and that represent a higher standard of conduct than reasonable efforts;

B. "adult" means a person who is eighteen years of age or older;

C. "child" means a person who is less than eighteen years old;

D. "council" means the substitute care advisory council established pursuant to Section 32A-8-4 NMSA 1978;

E. "court", when used without further qualification, means the children's court division of the district court and includes the judge, special master or commissioner appointed pursuant to the provisions of the Children's Code or supreme court rule;



F. "court-appointed special advocate" means a person appointed pursuant to the provisions of the Children's Court Rules to assist the court in determining the best interests of the child by investigating the case and submitting a report to the court;

G. "custodian" means an adult with whom the child lives who is not a parent or guardian of the child;

H. "department" means the children, youth and families department, unless otherwise specified;

I. "disproportionate minority contact" means the involvement of a racial or ethnic group with the criminal or juvenile justice system at a proportion either higher or lower than that group's proportion in the general population;

J. "federal Indian Child Welfare Act of 1978" means the federal Indian Child Welfare Act of 1978, as that act may be amended or its sections renumbered;

K. "foster parent" means a person, including a relative of the child, licensed or certified by the department or a child placement agency to provide care for children in the custody of the department or agency;

L. "guardian" means a person appointed as a guardian by a court or Indian tribal authority or a person authorized to care for the child by a parental power of attorney as permitted by law;

M. "guardian ad litem" means an attorney appointed by the children's court to represent and protect the best interests of the child in a case; provided that no party or employee or representative of a party to the case shall be appointed to serve as a guardian ad litem;

N. "Indian" means, whether an adult or child, a person who is:

- (1) a member of an Indian tribe; or
- (2) eligible for membership in an Indian tribe;

O. "Indian child" means an Indian person, or a person whom there is reason to know is an Indian person, under eighteen years of age, who is neither:

- (1) married; or
- (2) emancipated;

P. "Indian child's tribe" means:

(1) the Indian tribe in which an Indian child is a member or eligible for membership; or

(2) in the case of an Indian child who is a member or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has more significant contacts;

Q. "Indian custodian" means an Indian who, pursuant to tribal law or custom or pursuant to state law:

(1) is an adult with legal custody of an Indian child; or

(2) has been transferred temporary physical care, custody and control by the parent of the Indian child;

R. "Indian tribe" means an Indian nation, tribe, pueblo or other band, organized group or community of Indians recognized as eligible for the services provided to Indians by the secretary because of their status as Indians, including an Alaska native village as defined in 43 U.S.C. Section 1602(c) or a regional corporation as defined in 43 U.S.C. Section 1606. For the purposes of notification to and communication with a tribe as required in the Indian Family Protection Act, "Indian tribe" also includes those tribal officials and staff who are responsible for child welfare and social services matters;

S. "judge", when used without further qualification, means the judge of the court;

T. "legal custody" means a legal status created by order of the court or other court of competent jurisdiction or by operation of statute that vests in a person, department or agency the right to determine where and with whom a child shall live; the right and duty to protect, train and discipline the child and to provide the child with food, shelter, personal care, education and ordinary and emergency medical care; the right to consent to major medical, psychiatric, psychological and surgical treatment and to the administration of legally prescribed psychotropic medications pursuant to the Children's Mental Health and Developmental Disabilities Act; and the right to consent to the child's enlistment in the armed forces of the United States;

U. "member" or "membership" means a determination made by an Indian tribe that a person is a member of or eligible for membership in that Indian tribe;

V. "parent" or "parents" means a biological or adoptive parent if the biological or adoptive parent has a constitutionally protected liberty interest in the care and custody of the child or a person who has lawfully adopted an Indian child pursuant to state law or tribal law or tribal custom;

W. "permanency plan" means a determination by the court that the child's interest will be served best by:

- (1) reunification;
- (2) placement for adoption after the parents' rights have been relinquished or terminated or after a motion has been filed to terminate parental rights;
- (3) placement with a person who will be the child's permanent guardian;
- (4) placement in the legal custody of the department with the child placed in the home of a fit and willing relative; or
- (5) placement in the legal custody of the department under a planned permanent living arrangement;

X. "person" means an individual or any other form of entity recognized by law;

Y. "plan of care" means a plan created by a health care professional intended to ensure the safety and well-being of a substance-exposed newborn by addressing the treatment needs of the child and any of the child's parents, relatives, guardians, family members or caregivers to the extent those treatment needs are relevant to the safety of the child;

Z. "preadoptive parent" means a person with whom a child has been placed for adoption;

AA. "protective supervision" means the right to visit the child in the home where the child is residing, inspect the home, transport the child to court-ordered diagnostic examinations and evaluations and obtain information and records concerning the child;

BB. "relative" means a person related to another person:

- (1) by blood within the fifth degree of consanguinity or through marriage by the fifth degree of affinity; or
- (2) with respect to an Indian child, as established or defined by the Indian child's tribe's custom or law;

CC. "reservation" means:

- (1) "Indian country" as defined in 18 U.S.C. Section 1151;

(2) any lands to which the title is held by the United States in trust for the benefit of an Indian tribe or individual; or

(3) any lands held by an Indian tribe or individual subject to a restriction by the United States against alienation;

DD. "reunification" means either a return of the child to the parent or to the home from which the child was removed or a return to the noncustodial parent;

EE. "secretary" means the United States secretary of the interior;

FF. "tribal court" means a court with jurisdiction over child custody proceedings that is either a court of Indian offenses, a court established and operated under the law or custom of an Indian tribe or any other administrative body that is vested by an Indian tribe with authority over child custody proceedings;

GG. "tribal court order" means a document issued by a tribal court that is signed by an appropriate authority, including a judge, governor or tribal council member, and that orders an action that is within the tribal court's jurisdiction; and

HH. "tribunal" means any judicial forum other than the court."

## **Chapter 41 Section 45 Laws 2022**

SECTION 45. Section 32A-1-8 NMSA 1978 (being Laws 1993, Chapter 77, Section 17, as amended) is amended to read:

"32A-1-8. JURISDICTION OF THE COURT--TRIBAL COURT JURISDICTION--EXCEPTION.--

A. The court has exclusive original jurisdiction of all proceedings under the Children's Code in which a person is eighteen years of age or older and was a child at the time the alleged act in question was committed or is a child alleged to be:

(1) a delinquent child;

(2) a child of a family in need of court-ordered services or a child in need of services pursuant to the Family in Need of Court-Ordered Services Act;

(3) a neglected child;

(4) an abused child;

(5) a child subject to adoption; or

(6) a child subject to placement for a developmental disability or a mental disorder.

B. The court has exclusive original jurisdiction to emancipate a minor.

C. The provisions of the Indian Family Protection Act govern child custody proceedings involving Indian children. To the extent the provisions of the Indian Family Protection Act conflict with the Children's Code, the provisions of the Indian Family Protection Act shall apply.

D. During abuse or neglect proceedings in which New Mexico is the home state, pursuant to the provisions of the Uniform Child-Custody Jurisdiction and Enforcement Act, the court shall have jurisdiction over both parents to determine the best interest of the child and to decide all matters incident to the court proceedings.

E. The court may acquire jurisdiction over a Motor Vehicle Code or municipal traffic code violation as set forth in Section 32A-2-29 NMSA 1978."

## **Chapter 41 Section 46 Laws 2022**

SECTION 46. Section 32A-1-11 NMSA 1978 (being Laws 1993, Chapter 77, Section 20, as amended) is amended to read:

"32A-1-11. PETITION--FORM AND CONTENT.--A petition initiating proceedings pursuant to the provisions of Chapter 32A, Article 2, 3B, 4 or 6 NMSA 1978 shall be entitled, "In the Matter of ....., a child", and shall set forth with specificity:

A. the facts necessary to invoke the jurisdiction of the court;

B. if violation of a criminal statute or other law or ordinance is alleged, the citation to the appropriate law;

C. the name, birth date and residence address of the child;

D. the name and residence address of the parents, guardian, custodian or spouse, if any, of the child; and if no parent, guardian, custodian or spouse, if any, resides or can be found within the state or if a residence address is unknown, the name of any known adult relative residing within the state or, if there be none, the known adult relative residing nearest to the court;

E. whether the child is in custody or detention pursuant to the Delinquency Act and, if so, the place of custody or detention and the time the child was taken into custody;

F. whether the child is an Indian child and, if so, any additional information required pursuant to the Indian Family Protection Act; and

G. if any of the matters required to be set forth by this section are not known, a statement of those matters and the fact that they are not known."

## **Chapter 41 Section 47 Laws 2022**

SECTION 47. Section 32A-3B-16 NMSA 1978 (being Laws 1993, Chapter 77, Section 88, as amended) is amended to read:

"32A-3B-16. DISPOSITIONAL JUDGMENT.--

A. At the conclusion of the dispositional hearing, the court shall set forth its findings on the following issues in the dispositional judgment:

- (1) the ability of the parent and child to share a residence;
- (2) the interaction and interrelationship of the child with the child's parent, siblings and any other person who may significantly affect the child's best interest;
- (3) the child's adjustment to home, school and community;
- (4) whether the child's educational needs are being met;
- (5) the mental and physical health of all individuals involved;
- (6) the wishes of the child as to the child's custodian;
- (7) the wishes of the child's parent, guardian or custodian as to the child's custody;
- (8) whether there exists a relative of the child or any other individual who, after study by the department, is found to be qualified to receive and care for the child;
- (9) the availability of services recommended in the treatment plan;
- (10) the department's efforts to work with the parent and child in the home and a description of the in-home treatment programs that the department has considered and rejected; and
- (11) when the child is an undocumented immigrant child, whether the family services plan included referral to nongovernmental agencies that may be able to assist the child, and family when appropriate, in addressing immigration status.

B. When there is an adjudication regarding a family in need of court-ordered services, the court shall enter judgment and make any of the following dispositions:

- (1) permit the child to remain with the child's parent, guardian or custodian, subject to conditions and limitations the court may prescribe;
- (2) place the child under the protective supervision of the department;
- (3) transfer legal custody of the child to:
  - (a) the department;
  - (b) an agency responsible for the care of neglected or abused children; or
  - (c) the child's noncustodial parent, if that is found to be in the child's best interests; or
- (4) if the evidence indicates that the child's educational needs are not being met, the local education agency may be joined as a party and directed to assess the child's needs within forty-five days, attempt to meet the child's educational needs and document its efforts to meet the child's educational needs.

C. Unless a child of an adjudicated family in need of court-ordered services is also found to be a delinquent child, the child shall not be confined in an institution established for the long-term care and rehabilitation of delinquent children or in a facility for the detention of alleged delinquent children."

## **Chapter 41 Section 48 Laws 2022**

SECTION 48. Section 32A-4-6 NMSA 1978 (being Laws 1993, Chapter 77, Section 100, as amended) is amended to read:

"32A-4-6. TAKING INTO CUSTODY--PENALTY.--

A. A child may be held or taken into custody:

- (1) by a law enforcement officer when the officer has evidence giving rise to reasonable grounds to believe that the child is abused or neglected and that there is an immediate threat to the child's safety; provided that the law enforcement officer contacts the department to enable the department to conduct an on-site safety assessment to determine whether it is appropriate to take the child into immediate custody, except that a child may be taken into custody by a law enforcement officer without a protective services assessment being conducted if:
  - (a) the child's parent, guardian or custodian has attempted, conspired to cause or caused great bodily harm to the child or great bodily harm or death to the child's sibling;

(b) the child's parent, guardian or custodian has attempted, conspired to cause or caused great bodily harm or death to another parent, guardian or custodian of the child;

(c) the child has been abandoned;

(d) the child is in need of emergency medical care;

(e) the department is not available to conduct a safety assessment in a timely manner; or

(f) the child is in imminent risk of abuse; or

(2) by medical personnel when there are reasonable grounds to believe that the child has been injured as a result of abuse or neglect and that the child may be at risk of further injury if returned to the child's parent, guardian or custodian. The medical personnel shall hold the child until a law enforcement officer is available to take custody of the child pursuant to Paragraph (1) of this subsection.

B. A child shall not be taken into protective custody solely on the grounds that the child's parent, guardian or custodian refuses to consent to the administration of a psychotropic medication to the child.

C. When a child is taken into custody by law enforcement, the department is not compelled to place the child in an out-of-home placement and may release the child to the child's parent, guardian or custodian.

D. When a child is taken into custody, the department shall make active efforts to determine whether the child is an Indian child as required pursuant to the Indian Family Protection Act.

E. Any person who intentionally interferes with protection of a child, as provided by Subsection A of this section, is guilty of a petty misdemeanor."

## **Chapter 41 Section 49 Laws 2022**

SECTION 49. Section 32A-4-18 NMSA 1978 (being Laws 1993, Chapter 77, Section 112, as amended) is amended to read:

"32A-4-18. CUSTODY HEARINGS--TIME LIMITATIONS--NOTICE--PROBABLE CAUSE.--

A. When a child alleged to be neglected or abused has been placed in the legal custody of the department or the department has petitioned the court for temporary custody, a custody hearing shall be held within ten days from the date the petition is filed to determine if the child should remain in or be placed in the



department's custody pending adjudication. Upon written request of the respondent, the hearing may be held earlier, but in no event shall the hearing be held sooner than two days after the date the petition was filed.

B. The parent, guardian or custodian of the child alleged to be abused or neglected shall be given reasonable notice of the time and place of the custody hearing.

C. At the custody hearing, the court shall return legal custody of the child to the child's parent, guardian or custodian unless probable cause exists to believe that:

(1) the child is suffering from an illness or injury, and the parent, guardian or custodian is not providing adequate care for the child;

(2) the child is in immediate danger from the child's surroundings and removal from those surroundings is necessary for the child's safety or well-being;

(3) the child will be subject to injury by others if not placed in the custody of the department;

(4) there has been an abandonment of the child by the child's parent, guardian or custodian; or

(5) the parent, guardian or custodian is not able or willing to provide adequate supervision and care for the child.

D. At the conclusion of the custody hearing, if the court determines that probable cause exists pursuant to Subsection C of this section, the court may:

(1) return legal custody of the child to the child's parent, guardian or custodian upon such conditions as will reasonably ensure the safety and well-being of the child, including protective supervision or maintenance at home by the department or participation in programs or services aimed at addressing the underlying causative factors that impact the safety or well-being of the child; or

(2) award legal custody of the child to the department.

E. Reasonable efforts shall be made to preserve and reunify the family, with the paramount concern being the child's health and safety. When the department determines that the home of an adult relative of the child meets all relevant child protection and licensing standards and placement in the home would be in the best interest of the child, the department shall give a preference to placement of the child in that home. The department shall make reasonable efforts to conduct home studies on appropriate relatives who express an interest in providing placement for the child.

F. At the conclusion of the custody hearing, if the court determines that probable cause does not exist pursuant to Subsection C of this section, the court shall:

(1) retain jurisdiction and, unless the court permits otherwise, order that the respondent and child remain in the jurisdiction of the court pending the adjudication;

(2) return legal custody of the child to the child's parent, guardian or custodian with conditions to provide for the safety and well-being of the child; and

(3) order that the child's parent, guardian or custodian allow the child necessary contact with the child's guardian ad litem or attorney.

G. At the conclusion of the custody hearing, the court may order the respondent or the child alleged to be neglected or abused, or both, to undergo appropriate diagnostic examinations or evaluations. If the court determines that probable cause does not exist, the court may order the respondent or the child alleged to be neglected or abused, or both, to undergo appropriate diagnostic examinations or evaluations as necessary to protect the child's best interests, based upon the allegations in the petition and the evidence presented at the custody hearing. Copies of any diagnostic or evaluation reports ordered by the court shall be provided to the parties at least five days before the adjudicatory hearing is scheduled. The reports shall not be sent to the court.

H. The Rules of Evidence shall not apply to custody hearings.

I. Notwithstanding any other provision of law, a party aggrieved by an order entered pursuant to this section shall be permitted to file an immediate appeal as a matter of right. If the order appealed from grants the legal custody of the child to or withholds it from one or more of the parties to the appeal, the appeal shall be expedited and shall be heard at the earliest practicable time. While an appeal pursuant to this section is pending, the court shall have jurisdiction to take further action in the case pursuant to Subsection B of Section 32A-1-17 NMSA 1978."

## **Chapter 41 Section 50 Laws 2022**

SECTION 50. Section 32A-4-21 NMSA 1978 (being Laws 1993, Chapter 77, Section 115, as amended) is amended to read:

"32A-4-21. NEGLECT OR ABUSE PREDISPOSITION STUDIES, REPORTS AND EXAMINATIONS.--

A. Prior to holding a dispositional hearing, the court shall direct that a predisposition study and report be submitted in writing to the court by the department.

B. The predisposition study required pursuant to Subsection A of this section shall contain the following information:

(1) a statement of the specific reasons for intervention by the department or for placing the child in the department's custody and a statement of the

parent's ability to care for the child in the parent's home without causing harm to the child;

(2) a statement of how an intervention plan is designed to achieve placement of the child in the least restrictive setting available, consistent with the best interests and special needs of the child, including a statement of the likely harm the child may suffer as a result of being removed from the parent's home, including emotional harm that may result due to separation from the child's parents, and a statement of how the intervention plan is designed to place the child in close proximity to the parent's home without causing harm to the child due to separation from parents, siblings or any other person who may significantly affect the child's best interest;

(3) the wishes of the child as to the child's custodian;

(4) a statement of the efforts the department has made to identify and locate all grandparents and other relatives and to conduct home studies on any appropriate relative expressing an interest in providing care for the child, and a statement as to whether the child has a family member who, subsequent to study by the department, is determined to be qualified to care for the child;

(5) a description of services offered to the child, the child's family and the child's foster care family and a summary of reasonable efforts made to prevent removal of the child from the child's family or reasonable efforts made to reunite the child with the child's family;

(6) a description of the home or facility in which the child is placed and the appropriateness of the child's placement;

(7) the results of any diagnostic examination or evaluation ordered at the custody hearing;

(8) a statement of the child's medical and educational background;

(9) a case plan that sets forth steps to ensure that the child's physical, medical, cultural, psychological and educational needs are met and that sets forth services to be provided to the child and the child's parents to facilitate permanent placement of the child in the parent's home;

(10) for children sixteen years of age and older, a plan for developing the specific skills the child requires for successful transition into independent living as an adult, regardless of whether the child is returned to the child's parent's home;

(11) a case plan that sets forth steps to ensure that the child's educational needs are met and, for a child fourteen years of age or older, a case plan that specifically sets forth the child's educational and post-secondary goals; and

(12) a description of the child's foster care placement and whether it is appropriate in terms of the educational setting and proximity to the school the child was enrolled in at the time of the placement, including plans for travel for the child to remain in the school in which the child was enrolled at the time of placement, if reasonable and in the child's best interest.

C. A copy of the predisposition report shall be provided by the department to counsel for all parties five days before the dispositional hearing.

D. If the child is an adjudicated abused child, any temporary custody orders shall remain in effect until the court has received and considered the predispositional study at the dispositional hearing."

## **Chapter 41 Section 51 Laws 2022**

SECTION 51. Section 32A-4-22 NMSA 1978 (being Laws 1993, Chapter 77, Section 116, as amended) is amended to read:

"32A-4-22. DISPOSITION OF ADJUDICATED ABUSED OR NEGLECTED CHILD.--

A. If not held in conjunction with the adjudicatory hearing, the dispositional hearing shall be commenced within thirty days after the conclusion of the adjudicatory hearing. At the conclusion of the dispositional hearing, the court shall make and include in the dispositional judgment its findings on the following:

(1) the interaction and interrelationship of the child with the child's parent, siblings and any other person who may significantly affect the child's best interest;

(2) the child's adjustment to the child's home, school and community;

(3) the mental and physical health of all individuals involved;

(4) the wishes of the child as to the child's placement;

(5) the wishes of the child's parent, guardian or custodian as to the child's custody;

(6) whether reasonable efforts have been made by the department to identify, locate and give notice to all grandparents and other relatives and to conduct home studies on any appropriate relative who expresses an interest in providing care for the child. If the court finds that reasonable efforts in these areas have not been made, the court may make supplemental orders as necessary and may reconsider the matter at the initial judicial review and subsequent periodic review hearings;

(7) whether consideration has been given to the child's familial identity and connections;

(8) whether there exists a relative of the child or other individual who, after study by the department, is found to be qualified to receive and care for the child;

(9) the availability of services recommended in the case plan prepared as a part of the predisposition study in accordance with the provisions of Section 32A-4-21 NMSA 1978;

(10) the ability of the parent to care for the child in the home so that no harm will result to the child;

(11) whether reasonable efforts were made by the department to prevent removal of the child from the home prior to placement in substitute care and whether reasonable efforts were made to attempt reunification of the child with the natural parent; and

(12) whether reasonable efforts were made by the department to place siblings in custody together, unless such joint placement would be contrary to the safety or well-being of any of the siblings in custody, and whether any siblings not jointly placed have been provided reasonable visitation or other ongoing interaction, unless visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.

B. If a child is found to be neglected or abused, the court may enter its judgment making any of the following dispositions to protect the welfare of the child:

(1) permit the child to remain with the child's parent, guardian or custodian, subject to those conditions and limitations the court may prescribe;

(2) place the child under protective supervision of the department; or

(3) transfer legal custody of the child to one of the following:

(a) the noncustodial parent, if it is found to be in the child's best interest; or

(b) the department.

C. If a child is found to be neglected or abused, in its dispositional judgment the court shall also order the department to implement and the child's parent, guardian or custodian to cooperate with any case plan approved by the court. Reasonable efforts shall be made to preserve and reunify the family, with the paramount concern being the child's health and safety. The court may determine that reasonable efforts are not required to be made when the court finds that:

(1) the efforts would be futile; or

(2) the parent, guardian or custodian has subjected the child to aggravated circumstances.

D. Any parent, guardian or custodian of a child who is placed in the legal custody of the department or other person pursuant to Subsection B of this section shall have reasonable rights of visitation with the child as determined by the court, unless the court finds that the best interests of the child preclude any visitation.

E. The court may order reasonable visitation between a child placed in the custody of the department and the child's siblings or any other person who may significantly affect the child's best interest, if the court finds the visitation to be in the child's best interest.

F. Unless a child found to be neglected or abused is also found to be delinquent, the child shall not be confined in an institution established for the long-term care and rehabilitation of delinquent children.

G. When the court vests legal custody in an agency, institution or department, the court shall transmit with the dispositional judgment copies of the clinical reports, the predisposition study and report and any other information it has pertinent to the care and treatment of the child.

H. Prior to a child being placed in the custody or protective supervision of the department, the department shall be provided with reasonable oral or written notification and an opportunity to be heard. At any hearing held pursuant to this subsection, the department may appear as a party.

I. When the court determines pursuant to Subsection C of this section that no reasonable efforts at reunification are required, the court shall conduct, within thirty days, a permanency hearing as described in Section 32A-4-25.1 NMSA 1978. Reasonable efforts shall be made to implement and finalize the permanency plan in a timely manner."

## **Chapter 41 Section 52 Laws 2022**

SECTION 52. Section 32A-4-25 NMSA 1978 (being Laws 1993, Chapter 77, Section 119, as amended) is amended to read:

"32A-4-25. PERIODIC JUDICIAL REVIEW OF DISPOSITIONAL JUDGMENTS.--

A. The initial judicial review shall be held within sixty days of the disposition. At the initial judicial review, the parties shall demonstrate to the court efforts made to implement the treatment plan approved by the court in its dispositional order. The court shall determine the extent to which the treatment plan has been implemented and make

supplemental orders as necessary to ensure compliance with the treatment plan and the safety of the child. Prior to the initial judicial review, the department shall submit a copy of the adjudicatory order, the dispositional order and notice of the initial judicial review to the council. The staff of the council, or an entity contracting with the council, shall review the case. If the staff or contracting entity determines that the case meets the criteria established in council rules, the staff or contracting entity shall designate the case for review by a substitute care review board. A representative of the substitute care review board, if designated, shall be permitted to attend and comment to the court.

B. The court shall conduct subsequent periodic judicial reviews of the dispositional order within six months of the conclusion of the permanency hearing or, if a motion has been filed for termination of parental rights or permanent guardianship, within six months of the decision on that motion and every six months thereafter. Prior to a subsequent periodic judicial review, the department shall submit a progress report to the council or any designated substitute care review board. Prior to any judicial review by the court pursuant to this section, the substitute care review board may review the dispositional order or the continuation of the order and the department's progress report and report its findings and recommendations to the court.

C. Judicial review pursuant to this section may be carried out by either of the following:

- (1) a judicial review hearing conducted by the court; or
- (2) a judicial review hearing conducted by a special master appointed by the court; provided, however, that the court approve any findings made by the special master.

D. The children's court attorney shall give notice of the time, place and purpose of any judicial review hearing held pursuant to Subsection A, B or C of this section to:

- (1) all parties, including:
  - (a) the child alleged to be neglected or abused or in need of court-ordered services, by and through the child's guardian ad litem or attorney;
  - (b) the child's parent, guardian or custodian, who has allegedly neglected or abused the child or is in need of court-ordered services; and
  - (c) any other person made a party by the court;
- (2) the child's foster parent or substitute care provider;
- (3) the child's court-appointed special advocate; and

(4) if designated by the council, the substitute care review board.

E. At any subsequent judicial review hearing held pursuant to Subsection B of this section, the department and all parties given notice pursuant to Subsection D of this section shall have the opportunity to present evidence and to cross-examine witnesses. At the hearing, the department shall show that it has made reasonable effort to implement any treatment plan approved by the court in its dispositional order and shall present a treatment plan consistent with the purposes of the Children's Code for any period of extension of the dispositional order. The respondent shall demonstrate to the court that efforts to comply with the treatment plan approved by the court in its dispositional order and efforts to maintain contact with the child were diligent and made in good faith. The court shall determine the extent of compliance with the treatment plan and whether progress is being made toward establishing a stable and permanent placement for the child.

F. The Rules of Evidence shall not apply to hearings held pursuant to this section. The court may admit testimony by any person given notice of the hearing who has information about the status of the child or the status of the treatment plan.

G. At the conclusion of any hearing held pursuant to this section, the court shall make findings of fact and conclusions of law.

H. Based on its findings at a judicial review hearing held pursuant to Subsection B of this section, the court shall order one of the following dispositions:

(1) dismiss the action and return the child to the child's parent without supervision if the court finds that conditions in the home that led to abuse have been corrected and it is now safe for the return of the abused child;

(2) permit the child to remain with the child's parent, guardian or custodian subject to those conditions and limitations the court may prescribe, including protective supervision of the child by the department;

(3) return the child to the child's parent and place the child under the protective supervision of the department;

(4) transfer or continue legal custody of the child to:

(a) the noncustodial parent, if that is found to be in the child's best interests;

(b) a relative or other individual who, after study by the department or other agency designated by the court, is found by the court to be qualified to receive and care for the child and is appointed as a permanent guardian of the child; or



(c) the department, subject to the provisions of Paragraph (6) of this subsection;

(5) continue the child in the legal custody of the department with or without any required parental involvement in a treatment plan; provided that reasonable efforts shall be made to preserve and reunify the family, with the paramount concern being the child's health and safety unless the court finds that such efforts are not required. The court may determine that reasonable efforts are not required to be made when the court finds that:

(a) the efforts would be futile; or

(b) the parent, guardian or custodian has subjected the child to aggravated circumstances;

(6) make additional orders regarding the treatment plan or placement of the child to protect the child's best interests if the court determines the department has failed in implementing any material provision of the treatment plan or abused its discretion in the placement or proposed placement of the child; or

(7) if during a judicial review the court finds that the child's parent, guardian or custodian has not complied with the court-ordered treatment plan, the court may order:

(a) the child's parent, guardian or custodian to show cause why the parent, guardian or custodian should not be held in contempt of court; or

(b) a hearing on the merits of terminating parental rights.

I. Dispositional orders entered pursuant to this section shall remain in force for a period of six months, except for orders that provide for transfer of the child to the child's noncustodial parent or to a permanent guardian.

J. When the court determines, pursuant to Paragraph (5) of Subsection H of this section, that no reasonable efforts at reunification are required, the court shall conduct, within thirty days, a permanency hearing as described in Section 32A-4-25.1 NMSA 1978. The department shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child."

## **Chapter 41 Section 53 Laws 2022**

SECTION 53. Section 32A-4-27 NMSA 1978 (being Laws 1993, Chapter 77, Section 121, as amended) is amended to read:

"32A-4-27. INTERVENTION--PERSONS PERMITTED TO INTERVENE.--

A. At any stage of an abuse or neglect proceeding, a person described in this subsection may be permitted to intervene as a party with a motion for affirmative relief:

- (1) a foster parent with whom the child has resided for at least six months;
- (2) a relative within the fifth degree of consanguinity with whom the child has resided;
- (3) a stepparent with whom the child has resided; or
- (4) a person who wishes to become the child's permanent guardian.

B. When determining whether a person described in Subsection A of this section should be permitted to intervene, the court shall consider:

- (1) the person's rationale for the proposed intervention; and
- (2) whether intervention is in the best interest of the child.

C. When the court determines that the child's best interest will be served as a result of intervention by a person described in Subsection A of this section, the court may permit intervention unless the party opposing intervention can demonstrate that a viable plan for reunification with the respondents is in progress and that intervention could impede the progress of the reunification plan.

D. A parent of the child who is not named in the petition alleging abuse or neglect shall be permitted to intervene during any stage of an abuse or neglect proceeding.

E. The foster parent shall be permitted to intervene when:

- (1) the foster parent desires to adopt the child;
- (2) the child has resided with the foster parent for at least six months within the year prior to the termination of parental rights;
- (3) a motion for termination of parental rights has been filed by a person other than the foster parent; and
- (4) bonding between the child and the child's foster parent is alleged as a reason for terminating parental rights in the motion for termination of parental rights.

F. The foster parent, preadoptive parent or relative providing care for the child shall be given notice of, and an opportunity to be heard in, any review or hearing with respect to the child, except that this subsection shall not be construed to require

that any foster parent, preadoptive parent or relative providing care for the child be made a party to such a review or hearing solely on the basis of the notice and opportunity to be heard."

## **Chapter 41 Section 54 Laws 2022**

SECTION 54. Section 32A-4-28 NMSA 1978 (being Laws 1993, Chapter 77, Section 122, as amended) is amended to read:

"32A-4-28. TERMINATION OF PARENTAL RIGHTS--ADOPTION DECREE.--

A. In proceedings to terminate parental rights, the court shall give primary consideration to the physical, mental and emotional welfare and needs of the child, including the likelihood of the child being adopted if parental rights are terminated.

B. The court shall terminate parental rights with respect to a child when:

(1) there has been an abandonment of the child by the child's parents;

(2) the child has been a neglected or abused child as defined in the Abuse and Neglect Act and the court finds that the conditions and causes of the neglect and abuse are unlikely to change in the foreseeable future despite reasonable efforts by the department or other appropriate agency to assist the parent in adjusting the conditions that render the parent unable to properly care for the child. The court may find in some cases that efforts by the department or another agency are unnecessary, when:

(a) there is a clear showing that the efforts would be futile; or

(b) the parent has subjected the child to aggravated circumstances; or

(3) the child has been placed in the care of others, including care by other relatives, either by a court order or otherwise and the following conditions exist:

(a) the child has lived in the home of others for an extended period of time;

(b) the parent-child relationship has disintegrated;

(c) a psychological parent-child relationship has developed between the substitute family and the child;

(d) if the court deems the child of sufficient capacity to express a preference, the child no longer prefers to live with the natural parent;

(e) the substitute family desires to adopt the child; and

(f) a presumption of abandonment created by the conditions described in Subparagraphs (a) through (e) of this paragraph has not been rebutted.

C. A finding by the court that all of the conditions set forth in Subparagraphs (a) through (f) of Paragraph (3) of Subsection B of this section exist shall create a rebuttable presumption of abandonment.

D. The department shall not file a motion, and shall not join a motion filed by another party, to terminate parental rights:

(1) when the sole factual basis for the motion is that a child's parent is or was formerly incarcerated; or

(2) if the motion is based, to any extent, on the fact that the child is an Indian child or that the child's parent or parents are Indian.

E. If the court finds that parental rights should be terminated; that the requirements for the adoption of a child have been satisfied; that the prospective adoptive parent is a party to the action; and that good cause exists to waive the filing of a separate petition for adoption, the court may proceed to grant adoption of the child, absent an appeal of the termination of parental rights. The court shall not waive any time requirements set forth in the Adoption Act unless the termination of parental rights occurred pursuant to the provisions of Paragraph (3) of Subsection B of this section. The court may enter a decree of adoption only after finding that the party seeking to adopt the child has satisfied all of the requirements set forth in the Adoption Act. Unless otherwise stipulated by all parties, an adoption decree shall take effect sixty days after the termination of parental rights, to allow the department sufficient time to provide counseling for the child and otherwise prepare the child for the adoption. The adoption decree shall conform to the requirements of the Adoption Act and shall have the same force and effect as other adoption decrees entered pursuant to that act. The court clerk shall assign an adoption case number to the adoption decree."

## **Chapter 41 Section 55 Laws 2022**

SECTION 55. Section 32A-4-29 NMSA 1978 (being Laws 1993, Chapter 77, Section 123, as amended) is amended to read:

"32A-4-29. TERMINATION PROCEDURE.--

A. A motion to terminate parental rights may be filed at any stage of the abuse or neglect proceeding by a party to the proceeding.

B. The motion for termination of parental rights shall set forth:

- (1) the date, place of birth and marital status of the child, if known;
- (2) the grounds for termination and the facts and circumstances supporting the grounds for termination;
- (3) the names and addresses of the persons or authorized agency or agency officer to whom legal custody might be transferred;
- (4) whether the child resides or has resided with a foster parent who desires to adopt the child;
- (5) whether the motion is in contemplation of adoption;
- (6) the relationship or legitimate interest of the moving party to the child; and
- (7) whether the child is subject to the Indian Family Protection Act.

C. Notice of the filing of the motion, accompanied by a copy of the motion, shall be served by the moving party on all other parties, the foster parent, preadoptive parent or relative providing care for the child with whom the child is residing, foster parents with whom the child has resided for six months within the previous twelve months, the custodian of the child, any person appointed to represent any party and any other person the court orders. Service shall be in accordance with the Children's Court Rules for the service of motions, except that foster parents and attorneys of record in this proceeding shall be served by certified mail. The notice shall state specifically that the person served shall file a written response to the motion within twenty days if the person intends to contest the termination. Further notice shall not be required on a parent who has been provided notice previously pursuant to Section 32A-4-17 NMSA 1978 and who failed to make an appearance.

D. When a motion to terminate parental rights is filed, the moving party shall request a hearing on the motion. The hearing date shall be at least thirty days, but no more than sixty days, after service is effected upon the parties entitled to service under this section. The moving party shall also file a motion for court-ordered mediation between the parent and any prospective adoptive parent to discuss an open adoption agreement. If an open adoption agreement is reached at any time before termination of parental rights, it shall be made a part of the court record.

E. In any action for the termination of parental rights brought by a party other than the department and involving a child in the legal custody of the department, the department may:

- (1) litigate a motion for the termination of parental rights that was initially filed by another party; or

(2) move that the motion for the termination of parental rights be found premature and denied.

F. When a motion to terminate parental rights is filed, the department shall perform concurrent planning.

G. When a child has been in foster care for not less than fifteen of the previous twenty-two months, the department shall file a motion to terminate parental rights, unless:

(1) a parent has made substantial progress toward eliminating the problem that caused the child's placement in foster care; it is likely that the child will be able to safely return to the parent's home within three months; and the child's return to the parent's home will be in the child's best interests;

(2) the child has a close and positive relationship with a parent and a permanent plan that does not include termination of parental rights will provide the most secure and appropriate placement for the child;

(3) the child is fourteen years of age or older, is firmly opposed to termination of parental rights and is likely to disrupt an attempt to place the child with an adoptive family;

(4) a parent is terminally ill, but in remission, and does not want parental rights to be terminated; provided that the parent has designated a guardian for the child;

(5) the child is not capable of functioning if placed in a family setting. In such a case, the court shall reevaluate the status of the child every ninety days unless there is a final court determination that the child cannot be placed in a family setting;

(6) grounds do not exist for termination of parental rights;

(7) the child is an unaccompanied, refugee minor and the situation regarding the child involves international legal issues or compelling foreign policy issues;

(8) adoption is not an appropriate plan for the child; or

(9) the parent's incarceration or participation in a court-ordered residential substance abuse treatment program constitutes the primary factor in the child's placement in substitute care and termination of parental rights is not in the child's best interest.

H. For purposes of this section, a child shall be considered to have entered foster care on the earlier of:

(1) the date of the first judicial finding that the child has been abused or neglected; or

(2) the date that is sixty days after the date on which the child was removed from the home.

I. The grounds for any attempted termination shall be proved by clear and convincing evidence.

J. When the court terminates parental rights, it shall appoint a custodian for the child and fix responsibility for the child's support.

K. A judgment of the court terminating parental rights divests the parent of all legal rights and privileges and dispenses with both the necessity for the consent to or receipt of notice of any subsequent adoption proceeding concerning the child. A judgment of the court terminating parental rights shall not affect the child's rights of inheritance from and through the child's biological parents.

L. When the court denies a motion to terminate parental rights, the court shall issue appropriate orders immediately. The court shall direct the parties to file a stipulated order and interim plan or a request for hearing within thirty days of the date of the hearing denying the termination of parental rights."

## **Chapter 41 Section 56 Laws 2022**

SECTION 56. Section 32A-4-32 NMSA 1978 (being Laws 1993, Chapter 77, Section 126, as amended) is amended to read:

"32A-4-32. PERMANENT GUARDIANSHIP--PROCEDURE.--

A. A motion for permanent guardianship may be filed by any party.

B. A motion for permanent guardianship shall set forth:

(1) the date, place of birth and marital status of the child, if known;

(2) the facts and circumstances supporting the grounds for permanent guardianship;

(3) the name and address of the prospective guardian and a statement that the person agrees to accept the duties and responsibilities of guardianship;

(4) the basis for the court's jurisdiction;

(5) the relationship of the child to the petitioner and the prospective guardian; and

(6) whether the child is subject to the Indian Family Protection Act and, if so, any additional requirements for that motion as provided pursuant to the Indian Family Protection Act.

C. If the motion is not filed by the prospective guardian, the motion shall be verified by the prospective guardian.

D. Notice of the filing of the motion, accompanied by a copy of the motion, shall be served by the moving party on any parent who has not previously been made a party to the proceeding, the parents of the child, foster parents with whom the child is residing, the foster parent, preadoptive parent or relative providing care for the child with whom the child has resided for six months, the child's custodian, the department, any person appointed to represent any party, including the child's guardian ad litem, and any other person the court orders provided with notice. Service shall be in accordance with the Children's Court Rules for the service of motions. Further notice shall not be required to a parent who has been provided notice previously pursuant to Section 32A-4-17 NMSA 1978 and who failed to make an appearance.

E. The grounds for permanent guardianship shall be proved by clear and convincing evidence.

F. A judgment of the court vesting permanent guardianship with an individual divests the biological or adoptive parent of legal custody or guardianship of the child, but is not a termination of the parent's rights. A child's inheritance rights from and through the child's biological or adoptive parents are not affected by this proceeding.

G. Upon a finding that grounds exist for a permanent guardianship, the court may incorporate into the final order provisions for visitation with the natural parents, siblings or other relatives of the child and any other provision necessary to rehabilitate the child or provide for the child's continuing safety and well-being.

H. The court shall retain jurisdiction to enforce its judgment of permanent guardianship.

I. Any party may make a motion for revocation of the order granting guardianship when there is a significant change of circumstances, including:

- (1) the child's parent is able and willing to properly care for the child; or
- (2) the child's guardian is unable to properly care for the child.

J. The court shall appoint a guardian ad litem for the child in all proceedings for the revocation of permanent guardianship if the child is under the age of fourteen. The court shall appoint an attorney for the child in all proceedings for the revocation of permanent guardianship if the child is fourteen years of age or older at the inception of the proceedings.



K. The court may revoke the order granting guardianship when a significant change of circumstances has been proven by clear and convincing evidence and it is in the child's best interests to revoke the order granting guardianship."

## **Chapter 41 Section 57 Laws 2022**

SECTION 57. Section 32A-4-33 NMSA 1978 (being Laws 1993, Chapter 77, Section 127, as amended) is amended to read:

"32A-4-33. CONFIDENTIALITY--RECORDS--PENALTY.--

A. All records or information concerning a party to a neglect or abuse proceeding, including social records, diagnostic evaluations, psychiatric or psychological reports, videotapes, transcripts and audio recordings of a child's statement of abuse or medical reports incident to or obtained as a result of a neglect or abuse proceeding or that were produced or obtained during an investigation in anticipation of or incident to a neglect or abuse proceeding shall be confidential and closed to the public.

B. The records described in Subsection A of this section shall be disclosed only to the parties and:

(1) court personnel and persons or entities authorized by contract with the court to review, inspect or otherwise have access to records or information in the court's possession;

(2) court-appointed special advocates appointed to the neglect or abuse proceeding;

(3) the child's guardian ad litem;

(4) the attorney representing the child in an abuse or neglect action, a delinquency action or any other action under the Children's Code;

(5) department personnel and persons or entities authorized by contract with the department to review, inspect or otherwise have access to records or information in the department's possession;

(6) any local substitute care review board or any agency contracted to implement local substitute care review boards;

(7) law enforcement officials, except when use immunity is granted pursuant to Section 32A-4-11 NMSA 1978;

(8) district attorneys, except when use immunity is granted pursuant to Section 32A-4-11 NMSA 1978;

(9) any state government or tribal government social services agency in any state or when, in the opinion of the department it is in the best interest of the child, a governmental social services agency of another country;

(10) a foster parent, if the records are those of a child currently placed with that foster parent or of a child being considered for placement with that foster parent and the records concern the social, medical, psychological or educational needs of the child;

(11) school personnel involved with the child if the records concern the child's social or educational needs;

(12) a grandparent, parent of a sibling, relative or fictive kin, if the records or information pertain to a child being considered for placement with that grandparent, parent of a sibling, relative or fictive kin and the records or information concern the social, medical, psychological or educational needs of the child;

(13) health care or mental health professionals involved in the evaluation or treatment of the child or of the child's parents, guardian, custodian or other family members;

(14) protection and advocacy representatives pursuant to the federal Developmental Disabilities Assistance and Bill of Rights Act and the federal Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1991;

(15) children's safehouse organizations conducting investigatory interviews of children on behalf of a law enforcement agency or the department;

(16) representatives of the federal government or their contractors authorized by federal statute or regulation to review, inspect, audit or otherwise have access to records and information pertaining to neglect or abuse proceedings;

(17) any person or entity attending a meeting arranged by the department to discuss the safety, well-being and permanency of a child, when the parent or child, or parent or legal custodian on behalf of a child younger than fourteen years of age, has consented to the disclosure; and

(18) any other person or entity, by order of the court, having a legitimate interest in the case or the work of the court.

C. A parent, guardian or legal custodian whose child has been the subject of an investigation of abuse or neglect where no petition has been filed shall have the right to inspect any medical report, psychological evaluation, law enforcement reports or other investigative or diagnostic evaluation; provided that any identifying information related to the reporting party or any other party providing information shall be deleted. The parent, guardian or legal custodian shall also have the right to the results of the

investigation and the right to petition the court for full access to all department records and information except those records and information the department finds would be likely to endanger the life or safety of any person providing information to the department.

D. Whoever intentionally and unlawfully releases any information or records closed to the public pursuant to the Abuse and Neglect Act or releases or makes other unlawful use of records in violation of that act is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

E. The department shall promulgate rules for implementing disclosure of records pursuant to this section and in compliance with state and federal law and the Children's Court Rules."

## **Chapter 41 Section 58 Laws 2022**

SECTION 58. Section 32A-5-7 NMSA 1978 (being Laws 1993, Chapter 77, Section 134, as amended) is amended to read:

"32A-5-7. CLERK OF THE COURT--DUTIES.--

A. The clerk of the court shall file pleadings captioned pursuant to the provisions of Section 32A-5-9 NMSA 1978. The clerk of the court shall not file incorrectly captioned pleadings.

B. The clerk of the court shall mail a copy of the request for placement to the department within one working day of the request for placement being filed with the court. The attorney for the person requesting placement shall provide to the clerk of the court a copy of the request for placement and a stamped envelope addressed to the department as specified in department rules.

C. The clerk of the court shall mail a copy of the petition for adoption within one working day of the petition for adoption being filed with the court. The attorney for the petitioner shall provide to the clerk of the court a copy of the petition for adoption and a stamped envelope addressed to the department as specified in department rules.

D. The clerk of the court shall mail a copy of the decree of adoption to the department within one working day of the entry of the decree of adoption. The attorney for the petitioner shall provide to the clerk of the court a copy of the decree of adoption and a stamped envelope addressed to the department as specified in department rules.

E. The clerk of the court shall provide a certificate of adoption with an adoptee's new name.

F. The attorney for the petitioner shall forward the certificate of adoption provided for in Subsection E of this section as follows:

(1) for a person born in the United States, to the appropriate vital statistics office of the place, if known, where the adoptee was born; or

(2) for all other persons, to the state registrar of vital statistics."

## **Chapter 41 Section 59 Laws 2022**

SECTION 59. Section 32A-5-13 NMSA 1978 (being Laws 1993, Chapter 77, Section 140, as amended) is amended to read:

"32A-5-13. INDEPENDENT ADOPTIONS--REQUEST FOR PLACEMENT--  
PLACEMENT ORDER--CERTIFICATION.--

A. When a placement order is required, the petitioner shall file a request with the court to allow the placement. An order permitting the placement shall be obtained prior to actual placement.

B. Only a pre-placement study that has been prepared or updated within one year immediately prior to the date of placement, approving the petitioner as an appropriate adoptive parent, shall be filed with the court prior to issuance of a placement order, except as provided in Subsection C of Section 32A-5-12 NMSA 1978.

C. In order for a person to be certified to conduct pre-placement studies, the person shall meet the standards promulgated by the department.

D. The pre-placement study shall be conducted by an agency or a person certified by the department to conduct the study. A person or agency that wants to be certified to perform pre-placement studies shall file documents verifying their qualifications with the department. The department shall publish a list of persons or agencies certified to conduct a pre-placement study. If necessary to defray additional costs associated with compiling the list, the department may assess and charge a reasonable administrative fee to the person or agency listed.

E. When a person or agency that wants to be certified to perform pre-placement studies files false documentation with the department, the person or agency shall be subject to the provisions of Section 32A-5-42 NMSA 1978.

F. A request for placement shall be filed and verified by the petitioner and shall allege:

(1) the full name, age and place and duration of residence of the petitioner and, if married, the place and date of marriage;

(2) the date and place of birth of the adoptee, if known, or the anticipated date and place of birth of the adoptee;

(3) a detailed statement of the circumstances and persons involved in the proposed placement;

(4) if the adoptee has been born, the address where the adoptee is residing at the time of the request for placement;

(5) if the adoptee has been born, the places where the adoptee has lived within the past three years and the names and addresses of the persons with whom the adoptee has lived. If the adoptee is in the custody of an agency or the department, the address shall be the address of the agency or the county office of the department from which the child was placed;

(6) the existence of any court orders that are known to the petitioner and that regulate custody, visitation or access to the adoptee, copies of which shall be attached to the request for placement as exhibits; if copies of any such court orders are unavailable at the time of filing the request for placement, the copies shall be filed prior to the issuance of the order of placement;

(7) that the petitioner desires to establish a parent and child relationship between the petitioner and the adoptee and that the petitioner is a fit and proper person able to care and provide for the adoptee's welfare;

(8) the relationship, if any, of the petitioner to the adoptee;

(9) whether the adoptee is subject to the Indian Family Protection Act, and, if so, the petition shall allege the actions taken to comply with the Indian Family Protection Act and all other allegations required pursuant to that act;

(10) whether the adoption is subject to the Interstate Compact on the Placement of Children and what specific actions have been taken to comply with the Interstate Compact on the Placement of Children; and

(11) the name, address and telephone number of the agency or investigator who has agreed to do the pre-placement study.

G. The request for placement shall be served on all parties entitled to receive notice of the filing of a petition for adoption, as provided in Section 32A-5-27 NMSA 1978. An order allowing placement may be entered prior to service of the request for placement.

H. A hearing and the court decision on the request for placement shall occur within thirty days of the filing of the request.

I. As part of any court order authorizing placement under this section, the court shall find whether the pre-placement study complies with Section 32A-5-14 NMSA

1978 and that the time requirements concerning placement set forth in this section have been met."

## **Chapter 41 Section 60 Laws 2022**

SECTION 60. Section 32A-5-15 NMSA 1978 (being Laws 1993, Chapter 77, Section 142, as amended) is amended to read:

"32A-5-15. TERMINATION OF PARENTAL RIGHTS.--

A. The physical, mental and emotional welfare and needs of the child shall be the primary consideration for the termination of parental rights. The court may terminate the rights of the child's parents as provided by the Adoption Act.

B. The court shall terminate parental rights with respect to a child when:

(1) the child has been abandoned by the parents;

(2) the child has been a neglected or abused child and the court finds that the conditions and causes of the neglect and abuse are unlikely to change in the foreseeable future; or

(3) the child has been placed in the care of others, including care by other relatives, either by a court order or otherwise, and the following conditions exist:

(a) the child has lived in the home of others for an extended period of time;

(b) the parent-child relationship has disintegrated;

(c) a psychological parent-child relationship has developed between the substitute family and the child;

(d) if the court deems the child of sufficient capacity to express a preference, the child no longer prefers to live with the natural parent;

(e) the substitute family desires to adopt the child; and

(f) a presumption of abandonment created by the conditions described in Subparagraphs (a) through (e) of this paragraph has not been rebutted.

C. A finding by the court that all of the conditions set forth in Subparagraphs (a) through (e) of Paragraph (3) of Subsection B of this section exist shall create a rebuttable presumption of abandonment."

## Chapter 41 Section 61 Laws 2022

SECTION 61. Section 32A-5-16 NMSA 1978 (being Laws 1993, Chapter 77, Section 143, as amended) is amended to read:

"32A-5-16. TERMINATION PROCEDURES.--

A. A proceeding to terminate parental rights may be initiated in connection with or prior to an adoption proceeding. Venue shall be in the court for the county in which the child is physically present or in the county from which the child was placed. The proceeding may be initiated by any of the following:

(1) the department;

(2) an agency; or

(3) any other person having a legitimate interest in the matter, including a petitioner for adoption, the child's guardian, the child's guardian ad litem or attorney in another action, a foster parent, a relative of the child or the child.

B. A petition for termination of parental rights shall be signed and verified by the petitioner, be filed with the court and set forth:

(1) the date, place of birth and marital status of the child, if known;

(2) the grounds for termination and the facts and circumstances supporting the grounds for termination;

(3) the names and addresses of the person, authorized agency or agency officer to whom custody might be transferred;

(4) the basis for the court's jurisdiction;

(5) that the petition is in contemplation of adoption;

(6) the relationship or legitimate interest of the applicant to the child;

and

(7) whether the child is an Indian child.

C. Notice of the filing of the petition, accompanied by a copy of the petition, shall be served by the petitioner on the parents of the child, the child's guardian, the legal custodian of the child, the person with whom the child is residing, the individuals with whom the child has resided within the past six months and the department. Service shall be in accordance with the Rules of Civil Procedure for the District Courts for the service of process in a civil action in this state, with the exception that the department

may be served by certified mail. The notice shall state specifically that the person served shall file a written response to the petition within twenty days if the person intends to contest the termination.

D. If the identification or whereabouts of a parent is unknown, the petitioner shall file a motion for an order granting service by publication or an order stating that service by publication is not required. A motion for an order granting service by publication shall be supported by the affidavit of the petitioner, the agency or the petitioner's attorney detailing the efforts made to locate the parent. Upon being satisfied that reasonable efforts to locate the parent have been made and that information as to the identity or whereabouts of the parent is still insufficient to effect service in accordance with SCRA, Rule 1-004, the court shall order service by publication or order that publication is not required because the parent's consent is not required pursuant to the provisions of Section 32A-5-19 NMSA 1978.

E. The court shall, upon request, appoint counsel for an indigent parent who is unable to obtain counsel or if, in the court's discretion, appointment of counsel for an indigent parent is required in the interest of justice. Payment for the appointed counsel shall be made by the petitioner pursuant to the rate determined by the supreme court of New Mexico for court-appointed attorneys.

F. The court shall appoint a guardian ad litem for the child in all contested proceedings for termination of parental rights. If the child is fourteen years of age or older and in the custody of the department, the child's attorney appointed pursuant to the Abuse and Neglect Act shall represent the child in any proceedings for termination of parental rights under this section.

G. Within thirty days after the filing of a petition to terminate parental rights, the petitioner shall request a hearing on the petition. The hearing date shall be at least thirty days after service is effected upon the parent of the child or completion of publication.

H. The grounds for any attempted termination shall be proved by clear and convincing evidence.

I. If the court terminates parental rights, it shall appoint a custodian for the child. Upon entering an order terminating the parental rights of a parent, the court may commit the child to the custody of the department, the petitioner or an agency willing to accept custody for the purpose of placing the child for adoption.

J. A judgment of the court terminating parental rights divests the parent of all legal rights. Termination of parental rights shall not affect the child's right of inheritance through the former parent."



## **Chapter 41 Section 62 Laws 2022**

SECTION 62. Section 32A-5-17 NMSA 1978 (being Laws 1993, Chapter 77, Section 144, as amended) is amended to read:

"32A-5-17. PERSONS WHOSE CONSENTS OR RELINQUISHMENTS ARE REQUIRED.--

A. Consent to adoption or relinquishment of parental rights to the department or an agency licensed by the state of New Mexico shall be required of the following:

(1) the adoptee, if fourteen years of age or older, except when the court finds that the adoptee does not have the mental capacity to give consent;

(2) the adoptee's mother;

(3) the adoptee's proposed adoptive parent;

(4) the presumed father of the adoptee;

(5) the adoptee's acknowledged father;

(6) the department or the agency to whom the adoptee has been relinquished that has placed the adoptee for adoption or the department or the agency that has custody of the adoptee; provided, however, that the court may grant the adoption without the consent of the department or the agency if the court finds the adoption is in the best interests of the adoptee and that the withholding of consent by the department or the agency is unreasonable; and

(7) the guardian of the adoptee's parent when, pursuant to provisions of the Uniform Probate Code, that guardian has express authority to consent to adoption.

B. A consent or relinquishment executed by a parent who is a minor shall not be subject to avoidance or revocation solely by reason of the parent's minority."

## **Chapter 41 Section 63 Laws 2022**

SECTION 63. Section 32A-5-21 NMSA 1978 (being Laws 1993, Chapter 77, Section 148, as amended) is amended to read:

"32A-5-21. FORM OF CONSENT OR RELINQUISHMENT.--

A. Except when consent or relinquishment is implied, a consent or relinquishment by a parent shall be in writing, signed by the parent consenting or relinquishing and shall state the following:

- (1) the date, place and time of execution;
- (2) the date and place of birth of the adoptee and any names by which the adoptee has been known;
- (3) if a consent to adoption is being executed, the identity of the petitioner, if known, or when the adoption is an independent adoption and the identity of the petitioner is unknown, how the petitioner was selected by the consenting parent;
- (4) if a relinquishment of parental rights is being executed, the name and address of the agency or the department;
- (5) that the person executing the consent or relinquishment has been counseled, as provided in Section 32A-5-22 NMSA 1978, by a certified counselor of the person's choice and with this knowledge the person is voluntarily and unequivocally consenting to the adoption of the named adoptee;
- (6) that the consenting party has been advised of the legal consequences of the relinquishment or consent either by independent legal counsel or a judge;
- (7) if the adoption is closed, that all parties understand that the court will not enforce any contact, regardless of any informal agreements that have made between the parties;
- (8) that the consent to or relinquishment for adoption cannot be withdrawn;
- (9) that the person executing the consent or relinquishment has received or been offered a copy of the consent or relinquishment;
- (10) that a counseling narrative has been prepared pursuant to department rules and is attached to the consent or relinquishment;
- (11) that the person who performed the counseling meets the requirements set forth in the Adoption Act; and
- (12) that the person executing the consent or relinquishment waives further notice of the adoption proceedings.

B. The consent of an adoptee, if fourteen years of age or older, shall be in writing, signed by the adoptee, consenting to the adoption and shall state the following:

- (1) the date, place and time of execution;

(2) the date and place of birth of the adoptee and any names by which the adoptee has been known;

(3) the name of the petitioner;

(4) that the adoptee has been counseled regarding the consent pursuant to department rules;

(5) that the adoptee has been advised of the legal consequences of the consent;

(6) that the adoptee is voluntarily and unequivocally consenting to the adoption;

(7) that the consent or relinquishment cannot be withdrawn;

(8) that a counseling narrative has been prepared pursuant to department rules and is attached to the consent; and

(9) that the person who performed the counseling meets the requirements set forth in the Adoption Act.

C. In cases when the consent or relinquishment is in English and English is not the first language of the consenting or relinquishing person, the person taking the consent or relinquishment shall certify in writing that the document has been read and explained to the person whose consent or relinquishment is being taken in that person's first language, by whom the document was so read and explained and that the meaning and implications of the document are fully understood by the person giving the consent or relinquishment.

D. Unconditional consents or relinquishments are preferred, and, therefore, conditional consents or relinquishments shall be for good cause and approved by the court. However, if the condition is for a specific petitioner or the condition requires the other parent to consent before the decree of adoption is entered, the condition shall be deemed for good cause. In any event, all conditions permitted under this subsection shall be met within one hundred eighty days of the execution of the conditional consent or relinquishment or the conclusion of any litigation concerning the petition for adoption. The court may grant an extension of this time for good cause.

E. Agency or department consents required pursuant to the provisions of Section 32A-5-17 NMSA 1978 shall state the following:

(1) the date, place and time of execution;

(2) the date and place of birth of the adoptee and any names by which the adoptee has been known;

- (3) the name of the petitioner; and
- (4) the consent of the agency or department.

F. A consent or relinquishment taken by an individual appointed to take consents or relinquishments by an agency shall be notarized, except that a consent or relinquishment signed in the presence of a judge need not be notarized. A hearing before the court for the purpose of taking a consent or relinquishment shall be heard by the court within seven days of request for setting.

G. No consent to adoption or relinquishment of parental rights shall be valid if executed within forty-eight hours after the adoptee's birth.

H. A consent to or relinquishment for adoption shall not be withdrawn prior to the entry of a decree of adoption unless the court finds, after notice and opportunity to be heard is afforded to the petitioner, to the person seeking the withdrawal and to the agency placing a child for adoption, that the consent or relinquishment was obtained by fraud. In no event shall a consent or relinquishment be withdrawn after the entry of a decree of adoption."

## **Chapter 41 Section 64 Laws 2022**

SECTION 64. Section 32A-5-26 NMSA 1978 (being Laws 1993, Chapter 77, Section 153, as amended by Laws 2003, Chapter 294, Section 4 and by Laws 2003, Chapter 321, Section 4) is amended to read:

"32A-5-26. PETITION--CONTENT.--A petition for adoption shall be filed and verified by the petitioner and shall allege:

A. the full name, age and place and duration of residence of the petitioner and, if married, the place and date of marriage; the date and place of any prior marriage, separation or divorce; and the name of any present or prior spouse;

B. the date and place of birth of the adoptee, if known;

C. the places where the adoptee has lived within the past three years and the names and addresses of the persons with whom the adoptee has lived, unless the adoptee is in the custody of an agency or the department, in which case the petitioner shall state the name and address of the agency or the department's county office from which the child was placed;

D. the birth name of the adoptee, any other names by which the adoptee has been known and the adoptee's proposed new name; provided that in the case of an agency adoption, if the petitioner and the biological parents have not agreed to the release of the adoptee's identity to the other person, the birth name and any other

names by which the adoptee has been known shall be filed with the court as separate documents at the time the petition is filed;

E. where the adoptee is residing at the time of the filing of the petition and, if the adoptee is not living with the petitioner, when the adoptee will commence living with the petitioner;

F. that the petitioner desires to establish a parent and child relationship with the adoptee and that the petitioner is a fit and proper person able to care and provide for the adoptee's welfare;

G. the existence of any court orders, including placement orders, that are known to the petitioner and that regulate custody, visitation or access to the adoptee, copies of which shall accompany and be attached to the petition as exhibits;

H. the relationship, if any, of the petitioner to the adoptee;

I. the name and address of the placing agency, if any;

J. the names and addresses of all persons from whom consents or relinquishments are required, attaching copies of those obtained and alleging the facts that excuse or imply the consents or relinquishments of the others; provided that if the petitioner has not agreed to the release of the petitioner's identity to the parent or if the parent has not agreed to the release of the parent's identity to the petitioner, the names and addresses of all persons from whom consents or relinquishments are required shall be filed with the court as separate documents at the time the petition for adoption is filed;

K. whether the adoption will be an open adoption, pursuant to the provisions of Section 32A-5-35 NMSA 1978;

L. when consent of the child's father is alleged to be unnecessary, the results of a search of the putative father registry;

M. whether the adoptee is an Indian child;

N. whether the adoption is subject to the Interstate Compact on the Placement of Children and, if so, a copy of the interstate compact form indicating approval shall be attached as an exhibit to the petition;

O. whether the adoptee is foreign-born and, if so, copies of the child's passport and United States visa and of all documents demonstrating that the adoptee is legally free for adoption, including a certificate from the United States secretary of state that certifies that the adoption is a convention adoption;

P. whether the adoption is a convention adoption and, if so, the petitioner shall allege:

(1) that the country in which the child has been residing is a party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;

(2) that the agency or person who is providing the adoption service has been approved as an accrediting entity; and

(3) that the certificate issued by the United States secretary of state that certifies the adoption as a convention adoption has been filed with the court; and

Q. the name, address and telephone number of the agency or individual who has agreed to conduct the post-placement report in accordance with Section 32A-5-31 NMSA 1978, if different than the agency or individual who prepared the pre-placement study in accordance with Section 32A-5-13 NMSA 1978."

## **Chapter 41 Section 65 Laws 2022**

SECTION 65. Section 32A-5-27 NMSA 1978 (being Laws 1993, Chapter 77, Section 154, as amended) is amended to read:

"32A-5-27. NOTICE OF PETITION--FORM OF SERVICE--WAIVER.--

A. The petition for adoption shall be served by the petitioner on the following, unless it has been previously waived in writing:

(1) the department, by providing a copy to the court clerk for service pursuant to Section 32A-5-7 NMSA 1978;

(2) any person, agency or institution whose consent or relinquishment is required by Section 32A-5-17 NMSA 1978, unless the notice has been previously waived;

(3) any acknowledged father of the adoptee;

(4) the legally appointed custodian or guardian of the adoptee;

(5) the spouse of any petitioner who has not joined in the petition;

(6) the spouse of the adoptee;

(7) the surviving parent of a deceased parent of the adoptee;

(8) any person known to the petitioner having custody of or visitation with the adoptee under a court order;

(9) any person in whose home the child has resided for at least two months within the preceding six months;

(10) the agency or individual authorized to investigate the adoption under Section 32A-5-13 NMSA 1978; and

(11) any other person designated by the court.

B. Notice shall not be served on the following:

(1) an alleged father; and

(2) a person whose parental rights have been relinquished or terminated.

C. The petitioner shall provide the clerk of the court with a copy of the petition for adoption, to be mailed to the department pursuant to the provisions of Section 32A-5-7 NMSA 1978.

D. The notice shall state that the person served shall respond to the petition within twenty days if the person intends to contest the adoption and shall state that the failure to so respond shall be treated as a default and the person's consent to the adoption shall not be required. Provided, however, that this provision shall not apply to an agency, the department or an investigator preparing the post-placement report pursuant to Section 32A-5-31 NMSA 1978. If an agency, the department or an investigator preparing the post-placement report wants to contest the adoption, it shall notify the court within twenty days after completion of the post-placement report.

E. Service shall be made pursuant to the Rules of Civil Procedure for the District Courts. If the whereabouts of a parent whose consent is required is unknown, the investigator, department or agency charged with investigating the adoption under Section 32A-5-13 NMSA 1978 shall investigate the whereabouts of the parent and shall file by affidavit the results of the investigation with the court. Upon a finding by the court that information as to the whereabouts of a parent has been sufficiently investigated and is still insufficient to effect service in accordance with the Rules of Civil Procedure for the District Courts, the court shall issue an order providing for service by publication.

F. As to any other person for whom notice is required under Subsection A of this section, service by certified mail, return receipt requested, shall be sufficient. If the service cannot be completed after two attempts, the court shall issue an order providing for service by publication.

G. The notice required by this section may be waived in writing by the person entitled to notice.

H. Proof of service of the notice on all persons for whom notice is required by this section shall be filed with the court before any hearing adjudicating the rights of the persons."

## **Chapter 41 Section 66 Laws 2022**

SECTION 66. Section 32A-5-28 NMSA 1978 (being Laws 1993, Chapter 77, Section 155) is amended to read:

"32A-5-28. RESPONSE TO PETITION.--

A. Any person responding to a notice of a petition for adoption shall file a verified response to the petition within the time limits specified in Section 32A-5-25 NMSA 1978.

B. The verified response shall follow the Rules of Civil Procedure for the District Courts and shall allege:

(1) the existence of any court orders known to the respondent that regulate custody, visitation or access to the adoptee but have not been filed with the court at the time the response is filed and copies of which shall be attached to the response;

(2) the relationship, if any, of the respondent to the adoptee;

(3) whether the adoptee is an Indian child;

(4) whether the adoption is subject to the Interstate Compact on the Placement of Children; and

(5) whether the adoption is an open adoption."

## **Chapter 41 Section 67 Laws 2022**

SECTION 67. Section 32A-5-36 NMSA 1978 (being Laws 1993, Chapter 77, Section 133, as amended by Laws 2003, Chapter 294, Section 5 and by Laws 2003, Chapter 321, Section 5) is amended to read:

"32A-5-36. ADJUDICATION--DISPOSITION--DECREE OF ADOPTION.--

A. The court shall conduct hearings on the petition for adoption so as to determine the rights of the parties in a manner that protects confidentiality. The petitioner and the adoptee shall attend the hearing unless the court for good cause



waives a party's appearance. Good cause may include burdensome travel requirements.

B. The petitioner shall file all documents required pursuant to the Adoption Act and serve the department with copies of the documents simultaneously with the request for hearing on the petition for adoption.

C. If any person who claims to be the biological father of the adoptee has appeared before the court and filed a written petition or response seeking custody and assuming financial responsibility of the adoptee, the court shall hear evidence as to the merits of the petition. If the court determines by a preponderance of the evidence that the person is not the biological father of the adoptee or that the child was conceived through an act of rape or incest, the petition shall be dismissed and the person shall no longer be a party to the adoption. If the court determines that the person is the biological father of the adoptee, the court shall further determine whether the person qualifies as a presumed or acknowledged father whose consent is necessary for adoption, pursuant to Section 32A-5-17 NMSA 1978. If the court determines that the person is the biological father, but does not qualify as a presumed or acknowledged father, the court shall adjudicate the person's rights pursuant to the provisions of the Adoption Act.

D. If the mother or father of the adoptee has appeared before the court and filed a written petition that alleges the invalidity of the mother's or father's own consent or relinquishment for adoption previously filed in the adoption proceeding, the court shall hear evidence as to the merits of the petition. If the court determines that the allegations have not been proved by a preponderance of the evidence, the petition shall be dismissed. If the court determines that the allegations of the petition are true, the consent or relinquishment for adoption shall be held invalid, and the court shall determine, in the best interests of the adoptee, the person who shall have custody of the child.

E. The petitioner shall present and prove each allegation set forth in the petition for adoption by clear and convincing evidence.

F. The court shall grant a decree of adoption if it finds that the petitioner has proved by clear and convincing evidence that:

(1) the court has jurisdiction to enter a decree of adoption affecting the adoptee;

(2) the adoptee has been placed with the petitioner for a period of ninety days if the adoptee is under the age of one year at the time of placement or for a period of one hundred eighty days if the adoptee is one year of age or older at the time of placement, unless, for good cause shown, the requirement is waived by the court;

(3) all necessary consents, relinquishments, terminations or waivers have been obtained;

(4) the post-placement report required by Section 32A-5-31 NMSA 1978 has been filed with the court;

(5) service of the petition for adoption has been made or dispensed with as to all persons entitled to notice pursuant to provisions of Section 32A-5-27 NMSA 1978;

(6) at least ninety days have passed since the filing of the petition for adoption, except the court may shorten or waive this period of time in cases in which the child is being adopted by a stepparent, a relative or a person named in the child's deceased parent's will pursuant to provisions of Section 32A-5-12 NMSA 1978;

(7) the petitioner is a suitable adoptive parent and the best interests of the adoptee are served by the adoption;

(8) if visitation between the biological family and the adoptee is contemplated, that the visitation is in the child's best interests;

(9) if the adoptee is foreign-born, the child is legally free for adoption and a certificate issued by the United States secretary of state that certifies the adoption as a convention adoption has been filed with the court;

(10) the results of the criminal records check required pursuant to provisions of the Adoption Act have been received and considered; and

(11) if the adoption involves the interstate placement of the adoptee, the requirements of the Interstate Compact on the Placement of Children have been met.

G. In addition to the findings required by Subsection F of this section, the court in any decree of adoption shall make findings with respect to each allegation of the petition.

H. If the court determines that any of the requirements for a decree of adoption pursuant to provisions of Subsections E and F of this section have not been met or that the adoption is not in the best interests of the adoptee, the court shall deny the petition and determine, in the best interests of the adoptee, the person who shall have custody of the child.

I. The decree of adoption shall include the new name of the adoptee and shall not include any other name by which the adoptee has been known or the names of the former parents. The decree of adoption shall order that from the date of the decree, the adoptee shall be the child of the petitioner and accorded the status set forth in Section 32A-5-37 NMSA 1978.

J. A decree of adoption shall be entered within six months of the filing of the petition if the adoptee is under the age of one year at the time of placement or twelve

months if the adoptee is one year of age or older at the time of placement, except that the time may be extended by the court upon request of any of the parties or upon the court's own motion for good cause shown.

K. A decree of adoption may not be attacked upon the expiration of one year from the entry of the decree."

## **Chapter 41 Section 68 Laws 2022**

SECTION 68. Section 32A-5-40 NMSA 1978 (being Laws 1993, Chapter 77, Section 167, as amended) is amended to read:

### "32A-5-40. POST-DECREE OF ADOPTION ACCESS TO RECORDS.--

A. After the decree of adoption has been entered, all court files containing records of judicial proceedings conducted pursuant to the provisions of the Adoption Act and records submitted to the court in the proceedings shall be kept in separate locked files withheld from public inspection. Upon application to the clerk of the court, the records shall be open to inspection by a former parent if the adoptee is eighteen years of age or older, by an adoptee if the adoptee is eighteen years of age or older at the time application is made for inspection, by the adoptive parent if the adoptee is under eighteen years of age at the time application is made for inspection, by the attorney of any party, by any agency that has exercised guardianship over or legal custody of a child who was the adoptee in the particular proceeding, by the department or by an adoptee's sibling; provided that the identity of the former parents and of the adoptee shall be kept confidential unless the former parents and the adoptee have consented to the release of identity. In the absence of consent to release identity, the inspection shall be limited to the following nonidentifying information:

- (1) the health and medical histories of the adoptee's biological parents;
- (2) the health and medical history of the adoptee;
- (3) the adoptee's general family background, including ancestral information, without name references or geographical designations;
- (4) physical descriptions; and
- (5) the length of time the adoptee was in the care and custody of persons other than the petitioner.

B. After the entry of the decree of adoption, at any time, a former parent may file with the court, with the placing agency or with the department:

- (1) a consent or refusal or an amended consent or refusal to be contacted;

(2) a release of the former parent's identity to the adoptee if the adoptee is eighteen years of age or older or to the adoptive parent if the adoptee is under eighteen years of age; or

(3) information regarding the former parent's location or changes in background information.

C. Any changes to post-adoption access to records referred to in Subsection B of this section shall be filed with the court, the placing agency and the department.

D. The consent or refusal referred to in Subsection B of this section shall be honored by the court, the placing agency or the department unless for good cause the court orders to the contrary.

E. At any time, an adoptee who is eighteen years of age or older may file with the court, a placing agency or the department:

(1) information regarding the adoptee's location; or

(2) a consent or refusal regarding opening of the adoptee's adoption file to the adoptee's former parents.

F. If mutual authorizations for release of identifying information by the parties are not available, an adoptee who is eighteen years of age or older, the biological parents if the adoptee is eighteen years of age or older or the adoptive parents if the adoptee is under the age of eighteen years may file a motion with the court to obtain the release of identifying information for good cause shown. When hearing the motion, the court shall give primary consideration to the best interests of the adoptee, but shall also give due consideration to the interests of the members of the adoptee's former and adoptive families. In determining whether good cause exists for the release of identifying information, the court shall consider:

(1) the reason the information is sought;

(2) any procedure available for satisfying the petitioner's request without disclosing the name or identity of another individual, including appointment of a confidential intermediary to contact the individual and request specific information;

(3) whether the individual about whom identifying information is sought is alive;

(4) the preference, to the extent known, of the adoptee, the adoptive parents, the former parents and other members of the adoptee's former and adoptive families and the likely effect of disclosure on those individuals;

(5) the age, maturity and expressed needs of the adoptee;

(6) the report or recommendation of any individual appointed by the court to assess the request for identifying information; and

(7) any other factor relevant to an assessment of whether the benefit to the adoptee of releasing the information sought will be greater than the benefit to any other individual of not releasing the information."

## **Chapter 41 Section 69 Laws 2022**

SECTION 69. Section 40-10B-5 NMSA 1978 (being Laws 2001, Chapter 167, Section 5, as amended) is amended to read:

"40-10B-5. PETITION--WHO MAY FILE--CONTENTS.--

A. A petition seeking the appointment of a guardian pursuant to the Kinship Guardianship Act may be filed only by:

(1) a kinship caregiver;

(2) a caregiver, who has reached the age of twenty-one, with whom no kinship with the child exists and who has been nominated to be guardian of the child by the child, and the child has reached the age of fourteen; or

(3) a caregiver designated formally or informally by a parent in writing if the designation indicates on its face that the parent signing understands:

(a) the purpose and effect of the guardianship;

(b) that the parent has the right to be served with the petition and notices of hearings in the action; and

(c) that the parent may appear in court to contest the guardianship.

B. A petition seeking the appointment of a guardian shall be verified by the petitioner and allege the following with respect to the child:

(1) facts that, if proved, will meet the requirements of Subsection B of Section 40-10B-8 NMSA 1978;

(2) the date and place of birth of the child, if known, and if not known, the reason for the lack of knowledge;

(3) the legal residence of the child and the place where the child resides, if different from the legal residence;

- (4) the name and address of the petitioner;
- (5) the kinship, if any, between the petitioner and the child;
- (6) the names and addresses of the parents of the child;
- (7) the names and addresses of persons having legal custody of the child;
- (8) the existence of any matters pending involving the custody of the child;
- (9) a statement that the petitioner agrees to accept the duties and responsibilities of guardianship;
- (10) the existence of any matters pending pursuant to the provisions of Chapter 32A, Article 4 NMSA 1978 and, if so, a statement that the children, youth and families department consents to the relief requested in the petition;
- (11) whether the child is an Indian child or there is reason to know that the child is an Indian child, and subject to provisions of the Indian Family Protection Act and, if so:
  - (a) the tribal affiliations of the child's parents; and
  - (b) the specific actions taken by the petitioner to notify the parents' tribes and the results of the contacts, including the names, addresses, titles and telephone numbers of the persons contacted, and copies of correspondence with the tribe; and
- (12) other facts in support of the guardianship sought."

## **Chapter 41 Section 70 Laws 2022**

SECTION 70. Section 40-10B-6 NMSA 1978 (being Laws 2001, Chapter 167, Section 6, as amended) is amended to read:

"40-10B-6. SERVICE OF PETITION--NOTICE--PARTIES.--

- A. The court shall set a date for hearing on the petition, which date shall be no less than thirty and no more than ninety days from the date of filing the petition.
- B. The petition and a notice of the hearing shall be served upon:

(1) the children, youth and families department if there is any pending matter relating to the child pursuant to the provisions of Chapter 32A, Article 4 NMSA 1978;

(2) the child if the child has reached the age of fourteen;

(3) the parents of the child;

(4) a person having custody of the child or visitation rights pursuant to a court order; and

(5) if the child is an Indian child or there is reason to know the child is an Indian child as defined in the Children's Code, the Indian tribe and the child's parent or "Indian custodian", together with a notice of pendency of the guardianship proceedings.

C. Service of process required by Subsection A of this section shall be made in accordance with the requirements for giving notice of a hearing pursuant to Subsection A of Section 45-1-401 NMSA 1978.

D. The persons required to be served pursuant to Subsection B of this section have a right to file a response as parties to this action. Other persons may intervene pursuant to Rule 1-024 NMRA."

## **Chapter 41 Section 71 Laws 2022**

SECTION 71. REPEAL.--Sections 32A-1-14 and 32A-3B-6.1 NMSA 1978 (being Laws 1993, Chapter 77, Section 23 and Laws 2005, Chapter 189, Section 37, as amended) are repealed.

## **Chapter 41 Section 72 Laws 2022**

SECTION 72. SEVERABILITY.--If any provision of the Indian Family Protection Act, related provisions in other sections of New Mexico law or the application of such laws to any person or circumstances is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions of the Indian Family Protection Act and related laws.

## **Chapter 41 Section 73 Laws 2022**

SECTION 73. APPLICABILITY.--

A. The provisions of this act apply to all cases filed on or after July 1, 2022.

B. The provisions of Section 8 of this act apply to tribal-state agreements that become effective on or after July 1, 2022.

## **Chapter 41 Section 74 Laws 2022**

### SECTION 74. EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 1 through 21 and 23 through 73 of this act is July 1, 2022.

B. The effective date of the provisions of Section 22 of this act is July 1, 2023.

## **LAWS 2022, CHAPTER 42**

**SFC/Senate Bill 140, aa  
Approved March 4, 2022**

### AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE OPPORTUNITY SCHOLARSHIP ACT; REPEALING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

## **Chapter 42 Section 1 Laws 2022**

SECTION 1. SHORT TITLE.--This act may be cited as the "Opportunity Scholarship Act".

## **Chapter 42 Section 2 Laws 2022**

### SECTION 2. DEFINITIONS.--As used in the Opportunity Scholarship Act:

A. "community college" means a branch community college of a four-year state educational institution, a two-year state educational institution or a community college or technical and vocational institute established pursuant to Chapter 21, Article 13 or 16 NMSA 1978;

B. "department" means the higher education department;

C. "eligible student" means a New Mexico resident who is enrolled or enrolling in at least six credit hours, excluding the summer semester, in a public post-secondary educational institution or tribal college at any time following high school graduation or the award of a high school equivalency credential;



D. "public post-secondary educational institution" means a four-year state educational institution or a community college;

E. "scholarship" means an opportunity scholarship;

F. "state educational institution" means an institution of higher education enumerated in Article 12, Section 11 of the constitution of New Mexico; and

G. "tribal college" means a tribally, federally or congressionally chartered post-secondary educational institution located in New Mexico that is accredited by the higher learning commission.

## **Chapter 42 Section 3 Laws 2022**

### **SECTION 3. CONDITIONS FOR ELIGIBILITY.--**

A. A scholarship may be awarded to an eligible student who:

(1) has not earned a baccalaureate degree at the time the scholarship is awarded;

(2) is enrolled in a minimum of six credit hours per semester and no more than eighteen credit hours per fall or spring semester;

(3) maintains a cumulative grade point average of 2.5 on a 4.0 scale; and

(4) has complied with other rules promulgated by the department to carry out the provisions of the Opportunity Scholarship Act.

B. A scholarship may be awarded for the summer semester; provided that the student enrolls in no less than three and no more than nine credit hours.

C. A scholarship may be awarded for one credit-bearing certificate or certificates, only one associate degree and only one bachelor's degree per student.

D. A scholarship for a credit-bearing certificate may only be awarded where data indicates that the certificate is in high demand by New Mexico employers as determined by the department in consultation with the workforce solutions department.

E. Students with disabilities or exceptional mitigating circumstances may petition for a waiver of eligibility requirements on a per semester basis. The lead financial aid officer of the public post-secondary institution or tribal college shall exercise professional judgment in consideration of any request for a waiver.

## **Chapter 42 Section 4 Laws 2022**

### **SECTION 4. SCHOLARSHIP AUTHORIZED--ADMINISTRATION.--**

A. The department shall administer the Opportunity Scholarship Act and shall promulgate rules to carry out the provisions of that act.

B. Scholarships shall be awarded to qualified eligible students in an amount not to exceed one hundred percent of tuition and fees after all other state financial aid has been applied. Qualifications shall be determined by rule of the department.

C. Prior to June 1 of each year, based on the amount appropriated by the legislature from the opportunity scholarship fund and on the projected enrollment at all public post-secondary educational institutions and tribal colleges, the department shall:

(1) determine the total amount of money available for all scholarships for eligible students;

(2) determine the award amount for public post-secondary educational institutions and tribal colleges; and

(3) notify all public post-secondary educational institutions and tribal colleges of the determinations made pursuant to Paragraphs (1) and (2) of this subsection.

D. In determining distribution and award amounts for the scholarships, the department shall:

(1) distribute to all public post-secondary educational institutions and tribal colleges an amount not to exceed the remaining balance in the opportunity scholarship fund; and

(2) subject to the provisions of Paragraph (1) of this subsection, distribute to each public post-secondary educational institution and tribal college an amount based on the projected enrollment at each public post-secondary educational institution and tribal college.

## **Chapter 42 Section 5 Laws 2022**

### **SECTION 5. DURATION OF SCHOLARSHIP AUTHORIZED.--**

A. Each scholarship is for a period of one semester, including the summer semester. A scholarship may be renewed; provided that the eligible student continues to meet the conditions of eligibility.

B. Scholarships may be provided to an eligible student until the eligible student receives a credit-bearing certificate or certificates.

C. Scholarships may be provided to an eligible student for up to ninety credit hours for the completion of an associate degree.

D. Scholarships may be provided to an eligible student for up to one hundred sixty credit hours for the completion of a bachelor's degree.

E. Scholarships may be provided to an eligible student until the eligible student graduates from a four-year public post-secondary educational institution or tribal college.

## **Chapter 42 Section 6 Laws 2022**

SECTION 6. TERMINATION OF SCHOLARSHIP AUTHORIZED.--A scholarship is terminated upon occurrence of:

A. withdrawal of the eligible student from the public post-secondary educational institution or tribal college or failure to remain enrolled in at least six credit hours per semester, excluding the summer semester;

B. failure of the eligible student to achieve satisfactory academic progress set by the public post-secondary educational institution or tribal college; or

C. substantial noncompliance by the eligible student with the Opportunity Scholarship Act or the rules promulgated pursuant to that act.

## **Chapter 42 Section 7 Laws 2022**

SECTION 7. FUND CREATED.--The "opportunity scholarship fund" is created as a nonreverting fund in the state treasury, consisting of income from investment of the fund and any specified distributions, appropriations, gifts, grants and donations to the fund. Money in the fund is appropriated to the department for scholarship awards as provided in the Opportunity Scholarship Act. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of higher education or the secretary's authorized representative.

## **Chapter 42 Section 8 Laws 2022**

SECTION 8. DEPARTMENT RULEMAKING AND REPORTING.--

A. The department shall promulgate rules setting forth explicit criteria in accordance with the Opportunity Scholarship Act for:

(1) student qualification and continuing eligibility;

(2) calculating the total amount of money necessary to pay for opportunity scholarships at each eligible institution pursuant to Section 4 of the Opportunity Scholarship Act and guidelines for the administration of the Opportunity Scholarship Act; and

(3) requirements for the memoranda of understanding regarding institution eligibility to participate in the opportunity scholarship program.

B. The department shall report by November 1 of each year to the legislative finance committee and the department of finance and administration on the:

(1) status of the opportunity scholarship fund; and

(2) Opportunity Scholarship Act participation data aggregated for each eligible institution to show the:

(a) number of eligible students who received scholarships in the prior academic year;

(b) total number of students enrolled in eligible institutions in the prior academic year; and

(c) number of eligible students who graduated with a degree and, for each eligible student, the number of consecutive semesters and nonconsecutive semesters attended prior to graduation.

## **Chapter 42 Section 9 Laws 2022**

SECTION 9. TEMPORARY PROVISION.--Upon the effective date of the Opportunity Scholarship Act:

A. all balances of the legislative endowment scholarship fund and the college affordability endowment fund shall be transferred to the opportunity scholarship fund; and

B. any appropriation to the opportunity scholarship program within the General Appropriation Act of 2022 shall be transferred to the opportunity scholarship fund.

## **Chapter 42 Section 10 Laws 2022**

SECTION 10. REPEAL.--Sections 21-21J-1 through 21-21J-8 and 21-21L-1 through 21-21L-8 NMSA 1978 (being Laws 1995, Chapter 35, Sections 1 through 8 and Laws 2005, Chapter 192, Sections 1 through 8, as amended) are repealed.

## **Chapter 42 Section 11 Laws 2022**

SECTION 11. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

## **LAWS 2022, CHAPTER 43**

**Senate Bill 138**  
**Approved March 8, 2022**

AN ACT

RELATING TO TAXATION; PROVIDING THAT RECEIPTS FROM PAYMENTS OF A MEDICARE ADMINISTRATIVE CONTRACTOR BE ELIGIBLE FOR A GROSS RECEIPTS TAX DEDUCTION FOR CERTAIN MEDICAL AND HEALTH CARE SERVICES.

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

## **Chapter 43 Section 1 Laws 2022**

SECTION 1. Section 7-9-77.1 NMSA 1978 (being Laws 1998, Chapter 96, Section 1, as amended by Laws 2021, Chapter 54, Section 1 and by Laws 2021, Chapter 65, Section 24) is amended to read:

"7-9-77.1. DEDUCTION--GROSS RECEIPTS TAX--CERTAIN MEDICAL AND HEALTH CARE SERVICES.--

A. Receipts of a health care practitioner or an association of health care practitioners from payments by the United States government, or any agency thereof, or from a medicare administrative contractor for medical and other health services provided by a health care practitioner to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

B. Receipts of a hospice or nursing home from payments by the United States government, or any agency thereof, or from a medicare administrative contractor for medical and other health and palliative services provided by the hospice or nursing home to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

C. Receipts of a health care practitioner or an association of health care practitioners from payments by a third-party administrator of the federal TRICARE program for medical and other health services provided by physicians and osteopathic physicians to covered beneficiaries may be deducted from gross receipts.

D. Receipts of a health care practitioner or an association of health care practitioners from payments by or on behalf of the Indian health service of the United States department of health and human services for medical and other health services provided by physicians and osteopathic physicians to covered beneficiaries may be deducted from gross receipts.

E. Receipts of a clinical laboratory from payments by the United States government, or any agency thereof, or from a medicare administrative contractor for medical services provided by the clinical laboratory to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

F. Receipts of a home health agency from payments by the United States government, or any agency thereof, or from a medicare administrative contractor for medical, other health and palliative services provided by the home health agency to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

G. Prior to July 1, 2024, receipts of a dialysis facility from payments by the United States government, or any agency thereof, or from a medicare administrative contractor for medical and other health services provided by the dialysis facility to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

H. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department. A taxpayer who has receipts that are deductible pursuant to this section and Section 7-9-93 NMSA 1978 shall deduct the receipts under this section prior to calculating the receipts that may be deducted pursuant to Section 7-9-93 NMSA 1978.

I. The department shall compile an annual report on the deductions created pursuant to this section that shall include the number of taxpayers that claimed each deduction, the aggregate amount of deductions claimed and any other information necessary to evaluate the effectiveness of the deductions. The department shall compile and present the annual reports to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the deductions and whether the deductions are providing a benefit to the state.

J. For the purposes of this section:

(1) "association of health care practitioners" means a corporation, unincorporated business entity or other legal entity organized by, owned by or employing one or more health care practitioners; provided that the entity is not:

(a) an organization granted exemption from the federal income tax by the United States commissioner of internal revenue as organizations described in Section 501(c)(3) of the United States Internal Revenue Code of 1986, as that section may be amended or renumbered; or

(b) a health maintenance organization, hospital, hospice, nursing home or an entity that is solely an outpatient facility or intermediate care facility licensed pursuant to the Public Health Act;

(2) "clinical laboratory" means a laboratory accredited pursuant to 42 USCA 263a;

(3) "dialysis facility" means an end-stage renal disease facility as defined pursuant to 42 C.F.R. 405.2102;

(4) "health care practitioner" means:

(a) an athletic trainer licensed pursuant to the Athletic Trainer Practice Act;

(b) an audiologist licensed pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

(c) a chiropractic physician licensed pursuant to the Chiropractic Physician Practice Act;

(d) a counselor or therapist practitioner licensed pursuant to the Counseling and Therapy Practice Act;

(e) a dentist licensed pursuant to the Dental Health Care Act;

(f) a doctor of oriental medicine licensed pursuant to the Acupuncture and Oriental Medicine Practice Act;

(g) an independent social worker licensed pursuant to the Social Work Practice Act;

(h) a massage therapist licensed pursuant to the Massage Therapy Practice Act;

(i) a naprapath licensed pursuant to the Naprapathic Practice Act;

(j) a nutritionist or dietitian licensed pursuant to the Nutrition and Dietetics Practice Act;

- (k) an occupational therapist licensed pursuant to the Occupational Therapy Act;
- (l) an optometrist licensed pursuant to the Optometry Act;
- (m) an osteopathic physician licensed pursuant to the Medical Practice Act;
- (n) a pharmacist licensed pursuant to the Pharmacy Act;
- (o) a physical therapist licensed pursuant to the Physical Therapy Act;
- (p) a physician licensed pursuant to the Medical Practice Act;
- (q) a podiatrist licensed pursuant to the Podiatry Act;
- (r) a psychologist licensed pursuant to the Professional Psychologist Act;
- (s) a radiologic technologist licensed pursuant to the Medical Imaging and Radiation Therapy Health and Safety Act;
- (t) a registered nurse licensed pursuant to the Nursing Practice Act;
- (u) a respiratory care practitioner licensed pursuant to the Respiratory Care Act; and
- (v) a speech-language pathologist licensed pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

(5) "home health agency" means a for-profit entity that is licensed by the department of health and certified by the federal centers for medicare and medicaid services as a home health agency and certified to provide medicare services;

(6) "hospice" means a for-profit entity licensed by the department of health as a hospice and certified to provide medicare services;

(7) "medicare administrative contractor" means a third-party administrator operating under contract with the federal centers for medicare and medicaid services to process medicare claims and make medicare fee-for-service payments for medicare fee-for-service beneficiaries;

(8) "nursing home" means a for-profit entity licensed by the department of health as a nursing home and certified to provide medicare services; and



(9) "TRICARE program" means the program defined in 10 U.S.C. 1072(7)."

## **Chapter 43 Section 2 Laws 2022**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

## **LAWS 2022, CHAPTER 44**

**Senate Bill 41, aa, w/o ec**  
**Approved March 8, 2022**

### **AN ACT**

RELATING TO UNIVERSITY RESEARCH PARKS; AMENDING THE UNIVERSITY RESEARCH PARK AND ECONOMIC DEVELOPMENT ACT; DESIGNATING RESEARCH PARK CORPORATIONS AS PUBLIC EMPLOYERS FOR THE PURPOSE OF THE PUBLIC EMPLOYEE BARGAINING ACT.

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

## **Chapter 44 Section 1 Laws 2022**

SECTION 1. Section 21-28-7 NMSA 1978 (being Laws 1989, Chapter 264, Section 7, as amended) is amended to read:

"21-28-7. LIMITATIONS ON APPLICATION OF LAWS.--

A. A research park corporation shall not be deemed an agency, public body or other political subdivision of New Mexico, including for purposes of applying statutes and laws relating to personnel, procurement of goods and services, meetings of the board of directors, gross receipts tax, disposition or acquisition of property, capital outlays, per diem and mileage and inspection of records.

B. A research park corporation shall be deemed:

(1) an agency or other political subdivision of the state for purposes of applying statutes and laws relating to the furnishing of goods and services to the university that operates it and the risk management fund; and

(2) a public employer for the purposes of the Public Employee Bargaining Act if it owns, operates or manages a health care facility or employs individuals who work at a health care facility.

C. A research park corporation, its officers, directors and employees shall be granted immunity from liability for any tort as provided in the Tort Claims Act. A research park corporation may enter into agreements with insurance carriers to insure against a loss in connection with its operations even though the loss may be included among losses covered by the risk management fund of New Mexico."

## **LAWS 2022, CHAPTER 45**

**House Bill 67, aa**  
**Approved March 8, 2022**

AN ACT

RELATING TO TAXATION; EXTENDING THE TECHNOLOGY READINESS GROSS RECEIPTS TAX CREDIT; REPEALING THE TECHNOLOGY READINESS GROSS RECEIPTS TAX CREDIT FUND; REPEALING THE CREDIT'S DELAYED REPEAL.

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

### **Chapter 45 Section 1 Laws 2022**

SECTION 1. Section 7-9-96.3 NMSA 1978 (being Laws 2020, Chapter 22, Section 1) is amended to read:

"7-9-96.3. TECHNOLOGY READINESS GROSS RECEIPTS TAX CREDIT.--

A. Prior to July 1, 2027, a taxpayer that is a national laboratory that provides technology readiness assistance to a business that is registered to do business in New Mexico and has licensed a technology from the national laboratory or is a participant in a cooperative research and development agreement with the national laboratory may claim a tax credit against the taxpayer's gross receipts tax liability imposed pursuant to the Gross Receipts and Compensating Tax Act, excluding any local option gross receipts tax liability. The tax credit provided by this section may be referred to as the "technology readiness gross receipts tax credit".

B. The purpose of the technology readiness gross receipts tax credit is to help businesses in New Mexico achieve technology maturation of the businesses' technologies developed at New Mexico national laboratories and increase economic development in the state.

C. The amount of a technology readiness gross receipts tax credit shall equal the amount of qualified expenditures incurred by a national laboratory to provide technology readiness assistance to a business, not to exceed one hundred fifty thousand dollars (\$150,000) in a fiscal year per business; provided that the annual aggregate amount of credits allowed per national laboratory per fiscal year shall be limited to one million dollars (\$1,000,000).

D. A taxpayer may claim a technology readiness gross receipts tax credit for the taxable period in which the taxpayer provides technology assistance pursuant to this section. That portion of a technology readiness gross receipts tax credit that exceeds a taxpayer's tax liability in the taxable period in which the credit is claimed may be carried forward to succeeding taxable periods.

E. To receive a technology readiness gross receipts tax credit, a taxpayer shall apply to the department on forms and in the manner required by the department. The application shall include the following:

- (1) certification from each business that received technology readiness assistance that:
  - (a) the assistance was made in good faith to help the business demonstrate the feasibility of real-world application of the business's technology; and
  - (b) the assistance was not otherwise available to the business at a reasonable cost through private industry;
- (2) evidence that the business that received the technology readiness assistance is registered to do business in New Mexico; and
- (3) evidence that the business's technology is a licensed technology from the national laboratory or the business is a participant in a cooperative research and development agreement with the national laboratory.

F. In addition to the requirements in Subsection E of this section, a national laboratory shall:

- (1) create forms for technology readiness assistance requests and completion of technology maturation;
- (2) establish a technology readiness assistance program that will assist businesses to reach technology maturation;
- (3) consult with the secretary of economic development to seek advice on improvements in the operation of the technology readiness assistance program; and
- (4) establish a methodology to use state educational institutions that have demonstrated the capability to provide technology readiness assistance.

G. A taxpayer shall not claim both a technology readiness gross receipts tax credit and a credit pursuant to the Laboratory Partnership with Small Business Tax Credit Act for assistance provided to the same business in the same taxable period.

H. If more than one national laboratory provides technology readiness assistance to a business, the national laboratories shall not claim a technology readiness gross receipts tax credit until coordination is developed between the national laboratories providing the assistance that generates a joint operational plan to ensure that:

(1) the assistance provided by each national laboratory suits the business's needs and challenges; and

(2) the combined claims for a technology readiness gross receipts tax credit will not exceed the limitations provided in Subsection C of this section.

I. A national laboratory that claims a technology readiness gross receipts tax credit shall submit an annual report in writing to the department, the economic development department and an appropriate legislative interim committee. If more than one national laboratory claims a technology readiness gross receipts tax credit, those laboratories shall jointly submit an annual report. The annual report shall summarize activities related to and the results of the technology readiness assistance programs created by the national laboratories and shall include:

(1) a description of each business's technology that has received technology readiness assistance, including progress toward technology maturation and whether, and to what extent, the business is still doing business in New Mexico;

(2) results of surveys of businesses to which technology readiness assistance is provided;

(3) the total amount of the technology readiness gross receipts tax credits received in the previous fiscal year; and

(4) an economic impact study performed by an uninterested third party.

J. At any time after receipt of an annual report required pursuant to this section, the department or the economic development department may provide written instructions to a national laboratory identifying future improvements in the national laboratory's technology readiness assistance program for which it receives a technology readiness gross receipts tax credit.

K. As used in this section:

(1) "cooperative research and development agreement" means any agreement between a national laboratory and a non-federal party under which the laboratory provides personnel, services, facilities, equipment, intellectual property or other resources and a non-federal party provides funds, personnel, services, facilities, equipment, intellectual property or other resources toward the conduct of specified research or development efforts that are consistent with the missions of the laboratory;

(2) "national laboratory" means a prime contractor designated as a national laboratory by act of congress that is operating a facility in New Mexico;

(3) "qualified expenditure" means an expenditure by a national laboratory in providing technology readiness assistance and is limited to the following:

(a) employee salaries, wages, benefits and employer payroll taxes;

(b) administrative costs related directly to the provision of technology readiness assistance;

(c) in-state travel expenses, including per diem and mileage at the internal revenue service standard rate; and

(d) supplies and services of contractors that are related to the provision of technology readiness assistance;

(4) "state educational institution" means a state educational institution named in Article 12, Section 11 of the constitution of New Mexico;

(5) "technology maturation" means technology that has been developed to a stage that results in a prototype or demonstration of the feasibility of real-world application of the technology; and

(6) "technology readiness assistance" means assistance provided to a business by a national laboratory with the intent to help the business's technology achieve technology maturation."

## **Chapter 45 Section 2 Laws 2022**

SECTION 2. TEMPORARY PROVISION--TRANSFER OF FUNDS.--Money in the technology readiness gross receipts tax credit fund shall be transferred to the general fund.

## **Chapter 45 Section 3 Laws 2022**

### SECTION 3. REPEAL.--

A. Section 7-1-6.65 NMSA 1978 (being Laws 2020, Chapter 22, Section 2) is repealed.

B. Laws 2020, Chapter 22, Section 3 is repealed.

## **Chapter 45 Section 4 Laws 2022**

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

# **LAWS 2022, CHAPTER 46**

**House Bill 102, aa**  
**Approved March 8, 2022**

AN ACT

RELATING TO TAXATION; PROVIDING PASS-THROUGH ENTITIES AN ELECTION TO PAY AN ENTITY-LEVEL TAX IN LIEU OF WITHHOLDING; EXEMPTING INCOME SUBJECT TO THE ENTITY-LEVEL TAX FROM THE INCOME TAX ACT AND THE CORPORATE INCOME AND FRANCHISE TAX ACT.

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

## **Chapter 46 Section 1 Laws 2022**

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

"EXEMPTION--INCOME SUBJECT TO ENTITY-LEVEL TAX.--Net income subject to the entity-level tax is exempt from income tax."

## **Chapter 46 Section 2 Laws 2022**

SECTION 2. A new section of the Corporate Income and Franchise Tax Act is enacted to read:

"EXEMPTION--INCOME SUBJECT TO ENTITY-LEVEL TAX.--Net income subject to the entity-level tax is exempt from corporate income tax."

## **Chapter 46 Section 3 Laws 2022**

SECTION 3. A new section of the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act is enacted to read:

"ELECTION OF ENTITY-LEVEL TAX.--

A. A pass-through entity may elect on an annual basis to pay a tax at the entity level for a taxable year. The tax that may elected to be paid pursuant to this section may be referred to as the "entity-level tax".

B. Pass-through entities electing to pay the entity-level tax shall make the election by filing a complete entity-level tax return with the department in the form and manner as prescribed by the department. The return shall be filed no later than the original or extended due date of the entity's federal partnership or S corporation return for the taxable year. Payment of the entity-level tax shall accompany or precede the filing of the return.

C. The entity-level tax is imposed on the distributed net income of the pass-through entity for the taxable year. The rate of entity-level tax is equal to the higher of the maximum tax rate imposed pursuant to Section 7-2-7 NMSA 1978 or the maximum tax rate imposed pursuant to Section 7-2A-5 NMSA 1978 for the taxable year.

D. Distributed net income of a pass-through entity shall equal the amount of net income of the pass-through entity allocated and apportioned to New Mexico pursuant to the Uniform Division of Income for Tax Purposes Act, less allocations of net income from that amount to:

- (1) the United States, this state or a political subdivision of either;
- (2) a federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico, or any political subdivision thereof;
- (3) an organization that has been granted exemption from the federal income tax by the United States commissioner of internal revenue as an organization described in Section 501(c)(3) of the Internal Revenue Code; or
- (4) a corporate partner that would properly include the income in the partner's New Mexico tax return as part of the partner's unitary business income.

E. Pass-through entities electing to pay the entity-level tax shall make estimated payments of the tax at the same time and in the same amounts as the withholding required by Subsection B of Section 7-3A-3 NMSA 1978. Amounts remitted pursuant to Subsection B of Section 7-3A-3 NMSA 1978 by entities electing to pay the entity-level tax shall be deemed payments of estimated entity-level tax.

F. If, for a taxable year, the sum of the estimated payments of tax made by a pass-through entity pursuant to Subsection E of this section exceeds the amount of entity-level tax owed, the pass-through entity may apply for a refund of the difference. If, for a taxable year, the entity-level tax owed by a pass-through entity exceeds the sum of the estimated payments made by the pass-through entity, the pass-through entity shall remit the difference on or before the date the pass-through entity's entity-level tax is due."

## **Chapter 46 Section 4 Laws 2022**

SECTION 4. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2022.

# **LAWS 2022, CHAPTER 47**

**HTRC/House Bill 163, aa**  
**Approved March 8, 2022**

### **AN ACT**

RELATING TO TAXATION; ALLOWING CERTAIN MUNICIPALITIES TO RETAIN A CERTAIN PERCENTAGE OF THE HOLD HARMLESS DISTRIBUTION TO OFFSET GROSS RECEIPTS DEDUCTIONS FOR FOOD AND HEALTH CARE PRACTITIONER SERVICES; CLARIFYING THAT CERTAIN OTHER MUNICIPALITIES AND COUNTIES ARE EXEMPT FROM THE PHASE-OUT OF THAT DISTRIBUTION IF THEY DID NOT HAVE A HOLD HARMLESS GROSS RECEIPTS TAX IN EFFECT ON JUNE 30, 2019; CREATING A 2022 INCOME TAX CREDIT FOR NURSES EMPLOYED BY HOSPITALS IN NEW MEXICO; CREATING A 2021 INCOME TAX REBATE; CREATING A TEMPORARY CHILD INCOME TAX CREDIT; PROVIDING A TEMPORARY INCOME TAX EXEMPTION FOR MILITARY RETIREMENT PAY; EXEMPTING SOCIAL SECURITY INCOME FROM INCOME TAX FOR CERTAIN INDIVIDUALS; EXTENDING THE NEW SOLAR MARKET DEVELOPMENT INCOME TAX CREDIT, INCREASING THE ANNUAL AGGREGATE CAP FOR THE CREDIT AND MAKING THE CREDIT REFUNDABLE AND TRANSFERABLE; AMENDING CERTAIN DATES TO EXTEND ELIGIBILITY FOR THE 2021 SUSTAINABLE BUILDING TAX CREDITS PURSUANT TO THE INCOME TAX ACT AND THE CORPORATE INCOME AND FRANCHISE TAX ACT, PROVIDING FOR AN EARLIER SUNSET DATE FOR THE CREDITS AND AMENDING QUALIFICATIONS FOR THE CREDITS; DEFINING "DISCLOSED AGENCY" IN THE GROSS RECEIPTS AND COMPENSATING TAX ACT; REDUCING THE RATES OF THE GROSS RECEIPTS TAX AND THE COMPENSATING TAX; PROVIDING FOR AN INCREASE IN THE GROSS RECEIPTS TAX AND THE COMPENSATING TAX IF GROSS RECEIPTS TAX REVENUES DECREASE; PROVIDING GROSS RECEIPTS TAX AND GOVERNMENTAL GROSS RECEIPTS TAX DEDUCTIONS FOR THE SALE OF SERVICES TO A MANUFACTURER; PROVIDING GROSS RECEIPTS TAX AND GOVERNMENTAL GROSS RECEIPTS TAX DEDUCTIONS FOR FEMININE HYGIENE PRODUCTS.

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



## Chapter 47 Section 1 Laws 2022

SECTION 1. Section 7-1-6.46 NMSA 1978 (being Laws 2004, Chapter 116, Section 1, as amended) is amended to read:

### "7-1-6.46. DISTRIBUTION TO MUNICIPALITIES--OFFSET FOR FOOD DEDUCTION AND HEALTH CARE PRACTITIONER SERVICES DEDUCTION.--

A. For a municipality that did not have in effect on June 30, 2019 a municipal hold harmless gross receipts tax through an ordinance and that has a population of less than ten thousand according to the most recent federal decennial census, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the municipality in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the applicable maximum distribution for the municipality.

B. For a municipality that did not have in effect on June 30, 2019 a municipal hold harmless gross receipts tax through an ordinance and has a population of at least ten thousand according to the most recent federal decennial census, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the municipality in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the following percentages of the applicable maximum distribution for the municipality:

(1) for a municipality that has a municipal poverty level two percentage points or more above the state poverty level, eighty percent;

(2) for a municipality that has a poverty level of less than two percentage points above or below the state poverty level, fifty percent; and

(3) for a municipality that has a poverty level two percentage points or more below the state poverty level:

(a) on or after July 1, 2022 and prior to July 1, 2023, forty-nine percent;

(b) on or after July 1, 2023 and prior to July 1, 2024, forty-two percent;

(c) on or after July 1, 2024 and prior to July 1, 2025, thirty-five percent; and

(d) on or after July 1, 2025, thirty percent.

C. For a municipality not described in Subsection A or B of this section, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the municipality in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15

NMSA 1978, equal to the applicable maximum distribution for the municipality multiplied by the following percentages:

- (1) on or after July 1, 2022 and prior to July 1, 2023, forty-nine percent;
  - (2) on or after July 1, 2023 and prior to July 1, 2024, forty-two percent;
  - (3) on or after July 1, 2024 and prior to July 1, 2025, thirty-five percent;
  - (4) on or after July 1, 2025 and prior to July 1, 2026, twenty-eight percent;
  - (5) on or after July 1, 2026 and prior to July 1, 2027, twenty-one percent;
  - (6) on or after July 1, 2027 and prior to July 1, 2028, fourteen percent;
  - (7) on or after July 1, 2028 and prior to July 1, 2029, seven percent;
- and
- (8) on and after July 1, 2029, zero percent.

D. A distribution pursuant to 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.

E. If the changes made by this 2022 act to the distributions made pursuant to this section impair the ability of a municipality to meet its principal or interest payment obligations for revenue bonds that are outstanding prior to July 1, 2022 and that are secured by the pledge of all or part of the municipality's revenue from the distribution made pursuant to this section, then the amount distributed pursuant to this section to that municipality shall be increased by an amount sufficient to meet the required payment; provided that the total amount distributed to that municipality pursuant to this section does not exceed the amount that would have been due that municipality pursuant to this section as it was in effect on June 30, 2022.

F. For the purposes of this section:

- (1) "business locations attributable to the municipality" means business locations:
  - (a) within the municipality;

(b) on land owned by the state, commonly known as the "state fairgrounds", within the exterior boundaries of the municipality;

(c) outside the boundaries of the municipality on land owned by the municipality; and

(d) 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: 1) 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 2) the governing body of the municipality has submitted a copy of the contract to the secretary;

(2) "maximum distribution" means:

(a) for a municipality that did not have in effect on June 30, 2019 a municipal hold harmless gross receipts tax, the total deductions claimed pursuant to Sections 7-9-92 and 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; and

(b) for a municipality not described in Subparagraph (a) of this paragraph, the total deductions claimed pursuant to Sections 7-9-92 and 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 on January 1, 2007 plus one and two hundred twenty-five thousandths percent; and

(3) "poverty level" means the percentage of persons in poverty, according to the most recent five-year American community survey, as published by the United States census bureau. For the purposes of determining the poverty level of a municipality, "poverty level" means the percentage of persons in poverty in a municipality, according to the most recent five-year American community survey, as published by the United States census bureau, that includes adequate data to make a determination as to the poverty level of the municipality.

G. 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 47 Section 2 Laws 2022

SECTION 2. Section 7-1-6.47 NMSA 1978 (being Laws 2004, Chapter 116, Section 2, as amended) is amended to read:

"7-1-6.47. DISTRIBUTION TO COUNTIES--OFFSET FOR FOOD DEDUCTION AND HEALTH CARE PRACTITIONER SERVICES DEDUCTION.--

A. For a county that did not have in effect on June 30, 2019 a county hold harmless gross receipts tax through an ordinance and that has a population of less than forty-eight thousand according to the most recent federal decennial census, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the county in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the applicable maximum distribution for the county.

B. For a county not described in Subsection A of this section, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the county in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the applicable maximum distribution multiplied by the following percentages:

- (1) on or after July 1, 2021 and prior to July 1, 2022, fifty-six percent;
- (2) on or after July 1, 2022 and prior to July 1, 2023, forty-nine percent;
- (3) on or after July 1, 2023 and prior to July 1, 2024, forty-two percent;
- (4) on or after July 1, 2024 and prior to July 1, 2025, thirty-five percent;
- (5) on or after July 1, 2025 and prior to July 1, 2026, twenty-eight percent;
- (6) on or after July 1, 2026 and prior to July 1, 2027, twenty-one percent;
- (7) on or after July 1, 2027 and prior to July 1, 2028, fourteen percent;
- (8) on or after July 1, 2028 and prior to July 1, 2029, seven percent;
- (9) on and after July 1, 2029, zero percent.

C. A distribution pursuant to 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.

D. If the changes made by this 2022 act to the distributions made pursuant to this section impair the ability of a county to meet its principal or interest payment obligations for revenue bonds that are outstanding prior to July 1, 2022 and that are secured by the pledge of all or part of the county's revenue from the distribution made pursuant to this section, then the amount distributed pursuant to this section to that county shall be increased by an amount sufficient to meet the required payment; provided that the total amount distributed to that county pursuant to this section does not exceed the amount that would have been due that county pursuant to this section as it was in effect on June 30, 2022.

E. 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 county pursuant to the Tax Increment for Development Act.

F. For the purposes of this section, "maximum distribution" means:

(1) for a county that did not have in effect on June 30, 2019 a county hold harmless gross receipts tax and that has a population of less than forty-eight thousand according to the most recent federal decennial census, the sum of:

(a) the total deductions claimed pursuant to Sections 7-9-92 and 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

(b) the total deductions claimed pursuant to Sections 7-9-92 and 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; and

(2) for a county not described in Paragraph (1) of this subsection, the sum of:

(a) the total deductions claimed pursuant to Sections 7-9-92 and 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 on January 1, 2007 that are imposed throughout the county; and

(b) the total deductions claimed pursuant to Sections 7-9-92 and 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 on January 1, 2007 that are imposed in the county area not within a municipality."

## Chapter 47 Section 3 Laws 2022

SECTION 3. A new section of the Income Tax Act is enacted to read:

"CREDIT--NURSES--2022 TAXABLE YEAR.--

A. For taxable year 2022, a taxpayer who is not a dependent of another individual and who was employed full time as a nurse at a hospital located in New Mexico may apply for, and the department may allow, a tax credit against the taxpayer's tax liability pursuant to the Income Tax Act pursuant to the provisions of this section.

B. The amount of tax credit allowed pursuant to this section shall be in an amount equal to one thousand dollars (\$1,000).

C. To receive a tax credit provided by this section, a taxpayer shall apply to the department on forms and in the manner prescribed by the department. The application shall include a certification by the hospital for which the taxpayer was employed in 2022 that the taxpayer was employed full time throughout 2022 as a nurse by the hospital.

D. That portion of the tax credit that exceeds a taxpayer's tax liability in the taxable year in which the credit is claimed shall be refunded to the taxpayer.

E. A taxpayer allowed a tax credit pursuant to this section shall report the amount of the credit to the taxation and revenue department in a manner required by that department.

F. The department shall compile an annual report on the tax credit provided by this section that shall include the number of taxpayers approved by the department to receive the credit, the aggregate amount of credits approved and any other information necessary to evaluate the credit. The department shall present the report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the cost of the tax credit.

G. As used in this section:

(1) "full time" means working at least thirty hours per week for forty-four weeks per year;

(2) "hospital" means a facility licensed as a hospital by the department of health; and

(3) "nurse" means a person licensed as a registered nurse or licensed practical nurse pursuant to the Nursing Practice Act."

## Chapter 47 Section 4 Laws 2022

SECTION 4. A new section of the Income Tax Act is enacted to read:

"2021 INCOME TAX REBATE.--

A. A resident who is not a dependent of another individual is eligible for a tax rebate of:

(1) five hundred dollars (\$500) for heads of household, surviving spouses and married individuals filing joint returns with adjusted gross income of less than one hundred fifty thousand dollars (\$150,000); and

(2) two hundred fifty dollars (\$250) for single individuals and married individuals filing separate returns with adjusted gross income of less than seventy-five thousand dollars (\$75,000).

