

**Laws 2025**

**First Session, Fifty-Seventh 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-Seventh State Legislature of New Mexico in its First Session, which convened on the 2<sup>1st</sup> day of January, 2025, and adjourned on the 22<sup>nd</sup> day of March, 2025, 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** have been photographically reproduced without changes and that any errors must be attributed to the original, as certified by the Enrolling and Engrossing and Judiciary Committees of the Fifty-Seventh Legislature of the State of New Mexico, First 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 17<sup>th</sup> day of  
April 2025.

Maggie Louisa Olin

Maggie Toulouse Oliver  
Secretary of State

# **LAWS 2025, CONSTITUTIONAL AMENDMENT 1**

## **House Joint Resolution 2, aa**

### **A JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 22 OF THE CONSTITUTION OF NEW MEXICO TO REQUIRE THE GOVERNOR TO PROVIDE VETO MESSAGES ON ALL BILLS VETOED IN WHOLE OR IN PART AND TO PROVIDE THAT ALL BILLS PASSED BY THE LEGISLATURE AND NOT ACTED ON BY THE GOVERNOR WILL BECOME LAW.

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

## **Constitutional Amendment 1 Section 1 Laws 2025**

SECTION 1. It is proposed to amend Article 4, Section 22 of the constitution of New Mexico to read:

"A. Every bill passed by the legislature shall, before it becomes a law, be presented to the governor for approval. If the governor approves, the governor shall sign it and deposit it with the secretary of state; if the governor disapproves, the governor shall veto it and return it to the house in which it originated to be entered at large upon the journal; and such bill shall not become a law unless thereafter approved by two-thirds of the members present and voting in each house by yea and nay vote entered upon its journal. Any bill not returned by the governor within three days, Sundays excepted, after being presented to the governor, shall become a law, whether signed by the governor or not, unless the legislature by adjournment prevent such return.

B. Every bill presented to the governor during the last three days of the session shall be approved or vetoed by the governor within twenty days after the adjournment and shall be by the governor immediately deposited with the secretary of state. Unless vetoed by the governor, such a bill passed by the legislature shall become a law.

C. The governor may in like manner approve or disapprove any part or parts, item or items, of any bill appropriating money, and such parts or items approved shall become a law, and such as are disapproved shall be void unless passed over the governor's veto.

D. Any veto of a bill in whole or in part by the governor shall include a substantive explanation for the veto. The explanation for the veto shall be returned with the bill to the house in which the bill originated or deposited with the bill with the secretary of state, as herein provided."

## **Constitutional Amendment 1 Section 2 Laws 2025**

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 2025, CHAPTER 1

House Bill 1, w/ec

Approved January 23, 2025

## AN ACT

RELATING TO THE LEGISLATIVE BRANCH OF GOVERNMENT; MAKING APPROPRIATIONS FOR THE EXPENSE OF THE FIFTY-SEVENTH LEGISLATURE, FIRST SESSION, 2025, AND FOR OTHER LEGISLATIVE EXPENSES, INCLUDING THE LEGISLATIVE COUNCIL SERVICE, THE LEGISLATIVE FINANCE COMMITTEE, THE LEGISLATIVE EDUCATION STUDY COMMITTEE, THE SENATE RULES COMMITTEE, THE HOUSE CHIEF CLERK'S OFFICE, THE SENATE 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 2025

### 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 first session of the fifty-seventh legislature for per diem and mileage of its members, for salaries of employees and for other expenses of the legislature, eleven million four hundred forty-seven thousand eight hundred dollars (\$11,447,800) 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 senators  | \$550,700;   |
| (2) | per diem for members of the house of representatives   | \$917,700;   |
| (3) | mileage traveled by members of the senate going to and returning from the seat of government by the usually traveled route, one round trip                   | \$7,800;     |
| (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 | \$12,900;    |
| (5) | salaries and employee benefits of senate employees   | \$3,500,000; |

(6) salaries and employee benefits of house of representatives employees \$3,490,700;

(7) for expense of the senate not itemized above, two hundred twenty thousand four hundred dollars (\$220,400). No part of this item may be transferred to salaries or employee benefits;

(8) for expense of the house of representatives not itemized above, five hundred six thousand two hundred dollars (\$506,200). 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, two million two hundred forty-one thousand four hundred dollars (\$2,241,400) to be disbursed upon vouchers signed by the director of the legislative council service or the director's designee.

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

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

## **Chapter 1 Section 2 Laws 2025**

SECTION 2. BILLS AND OTHER PRINTED MATERIALS.--For the first session of the fifty-seventh legislature, bills, resolutions, joint resolutions, memorials and joint memorials delivered to the printer shall be returned by the printer to the joint billroom within forty-two hours after they are ordered to be printed. The billroom personnel shall supply a complete file of bills, resolutions, joint resolutions, memorials, joint memorials and other printed distribution materials to the following:

A. upon request, one copy to each member of the house of representatives and the senate;

B. 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

C. 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.

## **Chapter 1 Section 3 Laws 2025**

SECTION 3. LEGISLATIVE COUNCIL SERVICE.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2026, to be disbursed upon vouchers signed by the director of the legislative council service or the director's designee, the following:

Personal Services & Employee Benefits	\$10,122,400
Contractual Services	620,000
Other Costs	1,442,200
Total	\$12,184,600.

## **Chapter 1 Section 4 Laws 2025**

SECTION 4. LEGISLATURE.--There is appropriated from the general fund, unless otherwise indicated, for the expense of the legislative department, not provided for in Section 1 of this act, for expenditure in fiscal year 2026, 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, four million dollars (\$4,000,000); 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, five hundred ten thousand dollars (\$510,000);

C. for a statewide legislative intern program, sixty-one thousand eight hundred dollars (\$61,800);

D. for dues and fees of national organizations of which the legislature is a member, four hundred sixty-five thousand eight hundred dollars (\$465,800);

E. for the legislative information system, for fiscal years 2025 and 2026, three million one hundred eighty-eight thousand nine hundred dollars (\$3,188,900);

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

G. for the contractual services of the capitol buildings planning commission, two hundred fifty-seven thousand five hundred dollars (\$257,500);

H. for legislative district staff, including salaries and benefits, information technology equipment and software, furniture, supplies, office space and other necessary support, fourteen million dollars (\$14,000,000). Any unexpended or unencumbered balance remaining at the end of fiscal year 2026 from the appropriation in this subsection shall revert to the general fund;

I. for expenditure in fiscal years 2026 through 2028 from legislative cash balances for equipment, furniture, upgrades and repairs for the state capitol complex, four million dollars (\$4,000,000);

J. for expenditure in fiscal years 2025 and 2026 from legislative cash balances for the ongoing planning, output development and design of a legislative processing system, five hundred thousand dollars (\$500,000); and

K. for expenditure in fiscal years 2025 and 2026 from legislative cash balances for the New Mexico legislature's support of the legislative clerks and secretaries section of the national conference of state legislatures to perform such functions as are necessary to prepare for the 2025 annual meeting to be held in Santa Fe, one hundred thousand dollars (\$100,000).

## **Chapter 1 Section 5 Laws 2025**

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

A. for expenditure in fiscal year 2026, the following:

Personal Services & Employee Benefits	\$6,525,100
Contractual Services	386,000
Other Costs	549,600
Total	\$7,460,700;

B. for expenditure in fiscal year 2025, seven hundred fifty thousand dollars (\$750,000) for ongoing collaboration on the salary study related to the state's job architecture for classified employees; and

C. for expenditure in fiscal year 2025, three hundred fifty thousand dollars (\$350,000) to purchase economic analysis software.

## **Chapter 1 Section 6 Laws 2025**

SECTION 6. LEGISLATIVE EDUCATION STUDY COMMITTEE.--There is appropriated from the general fund to the legislative education study committee for expenditure in fiscal year 2026, to be disbursed on vouchers signed by the chair of the committee or the chair's designated representative, the following:

Personal Services & Employee Benefits	\$1,686,200
Contractual Services	70,000
Other Costs	190,000
Total	\$1,946,200.

## **Chapter 1 Section 7 Laws 2025**

SECTION 7. HOUSE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2026 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	\$3,152,800
Contractual Services	444,400
Other Costs	72,600
Total	\$3,669,800.

## **Chapter 1 Section 8 Laws 2025**

SECTION 8. SENATE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2026 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	\$2,804,800
Contractual Services	511,300
Other Costs	105,900
Total	\$3,422,000.

## **Chapter 1 Section 9 Laws 2025**

SECTION 9. OFFICIAL MASTER DATABASE OF LAWS--SELF-PUBLICATION--FREE ACCESS TECHNOLOGY--HARD-COPY PUBLICATION.--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 technology for freely accessible laws and hard-copy publication, four hundred thousand dollars (\$400,000) for expenditure during fiscal years 2025 and 2026.

## **Chapter 1 Section 10 Laws 2025**

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 2025**

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 2025**

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

# **LAWS 2025, CHAPTER 2**

**Senate Bill 1, aa**

**Approved February 27, 2025**

AN ACT

RELATING TO PUBLIC FUNDS; CREATING THE BEHAVIORAL HEALTH TRUST FUND AND THE BEHAVIORAL HEALTH PROGRAM FUND.

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

## **Chapter 2 Section 1 Laws 2025**

### **SECTION 1. BEHAVIORAL HEALTH TRUST FUND.--**

A. The "behavioral health trust fund" is created as a nonreverting fund in the state treasury. The fund consists of distributions, appropriations, gifts, grants and donations. Income from investment of the fund shall be credited to the fund. Money in the fund shall be expended only as provided in this section.

B. The state investment officer shall invest money in the fund in accordance with the prudent investor rule as set forth in Chapter 6, Article 8 NMSA 1978 and in consultation with the health care authority.

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

D. On July 1, 2026 and each July 1 thereafter, a distribution shall be made from the behavioral health trust fund to the behavioral health program fund in an amount equal to five percent of the average of the year-end market values of the trust fund for the immediately preceding three calendar years. If, on July 1 of a year, the trust fund has been in effect for less than three calendar years, the distribution shall be in an amount equal to five percent of the average of the year-end market values of the trust fund for the immediately preceding number of calendar years that the trust fund has been in effect. For fiscal years 2026 and 2027, any unexpended or unencumbered balance remaining after the distribution is made in that fiscal year shall be included in the calculation of state reserves.

## **Chapter 2 Section 2 Laws 2025**

### **SECTION 2. BEHAVIORAL HEALTH PROGRAM FUND.--**

A. The "behavioral health program fund" is created in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations and income from investment of the fund. The health care authority shall administer the fund. Money in the fund is subject to appropriation by the legislature to provide money for services and programs related to behavioral health, including:

(1) mental health and substance misuse treatment, intervention and prevention;

(2) necessary infrastructure, technology and workforce supports that facilitate the delivery of behavioral health services and programs;

- (3) matching funds for federal, local and private money and grants related to behavioral health services and programs;
- (4) offsetting costs incurred to comply with federal requirements related to behavioral health services and programs; and
- (5) implementation of regional behavioral health plans throughout the state.

B. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of health care authority or the secretary's authorized representative. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall revert to the behavioral health trust fund."

## **LAWS 2025, CHAPTER 3**

**SFC/Senate Bill 3, aa, w/o ec**  
**Approved February 27, 2025**

AN ACT

RELATING TO HEALTH; ENACTING THE BEHAVIORAL HEALTH REFORM AND INVESTMENT ACT; REPEALING A SECTION OF THE NMSA 1978.