B. The rebate provided by this section may be deducted from the taxpayer's New Mexico income tax liability for taxable year 2021.

C. If the amount of rebate exceeds the taxpayer's income tax liability, the excess shall be refunded to the taxpayer.

D. The department may require a taxpayer to claim the rebate provided by this section on forms and in a manner required by the department.

E. The rebate provided by this section shall not be allowed after June 30, 2023."

## Chapter 47 Section 5 Laws 2022

SECTION 5. A new section of the Income Tax Act is enacted to read:

"CHILD INCOME TAX CREDIT.--

A. For taxable years beginning January 1, 2023 and prior to January 1, 2032, a taxpayer who is a resident and is not a dependent of another individual may apply for, and the department may allow, a credit against the taxpayer's tax liability imposed pursuant to the Income Tax Act for each qualifying child of the taxpayer. The tax credit provided by this section may be referred to as the "child income tax credit".

B. The child income tax credit may be claimed as shown in the following table:

Adjusted gross income is		Amount of credit per
Over	But not over	qualifying child is

\$	0	\$25,000	\$175
	25,000	50,000	150
	50,000	75,000	125
	75,000	100,000	100
	100,000	200,000	75
	200,000	350,000	50
	350,000		25.

C. If a taxpayer's adjusted gross income is less than zero, the taxpayer may claim a tax credit in the amount shown in the first row of the table provided in Subsection B of this section.

D. To receive a child income tax credit, a taxpayer shall apply to the department on forms and in the manner prescribed by the department.

E. That portion of a child income tax credit that exceeds a taxpayer's tax liability in the taxable year in which the credit is claimed shall be refunded.

F. Married individuals filing separate returns for a taxable year for which they could have filed a joint return may each claim only one-half of the child income tax credit that would have been claimed on a joint return.

G. A taxpayer allowed a tax credit pursuant to this section shall report the amount of the credit to the department in a manner required by the department.

H. The department shall compile an annual report on the child income tax credit that shall include the number of taxpayers approved by the department to receive the credit, the aggregate amount of credits approved and any other information necessary to evaluate the effectiveness of the credit. The department shall compile and present the annual report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the cost of the tax credit.

I. As used in this section, "qualifying child" means "qualifying child" as defined by Section 152(c) of the Internal Revenue Code, as that section may be amended or renumbered, but includes any minor child or stepchild of the taxpayer who would be a qualifying child for federal income tax purposes if the public assistance contributing to the support of the child or stepchild was considered to have been contributed by the taxpayer."

## **Chapter 47 Section 6 Laws 2022**

SECTION 6. A new section of the Income Tax Act is enacted to read:

"EXEMPTION--ARMED FORCES RETIREMENT PAY.--



A. An individual who is an armed forces retiree may claim an exemption in the following amounts of military retirement pay includable, except for this exemption, in net income:

- (1) for taxable year 2022, ten thousand dollars (\$10,000);
- (2) for taxable year 2023, twenty thousand dollars (\$20,000); and
- (3) for taxable years 2024 through 2026, thirty thousand dollars (\$30,000).

B. As used in this section, "armed forces retiree" means a former member of the armed forces of the United States who has qualified by years of service or disability to separate from military service with lifetime benefits."

## **Chapter 47 Section 7 Laws 2022**

SECTION 7. A new section of the Income Tax Act is enacted to read:

"EXEMPTION--SOCIAL SECURITY INCOME.--An individual may claim an exemption in an amount equal to the amount included in adjusted gross income pursuant to Section 86 of the Internal Revenue Code, as that section may be amended or renumbered, of income includable except for this exemption in net income; provided that the individual's adjusted gross income shall not exceed:

- A. seventy-five thousand dollars (\$75,000) for married individuals filing separate returns;
- B. one hundred fifty thousand dollars (\$150,000) for heads of household, surviving spouses and married individuals filing joint returns; and
- C. one hundred thousand dollars (\$100,000) for single individuals."

## **Chapter 47 Section 8 Laws 2022**

SECTION 8. Section 7-2-18.31 NMSA 1978 (being Laws 2020, Chapter 13, Section 1) is amended to read:

"7-2-18.31. NEW SOLAR MARKET DEVELOPMENT INCOME TAX CREDIT.--

A. For taxable years prior to January 1, 2032, a taxpayer who is not a dependent of another individual and who, on or after March 1, 2020, purchases and installs a solar thermal system or a photovoltaic system in a residence, business or agricultural enterprise in New Mexico owned by that taxpayer, may apply for, and the department may allow, a credit against the taxpayer's tax liability imposed pursuant to the Income Tax Act in an amount provided in Subsection C of this section. The tax

credit provided by this section may be referred to as the "new solar market development income tax credit".

B. The purpose of the new solar market development income tax credit is to encourage the installation of solar thermal and photovoltaic systems in residences, businesses and agricultural enterprises.

C. The department may allow a new solar market development income tax credit of ten percent of the purchase and installation costs of a solar thermal or photovoltaic system.

D. The new solar market development income tax credit shall not exceed six thousand dollars (\$6,000) per taxpayer per taxable year. The department shall allow a tax credit only for solar thermal and photovoltaic systems certified pursuant to Subsection E of this section.

E. A taxpayer shall apply for certification of eligibility for the new solar market development income tax credit from the energy, minerals and natural resources department on forms and in the manner prescribed by that department. The aggregate amount of credits that may be certified as eligible in any calendar year is twelve million dollars (\$12,000,000). Completed applications shall be considered in the order received. Applications for certification received after this limitation has been met in a calendar year shall not be approved. The application shall include proof of purchase and installation of a solar thermal or photovoltaic system, that the system meets technical specifications and requirements relating to safety, code and standards compliance, solar collector orientation and sun exposure, minimum system sizes, system applications and lists of eligible components and any additional information that the energy, minerals and natural resources department may require to determine eligibility for the credit. A dated certificate of eligibility shall be issued to the taxpayer providing the amount of the new solar market development income tax credit for which the taxpayer is eligible and the taxable year in which the credit may be claimed. A certificate of eligibility for a new solar market development income tax credit may be sold, exchanged or otherwise transferred to another taxpayer for the full value of the credit. The parties to such a transaction shall notify the department of the sale, exchange or transfer within ten days of the sale, exchange or transfer.

F. A taxpayer may claim a new solar market development income tax credit for the taxable year in which the taxpayer purchases and installs a solar thermal or photovoltaic system. To receive a new solar market development income tax credit, a taxpayer shall apply to the department on forms and in the manner prescribed by the department within twelve months following the calendar year in which the system was installed. The application shall include a certification made pursuant to Subsection E of this section.

G. That portion of a new solar market development income tax credit that exceeds a taxpayer's tax liability in the taxable year in which the credit is claimed shall be refunded to the taxpayer.

H. Married individuals filing separate returns for a taxable year for which they could have filed a joint return may each claim only one-half of the new solar market development income tax credit that would have been claimed on a joint return.

I. A taxpayer may be allocated the right to claim a new solar market development income tax credit in proportion to the taxpayer's ownership interest if the taxpayer owns an interest in a business entity that is taxed for federal income tax purposes as a partnership or limited liability company and that business entity has met all of the requirements to be eligible for the credit. The total credit claimed by all members of the partnership or limited liability company shall not exceed the allowable credit pursuant to this section.

J. A taxpayer allowed a tax credit pursuant to this section shall report the amount of the credit to the taxation and revenue department in a manner required by that department.

K. The taxation and revenue department shall compile an annual report on the new solar market development income tax credit that shall include the number of taxpayers approved by the department to receive the credit, the aggregate amount of credits approved and any other information necessary to evaluate the credit. The department shall present the report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the cost of the tax credit.

L. As used in this section:

(1) "photovoltaic system" means an energy system that collects or absorbs sunlight for conversion into electricity; and

(2) "solar thermal system" means an energy system that collects or absorbs solar energy for conversion into heat for the purposes of space heating, space cooling or water heating."

## **Chapter 47 Section 9 Laws 2022**

SECTION 9. Section 7-2-18.32 NMSA 1978 (being Laws 2021, Chapter 84, Section 2) is amended to read:

"7-2-18.32. 2021 SUSTAINABLE BUILDING TAX CREDIT.--

A. The tax credit provided by this section may be referred to as the "2021 sustainable building tax credit". For taxable years prior to January 1, 2028, a taxpayer

who is a building owner and files an income tax return is eligible to be granted a 2021 sustainable building tax credit by the department if the requirements of this section are met. The 2021 sustainable building tax credit shall be available for the construction in New Mexico of a sustainable building, the renovation of an existing building in New Mexico, the permanent installation of manufactured housing, regardless of where the housing is manufactured, that is a sustainable building or the installation of energy-conserving products to existing buildings in New Mexico, as provided in this section. The tax credit provided in this section may not be claimed with respect to the same sustainable building for which the 2021 sustainable building tax credit provided in the Corporate Income and Franchise Tax Act or the 2015 sustainable building tax credit pursuant to the Income Tax Act or the Corporate Income and Franchise Tax Act has been claimed.

B. The amount of a 2021 sustainable building tax credit shall be determined as follows:

(1) for the construction of a new sustainable commercial building that is broadband ready and electric vehicle ready and is completed on or after January 1, 2022, the amount of credit shall be calculated:

(a) based on the certification level the building has achieved in the rating level and the amount of qualified occupied square footage in the building, as indicated on the following chart:

Rating Level	Qualified Occupied Square Footage	Tax Credit per Square Foot
LEED-NC Platinum	First 10,000	\$5.25
	Next 40,000	\$2.25
	Over 50,000 up to 200,000	\$1.00
LEED-EB or CS Platinum	First 10,000	\$3.40
	Next 40,000	\$1.30
	Over 50,000 up to 200,000	\$0.35
LEED-CI Platinum	First 10,000	\$1.50
	Next 40,000	\$0.40
	Over 50,000 up to 200,000	\$0.30
LEED-NC Gold	First 10,000	\$3.00
	Next 40,000	\$1.00
	Over 50,000 up to 200,000	\$0.25
LEED-EB or -CS Gold	First 10,000	\$2.00
	Next 40,000	\$1.00
	Over 50,000	

LEED-CI Gold	up to 200,000	\$0.25
	First 10,000	\$0.90
	Next 40,000	\$0.40
	Over 50,000 up to 200,000	\$0.10; and

(b) with additional amounts based on the additional criteria and the amount of qualified occupied square footage, as indicated in the following chart:

Additional Criteria	Qualified Occupied Square Footage	Tax Credit per Square Foot
Fully Electric Building	First 50,000	\$1.00
	Over 50,000 up to 200,000	\$0.50
Zero Carbon, Energy, Waste or Water Certified	First 50,000	\$0.25
	Over 50,000 up to 200,000	\$0.10;

(2) for the renovation of a commercial building that was built at least ten years prior to the date of the renovation, has twenty thousand square feet or more of space in which temperature is controlled and is broadband ready and electric vehicle ready, the amount of credit shall be calculated by multiplying two dollars twenty-five cents (\$2.25) by the amount of qualified occupied square footage in the building, up to a maximum of one hundred fifty thousand dollars (\$150,000) per renovation; provided that the renovation reduces total energy and power costs by fifty percent when compared to the most current energy standard for buildings except low-rise residential buildings, as developed by the American society of heating, refrigerating and air-conditioning engineers;

(3) for the installation of the following energy-conserving products to an existing commercial building with less than twenty thousand square feet of space in which temperature is controlled that is broadband ready, the amount of credit shall be based on the cost of the product installed, which shall include installation costs, and if the building is affordable housing, per product installed:

Product	Amount of Credit	
	Affordable Housing	Non-Affordable Housing
Energy Star Air Source Heat Pump	\$2,000	\$1,000
Energy Star Ground Source Heat Pump	\$2,000	\$1,000
Energy Star Windows and Doors	100% of product	50% of product

	cost up to \$1,000	cost up to \$500
Insulation Improvements That Meet Rules of the Energy, Minerals and Natural Resources Department	100% of product cost up to \$2,000	50% of product cost up to \$1,000
Energy Star Heat Pump Water Heater	\$700	\$350
Electric Vehicle Ready	100% of product cost up to \$3,000	50% of product cost up to \$1,500;

(4) for the construction of a new sustainable residential building that is broadband ready and electric vehicle ready and is completed on or after January 1, 2022, the amount of credit shall be calculated:

(a) based on the certification level the building has achieved in the rating level and the amount of qualified occupied square footage in the building, as indicated on the following chart:

Rating Level	Qualified Occupied Square Footage	Tax Credit per Square Foot
LEED-H Platinum	Up to 2,000	\$5.50
LEED-H Gold	Up to 2,000	\$3.80
Build Green Emerald	Up to 2,000	\$5.50
Build Green Gold	Up to 2,000	\$3.80
Manufactured Housing	Up to 2,000	\$2.00; and

(b) with additional amounts based on the additional criteria and the amount of qualified occupied square footage, as indicated in the following chart:

Additional Criteria	Qualified Occupied Square Footage	Tax Credit per Square Foot
Fully Electric Building	Up to 2,000	\$1.00
Zero Carbon, Energy, Waste or Water Certified	Up to 2,000	\$0.25; and

(5) for the installation of the following energy-conserving products to an existing residential building, the amount of credit shall be based on the cost of the product installed, which shall include installation costs, and if the building is affordable housing or the taxpayer is a low-income taxpayer, per product installed:

Product	Amount of Credit	
	Affordable Housing and Low-Income	Non-Affordable Housing and Non-Low Income
Energy Star Air Source Heat Pump	\$2,000	\$1,000
Energy Star Ground Source Heat Pump	\$2,000	\$1,000
Energy Star Windows and Doors	100% of product cost up to \$1,000	50% of product cost up to \$500
Insulation Improvements That Meet Rules of the Energy, Minerals and Natural Resources Department	100% of product cost up to \$2,000	50% of product cost up to \$1,000
Energy Star Heat Pump Water Heater	\$700	\$350
Electric Vehicle Ready	\$1,000	\$500.

C. A person who is a building owner may apply for a certificate of eligibility for the 2021 sustainable building tax credit from the energy, minerals and natural resources department after the construction, installation or renovation of the sustainable building or installation of energy-conserving products in an existing building is complete. Applications shall be considered in the order received. If the energy, minerals and natural resources department determines that the building owner meets the requirements of this subsection and that the building with respect to which the application is made meets the requirements of this section for a 2021 sustainable building tax credit, the energy, minerals and natural resources department may issue a certificate of eligibility to the building owner, subject to the limitations in Subsection D of this section. The certificate shall include the rating system certification level awarded to the building, the amount of qualified occupied square footage in the building, a calculation of the maximum amount of 2021 sustainable building tax credit for which the building owner would be eligible, the identification number, date of issuance and the first taxable year that the credit shall be claimed. The energy, minerals and natural resources department may issue rules governing the procedure for administering the provisions of this subsection. If the certification level for the sustainable residential building is awarded on or after January 1, 2022, the energy, minerals and natural resources department may issue a certificate of eligibility to a building owner who is:

(1) the owner of the sustainable residential building at the time the certification level for the building is awarded; or

(2) the subsequent purchaser of a sustainable residential building with respect to which no tax credit has been previously claimed.

D. Except as provided in Subsection E of this section, the energy, minerals and natural resources department may issue a certificate of eligibility only if the total amount of 2021 sustainable building tax credits represented by certificates of eligibility issued by the energy, minerals and natural resources department pursuant to this section and pursuant to the Corporate Income and Franchise Tax Act shall not exceed in any calendar year an aggregate amount of:

(1) one million dollars (\$1,000,000) with respect to the construction of new sustainable commercial buildings;

(2) two million dollars (\$2,000,000) with respect to the construction of new sustainable residential buildings that are not manufactured housing;

(3) two hundred fifty thousand dollars (\$250,000) with respect to the construction of new sustainable residential buildings that are manufactured housing;

(4) one million dollars (\$1,000,000) with respect to the renovation of large commercial buildings; and

(5) two million nine hundred thousand dollars (\$2,900,000) with respect to the installation of energy-conserving products in existing commercial buildings pursuant to Paragraph (3) of Subsection B of this section and existing residential buildings pursuant to Paragraph (5) of Subsection B of this section.

E. For any taxable year that the energy, minerals and natural resources department determines that applications for sustainable building tax credits for any type of sustainable building pursuant to Subsection D of this section are less than the aggregate limit for that type of sustainable building for that taxable year, the energy, minerals and natural resources department shall allow the difference between the aggregate limit and the applications to be added to the aggregate limit of another type of sustainable building for which applications exceeded the aggregate limit for that taxable year. Any excess not used in a taxable year shall not be carried forward to subsequent taxable years.

F. Installation of a solar thermal system or a photovoltaic system eligible for the new solar market development tax credit pursuant to Section 7-2-18.31 NMSA 1978 shall not be used as a component of qualification for the rating system certification level used in determining eligibility for the 2021 sustainable building tax credit, unless a new solar market development tax credit pursuant to Section 7-2-18.31 NMSA 1978 has not been claimed with respect to that system and the building owner and the taxpayer claiming the 2021 sustainable building tax credit certify that such a tax credit will not be claimed with respect to that system.



G. To claim the 2021 sustainable building tax credit, the building owner shall provide to the taxation and revenue department a certificate of eligibility issued by the energy, minerals and natural resources department pursuant to the requirements of Subsection C of this section and any other information the taxation and revenue department may require.

H. If the approved amount of a 2021 sustainable building tax credit for a taxpayer in a taxable year represented by a document issued pursuant to Subsection C of this section is:

(1) less than one hundred thousand dollars (\$100,000), a maximum of twenty-five thousand dollars (\$25,000) shall be applied against the taxpayer's income tax liability for the taxable year for which the credit is approved and the next three subsequent taxable years as needed depending on the amount of credit; or

(2) one hundred thousand dollars (\$100,000) or more, increments of twenty-five percent of the total credit amount in each of the four taxable years, including the taxable year for which the credit is approved and the three subsequent taxable years, shall be applied against the taxpayer's income tax liability.

I. If the sum of all 2021 sustainable building tax credits that can be applied to a taxable year for a taxpayer, calculated according to Paragraph (1) or (2) of Subsection H of this section, exceeds the taxpayer's income tax liability for that taxable year, the excess may be carried forward for a period of up to seven years; provided that if the taxpayer is a low-income taxpayer, the excess shall be refunded to the taxpayer.

J. A taxpayer who otherwise qualifies and claims a 2021 sustainable building tax credit with respect to a sustainable building owned by a partnership or other business association of which the taxpayer is a member may claim a credit only in proportion to that taxpayer's interest in the partnership or association. The total credit claimed in the aggregate by all members of the partnership or association with respect to the sustainable building shall not exceed the amount of the credit that could have been claimed by a sole owner of the property.

K. Married individuals who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the 2021 sustainable building tax credit that would have been allowed on a joint return.

L. If the requirements of this section have been complied with, the department shall issue to the building owner a document granting a 2021 sustainable building tax credit. The document shall be numbered for identification and declare its date of issuance and the amount of the tax credit allowed pursuant to this section. The document may be submitted by the building owner with that taxpayer's income tax return, if applicable, or may be sold, exchanged or otherwise transferred to another taxpayer. The parties to such a transaction shall notify the department of the sale, exchange or transfer within ten days of the sale, exchange or transfer.

M. The department and the energy, minerals and natural resources department shall compile an annual report on the 2021 sustainable building tax credit created pursuant to this section that shall include the number of taxpayers approved to receive the tax credit, the aggregate amount of tax credits approved and any other information necessary to evaluate the effectiveness of the tax credit. The department shall present the report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the tax credit.

N. For the purposes of this section:

(1) "broadband ready" means a building with an internet connection capable of connecting to a broadband provider;

(2) "build green emerald" means the emerald level certification standard adopted by build green New Mexico, which includes water conservation standards and uses forty percent less energy than is required by the prescriptive path of the most current residential energy conservation code promulgated by the construction industries division of the regulation and licensing department;

(3) "build green gold" means the gold level certification standard adopted by build green New Mexico, which includes water conservation standards and uses thirty percent less energy than is required by the prescriptive path of the most current residential energy conservation code promulgated by the construction industries division of the regulation and licensing department;

(4) "electric vehicle ready" means a property that for commercial buildings provides at least ten percent of parking spaces and for residential buildings at least one parking space with one forty-ampere, two-hundred-eight-volt or two-hundred-forty-volt dedicated branch circuit for servicing electric vehicles that terminates in a suitable termination point, such as a receptacle or junction box, and is located in reasonably close proximity to the proposed location of the parking spaces;

(5) "energy rating system index" means a numerical score given to a building where one hundred is equivalent to the 2006 international energy conservation code and zero is equivalent to a net-zero home. As used in this paragraph, "net-zero home" means an energy-efficient home where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy;

(6) "Energy Star" means products and devices certified under the energy star program administered by the United States environmental protection agency and United States department of energy that meet the specified performance requirements at the installed locations;

(7) "fully electric building" means a building that uses a permanent supply of electricity as the source of energy for all space heating, water heating,

including pools and spas, cooking appliances and clothes drying appliances and, in the case of a new building, has no natural gas or propane plumbing installed in the building or, in the case of an existing building, has no connected natural gas or propane plumbing;

(8) "LEED" means the most current leadership in energy and environmental design green building rating system guidelines developed and adopted by the United States green building council;

(9) "LEED-CI" means the LEED rating system for commercial interiors;

(10) "LEED-CS" means the LEED rating system for the core and shell of buildings;

(11) "LEED-EB" means the LEED rating system for existing buildings;

(12) "LEED gold" means the rating in compliance with, or exceeding, the second-highest rating awarded by the LEED certification process;

(13) "LEED-H" means the LEED rating system for homes;

(14) "LEED-NC" means the LEED rating system for new buildings and major renovations;

(15) "LEED platinum" means the rating in compliance with, or exceeding, the highest rating awarded by the LEED certification process;

(16) "low-income taxpayer" means a taxpayer with an annual household adjusted gross income equal to or less than two hundred percent of the federal poverty level guidelines published by the United States department of health and human services;

(17) "manufactured housing" means a multisectioned home that is:

(a) a manufactured home or modular home;

(b) a single-family dwelling with a heated area of at least thirty-six feet by twenty-four feet and a total area of at least eight hundred sixty-four square feet;

(c) constructed in a factory to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or New Mexico construction codes up to the date of the unit's construction; and

(d) installed consistent with the Manufactured Housing Act and rules adopted pursuant to that act relating to permanent foundations;

(18) "qualified occupied square footage" means the occupied spaces of the building as determined by:

(a) the United States green building council for those buildings obtaining LEED certification;

(b) the administrators of the build green New Mexico rating system for those homes obtaining build green New Mexico certification; and

(c) the United States environmental protection agency for Energy Star-certified manufactured homes;

(19) "person" does not include state, local government, public school district or tribal agencies;

(20) "sustainable building" means either a sustainable commercial building or a sustainable residential building;

(21) "sustainable commercial building" means:

(a) a commercial building that is certified as any LEED platinum or gold for commercial buildings;

(b) a multifamily dwelling unit that is certified as LEED-H platinum or gold or build green emerald or gold and uses at least thirty percent less energy than is required by the prescriptive path of the most current applicable energy conservation code promulgated by the construction industries division of the regulation and licensing department for build green gold or LEED-H, or uses at least forty percent less energy than is required by the prescriptive path of the most current residential energy conservation code promulgated by the construction industries division of the regulation and licensing department for build green emerald or LEED platinum; or

(c) a building that: 1) is certified at LEED-NC, LEED-EB, LEED-CS or LEED-CI platinum or gold levels; 2) achieves any prerequisite for and at least one point related to commissioning under the LEED energy and atmosphere category, if included in the applicable rating system; and 3) has reduced energy consumption beginning January 1, 2012 by forty percent based on the national average for that building type as published by the United States department of energy as substantiated by the United States environmental protection agency target finder energy performance results form, dated no sooner than the schematic design phase of development;

(22) "sustainable residential building" means:

(a) a building used as a single-family residence that: 1) is certified as LEED-H platinum or gold or build green emerald or gold; 2) uses at least thirty percent less energy than is required by the prescriptive path of the most current residential energy conservation code promulgated by the construction industries division of the regulation and licensing department for build green gold or LEED-H, or uses at least forty percent less energy than is required by the prescriptive path of the most current residential energy conservation code promulgated by the construction industries division of the regulation and licensing department for build green emerald or LEED platinum; 3) has indoor plumbing fixtures and water-using appliances that, on average, have flow rates equal to or lower than the flow rates required for certification by WaterSense; 4) if landscape area is available at the front of the property, has at least one water line outside the building below the frost line that may be connected to a drip irrigation system; and 5) if landscape area is available at the rear of the property, has at least one water line outside the building below the frost line that may be connected to a drip irrigation system; or

(b) manufactured housing that is Energy Star-qualified;

(23) "tribal" means of, belonging to or created by a federally recognized Indian nation, tribe or pueblo;

(24) "WaterSense" means a program created by the federal environmental protection agency that certifies water-using products that meet the environmental protection agency's criteria for efficiency and performance;

(25) "zero carbon certified" means a building that is certified as LEED zero carbon by achieving a carbon-dioxide-equivalent balance of zero for the building;

(26) "zero energy certified" means a building that is certified as LEED zero energy by achieving a source energy use balance of zero for the building;

(27) "zero waste certified" means a building that is certified as LEED zero waste by achieving green building certification incorporated's true zero waste certification at the platinum level; and

(28) "zero water certified" means a building that is certified as LEED zero water by achieving a potable water use balance of zero for the building."

## **Chapter 47 Section 10 Laws 2022**

SECTION 10. Section 7-2A-28.1 NMSA 1978 (being Laws 2021, Chapter 84, Section 4) is amended to read:

"7-2A-28.1. 2021 SUSTAINABLE BUILDING TAX CREDIT.--

A. The tax credit provided by this section may be referred to as the "2021 sustainable building tax credit". For taxable years prior to January 1, 2028, a taxpayer that is a building owner and files a corporate income tax return is eligible to be granted a 2021 sustainable building tax credit by the department if the requirements of this section are met. The 2021 sustainable building tax credit shall be available for the construction in New Mexico of a sustainable building, the renovation of an existing building in New Mexico, the permanent installation of manufactured housing, regardless of where the housing is manufactured, that is a sustainable building or the installation of energy-conserving products to existing buildings in New Mexico, as provided in this section. The tax credit provided in this section may not be claimed with respect to the same sustainable building for which the 2021 sustainable building tax credit provided in the Income Tax Act or the 2015 sustainable building tax credit pursuant to the Income Tax Act or the Corporate Income and Franchise Tax Act has been claimed.

B. The amount of a 2021 sustainable building tax credit shall be determined as follows:

(1) for the construction of a new sustainable commercial building that is broadband ready and electric vehicle ready and is completed on or after January 1, 2022, the amount of credit shall be calculated:

(a) based on the certification level the building has achieved in the rating level and the amount of qualified occupied square footage in the building, as indicated on the following chart:

Rating Level	Qualified Occupied Square Footage	Tax Credit per Square Foot
LEED-NC Platinum	First 10,000	\$5.25
	Next 40,000	\$2.25
	Over 50,000 up to 200,000	\$1.00
LEED-EB or CS Platinum	First 10,000	\$3.40
	Next 40,000	\$1.30
	Over 50,000 up to 200,000	\$0.35
LEED-CI Platinum	First 10,000	\$1.50
	Next 40,000	\$0.40
	Over 50,000 up to 200,000	\$0.30
LEED-NC Gold	First 10,000	\$3.00
	Next 40,000	\$1.00
	Over 50,000 up to 200,000	\$0.25
LEED-EB or -CS Gold	First 10,000	\$2.00
	Next 40,000	\$1.00

LEED-CI Gold	Over 50,000 up to 200,000	\$0.25
	First 10,000	\$0.90
	Next 40,000	\$0.40
	Over 50,000 up to 200,000	\$0.10; and

(b) with additional amounts based on the additional criteria and the amount of qualified occupied square footage, as indicated in the following chart:

Additional Criteria	Qualified Occupied Square Footage	Tax Credit per Square Foot
Fully Electric Building	First 50,000	\$1.00
	Over 50,000 up to 200,000	\$0.50
Zero Carbon, Energy, Waste or Water Certified	First 50,000	\$0.25
	Over 50,000 up to 200,000	\$0.10;

(2) for the renovation of a commercial building that was built at least ten years prior to the date of the renovation, has twenty thousand square feet or more of space in which temperature is controlled and is broadband ready and electric vehicle ready, the amount of credit shall be calculated by multiplying two dollars twenty-five cents (\$2.25) by the amount of qualified occupied square footage in the building, up to a maximum of one hundred fifty thousand dollars (\$150,000) per renovation; provided that the renovation reduces total energy and power costs by fifty percent when compared to the most current energy standard for buildings except low-rise residential buildings, as developed by the American society of heating, refrigerating and air-conditioning engineers;

(3) for the installation of the following energy-conserving products to an existing commercial building with less than twenty thousand square feet of space in which temperature is controlled that is broadband ready, the amount of credit shall be based on the cost of the product installed, which shall include installation costs, and if the building is affordable housing, per product installed:

Product	Amount of Credit	
	Affordable Housing	Non-Affordable Housing
Energy Star Air Source Heat Pump	\$2,000	\$1,000
Energy Star Ground Source Heat Pump	\$2,000	\$1,000
Energy Star		

Windows and Doors	100% of product cost up to \$1,000	50% of product cost up to \$500
Insulation Improvements That Meet Rules of the Energy, Minerals and Natural Resources Department	100% of product cost up to \$2,000	50% of product cost up to \$1,000
Energy Star Heat Pump Water Heater	\$700	\$350
Electric Vehicle Ready	100% of product cost up to \$3,000	50% of product cost up to \$1,500;

(4) for the construction of a new sustainable residential building that is broadband ready and electric vehicle ready and is completed on or after January 1, 2022, the amount of credit shall be calculated:

(a) based on the certification level the building has achieved in the rating level and the amount of qualified occupied square footage in the building, as indicated on the following chart:

Rating Level	Qualified Occupied Square Footage	Tax Credit per Square Foot
LEED-H Platinum	Up to 2,000	\$5.50
LEED-H Gold	Up to 2,000	\$3.80
Build Green Emerald	Up to 2,000	\$5.50
Build Green Gold	Up to 2,000	\$3.80
Manufactured Housing	Up to 2,000	\$2.00; and

(b) with additional amounts based on the additional criteria and the amount of qualified occupied square footage, as indicated in the following chart:

Additional Criteria	Qualified Occupied Square Footage	Tax Credit per Square Foot
Fully Electric Building	Up to 2,000	\$1.00
Zero Carbon, Energy, Waste or Water Certified	Up to 2,000	\$0.25; and

(5) for the installation of the following energy-conserving products to an existing residential building, the amount of credit shall be based on the cost of the product installed, which shall include installation costs, and if the building is affordable housing or the taxpayer is a low-income taxpayer, per product installed:



Product	Amount of Credit	
	Affordable Housing and Low-Income	Non-Affordable Housing and Non-Low Income
Energy Star Air Source Heat Pump	\$2,000	\$1,000
Energy Star Ground Source Heat Pump	\$2,000	\$1,000
Energy Star Windows and Doors	100% of product cost up to \$1,000	50% of product cost up to \$500
Insulation Improvements That Meet Rules of the Energy, Minerals and Natural Resources Department	100% of product cost up to \$2,000	50% of product cost up to \$1,000
Energy Star Heat Pump Water Heater	\$700	\$350
Electric Vehicle Ready	\$1,000	\$500.

C. A person that is a building owner may apply for a certificate of eligibility for the 2021 sustainable building tax credit from the energy, minerals and natural resources department after the construction, installation or renovation of the sustainable building or installation of energy-conserving products in an existing building is complete. Applications shall be considered in the order received. If the energy, minerals and natural resources department determines that the building owner meets the requirements of this subsection and that the building with respect to which the application is made meets the requirements of this section for a 2021 sustainable building tax credit, the energy, minerals and natural resources department may issue a certificate of eligibility to the building owner, subject to the limitations in Subsection D of this section. The certificate shall include the rating system certification level awarded to the building, the amount of qualified occupied square footage in the building, a calculation of the maximum amount of 2021 sustainable building tax credit for which the building owner would be eligible, the identification number, date of issuance and the first taxable year that the credit shall be claimed. The energy, minerals and natural resources department may issue rules governing the procedure for administering the provisions of this subsection. If the certification level for the sustainable residential building is awarded on or after January 1, 2022, the energy, minerals and natural resources department may issue a certificate of eligibility to a building owner that is:

(1) the owner of the sustainable residential building at the time the certification level for the building is awarded; or

(2) the subsequent purchaser of a sustainable residential building with respect to which no tax credit has been previously claimed.

D. Except as provided in Subsection E of this section, the energy, minerals and natural resources department may issue a certificate of eligibility only if the total amount of 2021 sustainable building tax credits represented by certificates of eligibility issued by the energy, minerals and natural resources department pursuant to this section and pursuant to the Income Tax Act shall not exceed in any calendar year an aggregate amount of:

(1) one million dollars (\$1,000,000) with respect to the construction of new sustainable commercial buildings;

(2) two million dollars (\$2,000,000) with respect to the construction of new sustainable residential buildings that are not manufactured housing;

(3) two hundred fifty thousand dollars (\$250,000) with respect to the construction of new sustainable residential buildings that are manufactured housing;

(4) one million dollars (\$1,000,000) with respect to the renovation of large commercial buildings; and

(5) two million nine hundred thousand dollars (\$2,900,000) with respect to the installation of energy-conserving products in existing commercial buildings pursuant to Paragraph (3) of Subsection B of this section and existing residential buildings pursuant to Paragraph (5) of Subsection B of this section.

E. For any taxable year that the energy, minerals and natural resources department determines that applications for sustainable building tax credits for any type of sustainable building pursuant to Subsection D of this section are less than the aggregate limit for that type of sustainable building for that taxable year, the energy, minerals and natural resources department shall allow the difference between the aggregate limit and the applications to be added to the aggregate limit of another type of sustainable building for which applications exceeded the aggregate limit for that taxable year. Any excess not used in a taxable year shall not be carried forward to subsequent taxable years.

F. Installation of a solar thermal system or a photovoltaic system eligible for the new solar market development tax credit pursuant to Section 7-2-18.31 NMSA 1978 shall not be used as a component of qualification for the rating system certification level used in determining eligibility for the 2021 sustainable building tax credit, unless a new solar market development tax credit pursuant to Section 7-2-18.31 NMSA 1978 has not been claimed with respect to that system and the building owner and the taxpayer claiming the 2021 sustainable building tax credit certify that such a tax credit will not be claimed with respect to that system.

G. To claim the 2021 sustainable building tax credit, the building owner shall provide to the taxation and revenue department a certificate of eligibility issued by the energy, minerals and natural resources department pursuant to the requirements of Subsection C of this section and any other information the taxation and revenue department may require.

H. If the approved amount of a 2021 sustainable building tax credit for a taxpayer in a taxable year represented by a document issued pursuant to Subsection C of this section is:

(1) less than one hundred thousand dollars (\$100,000), a maximum of twenty-five thousand dollars (\$25,000) shall be applied against the taxpayer's corporate income tax liability for the taxable year for which the credit is approved and the next three subsequent taxable years as needed depending on the amount of credit; or

(2) one hundred thousand dollars (\$100,000) or more, increments of twenty-five percent of the total credit amount in each of the four taxable years, including the taxable year for which the credit is approved and the three subsequent taxable years, shall be applied against the taxpayer's corporate income tax liability.

I. If the sum of all 2021 sustainable building tax credits that can be applied to a taxable year for a taxpayer, calculated according to Paragraph (1) or (2) of Subsection H of this section, exceeds the taxpayer's corporate income tax liability for that taxable year, the excess may be carried forward for a period of up to seven years.

J. A taxpayer that otherwise qualifies and claims a 2021 sustainable building tax credit with respect to a sustainable building owned by a partnership or other business association of which the taxpayer is a member may claim a credit only in proportion to that taxpayer's interest in the partnership or association. The total credit claimed in the aggregate by all members of the partnership or association with respect to the sustainable building shall not exceed the amount of the credit that could have been claimed by a sole owner of the property.

K. If the requirements of this section have been complied with, the department shall issue to the building owner a document granting a 2021 sustainable building tax credit. The document shall be numbered for identification and declare its date of issuance and the amount of the tax credit allowed pursuant to this section. The document may be submitted by the building owner with that taxpayer's income tax return, if applicable, or may be sold, exchanged or otherwise transferred to another taxpayer. The parties to such a transaction shall notify the department of the sale, exchange or transfer within ten days of the sale, exchange or transfer.

L. The department and the energy, minerals and natural resources department shall compile an annual report on the 2021 sustainable building tax credit created pursuant to this section that shall include the number of taxpayers approved to receive the tax credit, the aggregate amount of tax credits approved and any other

information necessary to evaluate the effectiveness of the tax credit. The department shall present the report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the tax credit.

M. For the purposes of this section:

(1) "broadband ready" means a building with an internet connection capable of connecting to a broadband provider;

(2) "build green emerald" means the emerald level certification standard adopted by build green New Mexico, which includes water conservation standards and uses forty percent less energy than is required by the prescriptive path of the most current residential energy conservation code promulgated by the construction industries division of the regulation and licensing department;

(3) "build green gold" means the gold level certification standard adopted by build green New Mexico, which includes water conservation standards and uses thirty percent less energy than is required by the prescriptive path of the most current residential energy conservation code promulgated by the construction industries division of the regulation and licensing department;

(4) "electric vehicle ready" means a property that provides for commercial buildings at least ten percent of parking spaces and for residential buildings at least one parking space with one forty-ampere, two-hundred-eight-volt or two-hundred-forty-volt dedicated branch circuit for servicing electric vehicles that terminates in a suitable termination point, such as a receptacle or junction box, and is located in reasonably close proximity to the proposed location of the parking spaces;

(5) "energy rating system index" means a numerical score given to a building where one hundred is equivalent to the 2006 international energy conservation code and zero is equivalent to a net-zero home. As used in this paragraph, "net-zero home" means an energy-efficient home where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy;

(6) "Energy Star" means products and devices certified under the energy star program administered by the United States environmental protection agency and United States department of energy that meet the specified performance requirements at the installed locations;

(7) "fully electric building" means a building that uses a permanent supply of electricity as the source of energy for all space heating, water heating, including pools and spas, cooking appliances and clothes drying appliances and, in the case of a new building, has no natural gas or propane plumbing installed in the building or, in the case of an existing building, has no connected natural gas or propane plumbing;

(8) "LEED" means the most current leadership in energy and environmental design green building rating system guidelines developed and adopted by the United States green building council;

(9) "LEED-CI" means the LEED rating system for commercial interiors;

(10) "LEED-CS" means the LEED rating system for the core and shell of buildings;

(11) "LEED-EB" means the LEED rating system for existing buildings;

(12) "LEED gold" means the rating in compliance with, or exceeding, the second-highest rating awarded by the LEED certification process;

(13) "LEED-H" means the LEED rating system for homes;

(14) "LEED-NC" means the LEED rating system for new buildings and major renovations;

(15) "LEED platinum" means the rating in compliance with, or exceeding, the highest rating awarded by the LEED certification process;

(16) "low-income taxpayer" means a taxpayer with an annual household adjusted gross income equal to or less than two hundred percent of the federal poverty level guidelines published by the United States department of health and human services;

(17) "manufactured housing" means a multisectioned home that is:

(a) a manufactured home or modular home;

(b) a single-family dwelling with a heated area of at least thirty-six feet by twenty-four feet and a total area of at least eight hundred sixty-four square feet;

(c) constructed in a factory to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or New Mexico construction codes up to the date of the unit's construction; and

(d) installed consistent with the Manufactured Housing Act and rules adopted pursuant to that act relating to permanent foundations;

(18) "qualified occupied square footage" means the occupied spaces of the building as determined by:

(a) the United States green building council for those buildings obtaining LEED certification;

(b) the administrators of the build green New Mexico rating system for those homes obtaining build green New Mexico certification; and

(c) the United States environmental protection agency for Energy Star-certified manufactured homes;

(19) "person" does not include state, local government, public school district or tribal agencies;

(20) "sustainable building" means either a sustainable commercial building or a sustainable residential building;

(21) "sustainable commercial building" means:

(a) a commercial building that is certified as any LEED platinum or gold for commercial buildings;

(b) a multifamily dwelling unit that is certified as LEED-H platinum or gold or build green emerald or gold and uses at least thirty percent less energy than is required by the prescriptive path of the most current applicable energy conservation code promulgated by the construction industries division of the regulation and licensing department for build green gold or LEED-H, or uses at least forty percent less energy than is required by the prescriptive path of the most current residential energy conservation code promulgated by the construction industries division of the regulation and licensing department for build green emerald or LEED platinum; or

(c) a building that: 1) is certified at LEED-NC, LEED-EB, LEED-CS or LEED-CI platinum or gold levels; 2) achieves any prerequisite for and at least one point related to commissioning under the LEED energy and atmosphere category, if included in the applicable rating system; and 3) has reduced energy consumption beginning January 1, 2012 by forty percent based on the national average for that building type as published by the United States department of energy as substantiated by the United States environmental protection agency target finder energy performance results form, dated no sooner than the schematic design phase of development;

(22) "sustainable residential building" means:

(a) a building used as a single-family residence that: 1) is certified as LEED-H platinum or gold or build green emerald or gold; 2) uses at least thirty percent less energy than is required by the prescriptive path of the most current residential energy conservation code promulgated by the construction industries division of the regulation and licensing department for build green gold or LEED-H, or uses at least forty percent less energy than is required by the prescriptive path of the most

current residential energy conservation code promulgated by the construction industries division of the regulation and licensing department for build green emerald or LEED platinum; 3) has indoor plumbing fixtures and water-using appliances that, on average, have flow rates equal to or lower than the flow rates required for certification by WaterSense; 4) if landscape area is available at the front of the property, has at least one water line outside the building below the frost line that may be connected to a drip irrigation system; and 5) if landscape area is available at the rear of the property, has at least one water line outside the building below the frost line that may be connected to a drip irrigation system; or

(b) manufactured housing that is Energy Star-qualified;

(23) "tribal" means of, belonging to or created by a federally recognized Indian nation, tribe or pueblo;

(24) "WaterSense" means a program created by the federal environmental protection agency that certifies water-using products that meet the environmental protection agency's criteria for efficiency and performance;

(25) "zero carbon certified" means a building that is certified as LEED zero carbon by achieving a carbon-dioxide-equivalent balance of zero for the building;

(26) "zero energy certified" means a building that is certified as LEED zero energy by achieving a source energy use balance of zero for the building;

(27) "zero waste certified" means a building that is certified as LEED zero waste by achieving green building certification incorporated's true zero waste certification at the platinum level; and

(28) "zero water certified" means a building that is certified as LEED zero water by achieving a potable water use balance of zero for the building."

## **Chapter 47 Section 11 Laws 2022**

SECTION 11. Section 7-9-3 NMSA 1978 (being Laws 1978, Chapter 46, Section 1, as amended by Laws 2021, Chapter 65, Section 11 and by Laws 2021, Chapter 66, Section 1) 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. "digital good" means a digital product delivered electronically, including software, music, photography, video, reading material, an application and a ringtone;

D. "disclosed agency" means an agent receiving money on behalf of a principal if the agent or the agent's principal disclosed the agency relationship to a third party from which the agent receives money, or if the third party otherwise has actual knowledge that the agent receives money on behalf of the principal;

E. "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;

F. "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 services;

(4) inspection of preliminary prototypes developed by the performer of services; or

(5) similar activities;

G. "lease" or "leasing" means an arrangement whereby, for a consideration, the owner of property grants another person the exclusive right to possess and use the property for a definite term;

H. "licensing" or "license" means an arrangement whereby, for a consideration, the owner of property grants another person a revocable, non-exclusive right to use the property;

I. "local option gross receipts tax" means a tax authorized to be imposed by a county or municipality upon a 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;

J. "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;

K. "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 services; farming; electric power generation; processing of natural resources, including hydrocarbons; or the processing or preparation of meals for immediate consumption;

L. "manufacturing service" means the service of combining or processing components or materials owned by another, but does not include construction services; farming; electric power generation; processing of natural resources, including hydrocarbons; or the processing or preparation of meals for immediate consumption;

M. "marketplace provider" means a person who facilitates the sale, lease or license of tangible personal property or services or licenses for use of real property on a marketplace seller's behalf, or on the marketplace provider's own behalf, by:

(1) listing or advertising the sale, lease or license, by any means, whether physical or electronic, including by catalog, internet website or television or radio broadcast; and

(2) either directly or indirectly, through agreements or arrangements with third parties collecting payment from the customer and transmitting that payment to the seller, regardless of whether the marketplace provider receives compensation or other consideration in exchange for the marketplace provider's services;

N. "marketplace seller" means a person who sells, leases or licenses tangible personal property or services or who licenses the use of real property through a marketplace provider;

O. "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;

P. "property" means:

(1) real property;

(2) tangible personal property, including electricity and manufactured homes;

(3) licenses, including licenses of digital goods, but not including the licenses of copyrights, trademarks or patents; and

(4) franchises;

Q. "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;

R. "secretary" means the secretary of taxation and revenue or the secretary's delegate;

S. "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

T. "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 47 Section 12 Laws 2022**

SECTION 12. Section 7-9-4 NMSA 1978 (being Laws 1966, Chapter 47, Section 4, as amended) is amended to read:

"7-9-4. IMPOSITION AND RATE OF TAX--DENOMINATION AS "GROSS RECEIPTS TAX".--

A. For the privilege of engaging in business, an excise tax equal to the following percentages of gross receipts is imposed on any person engaging in business in New Mexico:

(1) prior to July 1, 2023, five percent; and

(2) beginning July 1, 2023, four and seven-eighths percent, except as provided in Subsection C of this section.

B. The tax imposed by this section shall be referred to as the "gross receipts tax".

C. If, for any single fiscal year occurring after fiscal year 2025 and prior to fiscal year 2030, gross receipts tax revenues are less than ninety-five percent of the gross receipts tax revenues for the previous fiscal year, as determined by the secretary of finance and administration, the rate of the gross receipts tax shall be five and one-eighth percent beginning on the July 1 following the determination made by the secretary of finance and administration.

D. On or before February 1 of each year, until the rate of the gross receipts tax is adjusted to five and one-eighth percent pursuant to Subsection C of this section, the secretary of finance and administration shall make a determination for the purposes of Subsection C of this section. If the rate of tax is adjusted pursuant to that subsection, the secretary shall certify to the secretary of taxation and revenue that the rate of the gross receipts tax shall be five and one-eighth percent, effective on the following July 1.

E. As used in this section, "gross receipts tax revenues" means the net receipts attributable to the gross receipts tax and distributed to the general fund."

## **Chapter 47 Section 13 Laws 2022**

SECTION 13. Section 7-9-7 NMSA 1978 (being Laws 1966, Chapter 47, Section 7, as amended) is amended to read:

"7-9-7. IMPOSITION AND RATE OF TAX--DENOMINATION AS  
"COMPENSATING TAX".--

A. For the privilege of making taxable use of tangible personal property in New Mexico, there is imposed on the person using the property an excise tax equal to five percent prior to July 1, 2023 and four and seven-eighths percent beginning July 1, 2023, except as provided in Subsection G of this section, of the value of tangible property that was:

- (1) manufactured by the person using the property in the state; or
- (2) acquired in a transaction for which the seller's receipts were not subject to the gross receipts tax.

B. For the purpose of Subsection A of this section, value of tangible personal property shall be the adjusted basis of the property for federal income tax purposes determined as of the time of acquisition or introduction into this state or of conversion of the property to taxable use, whichever is later. If no adjusted basis for federal income tax purposes is established for the property, a reasonable value of the property shall be used.

C. For the privilege of making taxable use of a license or franchise in New Mexico, there is imposed on the person using the license or franchise an excise tax equal to the rate provided in Subsection A or G of this section, as applicable, against the value of the license or franchise in its use in this state. The department by rule, ruling or instruction shall fairly apportion, where appropriate, the value of a license or franchise to its value in use in New Mexico. The tax shall apply only to the value of a license or franchise used in New Mexico where the license or franchise was acquired in a transaction the receipts from which were not subject to the gross receipts tax.

D. For the privilege of making taxable use of services in New Mexico, there is imposed on the person using the services an excise tax equal to the rate provided in Subsection A or G of this section, as applicable, against the value of the services at the time the services were performed or the product of the service was acquired. For use of services to be a taxable use pursuant to this subsection, the services shall have been acquired in a transaction the receipts from which were not subject to the gross receipts tax.

E. For purposes of this section, receipts are not subject to the gross receipts tax if the person responsible for the gross receipts tax on those receipts lacked nexus in New Mexico or the receipts were exempt or allowed to be deducted pursuant to the Gross Receipts and Compensating Tax Act.

F. The tax imposed by this section shall be referred to as the "compensating tax".

G. If the gross receipts tax is increased to five and one-eighth percent pursuant to Subsection C of Section 7-9-4 NMSA 1978, the rate of the compensating tax shall be five and one-eighth percent.

H. As used in this section, "taxable use" means use by a person who acquires tangible personal property, a license, a franchise or a service, and the use of which would not have qualified for an exemption or deduction pursuant to the Gross Receipts and Compensating Tax Act."

## **Chapter 47 Section 14 Laws 2022**

SECTION 14. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"DEDUCTION--GROSS RECEIPTS--GOVERNMENTAL GROSS RECEIPTS--SALES OF SERVICES TO MANUFACTURERS.--

A. Receipts from selling professional services may be deducted from gross receipts or from governmental gross receipts if the sale is made to a person engaged in the business of manufacturing who delivers a nontaxable transaction certificate to the seller or provides alternative evidence pursuant to Section 7-9-43 NMSA 1978. The professional services shall be related to the product that the buyer is in the business of manufacturing.

B. The purpose of the deductions provided in this section is to encourage manufacturing businesses to locate in New Mexico and to reduce the tax burden, including reducing pyramiding, on the professional services that are purchased by manufacturing businesses in New Mexico.

C. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department.

D. The department shall compile an annual report on the deduction provided by this section that shall include the number of taxpayers that claimed the deduction, the aggregate amount of deductions claimed and any other information necessary to evaluate the effectiveness of the deduction. The department shall compile and present the report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the cost of the deduction and whether the deduction is performing the purpose for which it was created.

E. As used in this section:

(1) "accounting services" means the systematic and comprehensive recording of financial transactions pertaining to a business entity and the process of summarizing, analyzing and reporting these transactions to oversight agencies or tax collection entities, including certified public auditing, attest services and preparing

financial statements, bookkeeping, tax return preparation, advice and consulting and, where applicable, representing taxpayers before tax collection agencies. "Accounting services" does not include, except as provided with respect to financial management services, investment advice, wealth management advice or consulting or any tax return preparation, advice, counseling or representation for individuals, regardless of whether those individuals are owners of pass-through entities, such as partnerships, limited liability companies or S corporations;

(2) "architectural services" means services related to the art and science of designing and building structures for human habitation or use and includes planning, providing preliminary studies, designs, specifications and working drawings and providing for general administration of construction contracts;

(3) "engineering services" means consultation, the production of a creative work, investigation, evaluation, planning and design, the performance of studies and reviewing planning documents when performed by, or under the supervision of, a licensed engineer, including the design, development and testing of mechanical, electrical, hydraulic, chemical, pneumatic or thermal machinery or equipment, industrial or commercial work systems or processes and military equipment. "Engineering services" does not include medical or medical laboratory services, any engineering performed in connection with a construction service or the design and installation of computer or computer network infrastructure;

(4) "information technology services" means separately stated services for installing and maintaining a business's computers and computer network, including performing computer network design; installing, repairing, maintaining or restoring computer networks, hardware or software; and performing custom software programming or making custom modifications to existing software programming. "Information technology services" does not include:

(a) software maintenance and update agreements, unless made in conjunction with custom programming;

(b) computers, servers, chilling equipment and pre-programmed software;

(c) data processing services or the processing or storage of information to compile and produce records of transactions for retrieval or use, including data entry, data retrieval, data searches and information compilation; or

(d) access to telecommunications or internet;

(5) "legal services" means services performed by a licensed attorney or under the supervision of a licensed attorney for a client, regardless of the attorney's form of business entity or whether the services are prepaid, including legal representation before courts or administrative agencies; drafting legal documents, such

as contracts or patent applications; legal research; advising and counseling; arbitration; mediation; and notary public and other ancillary legal services performed for a client in conjunction with and under the supervision of a licensed attorney. "Legal services" does not include lobbying or government relations services, title insurance agent services, licensing or selling legal software or legal document templates, insurance investigation services or any legal representation involving financial crimes or tax evasion in New Mexico; and

(6) "professional services" means accounting services, architectural services, engineering services, information technology services and legal services."

## **Chapter 47 Section 15 Laws 2022**

SECTION 15. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"DEDUCTION--GROSS RECEIPTS AND GOVERNMENTAL GROSS RECEIPTS--FEMININE HYGIENE PRODUCTS.--

A. Receipts from the sale of feminine hygiene products may be deducted from gross receipts and governmental gross receipts.

B. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department.

C. The department shall compile an annual report on the deduction provided by this section that shall include the number of taxpayers that claimed the deduction, the aggregate amount of deductions claimed and any other information necessary to evaluate the effectiveness of the deduction. The department shall present the report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the cost of the deduction.

D. As used in this section, "feminine hygiene products" means tampons, menstrual pads and sanitary napkins, pantliners, menstrual sponges and menstrual cups."

## **Chapter 47 Section 16 Laws 2022**

SECTION 16. APPLICABILITY.--

A. The provisions of Section 7 of this act apply to taxable years beginning on or after January 1, 2022.

B. The provisions of Section 8 of this act apply to the purchase and installation of a solar thermal system or a photovoltaic system in taxable years beginning on or after January 1, 2022.

## **Chapter 47 Section 17 Laws 2022**

SECTION 17. EFFECTIVE DATE.--The effective date of the provisions of Sections 1, 2, 4 and 11 through 15 of this act is July 1, 2022.

## **LAWS 2022, CHAPTER 48**

**House Bill 167**  
**Approved March 8, 2022**

AN ACT

RELATING TO TAXATION; PROVIDING A CREDIT AGAINST THE MOTOR VEHICLE EXCISE TAX FOR A SIMILAR TAX PAID TO AN INDIAN NATION, TRIBE OR PUEBLO.

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

## **Chapter 48 Section 1 Laws 2022**

SECTION 1. Section 7-14-7 NMSA 1978 (being Laws 1988, Chapter 73, Section 17) is amended to read:

"7-14-7. CREDIT AGAINST TAX.--

A. If a vehicle has been acquired through an out-of-state transaction upon which a gross receipts, sales, compensating or similar tax was levied by another state or political subdivision thereof, the amount of the tax paid may be credited against the tax due this state on the same vehicle.

B. If a vehicle has been acquired through a transaction on reservation or trust land within an Indian nation, tribe or pueblo, located wholly or partly in New Mexico, upon which a gross receipts, sales, compensating or similar tax was levied by the Indian nation, tribe or pueblo, the amount of the tax paid may be credited against the tax due this state on the same vehicle."

## **Chapter 48 Section 2 Laws 2022**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

## **LAWS 2022, CHAPTER 49**

**House Bill 82, aa**  
**Approved March 8, 2022**



AN ACT

RELATING TO TAXATION; EXTENDING A GROSS RECEIPTS TAX DEDUCTION FOR DIALYSIS FACILITIES; AMENDING THE DEFINITION OF "DIALYSIS FACILITY" IN THE DEDUCTION.

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

**Chapter 49 Section 1 Laws 2022**

SECTION 1. Section 7-9-77.1 NMSA 1978 (being Laws 1998, Chapter 96, Section 1, as amended by Laws 2021, Chapter 54, Section 1 and by Laws 2021, Chapter 65, Section 24) is amended to read:

"7-9-77.1. DEDUCTION--GROSS RECEIPTS TAX--CERTAIN MEDICAL AND HEALTH CARE SERVICES.--

A. Receipts of a health care practitioner or an association of health care practitioners from payments by the United States government or any agency thereof for provision of medical and other health services by a health care practitioner or of medical or other health and palliative services by hospices or nursing homes to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

B. Receipts of a health care practitioner or an association of health care practitioners from payments by a third-party administrator of the federal TRICARE program for provision of medical and other health services by medical doctors and osteopathic physicians to covered beneficiaries may be deducted from gross receipts.

C. Receipts of a health care practitioner or an association of health care practitioners from payments by or on behalf of the Indian health service of the United States department of health and human services for provision of medical and other health services by medical doctors and osteopathic physicians to covered beneficiaries may be deducted from gross receipts.

D. Receipts of a clinical laboratory from payments by the United States government or any agency thereof for medical services provided by the clinical laboratory to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

E. Receipts of a home health agency from payments by the United States government or any agency thereof for medical, other health and palliative services provided by the home health agency to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

F. Prior to July 1, 2032, receipts of a dialysis facility from payments by the United States government or any agency thereof for medical and other health services provided by the dialysis facility to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

G. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department. A taxpayer who has receipts that are deductible pursuant to this section and Section 7-9-93 NMSA 1978 shall deduct the receipts under this section prior to calculating the receipts that may be deducted pursuant to Section 7-9-93 NMSA 1978.

H. The department shall compile an annual report on the deductions created pursuant to this section that shall include the number of taxpayers approved by the department to receive each deduction, the aggregate amount of deductions approved and any other information necessary to evaluate the effectiveness of the deductions. The department shall compile and present the annual reports to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the deductions and whether the deductions are providing a benefit to the state.

I. For the purposes of this section:

(1) "association of health care practitioners" means a corporation, unincorporated business entity or other legal entity organized by, owned by or employing one or more health care practitioners; provided that the entity is not:

(a) an organization granted exemption from the federal income tax by the United States commissioner of internal revenue as organizations described in Section 501(c)(3) of the United States Internal Revenue Code of 1986, as that section may be amended or renumbered; or

(b) a health maintenance organization, hospital, hospice, nursing home or an entity that is solely an outpatient facility or intermediate care facility licensed pursuant to the Public Health Act;

(2) "clinical laboratory" means a laboratory accredited pursuant to 42 USCA 263a;

(3) "dialysis facility" means a facility that provides outpatient maintenance dialysis services or home dialysis training and support services, including a facility considered by the federal centers for medicare and medicaid services to be an independent or hospital-based facility that includes a self-care dialysis unit that furnishes only self-dialysis services;

(4) "health care practitioner" means:

- Practice Act;
  - (a) an athletic trainer licensed pursuant to the Athletic Trainer
- (b) an audiologist licensed pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;
- Physician Practice Act;
  - (c) a chiropractic physician licensed pursuant to the Chiropractic
- (d) a counselor or therapist practitioner licensed pursuant to the Counseling and Therapy Practice Act;
- (e) a dentist licensed pursuant to the Dental Health Care Act;
- (f) a doctor of oriental medicine licensed pursuant to the Acupuncture and Oriental Medicine Practice Act;
- Work Practice Act;
  - (g) an independent social worker licensed pursuant to the Social
- Therapy Practice Act;
  - (h) a massage therapist licensed pursuant to the Massage
- Act;
  - (i) a naprapath licensed pursuant to the Naprapathic Practice
- Dietetics Practice Act;
  - (j) a nutritionist or dietitian licensed pursuant to the Nutrition and
- Occupational Therapy Act;
  - (k) an occupational therapist licensed pursuant to the
- (l) an optometrist licensed pursuant to the Optometry Act;
- Practice Act;
  - (m) an osteopathic physician licensed pursuant to the Medical
- (n) a pharmacist licensed pursuant to the Pharmacy Act;
- Therapy Act;
  - (o) a physical therapist licensed pursuant to the Physical
- (p) a physician licensed pursuant to the Medical Practice Act;
- (q) a podiatrist licensed pursuant to the Podiatry Act;

(r) a psychologist licensed pursuant to the Professional Psychologist Act;

(s) a radiologic technologist licensed pursuant to the Medical Imaging and Radiation Therapy Health and Safety Act;

(t) a registered nurse licensed pursuant to the Nursing Practice Act;

(u) a respiratory care practitioner licensed pursuant to the Respiratory Care Act; and

(v) a speech-language pathologist licensed pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

(5) "home health agency" means a for-profit entity that is licensed by the department of health and certified by the federal centers for medicare and medicaid services as a home health agency and certified to provide medicare services;

(6) "hospice" means a for-profit entity licensed by the department of health as a hospice and certified to provide medicare services;

(7) "nursing home" means a for-profit entity licensed by the department of health as a nursing home and certified to provide medicare services; and

(8) "TRICARE program" means the program defined in 10 U.S.C. 1072(7)."

## **Chapter 49 Section 2 Laws 2022**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

# **LAWS 2022, CHAPTER 50**

**House Bill 39**  
**Approved March 8, 2022**

AN ACT

RELATING TO TAXATION; EXTENDING THE DEDUCTION FROM GROSS RECEIPTS AND GOVERNMENTAL GROSS RECEIPTS FOR NONATHLETIC SPECIAL EVENTS AT POST-SECONDARY EDUCATIONAL INSTITUTIONS.

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

## **Chapter 50 Section 1 Laws 2022**

SECTION 1. Section 7-9-104 NMSA 1978 (being Laws 2007, Chapter 33, Section 1, as amended) is amended to read:

"7-9-104. DEDUCTION--GROSS RECEIPTS--NONATHLETIC SPECIAL EVENT AT POST-SECONDARY EDUCATIONAL INSTITUTION.--Prior to July 1, 2027, receipts from admissions to a nonathletic special event held at a venue that is located on the campus of a post-secondary educational institution within fifty miles of the New Mexico border and that accommodates at least ten thousand persons may be deducted from gross receipts or from governmental gross receipts."

## **Chapter 50 Section 2 Laws 2022**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

# **LAWS 2022, CHAPTER 51**

**HFL/HCPAC/House Bill 46**  
**Approved March 8, 2022**

AN ACT

RELATING TO CHILD WELFARE; ENACTING THE FAMILY REPRESENTATION AND ADVOCACY ACT; CREATING THE OFFICE OF FAMILY REPRESENTATION AND ADVOCACY; ESTABLISHING DUTIES OF THE DIRECTOR; CREATING THE FAMILY REPRESENTATION AND ADVOCACY COMMISSION.

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

## **Chapter 51 Section 1 Laws 2022**

SECTION 1. SHORT TITLE.--This act may be cited as the "Family Representation and Advocacy Act".

## **Chapter 51 Section 2 Laws 2022**

SECTION 2. DEFINITIONS.--As used in the Family Representation and Advocacy Act:

A. "at risk of being placed" means conditions within a child's family may require the child be removed from the custody of a parent, custodian or guardian and placed in the legal custody of the children, youth and families department;

- B. "client" means:
- (1) an eligible adult pursuant to the Fostering Connections Act;
  - (2) a child who is, or is at risk of, being placed in the legal custody of the children, youth and families department; or
  - (3) a parent, custodian or guardian of a child who is, or is at risk of, being placed in the legal custody of the children, youth and families department;
- C. "commission" means the family representation and advocacy commission that provides oversight of the office of family representation and advocacy;
- D. "director" means the director of the office of family representation and advocacy; and
- E. "office" means the office of family representation and advocacy.

## **Chapter 51 Section 3 Laws 2022**

### SECTION 3. OFFICE CREATED--DUTIES.--

- A. The "office of family representation and advocacy" is created as an adjunct agency pursuant to Section 9-1-6 NMSA 1978 and shall be overseen by the commission.
- B. The office shall:
- (1) work closely with the children, youth and families department to leverage federal funding pursuant to Title IV-E of the federal Social Security Act; and
  - (2) appoint, compensate, evaluate and retain attorneys and other staff to provide legal representation for eligible adults under the Fostering Connections Act and for children and parents, custodians or guardians whose children are, or are at risk of being placed, in the legal custody of the children, youth and families department.

## **Chapter 51 Section 4 Laws 2022**

### SECTION 4. DUTY OF DIRECTOR TO ESTABLISH APPELLATE DIVISION-- DUTY OF APPELLATE DIVISION.--

- A. The director shall establish an appellate division within the office. The appellate division shall be led by a chief appellate attorney.

B. The appellate division shall assist the director by providing representation before the court of appeals and the supreme court in appellate proceedings involving persons represented pursuant to the Family Representation and Advocacy Act.

## **Chapter 51 Section 5 Laws 2022**

### **SECTION 5. DUTY OF DIRECTOR TO ESTABLISH REGIONAL OFFICES-- APPOINTMENT OF REGIONAL MANAGERS.--**

A. The director shall establish at least five regional offices that align with the five regional offices of the children, youth and families department to accommodate all judicial districts that exist within the five regions. One regional office shall be located each in the northwest, northeast, southwest, southeast and the Bernalillo county metropolitan area.

B. The director shall appoint a regional manager in each region. The regional manager shall administer the operation of the region and shall serve at the pleasure of the director. Each regional manager shall reside in this state and shall be an attorney licensed to practice law in the highest courts of the state.

## **Chapter 51 Section 6 Laws 2022**

### **SECTION 6. FAMILY REPRESENTATION AND ADVOCACY COMMISSION-- MEMBERSHIP--TERMS--REMOVAL.--**

A. The "family representation and advocacy commission" is created.

B. The commission consists of thirteen members, including:

(1) the director of the university of New Mexico school of law's Corinne Wolfe center for child and family justice, or the director's designee;

(2) the director of the administrative office of the courts' court improvement project, or the director's designee;

(3) the dean of the New Mexico state university school of social work or the dean of New Mexico highlands university school of social work, or the dean's designee, in alternating terms;

(4) three members appointed by the governor who demonstrate a commitment to high-quality legal representation or to working with and advocating for the population served by the office;

(5) five members appointed by the chief justice of the supreme court, including:

(a) two members who either served as former children's court judges or attorneys in the child welfare system; and

(b) three members, including: 1) a youth with lived experience in the legal custody of the children, youth and families department; 2) a parent with lived experience having one or more children in the legal custody of the children, youth and families department; and 3) a member with lived experience with the children, youth and families department or another child welfare agency as a youth, a parent or both;

(6) one member appointed by the speaker of the house of representatives; and

(7) one member appointed by the president pro tempore of the senate.

C. Initial appointments to the commission shall be made no later than September 30, 2022. The director of the university of New Mexico school of law's Corinne Wolfe center for child and family justice and the director of the administrative office of the courts' court improvement project shall serve as permanent members. Initial terms of members appointed by the speaker of the house of representatives and the president pro tempore of the senate shall be for two years. Initial terms of members appointed by the governor, the chief justice of the supreme court and the dean of a school of social work shall be for three years.

D. Subsequent terms for appointed members shall be for four years. Appointed commission members shall not serve more than two consecutive terms. An appointed commission member shall serve until the member's successor has been appointed and qualified. The commission shall fill a vacancy for the remainder of the unexpired term pursuant to Subsection B of this section.

E. A member may be removed by the commission for malfeasance, misfeasance or neglect of duty.

F. If a member's professional status changes in a way that renders the member ineligible pursuant to the provisions of the Family Representation and Advocacy Act, the member shall resign immediately.

G. Members of the commission shall be entitled to compensation pursuant to the provisions of the Per Diem and Mileage Act and shall receive no other perquisite, compensation or allowance.

## **Chapter 51 Section 7 Laws 2022**

### **SECTION 7. FAMILY REPRESENTATION AND ADVOCACY COMMISSION-- MEMBER QUALIFICATIONS.--**

A. A member of the commission shall:



- (1) possess significant experience in the representation of children, youth, parents, custodians or guardians in abuse and neglect proceedings;
  - (2) possess significant experience with the child welfare system as a parent, custodian, guardian or former foster youth; or
  - (3) demonstrate a commitment to high-quality legal representation or to working with and advocating for the population served by the office.
- B. The following persons shall not be appointed to serve on the commission:
- (1) current employees of the children, youth and families department;
  - (2) current employees of the office;
  - (3) current judges, judicial officials or their employees; and
  - (4) persons who currently contract with or receive funding from the office or their employees.

## **Chapter 51 Section 8 Laws 2022**

### **SECTION 8. FAMILY REPRESENTATION AND ADVOCACY COMMISSION--ORGANIZATION--MEETINGS.--**

- A. The commission shall hold its first meeting no later than thirty days after it has completed the appointment process and shall elect a chair at that meeting. Thereafter, the commission shall meet at least four times a year, as determined by a majority of commission members. Meetings shall be held at the call of the chair or director or at the request of four commission members.
- B. The commission shall appoint a director no later than December 31, 2022.
- C. A majority of commission members constitutes a quorum for the transaction of business, and an action by the commission shall not be valid unless seven or more members concur.
- D. The commission may adopt rules and shall keep a record of its proceedings.
- E. A commission member may select a designee to serve in the member's place no more than once per year.

## **Chapter 51 Section 9 Laws 2022**

### **SECTION 9. FAMILY REPRESENTATION AND ADVOCACY COMMISSION-- POWERS AND DUTIES--RESTRICTION ON INDIVIDUAL MEMBERS.--**

A. The commission shall exercise independent oversight of the office of family representation and advocacy to review and approve standards and provide guidance and support to the director.

B. The commission shall review and approve fair and consistent policies for the operation of the office of family representation and advocacy and the provision of services to eligible adults under the Fostering Connections Act and to children and parents, custodians or guardians whose children are, or are at risk of being placed, in the legal custody of the children, youth and families department.

C. A member of the commission shall not interfere with the discretion, professional judgment or advocacy of an appointed attorney, contract attorney, staff attorney, contract employee or office employee in the representation and advocacy of a client pursuant to the Family Representation and Advocacy Act.

## **Chapter 51 Section 10 Laws 2022**

### **SECTION 10. OFFICE OF FAMILY REPRESENTATION AND ADVOCACY-- ADMINISTRATION--FINANCE.--**

A. The headquarters of the office shall be located in the Bernalillo county metropolitan region.

B. All salaries and other expenses of the office shall be paid upon warrants drawn by the secretary of finance and administration, supported by vouchers signed by the director or the director's authorized representative and in accordance with budgets approved by the state budget division of the department of finance and administration.

## **Chapter 51 Section 11 Laws 2022**

**SECTION 11. OFFICE OF FAMILY REPRESENTATION AND ADVOCACY--  
GIFTS, GRANTS AND DONATIONS.--**On behalf of the state, the office may receive gifts, grants, donations or bequests from any source to be used in carrying out the purposes of the Family Representation and Advocacy Act. Gifts, grants, donations or bequests from a person who has any matter currently being handled by the office, or from a person within three degrees of consanguinity with a person who has any matter currently being handled by the office, shall not be accepted.

## **Chapter 51 Section 12 Laws 2022**

### SECTION 12. DIRECTOR--APPOINTMENT--QUALIFICATIONS--REMOVAL.--

A. The director is the administrative head of the office. The commission shall appoint a director for a term of four years upon approval of two-thirds of its members. The commission may reappoint a director for subsequent terms. A vacancy in the office of director shall be filled by appointment of the commission.

B. The commission shall appoint as director an attorney with the following qualifications:

(1) licensed to practice law in this state or will be licensed within one year of appointment;

(2) at least five years of experience in the field of representation of children or adults in abuse and neglect cases in a practicing attorney, management, supervisory or policymaking position or equivalent experience as determined by the commission; and

(3) clearly demonstrated management or executive experience.

C. The director may be removed by the commission upon approval of two-thirds of commission members; provided that no removal shall occur without notice and an opportunity for a hearing.

## **Chapter 51 Section 13 Laws 2022**

### SECTION 13. DIRECTOR--GENERAL DUTIES AND POWERS.--

A. The director is responsible to the commission for the operation of the office. The director shall manage all operations of the office and shall:

(1) administer and carry out the provisions of the Family Representation and Advocacy Act;

(2) exercise authority over and provide general supervision of employees;

(3) oversee funding, including federal funding;

(4) administer and supervise contracts for attorneys and other employees; and

(5) represent and advocate for the office and its clients.

B. The director is granted every power express and implied that is necessary for the fulfillment of the director's duties, including authority to:

- (1) set standards relating to:
  - (a) the minimum experience, training and qualifications for contract and staff attorneys for child welfare cases;
  - (b) monitoring and evaluating contract and staff attorneys and other contract and office staff, including attorneys appointed to cases to resolve conflicts of interest;
  - (c) managing caseloads and workloads, including load monitoring protocols for staff attorneys, contract attorneys, office staff and contract staff; and
  - (d) the competent and efficient representation of clients whose cases present conflicts of interest;
- (2) exercise general supervisory authority over all employees of the office;
- (3) delegate authority to subordinates as the director deems necessary and appropriate;
- (4) employ and fix the compensation of persons necessary to discharge the director's duties and enter into contracts with private attorneys and law firms as necessary to carry out the provisions of the Family Representation and Advocacy Act;
- (5) organize the office into units as the director deems necessary and appropriate to carry out the director's duties;
- (6) develop and annually update a strategic plan with measurable goals and metrics;
- (7) conduct research and studies that will improve the operation of the office and the administration of the Family Representation and Advocacy Act;
- (8) provide courses of instruction and practical training for employees of the office that will improve the operation of the office and the administration of the Family Representation and Advocacy Act;
- (9) purchase or lease property and lease real property for use of the office;

(10) maintain records and statistical data that reflect the operation and administration of the office, including a system that allows the office to:

families;

(a) collect and analyze data on outcomes for children and

(b) maintain client confidentiality of information;

practices; and

(c) evaluate the effectiveness of the office's programs and

(d) inform and guide continuous quality improvement;

(11) submit an annual report and budget for the operation of the office;

(12) formulate a fee schedule for attorneys or law firms who are not employees of the office but who serve as contracted counsel pursuant to the Family Representation and Advocacy Act;

(13) formulate a fee schedule for other contract staff who are not employees of the office but who serve clients pursuant to the Family Representation and Advocacy Act;

(14) establish a grievance procedure for clients represented by a staff attorney or contract attorney or served by office or contract staff;

(15) certify contracts and expenditures for litigation expenses, including contracts and expenditures for experts, investigators, witnesses and attorney contracts; and

(16) perform other duties as set forth by the commission.

## **LAWS 2022, CHAPTER 52**

**SFC/Senate Bill 213, w/ec, partial veto  
Approved March 9, 2022**

AN ACT

RELATING TO CAPITAL EXPENDITURES; REAUTHORIZING OR REAPPROPRIATING BALANCES, EXPANDING OR CHANGING PURPOSES, EXTENDING EXPENDITURE PERIODS, CHANGING AGENCIES AND ESTABLISHING CONDITIONS FOR THE REVERSION OR TRANSFER OF UNEXPENDED BALANCES OF APPROPRIATIONS MADE BY THE LEGISLATURE IN PRIOR YEARS; DECLARING AN EMERGENCY.

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

## **Chapter 52 Section 1 Laws 2022**

### SECTION 1. SEVERANCE TAX BONDS--REVERSION OF PROCEEDS.--

A. Except as otherwise provided in another section of this act:

(1) the unexpended balance from the proceeds of severance tax bonds issued for a project that has been reauthorized in this act shall revert to the severance tax bonding fund:

(a) at the end of the expenditure period as set forth in this act, if the expenditure period is changed in this act; or

(b) if the expenditure period is not changed in this act, pursuant to the time frame set forth in the law that originally authorized the severance tax bonds or the time frame set forth in any law that has previously reauthorized the expenditure of the proceeds, whichever is later; and

(2) all remaining balances from the proceeds of severance tax bonds issued for a project that has been reauthorized in this act shall revert to the severance tax bonding fund three months after the reversion date for the unexpended balances.

B. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

## **Chapter 52 Section 2 Laws 2022**

### SECTION 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS--REVERSIONS.--

A. Except as otherwise provided in another section of this act:

(1) the unexpended balance of an appropriation from the general fund or other state fund that has been changed in this act shall revert:

(a) at the end of the expenditure period as set forth in this act, if the expenditure period is changed in this act; or

(b) if the expenditure period is not changed in this act, pursuant to the time frame set forth in the law in which the original appropriation was made or the time frame set forth in any law that has previously changed the appropriation, whichever is later; and

(2) all remaining balances of an appropriation from the general fund or other state fund that has been changed in this act shall revert three months after the reversion date for the unexpended balance.

B. Except as provided in Subsection C of this section, the balance of an appropriation made from the general fund or other state fund shall revert pursuant to Subsection A of this section to the originating fund.

C. The balance of an appropriation made from the general fund or other state fund to the Indian affairs department or the aging and long-term services department for a project located on lands of an Indian nation, tribe or pueblo shall revert pursuant to Subsection A of this section to the tribal infrastructure project fund.

D. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

## **Chapter 52 Section 3 Laws 2022**

SECTION 3. PASEO DEL VOLCAN LOOP BYPASS ROAD CONSTRUCTION--CHANGE TO PASEO DEL VOLCAN CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation originally authorized in Subsection 57 of Section 25 of Chapter 66 of Laws 2014 to acquire rights of way for and to plan, design and construct paseo del Volcan loop bypass road from Unser boulevard to interstate 40 in Bernalillo and Sandoval counties and reauthorized in Laws 2018, Chapter 68, Section 3 and for which the time of expenditure was extended in Laws 2020, Chapter 82, Section 3 shall not be expended for the original purpose but is changed to acquire rights of way for and to plan, design and construct paseo del Volcan in Bernalillo and Sandoval counties. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 4 Laws 2022**

SECTION 4. PASEO DEL VOLCAN CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 1 of Section 32 of Chapter 80 of Laws 2018 to acquire rights of way and to design and construct paseo del Volcan, also known as New Mexico highway 347, in Sandoval and Bernalillo counties is extended through fiscal year 2024.

## **Chapter 52 Section 5 Laws 2022**

SECTION 5. PASEO DEL VOLCAN RIGHTS OF WAY ACQUISITION AND CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 1 of Section 24 of Chapter 81 of Laws 2016 to acquire rights of way and to design and construct paseo del

Volcan, also known as New Mexico highway 347, in Sandoval and Bernalillo counties and for which the time of expenditure was extended in Laws 2020, Chapter 82, Section 4 is extended through fiscal year 2024.

### **Chapter 52 Section 6 Laws 2022**

SECTION 6. PASEO DEL VOLCAN RIGHTS OF WAY ACQUISITION--CHANGE TO PASEO DEL VOLCAN CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation in Subsection 61 of Section 24 of Chapter 81 of Laws 2016 to purchase rights of way for paseo del Volcan from Unser boulevard to the Bernalillo-Sandoval county line and for which the time of expenditure was extended in Laws 2020, Chapter 82, Section 79 shall not be expended for the original purpose but is changed to acquire rights of way and to plan, design and construct paseo del Volcan in Bernalillo and Sandoval counties. The time of expenditure is extended through fiscal year 2024.

### **Chapter 52 Section 7 Laws 2022**

SECTION 7. ATRISCO HERITAGE ACADEMY HIGH SCHOOL ACCESS ROAD CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project originally authorized in Subsection 7 of Section 24 of Chapter 81 of Laws 2016 to plan, design and construct an access road to Atrisco Heritage academy high school, including driveways, trail connections and modifications to Senator Dennis Chavez boulevard and to 118th street, in Albuquerque in Bernalillo county and reauthorized in Laws 2020, Chapter 82, Section 16 to include sidewalks and signal modifications is extended through fiscal year 2024.

### **Chapter 52 Section 8 Laws 2022**

SECTION 8. BERNALILLO COUNTY FAMILY SERVICES FACILITIES IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 53 of Section 26 of Chapter 80 of Laws 2018 to plan, design and construct renovations and improvements to the buildings and grounds of a child development and family services facility site in the South Valley in Bernalillo county and to purchase and install teleconferencing and information technology equipment at facility sites in the South Valley and the southeast heights in Albuquerque in Bernalillo county is extended through fiscal year 2024.

### **Chapter 52 Section 9 Laws 2022**

SECTION 9. BERNALILLO COUNTY HOMELESS FACILITY SHOWERS AND LAUNDRY CONSTRUCTION--CHANGE TO FACILITY IMPROVEMENTS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division project in Subsection 7 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, purchase, furnish, equip and install accessible showers and laundry services for a facility serving the homeless in Bernalillo county shall not be



expended for the original purpose but is changed to plan, design, purchase, install, equip and furnish a facility, including information technology and related furniture, equipment and infrastructure, white goods and vehicles, for an agency providing services to the homeless in Bernalillo county.

## **Chapter 52 Section 10 Laws 2022**

SECTION 10. BERNALILLO COUNTY MULTI-USE INDOOR SPORTS FACILITY--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 7 of Section 26 of Chapter 80 of Laws 2018 to plan, design, construct, equip and furnish a multi-use indoor sports facility in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 11 Laws 2022**

SECTION 11. INTERNATIONAL SCHOOL AT MESA DEL SOL IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 8 of Section 16 of Chapter 80 of Laws 2018 to plan, design, construct, renovate, furnish and equip buildings, grounds and physical education changing rooms, including the purchase and installation of related equipment, fencing, information technology, wiring, paving and infrastructure, for the international school at Mesa del Sol charter school in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 12 Laws 2022**

SECTION 12. ISLETA BOULEVARD SOUTHWEST IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 5 of Section 32 of Chapter 80 of Laws 2018 to design and construct improvements to Isleta boulevard from Muniz road SW to United States interstate highway 25 in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 13 Laws 2022**

SECTION 13. ALBUQUERQUE SIGN LANGUAGE ACADEMY FACILITY CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 3 of Section 16 of Chapter 80 of Laws 2018 to plan, design and construct a facility for the Albuquerque sign language academy in Albuquerque in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 14 Laws 2022**

SECTION 14. TWENTY-FIRST CENTURY PUBLIC ACADEMY CHARTER SCHOOL HEATING, VENTILATION AND AIR CONDITIONING SYSTEM IMPROVEMENTS--EXTEND TIME--GENERAL FUND.--The time of expenditure for the public education department project originally authorized in Subsection 27 of Section 63 of Chapter 81 of Laws 2020 and reauthorized in Laws 2021, Chapter 139, Section 11 to plan, design, construct, renovate, furnish and equip buildings and grounds and to purchase and install heating, ventilation and air conditioning and air filtration systems and related equipment and to purchase and install information technology, including related equipment, furniture and infrastructure, and for wiring and fencing for the Twenty-First Century public academy charter school in Albuquerque in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 15 Laws 2022**

SECTION 15. ALBUQUERQUE COLLEGIATE CHARTER SCHOOL SECURITY SYSTEMS PURCHASE--EXPAND PURPOSE--EXTEND TIME--GENERAL FUND.--The public education department project in Subsection 9 of Section 63 of Chapter 81 of Laws 2020 to equip and install a security system and related infrastructure and equipment for the Albuquerque Collegiate charter school in Albuquerque in Bernalillo county may include the purchase and installation of security cameras. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 16 Laws 2022**

SECTION 16. ALBUQUERQUE CRESTVIEW BLUFF OPEN SPACE ACQUISITION--CHANGE TO ALBUQUERQUE CRESTVIEW BLUFF PARKS AND TRAILS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 34 of Section 29 of Chapter 138 of Laws 2021 to acquire property for and to plan, design, construct and equip the Crestview bluff open space area in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to acquire property for and to plan, design, construct and equip the Crestview bluff open space area, parks and trails in Albuquerque in Bernalillo county.

## **Chapter 52 Section 17 Laws 2022**

SECTION 17. BERNALILLO COUNTY CRESTVIEW BLUFFS PURCHASE--CHANGE TO ALBUQUERQUE CRESTVIEW BLUFF OPEN SPACE AREA, PARKS AND TRAILS CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 5 of Section 34 of Chapter 277 of Laws 2019 to acquire property for a Crestview bluffs open space area and to match funds for a national park service land and water conservation fund grant for the purchase of Crestview bluffs in Bernalillo county shall not be expended for the original purpose but is changed to acquire property for and to plan, design, construct

and equip an open space area, parks and trails in the Crestview bluff area in Albuquerque in Bernalillo county. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 18 Laws 2022**

SECTION 18. ALBUQUERQUE CRESTVIEW BLUFF GREEN SPACE CONSTRUCTION--CHANGE TO OPEN SPACE, PARKS AND TRAILS CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 43 of Section 34 of Chapter 277 of Laws 2019 to acquire property and to plan, design and construct an urban green space along the Crestview bluff area off the Arenal drain from west central avenue to Bridge boulevard both within and outside the city limits of Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to acquire property for and to plan, design, construct and equip the Crestview bluff open space area, parks and trails in Albuquerque in Bernalillo county. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 19 Laws 2022**

SECTION 19. ALBUQUERQUE RADIO COMMUNICATIONS BUREAU BUILDING CONSTRUCTION--CHANGE TO DEPARTMENT OF PUBLIC SAFETY ADMINISTRATIVE COMPLEX CONSTRUCTION--CHANGE AGENCY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of information technology in Subsection 1 of Section 31 of Chapter 81 of Laws 2020 to plan, design, construct, renovate, furnish and equip a building for the Albuquerque radio communications bureau in Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to the capital program fund to acquire land for and to plan, design, construct, furnish and equip an administrative complex for the department of public safety in Albuquerque.

## **SChapter 52 Section 20 Laws 2022**

SECTION 20. ALBUQUERQUE DISPATCH AND RECORDS MANAGEMENT SYSTEM--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 53 of Section 35 of Chapter 81 of Laws 2020 to upgrade the computer-aided dispatch and records management system for the Albuquerque police department in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 21 Laws 2022**

~~SECTION 21. ALBUQUERQUE DOMESTIC VIOLENCE SHELTER COTTAGES RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 54 of Section 35 of Chapter 81 of Laws 2020 to plan, design and construct renovations in cottages for victims of domestic~~

~~abuse, including additional entries and bathrooms, in Albuquerque in Bernalillo county is extended through fiscal year 2024.] LINE ITEM VETO~~

## **Chapter 52 Section 22 Laws 2022**

SECTION 22. ALBUQUERQUE FIRE RESCUE COMMUNICATIONS AND DISPATCH EQUIPMENT PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 59 of Section 35 of Chapter 81 of Laws 2020 to purchase and equip fire communications and dispatch equipment for Albuquerque fire rescue in Albuquerque in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 23 Laws 2022**

SECTION 23. ALBUQUERQUE FIRE RESPONSE BRUSH TRUCK PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 60 of Section 35 of Chapter 81 of Laws 2020 to purchase and equip a brush truck for the city of Albuquerque in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 24 Laws 2022**

SECTION 24. ALBUQUERQUE PAT HURLEY PARK AND COMMUNITY CENTER IMPROVEMENTS--CHANGE TO IMPROVEMENTS TO THE JOAN JONES COMMUNITY CENTER--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 36 of Section 26 of Chapter 80 of Laws 2018 to plan, design, construct, expand, renovate, purchase and install phase 2 improvements to the Pat Hurley park and community center in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct, expand, equip and furnish phase 2 improvements to the Joan Jones community center in Albuquerque. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 25 Laws 2022**

SECTION 25. ALBUQUERQUE JUAN TABO HILLS FIRE STATION LAND ACQUISITION, CONSTRUCTION AND IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 26 of Section 26 of Chapter 80 of Laws 2018 to acquire land and rights of way and to plan, design, construct, renovate, upgrade and equip phase 1 of a fire station in the Juan Tabo Hills area of southeast Albuquerque in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 26 Laws 2022**

SECTION 26. ALBUQUERQUE POLICE DEPARTMENT CRIME SCENE VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 11 of Section 72 of Chapter 81 of Laws 2020 to purchase and equip a crime scene response vehicle for the police department in Albuquerque in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 27 Laws 2022**

SECTION 27. ALBUQUERQUE POLICE DEPARTMENT TECHNOLOGY MODERNIZATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 103 of Section 35 of Chapter 81 of Laws 2020 to purchase and equip video management system information technology, including automated license plate readers, for the Albuquerque police department in Albuquerque in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 28 Laws 2022**

SECTION 28. RIO RANCHO PUBLIC SCHOOL DISTRICT ROBOTICS PROGRAM EQUIPMENT--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The public education department project in Subsection 167 of Section 17 of Chapter 138 of Laws 2021 to purchase, improve and install equipment and furnishings, including information technology, for a robotics program to assist youth in science, technology, engineering and mathematics in Rio Rancho in Sandoval county is appropriated to the local government division for that purpose. [~~The time of expenditure is extended through fiscal year 2024.~~] *LINE ITEM VETO*

## **Chapter 52 Section 29 Laws 2022**

SECTION 29. ALBUQUERQUE SOUTHEAST/MID-HEIGHTS PARK CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 45 of Section 26 of Chapter 80 of Laws 2018 to acquire land for and to plan, design and construct a park facility in the southeast and mid-heights area of Albuquerque in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 30 Laws 2022**

SECTION 30. ALBUQUERQUE WEST CENTRAL REDEVELOPMENT DISTRICT INFRASTRUCTURE IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 50 of Section 26 of Chapter 80 of Laws 2018 to acquire land for and to plan, design and construct infrastructure improvements in the west Central avenue area for

the west Central metropolitan redevelopment district in Albuquerque in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 31 Laws 2022**

~~[SECTION 31. ALBUQUERQUE WOMEN'S MEMORIAL PARK CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 51 of Section 26 of Chapter 80 of Laws 2018 to construct a women's memorial park at Amole Mesa avenue and 118th street in Albuquerque in Bernalillo county is extended through fiscal year 2024.] LINE ITEM VETO~~

## **Chapter 52 Section 32 Laws 2022**

SECTION 32. BERNALILLO COUNTY BEHAVIORAL HEALTH PROGRAM PLAYGROUND AND VEHICLE EQUIPMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 2 of Section 72 of Chapter 81 of Laws 2020 to purchase and install a portable playground, to purchase and equip a vehicle and to purchase and install information technology equipment for behavioral health and forensic interview programs in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 33 Laws 2022**

SECTION 33. BERNALILLO COUNTY INDUSTRIAL TRANSLOAD FACILITY ROAD IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 4 of Section 32 of Chapter 80 of Laws 2018 to plan, design, construct and improve roads and drainage for an industrial park and transload facility in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 34 Laws 2022**

SECTION 34. BERNALILLO COUNTY TRANSITIONAL LIVING FACILITY IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 54 of Section 26 of Chapter 80 of Laws 2018 to plan, design and renovate buildings, including interior and exterior finish work, replacement of roof and building systems, the purchase and installation of security cameras and a security system and improvements to the parking lot and landscaping, at a transitional living center in Albuquerque in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 35 Laws 2022**

SECTION 35. EL CAMINO REAL ACADEMY CHARTER SCHOOL BUILDINGS AND GROUNDS RENOVATION--EXPAND PURPOSE--EXTEND TIME--GENERAL FUND.--The public education department project in Subsection 15 of Section 63 of Chapter 81 of Laws 2020 to purchase security fencing, including related equipment, for El Camino Real academy charter school in Albuquerque in Bernalillo county may include the purchase and installation of security camera systems. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 36 Laws 2022**

~~[SECTION 36. GILBERT L. SENA CHARTER HIGH SCHOOL IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 7 of Section 16 of Chapter 80 of Laws 2018 to plan, design, construct, renovate, furnish and equip buildings and grounds, including the installation of a science lab and the installation of related equipment, fencing, information technology, wiring and infrastructure, for the Gilbert L. Sena charter school in Albuquerque in Bernalillo county is extended through fiscal year 2024.]~~ *LINE ITEM VETO*

## **Chapter 52 Section 37 Laws 2022**

SECTION 37. HEALTH LEADERSHIP HIGH SCHOOL CHARTER SCHOOL BUILDING AND GROUNDS CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the public education department project in Subsection 84 of Section 63 of Chapter 81 of Laws 2020 to acquire, equip and install security equipment, fencing and related infrastructure and equipment for the Health Leadership high school charter school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 38 Laws 2022**

SECTION 38. LADERA ROAD NORTHWEST IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 13 of Section 32 of Chapter 80 of Laws 2018 to acquire rights of way and to plan, design and construct Ladera road NW, including pedestrian and traffic control features, between Gavin road and Coors boulevard in Albuquerque in Bernalillo county is extended through fiscal year 2024.

## **Chapter 52 Section 39 Laws 2022**

SECTION 39. MILE HIGH LITTLE LEAGUE FIELDS AND INFRASTRUCTURE IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 32 of Section 26 of

Chapter 80 of Laws 2018 to plan, design and construct improvements, renovations and upgrades to the fields and infrastructure of the Mile High little league in Albuquerque in Bernalillo county is extended through fiscal year 2024.

### **Chapter 52 Section 40 Laws 2022**

SECTION 40. NATIONAL HISPANIC CULTURAL CENTER IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the cultural affairs department project in Subsection 4 of Section 9 of Chapter 80 of Laws 2018 to plan, design, construct, renovate, repair, furnish, equip and make other improvements to the site, facilities, theaters and exhibits, including the welcome center, art museum and annex warehouse, at the national Hispanic cultural center in Albuquerque in Bernalillo county is extended through fiscal year 2024.

### **Chapter 52 Section 41 Laws 2022**

SECTION 41. UNIVERSITY OF NEW MEXICO OLYMPIC SPORTS TRAINING FACILITY CONSTRUCTION--EXTEND TIME--SEVERANCE TAX FUNDS.--The time of expenditure for the board of regents of the university of New Mexico project in Subsection 11 of Section 38 of Chapter 80 of Laws 2018 to plan, design, construct, purchase, install and equip an Olympic sports training facility at the university of New Mexico in Albuquerque in Bernalillo county is extended through fiscal year 2024.

### **Chapter 52 Section 42 Laws 2022**

SECTION 42. TECHNOLOGY LEADERSHIP CHARTER HIGH SCHOOL IMPROVEMENTS--EXTEND TIME--GENERAL FUND.--The time of expenditure for the public education department project in Subsection 6 of Section 63 of Chapter 81 of Laws 2020 to purchase security systems, fencing and infrastructure for the Technology Leadership charter high school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2024.

### **Chapter 52 Section 43 Laws 2022**

SECTION 43. RAMAH CHAPTER SOLID WASTE TRANSFER STATION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 6 of Section 20 of Chapter 81 of Laws 2016 and reauthorized in Laws 2020, Chapter 82, Section 32 to plan, design and construct a solid waste transfer station, including a trash compactor dumpster, a trash bin and an operator building, in the Ramah chapter of the Navajo Nation in Cibola county is extended through fiscal year 2024.



## **Chapter 52 Section 44 Laws 2022**

SECTION 44. ANGEL FIRE WATER STORAGE TANKS CONSTRUCTION AND REPAIR--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 7 of Section 18 of Chapter 81 of Laws 2016 to plan, design, construct and repair water storage tanks in Angel Fire in Colfax county and for which the time of expenditure was extended in Laws 2020, Chapter 82, Section 33 is extended through fiscal year 2024.

## **Chapter 52 Section 45 Laws 2022**

~~[SECTION 45. CLOVIS BUSINESS ENTERPRISE CENTER RENOVATIONS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 78 of Section 26 of Chapter 80 of Laws 2018 to plan, design, equip, remodel, furnish and improve the Clovis business enterprise center, including parking lots, alleys, the solar energy system, the power backup system, electrical systems, landscaping and lighting, in Curry county is extended through fiscal year 2024.]~~ *LINE ITEM VETO*

## **Chapter 52 Section 46 Laws 2022**

SECTION 46. CLOVIS WELLNESS AND YOUTH DEVELOPMENT CENTER PHASE 2 CONSTRUCTION--CHANGE TO HILLCREST SENIOR CENTER CONSTRUCTION--CHANGE AGENCY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 150 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct phase 2 of a wellness and youth development center in Clovis in Curry county shall not be expended for the original purpose but is appropriated to the aging and long-term services department to plan, design, construct, equip and furnish the Hillcrest senior center in Clovis.

## **Chapter 52 Section 47 Laws 2022**

SECTION 47. GRADY DEFIBRILLATOR PURCHASE--CHANGE TO AMBULANCE AIR SUSPENSION KIT PURCHASE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 23 of Section 72 of Chapter 81 of Laws 2020 to purchase and equip a defibrillator for the fire department in Grady in Curry county shall not be expended for the original purpose but is changed to purchase and equip an ambulance air suspension kit for Grady. The time of expenditure is extended through 2024.

## **Chapter 52 Section 48 Laws 2022**

~~[SECTION 48. GRADY POWERED COT FASTENER PURCHASE--CHANGE TO GRADY PARK RESTROOMS AND LIGHTING CONSTRUCTION--EXTEND TIME--~~

~~GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 24 of Section 72 of Chapter 81 of Laws 2020 to purchase and equip a powered cot fastener and medical transport equipment for the Grady volunteer fire department in Grady in Curry county shall not be expended for the original purpose but is changed to plan, design and construct restrooms and to purchase and install lighting at a park in Grady. The time of expenditure is extended through fiscal year 2024.] LINE ITEM VETO~~

## **Chapter 52 Section 49 Laws 2022**

SECTION 49. CURRY AND OTERO COUNTIES CONTAMINATED WATER SYSTEM IMPROVEMENTS--CHANGE TO TEXICO WATER SYSTEM IMPROVEMENTS--SEVERANCE TAX BONDS.--Up to one million five hundred thousand dollars (\$1,500,000) of the unexpended balance of the appropriation to the department of environment in Subsection 56 of Section 26 of Chapter 81 of Laws 2020 to plan, design and construct improvements to contaminated water systems in Curry and Otero counties shall not be expended for the original purpose but is changed to plan, design, construct and improve contaminated water systems in Texico in Curry county.

## **Chapter 52 Section 50 Laws 2022**

SECTION 50. BOSQUE REDONDO MEMORIAL IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the cultural affairs department project originally authorized in Subsection 4 of Section 8 of Chapter 81 of Laws 2016 to plan, design, construct, landscape and improve the Bosque Redondo memorial at the Fort Sumner historic site in De Baca county and reauthorized in Laws 2020, Chapter 82, Section 37 is extended through fiscal year 2024.

## **Chapter 52 Section 51 Laws 2022**

SECTION 51. ZEUS AVENUE IMPROVEMENTS--CHANGE TO EASY LANE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 63 of Section 40 of Chapter 277 of Laws 2019 to acquire rights of way for and to plan, design and construct road and drainage improvements on Zeus avenue in the Butterfield area of Dona Ana county shall not be expended for the original purpose but is changed to acquire rights of way for and to plan, design and construct road and drainage improvements on Easy lane in Dona Ana county. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 52 Laws 2022**

SECTION 52. LAS CRUCES PARKING GARAGE CONSTRUCTION--CHANGE TO AMADOR HOTEL IMPROVEMENTS--EXTEND TIME--GENERAL FUND.--Up to two hundred thousand dollars (\$200,000) of the unexpended balance of the appropriation to the local government division in Subsection 203 of Section 34 of

Chapter 277 of Laws 2019 to plan, design, construct and equip a parking garage in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed to plan, design, construct, furnish, equip and install improvements, including related infrastructure, to the Amador hotel in Las Cruces. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 53 Laws 2022**

SECTION 53. LAS CRUCES COMMUNITY OF HOPE HEALTH FACILITY IMPROVEMENTS--CHANGE TO DENTAL AND HEALTH FACILITIES CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 89 of Section 26 of Chapter 80 of Laws 2018 to plan, design, construct, renovate, furnish and equip improvements to a health facility at the Mesilla Valley community of hope health complex in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed to plan, design, construct, furnish and equip dental and health facilities, including site preparation, sidewalks, lighting, security and sustainable energy systems, at the Mesilla Valley community of hope campus in Las Cruces in Dona Ana county. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 54 Laws 2022**

SECTION 54. LAS CRUCES CINEMATIC INFRASTRUCTURE CONSTRUCTION--CHANGE TO FILM AND DIGITAL MEDIA INFRASTRUCTURE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division originally authorized in Subsection 114 of Section 28 of Chapter 3 of Laws 2015 (1st S.S.) and reauthorized in Laws 2019, Chapter 280, Section 42 to plan, design, construct, furnish and equip a facility owned by Las Cruces in Dona Ana county for film, digital media and entertainment arts production and for which the time of expenditure was extended in Laws 2021, Chapter 139, Section 30 shall not be expended for the original or reauthorized purpose but is changed to plan, design, construct, furnish and equip infrastructure that directly supports film and digital media economic development in Las Cruces in Dona Ana county pursuant to the Local Economic Development Act. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 55 Laws 2022**

SECTION 55. LAS CRUCES FILM MEDIA AND ENTERTAINMENT INFRASTRUCTURE CONSTRUCTION--CHANGE TO FILM AND DIGITAL MEDIA INFRASTRUCTURE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division originally authorized in Subsection 104 of Section 22 of Chapter 66 of Laws 2014 and reauthorized in Laws 2015, Chapter 147, Section 24 to plan, design, construct, furnish and equip a facility and related infrastructure to be owned by Las Cruces in Dona Ana county for film, digital media and entertainment arts production and for which the time of expenditure was

extended in Laws 2018, Chapter 68, Section 52 and again in Laws 2020, Chapter 82, Section 41 shall not be expended for its original or reauthorized purpose but is changed to plan, design, construct, furnish and equip infrastructure that directly supports film and digital media economic development in Las Cruces in Dona Ana county pursuant to the Local Economic Development Act. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 56 Laws 2022**

SECTION 56. LAS CRUCES PARKING GARAGE CONSTRUCTION--CHANGE TO LAS CRUCES INTERNATIONAL AIRPORT IMPROVEMENTS--EXTEND TIME--GENERAL FUND.--Up to six hundred thirty-two thousand eight hundred ninety dollars (\$632,890) of the unexpended balance of the appropriation to the local government division in Subsection 203 of Section 34 of Chapter 277 of Laws 2019 to plan, design, construct and equip a parking garage in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed to plan, design, construct, furnish, equip and install improvements, including related infrastructure and landscaping, to the Las Cruces international airport in Dona Ana county. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 57 Laws 2022**

SECTION 57. DONA ANA INTERNATIONAL JETPORT RUNWAY 10-28--CHANGE TO DONA ANA INTERNATIONAL JETPORT RUNWAY PROJECT CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 74 of Section 40 of Chapter 277 of Laws 2019 to plan, design and construct improvements to runway 10-28, including lighting, at the Dona Ana international jetport in Santa Teresa in Dona Ana county shall not be expended for the original purpose but is changed to plan, design and construct runway projects at the Dona Ana international jetport in Santa Teresa in Dona Ana county.

## **Chapter 52 Section 58 Laws 2022**

SECTION 58. DONA ANA COUNTY VADO TRAIL IMPROVEMENTS--CHANGE TO VADO-DEL CERRO COMMUNITY CENTER EQUIPMENT AND FURNITURE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 218 of Section 34 of Chapter 277 of Laws 2019 to acquire rights of way, easements and property and to plan, design and construct a restroom and water fountains for the Vado trail in Vado in Dona Ana county shall not be expended for the original purpose but is changed to purchase and install furniture and equipment at the Vado-Del Cerro community center in Vado. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 59 Laws 2022**

SECTION 59. MALAGA MUTUAL DOMESTIC WATER CONSUMERS AND SEWAGE WORKS ASSOCIATION TRUCK PURCHASE--CHANGE TO EXTEND WATER LINES--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.-- The unexpended balance of the appropriation to the local government division in Subsection 191 of Section 29 of Chapter 138 of Laws 2021 to purchase and equip trucks, including emergency lights, for the Malaga mutual domestic water consumers and sewage works association in Eddy county shall not be expended for the original purpose but is appropriated to the department of transportation to plan, design, construct and extend water lines across a bridge on United States highway 285 over the Black river for that association in Eddy county. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 60 Laws 2022**

SECTION 60. MALAGA MUTUAL DOMESTIC WATER CONSUMERS AND SEWAGE WORKS ASSOCIATION BACKHOE PURCHASE--CHANGE TO EXTEND WATER LINES--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.-- The unexpended balance of the appropriation to the local government division in Subsection 190 of Section 29 of Chapter 138 of Laws 2021 to purchase and equip a backhoe for the Malaga mutual domestic water consumers and sewage works association in Eddy county shall not be expended for the original purpose but is appropriated to the department of transportation to plan, design, construct and extend water lines across a bridge on United States highway 285 over the Black river for that association in Eddy county. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 61 Laws 2022**

SECTION 61. VAUGHN STREETS DRAINAGE DESIGN--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 38 of Section 32 of Chapter 80 of Laws 2018 to plan and design drainage improvements for streets in Vaughn in Guadalupe county is extended through fiscal year 2024.

## **Chapter 52 Section 62 Laws 2022**

SECTION 62. EUNICE YOUTH SPORTS COMPLEX CONSTRUCT--CHANGE TO RODEO ARENA--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 220 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct and equip a youth sports complex, including baseball, softball, football and soccer fields, for Eunice in Lea county shall not be expended for the original purpose but is changed to plan, design, construct and furnish a covered rodeo arena, including a recreational vehicle park,

landscaping, lighting, sidewalks, parking and fencing, in Eunice in Lea county. [~~The time of expenditure is extended through fiscal year 2024.~~] *LINE ITEM VETO*

## **Chapter 52 Section 63 Laws 2022**

SECTION 63. LAS VEGAS CITY PUBLIC SCHOOL DISTRICT YOUTH CENTER CONSTRUCTION--CHANGE TO JAL WASTEWATER TREATMENT PLANT IMPROVEMENTS--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--Up to nine hundred thousand dollars (\$900,000) of the unexpended balance of the appropriation to the public education department in Subsection 26 of Section 22 of Chapter 81 of Laws 2020 to acquire land and to plan, design, construct, renovate and equip a youth center for the Las Vegas city public school district in San Miguel county shall not be expended for the original purpose but is appropriated to the department of environment to plan, design, construct, upgrade and equip a wastewater treatment plant, including an area for land application of effluent water, in Jal in Lea county. The time of expenditure is extended through June 30, 2026.

## **Chapter 52 Section 64 Laws 2022**

SECTION 64. LOVINGTON WELLS AND WATER SYSTEM CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project originally authorized in Subsection 19 of Section 11 of Chapter 64 of Laws 2012 to plan, design and construct wells in Lovington in Lea county and reauthorized in Laws 2016, Chapter 83, Section 52 and again in Laws 2018, Chapter 68, Section 66 to include purchase and installation of equipment for water wells and water system improvements in Lovington and again in Laws 2020, Chapter 82, Section 46 is extended through fiscal year 2024.

## **Chapter 52 Section 65 Laws 2022**

SECTION 65. TATUM WATER SYSTEM IMPROVEMENTS--CHANGE TO WATER DISTRIBUTION SYSTEM IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment originally authorized in Subsection 36 of Section 26 of Chapter 81 of Laws 2020 and reauthorized in Laws 2021, Chapter 139, Section 38 to plan, design and construct improvements to the water distribution system and water storage facility, including the water tank, in Tatum in Lea county shall not be expended for the original or reauthorized purpose but is changed to plan, design and construct improvements to the water distribution and delivery system in Tatum. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 66 Laws 2022**

SECTION 66. RUIDOSO DOWNS SENIOR CENTER PLAN AND DESIGN--CHANGE TO RUIDOSO COMMUNITY CENTER PLAN AND DESIGN--CHANGE AGENCY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation

to the aging and long-term services department in Subsection 21 of Section 5 of Chapter 138 of Laws 2021 to plan and design the Ruidoso Downs senior center in Ruidoso Downs in Lincoln county shall not be expended for the original purpose but is appropriated to the local government division to plan and design the Ruidoso community center in Ruidoso in Lincoln county.

## **Chapter 52 Section 67 Laws 2022**

SECTION 67. WHITE CLIFFS MUTUAL DOMESTIC WATER USERS ASSOCIATION WASTEWATER SYSTEM IMPROVEMENTS--CHANGE TO MCKINLEY COUNTY SHERIFF'S DEPARTMENT VEHICLE PURCHASE--CHANGE AGENCY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 45 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct, purchase, equip and install water and wastewater system improvements for the White Cliffs mutual domestic water users association in McKinley county shall not be expended for the original purpose but is appropriated to the local government division to purchase and equip vehicles for the sheriff's department in McKinley county.

## **Chapter 52 Section 68 Laws 2022**

SECTION 68. OJO ENCINO CHAPTER EAGLE SPRING POWERLINE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 23 of Section 20 of Chapter 81 of Laws 2016 and reauthorized in Laws 2020, Chapter 82, Section 59 to plan, design and construct the Eagle Spring powerline in the Ojo Encino chapter of the Navajo Nation in Sandoval and McKinley counties is extended through fiscal year 2024.

## **Chapter 52 Section 69 Laws 2022**

SECTION 69. PUEBLO PINTADO CHAPTER POWERLINE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 14 of Section 20 of Chapter 81 of Laws 2016 and reauthorized in Laws 2020, Chapter 82, Section 51 to plan, design and construct a powerline in the Pueblo Pintado chapter of the Navajo Nation in McKinley county is extended through fiscal year 2024.

## **Chapter 52 Section 70 Laws 2022**

SECTION 70. TOHATCHI CHAPTER POWERLINE EXTENSION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 16 of Section 20 of Chapter 81 of Laws 2016 and reauthorized in Laws 2020, Chapter 82, Section 54 to plan, design and construct powerline extensions in the Tohatchi chapter of the Navajo Nation in McKinley county is extended through fiscal year 2024.

## **Chapter 52 Section 71 Laws 2022**

SECTION 71. COYOTE CANYON CHAPTER CEMETERY--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 12 of Section 22 of Chapter 80 of Laws 2018 to plan, design and construct a community cemetery, including water lines and power lines, in the Coyote Canyon chapter of the Navajo Nation in McKinley county is extended through fiscal year 2024.

## **Chapter 52 Section 72 Laws 2022**

SECTION 72. LAKE VALLEY CHAPTER POWER LINE EXTENSION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 35 of Section 22 of Chapter 80 of Laws 2018 to plan, design and construct power line extensions in the Lake Valley chapter of the Navajo Nation in San Juan county is extended through fiscal year 2024.

## **Chapter 52 Section 73 Laws 2022**

SECTION 73. NAHODISHGISH CHAPTER HOUSE ACCESSIBILITY IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 17 of Section 22 of Chapter 80 of Laws 2018 to plan, design and construct accessibility improvements at the chapter house of the Nahodishgish chapter of the Navajo Nation in McKinley county is extended through fiscal year 2024.

## **Chapter 52 Section 74 Laws 2022**

SECTION 74. THOREAU SENIOR CENTER IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the aging and long-term services department project in Subsection 9 of Section 5 of Chapter 80 of Laws 2018 to plan, design and construct improvements, including roofing, parking lot and accessibility features, to the senior center in Thoreau in McKinley county is extended through fiscal year 2024.

## **Chapter 52 Section 75 Laws 2022**

SECTION 75. TOHATCHI CHAPTER RED WILLOW FARM WATER AND POWER LINES CONSTRUCTION AND ROAD IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 17 of Section 20 of Chapter 81 of Laws 2016 and reauthorized in Laws 2017, Chapter 133, Section 66 to plan, design, construct and make improvements to water lines, power lines and roads for Red Willow farm in the Tohatchi chapter of the Navajo Nation in McKinley county and for which the time of



expenditure was extended in Laws 2020, Chapter 82, Section 55 is extended through fiscal year 2024.

### **Chapter 52 Section 76 Laws 2022**

SECTION 76. TOHATCHI CHAPTER WAREHOUSE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 19 of Section 22 of Chapter 80 of Laws 2018 to plan, design and construct a warehouse for the Tohatchi chapter of the Navajo Nation in McKinley county is extended through fiscal year 2024.

### **Chapter 52 Section 77 Laws 2022**

SECTION 77. RAMAH CHAPTER SOLID WASTE TRANSFER STATION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 6 of Section 22 of Chapter 80 of Laws 2018 to plan, design, purchase, construct, equip and install a solid waste transfer station, including a trash compactor dumpster, a trash bin and an operator building, in the Ramah chapter of the Navajo Nation in Cibola county is extended through fiscal year 2024.

### **Chapter 52 Section 78 Laws 2022**

SECTION 78. SMITH LAKE CHAPTER PARKING LOT IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 18 of Section 22 of Chapter 80 of Laws 2018 to plan and design parking lots, including curbs and lighting, for the chapter complex at the Smith Lake chapter in the Navajo Nation in McKinley county is extended through fiscal year 2024.

### **Chapter 52 Section 79 Laws 2022**

SECTION 79. COMMISSION FOR THE BLIND FACILITIES RENOVATION--CHANGE AGENCY--SEVERANCE TAX BONDS.--The agency for the commission for the blind project originally authorized in Laws 2021, Chapter 138, Section 7 to plan, design, construct, renovate, repair, furnish and equip facilities for the commission for the blind in Otero and Bernalillo counties is changed to the capital program fund.

### **Chapter 52 Section 80 Laws 2022**

SECTION 80. OJO ENCINO CHAPTER RURAL ADDRESSING SYSTEM CONSTRUCTION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.-  
-The Indian affairs department project in Subsection 25 of Section 22 of Chapter 80 of Laws 2018 to plan, design and construct a rural addressing system, including house numbers and road signs, in the Ojo Encino chapter of the Navajo Nation in Sandoval

and McKinley counties may include the acquisition of right-of-way permits and the purchase of equipment for the installation of sign posts and address posts in the Ojo Encino chapter of the Navajo Nation in Sandoval and McKinley counties. The time of expenditure is extended through fiscal year 2024.

### **Chapter 52 Section 81 Laws 2022**

SECTION 81. NEW MEXICO MUSEUM OF ART RENOVATIONS AND IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the cultural affairs department project in Subsection 13 of Section 9 of Chapter 80 of Laws 2018 to plan, design and construct renovations and other improvements to the New Mexico museum of art in Santa Fe in Santa Fe county is extended through fiscal year 2024.