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

### **Chapter 3 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--This act may be cited as the "Behavioral Health Reform and Investment Act".

### **Chapter 3 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Behavioral Health Reform and Investment Act:

- A. "behavioral health region" means a geographic area of the state that is designated in accordance with Subsection B of Section 3 of the Behavioral Health Reform and Investment Act and encompasses one or more counties or judicial districts;
- B. "behavioral health services" means a comprehensive array of professional and ancillary services for the treatment, rehabilitation, prevention and identification of mental illnesses and substance misuse, including telemedicine;



C. "behavioral health stakeholders" means representatives from the administrative office of the courts, the public defender department, the district attorney's office in the behavioral health region, behavioral health service recipients, behavioral health service providers, behavioral health care advocates, the health care authority, the department of health, the children, youth and families department, the university of New Mexico health sciences center, higher education institutions within behavioral health regions, Indian nations, tribes and pueblos, local and regional governments and other appropriate state or local agencies or nongovernmental entities, including school districts, local and regional law enforcement agencies, local jails or detention centers, behavioral health associations and local behavioral health collaboratives;

D. "continuity of care plan" means a plan identifying the interrelationship of available and prospective behavioral health services for recipients to ensure consistent and coordinated services over time;

E. "disproportionately impacted community" means a community or population of people for which multiple burdens, including mental, substance misuse and physical stressors, inequity, poverty, limited behavioral health services and high unemployment, may act to persistently and negatively affect the health and well-being of the community or population;

F. "generally recognized standards for behavioral health" means standards of care and clinical practice established by evidence-based sources, including clinical practice guidelines and recommendations from mental health and substance misuse care provider professional associations and relevant federal government agencies, that are generally recognized by providers practicing in relevant clinical specialties, including:

- (1) psychiatry;
- (2) psychology;
- (3) social work;
- (4) clinical counseling;
- (5) addiction medicine and counseling;
- (6) family and marriage counseling;
- (7) public health officials; and
- (8) certified peer support workers;

G. "regional meeting" means a meeting held by behavioral health stakeholders at a government-owned or -operated facility within a behavioral health region;

H. "regional plan" means a plan that is developed collaboratively by behavioral health stakeholders to provide behavioral health services to a behavioral health region; and

I. "sequential intercept mapping" means a strategic planning tool that helps communities identify resources and gaps and develop plans to divert people with mental health disorders and substance misuse away from the criminal justice system and into treatment.

## **Chapter 3 Section 3 Laws 2025**

### **SECTION 3. BEHAVIORAL HEALTH EXECUTIVE COMMITTEE.--**

A. The "behavioral health executive committee" is created and shall be composed of:

- (1) the secretary of health care authority;
- (2) the director of the behavioral health services division of the health care authority, who shall chair the committee;
- (3) the director of the medical assistance division of the health care authority;
- (4) the director of the administrative office of the courts; and
- (5) three behavioral health experts designated by the director of the administrative office of the courts.

B. The behavioral health executive committee shall:

- (1) designate behavioral health regions;
- (2) review and approve regional plans;
- (3) establish funding strategies and structure based on approved regional plans;
- (4) monitor and track deliverables and expenditures and address deficiencies and implementation issues of regional plans; and

(5) establish a project management strategy that shall be led by a project manager at the health care authority.

C. The behavioral health executive committee shall convene at least quarterly. Meetings of the committee shall be subject to the Open Meetings Act; provided that executive sessions are permitted when considering confidential or sensitive information.

D. The behavioral health executive committee shall report on a quarterly basis to the legislative finance committee on the implementation status of the regional plans.

## **Chapter 3 Section 4 Laws 2025**

### **SECTION 4. REGIONAL PLAN--SEQUENTIAL INTERCEPT MAPPING--REPORTING REQUIREMENTS.--**

A. The administrative office of the courts shall coordinate regional meetings, complete sequential intercept mapping and coordinate the development of regional plans. If behavioral health stakeholders request to participate in the development of a regional plan, the administrative office of the courts shall include those stakeholders in the development of the plan. If requested by the administrative office of the courts, behavioral health stakeholders shall provide support in coordinating regional meetings. The health care authority shall verify that nothing in a proposed regional plan jeopardizes the state medicaid program, and if something in the regional plan does jeopardize the state medicaid program, that section of the regional plan is void.

B. A behavioral health stakeholder receiving appropriations pursuant to the Behavioral Health Reform and Investment Act shall participate in regional meetings, provide substantive expertise, develop relevant portions of the regional plans, submit annual reports based on those plans and share relevant data as requested by a legislative interim committee, the administrative office of the courts or the health care authority.

C. For fiscal years 2025, 2026, 2027 and 2028, the administrative office of the courts and the health care authority shall collaborate to utilize current data to identify gaps in any existing sequential intercept mapping and supplement the mapping to ensure complete behavioral health coverage prior to regional plan finalization. Nothing in this subsection shall prevent the development of regional plans prior to the finalization of the sequential intercept mapping. Any grant or funding awards are contingent on finalized regional plans; provided that those regional plans shall be updated upon the completion of sequential intercept mapping.

D. A regional plan shall:

(1) include a phased implementation addressing behavioral health service gaps, including the continuation and expansion of behavioral health services;

(2) identify no more than five grants or state-funded priorities per phase; provided that additional priorities can be identified if the health care authority determines that the service gaps in a behavioral health region are large enough to warrant more priorities;

(3) identify local resources that may help offset part of the costs associated with each funding priority;

(4) provide a time line and performance measures for each funding priority that include a plan for developing data collection and infrastructure, performance measures, feasibility analysis and a sustainability plan;

(5) provide a continuity of care plan for the region;

(6) consider the need for language access for behavioral health services in the region;

(7) when appropriate, establish a plan to obtain federal, local or private resources to advance a regional priority;

(8) identify a capable and accountable entity to execute regional plans; provided that different entities may be accountable for each identified regional funding priority;

(9) include an appendix with a list of all behavioral service providers in the behavioral health region; and

(10) identify how regional plans will optimize, leverage or reinforce coordination with the state medicaid program as the primary payor of behavioral health services.