### **Chapter 52 Section 82 Laws 2022**

SECTION 82. NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED RESIDENTIAL COTTAGES AND INFRASTRUCTURE IMPROVEMENTS--EXTEND TIME--PUBLIC SCHOOL CAPITAL OUTLAY FUND.--The time of expenditure for the board of regents of the New Mexico school for the blind and visually impaired appropriation originally authorized in Subsection 3 of Section 45 of Chapter 66 of Laws 2014 to plan, design, construct, renovate, equip and furnish residential cottages, including the demolition of Sacramento dormitory, and to make other infrastructure improvements campuswide at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county and reauthorized by Laws 2016, Chapter 83, Section 113 to clarify the funding source and for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 87 is extended through fiscal year 2024.

### **Chapter 52 Section 83 Laws 2022**

SECTION 83. CURRY AND OTERO COUNTIES CONTAMINATED WATER SYSTEM IMPROVEMENTS--CHANGE TO CLOUDCROFT WATER SYSTEM IMPROVEMENTS--SEVERANCE TAX BONDS.--Up to one million five hundred thousand dollars (\$1,500,000) of the unexpended balance of the appropriation to the department of environment in Subsection 56 of Section 26 of Chapter 81 of Laws 2020 to plan, design and construct improvements to contaminated water systems in Curry and Otero counties shall not be expended for the original purpose but is changed to plan, design, construct and improve contaminated water systems in Cloudcroft in Otero county.

### **Chapter 52 Section 84 Laws 2022**

SECTION 84. ACEQUIA DE LOS SALAZARES IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 9 of Section 25 of Chapter 80 of Laws 2018 to plan,

design and construct improvements, including water control structures, for the acequia de Los Salazares in Rio Arriba county is extended through fiscal year 2024.

## **Chapter 52 Section 85 Laws 2022**

SECTION 85. JICARILLA APACHE NATION COMMUNITY GARDEN OFFICE AND STORAGE UNIT CONSTRUCTION--CHANGE TO COMMUNITY GARDEN PROJECT CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 29 of Section 22 of Chapter 80 of Laws 2018 to purchase, construct and install a community garden storage unit and office for the Jicarilla Apache Nation in Dulce in Rio Arriba county shall not be expended for the original purpose but is changed to plan, design, construct and equip a community garden project for the Jicarilla Apache Nation. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 86 Laws 2022**

~~[SECTION 86. PLAZA BLANCA MUTUAL DOMESTIC WATER CONSUMERS' ASSOCIATION RIO DE CHAMA WATER LINE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 67 of Section 26 of Chapter 81 of Laws 2020 to plan, design, construct, repair and replace a water line of the Rio de Chama for the Plaza Blanca mutual domestic water consumers' association in Rio Arriba county is extended through fiscal year 2024.]~~ *LINE ITEM VETO*

## **Chapter 52 Section 87 Laws 2022**

~~[SECTION 87. ABIQUIU MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION AND MUTUAL SEWAGE WORKS ASSOCIATION WASTEWATER FACILITY IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 62 of Section 26 of Chapter 81 of Laws 2020 to plan, design and construct improvements to the wastewater treatment facility for the Abiquiu mutual domestic water consumers association and mutual sewage works association in Rio Arriba county is extended through fiscal year 2024.]~~ *LINE ITEM VETO*

## **Chapter 52 Section 88 Laws 2022**

SECTION 88. CANJILON MUTUAL DOMESTIC WATER CONSUMERS' AND MUTUAL SEWAGE WORKS ASSOCIATION IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 35 of Section 20 of Chapter 80 of Laws 2018 to plan, design and construct water system improvements for the Canjilon mutual domestic water consumers' and mutual sewage works association in Rio Arriba county is extended through fiscal year 2024.

## **Chapter 52 Section 89 Laws 2022**

SECTION 89. CHAMA CITY HALL COMPLEX CONSTRUCTION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The local government division project in Subsection 139 of Section 26 of Chapter 80 of Laws 2018 to plan, design, construct, furnish and equip a city hall complex in Chama in Rio Arriba county may include renovation. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 90 Laws 2022**

SECTION 90. CHAMA CITY HALL COMPLEX CONSTRUCTION--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The local government division project in Subsection 315 of Section 35 of Chapter 81 of Laws 2020 to plan, design, construct, furnish and equip a city hall complex in Chama in Rio Arriba county may include renovation.

## **Chapter 52 Section 91 Laws 2022**

~~[SECTION 91. ESPANOLA MUNICIPAL COURT COMMUNITY OUTREACH PROGRAM GREENHOUSE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 318 of Section 35 of Chapter 81 of Laws 2020 to plan, design, construct, purchase and install a greenhouse for the municipal court community outreach program in Espanola in Rio Arriba county is extended through fiscal year 2024.]~~ *LINE ITEM VETO*

## **Chapter 52 Section 92 Laws 2022**

SECTION 92. ACEQUIA DE LOS CHAVEZ IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 8 of Section 25 of Chapter 80 of Laws 2018 to plan, design and construct improvements, including piping, to the acequia de los Chavez in Petaca in Rio Arriba county is extended through fiscal year 2024.

## **Chapter 52 Section 93 Laws 2022**

SECTION 93. LOS OJOS FISH HATCHERY WASTEWATER IMPROVEMENTS--CHANGE AGENCY--SEVERANCE TAX BONDS.--The department of environment project in Subsection 74 of Section 26 of Chapter 81 of Laws 2020 to plan, design and construct improvements to infrastructure for the hatchery outflow to meet drinking water standards in the area of Los Ojos in Rio Arriba county is appropriated to the department of game and fish for that purpose.

## **Chapter 52 Section 94 Laws 2022**

SECTION 94. LAS VEGAS CITY PUBLIC SCHOOL DISTRICT YOUTH CENTER CONSTRUCTION--CHANGE TO ROOSEVELT COUNTY ARCH FIRE DISTRICT FIRE TRUCKS--CHANGE AGENCY.--Up to three hundred seventy-five thousand dollars (\$375,000) of the unexpended balance of the appropriation to the public education department in Subsection 26 of Section 22 of Chapter 81 of Laws 2020 to acquire land and to plan, design, construct, renovate and equip a youth center for the Las Vegas city public school district in San Miguel county shall not be expended for the original purpose but is appropriated to the local government division to purchase and equip fire trucks for the Arch fire district in Roosevelt county.

## **Chapter 52 Section 95 Laws 2022**

SECTION 95. ROOSEVELT COUNTY SPECIAL HOSPITAL DISTRICT EMERGENCY ROOM EXPANSION--CHANGE TO RENOVATE OFFICE AND PATIENT CARE SPACE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 339 of Section 34 of Chapter 277 of Laws 2019 to plan, design, construct, equip and expand an emergency room at Roosevelt general hospital in the Roosevelt county special hospital district in Roosevelt county shall not be expended for the original purpose but is changed to plan, design, construct and renovate office and patient care space at Roosevelt general hospital in the Roosevelt county special hospital district. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 96 Laws 2022**

SECTION 96. ROOSEVELT GENERAL HOSPITAL EQUIPMENT PURCHASE--CHANGE TO RENOVATE OFFICE AND PATIENT CARE SPACE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 331 of Section 35 of Chapter 81 of Laws 2020 to purchase, replace and upgrade operating room, clinic and acute medical care and surgical equipment for the Roosevelt county special hospital district in Roosevelt county shall not be expended for the original purpose but is changed to plan, design, construct and renovate office and patient care space at Roosevelt general hospital in the Roosevelt county special hospital district. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 97 Laws 2022**

SECTION 97. PORTALES ROOSEVELT COUNTY DETENTION CENTER KITCHEN AND LAUNDRY RENOVATION AND EQUIPMENT PURCHASE--EXPAND PURPOSE--EXTEND TIME--GENERAL FUND.--The local government division project in Subsection 338 of Section 34 of Chapter 277 of Laws 2019 to plan, design and renovate kitchen and laundry areas, including replacement of kitchen and laundry equipment, at the Roosevelt county detention center in Portales in Roosevelt county

may include replacement and repair of heating, ventilation and air conditioning systems. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 98 Laws 2022**

SECTION 98. LAS VEGAS CITY PUBLIC SCHOOL DISTRICT YOUTH CENTER CONSTRUCTION--CHANGE TO ROOSEVELT COUNTY HEALTH CLINIC IMPROVEMENTS--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.-- Up to one hundred twenty-five thousand dollars (\$125,000) of the unexpended balance of the appropriation to the public education department in Subsection 26 of Section 22 of Chapter 81 of Laws 2020 to acquire land and to plan, design, construct, renovate and equip a youth center for the Las Vegas city public school district in San Miguel county shall not be expended for the original purpose but is appropriated to the local government division to plan, design and construct a parking lot and stucco upgrades for a county health clinic in Portales in Roosevelt county. The time of expenditure is extended through fiscal year 2026.

## **Chapter 52 Section 99 Laws 2022**

~~[SECTION 99. SAN JUAN COUNTY ROAD 5500 BRIDGE REPLACEMENT-- EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 56 of Section 32 of Chapter 80 of Laws 2018 to plan, design, construct and replace a bridge over the San Juan river on county road 5500 in San Juan county is extended through fiscal year 2024.]~~ *LINE ITEM VETO*

## **Chapter 52 Section 100 Laws 2022**

SECTION 100. SHIPROCK CHAPTER WASTEWATER SYSTEM AND EXTENSION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project originally authorized in Subsection 59 of Section 18 of Chapter 81 of Laws 2016 and reauthorized in Laws 2020, Chapter 82, Section 74 to acquire rights of way and easements and to plan, design and construct a wastewater system and extension south of Shiprock in the Navajo Nation in San Juan county and appropriated to the Indian affairs department in Laws 2021, Chapter 139, Section 64 for that purpose is extended through fiscal year 2024.

## **Chapter 52 Section 101 Laws 2022**

SECTION 101. EAST AZTEC ARTERIAL ROUTE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project originally authorized in Subsection 63 of Section 25 of Chapter 66 of Laws 2014 to construct the east Aztec arterial route in Aztec in San Juan county and for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 98

and reauthorized in Laws 2020, Chapter 82, Section 70 to include planning and designing is extended through fiscal year 2024.

### **Chapter 52 Section 102 Laws 2022**

SECTION 102. FARMINGTON FIRE DEPARTMENT EXTRICATION EQUIPMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 47 of Section 72 of Chapter 81 of Laws 2020 to purchase extrication equipment for the fire department in Farmington in San Juan county is extended through fiscal year 2024.

### **Chapter 52 Section 103 Laws 2022**

SECTION 103. SAN JUAN COLLEGE DOOR LOCK SYSTEM PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the higher education department project in Subsection 3 of Section 33 of Chapter 80 of Laws 2018 to plan, design, purchase and install an electronic door lock system at San Juan college in Farmington in San Juan county is extended through fiscal year 2024.

### **Chapter 52 Section 104 Laws 2022**

SECTION 104. NENAHNEZAD CHAPTER MULTIPURPOSE BUILDING ROOF RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 36 of Section 22 of Chapter 80 of Laws 2018 to plan, design, construct and renovate the roof on the multipurpose building in the Nenahnezad chapter of the Navajo Nation in San Juan county is extended through fiscal year 2024.

### **Chapter 52 Section 105 Laws 2022**

SECTION 105. SAN JUAN COUNTY RADIO INFRASTRUCTURE AND EQUIPMENT IMPROVEMENTS--TIME EXTEND--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 333 of Section 35 of Chapter 81 of Laws 2020 to replace and upgrade radio infrastructure and equipment for San Juan county is extended through fiscal year 2024.

### **Chapter 52 Section 106 Laws 2022**

SECTION 106. NAGEEZI CHAPTER ELECTRIC POWERLINE EXTENSION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 33 of Section 20 of Chapter 81 of Laws 2016 and reauthorized in Laws 2020, Chapter 82, Section 73 to construct the Kinnadiz and Pillow Crest electrical powerline extension project in the Nageezi chapter of the Navajo Nation in San Juan county is extended through fiscal year 2024.

## **Chapter 52 Section 107 Laws 2022**

SECTION 107. ACEQUIA DE LOS SEGUROS IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 15 of Section 25 of Chapter 80 of Laws 2018 to plan, design and construct improvements, including bank stabilization, to the acequia de los Seguros in San Miguel county is extended through fiscal year 2024.

## **Chapter 52 Section 108 Laws 2022**

SECTION 108. LUNA COMMUNITY COLLEGE MILLING MACHINE PURCHASE--CHANGE TO LUNA COMMUNITY COLLEGE MILLING MACHINE LABORATORY EQUIPMENT PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the higher education department in Subsection 15 of Section 39 of Chapter 81 of Laws 2020 to purchase a computer numerical control milling machine for Luna community college in Las Vegas in San Miguel county shall not be expended for the original purpose but is changed to purchase equipment for the computer numerical control milling machine laboratory at Luna community college. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 109 Laws 2022**

SECTION 109. RIO GALLINAS SCHOOL SECURITY AND TECHNOLOGY PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the public education department project in Subsection 195 of Section 63 of Chapter 81 of Laws 2020 to purchase and install a security system and technology upgrades, including security cameras, intercom and viewboards, for the Rio Gallinas school of ecology and the arts charter school in Las Vegas in San Miguel county is extended through fiscal year 2024.

## **Chapter 52 Section 110 Laws 2022**

~~[SECTION 110. JEMEZ PUEBLO POWER AND WATER LINES CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 40 of Section 20 of Chapter 81 of Laws 2016 and reauthorized in Laws 2020, Chapter 82, Section 81 to plan, design and construct power and water lines in the Pueblo of Jemez in Sandoval county is extended through fiscal year 2024.] LINE ITEM VETO~~

## **Chapter 52 Section 111 Laws 2022**

SECTION 111. ELDORADO HIKE-BIKE TRAIL NETWORK EXTENSION--CHANGE TO ELDORADO HIKE-BIKE TRAILS CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 397 of Section 34 of Chapter 277 of Laws 2019 to



plan, design and construct an extension to the Eldorado hike-bike network along avenida El Dorado, from avenida Torreon to the intersection with United States highway 285, in Eldorado in Santa Fe county shall not be expended for the original purpose but is changed to plan, design and construct hike-bike trails in the Eldorado area in Santa Fe county. The time of expenditure is extended through fiscal year 2024.

### **Chapter 52 Section 112 Laws 2022**

SECTION 112. RIO EN MEDIO ALTO DITCH IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 26 of Section 25 of Chapter 80 of Laws 2018 to plan, construct and install improvements to the Alto ditch for the Rio en Medio ditch association in Santa Fe county is extended through fiscal year 2024.

### **Chapter 52 Section 113 Laws 2022**

SECTION 113. ELDORADO FIRE STATION 4 IMPROVEMENTS--CHANGE TO IMPROVEMENTS TO FIRE STATIONS IN THE ELDORADO FIRE DISTRICT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division originally authorized in Subsection 193 of Section 22 of Chapter 81 of Laws 2016 and reauthorized in Laws 2019, Chapter 280, Section 89 to make improvements to comply with the federal Americans with Disabilities Act of 1990 and to plan, design and construct improvements and restorations to the exterior and surrounding areas, including parking lots and trailheads, of fire station 4 in Eldorado in Santa Fe county and the time for which was extended in Laws 2021, Chapter 139, Section 74 shall not be expended for its original or reauthorized purpose but is changed to plan, design, construct, equip and furnish improvements to fire stations in the Eldorado fire district in Santa Fe county. The time of expenditure is extended through fiscal year 2024.

### **Chapter 52 Section 114 Laws 2022**

SECTION 114. SANTA FE COUNTY ELDORADO SUBDIVISION TRAILS CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 165 of Section 26 of Chapter 80 of Laws 2018 to plan, design and construct trails in the Eldorado subdivision in Santa Fe county is extended through fiscal year 2024.

### **Chapter 52 Section 115 Laws 2022**

SECTION 115. SANTA FE COUNTY RECOVERY PROGRAM FACILITY EXPANSION--CHANGE TO PURCHASE OF LAND AND BUILDINGS AND RENOVATE FACILITY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 334 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct an expansion to a facility for a recovery program in Santa Fe county shall not be expended for the original purpose but

is changed to purchase land and buildings and to plan, design, construct, renovate, furnish and equip a facility for a recovery program in Santa Fe county.

### **Chapter 52 Section 116 Laws 2022**

SECTION 116. SANTA FE COUNTY RECOVERY PROGRAM BUILDING IMPROVEMENTS--EXPAND PURPOSE--EXTEND TIME--GENERAL FUND.--The local government division project in Subsection 386 of Section 34 of Chapter 277 of Laws 2019 to plan, design, construct, renovate, furnish and equip a facility for a recovery program in Santa Fe county may include the purchase of land and buildings. The time of expenditure is extended through fiscal year 2024.

### **Chapter 52 Section 117 Laws 2022**

SECTION 117. TESUQUE PUEBLO BACKHOE PURCHASE--CHANGE TO SEWER JETTER TRUCK--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 115 of Section 25 of Chapter 138 of Laws 2021 to purchase and equip a backhoe for the Pueblo of Tesuque in Santa Fe county shall not be expended for the original purpose but is changed to purchase and equip a sewer jetter truck for the Pueblo of Tesuque. The time of expenditure is extended through fiscal year 2024.

### **Chapter 52 Section 118 Laws 2022**

SECTION 118. SANTA FE COUNTY MADRID FIRE STATION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 195 of Section 22 of Chapter 81 of Laws 2016 and reauthorized in Laws 2020, Chapter 82, Section 92 to plan, design, construct and equip improvements to the fire station in Madrid in Santa Fe county is extended through fiscal year 2024.

### **Chapter 52 Section 119 Laws 2022**

~~[SECTION 119. NAMBE PUEBLO ADMINISTRATION BUILDING CONSTRUCTION--CHANGE TO NAMBE PUEBLO ECONOMIC DEVELOPMENT COOPERATIVE ADMINISTRATION BUILDING--EXTEND TIME--GENERAL FUND.--Up to five hundred thousand dollars (\$500,000) of the unexpended balance of the appropriation to the Indian affairs department in Subsection 122 of Section 31 of Chapter 277 of Laws 2019 to plan, design and construct an administration building at the Pueblo of Nambe in Santa Fe county shall not be expended for the original purpose but is changed to plan, design and construct an administration building for the economic development cooperative at the Pueblo of Nambe. The time of expenditure is extended through fiscal year 2024.]~~ *LINE ITEM VETO*

## **Chapter 52 Section 120 Laws 2022**

SECTION 120. FIRST JUDICIAL DISTRICT ATTORNEY'S OFFICE SECURITY SYSTEMS AND EQUIPMENT PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the office of the first judicial district attorney project in Laws 2020, Chapter 81, Section 12 to purchase, equip and install telecommunications systems, security systems, information technology, furniture and office equipment, including partitions and fixtures, in the first judicial district court in Santa Fe in Santa Fe county is extended through fiscal year 2024.

## **Chapter 52 Section 121 Laws 2022**

SECTION 121. ADMINISTRATIVE OFFICE OF THE COURTS MAGISTRATE AND DISTRICT COURTS SECURITY EQUIPMENT PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the administrative office of the courts project in Laws 2018, Chapter 80, Section 3 to purchase and install security systems and for technology upgrades to security systems at magistrate courts and judicial district courts statewide is extended through fiscal year 2024.

## **Chapter 52 Section 122 Laws 2022**

SECTION 122. NEW MEXICO HIGHWAY 14 SAFETY IMPROVEMENTS--CHANGE TO SANTA FE CHILDREN'S MUSEUM IMPROVEMENTS--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation in Subsection 60 of Section 32 of Chapter 80 of Laws 2018 to purchase, install and construct safety improvements to New Mexico highway 14 in Santa Fe county shall not be expended for the original purpose but is appropriated to the cultural affairs department to plan, design, construct, renovate, equip and furnish the Santa Fe children's museum in Santa Fe in Santa Fe county. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 123 Laws 2022**

SECTION 123. SANTA FE COUNTY RECOVERY CENTER EXPANSION--CHANGE TO PURCHASE LAND AND BUILDINGS--EXTEND TIME--SEVERANCE TAX BONDS.--The local government division project in Subsection 385 of Section 35 of Chapter 81 of Laws 2020 to plan, design and construct an expansion to a facility for a recovery program in Santa Fe county shall not be expended for the original purpose but is changed to purchase land and buildings and to plan, design, construct, renovate, furnish and equip a facility for a recovery program in Santa Fe county.

## **Chapter 52 Section 124 Laws 2022**

SECTION 124. SANTA FE STATE POLICE DISTRICT OFFICE CONSTRUCTION--EXTEND TIME--CAPITOL BUILDINGS REPAIR FUND.--The time

of expenditure for the capital program fund project in Laws 2018, Chapter 80, Section 54 to plan, design, construct, renovate, furnish and equip a new state police district office in Santa Fe in Santa Fe county is extended through fiscal year 2024.

### **Chapter 52 Section 125 Laws 2022**

SECTION 125. OIL CONSERVATION DIVISION ARTESIA DISTRICT OFFICE SITE IMPROVEMENTS--CHANGE AGENCY--CHANGE PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the energy, minerals and natural resources department originally authorized in Subsection 1 of Section 15 of Chapter 81 of Laws 2016 for site improvements and to plan, design, construct, equip and furnish the oil conservation division district office in Artesia in Eddy county and reauthorized to the capital program fund in Laws 2017, Chapter 133, Section 45 for that purpose and for which the time of expenditure was extended in Laws 2020, Chapter 82, Section 43 shall not be expended for its original purpose but is reauthorized to the state parks division of the energy, minerals and natural resources department to plan, design and construct upgrades and improvements to state parks related to water and wastewater infrastructure statewide. The time of expenditure is extended through fiscal year 2024.

### **Chapter 52 Section 126 Laws 2022**

SECTION 126. SUPREME COURT BUILDING IMPROVEMENTS--EXTEND TIME--CAPITOL BUILDINGS REPAIR FUND.--The time of expenditure for the supreme court building commission project in Laws 2018, Chapter 80, Section 55 from the capitol buildings repair fund to plan, design, construct and renovate facilities, including abatement and remediation of the exterior courtyard stucco, at the supreme court building in Santa Fe in Santa Fe county is extended through fiscal year 2024.

### **Chapter 52 Section 127 Laws 2022**

SECTION 127. VETERANS' SERVICES DEPARTMENT VETERAN CEMETERIES AND MONUMENTS SAFETY IMPROVEMENTS--CHANGE AGENCY--SEVERANCE TAX BONDS.--The agency for the veterans' services department project originally authorized in Laws 2021, Chapter 138, Section 43 to plan, design, construct, improve, repair, furnish and equip and make improvements, including safety and security infrastructure, at veteran cemeteries and monuments statewide is changed to the capital program fund.

### **Chapter 52 Section 128 Laws 2022**

SECTION 128. VIETNAM VETERANS MEMORIAL ANGEL FIRE IMPROVEMENTS--CHANGE AGENCY--SEVERANCE TAX BONDS.--The agency for the veterans' services department project originally authorized in Laws 2020, Chapter 82, Section 47 to plan, design, construct, repair, furnish, equip and make site

improvements, including a memorial wall, at the Vietnam veterans memorial in Angel Fire in Colfax county is changed to the capital program fund.

## **Chapter 52 Section 129 Laws 2022**

SECTION 129. SPACEPORT AUTHORITY SPACEPORT LAUNCH VEHICLE PAYLOAD INTEGRATION FACILITY CONSTRUCTION--CHANGE TO ROCKET ASSEMBLY TESTING FACILITIES INSTALLATION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the spaceport authority in Subsection 2 of Section 31 of Chapter 80 of Laws 2018 to plan, design and construct a launch vehicle payload integration facility at spaceport America in Sierra county shall not be expended for the original purpose but is changed to plan, design, construct and install rocket assembly, testing and related facilities at the spaceport. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 130 Laws 2022**

SECTION 130. SPACEPORT AMERICA INFRASTRUCTURE UPGRADES--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the spaceport authority project in Subsection 1 of Section 31 of Chapter 80 of Laws 2018 to plan, design, repair, construct, furnish and equip infrastructure upgrades, including electrical, fire suppression, water, sewer, security, mission control, heating, ventilation and air conditioning and building systems, at spaceport America facilities in Sierra county is extended through fiscal year 2024.

## **Chapter 52 Section 131 Laws 2022**

SECTION 131. SPACEPORT FUEL FARM INSTALLATION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The spaceport authority project in Subsection 3 of Section 31 of Chapter 80 of Laws 2018 to perform environmental studies and to plan, design, construct and equip a fuel farm, including fencing and security systems, at spaceport America in Sierra county may include planning and designing expansions, including physical upgrades and improvements to systems, facilities and utilities, at the spaceport. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 132 Laws 2022**

SECTION 132. NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY KELLY AND GOLD BUILDINGS AND WORKMAN CENTER ROOFS--EXPAND PURPOSE--GENERAL FUND.--The board of regents of the New Mexico institute of mining and technology project in Subsection 2 of Section 45 of Chapter 277 of Laws 2019 to plan, design, construct and renovate roofs on the Kelly building, the Gold building and Workman center at the New Mexico institute of mining and technology in Socorro in Socorro county may include roof replacements campuswide.

## **Chapter 52 Section 133 Laws 2022**

SECTION 133. CORRECTIONS DEPARTMENT STATE CORRECTIONAL FACILITIES STATEWIDE MASTER PLAN--EXTEND TIME--CAPITAL PROGRAM FUND.--The time of expenditure for the capital program fund project originally authorized in Laws 2018, Chapter 80, Section 40 and reauthorized in Laws 2019, Chapter 280, Section 109 to develop a master plan, including planning for a new correctional facility, for state correctional facilities statewide is extended through fiscal year 2024.

## **Chapter 52 Section 134 Laws 2022**

SECTION 134. DEPARTMENT OF MILITARY AFFAIRS LAND PURCHASE SANDOVAL COUNTY--CHANGE TO DEPARTMENT OF MILITARY AFFAIRS FACILITIES RENOVATION STATEWIDE.--The unexpended balance of the appropriation to the department of military affairs in Subsection 1 of Section 36 of Chapter 81 of Laws 2020 to acquire land to serve as a buffer zone for the Rio Rancho military training site in Rio Rancho in Sandoval county shall not be expended for the original purpose but is changed to plan, design, construct, purchase, renovate, furnish and install equipment and infrastructure, including energy-efficiency systems, to correct deficiencies at the department of military affairs facilities statewide.

## **Chapter 52 Section 135 Laws 2022**

SECTION 135. ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION VEHICLE PURCHASE--EXTEND TIME--OIL AND GAS RECLAMATION FUND.--The time of expenditure for the oil conservation division of the energy, minerals and natural resources department project in Subsection 2 of Section 91 of Chapter 81 of Laws 2020 to purchase and equip vehicles for the oil conservation division statewide is extended through fiscal year 2024.

## **Chapter 52 Section 136 Laws 2022**

SECTION 136. DEPARTMENT OF GAME AND FISH HABITAT RESTORATION AND STATE GAME COMMISSION PROPERTY IMPROVEMENT--EXTEND TIME--GAME PROTECTION FUND.--The time of expenditure for the department of game and fish project in Subsection 3 of Section 50 of Chapter 80 of Laws 2018 for fisheries renovation and wildlife and riparian habitat restoration and for improvements at properties owned by the state game commission statewide is extended through fiscal year 2024.

## **Chapter 52 Section 137 Laws 2022**

SECTION 137. MAGISTRATE COURTS SECURITY SYSTEM PHASE 3 STATEWIDE UPGRADES--EXTEND TIME--SEVERANCE TAX BONDS.--The time of

expenditure for the administrative office of the courts project in Subsection 4 of Section 4 of Chapter 81 of Laws 2020 to upgrade proprietary security and camera systems to enterprise-class information technology security and camera systems in magistrate courts statewide is extended through fiscal year 2024.

### **Chapter 52 Section 138 Laws 2022**

SECTION 138. MAINSTREET DISTRICTS STATEWIDE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the economic development department project in Laws 2018, Chapter 80, Section 15 to plan, design and construct infrastructure improvements in mainstreet districts statewide is extended through fiscal year 2024.

### **Chapter 52 Section 139 Laws 2022**

SECTION 139. NEW MEXICO ACEQUIA COMMISSION STATEWIDE IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project originally authorized in Subsection 21 of Section 21 of Chapter 81 of Laws 2016 to plan, design and construct improvements to acequias statewide for the New Mexico acequia commission and reauthorized in Laws 2020, Chapter 82, Section 112 is extended through fiscal year 2024.

### **Chapter 52 Section 140 Laws 2022**

SECTION 140. PECOS RIVER SETTLEMENT LAND AND WATER RIGHTS PURCHASE--EXTEND TIME--ATTORNEY GENERAL SETTLEMENT FUND.--The time of expenditure for the interstate stream commission project originally authorized in Subsection 1 of Section 37 of Chapter 66 of Laws 2014 to purchase land and water rights within the interstate stream commission's existing pricing guidelines and for the development of augmentation well fields and pipelines and related professional services for the Pecos River Compact settlement for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 130 and reauthorized in Laws 2020, Chapter 82, Section 57 is extended through fiscal year 2024.

### **Chapter 52 Section 141 Laws 2022**

SECTION 141. OFFICE OF THE STATE ENGINEER DAM REHABILITATION STATEWIDE--EXTEND TIME--WATER PROJECT FUND.--The time of expenditure for the office of the state engineer project in Subsection 1 of Section 43 of Chapter 80 of Laws 2018 to plan, design, construct, rehabilitate and make phase 2 improvements at Morphy lake dam in Mora county and for improvements to publicly owned dams statewide is extended through fiscal year 2024.

## **Chapter 52 Section 142 Laws 2022**

SECTION 142. TAOS COUNTY FIRE DEPARTMENT TRUCK AND EQUIPMENT PURCHASE--CHANGE TO TAOS COUNTY FIRE DEPARTMENT APPARATUS AND PROTECTIVE EQUIPMENT PURCHASE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 354 of Section 29 of Chapter 138 of Laws 2021 to purchase and equip wildland trucks for the Cerro and San Cristobal fire departments, including rope equipment for a county rescue truck, in Taos county shall not be expended for the original purpose but is changed to purchase protective equipment and apparatus equipment for the Taos county fire department in Taos county.

## **Chapter 52 Section 143 Laws 2022**

SECTION 143. ARROYO HONDO SEPTIC SYSTEM IMPROVEMENTS--CHANGE TO RENOVATION OF A COMMUNITY CENTER--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the department of environment in Subsection 124 of Section 26 of Chapter 277 of Laws 2019 to plan, design and construct septic system improvements in Arroyo Hondo in Taos 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, including bathroom and kitchen additions, in Arroyo Hondo. The time of expenditure is extended through fiscal year 2024.

## **Chapter 52 Section 144 Laws 2022**

SECTION 144. OJO CALIENTE MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 70 of Section 20 of Chapter 80 of Laws 2018 to plan, design and construct water system improvements for the Ojo Caliente mutual domestic water consumers association in Taos county is extended through fiscal year 2024.

## **Chapter 52 Section 145 Laws 2022**

SECTION 145. TAOS COUNTY VETERANS' CEMETERY CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 177 of Section 26 of Chapter 80 of Laws 2018 to plan, design and construct a veterans' cemetery in Taos county is extended through fiscal year 2024.

## **Chapter 52 Section 146 Laws 2022**

SECTION 146. TAOS REGIONAL AIRPORT PARKING LOT IMPROVEMENTS--CHANGE AGENCY--SEVERANCE TAX BONDS.--The unexpended balance of the



appropriation to the local government division in Subsection 357 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct and renovate the parking lot at the Taos regional airport in Taos county shall not be expended for the original purpose but is appropriated [to the department of transportation] to plan, design, construct and improve the entrance road and the parking lot at the Taos regional airport. *LINE ITEM VETO*

### **Chapter 52 Section 147 Laws 2022**

SECTION 147. WILLARD WASTEWATER SYSTEM--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 77 of Section 20 of Chapter 80 of Laws 2018 to plan, design and construct wastewater system improvements in Willard in Torrance county is extended through fiscal year 2024.

### **Chapter 52 Section 148 Laws 2022**

SECTION 148. VALENCIA COUNTY RAILROAD QUIET ZONES CONSTRUCTION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.-The department of transportation project in Subsection 21 of Section 38 of Chapter 81 of Laws 2020 to plan, design and construct a railroad quiet zone on Los Lentos road and Luscombe lane in Los Lunas in Valencia county may include planning, designing and constructing a railroad quiet zone on Gabaldon road in Belen in Valencia county. The time of expenditure is extended through fiscal year 2024.

### **Chapter 52 Section 149 Laws 2022**

SECTION 149. CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION PROJECT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Cumbres and Toltec scenic railroad commission project in Section 10 of Chapter 80 of Laws 2018 for track rehabilitation and related infrastructure improvements, including locomotive and boiler upgrades to comply with federal railroad administration standards, and for improvements to passenger cars for the Cumbres and Toltec scenic railroad operating between New Mexico and Colorado, is extended through fiscal year 2024.

### **Chapter 52 Section 150 Laws 2022**

SECTION 150. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

## **LAWS 2022, CHAPTER 53**

**SFC/Senate Bill 212, w/ec, partial veto  
Approved March 9, 2022**

AN ACT

RELATING TO CAPITAL EXPENDITURES; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS; AUTHORIZING EXPENDITURES FROM CERTAIN FUNDS AND BALANCES; CLARIFYING CONDITIONS FOR THE ISSUANCE OF BONDS; ESTABLISHING CONDITIONS FOR THE EXPENDITURE OF SEVERANCE TAX BOND PROCEEDS; ESTABLISHING CONDITIONS FOR THE REVERSION OF UNEXPENDED BALANCES; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

**Chapter 53 Section 1 Laws 2022**

SECTION 1. SEVERANCE TAX BONDS--AUTHORIZATIONS--  
APPROPRIATION OF PROCEEDS.--

A. The state board of finance may issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act in an amount not to exceed the total of the amounts authorized for purposes specified in this act. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the board that the project has been developed sufficiently to justify the issuance and that the project can proceed to contract within a reasonable time. The state board of finance shall further take the appropriate steps necessary to comply with the federal Internal Revenue Code of 1986, as amended. Proceeds from the sale of the bonds are appropriated for the purposes specified in this act.

B. The agencies named in this act shall certify to the state board of finance when the money from the proceeds of the severance tax bonds appropriated in this section is needed for the purposes specified in the applicable section of this act. If an agency has not certified the need for severance tax bond proceeds for a particular project by the end of fiscal year 2024, the authorization for that project is void.

C. Before an agency may certify for the need of severance tax bond proceeds, the project must be developed sufficiently so that the agency reasonably expects to:

(1) incur within six months after the applicable bond proceeds are available for the project a substantial binding obligation to a third party to expend at least five percent of the bond proceeds for the project; and

(2) spend at least eighty-five percent of the bond proceeds within three years after the applicable bond proceeds are available for the project.

D. Except as otherwise specifically provided by law:

(1) the unexpended balance from the proceeds of severance tax bonds appropriated in this act for a project shall revert to the severance tax bonding fund no later than the following dates:

(a) for a project for which severance tax bond proceeds were appropriated to match federal grants, six months after completion of the project;

(b) for a project for which severance tax bond proceeds were appropriated to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year two years following the fiscal year in which the severance tax bond proceeds were made available for the purchase; and

(c) for any other project for which severance tax bonds were appropriated, within six months of completion of the project, but no later than the end of fiscal year 2026; and

(2) all remaining balances from the proceeds of severance tax bonds appropriated for a project in this act shall revert to the severance tax bonding fund three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection.

E. Except for appropriations to the capital program fund, money from severance tax bond proceeds provided pursuant to this act shall not be used to pay indirect project costs.

F. Except for a project that was originally funded using a tax-exempt loan or bond issue, a project involving repayment of debt previously incurred shall be funded through the issuance of taxable severance tax bonds with a term that does not extend beyond the fiscal year in which they are issued.

G. Money that is appropriated from the proceeds of severance tax bonds pursuant to this act shall not be subject to a binding written agreement with a third party prior to the authorized state agency's approval to enter into that agreement.

H. For the purposes of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses subject to a binding written agreement with a third party.

## **Chapter 53 Section 2 Laws 2022**

SECTION 2. GENERAL FUND APPROPRIATIONS--LIMITATIONS--  
REVERSIONS.--

A. Except as otherwise specifically provided by law, the unexpended balance of an appropriation made in this act from the general fund shall revert:

(1) no later than September 30 following:

(a) the end of fiscal year 2023 if the project for which an appropriation was made has less than five percent of the project's total appropriation amount subject to a binding written agreement with a third party on that date;

(b) the end of fiscal year 2024 for a project for which an appropriation was made to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project; or

(c) the end of fiscal year 2026 for a project for which an appropriation was made related to an inclusive construction or renovation project; or

(2) within six months of completion of the project for any other project for which an appropriation was made, but no later than the end of fiscal year 2026.

B. Money that is appropriated from the general fund pursuant to this act shall not be subject to a binding written agreement with a third party prior to the authorized state agency's approval to enter into that agreement.

C. For the purposes of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses subject to a binding written agreement with a third party.

## **Chapter 53 Section 3 Laws 2022**

### **SECTION 3. FUND APPROPRIATIONS OTHER THAN GENERAL FUND--LIMITATIONS--REVERSIONS.--**

A. Except as otherwise specifically provided by law:

(1) the unexpended balance of an appropriation from a fund other than the general fund shall revert no later than the following dates:

(a) for a project for which an appropriation was made to match federal grants, six months after completion of the project;

(b) for a project for which an appropriation was made to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the

end of the fiscal year two years following the fiscal year in which the appropriation was made for the purchase; and

(c) for any other project for which an appropriation was made, within six months of completion of the project, but no later than the end of fiscal year 2026; and

(2) all remaining balances from an appropriation made in this act for a project shall revert three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection.

B. Except for appropriations to the capital program fund, money from appropriations made in this act shall not be used to pay indirect project costs.

C. Money that is appropriated from a fund other than the general fund pursuant to this act shall not be subject to a binding written agreement with a third party prior to the authorized state agency's approval to enter into that agreement.

D. For the purposes of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses subject to a binding written agreement with a third party.

## **Chapter 53 Section 4 Laws 2022**

SECTION 4. ADMINISTRATIVE OFFICE OF THE COURTS PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the administrative office of the courts that the need exists for the issuance of the bonds, the following amounts are appropriated to the administrative office of the courts for the following purposes:

1. one hundred thirty thousand dollars (\$130,000) to plan, design, construct, renovate, furnish and equip a magistrate court in Santa Rosa in Guadalupe county; and

2. eighteen million dollars (\$18,000,000) to plan, design, construct, renovate, furnish and equip a magistrate court in Santa Fe in Santa Fe county.

## **Chapter 53 Section 5 Laws 2022**

SECTION 5. AGING AND LONG-TERM SERVICES DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the aging and long-term services department that the need exists for the issuance of the bonds, the following amounts are appropriated to the aging and long-term services department for the following purposes:

1. four hundred thirty thousand dollars (\$430,000) to plan, design, construct, renovate, equip and furnish Los Volcanes senior center in Albuquerque in Bernalillo county;
2. seventy-six thousand dollars (\$76,000) to plan, design, construct and equip site improvements to the Tijeras senior center in Tijeras in Bernalillo county;
3. one hundred fifty thousand dollars (\$150,000) to acquire land, easements and rights of way and to plan, design and construct a senior center for the Ramah chapter of the Navajo Nation in Cibola county;
4. one million three hundred sixty-four thousand dollars (\$1,364,000) to plan, design, construct, equip and furnish the Hillcrest senior center in Clovis in Curry county;
5. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, furnish and equip a senior center facility in Sunland Park in Dona Ana county;
6. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip an outdoor patio for the Coyote Canyon senior center in the Coyote Canyon chapter of the Navajo Nation in McKinley county;
7. seventy thousand dollars (\$70,000) to plan, design, construct, furnish and equip office space and a recreation room in the Mora senior center in Mora in Mora county;
8. eighty thousand dollars (\$80,000) to plan, design, construct and equip phase 5 of a senior center, including a paved parking lot, perimeter walls and fences, lighting, landscaping and security cameras, in Wagon Mound in Mora county;
9. one hundred fifty thousand dollars (\$150,000) to purchase and equip vehicles for the Beatrice Martinez senior center in Espanola in Rio Arriba county;
10. three hundred fifty thousand dollars (\$350,000) to plan, design, construct and repair the Shiprock senior center parking lot in the Shiprock chapter of the Navajo Nation in San Juan county;
11. one hundred thousand dollars (\$100,000) to acquire easements and rights of way and to plan, design, construct, replace, furnish and equip a facility for senior citizens at the Gadii'ahi/To'koi chapter of the Navajo Nation in San Juan county;
12. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate and equip a senior center at the Pueblo of Cochiti in Sandoval county;
13. five hundred fifteen thousand four hundred dollars (\$515,400) to plan, design and construct phase 2 of the Broadmoor senior center in Rio Rancho in Sandoval county;

14. twenty thousand dollars (\$20,000) to plan, design, construct, furnish and improve the Abedon Lopez senior center in Santa Fe county;

15. one hundred thousand dollars (\$100,000) to plan, design, construct and improve parking areas, including repaving, for the Ken James senior center in Truth or Consequences in Sierra county;

16. eighty-four thousand dollars (\$84,000) to purchase and equip passenger vehicles for the Ken James senior center in Truth or Consequences in Sierra county;

17. one million dollars (\$1,000,000) for emergency requests to plan, design, renovate, improve, equip and furnish senior centers, including delivery and installation of building systems and purchase and installation of meals equipment, and to purchase and equip vehicles for senior centers statewide;

18. two million dollars (\$2,000,000) to acquire property and to plan, design, construct, renovate, improve, equip and furnish buildings for senior housing statewide; and

19. three hundred thousand dollars (\$300,000) to acquire easements and rights of way and to plan, design, construct, furnish and equip a senior daycare facility for the Pueblo of Taos in Taos county.

## **Chapter 53 Section 6 Laws 2022**

SECTION 6. BERNALILLO COUNTY METROPOLITAN COURT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the Bernalillo county metropolitan court that the need exists for the issuance of the bonds, the following amounts are appropriated to the Bernalillo county metropolitan court for the following purposes:

1. three hundred nineteen thousand dollars (\$319,000) to plan, design, purchase, equip and install linear rope grippers to secure elevators at the Bernalillo county metropolitan court in Albuquerque in Bernalillo county;

2. ninety-two thousand dollars (\$92,000) to plan, purchase, equip and install magnetic locks at courtroom entrances at the Bernalillo county metropolitan court in Albuquerque in Bernalillo county; and

3. one hundred twenty-nine thousand dollars (\$129,000) to plan, purchase, equip, install and configure network switches at the Bernalillo county metropolitan court in Albuquerque in Bernalillo county.

## **Chapter 53 Section 7 Laws 2022**

SECTION 7. BORDER AUTHORITY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the border authority that the need exists for the issuance of the bonds, the following amounts are appropriated to the border authority for the following purposes:

1. one million two hundred thousand dollars (\$1,200,000) to plan, design and construct parking lot upgrades and improvements to the New Mexico border authority facilities in Santa Teresa in Dona Ana county; and
2. four million four hundred fifty thousand dollars (\$4,450,000) to plan, design and construct an elevated water storage tank in Santa Teresa in Dona Ana county.

## **Chapter 53 Section 8 Laws 2022**

SECTION 8. CAPITAL PROGRAM FUND PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the facilities management division of the general services department that the need exists for the issuance of the bonds, the following amounts are appropriated to the capital program fund for the following purposes:

1. one hundred thousand dollars (\$100,000) to purchase, equip, furnish and install furniture, fixtures and equipment for the veterans' services department office space in Bernalillo county;
2. twenty million dollars (\$20,000,000) to acquire land for and to plan, design, construct, furnish and equip a new administrative complex for the department of public safety in Albuquerque in Bernalillo county;
3. nine hundred sixty-nine thousand dollars (\$969,000) to plan, design, construct, furnish and equip parking lot, infrastructure and accessibility improvements at the Albert Amador building in Espanola in Rio Arriba county and the Louise Brown building in Bernalillo in Sandoval county;
4. one hundred seventy-seven thousand dollars (\$177,000) to purchase, install and improve video surveillance systems and access control systems and for infrastructure improvements at commission for the blind facilities in Alamogordo in Otero county;
5. five million dollars (\$5,000,000) to plan, design, construct, equip and furnish a forensics building at the New Mexico behavioral health institute in Las Vegas in San Miguel county;



6. eight million five hundred thousand dollars (\$8,500,000) to purchase a building for the children, youth and families department field services in Santa Fe in Santa Fe county;
7. one million five hundred thousand dollars (\$1,500,000) to plan, design, renovate, construct, furnish and equip, including demolition, improvements to laboratory facilities in the Harold Runnels building for the water protection division of the department of environment in Santa Fe in Santa Fe county;
8. nine million one hundred eighty thousand dollars (\$9,180,000) to plan, design, construct, renovate, improve, equip and furnish the John F. Simms Jr. building for the department of information technology in Santa Fe in Santa Fe county;
9. three million dollars (\$3,000,000) to plan, design, construct, renovate, furnish and equip the department of public safety headquarters building in Santa Fe in Santa Fe county;
10. fifteen million dollars (\$15,000,000) to plan, design, construct, furnish and equip, including demolition of existing structures, an executive office building on the main capitol complex in Santa Fe in Santa Fe county;
11. twenty million dollars (\$20,000,000) to plan, design, construct, furnish and equip a new veterans' home on the New Mexico veterans' home campus in Truth or Consequences in Sierra county;
12. ten million dollars (\$10,000,000) to plan, design, construct, renovate, replace and equip security, fire and safety upgrades at correctional facilities statewide;
13. three million five hundred fifty-five thousand dollars (\$3,555,000) to plan, design, construct, improve, renovate, furnish and equip facilities for the children, youth and families department statewide;
14. three million dollars (\$3,000,000) to acquire, plan, design, construct, renovate, equip and furnish sub-acute residential facilities for the children, youth and families department statewide;
15. one million dollars (\$1,000,000) to acquire, plan, design, construct, renovate, equip and furnish therapeutic group homes for the children, youth and families department statewide;
16. three million seven hundred fifty thousand dollars (\$3,750,000) to acquire, plan, design, construct, renovate, equip and furnish youth intermediate care facilities for the children, youth and families department statewide;
17. four million dollars (\$4,000,000) to plan, design, construct, renovate, remediate, furnish, equip, purchase and install equipment, including the purchase and

installation of information technology equipment, medical equipment and infrastructure systems, for department of health facilities statewide;

18. five million dollars (\$5,000,000) to plan, design, construct, renovate, furnish and equip infrastructure improvements at state police facilities statewide;

19. ten million four hundred thousand dollars (\$10,400,000) to plan, design, construct, renovate, remediate, furnish and equip facilities at state-owned facilities statewide;

20. six hundred thousand dollars (\$600,000) to plan, design, construct, improve, repair, furnish and equip veterans' cemeteries and memorials, including safety and security infrastructure, statewide; and

21. one million two hundred twenty-two thousand dollars (\$1,222,000) to plan, design, repair and replace infrastructure at workforce solutions department offices statewide.

## **Chapter 53 Section 9 Laws 2022**

SECTION 9. CULTURAL AFFAIRS DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the cultural affairs department that the need exists for the issuance of the bonds, the following amounts are appropriated to the cultural affairs department for the following purposes:

1. five hundred sixty thousand dollars (\$560,000) to plan, design, construct, repair and improve exhibits and facilities at the New Mexico museum of natural history and science in Albuquerque in Bernalillo county;

2. eight hundred fifty thousand dollars (\$850,000) to plan, design, construct, repair and improve exhibits and facilities at the national Hispanic cultural center in Albuquerque in Bernalillo county;

3. sixty-five thousand dollars (\$65,000) to plan, design, construct, repair, renovate and equip exhibits and facilities at the farm and ranch heritage museum in Dona Ana county;

4. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, repair and improve exhibits and facilities at the Fort Stanton historic site in Lincoln county;

5. twenty-five thousand dollars (\$25,000) to plan, design, construct, repair and improve exhibits and facilities at the Lincoln historic site in Lincoln county;

6. fifty thousand dollars (\$50,000) to plan, design, construct, repair and improve exhibits and facilities at the Coronado historic site in Sandoval county;
7. eighty thousand dollars (\$80,000) to plan, design, construct, repair and improve exhibits and facilities at the Jemez historic site in Sandoval county;
8. two hundred sixty thousand dollars (\$260,000) to plan, design, construct, repair and improve exhibits and facilities at the museum of Indian arts and culture in Santa Fe county;
9. ten thousand dollars (\$10,000) to plan, design, construct, repair and improve exhibits and facilities at the museum of international folk art in Santa Fe in Santa Fe county;
10. six hundred ten thousand dollars (\$610,000) to plan, design, construct, repair and improve exhibits and facilities at the New Mexico history museum in Santa Fe in Santa Fe county;
11. ten thousand dollars (\$10,000) to plan, design, construct, repair and improve exhibits and facilities at the New Mexico museum of art in Santa Fe in Santa Fe county;
12. one hundred twenty thousand dollars (\$120,000) to plan, design and construct improvements to the buildings and grounds at the Santa Fe children's museum in Santa Fe in Santa Fe county;
13. one hundred ninety-two thousand dollars (\$192,000) to plan, design, construct, equip, furnish and renovate the center for contemporary arts, including safety and security updates and accessibility compliance, in Santa Fe in Santa Fe county;
14. two hundred ten thousand dollars (\$210,000) to plan, design, construct, repair and improve exhibits and facilities at the Taylor-Barela-Reynolds-Mesilla historic site in Dona Ana county;
- ~~15. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a memorial sculpture to New Mexican miners at the New Mexico institute of mining and technology in Socorro in Socorro county;~~ *LINE ITEM VETO*
16. one million two hundred fifty thousand dollars (\$1,250,000) to plan, design, construct, repair, renovate and equip facilities and sites for stabilization, including infrastructure and site improvements, climate control and mechanical systems, at museums, monuments and historic sites statewide; and
17. two million five hundred thousand dollars (\$2,500,000) to plan, design, construct, improve, renovate, furnish and equip facilities and infrastructure, including fire

suppression and mitigation, climate control, security systems and exhibits, at museums, monuments and historic sites statewide.

## **Chapter 53 Section 10 Laws 2022**

SECTION 10. CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the Cumbres and Toltec scenic railroad commission that the need exists for the issuance of the bonds, one million one hundred thousand dollars (\$1,100,000) is appropriated to the Cumbres and Toltec scenic railroad commission for track rehabilitation and related infrastructure improvements, including locomotive and boiler upgrades to comply with federal railroad administration standards, and for improvements to passenger cars for the Cumbres and Toltec scenic railroad operating between New Mexico and Colorado.

## **Chapter 53 Section 11 Laws 2022**

SECTION 11. DISTRICT ATTORNEY OF THE THIRD JUDICIAL DISTRICT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the district attorney of the third judicial district that the need exists for the issuance of the bonds, one hundred fifty thousand dollars (\$150,000) is appropriated to the office of the district attorney of the third judicial district to purchase and equip body armor and information technology and related equipment, including laptops, bandwidth routers, data storage systems and wi-fi access points, for the third judicial district attorney's office in Dona Ana county.

## **Chapter 53 Section 12 Laws 2022**

SECTION 12. SECOND JUDICIAL DISTRICT COURT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the second judicial district court that the need exists for the issuance of the bonds, the following amounts are appropriated to the second judicial district court for the following purposes:

1. two hundred thirty thousand two hundred eleven dollars (\$230,211) to plan, design, construct, purchase, equip and install information technology and equipment, including hardware and software for servers, at the second judicial district court in Bernalillo county; and

2. one hundred eighty-nine thousand seventy-six dollars (\$189,076) to plan, design, construct, purchase, equip and install information technology and equipment, including storage array network server hardware and software, at the second judicial district court in Bernalillo county.

## **Chapter 53 Section 13 Laws 2022**

SECTION 13. FOURTH JUDICIAL DISTRICT COURT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the fourth judicial district court that the need exists for the issuance of the bonds, three hundred sixty-one thousand four hundred eighty-six dollars (\$361,486) is appropriated to the fourth judicial district court to purchase, install, replace, furnish and equip infrastructure, including safety and security improvements and furniture for lobbies, jury rooms, courtrooms, chambers and conference rooms, at the fourth judicial district court in Las Vegas in San Miguel county.

## **Chapter 53 Section 14 Laws 2022**

SECTION 14. EIGHTH JUDICIAL DISTRICT COURT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the eighth judicial district court that the need exists for the issuance of the bonds, two hundred forty-three thousand dollars (\$243,000) is appropriated to the eighth judicial district court to plan, design, construct, purchase, install and equip a backup power generator for the eighth judicial district court buildings in Raton in Colfax county and in Clayton in Union county.

## **Chapter 53 Section 15 Laws 2022**

SECTION 15. ELEVENTH JUDICIAL DISTRICT COURT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the eleventh judicial district court that the need exists for the issuance of the bonds, the following amounts are appropriated to the eleventh judicial district court for the following purposes:

1. two hundred sixty-seven thousand seven hundred eight dollars (\$267,708) to plan, design, purchase, equip and install courtroom technology at the eleventh judicial district court buildings in McKinley and San Juan counties; and
2. four hundred ninety-four thousand six hundred eighty-six dollars (\$494,686) to plan, design, construct, renovate and equip improvements, including safety and security upgrades, at the eleventh judicial district court in Farmington in San Juan county.

## **Chapter 53 Section 16 Laws 2022**

SECTION 16. THIRTEENTH JUDICIAL DISTRICT COURT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the thirteenth judicial district court that the need exists for the issuance of the bonds, two hundred nineteen thousand six hundred fifty-four dollars (\$219,654) is appropriated to the thirteenth judicial district court to plan, design, replace, purchase

and install safety and security improvements at the thirteenth judicial district court buildings in Cibola, Sandoval and Valencia counties.

## **Chapter 53 Section 17 Laws 2022**

SECTION 17. ECONOMIC DEVELOPMENT DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the economic development department that the need exists for the issuance of the bonds, the following amounts are appropriated to the economic development department for the following purposes:

1. ten million dollars (\$10,000,000) to plan, design, construct and improve infrastructure in downtown main street districts and in local arts and cultural districts statewide; and
2. twenty million dollars (\$20,000,000) to the New Mexico film division of the economic development department to acquire property and to plan, design, construct, renovate, equip and furnish studio facilities statewide.

## **Chapter 53 Section 18 Laws 2022**

SECTION 18. PUBLIC EDUCATION DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the public education department that the need exists for the issuance of the bonds, the following amounts are appropriated to the public education department for the following purposes:

1. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip buildings and grounds, including the upgrade and renovation of a school parking lot and the installation of related equipment, fencing, information technology and security infrastructure, for the ACE Leadership high school in Bernalillo county;
2. three hundred twenty-five thousand dollars (\$325,000) to purchase and install classroom furniture, equipment and information technology infrastructure for science-, technology-, engineering- and math-focused learning at the ACES technical charter school in Bernalillo county;
3. one hundred ten thousand dollars (\$110,000) to plan, design, construct, furnish and equip buildings and grounds, including the purchase and renovation of windows and restrooms and the installation of related equipment, fencing, information technology and security infrastructure, for Coral community charter school in Bernalillo county;

4. one hundred seventy-five thousand dollars (\$175,000) to purchase and install a heating, ventilation and air conditioning system for a facility at East Mountain high school in the Albuquerque public school district in Bernalillo county;
5. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, furnish, equip and renovate buildings and grounds, including a science lab and related equipment, fencing, information technology and security infrastructure, for El Camino Real academy charter school in Bernalillo county;
6. one hundred thousand dollars (\$100,000) to renovate and expand the Gordon Bernell building to create learning laboratories and career training facilities, including a commercial kitchen training space and industry-recognized learning facilities, for the Gordon Bernell charter school in the Albuquerque public school district in Bernalillo county;
7. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of related equipment, fencing, information technology and security infrastructure, for Los Puentes charter school in Bernalillo county;
8. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, furnish and equip buildings and grounds, including the purchase of outdoor signage and the installation of related equipment, fencing, information technology and security infrastructure, for the Mark Armijo academy charter school in Bernalillo county;
9. three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct, furnish and equip buildings and grounds, including the purchase of gymnasium bleachers and equipment and the installation of related equipment, fencing, information technology and security infrastructure, for the Mission Achievement and Success charter school in Bernalillo county;
10. one hundred ten thousand dollars (\$110,000) to plan, design, construct, furnish and equip buildings and grounds, including the final purchase of a building, security fencing, information technology and infrastructure, for the Media Arts collaborative charter school in Bernalillo county;
11. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip buildings and grounds, including the purchase of outdoor learning spaces and the installation of related equipment, fencing, information technology and security infrastructure, for the Montessori elementary and middle school in Bernalillo county;
12. one hundred nineteen thousand fourteen dollars (\$119,014) to plan, design, construct, renovate, equip and furnish improvements to buildings and grounds, including fine arts equipment, educational technology and installation of related

equipment and information technology, for the Rio Grande academy of fine arts in Bernalillo county;

13. five hundred seventy-five thousand dollars (\$575,000) to plan, design, construct, furnish and equip buildings and grounds, including the final purchase of a building and the installation of related equipment, fencing, education and information technology and security infrastructure, for the Robert F. Kennedy charter school in Bernalillo county;

14. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip buildings and grounds, including the purchase and installation of security fencing and the installation of related equipment, information technology and infrastructure, for the Southwest Aeronautics, Mathematics and Science academy in Bernalillo county;

15. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip buildings and grounds, including the installation of a playground, field space and related equipment, fencing, information technology and security infrastructure, for the International school at Mesa del Sol in Bernalillo county;

16. two hundred thirty-five thousand dollars (\$235,000) to acquire land and to plan, design, construct, renovate, furnish and equip buildings and grounds, including a portable building for expansion, educational technology, fencing and electronic infrastructure, at Twenty-First Century public academy in Albuquerque in Bernalillo county;

17. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, furnish, purchase and equip buildings and grounds, including outdoor learning spaces, playgrounds, technology infrastructure and related equipment, for the Albuquerque Collegiate charter school in Albuquerque in Bernalillo county;

18. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, furnish and equip the buildings and grounds, including outdoor learning spaces, playground and related equipment, information technology infrastructure and related equipment and furniture, fencing and the parking lot, for the Albuquerque School of Excellence charter school in Bernalillo county;

19. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip buildings and grounds, including outdoor learning spaces; science, technology, engineering, art and mathematics educational technology and related equipment; information technology and related equipment; and fencing and security infrastructure, at Altura preparatory school in Albuquerque in Bernalillo county;

20. one hundred ninety-one thousand dollars (\$191,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of information and educational technology and related equipment,



security infrastructure and fencing, at Cesar Chavez community charter school in Albuquerque in Bernalillo county;

21. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including roofing, heating, ventilation and air conditioning systems, information technology and related equipment, fencing and security infrastructure, for the Cottonwood Classical preparatory school in Albuquerque in Bernalillo county;

22. one hundred thousand dollars (\$100,000) to plan, design, construct, install, purchase, furnish and equip the buildings and grounds, including outdoor learning spaces and related equipment, fencing, information technology and infrastructure, at Digital Arts and Technology academy charter school in Albuquerque in Bernalillo county;

23. five hundred fifty thousand dollars (\$550,000) to plan, design, construct, purchase, furnish, equip, install and renovate buildings and grounds, including land, fencing, information technology and security infrastructure, for Health Leadership high school in Albuquerque in Bernalillo county;

24. seventy-five thousand dollars (\$75,000) to plan, design, construct, furnish, purchase, equip and renovate buildings and grounds, including a garage building for a makerspace program and related equipment, fencing, information technology and security infrastructure, for La Academia de Esperanza charter school in Albuquerque in Bernalillo county;

25. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate, purchase and install gymnasium equipment, including furniture, carpeting, fitness equipment, sound and lighting and signage, at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

26. one hundred fifty thousand dollars (\$150,000) to purchase and install solar panels and to replace heating, ventilation and air conditioning units at Salam academy in Albuquerque in Bernalillo county;

27. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, furnish and equip buildings and grounds, including security fencing, information technology and infrastructure, for Solare Collegiate charter school in Albuquerque in Bernalillo county;

28. three hundred forty-five thousand five hundred forty-three dollars (\$345,543) to plan, design, construct, improve and equip facilities for South Valley preparatory school in Albuquerque in Bernalillo county;

29. seventy thousand dollars (\$70,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of

sound reduction materials and lighting fixtures and the installation of related equipment and information technology, at Southwest Secondary learning center in Bernalillo county;

30. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including educational technology, information technology and related equipment and infrastructure, for the Technology Leadership high school in Albuquerque in Bernalillo county;

31. one hundred eighty thousand dollars (\$180,000) to purchase a school facility for the Tierra Adentro charter school in Albuquerque in Bernalillo county;

32. one hundred twenty thousand dollars (\$120,000) to plan, design, construct, furnish, equip, install and landscape the United Community academy in Albuquerque in Bernalillo county;

33. twenty-five thousand dollars (\$25,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;

34. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping for an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Alameda elementary school in the Albuquerque public school district in Bernalillo county;

35. seventy thousand dollars (\$70,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Alamosa elementary school in the Albuquerque public school district in Bernalillo county;

36. fifty thousand dollars (\$50,000) to plan, design, construct, improve and install a mural at Albuquerque high school in the Albuquerque public school district in Bernalillo county;

37. two hundred fifteen thousand dollars (\$215,000) to plan, design, construct, renovate and equip classrooms to improve the acoustics at Alice King community school in the Albuquerque public school district in Bernalillo county;

38. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Alvarado elementary school in the Albuquerque public school district in Bernalillo county;

39. two hundred forty-eight thousand ninety-six dollars (\$248,096) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Apache elementary school in the Albuquerque public school district in Bernalillo county;

40. fifteen thousand dollars (\$15,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Armijo elementary school in the Albuquerque public school district in Bernalillo county;

41. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Arroyo del Oso elementary school in the Albuquerque public school district in Bernalillo county;

42. fifteen thousand dollars (\$15,000) to plan, design, construct, improve, purchase and install security systems, including upgrades to technology, grounds, infrastructure and facilities, at Atrisco elementary school in the Albuquerque public school district in Bernalillo county;

43. fifty thousand dollars (\$50,000) to plan, design, construct, improve, purchase and install security systems, including upgrades to technology, grounds, infrastructure and facilities, at Atrisco Heritage academy high school in the Albuquerque public school district in Bernalillo county;

44. seventy-nine thousand dollars (\$79,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

45. forty-seven thousand dollars (\$47,000) to plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms at Bel-Air elementary school in the Albuquerque public school district in Bernalillo county;

~~[46. four thousand dollars (\$4,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Bellehaven elementary school in the Albuquerque public school district in Bernalillo county;] *LINE ITEM VETO*~~

47. one hundred nineteen thousand two hundred fifteen dollars (\$119,215) to plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms at Carlos Rey elementary school in the Albuquerque public school district in Bernalillo county;

48. two hundred one thousand three hundred forty-six dollars (\$201,346) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Chamiza elementary school in the Albuquerque public school district in Bernalillo county;

49. eighty thousand eight hundred twenty-nine dollars (\$80,829) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;

50. one hundred seventy thousand two hundred seventy-five dollars (\$170,275) to plan, design, construct, improve, purchase and install security systems, including upgrades to technology, grounds, infrastructure and facilities, at Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

51. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Cibola high school in the Albuquerque public school district in Bernalillo county;

52. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, furnish and equip buildings and grounds, including the installation of a playground and related equipment, information technology and related equipment, fencing and security infrastructure, for the Cien Aguas international school in the Albuquerque public school district in Bernalillo county;

53. twenty thousand dollars (\$20,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Cleveland middle school in the Albuquerque public school district in Bernalillo county;

54. fifteen thousand dollars (\$15,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Cochiti elementary school in the Albuquerque public school district in Bernalillo county;

55. thirty thousand dollars (\$30,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Collet Park elementary school in the Albuquerque public school district in Bernalillo county;

56. forty-four thousand dollars (\$44,000) to plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements

and landscaping, at Comanche elementary school in the Albuquerque public school district in Bernalillo county;

57. eighty-eight thousand eight hundred thirty-eight dollars (\$88,838) to plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping, at Coyote Willow family school in the Albuquerque public school district in Bernalillo county;

58. sixty-nine thousand six hundred one dollars (\$69,601) to plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms at Dennis Chavez elementary school in the Albuquerque public school district in Bernalillo county;

59. ten thousand dollars (\$10,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Desert Ridge middle school in the Albuquerque public school district in Bernalillo county;

60. thirty thousand dollars (\$30,000) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at Desert Willow family school in the Albuquerque public school district in Bernalillo county;

61. fifteen thousand dollars (\$15,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Dolores Gonzales elementary school in the Albuquerque public school district in Bernalillo county;

62. fifty-nine thousand dollars (\$59,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Douglas MacArthur elementary school in the Albuquerque public school district in Bernalillo county;

63. fifty-two thousand dollars (\$52,000) to plan, design, construct, purchase, furnish and install improvements to library equipment, furniture, fixtures, books, shelves, information technology and infrastructure for Duranes elementary school in the Albuquerque public school district in Bernalillo county;

64. forty thousand dollars (\$40,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at eCademy school in the Albuquerque public school district in Bernalillo county;

65. eighty thousand two hundred forty-two dollars (\$80,242) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Edward Gonzales elementary school in the Albuquerque public school district in Bernalillo county;

66. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;

67. eighty thousand two hundred forty-two dollars (\$80,242) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Eldorado high school in the Albuquerque public school district in Bernalillo county;

68. eighty thousand dollars (\$80,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Emerson elementary school in the Albuquerque public school district in Bernalillo county;

69. eighty thousand dollars (\$80,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Ernie Pyle middle school in the Albuquerque public school district in Bernalillo county;

70. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at Eugene Field elementary school in the Albuquerque public school district in Bernalillo county;

71. forty thousand dollars (\$40,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Freedom high school in the Albuquerque public school district in Bernalillo county;

72. forty-nine thousand dollars (\$49,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Garfield middle school in the Albuquerque public school district in Bernalillo county;

73. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground

equipment at George I. Sanchez collaborative community school in the Albuquerque public school district in Bernalillo county;

74. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including fencing, security infrastructure and information technology, including related equipment and infrastructure, at Gilbert L. Sena charter high school in the Albuquerque public school district in Bernalillo county;

75. one hundred fifty thousand nine hundred fifty-nine dollars (\$150,959) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at Grant middle school in the Albuquerque public school district in Bernalillo county;

76. twenty-eight thousand dollars (\$28,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Griegos elementary school in the Albuquerque public school district in Bernalillo county;

77. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Harrison middle school in the Albuquerque public school district in Bernalillo county;

78. one hundred eight thousand dollars (\$108,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Hawthorne elementary school in the Albuquerque public school district in Bernalillo county;

79. ninety-five thousand dollars (\$95,000) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at Helen Cordero primary school in the Albuquerque public school district in Bernalillo county;

80. one hundred nineteen thousand nine hundred fifty-eight dollars (\$119,958) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Highland high school in the Albuquerque public school district in Bernalillo county;

81. thirty thousand dollars (\$30,000) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at Hodgin elementary school in the Albuquerque public school district in Bernalillo county;

82. fifty-two thousand four hundred sixty-one dollars (\$52,461) to plan, design, construct, purchase and install resources for career technical education classrooms,

including equipment, furniture, electrical upgrades, wiring, appliances and infrastructure, at Hoover middle school in the Albuquerque public school district in Bernalillo county;

83. forty thousand dollars (\$40,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Hubert H. Humphrey elementary school in the Albuquerque public school district in Bernalillo county;

84. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Inez elementary school in the Albuquerque public school district in Bernalillo county;

85. eighty thousand two hundred forty-two dollars (\$80,242) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at James Monroe middle school in the Albuquerque public school district in Bernalillo county;

86. twenty thousand dollars (\$20,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Janet Kahn school of integrated arts in the Albuquerque public school district in Bernalillo county;

87. eighty thousand dollars (\$80,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Jefferson middle school in the Albuquerque public school district in Bernalillo county;

88. eighty-nine thousand two hundred sixty dollars (\$89,260) to plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms at Jimmy Carter middle school in the Albuquerque public school district in Bernalillo county;

89. one hundred twenty-nine thousand four hundred eighty-four dollars (\$129,484) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at John Adams middle school in the Albuquerque public school district in Bernalillo county;

90. twenty-four thousand one hundred thirty-four dollars (\$24,134) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at John Baker elementary school in the Albuquerque public school district in Bernalillo county;



91. two hundred thirty-five thousand dollars (\$235,000) to plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping, at Kennedy middle school in the Albuquerque public school district in Bernalillo county;

92. one hundred thousand dollars (\$100,000) to plan, design, construct and renovate the grounds, playgrounds, fields, drainage improvements, turf and landscaping, including the purchase and installation of related equipment, at Kirtland elementary school in the Albuquerque public school district in Bernalillo county;

93. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Kit Carson elementary school in the Albuquerque public school district in Bernalillo county;

94. twenty-five thousand dollars (\$25,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at La Cueva high school in the Albuquerque public school district in Bernalillo county;

95. ninety thousand dollars (\$90,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at La Luz elementary school in the Albuquerque public school district in Bernalillo county;

96. one hundred forty-nine thousand eight hundred dollars (\$149,800) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

97. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Los Padillas elementary school in the Albuquerque public school district in Bernalillo county;

98. forty-five thousand dollars (\$45,000) to plan, design, construct, install, improve and upgrade the grounds, grass, walkways, irrigation systems and landscaping, including the purchase of related equipment, at Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

99. one hundred fifty-five thousand eighty-two dollars (\$155,082) to plan, design, construct and renovate the grounds, fields, track areas, gymnasium floors and tennis courts, including fencing, bleachers, track resurfacing, asphalt paving, drainage improvements, turf and landscaping and the purchase and installation of related

equipment, at Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;

100. forty-five thousand dollars (\$45,000) to plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms at Madison middle school in the Albuquerque public school district in Bernalillo county;

101. four hundred fifty-six thousand dollars (\$456,000) to plan, design, construct and renovate the grounds, playgrounds, fields, drainage improvements, turf and landscaping, including the purchase and installation of related equipment, at Manzano high school in the Albuquerque public school district in Bernalillo county;

102. fifty-one thousand nine hundred seventy-four dollars (\$51,974) to plan, design, construct, improve, purchase and install security systems, including upgrades to technology, grounds, infrastructure and facilities, at Manzano Mesa elementary school in the Albuquerque public school district in Bernalillo county;

103. eighty thousand eight hundred twenty-nine dollars (\$80,829) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Marie M. Hughes elementary school in the Albuquerque public school district in Bernalillo county;

104. fifty-six thousand six hundred dollars (\$56,600) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

105. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Mary Ann Binford elementary school in the Albuquerque public school district in Bernalillo county;

106. twenty-five thousand dollars (\$25,000) to plan, design, construct, improve, purchase and install security systems, including upgrades to technology, grounds, infrastructure and facilities, at McKinley middle school in the Albuquerque public school district in Bernalillo county;

107. eighty-two thousand dollars (\$82,000) to acquire, plan, design, build, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;

108. one hundred five thousand dollars (\$105,000) to plan, design, purchase, furnish, construct and install improvements to library equipment, furniture, fixtures,

books, shelves, information technology and infrastructure for Monte Vista elementary school in the Albuquerque public school district in Bernalillo county;

109. twenty-two thousand dollars (\$22,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Montezuma elementary school in the Albuquerque public school district in Bernalillo county;

110. sixty thousand dollars (\$60,000) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at Navajo elementary school in the Albuquerque public school district in Bernalillo county;

111. fifty-seven thousand dollars (\$57,000) to plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping, at New Futures high school in the Albuquerque public school district in Bernalillo county;

112. thirty thousand dollars (\$30,000) to plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms at Nex+Gen academy in the Albuquerque public school district in Bernalillo county;

113. five hundred thousand dollars (\$500,000) to plan, design, construct and install playground and related equipment, including security and safe access features and landscaping, for the New Mexico international school in the Albuquerque public school district in Bernalillo county;

114. eighty thousand eight hundred twenty-nine dollars (\$80,829) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Onate elementary school in the Albuquerque public school district in Bernalillo county;

115. eighty thousand dollars (\$80,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Osuna elementary school in the Albuquerque public school district in Bernalillo county;

116. eighty thousand eight hundred twenty-nine dollars (\$80,829) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Painted Sky elementary school in the Albuquerque public school district in Bernalillo county;

117. twenty-five thousand dollars (\$25,000) to plan, design, construct, improve, purchase and install security systems, including upgrades to technology, grounds,

infrastructure and facilities, at Pajarito elementary school in the Albuquerque public school district in Bernalillo county;

118. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;

119. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Polk middle school in the Albuquerque public school district in Bernalillo county;

120. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and renovate the grounds, parking lots and bus lane areas, including fencing, resurfacing, striping, shade structures, drainage improvements, traffic signs, landscaping and the purchase and installation of related equipment, at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

121. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Rudolfo Anaya elementary school in the Albuquerque public school district in Bernalillo county;

122. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Sandia Base elementary school in the Albuquerque public school district in Bernalillo county;

123. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at the Sandia mountain natural history center in the Albuquerque public school district in Bernalillo county;

124. ten thousand dollars (\$10,000) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at School on Wheels high school in the Albuquerque public school district in Bernalillo county;

125. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Seven Bar elementary school in the Albuquerque public school district in Bernalillo county;

126. ninety-nine thousand six hundred eleven dollars (\$99,611) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;

127. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, purchase, furnish and equip buildings and grounds, including outdoor learning spaces, security fencing and information technology, including related equipment and infrastructure, at South Valley academy charter school in the Albuquerque public school district in Bernalillo county;

128. one hundred ninety-two thousand three hundred ninety-one dollars (\$192,391) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Sunset View elementary school in the Albuquerque public school district in Bernalillo county;

129. one hundred thousand dollars (\$100,000) to plan, design, construct, improve, purchase and install security systems, including upgrades to technology, grounds, infrastructure and facilities, at Susie R. Marmon elementary school in the Albuquerque public school district in Bernalillo county;

130. seventy-five thousand dollars (\$75,000) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Taft middle school in the Albuquerque public school district in Bernalillo county;

131. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms at Taylor middle school in the Albuquerque public school district in Bernalillo county;

132. seventy-two thousand three hundred twenty-one dollars (\$72,321) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Tierra Antigua elementary school in the Albuquerque public school district in Bernalillo county;

133. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms at Tomasita elementary school in the Albuquerque public school district in Bernalillo county;

134. forty-two thousand five hundred forty-two dollars (\$42,542) to purchase and install information technology, including related equipment, furniture and

infrastructure for digital touch screens and classroom presentation boards, at Tony Hillerman middle school in the Albuquerque public school district in Bernalillo county;

135. forty-nine thousand five hundred twenty-three dollars (\$49,523) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at Tres Volcanes community collaborative K-8 school in the Albuquerque public school district in Bernalillo county;

136. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate and improve the roof, including related mechanical, electrical and plumbing upgrades, at Truman middle school in the Albuquerque public school district in Bernalillo county;

137. twelve thousand dollars (\$12,000) to plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping, at Valle Vista elementary school in the Albuquerque public school district in Bernalillo county;

138. twenty-five thousand dollars (\$25,000) to plan, design, construct and renovate the grounds, playgrounds, fields, drainage improvements, turf and landscaping, including the purchase and installation of related equipment, at Valley high school in the Albuquerque public school district in Bernalillo county;

139. one hundred thirty-eight thousand seven hundred dollars (\$138,700) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at Van Buren middle school in the Albuquerque public school district in Bernalillo county;

140. seventy-eight thousand four hundred thirty-five dollars (\$78,435) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Ventana Ranch elementary school in the Albuquerque public school district in Bernalillo county;

141. one hundred sixty-three thousand two hundred eighty-six dollars (\$163,286) to plan, design, construct, renovate and equip improvements to fine art facilities and classrooms, including acoustic improvements, curtains, seating, carpet, sound and lighting, flooring, kilns, instruments, risers and furniture and to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Volcano Vista high school in the Albuquerque public school district in Bernalillo county;

142. eighty thousand eight hundred thirty dollars (\$80,830) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at West Mesa high school in the Albuquerque public school district in Bernalillo county;

143. thirty thousand dollars (\$30,000) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at Wherry elementary school in the Albuquerque public school district in Bernalillo county;

144. one hundred ninety-one thousand nine hundred dollars (\$191,900) to plan, design, construct and renovate the grounds, playgrounds, fields, drainage improvements, turf and landscaping, including the purchase and installation of related equipment, at Whittier elementary school in the Albuquerque public school district in Bernalillo county;

145. one hundred thirteen thousand three hundred dollars (\$113,300) to plan, design, construct, purchase, equip and furnish outdoor benches, shade structures and playground equipment at Wilson middle school in the Albuquerque public school district in Bernalillo county;

146. thirty-nine thousand two hundred dollars (\$39,200) to purchase and install information technology, including related equipment, furniture and infrastructure for digital touch screens and classroom presentation boards, at Zia elementary school in the Albuquerque public school district in Bernalillo county;

147. twenty thousand dollars (\$20,000) to plan, design, construct, purchase, equip and furnish infrastructure, shade structures, benches and landscaping related to an outdoor classroom, including equipment and infrastructure needed for wi-fi connectivity for outdoor learning spaces, at Zuni elementary school in the Albuquerque public school district in Bernalillo county;

148. one hundred fifty thousand dollars (\$150,000) to purchase, equip and install improvements, including shade structures for pre-kindergarten and elementary playgrounds and umbrellas for outdoor classroom tables, at Lake Arthur elementary school in the Lake Arthur municipal school district in Chaves county;

149. one hundred ninety-five thousand dollars (\$195,000) to purchase and equip an activity bus for the Maxwell municipal school district in Colfax county;

150. three hundred ninety-seven thousand one hundred fifty dollars (\$397,150) to purchase and equip a bus for the Raton public school district in Colfax county;

151. one hundred thousand dollars (\$100,000) to purchase, install and replace wooden bleachers in a gymnasium in the Melrose public school district in Curry county;

152. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate and equip science and technology laboratories for the high school and middle school in the Texico municipal school district in Curry county;

153. two hundred thousand dollars (\$200,000) to plan, design, construct, purchase, equip and install infrastructure and equipment to support career readiness in the Las Cruces public school district in Dona Ana county;

154. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase of educational technology, including chromebooks, laptops and smartboards, and the installation of related equipment and information technology, for the New America school in Las Cruces in Dona Ana county;

155. three hundred thousand dollars (\$300,000) to design and replace the roof at the Artesia high school main building in the Artesia public school district in Eddy county;

156. three hundred thousand dollars (\$300,000) to replace heating, ventilation and air conditioning systems at Artesia high school in the Artesia public school district in Eddy county;

157. sixty-three thousand five hundred dollars (\$63,500) to plan, design, construct, renovate and equip heating, ventilation and air conditioning systems for classrooms at Jefferson Montessori academy in the Carlsbad municipal school district in Carlsbad in Eddy county;

158. twenty-five thousand dollars (\$25,000) to plan, design, construct, renovate and equip playground and field improvements, including fencing, for Jefferson Montessori academy in the Carlsbad municipal school district in Carlsbad in Eddy county;

159. fifty-five thousand three hundred dollars (\$55,300) to plan, design, construct, renovate and equip Jefferson Montessori academy, including related security technology upgrades, exterior doors, keycard entry and automatic locking, in the Carlsbad municipal school district in Carlsbad in Eddy county;

160. thirty-five thousand dollars (\$35,000) to purchase and equip light-emitting diode signage for Jefferson Montessori academy in the Carlsbad municipal school district in Carlsbad in Eddy county;

161. three hundred fifty thousand dollars (\$350,000) to purchase and equip buses for the Cobre consolidated school district in Bayard in Grant county;

162. one hundred thousand dollars (\$100,000) to purchase and equip vehicles for the Cobre consolidated school district in Bayard in Grant county;

163. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip improvements, including outdoor classrooms, to the buildings and grounds at Aldo Leopold charter school in Silver City in Grant county;



164. three hundred thousand dollars (\$300,000) to purchase, replace, equip and install fire alarms in the Silver consolidated school district in Grant county;

165. one hundred thousand dollars (\$100,000) to purchase, replace, equip and install surveillance cameras in the Silver consolidated school district in Grant county;

166. seventy thousand dollars (\$70,000) to purchase and equip an activity bus for the Roy municipal school district in Harding county;

167. six hundred sixty thousand dollars (\$660,000) to plan, design and construct pick-up and drop-off lanes at College Lane elementary school in the Hobbs municipal school district in Lea county;

168. one hundred thousand dollars (\$100,000) to plan, design, construct, replace and implement security systems, including the purchase of cameras and monitoring equipment, in the Lovington municipal school district in Lea county;

169. one hundred seventy-seven thousand dollars (\$177,000) to plan, design and construct access roads and water system improvements, including site preparation, the purchase and installation of a water tank, valves, gauges, connection, plumbing, security fencing and tie-ins, for schools in the Hondo Valley public school district in Lincoln county;

170. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct, renovate and equip improvements, including installing a silicon roofing system, for the Hondo Valley public school district in Hondo in Lincoln county;

171. eighty-five thousand dollars (\$85,000) to plan, design, construct, renovate and equip the Mora/Colfax head start facility, including infrastructure, a kitchen, accessibility parking, sidewalks and ramps, in the Mora independent school district in Mora county;

172. two hundred thirty thousand dollars (\$230,000) to purchase and equip information technology, including audio, video and surveillance systems, in the Mora independent school district in Mora county;

173. one million three hundred thousand dollars (\$1,300,000) to plan, design, construct and improve the soccer field, including demolishing the field playing surface, regrading and installing artificial turf, at the Riner Steinhoff soccer complex in the Alamogordo public school district in Alamogordo in Otero county;

174. eighty-five thousand dollars (\$85,000) to purchase and equip an activity bus for the Espanola public school district in Rio Arriba county;

175. fourteen thousand dollars (\$14,000) to purchase, equip, install and improve security systems, including alarms, for Carlos F. Vigil middle school in the Espanola public school district in Rio Arriba county;

176. five thousand dollars (\$5,000) to install and replace security infrastructure, including cameras, servers and licenses, at the Espanola public school district educational services center in Espanola in Rio Arriba county;

177. seven thousand one hundred dollars (\$7,100) to purchase, equip, install and improve security systems, including alarms, for Hernandez elementary school in the Espanola public school district in Rio Arriba county;

178. sixteen thousand dollars (\$16,000) to purchase, equip, install and improve security systems, including alarms, for James H. Rodriguez elementary school in the Espanola public school district in Rio Arriba county;

179. seven thousand seven hundred dollars (\$7,700) to purchase, equip, install and improve security systems, including alarms, for San Juan elementary school in the Espanola public school district in Rio Arriba county;

180. twelve thousand eight hundred dollars (\$12,800) to purchase, equip, install and improve security systems, including alarms, for Tony E. Quintana elementary school in the Espanola public school district in Rio Arriba county;

181. fifteen thousand dollars (\$15,000) to purchase, equip, install and replace security equipment, including cameras, servers and licenses, for Velarde elementary school in the Espanola public school district in Rio Arriba county;

182. fifteen thousand dollars (\$15,000) to purchase, equip, install and replace security equipment, including cameras, servers and licenses, for Abiquiu elementary school in the Espanola public school district in Rio Arriba county;

183. eighty thousand dollars (\$80,000) to plan, design, construct, purchase, equip and repair the well house, including the purchase and installation of a sedimentation tank, for Abiquiu elementary school in the Espanola public school district in Rio Arriba county;

184. ten thousand dollars (\$10,000) to purchase, equip, install and replace security equipment, including cameras, servers and licenses, for Alcalde elementary school in the Espanola public school district in Rio Arriba county;

185. fifteen thousand dollars (\$15,000) to purchase, equip, install and replace security equipment, including cameras, servers and licenses, for Chimayo elementary school in the Espanola public school district in Rio Arriba county;

186. ten thousand dollars (\$10,000) to purchase, equip, install and replace security equipment, including cameras, servers and licenses, for Dixon elementary school in the Espanola public school district in Rio Arriba county;

187. six thousand dollars (\$6,000) to purchase, equip, install and improve security systems, including alarms, for the Espanola public school district educational services center in Espanola in Rio Arriba county;

188. four thousand dollars (\$4,000) to purchase, equip, install and improve security systems, including alarms, for the Espanola public school district safety office in Rio Arriba county;

189. fifty thousand dollars (\$50,000) to purchase, install, replace and upgrade wi-fi technology, including equipment, controllers and access points, in the Espanola public school district in Rio Arriba county;

190. one hundred thousand dollars (\$100,000) to plan, design, construct, replace, renovate and improve sidewalks, buildings and grounds for the Elida municipal school district in Roosevelt county;

191. three hundred thousand dollars (\$300,000) to purchase and equip an activity bus for the Floyd municipal school district in Roosevelt county;

192. one hundred thousand dollars (\$100,000) to purchase and equip new playground equipment for Los Ninos and Sierra Vista elementary schools in San Miguel county;

193. one hundred ten thousand dollars (\$110,000) to plan, design, construct and equip a greenhouse for Valley elementary school and Valley middle school in the west Las Vegas public school district in San Miguel county;

194. one hundred thousand dollars (\$100,000) to plan, design, construct and renovate the high school field, including replacing the synthetic turf, at west Las Vegas high school in the west Las Vegas public school district in San Miguel county;

195. two hundred thousand dollars (\$200,000) to purchase information technology and to implement a central cloud management platform for wireless and wired equipment for the Rio Rancho public school district in Sandoval county;

196. two hundred fifty thousand dollars (\$250,000) to purchase cybersecurity response services for the Rio Rancho public school district in Sandoval county;

197. seventy-five thousand dollars (\$75,000) to plan, design, construct, improve, furnish and equip buildings and grounds, including a health clinic, fencing, security features and information technology and related equipment and infrastructure, for the Cuba independent school district in Sandoval county;

198. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct, furnish, renovate and equip buildings and grounds, including the purchase and installation of solar panels and related equipment, information technology and related equipment, fencing and security infrastructure, at the ASK academy in Rio Rancho in Sandoval county;

199. one hundred twenty thousand dollars (\$120,000) to install, purchase, equip and upgrade security systems, including associated data storage, at Rio Rancho high school in the Rio Rancho public school district in Sandoval county;

200. one hundred fifty thousand dollars (\$150,000) to purchase, equip and install security cameras at Cleveland high school in the Rio Rancho public school district in Sandoval county;

201. one hundred ten thousand dollars (\$110,000) to purchase, install and equip security cameras at Rio Rancho high school stadium in the Rio Rancho public school district in Sandoval county;

202. four hundred fifty thousand dollars (\$450,000) to purchase and install a cellular tower on the south side of Rio Rancho for the Rio Rancho public school district in Sandoval county;

203. one hundred fifty thousand dollars (\$150,000) to evaluate, repair, purchase and install mechanical equipment at elementary schools in the Rio Rancho public school district in Sandoval county;

204. one hundred twenty thousand dollars (\$120,000) to evaluate, repair, purchase and install mechanical equipment at secondary schools in the Rio Rancho public school district in Sandoval county;

205. fifty thousand dollars (\$50,000) to plan, design, install and upgrade a fire alarm system, including a voice notifier feature, for high schools in the Rio Rancho public school district in Sandoval county;

206. three hundred fifty thousand dollars (\$350,000) to provide connectivity and infrastructure upgrades with district-wide area network fiber-optic lines for preschool and for mainframe distribution rooms at central offices, the educational service center and the B.F. Young building in the Santa Fe public school district in Santa Fe county;

207. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including security infrastructure, outdoor learning spaces, fencing, information technology and related equipment, for Turquoise Trail charter school in Santa Fe county;

208. three million seven hundred sixty thousand dollars (\$3,760,000) to plan, design, construct, furnish and equip dormitories at the New Mexico school for the arts in Santa Fe in Santa Fe county;

209. fifty thousand dollars (\$50,000) to plan, design, construct and upgrade heating, ventilation and air conditioning systems, including increasing capacity, at four elementary schools in the Santa Fe public school district in Santa Fe county;

210. fifty thousand dollars (\$50,000) to purchase and install equipment[, including mats, clocks] and equipment lockers, for the junior wrestling program in the Santa Fe public school district in Santa Fe county; *LINE ITEM VETO*

211. one hundred thousand dollars (\$100,000) to replace and upgrade perimeter fencing for the Penasco independent school district in Taos county;

212. two hundred ninety thousand dollars (\$290,000) to plan, design, construct and equip improvements to a track, including turf and drainage, at Mesa Vista high school in the Mesa Vista consolidated school district in Taos county;

213. four hundred twenty-five thousand dollars (\$425,000) to plan, design, construct and equip a facility for the Red River Valley charter school in Taos county;

214. three hundred fifty thousand dollars (\$350,000) to acquire land and to plan, design, construct, furnish and equip facilities for the Roots and Wings community school in Taos in Taos county; and

215. two hundred thousand dollars (\$200,000) to plan, design, construct, purchase and install a security system district-wide, including automatic door locks and video and audio alerts, for the Taos municipal school district in Taos county.

## **Chapter 53 Section 19 Laws 2022**

SECTION 19. ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the energy, minerals and natural resources department that the need exists for the issuance of the bonds, ten million dollars (\$10,000,000) is appropriated to the energy, minerals and natural resources department to plan, design and construct watershed restoration and community wildfire protection improvements, including forest thinning, statewide.

## **Chapter 53 Section 20 Laws 2022**

SECTION 20. STATE PARKS DIVISION OF THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT PROJECT--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, four hundred sixty-eight thousand dollars (\$468,000) is appropriated to the state parks division of the energy, minerals and natural resources department to plan, design and construct upgrades and improvements to water and wastewater systems and infrastructure at New Mexico state parks statewide.

## **Chapter 53 Section 21 Laws 2022**

SECTION 21. OFFICE OF THE STATE ENGINEER PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the office of the state engineer that the need exists for the issuance of the bonds, the following amounts are appropriated to the office of the state engineer for the following purposes:

1. one million seven hundred thousand dollars (\$1,700,000) to plan, design, acquire, construct and equip a flood control structure to convey surface water runoff to the west to Isaack lake in Dona Ana county;
2. one hundred seventy-five thousand dollars (\$175,000) to acquire land, easements and rights of way for and to plan, design, construct, improve and equip flood control structures in Chaparral in Dona Ana county;
3. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to the district irrigation ditch, including the Blanco flume, for the Bloomfield irrigation district in San Juan county;
4. four hundred thousand dollars (\$400,000) to plan, design and construct arroyo stabilization improvements in the lower Venada arroyo between New Mexico state highway 528 and the outlet to the Rio Grande for the southern Sandoval arroyo flood control authority in Sandoval county;
5. two million dollars (\$2,000,000) to plan, design, construct, rehabilitate and make improvements to the Elephant Butte channel in Sierra county;
6. one million five hundred thousand dollars (\$1,500,000) to plan, design and construct habitat restoration projects in the Rio Grande, San Juan and Pecos river basins statewide;
7. two million one hundred thousand dollars (\$2,100,000) to purchase, construct, install, map and calibrate surface and ground water measurement structures, equipment and related software statewide;
8. one hundred thousand dollars (\$100,000) to plan, design and construct diversion dams to mitigate flooding and to prevent drinking water contamination in Estancia in Torrance county; and

9. five hundred ten thousand dollars (\$510,000) to update a master plan and to plan, design, construct and improve drainage structures and systems in the Belen area in Valencia county.

## **Chapter 53 Section 22 Laws 2022**

SECTION 22. DEPARTMENT OF ENVIRONMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of environment that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of environment for the following purposes:

1. twenty-five thousand dollars (\$25,000) to plan, design and construct ground water monitoring wells in the area of the Kirtland air force base bulk fuel facility site for the Albuquerque-Bernalillo county water utility authority in Bernalillo county;
2. seven hundred nine thousand dollars (\$709,000) to plan, design, construct, improve and equip the southside water reclamation plant outfall realignment, including additional bosque habitat, siting, trails, riparian vegetation and root wad revetments along the Rio Grande for the Albuquerque-Bernalillo county water utility authority in Bernalillo county;
3. five hundred thousand dollars (\$500,000) to plan, design and construct water system improvements, including service connections, wells, water storage systems, repairs to electrical systems and well and pump house buildings, for the Quail Hollow mutual domestic water users association in Bernalillo county;
4. fifty thousand dollars (\$50,000) to plan, design and construct a lift station on the east plat of the Mesa del Sol economic development hub in Bernalillo county;
5. fifty thousand dollars (\$50,000) to plan, design and construct a lift station in the north plat of the Mesa del Sol economic development hub in Bernalillo county;
6. three hundred thirty-five thousand dollars (\$335,000) to acquire property and to plan, design, construct and equip infrastructure for flood mitigation, including storm water management, storm drainage improvements, pump stations, green infrastructure and storm water storage, for Pueblo Alto in Albuquerque in Bernalillo county;
7. two hundred eighty-five thousand dollars (\$285,000) to plan, design, construct, furnish and equip water system improvements, including a non-potable water reuse treatment plant, reuse water distribution pipelines and pumping facilities, for the Albuquerque-Bernalillo county water utility authority in Albuquerque in Bernalillo county;
8. fifty thousand dollars (\$50,000) to plan, design, construct and equip an arsenic treatment facility and to improve pump stations and drinking water transmission

lines on the west side of Albuquerque for the Albuquerque-Bernalillo county water utility authority in Bernalillo county;

9. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip wastewater system improvements, including permitting and a treatment plant to provide reclaimed water for the Winrock site and Albuquerque public parks, for the Albuquerque-Bernalillo county water utility authority in Bernalillo county;

10. eight hundred thousand dollars (\$800,000) to plan, design and construct a wastewater system for Tijeras in Bernalillo county;

11. eighty-five thousand dollars (\$85,000) to plan, design, construct and equip water system improvements, including drilling a well, for Quemado Lake water association in Quemado in Catron county;

12. three hundred thousand dollars (\$300,000) to plan, design and construct water system improvements in Hagerman in Chaves county;

13. one hundred twenty-five thousand dollars (\$125,000) to purchase, install and replace water meters, including related information technology, equipment and infrastructure, in the San Rafael water and sanitation district in Cibola county;

14. seventy-five thousand dollars (\$75,000) to plan, design, replace, repair and refurbish water supply tanks in Angel Fire in Colfax county;

15. one hundred thousand dollars (\$100,000) to plan, design and construct replacements of water lines in Cimarron in Colfax county;

16. ninety-five thousand dollars (\$95,000) to plan, design and construct water system improvements, including environmental clearances, in Eagle Nest in Colfax county;

17. one hundred thousand dollars (\$100,000) to plan, design, purchase and equip a truck and vacuum trailer for the Eagle Nest wastewater system in Eagle Nest in Colfax county;

18. eighty thousand dollars (\$80,000) to plan, design, equip and construct replacements of wastewater lines in Maxwell in Colfax county;

19. twenty million dollars (\$20,000,000) to acquire easements and rights of way and to plan, design, construct and install a water treatment plant, including pump stations, high capacity lines and storage tanks, for the eastern New Mexico water utility authority in Curry county;

20. three hundred fifteen thousand dollars (\$315,000) to acquire land for and to plan, design, purchase, renovate, construct, furnish and equip a building, including



building relocation, for the Alto de las Flores mutual domestic water consumers association in Dona Ana county;

21. two hundred thousand dollars (\$200,000) to plan, design, construct and install a water line along New Mexico highway 28 and Ohara road for the Anthony water and sanitation district in Dona Ana county;

22. one hundred ten thousand dollars (\$110,000) to plan, design, construct, purchase and install solar panels to provide power to well sites for the Chamberino mutual domestic water consumer and sewer association in Dona Ana county;

23. one hundred thousand dollars (\$100,000) to purchase and equip sewer main cleaning equipment for the Dona Ana mutual domestic water consumers association in Dona Ana county;

24. seventy-five thousand dollars (\$75,000) to acquire easements and rights of way and to plan, design and construct wastewater system improvements in the east Central area for the Dona Ana mutual domestic water consumers association in Dona Ana county;

25. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish and equip a shop facility for the Garfield mutual domestic water consumers' and mutual sewage works association in Dona Ana county;

26. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, upgrade and equip the south central solid waste authority recycling center, including a materials recovery sorting line, for Las Cruces in Dona Ana county;

27. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct and equip a south central solid waste authority transfer and recycling facility for Las Cruces in Dona Ana county;

28. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, improve and equip a water system in the Vado area for the lower Rio Grande public water works authority in Dona Ana county;

29. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, purchase and equip a facility for additional and repurposed treatment at wells in Brazito, Mesquite and Valle del Rio for the lower Rio Grande public water works authority in Dona Ana county;

30. three hundred thousand dollars (\$300,000) to plan, design, construct, purchase, install and equip water system improvements, including automatic meter reading, for the San Pablo mutual domestic water consumers association in Dona Ana county;

31. fifty thousand dollars (\$50,000) to acquire land, easements and rights of way and to plan, design, construct, purchase, install and equip water and wastewater system improvements, including lines and water storage, for Hatch in Dona Ana county;

32. two hundred thousand dollars (\$200,000) to plan, design, construct, replace, equip and install septic tanks in Las Cruces in Dona Ana county;

33. one hundred thousand dollars (\$100,000) to plan, design, construct, repair, replace and install fire hydrants in Mesilla in Dona Ana county;

34. one million five hundred thousand dollars (\$1,500,000) to plan, design and construct water system improvements, including a well and environmental permits and clearances, on the west side of Artesia in Eddy county;

35. one million one hundred thousand dollars (\$1,100,000) to plan, design and construct water system improvements and to replace existing water lines in the Double Eagle water well field in Carlsbad in Eddy county;

36. three hundred thousand dollars (\$300,000) to plan, design and construct sewer system improvements in Loving in Eddy county;

37. three hundred twenty-five thousand eight hundred fifty dollars (\$325,850) to plan, design and construct water system improvements in Loving in Eddy county;

38. two hundred thousand dollars (\$200,000) to purchase and equip a trash compactor for the Southwest solid waste authority in Grant county;

39. fifty thousand dollars (\$50,000) to plan, design and construct wastewater system improvements in Bayard in Grant county;

40. seventy-five thousand dollars (\$75,000) to purchase and equip a backhoe for the Casas Adobes mutual domestic water consumers association in Grant county;

~~41. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish wastewater system improvements for the golf course in Silver City in Grant county;~~ *LINE ITEM VETO*

42. one hundred eighty thousand dollars (\$180,000) to purchase and equip a vacuum truck for the water department in Santa Rosa in Guadalupe county;

43. three hundred thousand dollars (\$300,000) to plan, design, construct and equip improvements to the water system, including replacement of water lines, in Santa Rosa in Guadalupe county;

44. one hundred thousand dollars (\$100,000) to acquire property, including wells, for a water system for Mosquero in Harding county;

45. three hundred thousand dollars (\$300,000) to purchase and equip a jetter for Lordsburg in Hidalgo county;

46. four hundred thousand dollars (\$400,000) to plan, design and construct water system improvements in Carrizozo in Lincoln county;

47. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct water system improvements, including the repair and rehabilitation of water storage tanks, in Corona in Lincoln county;

48. two hundred seventy-five thousand dollars (\$275,000) to purchase and equip a solid waste collection truck for the Greentree solid waste authority in Lincoln county;

49. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the water system for the Lincoln mutual domestic water consumers association and Lincoln sewage works in Lincoln county;

50. one hundred thousand dollars (\$100,000) to plan, design and construct water system improvements, including repair and rehabilitation of water storage tanks, tank foundations and structural supports, in Capitan in Lincoln county;

51. four hundred thousand dollars (\$400,000) to plan, design, construct and replace a water production pipeline along New Mexico highway 4 in Los Alamos county;

52. fifty thousand dollars (\$50,000) to purchase, install and equip gate valves for the Gameraco water and sanitation district in McKinley county;

53. fifty thousand dollars (\$50,000) to plan, design and construct a transfer station for the northwest New Mexico regional solid waste authority in McKinley county;

54. fifty thousand dollars (\$50,000) to remediate the decommissioned sewer lagoons for the Williams Acres water and sanitation district in McKinley county;

55. sixty-five thousand dollars (\$65,000) to purchase and equip a backhoe for the Agua Pura mutual domestic water consumers and mutual sewage works association in Mora county;

56. twenty-five thousand dollars (\$25,000) to purchase and equip a second water source for the Agua Pura mutual domestic water consumers and mutual sewage works association in Mora county;

57. twenty thousand dollars (\$20,000) to construct water system improvements, including a supplemental well, for the Buena Vista mutual domestic water consumer's and sewage works association in Mora county;

58. one hundred thousand dollars (\$100,000) to plan, design, construct and equip water system improvements, including the installation of a backup generator for a well, for the Guadalupita mutual domestic water consumers association in Mora county;

59. fifty thousand dollars (\$50,000) to plan, design and construct a wastewater treatment, collection and disposal system for the Mora mutual domestic water consumers and mutual sewage works association in Mora county;

60. five hundred thousand dollars (\$500,000) to plan, design and construct road improvements on east route 66, including replacing clay sewage lines that are leaking into Tucumcari lake, in Tucumcari in Quay county;

61. fifty thousand dollars (\$50,000) to plan, design, construct, purchase and install water lines along county road 93 from New Mexico highway 76 to county road 87 for the greater Chimayo mutual domestic water consumers association in Rio Arriba county;

62. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct and improve a water system for the Regina mutual domestic water consumers association in Sandoval and Rio Arriba counties;

63. two hundred thousand dollars (\$200,000) to plan, design and permit a fluoride water treatment system for the Garfield mutual domestic water consumers and mutual sewage works association in Sierra and Dona Ana counties;

64. one hundred fifty thousand dollars (\$150,000) to plan, design and construct water system improvements, including a dedicated water line, for the Timberon water and sanitation district in Otero county;

65. one hundred thirty thousand dollars (\$130,000) to plan, design, purchase and construct a replacement water supply well and appurtenances for La Luz mutual domestic water consumers' association and mutual sewage works association in Otero county;

66. two hundred fifty thousand dollars (\$250,000) to plan, design and construct water system improvements, including replacing water lines and valves, for the Timberon water and sanitation district in Otero county;

67. one hundred thousand dollars (\$100,000) to plan, design and construct water system improvements in Tularosa in Otero county;

68. three hundred sixty thousand dollars (\$360,000) to plan, design, repair and replace a grinder pump sewer system in Logan in Quay county;

69. twenty-five thousand dollars (\$25,000) to purchase and install radio read meters to replace existing meters, including information technology, including

equipment and infrastructure, for the Alcalde mutual domestic water consumers' and mutual sewage works association in Rio Arriba county;

70. sixty thousand dollars (\$60,000) to plan, design and construct water system improvements, including the installation of fire hydrants, for the Cebolla mutual domestic water consumers' and sewage works association in Rio Arriba county;

71. twenty-five thousand dollars (\$25,000) to plan, design, construct, upgrade and retrofit the well and well house, including placement and other improvements, for the Dixon mutual domestic water consumers association in Rio Arriba county;

72. fifty thousand dollars (\$50,000) to plan, design, demolish, construct and improve a water system, including pump houses, water lines and water tanks, for la asociacion de agua de Los Brazos in Rio Arriba county;

73. twenty-five thousand dollars (\$25,000) to plan, design, construct, repair and improve a well house, water tank and water lines for Los Apodacas mutual domestic water consumers association in Rio Arriba county;

74. fifty thousand dollars (\$50,000) to plan, design, construct, repair and upgrade a drinking water system, including fences around a water tank and repairs to a well house, for the Rio Embudo mutual domestic water consumers association in Rio Arriba county;

75. twenty thousand dollars (\$20,000) to plan, design, construct and renovate wells in Los Ojos mutual domestic water consumers' and sewage works association and Brazos mutual domestic water consumers association in Rio Arriba county;

76. fifty thousand dollars (\$50,000) to plan, design, equip, replace, renovate and construct water system improvements, including storage tanks, cabling and level markers, for the Canjilon mutual domestic water consumers and mutual sewage works association in Canjilon in Rio Arriba county;

77. one hundred fifty thousand dollars (\$150,000) to plan, design and construct wastewater system improvements, including a chemical treatment system, for Chama in Rio Arriba county;

78. fifty thousand dollars (\$50,000) to purchase and install an emergency power system for water treatment plant operations in Chama in Rio Arriba county;

79. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design and construct wastewater system improvements for the Kirtland Valley water and sanitation district in San Juan county;

80. seventy-five thousand dollars (\$75,000) to plan, design and construct water system improvements, including water lines and the purchase of equipment, in Kirtland in San Juan county;

81. two million one hundred thousand dollars (\$2,100,000) to plan, design, construct, replace, equip and install water system improvements, including replacement of the west tank, in Bloomfield in San Juan county;

82. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the water system, including replacement of water lines and appurtenances, for the Chapelle mutual domestic consumers association in San Miguel county;

83. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the sewer system for the east Pecos mutual domestic water consumers' association in San Miguel county;

84. sixty-five thousand dollars (\$65,000) to plan, design and construct water system improvements, including meter cans, the installation of meter can risers and the renovation of a water tank, for El Creston mutual domestic water consumers association in San Miguel county;

85. one hundred thousand dollars (\$100,000) to plan, design, construct and improve the lower Colonias water system, including water line replacement, for El Valle water alliance in San Miguel county;

86. seventeen thousand two hundred fifty dollars (\$17,250) to purchase and replace water meters for El Coruco mutual domestic water consumers' association and mutual sewage works association in El Valle water alliance in San Miguel county;

87. seventeen thousand two hundred fifty dollars (\$17,250) to purchase and replace water meters for the Gonzales ranch water association in El Valle water alliance in San Miguel county;

88. twenty-five thousand dollars (\$25,000) to plan, design and construct water system improvements, including well site improvements, for the Gabaldon mutual domestic water consumers' association in San Miguel county;

89. twenty-five thousand dollars (\$25,000) to plan, design and construct water system improvements, including installation of water lines and appurtenances, for La Cueva mutual domestic water consumers association in San Miguel county;

90. two hundred thousand dollars (\$200,000) to plan, design, equip, replace and construct water and sewer system improvements and lines for Pecos in San Miguel county;

91. one hundred thousand dollars (\$100,000) to plan, design and construct a water line along Eighth street north of Mills avenue in Las Vegas in San Miguel county;

92. two hundred thousand dollars (\$200,000) to plan, design, construct, demolish and remove lagoons pursuant to department of environment mandates in Pecos in San Miguel county;

93. five hundred thousand dollars (\$500,000) to plan, design, construct, replace, purchase and equip wastewater system improvements, including ultraviolet disinfection equipment, water pump stations, mechanical screens, aerated grit removal, fall protection and post-aeration systems, at the wastewater treatment plant for Bernalillo in Sandoval county;

94. one hundred thousand dollars (\$100,000) to plan, design and construct a water control vault replacement near Redondo road and to replace lines, appurtenant valves and electronic flow devices for the Jemez Springs domestic water association in Sandoval county;

95. one hundred thousand dollars (\$100,000) to plan, design and construct water system improvements, including replacement of the main distribution line, for the Jemez Springs domestic water association in Sandoval county;

96. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements for La Jara mutual domestic water consumers' and sewage works association in Sandoval county;

97. one hundred thousand dollars (\$100,000) to purchase, equip and install an automatic meter reading system for the Pena Blanca water and sanitation district in Sandoval county;

98. one hundred thousand dollars (\$100,000) to purchase and equip a storage tank for the Ponderosa mutual domestic water consumers' association and sewage works association in Sandoval county;

99. seventy-five thousand dollars (\$75,000) to plan, design and construct water system improvements, including a water distribution and infrastructure system, for the San Luis-Cabazon mutual domestic water association in Torreon, Cabazon and San Luis in Sandoval county;

100. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and install a drinking water treatment facility for Cuba in Sandoval county;

101. one hundred thousand dollars (\$100,000) to design and construct water system improvements, including water line replacement, for the Sile mutual domestic water consumers association and sewage works association in Sandoval county;

102. four hundred fifty thousand dollars (\$450,000) to acquire easements and rights of way for and to plan, design, construct, purchase, equip and install water system improvements, including water lines and fire hydrants, on calle Don Francisco, calle del Presidente, avenida Perea and calle Evangeline in Bernalillo in Sandoval county;

103. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct and equip water lines and a water distribution system for fire suppression in Corrales in Sandoval county;

104. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a deep well brackish water desalination system in Cuba in Sandoval county;

105. one hundred thousand dollars (\$100,000) to plan, design, construct, improve, purchase and install wastewater plant operational equipment in Jemez Springs in Sandoval county;

106. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct water system improvements, including refurbishing a water storage tank, in San Ysidro in Sandoval county;

107. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase and install water lines along Rio Arriba county roads 98 and 101, including connection to an existing water line, for the greater Chimayo mutual domestic water consumers association in Santa Fe county;

108. ten thousand dollars (\$10,000) to plan, design and construct a fence around the water tank and pump house for La Bajada community ditch and mutual domestic water association in Santa Fe county;

109. fifty thousand dollars (\$50,000) to plan, design, construct, equip and install a well house for La Bajada community ditch and mutual domestic water association in Santa Fe county;

110. one hundred two thousand nine hundred dollars (\$102,900) to plan, design and construct water system improvements, including a new water storage tank and related equipment, for the Rio Chiquito mutual domestic water consumers' and mutual sewage works association in Santa Fe county;

111. one hundred fifty thousand dollars (\$150,000) to plan, design and construct sewer and water line improvements, including remediation of ground water pollution, in Agua Fria village in Santa Fe county;

112. five hundred thousand dollars (\$500,000) to plan, design, construct and improve water and wastewater systems for the Chupadero water and sewage corporation in Santa Fe county;



113. one million one hundred fifty-five thousand dollars (\$1,155,000) to plan, design, construct, improve and expand the sewer system at Agua Fria village in Santa Fe county;

114. four hundred thousand dollars (\$400,000) to plan, design and construct a water line replacement and extension in the community college area in Santa Fe county;

115. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct and improve a water system for the Canada de los Alamos mutual domestic water consumers' and mutual sewage works association in Santa Fe county;

116. one million one hundred fifty thousand dollars (\$1,150,000) to acquire rights of way and easements for and to plan, design, construct, equip and furnish a water treatment facility in Edgewood in Santa Fe county;

117. three hundred fifty thousand dollars (\$350,000) to acquire water rights, including applications and transfers, and to plan, design and construct improvements to water distribution systems, including wells and water line extensions, for the Agua Fria community water system association in Santa Fe county;

118. four hundred thousand dollars (\$400,000) to plan, design and construct improvements on Jemez road, including a sewer line south of Airport road, to improve residential septic systems in Santa Fe in Santa Fe county;

119. two million nine hundred thousand dollars (\$2,900,000) to plan, design, construct and equip expansion of the wastewater treatment system for both residential and commercial districts in Elephant Butte in Sierra county;

120. two hundred fifty thousand dollars (\$250,000) to plan, design and construct a water storage tank for Magdalena in Socorro county;

121. one hundred thousand dollars (\$100,000) to plan, design and construct sewer and water line extensions and sewer and water system improvements in Socorro in Socorro county;

122. one million five hundred thousand dollars (\$1,500,000) to plan, design and construct projects that improve surface water quality and river habitat statewide;

123. fifty thousand dollars (\$50,000) to purchase and install equipment, including information technology for meter reading and billing, for the Arroyo Seco mutual domestic water consumers association in Taos county;

124. fifty thousand dollars (\$50,000) to design, construct, improve and equip public water supply well site number 2, including a housing unit, security fencing, an emergency generator, improvements to an observation well and replacement of a

pump, an electrical system and a roof, for El Prado water and sanitation district in Taos county;

125. one hundred thousand dollars (\$100,000) to plan, design and construct a sewer main, including an inline manhole, drop manholes and service stub-outs, for El Valle de los Ranchos water and sanitation district in Taos county;

126. fifty thousand dollars (\$50,000) to plan, design and construct a sewer main, including an inline manhole, drop manholes and service stub-outs, for El Valle de los Ranchos water and sanitation district in Taos county;

127. forty thousand dollars (\$40,000) to upgrade and improve the physical infrastructure and site of La Lama mutual domestic water consumers association in Taos county;

128. fifty thousand dollars (\$50,000) to plan, design, equip, construct and install a replacement domestic water well and water lines for the Llano Quemado mutual domestic water consumers association in Taos county;

129. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip water system improvements, including the installation of water lines and service connections, a water storage tank and an automatic meter reading system, for the lower Arroyo Hondo mutual domestic water consumers and mutual sewer works association in Taos county;

130. twenty-five thousand dollars (\$25,000) to plan, design and construct a water storage tank for the Ojo Caliente mutual domestic water consumers association in Taos county;

131. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip water system improvements for Red River in Taos county;

~~132. six thousand five hundred dollars (\$6,500) to plan, design and construct improvements to connect and expand water lines, sewer mains and backflow prevention equipment in the Talpa community center in Taos county;~~ *LINE ITEM VETO*

133. fifty thousand dollars (\$50,000) to plan, design, construct and equip the Kachina water distribution lines for Taos Ski Valley in Taos county;

134. twenty-five thousand dollars (\$25,000) to plan, design and construct water system improvements, including water line replacement, for the Penasco mutual domestic water consumers and mutual sewage works association in Taos county;

135. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, equip and furnish a public works building for Red River in Taos county;

136. two hundred thousand dollars (\$200,000) to purchase, equip and install fire hydrants in Taos Ski Valley in Taos county;

137. one hundred twenty thousand dollars (\$120,000) to plan, design, construct and equip water system improvements for Duran in Torrance county;

138. one hundred fifty thousand dollars (\$150,000) to plan, design and construct water system improvements, including an additional well and renovations to Willard well 1 and Willard well 2b, for Mountainair in Torrance county;

139. one hundred thousand dollars (\$100,000) to plan, design and construct flood mitigation improvements in Estancia in Torrance county;

140. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the wastewater collection system in Willard in Torrance county; and

141. five hundred thousand dollars (\$500,000) to plan, design and construct water and wastewater system improvements, including an infrastructure extension in an industrial park, in Clayton in Union county.