E. The administrative office of the courts shall distribute each regional plan to the legislature and the appropriate state agencies.

F. The health care authority, in consultation with the legislative finance committee and the legislative health and human services committee, shall determine baseline data collection points to be collected and reported in all reports subject to Subsection G of this section.

G. Beginning no later than June 30, 2027 and by every June 30 thereafter, the behavioral health executive committee shall designate a government entity within each behavioral health region to provide a written report to the legislature and the judicial and executive branches of government that includes:

- (1) the status of the implementation of each regional plan and sequential intercept mapping;
- (2) available data on performance measures included in each regional plan;
- (3) public feedback on the implementation of each regional plan;
- (4) uniform responses to data requests made by a legislative committee, the administrative office of the courts or an executive agency;
- (5) a list of qualified and certified behavioral health service providers in each region that provide services described in the Behavioral Health Reform and Investment Act; and
- (6) recommendations on successes, gaps and needs to better provide behavioral health care services.

H. Starting May 1, 2025, and continuing through December 31, 2025, the administrative office of the courts shall provide the appropriate interim legislative committees and the health care authority a monthly update on the status of sequential intercept mapping and regional planning. After January 1, 2026, the administrative office of the courts shall provide quarterly updates on the status of sequential intercept mapping and regional planning to the legislature and the health care authority. The behavioral health executive committee shall provide the legislature quarterly updates on the implementation of regional plans starting when the regional plans begin to be implemented.

I. Higher education institutions within behavioral health regions shall coordinate with the health care authority, the workforce solutions department and other behavioral health stakeholders to create a behavioral health workforce pipeline for the behavioral health services identified within regional plans. A behavioral health workforce pipeline may include:

- (1) pathways for people with lived experience to enter the behavioral health workforce;
- (2) in-state and national recruitment of behavioral health professionals;
- (3) increased awareness of behavioral health careers within middle and high schools in the region;
- (4) optimization of state funding to enhance or create behavioral health educational opportunities within the behavioral health region; and

(5) making recommendations to the legislature to better address the behavioral health workforce needs of the region.

J. As New Mexico's single state authority, the behavioral health services division of the health care authority shall continue to oversee the adult behavioral health system, including programming and rulemaking. Nothing in the Behavioral Health Reform and Investment Act shall be interpreted to imply anything to the contrary. The health care authority remains the primary designated federal entity for the state medicaid program.

## **Chapter 3 Section 5 Laws 2025**

### **SECTION 5. BEHAVIORAL HEALTH SERVICE STANDARDS.--**

A. By June 1, 2025, the health care authority, in consultation with other state agencies that have behavioral health programs, shall provide the administrative office of the courts with an initial set of generally recognized standards for behavioral health services for adoption and implementation in regional plans and any behavioral health service access priorities or gaps in the regions. The standards may be amended or updated to ensure that best practices of behavioral health services are delivered. The health care authority shall confirm whether or not each regional plan meets the behavioral health standards as set forth in the Behavioral Health Reform and Investment Act.

B. By June 1, 2025, the legislative finance committee and the health care authority shall provide the administrative office of the courts an initial set of evaluation guidelines for behavioral health services for adoption and implementation of regional plans. The evaluation guidelines shall include methods for evaluating the effectiveness of promising practices and behavioral health services not identified in Subsection A of this section. A promising practice is a program that has shown potential to improve outcomes or increase efficiency and is worthy of further study through a pilot implementation. The guidelines may be amended or updated at the request of the legislative finance committee or the legislative health and human services committee. The health care authority, in consultation with the legislative finance committee, shall confirm whether or not each behavioral health service in a regional plan meets the evaluation guidelines as set forth in the Behavioral Health Reform and Investment Act.

## **Chapter 3 Section 6 Laws 2025**

### **SECTION 6. BEHAVIORAL HEALTH INVESTMENTS.--**

A. Money appropriated to carry out the provisions of the Behavioral Health Reform and Investment Act:

(1) shall be used to address priorities and funding gaps identified in the regional plans;

(2) shall be equitably distributed for all eligible priorities identified in each regional plan and shall prioritize funding behavioral health services for disproportionately impacted communities;

(3) may be used to fund grants not more than four years in length that require annual reports to evaluate the effectiveness of behavioral health services delivered;

(4) may be used to fund grants to cover costs of providing non-acute care behavioral health services to indigent and uninsured persons; and

(5) may be used to provide advance disbursement of up to five percent for emergencies or unforeseen circumstances that could adversely impact the contracted behavioral health services within the regional plan should funding not be made available or accessible.

B. A behavioral health region may request to repurpose any unexpended balance of a grant subject to the Behavioral Health Reform and Investment Act to another identified funding priority within that region, and the health care authority shall approve that request if:

(1) no report is provided by the grant recipient as required by Section 4 of that act;

(2) the grant purpose is not meeting performance measures identified in the regional plan; or

(3) the audit or evaluation required by Section 10 of that act finds the initial grant purpose to have been implemented ineffectively.

## **Chapter 3 Section 7 Laws 2025**

**SECTION 7. UNIVERSAL BEHAVIORAL HEALTH CREDENTIALING PROCESS.**--No later than June 30, 2027, the health care authority shall establish a universal behavioral health service provider enrollment and credentialing process for medicaid to reduce the administrative burden on behavioral health service providers. No later than December 31, 2025, the health care authority, in consultation with the legislative finance committee and the legislative health and human services committee, shall establish a working group of health care licensing boards to streamline the process to verify behavioral health licensing and improve the overall behavioral health licensing process. The working group shall provide the legislature with statutory recommendations if needed.