## **Chapter 53 Section 23 Laws 2022**

SECTION 23. STATE FAIR COMMISSION PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the state fair commission that the need exists for the issuance of the bonds, four million five hundred thousand dollars (\$4,500,000) is appropriated to the state fair commission to plan, design, construct, furnish and equip improvements to facilities and grounds at the New Mexico state fairgrounds in Albuquerque in Bernalillo county.

## **Chapter 53 Section 24 Laws 2022**

SECTION 24. DEPARTMENT OF FINANCE AND ADMINISTRATION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of finance and administration that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of finance and administration for the following purposes:

1. three hundred thirty thousand dollars (\$330,000) to plan, design, construct, equip and install surrender safety devices statewide;

2. nine million dollars (\$9,000,000) for the New Mexico mortgage finance authority to acquire, build and rehabilitate, including weatherization, affordable housing statewide, pursuant to the provisions of the New Mexico housing trust fund and the Affordable Housing Act; and

3. two million five hundred thousand dollars (\$2,500,000) to acquire property and to plan, design, construct, equip and furnish a youth behavioral health campus in southern New Mexico.

## **Chapter 53 Section 25 Laws 2022**

SECTION 25. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the homeland security and emergency management department that the need exists for the issuance of the bonds, two million two hundred thousand dollars (\$2,200,000) is appropriated to the homeland security and emergency management department to plan, design, construct, purchase and equip a warehouse storage building at the homeland security and emergency management department in Santa Fe in Santa Fe county.

## **Chapter 53 Section 26 Laws 2022**

SECTION 26. INDIAN AFFAIRS DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the Indian affairs department that the need exists for the issuance of the bonds, the following amounts are appropriated to the Indian affairs department for the following purposes:

1. three hundred fifty thousand dollars (\$350,000) to plan, design and construct upgrades to the solid waste transfer facility, including electrical lines and extension of utility lines, for the Pueblo of Isleta in Bernalillo county;
2. one million seven hundred twenty-one thousand dollars (\$1,721,000) to acquire land and to plan, design, construct, furnish and equip an opportunity center, including a makerspace with crafts production equipment, for the Indian Pueblo cultural center in Albuquerque in Bernalillo county;
3. two hundred thousand dollars (\$200,000) to plan, design and construct a north well and elevated tank in the Los Padillas area of the Pueblo of Isleta in Bernalillo county;
4. one hundred fifty thousand dollars (\$150,000) to plan, design and construct bathroom additions and renovations in the To'hajiilee chapter of the Navajo Nation in Bernalillo county;
5. six hundred sixty-six thousand five hundred dollars (\$666,500) to plan, design, construct and replace water lines for the Pueblo of Acoma in Cibola county;
6. one million five hundred thousand dollars (\$1,500,000) to design and construct improvements to wastewater collection and treatment systems for the Pueblo of Acoma in Cibola county;

7. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, renovate, equip and furnish the chapter house in the Ramah chapter in the Navajo Nation in Cibola county;

8. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate, furnish and equip the K'awaika library in the Pueblo of Laguna in Cibola county;

9. five hundred ninety thousand dollars (\$590,000) to plan, design, construct, furnish and equip a wastewater sanitary system for the Fort Sill Apache Tribe in Luna county;

10. one hundred fifty thousand dollars (\$150,000) to acquire rights of way, to conduct archaeological and environmental studies and to plan, design and construct a water line for the Baca/Prewitt chapter of the Navajo Nation in McKinley county;

11. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip, rehabilitate and repair earth tanks and windmills in the Becenti chapter of the Navajo Nation in McKinley county;

12. one hundred thousand dollars (\$100,000) to acquire rights of way for and to plan, design and construct site improvements to the community cemetery in the Casamero Lake and Little Water chapters of the Navajo Nation in McKinley county;

13. one hundred thousand dollars (\$100,000) to design and renovate the heating, ventilation and air conditioning system and to make accessibility and other safety upgrades and improvements to a building in the Crownpoint chapter of the Navajo Nation in McKinley county;

14. one hundred thousand dollars (\$100,000) to develop a land use master plan for the Crystal chapter of the Navajo Nation in McKinley and San Juan counties;

15. sixty thousand dollars (\$60,000) to plan, design and construct a multipurpose building for the Fort Defiance chapter of the Navajo Nation in McKinley county;

16. two hundred thousand dollars (\$200,000) to plan, design, construct and improve a bridge on Francisco Pond road in the Rock Springs chapter of the Navajo Nation in McKinley county;

17. two hundred fifty thousand dollars (\$250,000) to plan, design, renovate, furnish, improve and equip a modular building for veterans in the Manuelito chapter of the Navajo Nation in McKinley county;

18. one hundred thousand dollars (\$100,000) to plan, design and construct a heavy equipment and storage warehouse in the Ojo Encino chapter of the Navajo Nation in McKinley county;
19. one hundred thousand dollars (\$100,000) to plan, design, construct, improve, replace, install and equip septic tanks and leach fields for the Tohatchi chapter of the Navajo Nation in McKinley county;
20. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to power lines and house wiring in remote locations and for aging, at-risk or medically compromised community members in the Tse'ii'ahi' chapter of the Navajo Nation in McKinley county;
21. two hundred thousand dollars (\$200,000) to plan, design, purchase, install and construct a modular building in the Tse'Lichii chapter of the Navajo Nation in McKinley county;
22. one hundred thousand dollars (\$100,000) to plan, design, construct and equip improvements to the chapter house in the Baahaali chapter of the Navajo Nation in McKinley county;
23. one hundred thousand dollars (\$100,000) to plan, design, construct and equip improvements to the station in the Baahaali chapter of the Navajo Nation in McKinley county;
24. fifty thousand dollars (\$50,000) to plan, design, construct, renovate and equip bathroom additions in the Casamero Lake chapter of the Navajo Nation in McKinley county;
25. one hundred fifty thousand dollars (\$150,000) to plan, design and construct bathroom additions to homes on the current water line project in the Chichiltah chapter of the Navajo Nation in McKinley county;
26. one hundred thousand dollars (\$100,000) to plan, design and construct a power line extension in the Chichiltah chapter of the Navajo Nation in McKinley county;
27. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip bathroom additions in the Church Rock chapter of the Navajo Nation in McKinley county;
28. seventy-five thousand dollars (\$75,000) to plan, design, construct, furnish, equip and renovate the chapter house for the Church Rock chapter of the Navajo Nation in McKinley county;

29. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a new warehouse in the Church Rock chapter of the Navajo Nation in McKinley county;

30. one hundred thousand dollars (\$100,000) to plan, design, construct and renovate the 4-H and vendor areas and parking lot at the rodeo grounds in the Crownpoint chapter of the Navajo Nation in McKinley county;

31. seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate, furnish and equip the administration building of the Manuelito chapter of the Navajo Nation in McKinley county;

32. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct bathroom additions in the Nahodishgish chapter of the Navajo Nation in McKinley county;

33. two hundred thousand dollars (\$200,000) to plan, design and construct a multicomplex, including a senior center, head start youth center, library and multipurpose hall, in the Pinedale chapter of the Navajo Nation in McKinley county;

34. fifty thousand dollars (\$50,000) to plan, design and construct bathroom additions in the Smith Lake chapter of the Navajo Nation in McKinley county;

35. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip improvements to the Naazbah veterans' center in the Smith Lake chapter of the Navajo Nation in McKinley county;

36. two hundred thousand dollars (\$200,000) to plan, design, construct, furnish and equip a veterans' service center for the Thoreau chapter of the Navajo Nation in McKinley county;

37. nine hundred fifty thousand dollars (\$950,000) to plan, design and construct a public safety complex, including the demolition of an existing building, for the Tohatchi chapter of the Navajo Nation in McKinley county;

38. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip a new chapter house for the Tsayatoh chapter in the Navajo Nation in McKinley county;

39. two hundred thousand dollars (\$200,000) to plan, design and construct bathroom additions in the Tsayatoh chapter of the Navajo Nation in McKinley county;

40. six hundred twenty-five thousand dollars (\$625,000) to plan, design, construct, furnish and equip a sports complex for the Pueblo of Zuni in McKinley county;

41. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip a tribal administration building in the Pueblo of Zuni in McKinley county;
42. seven hundred thousand dollars (\$700,000) to plan, design, construct and equip an early childhood development center on the Pueblo of Sandia in Bernalillo and Sandoval counties;
43. fifty thousand dollars (\$50,000) to plan, design, construct and equip bathroom additions in the White Rock chapter of the Navajo Nation in San Juan county;
44. seventy-five thousand dollars (\$75,000) to plan, design and construct cistern systems in the White Rock chapter of the Navajo Nation in San Juan county;
45. one hundred one thousand dollars (\$101,000) to plan, design and construct a wastewater line extension to connect to the Navajo tribal utility authority wastewater system from the Ojo Encino chapter government complex in the Ojo Encino chapter of the Navajo Nation in Sandoval and McKinley counties;
46. three hundred seventy-eight thousand five hundred dollars (\$378,500) to plan, design and construct the Gallerito sanitation facility for the Mescalero Apache Tribe in Otero county;
47. seventy-eight thousand five hundred thirty dollars (\$78,530) to plan, design, construct, improve, renovate and repair the Silver Lake water tank for the Mescalero Apache Tribe in Otero county;
48. twenty thousand dollars (\$20,000) to plan, design, construct, install, equip and improve Ski Apache for the Mescalero Apache Tribe in Otero county;
49. seventy-one thousand eight hundred three dollars (\$71,803) to purchase and equip vehicles and equipment, including an ambulance cot, for the Jicarilla emergency medical services in the Jicarilla Apache Nation in Rio Arriba county;
50. one hundred sixty-eight thousand one hundred eighty dollars (\$168,180) to purchase and equip vehicles and equipment for the Jicarilla emergency medical services in the Jicarilla Apache Nation in Rio Arriba county;
51. one hundred thousand dollars (\$100,000) to plan, design, construct and equip an inventory mapping and staking system for the Jicarilla Apache Nation power authority in the Jicarilla Apache Nation in Rio Arriba county;
52. thirty-one thousand forty-four dollars (\$31,044) to purchase and equip security cameras for the supermarket in the Jicarilla Apache Nation in Dulce in Rio Arriba county;



53. twenty-nine thousand dollars (\$29,000) to plan, design, construct and equip water system improvements, including repairing windmills and water pumps for wells, in the Jicarilla Apache Nation in Rio Arriba county;
54. one hundred sixty-five thousand dollars (\$165,000) to plan, design, construct, furnish and equip a facility for the federal Workforce Innovation and Opportunity Act program in the Jicarilla Apache Nation in Rio Arriba county;
55. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip a tribal administration complex for the Pueblo of Santa Clara in Rio Arriba county;
56. eighty thousand four hundred dollars (\$80,400) to plan, design and construct water system improvements for the Pueblo of Santa Clara in Rio Arriba county;
57. ninety thousand dollars (\$90,000) to plan, design, construct and equip a pressurized underground irrigation system for the Gadii'ahi/To'koi chapter of the Navajo Nation in San Juan county;
58. seventy-five thousand dollars (\$75,000) to plan, design, construct and renovate the chapter house roof for the Newcomb chapter in the Navajo Nation in San Juan county;
59. one hundred thousand dollars (\$100,000) to purchase and equip farming equipment for the San Juan river Dineh water users in San Juan county;
60. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase and equip bathroom additions in the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county;
61. one hundred thousand dollars (\$100,000) to plan, design, construct, equip, repair and improve septic sewage tanks and leach lines for the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county;
62. one hundred thousand dollars (\$100,000) to plan, design and construct bathroom additions in the Teec Nos Pos chapter of the Navajo Nation in San Juan county;
63. one hundred seven thousand dollars (\$107,000) to plan, design and construct a helipad in the Beclabito chapter of the Navajo Nation in San Juan county;
64. one million dollars (\$1,000,000) to plan, design, construct, demolish, replace, renovate and equip building 32 at the Navajo preparatory school in Farmington in San Juan county;

65. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, equip and improve infrastructure at Navajo preparatory school in Farmington in San Juan county;

66. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip, purchase, install and upgrade security and network systems for Navajo preparatory school in Farmington in San Juan county;

67. one hundred thousand dollars (\$100,000) to plan, design, construct and furnish an administrative complex, including associated infrastructure, in the Gadii'ahi/To'koi chapter of the Navajo Nation in San Juan county;

68. seventy-five thousand dollars (\$75,000) to plan, design and construct a housing complex in the Gadii'ahi/To'Koi chapter of the Navajo Nation in San Juan county;

69. fifty thousand dollars (\$50,000) to plan, design, construct, furnish and equip a storage facility for the Lake Valley chapter of the Navajo Nation in San Juan county;

70. one hundred thousand dollars (\$100,000) to purchase and equip road equipment, including a grader and attachments, for the Lake Valley chapter of the Navajo Nation in San Juan county;

71. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a domestic water line in the Nageezi chapter of the Navajo Nation in San Juan county;

72. one hundred thousand dollars (\$100,000) to acquire easements and rights of way and to plan, design and construct scattered power lines in the Naschitti chapter of the Navajo Nation in San Juan county;

73. one hundred thousand dollars (\$100,000) to construct the south Shiprock fire and emergency medical technician command center in Shiprock in San Juan county;

74. fifty thousand dollars (\$50,000) to plan, design and construct a multipurpose veterans' center in the Shiprock chapter of the Navajo Nation in San Juan county;

75. seventy-five thousand dollars (\$75,000) to plan, design and construct a veterans' memorial park in the Toadlena/Two Grey Hills area of the Toadlena/Two Grey Hills chapter of the Navajo Nation in San Juan county;

76. two hundred three thousand dollars (\$203,000) to plan, design, construct, furnish and equip improvements to the Walter Collins center in the Upper Fruitland chapter of the Navajo Nation in San Juan county;

77. three hundred twenty-five thousand six hundred dollars (\$325,600) to construct little league baseball fields and recreational facilities in the Black Mesa View subdivision for the Pueblo of San Felipe in Sandoval county;

78. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct and equip a water storage tank in Tamaya in the Pueblo of Santa Ana in Sandoval county;

79. one hundred thousand dollars (\$100,000) to plan, design and construct an underground electrical grid system in the traditional village of Tamaya, also known as the Old Santa Ana Pueblo, in the Pueblo of Santa Ana in Sandoval county;

80. twenty thousand dollars (\$20,000) to plan, design, construct, furnish and equip a public safety, judicial and social services complex in the Pueblo of Santa Ana in Sandoval county;

81. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish the Torreon community library and family learning center in the Torreon-Star Lake chapter of the Navajo Nation in Sandoval county;

82. seventy-five thousand dollars (\$75,000) to purchase and equip emergency fire equipment for the Pueblo of Cochiti in Sandoval county;

83. one hundred four thousand seventeen dollars (\$104,017) to plan, design, construct, renovate and equip a children's learning center, including an additional facility, in the Pueblo of Cochiti in Sandoval county;

84. three hundred thousand dollars (\$300,000) to purchase and equip a bulldozer for the Pueblo of Jemez in Sandoval county;

85. two hundred sixty thousand dollars (\$260,000) to purchase and equip vehicles, including a roll-off dumpster truck, a backhoe loader and waste containers for the Pueblo of Jemez in Sandoval county;

86. three hundred seventy-five thousand dollars (\$375,000) to purchase and equip a motor grader for the Pueblo of Jemez in Sandoval county;

87. twenty-five thousand dollars (\$25,000) to purchase and install a printer plotter for the Pueblo of Jemez in Sandoval county;

88. one hundred forty thousand dollars (\$140,000) to purchase and equip a dump truck for the roads department of the Pueblo of Santo Domingo in Sandoval county;
89. one hundred thousand dollars (\$100,000) to plan, design and construct a community wastewater system for the Pueblo of Santo Domingo in Sandoval county;
90. one hundred thousand dollars (\$100,000) to plan, design and construct a childhood development center in the Pueblo of Zia in Sandoval county;
91. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and install internet access infrastructure, including broadband and educational and remote work equipment, for the Pueblo of Zia in Sandoval county;
92. one hundred thousand dollars (\$100,000) to design, construct, furnish and equip a utility building and system for the Pueblo of San Ildefonso in Santa Fe county;
93. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip a new administrative building [~~for the economic development corporation~~] in the Pueblo of Nambe in Santa Fe county; *LINE ITEM VETO*
94. forty-five thousand dollars (\$45,000) to plan, design, construct, improve, equip and furnish the boys and girls club facilities in the Pueblo of Pojoaque in Santa Fe county;
95. fifty thousand dollars (\$50,000) to plan, design, construct, furnish and equip an early childhood education center in the Pueblo of Pojoaque in Santa Fe county;
96. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, install and equip tribal facilities with information technology systems, including a fiber network, a wireless tower and critical equipment, for the Pueblo of Pojoaque in Santa Fe county;
97. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct, equip and furnish a public library in the Pueblo of Pojoaque in Santa Fe county;
98. fifty thousand dollars (\$50,000) to plan, design, furnish and equip the expansion of the tribal public works facility in the Pueblo of Pojoaque in Santa Fe county;
99. fifty thousand dollars (\$50,000) to plan, design, construct and equip a wastewater system facility for the Pueblo of Pojoaque in Santa Fe county;

100. one hundred forty-five thousand dollars (\$145,000) to purchase and equip earth-moving heavy equipment for the facilities department of the Pueblo of San Ildefonso in Santa Fe county;

101. two hundred thousand dollars (\$200,000) to plan, design, construct and equip a wellness center for the Pueblo of San Ildefonso in Santa Fe county;

102. three million dollars (\$3,000,000) to plan, design and reconstruct the Paolo Soleri amphitheater at the Santa Fe Indian school in Santa Fe in Santa Fe county;

103. eighty thousand dollars (\$80,000) to plan, design and construct a cultural preservation building in the Pueblo of Tesuque in Santa Fe county;

104. eighty thousand dollars (\$80,000) to plan, design and construct a multipurpose facility in the Pueblo of Tesuque in Santa Fe county;

105. five hundred twenty-five thousand one hundred dollars (\$525,100) to plan, design, construct, purchase and install a solar power system at the intergenerational center and administration building at the Pueblo of Tesuque in Santa Fe county; and

106. one hundred fifty thousand dollars (\$150,000) to plan, design, purchase and install information technology for the Alamo chapter in the Navajo Nation in Socorro county.

## **Chapter 53 Section 27 Laws 2022**

SECTION 27. DEPARTMENT OF INFORMATION TECHNOLOGY PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of information technology that the need exists for the issuance of the bonds, twenty-six million dollars (\$26,000,000) is appropriated to the department of information technology to plan, design, purchase, install and implement infrastructure to stabilize and modernize public safety radio communications systems statewide.

## **Chapter 53 Section 28 Laws 2022**

SECTION 28. INDIAN WATER RIGHTS SETTLEMENT FUND--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the office of the state engineer that the need exists for the issuance of the bonds, ten million six hundred thousand dollars (\$10,600,000) is appropriated to the Indian water rights settlement fund. Notwithstanding the requirement for a joint resolution of the legislature in Subsection A of Section 72-1-11 NMSA 1978, if a corresponding commitment has been made for the federal portion of the settlements in the *Aamodt* case, the money may be expended by the interstate stream commission in fiscal year 2023 and subsequent fiscal years to implement the state's portion of the settlement, and

any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert.

## **Chapter 53 Section 29 Laws 2022**

SECTION 29. INTERSTATE STREAM COMMISSION PROJECTS-- SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the interstate stream commission that the need exists for the issuance of the bonds, the following amounts are appropriated to the interstate stream commission for the following purposes:

1. ninety thousand dollars (\$90,000) to plan, design, construct and install improvements for Alamos de los Gallegos acequia association in the middle Rio Grande conservancy district in Bernalillo county;
2. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct improvements to a water system for the Cebolletita acequia association in Cibola county;
3. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, repair, furnish and equip ditch improvements, including infrastructure, pipes and headgates, for the San Mateo acequia association in Cibola county;
4. three hundred forty-five thousand dollars (\$345,000) to plan, design, purchase and construct acequia improvements, including replacing the ditch bank and installing a sluice gate at la Mina, for la acequia de Anton Chico in Guadalupe county;
5. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and furnish canal improvements to the New Mexico New Model community ditch association in Hidalgo county;
6. two hundred fifty thousand dollars (\$250,000) to plan, design, repair and construct improvements, including a concrete foundation, a dam, diversion channels and gates, to the San Patricio community ditch in San Patricio in Lincoln county;
7. twelve thousand five hundred dollars (\$12,500) to plan, design and construct improvements for the acequia de la Isla, including diversion of water to Morphy Lake dam, in Mora county;
8. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip improvements to the acequia de la Isla and Morphy lake, including monitoring wells and related equipment, in Mora county;
9. sixty thousand dollars (\$60,000) to acquire water from Los Alamos county for the member acequias of the Rio de Chama acequia association to offset long-term water shortages on the Rio Chama in Rio Arriba county;

10. sixty thousand dollars (\$60,000) to plan, design and construct infrastructure improvements and repairs to the acequia de Alcalde in Rio Arriba county;
11. thirty-seven thousand five hundred dollars (\$37,500) to plan, design, construct, renovate and equip the acequia de la Plaza of Servilleta Plaza in Rio Arriba county;
12. twenty thousand dollars (\$20,000) to plan, design, construct and install water measuring devices for the acequia de la Sierra in Rio Arriba county;
13. fifty thousand dollars (\$50,000) to plan, design, construct, improve and repair the acequia de las Canovas in Rio Arriba county;
14. twenty-five thousand dollars (\$25,000) to plan, design, construct and improve the acequia de los Duranes in Rio Arriba county;
15. fifteen thousand dollars (\$15,000) to plan, design and construct improvements to the acequia de Los Espinosas in Rio Arriba county;
16. thirty-five thousand dollars (\$35,000) to plan, design, construct and equip improvements for the acequia de los Salazares in Rio Arriba county;
17. fifteen thousand dollars (\$15,000) to purchase and install phase 4 improvements, including installing ditch lining and equipment, for the acequia de Ojo Sarco in Rio Arriba county;
18. twenty-five thousand dollars (\$25,000) to design, construct and install improvements for the acequia del Ancon in Lyden in Rio Arriba county;
19. twenty-five thousand dollars (\$25,000) to plan, design, construct and improve the acequia del Molino in Rio Arriba county;
20. fifty thousand dollars (\$50,000) for improvements to the acequia and to plan, design and construct a regional drinking water and wastewater system in the rural communities of Rinconada, Embudo, Dixon, Canoncito and Apodaca for the acequia del Rincon in Rio Arriba county;
21. thirty thousand dollars (\$30,000) to plan, design and construct improvements, including a diversion to the headgate, for La Madera ditch association in Rio Arriba county;
22. one hundred thousand dollars (\$100,000) to plan, design, construct, repair and improve the ditch, including diversion structures and ditch alignment, and to purchase equipment for the M-B ditch in Rio Arriba county;

23. thirty-five thousand dollars (\$35,000) to plan, design and construct improvements to the acequia del Distrito in Chimayo in Rio Arriba county;
24. sixty-eight thousand dollars (\$68,000) to replace the Jones canyon siphon system on the Hillside irrigation ditch in San Juan county;
25. seven hundred eighty-two thousand dollars (\$782,000) to plan, design and construct a permanent water supply diversion for the Turley Manzanares ditch on the San Juan river in San Juan county;
26. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, improve, repair and equip the acequia de la Agua Caliente in San Miguel county;
27. fifty thousand dollars (\$50,000) to plan, design, construct and install improvements for the acequia de los Vecinos de los Vallecitos west near Cow creek in San Miguel county;
28. one hundred forty-five thousand dollars (\$145,000) to plan, design, construct, furnish and equip acequia improvements for the acequia Madre de Las Vegas in San Miguel county;
29. fifty thousand dollars (\$50,000) to plan, design, construct, remove and replace pipelines, including infrastructure, for acequias de los Chupaderos in San Miguel county;
30. one hundred twenty thousand dollars (\$120,000) to plan, design and construct improvements for the Ancon del Gato acequia association in San Miguel county;
31. fifty thousand dollars (\$50,000) to plan, design, repair and construct acequia improvements for the east Pecos ditch association in San Miguel county;
32. one hundred thousand dollars (\$100,000) to plan, design and construct ditch improvements, including pipeline and sluice gates, for Los Trigos ditch association in San Miguel county;
33. ninety-five thousand dollars (\$95,000) to plan, design and construct improvements for the west Pecos acequia association in San Miguel county;
34. seventy thousand dollars (\$70,000) to plan, design, construct, improve and repair the acequia Madre del Cerrito in San Miguel county;
35. forty thousand dollars (\$40,000) to plan, design and construct improvements, including headgates, for El Pueblo community ditch below Ribera in San Miguel county;



36. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to La Fragua Puerticito y Saiz community ditch in Ribera in San Miguel county;
37. fifty thousand dollars (\$50,000) to plan, design, construct and install improvements to the acequia de los Pinos in Sandoval county;
38. six hundred thousand dollars (\$600,000) to plan, design and construct water system improvements and remediation for las acequias de Placitas water cooperative in Sandoval county;
39. one hundred eighty-five thousand dollars (\$185,000) to plan, design, construct and equip improvements for the Nacimiento community ditch association in Sandoval county;
40. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Ponderosa community ditch in Sandoval county;
41. one hundred thousand dollars (\$100,000) to plan, design, construct and equip improvements to the acequia de la Capilla in La Cienega in Santa Fe county;
42. fifteen thousand dollars (\$15,000) to plan, design, construct and install improvements for the acequia de los Herreras in Santa Fe county;
43. fifteen thousand dollars (\$15,000) to plan, design, construct and install improvements to the acequia de los Ortiz de Nambe, including a flume structure and an area velocity flow meter site, in Santa Fe county;
44. fifteen thousand dollars (\$15,000) to plan, design, construct and equip improvements for the acequia de los Trujillos in Santa Fe county;
45. fifteen thousand dollars (\$15,000) to plan, design and construct improvements to the acequia del Llano, including headgates, metal plates and screens for the consolidated ditch dividers and chain link fencing at the consolidated ditch sand trap, in Santa Fe county;
46. fifteen thousand dollars (\$15,000) to plan, design, construct and improve the acequia del Potrero in Santa Fe county;
47. fifteen thousand dollars (\$15,000) to plan, design, construct and install improvements to the acequia del Rancho in Santa Fe county;
48. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the acequia del Cano in Santa Fe county;

49. fifteen thousand dollars (\$15,000) to plan, design, construct and install improvements to the acequia de las Joyas in Santa Fe county;

50. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the acequia del Rincon in Pojoaque in Santa Fe county;

51. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including replacements of subsurface pipeline, headgate and facilities, for the acequia de Abajo la Loma in Taos county;

~~[52. six thousand dollars (\$6,000) to purchase an enclosure for an excavator for the acequia de Arriba in Taos county;]~~ *LINE ITEM VETO*

53. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the acequia de San Miguel in Taos county;

54. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the acequia del Monte del Rio Chiquito and the acequia Madre, including liners for the Talpa reservoir, in Taos county;

55. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the water systems of acequia Madre de Rio Costilla in Taos county;

56. forty-seven thousand eight hundred dollars (\$47,800) to plan, design, construct, replace and improve the ditch for the Des Montes ditch association in Taos county; and

57. one hundred thousand dollars (\$100,000) to plan, design, construct and equip acequia repairs and improvements for the Torreon acequia association in Torrance county.

## **Chapter 53 Section 30 Laws 2022**

SECTION 30. LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION PROJECTS--SEVERANCE TAX BONDS.-- Pursuant to the provisions of Section 1 of this act, upon certification by the local government division of the department of finance and administration that the need exists for the issuance of the bonds, the following amounts are appropriated to the local government division of the department of finance and administration for the following purposes:

1. three hundred fifty thousand dollars (\$350,000) to purchase and equip fire and rescue apparatus, including engines, ladders, rescue units and wildland rescue units, for Albuquerque in Bernalillo county;

2. two hundred twenty thousand dollars (\$220,000) to purchase equipment, including tractors and trailers, forklifts, forklift batteries, pallet jacks, electric pallet jacks and pallet racking, for emergency food storage and distribution for Albuquerque in Bernalillo county;
3. one hundred fifteen thousand dollars (\$115,000) to plan, design and construct improvements to the Rio Grande Triangle dog park in Albuquerque in Bernalillo county;
4. three hundred fifty thousand dollars (\$350,000) to acquire land and to plan, design and construct a public safety center on the southwest mesa of Albuquerque in Bernalillo county;
5. one hundred thousand dollars (\$100,000) to plan, design, renovate and improve a facility and to extend rail infrastructure for a museum at the Albuquerque rail yards in Bernalillo county;
6. five hundred fifty thousand dollars (\$550,000) to plan, design and construct improvements to the fields used by the Altamont little league in Bernalillo county;
7. three hundred thousand dollars (\$300,000) to purchase a building and to plan, design, construct and renovate a mental health and suicide prevention facility for immigrant and refugee families in Bernalillo county;
8. two hundred sixty thousand dollars (\$260,000) to plan, design, construct and equip improvements, including site furnishing, landscaping and hardscaping, for the therapeutic play and green space at a grief center for children in Bernalillo county;
9. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate and equip Dolores Huerta gateway park in Bernalillo county;
10. three hundred thousand dollars (\$300,000) to plan, design, construct, equip, furnish and improve facilities, including bleachers with shade structures, concrete common areas between fields and parking and entryway improvements, at baseball fields used by the East Mountain little league in Bernalillo county;
11. three hundred four thousand dollars (\$304,000) to acquire land for and to plan, design, construct, equip and furnish phase 3 and 4 improvements to the Edward G. Sandoval baseball fields used by the North Valley little league in Bernalillo county;
12. three hundred fifty thousand dollars (\$350,000) to demolish an existing building and to plan, design and construct a child development and family services facility in the south valley in Bernalillo county;

13. one hundred twenty thousand dollars (\$120,000) to plan, design, construct and equip building and site improvements, including the aquatics facility, horseshoe tournament area, park and picnic space, basketball court, parking lots, drainage, trails and walkways and landscaping, at Los Padillas community center in Bernalillo county;

14. fifty thousand dollars (\$50,000) to plan, design, purchase and construct a mobile exhibit for the New Mexico music, radio and international heavy metal museum in Bernalillo county;

15. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish an aquatics facility at the Raymond G. Sanchez community center in Bernalillo county;

16. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, furnish and equip fire station 36 in the north valley in Bernalillo county;

17. six hundred eighty thousand dollars (\$680,000) to plan, design, construct, install and equip improvements to the facilities and grounds used by the Paradise Hills little league, including a concrete entryway, playground, bleachers, shade structures, field and parking lighting, pavilion, landscaping and walking trails, in Bernalillo county;

18. three hundred twenty thousand dollars (\$320,000) to plan, design, construct, furnish and equip a recovery support center for behavioral and mental health and addiction treatment in Bernalillo county;

19. two hundred twenty-one thousand one hundred dollars (\$221,100) to plan, design, furnish, equip and construct a transitional and affordable housing project for sick and indigent individuals in association with and adjacent to construction of a recovery support center on Cardenas drive SE in Bernalillo county;

20. three hundred seventy thousand dollars (\$370,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including fencing, information technology, wiring and infrastructure, for the South Valley economic development center in Bernalillo county;

21. one hundred sixty thousand dollars (\$160,000) to plan, design, purchase, construct and install pallet shelters for the safe outdoor space pilot project in Bernalillo county;

22. nine hundred seventy-nine thousand dollars (\$979,000) to plan, design, construct, repair, demolish, renovate, equip and improve buildings, grounds and infrastructure, including fire, utility and security systems, landscaping, parking, fencing, pool equipment and internal site circulation, for a transitional living facility in Bernalillo county;

23. seventy-five thousand dollars (\$75,000) to plan, design, construct, improve and equip a regional training academy shooting range for the sheriff's office in Bernalillo county;

24. four hundred forty thousand dollars (\$440,000) to purchase and equip vehicles for the sheriff's office in Bernalillo county;

25. fifty thousand dollars (\$50,000) to plan, design, construct, purchase and equip improvements to facilities used by the South Valley little league, including fields and drainage, a pedestrian bridge, trails, sidewalks and parking lots, at Rio Bravo park in Bernalillo county;

26. one hundred seventy-five thousand dollars (\$175,000) to purchase, deliver, install and equip commercial equipment for a commissary kitchen for Bernalillo county food entrepreneurs for the street food institute in Bernalillo county;

27. ninety thousand dollars (\$90,000) to plan, design, construct, equip and furnish improvements, including fields and related infrastructure, to the Swede Scholer Mesa del Sol regional recreation complex in Bernalillo county;

28. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish site improvements, including a tournament-grade regional softball facility, for Tom Tenorio park in Bernalillo county;

29. one million two hundred twenty-two thousand dollars (\$1,222,000) to plan, design, construct, furnish, equip, install and renovate a building for a community services facility in Bernalillo county;

30. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, furnish and equip a fire department building for the Chilili land grant-merced in Bernalillo county;

31. three hundred fifty thousand dollars (\$350,000) to plan, design, construct and improve open space and to improve access and renovate the intersection of Alameda boulevard NW and Loretta drive in the middle Rio Grande conservancy district in Bernalillo county;

32. two hundred thousand dollars (\$200,000) to purchase, replace and equip emergency apparatus, emergency response vehicles, service vehicles and support vehicles, including fire engines, ladder trucks, ambulances, light rescue vehicles, wildland pumpers and brush trucks, in Albuquerque in Bernalillo county;

33. fifty thousand dollars (\$50,000) to plan, design, construct and renovate 4-H park to address Native American burial sites on the property, including educational signage, a memorial and landscaping, in Albuquerque in Bernalillo county;

34. one hundred thirty thousand dollars (\$130,000) to purchase and equip vehicles, furniture and equipment, including information technology, sanitation equipment and warehouse equipment, for an organization providing residential and adult daycare services and employment training and assistance for disadvantaged populations in Albuquerque in Bernalillo county;

35. four hundred fifty-five thousand dollars (\$455,000) to acquire land and rights of way and to plan, design, construct and improve affordable housing in Albuquerque in Bernalillo county;

36. one hundred seventy thousand dollars (\$170,000) to plan, design, construct, purchase, install, furnish and equip an African American museum and cultural center, including exhibits and information technology, equipment and infrastructure, in Albuquerque in Bernalillo county;

37. three hundred thousand dollars (\$300,000) to acquire property and to plan, design, construct, renovate and equip a facility, including offices, exhibits and archival space, for the African American museum and cultural center in Albuquerque in Bernalillo county;

38. twenty thousand dollars (\$20,000) to plan, design, construct, furnish and equip improvements to facilities, including security systems, lighting, restrooms, accessibility improvements, a plaza space and parking lots, at fields used by the Alameda little league in Albuquerque in Bernalillo county;

39. five hundred thirty-five thousand dollars (\$535,000) to purchase and equip vehicles and to purchase and install equipment and furnishings, including coronavirus-disease-2019-safe office furniture, playground equipment and information technology, including equipment and infrastructure, at a facility promoting the healing of children in Albuquerque in Bernalillo county;

40. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, rehabilitate and preserve Altura park, including an irrigation system, forestry, lighting, fencing and amenities, in Albuquerque in Bernalillo county;

41. five hundred five thousand seven hundred fifty-four dollars (\$505,754) to acquire land for and to plan, design and construct a community and resource center for the Asian and Pacific Islander community in Albuquerque in Bernalillo county;

42. forty thousand dollars (\$40,000) to plan, design, construct, equip and install lighting, safety equipment and infrastructure at Balloon Fiesta park in Albuquerque in Bernalillo county;

43. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, furnish and equip Balloon Fiesta park, including infrastructure, restrooms,

vendor row utilities and structures, pedestrian walkways, pilots' pavilion, stage repair, parking lot and accessibility improvements, in Albuquerque in Bernalillo county;

44. two hundred thirty thousand dollars (\$230,000) to plan, design, construct, purchase, improve, furnish, equip and install exhibits, including old exhibits, a balloon fiesta fiftieth anniversary exhibit and an outdoor youth exhibit, and to upgrade collections storage for the Abruzzo international balloon museum in Albuquerque in Bernalillo county;

45. two hundred thousand dollars (\$200,000) to plan, design, construct and improve Barelbas park in Albuquerque in Bernalillo county;

46. one hundred thousand dollars (\$100,000) to acquire property and to plan, design, construct, improve and equip a community services facility in the international district in Albuquerque in Bernalillo county;

47. fifty thousand dollars (\$50,000) to plan, design, demolish, construct, improve, equip and furnish bus stops in Albuquerque in Bernalillo county;

48. one hundred thirty thousand dollars (\$130,000) to acquire property and rights of way and to plan, design, construct and equip improvements to the Calle Cuarta affordable housing development in the north valley of Albuquerque in Bernalillo county;

49. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements identified in a federally approved resource management plan to restore native habitat and wetlands for wildlife conservation and open space purposes in the Candelaria nature preserve in Albuquerque in Bernalillo county;

50. one hundred thousand dollars (\$100,000) to plan, design, construct and improve, including conservation improvements and interpretive facilities, Carnuel Village archaeological sites in Albuquerque in Bernalillo county;

51. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design, construct, furnish and equip a multigenerational facility in the area of Cibola loop NW in Albuquerque in Bernalillo county;

52. one hundred ten thousand dollars (\$110,000) to plan, design and construct a park in the Clayton Heights neighborhood, including landscaping, walking trails, amenities and educational elements, in Albuquerque in Bernalillo county;

53. twenty-five thousand dollars (\$25,000) to plan, design and construct a memorial commemorating lives lost to the coronavirus disease 2019 pandemic in Albuquerque in Bernalillo county;

54. forty thousand dollars (\$40,000) to acquire land for and to plan, design, construct and otherwise improve the Crestview Bluff area and surrounding neighborhood, including a trail, in Albuquerque in Bernalillo county;

55. one million dollars (\$1,000,000) to plan, design, construct, purchase, equip and install splash pads in public parks [~~in city council district 4~~] in Albuquerque in Bernalillo county; *LINE ITEM VETO*

56. two hundred thousand dollars (\$200,000) to acquire property for and to plan, design, construct, renovate, expand and equip [~~district 3~~] parks in Albuquerque in Bernalillo county; *LINE ITEM VETO*

57. two hundred sixty thousand dollars (\$260,000) to plan, design and construct permanent bathrooms at facilities used by the Eastdale little league in Albuquerque in Bernalillo county;

58. twenty thousand dollars (\$20,000) to plan, design and construct lighting for fields used by the Eastdale little league in Albuquerque in Bernalillo county;

59. one hundred forty-five thousand dollars (\$145,000) to plan, design, construct, renovate and equip the Eisenhower swimming pool in Albuquerque in Bernalillo county;

60. three hundred forty-five thousand dollars (\$345,000) to plan, design, construct, renovate, equip and furnish an education and workforce development center for low-income Spanish speakers in Albuquerque in Bernalillo county;

61. twenty-five thousand dollars (\$25,000) to plan, design, construct, renovate, furnish and equip the Enlace Comunitario facility to provide culturally and linguistically specific services to Latinx and immigrant domestic violence survivors in Albuquerque in Bernalillo county;

62. one million three hundred seventy-five thousand dollars (\$1,375,000) to plan, design, construct and equip the remaining phases of Explora's cradle to career science, technology, engineering, art and mathematics learning campus, including the Brillante early learning center, and to plan, design, construct, purchase and equip exhibits, furnishings and information technology equipment for the Explora science center and children's museum in Albuquerque in Bernalillo county;

63. one hundred thousand dollars (\$100,000) to purchase and install equipment and to plan, design and construct related improvements for an incubator and training center for film, digital media, theater and studio arts workers in Albuquerque in Bernalillo county;



64. fifty thousand dollars (\$50,000) to plan, design, construct, repair, renovate, equip and improve Albuquerque fire rescue facilities, including station 11, in Albuquerque in Bernalillo county;

65. five hundred sixty-two thousand dollars (\$562,000) to purchase, replace and equip emergency apparatus, service vehicles and support vehicles, including fire engines, ladder trucks, ambulances, light rescue vehicles, hazardous materials response vehicles, heavy technical rescue equipment, wildland pumpers and brush trucks, in Albuquerque in Bernalillo county;

66. two hundred eighty-five thousand dollars (\$285,000) to plan, design, construct, install, furnish and equip a portable stage, including audio and lighting equipment and information technology, for the Flamenco Works dance school in Albuquerque in Bernalillo county;

67. fifty thousand dollars (\$50,000) to plan, design, construct and improve, including off-site parking, the Foothills open space education center and associated outdoor spaces in Albuquerque in Bernalillo county;

68. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and improve the Albuquerque foothills open space areas in Albuquerque in Bernalillo county;

69. four hundred twenty-one thousand seven hundred fifty-seven dollars (\$421,757) to acquire property and to plan, design, construct, improve, equip and furnish the Gibson health hub in Albuquerque in Bernalillo county;

70. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase and equip improvements, including lights, shade structures, turf and accessibility features, for fields used by the Lobo little league at Gilbert P. Sanchez park in Albuquerque in Bernalillo county;

71. twenty-five thousand dollars (\$25,000) to construct, repair and rehabilitate the Glenwood Hills park tennis courts in Albuquerque in Bernalillo county;

72. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct and replace the west parking lot at the Tony Hillerman public library, including curb and gutter, drive pads, drainage, sidewalks and lighting, in Albuquerque in Bernalillo county;

73. three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct, purchase, equip and install improvements to an indoor arena, including an artificial field and dasher setup, in Albuquerque in Bernalillo county;

74. twenty-five thousand dollars (\$25,000) to plan, design, construct, replace, expand and improve the Albuquerque traffic management system and intelligent traffic

system, including purchase and installation of related heavy equipment and information technology and equipment, in Albuquerque in Bernalillo county;

75. four hundred fifty thousand dollars (\$450,000) to develop, plan, design, construct and equip an international district library park in Albuquerque in Bernalillo county;

76. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, purchase, equip, install, furnish, improve and update Isotopes stadium in Albuquerque in Bernalillo county;

77. two hundred ten thousand dollars (\$210,000) to plan, design and construct improvements to the Jerry Cline tennis complex to host major regional tournaments in Albuquerque in Bernalillo county;

78. seventy-five thousand dollars (\$75,000) to plan, design and construct a community center, including a warming kitchen, a workout room and a basketball gym, in Albuquerque in Bernalillo county;

79. four hundred thousand dollars (\$400,000) to plan, design and construct phase three of Juan Tabo Hills park in Albuquerque in Bernalillo county;

80. twenty thousand dollars (\$20,000) to plan, design, construct, repair and restore a mural on the grounds of Kirtland park and Thomas Bell community center in Albuquerque in Bernalillo county;

81. one hundred eighty thousand dollars (\$180,000) to renovate, repair, upgrade and otherwise improve police department facilities in Albuquerque in Bernalillo county;

82. seventy thousand dollars (\$70,000) to plan, design and construct improvements to the facilities and fields used by the Lobo little league, including artificial turf, lighting, security, fencing and shade structures, in Albuquerque in Bernalillo county;

83. fifty thousand dollars (\$50,000) to plan, design and construct improvements to Los Altos golf course, including resurfacing cart paths, the addition of lights to the driving range, a deck addition to the clubhouse and expanding dining and event space, in Albuquerque in Bernalillo county;

84. seven hundred twenty-five thousand dollars (\$725,000) to plan, design, construct, renovate, rehabilitate, preserve, improve and equip Los Altos park, including irrigation systems, forestry, lighting, fencing and amenities, in Albuquerque in Bernalillo county;

85. two hundred eighty thousand dollars (\$280,000) to plan, design and construct improvements, including playground renovation, turf, lighting and landscaping, to Los Tomases park in Albuquerque in Bernalillo county;

86. ninety thousand dollars (\$90,000) to plan, design, construct and improve George J. Maloof memorial air park in Albuquerque in Bernalillo county;

87. nine hundred seventy thousand dollars (\$970,000) to plan, design, construct and improve the Manzano Mesa pickleball courts, including the addition of courts, restrooms and support buildings, in Albuquerque in Bernalillo county;

88. seventy-five thousand dollars (\$75,000) to plan, design, construct, improve and equip Marion L. Fox memorial park, including play areas, shade structures, site furnishings, courts and associated landscaping, in Albuquerque in Bernalillo county;

89. fifty thousand dollars (\$50,000) to plan, design, construct, improve and renovate Mariposa park, including ponds and other areas, in Albuquerque in Bernalillo county;

90. sixteen thousand dollars (\$16,000) to plan, design, construct and equip security improvements at Matheson park in Albuquerque in Bernalillo county;

91. seventy-five thousand dollars (\$75,000) to plan, design and construct building renovations for the city bike safety and teen center operated by the boys and girls club in Albuquerque in Bernalillo county;

92. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, improve and equip Mesa Verde park, including play areas, shade structures, site furnishings, courts and landscaping, in Albuquerque in Bernalillo county;

93. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip a mobile stage for Albuquerque in Bernalillo county;

94. nine hundred twenty-five thousand dollars (\$925,000) to plan, design, develop, construct, improve, rehabilitate, expand, furnish and equip Montgomery pool in Albuquerque in Bernalillo county;

95. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and replace playground equipment at Morningside park in Albuquerque in Bernalillo county;

96. seven hundred eighty thousand dollars (\$780,000) to rehabilitate, plan, design, renovate, construct and improve the Albuquerque museum, including the museum education center, educational spaces, offices, a parking lot, heating, ventilation and air conditioning systems, fire suppression systems, restrooms, a sculpture garden and the purchase and installation of equipment, in Albuquerque in Bernalillo county;

97. one hundred forty-five thousand dollars (\$145,000) to equip and furnish education and performance spaces, [~~including instruments,~~] sound and lighting, [~~costumes, indoor and outdoor tools,~~] storage and video computer technology for performance capture and archives, for the national institute of Flamenco arts and education in Albuquerque in Bernalillo county; *LINE ITEM VETO*

98. forty-five thousand dollars (\$45,000) to plan, design, construct and equip fencing for a shelter for homeless youth in Albuquerque in Bernalillo county;

99. thirty-five thousand dollars (\$35,000) to plan, design, construct and equip fencing for a drop-in center for youth experiencing homelessness at Copper avenue and Central avenue in Albuquerque in Bernalillo county;

100. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, improve and renovate the New Mexico veterans' memorial, including a veterans' service center, restrooms, memorials and an amphitheater, in Albuquerque in Bernalillo county;

101. three million nine hundred forty thousand dollars (\$3,940,000) to plan, design, construct, equip and improve the north Domingo Baca pool, including landscaping, parking and recreation furnishings, in Albuquerque in Bernalillo county;

102. twenty-five thousand dollars (\$25,000) to plan, design and construct a dog park in the north valley of Albuquerque in Bernalillo county;

103. two hundred thousand dollars (\$200,000) to plan, design, construct and purchase equipment for the northeast area command police station in Albuquerque in Bernalillo county;

104. one million one hundred fifty thousand dollars (\$1,150,000) to plan, design, construct and equip improvements to the community plaza at Coors and Unser boulevards as part of the Nuevo Atrisco phase 2 economic development plan in Albuquerque in Bernalillo county;

105. four hundred thousand dollars (\$400,000) to acquire land, easements and rights of way and to plan, design, construct, furnish and equip the PAH! Hiland plaza apartment complex, including specialized design elements and equipment, for the deaf, deaf/blind and hard-of-hearing communities in Albuquerque in Bernalillo county;

106. ten thousand dollars (\$10,000) to plan, design, demolish, construct, purchase, install and improve city parks, including drinking fountains, bathrooms, lighting, shade structures and signage, in Albuquerque in Bernalillo county;

107. twenty-six thousand six hundred sixty-five dollars (\$26,665) to plan, design, construct, purchase, furnish and equip improvements to the Paseo de las Montanas trail in Albuquerque in Bernalillo county;

108. seventy thousand dollars (\$70,000) to plan, design, construct, purchase and install playground equipment, including associated site work, at Petroglyph Estates park in Albuquerque in Bernalillo county;

109. fifty thousand dollars (\$50,000) to plan, design and construct improvements to fields used by the Petroglyph little league at Mariposa Basin park in Albuquerque in Bernalillo county;

~~[110. fifty thousand dollars (\$50,000) to plan, design, construct and improve the Poole open space property in Albuquerque in Bernalillo county;] LINE ITEM VETO~~

111. one million seven hundred sixty-six thousand dollars (\$1,766,000) to perform site preparation and to plan, design, construct, purchase, renovate, furnish and equip buildings and grounds, including fencing and infrastructure, for a performing visual arts and education center in Albuquerque in Bernalillo county;

112. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate and equip the special collections library, including roofs and heating, ventilation and air conditioning systems, in Albuquerque in Bernalillo county;

113. one hundred thousand dollars (\$100,000) to plan, design, construct, improve, purchase and install public safety facilities and equipment in Albuquerque in Bernalillo county;

114. one hundred ten thousand dollars (\$110,000) to expand and upgrade public safety equipment and technologies citywide, including communications systems, a crime laboratory, field evidence systems and shot spotter systems, in Albuquerque in Bernalillo county;

115. one hundred eighty-one thousand dollars (\$181,000) to purchase and equip public safety vehicles in Albuquerque in Bernalillo county;

116. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Puerto del Sol golf course, including an outdoor patio and dining space, in Albuquerque in Bernalillo county;

117. twenty thousand dollars (\$20,000) to plan, design, construct and equip outdoor recreation facilities, including a splash pad and bicycle recreation track, in Albuquerque in Bernalillo county;

118. one hundred thousand dollars (\$100,000) to purchase and equip a refrigerated truck to hold and distribute food to the homeless in Albuquerque in Bernalillo county;

119. three million dollars (\$3,000,000) to acquire easements and rights of way and to plan, design, construct, equip and furnish improvements to a public safety center in southeast Albuquerque in Bernalillo county;

120. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, equip and install improvements to route 66, including roadwork, signage, historic preservation and educational exhibits in preparation for the national route 66 centennial celebration, in Albuquerque in Bernalillo county;

121. one million nine thousand seven hundred forty-two dollars (\$1,009,742) to plan, design, construct, expand, furnish and equip improvements to a visitor center and multi-use trail along west Central avenue in Albuquerque in Bernalillo county;

122. two hundred thousand dollars (\$200,000) to plan, design, construct and improve community garden spaces in the Santa Barbara-Martineztown neighborhood, including irrigation, community gathering space, storage and landscaping, in Albuquerque in Bernalillo county;

123. two hundred thousand dollars (\$200,000) to plan, design, construct and renovate the plaza on the Sawmill community land trust in Albuquerque in Bernalillo county;

124. three hundred thousand dollars (\$300,000) to plan, design and construct street improvements, including arterial lighting, crosswalk striping, sidewalk accessibility compliance, intersection safety improvements, pedestrian and bicycle infrastructure and traffic calming devices, [~~throughout senate district 16~~] in Albuquerque in Bernalillo county; *LINE ITEM VETO*

125. fifty thousand dollars (\$50,000) to plan, design, construct, improve and replace arterial and residential street lighting in southeast Albuquerque in Bernalillo county;

126. one hundred thirty thousand dollars (\$130,000) to plan, design, construct, renovate, upgrade and expand Shooting Range park in Albuquerque in Bernalillo county;

127. two million two hundred thousand dollars (\$2,200,000) to plan, design, construct, equip, furnish, improve and upgrade Jack Candelaria community center and south San Jose park, including security technology upgrades, in Albuquerque in Bernalillo county;

128. fifty thousand dollars (\$50,000) to plan, design, purchase, construct, furnish and equip a southwest public safety center in Albuquerque in Bernalillo county;

129. one hundred ninety-six thousand dollars (\$196,000) to purchase, install and equip speed reduction technology for the Albuquerque police department in Albuquerque in Bernalillo county;

130. two hundred twenty-five thousand dollars (\$225,000) to acquire property and to plan, design, construct, rehabilitate and improve multi-unit housing for people experiencing homelessness in Albuquerque in Bernalillo county;

131. one hundred thousand dollars (\$100,000) to purchase land and to plan, design, construct, equip and improve open space in the Tijeras arroyo biological zone and cultural corridor in Albuquerque in Bernalillo county;

132. one hundred three thousand two hundred three dollars (\$103,203) to plan, design and construct water system improvements at the Albuquerque biopark's Tingley beach ponds and to plan, design, construct and equip additional public restrooms at Tingley beach in Albuquerque in Bernalillo county;

133. fifty thousand dollars (\$50,000) to plan, design, construct, improve, furnish and equip the USS Bullhead memorial park and dog park in Albuquerque in Bernalillo county;

134. fifty thousand dollars (\$50,000) to plan, design and construct improvements to Ventana Ranch park, including infrastructure and a tennis administrative office, in Albuquerque in Bernalillo county;

135. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, improve and equip Vista del Norte park in Albuquerque in Bernalillo county;

136. fifty thousand dollars (\$50,000) to plan, design, construct and improve the West Mesa aquatic center in Albuquerque in Bernalillo county;

137. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, purchase, furnish and equip improvements, including a clubhouse and concessions, at fields used by the West Mesa little league in Albuquerque in Bernalillo county;

138. five million two hundred sixty thousand dollars (\$5,260,000) to plan, design, construct, furnish and equip phase 3 improvements to the Westgate community center, including the purchase of equipment, information technology and related equipment and infrastructure, in Albuquerque in Bernalillo county;

139. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to a field used by the Westgate little league, including a concession and registration building, fencing and restrooms, in Albuquerque in Bernalillo county;

140. thirty thousand dollars (\$30,000) to plan, design, construct, renovate and expand the Westside animal shelter, including a veterinary clinic, kennels and related facilities, offices and public areas, in Albuquerque in Bernalillo county;

141. two hundred thousand dollars (\$200,000) to acquire land and to plan, design, construct, improve and equip an indoor recreation complex on the west side of Albuquerque in Bernalillo county;

142. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct pickleball courts on the west side of Albuquerque in Bernalillo county;

143. one hundred twenty thousand three hundred ninety-nine dollars (\$120,399) to acquire easements and rights of way and to purchase, renovate, install, equip and renovate a food storage and distribution warehouse and a truck for food distribution in Albuquerque in Bernalillo county;

144. five hundred eighty-five thousand dollars (\$585,000) to purchase, equip and renovate a facility to provide temporary housing for youth in transition in Albuquerque in Bernalillo county;

145. one hundred fifty thousand dollars (\$150,000) to purchase and install information technology, including related equipment, furniture and infrastructure, for an adult learning center in Bernalillo county;

146. two hundred twenty thousand dollars (\$220,000) to plan, design, construct, furnish and equip an annex, including a courtroom, a hearing room and office space, for the second judicial district court in Albuquerque in Bernalillo county;

147. four hundred sixty-four thousand two hundred four dollars (\$464,204) to plan, design and construct a facility that serves children and families experiencing homelessness in Albuquerque in Bernalillo county;

148. six hundred fifty thousand dollars (\$650,000) to acquire land for and to plan, design, construct, equip and furnish a sheriff's office substation in the northeast heights of Albuquerque in Bernalillo county;

149. six hundred twenty-three thousand six hundred forty-three dollars (\$623,643) to plan, design, construct, renovate, furnish and equip improvements to a youth service center facility in Albuquerque in Bernalillo county;

150. seventy-five thousand dollars (\$75,000) to plan, design and construct an outdoor classroom, including a demonstration kitchen and accessible restrooms, at the Larry P. Abraham agri-nature center in Los Ranchos de Albuquerque in Bernalillo county;



151. fifty thousand dollars (\$50,000) to plan, design, construct, renovate and repair a veterans' memorial in Tijeras in Bernalillo county;

152. one hundred fifty thousand dollars (\$150,000) to purchase and equip ambulances for Catron county;

153. forty thousand dollars (\$40,000) to purchase and equip speed monitoring trailers for automated public safety in Catron county;

154. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, furnish and equip the Catron county courthouse in Catron county;

155. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip improvements to the Quemado community and emergency operations center in Quemado in Catron county;

156. one million dollars (\$1,000,000) to plan, design, construct, expand, improve, equip and furnish fire department buildings and facilities in Reserve in Catron county;

157. seventy-five thousand dollars (\$75,000) to plan, design, construct, equip and landscape a fully accessible building and campus facilities for the health department in Chaves county;

158. two hundred fifty thousand dollars (\$250,000) to plan, design, purchase and construct replacement windows and to install replacements of the historic windows in the Chaves county courthouse in Roswell in Chaves county;

159. fifty thousand dollars (\$50,000) to plan, design, construct and renovate office space for the Pecos Valley regional communications center in Chaves county;

160. three hundred thousand dollars (\$300,000) to design, construct and replace a roof for an administrative building in Lake Arthur in Chaves county;

161. five million dollars (\$5,000,000) to plan, design and construct hangars and infrastructure improvements at the Roswell international air center in Chaves county;

162. five hundred thousand dollars (\$500,000) to plan, design, construct, furnish and equip an aircraft rescue and firefighting training facility at the Roswell international air center in Chaves county;

163. fifty-five thousand dollars (\$55,000) to purchase vehicles, including tractors and mowers, for Dexter in Chaves county;

164. one hundred forty-five thousand dollars (\$145,000) to plan, design, construct, improve and replace the plumbing, flooring, heating and air conditioning

systems, showers and interior and exterior finishes for swimming pool, bathhouse and concession facilities in Dexter in Chaves county;

165. four hundred fifty thousand dollars (\$450,000) to plan, design, construct and equip a splash pad, including plumbing, landscaping, fencing, benches, lighting, sidewalks and a parking lot, in Hagerman in Chaves county;

166. ninety-five thousand dollars (\$95,000) to plan, design, construct, renovate, furnish and equip the county complex building suite D, including conference and office space, carpeting, lighting, communications equipment and folding partition walls, in Roswell in Chaves county;

167. eight hundred fifty-three thousand five hundred dollars (\$853,500) to plan, design and construct an all-inclusive park, including the purchase and installation of accessible playground equipment, shade structures and outdoor furniture, in the Cielo Grande area in Roswell in Chaves county;

168. three hundred sixty-nine thousand dollars (\$369,000) to plan, design, construct, furnish and equip phase 1 of the internal modification and upgrades at the Roswell museum and art center in Roswell in Chaves county;

169. one hundred thousand dollars (\$100,000) to purchase and equip heavy equipment, including an enclosed mower, a street sweeper, a water truck and utility trucks, for Milan in Cibola county;

170. three million five hundred eighty-one thousand two hundred sixty-four dollars (\$3,581,264) to plan, design, construct, renovate, furnish and equip a public safety building, including landscaping, fencing and parking lot improvements, in Grants in Cibola county;

~~[171. three hundred thousand dollars (\$300,000) to plan, design, construct, improve and equip parks in Grants in Cibola county;~~

~~172. two hundred forty five thousand five hundred dollars (\$245,500) to plan, design, construct and equip improvements to the Grants recreation center in Grants in Cibola county;] LINE ITEM VETO~~

173. two hundred twenty thousand dollars (\$220,000) to plan, design, construct and equip a veteran, police and firefighter memorial in Grants in Cibola county;

174. fifty thousand dollars (\$50,000) to plan, design, construct and improve Kearns park, including outdoor lighting, in Milan in Cibola county;

~~[175. one million one hundred fifteen thousand dollars (\$1,115,000) to plan, design, construct, renovate and equip a swimming pool in Milan in Cibola county;] LINE ITEM VETO~~

176. eighty thousand dollars (\$80,000) to plan, design, construct, renovate and equip a playground at the Angel Fire community center in Angel Fire in Colfax county;

~~[177. eighty thousand dollars (\$80,000) to plan and design a feasibility study to evaluate and improve emergency medical services in rural Colfax county;]~~ *LINE ITEM VETO*

178. two hundred twenty-five thousand dollars (\$225,000) to purchase and equip vehicles for the sheriff's department in Colfax county;

179. one million one hundred thousand dollars (\$1,100,000) to plan, design, construct, equip and furnish the Kearny film production facility for Raton in Colfax county;

180. twenty thousand dollars (\$20,000) to plan, design, furnish, equip and construct a canine recreational facility in Cimarron in Colfax county;

181. twenty-five thousand dollars (\$25,000) to plan, design and construct a reception area at the Cimarron health care clinic for the south central Colfax county special hospital district in Colfax county;

182. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip a community center, including an emergency generator, in Eagle Nest in Colfax county;

183. forty-five thousand dollars (\$45,000) to plan, design, construct, renovate and equip the Colfax county event center in Raton in Colfax county;

184. twenty-five thousand dollars (\$25,000) to plan, design and construct a civic plaza on the former site of El Portal hotel in Raton in Colfax county;

185. fifteen million dollars (\$15,000,000) to plan, design, construct, furnish and equip the Colfax general long-term care and laboratory facility for the south central Colfax county special hospital district in Springer in Colfax county;

186. one hundred forty-five thousand dollars (\$145,000) to plan, design and construct improvements to the municipal cemetery in Springer in Colfax county;

187. one hundred seventy thousand dollars (\$170,000) to purchase and equip law enforcement vehicles for Springer in Colfax county;

188. four hundred thousand dollars (\$400,000) to plan, design, construct, renovate and equip the business enterprise center, including restrooms, a recording studio, a kitchen area and parking lots, in Clovis in Curry county;

189. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, furnish and equip a fire station for the Countyline volunteer fire department in Curry county;

190. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, furnish and equip a museum for historical antiques and memorabilia in Curry county;

191. three hundred seventy-five thousand dollars (\$375,000) to plan, design, construct and equip park improvements, including playgrounds, at O.G. Potter memorial park, Rierson park and Greene Acres park in Clovis in Curry county;

192. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, equip and install security improvements to the eastern plains council of governments office building in Clovis in Curry county;

193. eighty-one thousand dollars (\$81,000) to plan, design and construct restrooms and to purchase and install lighting at a park in Grady in Curry county;

194. five hundred thousand dollars (\$500,000) to purchase and equip heavy equipment, including a loader, for the road department in De Baca county;

195. three hundred thousand dollars (\$300,000) to plan, design, construct, improve, furnish and equip Bain municipal pool in Fort Sumner in De Baca county;

196. one hundred thousand dollars (\$100,000) to acquire property and buildings for and to plan, design, construct, renovate, improve, furnish and equip an administrative and central operations building for La Union watershed district in Dona Ana county;

197. eighty-five thousand dollars (\$85,000) to purchase and equip a tractor and attachments for La Union watershed district in Dona Ana county;

198. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate and equip the Dona Ana county fairgrounds in Dona Ana county;

199. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase, furnish and equip additions, including a new courtyard, for the third judicial district court in Dona Ana county;

200. four hundred thousand dollars (\$400,000) to plan, design, acquire, construct, furnish and equip a new fire station in the Anthony area of Dona Ana county;

201. five hundred thousand dollars (\$500,000) to plan, design, construct, purchase and install improvements to the De La O visitor's center in Dona Ana county;

202. one hundred eighty thousand dollars (\$180,000) to plan, design and construct a cross-country bicycle trail at and near Delores C. Wright memorial park in Dona Ana county;

203. one million seven hundred five thousand dollars (\$1,705,000) to acquire land for and to plan, design, construct and equip an administration facility for elections, including staff office space, public access areas and an enhanced security system, in Dona Ana county;

204. five hundred fifty thousand dollars (\$550,000) to plan, design, construct, equip and upgrade backup generators for lift stations in the south central, La Union and Chaparral service areas in Dona Ana county;

205. one hundred thousand dollars (\$100,000) to plan, purchase, furnish, equip and replace public safety handheld and mobile radio replacements for Dona Ana county;

206. two hundred thousand dollars (\$200,000) to purchase, equip and install mobile radio units for the sheriff's department in Dona Ana county;

207. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, install and equip a solar power system, including security cameras, for La Union mutual domestic sewer and water association in Dona Ana county;

208. two hundred thousand dollars (\$200,000) to plan, design, construct, furnish and equip a central operations facility, including a driveway, landscaping, walkways, site security, communications equipment and information technology, equipment and infrastructure, for the lower Rio Grande public water works authority in Dona Ana county;

209. one hundred thousand dollars (\$100,000) to purchase and equip vehicles, including a vacuum truck, for the lower Rio Grande public water works authority in Dona Ana county;

210. two hundred thousand dollars (\$200,000) to match federal funding to purchase, equip and replace buses for the south central regional transit district in Dona Ana county;

211. one million five hundred thousand dollars (\$1,500,000) to acquire land, easements, water rights and rights of way and to plan, design, construct, purchase, install, furnish and equip a multigenerational center in Anthony in Dona Ana county;

212. one hundred fifty thousand dollars (\$150,000) to purchase, install and equip vehicles and public safety equipment, including police radios and rifles, for the police department in Anthony in Dona Ana county;

213. two hundred thousand dollars (\$200,000) to plan, design, construct, improve and equip the Chamberino community baseball park for the Chamberino mutual domestic water consumers and sewer association in Dona Ana county;

214. three hundred thousand dollars (\$300,000) to plan, design, construct, furnish and equip phase 1 of a community complex for the Chamberino mutual domestic water consumers and sewer association in Dona Ana county;

215. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip improvements to the public health department building, including landscaping, doors, painting and heating, ventilation and air conditioning systems, in Chaparral in Dona Ana county;

216. three hundred thousand dollars (\$300,000) to plan, design, construct, furnish and equip phase 2 improvements at Delores C. Wright memorial park, including playgrounds, fields, exterior lighting and security upgrades, in Chaparral in Dona Ana county;

217. five hundred fifty thousand dollars (\$550,000) to plan, design, construct and equip splash pads, including landscaping, benches, fencing, lighting, sidewalks, parking lot and a gray-water septic tank with pump for irrigation, at Delores C. Wright memorial park in Chaparral in Dona Ana county;

218. thirty thousand dollars (\$30,000) to plan, design, construct and equip improvements to a sheriff's office, including exterior painting, door upgrades and landscaping, in Chaparral in Dona Ana county;

219. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip improvements to Delores C. Wright memorial park and ballpark, including lighting, playground structures and landscaping, in Chaparral in Dona Ana county;

220. fifty thousand dollars (\$50,000) to acquire land and to plan, design, construct, furnish and equip a fire station in Hatch in Dona Ana county;

221. seventy thousand dollars (\$70,000) to acquire land and to plan, design, construct, repair and equip a library, including shelving, painting and flooring, for Hatch in Dona Ana county;

222. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip a campground park in Hatch in Dona Ana county;

223. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip ball fields, including ground work, a press box, storage buildings and structures, in Hatch in Dona Ana county;

224. two hundred thousand dollars (\$200,000) to plan, design, construct, improve and equip a public health building, including a heating, ventilation and air conditioning system, in Las Cruces in Dona Ana county;

225. two hundred thousand dollars (\$200,000) to plan, design, construct, furnish, equip and install improvements to fire department stations in Las Cruces in Dona Ana county;

226. seven hundred sixty thousand dollars (\$760,000) to plan, design, construct, expand, furnish and equip a health facility at the Mesilla Valley community of hope building in Las Cruces in Dona Ana county;

227. two hundred twenty thousand dollars (\$220,000) to plan, design, construct, furnish and equip improvements to the juvenile citation program facility in Las Cruces in Dona Ana county;

228. one hundred sixty thousand dollars (\$160,000) to purchase, equip and install mobile data terminals and body cameras for the police department in Las Cruces in Dona Ana county;

229. fifty thousand dollars (\$50,000) to plan, design, construct, expand, renovate, furnish and equip, including interior finishing and parking lots, the police department building in Las Cruces in Dona Ana county;

230. three hundred thirty thousand dollars (\$330,000) to purchase and equip public safety vehicles and equipment for the fire and police departments in Las Cruces in Dona Ana county;

231. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, furnish, equip and install improvements to skate parks in Las Cruces in Dona Ana county;

232. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish, equip and install improvements, including parking areas, drainage and accessibility, at Veterans memorial park in Las Cruces in Dona Ana county;

233. forty thousand dollars (\$40,000) to purchase and equip vehicles for the administrative department in Mesilla in Dona Ana county;

234. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate and equip a public safety building in Mesilla in Dona Ana county;

~~[235. one million dollars (\$1,000,000) to acquire land and to plan, design, construct, renovate, furnish and equip municipal complexes, including plazas, a natatorium, recreation center, an amphitheater and a sports complex expansion, in Sunland Park in Dona Ana county;] LINE ITEM VETO~~

236. seven hundred fifty thousand dollars (\$750,000) to plan, design, purchase, install, furnish, equip and construct improvements, including heating, ventilation and air conditioning systems, to the Riverwalk recreation center in Carlsbad in Eddy county;

237. two hundred thirty thousand dollars (\$230,000) to upgrade information technology systems, including equipment and infrastructure, for the 911 center in Artesia and to purchase and equip an off-site backup system and monitoring hardware in Eddy county;

238. fifty-one thousand two hundred dollars (\$51,200) to purchase and equip a street sweeper for the public works department in Loving in Eddy county;

239. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, equip and install improvements to Bataan memorial park in Grant county;

240. five hundred thousand dollars (\$500,000) to plan, design, construct, equip and furnish a crisis intervention facility in Grant county;

241. three hundred forty thousand dollars (\$340,000) to purchase and equip vehicles for the sheriff's department in Grant county;

242. two hundred fifty thousand dollars (\$250,000) to purchase and equip a fire rescue truck for Bayard in Grant county;

~~[243. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and install improvements and to upgrade the furnishings at the Fort Bayard New Deal theater in Santa Clara in Grant county;]~~ *LINE ITEM VETO*

244. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, equip and furnish improvements to the Chino general office building in Hurley in Grant county;

245. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish a park and recreational area in Hurley in Grant county;

246. one hundred thousand dollars (\$100,000) to plan, design, construct, repair, equip and install improvements, including heating, ventilation and air conditioning systems, at the Fort Bayard New Deal theater in Santa Clara in Grant county;

247. four hundred thousand dollars (\$400,000) to purchase, equip and install medical equipment for the Gila regional medical center in Silver City in Grant county;

248. five hundred twenty-five thousand dollars (\$525,000) to plan, design, construct, replace, purchase and equip telecommunications equipment and related infrastructure for the Gila regional medical center in Silver City in Grant county;



249. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, renovate, improve, equip and furnish Gough park and a city hall annex, including the expansion of park grounds, recreation facilities and office space, in Silver City in Grant county;

250. one hundred thousand dollars (\$100,000) to plan, design, construct and equip improvements to the Memory Lane cemetery in Silver City in Grant county;

251. seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate, repair, improve and equip playgrounds and parks, including the purchase and installation of playground equipment, outdoor furniture and shade structures, in communities in the Anton Chico land grant-merced in Guadalupe county;

252. four hundred fifteen thousand dollars (\$415,000) to purchase and equip pursuit vehicles for the sheriff's department in Guadalupe county;

253. one hundred fifty-five thousand dollars (\$155,000) to purchase and equip vehicles and equipment for the road department in Guadalupe county;

254. three hundred seventy-five thousand dollars (\$375,000) to plan, design, demolish, construct, renovate, repair, equip and furnish the Anton Chico economic development center, including replacing and repairing plumbing, heating, ventilation and air conditioning systems and the purchase and installation of locks and security systems, for the Anton Chico land grant-merced in Anton Chico in Guadalupe county;

255. twenty thousand dollars (\$20,000) to plan, design, construct and renovate the county courthouse, including landscaping, in Mosquero in Harding county;

256. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip improvements to the Chris B. Cordova veterans' park memorial in Mosquero in Harding county;

257. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, furnish and equip a fire station for Mosquero in Harding county;

258. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, renovate and equip the Harding county fairgrounds in Roy in Harding county;

~~259. two thousand nine hundred dollars (\$2,900) to develop, plan, design, construct, purchase, equip and install seating and lighting for a veterans' park in Roy in Harding county;~~ *LINE ITEM VETO*

260. four hundred thousand dollars (\$400,000) to purchase and install ambulance equipment, including heart monitors and ambulance gurneys, in Hidalgo county;

261. one hundred fifty thousand dollars (\$150,000) to purchase and install cameras to improve security at the county detention center in Hidalgo county;

262. sixty thousand dollars (\$60,000) to purchase and install security equipment at the county courthouse in Lordsburg in Hidalgo county;

263. seventy-five thousand dollars (\$75,000) to purchase and equip police vehicles for Lordsburg in Hidalgo county;

264. one million one hundred forty-five thousand dollars (\$1,145,000) to plan, design, construct, equip and furnish an office building for the pandemic response team and community wellness team for the Nor-Lea hospital district in Lea county;

265. eight hundred fifty thousand dollars (\$850,000) to plan, design, construct, furnish and equip a rodeo arena in Eunice in Lea county;

266. five hundred thousand dollars (\$500,000) to plan, design, construct, equip, purchase and install improvements, including public safety and security equipment, in the police facility in Hobbs in Lea county;

267. one million dollars (\$1,000,000) to plan, design, construct, renovate, furnish and equip the Burke building to develop a city hall and multi-use community centers, including landscaping, sidewalks and parking lots, in Jal in Lea county;

268. nine hundred thousand dollars (\$900,000) to plan, design, construct, renovate, equip and furnish improvements to the historic courthouse in Lovington in Lea county;

269. one hundred five thousand dollars (\$105,000) to plan, design, construct and equip an addition to the water department office building in Lovington in Lea county;

270. four hundred twenty-three thousand dollars (\$423,000) to plan, design, construct, renovate, purchase, equip and install improvements to the historic downtown area in Lovington in Lea county;

271. one hundred thirty-one thousand five hundred dollars (\$131,500) to plan, design, construct, renovate, purchase and equip improvements at a camp facility, including agricultural and educational equipment, kitchen and laundry appliances and vehicles, for a recreational therapeutic program for veterans at Camp Sierra Blanca near Fort Stanton in Lincoln county;

272. forty-eight thousand dollars (\$48,000) to purchase and equip a potholer machine and equipment for Carrizozo in Lincoln county;

273. one hundred fifty thousand dollars (\$150,000) to purchase vehicles and equipment for the Corona public works department, including a backhoe and loader, in Corona in Lincoln county;

274. fifty thousand dollars (\$50,000) to plan, design, renovate, construct, reconstruct and purchase equipment for the Corona museum and historic Brown hotel in Corona in Lincoln county;

275. twenty-five thousand dollars (\$25,000) to plan, design, construct and renovate the village hall and multi-use building in Corona in Lincoln county;

276. five hundred thousand dollars (\$500,000) to plan, design, construct, furnish and equip a city hall, including accessibility features, city and mayoral offices, council chambers and conference facilities, in Ruidoso Downs in Lincoln county;

277. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct, repair and renovate the Hubbard museum of the American west in Ruidoso Downs in Lincoln county;

278. three million five hundred thousand dollars (\$3,500,000) to plan, design, construct, equip and renovate a building for a public safety and consolidated dispatch facility and to purchase equipment for the E911 addressing program system in Ruidoso in Lincoln county;

279. nine hundred eighty thousand dollars (\$980,000) to acquire land for and to plan, design, develop and construct workforce housing pursuant to the provisions of the federal Affordable Housing Act and local ordinance in Ruidoso in Lincoln county;

280. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, purchase and install improvements, including for accessibility compliance, to the county fairgrounds and rodeo arena in Capitan in Lincoln county;

281. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, upgrade, equip and furnish fiber-optic equipment, networks and infrastructure for the county buildings in Luna county;

282. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish and equip a district attorney's office for county court programs in Deming in Luna county;

283. two hundred fifty thousand dollars (\$250,000) to purchase and equip heavy road machinery for the county road department in Luna county;

284. two hundred thousand dollars (\$200,000) to purchase and equip a waste refuse transfer truck for Columbus in Luna county;

285. one million two hundred three thousand dollars (\$1,203,000) to plan, design, construct, renovate and equip a public safety facility for the police department adjacent to the fire station, including pandemic-safe areas, evidence storage, office and training space, for Deming in Luna county;

286. two million eighty-seven thousand dollars (\$2,087,000) to plan, design, construct, improve, renovate, equip and furnish the county emergency operation center in Deming in Luna county;

287. one hundred fifty thousand dollars (\$150,000) to acquire property and to plan, design, construct, furnish and equip an animal shelter in Gallup in McKinley county;

288. six hundred thousand dollars (\$600,000) to plan, design, construct and equip a coronavirus disease 2019 survivors' clinic for the Rehoboth McKinley Christian hospital in McKinley county;

289. three hundred eighty thousand dollars (\$380,000) to plan, design, construct and improve utilities and infrastructure for the county industrial park in McKinley county;

290. one hundred thousand dollars (\$100,000) to acquire land for and to plan, design and construct the northside trail system and outdoor mecca project in McKinley county;

291. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, improve, equip and furnish the building housing the Gallup cultural center in Gallup in McKinley county;

292. three hundred fifty thousand dollars (\$350,000) to plan, design and construct artificial turf fields at Ford Canyon park and the Gallup sports complex in Gallup in McKinley county;

293. ninety-five thousand dollars (\$95,000) to purchase and equip vehicles for the police department in Gallup in McKinley county;

294. two million thirty-five thousand dollars (\$2,035,000) to purchase land and buildings and to plan, design, construct, renovate, furnish and equip an addiction treatment facility in Gallup in McKinley county;

295. one million thirty-two thousand dollars (\$1,032,000) to plan, design, equip and construct an emergency shelter for victims and refugees of domestic violence in Gallup in McKinley county;

296. seventy-five thousand dollars (\$75,000) to plan, design, construct and improve the northwest New Mexico council of governments building in Gallup in McKinley county;

297. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip the Mora county complex, including site improvements, in Mora county;

298. thirty thousand dollars (\$30,000) to plan, design and construct a multipurpose cultural center in Mora county;

299. twenty thousand dollars (\$20,000) to purchase and equip two-way radios for the Rainsville volunteer fire department in Mora county;

300. forty-two thousand three hundred dollars (\$42,300) to purchase and equip vehicles for the sheriff's and emergency medical services departments in Mora county;

301. seventy thousand dollars (\$70,000) to plan, design, construct and improve a water system, including office space and equipment, for the Mora county water alliance in Mora county;

302. ninety-five thousand dollars (\$95,000) to plan, design, equip, furnish and construct improvements to municipal buildings in Wagon Mound in Mora county;

303. forty-five thousand dollars (\$45,000) to purchase and equip vehicles for Wagon Mound in Mora county;

304. three hundred twenty-five thousand dollars (\$325,000) to purchase, replace and equip electric buses for the north central regional transit district for public transit service in Rio Arriba, Los Alamos, Santa Fe and Taos counties;

305. eighty thousand dollars (\$80,000) to purchase and equip vehicles for the south central council of governments in Dona Ana, Sierra and Socorro counties;

306. three hundred thousand dollars (\$300,000) to plan, design and construct improvements at Alameda park zoo in Alamogordo in Otero county;

307. one million one hundred thousand dollars (\$1,100,000) to plan, design and construct an irrigation system for Desert Lakes golf course in Alamogordo in Otero county;

308. three hundred forty thousand dollars (\$340,000) to plan, design and construct a block wall and to replace perimeter fencing at Monte Vista cemetery in Alamogordo in Otero county;

309. three hundred fourteen thousand dollars (\$314,000) to purchase and equip vehicles and to purchase and install equipment for the police department in Alamogordo in Otero county;

310. one hundred twelve thousand dollars (\$112,000) to design, purchase, furnish and install a security system and a public address system in Otero county;

311. four hundred thousand dollars (\$400,000) to purchase and equip vehicles for the sheriff's department in Otero county;

312. one hundred sixty-five thousand dollars (\$165,000) to purchase and equip a backhoe front-end loader for the Timberon water and sanitation district in Otero county;

313. three hundred five thousand dollars (\$305,000) to purchase and equip heavy equipment and maintenance vehicles for the public works department in Cloudcroft in Otero county;

314. two hundred twenty-seven thousand dollars (\$227,000) to purchase and equip vehicles and maintenance equipment, including a backhoe and dump truck, for Tularosa in Otero county;

315. one hundred fifty thousand dollars (\$150,000) to plan, design, purchase and install communication, surveillance and tower equipment and to design and renovate the village hall and the police station in Tularosa in Otero county;

316. thirty-five thousand dollars (\$35,000) to purchase and equip canal maintenance equipment, including an excavator backhoe, for the Arch Hurley conservancy district in Quay county;

317. two hundred eighty thousand dollars (\$280,000) to purchase and equip an ambulance to provide emergency medical services to the Chama valley and other locations in northern Rio Arriba county;

318. two hundred seven thousand dollars (\$207,000) to plan, design, construct and equip the detention facility in Rio Arriba county;

319. fifty thousand dollars (\$50,000) to purchase and equip a wood chipper for the Dixon volunteer fire department in Rio Arriba county;

320. fifty-five thousand dollars (\$55,000) to plan, design and construct improvements, including fencing, gates and parking lot repaving, for the El Rito volunteer fire department in Rio Arriba county;

321. four hundred thousand dollars (\$400,000) to purchase, equip and install information technology and related furnishings and infrastructure for county facilities in Rio Arriba county;

322. two hundred twenty-five thousand dollars (\$225,000) to purchase, replace and equip public safety vehicles for Rio Arriba county and the Tierra Amarilla detention center in Rio Arriba county;

323. seventy-five thousand dollars (\$75,000) to purchase land for and to plan, design, construct and improve the Ojo Sarco volunteer fire department property, including a building addition, additional parking and space to install a backup generator, in Rio Arriba county;

324. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip a community recreation and athletic facility in Espanola in Rio Arriba county;

325. twenty-five thousand dollars (\$25,000) to plan, design, construct, improve, equip and furnish a community center, including offices, for the San Joaquin del Rio de Chama land grant-merced in Rio Arriba county;

326. thirty-five thousand dollars (\$35,000) to plan, design, construct, renovate and equip improvements to a storage room at the Santa Cruz irrigation district office building, including fire and environmental protection, for the preservation of historical water rights documents for the Santa Cruz irrigation district in Rio Arriba county;

327. twenty-five thousand dollars (\$25,000) to plan, design, purchase, construct, renovate, furnish and equip a multipurpose facility and infrastructure for the land grant-merced de los Pueblos de Tierra Amarilla in Rio Arriba county;

328. one hundred thousand dollars (\$100,000) to plan, design, equip, construct and expand facilities, including an addition, to improve the county fairgrounds at the rural events center in Abiquiu in Rio Arriba county;

329. three million one hundred twenty-five thousand dollars (\$3,125,000) to plan, design, construct and replace a fire station to meet international organization for standardization ratings for Espanola in Rio Arriba and Santa Fe counties;

330. four hundred thirty-eight thousand dollars (\$438,000) to replace and install roofing at the Mision y Convento visitor center in Espanola in Rio Arriba county;

331. three hundred twenty-five thousand dollars (\$325,000) to purchase and equip police vehicles, including related equipment, for the police department in Espanola in Rio Arriba county;

332. one hundred thousand dollars (\$100,000) to purchase and equip road equipment for the road department in Roosevelt county;

333. one hundred fifty thousand dollars (\$150,000) to purchase and equip vehicles for the sheriff's office in Roosevelt county;

334. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate and equip a sleep laboratory for the Roosevelt county special hospital district in Roosevelt county;

335. sixty thousand dollars (\$60,000) to plan, design, construct, improve and equip playgrounds at the main park in Elida in Roosevelt county;

336. one hundred fifty-nine thousand dollars (\$159,000) to plan, design, construct, purchase, furnish and install a security camera system in the downtown, park and trail systems and river walk areas in Farmington in San Juan county;

337. three million two hundred eighty thousand dollars (\$3,280,000) to purchase and equip a helicopter for the sheriff's office in San Juan county;

338. two hundred sixty-five thousand dollars (\$265,000) to purchase and equip medical gas systems, including a bulk oxygen plant, medical air and vacuum systems, for the San Juan regional medical center in San Juan county;

339. two hundred fifty-five thousand dollars (\$255,000) to purchase and install equipment for the parks department in Aztec in San Juan county;

340. one hundred fifty thousand dollars (\$150,000) to purchase and equip vehicles for the police department in Aztec in San Juan county;

341. one hundred sixty thousand dollars (\$160,000) to purchase and equip police vehicles for Bloomfield in San Juan county;

342. nine hundred twenty-five thousand dollars (\$925,000) to purchase and equip self-contained breathing apparatus for the Farmington fire department in Farmington in San Juan county;

343. six hundred thousand dollars (\$600,000) to plan, design, construct and equip a therapy pool at the Lions pool in Farmington in San Juan county;

344. four hundred thousand dollars (\$400,000) to acquire land and archaeological and environmental clearances for and to plan, design, construct, furnish and equip a soup kitchen and meal center in Farmington in San Juan county;

345. forty-five thousand dollars (\$45,000) to purchase and equip an off-road rescue and patient transport utility task vehicle for the fire department in Farmington in San Juan county;



346. five hundred twenty thousand dollars (\$520,000) to plan, design, construct, equip and install steam plant improvements, including a deaerator tank and pumps, boiler, condensate storage tanks, condensate lift stations, feed pumps and tube bundles, for the San Juan regional medical center in Farmington in San Juan county;

347. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate and equip the women's inpatient and childbirth unit, including room expansions and bathroom facilities improvements, at the San Juan regional medical center in Farmington in San Juan county;

348. fifty thousand dollars (\$50,000) to plan, design, construct, renovate and equip improvements to El Pueblo community center, including bathrooms, windows and the heating, ventilation and air conditioning system, in San Miguel county;

349. fifty thousand dollars (\$50,000) to plan, design, purchase and implement a geographic information system mapping system for Pecos in San Miguel county;

350. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase, equip and install broadband infrastructure in San Miguel county;

351. two hundred twenty thousand dollars (\$220,000) to plan, design, construct, furnish and equip a voting machine storage facility for the county clerk in San Miguel county;

352. one hundred thousand dollars (\$100,000) to purchase, equip and install a body scanner at the San Miguel county detention center in San Miguel county;

353. one hundred thousand dollars (\$100,000) to purchase and equip vehicles for the sheriff's department in San Miguel county;

354. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, replace, repair and restore the roof and pillars at the historic Carnegie public library in Las Vegas in San Miguel county;

355. sixty-five thousand dollars (\$65,000) to plan, design and construct improvements to Lincoln park in Las Vegas in San Miguel county;

356. ninety-three thousand dollars (\$93,000) to purchase and equip road maintenance equipment for Las Vegas in San Miguel county;

357. one million seven hundred twenty thousand dollars (\$1,720,000) to plan, design, construct, purchase, furnish and equip a regional crisis and treatment center in Las Vegas in San Miguel county;

358. two hundred thousand dollars (\$200,000) to plan, design, construct and equip a shooting range in Las Vegas in San Miguel county;

359. three hundred thousand dollars (\$300,000) to plan, design, construct and furnish an addition to the thirteenth judicial district court complex in Sandoval county;

360. seven hundred thirty-five thousand dollars (\$735,000) to acquire land for and to plan, design, construct, furnish and equip an animal shelter in Sandoval county;

361. two hundred thousand dollars (\$200,000) to purchase, furnish, equip and renovate a behavioral health facility in Sandoval county;

362. one hundred fifteen thousand dollars (\$115,000) to design and construct a fairground exhibit hall in Sandoval county;

363. five million six hundred sixty-seven thousand eight hundred fifty dollars (\$5,667,850) to plan, design, construct and furnish a public safety complex in Sandoval county;

364. three hundred thirty thousand seven hundred fifty dollars (\$330,750) to purchase and replace equipment, including body armor [~~and uniforms~~], for the sheriff's department in Sandoval county; *LINE ITEM VETO*

365. three hundred seven thousand dollars (\$307,000) to plan, design, construct, improve, purchase and equip communications systems for the public safety department in Sandoval county;

366. three hundred eighty-four thousand dollars (\$384,000) to purchase and equip body cameras for the sheriff's department in Sandoval county;

367. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase and equip administrative buildings with solar panels in Bernalillo in Sandoval county;

~~[368. fifty thousand dollars (\$50,000) to purchase and equip information technology improvements, including financial management systems and records management systems, for Bernalillo in Sandoval county;] *LINE ITEM VETO*~~

369. two hundred seventy-three thousand dollars (\$273,000) to purchase, install and replace flush valves with electronic flush valves in the county detention center in Bernalillo in Sandoval county;

370. seventy thousand dollars (\$70,000) to plan, design, construct and equip a multi-use town hall lawn area, including a bandstand, a children's hub, community picnic areas, sidewalk connections, electrical systems, a concrete foundation and roofing, in Cochiti Lake in Sandoval county;

371. seventy-four thousand four hundred dollars (\$74,400) to plan, design and construct a solar power system, including administrative offices, a library and a fire station, in Cochiti Lake in Sandoval county;

372. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a multi-use area at the Corrales interior drain in Corrales in Sandoval county;

373. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip a gravity sewer main and laterals in Corrales in Sandoval county;

374. two hundred seventy-seven thousand five hundred dollars (\$277,500) to purchase and equip vehicles and other police equipment, including ballistic vests, tasers and computers, for the police department in Corrales in Sandoval county;

375. ninety thousand dollars (\$90,000) to plan, design, construct and improve the municipal complex, including for accessibility compliance, in Cuba in Sandoval county;

376. one hundred fifty thousand dollars (\$150,000) to design, construct, furnish and equip administrative offices at the Jemez Springs community park in Jemez Springs in Sandoval county;

377. thirty-five thousand dollars (\$35,000) to purchase and equip public safety equipment for the police department in Jemez Springs in Sandoval county;

378. one hundred ten thousand dollars (\$110,000) to purchase and equip an ambulance for Rio Rancho in Sandoval county;

379. fifty-nine thousand dollars (\$59,000) to plan, design, construct, improve and equip an animal resource center in Rio Rancho in Sandoval county;

380. four hundred eighty-six thousand three hundred fifty dollars (\$486,350) to plan, design and construct phase 2 of Campus park in Rio Rancho in Sandoval county;

381. five hundred fifty thousand dollars (\$550,000) to purchase and equip fire engines for Rio Rancho in Sandoval county;

382. three hundred thousand dollars (\$300,000) to plan, design, construct and equip improvements to fire and rescue station number 1 in Rio Rancho in Sandoval county;

383. one hundred eighty-two thousand dollars (\$182,000) to plan, design and construct improvements, including for accessibility compliance, at parks in Rio Rancho in Sandoval county;

384. two hundred forty-two thousand dollars (\$242,000) to plan, design, construct, improve and equip the headquarters of the police department in Rio Rancho in Sandoval county;

385. eighty-one thousand dollars (\$81,000) to purchase and equip motorcycles for the police department in Rio Rancho in Sandoval county;

386. five hundred thousand dollars (\$500,000) to purchase and equip police vehicles for Rio Rancho in Sandoval county;

387. fifty thousand dollars (\$50,000) to plan, design and construct improvements at the Sabana Grande recreation center in Rio Rancho in Sandoval county;

388. five hundred eighty-two thousand dollars (\$582,000) to acquire easements and rights of way for and to plan, design and construct a trail system for Edgewood in Santa Fe county;

389. five hundred thousand dollars (\$500,000) to plan, design and construct a field workshop and garage for the Eldorado area water and sanitation district in Santa Fe county;

390. two hundred thousand dollars (\$200,000) to remediate and demolish existing facilities and to prepare a site for redevelopment of community facilities in Espanola in Santa Fe county;

391. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, purchase and install broadband infrastructure in Santa Fe county;

392. five hundred two thousand dollars (\$502,000) to acquire land for and to plan, design, construct, equip and furnish an addition to the Chimayo main fire station in Santa Fe county;

393. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase and equip shade structures for a community center park in the Galisteo area in Santa Fe county;

394. four hundred thousand dollars (\$400,000) to purchase and equip a vote-by-mail ballot sorting and scanning system for Santa Fe county;

395. fifty thousand dollars (\$50,000) to plan, design and construct a park, including gathering areas, shade structures, trails and the purchase and installation of playground equipment, in the area of the Carlson subdivision in Santa Fe county;

396. eight hundred thirty-five thousand dollars (\$835,000) to plan, design, construct, equip and furnish public housing site improvements in Santa Fe county;

397. three hundred fifty thousand dollars (\$350,000) to plan, design, construct and renovate the Santa Fe county youth development facility, including converting space for use as the county clerk elections warehouse and for secure long-term document storage and related equipment, in Santa Fe county;

398. one hundred twenty thousand dollars (\$120,000) to acquire, equip and improve equipment for a fire fleet and apparatus for the Santa Fe fire department in Santa Fe county;

399. fifty thousand dollars (\$50,000) to plan, design, construct, improve and equip a fire suppression system in Madrid in Santa Fe county;

400. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design and construct improvements, including lighting and sidewalks, along Harrison road from Cerrillos road to Agua Fria street in Santa Fe in Santa Fe county;

401. one hundred twenty-five thousand dollars (\$125,000) to purchase, furnish and equip the north central New Mexico economic development district offices, including furniture and information technology equipment, in Santa Fe in Santa Fe county;

402. two hundred fifty thousand dollars (\$250,000) to plan, design and construct a roof replacement and to purchase and install solar panels at the Esperanza shelter in Santa Fe in Santa Fe county;

403. one million five hundred fifty thousand dollars (\$1,550,000) to purchase land and buildings and to plan, design, construct, renovate, furnish and equip a Santa Fe recovery center facility in Santa Fe in Santa Fe county;

404. two hundred thousand dollars (\$200,000) to plan, design, construct, improve and equip a facility for a Santa Fe meals program serving homebound and special needs individuals in Santa Fe county;

405. one million one hundred thousand dollars (\$1,100,000) to plan, design, construct and improve infrastructure to support development of the midtown Santa Fe property in Santa Fe in Santa Fe county;

406. three hundred eighty thousand dollars (\$380,000) to plan, design, construct, furnish and equip phase 2 of the Southwest Activity Node park in Santa Fe in Santa Fe county;

407. three hundred thousand dollars (\$300,000) to acquire easements and rights of way and to plan, design and construct the Tierra Contenta trail from Buffalo Grass road to south Meadows road in Santa Fe in Santa Fe county;

408. one million seven hundred fifty thousand dollars (\$1,750,000) to plan, design, construct and equip a multipurpose events building, recreation vehicle park and perimeter fencing for the fairground in Sierra county;

409. three hundred thousand dollars (\$300,000) to purchase and equip road equipment and heavy equipment for the county road department in Sierra county;

410. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and improve a baseball complex for Arrey in Sierra county;

411. one hundred fifty thousand dollars (\$150,000) to plan, design and construct an off-highway vehicle recreation park for Elephant Butte in Sierra county;

412. two hundred thirteen thousand dollars (\$213,000) to construct and equip playground and park improvements in Ralph Edwards park in Truth or Consequences in Sierra county;

413. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, purchase, furnish, equip improvements to parks, including fencing, outdoor furniture, shade structures, landscaping and parking lots, in Williamsburg in Sierra county;

414. eighty thousand dollars (\$80,000) to design, remodel and repair rodeo grounds in Magdalena in Socorro county;

415. one hundred fifty thousand dollars (\$150,000) to plan, design, renovate and improve a children's science cafe facility in Magdalena in Socorro county;

416. four hundred thousand dollars (\$400,000) to purchase and install heating, ventilation and air conditioning systems in the Finley gymnasium complex in Socorro in Socorro county;

417. four million eight hundred forty-three thousand dollars (\$4,843,000) to provide urgent or emergency funding for infrastructure and equipment needs statewide;

418. fifty thousand dollars (\$50,000) to acquire land for and to plan, design, construct, purchase and install a storage facility for heavy equipment for the Don Fernando de Taos land grant-merced in Taos county;

419. one hundred thousand dollars (\$100,000) to purchase and equip heavy equipment, including a skid steer, a backhoe and a front-end loader, for the Don Fernando de Taos land grant-merced in Taos county;

420. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, renovate, furnish and equip an office building, including plumbing, electrical

systems, heating systems, security systems, doors and windows and an addition for accessibility compliance, for the El Prado water and sanitation district in Taos county;

421. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, furnish and equip the Talpa community center, including the heating, ventilation and air conditioning system, windows, wood floors and fencing, in Taos county;

422. two hundred fifty thousand dollars (\$250,000) to purchase and equip an ambulance for the Taos county emergency medical services department in Taos county;

423. fifty thousand dollars (\$50,000) to purchase and equip fire apparatus for multiple fire districts in Taos county;

424. one hundred ten thousand dollars (\$110,000) to purchase and equip patrol vehicles for the Taos county sheriff's department in Taos county;

425. twenty-nine thousand seven hundred dollars (\$29,700) to acquire land and to plan, design, construct, renovate, furnish and equip a community center for La Merced de Santa Barbara in Taos county;

426. three million dollars (\$3,000,000) to plan, design, construct and expand the Penasco community center in Penasco in Taos county;

427. one million five hundred fifty thousand dollars (\$1,550,000) to plan, design, construct, expand and improve a building within a business park in Questa in Taos county;

428. two hundred thousand dollars (\$200,000) to plan, design and construct improvements, including pavement, fencing and equipment, for a business park in Questa in Taos county;

429. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip vehicles and equipment for the public works department in Questa in Taos county;

430. one hundred fifty thousand dollars (\$150,000) to plan, design and construct an affordable housing project in Taos in Taos county;

431. two million one hundred sixty-eight thousand one hundred twenty dollars (\$2,168,120) to plan, design, construct, renovate, equip and furnish improvements to the historic county courthouse in Taos in Taos county;

432. one hundred ninety-five thousand dollars (\$195,000) to plan, design, construct and renovate a detoxification facility in Taos in Taos county;

433. two hundred thousand dollars (\$200,000) to purchase and equip vehicles for the police, fire, public works and facilities departments in Taos in Taos county;

434. one hundred thousand dollars (\$100,000) to acquire, renovate, equip and furnish common land and buildings within the patented boundaries of the La Merced del Manzano land grant-merced in Torrance county;

435. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, equip and furnish a community multipurpose center and park for the Town of Tajique land grant-merced in Torrance county;

436. three hundred eighty-two thousand two hundred thirty-six dollars (\$382,236) to purchase and equip emergency medical services vehicles for the county fire department in Torrance county;

437. two hundred sixty-eight thousand eight hundred dollars (\$268,800) to plan, design, construct, furnish and equip improvements to the county fairgrounds in Estancia in Torrance county;

438. two hundred twenty-five thousand dollars (\$225,000) to plan, design and construct a shop and fencing for the road department equipment in Torrance county;

439. two hundred thousand dollars (\$200,000) to purchase and equip road equipment, including a double steel vibratory roller and a loader, for the road department in Torrance county;

440. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct, improve, furnish and equip a community center and fire department for the Torreon land grant in Torrance county;

441. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish an administrative office building in Estancia in Torrance county;

442. two hundred thousand dollars (\$200,000) to plan, design, construct and equip an animal shelter in Moriarty in Torrance county;

443. two hundred thousand dollars (\$200,000) to plan, design, construct, furnish and equip a city hall facility for Moriarty in Torrance county;

444. five hundred thousand dollars (\$500,000) to plan, design, construct, renovate and equip a civic center and for paving for public facilities in Moriarty in Torrance county;

445. thirty thousand dollars (\$30,000) to plan, design, construct and renovate the public library in Mountainair in Torrance county;



446. five hundred thousand dollars (\$500,000) to plan, design, construct and replace a roof on the emergency medical services building in Clayton in Union county;

447. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the fairgrounds in Clayton in Union county;

448. eight hundred thousand dollars (\$800,000) to plan, design, construct, furnish, renovate and equip improvements to the Union county courthouse for a judicial and law enforcement complex in Clayton in Union county;

449. four hundred thousand dollars (\$400,000) to plan, design, construct, improve, renovate and upgrade a village hall in Des Moines in Union county;

450. three hundred twenty-five thousand dollars (\$325,000) to acquire common lands and buildings and to plan, design, construct, renovate, equip and furnish buildings and structures within the patented boundaries of the Town of Tome land grant-merced in Valencia county;

451. five hundred thousand dollars (\$500,000) to plan, design, construct, improve and equip an administration building, including accessibility compliance features, fire alarms, sprinklers, electricity, plumbing and heating, ventilation and air conditioning, in Valencia county;

452. four hundred thousand dollars (\$400,000) to purchase and install interoperable communications equipment for all public safety departments in Valencia county;

453. six hundred forty thousand dollars (\$640,000) to plan, design, purchase, install, equip, furnish and implement a security and camera system for the administration building, judicial complex, community centers and safety-sensitive buildings in Valencia county;

454. one hundred seventy-seven thousand dollars (\$177,000) to purchase and equip a maintenance vehicle and equipment for Belen in Valencia county;

455. ninety thousand dollars (\$90,000) to purchase and install in-car computers, docking stations and radios for the police department in Bosque Farms in Valencia county;

456. three hundred eighty thousand dollars (\$380,000) to purchase and equip vehicles for the police department in Bosque Farms in Valencia county;

457. three hundred twenty thousand dollars (\$320,000) to plan, design and construct improvements to River park in Los Lunas in Valencia county;

458. two hundred fifty thousand dollars (\$250,000) to acquire property and to plan, design, construct, furnish and equip improvements to administrative facilities in Peralta in Valencia county;

459. three hundred fifty thousand dollars (\$350,000) to plan, design, construct and equip a recreational park in Peralta in Valencia county;

460. three hundred thousand dollars (\$300,000) to purchase and equip vehicles and equipment, including a backhoe and a dump truck, for the public works department in Rio Communities in Valencia county;

461. three hundred ninety thousand dollars (\$390,000) to acquire land and to plan, design and construct projects identified in the Rio Communities parks and open spaces assessment plan for Rio Communities in Valencia county;

462. twenty-five thousand dollars (\$25,000) to plan, design and construct water wells for livestock, including related delivery systems, for the Anton Chico land grant-merced in Guadalupe and San Miguel counties; and

463. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip improvements to the playground of dreams park in Gallup in McKinley county.

## **Chapter 53 Section 31 Laws 2022**

SECTION 31. DEPARTMENT OF MILITARY AFFAIRS PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of military affairs that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of military affairs for the following purposes:

1. five million dollars (\$5,000,000) to plan, design, construct, repair and equip improvements, including energy efficient systems, and to correct infrastructure deficiencies at readiness centers statewide; and

2. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, repair and equip improvements at the EXPO New Mexico job challenge facilities in Albuquerque in Bernalillo county.

## **Chapter 53 Section 32 Laws 2022**

SECTION 32. OFFICE OF THE SECRETARY OF STATE PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the secretary of state that the need exists for the issuance of the bonds, fifty-five thousand two hundred fourteen dollars (\$55,214) is appropriated to the secretary of state to purchase, equip and install a vote-by-mail ballot sorting and

scanning system for the office of the office of the secretary of state in Santa Fe in Santa Fe county.

### **Chapter 53 Section 33 Laws 2022**

SECTION 33. SPACEPORT AUTHORITY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the spaceport authority that the need exists for the issuance of the bonds, the following amounts are appropriated to the spaceport authority for the following purposes:

1. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, install, furnish and equip infrastructure improvements to grounds and facilities at Spaceport America in Sierra county; and
2. two million dollars (\$2,000,000) to plan, design and construct a Spaceway taxiway, including improvements and upgrades associated with ancillary infrastructure, at Spaceport America in Sierra county.

### **Chapter 53 Section 34 Laws 2022**

SECTION 34. SUPREME COURT PROJECT--SEVERANCE TAX BONDS.-- Pursuant to the provisions of Section 1 of this act, upon certification by the supreme court that the need exists for the issuance of the bonds, one million three hundred forty-three thousand dollars (\$1,343,000) is appropriated to the supreme court to plan, design, replace, construct and install new equipment and lines associated with security, technology and sewer projects at the supreme court building in Santa Fe in Santa Fe county.

### **Chapter 53 Section 35 Laws 2022**

SECTION 35. TAXATION AND REVENUE DEPARTMENT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the taxation and revenue department that the need exists for the issuance of the bonds, sixty-five thousand dollars (\$65,000) is appropriated to the taxation and revenue department to purchase and install scanners for the taxation and revenue department in Santa Fe in Santa Fe county.

### **Chapter 53 Section 36 Laws 2022**

SECTION 36. DEPARTMENT OF TRANSPORTATION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of transportation that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of transportation for the following purposes:

1. five hundred forty-eight thousand dollars (\$548,000) to plan, design, furnish, equip and construct improvements, including landscaping and lighting, to the intersection of 12th Street and Sawmill Road in Bernalillo county;
2. one hundred thousand dollars (\$100,000) to plan, design, construct and improve Atrisco drive, including drainage, curb and gutter and sidewalks, in Bernalillo county;
3. two hundred five thousand seven hundred eighty-five dollars (\$205,785) to acquire rights of way for and to plan, design and construct the realignment of Atrisco Vista boulevard, from Double Eagle airport to paseo del Norte boulevard NW, including the intersection of Atrisco Vista boulevard and paseo del Norte boulevard NW, [~~in county commission districts 1 and 4~~] in Bernalillo county; *LINE ITEM VETO*
4. two hundred seventy-five thousand dollars (\$275,000) to plan, design and construct drainage and road improvements for Barcelona road and side streets from the Armijo drain to the Isleta drain in Bernalillo county;
5. five hundred fifty thousand dollars (\$550,000) to plan, design, construct and equip sanitary sewer, storm drainage and required road infrastructure for an affordable housing project at 98th street and Gibson boulevard SW in Bernalillo county;
6. three hundred seventy-five thousand dollars (\$375,000) to plan, design, construct and improve county roads [~~in county commission district 2~~] in Bernalillo county; *LINE ITEM VETO*
7. twenty-five thousand dollars (\$25,000) to plan, design, construct and improve county roads [~~in county commission district 4~~] in Bernalillo county; *LINE ITEM VETO*
8. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design, construct and improve county roads, including shoulder expansions, [~~in county commission district 5~~] in Bernalillo county; *LINE ITEM VETO*
9. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and improve roads and drainage for an industrial park and transload facility in Bernalillo county;
10. eighty-six thousand dollars (\$86,000) to plan, design, construct and install traffic calming devices for roads [~~in county commission district 2~~] in Bernalillo county; *LINE ITEM VETO*
11. fifty thousand dollars (\$50,000) to purchase land and to plan, design, construct, install, equip, deliver and purchase equipment for the sheriff's department air support facility in Bernalillo county;

12. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, replace, purchase, equip and install traffic signals for roads [~~in county commission districts 1, 2, 4 and 5~~] in Bernalillo county; *LINE ITEM VETO*
13. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design and construct phase 2 for Bridge boulevard in Bernalillo county;
14. six hundred fifty thousand dollars (\$650,000) to plan, design and construct improvements to Rio Bravo and Dennis Chavez boulevards SW, including the intersection with Condershire road, [~~in county commission district 2~~] in Bernalillo county; *LINE ITEM VETO*
15. one hundred ninety-five thousand dollars (\$195,000) to acquire rights of way and to plan, design, construct, replace and improve the road and storm drainage along Gatewood avenue SW from Bridge boulevard to the intersection with Five Points road in the Atrisco community and for other road projects [~~in house district 14~~] in Bernalillo county; *LINE ITEM VETO*
16. one hundred ninety-five thousand dollars (\$195,000) to acquire rights of way and to plan, design, construct, replace and improve the road and storm drainage along Gonzales road SW from Atrisco drive to Sunset road in the Atrisco community and for other road projects [~~in house district 14~~] in Bernalillo county; *LINE ITEM VETO*
17. seven hundred ninety thousand dollars (\$790,000) to plan, design, construct and rehabilitate Isleta boulevard SW from Malpais road to Luchetti road [~~in county commission district 2~~] in Bernalillo county; *LINE ITEM VETO*
18. twenty thousand dollars (\$20,000) to purchase, install and equip traffic control devices for the middle Rio Grande conservancy district in Bernalillo county;
19. one hundred thousand dollars (\$100,000) to plan, design and construct road improvements to highway 45, from Central avenue southwest to Gun Club road southwest, and to 118th street southwest in Bernalillo county;
20. two hundred five thousand dollars (\$205,000) to acquire rights of way and to plan, design, construct, replace and improve the road and storm drainage along Riverside drive SW between Nashville avenue and La Vega drive in the Atrisco community and for other road projects [~~in house district 14~~] in Bernalillo county; *LINE ITEM VETO*
21. two hundred thousand dollars (\$200,000) to acquire rights of way and to plan, design, construct, replace and improve the road and storm drainage along San Ygnacio road SW from Pear drive to Goff boulevard and Tapia boulevard SW from San Ygnacio road to Goff boulevard in the Atrisco community and for other road projects [~~in house district 14~~] in Bernalillo county; *LINE ITEM VETO*

22. two hundred forty-three thousand dollars (\$243,000) to acquire rights of way and to plan, design, construct, replace and improve the road and storm drainage along Sunset road SW from Gonzales road to Neetsie drive in the Atrisco community and for other road projects [~~in house district 14~~] in Bernalillo county; *LINE ITEM VETO*

23. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements on Tramway boulevard, including landscaping and the adjoining Tramway recreational trail, in Albuquerque in Bernalillo county;

24. twenty-five thousand dollars (\$25,000) to plan, design and construct street improvements, including Academy road and Wyoming boulevard NE, to plan, design, construct and repair bridges and major intersections and to purchase related equipment and service vehicles in Albuquerque in Bernalillo county;

25. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and install street lights [~~for city council district 3~~] in Albuquerque in Bernalillo county; *LINE ITEM VETO*

26. two hundred thousand dollars (\$200,000) to plan, design, construct and improve streets, medians and sidewalks [~~in city council district 9~~] in Albuquerque in Bernalillo county; *LINE ITEM VETO*

27. sixty-five thousand dollars (\$65,000) to acquire land and rights of way and to plan, design, demolish, construct and equip lighting in neighborhood intersections in Albuquerque in Bernalillo county;

28. ten million six hundred five thousand dollars (\$10,605,000) to acquire land and rights of way and to plan, design, construct, demolish, improve, expand and equip streets and pedestrian and vehicular routes in the Sawmill and Old Town areas in Albuquerque in Bernalillo county;

29. fifty thousand dollars (\$50,000) to acquire rights of way and to plan, design and construct improvements for accessibility and code compliance at intersections in southeast Albuquerque in Bernalillo county;

30. one hundred thousand dollars (\$100,000) to plan, design, furnish, equip and construct improvements, including landscaping and lighting, to Avenida Cesar Chavez and Dolores Huerta streets in Albuquerque in Bernalillo county;

31. three hundred ninety thousand dollars (\$390,000) to plan, design, construct, purchase and install improvements, including pedestrian safety, traffic calming, streetscape, lighting and signage, on Fourth street SW between Coal avenue and Barelmas road in Albuquerque in Bernalillo county;

32. three hundred twenty-five thousand dollars (\$325,000) to acquire property, easements and rights of way and to plan, design, construct, furnish and equip road and

pedestrian improvements, including landscaping, medians, multi-use paths and a protected signalized pedestrian crossing, on Broadway boulevard NE between Lomas boulevard and Dr. Martin Luther King Jr. avenue in Albuquerque in Bernalillo county;

33. thirty-five thousand dollars (\$35,000) to acquire rights of way and to plan, design and construct road and storm drainage improvements in the area near Browning road NE from Palomas avenue to Pino avenue in Albuquerque in Bernalillo county;

34. seventy-five thousand dollars (\$75,000) to plan, design and construct safety and pedestrian improvements, including sidewalks and street lighting, on Coors boulevard NW between Central avenue NW and Gun Club road NW in Albuquerque in Bernalillo county;

35. ninety thousand dollars (\$90,000) to plan, design, construct, furnish and landscape road, lighting and mutli-modal street improvements on Girard boulevard between Indian School road and Hannett avenue in Albuquerque in Bernalillo county;

36. three hundred thousand dollars (\$300,000) to plan, design and construct improvements for road functionality and safety on Lead avenue SE and Coal avenue SE in Albuquerque in Bernalillo county;

37. two hundred thousand dollars (\$200,000) to acquire land for and to plan, design, construct and improve McMahan boulevard NW from Kayenta boulevard NW to Rockcliff drive NW, including four lanes, sidewalks and street lighting, in Albuquerque in Bernalillo county;

38. one hundred thousand dollars (\$100,000) to plan, design and construct a road from the Mesa del Sol interchange to the Mesa del Sol town center in Albuquerque in Bernalillo county;

39. thirty-nine thousand seven hundred sixty-nine dollars (\$39,769) to plan, design and landscape medians on Montano road NW from Taylor Ranch road NW to Unser boulevard NW in Albuquerque in Bernalillo county;

40. twenty-five thousand dollars (\$25,000) to plan, design, construct, install and implement traffic calming and pedestrian safety improvements on Odelia road NE between Broadway boulevard and University boulevard, including road striping, in Albuquerque in Bernalillo county;

~~[41. fifty thousand dollars (\$50,000) to plan, design and construct improvements to Ouray road NW in Albuquerque in Bernalillo county;]~~ *LINE ITEM VETO*

42. one million four hundred twenty thousand dollars (\$1,420,000) to acquire rights of way and to plan, design, construct, landscape and improve roads, including Unser boulevard and paseo del Norte, in Albuquerque in Bernalillo county;

43. seven hundred thousand dollars (\$700,000) to plan, design, construct and upgrade landscaping on Tramway road from interstate highway 40 to Manitoba avenue in Albuquerque in Bernalillo county;

44. four hundred thousand dollars (\$400,000) to plan, design and construct phase 2 of the Fourth street revitalization project from Pueblo Solano road to Ortega road, including traffic lane reduction and pedestrian, drainage, lighting and landscaping improvements, for Los Ranchos de Albuquerque in Bernalillo county;

45. seventy-three thousand two hundred dollars (\$73,200) to plan, design and construct road improvements, including Pine View road, in Tijeras in Bernalillo county;

46. five hundred forty thousand dollars (\$540,000) to plan, design, construct and rehabilitate Washington avenue from 2nd street to 8th street and from Alameda street to 2nd street in Roswell in Chaves county;

47. five hundred thousand dollars (\$500,000) to design, demolish, repair and construct a bridge and crossing structure on west Brasher road in Chaves county;

48. one hundred seventy-two thousand five hundred dollars (\$172,500) to plan, design and construct improvements to streets in Dexter in Chaves county;

49. three hundred sixty thousand dollars (\$360,000) to plan, design, construct and improve streets in Roswell in Chaves county;

~~[50. one hundred thousand dollars (\$100,000) to plan, design and construct bridge and road improvements to county road 5, also known as Moquino road, in Seboyeta in Cibola county;]~~ *LINE ITEM VETO*

51. four hundred eighty thousand dollars (\$480,000) to plan, design and construct improvements to county roads 10 and 6 in Curry county;

52. one million four hundred seventy-five thousand dollars (\$1,475,000) to acquire land, easements and rights of way for and to plan, design, construct and equip drainage improvements throughout the Dona Ana area in Dona Ana county;

53. four hundred ninety thousand dollars (\$490,000) to acquire easements and rights of way and to plan, design, equip and construct drainage improvements in La Union in Dona Ana county;

54. four hundred thousand dollars (\$400,000) to plan, survey, design and reconstruct El Camino Real road in Dona Ana county;

55. four hundred ninety thousand dollars (\$490,000) to acquire easements and rights of way and to plan, design, construct and install improvements, including



road, drainage and utility improvements, on Tres Caballos road in the Mesquite area of Dona Ana county;

56. one hundred thousand dollars (\$100,000) to plan, design and construct road improvements, including utilities and flood control infrastructure, in the east Mesa area of Las Cruces in Dona Ana county;

57. five hundred thousand dollars (\$500,000) to acquire land and rights of way for and to plan, design, construct, renovate, purchase, furnish, equip and install infrastructure improvements to the Las Cruces international airport in Las Cruces in Dona Ana county;

58. six hundred fifty thousand dollars (\$650,000) to plan, design, construct, equip and install improvements at the intersection of north Telshor boulevard and Spruce avenue in Las Cruces in Dona Ana county;

59. one million seven hundred fifty-six thousand one hundred fifty dollars (\$1,756,150) to acquire land for and to plan, design and construct phases 2 and 3 of the southeast loop bypass road around Carlsbad in Eddy county;

60. one million four hundred thousand dollars (\$1,400,000) to plan, design, replace and construct a wastewater system, including the sewer main and road repair and restoration, on Joe Harvey boulevard, from Central drive to north Grimes street, and on north Grimes street, from Joe Harvey boulevard to west Millen drive, in Hobbs in Lea county;

61. two hundred thousand dollars (\$200,000) to plan, design and construct street improvements in Tatum in Lea county;

62. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct and improve county road 1, including an extension and bridge replacement, in McKinley county;

63. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and repair McKinley county road 5, also known as Manuelito Canyon road, from bureau of Indian affairs route 7140 to past the Manuelito Canyon bridge for the Manuelito chapter in McKinley county;

64. two hundred thousand dollars (\$200,000) to plan, design, construct and improve roads in the Iyanbito chapter of the Navajo Nation in McKinley county;

65. one hundred forty thousand dollars (\$140,000) to plan, design, construct, improve, repair and replace bridges in McKinley county;

66. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip the roadway lighting project at the junction of Navajo route 30 and United

States highway 491 in the Mexican Springs chapter of the Navajo Nation in McKinley county;

67. one hundred thousand dollars (\$100,000) to plan, design, construct and improve storm drainage along west Aztec avenue in Gallup in McKinley county;

68. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to county road 4, also known as Hunter's Point road, including repairing and repaving sections 4B and 4C, in the Manuelito chapter of the Navajo Nation in McKinley county;

69. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to roads in the Mariano Lake chapter of the Navajo Nation in McKinley county;

70. one hundred thousand dollars (\$100,000) to plan, design and construct street improvements on Cedar avenue and Lone Pine drive in the Red Lake chapter of the Navajo Nation in McKinley county;

71. one hundred thousand dollars (\$100,000) to construct and equip lighting on United States highway 491 in the Twin Lakes chapter of the Navajo Nation in McKinley county;

72. fifty-five thousand dollars (\$55,000) to plan, design, construct and replace water lines along Corona avenue in Cloudcroft in Otero county;

73. five hundred fifty thousand dollars (\$550,000) to plan, design and construct road improvements to Quay road AP in Quay county;

74. two hundred thirty thousand dollars (\$230,000) to plan, design, construct and improve the intersection of New Mexico highway 74 and PoPay avenue for Ohkay Owingeh in Rio Arriba county;

75. four hundred ninety thousand dollars (\$490,000) to plan, design and construct road improvements, including chip sealed, caliche and dirt surfaces, to roads in Roosevelt county;

76. three hundred thousand dollars (\$300,000) to plan, design and construct street improvements, including pavement rehabilitation and drainage, in Portales in Roosevelt county;

77. seventy-five thousand dollars (\$75,000) to plan, design, construct and install overhead solar street lighting at the intersection of New Mexico highway 491 and bureau of Indian affairs route 5001 in the Newcomb chapter of the Navajo Nation in San Juan county;

78. seventy-eight thousand dollars (\$78,000) to plan, design, construct and improve rural roads for the Tooh Haltsooi chapter of the Navajo Nation in San Juan county;

79. seventy-five thousand dollars (\$75,000) to plan, design and construct a helipad access road for the Beclabito chapter of the Navajo Nation in San Juan county;

80. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements to Navajo route 367 in the Upper Fruitland chapter of the Navajo Nation in San Juan county;

81. three hundred thousand dollars (\$300,000) to plan, design, construct and improve the intersection at Idalia road NE and Loma Colorado boulevard in Rio Rancho in Sandoval county;

82. one hundred thousand dollars (\$100,000) to plan, design, construct, improve and repair roads and sidewalks, including for accessibility compliance, in the camino de Jacobo subdivision in Santa Fe county;

83. one million one hundred seventy thousand dollars (\$1,170,000) to plan, design, construct, landscape and make phase 1 improvements to medians on arterials and collector roads for Santa Fe in Santa Fe county;

84. sixty thousand dollars (\$60,000) to plan, design, construct, purchase and install a pedestrian crosswalk lighting system at a crosswalk on avenida Vista Grande west of avenida Turreon in Eldorado in Santa Fe county;

85. four hundred eighty thousand dollars (\$480,000) to plan, design, construct and improve roads in the Eldorado subdivision in Santa Fe county;

86. two hundred fifty thousand dollars (\$250,000) to design and construct an all-weather crossing on Los Pinos road at the arroyo Hondo in La Cienega in Santa Fe county;

87. three hundred thousand dollars (\$300,000) to acquire easements and rights of way and to plan, design, construct and repair Governor Miles road from Richards avenue to Nizhoni drive in Santa Fe in Santa Fe county;

88. one hundred fifty thousand dollars (\$150,000) to acquire easements and rights of way and to plan, design, construct and improve Pacheco street, including pedestrian and bicycle improvements, between west San Mateo road and Alta Vista street in Santa Fe in Santa Fe county;

89. five hundred thousand dollars (\$500,000) to plan, design and construct concrete flood control culverts for Alamo Spring Creek road in Alamo in Socorro county;

90. three hundred eighty-six thousand dollars (\$386,000) to acquire land and to plan, design, construct and equip a network of electric vehicle charging stations, including high-speed stations, statewide;

91. fourteen million five hundred thousand dollars (\$14,500,000) to plan, design and construct loop 1 of a gas pipeline from Dixon to Penasco on New Mexico highway 75 to New Mexico highway 518 in Rio Arriba and Taos counties;

92. three million dollars (\$3,000,000) to plan, design and construct loop 2 of a gas pipeline on New Mexico highway 518 in Taos county;

93. twenty-five thousand dollars (\$25,000) to plan, design, construct and improve roads in Questa in Taos county;

94. one million nine hundred thousand dollars (\$1,900,000) to plan, design and construct Aragon pond and minor drainage appurtenances southwest of the intersection of west Aragon road and the west frontage road west of Belen in Valencia county;

95. two hundred thousand dollars (\$200,000) to plan, design, demolish, construct, improve, replace and equip Goodman avenue, including adjacent paths, sidewalks, trails and infrastructure, between Damon street and Horner street in Rio Communities in Valencia county;

96. two hundred fifty thousand dollars (\$250,000) to plan, design and construct roads [~~in county commission district 4~~] in Valencia county; *LINE ITEM VETO*

97. two hundred fifty thousand dollars (\$250,000) to plan, design and construct roads, including Gurule street, [~~in county commission district 2~~] in Valencia county; *LINE ITEM VETO*

98. two hundred fifty thousand dollars (\$250,000) to plan, design and construct roads [~~in county commission district 3~~] in Valencia county; *LINE ITEM VETO*

99. two hundred thousand dollars (\$200,000) to plan, design and construct road projects [~~in county commission district 4~~] in Valencia county; *LINE ITEM VETO*

100. two hundred fifty thousand dollars (\$250,000) to plan, design and construct roads [~~in county commission district 5~~] in Valencia county; *LINE ITEM VETO*

101. five hundred sixty-five thousand dollars (\$565,000) to plan, design and construct a westward connector at the north interchange at the interstate highway 25 exit 195 in Belen in Valencia county;

102. five hundred fifteen thousand dollars (\$515,000) to plan, design, construct and improve Amor court in Peralta in Valencia county; and

103. two hundred forty-five thousand dollars (\$245,000) to plan, design and construct Black Arroyo bridge abutment stabilization for the southern Sandoval county arroyo flood control authority in Sandoval county.

## **Chapter 53 Section 37 Laws 2022**

SECTION 37. HIGHER EDUCATION DEPARTMENT PROJECTS-- SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the higher education department that the need exists for the issuance of the bonds, the following amounts are appropriated to the higher education department for the following purposes:

1. eight hundred fifty thousand dollars (\$850,000) to plan, design, construct, demolish, expand, equip, furnish and install improvements, including information technology and surrounding infrastructure, for the advanced technology center at central New Mexico community college in Bernalillo county;

~~[2. sixty thousand dollars (\$60,000) to perform a feasibility study and to plan, design and construct a makerspace building at central New Mexico community college in Albuquerque in Bernalillo county;]~~ *LINE ITEM VETO*

3. two million one hundred thousand dollars (\$2,100,000) to plan, design, construct, renovate, improve and replace water lines and roofs campuswide at the southwestern Indian polytechnic institute in Albuquerque in Bernalillo county;

4. two million dollars (\$2,000,000) to plan, design, construct and expand an allied health triage center at Clovis community college in Clovis in Curry county;

5. one hundred seventy thousand dollars (\$170,000) to plan, design, renovate and equip the Norman and Vi Petty performing arts center, formerly the Mesa theater, including lighting and sound upgrades, at Clovis community college in Clovis in Curry county;

6. one hundred seventy-six thousand dollars (\$176,000) to plan, design, construct, purchase, equip, install and renovate a welding lab at Clovis community college in Curry county;

7. four hundred thousand dollars (\$400,000) to purchase and equip portable teaching welding laboratories at New Mexico junior college in Lea county;

~~[8. twenty five thousand dollars (\$25,000) to plan, design, construct, demolish, expand, furnish and install improvements, including information technology, for the trades and applied technologies facilities projects at central New Mexico community college campuses in Bernalillo and Sandoval counties;]~~ *LINE ITEM VETO*

9. seventy-eight thousand nine hundred fifty dollars (\$78,950) to plan, design, construct and renovate a nursing program facility, including an urgent care unit, at Mesalands community college in Tatum in Quay county;

10. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip an expansion to the Sherman Dugan museum of geology at the school of energy at San Juan college in San Juan county;

11. one million one hundred thousand dollars (\$1,100,000) to plan, design, construct and equip a student health center at San Juan college in Farmington in San Juan county;

12. one hundred twenty thousand dollars (\$120,000) to plan, design, construct, renovate, furnish and equip the mathematics and science building at the south campus of Dine college in Shiprock in San Juan county;

13. ninety-two thousand five hundred dollars (\$92,500) to purchase and replace dental lab instructional equipment at Luna community college in San Miguel county;

14. three hundred thousand dollars (\$300,000) to plan, design, construct and equip emergency management and fire suppression upgrades for Santa Fe community college in Santa Fe county; and

15. fifty thousand dollars (\$50,000) to plan, design, construct and equip heating, ventilation and air conditioning system upgrades to the trades and advanced technology center at Santa Fe community college in Santa Fe county.

## **Chapter 53 Section 38 Laws 2022**

SECTION 38. EASTERN NEW MEXICO UNIVERSITY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of eastern New Mexico university that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of eastern New Mexico university for the following purposes:

1. fifty-nine thousand dollars (\$59,000) to purchase and install aircraft ground power units for the Roswell branch campus of eastern New Mexico university in Chaves county;

2. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, purchase and install cooling towers and boilers at the Roswell branch campus of eastern New Mexico university in Chaves county;

3. ninety-six thousand dollars (\$96,000) to purchase a mobile ambulance simulator for the Roswell branch campus of eastern New Mexico university in Chaves county;

4. two hundred twenty thousand dollars (\$220,000) to purchase and install welding and cutting equipment for the Roswell branch campus of eastern New Mexico university in Chaves county;

~~[5. one hundred fifty thousand dollars (\$150,000) to plan, design, purchase, furnish and install furnishings and equipment for classrooms, laboratories, testing facilities, learning spaces and student areas at the Ruidoso branch campus of eastern New Mexico university in Lincoln county;] *LINE ITEM VETO*~~

6. fifty thousand dollars (\$50,000) to plan, design, renovate, repair, furnish and equip allied health facilities and related infrastructure at the Ruidoso branch campus of eastern New Mexico university in Lincoln county;

7. one million two hundred thousand dollars (\$1,200,000) to purchase, plan, design, construct, renovate, equip and furnish a building for the Ruidoso branch campus of eastern New Mexico university in Lincoln county;

8. one hundred fifty thousand dollars (\$150,000) to plan, design, purchase and install furnishings and equipment at the Ruidoso branch campus of eastern New Mexico university in Lincoln county;

~~[9. fifty thousand dollars (\$50,000) to upgrade equipment and infrastructure to improve connectivity between remote sites for eastern New Mexico university KENW television sites statewide;~~

~~10. three hundred seventy five thousand dollars (\$375,000) to purchase and install equipment for KENW-TV at eastern New Mexico university in Portales in Roosevelt county;] *LINE ITEM VETO*~~

11. three hundred thousand dollars (\$300,000) to plan, design and construct a [metal] building [at the rodeo facility] at eastern New Mexico university in Portales in Roosevelt county; *LINE ITEM VETO*

12. sixty thousand dollars (\$60,000) to plan, design, construct, purchase, equip and install artificial turf at the women's softball complex at eastern New Mexico university in Portales in Roosevelt county;

~~[13. one hundred fifty thousand dollars (\$150,000) to acquire property at 721 Mechem drive, formerly known as Sierra mall, for the Ruidoso branch campus of eastern New Mexico university in Lincoln county;] and *LINE ITEM VETO*~~

14. sixty thousand dollars (\$60,000) to plan, design, construct and equip a radio transmitter for KENW FM public media station for eastern New Mexico university in Hobbs in Lea county.

### **Chapter 53 Section 39 Laws 2022**

SECTION 39. NEW MEXICO HIGHLANDS UNIVERSITY PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of New Mexico highlands university that the need exists for the issuance of the bonds, three hundred seventy-five thousand dollars (\$375,000) is appropriated to the board of regents of New Mexico highlands university to plan, design, construct and equip parking lots campuswide with solar panels and recharging stations for New Mexico highlands university in Las Vegas in San Miguel county.

### **Chapter 53 Section 40 Laws 2022**

SECTION 40. NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of New Mexico institute of mining and technology that the need exists for the issuance of the bonds, three hundred thousand dollars (\$300,000) is appropriated to the board of regents of New Mexico institute of mining and technology to purchase and equip vehicles and equipment, including cameras, for the campus police at the New Mexico institute of mining and technology in Socorro county.

### **Chapter 53 Section 41 Laws 2022**

SECTION 41. NEW MEXICO STATE UNIVERSITY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of New Mexico state university that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of New Mexico state university for the following purposes:

1. twenty-two thousand five hundred dollars (\$22,500) to purchase and equip a compact grass seed drill to mitigate rangeland erosion for the Colfax soil and water conservation district in Colfax county;

2. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements, including sustainable infrastructure, to the Hatch valley arroyos site 3 for the Caballo soil and water conservation district in Dona Ana county;

~~3. four hundred thirty thousand dollars (\$430,000) to plan, design, construct, renovate and improve the Fabian Garcia science center, including the purchase and installation of equipment and demonstration equipment, at New Mexico state university in Dona Ana county;]~~ *LINE ITEM VETO*



4. one million seven hundred fifty thousand dollars (\$1,750,000) to design and replace artificial turf on the football field at Aggie memorial stadium at New Mexico state university in Las Cruces in Dona Ana county;

5. one hundred thirty thousand dollars (\$130,000) to plan, design, construct, renovate and furnish the Aggie memorial plaza for New Mexico state university in Las Cruces in Dona Ana county;

6. three hundred fifty-five thousand dollars (\$355,000) to design, develop, implement, purchase and construct a crime prevention through environmental design program campuswide, including lighting upgrades, traffic safety and shade features, at New Mexico state university in Las Cruces in Dona Ana county;

7. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, furnish and equip athletic fields and facilities campuswide, including replacement of the football scoreboard, at New Mexico state university in Las Cruces in Dona Ana county;

8. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, furnish and equip the driving range building and a learning center at the New Mexico state university golf course in Las Cruces in Dona Ana county;

9. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish, purchase and equip a replacement irrigation system for the golf course at New Mexico state university in Las Cruces in Dona Ana county;

10. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, furnish and equip a facility for KRWG radio and television and to plan, design and construct a KRWG public media and special productions facility at New Mexico state university in Las Cruces in Dona Ana county;

11. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, renovate, purchase and equip farming and research equipment, including a tractor, for the Leyendecker plant science research center at New Mexico state university in Las Cruces in Dona Ana county;

12. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate, furnish and equip improvements to softball facilities and stadium seating, at New Mexico state university in Las Cruces in Dona Ana county;

13. two hundred thousand dollars (\$200,000) to design and replace the women's soccer field at New Mexico state university in Las Cruces in Dona Ana county;

14. one hundred twenty-five thousand dollars (\$125,000) to purchase and equip a utility truck for the western Mora soil and conservation district in Mora county;

15. twenty thousand dollars (\$20,000) to plan, design, construct, improve, purchase, equip and replace vehicles and ranching and research equipment for the Corona range and livestock research center of New Mexico state university in Lincoln and Torrance counties;
16. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, purchase, equip and install digital agriculture equipment for New Mexico state university at the Corona range and livestock research center in Lincoln county and at the Leyendecker plant science research center in Dona Ana county;
17. one million dollars (\$1,000,000) to plan, design, construct and renovate the exterior of the Rohovec fine arts center, including stucco, windows, roofing and doors, at the Alamogordo branch campus of New Mexico state university in Otero county;
18. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, purchase and equip agricultural, research and other equipment for the Rex E. Kirksey agricultural science center at Tucumcari of New Mexico state university in Quay county;
19. ninety thousand dollars (\$90,000) to purchase and equip farm equipment and vehicles for the east Rio Arriba soil and water conservation district in Rio Arriba county;
20. fifty-seven thousand two hundred dollars (\$57,200) to plan, design, construct, renovate, purchase and equip tractors and seed drill equipment and to modernize the irrigation system at the sustainable agriculture science center at Alcalde of New Mexico state university in Rio Arriba county;
21. sixty thousand dollars (\$60,000) to purchase vehicles and equipment, including a farm tractor, a storage shed, a grass drill, information technology and telecommunications equipment, for the upper Chama soil and water conservation district in Rio Arriba county;
22. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a storage building for water conservation equipment, including forklifts and shade balls, for the Roosevelt soil and water conservation district in Roosevelt county;
23. fifty-five thousand dollars (\$55,000) to plan, design, construct, renovate, purchase and install carbon management equipment for New Mexico state university at the agricultural science center in Clovis in Curry county and statewide;
24. forty thousand dollars (\$40,000) to purchase and equip a skid steer and tractor for the Claunch-Pinto soil and water conservation district in Torrance county;

25. fifty thousand dollars (\$50,000) to purchase and equip a tractor and equipment and to plan, assess, design, construct, renovate, repair and replace wells at the agricultural science center at Los Lunas of New Mexico state university in Valencia county; and

26. one hundred twenty-five thousand dollars (\$125,000) to demolish existing buildings and to remediate and upgrade the Rio Abajo conservation area for the Valencia soil and water conservation district in Valencia county.

## **Chapter 53 Section 42 Laws 2022**

SECTION 42. NORTHERN NEW MEXICO STATE SCHOOL PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of northern New Mexico state school that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of northern New Mexico state school for the following purposes:

1. three million dollars (\$3,000,000) to plan, design, construct and repair infrastructure improvements, including roof and structural improvements, at the El Rito and Espanola campuses of northern New Mexico state school in Rio Arriba county;

2. one hundred thousand dollars (\$100,000) to plan, design, construct and improve the bleachers at the Eagle sportsplex facility at the Espanola campus of northern New Mexico state school in Rio Arriba county; and

3. one hundred fifty thousand dollars (\$150,000) to purchase equipment for the Sostenga farm, including a storage facility, [~~farm tools and portable bathrooms,~~] at the Espanola campus of northern New Mexico state school in Rio Arriba county. *LINE ITEM VETO*

## **Chapter 53 Section 43 Laws 2022**

SECTION 43. UNIVERSITY OF NEW MEXICO PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of the university of New Mexico that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of the university of New Mexico for the following purposes:

1. forty thousand dollars (\$40,000) to plan, design, construct, equip and install safety and security infrastructure improvements at the university of New Mexico in Albuquerque in Bernalillo county;

2. two hundred thousand dollars (\$200,000) to plan, design, purchase, equip and improve biology facilities in Castetter hall at the university of New Mexico in Albuquerque in Bernalillo county;

3. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase, furnish, equip and renovate the basketball practice facilities and training rooms at the university of New Mexico in Albuquerque in Bernalillo county;
4. one hundred seventy-two thousand dollars (\$172,000) to plan, design, construct, equip and install security infrastructure, including accessibility improvements, to the central campus of the university of New Mexico in Albuquerque in Bernalillo county;
5. eight hundred fifty thousand dollars (\$850,000) to ~~plan, design, construct,~~ purchase, furnish and equip the champions training center at the university of New Mexico in Albuquerque in Bernalillo county; *LINE ITEM VETO*
6. four million dollars (\$4,000,000) to plan, design, construct, renovate, furnish and equip a children's psychiatric center for the health sciences center at the university of New Mexico in Albuquerque in Bernalillo county;
7. eight hundred thousand dollars (\$800,000) to plan, design, construct, equip, repair, resurface and renovate football practice fields at the university of New Mexico in Albuquerque in Bernalillo county;
8. one hundred fifty thousand dollars (\$150,000) to purchase and install upgrades to information technology, including related equipment, furniture and infrastructure, for the indigenous design and planning institute at the university of New Mexico in Albuquerque in Bernalillo county;
9. one hundred ten thousand dollars (\$110,000) to purchase, furnish, equip, repair and renovate the lesbian, gay, bisexual, transgender and queer resource center at the university of New Mexico in Albuquerque in Bernalillo county;
10. seventy thousand dollars (\$70,000) to repair, renovate, purchase and equip performance practice spaces at the university of New Mexico in Albuquerque in Bernalillo county;
11. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, furnish, equip, install and renovate the quantum materials and technologies lab at the center for high technology materials at the university of New Mexico in Albuquerque in Bernalillo county;
12. six hundred fifty thousand dollars (\$650,000) to plan, design, purchase, construct and equip the reserve officer training corps building and a track and training field at the university of New Mexico in Albuquerque in Bernalillo county;
13. seventy thousand dollars (\$70,000) to plan, design, purchase, renovate, install and equip safety and security infrastructure in the school of engineering buildings at the university of New Mexico in Albuquerque in Bernalillo county;

14. two million dollars (\$2,000,000) to plan, design, construct, purchase, equip and install energy-efficient lighting fixtures and poles at the university of New Mexico in Albuquerque in Bernalillo county;

15. seven hundred thousand dollars (\$700,000) to plan, design, purchase, equip, renovate and construct improvements to the student success and services center building, including administrative offices and meeting spaces, at the university of New Mexico in Albuquerque in Bernalillo county;

16. eight hundred eighty thousand dollars (\$880,000) to plan, design, construct and renovate the track and field facilities at the university of New Mexico in Albuquerque in Bernalillo county;

17. seven hundred thousand dollars (\$700,000) to plan, design, construct and renovate infrastructure improvements to the university arena at the university of New Mexico in Albuquerque in Bernalillo county;

18. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate and equip improvements, including roof repair and interior walls, to the alumni chapel at the university of New Mexico in Albuquerque in Bernalillo county;

19. one hundred thousand dollars (\$100,000) to plan, design, construct, repair and renovate the duck pond and the surrounding area, including infrastructure and safety measures, at the university of New Mexico in Albuquerque in Bernalillo county;

20. one million dollars (\$1,000,000) to plan, design, construct, renovate and equip the main lobby in Popejoy hall for the university of New Mexico in Albuquerque in Bernalillo county;

~~[21. twenty five thousand dollars (\$25,000) to plan, design, construct, repair, renovate and equip residence life and student housing facilities, including accessibility compliance and infrastructure, at the university of New Mexico in Albuquerque in Bernalillo county;] LINE ITEM VETO~~

22. two hundred thousand dollars (\$200,000) to plan, design, construct, upgrade and renovate a lecture hall and adjoining area, including carpeting and a sound and video system, in building 2 at the Los Alamos campus of the university of New Mexico in Los Alamos county; and

23. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a classroom for the workforce development plan at the Los Alamos campus of the university of New Mexico in Los Alamos county.

## **Chapter 53 Section 44 Laws 2022**

SECTION 44. WESTERN NEW MEXICO UNIVERSITY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of western New Mexico university that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of western New Mexico university for the following purposes:

1. two hundred sixty thousand dollars (\$260,000) to plan, design, construct, furnish and equip a vocational technology education center near Santa Clara for western New Mexico university in Grant county; and
2. one million seven hundred thousand dollars (\$1,700,000) to plan, design, construct, furnish and equip a Deming learning center at western New Mexico university in Deming in Luna county.

## **Chapter 53 Section 45 Laws 2022**

SECTION 45. NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of the New Mexico school for the blind and visually impaired that the need exists for the issuance of the bonds, nine hundred fifty thousand dollars (\$950,000) is appropriated to the board of regents of the New Mexico school for the blind and visually impaired to plan, design, construct, purchase, install and equip a playground at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county.

## **Chapter 53 Section 46 Laws 2022**

SECTION 46. AGING AND LONG-TERM SERVICES DEPARTMENT PROJECT--GENERAL FUND.--Two hundred thousand dollars (\$200,000) is appropriated from the general fund to the aging and long-term services department for expenditure in fiscal years 2023 through 2025, unless otherwise provided in Section 2 of this act, to plan, design, construct and repair the Shiprock senior center parking lot in the Shiprock chapter of the Navajo Nation in San Juan county.

## **Chapter 53 Section 47 Laws 2022**

SECTION 47. INDIAN AFFAIRS DEPARTMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the Indian affairs department for expenditure in fiscal years 2023 through 2025, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one million dollars (\$1,000,000) to plan, design and construct a north well and elevated tank in the Los Padillas area of the Pueblo of Isleta in Bernalillo county;

2. two hundred thousand dollars (\$200,000) to plan, design and construct bathroom additions and renovations in the To'hajilee chapter of the Navajo Nation in Bernalillo county;
3. one million two hundred thousand dollars (\$1,200,000) to plan, design, construct, furnish and equip a fire station for the Pueblo of Laguna in Cibola county;
4. two hundred thousand dollars (\$200,000) to plan, design and construct a water system to serve the Vanderwagen community of the Chichiltah chapter of the Navajo Nation in McKinley county;
5. eighty thousand dollars (\$80,000) to plan, design and construct house wiring in the Mariano Lake chapter of the Navajo Nation in McKinley county;
6. two hundred thousand dollars (\$200,000) for geotechnical mapping and to plan, design, construct and renovate the cemetery in the Crownpoint chapter of the Navajo Nation in McKinley county;
7. fifty thousand dollars (\$50,000) to plan, design and construct electrical power lines in the Pueblo Pintado chapter of the Navajo Nation in McKinley county;
8. two million dollars (\$2,000,000) to plan, design, construct, equip and furnish a new warehouse in the Church Rock chapter of the Navajo Nation in McKinley county;
9. two hundred thousand dollars (\$200,000) to plan, design and construct extensions to water lines connecting residential areas of the Tse'ii'ahi' chapter of the Navajo Nation in Crownpoint in McKinley county;
10. two hundred thousand dollars (\$200,000) to plan, design and construct house wiring for the Thoreau chapter of the Navajo Nation in McKinley county;
11. one million two hundred thousand dollars (\$1,200,000) to plan, design, construct, furnish and equip a sports complex for the Pueblo of Zuni in McKinley county;
12. one million two hundred thousand dollars (\$1,200,000) to plan, design, construct and equip an early childhood development center on the Pueblo of Sandia in Bernalillo and Sandoval counties;
13. six hundred twenty-eight thousand two hundred nine dollars (\$628,209) to plan, design, construct, install, equip and improve Ski Apache for the Mescalero Apache tribe in Otero county;
14. four hundred ninety-nine thousand seven hundred ninety-one dollars (\$499,791) to plan, design, construct, furnish and equip technology improvements,

including a data center and server room, for the Mescalero Apache Tribe in Otero county;

15. six hundred twelve thousand fifty-four dollars (\$612,054) to purchase and equip vehicles and equipment for the Jicarilla emergency medical services in the Jicarilla Apache Nation in Rio Arriba county;

16. one million one hundred fifty-nine thousand nine hundred forty-six dollars (\$1,159,946) to plan, design, construct and equip utility lines for the Jicarilla Apache Nation in Rio Arriba county;

17. one million two hundred thousand dollars (\$1,200,000) to plan, design and construct a storm water control system for Ohkay Owingeh in Rio Arriba county;

18. one million two hundred thousand dollars (\$1,200,000) to plan, design, construct, furnish and equip a tribal administration complex for the Pueblo of Santa Clara in Rio Arriba county;

19. two hundred thousand dollars (\$200,000) to plan, design, construct and renovate the chapter house roof for the Newcomb chapter in the Navajo Nation in San Juan county;

20. two hundred thousand dollars (\$200,000) to acquire easements and rights of way and to plan, design and construct scattered power lines in the Naschitti chapter of the Navajo Nation in San Juan county;

21. one million two hundred thousand dollars (\$1,200,000) to plan, design, construct, upgrade and equip soccer field facilities in the Pueblo of San Felipe in Sandoval county;

22. one million two hundred thousand dollars (\$1,200,000) to plan, design and construct an underground electrical grid system in the traditional village of Tamaya, also known as the Old Santa Ana Pueblo, in the Pueblo of Santa Ana in Sandoval county;

23. one million two hundred five thousand dollars (\$1,205,000) to plan, design, construct and renovate housing in the council-designated historic area of the plaza in the Pueblo of Cochiti in Sandoval county;

24. two million dollars (\$2,000,000) to plan, design, construct, furnish and equip an early childhood learning center for the Pueblo of Jemez in Sandoval county;

25. one million two hundred thousand dollars (\$1,200,000) to plan, design, construct and renovate tribal housing for the Pueblo of Santo Domingo in Sandoval county;



26. eight hundred fifty thousand dollars (\$850,000) to plan, design and construct a childhood development center in the Pueblo of Zia in Sandoval county;
27. fifty thousand dollars (\$50,000) to plan, design, construct, equip and install internet access infrastructure, including broadband and educational and remote work equipment, for the Pueblo of Zia in Sandoval county;
28. seven hundred fifty thousand dollars (\$750,000) to plan, design and construct a development, including an environmental study and engineering, for the Pueblo of Nambe in Santa Fe county;
29. five hundred thousand dollars (\$500,000) to furnish and equip the tribal administration building in the Pueblo of Nambe in Santa Fe county;
30. one million two hundred thousand dollars (\$1,200,000) to plan, design, construct, furnish and equip an early childhood education center in the Pueblo of Pojoaque in Santa Fe county;
31. one million dollars (\$1,000,000) to plan, design, construct, furnish and equip utility and site infrastructure for a housing development for tribal members in the Pueblo of San Ildefonso in Santa Fe county;
32. one million two hundred thousand dollars (\$1,200,000) to plan, design and construct a complex for the utility authority of the Pueblo of Tesuque in Santa Fe county;
33. two hundred thousand dollars (\$200,000) to acquire easements and rights of way for and to plan, design and construct power and water lines in the Alamo chapter of the Navajo Nation in Socorro county;
34. one million four hundred eighty thousand dollars (\$1,480,000) to plan, design, construct, furnish and equip a community activity building for the Pueblo of Picuris in Taos county;
35. seven hundred sixty-five thousand dollars (\$765,000) to plan, design, construct, purchase, furnish and equip a regional recreational park for the youth in the Pueblo of Picuris and in the Penasco area in Taos county; and
36. one million two hundred thousand dollars (\$1,200,000) to plan, design and construct roads, utilities, infrastructure, parking lots and onsite improvements for the justice center and the wellness center in the Pueblo of Taos in Taos county.

## **Chapter 53 Section 48 Laws 2022**

SECTION 48. DEPARTMENT OF TRANSPORTATION PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the

department of transportation for expenditure in fiscal years 2023 through 2025, unless otherwise provided in Section 2 of this act, for the following purposes:

1. two hundred thousand dollars (\$200,000) to acquire easements and rights of way for and to plan, design and construct community street improvements in the Red Lake chapter of the Navajo Nation in McKinley county; and
2. one hundred seventy thousand dollars (\$170,000) to plan, design and construct road improvements to Navajo route 571 in the Gadii'ahi/To'Koi chapter of the Navajo Nation in San Juan county.

## **Chapter 53 Section 49 Laws 2022**

SECTION 49. PUBLIC EDUCATION DEPARTMENT PROJECTS-- APPROPRIATIONS FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--The following amounts are appropriated from the public school capital outlay fund to the public education department for expenditure in fiscal years 2022 through 2026, unless otherwise provided in Section 3 of this act, for the following purposes:

1. two hundred thousand dollars (\$200,000) to provide infrastructure for fueling and charging stations for alternatively fueled school buses statewide;
2. one hundred thirty-two thousand five hundred dollars (\$132,500) to purchase, install and equip district-owned school buses with cameras statewide; and
3. five million one hundred ninety-four thousand dollars (\$5,194,000) to purchase, replace and equip school buses for school districts statewide.

## **Chapter 53 Section 50 Laws 2022**

SECTION 50. PUBLIC SCHOOL FACILITIES AUTHORITY--APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--Five million dollars (\$5,000,000) is appropriated from the public school capital outlay fund to the public school facilities authority for expenditure in fiscal years 2022 through 2026, unless otherwise provided in Section 3 of this act, to plan, design, construct, renovate and equip infrastructure improvements and classrooms for pre-kindergarten facilities statewide.

## **Chapter 53 Section 51 Laws 2022**

SECTION 51. PUBLIC SCHOOL FACILITIES AUTHORITY-- DISTRIBUTIONS FOR PUBLIC SCHOOL PROJECTS--APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--Seventy-five million dollars (\$75,000,000) is appropriated from the public school capital outlay fund to the public school facilities authority to make a distribution to each school district in fiscal year 2023 for the maintenance and repair of public school buildings in fiscal year 2023 and subsequent fiscal years. The public

school facilities authority shall make the distribution to each school district in a manner such that each school district receives the greater of one hundred thousand dollars (\$100,000) or a percentage of the total appropriation equal to the percentage attributable to that school district from the total distributions made to school districts for fiscal year 2023 pursuant to the Public School Capital Improvements Act. A distribution provided to a school district pursuant to the appropriation made in this section is not subject to any local match or offset otherwise required pursuant to the Public School Capital Outlay Act.

## **Chapter 53 Section 52 Laws 2022**

SECTION 52. MINERS' COLFAX MEDICAL CENTER PROJECTS--  
APPROPRIATIONS FROM THE MINERS' TRUST FUND.--The following amounts are appropriated from the miners' trust fund to the miners' Colfax medical center for expenditure in fiscal years 2022 through 2026, unless otherwise provided in Section 3 of this act, for the following purposes:

1. one million dollars (\$1,000,000) to acquire medical and other equipment for the miners' Colfax medical center hospital and long-term care facility in Raton in Colfax county; and
2. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate, expand and improve the parking lot at the miners' Colfax medical center hospital in Raton in Colfax county.

## **Chapter 53 Section 53 Laws 2022**

SECTION 53. DEPARTMENT OF GAME AND FISH PROJECT--  
APPROPRIATION FROM THE HABITAT MANAGEMENT FUND.--One million dollars (\$1,000,000) is appropriated from the habitat management fund to the department of game and fish for expenditure in fiscal years 2022 through 2026, unless otherwise provided in Section 3 of this act, for wildlife and riparian habitat restoration, including conservation actions, and for improvements at properties owned by the state game commission statewide.

## **Chapter 53 Section 54 Laws 2022**

SECTION 54. DEPARTMENT OF GAME AND FISH PROJECTS--  
APPROPRIATIONS FROM THE GAME PROTECTION FUND.--The following amounts are appropriated from the game protection fund to the department of game and fish for expenditure in fiscal years 2022 through 2026, unless otherwise provided in Section 3 of this act, for the following purposes:

1. seven million dollars (\$7,000,000) to plan, design, construct, rehabilitate and make improvements to Bear Canyon dam in Grant county;

2. five million five hundred thousand dollars (\$5,500,000) to plan, design, construct, renovate and equip infrastructure improvements at hatcheries owned by the state game commission statewide;
3. five million dollars (\$5,000,000) to acquire property for the state game commission statewide;
4. one million dollars (\$1,000,000) to plan, design and install fish barriers for restoration of Rio Grande cutthroat trout and Gila trout statewide; and
5. one million dollars (\$1,000,000) for wildlife and riparian habitat restoration, including conservation actions, and for improvements at properties owned by the state game commission statewide.

### **Chapter 53 Section 55 Laws 2022**

SECTION 55. DEPARTMENT OF GAME AND FISH PROJECT-- APPROPRIATION FROM THE SIKES ACT ACCOUNT OF THE GAME PROTECTION FUND.--One million dollars (\$1,000,000) is appropriated from the Sikes Act account of the game protection fund to the department of game and fish for expenditure in fiscal years 2023 through 2026, unless otherwise provided in Section 3 of this act, for wildlife and riparian habitat restoration, including conservation actions, and for improvements at properties owned by the state game commission statewide.

### **Chapter 53 Section 56 Laws 2022**

SECTION 56. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT PROJECT--APPROPRIATION FROM THE FIRE PROTECTION FUND.--Notwithstanding the provisions of the Fire Protection Fund Law to the contrary, three hundred thousand dollars (\$300,000) is appropriated from the fire protection fund to the homeland security and emergency management department for expenditure in fiscal years 2022 and 2023, unless otherwise provided in Section 3 of this act, to plan, design, construct and equip thermal lines at the burn building at the homeland security and emergency management department in Socorro in Socorro county.

### **Chapter 53 Section 57 Laws 2022**

SECTION 57. EDUCATIONAL RETIREMENT BOARD PROJECT-- APPROPRIATION FROM THE EDUCATIONAL RETIREMENT FUND.--Five million dollars (\$5,000,000) is appropriated from the educational retirement fund to the educational retirement board for expenditure in fiscal years 2022 through 2026, unless otherwise provided in Section 3 of this act, to plan, design, construct, furnish, equip and make site improvements for a new educational retirement board facility in Santa Fe in Santa Fe county.

## **Chapter 53 Section 58 Laws 2022**

SECTION 58. DEPARTMENT OF GAME AND FISH PROJECT-- APPROPRIATION FROM THE BIG GAME ENHANCEMENT ACCOUNT OF THE GAME PROTECTION FUND.--Three million dollars (\$3,000,000) is appropriated from the big game enhancement account of the game protection fund to the department of game and fish for expenditure in fiscal years 2022 through 2026, unless otherwise provided in Section 3 of this act, for wildlife and riparian habitat restoration, including conservation actions, and for improvements at properties owned by the state game commission statewide.

## **Chapter 53 Section 59 Laws 2022**

SECTION 59. 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 53 Section 60 Laws 2022**

SECTION 60. 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 53 Section 61 Laws 2022**

SECTION 61. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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## LAWS 2022, CHAPTER 54

### H AFC/House Bills 2 and 3, aa, w/cc, partial veto Approved March 9, 2022

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 54 Section 1 Laws 2022

Section 1. SHORT TITLE.--This act may be cited as the "General Appropriation Act of 2022".

### Chapter 54 Section 2 Laws 2022

Section 2. DEFINITIONS.--As used in the General Appropriation Act of 2022:

A. "agency" means an office, department, agency, institution, board, bureau, commission, court, district attorney, council or committee of state government;

B. "efficiency" means the measure of the degree to which services are efficient and productive and is often expressed in terms of dollars or time per unit of output;

C. "explanatory" means information that can help users to understand reported performance measures and to evaluate the significance of underlying factors that may have affected the reported information;

D. "federal funds" means any payments by the United States government to state government or agencies except those payments made in accordance with the federal Mineral Leasing Act;

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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E. "full-time equivalent" means one or more authorized positions that alone or together receives or receive compensation for not more than two thousand eighty-eight hours worked in fiscal year 2023. The calculation of hours worked includes compensated absences but does not include overtime, compensatory time or sick leave paid pursuant to Section 10-7-10 NMSA 1978;

F. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes federal Mineral Leasing Act receipts and those payments made in accordance with the federal block grant and the federal Workforce Investment Act but excludes the general fund operating reserve, the appropriation contingency fund, the tax stabilization reserve and any other fund, reserve or account from which general appropriations are restricted by law;

G. "interagency transfers" means revenue, other than internal service funds, legally transferred from one agency to another;

H. "internal service funds" means:

(1) revenue transferred to an agency for the financing of goods or services to another agency on a cost-reimbursement basis; and

(2) balances in agency internal service fund accounts appropriated by the General Appropriation Act of 2022;

I. "other state funds" means:

(1) nonreverting balances in agency accounts, other than in internal service funds accounts, appropriated by the General Appropriation Act of 2022;

(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;

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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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 54 Section 3 Laws 2022**

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 2022, or so much as may be necessary, are appropriated from the indicated source for expenditure in fiscal year 2023 for the objects expressed.

D. Unexpended balances in agency accounts remaining at the end of fiscal year 2022 shall revert to the general fund by October 1, 2022 unless otherwise indicated in the General Appropriation Act of 2022 or otherwise provided by law.



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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E. Unexpended balances in agency accounts remaining at the end of fiscal year 2023 shall revert to the general fund by October 1, 2023 unless otherwise indicated in the General Appropriation Act of 2022 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 2022, appropriations are made in this act for the expenditures of agencies and for other purposes as required by existing law for fiscal year 2023. If any other act of the second session of the fifty-fifth 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 2022 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 2023 revenue collections with the revenue estimate. If the analyses indicate that revenues and transfers to the general fund are not expected to meet appropriations, then the department shall present a plan to the legislative finance committee that outlines the methods by which the administration proposes to address the deficit.

I. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, agencies whose revenue from state board of finance loans, from revenue appropriated by other acts of the legislature, or from gifts, grants, donations, bequests, insurance settlements, refunds or payments into revolving funds exceeds specifically appropriated amounts may request budget increases from the state budget division. If approved by the state budget division, such money is appropriated.

J. Except for gasoline credit cards used solely for operation of official vehicles, telephone credit cards used solely for official business and procurement cards used as authorized by Section 6-5-9.1 NMSA 1978, none of the appropriations contained in the General Appropriation Act of 2022 may be expended for payment of agency-issued credit card invoices.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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K. For the purpose of administering the General Appropriation Act of 2022, the state of New Mexico shall follow the modified accrual basis of accounting for governmental funds in accordance with the manual of model accounting practices issued by the department of finance and administration.

## Chapter 54 Section 4 Laws 2022

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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Section 4. FISCAL YEAR 2023 APPROPRIATIONS.--

### A. LEGISLATIVE

#### LEGISLATIVE COUNCIL SERVICE:

Legislative building services:

Appropriations:

(a) Personal services and employee benefits	3,347.0				3,347.0
(b) Contractual services	148.2				148.2
(c) Other	1,067.8				1,067.8
Subtotal					4,563.0
TOTAL LEGISLATIVE	4,563.0				4,563.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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## B. JUDICIAL

### NEW MEXICO COMPILATION COMMISSION:

The purpose of the New Mexico compilation commission is to publish in print and electronic format, distribute and sell (1) laws enacted by the legislature, (2) opinions of the supreme court and court of appeals, (3) rules approved by the supreme court, (4) attorney general opinions and (5) other state and federal rules and opinions. The commission ensures the accuracy and reliability of its publications.

Appropriations:

(a) Operations	529.9	651.6	400.0	1,581.5
Subtotal				1,581.5

### JUDICIAL STANDARDS COMMISSION:

The purpose of the judicial standards commission program is to provide a public review process addressing complaints involving judicial misconduct to preserve the integrity and impartiality of the judicial process.

Appropriations:

(a) Operations	932.3	932.3
Subtotal		932.3

### COURT OF APPEALS:

The purpose of the court of appeals program is to provide access to justice, resolve disputes justly and

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	6,918.1	1.0			6,919.1
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Performance measures:

(a) Outcome:	Age of active pending civil cases, in days				365
Subtotal	Number of pretrial detention motions made				6,919.1

**SUPREME COURT:**

The purpose of the supreme court program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	6,882.1	1.5			6,883.6
Subtotal					6,883.6

**ADMINISTRATIVE OFFICE OF THE COURTS:**

(1) Administrative support:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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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 benefit	10,110.9			404.9	10,515.8
(b) Contractual services	1,780.5	474.3		1,835.4	4,090.2
(c) Other	3,435.5	5,934.4	313.6	90.3	9,773.8

The general fund appropriations to the administrative support program of the administrative office of the courts include three million five hundred thousand dollars (\$3,500,000) for distribution to district, statewide and metropolitan courts for judge compensation increases.

(2) Statewide judiciary automation:

The purpose of the statewide judicial automation program is to provide development, enhancement, maintenance and support for core court automation and usage skills for appellate, district, magistrate and municipal courts and ancillary judicial agencies.

Appropriations:

(a) Personal services and employee benefits	4,545.9	2,010.4			6,556.3
(b) Contractual services		907.5			907.5
(c) Other	716.0	7,110.7			7,826.7

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(3) Magistrate court:

The purpose of the magistrate court and warrant enforcement program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and employee benefits	1,249.1	1,190.4			2,439.5
(b) Contractual services	0.2	1,172.6			1,172.8
(c) Other	9,278.3	1,685.3			10,963.6

(4) Special court services:

The purpose of the special court services program is to provide court advocates, legal counsel and safe exchanges for children and families; to provide judges pro tem; and to adjudicate water rights disputes so the constitutional rights and safety of citizens, especially children and families, are protected.

Appropriations:

(a) Pre-trial services	1,569.8				1,569.8
(b) Court-appointed special advocate	1,398.6				1,398.6
(c) Supervised visitation	849.7				849.7
(d) Water rights		501.0	381.4		882.4
(e) Court-appointed attorneys	6,530.5				6,530.5

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(f) Children's mediation	277.1				277.1
(g) Judges pro tem	27.5		41.6		69.1
(h) Access to justice	126.3				126.3
(i) Statewide alternative dispute resolution	196.6				196.6
(j) Drug court	1,439.3	741.4	2,176.5		4,357.2
(k) Adult guardianship	325.0				325.0
Subtotal					70,828.5

### DISTRICT COURTS:

(1) First judicial district:

The purpose of the first judicial district court program, statutorily created in Santa Fe, Rio Arriba and Los Alamos counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	11,191.9	550.3	785.5		12,527.7
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(2) Second judicial district:

The purpose of the second judicial district court program, statutorily created in Bernalillo county, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Operations	27,809.7	3,733.1	1,556.0	298.7	33,397.5
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(3) Third judicial district:

The purpose of the third judicial district court program, statutorily created in Dona Ana county, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	10,664.5	244.5	1,219.7	125.0	12,253.7
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(4) Fourth judicial district:

The purpose of the fourth judicial district court program, statutorily created in Mora, San Miguel and Guadalupe counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	4,157.1	48.3	259.2		4,464.6
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(5) Fifth judicial district:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the fifth judicial district court program, statutorily created in Eddy, Chaves and Lea counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	11,400.0	283.4	644.4		12,327.8
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The general fund appropriation to the fifth judicial district court includes three hundred six thousand dollars (\$306,000) for an additional judgeship and associated costs contingent on enactment of House Bill 124 or similar legislation of the second session of the fifty-fifth legislature.

(6) Sixth judicial district:

The purpose of the sixth judicial district court program, statutorily created in Grant, Luna and Hidalgo counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	5,788.4	77.0	237.7		6,103.1
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(7) Seventh judicial district:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the seventh judicial district court program, statutorily created in Torrance, Socorro, Catron and Sierra counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	4,230.6	36.0	476.8		4,743.4
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(8) Eighth judicial district:

The purpose of the eighth judicial district court program, statutorily created in Taos, Colfax and Union counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	5,010.6	139.7	223.0		5,373.3
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(9) Ninth judicial district:

The purpose of the ninth judicial district court program, statutorily created in Curry and Roosevelt counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Operations	5,422.1	69.0	1,767.3		7,258.4
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(10) Tenth judicial district:

The purpose of the tenth judicial district court program, statutorily created in Quay, De Baca and Harding counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	1,905.3	8.4			1,913.7
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(11) Eleventh judicial district:

The purpose of the eleventh judicial district court program, statutorily created in San Juan and McKinley counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	11,294.3	409.0	980.6		12,683.9
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(12) Twelfth judicial district:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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The purpose of the twelfth judicial district court program, statutorily created in Otero and Lincoln counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	5,496.0	137.0	125.5	5,758.5
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(13) Thirteenth judicial district:

The purpose of the thirteenth judicial district court program, statutorily created in Valencia, Sandoval and Cibola counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	11,587.6	410.9	932.2	12,930.7
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The general fund appropriation to the thirteenth judicial district court includes three hundred six thousand dollars (\$306,000) for an additional judgeship and associated costs contingent on enactment of House Bill 124 or similar legislation of the second session of the fifty-fifth legislature.

Subtotal	131,736.3
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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**BERNALILLO COUNTY METROPOLITAN COURT:**

The purpose of the Bernalillo county metropolitan court program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	26,177.9	2,427.0	547.2	789.1	29,941.2
Subtotal					29,941.2

**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	6,501.0		183.7	120.1	6,804.8
(b) Contractual services	22.8				22.8

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(c) Other	403.0				403.0
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Performance measures:

(a) Explanatory:	Percent of pretrial detention motions granted
(b) Explanatory:	Number of pretrial detention motions made

(2) Second judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Bernalillo county.

Appropriations:

(a) Personal services and employee benefits	23,449.0	422.9	788.4	431.3	25,091.6
(b) Contractual services	694.9			225.0	919.9
(c) Other	1,903.4	25.0	169.1	41.3	2,138.8

Performance measures:

(a) Explanatory:	Number of pretrial detention motions made
(b) Explanatory:	Percent of pretrial detention motions granted

(3) Third judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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ensure the protection, safety, welfare and health of the citizens within Dona Ana county.

Appropriations:

(a) Personal services and employee benefits	5,415.0	150.0	61.7	340.9	5,967.6
(b) Contractual services	20.2				20.2
(c) Other	269.2				269.2

Performance measures:

(a) Explanatory:	Percent of pretrial detention motions granted
(b) Explanatory:	Number of pretrial detention motions made

(4) Fourth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Mora, San Miguel and Guadalupe counties.

Appropriations:

(a) Personal services and employee benefits	3,502.1				3,502.1
(b) Contractual services	78.6				78.6
(c) Other	210.8				210.8

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(a) Explanatory:	Number of pretrial detention motions made				
(b) Explanatory:	Percent of pretrial detention motions granted				

(5) Fifth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Eddy, Lea and Chaves counties.

Appropriations:

(a) Personal services and employee benefits	6,244.9			287.7	6,532.6
(b) Contractual services	25.6				25.6
(c) Other	239.4				239.4

Performance measures:

(a) Explanatory:	Percent of pretrial detention motions granted				
(b) Explanatory:	Number of pretrial detention motions made				

(6) Sixth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Grant, Hidalgo and Luna counties.

Appropriations:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	3,248.1		105.3	112.8	3,466.2
(b) Contractual services	14.2				14.2
(c) Other	278.8				278.8

Performance measures:

(a) Explanatory:	Percent of pretrial detention motions granted
(b) Explanatory:	Number of pretrial detention motions made

(7) Seventh judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Catron, Sierra, Socorro and Torrance counties.

Appropriations:

(a) Personal services and employee benefits	2,880.1			2,880.1
(b) Contractual services	14.8			14.8
(c) Other	176.2			176.2

Performance measures:

(a) Explanatory:	Number of pretrial detention motions made
(b) Explanatory:	Percent of pretrial detention motions granted

(8) Eighth judicial district:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Taos, Colfax and Union counties.

Appropriations:

(a) Personal services and employee benefits	3,171.5				3,171.5
(b) Contractual services	74.8				74.8
(c) Other	162.6				162.6

Performance measures:

(a) Explanatory:	Number of pretrial detention motions made
(b) Explanatory:	Percent of pretrial detention motions granted

(9) Ninth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Curry and Roosevelt counties.

Appropriations:

(a) Personal services and employee benefits	3,682.5				3,682.5
(b) Contractual services	13.0				13.0
(c) Other	151.7				151.7

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Performance measures:

(a) Explanatory:	Percent of pretrial detention motions granted
(b) Explanatory:	Number of pretrial detention motions made

(10) Tenth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Quay, Harding and De Baca counties.

Appropriations:

(a) Personal services and employee benefits	1,506.9	1,506.9
(b) Contractual services	25.0	25.0
(c) Other	163.9	163.9

Performance measures:

(a) Explanatory:	Number of pretrial detention motions made
(b) Explanatory:	Percent of pretrial detention motions granted

(11) Eleventh judicial district, division I:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within San Juan county.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Personal services and employee benefits	5,194.9		97.0	234.3	5,526.2
(b) Contractual services	218.0				218.0
(c) Other	309.4		1.0		310.4

Performance measures:

(a) Explanatory:	Percent of pretrial detention motions granted
(b) Explanatory:	Number of pretrial detention motions made

(12) Eleventh judicial district, division II:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within McKinley county.

Appropriations:

(a) Personal services and employee benefits	2,770.7	216.5			2,987.2
(b) Contractual services	105.9				105.9
(c) Other	175.5				175.5

Performance measures:

(a) Explanatory:	Number of pretrial detention motions made
(b) Explanatory:	Percent of pretrial detention motions granted

(13) Twelfth judicial district:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Lincoln and Otero counties.

Appropriations:

(a) Personal services and employee benefits	3,636.8		230.0	194.8	4,061.6
(b) Contractual services	100.0				100.0
(c) Other	299.5				299.5

Performance measures:

(a) Explanatory:	Number of pretrial detention motions made
(b) Explanatory:	Percent of pretrial detention motions granted

(14) Thirteenth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Cibola, Sandoval and Valencia counties.

Appropriations:

(a) Personal services and employee benefits	6,020.0	214.5		75.0	6,309.5
(b) Contractual services	150.0	25.0			175.0
(c) Other	469.0	10.0			479.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Performance measures:

(a) Explanatory:	Number of pretrial detention motions made				
(b) Explanatory:	Percent of pretrial detention motions granted				
Subtotal					88,757.0

**ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS:**

(1) Administrative support:

The purpose of the administrative support program is to provide fiscal, human resource, staff development, automation, victim program services and support to all district attorneys' offices in New Mexico and to members of the New Mexico children's safe house network so that they may obtain and access the necessary resources to effectively and efficiently carry out their prosecutorial, investigative and programmatic functions.

Appropriations:

(a) Personal services and employee benefits	1,598.4	99.4			1,697.8
(b) Contractual services	280.4	16.9			297.3
(c) Other	792.2	190.3			982.5
Subtotal					2,977.6

**PUBLIC DEFENDER DEPARTMENT:**

(1) Criminal legal services:

The purpose of the criminal legal services program is to provide effective legal representation and

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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advocacy for eligible clients so their liberty and constitutional rights are protected and to serve the community as a partner in assuring a fair and efficient criminal justice system that sustains New Mexico's statutory and constitutional mandate to adequately fund a statewide indigent defense system.

Appropriations:

(a) Personal services and employee benefits	39,447.9				39,447.9
(b) Contractual services	15,578.4	603.6	543.5		16,725.5
(c) Other	5,773.7				5,773.7

Performance measures:

(a) Output:	Average cases assigned to attorneys yearly				330
Subtotal					61,947.1
TOTAL JUDICIAL	348,719.9	32,929.8	15,247.9	5,606.6	402,504.2

**C. GENERAL CONTROL**

**ATTORNEY GENERAL:**

(1) Legal services:

The purpose of the legal services program is to deliver quality legal services, including opinions, counsel and representation to state government entities and to enforce state law on behalf of the public so New Mexicans have an open, honest, efficient government and enjoy the protection of state law.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	10,130.1		9,000.7	848.6	19,979.4
(b) Contractual services	642.3		387.1	54.5	1,083.9
(c) Other	2,746.9		1,679.9	494.0	4,920.8

The internal service/interagency transfers appropriations to the legal services program of the attorney general include eleven million sixty-seven thousand seven hundred dollars (\$11,067,700) from the consumer settlement fund of the office of the attorney general.

(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	604.4	107.1		2,136.0	2,847.5
(b) Contractual services	73.7	9.8		250.5	334.0
(c) Other	122.0	26.7		444.8	593.5
Subtotal					29,759.1

**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:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	2,855.1	750.0			3,605.1
(b) Contractual services	86.0				86.0
(c) Other	518.0				518.0
Subtotal					4,209.1

### 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	23,698.7	767.9		1,294.7	25,761.3
(b) Contractual services	578.2			28.2	606.4
(c) Other	6,088.9	389.6		201.5	6,680.0

Performance measures:

(a) Outcome:	Collections as a percent of collectible outstanding balances from the end of the prior fiscal year	20%
(b) Outcome:	Collections as a percent of collectible audit assessments generated in the previous fiscal year	60%

(2) Motor vehicle:

The purpose of the motor vehicle program is to register, title and license vehicles, boats and motor

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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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	14,556.8	3,177.5		120.8	17,855.1
(b) Contractual services		7,533.1			7,533.1
(c) Other		11,775.2			11,775.2
(d) Other financing uses		8,094.5			8,094.5

The other state funds appropriations to the motor vehicle program of the taxation and revenue department include eight million dollars (\$8,000,000) from the weight distance tax identification permit fund for the modal program of the department of transportation and ninety-four thousand five hundred dollars (\$94,500) from the weight distance tax identification permit fund for the law enforcement program of the department of public safety.

Performance measures:

(a) Outcome:	Percent of registered vehicles with liability insurance	92%
(b) Efficiency:	Average call center wait time to reach an agent, in minutes	10
(c) Efficiency:	Average wait time in qmatic-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

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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appraisal of property and to assess property taxes within the state.

Appropriations:

(a) Personal services and employee benefits		3,509.0			3,509.0
(b) Contractual services		1,204.1			1,204.1
(c) Other		1,238.7			1,238.7

Performance measures:

(a) Outcome:	Percent of total delinquent property taxes recovered	15%
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(4) Compliance enforcement:

The purpose of the compliance enforcement program is to support the overall mission of the taxation and revenue department by enforcing criminal statutes relative to the New Mexico Tax Administration Act and other related financial crimes, as they impact New Mexico state taxes, to encourage and achieve voluntary compliance with state tax laws.

Appropriations:

(a) Personal services and employee benefits	1,480.0			1,480.0
(b) Contractual services	9.4			9.4
(c) Other	279.0			279.0

(5) Program support:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of program support is to provide information system resources, human resource services, finance and accounting services, revenue forecasting and legal services to give agency personnel the resources needed to meet departmental objectives. For the general public, the program conducts hearings for resolving taxpayer protests and provides stakeholders with reliable information regarding the state's tax programs.

Appropriations:

(a) Personal services and employee benefits	14,226.0	353.3			14,579.3
(b) Contractual services	4,443.1				4,443.1
(c) Other	2,666.2				2,666.2
Subtotal					107,714.4

**STATE INVESTMENT COUNCIL:**

(1) State investment:

The purpose of the state investment program is to provide investment management of the state's permanent funds for the citizens of New Mexico to maximize distributions to the state's operating budget while preserving the real value of the funds for future generations of New Mexicans.

Appropriations:

(a) Personal services and employee benefits			4,250.6		4,250.6
(b) Contractual services			59,551.2		59,551.2
(c) Other			705.7		705.7

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Outcome:	Five-year annualized investment returns to exceed internal benchmarks, in basis points				12.5
(b) Outcome:	Five-year annualized percentile performance ranking in endowment investment peer universe				49%
Subtotal					64,507.5

### **ADMINISTRATIVE HEARINGS OFFICE:**

(1) Administrative hearings:

The purpose of the administrative hearings program is to adjudicate tax-, property- and motor-vehicle-related administrative hearings in a fair, efficient and impartial manner independent of the executive agency that is party to the proceedings.

Appropriations:

(a) Personal services and employee benefits	1,564.2	165.0			1,729.2
(b) Contractual services	73.0				73.0
(c) Other	218.5		55.0		273.5

The other state funds appropriation to the administrative hearings office includes one hundred sixty-five thousand dollars (\$165,000) from the motor vehicle suspense fund.

The internal service funds/interagency transfers appropriation to the administrative hearings office includes fifty thousand dollars (\$50,000) from the human services department for costs of conducting administrative hearings under the Medicaid Provider and Managed Care Act.

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Outcome:	Percent of hearings for implied consent act cases not held within ninety days due to administrative hearings office error				0.5%
Subtotal					2,075.7

**DEPARTMENT OF FINANCE AND ADMINISTRATION:**

(1) Policy development, fiscal analysis, budget oversight and education accountability:

The purpose of the policy development, fiscal analysis, budget oversight and education accountability program is to provide professional and coordinated policy development and analysis and oversight to the governor, the legislature and state agencies so they can advance the state's policies and initiatives using appropriate and accurate data to make informed decisions for the prudent use of the public's tax dollars.

Appropriations:

(a) Personal services and employee benefits	3,564.8				3,564.8
(b) Contractual services	363.3				363.3
(c) Other	852.2				852.2

On certification by the state board of finance pursuant to Section 6-1-2 NMSA 1978 that a critical emergency exists that cannot be addressed by disaster declaration or other emergency or contingency funds, the secretary of the department of finance and administration is authorized to transfer from the general fund operating reserve to the state board of finance emergency fund the amount necessary to meet the emergency. Such transfers shall not exceed an aggregate amount of two million five hundred thousand dollars (\$2,500,000) in fiscal year 2023. Repayments of emergency loans made pursuant to this paragraph shall be

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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deposited in the board of finance emergency fund pursuant to the provisions of Section 6-1-5 NMSA 1978.

Performance measures:

(a) Outcome:	General fund reserves as a percent of recurring appropriations	25%
(b) Outcome:	Error rate for the eighteen-month general fund revenue forecast, excluding oil and gas revenue and corporate income taxes	5%
(c) Outcome:	Error rate for the eighteen-month general fund revenue forecast, including oil and gas revenue and corporate income taxes	5%

(2) Community development, local government assistance and fiscal oversight:

The purpose of the community development, local government assistance and fiscal oversight program is to help counties, municipalities and special districts maintain strong communities through sound fiscal advice and oversight, technical assistance, monitoring of project and program progress and timely processing of payments, grant agreements and contracts.

Appropriations:

(a) Personal services and employee benefits	2,217.5	1,297.8	393.9	3,909.2
(b) Contractual services	3,478.0	1,461.3	10.7	4,950.0
(c) Other	87.2	32,516.9	21,350.3	53,954.4
(d) Other financing uses		300.0		300.0

The other state funds appropriations to the community development, local government assistance and fiscal oversight program of the department of finance and administration include twelve million four hundred

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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seventy-six thousand dollars (\$12,476,000) from the enhanced 911 fund, twenty-one million five hundred thousand dollars (\$21,500,000) from the local DWI grant fund and one million six hundred thousand dollars (\$1,600,000) from the civil legal services fund.

Performance measures:

(a) Outcome:	Number of counties and municipalities local government division assisted during the fiscal year to resolve audit findings and diminish poor audit opinions	11
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(3) Fiscal management and oversight:

The purpose of the fiscal management and oversight program is to provide for and promote financial accountability for public funds throughout state government by providing state agencies and the citizens of New Mexico with timely, accurate and comprehensive information on the financial status and expenditures of the state.

Appropriations:

(a) Personal services and employee benefits	4,485.4			4,485.4
(b) Contractual services	1,338.7			1,338.7
(c) Other	257.0			257.0
(d) Other financing uses		42,077.0	16,250.0	58,327.0

The internal service funds/interagency transfers appropriation to the fiscal management and oversight program of the department of finance and administration in the other financing uses category includes



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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sixteen million two hundred fifty thousand dollars (\$16,250,000) from the tobacco settlement program fund.

The other state funds appropriation to the fiscal management and oversight program of the department of finance and administration in the other financing uses category includes two million two hundred seventy-seven thousand dollars (\$2,277,000) from the tobacco settlement program fund.

The other state funds appropriation to the fiscal management and oversight program of the department of finance and administration in the other financing uses category includes thirty-nine million eight hundred thousand dollars (\$39,800,000) from the county-supported medicaid fund.

Performance measures:

(a) Efficiency:	Percent of vouchered vendor payments processed within five working days	100%
(b) Output:	Percent of bank accounts reconciled on an annual basis	100%

(4) Program support:

The purpose of program support is to provide other department of finance and administration programs with central direction to agency management processes to ensure consistency, legal compliance and financial integrity, to provide human resources support and to administer the executive's exempt salary plan.

Appropriations:

(a) Personal services and employee benefits	1,681.3	1,681.3
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Contractual services	115.8				115.8
(c) Other	228.0				228.0

(5) Dues and membership fees/special appropriations:

Appropriations:

(a) Emergency water supply fund	109.9				109.9
(b) Fiscal agent contract	1,064.8				1,064.8
(c) State planning districts	693.0				693.0
(d) Statewide teen court	17.7	120.2			137.9
(e) Law enforcement protection fund		15,300.0			15,300.0
(f) Leasehold community assistance	120.0				120.0
(g) Acequia and community ditch education program	398.2				398.2
(h) New Mexico acequia commission	88.1				88.1
(i) Land grant council	496.9				496.9
(j) Membership and dues	148.0				148.0
(k) County detention of prisoners	5,000.0				5,000.0

The department of finance and administration shall not distribute a general fund appropriation made in items (a) through (i) and item (k) to a New Mexico agency or local public body that is not current on its audit or financial reporting or otherwise in compliance with the Audit Act.

The other state funds appropriations to the dues and membership fees/special appropriations program of the department of finance and administration include two hundred thousand dollars (\$200,000) from the law

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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enforcement protection fund for the statewide law enforcement program of the department of public safety to implement the Law Enforcement Training Act contingent on enactment of House Bill 86 or similar legislation of the second session of the fifty-fifth legislature to expand allowable uses of the law enforcement protection fund to include costs related to the implementation of the Law Enforcement Training Act incurred by the department of public safety.

Subtotal					157,883.9
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**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		354,086.7	354,086.7
(b) Other financing uses		728.2	728.2

Performance measures:

(a) Outcome:	Percent change in per-member health claim costs	4.6%
(b) Outcome:	Percent change in medical premium as compared with industry average	4.5%

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(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		86,489.0			86,489.0
(b) Other financing uses		728.3			728.3

Performance measures:

(a) Explanatory:	Total dollar amount of excess insurance claims for property, in thousands
(b) Explanatory:	Total dollar amount of excess insurance claims for liability, in thousands
(c) Explanatory:	Total dollar amount of excess insurance claims for workers' compensation, in thousands

(3) Program support:

The purpose of program support is to provide administrative support for the benefits and risk programs and to assist the agency in delivering services to its constituents.

Appropriations:

(a) Personal services and employee benefits		1,180.8			1,180.8
(b) Contractual services		90.4			90.4
(c) Other		185.3			185.3

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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Any unexpended balances in program support of the New Mexico public school insurance authority remaining at the end of fiscal year 2023 shall revert in equal amounts to the benefits program and risk program.

Subtotal	443,488.7
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**RETIREE HEALTH CARE AUTHORITY:**

(1) Healthcare benefits administration:

The purpose of the healthcare benefits administration program is to provide fiscally solvent core group and optional healthcare benefits and life insurance to current and future eligible retirees and their dependents so they may access covered and available core group and optional healthcare benefits and life insurance benefits when they need them.

Appropriations:

(a) Contractual services	376,926.7	376,926.7
(b) Other	45.0	45.0
(c) Other financing uses	3,412.8	3,412.8

Performance measures:

(a) Output:	Minimum number of years of positive fund balance	30
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(2) Program support:

The purpose of program support is to provide administrative support for the healthcare benefits administration program to assist the agency in delivering its services to its constituents.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Personal services and employee benefits			2,150.9		2,150.9
(b) Contractual services			674.9		674.9
(c) Other			587.0		587.0

Any unexpended balances in program support of the retiree health care authority remaining at the end of fiscal year 2023 shall revert to the healthcare benefits administration program.

Subtotal					383,797.3
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**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		23,282.5			23,282.5
(b) Other		398,210.8			398,210.8

Performance measures:

(a) Outcome:	Percent change in state employee medical premium	5%
(b) Outcome:	Percent change in the average per-member per-month total healthcare cost	5%
(c) Efficiency:	Annual loss ratio for the health benefits fund	98%

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(d) Explanatory: Projected year-end fund balance of the health benefits fund, in thousands

(2) Risk management:

The purpose of the risk management program is to protect the state's assets against property, public liability, workers' compensation, state unemployment compensation, local public bodies unemployment compensation and surety bond losses so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a) Personal services and employee benefits			4,692.2		4,692.2
(b) Contractual services			150.0		150.0
(c) Other			389.7		389.7
(d) Other financing uses			4,076.0		4,076.0

Any unexpended balances in the risk management program of the general services department remaining at the end of fiscal year 2023 shall revert to the public liability fund, public property reserve fund, workers' compensation retention fund, state unemployment compensation fund, local public body unemployment compensation fund and group self-insurance fund based on the proportion of each individual fund's assessment for the risk management program.

(3) Risk management funds:

The purpose of the risk management funds is to provide public liability, public property and workers'

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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compensation coverage to state agencies and employees.

Appropriations:

(a) Public liability		48,023.5			48,023.5
(b) Surety bond		55.0			55.0
(c) Public property reserve		15,780.5			15,780.5
(d) Local public body unemployment compensation reserve		3,090.0			3,090.0
(e) Workers' compensation retention		22,958.1			22,958.1
(f) State unemployment compensation		12,100.0			12,100.0

The other state funds appropriations to the public liability fund and the workers' compensation retention fund include sufficient funding to pay costs of providing liability and workers' compensation insurance coverage to members of the New Mexico mounted patrol.

Performance measures:

(a) Explanatory:	Projected financial position of the public property fund
(b) Explanatory:	Projected financial position of the workers' compensation fund
(c) Explanatory:	Projected financial position of the public liability fund

(4) State printing services:

The purpose of the state printing services program is to provide cost-effective printing and publishing



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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services for governmental agencies.

Appropriations:

(a) Personal services and employee benefits		543.9			543.9
(b) Contractual services		60.0			60.0
(c) Other		1,338.6			1,338.6
(d) Other financing uses		57.4			57.4

Performance measures:

(a) Output:	Percent of state printing revenue exceeding expenditures	4%
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(5) Facilities management:

The purpose of the facilities management division program is to provide employees and the public with effective property management so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a) Personal services and employee benefits	9,302.1				9,302.1
(b) Contractual services	285.6				285.6
(c) Other	6,793.5				6,793.5
(d) Other financing uses	200.0				200.0

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(a) Outcome:	Percent of new office space leases achieving adopted space standards				90%
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(6) Transportation services:

The purpose of the transportation services program is to provide centralized and effective administration of the state's motor pool and aircraft transportation services so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a) Personal services and employee benefits	257.2	2,019.3			2,276.5
(b) Contractual services	2.3	200.5			202.8
(c) Other	245.2	6,684.5			6,929.7
(d) Other financing uses	28.5	361.6			390.1

Performance measures:

(a) Outcome:	Percent of leased vehicles used 750 miles per month or daily				70%
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(7) Procurement services:

The purpose of the procurement services program is to provide a procurement process for tangible property for government entities to ensure compliance with the Procurement Code so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	719.2	1,472.4			2,191.6
(b) Contractual services		29.0			29.0
(c) Other	8.1	182.4			190.5
(d) Other financing uses		73.9			73.9

Performance measures:

(a) Output:	Average number of days for completion of contract review	5
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(8) Program support:

The purpose of program support is to provide leadership and policy direction, establish department procedures, manage program performance, oversee department human resources and finances and provide information technology business solutions.

Appropriations:

(a) Personal services and employee benefits	3,377.1	3,377.1
(b) Contractual services	563.5	563.5
(c) Other	856.8	856.8

Any unexpended balances in program support of the general services department remaining at the end of fiscal year 2023 shall revert to the procurement services, state printing services, risk management, facilities management and transportation services programs based on the proportion of each individual program's assessment for program support.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
Subtotal					568,470.9

### EDUCATIONAL RETIREMENT BOARD:

(1) Educational retirement:

The purpose of the educational retirement program is to provide secure retirement benefits to active and retired members so they can have secure monthly benefits when their careers are finished.

Appropriations:

(a) Personal services and employee benefits		8,214.0			8,214.0
(b) Contractual services		20,000.0			20,000.0
(c) Other		1,819.1			1,819.1

Performance measures:

(a) Outcome:	Funding period of unfunded actuarial accrued liability, in years				30
(b) Explanatory:	Ten-year performance ranking in a national peer survey of public plans				
Subtotal					30,033.1

### 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.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Contractual services	1,055.6		52.0		1,107.6
(b) Other	333.0				333.0
Subtotal					1,440.6

**GOVERNOR:**

(1) Executive management and leadership:

The purpose of the executive management and leadership program is to provide appropriate management and leadership to the executive branch of government to allow for a more efficient and effective operation of the agencies within that branch of government on behalf of the citizens of the state.

Appropriations:

(a) Personal services and employee benefits	4,580.9				4,580.9
(b) Contractual services	86.0				86.0
(c) Other	507.4				507.4

The general fund appropriation to the office of the governor in the other category includes ninety-six thousand dollars (\$96,000) for the governor's contingency fund.

Subtotal					5,174.3
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**LIEUTENANT GOVERNOR:**

(1) State ombudsman:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the state ombudsman program is to facilitate and promote cooperation and understanding between the citizens of New Mexico and the agencies of state government, refer any complaints or special problems citizens may have to the proper entities, keep records of activities and submit an annual report to the governor.

Appropriations:

(a) Personal services and employee benefits	455.7				455.7
(b) Contractual services	36.9				36.9
(c) Other	92.3				92.3
Subtotal					584.9

**DEPARTMENT OF INFORMATION TECHNOLOGY:**

(1) Compliance and project management:

The purpose of the compliance and project management program is to provide information technology strategic planning, oversight and consulting services to New Mexico government agencies so they can improve services provided to New Mexico citizens.

Appropriations:

(a) Personal services and employee benefits	1,618.6	113.8			1,732.4
(b) Contractual services		1,021.5			1,021.5
(c) Other		130.8			130.8
(d) Other financing uses		173.1			173.1

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Performance measures:

(a) Outcome:	Percent of information technology professional service contracts greater than one million dollars in value reviewed within seven business days	95%
(b) Outcome:	Percent of information technology professional service contracts less than one million dollars in value reviewed within five business days	99%

(2) Enterprise services:

The purpose of the enterprise services program is to provide reliable and secure infrastructure for voice, radio, video and data communications through the state's enterprise data center and telecommunications network.

Appropriations:

(a) Personal services and employee benefits	10,849.5	10,849.5
(b) Contractual services	5,587.4	5,587.4
(c) Other	33,933.4	33,933.4
(d) Other financing uses	8,134.5	8,134.5

Performance measures:

(a) Outcome:	Percent of service desk incidents resolved within the timeframe specified for their priority level	99%
(b) Output:	Number of independent vulnerability scans of information technology assets identifying potential cyber risks	4

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(3) Equipment replacement revolving funds:

Appropriations:

(a) Other		2,419.8	8,134.5		10,554.3
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(4) Broadband access and expansion:

Appropriations:

(a) Personal services and employee benefits	608.7				608.7
(b) Contractual services	125.0				125.0
(c) Other	79.3				79.3

(5) Program support:

The purpose of program support is to provide management and ensure cost recovery and allocation services through leadership, policies, procedures and administrative support for the department.

Appropriations:

(a) Personal services and employee benefits		3,433.3	173.1		3,606.4
(b) Contractual services		46.0			46.0
(c) Other		305.7			305.7

Performance measures:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Outcome:	Percent of enterprise services achieving a cost recovery rate within ten percent of breaking even				95%
Subtotal					76,888.0

**PUBLIC EMPLOYEES RETIREMENT ASSOCIATION:**

(1) Pension administration:

The purpose of the pension administration program is to provide information, retirement benefits and an actuarially sound fund to association members so they can receive the defined benefit they are entitled to when they retire from public service.

Appropriations:

(a) Personal services and employee benefits	46.1	8,328.0		8,374.1
(b) Contractual services		25,968.8		25,968.8
(c) Other	3.7	3,553.6		3,557.3

Performance measures:

(a) Outcome:	Funding period of unfunded actuarial accrued liability, in years			30
(b) Explanatory:	Average rate of net return over the last five years			
Subtotal				37,900.2

**STATE COMMISSION OF PUBLIC RECORDS:**

(1) Records, information and archival management:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the records, information and archival management program is to develop, implement and provide tools, methodologies and services for use by, and for the benefit of, government agencies, historical record repositories and the public so the state can effectively create, preserve, protect and properly dispose of records, facilitate their use and understanding and protect the interests of the citizens of New Mexico.

Appropriations:

(a) Personal services and employee benefits	2,368.5				2,368.5
(b) Contractual services	67.4			16.3	83.7
(c) Other	79.3	253.7		23.7	356.7
Subtotal					2,808.9

**SECRETARY OF STATE:**

(1) Administration and operations:

The purpose of the administration and operations program is to provide operational services to commercial and business entities and citizens, including administration of notary public commissions, uniform commercial code filings, trademark registrations and partnerships, and to provide administrative services needed to carry out elections.

Appropriations:

(a) Personal services and employee benefits	3,248.4				3,248.4
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Contractual services	189.2				189.2
(c) Other	610.0	65.0			675.0

(2) Elections:

The purpose of the elections program is to provide voter education and information on election law and government ethics to citizens, public officials and candidates so they can comply with state law.

Appropriations:

(a) Personal services and employee benefits	1,623.7				1,623.7
(b) Contractual services	649.9	164.4			814.3
(c) Other	7,592.2	491.3			8,083.5

Performance measures:

(a) Outcome:	Percent of eligible voters registered to vote	87%
(b) Outcome:	Percent of reporting individuals in compliance with campaign finance reporting requirements	99%
Subtotal		14,634.1

**PERSONNEL BOARD:**

(1) Human resource management:

The purpose of the human resource management program is to provide a merit-based system in partnership with state agencies, appropriate compensation, human resource accountability and employee development that meets the evolving needs of the agencies, employees, applicants and the public so economy and efficiency in the

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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management of state affairs may be provided while protecting the interest of the public.

Appropriations:

(a) Personal services and employee benefits	3,523.2				3,523.2
(b) Contractual services	76.0				76.0
(c) Other	234.9				234.9

Performance measures:

(a) Explanatory:	Average number of days to fill a position from the date of posting				
(b) Explanatory:	Classified service vacancy rate				
(c) Explanatory:	Number of salary increases awarded				
(d) Explanatory:	Average classified service employee total compensation				
(e) Explanatory:	Cost of overtime pay				
Subtotal					3,834.1

**PUBLIC EMPLOYEES LABOR RELATIONS BOARD:**

The purpose of the public employee labor relations board is to assure all state and local public body employees have the option to organize and bargain collectively with their employer.

Appropriations:

(a) Personal services and employee benefits	179.1				179.1
(b) Contractual services	19.0				19.0
(c) Other	57.0				57.0
Subtotal					255.1

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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### STATE TREASURER:

The purpose of the state treasurer program is to provide a financial environment that maintains maximum accountability for receipt, investment and disbursement of public funds to protect the financial interests of New Mexico citizens.

#### Appropriations:

(a) Personal services and employee benefits	2,881.9	361.0		2.0	3,244.9
(b) Contractual services	393.5	29.0			422.5
(c) Other	717.2				717.2

#### Performance measures:

(a) Outcome:	One-year annualized investment return on general fund core portfolio to exceed internal benchmarks, in basis points	10
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Subtotal				4,384.6	
TOTAL GENERAL CONTROL	166,447.6	1,626,512.0	119,214.4	27,670.5	1,939,844.5

### D. COMMERCE AND INDUSTRY

#### BOARD OF EXAMINERS FOR ARCHITECTS:

(1) Architectural registration:

The purpose of the board of examiners for architects is to regulate, through enforcement and licensing, the professional conduct of architects to protect the health, safety and welfare of the general public of the

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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state.

Appropriations:

(a) Personal services and employee benefits		345.4			345.4
(b) Contractual services		46.7			46.7
(c) Other		83.3			83.3
Subtotal					475.4

**STATE ETHICS COMMISSION:**

The purpose of the New Mexico ethics commission is to receive, investigate and adjudicate complaints against public officials, public employees, candidates, those subject to the Campaign Reporting Act, government contractors, lobbyists and lobbyists' employers and to ensure that public ethics laws are clear, comprehensive and effective.

Appropriations:

(a) Personal services and employee benefits	881.7				881.7
(b) Contractual services	200.0				200.0
(c) Other	111.8				111.8
Subtotal					1,193.5

**BORDER AUTHORITY:**

(1) Border development:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the border development program is to encourage and foster trade development in the state by developing port facilities and infrastructure at international ports of entry to attract new industries and business to the New Mexico border and to assist industries, businesses and the traveling public in their efficient and effective use of ports and related facilities.

Appropriations:

(a) Personal services and employee benefits	385.5				385.5
(b) Contractual services	19.8	24.0			43.8
(c) Other	33.1	84.7			117.8

Performance measures:

(a) Outcome:	Annual trade share of New Mexico ports within the west Texas and New Mexico region	50%
(b) Outcome:	Number of commercial and noncommercial vehicles passing through New Mexico ports	1,100,000
Subtotal		547.1

**TOURISM DEPARTMENT:**

(1) Marketing and promotion:

The purpose of the marketing and promotion program is to produce and provide collateral, editorial and special events for the consumer and trade industry so they may increase their awareness of New Mexico as a premier tourist destination.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	525.3				525.3
(b) Contractual services	1,387.2	30.0			1,417.2
(c) Other	14,676.1				14,676.1

Performance measures:

(a) Outcome:	Percent change in New Mexico leisure and hospitality employment	3%
(b) Output:	Percent change in year-over-year visitor spending	3%

(2) Tourism development:

The purpose of the tourism development program is to provide constituent services for communities, regions and other entities so they may identify their needs and assistance can be provided to locate resources to fill those needs, whether internal or external to the organization.

Appropriations:

(a) Personal services and employee benefits	668.2	384.2	1,052.4
(b) Contractual services	3.5	2.6	6.1
(c) Other	560.4	1,060.1	1,620.5

Performance measures:

(a) Output:	Number of entities participating in collaborative applications for the cooperative marketing grant program	140
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(3) New Mexico magazine:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the New Mexico magazine program is to produce a monthly magazine and ancillary products for a state and global audience so the audience can learn about New Mexico from a cultural, historical and educational perspective.

Appropriations:

(a) Personal services and employee benefits		1,018.8			1,018.8
(b) Contractual services		830.0			830.0
(c) Other		1,393.6			1,393.6

Performance measures:

(a) Output:	True adventure guide advertising revenue	\$445,000
(b) Output:	Advertising revenue per issue, in thousands	\$75

(4) Program support:

The purpose of program support is to provide administrative assistance to support the department's programs and personnel so they may be successful in implementing and reaching their strategic initiatives and maintaining full compliance with state rules and regulations.

Appropriations:

(a) Personal services and employee benefits	1,391.0	1,391.0
(b) Contractual services	32.5	32.5
(c) Other	142.5	142.5
Subtotal		24,106.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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**ECONOMIC DEVELOPMENT DEPARTMENT:**

(1) Economic development:

The purpose of the economic development program is to assist communities in preparing for their role in the new economy, focusing on high-quality job creation and improved infrastructure so New Mexicans can increase their wealth and improve their quality of life.

Appropriations:

(a) Personal services and employee benefits	2,344.2			200.0	2,544.2
(b) Contractual services	1,709.0				1,709.0
(c) Other	7,322.7				7,322.7

Performance measures:

(a) Outcome:	Number of workers trained by the job training incentive program	2,000
(b) Outcome:	Number of rural jobs created	1,320
(c) Output:	Number of jobs created through the use of Local Economic Development Act funds	3,000
(d) Outcome:	Number of jobs created through business relocations facilitated by the New Mexico economic development partnership	2,250

(2) Film:

The purpose of the film program is to maintain the core business for the film location services and stimulate growth in digital film media to maintain the economic vitality of New Mexico's film industry.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
Appropriations:					
(a) Personal services and employee benefits	771.5				771.5
(b) Contractual services	53.4				53.4
(c) Other	78.9				78.9

Performance measures:

(a) Outcome:	Direct spending by film industry productions, in millions	\$530
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(3) Outdoor recreation:

Appropriations:

(a) Personal services and employee benefits	323.8	323.8
(b) Contractual services	25.0	25.0
(c) Other	582.0	582.0

(4) Program support:

The purpose of program support is to provide central direction to agency management processes and fiscal support to agency programs to ensure consistency, continuity and legal compliance.

Appropriations:

(a) Personal services and employee benefits	2,020.6	2,020.6
(b) Contractual services	1,223.3	1,223.3

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(c) Other	482.0				482.0
Subtotal					17,136.4

### REGULATION AND LICENSING DEPARTMENT:

(1) Construction industries:

The purpose of the construction industries 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	8,288.5	242.7	200.0	25.0	8,756.2
(b) Contractual services	416.7	50.3			467.0
(c) Other	1,207.5	46.3			1,253.8
(d) Other financing uses	147.2				147.2

Performance measures:

(a) Outcome:	Percent of commercial plans reviewed within ten working days	92%
(b) Outcome:	Percent of residential plans reviewed within five working days	95%
(c) Output:	Time to final action, referral or dismissal of complaint, in months	8

(2) Financial institutions:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the financial institutions and securities program is to issue charters and licenses; perform examinations; investigate complaints; enforce laws, rules and regulations; and promote investor protection and confidence so capital formation is maximized and a secure financial infrastructure is available to support economic development.

Appropriations:

(a) Personal services and employee benefits	84.0	1,075.7	2,000.0		3,159.7
(b) Contractual services		82.2			82.2
(c) Other		559.9			559.9
(d) Other financing uses		261.5			261.5

The internal service funds/interagency transfers appropriation to the financial institutions program of the regulation and licensing department includes four hundred forty-six thousand five hundred dollars (\$446,500) from the mortgage regulatory fund for the general operations of the financial institutions program.

Performance measures:

(a) Outcome:	Percent of completed applications processed within ninety days by type of application	97%
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(3) Alcohol and gaming:

The purpose of the alcohol and gaming program is to regulate the sale, service and public consumption of alcoholic beverages and, in cooperation with the department of public safety, enforce the Liquor Control

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Act to protect the health, safety and welfare of the citizens of and visitors to New Mexico.

Appropriations:

(a) Personal services and employee benefits	937.7	225.0			1,162.7
(b) Contractual services	13.3				13.3
(c) Other	77.1	75.0			152.1

Performance measures:

(a) Output:	Number of days to resolve an administrative citation that does not require a hearing	110
(b) Outcome:	Number of days to issue a restaurant beer and wine liquor license	110

(4) Securities:

The purpose of the securities program is to protect the integrity of the capital markets in New Mexico by setting standards for licensed professionals, investigating complaints, educating the public and enforcing the law.

Appropriations:

(a) Personal services and employee benefits	61.8	1,245.4			1,307.2
(b) Contractual services	4.0	70.0			74.0
(c) Other	70.0	313.4			383.4
(d) Other financing uses		252.2			252.2

(5) Boards and commissions:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
Appropriations:					
(a) Personal services and employee benefits	31.1	184.2	5,873.3		6,088.6
(b) Contractual services		547.7			547.7
(c) Other		1,631.0			1,631.0
(d) Other financing uses		7,802.6	640.3		8,442.9

(6) Manufactured housing:

Appropriations:

(a) Personal services and employee benefits	200.0	1,014.7		25.0	1,239.7
(b) Contractual services		82.5			82.5
(c) Other		187.8			187.8

The other state funds appropriations to the manufactured housing program of the regulation and licensing department in the personal services and employee benefits category include two hundred eight-five thousand dollars (\$285,000) from the mortgage regulatory fund.

The other state funds appropriations to the manufactured housing program of the regulation and licensing department in the personal services and employee benefits category include two hundred thousand dollars (\$200,000) from the securities enforcement and investor education fund.

(7) Cannabis control division:

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	2,496.0				2,496.0
(b) Contractual services	371.7	283.5			655.2
(c) Other	250.0	400.0			650.0
(d) Other financing uses		2,516.5			2,516.5

The other state funds appropriation to the cannabis control division of the regulation and licensing department includes two million five hundred sixteen thousand five hundred dollars (\$2,516,500) from cannabis licensing fees for the operations of the medical cannabis program of the department of health.

(8) 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	846.4		1,819.3		2,665.7
(b) Contractual services	31.1		509.6		540.7
(c) Other	128.2		605.5		733.7
Subtotal					46,510.4

**PUBLIC REGULATION COMMISSION:**

(1) Policy and regulation:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the policy and regulation program is to fulfill the constitutional and legislative mandates regarding regulated industries through rulemaking, adjudications and policy initiatives to ensure the provisions of adequate and reliable services at fair, just and reasonable rates so the interests of the consumers and regulated industries are balanced to promote and protect the public interest.

Appropriations:

(a) Personal services and employee benefits	6,152.4	284.2			6,436.6
(b) Contractual services	656.8				656.8
(c) Other	761.7				761.7

Performance measures:

(a) Output:	Number of total carrier inspections (household goods, bus, taxi, ambulance, tow and rail) performed by staff	400
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(2) Public safety:

The purpose of the public safety program is to provide services and resources to the appropriate entities to enhance their ability to protect the public from fire and pipeline hazards and other risk as assigned to the public regulation commission.

Appropriations:

(a) Personal services and employee benefits		505.1		772.1	1,277.2
(b) Contractual services		82.4			82.4

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(c) Other		135.4		127.5	262.9

(3) Program support:

The purpose of program support is to provide administrative support and direction to ensure consistency, compliance, financial integrity and fulfillment of the agency mission.

Appropriations:

(a) Personal services and employee benefits	2,363.6	607.2			2,970.8
(b) Contractual services	98.3				98.3
(c) Other	461.2				461.2
Subtotal					13,007.9

**OFFICE OF SUPERINTENDENT OF INSURANCE:**

(1) Insurance policy:

The purpose of the insurance policy program is to ensure easy public access to reliable insurance products that meet consumers' needs and are underwritten by dependable, reputable, financially sound companies that charge fair rates and are represented by trustworthy, qualified agents, while promoting a positive competitive business climate.

Appropriations:

(a) Personal services and employee benefits		3,654.1	6,187.0		9,841.1
(b) Contractual services		505.8	1,951.4		2,457.2

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(c) Other		944.1	888.0		1,832.1
(d) Other financing uses		616.8			616.8
(2) Patient's compensation fund:					
Appropriations:					
(a) Personal services and employee benefits		37.2			37.2
(b) Contractual services		596.2			596.2
(c) Other		27,544.4			27,544.4
(d) Other financing uses		816.5			816.5
(3) Special revenues:					
Appropriations:					
(a) Other financing uses		8,249.1			8,249.1
(a) Other financing uses		8,249.1			8,249.1

### MEDICAL BOARD:

(1) Licensing and certification:

The purpose of the licensing and certification program is to provide regulation and licensure to healthcare providers regulated by the New Mexico medical board and to ensure competent and ethical medical care to consumers.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits		1,625.9			1,625.9
(b) Contractual services		650.0			650.0
(c) Other		424.1			424.1
Subtotal					2,700.0

### BOARD OF NURSING:

#### (1) Licensing and certification:

The purpose of the licensing and certification program is to provide regulations to nurses, hemodialysis technicians, medication aides and their education and training programs so they provide competent and professional healthcare services to consumers.

#### Appropriations:

(a) Personal services and employee benefits	2,212.2	2,212.2
(b) Contractual services	54.4	54.4
(c) Other	954.6	954.6
(d) Other financing uses	50.0	50.0

#### Performance measures:

(a) Explanatory:	Number of certified registered nurse anesthetist licenses active on June 30	
(b) Output:	Number of advanced practice nurses contacted regarding high-risk prescribing and prescription monitoring program compliance, based on the pharmacy board's prescription monitoring program reports	300
Subtotal		3,271.2

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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**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		7,700.0			7,700.0
(b) Contractual services	100.0	3,160.0			3,260.0
(c) Other	100.0	3,430.0			3,530.0

The general fund appropriations to the New Mexico state fair include two hundred thousand dollars (\$200,000) for the African American performing arts center [~~foundation~~]. *LINE ITEM VETO*

Performance measures:

(a) Output:	Number of paid attendees at annual state fair event	430,000
Subtotal		14,490.0

**STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS:**

(1) Regulation and licensing:

The purpose of the regulation and licensing program is to regulate the practices of engineering and surveying in the state as they relate to the welfare of the public in safeguarding life, health and property and to provide consumers with licensed professional engineers and licensed professional surveyors.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Personal services and employee benefits		629.3			629.3
(b) Contractual services		296.1			296.1
(c) Other		318.9			318.9
Subtotal					1,244.3

**GAMING CONTROL BOARD:**

(1) Gaming control:

The purpose of the gaming control board is to provide strictly regulated gaming activities and to promote responsible gaming to the citizens of New Mexico so they can attain a strong level of confidence in the board's administration of gambling laws and assurance the state has competitive gaming free from criminal and corruptive elements and influences.

Appropriations:

(a) Personal services and employee benefits	4,188.0				4,188.0
(b) Contractual services	65.3				65.3
(c) Other	1,630.0				1,630.0
Subtotal					5,883.3

**STATE RACING COMMISSION:**

(1) Horse racing regulation:

The purpose of the horse racing regulation program is to provide regulation in an equitable manner to New

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Mexico's parimutuel horse racing industry and to protect the interest of wagering patrons and the state of New Mexico in a manner that promotes a climate of economic prosperity for horsemen, horse owners and racetrack management.

Appropriations:

(a) Personal services and employee benefits	1,650.5				1,650.5
(b) Contractual services	569.9	300.0	700.0		1,569.9
(c) Other	256.3				256.3

Performance measures:

(a) Outcome:	Percent of equine samples testing positive for illegal substances				1%
(b) Explanatory:	Amount collected from parimutuel revenues, in millions				
(c) Explanatory:	Number of horse fatalities per one thousand starts				
Subtotal					3,476.7

**BOARD OF VETERINARY MEDICINE:**

(1) Veterinary licensing and regulatory:

The purpose of the veterinary licensing and regulatory program is to regulate the profession of veterinary medicine in accordance with the Veterinary Practice Act and to promote continuous improvement in veterinary practices and management to protect the public.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits		243.0			243.0
(b) Contractual services		139.3			139.3
(c) Other		43.1			43.1
Subtotal					425.4

### **CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION:**

The purpose of the Cumbres and Toltec scenic railroad commission is to provide railroad excursions through, into and over the scenic San Juan mountains.

#### Appropriations:

(a) Personal services and employee benefits	121.2				121.2
(b) Contractual services	232.1	5,967.0			6,199.1
(c) Other	9.5				9.5

#### Performance measures:

(a) Outcome:	Total number of passengers				37,654
Subtotal					6,329.8

### **OFFICE OF MILITARY BASE PLANNING AND SUPPORT:**

The purpose of the office of military base planning and support is to provide advice to the governor and lieutenant governor on New Mexico's four military installations, to work with community support groups, to ensure that state initiatives are complementary of community actions and to identify and address appropriate state-level issues that will contribute to the long-term viability of New Mexico military installations.



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Personal services and employee benefits	187.0				187.0
(b) Contractual services	79.2				79.2
(c) Other	30.0				30.0
Subtotal					296.2

**SPACEPORT AUTHORITY:**

The purpose of the spaceport authority is to finance, design, develop, construct, equip and safely operate spaceport America and thereby generate significant high technology economic development throughout the state.

Appropriations:

(a) Personal services and employee benefits	2,561.1	46.2			2,607.3
(b) Contractual services	1,128.0	4,510.1			5,638.1
(c) Other	101.8	2,302.7			2,404.5

Performance measures:

(a) Output:	Number of aerospace customers and tenants				20
Subtotal					10,649.9
TOTAL COMMERCE AND INDUSTRY	77,121.2	104,088.9	21,374.4	1,149.6	203,734.1

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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## E. AGRICULTURE, ENERGY AND NATURAL RESOURCES

### CULTURAL AFFAIRS DEPARTMENT:

(1) Museums and historic sites:

The purpose of the museums and historic sites program is to develop and enhance the quality of state museums and monuments by providing the highest standards in exhibitions, performances and programs showcasing the arts, history and science of New Mexico and cultural traditions worldwide.

Appropriations:

(a) Personal services and employee benefits	19,853.3	2,498.6	25.0	63.6	22,440.5
(b) Contractual services	623.0	461.9			1,084.9
(c) Other	4,287.3	1,591.3			5,878.6

Performance measures:

(a) Outcome:	Number of people served through programs and services offered by museums and historic sites	1,550,000
(b) Outcome:	Amount of earned revenue from admissions, rentals and other activity	\$4,310,000

(2) Preservation:

The purpose of the preservation program is to identify, study and protect New Mexico's unique cultural resources, including its archaeological sites, architectural and engineering achievements, cultural landscapes and diverse heritage.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Personal services and employee benefits	786.6	894.9	140.7	825.8	2,648.0
(b) Contractual services		169.6	18.2	125.6	313.4
(c) Other	71.8	176.6	19.4	225.3	493.1

The other state funds appropriations to the preservation program of the cultural affairs department include one million dollars (\$1,000,000) from the department of transportation for archaeological studies as needed for highway projects.

(3) Library services:

The purpose of the library services program is to empower libraries to support the educational, economic and health goals of their communities and to deliver direct library and information services to those who need them.

Appropriations:

(a) Personal services and employee benefits	2,114.2			741.9	2,856.1
(b) Contractual services	74.1			7.8	81.9
(c) Other	1,675.1	201.0		901.5	2,777.6

Performance measures:

(a) Output:	Number of library transactions using electronic resources funded by the New Mexico state library	5,815,000
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(4) Arts:

The purpose of the arts program is to preserve, enhance and develop the arts in New Mexico through partnerships, public awareness and education.

Appropriations:

(a) Personal services and employee benefits	724.6			168.5	893.1
(b) Contractual services	745.0			398.1	1,143.1
(c) Other	123.4			49.9	173.3

(5) Program support:

The purpose of program support is to deliver effective, efficient, high-quality services in concert with the core agenda of the governor.

Appropriations:

(a) Personal services and employee benefits	3,579.0				3,579.0
(b) Contractual services	313.0	35.9			348.9
(c) Other	269.2				269.2
Subtotal					42,257.0

**NEW MEXICO LIVESTOCK BOARD:**

(1) Livestock inspection:

The purpose of the livestock inspection program is to protect the livestock industry from loss of livestock

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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by theft or straying and to help control the spread of dangerous livestock diseases.

Appropriations:

(a) Personal services and employee benefits	1,407.8	4,078.0			5,485.8
(b) Contractual services	100.0	166.4			266.4
(c) Other	709.8	902.6			1,612.4

(2) Meat inspection:

Appropriations:

(a) Personal services and employee benefits	782.1				782.1
(b) Contractual services	8.4				8.4
(c) Other	174.4				174.4
Subtotal					8,329.5

**DEPARTMENT OF GAME AND FISH:**

(1) Field operations:

The purpose of the field operations program is to promote and assist the implementation of law enforcement, habitat and public outreach programs throughout the state.

Appropriations:

(a) Personal services and employee benefits		7,986.3		312.4	8,298.7
(b) Contractual services		128.7			128.7

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(c) Other		2,472.9			2,472.9
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Performance measures:

(a) Output:	Number of conservation officer hours spent in the field checking for compliance	56,000
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(2) Conservation services:

The purpose of the conservation services program is to provide information and technical guidance to any person wishing to conserve and enhance wildlife habitat and recover indigenous species of threatened and endangered wildlife.

Appropriations:

(a) Personal services and employee benefits	6,082.3	6,969.6	13,051.9
(b) Contractual services	1,532.0	2,346.3	3,878.3
(c) Other	3,800.3	4,948.6	8,748.9
(d) Other financing uses	182.3		182.3

The other state funds appropriation to the conservation services program of the department of game and fish in the other financing uses category includes one hundred thousand dollars (\$100,000) from the game protection fund for Ute dam operations and eighty-two thousand three hundred dollars (\$82,300) from the game protection fund for Eagle Nest dam operations for the interstate stream compact compliance and water development program of the state engineer. Any unexpended balances remaining at the end of the fiscal year 2023 from these appropriations shall revert to the game protection fund.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Performance measures:

(a) Outcome:	Number of elk licenses offered on an annual basis in New Mexico				35,000
(b) Outcome:	Percent of public hunting licenses drawn by New Mexico resident hunters				84%
(c) Output:	Annual output of fish from the department's hatchery system, in pounds				660,000

(3) Wildlife depredation and nuisance abatement:

The purpose of the wildlife depredation and nuisance abatement program is to provide complaint administration and intervention processes to private landowners, leaseholders and other New Mexicans so they may be relieved of, and precluded from, property damage and annoyances or risks to public safety caused by protected wildlife.

Appropriations:

(a) Personal services and employee benefits		355.2			355.2
(b) Contractual services		156.7			156.7
(c) Other		612.1			612.1

Performance measures:

(a) Outcome:	Percent of depredation complaints resolved within the mandated one-year timeframe				96%
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(4) Program support:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of program support is to provide an adequate and flexible system of direction, oversight, accountability and support to all divisions so they may successfully attain planned outcomes for all department programs.

Appropriations:

(a) Personal services and employee benefits		4,351.5		399.2	4,750.7
(b) Contractual services		612.0			612.0
(c) Other		3,299.5			3,299.5
Subtotal					46,547.9

**ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT:**

(1) Energy conservation and management:

The purpose of the energy conservation and management program is to develop and implement clean energy programs to decrease per capita energy consumption; use New Mexico's substantial renewable energy resources; minimize local, regional and global air emissions; lessen dependence on foreign oil and reduce in-state water demands associated with fossil-fueled electrical generation.

Appropriations:

(a) Personal services and employee benefits	1,378.6			794.1	2,172.7
(b) Contractual services	265.1	227.4		155.2	647.7
(c) Other	60.7			929.0	989.7

(2) Healthy forests:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the healthy forests program is to promote the health of New Mexico's forest lands by managing wildfires, mitigating urban-interface fire threats and providing stewardship of private and state forest lands and associated watersheds.

Appropriations:

(a) Personal services and employee benefits	3,705.8	222.8		3,880.3	7,808.9
(b) Contractual services	25.5	47.0	1,500.0	770.0	2,342.5
(c) Other	685.9	307.3	500.0	5,743.7	7,236.9
(d) Other financing uses		56.2			56.2

Performance measures:

(a) Output:	Number of nonfederal wildland firefighters provided professional and technical incident command system training	1,500
(b) Output:	Number of acres treated in New Mexico's forests and watersheds	14,750

(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:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	9,085.9	2,606.4		480.5	12,172.8
(b) Contractual services	40.0	1,053.1		925.0	2,018.1
(c) Other	343.3	8,672.6	1,044.0	3,280.0	13,339.9
(d) Other financing uses		1,155.1			1,155.1

The general fund appropriations to the state parks program of the energy, minerals and natural resources department include seventy-five thousand dollars (\$75,000) to support Rio Grande trail commission efforts to define viable path routes, mitigate challenges and establish the Rio Grande trail to run the length of the state from Colorado to Texas.

Performance measures:

(a) Explanatory:	Number of visitors to state parks
(b) Explanatory:	Amount of self-generated revenue per visitor, in dollars

(4) Mine reclamation:

The purpose of the mine reclamation program is to implement the state laws that regulate the operation and reclamation of hard rock and coal mining facilities and to reclaim abandoned mine sites.

Appropriations:

(a) Personal services and employee benefits	681.2	539.0	79.2	1,821.5	3,120.9
(b) Contractual services	1.9	28.8		5,206.3	5,237.0
(c) Other	30.7	88.7	17.9	378.4	515.7
(d) Other financing uses		48.2			48.2

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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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, dynamic regulation.

Appropriations:

(a) Personal services and employee benefits	6,258.7	153.3		239.2	6,651.2
(b) Contractual services	622.6	3,397.1		450.0	4,469.7
(c) Other	281.8	927.2		113.3	1,322.3
(d) Other financing uses		299.7			299.7

Performance measures:

(a) Output:	Number of inspections of oil and gas wells and associated facilities	34,000
(b) Output:	Number of abandoned wells properly plugged	50

(6) Program leadership and support:

The purpose of the program leadership and support program is to provide leadership, set policy and provide support for every division in achieving their goals.

Appropriations:

(a) Personal services and employee benefits	3,356.2		945.8	710.9	5,012.9
(b) Contractual services	171.6		25.6	7.0	204.2
(c) Other	67.0		168.8	149.6	385.4

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
Subtotal					77,207.7

### YOUTH CONSERVATION CORPS:

The purpose of the youth conservation corps is to provide funding for the employment of New Mexicans between the ages of fourteen and twenty-five to work on projects that will improve New Mexico's natural, cultural, historical and agricultural resources.

#### Appropriations:

(a) Personal services and employee benefits		176.9			176.9
(b) Contractual services		4,805.8			4,805.8
(c) Other		80.1			80.1
(d) Other financing uses		125.0			125.0

#### Performance measures:

(a) Output:	Number of youth employed annually	840
Subtotal		5,187.8

### INTERTRIBAL CEREMONIAL OFFICE:

The purpose of the intertribal ceremonial office is to aid in the planning, coordination and development of a successful intertribal ceremonial event in coordination with the Native American population.

#### Appropriations:

(a) Personal services and employee benefits	76.2	76.2
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Contractual services	134.8				134.8
(c) Other	111.0				111.0

Performance measures:

(a) Outcome:	Percent of operating revenue from sources other than the general fund	85%
Subtotal		322.0

**COMMISSIONER OF PUBLIC LANDS:**

(1) Land trust stewardship:

The purpose of the land trust stewardship program is to generate sustainable revenue from state trust lands to support public education and other beneficiary institutions and to build partnerships with all New Mexicans to conserve, protect and maintain the highest level of stewardship for these lands so that they may be a significant legacy for generations to come.

Appropriations:

(a) Personal services and employee benefits	15,562.5	15,562.5
(b) Contractual services	2,739.5	2,739.5
(c) Other	2,371.2	2,371.2

The commissioner of public lands is authorized to hold in suspense amounts eligible, because of the sale of state royalty interests, for tax credits under Section 29 of the Internal Revenue Code above those amounts required by law to be transferred to the land grant permanent fund. The commissioner may expend as much of the money so held in suspense, as well as additional money held in escrow accounts resulting from the sales

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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and money held in fund balances, as is necessary to re-purchase the royalty interests pursuant to the agreements.

Performance measures:

(a) Outcome:	Dollars generated through oil and natural gas audit activities, in millions	\$3
(b) Output:	Average income per acre from oil, natural gas and mining activities, in dollars	\$375
(c) Output:	Number of acres treated to achieve desired conditions for future sustainability	25,000
Subtotal		20,673.2

**STATE ENGINEER:**

(1) Water resource allocation:

The purpose of the water resource allocation program is to provide for efficient use of the available surface and underground waters of the state so any person can maintain their quality of life and to provide safety inspections of all nonfederal dams within the state so owners and operators of such dams can operate the dams safely.

Appropriations:

(a) Personal services and employee benefits	13,409.4	534.7	50.0	13,994.1
(b) Contractual services	220.5		406.0	626.5
(c) Other	1,118.8	126.2	267.9	1,512.9

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The internal service funds/interagency transfers appropriations to the water resource allocation program of the state engineer include seven hundred twenty-three thousand nine hundred dollars (\$723,900) from the irrigation works construction fund.

Performance measures:

(a) Output:	Average number of unprotested new and pending applications processed per month	35
(b) Outcome:	Number of transactions abstracted annually into the water administration technical engineering resource system database	20,000

(2) Interstate stream compact compliance and water development:

The purpose of the interstate stream compact compliance and water development program is to provide resolution of federal and interstate water issues and to develop water resources and stream systems for the people of New Mexico so they can have maximum sustained beneficial use of available water resources.

Appropriations:

(a) Personal services and employee benefits	2,531.9	78.2	2,814.7	5,424.8
(b) Contractual services		1.5	4,477.2	4,478.7
(c) Other	320.5	800.5	1,667.2	2,788.2

The internal service funds/interagency transfers appropriations to the interstate stream compact compliance and water development program of the state engineer include six hundred fifty-two thousand dollars (\$652,000) from the New Mexico unit fund.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The internal service funds/interagency transfers appropriations to the interstate stream compact compliance and water development program include six million six hundred sixty-three thousand two hundred dollars (\$6,663,200) from the irrigation works construction fund, seven hundred thirteen thousand two hundred dollars (\$713,200) from the improvement of the Rio Grande income fund, one hundred thousand dollars (\$100,000) from the game protection fund for Ute dam operations and eighty-two thousand three hundred dollars (\$82,300) from the game protection fund for Eagle Nest dam operations. Any unexpended balances remaining at the end of fiscal year 2023 from these appropriations shall revert to the appropriate fund.

Revenue from the sale of water to United States government agencies by New Mexico for the emergency drought water agreement and from contractual reimbursements associated with the interstate stream compact compliance and water development program of the state engineer is appropriated to the interstate stream compact compliance and water development program to be used per the agreement with the United States bureau of reclamation.

The interstate stream commission's authority to make loans for irrigation improvements includes five hundred thousand dollars (\$500,000) for loans to irrigation districts, conservancy districts and soil and water conservation districts for re-loan to farmers for implementation of water conservation improvements.

Performance measures:

(a) Outcome:	Cumulative state-line delivery credit per the Pecos river compact and amended decree at the end of the calendar year, in acre-feet	>0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(b) Outcome:	Cumulative state-line delivery credit per the Rio Grande compact at the end of the calendar year, in acre-feet				>0
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(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	1,881.1	1,867.0	1,501.8		5,249.9
(b) Contractual services	568.3		1,067.5		1,635.8
(c) Other	436.1				436.1
(d) Other financing uses		80.0			80.0

The internal service funds/interagency transfers appropriations to the litigation and adjudication program of the state engineer include one million four hundred eighty-two thousand five hundred dollars (\$1,482,500) from the irrigation works construction fund and one million eighty-six thousand eight hundred dollars (\$1,086,800) from the improvement of the Rio Grande income fund.

The other state funds appropriations to the litigation and adjudication program of the state engineer include one million nine hundred forty-seven thousand dollars (\$1,947,000) from the water project fund pursuant to Section 72-4A-9 NMSA 1978.

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Outcome:	Number of offers to defendants in adjudications				300
(b) Outcome:	Percent of all water rights with judicial determinations				76%

(4) Program support:

The purpose of program support is to provide necessary administrative support to the agency programs so they may be successful in reaching their goals and objectives.

Appropriations:

(a) Personal services and employee benefits	3,472.9				3,472.9
(b) Contractual services	219.7				219.7
(c) Other	817.4				817.4
Subtotal					40,737.0
TOTAL AGRICULTURE, ENERGY AND NATURAL RESOURCES	90,986.1	91,927.6	16,736.9	44,518.1	244,168.7

## F. HEALTH, HOSPITALS AND HUMAN SERVICES

### OFFICE OF AFRICAN AMERICAN AFFAIRS:

(1) Public awareness:

The purpose of the public awareness program is to provide information and advocacy services to all New Mexicans and to empower African Americans of New Mexico to improve their quality of life.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	673.2				673.2
(b) Contractual services	115.0				115.0
(c) Other	121.4				121.4
Subtotal					909.6

### COMMISSION FOR DEAF AND HARD-OF-HEARING PERSONS:

(1) Deaf and hard-of-hearing:

The purpose of the deaf and hard-of-hearing program is to serve as a dynamic resource that will enhance the quality of life for deaf and hard-of-hearing citizens of New Mexico by being the recognized advocate on important issues impacting the deaf and hard-of-hearing community, the proactive provider of innovative programs and services and the statewide umbrella and information clearinghouse for interested individuals, organizations, agencies and institutions.