## **Chapter 3 Section 8 Laws 2025**

SECTION 8. BEHAVIORAL HEALTH SERVICES--LIMITATIONS.--The health care authority shall promulgate rules outlining the benefits and structure related to behavioral health services. Any limitation on the number of new behavioral health recipients that a behavioral health service provider serves and is paid for shall be consistent with standards of care for the behavioral health services provided to patients.

## **Chapter 3 Section 9 Laws 2025**

SECTION 9. 988 AND 911 COORDINATION.--The state agencies that manage the 988 behavioral health emergency system and the 911 emergency system shall ensure the interoperability and bidirectionality of those systems to improve crisis and emergency response.

## **Chapter 3 Section 10 Laws 2025**

SECTION 10. BEHAVIORAL HEALTH AUDIT AND EVALUATION REQUIREMENTS.--

A. The health care authority shall regularly monitor and audit contracts and grantees subject to the Behavioral Health Reform and Investment Act to ensure that behavioral health service quality standards are met and to ensure financial and programmatic compliance during the duration of an active regional plan. The health care authority shall complete a statewide gap analysis of adult behavioral health services every two fiscal years, beginning on July 1, 2027, that shall be used to inform regional plans and sequential intercept mapping. Any data requests made by the health care authority to a local government body related to the local government body's behavioral health programs, including financial information, shall be provided within thirty days of the written request and shall be shared with the administrative office of the courts and the legislative finance committee. The health care authority shall review regional plans for reasonableness of budget and service delivery to optimize infrastructure and behavioral health services throughout the state.

B. The legislative finance committee, in consultation with the health care authority, shall conduct or contract for program evaluations and reviews of the sufficiency of regional plans' program design and implementation plans to ensure that they can meet the stated objectives, including:

- (1) review and assessment of the sufficiency of the regional plan, time lines and resources;
- (2) review of the adequacy of functional, technical and operational requirements, capabilities and resources;
- (3) identification of gaps and deficiencies in the regional plan; and



- (4) review of the sufficiency of staff, other resources and partnerships.

C. During implementation of the Behavioral Health Reform and Investment Act, the legislative finance committee or a contractor retained by the legislative finance committee shall report on the following services and progress to the appropriate interim legislative committees, administrative office of the courts and the health care authority:

- (1) ongoing, real-time review of project progress and deliverables;
- (2) ongoing, real-time review of gaps, resources and deficiencies; and
- (3) ongoing verification of critical features, operations and program viability of grantees subject to that act.

## **Chapter 3 Section 11 Laws 2025**

SECTION 11. REPEAL.--Section 24A-3-1 NMSA 1978 (being Laws 2004, Chapter 46, Section 8, as amended) is repealed.

# **LAWS 2025, CHAPTER 4**

**HJC/House Bill 8, aa, w/cc**  
**Approved February 27, 2025**

AN ACT

RELATING TO PUBLIC SAFETY; AMENDING THE CRIMINAL COMPETENCY PROCEDURES TO PROVIDE FOR COMMUNITY-BASED COMPETENCY RESTORATION FOR NON-DANGEROUS DEFENDANTS, TO EXPAND THE LIST OF CRIMES FOR WHICH A DEFENDANT MAY BE CRIMINALLY COMMITTED, TO ALLOW THE COURT TO ADVISE A DISTRICT ATTORNEY TO CONSIDER INITIATING PROCEEDINGS FOR INVOLUNTARY COMMITMENT OR ASSISTED OUTPATIENT TREATMENT UPON DISMISSAL OF A CRIMINAL CASE AND TO ALLOW A COURT TO AUTHORIZE A DISTRICT ATTORNEY OR THE DEPARTMENT OF HEALTH TO USE THE REPORT OF A COMPETENCY EVALUATION IN INVOLUNTARY COMMITMENT AND ASSISTED OUTPATIENT TREATMENT PROCEEDINGS; AMENDING THE ASSISTED OUTPATIENT TREATMENT ACT TO AUTHORIZE A DISTRICT ATTORNEY OR THE ATTORNEY GENERAL TO FILE A PETITION FOR ASSISTED OUTPATIENT TREATMENT AND TO ALLOW A PETITION TO BE FILED UP TO THIRTY DAYS AFTER A QUALIFIED PROFESSIONAL HAS EXAMINED A DEFENDANT OR RESPONDENT; CREATING THE CRIME OF UNLAWFUL POSSESSION OF A WEAPON CONVERSION DEVICE AND PRESCRIBING PENALTIES; INCREASING THE PENALTIES FOR CERTAIN AUTOMOBILE THEFT FELONY OFFENSES; INCREASING THE PENALTY FOR THE CRIME OF MAKING A

SHOOTING THREAT; PROVIDING FOR THE ALTERATION OF A BASIC SENTENCE FOR TRAFFICKING CERTAIN AMOUNTS OF FENTANYL; AMENDING THE REQUIREMENTS TO OBTAIN A WARRANT TO TEST THE BLOOD OF A PERSON SUSPECTED OF OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS AND ALLOWING CERTAIN MEDICAL PROFESSIONALS TO DRAW BLOOD FOR THE PURPOSES OF CHEMICAL BLOOD TESTS; MAKING CONFORMING AMENDMENTS.

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

## **Chapter 4 Section 1 Laws 2025**

SECTION 1. Section 31-9-1 NMSA 1978 (being Laws 1988, Chapter 107, Section 1 and Laws 1988, Chapter 108, Section 1, as amended by Laws 1993, Chapter 240, Section 1 and also by Laws 1993, Chapter 249, Section 1) is amended to read:

"31-9-1. DETERMINATION OF COMPETENCY--RAISING THE ISSUE.--

A. When a party or the court raises a question as to a defendant's competency to stand trial in a criminal case, the proceeding shall be suspended until the issue is determined.

B. Unless the case is dismissed upon motion of a party or through diversion, if the question of a defendant's competency is raised in a court other than a district court, the case shall be transferred to the district court."

## **Chapter 4 Section 2 Laws 2025**

SECTION 2. Section 31-9-1.1 NMSA 1978 (being Laws 1988, Chapter 107, Section 2 and Laws 1988, Chapter 108, Section 2, as amended by Laws 1993, Chapter 240, Section 2 and also by Laws 1993, Chapter 249, Section 2) is amended to read:

"31-9-1.1. DETERMINATION OF COMPETENCY--EVALUATION AND DETERMINATION.--

A. A defendant's competency shall be evaluated by a psychologist or psychiatrist or other qualified professional recognized by the district court as an expert. The qualified professional who evaluates a defendant's competency shall prepare an evaluation report and submit the report as ordered by the court.

B. An evaluation report shall include a qualified professional's opinion as to whether a defendant is competent to stand trial and has:

(1) a sufficient, present ability to consult with the defendant's lawyer with a reasonable degree of rational understanding;

(2) a rational and factual understanding of the proceedings against the defendant; and

(3) the capacity to assist in the defendant's own defense and to comprehend the reasons for punishment.

C. If, in the opinion of the qualified professional, a defendant is not competent to stand trial, an evaluation report shall include the qualified professional's opinion as to whether the defendant:

(1) satisfies the criteria for involuntary commitment in accordance with the Mental Health and Developmental Disabilities Code and whether:

(a) as a result of a mental disorder, the defendant presents a likelihood of serious harm to the defendant's self or others;

(b) the defendant needs and is likely to benefit from involuntary commitment and treatment; and

(c) the proposed commitment is consistent with the treatment needs of the defendant and with the least drastic means principle; or

(2) satisfies the criteria for involuntary treatment in accordance with the Assisted Outpatient Treatment Act and whether the defendant:

(a) has a primary diagnosis of a mental disorder;

(b) has demonstrated a history of lack of compliance with treatment for a mental disorder;

(c) is unwilling or unlikely, as a result of a mental disorder, to voluntarily participate in outpatient treatment that would enable the person to live safely in the community without court supervision;

(d) is in need of assisted outpatient treatment as the least restrictive appropriate alternative to prevent a relapse or deterioration likely to result in serious harm to the defendant's self or others; and

(e) will likely benefit from assisted outpatient treatment and have the defendant's best interests served.

D. A competency hearing shall be held:

(1) within thirty days from the date an evaluation report is submitted to the court for an incarcerated defendant charged with a felony;

(2) within ten days from the date an evaluation report is submitted to the court for an incarcerated defendant not charged with a felony; and

(3) within ninety days after an evaluation report is submitted to the court for a defendant who is not incarcerated."

## **Chapter 4 Section 3 Laws 2025**

SECTION 3. Section 31-9-1.2 NMSA 1978 (being Laws 1988, Chapter 107, Section 3 and Laws 1988, Chapter 108, Section 3, as amended) is amended to read:

"31-9-1.2. DETERMINATION OF COMPETENCY--COMMITMENT--REPORT.--

A. If, after a competency hearing, a court determines that a defendant is not competent to stand trial, the court shall determine if the defendant is dangerous. A defendant who is not competent is dangerous if the court finds by clear and convincing evidence that the defendant presents a serious threat of:

(1) committing murder in the first or second degree, as provided in Section 30-2-1 NMSA 1978;

(2) inflicting great bodily harm, as defined in Section 30-1-12 NMSA 1978, on another person;

(3) committing criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;

(4) committing criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;

(5) committing abuse of a child, as provided in Subsection D of Section 30-6-1 NMSA 1978;

(6) violating a provision of the Sexual Exploitation of Children Act;

(7) committing human trafficking, as provided in Section 30-52-1 NMSA 1978;

(8) committing aggravated arson, as provided in Section 30-17-6 NMSA 1978; or

(9) committing any "serious violent offense" enumerated in Subparagraphs (a) through (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978 with the use of a firearm.

B. If the court determines that a defendant is not dangerous, the court may order the defendant to participate in a community-based competency restoration program or dismiss the criminal case without prejudice in the interests of justice; provided that if the court dismisses the case, the court may:

(1) advise the district attorney to consider the initiation of involuntary civil commitment proceedings in accordance with the Mental Health and Developmental Disabilities Code and may detain the defendant for a maximum of seven days to facilitate initiation of those proceedings; or

(2) advise the district attorney to consider initiation of proceedings in accordance with the Assisted Outpatient Treatment Act but may not detain the defendant for that purpose.

C. A community-based competency restoration program is a court-approved program that is designed to restore a defendant to competency and provided in an outpatient setting in the community where the defendant resides. A court may order a defendant to participate in a community-based competency restoration program for no longer than ninety days, and:

(1) within thirty days of the date that the defendant was ordered to participate in a community-based competency restoration program, the person supervising the defendant's competency restoration program shall submit a progress report to the court and both parties that includes:

(a) an initial assessment of the defendant and a description of the competency restoration programming that will be provided to the defendant;

(b) a report on the defendant's amenability to competency restoration;

(c) an assessment of the program's capacity to provide appropriate programming for the defendant; and

(d) an opinion as to the probability of the defendant being restored to competency within ninety days from the date that the court ordered the defendant's participation in the community-based competency restoration program;

(2) no later than ninety days from the date that the court ordered the defendant to participate in a community-based competency restoration program, the court shall hold a review hearing and determine if the defendant has been restored to competency and at least seven days prior to the review hearing, the person supervising the defendant's competency restoration program shall submit a written report that includes:

(a) an opinion as to whether the defendant has been restored to competency;

(b) if the defendant is receiving medication, information from the prescribing physician about the type, dosage and effect of the medication on the defendant's appearance, actions and demeanor;

(c) if the defendant remains not competent, an opinion as to whether the defendant satisfies the criteria for involuntary commitment in accordance with the Mental Health and Developmental Disabilities Code and whether: 1) as a result of mental disorder, the defendant presents a likelihood of serious harm to the defendant's self or others; 2) the defendant needs and is likely to benefit from involuntary commitment and treatment; and 3) the proposed commitment is consistent with the treatment needs of the defendant and with the least drastic means principle; and

(d) if the defendant remains not competent, an opinion as to whether the defendant satisfies the criteria for involuntary treatment in accordance with the Assisted Outpatient Treatment Act and whether the defendant: 1) has a primary diagnosis of a mental disorder; 2) has demonstrated a history of lack of compliance with treatment for a mental disorder; 3) is unwilling or unlikely, as a result of a mental disorder, to voluntarily participate in outpatient treatment that would enable the defendant to live safely in the community without court supervision; 4) is in need of assisted outpatient treatment as the least restrictive appropriate alternative to prevent a relapse or deterioration likely to result in serious harm to the defendant's self or others; and 5) will likely benefit from assisted outpatient treatment and have the defendant's best interests served; and

(3) if, after a review hearing, the court finds that the defendant is competent, the case shall proceed to trial, but if the court finds that the defendant remains not competent, the case shall be dismissed without prejudice and the court may advise the district attorney to consider initiating proceedings in accordance with the Mental Health and Developmental Disabilities Code or the Assisted Outpatient Treatment Act.

D. If the court determines that a defendant who is not competent is dangerous, the district court may commit the defendant as provided in this section for competency restoration. If the court orders commitment, the court shall enter a transport order that provides for the defendant's return to the local jail within seventy-two hours upon the defendant being restored to competency, completion of the competency restoration program or as otherwise required by the court. A defendant committed for competency restoration shall be provided with treatment available to persons subject to civil commitment, and:

(1) shall be detained by the department of health in a secure, locked facility; and

(2) shall not be released from that facility except pursuant to an order of the court that committed the defendant.

E. The department of health shall admit a defendant for competency restoration within fifteen days of receipt of the court's order of commitment of an incompetent defendant and of the necessary and available documents reasonably required for admission pursuant to written policies adopted by the secretary of health or the secretary's designee. If the secretary of health or the secretary's designee determines that the department of health does not have the ability to meet the needs of the defendant, the secretary or the secretary's designee may refuse admission by providing written certification to the committing court and the parties of the department's inability to meet the needs of the defendant. The certification shall be made within seven days of the receipt of the court's order of commitment and necessary and available documents reasonably required for admission pursuant to written policies adopted by the secretary or the secretary's designee. Within ten days of filing of the certification, the court shall conduct a hearing for further disposition of the criminal case.

F. Within thirty days of a defendant's admission to a department of health facility or an inpatient psychiatric hospital for competency restoration, the department shall file with the court, the state and the defense:

- (1) an initial assessment of the defendant and treatment plan;
- (2) a report on the defendant's amenability to competency restoration;
- (3) an assessment of the department's capacity to provide appropriate treatment for the defendant; and
- (4) an opinion as to the probability of the defendant being restored to competency within nine months from the date the court determined the defendant is not competent to stand trial."

## **Chapter 4 Section 4 Laws 2025**

SECTION 4. Section 31-9-1.3 NMSA 1978 (being Laws 1988, Chapter 107, Section 4 and Laws 1988, Chapter 108, Section 4, as amended) is amended to read:

"31-9-1.3. DETERMINATION OF COMPETENCY--NINETY-DAY REVIEW--REPORTS--CONTINUING TREATMENT.--

A. Within ninety days after a court issues an order committing a defendant for competency restoration, the court, sitting without a jury, shall conduct a review hearing, unless waived by the defense, and shall determine:

- (1) whether the defendant has been restored to competency or remains not competent to stand trial;

(2) if the defendant remains not competent, whether the defendant is making progress toward being restored to competency within nine months from the date the court determined the defendant is not competent to stand trial; and

(3) whether the defendant remains dangerous as determined by the court in accordance with Section 31-9-1.2 NMSA 1978.

B. At least seven days prior to the review hearing, the treatment supervisor shall submit a written progress report to the court, the state and the defense that includes:

(1) the clinical findings regarding the defendant's progress toward competency restoration and the facts upon which the findings are based;

(2) an opinion as to whether the defendant has been restored to competency or as to whether the defendant is making progress toward being restored to competency within nine months from the date the court determined the defendant is not competent to stand trial and whether there is a substantial probability that the defendant will be restored to competency within nine months from the date the court determined the defendant is not competent to stand trial;

(3) an opinion as to whether the defendant remains dangerous as determined by the court in accordance with Section 31-9-1.2 NMSA 1978; and

(4) if the defendant is receiving medication, information from the prescribing physician indicating the type, the dosage and the effect of the medication on the defendant's appearance, actions and demeanor.

C. If the district court finds that the defendant is restored to competency, the district court shall set the matter for trial; provided that if the defendant is in need of continued care or treatment and the department of health agrees to continue to provide it, the district court may order continued care or treatment of the defendant until the conclusion of the criminal proceedings.

D. If the district court finds that the defendant remains not competent but that the defendant is making progress toward being restored to competency, the district court may continue or modify its original commitment order entered pursuant to Section 31-9-1.2 NMSA 1978; provided that:

(1) the question of the defendant's competency shall be reviewed again not later than nine months from the date the court determined the defendant is not competent to stand trial; and

(2) the treatment supervisor shall submit a written progress report as specified in Subsection B of this section at least seven days prior to such hearing.