#### Appropriations:

(a) Personal services and employee benefits	475.1		645.3		1,120.4
(b) Contractual services	711.1		418.2		1,129.3
(c) Other			282.1		282.1
(d) Other financing uses			116.5		116.5

The general fund appropriation to the deaf and hard-of-hearing program of the commission for deaf and hard-of-hearing persons in the contractual services category includes four hundred fifty-six thousand four hundred dollars (\$456,400) for deaf and deaf-blind support service provider programs.

The internal service funds/interagency transfers appropriation to the deaf and hard-of-hearing program

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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of the commission for deaf and hard-of-hearing persons in the other financing uses category includes ninety-one thousand five hundred dollars (\$91,500) to transfer to the rehabilitation services program of the division of vocational rehabilitation to match with federal funds to provide deaf and hard-of-hearing rehabilitation services and twenty-five thousand dollars (\$25,000) to transfer to the signed language interpreting practices board of the regulation and licensing department for interpreter licensure services.

Performance measures:

(a) Output:	Number of accessible technology equipment distributions	1,070
Subtotal		2,648.3

**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	183.2	183.2
(b) Contractual services	27.8	27.8
(c) Other	116.9	116.9
Subtotal		327.9

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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**COMMISSION FOR THE BLIND:**

(1) Blind services:

The purpose of the blind services program is to assist blind or visually impaired citizens of New Mexico to achieve economic and social equality so they can have independence based on their personal interests and abilities.

Appropriations:

(a) Personal services and employee benefits	1,715.0	176.7	261.0	3,644.7	5,797.4
(b) Contractual services	29.8			129.5	159.3
(c) Other	451.7	8,016.6		1,841.1	10,309.4
(d) Other financing uses	107.1				107.1

The general fund appropriation to the blind services program of the commission for the blind in the other financing uses category includes one hundred seven thousand one hundred dollars (\$107,100) to transfer to the rehabilitation services program of the division of vocational rehabilitation to match with federal funds to provide rehabilitation services for the disabled.

The internal service funds/interagency transfers appropriation to the blind services program of the commission for the blind includes two hundred thousand dollars (\$200,000) from the division of vocational rehabilitation to provide services to the blind or visually impaired citizens of New Mexico.

Any unexpended balances in the commission for the blind remaining at the end of fiscal year 2023 from appropriations made from the general fund shall not revert.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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Performance measures:

(a) Outcome:	Average hourly wage for the blind or visually impaired person	\$16.50
(b) Outcome:	Number of people who avoided or delayed moving into a nursing home or assisted living facility as a result of receiving independent living services	125
Subtotal		16,373.2

**INDIAN AFFAIRS DEPARTMENT:**

(1) Indian affairs:

The purpose of the Indian affairs program is to coordinate intergovernmental and interagency programs concerning tribal governments and the state.

Appropriations:

(a) Personal services and employee benefits	2,132.1		2,132.1
(b) Contractual services	530.1		530.1
(c) Other	817.7	249.3	1,067.0

The internal service funds/interagency transfers appropriation to the Indian affairs program of the Indian affairs department includes two hundred forty-nine thousand three hundred dollars (\$249,300) from the tobacco settlement program fund for tobacco cessation and prevention programs for Native American communities throughout the state.

Subtotal	3,729.2
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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**EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT:**

(1) Support and intervention:

Appropriations:

(a) Personal services and employee benefits	1,060.3	507.0	1,143.3	894.7	3,605.3
(b) Contractual services	12,693.3	58.9	10,000.0	6,490.4	29,242.6
(c) Other	21,381.4	1,390.1	1,456.7	805.7	25,033.9
(d) Other financing uses	10,901.6				10,901.6

The internal service funds/interagency transfers appropriations to the support and intervention program of the early childhood education and care department include five million dollars (\$5,000,000) from the federal temporary assistance for needy families block grant for home-visiting services.

Performance measures:

(a) Outcome:	Percent of children enrolled in home visiting for longer than six months that receive regular well child exams as recommended by the American academy of pediatrics	80%
(b) Output:	Average annual number of home visits per family	12
(c) Outcome:	Number of families enrolled in centennial home visiting	1,500

(2) Early childhood education and care:

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	199.6			8,357.5	8,557.1
(b) Contractual services	364.3			2,934.5	3,298.8
(c) Other	50,609.4	1,100.0	31,827.5	175,703.8	259,240.7

The internal service funds/interagency transfers appropriation to the early childhood education and care program of the early childhood education and care department includes thirty-one million five hundred twenty-seven thousand five hundred dollars (\$31,527,500) from the federal temporary assistance for needy families block grant for childcare.

Performance measures:

(a) Outcome:	Percent of children enrolled for at least six months in the state-funded New Mexico prekindergarten program who score at first step for kindergarten or higher on the fall observation kindergarten observation tool	75%
(b) Outcome:	Percent of infants and toddlers participating in the childcare assistance program enrolled in childcare programs with four or five stars	40%

(3) Policy research and quality initiatives:

Appropriations:

(a) Personal services and employee benefits	965.4			1,378.5	2,343.9
(b) Contractual services	11,312.9		4,000.0	2,686.8	17,999.7
(c) Other	96.7		600.0		696.7

Performance measures:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(a) Outcome:	Percent of licensed childcare providers participating in focus tiered quality rating and improvement system at the four- and five-star level				50%
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(4) Public pre-kindergarten:

Appropriations:

(a) Personal services and employee benefits	1,018.5				
(b) Contractual services	20,327.2				1,800.0
(c) Other	13,184.5				
(d) Other financing uses	43,145.1				3,500.0

The internal service funds/interagency transfer appropriations to the pre-kindergarten program of the early childhood education and care department include seventeen million six hundred thousand dollars (\$17,600,000) from the federal temporary assistance for needy families block grant: fourteen million one hundred thousand dollars (\$14,100,000) for private pre-kindergarten, and three million five hundred thousand dollars (\$3,500,000) for public pre-kindergarten.

The public pre-kindergarten program of the early childhood education and care department shall prioritize awards of pre-kindergarten programs at school districts and charter schools that also provide K-5 plus programs approved by the public education department.

~~[The other state funds appropriation to the pre-kindergarten program of the early childhood education and care department in the other financing uses category includes three million five hundred thousand dollars (\$3,500,000) for teacher salary increases in pre-kindergarten programs at school districts and~~

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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~~charter schools from the early childhood care and education fund. The amount is contingent on enactment of Senate Bill 118 or similar legislation in the second session of the fifty-fifth legislature amending Section 9-24-1 NMSA 1978.] LINE ITEM VETO~~

~~[The other state funds appropriation to the pre-kindergarten program of the early childhood education and care department in the contractual services category includes one million eight hundred thousand dollars (\$1,800,000) for pre-kindergarten from the early childhood care and education fund. The amount is contingent on enactment of Senate Bill 118 or similar legislation in the second session of the fifty-fifth legislature amending Section 9-24-1 NMSA 1978.] LINE ITEM VETO~~

Performance measures:

(a) Outcome:	Percentage of children who participated in a New Mexico pre-k program, for at least nine months, that are proficient in math in kindergarten	37%
(b) Outcome:	Percentage of children who participated in a New Mexico pre-k program for at least nine months, that are proficient in literacy in kindergarten	32%

(4) Program support:

Appropriations:

(a) Personal services and employee benefits	4,735.4		135.0	1,777.6	6,648.0
(b) Contractual services	1,325.4	144.0	2,075.0	2,440.1	5,984.5
(c) Other	1,791.6	58.5	85.9	333.5	2,269.5
Subtotal					492,101.7

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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**AGING AND LONG-TERM SERVICES DEPARTMENT:**

(1) Consumer and elder rights:

The purpose of the consumer and elder rights program is to provide current information, assistance, counseling, education and support to older individuals and people with disabilities, residents of long-term care facilities and their families and caregivers that allow them to protect their rights and make informed choices about quality services.

Appropriations:

(a) Personal services and employee benefits	1,487.3		1,300.0	1,030.6	3,817.9
(b) Contractual services	10.0			442.8	452.8
(c) Other	244.6			485.4	730.0

Performance measures:

(a) Quality:	Percent of calls to the aging and disability resource center answered by a live operator	90%
(b) Outcome:	Percent of residents who remained in the community six months following a nursing home care transition	90%

(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

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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the workforce and receive appropriate income and benefits.

Appropriations:

(a) Personal services and employee benefits	843.8	34.5		555.3	1,433.6
(b) Contractual services	1,735.1	10.0		307.6	2,052.7
(c) Other	31,042.5	71.3		10,834.9	41,948.7

The general fund appropriation to the aging network program of the aging and long-term services department in the other category shall allow for an additional twelve and one-half percent distribution from the department of finance and administration for initial payments to aging network providers at the beginning of the fiscal year.

Any unexpended balances remaining in the aging network from the conference on aging at the end of fiscal year 2023 from appropriations made from other state funds for the conference on aging shall not revert to the general fund.

Any unexpended balances remaining from the tax refund contribution senior fund, which provides for the provision of the supplemental senior services throughout the state, at the end of fiscal year 2023 shall not revert to the general fund.

Performance measures:

(a) Outcome:	Number of hours of caregiver support provided	444,000
(b) Output:	Number of hours of service provided by senior volunteers, statewide	1,638,000

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(3) Adult protective services:

The purpose of the adult protective services program is to investigate allegations of abuse, neglect and exploitation of seniors and adults with disabilities and provide in-home support services to adults at high risk of repeat neglect.

Appropriations:

(a) Personal services and employee benefits	7,808.1		2,200.0		10,008.1
(b) Contractual services	1,242.3		2,176.3		3,418.6
(c) Other	721.4				721.4

Performance measures:

(a) Outcome:	Percent of emergency or priority one investigations in which a caseworker makes initial face-to-face contact with the alleged victim within prescribed timeframes	99%
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(4) Program support:

The purpose of program support is to provide clerical, record-keeping and administrative support in the areas of personnel, budget, procurement and contracting to agency staff, outside contractors and external control agencies to implement and manage programs.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	4,060.8			121.9	4,182.7
(b) Contractual services	190.2	2,553.0			2,743.2
(c) Other	2,056.9				2,056.9
Subtotal					73,566.6

### HUMAN SERVICES DEPARTMENT:

(1) Medical assistance:

The purpose of the medical assistance program is to provide the necessary resources and information to enable low-income individuals to obtain either free or low-cost healthcare.

Appropriations:

(a) Personal services and employee benefits	5,569.7			8,953.5	14,523.2
(b) Contractual services	22,791.9	1,727.4	759.9	77,651.1	102,930.3
(c) Other	1,111,541.9	132,281.0	279,012.4	5,564,272.5	7,087,107.8

The appropriations to the medical assistance program of the human services department assume the state will receive an enhanced federal medical assistance percentage rate for those enrolled in the expansion adult category through fiscal year 2023 as provided for in the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010. Should the federal government reduce or rescind the federal medical assistance percentage rates established by the federal Patient Protection and Affordable Care Act, the human services department shall reduce or rescind eligibility for the new adult category.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The internal service funds/interagency transfers appropriation to the medical assistance program of the human services department in the other category includes one million two hundred fifty-five thousand four hundred dollars (\$1,255,400) from the tobacco settlement program fund for the breast and cervical cancer treatment program, five million three hundred thirteen thousand nine hundred dollars (\$5,313,900) from the tobacco settlement program fund for medicaid programs and two million two hundred seventy-seven thousand dollars (\$2,277,000) from tobacco settlement program fund balances for medicaid programs.

The internal service funds/interagency transfers appropriations to the medical assistance program of the human services department include thirty-six million two hundred eighteen thousand dollars (\$36,218,000) from the county-supported medicaid fund.

The other state funds appropriations to the medical assistance program of the human services department include thirty-five million four hundred sixty-five thousand dollars (\$35,465,000) from the health care facility fund and thirty-one million seven hundred fifty-five thousand dollars (\$31,755,000) from the health care affordability fund.

The general fund appropriation to the medical assistance program of the human services department in the other category includes eleven million dollars (\$11,000,000) for increasing medicaid [hospital] provider rates. *LINE ITEM VETO*

The general fund appropriation to the medical assistance program of the human services department in the other category includes forty million dollars (\$40,000,000) contingent on the department of finance and administration certifying that the federal public health emergency declaration is not renewed in the third

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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quarter of calendar year 2022 and forty million dollars (\$40,000,000) contingent on the department of finance and administration certifying that the federal public health emergency declaration is not renewed in the fourth quarter of calendar year 2022.

Performance measures:

(a) Outcome:	Percent of children ages two to twenty years enrolled in medicaid managed care who had at least one dental visit during the measurement year	72%
(b) Explanatory:	Percent of infants and children in medicaid managed care who had six or more well-child visits in the first fifteen months of life	
(c) Outcome:	Percent of children and adolescents in medicaid managed care ages three to twenty-one years who had one or more well-care visits during the measurement year	88%
(d) Outcome:	Percentage of members eighteen to seventy-five years of age in medicaid managed care with diabetes, types 1 and 2, whose HbA1c was >9 percent during the measurement year	86%
(e) Outcome:	Percent of adults in medicaid managed care age eighteen and over readmitted to a hospital within thirty days of discharge	8%
(f) Outcome:	Percent of medicaid managed care member deliveries who received a prenatal care visit in the first trimester or within forty-two days of eligibility	83%

(2) Medicaid behavioral health:

The purpose of the medicaid behavioral health program is to provide the necessary resources and information to enable low-income individuals to obtain either free or low-cost behavioral healthcare.



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Other	143,787.0			559,518.0	703,305.0
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The general fund appropriation to the medicaid behavioral health program of the human services department includes fifty thousand dollars (\$50,000) to transfer to the administrative hearings office to support medicaid hearing officers.

Performance measures:

(a) Outcome:	Percent of readmissions to same level of care or higher for children or youth discharged from residential treatment centers and inpatient care	5%
(b) Output:	Number of individuals served annually in substance use or mental health programs administered through the behavioral health collaborative and medicaid programs	200,000
(c) Outcome:	Percent of adults with mental illness or substance use disorders receiving medicaid behavioral health services who have housing needs who receive assistance with their housing needs	58%

(3) Income support:

The purpose of the income support program is to provide cash assistance and supportive services to eligible low-income families so they can achieve self-sufficiency. Eligibility requirements are established by state law within broad federal statutory guidelines.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	20,914.4			45,454.3	66,368.7
(b) Contractual services	8,477.1			34,249.7	42,726.8
(c) Other	26,360.1	60.8		946,909.2	973,330.1

The federal funds appropriations to the income support program of the human services department include eleven million five hundred seven thousand seven hundred dollars (\$11,507,700) from the federal temporary assistance for needy families block grant for administration of the New Mexico Works Act.

The appropriations to the income support program of the human services department include eighty-seven thousand one hundred dollars (\$87,100) from the general fund and fifty million six hundred ninety-five thousand six hundred dollars (\$50,695,600) from the federal temporary assistance for needy families block grant to provide cash assistance grants to participants as defined in the New Mexico Works Act, including wage subsidies for participants, two clothing allowances per year, diversion payments and state-funded payments to aliens.

The federal funds appropriations to the income support program of the human services department include sixteen million six hundred forty-eight thousand three hundred dollars (\$16,648,300) from the federal temporary assistance for needy families block grant for job training and placement and job-related transportation services, employment-related costs and a transitional employment program. The funds for the transitional employment program and the wage subsidy program may be used interchangeably.

The federal funds appropriations to the income support program of the human services department include thirty-one million five hundred twenty-seven thousand five hundred dollars (\$31,527,500) from the federal temporary assistance for needy families block grant for transfer to the early childhood education

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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and care department for childcare programs, five million dollars (\$5,000,000) for home-visiting programs and seventeen million six hundred thousand dollars (\$17,600,000) for prekindergarten.

The federal funds appropriations to the income support program of the human services department include nine hundred thousand dollars (\$900,000) from the federal temporary assistance for needy families block grant for transfer to the children, youth and families department for a supportive housing project.

The appropriations to the income support program of the human services department include seven million two hundred twenty thousand dollars (\$7,220,000) from the general fund and three million eighty thousand three hundred dollars (\$3,080,300) from federal funds for general assistance.

Any unexpended balances remaining at the end of fiscal year 2023 from the other state funds appropriations derived from reimbursements received from the social security administration for the general assistance program shall not revert.

Performance measures:

(a) Outcome:	Percent of all parent participants who meet temporary assistance for needy families federal work participation requirements	50%
(b) Outcome:	Percent of temporary assistance for needy families two-parent recipients meeting federal work participation requirements	60%

(4) Behavioral health services:

The purpose of the behavioral health services program is to lead and oversee the provision of an integrated

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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and comprehensive behavioral health prevention and treatment system so the program fosters recovery and supports the health and resilience of all New Mexicans.

Appropriations:

(a) Personal services and employee benefits	3,375.8			1,091.5	4,467.3
(b) Contractual services	48,020.3			28,091.6	76,111.9
(c) Other	889.6			678.0	1,567.6

Performance measures:

(a) Outcome:	Percent of individuals discharged from inpatient facilities who receive follow-up services at thirty days	60%
(b) Outcome:	Percent of people with a diagnosis of alcohol or drug dependency who initiated treatment and received two or more additional services within thirty days of the initial visit	38%
(c) Outcome:	Percent of adults diagnosed with major depression who remained on an antidepressant medication for at least one hundred eighty days	39%
(d) Outcome:	Percent of medicaid members released from inpatient psychiatric hospitalization stays of four or more days who receive seven-day follow-up visits into community-based behavioral health	52%

(5) Child support enforcement:

The purpose of the child support enforcement program is to provide location, establishment and collection services for custodial parents and their children; to ensure that all court orders for support payments are

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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being met to maximize child support collections; and to reduce public assistance rolls.

Appropriations:

(a) Personal services and employee benefits	6,426.9	815.3		13,947.1	21,189.3
(b) Contractual services	2,182.7	276.9		4,742.8	7,202.4
(c) Other	1,495.6	189.7		3,229.1	4,914.4

Performance measures:

(a) Outcome:	Amount of child support collected, in millions	\$145
(b) Outcome:	Percent of current support owed that is collected	60%
(c) Outcome:	Percent of cases with support orders	85%
(d) Explanatory:	Percent of noncustodial parents paying support to total cases with support orders	

(6) Program support:

The purpose of program support is to provide overall leadership, direction and administrative support to each agency program and to assist it in achieving its programmatic goals.

Appropriations:

(a) Personal services and employee benefits	5,290.2	302.7			12,461.3
(b) Contractual services	11,428.2	665.2	2,300.0	27,382.4	41,775.8
(c) Other	4,473.8	243.5		10,012.5	14,729.8
Subtotal					9,180,304.6

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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**WORKFORCE SOLUTIONS DEPARTMENT:**

(1) Unemployment insurance:

The purpose of the unemployment insurance program is to administer an array of demand-driven workforce development services to prepare New Mexicans to meet the needs of business.

Appropriations:

(a) Personal services and employee benefits	1,139.5		796.8	8,920.5	10,856.8
(b) Contractual services			21.4	1,233.6	1,255.0
(c) Other				1,995.6	1,995.6

Performance measures:

(a) Output:	Percent of eligible unemployment insurance claims issued a determination within twenty-one days from the date of claim	80%
(b) Output:	Average wait time to speak to a customer service agent in the unemployment insurance operation center to file a new unemployment insurance claim, in minutes	18:0
(c) Output:	Average wait time to speak to a customer service agent in the unemployment insurance operation center to file a weekly certification, in minutes	15:0

(2) Labor relations:

The purpose of the labor relations program is to provide employment rights information and other work-site-based assistance to employers and employees.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
Appropriations:					
(a) Personal services and employee benefits	2,464.1		170.0	171.1	2,805.2
(b) Contractual services	68.1			76.7	144.8
(c) Other	25.0		229.5	197.9	452.4

Performance measures:

(a) Output: Percent of discrimination claims investigated and issued a determination within two hundred days 60%

(3) Workforce technology:

The purpose of the workforce technology program is to provide and maintain customer-focused, effective and innovative information technology services for the department and its service providers.

Appropriations:

(a) Personal services and employee benefits	811.5		67.0	3,488.7	4,367.2
(b) Contractual services	3,137.9		1,651.9	7,210.2	12,000.0
(c) Other	1,412.4		665.5	6,922.1	9,000.0

Performance measures:

(a) Outcome: Percent of time the unemployment framework for automated claims and tax services are available during scheduled uptime 99%

(4) Employment services:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the employment services program is to provide standardized business solution strategies and labor market information through the New Mexico public workforce system that is responsive to the needs of New Mexico businesses.

Appropriations:

(a) Personal services and employee benefits	358.1		7,179.0	7,071.3	14,608.4
(b) Contractual services	9.1		190.0	1,558.3	1,757.4
(c) Other	155.7		8,743.3	5,897.4	14,796.4

The internal service funds/interagency transfers appropriations to the employment services program of the workforce solutions department include one million dollars (\$1,000,000) from the workers' compensation administration fund of the workers' compensation administration.

Performance measures:

(a) Outcome:	Percent of unemployed individuals employed after receiving employment services in a connections office	60%
(b) Outcome:	Average six-month earnings of individuals entering employment after receiving employment services in a connections office	\$14,000
(c) Output:	Percent of audited apprenticeship programs deemed compliant	75%

(5) Program support:

The purpose of program support is to provide overall leadership, direction and administrative support to



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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each agency program to achieve organizational goals and objectives.

Appropriations:

(a) Personal services and employee benefits	268.5		975.9	6,708.5	7,952.9
(b) Contractual services			90.6	1,089.0	1,179.6
(c) Other			210.4	33,578.8	33,789.2
Subtotal					116,960.9

**WORKERS' COMPENSATION ADMINISTRATION:**

(1) Workers' compensation administration:

The purpose of the workers' compensation administration program is to assure the quick and efficient delivery of indemnity and medical benefits to injured and disabled workers at a reasonable cost to employers.

Appropriations:

(a) Personal services and employee benefits		8,750.7			8,750.7
(b) Contractual services		315.0			315.0
(c) Other		1,428.3			1,428.3
(d) Other financing uses		1,000.0			1,000.0

The other state funds appropriation to the workers' compensation administration program of the workers' compensation administration in the other financing uses category includes one million dollars (\$1,000,000) from the workers' compensation administration fund for the employment services program of the workforce

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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solutions department.

Performance measures:

(a) Outcome:	Rate of serious injuries and illnesses caused by workplace conditions per one hundred workers	0.6
(b) Outcome:	Percent of employers determined to be in compliance with insurance requirements of the Workers' Compensation Act after initial investigations	98%

(2) Uninsured employers' fund:

Appropriations:

(a) Personal services and employee benefits	361.2	361.2
(b) Contractual services	70.0	70.0
(c) Other	500.0	500.0
Subtotal		12,425.2

### **DIVISION OF VOCATIONAL REHABILITATION:**

(1) Rehabilitation services:

The purpose of the rehabilitation services program is to promote opportunities for people with disabilities to become more independent and productive by empowering individuals with disabilities so they may maximize their employment, economic self-sufficiency, independence and inclusion and integration into society.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	2,343.4			8,659.3	11,002.7
(b) Contractual services				3,300.0	3,300.0
(c) Other	3,482.1		191.5	9,229.8	12,903.4
(d) Other financing uses				200.0	200.0

The general fund appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other category includes five hundred thousand dollars (\$500,000) to provide adult vocational rehabilitation services.

The internal service funds/interagency transfers appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other category includes one hundred thousand dollars (\$100,000) from the commission for the blind to match with federal funds to provide rehabilitation services to blind or visually impaired New Mexicans.

The internal service funds/interagency transfers appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other category includes ninety-one thousand five hundred dollars (\$91,500) to match with federal funds to support and enhance deaf and hard-of-hearing rehabilitation services.

The federal funds appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other financing uses category includes two hundred thousand dollars (\$200,000) for the independent living program of the commission for the blind to provide services to blind or visually impaired New Mexicans.

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Outcome:	Number of clients achieving suitable employment for a minimum of ninety days				750
(b) Outcome:	Percent of clients achieving suitable employment outcomes of all cases closed after receiving planned services				45%

(2) Independent living services:

The purpose of the independent living services program is to increase access for individuals with disabilities to technologies and services needed for various applications in learning, working and home management.

Appropriations:

(a) Contractual services				51.5	51.5
(b) Other	642.2		7.1	780.2	1,429.5
(c) Other financing uses				61.0	61.0

The internal service funds/interagency transfers appropriation to the independent living services program of the division of vocational rehabilitation in the other category includes seven thousand one hundred dollars (\$7,100) from the commission for the blind to match with federal funds to provide independent living services to blind or visually impaired New Mexicans.

The federal funds appropriation to the independent living services program of the division of vocational rehabilitation in the other financing uses category includes sixty-one thousand dollars (\$61,000) for the independent living program of the commission for the blind to provide services to blind or visually impaired New Mexicans.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Performance measures:

(a) Output:	Number of independent living plans developed	750
(b) Output:	Number of individuals served for independent living	765

(3) Disability determination:

The purpose of the disability determination program is to produce accurate and timely eligibility determinations to social security disability applicants so they may receive benefits.

Appropriations:

(a) Personal services and employee benefits	7,835.2	7,835.2
(b) Contractual services	4,057.0	4,057.0
(c) Other	4,990.8	4,990.8

Performance measures:

(a) Efficiency:	Average number of days for completing an initial disability claim	100
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(4) Administrative services:

The purpose of the administration services program is to provide leadership, policy development, financial analysis, budgetary control, information technology services, administrative support and legal services to the division of vocational rehabilitation. The administration services program function is to ensure the division of vocational rehabilitation achieves a high level of accountability and excellence in services provided to the people of New Mexico.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Personal services and employee benefits				3,736.4	3,736.4
(b) Contractual services				235.9	235.9
(c) Other				1,029.9	1,029.9

Any unexpended balances in the division of vocational rehabilitation remaining at the end of fiscal year 2023 from appropriations made from the general fund shall not revert and may be expended in fiscal year 2024.

Subtotal					50,833.3
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**GOVERNOR'S COMMISSION ON DISABILITY:**

(1) Governor's commission on disability:

The purpose of the governor's commission on disability program is to promote policies and programs that focus on common issues faced by New Mexicans with disabilities, regardless of type of disability, age or other factors. The commission educates state administrators, legislators and the general public on the issues facing New Mexicans with disabilities, especially as they relate to federal Americans with Disabilities Act directives, building codes, disability technologies and disability culture so they can improve the quality of life of New Mexicans with disabilities.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	739.0			284.3	1,023.3
(b) Contractual services	52.4			157.6	210.0
(c) Other	389.4	100.0		101.3	590.7

Performance measures:

(a) Outcome: Percent of requested architectural plan reviews and site inspections completed 98%

(2) Brain injury advisory council:

The purpose of the brain injury advisory council program is to provide guidance on the use and implementation of programs provided through the human services department's brain injury services fund so the department may align service delivery with needs identified by the brain injury community.

Appropriations:

(a) Personal services and employee benefits	76.6				76.6
(b) Contractual services	57.1				57.1
(c) Other	74.5				74.5
Subtotal					2,032.2

**DEVELOPMENTAL DISABILITIES COUNCIL:**

(1) Developmental disabilities council:

The purpose of the developmental disabilities council program is to provide and produce opportunities for persons with disabilities so they may realize their dreams and potential and become integrated members of

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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society.

Appropriations:

(a) Personal services and employee benefits	767.1			120.1	887.2
(b) Contractual services				324.0	324.0
(c) Other	271.8		75.0	86.1	432.9

(2) Office of guardianship:

The purpose of the office of guardianship is to enter into, monitor and enforce guardianship contracts for income-eligible persons and to help file, investigate and resolve complaints about guardianship services provided by contractors to maintain the dignity, safety and security of the indigent and incapacitated adults of the state.

Appropriations:

(a) Personal services and employee benefits	754.7				754.7
(b) Contractual services	5,299.2		550.0		5,849.2
(c) Other	450.6				450.6

Performance measures:

(a) Outcome:	Number of guardianship investigations completed	10
(b) Outcome:	Average amount of time spent on wait list	9:0
Subtotal		8,698.6



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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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	7,776.0	4,806.0	9,186.0	21,768.0
(b) Contractual services	3,282.0	3,000.0	6,280.0	12,562.0
(c) Other	7,378.0		292.0	7,670.0

The internal service funds/interagency transfers appropriations to the healthcare program of miners' hospital of New Mexico include seven million eight hundred six thousand dollars (\$7,806,000) from the miners' trust fund.

Performance measures:

(a) Outcome:	Percent of occupancy at nursing home based on licensed beds	50%
(b) Quality:	Percent of patients readmitted to the hospital within thirty days with the same or similar diagnosis	2%
Subtotal		42,000.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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**DEPARTMENT OF HEALTH:**

(1) Public health:

The purpose of the public health program is to provide a coordinated system of community-based public health services focusing on disease prevention and health promotion to improve health status, reduce disparities and ensure timely access to quality, culturally competent healthcare.

Appropriations:

(a) Personal services and employee benefits	22,509.6	2,962.8	2,962.3	34,366.6	62,801.3
(b) Contractual services	20,197.3	6,925.2	13,647.2	18,395.2	59,164.9
(c) Other	14,860.2	33,729.2	479.8	38,490.0	87,559.2
(d) Other financing uses	462.3				462.3

The internal service funds/interagency transfers appropriations to the public health program of the department of health include five million four hundred thirty-five thousand two hundred dollars (\$5,435,200) from the tobacco settlement program fund for smoking cessation and prevention programs, seven hundred fifteen thousand five hundred dollars (\$715,500) from the tobacco settlement program fund for diabetes prevention and control services, two hundred ninety-three thousand dollars (\$293,000) from the tobacco settlement program fund for human immunodeficiency virus/acquired immune deficiency syndrome prevention services and medicine and one hundred twenty-eight thousand six hundred dollars (\$128,600) from the tobacco settlement program fund for breast and cervical cancer screening.

~~[The other state funds appropriation to the public health program of the department of health includes~~

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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~~two million four hundred thousand dollars (\$2,400,000) from the early childhood care and education fund. The amount is contingent on enactment of Senate Bill 118 or similar legislation in the second session of the fifty-fifth legislature amending Section 9-24-1 NMSA 1978.] LINE ITEM VETO~~

Performance measures:

(a) Quality:	Percent of female New Mexico department of health's public health office family planning clients, ages fifteen to nineteen, who were provided most or moderately effective contraceptives	88%
(b) Quality:	Percent of school-based health centers funded by the department of health that demonstrate improvement in their primary care or behavioral healthcare focus area	95%
(c) Outcome:	Percent of preschoolers ages nineteen to thirty-five months indicated as being fully immunized	65%

(2) Epidemiology and response:

The purpose of the epidemiology and response program is to monitor health, provide health information, prevent disease and injury, promote health and healthy behaviors, respond to public health events, prepare for health emergencies and provide emergency medical and vital registration services to New Mexicans.

Appropriations:

(a) Personal services and employee benefits	5,189.2	301.6	330.2	28,049.5	33,870.5
(b) Contractual services	2,335.1	248.9	105.0	72,945.8	75,634.8
(c) Other	4,835.3	93.6	55.0	13,068.0	18,051.9

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Performance measures:

(a) Explanatory:	Drug overdose death rate per one hundred thousand population				
(b) Explanatory:	Alcohol-related death rate per one hundred thousand population				
(c) Outcome:	Percent of opioid patients also prescribed benzodiazepines				5%

(3) Laboratory services:

The purpose of the laboratory services program is to provide laboratory analysis and scientific expertise for policy development for tax-supported public health, environment and toxicology programs in the state of New Mexico and to provide timely identification of threats to the health of New Mexicans.

Appropriations:

(a) Personal services and employee benefits	5,983.9	1,247.8	119.1	2,487.4	9,838.2
(b) Contractual services	440.0	30.0	33.5	58.7	562.2
(c) Other	2,055.9	396.7	624.4	2,062.3	5,139.3

(4) Facilities management:

The purpose of the facilities management program is to provide oversight for department of health facilities that provide health and behavioral healthcare services, including mental health, substance abuse, nursing home and rehabilitation programs in both facility- and community-based settings, and serve as the safety net for the citizens of New Mexico.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Personal services and employee benefits	52,785.6	58,959.1	1,748.6	9,192.9	122,686.2
(b) Contractual services	3,602.9	10,695.0	650.3	1,198.4	16,146.6
(c) Other	12,284.5	13,983.6	3,949.1	2,519.6	32,736.8

Performance measures:

(a) Efficiency:	Percent of eligible third-party revenue collected at all agency facilities	93%
(b) Quality:	Number of significant medication errors per one hundred patients	2
(c) Efficiency:	Percent of beds occupied	75%

(5) Developmental disabilities support:

The purpose of the developmental disabilities support program is to administer a statewide system of community-based services and support to improve the quality of life and increase the independence and interdependence of individuals with developmental disabilities and children with or at risk for developmental delay or disability and their families.

Appropriations:

(a) Personal services and employee benefits	7,551.4		6,427.7		13,979.1
(b) Contractual services	9,900.8	25.0	1,451.3		11,377.1
(c) Other	8,742.6	280.0	1,670.9		10,693.5
(d) Other financing uses	156,858.4				156,858.4

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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- (a) Explanatory: Number of individuals receiving developmental disabilities waiver services
- (b) Explanatory: Number of individuals on the developmental disabilities waiver waiting list

(6) Health certification, licensing and oversight:

The purpose of the health certification, licensing and oversight program is to provide health facility licensing and certification surveys, community-based oversight and contract compliance surveys and a statewide incident management system so that people in New Mexico have access to quality healthcare and that vulnerable populations are safe from abuse, neglect and exploitation.

Appropriations:

(a) Personal services and employee benefits	5,735.5	1,788.0	4,749.9	2,100.0	14,373.4
(b) Contractual services	650.0	153.0	150.0	50.0	1,003.0
(c) Other	521.1	115.0	598.5	500.0	1,734.6

Performance measures:

- (a) Explanatory: Abuse rate for developmental disability waiver and mi via waiver clients
- (b) Explanatory: Re-abuse rate for developmental disabilities waiver and mi via waiver clients
- (c) Quality: Percent of abuse, neglect and exploitation investigations completed according to established timelines 86%

(7) Medical cannabis:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the medical cannabis program is to provide qualified patients with the means to legally and beneficially consume medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments and to regulate a system of production and distribution of medical cannabis to ensure an adequate supply.

Appropriations:

(a) Personal services and employee benefits			1,609.0		1,609.0
(b) Contractual services			570.5		570.5
(c) Other			337.0		337.0

(8) Administration:

The purpose of the administration program is to provide leadership, policy development, information technology, administrative and legal support to the department of health so it achieves a high level of accountability and excellence in services provided to the people of New Mexico.

Appropriations:

(a) Personal services and employee benefits	5,581.5		700.0	5,547.3	11,828.8
(b) Contractual services	134.3		161.3	771.2	1,066.8
(c) Other	398.7		104.6	1,086.6	1,589.9
Subtotal					751,675.3

**DEPARTMENT OF ENVIRONMENT:**

(1) Resource protection:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the resource protection program is to monitor and provide regulatory oversight of the generation, storage, transportation and disposal of wastes in New Mexico. The program also oversees the investigation and cleanup of environmental contamination covered by the Resource Conservation and Recovery Act.

Appropriations:

(a) Personal services and employee benefits	1,873.3		7,429.0	2,858.0	12,160.3
(b) Contractual services	2.9		1,210.4	1,866.0	3,079.3
(c) Other	285.1		1,018.2	749.1	2,052.4

Performance measures:

(a) Outcome:	Percent of hazardous waste facilities in compliance	85%
(b) Outcome:	Percent of solid and infectious waste management facilities in compliance	85%

(2) Water protection:

The purpose of the water protection program is to protect and preserve the ground, surface and drinking water resources of the state for present and future generations. The program also helps New Mexico communities develop sustainable and secure water, waste water and solid waste infrastructure through funding, technical assistance and project oversight.

Appropriations:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	3,977.0	100.0	4,750.6	7,929.3	16,756.9
(b) Contractual services	942.8		3,344.7	7,431.2	11,718.7
(c) Other	158.7		1,437.7	3,258.1	4,854.5
(d) Other financing uses				97.1	97.1

Performance measures:

(a) Output:	Number of nonpoint source impaired waterbodies restored by the department relative to the number of impaired water bodies	1:377
(b) Outcome:	Percent of ground water permittees in compliance	85%

(3) Environmental protection:

The purpose of the environmental protection program is to ensure New Mexicans breathe healthy air, to protect public health and the environment through specific programs that provide regulatory oversight of food service and food processing facilities, on-site treatment and disposal of liquid wastes, public swimming pools and baths and medical radiation and radiological technologists certification and to ensure every employee has safe and healthful working conditions.

Appropriations:

(a) Personal services and employee benefits	6,322.3		13,488.6	2,340.5	22,151.4
(b) Contractual services	210.0		1,136.1	775.6	2,121.7
(c) Other	1,402.9		2,572.0	1,814.5	5,789.4

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(a) Outcome:	Percent of the population breathing air meeting federal health standards				95%
(b) Outcome:	Employers that did not meet occupational health and safety requirements for at least one standard				55%

(4) Resource management:

The purpose of the resource management program is to provide overall leadership, administrative, legal and information management support to all programs within the department. This support allows the department to operate in the most responsible, efficient and effective manner so the public can receive the information it needs to hold the department accountable.

Appropriations:

(a) Personal services and employee benefits	2,536.1	220.8	2,792.7	1,897.5	7,447.1
(b) Contractual services	477.3		135.7	114.1	727.1
(c) Other	384.0	79.2	681.7	328.7	1,473.6

(5) Special revenue funds:

Appropriations:

(a) Contractual services	4,990.0				4,990.0
(b) Other	11,170.0			7,780.0	18,950.0
(c) Other financing uses	38,803.0				38,803.0
Subtotal					153,172.5

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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**OFFICE OF THE NATURAL RESOURCES TRUSTEE:**

(1) Natural resource damage assessment and restoration:

The purpose of the natural resources trustee program is to restore or replace natural resources injured or lost due to releases of hazardous substances or oil into the environment.

Appropriations:

(a) Personal services and employee benefits	589.0				589.0
(b) Contractual services		4,500.0			4,500.0
(c) Other	34.6				34.6
Subtotal					5,123.6

**VETERANS' SERVICES DEPARTMENT:**

(1) Veterans' services:

The purpose of the veterans' services program is to carry out the mandates of the New Mexico legislature and the governor to provide information and assistance to veterans and their eligible dependents to obtain the benefits to which they are entitled to improve their quality of life.

Appropriations:

(a) Personal services and employee benefits	4,551.3			391.4	4,942.7
(b) Contractual services	231.8	95.0		119.8	446.6
(c) Other	913.7	155.0		203.5	1,272.2

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Performance measures:

(a) Quality:	Percent of veterans surveyed who rate the services provided by the agency as satisfactory or above				95%
(b) Explanatory:	Number of veterans and families of veterans served by veterans' services department field offices				
Subtotal					6,661.5

**CHILDREN, YOUTH AND FAMILIES DEPARTMENT:**

(1) Juvenile justice facilities:

The purpose of the juvenile justice facilities program is to provide rehabilitative services to youth committed to the department, including medical, educational, mental health and other services that will support their rehabilitation.

Appropriations:

(a) Personal services and employee benefits	48,537.2	5,277.9		80.0	53,895.1
(b) Contractual services	10,280.6	477.5	423.9	327.6	11,509.6
(c) Other	6,874.4	26.0		52.4	6,952.8

Performance measures:

(a) Outcome:	Percent of youth discharged from active field supervision who did not recidivate in the following two-year time period				80%
(b) Outcome:	Percent of youth discharged from a secure facility who did not recidivate in the following two year time period				55%

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(c) Output:	Number of physical assaults in juvenile justice facilities				245
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(2) Protective services:

The purpose of the protective services program is to receive and investigate referrals of child abuse and neglect and provide family preservation and treatment and legal services to vulnerable children and their families to ensure their safety and well-being.

Appropriations:

(a) Personal services and employee benefits	56,128.5		1,151.6	17,214.6	74,494.7
(b) Contractual services	27,382.7	243.4	900.0	16,052.7	44,578.8
(c) Other	22,800.8	1,647.0	237.8	53,531.1	78,216.7

The general fund appropriation to the protective services program of the children, youth and families department in the contractual services category includes two million dollars (\$2,000,000) for evidence-based child maltreatment prevention and early intervention services.

The internal service funds/interagency transfers appropriations to the protective services program of the children, youth and families department include nine hundred thousand dollars (\$900,000) from the federal temporary assistance for needy families block grant to New Mexico for supportive housing.

Performance measures:

(a) Output:	Turnover rate for protective service workers	25%
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Outcome:	Percent of children in foster care for more than eight days who achieve permanency within twelve months of entry into foster care				30%
(c) Outcome:	Percent of maltreatment victimizations per one hundred thousand days in foster care				8%
(d) Outcome:	Percent of children in foster care for twenty-four months at the start of a twelve-month period who achieve permanency within that twelve months				32%
(e) Outcome:	Percent of children in foster care for twelve to twenty-three months at the start of a twelve-month period who achieve permanency within that twelve months				35%
(f) Outcome:	Percent of children who were victims of a substantiated maltreatment report during a twelve-month period who were victims of another substantiated maltreatment allegation within twelve months of their initial report				9%

(3) Behavioral health services:

The purpose of the behavioral health services program is to provide coordination and management of behavioral health policy, programs and services for children.

Appropriations:

(a) Personal services and employee benefits	8,553.7		1,063.4	656.7	10,273.8
(b) Contractual services	35,005.0	600.0	1,031.7	7,197.4	43,834.1
(c) Other	580.6			119.4	700.0

~~[The internal service funds/interagency transfers appropriation to the behavioral health services program of the children, youth and families department in the contractual services category includes one million~~

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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~~dollars (\$1,000,000) from the early childhood care and education fund for domestic violence treatment programs contingent on enactment of Senate Bill 118 or similar legislation in the second session of the fifty-fifth legislature amending Section 9-24-1 NMSA 1978.] LINE ITEM VETO~~

Performance measures:

(a) Outcome:	Percent of infants served by infant mental health teams with a team recommendation for reunification who have not had additional substantiated referrals to protective services	90%
(b) Output:	Percent of department-involved youth in the estimated target population who are receiving services from community behavioral health clinicians	75%

(4) Program support:

The purpose of program support is to provide the direct services divisions with functional and administrative support so they may provide client services consistent with the department's mission and also support the development and professionalism of employees.

Appropriations:

(a) Personal services and employee benefits	9,490.3	823.0		3,443.8	13,757.1
(b) Contractual services	114.6		204.0	2,186.7	2,505.3
(c) Other	4,280.8			1,677.6	5,958.4
Subtotal					346,676.4
TOTAL HEALTH, HOSPITALS AND HUMAN SERVICES	2,301,576.1	388,086.6	492,214.4	8,084,343.5	11,266,220.6

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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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 in maintaining a high degree of readiness to respond to state and federal missions and to supply an experienced force to protect the public, provide direction for youth and improve the quality of life for New Mexicans.

Appropriations:

(a) Personal services and employee benefits	4,014.8			7,770.3	11,785.1
(b) Contractual services	476.8	10.9	146.9	2,767.9	3,402.5
(c) Other	3,098.2	110.4		10,330.4	13,539.0

The general fund appropriations to the department of military affairs include five hundred thousand dollars (\$500,000) for a job challenge academy program contingent on certification by the department of finance and administration that federal matching funds of at least one million five hundred thousand dollars (\$1,500,000) have been secured.

Performance measures:

(a) Outcome:	Percent strength of the New Mexico national guard	98%
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Outcome:	Percent of New Mexico national guard youth challenge academy graduates who earn a high school equivalency credential				69%
Subtotal					28,726.6

### 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	446.2				446.2
(b) Contractual services	9.0				9.0
(c) Other	150.1				150.1

#### Performance measures:

(a) Efficiency:	Percent of revocation hearings held within thirty days of a parolee's return to the corrections department				98%
Subtotal					605.3

### JUVENILE PUBLIC SAFETY ADVISORY BOARD:

The purpose of the juvenile public safety advisory board is to monitor each youth's rehabilitative process through therapy and support services to assure a low risk for reoffending or revictimizing the community.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Other	7.6				7.6
Subtotal					7.6

**CORRECTIONS DEPARTMENT:**

(1) Inmate management and control:

The purpose of the inmate management and control program is to incarcerate in a humane, professionally sound manner offenders sentenced to prison and to provide safe and secure prison operations. This includes quality hiring and in-service training of correctional officers, protecting the public from escape risks and protecting prison staff, contractors and inmates from violence exposure to the extent possible within budgetary resources.

Appropriations:

(a) Personal services and employee benefits	114,969.3	395.4	18,748.9	17.5	134,131.1
(b) Contractual services	62,262.8		25.2		62,288.0
(c) Other	85,696.1	295.6	121.9		86,113.6

Performance measures:

(a) Outcome:	Vacancy rate of correctional officers in public facilities	20%
(b) Outcome:	Vacancy rate of correctional officers in private facilities	20%
(c) Output:	Number of inmate-on-inmate assaults resulting in injury requiring off-site medical treatment	10

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(d) Output:	Number of inmate-on-staff assaults resulting in injury requiring off-site medical treatment				3
(e) Outcome:	Percent of release-eligible female inmates still incarcerated past their scheduled release date				3%
(f) Outcome:	Percent of release-eligible male inmates still incarcerated past their scheduled release date				3%

(2) Corrections industries:

The purpose of the corrections industries program is to provide training and work experience opportunities for inmates to instill a quality work ethic and to prepare them to perform effectively in an employment position and to reduce idle time of inmates while in prison.

Appropriations:

(a) Personal services and employee benefits	1,878.2	1,878.2
(b) Contractual services	51.4	51.4
(c) Other	3,726.9	3,726.9

Performance measures:

(a) Output:	Percent of inmates receiving vocational or educational training assigned to corrections industries	25%
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(3) Community offender management:

The purpose of the community offender management program is to provide programming and supervision to offenders on probation and parole, with emphasis on high-risk offenders, to better ensure the probability

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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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	21,797.0				21,797.0
(b) Contractual services	1,419.7	920.0			2,339.7
(c) Other	3,655.9	1,976.4			5,632.3

The general fund appropriation to the community offender management program of the corrections department in the personal services and employee benefits category includes one million dollars (\$1,000,000) to administer risk-needs assessments to all offenders under supervision.

Performance measures:

(a) Outcome:	Percent of prisoners reincarcerated within thirty-six months due to technical parole violations	20%
(b) Outcome:	Percent of contacts per month made with high-risk offenders in the community	97%
(c) Quality:	Average standard caseload per probation and parole officer	90
(d) Output:	Percent of graduates from the men's recovery center who are reincarcerated within thirty-six months	23%
(e) Output:	Percent of graduates from the women's recovery center who are reincarcerated within thirty-six months	20%
(f) Outcome:	Vacancy rate of probation and parole officers	15%

(4) Reentry:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the reentry program is to facilitate the rehabilitative process by providing programming options and services to promote the successful reintegration of incarcerated individuals into the community. By building educational, cognitive, life skills, vocational programs and pre- and post-release services around sound research into best correctional practices and incorporating community stakeholders throughout the effort, the reentry program removes or reduces barriers to incarcerated persons living productively in society, thereby reducing recidivism and furthering the public safety mission of the New Mexico corrections department.

Appropriations:

(a) Personal services and employee benefits	9,496.4		226.0		9,722.4
(b) Contractual services	12,649.6	300.0	30.0		12,979.6
(c) Other	631.6	1.5	112.2		745.3

The general fund appropriations to the reentry program of the corrections department include ten million seven hundred thousand dollars (\$10,700,000) to implement [~~evidence-based~~] programming. *LINE ITEM VETO*

Performance measures:

(a) Output:	Percent of eligible inmates who earn a high school equivalency credential	80%
(b) Explanatory:	Percent of participating inmates who have completed adult basic education	
(c) Outcome:	Percent of prisoners reincarcerated within thirty-six months due to new charges or pending charges	17%
(d) Explanatory:	Percent of residential drug abuse program graduates reincarcerated within thirty-six months of release	

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(e) Outcome:	Percent of sex offenders reincarcerated on a new sex offense conviction within thirty-six months of release on the previous sex offense conviction				5%
(f) Outcome:	Percent of prisoners reincarcerated within thirty-six months				40%
(g) Outcome:	Percent of eligible inmates enrolled in educational, cognitive, vocational and college programs				60%
(h) Output:	Number of inmates who earn a high school equivalency credential				165

(5) Program support:

The purpose of program support is to provide quality administrative support and oversight to the department operating units to ensure a clean audit, effective budget, personnel management and cost-effective management information system services.

Appropriations:

(a) Personal services and employee benefits	11,363.4				11,363.4
(b) Contractual services	208.2				208.2
(c) Other	2,559.1	154.8	28.6		2,742.5
Subtotal					355,719.6

**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.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Personal services and employee benefits	1,170.2			123.4	1,293.6
(b) Contractual services	29.9			6.0	35.9
(c) Other	735.6	956.0		953.7	2,645.3

The other state funds appropriation to the victim compensation program of the crime victims reparation commission [~~in the other category~~] includes nine hundred fifty-six thousand dollars (\$956,000) [~~for care and support~~]. *LINE ITEM VETO*

Performance measures:

(a) Explanatory:	Average compensation paid to individual victims using federal funding
(b) Explanatory:	Average compensation paid to individual victims using state funding

(2) Grant administration:

The purpose of the grant administration program is to provide funding and training to nonprofit providers and public agencies so they can provide services to victims of crime.

Appropriations:

(a) Personal services and employee benefits	85.9			557.1	643.0
(b) Contractual services	6,859.0	1,300.0		25.0	8,184.0
(c) Other	150.4			13,353.5	13,503.9

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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~~[The other state funds appropriation to the grant administration program of the crime victims reparation commission in the contractual services category includes one million three hundred thousand dollars (\$1,300,000) to provide services for child victims and child advocacy centers from the early childhood education and care fund contingent on enactment of Senate Bill 118 or similar legislation in the second session of the fifty-fifth legislature.] LINE ITEM VETO~~

Performance measures:

- (a) Explanatory: Number of sexual assault service provider programs receiving state funding statewide
- (b) Explanatory: Number of sexual assault survivors who received services through state-funded victim services provider programs statewide

Subtotal					26,305.7
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**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	97,933.1	1,405.2	3,102.4	5,845.1	108,285.8
(b) Contractual services	1,423.4		100.0	820.5	2,343.9
(c) Other	23,417.2	1,397.5	1,197.3	1,838.5	27,850.5



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The other state funds appropriation to the personal services and employee benefits category of the law enforcement program of the department of public safety includes five hundred twenty thousand two hundred dollars (\$520,200) from the law enforcement retention fund contingent on enactment of House Bill 86 or similar legislation of the second session of the fifty-fifth legislature creating the law enforcement retention fund.

The internal service funds/interagency transfers appropriations to the law enforcement program of the department of public safety include ninety-four thousand five hundred dollars (\$94,500) from the weight distance tax identification permit fund. Any unexpended balances in the motor transportation bureau of the law enforcement program of the department of public safety remaining at the end of fiscal year 2023 from appropriations made from the weight distance tax identification permit fund shall revert to the weight distance tax identification permit fund.

Performance measures:

- (a) Explanatory: Number of proactive special investigations unit operations to reduce driving while intoxicated and alcohol-related crime
- (b) Explanatory: Percent of total crime scenes processed for other law enforcement agencies
- (c) Explanatory: Graduation rate of the New Mexico state police recruit school
- (d) Output: Number of driving-while-intoxicated saturation patrols conducted 2,200
- (e) Explanatory: Turnover rate of commissioned state police officers
- (f) Explanatory: Number of drug-related investigations conducted by narcotics agents
- (g) Explanatory: Vacancy rate of commissioned state police officers

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(h) Output:	Number of commercial motor vehicle safety inspections conducted				80,000
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(2) Statewide law enforcement support program:

The purpose of the statewide law enforcement support program is to promote a safe and secure environment for the state of New Mexico through intelligently led policing practices, vital scientific and technical support, current and relevant training and innovative leadership for the law enforcement community.

Appropriations:

(a) Personal services and employee benefits	11,253.6	2,499.9	421.5	747.1	14,922.1
(b) Contractual services	918.7	1,362.0	130.0	814.3	3,225.0
(c) Other	3,940.0	3,054.6	386.0	674.0	8,054.6

The general fund appropriations to the statewide law enforcement support program of the department of public safety include one million forty-three thousand one hundred dollars (\$1,043,100) for costs related to the operation and activities of the law enforcement academy board or other primary entity responsible for law enforcement officer certification.

The internal service funds/interagency transfers appropriations to the statewide law enforcement support program of the department of public safety include two hundred thousand dollars (\$200,000) from the law enforcement protection fund to implement the Law Enforcement Training Act contingent on enactment of legislation of the second session of the fifty-fifth legislature to expand allowable uses of the law enforcement protection fund to include costs related to the implementation of the Law Enforcement Training

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Act incurred by the department of public safety.

Performance measures:

(a) Outcome:	Percent of forensic evidence cases completed	100%
(b) Explanatory:	Number of expungements processed	
(c) Outcome:	Number of sexual assault examination kits not completed within one hundred eighty days of receipt of the kits by the forensic laboratory	0

(3) Program support:

The purpose of program support is to manage the agency's financial resources, assist in attracting and retaining a quality workforce and provide sound legal advice and a clean, pleasant working environment.

Appropriations:

(a) Personal services and employee benefits	4,724.9	20.0	524.4	5,269.3
(b) Contractual services	149.2	5.0	150.0	304.2
(c) Other	526.6	5.0	2,853.6	3,385.2
Subtotal				173,640.6

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT:**

(1) Homeland security and emergency management program:

The purpose of the homeland security and emergency management program is to provide for and coordinate an integrated, statewide, comprehensive emergency management system for New Mexico, including all agencies, branches and levels of government for the citizens of New Mexico.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Personal services and employee benefits	2,480.6	9.4	101.1	3,793.3	6,384.4
(b) Contractual services	293.7			1,330.8	1,624.5
(c) Other	533.0	33.8	19.1	14,619.3	15,205.2

Performance measures:

(a) Outcome:	Number of recommendations from federal grant monitoring visits older than six months unresolved at the close of the fiscal year	3
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(2) State fire marshal's office:

The purpose of the state fire marshal's office program is to provide services and resources to the appropriate entities to enhance their ability to protect the public from fire hazards.

Appropriations:

(a) Personal services and employee benefits	3,351.8	3,351.8
(b) Contractual services	505.1	505.1
(c) Other	91,411.0	91,411.0

The other state funds appropriations to the state fire marshal's office program of the homeland security and emergency management department include four million nine hundred seventy-one thousand three hundred dollars (\$4,971,300) from the fire protection fund for administration and operations of the state fire marshal's office. Any unexpended balances in the state fire marshal's office program of the homeland

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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security and emergency management department at the end of fiscal year 2023 shall revert to the fire protection fund.

Performance measures:

(a) Outcome:	Percent of local government recipients that receive their fire protection fund distributions on schedule				100%
(b) Outcome:	Average statewide fire district insurance service office rating				4
Subtotal					118,482.0
TOTAL PUBLIC SAFETY	491,536.8	117,107.8	24,927.1	69,915.7	703,487.4

## H. TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION:

(1) Project design and construction:

The purpose of the project design and construction program is to provide improvements and additions to the state's highway infrastructure to serve the interest of the general public. These improvements include those activities directly related to highway planning, design and construction necessary for a complete system of highways in the state.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits		26,972.2		1,873.3	28,845.5
(b) Contractual services		126,115.3		354,051.2	480,166.5
(c) Other		136,087.5		127,075.5	263,163.0

Performance measures:

(a) Outcome:	Percent of projects in production let to bid as scheduled	75%
(b) Quality:	Percent of final cost-over-bid amount, less gross receipts tax, on highway construction projects	3%
(c) Outcome:	Percent of projects completed according to schedule	90%

(2) Highway operations:

The highway operations program is responsible for maintaining and providing improvements to the state's highway infrastructure that serves the interest of the general public. The maintenance and improvements include, but are not limited to, those activities directly related to preserving roadway integrity and maintaining open highway access throughout the state system. Some examples include, bridge maintenance and inspection, snow removal, chip sealing, erosion repair, right-of-way mowing, and litter pick up, among numerous other activities.

Appropriations:

(a) Personal services and employee benefits	119,532.6	3,000.0	122,532.6
(b) Contractual services	77,969.4		77,969.4
(c) Other	108,220.2		108,220.2

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Output:	Number of statewide pavement lane miles preserved				3,500
(b) Outcome:	Percent of interstate lane miles rated fair or better				91%
(c) Outcome:	Number of combined systemwide lane miles in poor condition				6,925
(d) Outcome:	Percent of bridges in fair, or better, condition based on deck area				95%

(3) Program support:

The purpose of program support is to provide management and administration of financial and human resources, custody and maintenance of information and property and the management of construction and maintenance projects.

Appropriations:

(a) Personal services and employee benefits	28,336.3	28,336.3
(b) Contractual services	7,060.7	7,060.7
(c) Other	13,147.5	13,147.5

Performance measures:

(a) Explanatory:	Vacancy rate of all programs
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(4) Modal:

The purpose of the modal program is to provide federal grants management and oversight of programs with dedicated revenues, including transit and rail, traffic safety and aviation.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Personal services and employee benefits		4,020.2	4,269.9	1,374.4	9,664.5
(b) Contractual services		20,320.4	2,030.1	11,527.3	33,877.8
(c) Other		7,946.7	2,000.0	22,116.0	32,062.7

The internal service funds/interagency transfers appropriations to the modal program of the department of transportation include eight million dollars (\$8,000,000) from the weight distance tax identification permit fund to hire full-time employees, purchase equipment for commercial truck permitting and maintain and fund capital improvements for the ports of entry facilities.

Performance measures:

(a) Outcome:	Number of traffic fatalities				400
(b) Outcome:	Number of alcohol-related traffic fatalities				150
Subtotal					1,205,046.7
TOTAL TRANSPORTATION		675,729.0	8,300.0	521,017.7	1,205,046.7

## 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.



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
Appropriations:					
(a) Personal services and employee benefits	15,910.4	3,308.8	45.0	7,603.4	26,867.6
(b) Contractual services	2,427.7	1,120.4		19,631.9	23,180.0
(c) Other	1,125.3	603.8		3,572.1	5,301.2

Performance measures:

(a) Outcome:	Number of local education agencies and charter schools audited for funding formula components and program compliance annually	30
(b) Explanatory:	Number of eligible children served in state-funded prekindergarten	
(c) Explanatory:	Number of eligible children served in K-5 plus	
(d) Outcome:	Percent of students in K-5 plus meeting benchmark on early reading skills	75%
Subtotal		55,348.8

**REGIONAL EDUCATION COOPERATIVES:**

Appropriations:

(a) Northwest	110.0	3,284.0	15.6	1,861.0	5,270.6
(b) Northeast	110.0	300.0		795.5	1,205.5
(c) Lea county	110.0	2,900.0	2,000.0	6,100.0	11,110.0
(d) Pecos valley	110.0	2,780.9	107.5		2,998.4
(e) Southwest	110.0	16,500.0	38.0	230.0	16,878.0
(f) Central	110.0	11,124.2	47.3	1,145.0	12,426.5
(g) High plains	110.0	7,130.3		421.2	7,661.5
(h) Clovis	110.0	800.0		2,000.0	2,910.0
(i) Ruidoso	110.0	8,145.3	252.3	2,703.5	11,211.1
(j) Four corners	110.0				110.0
Subtotal					71,781.6

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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**PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:**

Appropriations:

(a) Early literacy and reading support	8,000.0	3,500.0			11,500.0
(b) Indigenous, multilingual, multicultural and special education	5,100.0				5,100.0
(c) Principals professional development	2,500.0				2,500.0
(d) Teachers professional development	3,000.0				3,000.0
(e) Graduation, reality and dual-role skills	650.0				650.0
(f) National board certification assistance		500.0			500.0
(g) Advanced placement test assistance	1,000.0				1,000.0
(h) Student nutrition and wellness	2,400.0				2,400.0
(i) Science, technology, engineering, arts and math initiative	3,000.0				3,000.0
(j) At-risk interventions for students	10,000.0	5,000.0			15,000.0
(k) Outdoor classroom initiatives	500.0				500.0

The public education department shall prioritize special appropriation awards to school districts or charter schools that implement K-5 plus or extended learning time programs for all eligible students.

The other state funds appropriation to the public education department for early literacy and reading

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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support is from the public education reform fund.

A school district or charter school may submit an application to the public education department for an allocation from the teachers professional development appropriation to support mentorship and professional development for teachers. The public education department shall prioritize awards to school districts or charter schools that budget the portion of the state equalization guarantee distribution attributable to meeting requirements of Section 22-10A-9 NMSA 1978 and providing targeted and ongoing professional development for purposes of new teacher mentorship, case management, tutoring, data-guided instruction, coaching or other [~~evidence-based~~] practices that improve student outcomes. The public education department shall not make an award to a school district or charter school that does not submit an approved educational plan pursuant to Section 22-8-6 NMSA 1978 or an approved teacher mentorship program pursuant to Section 22-10A-9 NMSA 1978. *LINE ITEM VETO*

The general fund appropriation to the public education department for student nutrition and wellness shall be used for grants to school districts and charter schools for nutrition and wellness programs, including grants pursuant to Sections 22-13-13.2 and 22-13C-8 NMSA 1978.

The other state funds appropriation to the public education department for national board certification assistance is from the national board certification scholarship fund.

The general fund appropriation to the public education department for at-risk interventions for students shall be prioritized to schools with the highest family income index pursuant to Section 22-8F-3 NMSA 1978 that provide supplemental[~~, evidence-based~~] services for at-risk students. *LINE ITEM VETO*

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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The other state funds appropriation to the public education department for at-risk interventions for students is from the public education reform fund.

Any unexpended balances in special appropriations to the public education department remaining at the end of fiscal year 2023 from appropriations made from the general fund shall revert to the general fund.

Any unexpended balances in special appropriations to the public education department remaining at the end of fiscal year 2023 from appropriations made from the public education reform fund shall revert to the public education reform fund.

Subtotal					45,150.0
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**PUBLIC SCHOOL FACILITIES AUTHORITY:**

The purpose of the public school facilities oversight program is to oversee public school facilities in all eighty-nine school districts ensuring correct and prudent planning, building and maintenance using state funds and ensuring adequacy of all facilities in accordance with public education department approved educational programs.

Appropriations:

(a) Personal services and employee benefits		4,699.7		4,699.7
(b) Contractual services		105.6		105.6
(c) Other		1,268.7		1,268.7

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Explanatory:	Statewide public school facility condition index measured on December 31 of prior calendar year				
(b) Explanatory:	Statewide public school facility maintenance assessment report score measured on December 31 of prior calendar year				
Subtotal					6,074.0
TOTAL OTHER EDUCATION	56,713.4	73,071.7	2,505.7	46,063.6	178,354.4

## J. HIGHER EDUCATION

On approval of the higher education department, the state budget division of the department of finance and administration may approve increases in budgets of agencies in this subsection 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.]~~ *LINE ITEM VETO*

On approval of the higher education department ~~[and in consultation with the legislative finance committee]~~, the state budget division of the department of finance and administration may reduce general fund appropriations, up to three percent, to institutions whose lower level common courses are not completely transferrable or accepted among public colleges and universities in New Mexico. *LINE ITEM VETO*

The secretary of higher education shall work with institutions whose enrollment has declined by more than fifty percent within the past five academic years on a plan to improve enrollment, collaborate or merge with other institutions, and reduce expenditures accordingly ~~[and submit an annual report to the legislative finance committee]~~. *LINE ITEM VETO*

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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The department of finance and administration shall, as directed by the secretary of higher education, withhold from an educational institution or program that the higher education department places under an enhanced fiscal oversight program a portion, up to ten percent, of the institution's or program's general fund allotments. On written notice by the secretary of higher education that the institution or program has made sufficient progress toward satisfying the requirements imposed by the higher education department under the enhanced fiscal oversight program, the department of finance and administration shall release the withheld allotments. Money withheld in accordance with this provision and not released at the end of fiscal year 2023 shall revert to the general fund. The secretary of the department of finance and administration shall advise the legislature through its officers and appropriate committees, in writing, of the status of all withheld allotments.

Except as otherwise provided, any unexpended balances remaining at the end of fiscal year 2023 shall not revert to the general fund.

### **HIGHER EDUCATION DEPARTMENT:**

(1) Policy development and institutional financial oversight:

The purpose of the policy development and institutional financial oversight program is to provide a continuous process of statewide planning and oversight within the department's statutory authority for the state higher education system and to ensure both the efficient use of state resources and progress in implementing a statewide agenda.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	3,298.6	321.0	43.3	1,365.1	5,028.0
(b) Contractual services	980.4	50.0		500.0	1,530.4
(c) Other	9,807.9	160.0		8,634.9	18,602.8

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other category includes six million seven hundred thousand dollars (\$6,700,000) to provide adults with education services and materials and access to high school equivalency tests, one hundred twenty-six thousand one hundred dollars (\$126,100) for workforce development programs at community colleges that primarily educate and retrain recently displaced workers, seven hundred sixty-one thousand one hundred dollars (\$761,100) for the high skills program, eighty-four thousand five hundred dollars (\$84,500) for English-learner teacher preparation and two hundred sixty-three thousand nine hundred dollars (\$263,900) to the tribal college dual-credit program fund.

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department [~~in the contractual services category~~] includes seven hundred fifty thousand dollars (\$750,000) for an adult literacy program. *LINE ITEM VETO*

Any unexpended balances in the policy development and institutional financial oversight program of the higher education department remaining at the end of fiscal year 2023 from appropriations made from the general fund shall revert to the general fund.

The department of finance and administration shall, as directed by the secretary of higher education, withhold one percent of instruction and general funding from each research university, comprehensive college or university, branch community college and independent community college until the secretary of

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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the higher education department [~~, after consultation with the legislative finance committee,~~] certifies receipt of an enrollment management plan with specific quantifiable performance goals to increase enrollment at each university or college. *LINE ITEM VETO*

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other category includes two hundred fifty thousand dollars (\$250,000) for the administration of an external diploma program.

Performance measures:

(a) Outcome:	Percent of unemployed adult education students obtaining employment two quarters after exit	35%
(b) Outcome:	Percent of adult education high school equivalency test-takers who earn a high school equivalency credential	81%
(c) Outcome:	Percent of high-school-equivalency graduates entering postsecondary degree or certificate programs	45%

(2) Student financial aid:

The purpose of the student financial aid program is to provide access, affordability and opportunities for success in higher education to students and their families so all New Mexicans may benefit from postsecondary education and training beyond high school.

Appropriations:

(a) Contractual services	20.0	20.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Other	21,009.5	10,000.0	43,100.0	300.0	74,409.5

The other state funds appropriation to the student financial aid program of the higher education department in the other category includes five million dollars (\$5,000,000) from the teacher preparation affordability scholarship fund and five million dollars (\$5,000,000) from the teacher loan repayment fund.

(3) The opportunity scholarship:

Appropriations:

(a) Other	12,000.0				12,000.0
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The general fund appropriation to the opportunity scholarship program of the higher education department in the other category includes twelve million dollars (\$12,000,000) for an opportunity scholarship program in fiscal year 2023 for students attending a public post-secondary educational institution or tribal college. The scholarship shall pay tuition and fees for New Mexico residents enrolled at least half-time at a public post-secondary educational institution or tribal college [~~who are seeking an associate degree or a credit-bearing, workforce-aligned certificate as defined by the higher education department~~]. Scholarships may be awarded [~~for a maximum of sixty credit hours~~] in an amount not to exceed one hundred percent of tuition and fees [~~, before legislative lottery scholarships have been applied~~]. *LINE ITEM VETO*

~~[The opportunity scholarship program shall prioritize financial aid for qualified students as defined in Subsection I. (1) of Section 21-21N-2 NMSA 1978. The higher education department shall provide a written report summarizing the opportunity scholarship's finances, student participation and sustainability to the department of finance and administration and the legislative finance committee by November 1, 2022. Any~~

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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~~unexpended balances remaining at the end of fiscal year 2023 from appropriations made from the general fund shall revert to the general fund.] LINE ITEM VETO~~

Subtotal					111,590.7
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### 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) Other		149,549.0		137,828.0	287,377.0
(b) Instruction and general purposes	203,767.7	176,179.0		3,807.0	383,753.7
(c) Athletics	5,936.2	26,860.0		31.0	32,827.2
(d) Educational television	1,023.6	5,032.0		2,982.0	9,037.6
(e) Tribal education initiatives	1,050.0				1,050.0
(f) Teacher pipeline initiatives	100.0				100.0

#### Performance measures:

(a) Output:	Number of students enrolled, by headcount	26,000
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school by headcount				2,500
(c) Output:	Number of credit hours delivered				550,000
(d) Output:	Number of unduplicated degree awards in the most recent academic year				3,650
(e) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time				60%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				83%

(2) Gallup branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		1,408.0		1,326.0	2,734.0
(b) Instruction and general purposes	8,994.6	5,220.0		83.0	14,297.6
(c) Tribal education initiatives	100.0				100.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	3,600
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				138
(c) Output:	Number of credit hours delivered				35,542
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				270
(e) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%
(f) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time				35%

(3) Los Alamos branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		381.0		856.0	1,237.0
(b) Instruction and general purposes	1,975.4	2,717.0		481.0	5,173.4

Performance measures:

(a) Output:	Number of students enrolled, by headcount	950
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	182

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(c) Output:	Number of credit hours delivered				13,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				100
(e) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time				35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%

(4) Valencia branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		614.7		2,227.5	2,842.2
(b) Instruction and general purposes	5,969.6	4,908.8		61.6	10,940.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount				3,700
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				254
(c) Output:	Number of credit hours delivered				30,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				132

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(e) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time				35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%

(5) Taos branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		1,334.3		2,580.9	3,915.2
(b) Instruction and general purposes	3,948.5	3,716.7		33.7	7,698.9

Performance measures:

(a) Output:	Number of students enrolled, by headcount				2,051
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				133
(c) Output:	Number of credit hours delivered				15,382
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				165
(e) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(f) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time				35%
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(6) Research and public service projects:

Appropriations:

(a) Graduation, reality and dual-role skills	150.0				150.0
(b) Chicano and chicana studies	325.0				325.0
(c) Veterans student services	228.0				228.0
(d) African American student services	171.6				171.6
(e) Native American studies	250.0				250.0
(f) Judicial selection	47.7				47.7
(g) Judicial education center	364.8				364.8
(h) Southwest research center	737.6				737.6
(i) Substance abuse program	66.0				66.0
(j) Resource geographic information system	59.3				59.3
(k) Southwest Indian law clinic	185.4				185.4
(l) Geospatial and population studies/bureau of business and economic research	346.2				346.2
(m) New Mexico historical review	42.0				42.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(n) Ibero-American education	78.8				78.8
(o) Manufacturing engineering program	494.4				494.4
(p) Wildlife law education	85.9				85.9
(q) Africana studies	273.5				273.5
(r) Disabled student services	160.6				160.6
(s) Minority student services - UNM	944.3				944.3
(t) Community-based education	503.6				503.6
(u) Corrine Wolfe children's law center	151.7				151.7
(v) Mock trial program and high school forensics	261.6				261.6
(w) Utton transboundary resources center	397.2				397.2
(x) Student mentoring program	258.0				258.0
(y) Land grant studies	115.4				115.4
(z) Gallup branch - nurse expansion	180.6				180.6
(aa) Valencia branch - nurse expansion	146.5				146.5
(bb) Taos branch - nurse expansion	210.4				210.4
(cc) Gallup branch - workforce development programs	182.4				182.4
(dd) University of New Mexico press	238.4				238.4
(ee) American Indian summer bridge program	250.0				250.0
(ff) Economics department	125.0				125.0
(gg) Natural heritage New Mexico database	50.0				50.0



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(7) Health sciences center:

The purpose of the institution and general program of the university of New Mexico health sciences center is to provide educational, clinical and research support for the advancement of the health of all New Mexicans.

Appropriations:

(a) Other		422,300.0		150,300.0	572,600.0
(b) Instruction and general purposes	66,582.5	67,917.2	581.5	4,000.0	139,081.2

The internal service funds/interagency transfers appropriation to the health sciences center of the university of New Mexico in the instruction and general purposes category includes five hundred eighty-one thousand five hundred dollars (\$581,500) from the tobacco settlement program fund.

Performance measures:

(a) Output:	Pass rate of medical school students on United States medical licensing examination, step two clinical skills exam, on first attempt	96%
(b) Outcome:	Percent of nursing graduates passing the requisite licensure exam on first attempt	80%

(8) Health sciences center research and public service projects:

Appropriations:

(a) ENLACE	812.2	812.2
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) New Mexico bioscience authority	286.9				286.9
(c) Graduate medical education/residencies	1,997.2				1,997.2
(d) Office of medical investigator	6,341.6	6,300.0		50.0	12,691.6
(e) Native American suicide prevention	88.1				88.1
(f) Minority student services - HSC	166.8				166.8
(g) Children's psychiatric hospital	7,479.0	12,900.0			20,379.0
(h) Carrie Tingley hospital	5,752.6	16,501.4			22,254.0
(i) Newborn intensive care	3,025.4	50.0		190.3	3,265.7
(j) Pediatric oncology	1,177.7	171.3			1,349.0
(k) Poison and drug information center	1,628.7	415.8		701.0	2,745.5
(l) Medical residents		40,100.0		7,400.0	47,500.0
(m) Cancer center	5,907.9	3,622.4	2,277.6	13,900.0	25,707.9
(n) Genomics, biocomputing and environmental health research		1,115.6		7,080.0	8,195.6
(o) Trauma specialty education		171.3			171.3
(p) Pediatrics specialty education		171.3			171.3
(q) Native American health center	240.5				240.5
(r) Nurse expansion - UNM	951.6				951.6
(s) Graduate nurse education	1,653.1				1,653.1
(t) Child abuse evaluation center	138.6				138.6
(u) Hepatitis community health outcomes	6,037.5				6,037.5
(v) Comprehensive movement disorders clinic	273.5				273.5

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(w) OMI grief services	202.6				202.6
(x) Physician assistant program and nurse practitioners	2,000.0				2,000.0
(y) Office of diversity, equity and inclusion	125.6				125.6

The internal service funds/interagency transfers appropriation to the health sciences center research and public service projects of the university of New Mexico includes two million two hundred seventy-seven thousand six hundred dollars (\$2,277,600) from the tobacco settlement program fund.

Subtotal					1,642,252.0
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### NEW MEXICO STATE UNIVERSITY:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		62,700.0		95,000.0	157,700.0
(b) Instruction and general purposes	125,957.9	120,000.0		5,000.0	250,957.9
(c) Athletics	5,677.6	13,300.0		100.0	19,077.6
(d) Educational television	970.3	1,100.0			2,070.3
(e) Tribal education initiatives	200.0				200.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(f) Teacher pipeline initiatives	250.0				250.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	16,250
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	1,850
(c) Output:	Number of credit hours delivered	391,000
(d) Output:	Number of unduplicated degree awards in the most recent academic year	3,300
(e) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	60%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	83%

(2) Alamogordo branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		900.0	2,900.0	3,800.0
(b) Instruction and general purposes	7,333.1	3,600.0	400.0	11,333.1

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Output:	Number of students enrolled, by headcount				2,000
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				100
(c) Output:	Number of credit hours delivered				14,500
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				135
(e) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time				35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%

(3) Carlsbad branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		1,000.0		1,500.0	2,500.0
(b) Instruction and general purposes	4,370.5	14,000.0		2,000.0	20,370.5

Performance measures:

(a) Output:	Number of students enrolled, by headcount	1,500
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				197
(c) Output:	Number of credit hours delivered				26,332
(d) Output:	Number of awards conferred within the most recent academic year				160
(e) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete an associate's program within one hundred fifty percent of standard graduation time				35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%

(4) Dona Ana branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		4,500.0		15,200.0	19,700.0
(b) Instruction and general purposes	24,266.7	18,700.0		3,900.0	46,866.7

Performance measures:

(a) Output:	Number of students enrolled, by headcount				9,600
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				1,595
(c) Output:	Number of credit hours delivered				130,000

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				1,200
(e) Outcome:	Percent of a cohort of first-time, part-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time				35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%

(5) Grants branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		400.0		1,700.0	2,100.0
(b) Instruction and general purposes	3,599.9	1,700.0		1,200.0	6,499.9
(c) Tribal education initiatives	100.0				100.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	1,500
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	110
(c) Output:	Number of credit hours delivered	8,500

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				50
(e) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking freshman students who complete an associate program within one hundred fifty percent of standard graduation time				35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%
(6) Department of agriculture:					
Appropriations:					
(a) Department of agriculture	13,160.4	6,000.0		3,700.0	22,860.4
(7) Agricultural experiment station:					
Appropriations:					
(a) Agricultural experiment station	15,081.6	20,000.0		17,000.0	52,081.6
(8) Cooperative extension service:					
Appropriations:					
(a) Cooperative extension service	13,631.3	4,900.0		9,100.0	27,631.3
(9) Research and public service projects:					



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
Appropriations:					
(a) Autism program	711.8				711.8
(b) Sunspot solar observatory consortium	352.6			500.0	852.6
(c) STEM alliance for minority participation	292.8			1,500.0	1,792.8
(d) Mental health nurse practitioner	940.0				940.0
(e) Water resource research institute	1,039.7	100.0		1,300.0	2,439.7
(f) Indian resources development	255.7				255.7
(g) Manufacturing sector development program	621.7				621.7
(h) Arrowhead center for business development	321.5	1,000.0		1,300.0	2,621.5
(i) Nurse expansion - NMSU	846.2				846.2
(j) Alliance teaching and learning advancement	143.8				143.8
(k) College assistance migrant program	289.5			600.0	889.5
(l) Veterans center - NMSU	45.6				45.6
(m) Carlsbad branch - manufacturing sector development program	214.6				214.6
(n) Carlsbad branch - nurse expansion	102.4				102.4
(o) Dona Ana branch - dental hygiene program	279.0				279.0
(p) Dona Ana branch - nurse expansion	275.9				275.9
(q) Sustainable agriculture center of excellence	232.8				232.8
(r) Anna age eight institute	1,199.6				1,199.6

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
Subtotal					660,564.5

**NEW MEXICO HIGHLANDS UNIVERSITY:**

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		13,500.0		9,500.0	23,000.0
(b) Instruction and general purposes	29,919.9	12,216.7		172.5	42,309.1
(c) Athletics	2,385.1	500.0			2,885.1
(d) Tribal education initiatives	200.0				200.0
(e) Teacher pipeline initiatives	250.0				250.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	7,100
(b) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	231
(c) Output:	Number of credit hours delivered	74,000
(d) Output:	Number of unduplicated degree awards in the most recent academic year	825
(e) Output:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a	40%

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(f) Outcome:	baccalaureate program within one hundred fifty percent of standard graduation time				
	Percent of first-time, full-time freshmen retained to the third semester				65%

(2) Research and public service projects:

Appropriations:

(a) Native American social work institute	209.9				209.9
(b) Advanced placement test assistance - Highlands	198.6				198.6
(c) Minority student services - Highlands	487.7				487.7
(d) Forest and watershed institute	428.9				428.9
(e) Nurse expansion - HU	200.3				200.3
(f) Acequia and land grant education	45.6				45.6
(g) Doctor of nurse practitioner expansion	155.0				155.0
(h) Center for professional development and career readiness	159.6				159.6
(i) Center for excellence in social work	250.0				250.0
(j) Improve retention and completion of underserved students	50.0				50.0
Subtotal					70,829.8

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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**WESTERN NEW MEXICO UNIVERSITY:**

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		5,800.0		6,300.0	12,100.0
(b) Instruction and general purposes	20,683.3	13,100.0		200.0	33,983.3
(c) Athletics	2,468.9	1,100.0			3,568.9
(d) Teacher pipeline initiatives	250.0				250.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	4,000
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	330
(c) Output:	Number of credit hours delivered	63,000
(d) Output:	Number of unduplicated degree awards in the most recent academic year	700
(e) Output:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	40%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	65%

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(2) Research and public service projects:

Appropriations:

(a) Instructional television	66.0				66.0
(b) Truth or Consequences and Deming nurse expansion	282.0				282.0
(c) Pharmacy and phlebotomy programs	91.2				91.2
(d) Web-based teacher licensure	117.8				117.8
(e) Nurse expansion - WNMU	900.3				900.3
(f) Early childhood center	280.5				280.5
(g) Early childhood center of excellence	250.0				250.0
(h) Deming campus instruction and general	175.0				175.0
Subtotal					52,065.0

**EASTERN NEW MEXICO UNIVERSITY:**

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		13,000.0		27,000.0	40,000.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Instruction and general purposes	33,696.3	21,500.0		2,500.0	57,696.3
(c) Athletics	2,356.3	2,700.0		15.0	5,071.3
(d) Educational television	988.7	1,350.0		10.0	2,348.7
(e) Teacher pipeline initiatives	250.0				250.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	7,300
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	385
(c) Output:	Number of credit hours delivered	110,000
(d) Output:	Number of unduplicated degree awards in the most recent academic year	1,050
(e) Output:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	40%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	65%

(2) Roswell branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other	1,642.6	4,414.7	6,057.3
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Instruction and general purposes	12,204.0	3,240.5		1,710.0	17,154.5

Performance measures:

(a) Output:	Number of students enrolled, by headcount	2,650
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	315
(c) Output:	Number of credit hours delivered	34,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	400
(e) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	60%

(3) Ruidoso branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		300.0	2,300.0	2,600.0
(b) Instruction and general purposes	2,137.2	2,000.0	300.0	4,437.2

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Output:	Number of students enrolled, by headcount				901
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				32
(c) Output:	Number of credit hours delivered				8,361
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				75
(e) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time				35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%

(4) Research and public service projects:

Appropriations:

(a) Blackwater draw site and museum	85.8	40.0			125.8
(b) Student success programs	380.2				380.2
(c) Nurse expansion - ENMU	308.3				308.3
(d) At-risk student tutoring	204.8				204.8
(e) Allied health	129.8				129.8
(f) Roswell branch - nurse expansion	332.2				332.2
(g) Roswell branch - airframe mechanics	68.5				68.5
(h) Roswell branch - special services program	108.1				108.1
(i) Teacher education preparation program	182.4				182.4
(j) Greyhound promise	91.2				91.2
(k) Youth challenge	91.2				91.2
(l) Nursing program	178.6				178.6



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
Subtotal					137,816.4

### NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		18,400.0		18,000.0	36,400.0
(b) Instruction and general purposes	29,973.6	23,000.0			52,973.6
(c) Teacher pipeline initiatives	50.0				50.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	1,900
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	300
(c) Output:	Number of credit hours delivered	46,500
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	370
(e) Output:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	60%

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				83%
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(2) Bureau of mine safety:

Appropriations:

(a) Bureau of mine safety	303.9			300.0	603.9
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(3) Bureau of geology and mineral resources:

Appropriations:

(a) Bureau of geology and mineral resources	4,280.1	1,035.0		1,300.0	6,615.1
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The general fund appropriation to the bureau of geology and mineral resources program of the New Mexico institute of mining and technology includes one hundred thousand dollars (\$100,000) from federal Mineral Leasing Act receipts.

(4) Petroleum recovery research center:

Appropriations:

(a) Petroleum recovery research center	1,759.0	636.0		7,400.0	9,795.0
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(5) Geophysical research center:

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Geophysical research center	1,035.3	1,100.0		1,900.0	4,035.3

(6) Research and public service projects:

Appropriations:

(a) Energetic materials research center	826.7	5,600.0		28,500.0	34,926.7
(b) Science and engineering fair	190.8				190.8
(c) Institute for complex additive systems analysis	1,121.7	2,000.0		4,450.0	7,571.7
(d) Cave and karst research	336.2	62.0		584.0	982.2
(e) Homeland security center	488.7			3,300.0	3,788.7
(f) Cybersecurity center of excellence	366.4	260.0		350.0	976.4
(g) Rural economic development	32.8				32.8
(h) Chemical engineering student assistanceships	79.3				79.3
(i) New Mexico mathematics, engineering and science achievement	1,052.2				1,052.2
Subtotal					160,073.7

**NORTHERN NEW MEXICO COLLEGE:**

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce,

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		5,300.0		5,800.0	11,100.0
(b) Instruction and general purposes	10,612.5	6,800.0		5,700.0	23,112.5
(c) Athletics	524.2	200.0			724.2
(d) Teacher pipeline initiatives	250.0				250.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	1,510
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	231
(c) Output:	Number of credit hours delivered	23,700
(d) Output:	Number of unduplicated degree awards in the most recent academic year	80
(e) Output:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	40%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	65%

(2) Research and public service projects:

Appropriations:

(a) Nurse expansion - NNMU	376.0	376.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(b) Science, technology, engineering, arts and math initiative - NNMU	125.2				125.2
(c) Veterans center - NNMU	116.8				116.8
(d) Academic program evaluation	45.6				45.6
(e) Native American student center	150.0				150.0
Subtotal					36,000.3

### SANTA FE COMMUNITY COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		1,374.0	15,477.0	16,851.0
(b) Instruction and general purposes	11,068.6	26,473.0	3,300.0	40,841.6

Performance measures:

(a) Output:	Number of students enrolled, by headcount	5,900
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	186
(c) Output:	Number of credit hours delivered	53,400

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				535
(e) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time				35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%

(2) Research and public service projects:

Appropriations:

(a) First born, home visiting and technical assistance	235.0				235.0
(b) Teacher education expansion	136.8				136.8
(c) Small business development centers	3,953.1			1,646.0	5,599.1
(d) Nurse expansion - SFCC	439.4				439.4
(e) EMS mental health resiliency pilot	91.2				91.2

The general fund appropriation to the small business development centers includes one hundred thousand dollars (\$100,000) for the international business accelerator.

Subtotal 64,194.1

**CENTRAL NEW MEXICO COMMUNITY COLLEGE:**

(1) Main campus:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		6,500.0		22,900.0	29,400.0
(b) Instruction and general purposes	64,090.3	94,000.0		3,900.0	161,990.3

Performance measures:

(a) Output:	Number of students enrolled, by headcount	32,500
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	2,075
(c) Output:	Number of credit hours delivered	355,215
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	8,000
(e) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	60%

(2) Research and public service projects:

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Nurse expansion - CNM	268.8				268.8
Subtotal					191,659.1

### LUNA COMMUNITY COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		1,808.3		58.3	1,866.6
(b) Instruction and general purposes	7,002.1	87.1		182.1	7,271.3
(c) Athletics	458.0				458.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	1,536
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	120
(c) Output:	Number of credit hours delivered	13,800
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	154
(e) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	35%



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%
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(2) Research and public service projects:

Appropriations:

(a) Nurse expansion - Luna Tech	251.0				251.0
(b) Student retention and completion	483.8				483.8
(c) Rough rider student support services	150.0				150.0
Subtotal					10,480.7

**MESALANDS COMMUNITY COLLEGE:**

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		242.2		842.9	1,085.1
(b) Instruction and general purposes	4,298.1	116.4		87.9	4,502.4
(c) Athletics	209.9				209.9

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Output:	Number of students enrolled, by headcount				1,100
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				93
(c) Output:	Number of credit hours delivered				10,800
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				250
(e) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time				35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%

(2) Research and public service projects:

Appropriations:

(a) Wind training center	103.8	103.8
Subtotal		5,901.2

**NEW MEXICO JUNIOR COLLEGE:**

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Other		3,600.0		2,000.0	5,600.0
(b) Instruction and general purposes	6,106.3	15,000.0		450.0	21,556.3
(c) Athletics	530.8				530.8

Performance measures:

(a) Output:	Number of students enrolled, by headcount	3,250
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	497
(c) Output:	Number of credit hours delivered	41,748
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	313
(e) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	60%

(2) Research and public service projects:

Appropriations:

(a) Oil and gas management program	156.2	156.2
(b) Nurse expansion - NMJC	281.9	281.9
(c) Lea county distance education consortium	26.6	26.6
Subtotal		28,151.8

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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**SAN JUAN COLLEGE:**

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		14,000.0		22,000.0	36,000.0
(b) Instruction and general purposes	25,415.9	34,000.0		6,000.0	65,415.9
(c) Tribal education initiatives	100.0				100.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	8,400
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	400
(c) Output:	Number of credit hours delivered	112,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	1,000
(e) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	60%

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(2) Research and public service projects:

Appropriations:

(a) Dental hygiene program	159.6				159.6
(b) Nurse expansion - SJC	235.0				235.0
(c) Renewable energy center of excellence	328.0				328.0
Subtotal					102,238.5

### CLOVIS COMMUNITY COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		500.0		5,900.0	6,400.0
(b) Instruction and general purposes	10,324.4	5,500.0		1,200.0	17,024.4

Performance measures:

(a) Output:	Number of students enrolled, by headcount	4,200
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	111

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(c) Output:	Number of credit hours delivered				38,790
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				450
(e) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time				35%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				60%

(2) Research and public service projects:

Appropriations:

(a) Nurse expansion - CCC	356.5			356.5
(b) HVAC program	100.0			100.0
Subtotal				23,880.9

**NEW MEXICO MILITARY INSTITUTE:**

(1) Main campus:

The purpose of the New Mexico military institute program is to provide college-preparatory instruction for students in a residential, military environment culminating in a high school diploma or associates degree.

Appropriations:

(a) Other		8,299.0		1,133.0	9,432.0
(b) Instruction and general purposes	1,592.2	31,647.0		233.0	33,472.2
(c) Athletics	323.2	441.0			764.2

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Performance measures:

(a) Outcome:	Average American college testing composite score for graduating high school seniors	22
(b) Outcome:	Proficiency profile reading scores for graduating college sophomores	115

(2) Research and public service projects:

Appropriations:

(a) Knowles legislative scholarship program	1,353.7	1,353.7
Subtotal		45,022.1

**NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED:**

(1) Main campus:

The purpose of the New Mexico school for the blind and visually impaired program is to provide the training, support and resources necessary to prepare blind and visually impaired children of New Mexico to participate fully in their families, communities and workforce and to lead independent, productive lives.

Appropriations:

(a) Instruction and general purposes	1,345.9	16,850.0	350.0	18,545.9
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Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(a) Output:	Number of New Mexico teachers who complete a personnel preparation program to become a teacher of the visually impaired				20
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(2) Research and public service projects:

Appropriations:

(a) Early childhood center	340.2				340.2
(b) Low vision clinic programs	104.4				104.4
Subtotal					18,990.5

### NEW MEXICO SCHOOL FOR THE DEAF:

(1) Main campus:

The purpose of the New Mexico school for the deaf program is to provide a school-based comprehensive, fully accessible and language-rich learning environment for its students who are deaf and hard-of-hearing and to work collaboratively with families, agencies and communities throughout the state to meet the unique communication, language and learning needs of children and youth who are deaf and hard-of-hearing.

Appropriations:

(a) Instruction and general purposes	4,319.8	12,100.0		300.0	16,719.8
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Performance measures:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Outcome:	Rate of transition to postsecondary education, vocational-technical training school, junior colleges, work training or employment for graduates based on a three-year rolling average				95%
(b) Outcome:	Percent of first-year signers who demonstrate improvement in American sign language based on fall or spring assessments				100%

(2) Research and public service projects:

Appropriations:

(a) Statewide outreach services	215.7				215.7
Subtotal					16,935.5
TOTAL HIGHER EDUCATION	939,050.4	1,663,008.6	46,002.4	730,585.4	3,378,646.8

### K. PUBLIC SCHOOL SUPPORT

Except as otherwise provided, unexpended balances of appropriations made in this subsection shall not revert at the end of fiscal year 2023.

#### PUBLIC SCHOOL SUPPORT:

(1) State equalization guarantee distribution:

The purpose of public school support is to carry out the mandate to establish and maintain a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Appropriations:

(a) Other	3,673,711.4	10,366.6			3,684,078.0
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The rate of distribution of the state equalization guarantee distribution shall be based on a program unit value determined by the secretary of public education. The secretary of public education shall establish a preliminary unit value to establish budgets for the 2022-2023 school year and then, on verification of the number of units statewide for fiscal year 2023 but no later than January 31, 2023, the secretary of public education may adjust the program unit value. In setting the preliminary unit value and the final unit value in January, the public education department shall consult with the department of finance and administration[, ~~legislative finance committee and legislative education study committee~~]. *LINE ITEM VETO*

The general fund appropriation to the state equalization guarantee distribution includes seventy-six million seven hundred sixty-eight thousand two hundred dollars (\$76,768,200) contingent on enactment of Senate Bill 1 or similar legislation in the second session of the fifty-fifth legislature amending the School Personnel Act to increase teacher and administrator minimum salary levels. The secretary of public education shall ensure that during fiscal year 2023 no full-time level one teacher receives a base salary less than fifty thousand dollars (\$50,000), no full-time level two teacher receives a base salary less than sixty thousand dollars (\$60,000), no full-time level three-A teacher receives a base salary less than seventy thousand dollars (\$70,000) and no full-time level three-B school principal or level three-B assistant school principal receives a base salary less than seventy thousand dollars (\$70,000) multiplied by the applicable responsibility factor as defined in Subsection B of Section 22-10A-2 NMSA 1978.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The secretary of public education shall ensure that during fiscal year 2023 no full-time level one teacher in a K-5 plus school receives a salary less than fifty-six thousand nine hundred forty-four dollars (\$56,944), no full-time level two teacher in a K-5 plus school receives a salary less than sixty-eight thousand three hundred thirty-three dollars (\$68,333) and no full-time level three-A teacher in a K-5 plus school receives a salary less than seventy-nine thousand seven hundred twenty-two dollars (\$79,722).

The secretary of public education shall ensure that during fiscal year 2023 no full-time level one teacher in an extended learning time program receives a salary less than fifty-two thousand seven hundred seventy-seven dollars (\$52,777), no full-time level two teacher in an extended learning time program receives a salary less than sixty-three thousand three hundred thirty-three dollars (\$63,333) and no full-time level three-A teacher in an extended learning time program receives a salary less than seventy-three thousand eight hundred eighty-eight dollars (\$73,888).

The general fund appropriation to the state equalization guarantee distribution includes sufficient funding to provide all affected employees an hourly salary of at least fifteen dollars (\$15.00).

The general fund appropriation to the state equalization guarantee distribution includes one hundred one million thirty-six thousand dollars (\$101,036,000) to provide an average four percent salary increase to all public school personnel. The secretary of public education shall not approve the operating budget of a school district or charter school that does not provide an average four percent salary increase for all public school personnel.

The state equalization guarantee distribution includes ten million ninety-two thousand three hundred

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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dollars (\$10,092,300) from the general fund to provide targeted salary increases for hard-to-staff positions that provide instructional support or social services to students.

A school district or charter school shall not pay an increase of more than six percent for group health insurance premium increases that take effect in fiscal year 2023.

The general fund appropriation to the state equalization guarantee distribution includes twenty million seventy-eight thousand five hundred dollars (\$20,078,500) to provide incumbents in positions covered by a pension plan created under the Educational Retirement Act a one percent employer-paid pension contribution increase contingent on enactment of legislation in the second session of the fifty-fifth legislature increasing employer-paid pension contributions.

The state equalization guarantee distribution includes ninety-five million dollars (\$95,000,000) from the general fund for in-person extended learning time programs pursuant to Section 22-8-23.10 NMSA 1978. The secretary of public education shall consider those extended learning time programs eligible for state financial support and the amount of state funding available for extended learning time programs and determine, in consultation with the department of finance and administration, the programs and consequent numbers of students in extended learning time programs that will be used to calculate the number of additional program units for extended learning time programs. Any amount of the ninety-five million dollar (\$95,000,000) general fund appropriation that is not distributed through the extended learning time program factor, calculated by multiplying the final program unit value set for the 2022-2023 school year by the total extended learning time program units and subtracting that product from ninety-five million dollars (\$95,000,000), shall revert to the public education reform fund.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Provided students participate in the academic assessment program pursuant to Section 22-2C-4 NMSA 1978 and with department approval, up to thirty hours of instruction provided to students by a tribal government office that oversees education programs within a federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico and has entered into a formal agreement with the school shall be deemed to be time in a school-directed program and is part of the instructional day for those students.

The general fund appropriation to the state equalization guarantee distribution includes sixty-four million twenty-seven thousand five hundred dollars (\$64,027,500) to provide an additional average three percent salary increase for all public school personnel who work in a K-5 plus school pursuant to the K-5 Plus Act or an extended learning time program pursuant to Section 22-8-23.10 NMSA 1978 for the 2022-2023 school year. The secretary of public education shall consider the costs of implementing an average three percent salary increase for all public school personnel who work in a K-5 plus school or extended learning time program and distribute the sixty-four million twenty-seven thousand five hundred dollar (\$64,027,500) appropriation to school districts and charter schools in proportion to each school district's and charter school's share of the total statewide program cost. If a school district or charter school does not have a K-5 plus school or extended learning time program, the school district's or charter school's proportionate share of the sixty-four million twenty-seven thousand five hundred dollar (\$64,027,500) general fund appropriation to the state equalization guarantee distribution for the additional average three percent salary increase shall revert to the public education reform fund.

The general fund appropriation to the state equalization guarantee distribution includes one hundred nineteen million eight hundred ninety-five thousand nine hundred dollars (\$119,895,900) for K-5 plus

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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programs pursuant to the K-5 Plus Act. The secretary of public education shall consider those K-5 plus programs eligible for state financial support and the amount of state funding available for K-5 plus programs and determine, in consultation with the department of finance and administration, the programs and consequent numbers of students in K-5 plus programs that will be used to calculate the number of additional program units for K-5 plus programs. Any amount of the one hundred nineteen million eight hundred ninety-five thousand nine hundred dollar (\$119,895,900) appropriation that is not distributed through the K-5 plus program factor, calculated by multiplying the final program unit value set for the 2022-2023 school year by the total K-5 plus program units and subtracting that product from one hundred nineteen million eight hundred ninety-five thousand nine hundred dollars (\$119,895,900), may be used for extended learning time programs. Any remaining, unused amounts of the appropriation shall be transferred to the public education reform fund.

For fiscal year 2023, if the program cost made available is insufficient to meet the level of state support required by the special education maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act, the public education department shall reduce the program cost and state equalization guarantee distribution appropriation in an amount sufficient to cover the projected shortfall and distribute that amount to school districts and charter schools in proportion to each school district's and charter school's share of the total statewide program cost to meet the level of support required by Part B of the federal Individuals with Disabilities Education Act for fiscal year 2023. The public education department shall reset the final unit value and recalculate each school district's and charter school's program cost for fiscal year 2023.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The general fund appropriation to the state equalization guarantee distribution includes forty-three million dollars (\$43,000,000) for school districts and charter schools to purchase culturally and linguistically appropriate instructional materials for eligible students, including dual-credit instructional materials and educational technology.

The general fund appropriation to the state equalization guarantee distribution includes twenty-one million dollars (\$21,000,000) for school districts and charter schools to meet requirements of Section 22-10A-9 NMSA 1978, create an educational plan pursuant to Section 22-8-6 NMSA 1978 and provide targeted and ongoing professional development focused on case management, tutoring, data-guided instruction, coaching or other [~~evidence-based~~] practices that improve student outcomes. *LINE ITEM VETO*

The general fund appropriation to the state equalization guarantee distribution includes eight million dollars (\$8,000,000) for school districts and charter schools to provide [~~evidence-based~~] structured literacy interventions and develop literacy collaborative models that lead to improved reading and writing achievement of students in kindergarten through fifth grade. *LINE ITEM VETO*

The public education department shall not approve the operating budget of any school district or charter school to operate a four-day school week during the 2022-2023 school year that did not provide a four-day school week during the 2021-2022 school year.

The public education department shall monitor and review the operating budgets of school districts and charter schools to ensure the school district or charter school is prioritizing available funds to those functions most likely to improve student outcomes. If a school district or charter school submits a fiscal

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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year 2023 operating budget that, in the opinion of the secretary of public education, fails to prioritize funds as described in this paragraph, the secretary of public education shall, prior to approving the school district's or charter school's fiscal year 2023 budget, direct the school district or charter school to revise its submitted budget or shall make such revisions as required to meet the requirements of this paragraph.

The general fund appropriation to the public school fund shall be reduced by the amounts transferred to the public school fund from the current school fund and from federal Mineral Leasing Act receipts otherwise unappropriated.

The other state funds appropriation to the state equalization guarantee distribution includes balances received by the public education department pursuant to Section 66-5-44 NMSA 1978.

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2023 from appropriations made from the general fund shall revert to the general fund.

Performance measures:

(a) Outcome:	Eighth-grade math achievement gap between economically disadvantaged students and all other students, in percentage points	4%
(b) Outcome:	Fourth-grade reading achievement gap between economically disadvantaged students and all other students, in percentage points	2%
(c) Outcome:	Percent of fourth-grade students who achieve proficiency or above on the standards-based assessment in reading	35%



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(d) Outcome:	Percent of fourth-grade students who achieve proficiency or above on the standards-based assessment in mathematics				35%
(e) Outcome:	Percent of eighth-grade students who achieve proficiency or above on the standards-based assessment in reading				35%
(f) Outcome:	Percent of eighth-grade students who achieve proficiency or above on the standards-based assessment in mathematics				35%
(g) Quality:	Current four-year cohort graduation rate using shared accountability				80%
(h) Explanatory:	Percent of dollars budgeted by districts with fewer than 750 members for instructional support, budget categories 1000, 2100 and 2200				
(i) Explanatory:	Percent of dollars budgeted by districts with 750 members or greater for instructional support, budget categories 1000, 2100 and 2200				
(j) Explanatory:	Percent of dollars budgeted by charter schools for instructional support, budget categories 1000, 2100 and 2200				
(k) Outcome:	Percent of economically disadvantaged eighth-grade students who achieve proficiency or above on the standards-based assessment in mathematics				35%
(l) Outcome:	Percent of economically disadvantaged eighth-grade students who achieve proficiency or above on the standards-based assessment in reading				35%
(m) Outcome:	Percent of economically disadvantaged fourth-grade students who achieve proficiency or above on the standards-based assessment in reading				35%
(n) Outcome:	Percent of economically disadvantaged fourth-grade students who achieve proficiency or above on the standards-based assessment in mathematics				35%
(o) Outcome:	Percent of recent New Mexico high school graduates who take remedial courses in higher education at two-year and four-year schools				30%

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(p) Explanatory:	Percent of funds generated by the at-risk index associated with at-risk services				
(q) Outcome:	Chronic absenteeism rate among students in middle school				10%
(r) Outcome:	Chronic absenteeism rate among students in high school				10%
(s) Outcome:	Chronic absenteeism rate among students in elementary school				10%

(2) Transportation distribution:

Appropriations:

(a) Other	114,671.2	3,034.7			117,705.9
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The transportation distribution includes three million one hundred seventy-five thousand six hundred dollars (\$3,175,600) from the general fund for transportation of students to extended learning time programs. If a school district or state-chartered charter school does not transport students to extended learning time programs, the school district's or state-chartered charter school's proportionate share of the three million one hundred seventy-five thousand six hundred dollar (\$3,175,600) general fund appropriation to the transportation distribution for extended learning time programs shall revert to the public education reform fund.

The transportation distribution includes eight hundred ninety-nine thousand two hundred dollars (\$899,200) from the general fund and three million thirty-four thousand seven hundred dollars (\$3,034,700) from the public education reform fund for transportation of students to K-5 plus programs. If a school district or state-chartered charter school does not transport students to K-5 plus programs, the school

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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district's or state-chartered charter school's proportionate share of the three million nine hundred thirty-three thousand nine hundred dollar (\$3,933,900) general fund and public education reform fund appropriations to the transportation distribution for K-5 plus programs may be used to transport students to and from extended learning time programs. Any remaining, unused amounts of the appropriations shall revert to the public education reform fund.

The general fund appropriation to the transportation distribution includes one million six hundred fifty-two thousand three hundred dollars (\$1,652,300) to provide an average four percent salary increase to all public school transportation personnel. The secretary of public education shall not approve the operating budget of a school district or charter school that does not provide an average four percent salary increase for all public school transportation personnel.

(3) Supplemental distribution:

Appropriations:

(a) Out-of-state tuition	315.0			315.0
(b) Emergency supplemental	2,000.0			2,000.0

The secretary of public education shall not distribute any emergency supplemental funds to a school district or charter school that is not in compliance with the Audit Act or that has cash and invested reserves, other resources or any combination thereof equaling five percent or more of their operating budget.

Any unexpended balances in the supplemental distribution of the public education department remaining

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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at the end of fiscal year 2023 from appropriations made from the general fund shall revert to the general fund.

(4) Federal flow through:

Appropriations:

(a) Other				486,300.0	486,300.0
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(5) Indian education fund:

Appropriations:

(a) Other	14,988.6				14,988.6
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The general fund appropriation to the Indian education fund includes fourteen million nine hundred eighty-eight thousand six hundred dollars (\$14,988,600) to meet requirements of the Indian Education Act. The secretary of public education, in collaboration with the assistant secretary for Indian education, shall develop a methodology to allocate the fourteen million nine hundred eighty-eight thousand six hundred dollar (\$14,988,600) general fund appropriation to tribal education departments, tribal libraries, Native American language programs, school districts and charter schools based on operational needs and student enrollment.

(6) Standards-based assessments:

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(a) Other	7,236.0				7,236.0
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Any unexpended balances in the standards-based assessments appropriation remaining at the end of fiscal year 2023 from appropriations made from the general fund shall revert to the general fund.

Subtotal					4,312,623.5
TOTAL PUBLIC SCHOOL SUPPORT	3,812,922.2	13,401.3		486,300.0	4,312,623.5
GRAND TOTAL FISCAL YEAR 2023					
APPROPRIATIONS	8,289,636.7	4,785,863.3	746,523.2	10,017,170.7	23,839,193.9

## Chapter 54 Section 5 Laws 2022

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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SECTION 5. SPECIAL APPROPRIATIONS.--The following amounts are appropriated from the general fund or other funds as indicated for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal years 2022 and 2023. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2023 shall revert to the appropriate fund.

(1)	LEGISLATIVE COUNCIL SERVICE		2,000.0		2,000.0
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For capitol security systems and operations. The appropriation is from legislative cash balances.

<del>[-(2)</del>	<del>LEGISLATURE</del>		<del>4,000.0</del>		<del>4,000.0</del>
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~~For capitol building system upgrades and renovations. The other state funds appropriation includes two~~

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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~~million dollars (\$2,000,000) from the capital maintenance fund and two million dollars (\$2,000,000) from legislative cash balances.] LINE ITEM VETO~~

(3)	ADMINISTRATIVE OFFICE OF THE COURTS	465.0			465.0
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For vehicles and equipment for district courts.

(4)	ADMINISTRATIVE OFFICE OF THE COURTS	850.0			850.0
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For a unified appropriation for magistrate court security personnel.

(5)	ADMINISTRATIVE OFFICE OF THE COURTS	1,200.0			1,200.0
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For magistrate court security equipment.

(6)	ADMINISTRATIVE OFFICE OF THE COURTS				
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The period of time for expending the five hundred sixty-four thousand dollars (\$564,000) from the general fund and nine hundred thirty-four thousand dollars (\$934,000) from other state funds in Subsection 13 of Section 5 of Chapter 83 of Laws 2020 for the administrative office of the courts moving and related costs is extended through fiscal year 2023. The other state funds appropriation is from the consumer settlement fund at the office of the attorney general.

(7)	ADMINISTRATIVE OFFICE OF THE COURTS				
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The period of time for expending the one hundred thousand dollars (\$100,000) appropriated from the general fund in Subsection 7 of Section 5 of Chapter 83 of Laws 2020 for a pro tem judge in McKinley county to clear driving-while-intoxicated case backlog is extended through fiscal year 2023.

(8) ADMINISTRATIVE OFFICE OF THE COURTS

The period of time for expending the one million dollars (\$1,000,000) appropriated from the developmental disabilities planning council in Subsection 5 of Section 5 of Chapter 73 of Laws 2018 for reforming the New Mexico guardianship system is extended through fiscal year 2023.

(9) ADMINISTRATIVE OFFICE OF THE COURTS

The period of time for expending two hundred forty-seven thousand six hundred dollars (\$247,600) appropriated from the general fund in Paragraph (1) of Subsection B of Section 2 of Chapter 140 of Laws 2021 for courthouse security equipment and personnel, expenses related to the coronavirus disease 2019, case backlog, alternative dispute resolution and settlement programs, updating electronic records and data entry statewide is extended through fiscal year 2023.

(10) ADMINISTRATIVE OFFICE OF THE COURTS

The period of time for expending two hundred seventy thousand dollars (\$270,000) appropriated from the general fund in Subsection 14 of Section 5 of Chapter 137 of Laws 2021 to replace cameras in detention centers and the judicial information division is extended through fiscal year 2023.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(11) ADMINISTRATIVE OFFICE OF THE COURTS

The period of time for expending the four hundred thousand dollars (\$400,000) appropriated from the general fund in Subsection 10 of Section 5 of Chapter 83 of Laws 2020 to implement a statewide information management system for problem-solving courts is extended through fiscal year 2023.

(12) ADMINISTRATIVE OFFICE OF THE COURTS

Up to five hundred thousand dollars (\$500,000) in unexpended balances in the special court services program in the court-appointed attorneys category remaining at the end of fiscal year 2022 from appropriations made from the general fund or indirect federal funds authorized by Title IV-E of the Social Security Act shall not revert and may be expended in fiscal year 2023 to support legal representation in child welfare cases.

(13) ADMINISTRATIVE OFFICE OF THE COURTS

The period of time for expending the five hundred thousand dollars (\$500,000) appropriated from the general fund to the administrative office of the courts in Subsection C of Section 2 of Chapter 1 of Laws 2021, 1st Special Session to address expungement of arrest and conviction records for certain cannabis-related offenses is extended through fiscal year 2023.

(14) ADMINISTRATIVE OFFICE OF THE COURTS

The period of time for expending the one million dollars (\$1,000,000) appropriated from the general fund in Subsection 9 of Section 5 of Chapter 83 of Laws 2020 for a unified appropriation for magistrate court



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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security personnel, later reduced to eight hundred thousand dollars (\$800,000) in Subsection 2 of Section 7A of Chapter 5 of Laws 2020, 1st Special Session is extended through fiscal year 2023.

(15) ADMINISTRATIVE OFFICE OF THE COURTS

The period of time for expending the eighty thousand dollars (\$80,000) appropriated from the general fund in Subsection 11 of Section 5 of Chapter 83 of Laws 2020 for temporary relocation and renovation costs for the magistrate court in Grant county is extended through fiscal year 2023.

(16)	ADMINISTRATIVE OFFICE OF THE COURTS	648.0			648.0
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To develop and provide regular training to local pretrial programs, courts and staff.

(17)	SECOND JUDICIAL DISTRICT COURT		488.4		488.4
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For the foreclosure settlement program. The internal service funds/interagency transfers appropriation to the second judicial district court includes four hundred eighty-eight thousand four hundred dollars (\$488,400) from the mortgage regulatory fund of the regulation and licensing department for foreclosure mediation. Any unexpended balances in the second judicial district court program from the mortgage regulatory fund at the end of fiscal year 2023 shall revert to the mortgage regulatory fund.

(18)	THIRTEENTH JUDICIAL DISTRICT COURT		209.9		209.9
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For the foreclosure settlement program. The internal service funds/interagency transfers appropriation to

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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the thirteenth judicial district court includes two hundred nine thousand nine hundred dollars (\$209,900) from the mortgage regulatory fund of the regulation and licensing department for foreclosure mediation. Any unexpended balances in the thirteenth judicial district court program from the mortgage regulatory fund at the end of the fiscal year 2023 shall revert to the mortgage regulatory fund.

(19) SECOND JUDICIAL DISTRICT  
ATTORNEY

The period of time for expending the six hundred thousand dollars (\$600,000) appropriated from the general fund in Subsection 13 of Section 5 of Chapter 73 of Laws 2018 for a data-driven prosecution pilot program, the six hundred thousand dollars (\$600,000) appropriated from the general fund in Subsection 14 of Section 5 of Chapter 73 of Laws 2018 for case prosecution and the eight hundred thousand dollars (\$800,000) appropriated from the general fund in Subsection 15 of Section 5 of Chapter 73 of Laws 2018 to address case backlog is extended through fiscal year 2023 and the appropriations may be used for other purposes.

(20) ADMINISTRATIVE OFFICE OF THE  
DISTRICT ATTORNEYS

Any unexpended balances remaining at the end of fiscal year 2022 from revenues received in fiscal year 2022 and prior years by a district attorney from any Native American tribe, pueblo or political subdivision pursuant to a contract, memorandum of understanding, joint powers agreement or grant shall not revert and shall remain with the recipient district attorney's office for expenditure in fiscal year 2023. Prior to November 1, 2022, the administrative office of the district attorneys shall provide the department of finance and administration [~~and the legislative finance committee~~] a detailed report documenting the amount of all funds received from Native American tribes, pueblos and political subdivisions pursuant to a

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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contract, memorandum of understanding, joint powers agreement or grant that do not revert at the end of fiscal year 2022 for each of the district attorneys and the administrative office of the district attorneys. *LINE ITEM VETO*

(21) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS

Any unexpended balances remaining at the end of fiscal year 2022 from revenues received in fiscal year 2022 and prior years by a district attorney or the administrative office of the district attorneys from the United States department of justice pursuant to the southwest border prosecution initiative shall not revert and shall remain with the recipient district attorney's office for expenditure in fiscal year 2023. Prior to November 1, 2022, the administrative office of the district attorneys shall provide to the department of finance and administration [~~and the legislative finance committee~~] a detailed report documenting the amount of all southwest border prosecution initiative funds that do not revert at the end of fiscal year 2022 for each of the district attorneys and the administrative office of the district attorneys. *LINE ITEM VETO*

(22)	LAW OFFICES OF THE PUBLIC DEFENDER	200.0			200.0
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For backlogged jury trials.

(23)	ATTORNEY GENERAL		4,288.5		4,288.5
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To address harms to the state and its communities resulting from the Gold King mine release. The internal service funds/interagency transfers appropriation is from the consumer settlement fund.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(24) ATTORNEY GENERAL

The period of time for expending the six million four hundred thousand dollars (\$6,400,000) appropriated from the consumer settlement fund in Subsection 23 of Section 5 of Chapter 137 of Laws 2021 for defending the Rio Grande compact is extended through fiscal year 2023.

(25) ATTORNEY GENERAL 1,000.0 1,000.0

To provide enhanced prosecutorial training and expertise for cases of sexual violence including human trafficking and murdered and missing indigenous people. The other state funds appropriation is from the consumer settlement fund.

(26) ATTORNEY GENERAL 1,000.0 1,000.0

For litigation of the tobacco master settlement agreement. The other state funds appropriation is from the consumer settlement fund.

(27) ATTORNEY GENERAL 2,000.0 2,000.0 4,000.0

For litigation of the Rio Grande compact. The other state funds appropriation is from the consumer settlement fund.

(28) TAXATION AND REVENUE DEPARTMENT 3,000.0 3,000.0

The state board of finance may approve a transfer from the appropriation contingency fund to the taxation and revenue department up to three million dollars (\$3,000,000), contingent on certification by the secretary of the department of finance and administration that enactment of legislation of the second

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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session of the fifty-fifth legislature resulted in significant changes to the tax code or the motor vehicle code and that no other funding is available to implement the changes.

(29)	ADMINISTRATIVE HEARINGS OFFICE	150.0			150.0
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To develop a case management system.

<del>(30)</del>	<del>DEPARTMENT OF FINANCE AND ADMINISTRATION</del>	<del>330.0</del>			<del>330.0</del>
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~~For infant surrender safety devices statewide. The appropriation is contingent on enactment of House Bill 157 or similar legislation of the second session of the fifty-fifth legislature.] LINE ITEM VETO~~

(31)	DEPARTMENT OF FINANCE AND ADMINISTRATION	3,500.0			3,500.0
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For contract management and federal grants administration initiatives.

(32)	DEPARTMENT OF FINANCE AND ADMINISTRATION	1,500.0			1,500.0
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For grants management for local governments and local councils of government.

(33)	DEPARTMENT OF FINANCE AND ADMINISTRATION	1,000.0			1,000.0
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For grants to local governments to match federal infrastructure and other funding.

(34)	DEPARTMENT OF FINANCE AND ADMINISTRATION	24,000.0			24,000.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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For statewide hunger initiatives.

(35)	DEPARTMENT OF FINANCE AND ADMINISTRATION	2,000.0			2,000.0
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To the land grant assistance fund contingent on enactment of legislation of the second session of the fifty-fifth legislature creating the fund.

(36)	DEPARTMENT OF FINANCE AND ADMINISTRATION	5,000.0			5,000.0
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~~For [local law enforcement police officer retention stipends. The appropriation is contingent on enactment of House Bill 86 or similar legislation of the second session of the fifty-fifth legislature creating] the law enforcement retention fund. LINE ITEM VETO~~

<del>(37)</del>	<del>DEPARTMENT OF FINANCE AND ADMINISTRATION</del>	<del>300.0</del>			<del>300.0</del>
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~~To the local government division of the department of finance and administration to allocate to the city of Gallup to renovate red rock park for expenditure through fiscal year 2024.] LINE ITEM VETO~~

(38)	GENERAL SERVICES DEPARTMENT	1,300.0			1,300.0
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To purchase vehicles.

(39)	NEW MEXICO SENTENCING COMMISSION	2,000.0			2,000.0
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For grants awarded under the Crime Reduction Grant Act. The general fund appropriation is contingent on

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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enactment of House Bill 84 or similar legislation of the second session of the fifty-fifth legislature.

(40) NEW MEXICO SENTENCING COMMISSION

The period of time for expending the five hundred thousand (\$500,000) appropriated from the consumer settlement fund at the office of the attorney general in Subsection 38 of Section 5 of Chapter 137 of Laws 2021 to study and redraft the Criminal Code and other criminal statutes is extended through fiscal year 2023.

(41)	SECRETARY OF STATE	100.0			100.0
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For the purchase and installation of servers to support the technology systems of the secretary of state's office.

(42)	SECRETARY OF STATE	170.0			170.0
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To purchase replacement scanners for mail-in ballot tabulators.

(43)	SECRETARY OF STATE	80.0			80.0
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For converting permanent records to microfilm.

(44)	SECRETARY OF STATE				
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The period of time for expending the three million forty-six thousand eight hundred dollars (\$3,046,800) appropriated from the general fund in Subsection 40 of Section 5 of Chapter 137 of Laws 2021 to conduct and administer a special election is extended through fiscal year 2023 and can be used for costs related to the

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
2022 primary election.					
(45) SECRETARY OF STATE	100.0				100.0
For enhancements to the statewide election reporting and voter information system.					
(46) PUBLIC EMPLOYEE LABOR RELATIONS BOARD	25.0				25.0
For website, telecommunications costs, furniture and information technology needs.					
(47) STATE TREASURER	400.0				400.0
For the work and save program. The appropriation shall only be used for programs that are optional for participants.					
(48) TOURISM DEPARTMENT	300.0				300.0
For the New Mexico bowl.					
(49) TOURISM DEPARTMENT	350.0				350.0
For branded partnerships between New Mexico true and special olympics.					
(50) ECONOMIC DEVELOPMENT DEPARTMENT	250.0				250.0
To the economic development division of the economic development department for a collaborative marketing effort with local and regional economic development organizations in certified communities.					



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(51)	ECONOMIC DEVELOPMENT DEPARTMENT	6,000.0			6,000.0
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To the development training fund for the job training incentive program. Any unexpended balances remaining at the end of fiscal year 2023 shall not revert and may be expended in future fiscal years.

(52)	ECONOMIC DEVELOPMENT DEPARTMENT				
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The outdoor recreation division of the economic development department shall work [~~to expand and construct the Rio Grande trail in conjunction~~] with the Rio Grande trail commission. *LINE ITEM VETO*

(53)	ECONOMIC DEVELOPMENT DEPARTMENT	50,000.0			50,000.0
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To the local economic development act fund for economic development projects pursuant to the Local Economic Development Act. Any unexpended balances remaining at the end of fiscal year 2023 shall not revert and may be expended in future fiscal years.

(54)	REGULATION AND LICENSING DEPARTMENT		811.1		811.1
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To purchase vehicles for the construction industries program. The other state funds appropriation is from the mortgage regulatory fund.

(55)	REGULATION AND LICENSING DEPARTMENT		1,700.0		1,700.0
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For cannabis control program operations and to purchase vehicles and equipment. The other state funds

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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appropriation is from the mortgage regulatory fund.

(56)	PUBLIC REGULATION COMMISSION	150.0			150.0
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For furniture for the Bokum building.

(57)	OFFICE OF THE SUPERINTENDENT OF INSURANCE	150.0	150.0		300.0
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For a joint study with the human services department, in consultation with the appropriate stakeholders, on the enactment of behavioral health parity legislation congruent with federal law and its impact on the availability of behavioral health services provided by medicaid and other providers, medicaid and commercial managed care organizations and their subcontractors and rates of compensation paid to behavioral health providers. The other state funds appropriation is from the insurance operating fund at the office of superintendent of insurance.

(58)	OFFICE OF THE SUPERINTENDENT OF INSURANCE		28,000.0		28,000.0
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For premium and cost-sharing reductions for New Mexico health insurance exchange enrollees and medicaid transition premium buy-downs for exchange eligible consumers. The other state funds appropriation is from the health care affordability fund.

(59)	OFFICE OF THE SUPERINTENDENT OF INSURANCE		30,000.0		30,000.0
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For reduction of health insurance premiums for small businesses and their employees. The other state funds appropriation is from the health care affordability fund.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(60) STATE RACING COMMISSION	500.0				500.0
For payment of charges associated with the federal Horseracing Integrity and Safety Act contingent on receiving notice from the federal government that such expenditures must be paid.					
(61) CULTURAL AFFAIRS DEPARTMENT	350.0				350.0
For continuation and expansion of the New Mexico historic women marker initiative.					
(62) CULTURAL AFFAIRS DEPARTMENT	200.0				200.0
For staff and other costs to open and operate the New Mexico museum of art Vladem contemporary.					
(63) NEW MEXICO LIVESTOCK BOARD	217.0				217.0
For server replacement to allow for software updates and continued technical support.					
(64) ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	10,000.0				10,000.0
To implement a community energy efficiency program in underserved communities.					
(65) ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	350.0				350.0
For the purchase of 141 acres of private land to expand the area of coyote creek state park.					
(66) ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	250.0				250.0
For the replacement of agency vehicles and emergency response radios.					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(67) ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT		7,000.0			7,000.0

For forest and watershed management projects. The other state funds appropriation is from the forest land protection revolving fund.

(68) YOUTH CONSERVATION CORPS		1,000.0			1,000.0
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To the youth conservation corps to enter into cooperative procurement agreements with other state agencies for youth employment programs [~~upon legislative review of project plans submitted by the agency~~]. The other state funds appropriation is from the youth conservation corps fund. *LINE ITEM VETO*

(69) STATE ENGINEER	350.0				350.0
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To develop a fifty-year water plan.

(70) STATE ENGINEER					
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The period of time for expending the two million five hundred thousand dollars (\$2,500,000) from the general fund and two million eight hundred seventy-five thousand dollars (\$2,875,000) from other state funds in Subsection 59 of Section 5 of Chapter 137 of Laws 2021 for interstate water litigation costs is extended through fiscal year 2023. The other state funds appropriation is from the consumer settlement fund at the office of the attorney general.

(71) STATE ENGINEER	500.0				500.0
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For Jicarilla Apache nation water lease for San Juan river strategic water reserve for compact compliance.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(72) STATE ENGINEER	500.0				500.0
For implementation of the 2019 Water Data Act.					
(73) STATE ENGINEER	750.0				750.0
For water litigation, litigation avoidance and compliance activities related to the Colorado river interstate compacts and related agreements.					
(74) STATE ENGINEER	6,000.0				6,000.0
For litigation, mediation or settlement of interstate compact litigation for expenditure in fiscal years 2022, 2023 and 2024.					
(75) STATE ENGINEER	2,000.0				2,000.0
For implementation of the 2003 Pecos settlement agreement or drought relief activities on the Pecos river in fiscal years 2022, 2023 and 2024.					
(76) COMMISSION ON THE STATUS OF WOMEN					
The period of time for expending the one hundred thousand dollars (\$100,000) appropriated from the general fund in Section 17 of Chapter 278 of Laws 2019 to fund the commission on the status of women pursuant to Section 28-3-2 NMSA 1978, the fifty thousand dollars (\$50,000) appropriated from the general fund in Section 58 of Chapter 278 of Laws 2019 for operational expenses, the fifty-five thousand dollars (\$55,000) appropriated from the general fund in Section 13 of Chapter 279 of Laws 2019 for operational expenses and the eighty thousand dollars (\$80,000) appropriated from the general fund in Section 48 of Chapter 279 of					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Laws 2019 for operational expenses is extended through fiscal year 2023.

(77) EARLY CHILDHOOD EDUCATION  
AND CARE DEPARTMENT

The period of time for expending the two million dollars (\$2,000,000) appropriated from other state funds in Subsection 63 Section 5 of Chapter 137 of Laws 2021 for endowed early childhood positions, including those necessary for increasing the number of indigenous and bilingual early childhood educators, at New Mexico public and tribal institutions of higher education is extended through fiscal year 2024.

(78) EARLY CHILDHOOD EDUCATION  
AND CARE DEPARTMENT

The period of time for expending the five million dollars (\$5,000,000) appropriated from other state funds in Subsection 62 Section 5 of Chapter 137 of Laws 2021 for endowed early childhood positions at New Mexico public and tribal institutions of higher education is extended through fiscal year 2024.

(79)	AGING AND LONG-TERM SERVICES DEPARTMENT	600.0			600.0
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For advancements to aging network providers.

(80) HUMAN SERVICES DEPARTMENT

Any unexpended balances attributable to the federal matching increase from section 9817 of the American Rescue Plan Act of 2021 accrued by the medical assistance program of the human services department remaining at the end of fiscal year 2021 and fiscal year 2022 from appropriations made from the general fund shall not revert and may be expended in fiscal year 2022 through fiscal year 2025 to support

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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reinvestment in the expansion, enhancement or strengthening of home and community-based services as required in section 9817 of the American Rescue Plan Act of 2021, including eliminating the wait list for the 1915(c) developmental disabilities medicaid waivers and implementing the temporary home and community-based services provider economic recovery payments.

(81)	HUMAN SERVICES DEPARTMENT	8,453.9			8,453.9
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For the supplemental nutrition assistance program's settlement payment of the federal overpayment claim, for enrollment information technology system and payment accuracy enhancements and for client services improvements.

(82)	DEPARTMENT OF HEALTH	4,000.0			4,000.0
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For operational and maintenance needs in all facilities.

(83)	DEPARTMENT OF HEALTH				
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Forty million dollars (\$40,000,000) is appropriated from the general fund operating reserve to plan, design, furnish and upgrade a new veterans' home on the New Mexico veterans' home campus in Truth or Consequences, contingent on the department of health submitting an application for a match from the federal department of veterans' affairs and agreement to reimburse operating reserves upon receipt of federal funds.

(84)	DEPARTMENT OF HEALTH				
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Any unexpended fund balances in the developmental disabilities support program of the department of health

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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from appropriations made from the general fund for fiscal year 2019, fiscal year 2020 and fiscal 2021 shall not revert and shall be expended in fiscal year 2023 through fiscal year 2025 to eliminate the wait list for the home and community based waiver services 1915(c) developmental disability waivers and other expenditures in the developmental disabilities medicaid waiver program of the department of health.

(85)	DEPARTMENT OF ENVIRONMENT	450.0			450.0
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To address ozone pollution [~~generated outside of New Mexico and transported into the state~~]. *LINE ITEM VETO*

(86)	DEPARTMENT OF ENVIRONMENT	300.0			300.0
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To provide technical assistance on worker compensation claims related to exposure to radioactive materials and to implement radioactive material licensing requirements.

(87)	DEPARTMENT OF ENVIRONMENT	525.0			525.0
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To develop and implement initiatives that protect the public from exposure to per- and poly-fluorinated alkyl substances.

(88)	DEPARTMENT OF ENVIRONMENT	250.0			250.0
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To develop a surface water discharge permitting program and to cover costs for computer-based examinations for water utility operators.

(89)	DEPARTMENT OF ENVIRONMENT	150.0			150.0
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For state's twenty percent cost share for cleanup of the Pecos mine and the El Molino operable units.



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(90) DEPARTMENT OF ENVIRONMENT	250.0				250.0
For uranium mine remediation and cleanup.					
(91) OFFICE OF THE NATURAL RESOURCES TRUSTEE		500.0			500.0
To increase the damage assessment and restoration revolving fund to pursue emerging natural resource injury claims against responsible parties. The other state funds appropriation is from the consumer settlement fund.					
(92) CHILDREN, YOUTH AND FAMILIES DEPARTMENT	500.0				500.0
For domestic violence treatment programs statewide.					
(93) CHILDREN, YOUTH AND FAMILIES DEPARTMENT					
The period of time for expending the one million dollars (\$1,000,000) appropriated in Subsection 102 of Section 5 of Chapter 83 of Laws 2020 for behavioral health programs for continuing the multi-systemic expansion project is extended through fiscal year 2023.					
(94) DEPARTMENT OF MILITARY AFFAIRS	250.0			750.0	1,000.0
To address building repair needs and other program start-up costs related to the initiation of a job challenge academy program. The general fund appropriation to the department of military affairs is contingent on certification by the department of finance and administration that federal matching funds of					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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at least seven hundred fifty thousand dollars (\$750,000) have been secured.

(95) CORRECTIONS DEPARTMENT

The period of time for expending the twenty-two million dollars (\$22,000,000) appropriated from the penitentiary income fund in Subsection 104 of Section 5 of Chapter 83 of Laws 2020 for hepatitis c treatment and planning is extended through fiscal year 2023.

(96)	CRIME VICTIMS REPARATION COMMISSION	1,000.0			1,000.0
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For services for victims of sexual assault.

(97)	CRIME VICTIMS REPARATION COMMISSION	500.0			500.0
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To fund law enforcement-based advocates for victims of gun violence and violent crime statewide.

(98)	DEPARTMENT OF PUBLIC SAFETY	892.8			892.8
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For advanced training initiatives for commissioned New Mexico state police officers.

(99)	DEPARTMENT OF PUBLIC SAFETY	562.5			562.5
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To purchase in-car cameras and body cameras.

(100) DEPARTMENT OF PUBLIC SAFETY

The period of time for expending the three hundred fifty thousand dollars (\$350,000) appropriated from the general fund in Subsection 111 of Section 5 of Chapter 83 of Laws 2020 for a data-sharing project with the

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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administrative office of the courts is extended through fiscal year 2023.

(101)	DEPARTMENT OF PUBLIC SAFETY	400.0			400.0
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To purchase license plate readers and mobile units for the New Mexico state police.

(102)	DEPARTMENT OF PUBLIC SAFETY				
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The period of time for expending the one hundred thousand dollars (\$100,000) appropriated from the general fund in Subsection 98 of Section 5 of Chapter 73 of Laws 2018 to maintain a flash roll for criminal investigations by the New Mexico state police is extended through fiscal year 2024. Any unexpended balances from this appropriation remaining at the end of fiscal year 2024 shall not revert.

(103)	DEPARTMENT OF PUBLIC SAFETY	250.0			250.0
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To conduct a police officer job task analysis for the New Mexico law enforcement academy board.

(104)	DEPARTMENT OF PUBLIC SAFETY	9,000.0			9,000.0
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To purchase and equip law enforcement vehicles.

(105)	DEPARTMENT OF PUBLIC SAFETY	168.5			168.5
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To purchase drones and laser mapping systems for crime scene and crash scene mapping for the New Mexico state police.

(106)	DEPARTMENT OF TRANSPORTATION				
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Any unencumbered balances in the project design and construction program, the highway operations program

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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and the modal program of the department of transportation remaining at the end of fiscal year 2022 from appropriations made from other state funds and federal funds shall not revert and shall be expended in fiscal year 2023.

(107)	PUBLIC EDUCATION DEPARTMENT		1,250.0		1,250.0
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To increase salaries for teachers who hold a Native American language and culture certificate. The other state funds appropriation is from the public education reform fund.

(108)	PUBLIC EDUCATION DEPARTMENT		10,000.0		10,000.0
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For career technical education initiatives and equipment. The other state funds appropriation is from the public education reform fund. Any unexpended balances remaining at the end of fiscal year 2023 from this appropriation shall revert to the career technical education fund.

(109)	PUBLIC EDUCATION DEPARTMENT		8,000.0		8,000.0
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For community school and family engagement initiatives. The other state funds appropriation is from the public education reform fund. Any unexpended balances remaining at the end of fiscal year 2023 from this appropriation shall revert to the community schools fund.

(110)	PUBLIC EDUCATION DEPARTMENT		10,000.0		10,000.0
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For emergency educational technology and information technology staffing needs at New Mexico public schools. The other state funds appropriation is from the public education reform fund.

(111)	PUBLIC EDUCATION DEPARTMENT		2,000.0		2,000.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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For an educator evaluation system. The other state funds appropriation is from the public education reform fund.

(112)	PUBLIC EDUCATION DEPARTMENT	30,000.0			30,000.0
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To the state-support reserve fund. If, for fiscal year 2020, the secretary of public education determines that a final decision by the United States department of education prohibits the deduction of payments to school districts and charter schools commonly known as "impact aid funds," pursuant to 20 U.S.C. 7701 et. seq., and formerly known as "PL874 funds," the state board of finance shall approve a transfer from the state-support reserve fund to make payments to school districts and charter schools that receive impact aid and are affected by the decision.

(113)	PUBLIC EDUCATION DEPARTMENT		500.0		500.0
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To support implementation of the Hispanic Education Act, including programs to foster parental engagement, provide culturally and linguistically relevant materials and curricula and evaluate educational programs that impact the academic success of Hispanic students. The other state funds appropriation is from the public education reform fund.

(114)	PUBLIC EDUCATION DEPARTMENT		21,000.0		21,000.0
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For K-12 plus and extended learning time program planning grants and incentives. The other state funds appropriation is from the public education reform fund.

(115)	PUBLIC EDUCATION DEPARTMENT		22,183.8		22,183.8
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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For K-12 plus programs. The other state funds appropriation is from the public education reform fund.

(116)	PUBLIC EDUCATION DEPARTMENT		1,551.0		1,551.0
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For transportation of students to K-12 plus programs. The other state funds appropriation is from the public education reform fund.

(117)	PUBLIC EDUCATION DEPARTMENT	500.0			500.0
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For legal fees related to defending the state in Martinez v. state of New Mexico No. D-101-CV-2014-00793 and Yazzie v. state of New Mexico No. D-101-CV-2014-02224.

(118)	PUBLIC EDUCATION DEPARTMENT		1,500.0		1,500.0
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To assist school districts and charter schools in performing risk-based vulnerability management and penetration testing to identify, deter, protect against, detect, remediate and respond to cyber threats and ransomware. The office of the chief information security officer of the department of information technology will act in an oversight capacity and serve to certify cyber security projects. The other state funds appropriation is from the public education reform fund.

(119)	PUBLIC EDUCATION DEPARTMENT		1,000.0		1,000.0
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For safety and statewide deployment of mobile panic buttons at public schools. The other state funds appropriation is from the public school capital outlay fund.

(120)	PUBLIC EDUCATION DEPARTMENT		1,000.0		1,000.0
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For the statewide financial reporting system pursuant to Section 22-8-13.3 NMSA 1978. The other state funds

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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appropriation is from the public education reform fund.

(121)	PUBLIC EDUCATION DEPARTMENT		6,000.0		6,000.0
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For stipends to student teachers for time spent teaching in a New Mexico public school as required by Subsection C of Section 22-10A-6 NMSA 1978. The other state funds appropriation is from the public education reform fund.

(122)	PUBLIC EDUCATION DEPARTMENT		15,500.0		15,500.0
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For teacher residency programs pursuant to the Teacher Residency Act, including one million dollars (\$1,000,000) for teacher recruitment pilots and programs to improve the teacher workforce pipeline. The other state funds appropriation is from the public education reform fund.

(123)	PUBLIC EDUCATION DEPARTMENT		13,310.3		13,310.3
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For tribal and rural community-based extended learning programs. The other state funds appropriation is from the public education reform fund.

(124)	PUBLIC EDUCATION DEPARTMENT	2,000.0			2,000.0
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For planning, design and construction of tribal libraries through fiscal year 2024. Any unexpended balances remaining at the end of fiscal year 2024 shall revert to the general fund.

(125)	PUBLIC SCHOOL FACILITIES AUTHORITY		10,000.0		10,000.0
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To the charter school revolving loan fund contingent on enactment of House Bill 43 or similar legislation

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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in the second session of the fifty-fifth legislature creating a charter school revolving loan fund. The other state funds appropriation is from the public school capital outlay fund.

(126)	PUBLIC SCHOOL FACILITIES AUTHORITY		478.6		478.6
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For staff and operational costs. The other state funds appropriation is from the public school capital outlay fund.

(127)	HIGHER EDUCATION DEPARTMENT	8,000.0			8,000.0
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For distribution to the higher education institutions of New Mexico for building renewal and replacement. A report of building renewal and replacement transfers must be submitted to the higher education department before funding is released. In the event of a transfer of building renewal and replacement funding to cover institutional salaries, funding shall not be released to the higher education institution.

(128)	HIGHER EDUCATION DEPARTMENT		50,000.0		50,000.0
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For endowed faculty positions in educator preparation programs at New Mexico public and tribal higher education institutions. The higher education department must obtain certification from each higher education institution that the endowment revenue will supplement and not supplant spending at the institution's educator preparation program before making an endowment award. The other state funds appropriation is from the public education reform fund.

(129)	HIGHER EDUCATION DEPARTMENT		4,000.0		4,000.0
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For the higher education department to pay colleges for successfully completed dual-credit courses that are



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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accepted by higher education institutions toward the degree requirements of an accredited academic program. The other state funds appropriation is from the public education reform fund.

(130)	HIGHER EDUCATION DEPARTMENT		500.0		500.0
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For scholarships for the grow your own teacher program. The other state funds appropriation is from the grow your own teachers fund.

(131)	HIGHER EDUCATION DEPARTMENT	1,700.0			1,700.0
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To assist public postsecondary educational institutions in performing risk-based vulnerability management and penetration testing to identify, deter, protect against, detect, remediate and respond to cyber threats and ransomware. The office of the chief information security officer of the department of information technology will act in an oversight capacity and serve to certify cyber security projects.

(132)	HIGHER EDUCATION DEPARTMENT	5,000.0			5,000.0
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For the higher education endowment fund. The higher education department shall require a fifty percent match of any awards from recipient institutions of higher education.

(133)	HIGHER EDUCATION DEPARTMENT		15,000.0		15,000.0
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For expanding enrollment in and graduation from nursing programs at public higher education institutions. The other state funds appropriation is from the higher education program development enhancement fund.

(134)	HIGHER EDUCATION DEPARTMENT	250.0			250.0
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For teacher education consortium activities at public higher education institutions.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(135) HIGHER EDUCATION DEPARTMENT		20,000.0			20,000.0
To provide matching funds to state research universities to support innovative applied research that advances knowledge and creates new products and production processes in the fields of agriculture, biotechnology, biomedicine energy, materials science, microelectronics, water resources, aerospace, telecommunications, manufacturing science and similar research areas. The other state funds appropriation is from the technology enhancement fund.					
(136) UNIVERSITY OF NEW MEXICO	500.0				500.0
To support infrastructure for the statewide human papillomavirus pap registry.					
(137) UNIVERSITY OF NEW MEXICO	2,500.0				2,500.0
To finish, equip and furnish the college of nursing and college of population health buildings.					
(138) UNIVERSITY OF NEW MEXICO	500.0				500.0
For operational costs at the office of the medical investigator.					
(139) NEW MEXICO STATE UNIVERSITY	2,000.0				2,000.0
To the agricultural experiment station for repairs and renovations at agricultural science centers.					
(140) NEW MEXICO STATE UNIVERSITY	200.0				200.0
To support the rodeo team.					
(141) NEW MEXICO STATE UNIVERSITY	1,000.0				1,000.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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To the agricultural experiment station for weather stations.

(142)	NEW MEXICO HIGHLANDS UNIVERSITY	1,000.0			1,000.0
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For comprehensive financial aid including stipends for students in nursing education programs.

(143)	NEW MEXICO HIGHLANDS UNIVERSITY		1,000.0		1,000.0
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To develop and implement a program that provides training and professional development for current teachers, comprehensive financial aid including stipends for students in teacher preparation programs and licensing opportunities for educational assistants. The other state funds appropriation is from the public education reform fund.

(144)	WESTERN NEW MEXICO UNIVERSITY	1,000.0			1,000.0
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For comprehensive financial aid including stipends for students in nursing education programs.

(145)	WESTERN NEW MEXICO UNIVERSITY		1,000.0		1,000.0
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To develop and implement a program that provides training and professional development for current teachers, comprehensive financial aid including stipends for students in teacher preparation programs and licensing opportunities for educational assistants. The other state funds appropriation is from the public education reform fund.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(146) EASTERN NEW MEXICO UNIVERSITY	1,000.0				1,000.0
For comprehensive financial aid including stipends for students in nursing education programs.					
(147) EASTERN NEW MEXICO UNIVERSITY		1,000.0			1,000.0
To develop and implement a program that provides training and professional development for current teachers, comprehensive financial aid including stipends for students in teacher preparation programs and licensing opportunities for educational assistants. The other state funds appropriation is from the public education reform fund.					
(148) EASTERN NEW MEXICO UNIVERSITY	400.0				400.0
For a soccer program.					
(149) SAN JUAN COLLEGE	1,000.0				1,000.0
For comprehensive financial aid including stipends for students in nursing education programs.					
(150) SAN JUAN COLLEGE		1,000.0			1,000.0
To develop and implement a program that provides training and professional development for current teachers, comprehensive financial aid including stipends for students in teacher preparation programs and licensing opportunities for educational assistants. The other state funds appropriation is from the public education reform fund.					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(151) COMPUTER SYSTEMS ENHANCEMENT FUND	64,056.8				64,056.8
For transfer to the computer systems enhancement fund for system replacements or enhancements.					
TOTAL SPECIAL APPROPRIATIONS	280,594.5	297,934.8	4,986.8	750.0	584,266.1

## Chapter 54 Section 6 Laws 2022

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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SECTION 6. SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS.--The following amounts are appropriated from the general fund or other funds as indicated for expenditure in fiscal year 2022 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 2022 for the purpose specified and approval by the department of finance and administration. Any unexpended balances remaining at the end of fiscal year 2022 shall revert to the appropriate fund.

(1) ADMINISTRATIVE OFFICE OF THE COURTS	33.5				33.5
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For a safe exchange and supervised visitation program in the ninth judicial district court.

(2) THIRD JUDICIAL DISTRICT COURT	70.4				70.4
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For security at Dona Ana magistrate court.

(3) THIRD JUDICIAL DISTRICT COURT	36.8				36.8
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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For shortfalls related to the consolidation of magistrate courts in Dona Ana county.

(4)	STATE AUDITOR	39.0			39.0
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For personal services and employee benefits to support the conservatorship review program.

(5)	TAXATION AND REVENUE DEPARTMENT	436.0			436.0
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For shortfalls in operating expenses in program support.

(6)	GENERAL SERVICES DEPARTMENT		10,000.0		10,000.0
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For shortfalls in the other category for health benefit claims in the employee group health benefits program. [~~The other state funds appropriation is contingent on the federal emergency management agency not covering coronavirus-related costs.~~] The other state funds appropriation is from the health care affordability fund. *LINE ITEM VETO*

(7)	SECRETARY OF STATE	150.0			150.0
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For a shortfall in the administration and operations program of the secretary of state.

(8)	SECRETARY OF STATE	1,500.0			1,500.0
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To notify voters of updates to their registration as a result of redistricting.

(9)	REGULATION AND LICENSING DEPARTMENT	150.0			150.0
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For a projected shortfall in the personal services and employee benefits category in the construction

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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industries program.

(10)	PUBLIC REGULATION COMMISSION	300.0			300.0
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For shortfalls in the personal services and employee benefits category, contractual services category and other costs category.

(11)	OFFICE OF THE SUPERINTENDENT OF INSURANCE		250.0		250.0
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To replenish operation funds. The other state funds appropriation is from the health care affordability fund.

(12)	NEW MEXICO STATE FAIR	458.9			458.9
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For prior year shortfalls due to the coronavirus disease 2019.

(13)	GAMING CONTROL BOARD	100.0			100.0
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For [~~fiscal year 2021~~] operating shortfalls in all categories due to [~~governor exempt appointments and~~] underfunded operational expenses. *LINE ITEM VETO*

(14)	STATE RACING COMMISSION	17.0			17.0
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For prior year budget deficits.

(15)	BOARD OF VETERINARY MEDICINE	80.0			80.0
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For fiscal year 2022 expenses associated with the board of veterinary medicine administrative office.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(16) BOARD OF VETERINARY MEDICINE	125.0				125.0
For fiscal year 2021 expenses associated with the board of veterinary medicine administrative office.					
(17) SPACEPORT AUTHORITY	1,000.0				1,000.0
For shortfalls in the personal services and employee benefits and contractual services categories.					
(18) INTERTRIBAL CEREMONIAL OFFICE	400.0				400.0
To plan, coordinate and develop the intertribal ceremonial event, in collaboration with local government. Two hundred thousand dollars (\$200,000) of the general fund appropriation shall be allocated [ <del>to McKinley county</del> ] for local contracts. <i>LINE ITEM VETO</i>					
(19) HUMAN SERVICES DEPARTMENT	2,325.0				2,325.0
To facilitate the planning and implementation of the 988 crisis now behavioral health crisis response system.					
(20) HUMAN SERVICES DEPARTMENT		13,979.0		60,615.5	74,594.5
To fund costs in the medicaid program. The other state funds appropriation is from the health care affordability fund.					
(21) DEPARTMENT OF HEALTH	370.0				370.0
For personal services and employee benefits related costs in the scientific laboratory division to avoid a budget shortfall.					



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(22) DEPARTMENT OF HEALTH	558.0				558.0
For the lease of an automated medication dispensing system [ <del>supporting decentralized medication management</del> ] in the facilities management division. <i>LINE ITEM VETO</i>					
(23) DEPARTMENT OF HEALTH	1,000.0				1,000.0
For receivership costs.					
(24) DEPARTMENT OF MILITARY AFFAIRS	175.0				175.0
For legal settlements.					
TOTAL SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS	9,324.6	24,229.0		60,615.5	94,169.1

## Chapter 54 Section 7 Laws 2022

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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SECTION 7. INFORMATION TECHNOLOGY APPROPRIATIONS.--The following amounts are appropriated from the computer systems enhancement fund, or other funds as indicated, for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal years 2022, 2023 and 2024. Unless otherwise indicated, any unexpended balances remaining at the end of fiscal year 2024 shall revert to the computer systems enhancement fund or other funds as indicated. For each executive branch agency project, the state chief information officer shall certify compliance with the project certification process prior

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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to the allocation of fifty-nine million one hundred forty-two thousand eight hundred dollars (\$59,142,800) by the department of finance and administration from the funds for the purposes specified. The judicial information systems council shall certify compliance to the department of finance and administration for judicial branch projects. For executive branch agencies, all hardware and software purchases funded through appropriations made in Sections 4, 5, 6 and 7 of this act shall be procured using consolidated purchasing led by the state chief information officer and state purchasing division to achieve economies of scale and to provide the state with the best unit price.

(1) ADMINISTRATIVE OFFICE OF THE COURTS

The period of time for expending the one hundred twelve thousand six hundred dollars (\$112,600) appropriated from the computer systems enhancement fund in Subsection 2 of Section 7 of Chapter 83 of Laws of 2020 to implement an integrated electronic court notices solution for the court's case management system is extended through fiscal year 2023.

(2)	ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS	170.0	2,564.0		2,734.0
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To purchase an enterprise comprehensive case management system through a competitive bid process. The other state funds appropriation is from district attorney fund balances.

(3)	LAW OFFICES OF THE PUBLIC DEFENDER	631.4			631.4
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For an advanced online production and reporting system. The other state funds appropriation is from the public defender automation fund.

(4)	LAW OFFICES OF THE PUBLIC DEFENDER		2,350.0		2,350.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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For a scanning and survivable storage project.

(5)	TAXATION AND REVENUE DEPARTMENT		4,772.0		4,772.0
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To implement a holistic compliance and collections analytics system.

(6)	TAXATION AND REVENUE DEPARTMENT		802.2		802.2
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To continue the implementation of the correspondence automation project.

(7)	TAXATION AND REVENUE DEPARTMENT		814.0		814.0
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To implement a governance, risk and compliance system to consolidate governance across the taxation and revenue department.

(8)	DEPARTMENT OF FINANCE AND ADMINISTRATION				
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The period of time for expending the five hundred thousand dollars (\$500,000) appropriated from the computer systems enhancement fund in Subsection 9 of Section 7 of Chapter 271 of Laws 2019 for the implementation of a property tax module in the local government budget management system is extended through fiscal year 2023.

(9)	DEPARTMENT OF FINANCE AND ADMINISTRATION				
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The period of time for expending the one million two hundred fifty thousand dollars (\$1,250,000)

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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appropriated from the computer systems enhancement fund in Subsection 8 of Section 7 of Chapter 73 of Laws 2018 for the implementation of an enterprise budget system is extended through fiscal year 2023.

(10) DEPARTMENT OF FINANCE AND ADMINISTRATION

The period of time for expending the four million dollars (\$4,000,000) appropriated from the computer systems enhancement fund in Subsection 10 of Section 7 of Chapter 271 of Laws 2019 for the implementation of an enterprise budget system is extended through fiscal year 2023.

(11) GENERAL SERVICES DEPARTMENT

The period of time for expending the one million nine hundred thousand dollars (\$1,900,000) appropriated in Subsection 9 of Section 7 of Chapter 83 of Laws 2020 to configure and implement the strategic sourcing module in the statewide human resource accounting and reporting system is extended through fiscal year 2023. The appropriation is contingent on the general services department's coordination with the department of information technology to ensure configuration meets the general services department's business requirements.

(12) SECRETARY OF STATE

The period of time for expending the one million dollars (\$1,000,000) appropriated from the computer systems enhancement fund in Subsection 10 of Section 7 of Chapter 83 of Laws 2020 for the business filing software initiation and planning phases is extended through fiscal year 2023 and can be used for implementation costs.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(13)	SECRETARY OF STATE		2,504.0		2,504.0
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For the implementation of a commercial off-the-shelf business filing software solution.

(14)	MEDICAL BOARD		1,311.2		1,311.2
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To modernize licensing software. The other state funds appropriation is from the New Mexico board of medical examiners fund.

(15)	GAMING CONTROL BOARD				
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The period of time for expending the two million five hundred thousand dollars (\$2,500,000) appropriated from the computer systems enhancement fund in Subsection 15 of Section 7 of Chapter 83 of Laws 2020 to purchase and implement a gaming central monitoring system is extended through fiscal year 2023. ~~[The board shall implement the new system no later than June 30, 2023.]~~ *LINE ITEM VETO*

(16)	CULTURAL AFFAIRS DEPARTMENT				
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The period of time for expending the three hundred fifty thousand dollars (\$350,000) appropriated from the computer systems enhancement fund in Subsection 17 of Section 7 of Chapter 271 of Laws 2019 to upgrade hardware and software and implement an enterprise content management system for digital delivery to improve museum exhibition content is extended through fiscal year 2023.

(17)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT		550.0		550.0
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To implement the statewide human resources, accounting and management reporting system asset management module. ~~[The appropriation is contingent on the energy, minerals and natural resources department's~~

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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~~completion and approval of a project business case for fiscal year 2023 by the department of information technology.]~~ *LINE ITEM VETO*

(18)	COMMISSIONER OF PUBLIC LANDS		2,000.0		2,000.0
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To continue the modernization of [~~the regulation and licensing permitting and inspection~~] software and for the addition of renewable energy project financial management and support capabilities. The other state funds appropriation is from the state lands maintenance fund. *LINE ITEM VETO*

(19)	COMMISSIONER OF PUBLIC LANDS				
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The period of time for expending the one million four hundred fifty thousand dollars (\$1,450,000) appropriated from the state lands maintenance fund in Subsection 18 of Section 7 of Chapter 83 of Laws 2020 to purchase and install hardware and software for satellite imagery analysis is extended through fiscal year 2023.

(20)	STATE ENGINEER		1,817.4		1,817.4
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To modernize and replace the existing water rights adjudication tracking system.

(21)	AGING AND LONG-TERM SERVICES DEPARTMENT				
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The period of time for expending the two hundred eighty thousand three hundred dollars (\$280,300) appropriated from the computer systems enhancement fund and the two million two hundred ninety-one thousand six hundred dollars (\$2,291,600) appropriated from federal funds in Subsection 21 of Section 7 of Chapter 83 of Laws 2020 to continue the implementation of the medicaid management information system replacement

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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project is extended through fiscal year 2023.

(22)	HUMAN SERVICES DEPARTMENT		4,875.2	9,463.7	14,338.9
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To continue to enhance or replace the current child support enforcement system.

(23)	HUMAN SERVICES DEPARTMENT		8,400.0	68,041.5	76,441.5
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To continue the implementation phase of the medicaid management information system replacement project.

(24)	HUMAN SERVICES DEPARTMENT				
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The period of time for expending the one million seven hundred eighty-three thousand six hundred dollars (\$1,783,600) appropriated from the computer systems enhancement fund in Subsection 21 of Section 7 of Chapter 271 of Laws 2019 as extended in Subsection 13 of Section 7 of Chapter 137 of Laws 2021 to continue the implementation of the child support enforcement replacement project is extended through fiscal year 2023.

(25)	HUMAN SERVICES DEPARTMENT				
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The period of time for expending the one million two hundred fifty-five thousand six hundred dollars (\$1,255,600) appropriated from the computer systems enhancement fund in Subsection 22 of Section 7 of Chapter 271 of Laws 2019 as extended in Subsection 14 of Section 7 of Chapter 137 of Laws 2021 to continue the implementation of the medicaid management information system replacement project is extended through fiscal year 2023.

(26)	HUMAN SERVICES DEPARTMENT				
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The period of time for expending the two million eight hundred thirty-two thousand five hundred dollars (\$2,832,500) appropriated from the computer systems enhancement fund in Subsection 22 of Section 7 of Chapter 83 of Laws 2020 to continue the implementation of the child support enforcement replacement project is extended through fiscal year 2023.

(27) HUMAN SERVICES DEPARTMENT

The period of time for expending the four million one hundred four thousand one hundred dollars (\$4,104,100) appropriated from the computer systems enhancement fund in Subsection 23 of Section 7 of Chapter 83 of Laws 2020 to continue the implementation of the medicaid management information system replacement project is extended through fiscal year 2023.

(28) HUMAN SERVICES DEPARTMENT

The period of time for expending the six million eight hundred one thousand nine hundred dollars (\$6,801,900) appropriated from the computer systems enhancement fund in Subsection 21 of Section 7 of Chapter 73 of Laws 2018 as extended in Subsection 26 of Section 7 of Chapter 83 of Laws 2020 as extended in Subsection 15 of Section 7 of Chapter 137 of Laws 2021 to continue the implementation of the medicaid management information system replacement project is extended through fiscal year 2023.

(29)	DEPARTMENT OF HEALTH		2,000.0		2,000.0
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To implement a client data management system.

(30)	DEPARTMENT OF HEALTH		10,750.0		10,750.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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To continue the implementation of an enterprise electronic health records system.

(31)	DEPARTMENT OF HEALTH		500.0		500.0
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For planning and initiation of a facilities centralized reporting system.

(32)	DEPARTMENT OF HEALTH				
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The period of time for expending the two million one hundred thousand dollars (\$2,100,000) appropriated from the computer systems enhancement fund in Subsection 27 of Section 7 of Chapter 271 of Laws 2019 to continue the implementation of an integrated document management system and upgrade the vital records database is extended through fiscal year 2023.

(33)	DEPARTMENT OF HEALTH				
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The period of time for expending the two million four hundred thousand dollars (\$2,400,000) appropriated from the computer systems enhancement fund in Subsection 10 of Section 7 of Chapter 135 of Laws 2017 as extended in Subsection 25 of Section 7 of Chapter 271 of Laws of 2019 as extended in Subsection 33 of Chapter 83 of Laws 2020 to continue the implementation of the developmental disabilities client management support system is extended through fiscal year 2023.

(34)	DEPARTMENT OF HEALTH				
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The period of time for expending the two million seven hundred fifty thousand dollars (\$2,750,000) appropriated from the computer systems enhancement fund Subsection 26 of Section 7 of Chapter 73 of Laws 2018 as extended in Subsection 34 of Section 7 of Chapter 83 of Laws 2020 to purchase and implement an

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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integrated document management system and upgrade the vital records database is extended through fiscal year 2023.

(35) DEPARTMENT OF HEALTH

The period of time for expending the two hundred thousand dollars (\$200,000) appropriated from the computer systems enhancement fund in Subsection 22 of Section 7 of Chapter 73 of Laws 2018 as extended in Subsection 30 of Section 7 of Chapter 83 of Laws 2020 to continue to upgrade the children's medical services medicaid provider enrollment system to integrate with the human services department's medicaid management information system replacement project is extended through fiscal year 2023.

(36) DEPARTMENT OF HEALTH

The period of time for expending the two hundred thousand dollars (\$200,000) appropriated from the computer systems enhancement fund in Subsection 25 of Section 7 of Chapter 73 of Laws 2018 as extended in Subsection 29 of Section 7 of Chapter 83 of Laws 2020 to continue to purchase and implement a commercial off-the-shelf incident management system is extended through fiscal year 2023.

(37) DEPARTMENT OF HEALTH

The period of time for expending the three million five hundred thousand dollars (\$3,500,000) appropriated from the computer systems enhancement fund in Subsection 28 of Section 7 of Chapter 83 of Laws 2020 to purchase and implement an enterprise electronic healthcare records system for public health offices statewide is extended through fiscal year 2023.

(38) DEPARTMENT OF HEALTH

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The period of time for expending the three hundred fifty thousand dollars (\$350,000) appropriated from the computer systems enhancement fund in Subsection 23 of Section 7 of Chapter 73 of Laws 2018 as extended in Subsection 31 of Section 7 of Chapter 83 of Laws 2020 to continue to purchase hardware and software to implement a facilities licensing system is extended through fiscal year 2023.

(39) DEPARTMENT OF HEALTH

The period of time for expending the four hundred forty thousand dollars (\$440,000) appropriated from the computer systems enhancement fund in Subsection 26 of Section 7 of Chapter 271 of Laws 2019 to integrate toxicology instrumentation data into the department of health's laboratory information system is extended through fiscal year 2023.

(40) DEPARTMENT OF HEALTH

The period of time for expending the four million dollars (\$4,000,000) appropriated from the computer systems enhancement fund in Subsection 24 of Section 7 of Chapter 271 of Laws 2019 to purchase and implement an enterprise electronic healthcare records system for public health offices is extended through fiscal year 2023.

(41) DEPARTMENT OF HEALTH

The period of time for expending the nine hundred thousand dollars (\$900,000) appropriated from the computer systems enhancement fund in Subsection 23 of Section 7 of Chapter 271 of Laws 2019 as extended in Subsection 22 of Section 7 of Chapter 137 of Laws 2021 for the initiation and planning phase to implement a database for healthcare cost data is extended through fiscal year 2023.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(42) DEPARTMENT OF HEALTH

The period of time for expending the nine hundred thousand dollars (\$900,000) appropriated from the computer systems enhancement fund in Subsection 27 of Section 7 of Chapter 83 of Laws 2020 for the initiation and planning phase to implement a database for healthcare cost data is extended through fiscal year 2023.

(43)	DEPARTMENT OF ENVIRONMENT		500.0		500.0
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To implement a document digitization and management system.

(44) CHILDREN, YOUTH AND FAMILIES  
DEPARTMENT

The period of time for expending the seven million dollars (\$7,000,000) appropriated from the computer systems enhancement fund in Subsection 37 of Section 7 of Chapter 83 of Laws 2020 to continue the modernization of the comprehensive child welfare information system is extended through fiscal year 2023.

(45)	CORRECTIONS DEPARTMENT		6,238.0		6,238.0
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To continue the implementation of an electronic health record system with a commercial off-the-shelf solution.

(46)	DEPARTMENT OF PUBLIC SAFETY		1,990.0		1,990.0
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To purchase and implement enhanced cybersecurity hardware and software for the criminal justice information services network.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(47)	DEPARTMENT OF PUBLIC SAFETY		3,380.0		3,380.0
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To implement an intelligence-led policing and public safety system.

(48)	DEPARTMENT OF PUBLIC SAFETY				
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The period of time for expending the five million four hundred sixty-five thousand dollars (\$5,465,000) appropriated from other state funds in Subsection 43 of Section 7 of Chapter 83 of Laws 2020 Second Session to continue the implementation of a commercial off-the-shelf records management system is extended through fiscal year 2023.

(49)	DEPARTMENT OF PUBLIC SAFETY				
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The period of time for expending the three million dollars (\$3,000,000) appropriated from other state funds in Subsection 41 of Section 7 of Chapter 83 of Laws 2020 to upgrade the computer aided dispatch system is extended through fiscal year 2023.

(50)	PUBLIC EDUCATION DEPARTMENT				
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The period of time for expending the two hundred fifty-four thousand three hundred dollars (\$254,300) appropriated from the public education reform fund in Subsection 45 of Section 7 of Chapter 83 of Laws 2020 to develop and implement an integrated data exchange system for educator preparation programs is extended through fiscal year 2023.

(51)	PUBLIC EDUCATION DEPARTMENT				
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The period of time for expending the one million five hundred fifty-eight thousand four hundred dollars

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(\$1,558,400) appropriated from the public education reform fund in Subsection 46 of Section 7 of Chapter 83 of Laws 2020 to develop and implement a consolidated grant management system is extended through fiscal year 2023.

(52)	HIGHER EDUCATION DEPARTMENT		3,250.0	1,000.0	4,250.0
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For a commercial off-the-shelf longitudinal data system.

(53)	HIGHER EDUCATION DEPARTMENT		6,000.0		6,000.0
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For a shared services enterprise resource planning system.

TOTAL INFORMATION TECHNOLOGY APPROPRIATIONS		4,112.6	64,056.8	78,505.2	146,674.6
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## Chapter 54 Section 8 Laws 2022

### SECTION 8. COMPENSATION APPROPRIATIONS.--

A. Thirty-one million five hundred fifty-nine thousand four hundred dollars (\$31,559,400) is appropriated from the general fund to the department of finance and administration for fiscal year 2022 to provide a salary increase of three percent to each employee in a budgeted position who has completed their probationary period subject to satisfactory job performance or for another purpose authorized in this section. Police officers of the department of public safety shall be exempt from the requirement to complete their probationary period. The salary increase shall be effective the first full pay period after April 1, 2022 and distributed as follows:

(1) ninety-eight thousand nine hundred dollars (\$98,900) for permanent legislative employees, including permanent employees of the legislative council service, legislative finance committee,

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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legislative education study committee, legislative building services, house and senate, house and senate chief clerks' offices and house and senate leadership;

(2) one million four hundred seventy-two thousand seven hundred dollars (\$1,472,700) for judicial permanent employees including magistrate judges, elected district attorneys, district attorney permanent employees, public defender department permanent employees, judicial hearing officers and judicial special commissioners, excluding supreme court justices, court of appeals judges, district court judges and metropolitan court judges;

(3) one hundred sixty-nine thousand nine hundred dollars (\$169,900) for supreme court justices, court of appeals judges, district court judges and metropolitan court judges;

(4) four million seven hundred two thousand eight hundred dollars (\$4,702,800) for incumbents in agencies governed by the State Personnel Act, the New Mexico state police career pay system, attorney general employees, workers' compensation judges and executive exempt employees;

(5) five million eight hundred ninety-two thousand nine hundred dollars (\$5,892,900) to the higher education department for nonstudent faculty and staff of two-year and four-year public postsecondary educational institutions, New Mexico military institute, New Mexico school for the blind and visually impaired and New Mexico school for the deaf;

(6) nineteen million two hundred twenty-two thousand two hundred dollars (\$19,222,200) to the public education department for public school employees. The funds shall be distributed in accordance to the proportion of state equalization guarantee funding received by each school district and charter school. School districts and charter schools may distribute the equivalent of one quarter of the three percent in the form of employee retention stipends to each returning employee no later than August 2022.

B. One hundred forty million eight hundred dollars (\$140,000,800) is appropriated from the general fund to the department of finance and administration for fiscal year 2023 to pay all costs attributable to the general fund of providing an average salary increase of four percent, in addition to the continuation of increases appropriated in Subsection A, to employees in budgeted positions who have completed their probationary period subject to satisfactory job performance. This appropriation includes sufficient funding to provide all affected employees an hourly salary of at least fifteen dollars (\$15.00). Police officers of the department of public safety shall be exempt from the requirement to complete their probationary period.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The salary increases shall be effective the first full pay period after July 1, 2022 and distributed as follows:

(1) one million twenty-two thousand dollars (\$1,022,000) for permanent legislative employees, including permanent employees of the legislative council service, legislative finance committee, legislative education study committee, legislative building services, house and senate, house and senate chief clerks' offices and house and senate leadership;

(2) fifteen million two hundred twenty thousand six hundred dollars (\$15,220,600) for judicial permanent employees including magistrate judges, elected district attorneys, district attorney permanent employees, public defender department permanent employees, judicial hearing officers and judicial special commissioners, excluding supreme court justices, court of appeals judges, district court judges and metropolitan court judges; the appropriation includes sufficient funding for an additional three percent for elected district attorneys;

(3) one million six hundred ninety thousand eight hundred dollars (\$1,690,800) in combination with appropriations in Section 4 of this act to provide supreme court justices, court of appeals judges, district court judges and metropolitan court judges a salary increase of seventeen percent. An additional amount is included in Section 4 of this act to provide salary increases contingent on enactment of provisions of Senate Bill 2 or similar legislation of the second session of the fifty-fifth legislature increasing justice salaries;

(4) fifty-seven million six hundred twenty-one thousand five hundred dollars (\$57,621,500) for incumbents in agencies governed by the State Personnel Act, the New Mexico state police career pay system, attorney general employees, workers' compensation judges and executive exempt employees; and

(5) sixty-four million four hundred forty-five thousand nine hundred dollars (\$64,445,900) to the higher education department for nonstudent faculty and staff of two-year and four-year public postsecondary educational institutions, New Mexico military institute, New Mexico school for the blind and visually impaired and New Mexico school for the deaf.

~~[C. Four million two hundred thirty thousand one hundred dollars (\$4,230,100) is appropriated from the general fund to the department of finance and administration for fiscal year 2023 to increase medical insurance premiums paid by employers on behalf of state employees covered by health plans managed by the general services department by five percent.]~~ LINE ITEM VETO



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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D. The department of finance and administration shall distribute a sufficient amount to each agency to provide the appropriate increases for those employees whose salaries are received as a result of the general fund appropriation in the General Appropriation Act of 2021 or 2022. Any unexpended balances remaining at the end of fiscal year 2023 shall revert to the general fund.

E. For those state employees whose salaries are referenced in or received as a result of nongeneral fund appropriations in the General Appropriation Act of 2021 or 2022, the department of finance and administration shall transfer from the appropriate fund to the appropriate agency the amount required for the salary increases equivalent to those provided for in this section. Such amounts are appropriated for expenditure in fiscal year 2022 and fiscal year 2023. Any unexpended balances remaining at the end of fiscal year 2023 shall revert to the appropriate fund.

F. Twelve million five hundred twelve thousand three hundred dollars (\$12,512,300) is appropriated from the general fund to the department of finance and administration in fiscal year 2023 to provide faculty and staff of two-year and four-year public postsecondary educational institutions, New Mexico military institute, New Mexico school for the blind and visually impaired and New Mexico school for the deaf covered by a pension plan created under the Educational Retirement Act the one percent employer-paid pension contribution increase authorized in Chapter 44 of Laws 2021 and an additional one percent increase, contingent on enactment of Senate Bill 36 or similar legislation of the second session of the fifty-fifth legislature increasing employer paid pension contributions. Any unexpended balances remaining at the end of fiscal year 2023 shall revert to the general fund.

## Chapter 54 Section 9 Laws 2022

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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SECTION 9. SPECIAL TRANSPORTATION APPROPRIATIONS.--The following amounts are appropriated from the general fund to the department of transportation for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal year 2022 and subsequent fiscal years. Unexpended balances of the appropriations remaining at the end of fiscal year 2025 shall revert to the appropriate fund.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(1) DEPARTMENT OF TRANSPORTATION	5,000.0				5,000.0
For essential air service for expenditure in fiscal years 2023 through 2025.					
(2) DEPARTMENT OF TRANSPORTATION	25,000.0				25,000.0
For <del>[the rural infrastructure accelerator grant program for]</del> interstate 40 and interstate 10 planning. <i>LINE ITEM VETO</i>					
(3) DEPARTMENT OF TRANSPORTATION	5,000.0				5,000.0
To plan, design, construct, renovate and equip upgrades to regional airports statewide, including one million five hundred thousand dollars (\$1,500,000) for Grants airport in Cibola county. The appropriation in this section shall be used in combination with the appropriation made for the same purpose in Section 2(P) of Chapter 4 of Laws 2021 (2nd S.S.) for expenditure in fiscal years 2023 through 2025.					
(4) DEPARTMENT OF TRANSPORTATION	9,000.0				9,000.0
To purchase equipment in transportation district offices statewide.					
(5) DEPARTMENT OF TRANSPORTATION	60,000.0				60,000.0
To the transportation project fund for expenditure in fiscal years 2023 through 2025 to carry out the provisions of Section 67-3-78 NMSA 1978.					
(6) DEPARTMENT OF TRANSPORTATION	247,500.0				247,500.0
For acquisition of rights-of-way, planning, design and construction and to match other state funds for					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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projects. Appropriations made in this section may be used for projects including: interstate 40 corridor in McKinley and Cibola counties; a new state road in Santa Teresa in Dona Ana county; New Mexico highway 180 in Grant county; Bobby Foster road to Mesa del Sol in Bernalillo county; interstate 25 from Montgomery boulevard to Comanche road in Bernalillo county; Isleta boulevard in Bernalillo county; Paseo del Volcan in Sandoval and Bernalillo counties; New Mexico highway 4 in Sandoval county; an interchange at New Mexico Highway 6 and interstate 25 in Valencia county; Cerrillos road in Santa Fe county; Pinon Hills boulevard in San Juan county; and New Mexico highway 39 in Mosquero in Harding and San Miguel counties; and for other road construction and maintenance projects on state-managed roads. Up to twenty million dollars (\$20,000,000) may be used to address cost overruns on road projects. The appropriation includes ten million dollars (\$10,000,000) for planning, design and right-of-way acquisition for the preservation, rehabilitation, preventative maintenance, reconstruction and new construction of state-owned and tribal- and local-owned bridges.

(7)	DEPARTMENT OF TRANSPORTATION	20,000.0			20,000.0
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For statewide rest area improvements.

(8)	DEPARTMENT OF TRANSPORTATION	2,000.0			2,000.0
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For design and construction of wildlife corridors to mitigate wildlife-vehicle collisions on state-managed roads.

TOTAL SPECIAL TRANSPORTATION APPROPRIATIONS	373,500.0				373,500.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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## Chapter 54 Section 10 Laws 2022

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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SECTION 10. OTHER SPECIAL APPROPRIATIONS.--Unless otherwise indicated, the following amounts are appropriated from the one billion sixty-nine million one hundred seventy-five thousand dollars (\$1,069,175,000) transferred to the appropriation contingency fund of the general fund in Section 1 of Chapter 4 of Laws 2021 (2<sup>nd</sup> S.S.) to the following agencies through fiscal year 2025. Any unexpended funds at the end of fiscal year 2025 shall revert to the general fund, unless otherwise indicated.

(1)	ADMINISTRATIVE OFFICE OF THE COURTS	20,000.0			20,000.0
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For judges retirement solvency. The appropriation is from the general fund and not the appropriation contingency fund.

(2)	ADMINISTRATIVE OFFICE OF THE COURTS	500.0			500.0
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For pretrial services monitoring. The appropriation is from the general fund and not the appropriation contingency fund.

(3)	TAXATION AND REVENUE DEPARTMENT	275.0			275.0
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To purchase and install a mail processing inserter. The appropriation is from the general fund and not the appropriation contingency fund.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(4) DEPARTMENT OF FINANCE AND ADMINISTRATION	5,000.0				5,000.0

To implement conservation actions for species of greatest conservation need, including improvements to properties statewide.

(5) DEPARTMENT OF FINANCE AND ADMINISTRATION	8,000.0				8,000.0
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For cost overruns for state government capital outlay projects.

(6) DEPARTMENT OF FINANCE AND ADMINISTRATION	5,000.0				5,000.0
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To plan, design, construct, renovate and make improvements to building 32 or the residential housing unit located at Navajo preparatory school in San Juan county.

(7) DEPARTMENT OF FINANCE AND ADMINISTRATION	67,000.0				67,000.0
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For ~~[evidence-based]~~ criminal justice reform efforts and police recruitment and retention ~~[stipends]~~. The department of finance and administration shall transfer nine million dollars (\$9,000,000) to the department of health to establish criteria for distribution of grants supporting violence intervention programs statewide~~[, awarding no more than three million dollars (\$3,000,000) per year]~~ through fiscal year 2025. The department of finance and administration shall transfer four million dollars (\$4,000,000) to the administrative office of the courts to establish criteria for the distribution of grants supporting pretrial services statewide~~[, awarding no more than one million three hundred forty thousand dollars (\$1,340,000) per year]~~ through fiscal year 2025. The four million dollars (\$4,000,000) for pretrial

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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services includes sufficient funding for the administrative office of the courts to provide monitoring twenty-four hours per day, seven days per week. The department of finance and administration shall establish criteria for distribution of four million dollars (\$4,000,000) to law enforcement agencies to support ~~[community-oriented policing or other evidence-based forms of]~~ police training~~[, awarding no more than one million three hundred forty thousand dollars (\$1,340,000) per year]~~ through fiscal year 2025. The appropriation to the department of finance and administration includes fifty million dollars (\$50,000,000) to distributeto local law enforcement agencies ~~[that use or intend to use community-oriented policing]~~ for officer recruitment or retention ~~[stipends, with no more than ten million dollars (\$10,000,000) distributed per fiscal year]~~ through fiscal year 2027. The appropriation is from the general fund and not the appropriation contingency fund. *LINE ITEM VETO*

(8)	DEPARTMENT OF FINANCE AND ADMINISTRATION	5,000.0			5,000.0
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For a green corridor in Taos, including road erosion control, water line repairs, wildfire risk management and watershed management.

(9)	DEPARTMENT OF FINANCE AND ADMINISTRATION	10,000.0			10,000.0
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To provide housing assistance for homeless persons.

(10)	DEPARTMENT OF FINANCE AND ADMINISTRATION	10,000.0			10,000.0
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For the New Mexico mortgage finance authority to acquire, build and rehabilitate, including weatherization,

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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affordable energy efficient housing, financing and other housing services statewide, pursuant to the provisions of the New Mexico Housing Trust Fund Act and the Affordable Housing Act.

<del>[-(11)</del>	<del>DEPARTMENT OF FINANCE AND ADMINISTRATION</del>	<del>10,000.0</del>			<del>10,000.0</del>
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~~To the destination-based sourcing safety net fund. The appropriation is contingent on enactment of Senate Bill 137 or similar legislation of the second session of the fifty-fifth legislature creating the fund.]~~

~~LINE ITEM VETO~~

<del>[-(12)</del>	<del>DEPARTMENT OF FINANCE AND ADMINISTRATION</del>	<del>50,000.0</del>			<del>50,000.0</del>
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~~To the public-private partnership project fund, contingent on enactment of House Bill 55 of the second session of the fifty-fifth legislature creating the fund, for the New Mexico finance authority and New Mexico environment department public-private partnership. Up to five hundred thousand dollars (\$500,000) may be expended for administrative costs at the New Mexico finance authority and up to five hundred thousand dollars (\$500,000) may be expended for administrative costs at the New Mexico environment department.]~~ ~~LINE ITEM VETO~~

<del>[-(13)</del>	<del>DEPARTMENT OF FINANCE AND ADMINISTRATION</del>	<del>5,000.0</del>			<del>5,000.0</del>
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~~To plan, design, construct, renovate and equip improvements at red rock park in Gallup in McKinley county.]~~

~~LINE ITEM VETO~~

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(14)	DEPARTMENT OF FINANCE AND ADMINISTRATION	45,000.0			45,000.0
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To plan, design, furnish and equip regional recreation centers and quality of life projects statewide. No more than twenty-seven million five hundred thousand dollars (\$27,500,000) of this appropriation shall be expended in a single fiscal year. Five million dollars (\$5,000,000) is from the general fund and the remaining amount is from the appropriation contingency fund.

(15)	DEPARTMENT OF FINANCE AND ADMINISTRATION	20,000.0			20,000.0
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To plan, design, construct, renovate and make other infrastructure improvements at the Santa Teresa airport in Dona Ana county.

(16)	DEPARTMENT OF FINANCE AND ADMINISTRATION	35,000.0			35,000.0
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To the venture capital program fund, contingent on enactment of House Bill 104 or similar legislation of the second session of the fifty-fifth legislature creating the fund. The appropriation is from the general fund and not the appropriation contingency fund.

(17)	PUBLIC SCHOOL INSURANCE AUTHORITY	15,000.0			15,000.0
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For employee healthcare coronavirus disease 2019 costs and testing.

(18)	GENERAL SERVICES DEPARTMENT	70,000.0			70,000.0
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To plan, design, construct, furnish and equip, including demolition of existing structures, an executive



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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office building in Santa Fe for expenditure through fiscal year 2025. The appropriation is from the general fund and not the appropriation contingency fund.

(19)	DEPARTMENT OF INFORMATION TECHNOLOGY	20,000.0			20,000.0
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To plan, design and construct broadband projects and improve cybersecurity statewide. The appropriation contains sufficient funding for development of a digital equity plan to reduce barriers to broadband and leverage federal funding. The appropriation is from the general fund and not the appropriation contingency fund.

(20)	SECRETARY OF STATE	5,000.0			5,000.0
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To the state election fund for costs to conduct elections statewide.

(21)	BORDER AUTHORITY	9,500.0			9,500.0
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To plan, design, appraise and acquire rights-of-way, manage construction of and construct flood control improvements, including open channels, diversion berms, attenuation facilities, intake and outfall structures at the Columbus port of entry located in Luna county through fiscal year 2025.

(22)	TOURISM DEPARTMENT	5,000.0			5,000.0
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For marketing and advertising, including local events promotion, in fiscal year 2023.

(23)	ECONOMIC DEVELOPMENT DEPARTMENT	20,000.0			20,000.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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To the film division of the economic development department, to acquire property and to plan, design, construct, renovate, equip and furnish studio facilities [~~in Albuquerque in Bernalillo county~~]. *LINE ITEM VETO*

(24)	ECONOMIC DEVELOPMENT DEPARTMENT		70,000.0		70,000.0
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To the opportunity enterprise revolving fund for business space development, contingent on enactment of House Bill 7 or similar legislation of the second session of the fifty-fifth legislature. The other state funds appropriation includes the seventy million dollar (\$70,000,000) balance of the appropriation contained in Section 11 of Chapter 3 of Laws 2021 to the economic development department which shall not be expended for the original purpose but is appropriated to the opportunity enterprise revolving fund, contingent on enactment of legislation of the second session of the fifty-fifth legislature creating the fund.

(25)	NEW MEXICO STATE FAIR	5,000.0			5,000.0
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For revenue lost to coronavirus disease 2019 [~~public health orders~~]. *LINE ITEM VETO*

(26)	CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION	3,000.0			3,000.0
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For deferred railroad maintenance and prior-year shortfalls due to revenue lost to coronavirus disease 2019 [~~public health orders~~]. Five hundred sixty-six thousand dollars (\$566,000) of the appropriation is from the general fund and the remaining amount is from the appropriation contingency fund. *LINE ITEM VETO*

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(27) CULTURAL AFFAIRS DEPARTMENT	5,000.0				5,000.0
To plan, design, construct, improve, renovate, furnish and equip facilities and infrastructure, including fire suppression and mitigation, climate control, security systems and exhibits at museums, monuments and historic sites outside of Santa Fe county statewide.					
(28) ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	5,000.0				5,000.0
For wildfire prevention, readiness and firefighting equipment in the healthy forests program.					
(29) STATE ENGINEER	32,000.0				32,000.0
To the Indian water rights settlement fund to implement the state's portion of the Aamodt case settlement. The appropriation is from the general fund and not the appropriation contingency fund. Any unexpended balances in the Indian water rights settlement fund remaining at the end of fiscal year 2025 from this appropriation shall not revert to the general fund.					
(30) STATE ENGINEER	5,000.0				5,000.0
To plan, engineer, design, construct or repair acequias or community ditches, for the purposes of restoration, repair, improvement of irrigation efficiency or protection from floods, including up to one hundred thousand dollars (\$100,000) for administrative expenses. The appropriation is from the general fund and not the appropriation contingency fund.					
(31) STATE ENGINEER	10,000.0				10,000.0
For dam rehabilitation statewide, including up to two hundred thousand dollars (\$200,000) for					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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administrative costs and three million four hundred thousand dollars (\$3,400,000) for distribution to Dona Ana county for the Gardner dam project.

(32)	STATE ENGINEER	30,300.0			30,300.0
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For drought mitigation projects, including fifteen million dollars (\$15,000,000) for middle Rio Grande dynamic fallowing, eight million dollars (\$8,000,000) for bridging Gallup public water systems until the Navajo-Gallup water supply pipeline is operational and two million three hundred thousand dollars (\$2,300,000) for drought relief for the lower Pecos basin and other farming communities across the state.

(33)	HUMAN SERVICES DEPARTMENT	10,000.0			10,000.0
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To provide [~~financial~~] assistance [~~of up to seven hundred fifty dollars (\$750) per household~~] to low-income state residents [~~that do not qualify for other federal aid~~]. *LINE ITEM VETO*

(34)	HUMAN SERVICES DEPARTMENT	20,000.0			20,000.0
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To develop providers, including startup costs, to implement [~~evidence-based~~] behavioral health services and [~~evidence-based~~] community child welfare services that will be eligible for medicaid or federal Title IV-E of the Social Security Act families first reimbursement. The human services department shall also work with the children, youth and families department to develop [~~evidence-based~~] children's behavioral health and [~~evidence-based~~] community child welfare services that are eligible for medicaid funding or federal Title IV-E of the Social Security Act families first reimbursement. *LINE ITEM VETO*

(35)	HUMAN SERVICES DEPARTMENT	18,000.0	10,000.0	143,600.0	171,600.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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For hospital and nursing home labor costs in response to coronavirus disease 2019, to be matched with one hundred forty-three million six hundred thousand dollars (\$143,600,000) in federal medicaid revenue. The other state funds appropriation is from the health care affordability fund and includes up to one million dollars (\$1,000,000) for federally qualified health centers to match federal medicaid funds or provide direct support for small rural primary healthcare centers for staffing costs. Eighteen million dollars (\$18,000,000) is from the general fund and not the appropriation contingency fund.

(36)	WORKFORCE SOLUTIONS DEPARTMENT	5,000.0			5,000.0
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For [~~evidence-based~~] reemployment case management. *LINE ITEM VETO*

(37)	WORKFORCE SOLUTIONS DEPARTMENT	5,000.0			5,000.0
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For youth reemployment services and apprenticeships.

(38)	DEPARTMENT OF ENVIRONMENT	10,000.0			10,000.0
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To grant to the eastern New Mexico water utility authority for the eastern New Mexico rural water system, including two hundred thousand dollars (\$200,000) to the environment department for administrative costs. The appropriation is from the general fund and not the appropriation contingency fund.

<del>(39)</del>	<del>DEPARTMENT OF ENVIRONMENT</del>	<del>3,500.0</del>			<del>3,500.0</del>
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~~To grant to Santa Fe county to plan and construct a replacement Santa Fe county wastewater treatment facility at the Santa Fe opera. The appropriation is from the general fund and not the appropriation~~

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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~~contingency fund.]~~ LINE ITEM VETO

(40)	PUBLIC EDUCATION DEPARTMENT	4,557.3			4,557.3
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To plan, design, construct, furnish and equip dormitories at the New Mexico school for the arts in Santa Fe county. The appropriation is from the general fund and not the appropriation contingency fund.

(41)	HIGHER EDUCATION DEPARTMENT	3,500.0			3,500.0
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For demolition of buildings at higher education institutions.

(42)	HIGHER EDUCATION DEPARTMENT	30,000.0			30,000.0
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For endowed faculty teaching positions in nursing programs at New Mexico public and tribal institutions of higher education to expand enrollment and the number of graduates able to work in nursing. The higher education department must obtain certification from each higher education institution that the endowment revenue will supplement and not supplant spending at the institution's nursing program before making an endowment award.

(43)	HIGHER EDUCATION DEPARTMENT	50,000.0			50,000.0
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For endowed faculty teaching positions in bachelor and master degree social worker programs at New Mexico public and tribal institutions of higher education to expand enrollment and the number of graduates able to work in the behavioral health, child welfare and school systems. The higher education department must obtain certification from each higher education institution that the endowment revenue will supplement and not supplant spending at the institution's social worker program before making an endowment award.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(44)	HIGHER EDUCATION DEPARTMENT	63,000.0			63,000.0
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For the opportunity scholarship program for students attending a public post-secondary educational institution or tribal college. The scholarship shall pay tuition and fees for New Mexico residents enrolled at least half-time at a public post-secondary educational institution or tribal college ~~[who are seeking an associate degree or a credit-bearing, workforce-aligned certificate as defined by the higher education department]~~. Scholarships may be awarded ~~[for a maximum of sixty credit hours]~~ in an amount not to exceed one hundred percent of tuition and fees ~~[, before legislative lottery scholarships have been applied. The opportunity scholarship program shall prioritize financial aid for qualified students as defined in Subsection I. (1) of Section 21-21N-2 NMSA 1978. The higher education department shall provide a written report summarizing the opportunity scholarship's finances, student participation and sustainability to the department of finance and administration and the legislative finance committee by November 1, 2022].~~ *LINE*

*ITEM VETO*

(45)	HIGHER EDUCATION DEPARTMENT	20,000.0			20,000.0
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For work study for students in high-demand degree fields as determined by the higher education department.

(46)	UNIVERSITY OF NEW MEXICO	5,000.0			5,000.0
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For endowed positions in Native American studies programs. The higher education department must obtain certification from each higher education institution that the endowment revenue will supplement and not supplant spending at the institution's Native American studies programs before making an endowment award.

(47)	UNIVERSITY OF NEW MEXICO	10,000.0			10,000.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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For salaries, operations, program development and a space utilization study for a school of public health through fiscal year 2024.

(48)	NEW MEXICO STATE UNIVERSITY	5,000.0			5,000.0
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For salaries, operations and program development for a school of public health through fiscal year 2024.

(49)	NEW MEXICO STATE UNIVERSITY	5,000.0			5,000.0
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To the New Mexico department of agriculture, including three million dollars (\$3,000,000) for soil and water conservation districts, one million dollars (\$1,000,000) to continue the chile labor incentive program and one million dollars (\$1,000,000) to fund vineyard restoration and provide rootstock for the production of wine by New Mexico wineries. Three million dollars (\$3,000,000) of the appropriation is from the general fund and the remaining amount is from the appropriation contingency fund.

TOTAL FUND TRANSFERS	803,132.3	80,000.0		143,600.0	1,026,732.3
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## Chapter 54 Section 11 Laws 2022

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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SECTION 11. FUND TRANSFERS.--Unless otherwise noted, the following amounts are transferred from the one billion sixty-nine million one hundred seventy-five thousand dollars (\$1,069,175,000) transferred to



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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the appropriation contingency fund of the general fund in Section 1 of Chapter 4 of Laws 2021 (2nd S.S.) to the following funds.

(1)	PATIENTS' COMPENSATION FUND	30,000.0			30,000.0
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The transfer is from the general fund and not the appropriation contingency fund.

(2)	RURAL LIBRARIES ENDOWMENT FUND	10,000.0			10,000.0
(3)	FOREST LAND PROTECTION REVOLVING FUND	20,000.0			20,000.0

The transfer is from the general fund and not the appropriation contingency fund.

(4)	LOTTERY TUITION FUND	130,000.0			130,000.0
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The transfer shall be effective July 1, 2022.

(5)	TECHNOLOGY ENHANCEMENT FUND	45,000.0			45,000.0
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To provide matching funds to state research universities to support innovative applied research that advances knowledge and creates new products and production processes in the fields of agriculture, biotechnology, biomedicine, energy, materials science, microelectronics, water resources, aerospace, telecommunications, manufacturing science and similar research areas. The transfer is from the general fund and not the appropriation contingency fund.

(6)	TEACHER PREPARATION AFFORDABILITY SCHOLARSHIP FUND		20,000.0		20,000.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The other state funds appropriation is from the public education reform fund.

(7) TEACHER LOAN REPAYMENT FUND		5,000.0			5,000.0
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The other state funds appropriation is from the public education reform fund.

TOTAL FUND TRANSFERS	235,000.0	25,000.0			260,000.0
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## Chapter 54 Section 12 Laws 2022

SECTION 12. ADDITIONAL FISCAL YEAR 2022 BUDGET ADJUSTMENT AUTHORITY.--During fiscal year 2022, 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 2021:

A. the state ethics commission may request budget increases up to thirty thousand dollars (\$30,000) from other state funds received from court ordered judgments or sanctions and settlement payments related to commission authorized civil actions for operating expenses;

B. the economic development department may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from internal service funds/interagency transfers and other state funds from grants from local governments and federal agencies for the purpose of economic growth and related support services;

C. the public regulation commission may request transfers up to two hundred fifty thousand dollars (\$250,000) between programs;

D. the patient's compensation fund program of the office of superintendent of insurance may request budget increases from patient's compensation fund balances for patient compensation settlements and court-ordered payments;

E. the New Mexico racing commission may request budget increases up to six hundred thousand dollars (\$600,000) from the equine testing fund balance for the enhancement of the equine testing program;

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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F. the cultural affairs department may request transfers up to one million dollars (\$1,000,000) between programs;

G. the energy, minerals and natural resources department may request budget increases from internal service funds/interagency transfers from the department of environment, department of game and fish, homeland security and emergency management department and office of the state engineer from federal funds to allow programs to maximize the use of federal grants, the state parks program of the energy, minerals and natural resources department may request budget increases from internal service funds/interagency transfers from the department of transportation, youth conservation corps, tourism department, economic development department and department of game and fish from funds related to projects approved by the Rio Grande trail commission for Rio Grande trail projects, the oil and gas conservation program of the energy, minerals and natural resources department may request budget increases from internal service funds/interagency transfers from the department of environment for the water quality program and may request budget increases from internal service funds/interagency transfers, other state funds and fund balances from the Carlsbad brine well remediation fund for the continued remediation of the Carlsbad brine well, the healthy forests program of the energy, minerals and natural resources department may request budget increases up to fifty thousand dollars (\$50,000) from other state funds for the inmate work camp program, the energy conservation and management program of the energy, minerals and natural resources department may request budget increases from internal service funds/interagency transfers and other state funds for project implementation and the mining and minerals program of the energy, minerals and natural resources department may request budget increases from other state funds in the mining act fund up to sixty-five thousand dollars (\$65,000) for revenues collected in fiscal year 2022;

H. the intertribal ceremonial office may request budget increases up to one million dollars (\$1,000,000) from other state funds to grow the intertribal ceremonial event;

I. the commission for the blind may request budget increases from other state funds to contract with blind or visually impaired vendors to operate food services at the Kirtland air force base pursuant to the awarded federal contract;

J. the income support program of the human services department may request budget increases up to five million twenty-two thousand one hundred dollars (\$5,022,100) from the federal temporary assistance for needy families block grant to provide cash assistance to participants as defined in the New Mexico Works Act, including wage subsidies for participants, clothing allowances and diversion payments;

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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K. the independent living services program of the division of vocational rehabilitation may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds for independent living services for the disabled;

L. the department of health may request budget increases from other state funds for coronavirus disease 2019 public health order fees and coronavirus disease 2019 testing reimbursement revenue and the health certification, licensing and oversight program of the department of health may request program transfers up to two hundred thousand dollars (\$200,000) from other programs to assist with the development and implementation of the incident management system;

M. the water protection program of the department of environment may request budget increases up to three hundred fifty thousand dollars (\$350,000) from other state funds and internal service funds/interagency transfers for providing technical or community services, may request budget increases from other state funds and internal service funds/interagency transfers up to the available balance from the rural infrastructure revolving loan fund and may request budget increases from other state funds and internal service funds/interagency transfers up to the available balance from the wastewater facility construction loan fund;

N. the corrections department may request program transfers up to one million five hundred thousand dollars (\$1,500,000) from the inmate management and control program to other programs for budget shortfalls;

O. the department of transportation may request budget increases up to thirty-five million dollars (\$35,000,000) from other state funds and fund balances to meet federal matching requirements, for debt service and related costs, intergovernmental agreements, lawsuits and construction- and maintenance-related costs;

P. the student financial aid program of the higher education department may request budget increases up to nine million dollars (\$9,000,000) from other state funds to the legislative lottery tuition fund.

## Chapter 54 Section 13 Laws 2022

SECTION 13. CERTAIN FISCAL YEAR 2023 BUDGET ADJUSTMENTS AUTHORIZED--

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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A. As used in this section and Section 12 of the General Appropriation Act of 2022:

(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 2023.

C. In addition to the specific category transfers authorized in Subsection E of this section and unless a conflicting category transfer is authorized in Subsection E of this section, all agencies, including legislative agencies, may request category transfers among personal services and employee benefits, contractual services and other.

D. Unless a conflicting budget increase is authorized in Subsection E of this section, a program with internal service funds/interagency transfers appropriations that collects money in excess of those appropriated may request budget increases in an amount not to exceed five percent of its internal service funds/interagency transfers and a program with other state funds that collects money in excess of those appropriated may request budget increases in an amount not to exceed five percent of its other state funds contained in Section 4 of the General Appropriation Act of 2022. To track the five percent transfer limitation, agencies shall report cumulative budget adjustment request totals on each budget request submitted. The department of finance and administration shall certify agency reporting of these cumulative totals.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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E. In addition to the budget authority otherwise provided in the General Appropriation Act of 2022, the following agencies may request specified budget adjustments:

(1) the New Mexico compilation commission may request budget increases from internal service funds/interagency transfers and other state funds for publishing expenses in fiscal year 2023;

(2) the third judicial district court may request budget increases up to thirty-six thousand dollars (\$36,000) from other state funds for the veterans treatment court program expenses and may request budget increases up to twenty thousand dollars (\$20,000) from other state funds for program revenues received from fees collected for alternative dispute resolution and mediation programs for operating expenses;

(3) the fifth judicial district court may request budget increases up to twenty-seven thousand dollars (\$27,000) from other state funds for the Lea family reunification drug court program for operating expenses and may request budget increases up to seventy thousand dollars (\$70,000) from other state funds from duplication fees for operating expenses;

(4) the second judicial district attorney may request budget increases up to one million dollars (\$1,000,000) from internal service funds/interagency transfers and other state funds from grants and local governments for case prosecution and related support services;

(5) the attorney general may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds from the consumer settlement fund for operating expenses arising from complex investigative and litigation matters that are completely unforeseen;

(6) the state investment council may request budget increases from other state funds for investment-related management fees and to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

(7) the administrative hearings office may request budget increases from other revenues in amounts not to exceed the amounts actually received from other state agencies for conducting and adjudicating administrative hearings for those agencies;

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(8) the benefits, risk and program support programs of the public school insurance authority may request budget increases from internal service funds/interagency transfers, other state funds and fund balances for claims;

(9) the healthcare benefits administration program of the retiree health care authority may request budget increases from other state funds for claims;

(10) the educational retirement board may request budget increases from other state funds for investment-related asset management fees and to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

(11) the New Mexico sentencing commission may request budget increases from fund balances for operating expenses and may request budget increases up to one hundred fifty thousand dollars (\$150,000) from other state funds for operating expenses;

(12) the department of information technology may request budget increases up to two million dollars (\$2,000,000) from other state funds from fund balances for telecommunication, information processing and the statewide human resources, accounting and management reporting system, may request budget increases up to ten percent of internal service funds/interagency transfers and other state funds appropriated in Section 4 of the General Appropriation Act of 2022 to support existing or new services and may request budget increases from fund balances up to the amount of depreciation expense, as reported in the notes to the financial statements of the agency's independent audit of the fiscal year ending June 30, 2022, to acquire and replace capital equipment and associated software used to provide enterprise services;

(13) the public employees retirement association may request budget increases from other state funds for investment-related asset management fees and to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

(14) the state ethics commission may request budget increases up to thirty thousand dollars (\$30,000) from other state funds received from court ordered judgments or sanctions and settlement payments related to commission authorized civil actions for operating expenses;

(15) the marketing and promotion program of the tourism department may request budget increases up to five million dollars (\$5,000,000) from other state funds from cooperative marketing grant matches;

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(16) the economic development department may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from internal service funds/interagency transfers and other state funds from grants, local governments and federal agencies for the purpose of economic growth and related support services;

(17) the boards and commissions program of the regulation and licensing department may request additional budget increases in excess of those allowed under Section 13, Paragraph D of this Section, up to five percent from fees associated with various boards and commissions for operating expenses;

(18) the public regulation commission may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds collected under the Community Solar Act for personnel and other expenses of the commission required to carry out provisions of the Community Solar Act and may request program transfers up to two hundred fifty thousand dollars (\$250,000) between programs;

(19) the patient's compensation fund program of the office of superintendent of insurance may request budget increases from patient's compensation fund balances for patient compensation settlements and court-ordered payments;

(20) the New Mexico medical board may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds from licensing and renewal fees for the administrative hearing and litigation process;

(21) the board of nursing may request budget increases up to one hundred forty thousand dollars (\$140,000) from fund balances for personnel expenses and may request budget increases up to forty thousand dollars (\$40,000) from fund balances for other expenses;

(22) the New Mexico racing commission may request budget increases up to six hundred thousand dollars (\$600,000) from the equine testing fund balance for the enhancement of the equine testing program;

(23) the cultural affairs department may request budget increases up to seven hundred fifty thousand dollars (\$750,000) from other state funds from the cultural affairs department enterprise fund, the museum and historic sites program of the cultural affairs department may request budget increases up to seven hundred fifty thousand dollars (\$750,000) from other state funds, the library services program of the cultural affairs department may request budget increases from other state funds in the rural libraries



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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program fund for rural library grants and the preservation program of the cultural affairs department may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds for archaeological services or historic preservation services;

(24) the department of game and fish may request budget adjustments for capital project expenditures, may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds from the game protection fund for emergencies and may request budget increases as a result of revenue received from other agencies for operating and capital expenses;

(25) the energy, minerals and natural resources department may request budget increases from internal service funds/interagency transfers from the department of environment, department of game and fish, homeland security and emergency management department and office of the state engineer from federal funds to allow programs to maximize the use of federal grants, the state parks program of the energy, minerals and natural resources department may request budget increases from internal service funds/interagency transfers from the department of transportation, youth conservation corps, tourism department, economic development department and department of game and fish from funds related to projects approved by the Rio Grande trail commission for Rio Grande trail projects, the oil and gas conservation program of the energy, minerals and natural resources department may request budget increases from internal service funds/interagency transfers from the department of environment for the water quality program and may request budget increases from internal service funds/interagency transfers, other state funds and fund balances from the Carlsbad brine well remediation fund for the continued remediation of the Carlsbad brine well, the healthy forests program of the energy, minerals and natural resources department may request budget increases up to fifty thousand dollars (\$50,000) from other state funds for the inmate work camp program, the energy conservation and management program of the energy, minerals and natural resources department may request budget increases from internal service funds/interagency transfers and other state funds for project implementation and the mining and minerals program of the energy, minerals and natural resources department may request budget increases from other state funds in the coal and mining act fund up to sixty-five thousand dollars (\$65,000) for revenues collected in fiscal year 2023;

(26) the commissioner of public lands may request budget increases from other state funds to utilize bond recovery proceeds held in suspense to perform related remediation and reclamation work and may request budget increases up to five million dollars (\$5,000,000) from the state trust lands restoration and remediation fund to address surface damage, remediation of hazardous waste sites and watershed restoration on state trust lands;

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(27) the interstate stream compact compliance and water development program of the state engineer may request budget increases up to five hundred thousand dollars (\$500,000) from the irrigation works construction fund for Elephant Butte channel and other Rio Grande river maintenance and restoration work, may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from the New Mexico unit fund to meet water supply demands in the southwest water planning region of New Mexico, including costs associated with planning, evaluating and aiding development of potential shovel-ready non-New Mexico unit projects and supporting the ongoing shovel-ready non-New Mexico unit projects that have previously been approved and funded by the interstate stream commission pursuant to the 2004 Arizona Water Settlement Act, may request budget increases up to five hundred thousand dollars (\$500,000) from the irrigation works construction fund for operational and maintenance costs associated with the Pecos river settlement agreement and may request budget increases up to two hundred fifty thousand dollars (\$250,000) from the Ute construction fund for operational and maintenance requirements at the Ute reservoir;

(28) the commission for the blind may request transfers between the other category and the other financing uses category contingent on the inability of the division of vocational rehabilitation to match federal funds, may request budget increases from other state funds for the employment of blind or visually impaired persons pursuant to the federal Randolph-Sheppard Act, the federal Javits-Wagner-O'Day Act or the federal ability one program, may request budget increases from other state funds to contract with blind or visually impaired vendors to operate food services at the federal law enforcement training center and Kirtland air force base and may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds;

(29) the early childhood education and care department may request category transfers up to two million three hundred thousand dollars (\$2,300,000) from the other financing uses category to the contractual services category in the childcare assistance program of the early childhood education and care program, the support and intervention program of the early childhood education and care department may request category transfers between the other category and other financing uses category for the family, infant, toddler program, may request category transfers between the other category and other financing uses category for medicaid home visiting and the prekindergarten program of the early childhood education and care department may request category transfers between the other category and other financing uses category for public prekindergarten awards;

(30) the human services department may request program transfers between the medical assistance program and the medicaid behavioral health program;

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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(31) the division of vocational rehabilitation may request program transfers between the rehabilitation services program and the independent living services program;

(32) the miners' hospital of New Mexico may request budget increases from other state funds from fees from patient revenues for operating expenses;

(33) the health certification, licensing and oversight program of the department of health may request budget increases from other state funds from health facility license and certification fees pursuant to Subsection G of Section 24-1-5 NMSA 1978 and may request program transfers up to six hundred thousand dollars (\$600,000) from other programs to assist with the development and implementation of the incident management system and facilities licensing system replacement projects, the developmental disabilities support program of the department of health may request budget increases from other state funds from private insurer payments, may request category transfers between all categories for the supports waiver and may request category transfers between all categories for developmental disabilities waiver services, the epidemiology and response program of the department of health may request budget increases from internal service funds/interagency transfers and other state funds from payments for prevention services, conducting health surveys and analyzing data, the laboratory services program of the department of health may request budget increases from internal service funds/interagency transfers and other state funds for operating expenses, the medical cannabis program of the department of health may request budget increases from internal service funds/interagency transfers from the regulation and licensing department for operating expenses and the department of health may request budget increases from other state funds for coronavirus disease 2019 public health order fees and coronavirus disease 2019 testing reimbursement revenue;

(34) the department of environment may request program transfers up to one million dollars (\$1,000,000) between programs, the water protection program of the department of environment may request budget increases up to three hundred fifty thousand dollars (\$350,000) from other state funds and internal service funds/interagency transfers for providing technical or community services and the resource protection division of the department of environment may request budget increases from other state funds and internal service funds/interagency transfers up to the available balance from the hazardous waste emergency fund for emergencies and may request budget increases from other state funds and internal service funds/interagency transfers up to the available balance from the corrective action fund [~~for claims~~]; *LINE ITEM VETO*

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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(35) the juvenile justice facilities program of the children, youth and families department may request budget increases up to six hundred thousand dollars (\$600,000) from other state funds for the juvenile continuum grant fund and the juvenile justice facilities program may request budget increases up to four hundred thousand dollars (\$400,000) from other state funds for the juvenile community corrections grant fund;

(36) the department of military affairs may request budget increases up to fifty thousand dollars (\$50,000) from other state funds from leases, land royalties, miscellaneous revenue, gifts or grants for support of national guard facility operations, maintenance and repair of the New Mexico youth challenge academy and the New Mexico national guard members family assistance fund;

(37) the inmate management and control program of the corrections department may request budget increases up to one million dollars (\$1,000,000) from internal service funds/interagency transfers and other state funds from inmate work crew program income for operating expenses;

(38) the department of transportation may request program transfers between the project design and construction program, highway operations program, business support program and modal program for costs related to engineering, construction, maintenance services and grants agreements, may request transfers into the personal services and employee benefits category for salary increases and the employer share of applicable taxes and retirement benefits, may request budget increases up to eighty-five million dollars (\$85,000,000) from other state funds and fund balances to meet federal matching requirements and for debt service and related costs, intergovernmental agreements, lawsuits and construction- and maintenance-related costs and may request budget increases up to sixty million dollars (\$60,000,000) from other state funds and fund balances to mitigate emergency road conditions in transportation district two.

## Chapter 54 Section 14 Laws 2022

### SECTION 14. TRANSFER AUTHORITY.--

A. In addition to the transfer authority provided in Section 13 of Chapter 137 of Laws 2021, if revenues and transfers to the general fund at the end of fiscal year 2022 are not sufficient to meet appropriations, the governor, with state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the tax

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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stabilization reserve pursuant to Subsection E of Section 6-4-2.2 NMSA 1978, provided that the total transferred pursuant to this subsection shall not exceed ninety-five million dollars (\$95,000,000).

B. If revenue and transfers to the general fund at the end of fiscal year 2023 are not sufficient to meet appropriations, the governor, with the state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the operating reserve provided that the total transferred pursuant to this section shall not exceed one hundred twenty million dollars (\$120,000,000).

## Chapter 54 Section 15 Laws 2022

SECTION 15. SEVERABILITY.--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

# LAWS 2022, CHAPTER 55

HTRC/House Bill 153, w/ec, partial veto  
Approved March 9, 2022

## AN ACT

RELATING TO GENERAL OBLIGATION BONDS; AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL PROJECTS GENERAL OBLIGATION BONDS TO MAKE CAPITAL EXPENDITURES FOR SENIOR CITIZEN FACILITY IMPROVEMENTS, CONSTRUCTION AND ACQUISITIONS, FOR LIBRARY ACQUISITIONS AND FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS AT INSTITUTIONS OF HIGHER EDUCATION, STATE SPECIAL SCHOOLS AND TRIBAL SCHOOLS; PROVIDING FOR A PROPERTY TAX LEVY FOR PAYMENT OF PRINCIPAL OF, INTEREST ON AND CERTAIN COSTS RELATED TO THE BONDS; REQUIRING APPROVAL OF THE REGISTERED VOTERS AT THE 2022 GENERAL ELECTION OF THE STATE; DECLARING AN EMERGENCY.

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

### **Chapter 55 Section 1 Laws 2022**

SECTION 1. SHORT TITLE.--This act may be cited as the "2022 Capital Projects General Obligation Bond Act".

### **Chapter 55 Section 2 Laws 2022**

SECTION 2. PURPOSE.--For the purpose of providing funds for capital expenditures as authorized in the 2022 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 55 Section 3 Laws 2022**

SECTION 3. BOND TERMS.--

A. The state board of finance, except as limited by the 2022 Capital Projects General Obligation Bond Act, shall determine the terms, covenants and conditions of bonds issued pursuant to that act, including:

- (1) date or dates of issue, denominations and maturities;
- (2) principal amounts;

(3) rate or rates of interest; and

(4) provisions for redemption, including premiums, registration and refundability, whether the bonds are issued in one or more series and other covenants relating to the bonds and the issuance thereof.

B. The bonds shall be in such form as the state board of finance determines with an appropriate series designation and shall bear interest payable as set forth in the resolution of the state board of finance.

C. Payment of the principal of the bonds shall begin not more than two years after the date of their issuance, and the bonds shall mature not later than ten years after the date of their issuance. Both principal and interest shall be payable in lawful money of the United States at the office of the paying agent within or without the state as the state board of finance may direct.

D. The bonds shall be executed with the manual or facsimile signature of the governor or the state treasurer, and the seal or a facsimile of the seal of the state shall be placed on each bond, except for any series of bonds issued in book entry or similar form without the delivery of physical securities.

E. The bonds shall be issued in accordance with the provisions of the 2022 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 2022 Capital Projects General Obligation Bond Act.

## **Chapter 55 Section 4 Laws 2022**

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 2022 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 55 Section 5 Laws 2022**

SECTION 5. SALE.--The bonds authorized under the 2022 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 55 Section 6 Laws 2022**

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 55 Section 7 Laws 2022**

SECTION 7. PROPERTY TAX LEVY.--To provide for the payment of the principal of and interest on the bonds issued and sold pursuant to the provisions of the 2022 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 55 Section 8 Laws 2022**

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 2022 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 55 Section 9 Laws 2022**

SECTION 9. IRREPEALABLE CONTRACT--AUTHORITY FOR ISSUANCE.--An owner of bonds issued pursuant to the provisions of the 2022 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 2022 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 55 Section 10 Laws 2022**

SECTION 10. PROJECTS.--The proceeds from the sale of bonds issued under the provisions of the 2022 Capital Projects General Obligation Bond Act shall be distributed as follows for the purposes and in the amounts specified:

A. for senior citizen facility improvement, construction and equipment acquisition projects, to the aging and long-term services department:

(1) forty thousand one hundred forty-one dollars (\$40,141) to purchase and install meals equipment and other equipment for the Barelás senior center in Albuquerque in Bernalillo county;

(2) three hundred seventy-five thousand fifty dollars (\$375,050) to purchase and equip vehicles for the city of Albuquerque senior affairs nutrition and transportation program in Albuquerque in Bernalillo county;

(3) three hundred fifty-three thousand three hundred fifty-eight dollars (\$353,358) for renovations to the Highland senior center in Albuquerque in Bernalillo county;

(4) two million nine hundred seventy-one thousand four hundred forty-two dollars (\$2,971,442) for renovations to the North Valley senior center in Albuquerque in Bernalillo county;

(5) one million dollars (\$1,000,000) for renovations to the Palo Duro senior center in Albuquerque in Bernalillo county;

(6) two hundred thirty-five thousand dollars (\$235,000) for renovations to the Raymond G. Sanchez senior center in Bernalillo county;

(7) four hundred fifty-seven thousand dollars (\$457,000) for renovations to the Whispering Pines senior center in Bernalillo county;

(8) ninety thousand dollars (\$90,000) for renovations to the Glenwood senior center in Catron county;

(9) fifty-two thousand dollars (\$52,000) to purchase and equip vehicles for the Glenwood senior center in Catron county;

(10) ninety-two thousand five hundred dollars (\$92,500) to purchase and install meals equipment and other equipment for the Quemado senior center in Catron county;

(11) forty thousand dollars (\$40,000) to purchase and install meals equipment and other equipment for the Reserve senior center in Catron county;

(12) forty thousand dollars (\$40,000) for renovations to the Reserve senior center in Catron county;

(13) forty-three thousand five hundred dollars (\$43,500) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at La Casa senior center in Curry county;

(14) seventy-five thousand dollars (\$75,000) to plan and design the Fort Sumner senior center in Fort Sumner in De Baca county;

(15) fifty thousand dollars (\$50,000) to purchase and equip vehicles for the Fort Sumner senior center in Fort Sumner in De Baca county;

(16) thirty-five thousand dollars (\$35,000) for renovations to the Frank O'Brien Papen community center in Las Cruces in Dona Ana county;

- (17) six hundred sixty-six thousand one hundred ninety-nine dollars (\$666,199) to plan, design, construct, equip and furnish the Robert P. Munson senior center in Las Cruces in Dona Ana county;
- (18) one hundred ten thousand dollars (\$110,000) to purchase and equip vehicles for the Robert P. Munson senior center in Las Cruces in Dona Ana county;
- (19) one million three hundred fifty-two thousand four hundred forty-two dollars (\$1,352,442) for renovations to the Alejandro Ruiz senior center in Carlsbad in Eddy county;
- (20) one hundred sixty-two thousand twenty-four dollars (\$162,024) to purchase and equip vehicles for the Alejandro Ruiz senior center in Carlsbad in Eddy county;
- (21) thirty-eight thousand two hundred dollars (\$38,200) to purchase and equip vehicles for the Gila senior center in Grant county;
- (22) thirty-eight thousand two hundred dollars (\$38,200) to purchase and equip vehicles for the Mimbres senior center in Grant county;
- (23) thirty-eight thousand two hundred dollars (\$38,200) to purchase and equip vehicles for the Santa Clara senior center in Santa Clara in Grant county;
- (24) sixty thousand five hundred dollars (\$60,500) to purchase and equip vehicles for the Hobbs senior center in Hobbs in Lea county;
- (25) thirty-four thousand two hundred eighty-four dollars (\$34,284) to purchase and equip vehicles for the senior center in Capitan in Lincoln county;
- (26) forty-eight thousand four hundred twenty-nine dollars (\$48,429) to purchase and equip vehicles for the Carrizozo senior center in Lincoln county;
- (27) thirty-four thousand two hundred eighty-four dollars (\$34,284) to purchase and equip vehicles for the Corona senior center in Lincoln county;
- (28) thirty thousand dollars (\$30,000) to purchase and equip vehicles for the Hondo senior center in Lincoln county;
- (29) ninety-four thousand dollars (\$94,000) for renovations to the Ruidoso community center in Ruidoso in Lincoln county;
- (30) forty-eight thousand four hundred twenty-nine dollars (\$48,429) to purchase and equip vehicles for the Ruidoso Downs senior center in Ruidoso Downs in Lincoln county;

(31) fifty-seven thousand five hundred seventy-nine dollars (\$57,579) for renovations, including the purchase and installation of equipment, to the Deming senior center in Deming in Luna county;

(32) five million four hundred fifteen thousand three hundred dollars (\$5,415,300) to plan, design, construct, equip and furnish the Gallup senior center in Gallup in McKinley county;

(33) seventy-six thousand dollars (\$76,000) to purchase and equip vehicles for the Gallup senior center in Gallup in McKinley county;

(34) sixty-two thousand two hundred sixty-two dollars (\$62,262) for renovations, including the purchase and installation of equipment, to the Logan senior center in Logan in Quay county;

(35) seventy thousand dollars (\$70,000) to purchase and equip vehicles for the Alcalde senior center in Rio Arriba county;

(36) ninety thousand dollars (\$90,000) to purchase and equip vehicles for the Beatrice Martinez senior center in Espanola in Rio Arriba county;

(37) seventy-five thousand dollars (\$75,000) to plan and design the Chama senior center in Rio Arriba county;

(38) seventy thousand dollars (\$70,000) to purchase and equip vehicles for the Coyote senior center in Rio Arriba county;

(39) seventy thousand dollars (\$70,000) to purchase and equip vehicles for the Espanola senior center in Espanola in Rio Arriba county;

(40) seventy thousand dollars (\$70,000) to purchase and equip vehicles for the Chimayo La Arboleda senior center in Rio Arriba county;

(41) one hundred sixteen thousand two hundred thirty-seven dollars (\$116,237) for renovations to the Santa Clara Pueblo adult daycare center in the Pueblo of Santa Clara in Rio Arriba county;

(42) twenty-four thousand dollars (\$24,000) to purchase and install meals equipment and other equipment for the Blanco senior center in San Juan county;

(43) fifty-five thousand dollars (\$55,000) to purchase and equip vehicles for the Blanco senior center in San Juan county;

(44) thirty-five thousand dollars (\$35,000) for renovations to the Bloomfield senior center in Bloomfield in San Juan county;

(45) twenty-four thousand dollars (\$24,000) to purchase and install meals equipment and other equipment for the Lower Valley senior center in San Juan county;

(46) one hundred thirty thousand dollars (\$130,000) to purchase and install meals equipment and other equipment for the Las Vegas senior center in Las Vegas in San Miguel county;

(47) one hundred forty thousand dollars (\$140,000) to purchase and equip vehicles for the Las Vegas senior center in Las Vegas in San Miguel county;

(48) twenty-five thousand eight hundred ten dollars (\$25,810) for renovations to the Bernalillo senior center in Sandoval county;

(49) thirty thousand dollars (\$30,000) to purchase and equip vehicles for the Bernalillo senior center in Sandoval county;

(50) seven hundred seventy-four thousand five hundred sixty-nine dollars (\$774,569) to plan, design, construct, equip and furnish the Broadmoor senior center in Rio Rancho in Sandoval county;

(51) two hundred twenty-six thousand four hundred seventy-four dollars (\$226,474) for renovations to the Meadowlark senior center in Rio Rancho in Sandoval county;

(52) thirty thousand two hundred eight dollars (\$30,208) to purchase and equip vehicles for the Pena Blanca community center in Sandoval county;

(53) five hundred thousand dollars (\$500,000) for renovations to the Chimayo senior center, also known as the Benny J. Chavez community center, in Santa Fe county;

(54) two hundred thirty-five thousand six hundred thirty dollars (\$235,630) to purchase and install meals equipment and other equipment for the Mary Esther Gonzales senior center in Santa Fe in Santa Fe county;

(55) sixty-five thousand eight hundred five dollars (\$65,805) to purchase and install meals equipment and other equipment for the Pasatiempo senior center in Santa Fe in Santa Fe county;

(56) two million forty-one thousand four hundred forty-one dollars (\$2,041,441) to plan, design, construct, equip and furnish the Santa Cruz senior center in Santa Fe county;

(57) one million four hundred fifty thousand dollars (\$1,450,000) to plan, design, construct, equip and furnish the Amalia senior center in Taos county;

(58) seven hundred twenty-seven thousand five hundred eighty-seven dollars (\$727,587) to plan, design, construct, equip and furnish the Questa senior center in Taos county;

(59) one hundred sixty-nine thousand six hundred twenty-one dollars (\$169,621) for renovations, including the purchase and installation of equipment, to the Estancia senior center in Torrance county;

(60) fifty-three thousand five hundred ninety-nine dollars (\$53,599) to plan and design the Moriarty senior center in Torrance county;

(61) one hundred fifty-eight thousand eight hundred sixty-one dollars (\$158,861) for renovations, including the purchase and installation of equipment, to the Mountainair senior center in Torrance county;

(62) fifty-eight thousand dollars (\$58,000) to purchase and install meals equipment and other equipment for the Belen senior center in Valencia county;

(63) fifty-five thousand dollars (\$55,000) to purchase and equip vehicles for the Bosque Farms community center in Bosque Farms in Valencia county;

(64) four hundred sixty thousand dollars (\$460,000) to plan, design, construct, equip and furnish the Del Rio senior center in Valencia county;

(65) fifty-eight thousand dollars (\$58,000) to purchase and install meals equipment and other equipment for the Del Rio senior center in Valencia county;

(66) seventy-three thousand dollars (\$73,000) to purchase and install meals equipment and other equipment for the Meadow Lake senior center in Valencia county;

(67) seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate and improve the Acoma Pueblo senior center, including replacement of wheelchair- accessible doors and energy-efficient windows, for the Pueblo of Acoma in Cibola county;

(68) one hundred twenty-three thousand dollars (\$123,000) to plan, design, construct, purchase and equip the Laguna senior center for the Pueblo of Laguna in Cibola county;

(69) five hundred thousand dollars (\$500,000) to plan, design, construct, renovate and improve the Santa Clara Pueblo adult daycare center, including flooring and lighting, for the Pueblo of Santa Clara in Rio Arriba county;

(70) one hundred thousand dollars (\$100,000) to purchase and equip vehicles for the San Felipe Pueblo senior center for the Pueblo of San Felipe in Sandoval county;

(71) one hundred thousand dollars (\$100,000) to plan, design, construct, renovate and improve the Pojoaque Pueblo senior center, including the heating, ventilation and air conditioning systems and railings, for the Pueblo of Pojoaque in Santa Fe county; and

(72) eight hundred twenty-two thousand dollars (\$822,000) to acquire easements and rights of way and to plan, design, construct, equip and furnish a new senior daycare facility in the Pueblo of Taos in Taos county;

B. for library acquisitions at public libraries, public school libraries, academic libraries and tribal libraries statewide:

(1) to the cultural affairs department:

(a) six million dollars (\$6,000,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, collaborative library resources and information technology projects, and for the purchase and installation of broadband internet equipment and infrastructure at non-tribal public libraries statewide; and

(b) one million dollars (\$1,000,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, collaborative library resources and information technology projects, and for the purchase and installation of broadband internet equipment and infrastructure at tribal libraries statewide;

(2) to the higher education department, six million dollars (\$6,000,000) for supplemental library resource acquisitions, including books, equipment, electronic resources, collaborative library resources and information technology projects, for academic libraries statewide; and

(3) to the public education department, six million dollars (\$6,000,000) for equipment and supplemental library resource acquisitions, including print, non-print and electronic resources, at public school libraries statewide; and

C. for capital improvements and acquisitions at institutions of higher education, special schools and tribal schools statewide:

(1) to the board of regents of eastern New Mexico university:

(a) two million four hundred seventy-five thousand dollars (\$2,475,000) to plan, design, construct, renovate, purchase and install fire suppression systems for the occupational technology center, physical education center and arts and science center at the Roswell branch campus of eastern New Mexico university in Chaves county; and

(b) nine million dollars (\$9,000,000) to plan, design, construct, furnish and equip a new student academic services building at eastern New Mexico university in Portales in Roosevelt county;

(2) to the higher education department:

(a) fifteen million dollars (\$15,000,000) to plan, design, construct, furnish and equip a trades and applied technologies facility at central New Mexico community college in Albuquerque in Bernalillo county;

(b) one million six hundred eighty-five thousand dollars (\$1,685,000) to plan, design and construct infrastructure improvements, including drainage and parking lot improvements, at Clovis community college in Clovis in Curry county;

(c) two million one hundred thousand dollars (\$2,100,000) to plan, design, construct, furnish and equip a vocational trades building at New Mexico junior college in Hobbs in Lea county;

(d) four million dollars (\$4,000,000) to plan, design, construct, furnish and equip a trades building at Navajo technical university in Crownpoint in McKinley county;

(e) five million dollars (\$5,000,000) to plan, design, construct, furnish and equip a student services facility for the south campus at the Shiprock branch campus of Dine college in San Juan county;

(f) three million dollars (\$3,000,000) to plan, design, construct, purchase and equip information technology infrastructure upgrades campuswide at San Juan college in Farmington in San Juan county;

(g) one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, renovate and equip infrastructure improvements campuswide, including heating, ventilation and air conditioning replacements, at Luna community college in Las Vegas in San Miguel county; and

(h) two million three hundred thousand dollars (\$2,300,000) to plan, design, construct, renovate and equip infrastructure improvements, including



heating, ventilation and air conditioning systems in the main and west wing buildings, at Santa Fe community college in Santa Fe county;

(3) to the board of regents of the New Mexico school for the blind and visually impaired, four million dollars (\$4,000,000) to plan, design, construct, furnish and equip a residential cottage at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county;

(4) to the board of regents of New Mexico highlands university, four million five hundred thousand dollars (\$4,500,000) to plan, design, construct, furnish and equip a facilities building, including abatement and demolition, at New Mexico highlands university in Las Vegas in San Miguel county;

(5) to the board of regents of the New Mexico institute of mining and technology:

(a) five million dollars (\$5,000,000) to plan, design, construct, renovate and equip infrastructure improvements to the Playas training and research center at the New Mexico institute of mining and technology in Playas in Hidalgo county; and

(b) three million three hundred thousand dollars (\$3,300,000) to plan, design, construct, furnish and equip Kelly hall at the New Mexico institute of mining and technology in Socorro in Socorro county;

(6) to the board of regents of New Mexico military institute, four million dollars (\$4,000,000) to plan, design, construct, demolish, furnish and equip an expansion to Bates hall at the New Mexico military institute in Roswell in Chaves county;

(7) to the board of regents of the New Mexico school for the deaf, one million four hundred thousand dollars (\$1,400,000) to plan, design, construct, renovate, furnish and equip improvements and an addition to the Albuquerque preschool facility for the New Mexico school for the deaf in Albuquerque in Bernalillo county;

(8) to the board of regents of New Mexico state university:

(a) twenty-two million five hundred thousand dollars (\$22,500,000) to plan, design, construct, furnish and equip a college of engineering facility, including abatement and demolition of Thomas and Brown hall, at New Mexico state university in Las Cruces in Dona Ana county;

(b) thirteen million five hundred thousand dollars (\$13,500,000) to plan, design, construct, renovate, furnish and equip the health and social sciences building and O'Donnell hall at New Mexico state university in Las Cruces in Dona Ana county;

(c) two million dollars (\$2,000,000) to plan, design, construct, renovate, furnish and equip the school of nursing skills and simulation center in the health and social services building at New Mexico state university in Las Cruces in Dona Ana county;

(d) one million three hundred fifty thousand dollars (\$1,350,000) to plan, design, construct, renovate, furnish and equip infrastructure improvements, including roof replacement, at the Dona Ana branch community college campuses of New Mexico state university in Dona Ana county;

(e) one million two hundred fifty thousand dollars (\$1,250,000) to plan, design, construct, renovate and equip infrastructure improvements, including roof replacement, to Martinez hall at the Grants branch campus of New Mexico state university in Cibola county; and

(f) ten million five hundred thousand dollars (\$10,500,000) to plan, design, construct, renovate, furnish and equip, including abatement and demolition, the New Mexico department of agriculture building at New Mexico state university in Las Cruces in Dona Ana county;

(9) to the board of regents of northern New Mexico state school, three million dollars (\$3,000,000) to plan, design, construct and repair infrastructure improvements, including parking lots and roads, at the Espanola and El Rito campuses of northern New Mexico state school in Rio Arriba county;

(10) to the board of regents of the university of New Mexico:

(a) forty-five million dollars (\$45,000,000) to plan, design, construct, furnish and equip a new center for collaborative art and technology at the university of New Mexico in Albuquerque in Bernalillo county;

(b) thirty-six million dollars (\$36,000,000) to plan, design, construct, renovate, furnish and equip a children's psychiatric center for the health sciences center at the university of New Mexico in Albuquerque in Bernalillo county;

(c) three million dollars (\$3,000,000) to plan, design, construct, renovate and equip infrastructure improvements to Gurley hall at the Gallup branch campus of the university of New Mexico in McKinley county;

(d) one million three hundred thousand dollars (\$1,300,000) to plan, design, construct, renovate, furnish and equip infrastructure improvements campuswide at the Los Alamos branch campus of the university of New Mexico in Los Alamos county;

(e) three million dollars (\$3,000,000) to plan, design, construct, renovate, furnish and equip renovations and an addition to Fred Peralta hall at the Taos branch campus of the university of New Mexico in Taos county; and

(f) nine hundred thousand dollars (\$900,000) to plan, design, construct, renovate, furnish and install improvements, including roof replacement and solar installation, to the learning commons resource center at the Valencia branch campus of the university of New Mexico in Valencia county; and

(11) to the board of regents of western New Mexico university:

(a) two million dollars (\$2,000,000) to plan, design, construct, furnish and equip a Deming learning center at western New Mexico university in Deming in Luna county; and

(b) two million dollars (\$2,000,000) to plan, design, construct, renovate, furnish and equip infrastructure improvements [~~to Graham gymnasium~~], including roadway improvements to Kentucky street, at western New Mexico university in Silver City in Grant county. *LINE ITEM VETO*

## **Chapter 55 Section 11 Laws 2022**

### **SECTION 11. ELECTION.--**

A. Bonds issued pursuant to the 2022 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 2022, and, if they receive a majority of all the votes cast thereon at such election, shall take effect upon certification of the state canvassing board announcing the results of the election. No bonds shall be issued or sold under that act until the registered voters of this state have voted upon and approved the bonds and property tax as provided in this section. Any bonds issued under that act shall be issued within thirty months from the date of such election.

B. The ballots used at the 2022 general election shall contain substantially the following language:

(1) "The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of senior citizen facility improvement, construction and equipment acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed twenty-four million four hundred seventy thousand dollars (\$24,470,000) to make capital expenditures for certain senior citizen facility improvement, construction and equipment acquisition projects and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?"

For \_\_\_\_\_ Against \_\_\_\_\_";

(2) "The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of library acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed nineteen million two hundred sixty-six thousand dollars (\$19,266,000) to make capital expenditures for academic, public school, tribal and public library resource acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For \_\_\_\_\_ Against \_\_\_\_\_"; and

(3) "The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of higher education, special schools and tribal schools capital improvement and acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed two hundred fifteen million nine hundred eighty-six thousand dollars (\$215,986,000) to make capital expenditures for certain higher education, special schools and tribal schools capital improvements and acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For \_\_\_\_\_ Against \_\_\_\_\_".

C. Each question set forth in this section includes a specific work or object to be financed by the bonds. If any such question is not approved by a majority vote of the electorate at the state's 2022 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 2022 Capital Projects General Obligation Bond Act. The failure of a question to be approved by the electorate at the 2022 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 2022 general election, and it shall be included in the general election proclamation. The secretary of state shall cause the 2022 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 55 Section 12 Laws 2022**

SECTION 12. ART IN PUBLIC PLACES.--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in the 2022 Capital Projects General Obligation Bond Act include money for the art in public places fund.

## **Chapter 55 Section 13 Laws 2022**

SECTION 13. PROJECT SCOPE--EXPENDITURES--REVERSION.--

A. If an appropriation for a project authorized in the 2022 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 2022 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 55 Section 14 Laws 2022**

SECTION 14. SEVERABILITY.--If any part or application of the 2022 Capital Projects General Obligation Bond Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

## **Chapter 55 Section 15 Laws 2022**

SECTION 15. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

# **LAWS 2022, CHAPTER 56**

**HJC/House Bill 68, aa**  
**Approved March 9, 2022**

AN ACT

RELATING TO PUBLIC SAFETY; ENHANCING DEATH BENEFITS FOR PEACE OFFICERS, NEW MEXICO MOUNTED PATROL MEMBERS AND RESERVE POLICE OFFICERS; CHANGING DISTRIBUTIONS FROM THE LAW ENFORCEMENT PROTECTION FUND; EXPANDING THE DISTRIBUTION OF THE LAW ENFORCEMENT PROTECTION FUND TO THE NEW MEXICO LAW ENFORCEMENT ACADEMY; EXPANDING THE PURPOSES FOR WHICH A CRIME REDUCTION GRANT MAY BE MADE; CREATING ADDITIONAL JUDGESHIPS IN THE SECOND, FIFTH AND THIRTEENTH JUDICIAL DISTRICTS; CREATING THE LAW ENFORCEMENT RETENTION FUND; PROVIDING A RETENTION DIFFERENTIAL DISBURSEMENT TO CERTAIN LAW ENFORCEMENT OFFICERS; PROVIDING REPORTING REQUIREMENTS; REQUIRING THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESTABLISH A PROGRAM TO DISTRIBUTE FUNDS TO LOCAL LAW ENFORCEMENT AGENCIES; CREATING THE LAW ENFORCEMENT CERTIFICATION BOARD; CREATING THE NEW MEXICO LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL; INCREASING THE STATUTE OF LIMITATIONS FOR SECOND DEGREE MURDER; MAKING A THREAT OF A SHOOTING UNLAWFUL; CLARIFYING EXCEPTIONS FOR UNLAWFUL POSSESSION OF A HANDGUN BY A PERSON; CLARIFYING THE PENALTY FOR RECEIPT, TRANSPORTATION OR POSSESSION OF A FIREARM OR DESTRUCTIVE DEVICE BY A SERIOUS VIOLENT FELON; ADDING PENALTIES FOR AGGRAVATED FLEEING A LAW ENFORCEMENT OFFICER; MAKING AVAILABLE GLOBAL POSITIONING SYSTEM DATA ON DEFENDANTS ON PRETRIAL RELEASE; CLARIFYING NONCAPITAL FELONY SENTENCING PROVISIONS; PROVIDING FOR A SENTENCING ENHANCEMENT WHEN A FIREARM IS USED DURING THE COMMISSION OF A DRUG TRANSACTION OR SERIOUS VIOLENT OFFENSE; CLARIFYING THAT A FIREARM USED DURING THE COMMISSION OF A DRUG TRANSACTION OR SERIOUS VIOLENT OFFENSE MAY BE SEIZED; ENACTING THE VIOLENCE INTERVENTION PROGRAM ACT; CREATING THE VIOLENCE INTERVENTION PROGRAM FUND; ESTABLISHING APPLICATION AND REPORTING REQUIREMENTS; CREATING THE CRIME OF THREATENING A JUDGE OR IMMEDIATE FAMILY MEMBER OF A JUDGE; CREATING THE CRIME OF MALICIOUS SHARING OF PERSONAL INFORMATION OF A JUDGE OR AN IMMEDIATE FAMILY MEMBER OF A JUDGE; CREATING THE CRIME OF OPERATING A CHOP SHOP; CREATING THE CRIME OF CRIMINAL DAMAGE TO PROPERTY BY THEFT OR ATTEMPTED THEFT OF REGULATED MATERIAL; PROHIBITING A SECONDHAND METAL DEALER FROM PURCHASING OR RECEIVING REGULATED MATERIAL NOT LAWFULLY POSSESSED; PROHIBITING A DEFENSE BASED ON A DEFENDANT'S DISCOVERY OF, KNOWLEDGE ABOUT OR THE POTENTIAL DISCLOSURE OF A VICTIM'S OR WITNESS' GENDER, GENDER IDENTITY, GENDER EXPRESSION OR SEXUAL ORIENTATION; PROHIBITING A DEFENSE BASED ON A DEFENDANT BEING ROMANTICALLY PROPOSITIONED IN A NONVIOLENT OR NON-THREATENING MANNER BY A PERSON OF THE SAME GENDER OR A PERSON WHO IS TRANSGENDER; PROVIDING PENALTIES.

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

## **Chapter 56 Section 1 Laws 2022**

SECTION 1. A new section of the Department of Finance and Administration Act is enacted to read:

"DISTRIBUTION OF FUNDS.--The department of finance and administration shall establish a program to distribute funds for local law enforcement agencies to provide recruitment and retention stipends to law enforcement officers. The program shall establish criteria for distribution of funds appropriated for that purpose, prioritizing recruitment and retention of personnel to increase investigative capacity. The program shall also establish appropriate guidelines on the use of those funds, including recruitment and retention stipends that may be distributed to:

A. a person who is not certified as a law enforcement officer pursuant to the Law Enforcement Training Act upon employment with a law enforcement agency; provided that the recipient successfully obtains such certification;

B. a person who is certified as a law enforcement officer pursuant to the Law Enforcement Training Act upon employment with a law enforcement agency; provided that the recipient remains employed with that agency for three months; and

C. a person who is certified as a law enforcement officer pursuant to the Law Enforcement Training Act currently employed by a law enforcement agency; provided that the law enforcement officer remains employed with that law enforcement officer's current agency for one additional year."

## **Chapter 56 Section 2 Laws 2022**

SECTION 2. Section 9-19-8 NMSA 1978 (being Laws 1987, Chapter 254, Section 8, as amended) is amended to read:

"9-19-8. ADMINISTRATIVELY ATTACHED AGENCIES.--The governor's organized crime prevention commission, the New Mexico law enforcement standards and training council and the law enforcement certification board are administratively attached to the department in accordance with the Executive Reorganization Act."

## **Chapter 56 Section 3 Laws 2022**

SECTION 3. Section 29-4A-5 NMSA 1978 (being Laws 1995, Chapter 59, Section 5, as amended) is amended to read:

"29-4A-5. PEACE OFFICERS', NEW MEXICO MOUNTED PATROL MEMBERS' AND RESERVE POLICE OFFICERS' SURVIVORS SUPPLEMENTAL DEATH BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--"

A. There is created the "peace officers', New Mexico mounted patrol members' and reserve police officers' survivors supplemental death benefits review committee". The committee shall consist of the attorney general, the chief of the New Mexico state police and the state president of the fraternal order of police or their designees.

B. The peace officers', New Mexico mounted patrol members' and reserve police officers' survivors supplemental death benefits review committee shall determine whether a peace officer, New Mexico mounted patrol member or reserve police officer has been killed in the line of duty and advise the secretary of that determination. In addition to any other death benefits provided by law, the surviving spouse, children or parents shall be paid one million dollars (\$1,000,000) as supplemental death benefits whenever a peace officer, New Mexico mounted patrol member or reserve police officer is killed in the line of duty. The benefits shall be paid from the fund.

C. The benefits shall be paid first to the surviving spouse. If there is no surviving spouse, the benefits shall be distributed in pro rata shares to all surviving children. If there are no surviving children or spouse, benefits shall be distributed to the surviving parents of the peace officer, New Mexico mounted patrol member or reserve police officer."

## **Chapter 56 Section 4 Laws 2022**

SECTION 4. Section 29-7-3 NMSA 1978 (being Laws 1979, Chapter 202, Section 42, as amended) is amended to read:

"29-7-3. NEW MEXICO LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL.--

A. There is created the "New Mexico law enforcement standards and training council".

B. The council shall develop and adopt basic training and in-service training standards for police officers and telecommunicators in New Mexico.

C. The council shall consist of the director of the New Mexico law enforcement academy and the directors of all the satellite law enforcement academies, who shall serve automatically by reason of their position. The remaining seven members of the council shall be appointed by the governor and confirmed by the senate. An appointed council member shall serve and have all of the duties, responsibilities and authority of that office during the period prior to the final action by the senate in confirming or rejecting the appointment. The members appointed by the governor shall consist of one attorney who is currently employed in a district attorney's office; one attorney who is currently employed by the public defender department; one certified police chief of a New Mexico Indian nation, tribe or pueblo; two members who have experience and specialize in providing adult education; and two citizen-at-large members, one of whom shall have experience as



a behavioral health provider and neither of whom shall be a police officer or retired police officer or have familial or financial connections to a police officer or any agency or department for which a police officer works. Vacancies shall be filled by the governor for the unexpired term.

D. Appointments to the council shall be for terms of four years or less made in such manner that the terms of not more than two members expire on July 1 of each year.

E. Members of the council shall receive, for their service as members of the council, per diem and mileage as provided in the Per Diem and Mileage Act."

## **Chapter 56 Section 5 Laws 2022**

SECTION 5. Section 29-7-4 NMSA 1978 (being Laws 1969, Chapter 264, Section 6, as amended) is amended to read:

"29-7-4. POWERS AND DUTIES OF COUNCIL.--The council shall:

A. develop a planned program, to be implemented by the director, of:

(1) basic law enforcement training and in-service law enforcement training, a portion of which may be conducted on a regional basis; and

(2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act, a portion of which may be conducted on a regional basis;

B. prescribe qualifications for instructors and prescribe courses of instruction for:

(1) basic law enforcement training and in-service law enforcement training; and

(2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act;

C. report annually to the governor;

D. in its discretion, accept donations, contributions, grants or gifts from whatever source for the benefit of the academy, which donations, contributions, grants or gifts are appropriated for the use of the academy; and

E. adopt, publish and file, in accordance with the provisions of the State Rules Act, all rules concerning the implementation and enforcement of Sections 29-7-2 through 29-7-7.7, 29-7-12, 29-7-14, 29-7C-4, 29-7C-5 and 29-7C-7 NMSA 1978."

## **Chapter 56 Section 6 Laws 2022**

SECTION 6. A new section of the Law Enforcement Training Act, Section 29-7-4.4 NMSA 1978, is enacted to read:

"29-7-4.4. LAW ENFORCEMENT OFFICER TRAINING.--The curriculum of each basic law enforcement training class and in-service training each year for certified police officers shall include:

- A. crisis management and intervention;
- B. dealing with individuals who are experiencing mental health issues;
- C. methods of de-escalation;
- D. peer-to-peer intervention;
- E. stress management;
- F. racial sensitivity;
- G. reality-based situational training; and
- H. use of force training that includes the elimination of vascular neck restraints."

## **Chapter 56 Section 7 Laws 2022**

SECTION 7. Section 29-7-5 NMSA 1978 (being Laws 1969, Chapter 264, Section 7, as amended) is amended to read:

"29-7-5. POWERS AND DUTIES OF THE DIRECTOR.--The director shall be under the supervision and direction of the secretary of public safety. The director shall:

- A. be the chief executive officer of the academy and employ necessary personnel;
- B. issue a certificate of completion to any person who:
  - (1) graduates from an approved basic law enforcement training program and who satisfies the qualifications for certification as set forth in Section 29-7-6 NMSA 1978; or

(2) graduates from an approved basic telecommunicator training program and who satisfies the qualifications for certification as set forth in the Public Safety Telecommunicator Training Act;

C. perform all other acts necessary and appropriate to the carrying out of the director's duties;

D. implement the training standards and requirements developed and adopted by the council; and

E. annually evaluate the courses of instruction being offered by the academy and make necessary modifications and adjustments to the programs."

## **Chapter 56 Section 8 Laws 2022**

SECTION 8. Section 29-7-5.1 NMSA 1978 (being Laws 1979, Chapter 202, Section 45, as amended) is amended to read:

"29-7-5.1. REMOVAL OF DIRECTOR.--The director may be removed by the secretary in accordance with the procedures provided in Section 29-2-11 NMSA 1978 for removal of members of the New Mexico state police holding permanent commissions. In the case of removal proceedings for the director under that section, "commission", as used in Subsections C and D of Section 29-2-11 NMSA 1978, shall be construed to mean the New Mexico law enforcement standards and training council."

## **Chapter 56 Section 9 Laws 2022**

SECTION 9. Section 29-7-7 NMSA 1978 (being Laws 1981, Chapter 114, Section 6, as amended) is amended to read:

"29-7-7. DEFINITIONS.--For the purpose of the Law Enforcement Training Act:

A. "academy" means the New Mexico law enforcement academy;

B. "basic law enforcement training" means a course consisting of not less than four hundred hours of instruction in basic law enforcement training as required by the Law Enforcement Training Act;

C. "board" means the law enforcement certification board;

D. "conviction" means an adjudication of guilt or a plea of no contest and includes convictions that are suspended or deferred;

E. "council" means the New Mexico law enforcement standards and training council;

F. "director" means the director of the division;

G. "division" means the New Mexico law enforcement academy of the department of public safety;

H. "in-service law enforcement training" means a course of instruction required of all certified peace officers and designed to train and equip all police officers in the state with specific law enforcement skills and to ensure the continuing development of all police officers in the state. The training and instruction shall be kept current and may be conducted on a regional basis at the discretion of the director;

I. "law enforcement agency" means an agency of the state or local political subdivision of the state that employs certified law enforcement officers or the police department of a tribe that has entered into an agreement with the department of public safety pursuant to Section 29-1-11 NMSA 1978;

J. "police officer" means any commissioned employee of a law enforcement agency that is part of or administered by the state or any political subdivision of the state, and includes any employee of a missile range civilian police department who is a graduate of a recognized certified regional law enforcement training facility and who is currently certifiable by the academy, which employee is responsible for the prevention and detection of crime or the enforcement of the penal, or traffic or highway laws of this state. The term specifically includes deputy sheriffs. Sheriffs are eligible to attend the academy and are eligible to receive certification as provided in the Law Enforcement Training Act. As used in this subsection, "commissioned" means an employee of a law enforcement agency who is authorized by a sheriff or chief of police to apprehend, arrest and bring before the court all violators within the law enforcement agency's jurisdiction; and

K. "certified regional law enforcement training facility" means a law enforcement training facility within the state certified by the director, with the approval of the academy's board of directors, that offers basic law enforcement training and in-service law enforcement training that is comparable to or exceeds the standards of the programs of the academy."

## **Chapter 56 Section 10 Laws 2022**

SECTION 10. Section 29-7-7.2 NMSA 1978 (being Laws 1981, Chapter 144, Section 8, as amended) is amended to read:

"29-7-7.2. REPORTS.--Every law enforcement agency within the state shall submit quarterly a report to the director and the board on the status of each police officer employed by the law enforcement agency. The reports shall include the status of in-service law enforcement training. The reporting forms and submittal dates shall be prescribed by the board."

## **Chapter 56 Section 11 Laws 2022**

SECTION 11. Section 29-7-10 NMSA 1978 (being Laws 1971, Chapter 247, Section 4, as amended by Laws 1981, Chapter 107, Section 1 and also by Laws 1981, Chapter 114, Section 10) is amended to read:

"29-7-10. CERTIFICATION BY WAIVER.--

A. The board may, with the approval of the council, waive the basic law enforcement training program and certify applicants who are employed as full-time police officers and who furnish evidence of satisfactory completion of a basic law enforcement training program which is comparable to or exceeds the standards of the programs of the academy.

B. All individuals allowed a waiver under this section shall meet the requirements set out in the Law Enforcement Training Act, and this section shall not be construed to exempt them from those requirements in any manner."

## **Chapter 56 Section 12 Laws 2022**

SECTION 12. Section 29-7-12 NMSA 1978 (being Laws 1981, Chapter 114, Section 12, as amended) is amended to read:

"29-7-12. CHARGES--FUND CREATED--USE.--

A. The division shall not charge local public bodies or New Mexico Indian tribes or pueblos for any expenses associated with providing basic law enforcement training programs to applicants for certification seeking commission pursuant to the provisions of the Law Enforcement Training Act. The division may charge state agencies and institutions and federal agencies and shall charge civilian participants for the cost of providing basic law enforcement training programs, which charges shall be specified in a tuition and fee schedule promulgated by the council and shall not exceed the actual cost of providing the training programs.

B. The division may charge state agencies and institutions, local public bodies, New Mexico Indian tribes and pueblos and federal agencies and shall charge civilian participants for the cost of providing advanced training programs, which charges shall be specified in a tuition and fee schedule promulgated by the council and shall not exceed the actual cost of providing the training programs.

C. The division may charge for the rental or other use of the academy's facility, personnel and equipment, which charges shall be specified in a tuition and fee schedule promulgated by the council and shall not exceed the actual cost of the facility, personnel or equipment.

D. The "law enforcement training and recruiting fund" is created in the state treasury. Money received by the division for activities specified in this section shall be deposited in the fund. The department of public safety shall administer the fund, and money in the fund is appropriated to the division to offset the operational costs of the division. Money in the fund shall be nonreverting. Money shall be expended on warrants issued by the secretary of finance and administration upon vouchers signed by the secretary of public safety or the secretary of public safety's authorized representative.

E. As used in this section, "local public body" means all political subdivisions of the state and their agencies, instrumentalities and institutions."

## **Chapter 56 Section 13 Laws 2022**

SECTION 13. A new section of the Law Enforcement Training Act, Section 29-7-4.3 NMSA 1978, is enacted to read:

"29-7-4.3. LAW ENFORCEMENT CERTIFICATION BOARD--APPOINTMENT--POWERS AND DUTIES.--

A. The "law enforcement certification board" is established and administratively attached to the department of public safety as an independent board in accordance with the Executive Reorganization Act. The board consists of nine members appointed by the governor with the advice and consent of the senate. No more than five members of the board shall be members of the same political party. The members of the board shall be appointed for five-year terms. Two of the initial board members shall be appointed for one-year terms; two of the initial board members shall be appointed for two-year terms; two of the initial board members shall be appointed for three-year terms; two of the initial board members shall be appointed for four-year terms; and one of the initial board members shall be appointed for a five-year term.

B. The board shall include the following members:

- (1) a retired judge, who shall serve as chair of the board;
- (2) a municipal peace officer;
- (3) a sheriff;
- (4) a tribal law peace officer;
- (5) an attorney in private practice who practices as a plaintiff's attorney in the area of civil rights or who represents criminal defendants;
- (6) an attorney in private practice who represents public entities in civil rights claims; and

(7) an attorney who is employed by the public defender department.

C. The board shall:

(1) deny, suspend or revoke:

(a) a peace officer's certification for just cause as provided in the Law Enforcement Training Act; and

(b) a telecommunicator's certification for just cause as provided in the Public Safety Telecommunicator Training Act; and

(2) conduct investigations, administer oaths and subpoena persons as necessary to make determination regarding fitness of a law enforcement officer to execute a law enforcement officer's duties.

D. The board may require by subpoena the attendance of witnesses or the production of records and other evidence relevant to an investigation and shall have such other powers and duties and administer or enforce such other acts as further provided by law.

E. The board shall appoint a chief executive officer to assist the board in carrying out its functions. The chief executive officer shall employ persons as necessary to assist the board in carrying out its functions.

F. The board shall adopt, publish and file, in accordance with the provisions of the State Rules Act, all rules concerning the implementation and enforcement of the Law Enforcement Training Act and Public Safety Telecommunicator Training Act except those sections enumerated in Subsection E of Section 29-7-4 NMSA 1978 for which rules shall be adopted, published and filed by the council.

G. The board shall issue or renew a certification to:

(1) graduates from an approved basic law enforcement training program who satisfy the qualifications for certification as set forth in Section 29-7-6 NMSA 1978; or

(2) graduates from an approved basic telecommunicator training program who satisfy the qualifications for certification as set forth in the Public Safety Telecommunicator Training Act.

H. Members of the board shall receive, for their service as members of the board, per diem and mileage as provided in the Per Diem and Mileage Act."

## **Chapter 56 Section 14 Laws 2022**

SECTION 14. Section 29-7C-2 NMSA 1978 (being Laws 2003, Chapter 320, Section 4) is amended to read:

"29-7C-2. DEFINITIONS.--As used in the Public Safety Telecommunicator Training Act:

- A. "board" means the law enforcement certification board;
- B. "certified" means meeting the training standards established by statute and rule as determined by the board;
- C. "council" means the New Mexico law enforcement standards and training council;
- D. "director" means the director of the New Mexico law enforcement academy;
- E. "dispatch" means the relay of information to public safety personnel by all forms of communication;
- F. "safety agency" means a unit of state or local government, a special purpose district or a private business that provides police, firefighting or emergency medical services; and
- G. "telecommunicator" means an employee or volunteer of a safety agency who:
  - (1) receives calls or dispatches the appropriate personnel or equipment in response to calls for police, fire or medical services; and
  - (2) makes decisions affecting the life, health or welfare of the public or safety employees."

## **Chapter 56 Section 15 Laws 2022**

SECTION 15. Section 29-7C-4 NMSA 1978 (being Laws 2003, Chapter 320, Section 6) is amended to read:

"29-7C-4. BASIC TELECOMMUNICATOR TRAINING PROGRAM.--The council shall develop and adopt a basic telecommunicator training program for telecommunicator certification. The program shall be constructed to meet the minimum basic needs of telecommunicators in New Mexico."



## **Chapter 56 Section 16 Laws 2022**

SECTION 16. Section 29-7C-5 NMSA 1978 (being Laws 2003, Chapter 320, Section 7) is amended to read:

"29-7C-5. MINIMUM TRAINING STANDARDS FOR CERTIFICATION.--

A. A telecommunicator shall satisfy the qualifications for certification set forth in the Public Safety Telecommunicator Training Act within twelve months after beginning employment and shall provide a certificate of completion to the director.

B. The director shall waive the training requirements set forth in Subsection A of this section for a police radio dispatcher who is certified as a police radio dispatcher and has met all other requirements set forth by the council."

## **Chapter 56 Section 17 Laws 2022**

SECTION 17. Section 29-7C-6 NMSA 1978 (being Laws 2003, Chapter 320, Section 8) is amended to read:

"29-7C-6. CERTIFICATION BY WAIVER.--

A. The board may, with the approval of the council, waive the basic telecommunicator training program and certify applicants who furnish evidence of satisfactory completion of a basic telecommunicator training program that, in the director's opinion, is substantially equivalent to the board's basic telecommunicator training program.

B. A telecommunicator granted a waiver under this section shall meet all other requirements set out in the Public Safety Telecommunicator Training Act."

## **Chapter 56 Section 18 Laws 2022**

SECTION 18. Section 29-7C-8 NMSA 1978 (being Laws 2003, Chapter 320, Section 10) is amended to read:

"29-7C-8. REPORTS AND ROSTERS.--

A. A safety agency that operates within the state shall submit a quarterly report to the director and the board on the status of each telecommunicator. The reporting forms and submittal dates shall be prescribed by the director.

B. The director and the board shall maintain a roster of all certified telecommunicators."

## **Chapter 56 Section 19 Laws 2022**

SECTION 19. A new section of the Public Safety Telecommunicator Training Act is enacted to read:

"PUBLIC SAFETY TELECOMMUNICATOR TRAINING.--The curriculum of each basic telecommunicator training class and in-service training each year for telecommunicators shall include:

- A. crisis management and intervention;
- B. dealing with individuals who are experiencing mental health issues;
- C. methods of de-escalation;
- D. peer-to-peer intervention;
- E. stress management;
- F. racial sensitivity; and
- G. reality-based situational training."

## **Chapter 56 Section 20 Laws 2022**

SECTION 20. Section 29-13-3 NMSA 1978 (being Laws 1983, Chapter 289, Section 3, as amended) is amended to read:

"29-13-3. DISTRIBUTION OF CERTAIN INSURANCE COLLECTIONS--LAW ENFORCEMENT PROTECTION FUND CREATED.--There is created in the state treasury the "law enforcement protection fund". Ten percent of all money received for fees, licenses and penalties from life, general casualty and title insurance business pursuant to the New Mexico Insurance Code shall be paid monthly to the state treasurer and credited to the fund. On or before June 30 of each year, the state treasurer shall transfer to the law enforcement retention fund any balance in the law enforcement protection fund in excess of one hundred thousand dollars (\$100,000) that is not obligated for expenses in that current fiscal year."

## **Chapter 56 Section 21 Laws 2022**

SECTION 21. That version of Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6, as amended) that is to become effective July 1, 2022 is amended to read:

"29-13-4. DETERMINATION OF NEEDS AND RATE OF DISTRIBUTION.--

A. Annually on or before April 15, the division shall consider and determine the relative needs as requested by tribal, municipal, school district and university police departments, county sheriff's departments, the department of public safety and the academy for money in the fund in the succeeding fiscal year pursuant to the provisions of Subsections C and E of this section.

B. As necessary during the year, the division shall transfer an amount from the fund to the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund that enables the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund to be maintained at a minimum balance of three hundred fifty thousand dollars (\$350,000) through fiscal year 2023 and one million dollars (\$1,000,000) thereafter.

C. The division shall determine the rate of distribution of money in the fund as follows:

(1) all municipal police, school district police and county sheriff's departments shall be entitled to a rate of distribution of forty-five thousand dollars (\$45,000) through fiscal year 2023 and ninety-five thousand dollars (\$95,000) thereafter;

(2) university police departments shall be entitled to a rate of distribution of forty-five thousand dollars (\$45,000) through fiscal year 2023 and ninety-five thousand dollars (\$95,000) thereafter;

(3) the academy shall be entitled to a rate of distribution of twenty-four thousand five hundred dollars (\$24,500) to carry out the purposes of Section 29-7-7.7 NMSA 1978 and to a rate of distribution of two hundred thousand dollars (\$200,000) to carry out the purposes of the Law Enforcement Training Act;

(4) tribal police departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection D of this section, to one thousand dollars (\$1,000) through fiscal year 2023 and one thousand five hundred dollars (\$1,500) thereafter for each commissioned peace officer in the tribe. To be counted as a commissioned peace officer for the purposes of this paragraph, a commissioned peace officer shall have been assigned to duty and have worked in New Mexico for no fewer than two hundred days in the calendar year immediately prior to the date of payment. Payments shall be made for only those divisions of the tribal police departments that perform services in New Mexico. A tribal police department shall not be eligible for any disbursement under the fund if commissioned peace officers cite non-Indians into the tribal court for civil or criminal citations;

(5) municipal, school district and university police and county sheriff's departments shall be entitled, unless allocations are adjusted pursuant to the provisions

of Subsection D of this section, to one thousand dollars (\$1,000) through fiscal year 2023 and one thousand five hundred dollars (\$1,500) thereafter for each police officer or sheriff's deputy employed full time by that department who has been certified by the law enforcement certification board as a police officer or has been authorized to act as a New Mexico peace officer pursuant to the provisions of Section 29-1-11 NMSA 1978; and

(6) municipal police, sheriff's and school district police departments that assign officers as school resource officers shall be entitled to one thousand dollars (\$1,000) through fiscal year 2023 and one thousand five hundred dollars (\$1,500) thereafter for each assigned school resource officer's training pursuant to Section 29-7-14 NMSA 1978.

D. After distributions are determined in accordance with Subsection A, Subsection B and Paragraphs (1), (2), (3) and (6) of Subsection C of this section, if the balance in the fund is insufficient to permit the total allocations provided by Paragraphs (4) and (5) of Subsection C of this section, the division shall reduce that allocation to the maximum amount permitted by available money.

E. After all distributions have been made in accordance with Subsections A through D of this section, and if the balance in the fund is sufficient, the department of public safety shall be entitled to a rate of distribution of not more than two million dollars (\$2,000,000).

F. The division shall confirm, before making any distribution under this section, that the beneficiary is in compliance with all of the beneficiary's statutory reporting requirements, including those described in Subsection C of Section 29-3-11 NMSA 1978, Subsection B of Section 29-7-7.1 NMSA 1978 and Sections 29-7-7.2, 29-7C-7 and 29-7C-8 NMSA 1978."

## **Chapter 56 Section 22 Laws 2022**

SECTION 22. That version of Section 29-13-7 NMSA 1978 (being Laws 1983, Chapter 289, Section 7, as amended by Laws 2020, Chapter 54, Section 1 and by Laws 2020, Chapter 67, Section 6) that is to become effective July 1, 2022 is amended to read:

"29-13-7. EXPENDITURE LIMITATION--CONTROL.--

A. Except as provided for the academy and the department of public safety in Subsections B and C of this section, amounts distributed from the fund shall be expended only for the following:

(1) the repair and purchase of law enforcement apparatus and equipment, including the financing and refinancing thereof, that meet minimum nationally recognized standards;

(2) the purchase of law enforcement equipment, including protective vests, for police dogs;

(3) expenses associated with advanced law enforcement planning and training;

(4) maintaining the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund at a minimum amount of three hundred fifty thousand dollars (\$350,000) through fiscal year 2023 and one million dollars (\$1,000,000) thereafter;

(5) complying with match or contribution requirements for the receipt of federal funds relating to criminal justice programs;

(6) no more than fifty percent of the replacement salaries of municipal and county law enforcement personnel of municipalities or counties participating in basic law enforcement training;

(7) a law enforcement officer retention differential in the amount of seven thousand five hundred dollars (\$7,500); provided that:

(a) the distribution is requested by a municipality or county law enforcement agency to retain a law enforcement officer who is certified in accordance with the Law Enforcement Training Act and has at least twenty years of actual service credit earned under a municipal police member coverage plan as determined by the public employees retirement association;

(b) the municipality or county law enforcement agency provides seven thousand five hundred dollars (\$7,500) in matching funds to the law enforcement officer;

(c) the law enforcement officer remains employed with that municipality or county law enforcement agency for one additional year; and

(d) the distribution and the matching funds paid to a law enforcement officer shall not constitute the officer's base salary or wages and shall not be considered to be salary or otherwise be used to determine a pension for the purposes of the Public Employees Retirement Act; and

(8) recruiting, providing stipends for and training law enforcement officers engaged in community-oriented policing; provided that any law enforcement officer who receives a stipend in accordance with this paragraph remains employed with the law enforcement agency providing the stipend for one additional year.

B. For the academy, amounts distributed from the fund shall be expended only for providing tourniquet and trauma kits and training on the use of tourniquet and trauma kits pursuant to Section 29-7-7.7 NMSA 1978 and to carry out the purposes of the Law Enforcement Training Act.

C. The amount distributed to the department of public safety:

(1) shall:

(a) be used only to offset overtime-pay-related expenses incurred directly by the department of public safety from the special deployment of state police officers or other emergency assistance to counties or municipalities in response to critical circumstances as authorized by the governor; and

(b) not be expended to hire new personnel; and

(2) may be expended for costs, including travel, fuel, overtime, per diem and ammunition.

D. Amounts distributed from the fund shall be expended only pursuant to approved budgets and upon duly executed vouchers approved as required by law."

## **Chapter 56 Section 23 Laws 2022**

SECTION 23. Section 30-1-8 NMSA 1978 (being Laws 1963, Chapter 303, Section 1-8, as amended) is amended to read:

"30-1-8. TIME LIMITATIONS FOR COMMENCING PROSECUTION.--A person shall not be prosecuted, tried or punished in any court of this state unless the indictment is found or information or complaint is filed within the time as provided:

A. for a second degree felony, within six years from the time the crime was committed;

B. for a third or fourth degree felony, within five years from the time the crime was committed;

C. for a misdemeanor, within two years from the time the crime was committed;

D. for a petty misdemeanor, within one year from the time the crime was committed;

E. for any crime against or violation of Section 51-1-38 NMSA 1978, within three years from the time the crime was committed;

F. for a felony pursuant to Section 7-1-71.3, 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the crime was committed; provided that for a series of crimes involving multiple filing periods within one calendar year, the limitation shall begin to run on December 31 of the year in which the crimes occurred;

G. for an identity theft crime pursuant to Section 30-16-24.1 NMSA 1978, within five years from the time the crime was discovered;

H. for any crime not contained in the Criminal Code or where a limitation is not otherwise provided for, within three years from the time the crime was committed; and

I. for a capital felony, a first degree violent felony or second degree murder pursuant to Subsection B of Section 30-2-1 NMSA 1978, no limitation period shall exist and prosecution for these crimes may commence at any time after the occurrence of the crime."

## **Chapter 56 Section 24 Laws 2022**

SECTION 24. Section 30-20-16 NMSA 1978 (being Laws 1975, Chapter 285, Section 1, as amended) is amended to read:

"30-20-16. BOMB SCARES AND SHOOTING THREATS UNLAWFUL.--

A. Making a bomb scare consists of falsely and maliciously stating to another person that a bomb or other explosive has been placed in such a position that property or persons are likely to be injured or destroyed.

B. Making a shooting threat consists of intentionally communicating to another person an intent to bring a firearm to a property or use the firearm with the intent to:

(1) place a person or group of persons in fear of great bodily harm;

(2) prevent or interrupt the occupation or use of a public building; or

(3) cause a response to the threat by a law enforcement official or volunteer agency organized to deal with emergencies.

C. Whoever commits making a bomb scare is guilty of a fourth degree felony.

D. Whoever commits making a shooting threat is guilty of a misdemeanor.

E. A court may order a person convicted for the offense of making a bomb scare or shooting threat to reimburse the victim of the offense for economic harm caused by that offense.

F. As used in this section, "economic harm" means all direct, incidental and consequential financial harm suffered by a victim of the offense of making a bomb scare or shooting threat. "Economic harm" includes:

- (1) wages, salaries or other compensation lost as a result of the commission of the offense of making a bomb scare or shooting threat;
- (2) the cost of all wages, salaries or other compensation paid to employees for time that those employees are prevented from working as a result of the commission of the offense of making a bomb scare or shooting threat; and
- (3) overhead costs incurred for the period of time that a business is shut down as a result of the commission of the offense of making a bomb scare or shooting threat."

## **Chapter 56 Section 25 Laws 2022**

SECTION 25. Section 30-7-2.2 NMSA 1978 (being Laws 1994, Chapter 22, Section 2) is amended to read:

"30-7-2.2. UNLAWFUL POSSESSION OF A HANDGUN BY A PERSON--  
EXCEPTIONS--PENALTY.--

A. Unlawful possession of a handgun by a person consists of a person knowingly having a handgun in the person's possession or knowingly transporting a handgun, except when the person is:

- (1) in attendance at a hunter's safety course or handgun safety course or participating in a lawful shooting activity;
- (2) engaging in the use of a handgun for target shooting at an established range authorized by the governing body of the jurisdiction in which the range is located or in an area where the discharge of a handgun without legal justification is not prohibited by law;
- (3) engaging in an organized competition involving the use of a handgun;
- (4) participating in or practicing for a performance by an organization that has been granted exemption from federal income tax by the United States commissioner of internal revenue as an organization described in Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended or renumbered;
- (5) engaging in legal hunting or trapping activities;



(6) traveling, with an unloaded handgun in the person's possession, to or from an activity described in Paragraph (1), (2), (3), (4) or (5) of this subsection; or

(7) on real property under the control of the person's parent, grandparent or legal guardian and the person is being supervised by a parent, grandparent or legal guardian.

B. A person who commits unlawful possession of a handgun by a person is guilty of a misdemeanor.

C. As used in this section:

(1) "person" means an individual who is less than nineteen years old;  
and

(2) "handgun" means a loaded or unloaded pistol, revolver or firearm that will or is designed to or may readily be converted to expel a projectile by the action of an explosion and the barrel length of which, not including a revolving, detachable or magazine breech, does not exceed twelve inches."

## **Chapter 56 Section 26 Laws 2022**

SECTION 26. Section 30-7-16 NMSA 1978 (being Laws 1981, Chapter 225, Section 1, as amended) is amended to read:

"30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT, TRANSPORTATION OR POSSESSION BY CERTAIN PERSONS--PENALTY.--

A. It is unlawful for the following persons to receive, transport or possess a firearm or destructive device in this state:

(1) a felon;

(2) a person subject to an order of protection pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978; or

(3) a person convicted of any of the following crimes:

(a) battery against a household member pursuant to Section 30-3-15 NMSA 1978;

(b) criminal damage to property of a household member pursuant to Section 30-3-18 NMSA 1978;

1978; or

- (c) a first offense of stalking pursuant to Section 30-3A-3 NMSA

- (d) a crime listed in 18 U.S.C. 921.

B. A felon found in possession of a firearm shall be guilty of a third degree felony.

C. A serious violent felon that is found to be in possession of a firearm shall be guilty of a third degree felony, and notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a basic term of six years imprisonment.

D. Any person subject to an order of protection pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978 or convicted of a crime listed in Paragraph (3) of Subsection A of this section who receives, transports or possesses a firearm or destructive device is guilty of a misdemeanor.

E. As used in this section:

- (1) except as provided in Paragraph (2) of this subsection, "destructive device" means:

- (a) any explosive, incendiary or poison gas: 1) bomb; 2) grenade; 3) rocket having a propellant charge of more than four ounces; 4) missile having an explosive or incendiary charge of more than one-fourth ounce; 5) mine; or 6) similar device;

- (b) any type of weapon by whatever name known that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell that is generally recognized as particularly suitable for sporting purposes; or

- (c) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in this paragraph and from which a destructive device may be readily assembled;

- (2) the term "destructive device" does not include any device that is neither designed nor redesigned for use as a weapon or any device, although originally designed for use as a weapon, that is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device;

- (3) "felon" means a person convicted of a felony offense by a court of the United States or of any state or political subdivision thereof and:

(a) less than ten years have passed since the person completed serving a sentence or period of probation for the felony conviction, whichever is later;

(b) the person has not been pardoned for the felony conviction by the proper authority; and

(c) the person has not received a deferred sentence;

(4) "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion or the frame or receiver of any such weapon; and

(5) "serious violent felon" means a person convicted of an offense enumerated in Subparagraphs (a) through (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978; provided that:

(a) less than ten years have passed since the person completed serving a sentence or a period of probation for the felony conviction, whichever is later;

(b) the person has not been pardoned for the felony conviction by the proper authority; and

(c) the person has not received a deferred sentence and completed the total term of deferment as provided in Section 31-20-9 NMSA 1978."

## **Chapter 56 Section 27 Laws 2022**

SECTION 27. Section 30-22-1.1 NMSA 1978 (being Laws 2003, Chapter 260, Section 5) is amended to read:

"30-22-1.1. AGGRAVATED FLEEING A LAW ENFORCEMENT OFFICER.--

A. Aggravated fleeing a law enforcement officer consists of a person willfully and carelessly driving a vehicle in a manner that endangers the life of another person after being given a visual or audible signal to stop, whether by hand, voice, emergency light, flashing light, siren or other signal, by a uniformed law enforcement officer in an authorized emergency vehicle pursuant to Section 66-7-6 NMSA 1978 in pursuit in accordance with the provisions of the Law Enforcement Safe Pursuit Act.

B. Whoever commits aggravated fleeing a law enforcement officer that does not result in injury or great bodily harm to another person is guilty of a fourth degree felony.

C. Whoever commits aggravated fleeing a law enforcement officer that results in injury to another person is guilty of a third degree felony."

## **Chapter 56 Section 28 Laws 2022**

SECTION 28. A new section of Chapter 31, Article 3 NMSA 1978 is enacted to read:

"AVAILABILITY OF GLOBAL POSITIONING SYSTEM DATA ON DEFENDANTS ON PRETRIAL RELEASE.--Any public entity that possesses or controls global positioning system data with respect to a defendant on pretrial release shall make that data available without a warrant to a law enforcement officer pursuant to an ongoing and pending criminal investigation for which there is reasonable suspicion to believe the data will be probative. Any data provided to the law enforcement officer shall be limited to data that relates to the criminal investigation and is not more than one year old. The data shall not be made a part of any public record unless admitted as evidence during a criminal trial. The law enforcement officer may request immediate access to the data if it involves an investigation of:

- A. any of the following serious violent felony offenses:
  - (1) murder in the first degree;
  - (2) first or second degree felony human trafficking of a child;
  - (3) first degree felony abuse of a child;
  - (4) sexual exploitation of a child constituting at least a second degree felony; or
  - (5) a serious violent felony offense as provided in Subparagraphs (a) through (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978;
- B. a felony offense during which a firearm was brandished pursuant to Section 31-18-16 NMSA 1978 or during which a firearm was discharged; or
- C. a felony offense during which great bodily harm was inflicted as defined in Section 30-1-12 NMSA 1978 or that caused the death of a person."

## **Chapter 56 Section 29 Laws 2022**

SECTION 29. Section 31-18-15 NMSA 1978 (being Laws 1977, Chapter 216, Section 4, as amended) is amended to read:

"31-18-15. SENTENCING AUTHORITY--NONCAPITAL FELONIES--BASIC SENTENCES AND FINES--PAROLE AUTHORITY--MERITORIOUS DEDUCTIONS.--

A. As used in a statute that establishes a noncapital felony, the following defined felony classifications and associated basic sentences of imprisonment are as follows:

FELONY CLASSIFICATION	BASIC SENTENCE
first degree felony resulting in the death of a child	life imprisonment
first degree felony for aggravated criminal sexual penetration	life imprisonment
first degree felony	eighteen years imprisonment
second degree felony resulting in the death of a human being	fifteen years imprisonment
second degree felony for a sexual offense against a child	fifteen years imprisonment
second degree felony for sexual exploitation of children	twelve years imprisonment
second degree felony	nine years imprisonment
third degree felony resulting in the death of a human being	six years imprisonment
third degree felony for a sexual offense against a child	six years imprisonment
third degree felony for sexual exploitation of children	eleven years imprisonment
third degree felony	three years imprisonment
fourth degree felony for sexual exploitation of children	ten years imprisonment
fourth degree felony	eighteen months imprisonment.

B. The appropriate basic sentence of imprisonment shall be imposed upon a person convicted and sentenced pursuant to Subsection A of this section, unless the court alters the sentence pursuant to the provisions of the Criminal Sentencing Act.

C. A period of parole shall be imposed only for felony convictions wherein a person is sentenced to imprisonment of more than one year, unless the parties to a proceeding agree that a period of parole should be imposed. If a period of parole is imposed, the court shall include in the judgment and sentence of each person convicted and sentenced to imprisonment in a corrections facility designated by the corrections department authority for a period of parole to be served in accordance with the provisions of Section 31-21-10 NMSA 1978 after the completion of any actual time of imprisonment and authority to require, as a condition of parole, the payment of the costs of parole services and reimbursement to a law enforcement agency or local crime stopper program in accordance with the provisions of that section. If imposed, the period of parole shall be deemed to be part of the sentence of the convicted person in addition to the basic sentence imposed pursuant to Subsection A of this section together with alterations, if any, pursuant to the provisions of the Criminal Sentencing Act.

D. When a court imposes a sentence of imprisonment pursuant to the provisions of Section 31-18-15.1, 31-18-16 or 31-18-17 NMSA 1978 and suspends or defers the basic sentence of imprisonment provided pursuant to the provisions of Subsection A of this section, the period of parole shall be served in accordance with the provisions of Section 31-21-10 NMSA 1978 for the degree of felony for the basic sentence for which the inmate was convicted. For the purpose of designating a period of parole, a court shall not consider that the basic sentence of imprisonment was suspended or deferred and that the inmate served a period of imprisonment pursuant to the provisions of the Criminal Sentencing Act.

E. The court may, in addition to the imposition of a basic sentence of imprisonment, impose a fine not to exceed:

(1) for a first degree felony resulting in the death of a child, seventeen thousand five hundred dollars (\$17,500);

(2) for a first degree felony for aggravated criminal sexual penetration, seventeen thousand five hundred dollars (\$17,500);

(3) for a first degree felony, fifteen thousand dollars (\$15,000);

(4) for a second degree felony resulting in the death of a human being, twelve thousand five hundred dollars (\$12,500);

(5) for a second degree felony for a sexual offense against a child, twelve thousand five hundred dollars (\$12,500);

(6) for a second degree felony for sexual exploitation of children, five thousand dollars (\$5,000);

(7) for a second degree felony, ten thousand dollars (\$10,000);

(8) for a third degree felony resulting in the death of a human being, five thousand dollars (\$5,000);

(9) for a third degree felony for a sexual offense against a child, five thousand dollars (\$5,000);

(10) for a third degree felony for sexual exploitation of children, five thousand dollars (\$5,000);

(11) for a third or fourth degree felony, five thousand dollars (\$5,000); or

(12) for a fourth degree felony for sexual exploitation of children, five thousand dollars (\$5,000).

F. When the court imposes a sentence of imprisonment for a felony offense, the court shall indicate whether or not the offense is a serious violent offense as defined in Section 33-2-34 NMSA 1978. The court shall inform an offender that the offender's sentence of imprisonment is subject to the provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38 NMSA 1978. If the court fails to inform an offender that the offender's sentence is subject to those provisions or if the court provides the offender with erroneous information regarding those provisions, the failure to inform or the error shall not provide a basis for a writ of habeas corpus.

G. No later than October 31 of each year, the New Mexico sentencing commission shall provide a written report to the secretary of corrections, all New Mexico criminal court judges, the administrative office of the district attorneys and the chief public defender. The report shall specify the average reduction in the sentence of imprisonment for serious violent offenses and nonviolent offenses, as defined in Section 33-2-34 NMSA 1978, due to meritorious deductions earned by prisoners during the previous fiscal year pursuant to the provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38 NMSA 1978. The corrections department shall allow the commission access to documents used by the department to determine earned meritorious deductions for prisoners."

## **Chapter 56 Section 30 Laws 2022**

SECTION 30. Section 31-18-16 NMSA 1978 (being Laws 1977, Chapter 216, Section 5, as amended) is amended to read:

"31-18-16. USE, BRANDISHING OR DISCHARGE OF FIREARM--ALTERATION OF BASIC SENTENCE--SUSPENSION AND DEFERRAL LIMITED.--

A. When a separate finding of fact by the court or jury shows that a firearm was used in relation to a drug transaction or during the commission of aggravated burglary pursuant to Section 30-16-4 NMSA 1978 or a serious violent offense, the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be

increased by one year, except that when the offender is a serious youthful offender or a youthful offender who received an adult sentence, the sentence imposed by this subsection may be increased by one year.

B. When a separate finding of fact by the court or jury shows that a firearm was brandished in the commission of a noncapital felony, the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be increased by three years, except that when the offender is a serious youthful offender or a youthful offender that received an adult sentence, the sentence imposed by this subsection may be increased by one year.

C. When a separate finding of fact by the court or jury shows that a firearm was discharged in the commission of a noncapital felony, the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be increased by five years, except that when the offender is a serious youthful offender or a youthful offender who received an adult sentence, the sentence imposed by this subsection may be increased by three years.

D. For a second or subsequent offense, when a separate finding of fact by the court or jury shows that a firearm was used, brandished, or discharged in relation to a drug transaction or during the commission of aggravated burglary pursuant to Section 30-16-4 NMSA 1978 or a serious violent offense, the sentence shall be increased by five years, except that when the offender is a serious youthful offender or a youthful offender, the sentence imposed by this section may be increased by three years.

E. If the case is tried before a jury and if a prima facie case has been established showing that a firearm was used, brandished or discharged in relation to a drug transaction or during the commission of aggravated burglary pursuant to Section 30-16-4 NMSA 1978 or a serious violent offense, the court shall submit the issue to the jury by special interrogatory. If the case is tried by the court, the court shall decide the issue and shall make a separate finding of fact thereon.

F. When a separate finding of fact by the court or jury shows that a firearm was used, brandished or discharged in relation to a drug transaction or during the commission of aggravated burglary pursuant to Section 30-16-4 NMSA 1978 or a serious violent offense, the firearm is subject to seizure and forfeiture as an instrumentality pursuant to the provisions of the Forfeiture Act.

G. As used in this section:

(1) "brandished" means displaying or making a firearm known to another person while the firearm is present on the person of the offending party with intent to intimidate or injure a person;



(2) "in relation to a drug transaction" means participating or attempting to participate in the trafficking of a controlled substance pursuant to Section 30-31-20 NMSA 1978, distribution of a controlled substance to a minor pursuant to Section 30-31-21 NMSA 1978 or distribution of a controlled or counterfeit substance pursuant to Section 30-31-22 NMSA 1978 as a seller, purported seller or as an accomplice; and

(3) "serious violent offense" means an offense enumerated in Subparagraphs (a) through (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978."

## **Chapter 56 Section 31 Laws 2022**

SECTION 31. Section 31-28-1 NMSA 1978 (being Laws 2019, Chapter 192, Section 5) is amended to read:

"31-28-1. SHORT TITLE.--Chapter 31, Article 28 NMSA 1978 may be cited as the "Crime Reduction Grant Act"."

## **Chapter 56 Section 32 Laws 2022**

SECTION 32. Section 31-28-4 NMSA 1978 (being Laws 2019, Chapter 192, Section 8) is amended to read:

"31-28-4. APPLICATIONS FOR GRANTS--PURPOSES--CONDITIONS.--

A. A member of a criminal justice coordinating council with the consent of the council may apply to a grant administration agency for a grant to accomplish any of the enumerated purposes provided in Subsection B of this section.

B. Crime reduction grants may be made to:

(1) develop, expand and improve evidence-based treatment and supervision alternatives to incarceration;

(2) reduce barriers to participation by criminal offenders in preprosecution diversion or specialty court programs;

(3) develop or improve pretrial service programs;

(4) develop or improve coordination of services between law enforcement agencies and treatment programs;

(5) establish law enforcement crisis intervention teams;

(6) coordinate access to programs for transitional or reentry homes for individuals recently released from incarceration;

(7) recruit or retain law enforcement officers, prosecutors, public defenders, corrections officers and mental health workers;

(8) develop or expand data-driven policing programs and pretrial services;

(9) staff a criminal justice coordinating council; and

(10) purchase equipment or provide training to support any of the purposes provided in this section.

C. Crime reduction grants shall be conditioned on the criminal justice coordinating council and the recipient member complying with the following:

(1) using not more than five percent of a grant for administrative costs of the recipient;

(2) in consultation with the commission, developing data-sharing agreements and methods of data sharing among criminal justice agencies and with the commission to allow system-wide analysis of criminal justice operations within the judicial district and statewide;

(3) using or developing evidence-based best practices for any programs operated with crime reduction grants;

(4) developing performance measures in consultation with the commission and the grant administration agency relevant to the grantee's application;

(5) collecting data to evaluate the effectiveness of programs operated with crime reduction grants;

(6) evaluating quarterly the process, outputs, outcomes and other performance measures of programs funded with grants for compliance with all provisions of the Crime Reduction Grant Act;

(7) providing a quarterly report to the commission for review and comparison with other programs receiving grants for similar purposes; and

(8) providing an annual report to the grant administration agency by October 1 of each year regarding program outcomes from use of the grant.

D. The commission shall assist with the implementation of data-sharing agreements to ensure compliance with crime reduction grants.

E. Each grant administration agency shall identify and require the use or development of evidence-based best practices for programs operated with crime reduction grants distributed by that grant administration agency.

F. A grant administration agency may consider any outcome reported to it by a grant recipient from a previous year in making a determination of whether to make subsequent grants or the amount of a subsequent grant."

### **Chapter 56 Section 33 Laws 2022**

SECTION 33. Section 34-6-5 NMSA 1978 (being Laws 1968, Chapter 69, Section 8, as amended) is amended to read:

"34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall be thirty district judges in the second judicial district."

### **Chapter 56 Section 34 Laws 2022**

SECTION 34. Section 34-6-8 NMSA 1978 (being Laws 1968, Chapter 69, Section 11, as amended) is amended to read:

"34-6-8. JUDGES--FIFTH JUDICIAL DISTRICT.--There shall be twelve district judges in the fifth judicial district."

### **Chapter 56 Section 35 Laws 2022**

SECTION 35. 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 nine district judges in the thirteenth judicial district."

### **Chapter 56 Section 36 Laws 2022**

SECTION 36. A new section of the Department of Public Safety Act is enacted to read:

"LAW ENFORCEMENT RETENTION FUND--CREATED--RETENTION DIFFERENTIAL DISBURSEMENT--REPORTING.--

A. The "law enforcement retention fund" is created in the state treasury. The fund consists of money appropriated by the legislature, federal money granted to the state for the purposes of the fund, income from investment of the fund and money otherwise accruing to the fund. Money in the fund shall not revert to any other fund at the end of a fiscal year. The department shall administer the fund to provide:

(1) retention differential disbursements for law enforcement officers meeting certain levels of tenure; and

(2) support for disbursement administration processes and reporting compliance.

B. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the secretary of public safety.

C. Contingent on the completion of reporting requirements provided in Subsection G of this section, the department shall determine and distribute annually the amount necessary to provide to a law enforcement agency for the purpose of providing a retention differential disbursement to law enforcement officers employed by that law enforcement agency. A law enforcement agency shall expend funding received for no other purpose than that permitted by this section, and any unexpended balance received by a law enforcement agency pursuant to this section at the end of a fiscal year shall revert to the law enforcement retention fund. The department shall monitor the use of funding and ensure the proper reversions to the law enforcement retention fund.

D. A law enforcement officer shall receive a retention differential disbursement in the amount of five percent of the law enforcement officer's salary upon reaching four, nine, fourteen and nineteen years of service from the anniversary of the law enforcement officer's date of hire with that law enforcement agency; provided that:

(1) the law enforcement officer remains employed as a law enforcement officer with that same law enforcement agency for one additional year; and

(2) the retention differential disbursement shall be calculated based on the salary of the law enforcement officer on those dates.

E. After the calculations for retention differential disbursements are made in accordance with Subsection D of this section, if the balance in the fund is insufficient to permit the total disbursements provided by Subsection D of this section, the department shall reduce that allocation to the maximum amount permitted by available money in the fund.

F. The amount provided for a retention differential disbursement shall include the amount of employer tax liabilities, which shall be paid by the employer at the time the retention differential disbursement is provided to the law enforcement officer.

G. To receive funding pursuant to Subsection C of this section, a law enforcement agency shall make that request to the department prior to June 1 of each fiscal year, and in that request, the agency shall report the following:

(1) the number of officers that are projected to become eligible for a retention differential disbursement in the upcoming fiscal year and the projected amount of the retention differential disbursement, including any employer tax liabilities;

(2) the number of law enforcement officers employed by the law enforcement agency for the last five years;

(3) the number of years of service of each law enforcement officer employed by the law enforcement agency;

(4) the number of law enforcement officers that left the employ of the law enforcement agency in the last year and the stated reasons why each law enforcement officer left the employ of the law enforcement agency;

(5) the number of years of service of each law enforcement officer that left the employ of the law enforcement agency in the last year;

(6) the number of applicants to the law enforcement agency in the last year;

(7) the number of applicants to the law enforcement agency in the last year that attended a law enforcement academy;

(8) the number of law enforcement officers that received one or more certifications in the last year;

(9) the number of law enforcement officers added to the law enforcement agency via lateral transfer and the years of service of each law enforcement officer at each previous law enforcement agency;

(10) any changes to compensation, recruiting, retention or benefits implemented by the law enforcement agency in the last year; and

(11) any other information that is used for determining retention rates unless disclosure of such information is otherwise prohibited by law.

H. The department shall:

(1) provide forms, standards and procedures and related training to law enforcement agencies as necessary for the agencies to report retention information;

(2) maintain the privacy and security of information in accordance with applicable state and federal laws; and

(3) adopt and promulgate rules as necessary to implement the provisions of this section.

I. The annual report and other statistical data reports generated by the department shall include an evaluation of a program's efficacy in law enforcement retention and shall be made available to law enforcement agencies and the public.

J. The department shall provide monthly reports to the department of finance and administration and the legislative finance committee about expenditures from the law enforcement retention fund, including an itemized list of expenditures and the balance remaining in the fund.

K. The department may waive reporting information required by a law enforcement agency pursuant to Subsection G of this section; provided that the department shall provide an explanation of its decision in writing.

L. The department shall submit an annual report providing information collected pursuant to Subsection G of this section to the governor and the legislature no later than December 15 of each year.

M. As used in this section:

(1) "law enforcement agency" means an agency of the state or local political subdivision of the state that employs certified law enforcement officers or the police department of a tribe that has entered into an agreement with the department pursuant to Section 29-1-11 NMSA 1978;

(2) "law enforcement officer" means a full-time salaried public employee of a law enforcement agency, or a certified part-time salaried police officer employed by a law enforcement agency, whose principal duties under law are to hold in custody any person accused of a criminal offense, to maintain public order or to make arrests for crimes; and

(3) "retention differential disbursement" means the amount disbursed from the law enforcement retention fund based on a law enforcement officer's service at a law enforcement agency but is not considered salary for the purpose of calculating retirement benefits."

## **Chapter 56 Section 37 Laws 2022**

SECTION 37. A new section of Chapter 34, Article 9 NMSA 1978 is enacted to read:

"CRITERIA FOR DISTRIBUTION OF GRANTS.--The administrative office of the courts shall establish criteria for the distribution of grants supporting pretrial services statewide and develop a framework for the standardization of pretrial services and supervision, including performance measurement and reporting. The framework and criteria for grant distribution shall incorporate national best practices and modify them as needed and shall explore the use of electronic location monitoring or other modes of pretrial services to enhance the certainty and celerity of punishment of low-level offenses with minimal impact on correctional institutions."

## **Chapter 56 Section 38 Laws 2022**

SECTION 38. SHORT TITLE.--Sections 38 through 46 of this act may be cited as the "Violence Intervention Program Act".

## **Chapter 56 Section 39 Laws 2022**

SECTION 39. DEFINITIONS.--As used in the Violence Intervention Program Act:

- A. "commission" means the New Mexico sentencing commission;
- B. "community-based service provider" means an entity that is eligible to be awarded a contract to provide services that accomplish the purposes of the Violence Intervention Program Act;
- C. "department" means the department of health; and
- D. "grantee" means a state agency, county, municipality or tribal government that has applied for and received funding pursuant to the Violence Intervention Program Act for the purposes of addressing gun violence and aggravated assaults in a locally focused geographic area.

## **Chapter 56 Section 40 Laws 2022**

SECTION 40. VIOLENCE INTERVENTION PROGRAM FUND--CREATED--PURPOSE.--The "violence intervention program fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations. The department shall administer the fund, and money in the fund is appropriated to the department to administer the provisions of the Violence Intervention Program Act and award violence intervention program grants to state agencies, counties, municipalities or tribal governments that the department finds are disproportionately impacted by violent crimes, including homicides, shootings and aggravated assaults. Expenditures from the fund shall be made on warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of health. The department may expend no more than three percent of the balance of the fund each fiscal year for administering the Violence

Intervention Program Act. No money in the fund may be expended in any way except as provided by the Violence Intervention Program Act.

## **Chapter 56 Section 41 Laws 2022**

SECTION 41. VIOLENCE INTERVENTION PROGRAM REQUIREMENTS.--A violence intervention program shall:

- A. use an evidence- or research-based public health approach to reduce gun violence and aggravated assaults;
- B. use focused deterrence, problem-oriented policing and proven law enforcement strategies to reduce gun violence and aggravated assaults;
- C. target a population that is at high risk for victimization or retaliation that results from gun violence or aggravated assault through engaging in the cycles of violence in the community;
- D. use data-driven methods for program development; and
- E. use program funding in a manner that is directly related to the reduction of gun violence and aggravated assaults.

## **Chapter 56 Section 42 Laws 2022**

SECTION 42. GRANT AWARDS.--

A. On or after July 1, 2022, the department shall receive and review applications for grants from the violence intervention program fund. The department may make grants from the fund to state agencies, counties, municipalities or tribal governments that the department finds are disproportionately impacted by violent crimes, including homicides, shootings and aggravated assaults.

B. The department shall make awards of grants from the fund in accordance with the following limitations:

(1) grant awards shall be made to at least two counties, municipalities or tribal governments with a population of fifty thousand or less according to the most recent annual university of New Mexico intercensal population estimate;

(2) at least twenty percent of the total annual amount appropriated to the fund shall be awarded to counties or municipalities with a population of five hundred forty thousand or greater according to the most recent federal decennial census; and



(3) the department of health shall utilize the funds in accordance with department of finance and administration guidelines.

## **Chapter 56 Section 43 Laws 2022**

### SECTION 43. APPLICATION REQUIREMENTS.--

A. Each application for a grant from the violence intervention program fund shall include:

(1) clearly defined, measurable objectives for a proposal to improve public health and safety through evidence-based violence reduction interventions;

(2) a comprehensive violence reduction strategic plan, including consistent quality improvement and quality assurance measures, and a description of the strategies and tasks developed by a state agency, county, municipality or tribal government describing the goals of the plan, including community-based services or joint community-based services and law enforcement intervention strategies;

(3) a description of how a grant award would be used if awarded; and

(4) a list of community-based service providers in the locally focused geographic area in which the grant funds would be used, including those with an expressed commitment to participating in a violence intervention program.

B. The commission shall provide state agencies, counties, municipalities and tribal governments with data relevant to grant applications.

C. An applicant shall notify the appropriate criminal justice coordinating council established pursuant to Section 31-28-3 NMSA 1978 of its grant application.

## **Chapter 56 Section 44 Laws 2022**

### SECTION 44. CONDITIONS OF GRANT.--

A. As a condition of each grant made pursuant to the Violence Intervention Program Act, the department shall require each grantee to use at least fifty percent of its grant for the purpose of entering into contracts with one or more community-based service providers.

B. Each grantee shall report to the appropriate criminal justice coordinating council established pursuant to Section 31-28-3 NMSA 1978 regarding outcomes of the grant.

C. A grant may be awarded to a county or municipality, but shall not be awarded to both a county and a municipality falling within the county.

## **Chapter 56 Section 45 Laws 2022**

SECTION 45. RULES.--The department shall adopt rules necessary to administer the provisions of the Violence Intervention Program Act, including standardized rules pertaining to the collection and sharing of data by grantees.

## **Chapter 56 Section 46 Laws 2022**

### SECTION 46. REPORTS.--

A. Each grantee shall report to the department and the commission by November 1 of each year regarding the:

(1) purpose and amount of each grant received by the grantee for the previous fiscal year; and

(2) processes, outputs and outcomes resulting from each grant approved by the department for the previous fiscal year, including relevant data as required by department rules.

B. Each year through 2027, the department and the commission shall report to the legislature by December 1 regarding the awards and outcomes of each grantee.

## **Chapter 56 Section 47 Laws 2022**

### SECTION 47. A new section of the Criminal Code is enacted to read:

"THREATENING A JUDGE OR AN IMMEDIATE FAMILY MEMBER OF A JUDGE--PENALTY.--

A. No person shall threaten a judge or the immediate family member of a judge with the intent to:

(1) place the judge or the immediate family member of a judge in fear of great bodily harm to the judge or to an immediate family member of the judge;

(2) prevent or interrupt the ability to carry out the judge's job duties; or

(3) retaliate against a judge on account of the performance of the judge's official duties during the judge's term of service.

B. A person who violates the provisions of this section is guilty of a fourth degree felony.

C. As used in this section:

(1) "immediate family member" means a spouse, child, sibling, parent, grandparent or grandchild, and "immediate family member" includes a stepparent, a stepchild, a stepsibling and an adoptive relationship;

(2) "judge" means a current or former justice, judge, magistrate, domestic violence special commissioner or hearing officer; and

(3) "retaliate" means intentionally threatening bodily injury to or damage to the property of a judge or a family member of a judge with the intent to retaliate against the judge for the judge's exercise of the judge's judicial duties and causing the judge or the family member to reasonably believe that the judge's or the family member's person or property is in danger."

## **Chapter 56 Section 48 Laws 2022**

SECTION 48. A new section of the Criminal Code is enacted to read:

"MALICIOUS SHARING OF PERSONAL INFORMATION OF A JUDGE OR AN IMMEDIATE FAMILY MEMBER OF A JUDGE--PENALTY.--

A. No person shall share the personal information of a judge or an immediate family member of a judge with the intent to:

(1) cause harm to the judge or an immediate family member of a judge;

(2) place the judge or an immediate family member of a judge in fear of great bodily harm to the judge or to an immediate family member of the judge; or

(3) prevent or interrupt the ability to carry out the judge's job duties.

B. A person who violates the provisions of this section is guilty of a misdemeanor.

C. As used in this section:

(1) "immediate family member" means a spouse, child, sibling, parent, grandparent or grandchild, and "immediate family member" includes a stepparent, a stepchild, a stepsibling and an adoptive relationship;

(2) "judge" means a current or former justice, judge, magistrate, domestic violence special commissioner or hearing officer; and

(3) "personal information" means a person's personal physical address, personal phone number or physical location."

## **Chapter 56 Section 49 Laws 2022**

SECTION 49. A new section of the Criminal Code is enacted to read:

"OPERATING A CHOP SHOP--PENALTY.--

A. Operating a chop shop consists of a person owning, operating, maintaining, controlling or conducting operations in a chop shop, who knows or should have known that it is a chop shop.

B. Whoever commits operating a chop shop is guilty of a third degree felony.

C. As used in this section:

(1) "chop shop" means a premises where a person possesses, receives, stores, disassembles or alters an unlawfully obtained motor vehicle or vehicle as defined in the Motor Vehicle Code, including the alteration or concealment of any identifying feature or number, including the manufacturer's serial number, engine number, decal or other distinguishing number or identification mark or number placed under assignment of the motor vehicle division of the taxation and revenue department; and

(2) "unlawfully obtained" means obtained by theft, fraud or deceit or obtained without the permission of the owner.

D. Nothing in this section shall be construed to preclude a claim made pursuant to any other section of law."

## **Chapter 56 Section 50 Laws 2022**

SECTION 50. A new section of the Criminal Code is enacted to read:

"CRIMINAL DAMAGE TO PROPERTY BY THEFT OR ATTEMPTED THEFT OF REGULATED MATERIAL--PENALTY.--

A. Criminal damage to property by theft or attempted theft of regulated material consists of the unlawful taking or attempted taking of any regulated material from another that results in any damage to real or personal property. Whoever commits criminal damage to property by theft or attempted theft of regulated material resulting in property

damage or property loss, based on the fair market value of that damage or loss, in an amount of:

- (1) less than one thousand dollars (\$1,000) is guilty of a petty misdemeanor;
- (2) one thousand dollars (\$1,000) or more but less than two thousand five hundred dollars (\$2,500) is guilty of a misdemeanor; or
- (3) two thousand five hundred dollars (\$2,500) or more is guilty of a fourth degree felony.

B. For the purposes of this section:

- (1) "aluminum material" means wire or coil products made from aluminum, an aluminum alloy or an aluminum byproduct;
- (2) "copper or brass material" means:
  - (a) insulated or noninsulated copper wire, hardware or cable of the type used by a public utility, commercial mobile radio service carrier or common carrier that consists of at least twenty-five percent copper; or
  - (b) a copper or brass item of a type commonly used in construction or by a public utility, commercial mobile radio service carrier or common carrier;
- (3) "regulated material" means:
  - (a) aluminum material;
  - (b) copper or brass material;
  - (c) steel material;
  - (d) a utility access cover;
  - (e) a water meter cover;
  - (f) a road or bridge guard rail;
  - (g) a highway or street sign;
  - (h) a traffic directional or control sign or signal; or

and (i) a catalytic converter that is not part of an entire motor vehicle;

(4) "steel material" means infrastructure-grade or construction products made from an alloy of iron, chromium, nickel or manganese.

C. Nothing in this section shall be construed to preclude a claim made pursuant to any other section of law."

## **Chapter 56 Section 51 Laws 2022**

SECTION 51. Section 57-30-2.4 NMSA 1978 (being Laws 2012, Chapter 29, Section 16 and Laws 2012, Chapter 33, Section 16) is amended to read:

"57-30-2.4. RESTRICTED TRANSACTIONS--ADDITIONAL DOCUMENTATION REQUIRED.--

A. A secondhand metal dealer shall not purchase any of the following without written documentation indicating that the seller is the rightful owner or has permission from the rightful owner and that the material was otherwise lawfully obtained:

(1) infrastructure grade regulated material that has been burned to remove insulation, unless the seller can produce written proof that the regulated material was lawfully burned;

(2) regulated material where the manufacturer's make, model, serial or personal identification number or other identifying marks engraved or etched upon the material have been conspicuously removed or altered;

(3) regulated material marked with the name, initials or otherwise identified as the property of an electrical company, a telephone company, a cable company, a water company or other utility company, a railroad or a governmental entity;

(4) a utility access cover;

(5) a water meter cover;

(6) a road or bridge guard rail;

(7) a highway or street sign;

(8) a traffic directional or control sign or signal;

(9) a metal beer keg that is clearly marked as being the property of the beer manufacturer; or

(10) a catalytic converter that is not part of an entire motor vehicle.

B. The department shall promulgate rules that more specifically describe the type of documentation required before a secondhand metal dealer may engage in a transaction described in this section.

C. A secondhand metal dealer shall not purchase or otherwise receive any regulated material that the secondhand metal dealer knows is not lawfully possessed by the person offering to sell or provide the regulated material."

## **Chapter 56 Section 52 Laws 2022**

SECTION 52. A new section of Chapter 30, Article 1 NMSA 1978 is enacted to read:

"DEFENSE BASED ON VICTIM'S GENDER, GENDER IDENTITY, GENDER EXPRESSION OR SEXUAL ORIENTATION PROHIBITED.--

A. It shall not be a defense, justification or excuse in a criminal proceeding that the defendant's conduct was a reaction to the discovery of, knowledge about or potential disclosure of a victim's or witness's actual or perceived:

- (1) gender;
- (2) gender expression;
- (3) gender identity; or
- (4) sexual orientation.

B. It shall not be a defense, justification or excuse in a criminal proceeding that the defendant was romantically propositioned in a nonviolent or non-threatening manner by a person of the same gender or a person who is transgender.

C. Nothing in this section shall prevent a defendant from raising other recognized affirmative defense.

D. As used in this section:

(1) "gender expression" means the external appearance of a person's gender identity, often expressed through the person's behavior, physical appearance or voice, which expression may or may not conform to socially defined behaviors and characteristics typically associated with masculinity or femininity;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth; and

(3) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."

## **Chapter 56 Section 53 Laws 2022**

### SECTION 53. EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 21, 22 and 33 through 35 of this act is July 1, 2022.

B. The effective date of the provisions of Sections 2 through 6 and 7 through 20 of this act is July 1, 2023.

## **LAWS 2022, CHAPTER 57**

**House Bill 7, aa, w/cc**  
**Approved March 9, 2022**

### AN ACT

RELATING TO PUBLIC FINANCE; ENACTING THE OPPORTUNITY ENTERPRISE ACT; AUTHORIZING THE NEW MEXICO FINANCE AUTHORITY TO PROVIDE FINANCING AND LOANS AND TO ENTER INTO LEASES WITH OPPORTUNITY ENTERPRISE PARTNERS; ESTABLISHING TERMS FOR FINANCING, LOANS AND LEASES; CREATING THE OPPORTUNITY ENTERPRISE REVOLVING FUND; TRANSFERRING CERTAIN EXCESS REVENUE FROM THE OPPORTUNITY ENTERPRISE REVOLVING FUND TO THE GENERAL FUND; CREATING THE OPPORTUNITY ENTERPRISE REVIEW BOARD; PROVIDING POWERS AND DUTIES; REQUIRING REPORTS; MAKING AN APPROPRIATION.

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

## **Chapter 57 Section 1 Laws 2022**

SECTION 1. SHORT TITLE.--This act may be cited as the "Opportunity Enterprise Act".



## Chapter 57 Section 2 Laws 2022

SECTION 2. DEFINITIONS.--As used in the Opportunity Enterprise Act:

- A. "authority" means the New Mexico finance authority;
- B. "board" means the opportunity enterprise review board;
- C. "department" means the economic development department;
- D. "economic development opportunities" means the advancement of an environmentally sustainable economic development goal of the state as determined by the authority, in coordination with the department, and includes the creation of jobs, the provision of needed services and commodities to diverse communities across the state and the increase of tax and other revenue collections resulting from the enterprise development project;
- E. "enterprise assistance" means opportunity enterprise financing, an opportunity enterprise lease or an opportunity enterprise loan;
- F. "enterprise development project" means the purchase, planning, designing, building, surveying, improving, operating, furnishing, equipping or maintaining of land, buildings or infrastructure to create or expand economic development opportunities within the state;
- G. "fund" means the opportunity enterprise revolving fund;
- H. "opportunity enterprise partner" means a domestic corporation, a general partnership, a limited liability company, a limited partnership, a public benefit corporation, a nonprofit entity or other private business entity or combination thereof that the authority determines is or will be engaged in an enterprise that creates or expands economic development opportunities within the state and is eligible for enterprise assistance pursuant to the Opportunity Enterprise Act;
- I. "opt-in agreement" means an agreement entered into among the authority, the department and a county, municipality or school district that ensures compliance with all local zoning, permitting and other land use rules and that provides for payments in lieu of taxes to the county, municipality or school district; and
- J. "payment in lieu of taxes" means the total annual payment paid as compensation for the tax impact of an enterprise development project, in an amount negotiated and determined in the opt-in agreement among the authority, the department and the county, school district or, if applicable, municipality where the enterprise development project is located in the same proportional amount as property tax revenues are normally distributed to those recipients.

## **Chapter 57 Section 3 Laws 2022**

SECTION 3. NEW MEXICO FINANCE AUTHORITY--POWERS--DUTIES.--To create or expand economic development opportunities within the state, the authority may:

- A. acquire, whether by construction, purchase, gift or lease, and hold title to or other interest in an enterprise development project;
- B. provide opportunity enterprise financing to opportunity enterprise partners and collect costs and fees associated with that financing;
- C. enter into a contract to lease property to an opportunity enterprise partner and collect rent, costs and fees associated with that lease;
- D. make loans to opportunity enterprise partners and collect payments, including principal, interest costs and fees associated with that loan;
- E. sell or otherwise dispose of any property obtained as a result of an enterprise development project; provided that proceeds received shall be deposited in the fund;
- F. make, execute and enforce all contracts necessary to carry out the provisions of the Opportunity Enterprise Act;
- G. take legal action available to the authority to recover public money or other public resources if an opportunity enterprise partner defaults on its obligations to the authority;
- H. enter into joint powers agreements or other agreements with a state agency or governmental entity, as the authority determines to be appropriate for such purpose;
- I. adopt rules relating to the use of the fund necessary to carry out the provisions of the Opportunity Enterprise Act subject to approval of the New Mexico finance authority oversight committee; and
- J. enter into opt-in agreements where the enterprise development project is located to facilitate the development of an enterprise development project; provided that if included in the opt-in agreement, the authority shall make payments in lieu of taxes to a county, municipality or school district to offset the tax impact of an enterprise development project.

## **Chapter 57 Section 4 Laws 2022**

SECTION 4. ECONOMIC DEVELOPMENT DEPARTMENT--POWERS--DUTIES.--

A. For the purpose of recommending enterprise development projects to the board for enterprise assistance, the department and the board shall coordinate to:

(1) survey potential opportunity enterprise partners and enterprise development projects;

(2) provide outreach services to local governments and potential opportunity enterprise partners for the purpose of making recommendations regarding enterprise assistance; and

(3) evaluate potential opportunity enterprise partners and formulate recommendations regarding suitability for enterprise assistance.

B. The department may, when applicable, enter into opt-in agreements with the authority and the county, school district or, if applicable, municipality where the enterprise development project is located for the purpose of facilitating the development of the enterprise development project.

## **Chapter 57 Section 5 Laws 2022**

### **SECTION 5. OPPORTUNITY ENTERPRISE REVIEW BOARD--CREATED--MEMBERSHIP.--**

A. The "opportunity enterprise review board" is created. The authority shall provide necessary administrative services to the board.

B. The board is composed of the following twelve members:

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

(2) the secretary of finance and administration or the secretary's designee;

(3) the secretary of general services or the secretary's designee;

(4) the state treasurer or the state treasurer's designee;

(5) the state auditor or the state auditor's designee;

(6) one representative appointed by the council of government organizations within the state; and

(7) six public members appointed by the New Mexico legislative council who shall have experience in any one or more of the following:

- (a) the banking and finance industry;
- (b) commercial or industrial credit;
- (c) private equity, venture capital or mutual fund investments;
- (d) commercial real estate development;
- (e) engineering, construction and construction management;
- (f) organized labor;
- (g) urban planning; or
- (h) environmentally sustainable construction and development.

C. Members of the board appointed pursuant to Paragraphs (6) and (7) of Subsection B of this section shall serve for staggered terms of six years; provided that the initial term of members appointed pursuant to Paragraph (7) of Subsection B of this section may be for a term of less than six years, as determined by the New Mexico legislative council, to ensure staggered membership of the board. Members of the board shall serve until their successors are appointed. A member of the board appointed pursuant to Paragraph (6) or (7) of Subsection B of this section may be removed from the board by the appointing authority for failure to attend three consecutive meetings or other cause. A vacancy on the board of an appointed member shall be filled by appointment by the original appointing authority for the remainder of the unexpired term of office; provided that a member who is removed pursuant to this section shall be ineligible for reappointment.

D. Members of the board appointed pursuant to Paragraphs (6) and (7) of Subsection B of this section shall:

- (1) be governed by the provisions of the Governmental Conduct Act; and
- (2) not hold any office or employment in a political party.

E. The members shall select a chair, vice chair and other officers that the board deems necessary, who shall serve a term of two years. The board shall maintain minutes of all meetings of the board, and all meetings shall be held pursuant to the Open Meetings Act.

## **Chapter 57 Section 6 Laws 2022**

### **SECTION 6. OPPORTUNITY ENTERPRISE REVIEW BOARD--POWERS.--**

- A. The board shall:
- (1) meet quarterly and at the call of the chair;
  - (2) receive executed contracts for enterprise assistance;
  - (3) recommend to the authority application forms and procedures for approval of enterprise assistance;
  - (4) develop standards and procedures for the approval of proposed contracts for enterprise assistance;
  - (5) make recommendations to the authority of potential enterprise development projects;
  - (6) determine whether the use of enterprise assistance is a prudent expenditure of public funds and report to the legislature annually on that determination; and
  - (7) make recommendations to the authority of potential rulemaking, application or lending changes to ensure transparent and efficient processes for carrying out the provisions of the Opportunity Enterprise Act.

- B. The board and the department shall coordinate to:
- (1) provide outreach services to local governments and potential opportunity enterprise partners;
  - (2) evaluate opportunity enterprise partners and eligible enterprise development projects for suitability for enterprise assistance; and
  - (3) obtain input and information relevant to carrying out the purposes of the Opportunity Enterprise Act from recipients of enterprise assistance, local governments and local communities.

## **Chapter 57 Section 7 Laws 2022**

SECTION 7. RULEMAKING--BOARD.--The board shall adopt rules necessary to carry out the provisions of the Opportunity Enterprise Act to:

- A. establish procedures for applying and qualifying for enterprise assistance;
- B. establish economic development goals for the state in consultation with the department;

C. govern the application procedures and requirements for enterprise assistance;

D. determine how to select and prioritize applications for enterprise assistance to be funded by the authority; and

E. provide safeguards to protect public money and other public resources subject to the Opportunity Enterprise Act.

## **Chapter 57 Section 8 Laws 2022**

### SECTION 8. ENTERPRISE ASSISTANCE--GENERAL REQUIREMENTS.--

A. An application for enterprise assistance shall:

(1) describe the scope and plans of the enterprise development project or proposed use of leased property by the applicant;

(2) demonstrate that the enterprise development project or lease will create or expand economic development opportunities within the state;

(3) demonstrate that the proposed enterprise development project or lease will comply with applicable state and federal law;

(4) provide sufficient evidence that other means of financing a proposed enterprise development project are unavailable or insufficient; and

(5) include other documentation or certifications that the authority deems necessary.

B. The authority, in coordination with the department, shall:

(1) make the application publicly available, including a description of the scope and plans of the proposed enterprise development project or lease;

(2) ensure that all information relating to the enterprise development project or lease and the evaluation of the application is made publicly available, unless the information includes trade secrets or information that is otherwise unable to be disclosed as provided by law;

(3) prioritize applications for enterprise assistance that demonstrate local support and financial need; and

(4) prior to providing enterprise assistance, determine that:

(a) the proposed enterprise development project or lease will create or expand economic development opportunities within the state;

(b) the proposed enterprise development project or lease will comply with applicable state and federal law; and

(c) other means of financing a proposed enterprise development project are unavailable or insufficient.

C. A contract to provide enterprise assistance shall:

(1) define the roles and responsibilities of the authority and the opportunity enterprise partner;

(2) provide clawback or recapture provisions that protect the public investment in the event of a default on the contract;

(3) provide a finance plan detailing the financial contributions and obligations of the authority and opportunity enterprise partner;

(4) require an opportunity enterprise partner to provide guarantees, letters of credit or other acceptable forms of security, as determined by the authority;

(5) specify how rents, if applicable, will be collected and accounted for;

(6) specify how debts incurred on behalf of the opportunity enterprise partner will be repaid; and

(7) provide that, in the event of a default, the authority may:

(a) elect to take possession of the property, including the succession of all right, title and interest in the enterprise development project; and

(b) terminate the lease or cease any further funding and exercise any other rights and remedies that may be available.

D. The authority may require any document, guarantee or certification from a recipient of enterprise assistance that the authority determines is necessary to ensure economic development opportunities are advanced by the enterprise assistance.

E. The authority may prioritize an application for enterprise assistance for a proposed enterprise development project located in a nonurban community.

F. Enterprise assistance shall only be provided if compliant with the Opportunity Enterprise Act. All contracts for enterprise assistance shall be provided to the board no later than thirty days from the execution of that contract.

G. As used in this section, "nonurban community" means a municipality with a population of less than forty thousand according to the most recent federal decennial census or the unincorporated area of a county.

## **Chapter 57 Section 9 Laws 2022**

### SECTION 9. OPPORTUNITY ENTERPRISE FINANCING.--

A. The authority shall receive and review applications for opportunity enterprise financing. If the authority determines that an enterprise development project is eligible for financing, the authority may enter into a contract with the opportunity enterprise partner to provide financing to that partner, which shall be used to complete that project.

B. The authority shall ensure that all zoning, permitting and other regulatory requirements will be met by the enterprise development project and that the enterprise development project will create or expand economic development opportunities within the state.

C. Financing shall not be subject to repayment if the terms of the contract for financing are carried out by the opportunity enterprise partner. A property associated with the enterprise development project shall be the property of the authority and shall be a property available for lease as provided in Section 10 of the Opportunity Enterprise Act. The authority may enter into agreements with the general services department or other state agency or entity approved by the board to administer and maintain the property as required by the Opportunity Enterprise Act.

D. As provided in rules adopted by the board, upon completion of an enterprise development project, the authority shall allow the opportunity enterprise partner responsible for the completion of that project an opportunity to obtain an opportunity enterprise lease for that property as provided in Section 10 of the Opportunity Enterprise Act; provided that any breach of the terms of the contract for opportunity enterprise financing may preclude that opportunity enterprise partner from leasing the property, and in that event, the property shall be made available for lease to other opportunity enterprise partners.

## **Chapter 57 Section 10 Laws 2022**

### SECTION 10. OPPORTUNITY ENTERPRISE LEASE--TERMS.--

A. The authority shall receive and review applications for opportunity enterprise leases. If the authority determines that an opportunity enterprise partner is eligible for an



opportunity enterprise lease, the authority may enter into a contract to lease an available property to that opportunity enterprise partner in exchange for rent payments, subject to the terms provided by this section. The authority may enter into agreements with the general services department or other state agency or entity approved by the board to administer an opportunity enterprise lease.

B. An opportunity enterprise lease shall:

- (1) require that the property be used solely to create and expand economic development opportunities;
- (2) provide, based on the fair market value of the property, for:
  - (a) sufficient rent; and
  - (b) other securities to ensure the maintenance and protection of the property;
- (3) require that the property be properly insured for the duration of the lease; and
- (4) be bound only by the terms of the lease and any rules promulgated pursuant to the provisions of the Opportunity Enterprise Act.

C. Receipts from the payment of rent owed pursuant to an opportunity enterprise lease shall be deposited in the fund.

## **Chapter 57 Section 11 Laws 2022**

### **SECTION 11. OPPORTUNITY ENTERPRISE LOANS--TERMS--REPAYMENT.--**

A. The authority shall receive and review applications for opportunity enterprise loans. The authority may make loans to opportunity enterprise partners if:

- (1) funding is available;
- (2) the opportunity enterprise partner meets credit and identification criteria, as determined by the authority;
- (3) the opportunity enterprise partner certifies that the proceeds of the loan will be used for an enterprise development project; and
- (4) the opportunity enterprise partner meets any other requirement for an opportunity enterprise loan.

B. The opportunity enterprise partner shall provide the authority with ongoing information requested by the authority.

C. Opportunity enterprise loans shall be made for loan periods of no less than fifteen years and no more than thirty years, as determined by the authority. The loans shall bear an annual interest rate of no less than zero percent.

D. Beginning no later than the third anniversary of the funding date of the loan, payment on the outstanding principal of the loan shall be due on a schedule determined by the authority for the remainder of the loan period.

E. Receipts from the repayment of opportunity enterprise loans shall be deposited in the fund.

F. No provision in an opportunity enterprise loan or the evidence of indebtedness of the loan shall include a penalty or premium for prepayment of the balance of the indebtedness.

G. The authority may provide a guarantee to a federally insured financial institution on behalf of a person who would otherwise be eligible as an opportunity enterprise partner; provided that the proceeds of any guaranteed loan are used for an enterprise development project. A guarantee pursuant to this subsection shall be provided subject to terms approved by the board.

## **Chapter 57 Section 12 Laws 2022**

### **SECTION 12. OPPORTUNITY ENTERPRISE REVOLVING FUND--CREATED-- PERMITTED USES.--**

A. The "opportunity enterprise revolving fund" is created within the authority. The fund consists of appropriations, distributions, transfers, gifts, grants, donations, bequests, fees collected, payments of principal and interest on opportunity enterprise loans, income from rents paid on opportunity enterprise leases, income from investment of the fund and any other money distributed or otherwise allocated to the fund. Balances in the fund at the end of a fiscal year shall not revert to the general fund except as provided in Section 13 of the Opportunity Enterprise Act. The fund shall be administered by the authority as a separate account and may consist of such subaccounts as the authority deems necessary to carry out the purposes of the fund.

B. Money in the fund shall be used by the authority to carry out the provisions of the Opportunity Enterprise Act, including to:

(1) pay the reasonably necessary administrative costs, payments in lieu of taxes and other costs and fees incurred by the authority in carrying out the provisions of that act;

- (2) provide opportunity enterprise financing; and
- (3) make opportunity enterprise loans.

C. Money in the fund that is not needed for immediate disbursement may be deposited or invested in the same manner as other funds administered by the authority.

## **Chapter 57 Section 13 Laws 2022**

### **SECTION 13. EXCESS REVENUE TO THE GENERAL FUND--OPPORTUNITY ENTERPRISE REVOLVING FUND--TRANSFER.--**

A. If, on June 30, 2028 and by June 30 of each fiscal year thereafter, the balance in the fund for that fiscal year exceeds the annual average amount by an amount greater than six percent, the amount in excess of six percent shall be transferred to the general fund. If there is not an excess amount pursuant to this section, no transfer shall be made from the fund.

B. As used in this section, "annual average amount" means the total balance of the fund in the immediately preceding five fiscal years, divided by five.

## **Chapter 57 Section 14 Laws 2022**

### **SECTION 14. REPORTS.--**

A. Prior to October 1, 2023 and each succeeding October 1 thereafter, the authority shall submit a report to the governor, the legislature, the legislative finance committee, the New Mexico finance authority oversight committee, the revenue stabilization and tax policy committee and other appropriate legislative interim committees. The report shall provide details regarding enterprise assistance provided pursuant to the Opportunity Enterprise Act. The report shall include:

- (1) the total amount of enterprise assistance provided for enterprise development projects and state revenue derived from each enterprise development project;
- (2) the total number of loans made pursuant to the Opportunity Enterprise Act; the amount of those loans; the number of loan recipients in a delinquent status, in default or in the process of filing or that have filed for bankruptcy;
- (3) an overview of the industries and types of business entities operating pursuant to an enterprise development project or lease;
- (4) the total number of employees currently employed directly or indirectly related to an enterprise development project or lease; and

(5) any recommended changes to the Opportunity Enterprise Act to ensure proper safeguards for public money and to ensure enterprise assistance is able to efficiently advance the economic development interests of the state.

B. Information obtained by the authority regarding applicants for enterprise financing is confidential and not subject to inspection pursuant to the Inspection of Public Records Act; provided that nothing shall prevent the authority from disclosing:

(1) information required in the report pursuant to this section;

(2) public information pursuant to Paragraphs (1) and (2) of Subsection B of Section 8 of the Opportunity Enterprise Act; and

(3) the names of persons that have received enterprise assistance and the amount of enterprise assistance provided pursuant to the Opportunity Enterprise Act.

## **Chapter 57 Section 15 Laws 2022**

### SECTION 15. CONFLICT OF INTEREST.--

A. If a member of the board or an employee of the authority has an interest, either direct or indirect, in an application or contract relating to enterprise assistance, that interest shall be disclosed to the authority and the board in writing. The person having such interest shall not participate in actions by the board or the authority with respect to that conflict.

B. A person who has a conflict of interest and participates in an action involving that conflict of interest or knowingly fails to notify the authority and the board in writing of that conflict is guilty of a misdemeanor and upon conviction shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

## **Chapter 57 Section 16 Laws 2022**

SECTION 16. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

# **LAWS 2022, SENATE JOINT RESOLUTION 10**

## **A JOINT RESOLUTION**

**PROPOSING TO EXTEND THE LEASE FOR THE DOWNS AT ALBUQUERQUE, INCORPORATED.**

WHEREAS, Section 13-6-3 NMSA 1978 requires ratification and approval by the legislature of a lease for a period exceeding twenty-five years in duration of real property belonging to a state agency, which lease shall be for a consideration of one hundred thousand dollars (\$100,000) or more; and

WHEREAS, the Downs at Albuquerque, incorporated, has, since January 11, 1985, leased from the New Mexico state fair the racetrack, grandstand and casino area of the state fairgrounds, which is operated by the lessee as the Downs at Albuquerque, incorporated, at 300 San Pedro drive NE, Albuquerque, New Mexico; and

WHEREAS, the consideration paid for the lease by the Downs at Albuquerque, incorporated, since January 11, 1985, has been one hundred thousand dollars (\$100,000) or more; and

WHEREAS, the current lease between the parties commenced on January 12, 2012, for a term of three hundred months, or twenty-five years; and

WHEREAS, as a result of the public health orders issued by the department of health in response to the coronavirus disease 2019 pandemic, the Downs at Albuquerque, incorporated, was required to cease all operations effective March 16, 2020; and

WHEREAS, on April 1, 2020, the Downs at Albuquerque, incorporated, served formal notice of a force majeure event pursuant to the terms of the lease; and

WHEREAS, the parties desire to enter into an agreement and release of claims to address issues arising under the lease due to the cessation of the operations of the Downs at Albuquerque, incorporated, during the coronavirus disease 2019 pandemic; and

WHEREAS, as a term of the agreement and release of claims, the parties agree that fifty percent of the April 2020 rent, including rent paid under Sections 2.2, 4.3, 4.3.3, 6.1 and 6.2 of the lease, will be abated and the remaining fifty percent of the rent will be deferred; rent will be deferred for the additional months that the Downs at Albuquerque, incorporated, remained closed; rent will also be deferred for six months after the Downs at Albuquerque, incorporated, was allowed to reopen; and all deferred rent will be paid by

the Downs at Albuquerque, incorporated, in equal monthly installments over the extended term of the lease; and

WHEREAS, as a term of the agreement and release of claims, the parties agree to release and discharge each other from any and all outstanding liabilities, obligations, claims, rights, demands, damages, suits or causes of action relating to matters addressed within the agreement and release of claims; provided that the matters are resolved as provided for in the agreement and release of claims; and

WHEREAS, as a term of the agreement and release of claims, the parties desire to extend the current lease for an additional one hundred twenty months to February 28, 2047;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that an extension of the lease between the New Mexico state fair and the Downs at Albuquerque, incorporated, for the racetrack, grandstand and casino area of the state fairgrounds, which is operated by the lessee as the Downs at Albuquerque, incorporated, until February 28, 2047 be hereby ratified and approved; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the state fair commission.

# **2022 OFFICIAL ROSTER OF THE STATE OF NEW MEXICO**

## **LAWS of the State of New Mexico**

passed by the

SECOND SESSION

of the

FIFTY-FIFTH LEGISLATURE

STATE OF NEW MEXICO

Which convened in the city of Santa Fe, at the Capitol at the Hour of 12:00 Noon on the 18<sup>th</sup> day of January 2022, and adjourned on the 17<sup>th</sup> day of February 2022.

Prepared for Publication by  
Maggie Toulouse Oliver, Secretary of State

## **OFFICIAL ROSTER OF THE STATE OF NEW MEXICO**

### **UNITED STATES SENATORS**

Martin Heinrich, Democrat, Albuquerque  
Ben R. Lujan, Democrat, Santa Fe

### **UNITED STATES REPRESENTATIVES**

Melanie Stansbury, 1<sup>st</sup> Congressional District - Albuquerque  
Yvette Herrell, Republican, 2<sup>nd</sup> Congressional District - Las Cruces  
Teresa Leger Fernandez, Democrat, 3<sup>rd</sup> Congressional District - Santa Fe

### **STATE OFFICIALS**

Michelle Lujan Grisham, Democrat	Governor
Howie C. Morales, Democrat	Lieutenant Governor
Maggie Toulouse Oliver, Democrat	Secretary of State
Brian S. Colón, Democrat	State Auditor
Tim Eichenberg, Democrat	State Treasurer
Hector Balderas, Democrat	Attorney General
Stephanie Garcia Richard, Democrat	Commissioner of Public Lands
Cynthia B. Hall, Democrat	Public Regulation Commissioner, District 1
Jefferson L. Byrd, Republican	Public Regulation Commissioner, District 2
Joseph M. Maestas, Democrat	Public Regulation Commissioner, District 3
Theresa A. Becenti-Aguilar, Democrat	Public Regulation Commissioner, District 4
Stephen H. Fischmann, Democrat	Public Regulation Commissioner, District 5

### **JUSTICES OF THE SUPREME COURT**

Michael E. Vigil, Chief Justice  
 C. Shannon Bacon  
 David K. Thomson  
 Julie J. Vargas  
 Briana H. Zamora

### **JUDGES OF THE COURT OF APPEALS**

J. Miles Hanisee, Chief Judge  
 Jennifer L. Attrep  
 Kristina Bogardus  
 Jacqueline R. Medina  
 Megan P. Duffy  
 Zachary A. Ives  
 Shammara H. Henderson  
 Jane B. Yohalem  
 Gerald E. Baca  
 Katherine Anne Wray

### **DISTRICT COURTS DISTRICT JUDGES**

#### **FIRST JUDICIAL DISTRICT Santa Fe, Los Alamos and Rio Arriba Counties**

Division I	Francis J. Mathew	Santa Fe
Division II	Maria E. Sanchez-Gagne	Santa Fe
Division III	Shannon Broderick Bulman	Santa Fe
Division IV	Sylvia F. LaMar	Santa Fe



Division V	Jason C. Lidyard	Santa Fe
Division VI	Bryan Biedscheid	Santa Fe
Division VII	T. Glenn Ellington	Santa Fe
Division VIII	Mary L. Marlowe Sommer	Santa Fe
Division IX	Matthew J. Wilson	Santa Fe
Division X	Kathleen McGarry Ellenwood	Santa Fe

**SECOND JUDICIAL DISTRICT  
Bernalillo County**

Division I	William Parnall	Albuquerque
Division II	Stan Whitaker	Albuquerque
Division III	Brett R. Loveless	Albuquerque
Division IV	Beatrice J. Brickhouse	Albuquerque
Division V	Nancy J. Franchini	Albuquerque
Division VI	Daniel E. Ramczyk	Albuquerque
Division VII	Alma C. Roberson	Albuquerque
Division VIII	Catherine Begaye	Albuquerque
Division IX	Cindy Leos	Albuquerque
Division X	Bruce Fox	Albuquerque
Division XI	Gerard Lavelle	Albuquerque
Division XII	Elaine P. Lujan	Albuquerque
Division XIII	Lisa Chavez Ortega	Albuquerque
Division XIV	Marie Ward	Albuquerque
Division XV	Courtney B. Weaks	Albuquerque
Division XVI	Jennifer J. Wernersbach	Albuquerque
Division XVII	Erin B. O'Connell	Albuquerque
Division XVIII	Denise Barela-Shepherd	Albuquerque
Division XIX	Benjamin Chavez	Albuquerque
Division XX	Britt M. Baca-Miller	Albuquerque
Division XXI	Alisa Hart	Albuquerque
Division XXII	Amber Chavez Baker	Albuquerque
Division XXIII	Joshua A. Allison	Albuquerque
Division XXIV	Debra Ramirez	Albuquerque
Division XXV	Jane Levy	Albuquerque
Division XXVI	Joseph Montano	Albuquerque
Division XXVII	Victor Lopez	Albuquerque
Division XXVIII	Clara Moran	Albuquerque
Division XXIX	Lucy Solimon	Albuquerque

**THIRD JUDICIAL DISTRICT  
Doña Ana County**

Division I	Manuel I. Arrieta	Las Cruces
Division II	Vacant	Las Cruces
Division III	Conrad F. Perea	Las Cruces
Division IV	Mary W. Rosner	Las Cruces
Division V	Casey Fitch	Las Cruces
Division VI	James T. Martin	Las Cruces
Division VII	Douglas R. Driggers	Las Cruces
Division VIII	Grace B. Duran	Las Cruces
Division IX	Richard M. Jacquez	Las Cruces

**FOURTH JUDICIAL DISTRICT**  
**Guadalupe, Mora and San Miguel Counties**

Division I	Michael A. Aragon	Las Vegas
Division II	Abigail P. Aragon	Las Vegas
Division III	Flora Gallegos	Las Vegas

**FIFTH JUDICIAL DISTRICT**  
**Lea, Eddy and Chaves Counties**

Division I	Eileen Riordan	Carlsbad
Division II	Thomas E. Lilley	Roswell
Division III	William G.W. Shoobridge	Lovington
Division IV	Mark Sanchez	Lovington
Division V	Jane Shuler Gray	Carlsbad
Division VI	James M. Hudson	Roswell
Division VII	Michael H. Stone	Lovington
Division VIII	Jared G. Kallunki	Roswell
Division IX	Lisa Riley	Carlsbad
Division X	Dustin K. Hunter	Roswell
Division XI	Lee A. Kirksey	Lovington

**SIXTH JUDICIAL DISTRICT**  
**Grant, Hidalgo and Luna Counties**

Division I	Thomas F. Stewart	Silver City
Division II	Jennifer E. DeLaney	Deming
Division III	James B. Foy	Silver City
Division IV	Jarod K. Hofacket	Deming

**SEVENTH JUDICIAL DISTRICT**  
**Catron, Sierra, Socorro and Torrance Counties**

Division I	Mercedes C. Murphy	Socorro
Division II	Roscoe A. Woods	Sierra
Division III	Shannon Murdock	Torrance

**EIGHTH JUDICIAL DISTRICT**  
**Colfax, Union and Taos Counties**

Division I	Emilio J. Chavez	Raton
Division II	Melissa Kennelly	Taos
Division III	Jeffrey A. Shannon	Taos

**NINTH JUDICIAL DISTRICT**  
**Curry and Roosevelt Counties**

Division I	Benjamin S. Cross	Clovis
Division II	Drew D. Tatum	Clovis
Division III	Fred T. Van Soelen	Clovis
Division IV	Donna J. Mowrer	Portales
Division V	David P. Reeb	Clovis

**TENTH JUDICIAL DISTRICT**  
**Quay, DeBaca, and Harding Counties**

Division I	Albert J. Mitchell, Jr.	Tucumcari
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**ELEVENTH JUDICIAL DISTRICT**  
**McKinley and San Juan Counties**

Division I	Bradford J. Dalley	Farmington
Division II	Louis E. DePauli, Jr.	Gallup
Division III	Sarah V. Weaver	Farmington
Division IV	Curtis R. Gurley	Aztec
Division V	R. David Pederson	Gallup
Division VI	Daylene A. Marsh	Aztec
Division VII	Robert A. Aragon	Gallup
Division VIII	Karen L. Townsend	Aztec

**TWELFTH JUDICIAL DISTRICT  
Lincoln and Otero Counties**

Division I	Steven Blankinship	Alamogordo
Division II	Ellen R. Jessen	Alamogordo
Division III	Daniel A. Bryant	Alamogordo
Division IV	Angie K. Schneider	Alamogordo
Division V	John P. Sugg	Carrizozo

**THIRTEENTH JUDICIAL DISTRICT  
Cibola, Sandoval & Valencia Counties**

Division I	James Lawrence Sanchez	Los Lunas
Division II	George P. Eichwald	Bernalillo
Division III	Allen R. Smith	Los Lunas
Division IV	Amanda Sanchez Villalobos	Grants
Division V	James A. Noel	Bernalillo
Division VI	Cindy M. Mercer	Los Lunas
Division VII	Christopher G. Perez	Bernalillo
Division VIII	Cheryl H. Johnston	Bernalillo

**DISTRICT ATTORNEYS**

First Judicial District	Mary V. Carmack-Altwhies	Santa Fe, Los Alamos & Rio Arriba
Second Judicial District	Raul Torrez	Bernalillo
Third Judicial District	Gerald Milton Byers	Doña Ana
Fourth Judicial District	Thomas A. Clayton	San Miguel, Mora & Guadalupe
Fifth Judicial District	Dianna Luce	Eddy, Chaves & Lea
Sixth Judicial District	Michael R. Renteria	Grant, Luna & Hidalgo
Seventh Judicial District	Clint Wellborn	Socorro, Torrance & Sierra
Eighth Judicial District	Marcus J. Montoya	Taos, Colfax & Union
Ninth Judicial District	Andrea Reeb	Curry & Roosevelt
Tenth Judicial District	Timothy Rose	Quay, Harding & DeBaca
Eleventh Judicial District	Rick Tedrow	San Juan
	Bernadine Martin	McKinley
Twelfth Judicial District	Scot D. Key	Otero & Lincoln
Thirteenth Judicial District	Barbara Romo	Cibola, Sandoval & Valencia

**STATE SENATORS SERVING IN THE FIFTY-FIFTH LEGISLATURE  
STATE OF NEW MEXICO**

**SECOND SESSION  
CONVENED JANUARY 18, 2022**

<u>District</u>	<u>County</u>	<u>Name</u>	<u>City</u>
1	San Juan	William E. Sharer	Farmington
2	San Juan	Steven P. Neville	Aztec
3	McKinley and San Juan	Shannon D. Pinto	Tohatchi
4	Cibola, McKinley and San Juan	George K. Muñoz	Gallup
5	Los Alamos, Rio Arriba, Sandoval and Santa Fe	Leo Jaramillo	Española
6	Los Alamos, Rio Arriba, Santa Fe and Taos	Roberto "Bobby" Gonzales	Ranchos de Taos
7	Curry, Quay and Union	Pat Woods	Broadview
8	Colfax, Guadalupe, Harding, Mora, Quay, San Miguel & Taos	Pete Campos	Las Vegas
9	Bernalillo and Sandoval	Brenda Grace McKenna	Corrales
10	Bernalillo and Sandoval	Katy M. Duhigg	Albuquerque
11	Bernalillo	Linda M. Lopez	Albuquerque
12	Bernalillo	Gerald Ortiz y Pino	Albuquerque
13	Bernalillo	Bill B. O'Neill	Albuquerque
14	Bernalillo	Michael Padilla	Albuquerque
15	Bernalillo	Daniel A. Ivey-Soto	Albuquerque
16	Bernalillo	Antoinette Sedillo Lopez	Albuquerque
17	Bernalillo	Mimi Stewart	Albuquerque
18	Bernalillo	Bill Tallman	Albuquerque
19	Bernalillo, Sandoval, Santa Fe and Torrance	Gregg W. Schmedes	Albuquerque
20	Bernalillo	Martin E. Hickey	Albuquerque
21	Bernalillo	Mark Moores	Albuquerque
22	Bernalillo, McKinley, Rio Arriba, San Juan and Sandoval	Benny Shendo Jr.	Jemez Pueblo
23	Bernalillo	Harold J. Pope Jr.	Albuquerque
24	Santa Fe	Nancy Rodriguez	Santa Fe
25	Santa Fe	Peter Wirth	Santa Fe
26	Bernalillo	Jacob R. Candelaria	Albuquerque
27	Chaves, Curry, De Baca, Lea and Roosevelt	Stuart Ingle	Portales

28	Catron, Grant and Socorro	Siah Correa Hemphill	Silver City
29	Bernalillo and Valencia	Gregory A. Baca	Belen
30	Cibola, Socorro, McKinley and Valencia	Joshua A. Sanchez	Bosque
31	Doña Ana	Joseph Cervantes	Las Cruces
32	Chaves, Eddy and Otero	Cliff R. Pirtle	Roswell
33	Chaves, Lincoln and Otero	William F. Burt	Alamogordo
34	Doña Ana, Eddy and Otero	Ron Griggs	Alamogordo
35	Doña Ana, Hidalgo, Luna and Sierra	Crystal R. Diamond	Elephant Butte
36	Doña Ana	Jeff Steinborn	Las Cruces
37	Doña Ana	William P. Soules	Las Cruces
38	Doña Ana	Carrie Hamblen	Las Cruces
39	Bernalillo, Lincoln, San Miguel, Santa Fe, Torrance and Valencia	Elizabeth "Liz" Stefanics	Cerrillos
40	Sandoval	Craig W. Brandt	Rio Rancho
41	Eddy and Lea	David M. Gallegos	Eunice
42	Chaves, Eddy and Lea	Gay G. Kernan	Hobbs

**STATE REPRESENTATIVES SERVING IN THE FIFTY-FIFTH LEGISLATURE  
STATE OF NEW MEXICO  
SECOND SESSION  
CONVENED JANUARY 18, 2022**

<u>District</u>	<u>County</u>	<u>Name</u>	<u>City</u>
1	San Juan	Rod Montoya	Farmington
2	San Juan	James R.J. Strickler	Farmington
3	San Juan	T. Ryan Lane	Aztec
4	San Juan	Anthony Allison	Fruitland
5	McKinley and San Juan	D. Wonda Johnson	Rehoboth
6	Cibola and McKinley	Eliseo Lee Alcon	Milan
7	Valencia	Kelly K. Fajardo	Los Lunas
8	Valencia	Brian Baca	Los Lunas
9	McKinley and San Juan	Patricia A. Lundstrom	Gallup
10	Bernalillo	G. Andrés Romero	Albuquerque
11	Bernalillo	Javier Martínez	Albuquerque
12	Bernalillo	Brittney Aileene Barreras	Albuquerque
13	Bernalillo	Patricia Roybal Caballero	Albuquerque
14	Bernalillo	Miguel P. Garcia	Albuquerque
15	Bernalillo	Dayan Hochman-Vigil	Albuquerque

16	Bernalillo	Antonio Maestas	Albuquerque
17	Bernalillo	Deborah A. Armstrong	Albuquerque
18	Bernalillo	Gail Chasey	Albuquerque
19	Bernalillo	Kay Bounkeua	Albuquerque
20	Bernalillo	Meredith A. Dixon	Albuquerque
21	Bernalillo	Debra M. Sariñana	Albuquerque
22	Bernalillo, Sandoval and Santa Fe	Stefani Lord	Sandia Park
23	Bernalillo and Sandoval	Daymon Ely	Corrales
24	Bernalillo	Elizabeth "Liz" Thomson	Albuquerque
25	Bernalillo	Christine Trujillo	Albuquerque
26	Bernalillo	Georgene Louis	Albuquerque
27	Bernalillo	Marian Matthews	Albuquerque
28	Bernalillo	Pamelya Herndon	Albuquerque
29	Bernalillo	Joy Garratt	Albuquerque
30	Bernalillo	Natalie Figueroa	Albuquerque
31	Bernalillo	William "Bill" R. Rehm	Albuquerque
32	Grant, Hidalgo and Luna	Candie G. Sweetser	Deming
33	Doña Ana	Micaela Lara Cadena	Mesilla
34	Doña Ana	Raymundo Lara	Chamberino
35	Doña Ana	Angelica Rubio	Las Cruces
36	Doña Ana	Nathan P. Small	Las Cruces
37	Doña Ana	Joanne J. Ferrary	Las Cruces
38	Grant, Hidalgo and Sierra	Rebecca Dow	Truth or Consequences
39	Doña Ana, Grant and Sierra	Luis M. Terrazas	Silver City
40	Colfax, Mora, Rio Arriba and San Miguel	Roger Evan Montoya	Velarde
41	Rio Arriba, Santa Fe and Taos	Susan K. Herrera	Embudo
42	Taos	Kristina Ortez	Taos
43	Los Alamos, Rio Arriba, Sandoval and Santa Fe	Christine Chandler	Los Alamos
44	Sandoval	Jane E. Powdrell- Culbert	Corrales
45	Santa Fe	Linda Michelle Serrato	Santa Fe
46	Santa Fe	Andrea Romero	Santa Fe
47	Santa Fe	Brian Egolf	Santa Fe
48	Santa Fe	Tara L. Lujan	Santa Fe
49	Catron, Socorro and Valencia	Gail Armstrong	Magdalena

50	Bernalillo, Santa Fe, Torrance and Valencia	Matthew McQueen	Santa Fe
51	Otero	Rachel A. Black	Alamogordo
52	Doña Ana	Doreen Y. Gallegos	Las Cruces
53	Doña Ana and Otero	Willie D. Madrid	Chaparral
54	Chaves, Eddy and Otero	James G. Townsend	Artesia
55	Eddy	Cathrynn N. Brown	Carlsbad
56	Lincoln and Otero	Zachary J. Cook	Ruidoso
57	Sandoval	Jason C. Harper	Rio Rancho
58	Chaves	Candy Spence Ezzell	Roswell
59	Chaves and Lincoln	Greg Nibert	Roswell
60	Sandoval	Joshua N. Hernandez	Rio Rancho
61	Lea	Randall T. Pettigrew	Lovington
62	Lea	Larry R. Scott	Hobbs
63	Curry, DeBaca, Guadalupe, Roosevelt and San Miguel	Martin R. Zamora	Clovis
64	Curry	Randal S. Crowder	Clovis
65	Rio Arriba, Sandoval and San Juan	Derrick J. Lente	Sandia Pueblo
66	Chaves, Lea and Roosevelt	Phelps Anderson	Roswell
67	Colfax, Curry, Harding, Quay, Roosevelt, San Miguel and Union	Jack Chatfield	Mosquero
68	Bernalillo	Karen C. Bash	Albuquerque
69	Bernalillo, Cibola, McKinley, Socorro, San Juan and Valencia	Harry Garcia	Grants
70	San Miguel, Santa Fe and Torrance	Ambrose M. Castellano	Serafina