E. If the district court finds that the defendant remains not competent, that the defendant is not making progress toward being restored to competency and that there is not a substantial probability that the defendant will be restored to competency within nine months from the date the court determined the defendant is not competent to stand trial, the court shall proceed pursuant to Section 31-9-1.4 NMSA 1978. However, if the defendant is in need of continued care and treatment and the department of health agrees to continue to provide it, the district court may order continued care or treatment of the defendant by the department until the conclusion of the criminal proceedings."

## **Chapter 4 Section 5 Laws 2025**

SECTION 5. Section 31-9-1.4 NMSA 1978 (being Laws 1988, Chapter 107, Section 5 and Laws 1988, Chapter 108, Section 5, as amended) is amended to read:

"31-9-1.4. DETERMINATION OF COMPETENCY--INCOMPETENT DEFENDANTS.--If at any time the district court determines that there is not a substantial probability that the defendant will be restored to competency within nine months from the date the court determined the defendant is not competent to stand trial, the district court may:

A. hold a criminal commitment hearing in accordance with Section 31-9-1.5 NMSA 1978 within three months if the defendant is charged with:

(1) murder in the first or second degree, as provided in Section 30-2-1 NMSA 1978;

(2) a felony involving infliction of great bodily harm, as defined in Section 30-1-12 NMSA 1978, on another person;

(3) criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;

(4) criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;

(5) abuse of a child, as provided in Subsection D of Section 30-6-1 NMSA 1978;

(6) a crime provided for in the Sexual Exploitation of Children Act;

(7) human trafficking, as provided in Section 30-52-1 NMSA 1978;

(8) aggravated arson, as provided in Section 30-17-6 NMSA 1978; or

(9) any "serious violent offense" enumerated in Subparagraphs (a) through (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978 with the use of a firearm;

B. release the defendant from custody and dismiss the criminal case with prejudice; or

C. dismiss the criminal case without prejudice in the interest of justice; provided that if the treatment supervisor reports to the court that the defendant satisfies the criteria for involuntary commitment in accordance with the Mental Health and Developmental Disabilities Code, the department of health shall initiate those proceedings, and the court may order the defendant confined for a maximum of seven days to facilitate the initiation of those proceedings; and provided further that the district attorney may initiate involuntary commitment proceedings in the department's stead."

## **Chapter 4 Section 6 Laws 2025**

SECTION 6. Section 31-9-1.5 NMSA 1978 (being Laws 1988, Chapter 107, Section 6 and Laws 1988, Chapter 108, Section 6, as amended) is amended to read:

"31-9-1.5. DETERMINATION OF COMPETENCY--CRIMINAL COMMITMENT--EVIDENTIARY HEARING.--

A. If the court determines that there is not a substantial probability that a defendant who is not competent to stand trial will be restored to competency, a commitment hearing to determine the sufficiency of the evidence of the defendant's guilt shall be held if the defendant is charged with:

(1) murder in the first or second degree, as provided in Section 30-2-1 NMSA 1978;

(2) a felony involving infliction of great bodily harm, as defined in Section 30-1-12 NMSA 1978, on another person;

(3) criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;

(4) criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;

(5) abuse of a child, as provided in Subsection D of Section 30-6-1 NMSA 1978;

(6) a crime provided for in the Sexual Exploitation of Children Act;

(7) human trafficking, as provided in Section 30-52-1 NMSA 1978;

(8) aggravated arson, as provided in Section 30-17-6 NMSA 1978; or

(9) any "serious violent offense" enumerated in Subparagraphs (a) through (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978 with the use of a firearm.

B. A criminal commitment hearing shall be conducted by the district court without a jury. The state and the defendant may introduce evidence relevant to the question of the defendant's guilt of the crime charged. The district court may admit hearsay or affidavit evidence on secondary matters such as testimony to establish the chain of possession of physical evidence, laboratory reports, authentication of transcripts taken by official reporters, district court and business records and public documents.

C. If the evidence does not establish by clear and convincing evidence that the defendant committed the crime charged, the district court shall dismiss the criminal case with prejudice.

D. If the district court finds by clear and convincing evidence that the defendant committed the crime charged and has not made a finding of dangerousness in accordance with Section 31-9-1.2 NMSA 1978, the district court shall dismiss the criminal case without prejudice.

E. If the district court finds by clear and convincing evidence that the defendant committed the crime charged and enters a finding that the defendant remains not competent to stand trial and remains dangerous as determined by the court in accordance with Section 31-9-1.2 NMSA 1978:

(1) the defendant shall be detained by the department of health in a secure, locked facility;

(2) the defendant shall not be released from that secure facility except pursuant to an order of the court that committed the defendant or upon expiration of the period of time equal to the maximum sentence to which the defendant would have been subject had the defendant been convicted in a criminal proceeding;

(3) significant changes in the defendant's condition, including trial competency and dangerousness, shall be reported in writing to the district court, state and defense; and

(4) at least every two years, the district court shall conduct a hearing upon notice to the parties and the department of health charged with detaining the defendant. At the hearing, the court shall enter findings on the issues of trial competency and dangerousness:

(a) upon a finding that the defendant is competent to proceed in a criminal case, the court shall continue with the criminal proceeding;

(b) if the defendant continues to remain not competent to stand trial and dangerous in accordance with Section 31-9-1.2 NMSA 1978, the court shall review the defendant's competency and dangerousness every two years until expiration of the period of commitment equal to the maximum sentence to which the defendant would have been subject had the defendant been convicted in a criminal proceeding; and

(c) if the court finds upon its two-year review hearing that the defendant is no longer dangerous, the defendant shall be released.

F. At any time, including after a court dismisses a case against a defendant, the department of health or the district attorney may initiate involuntary commitment proceedings in accordance with the Mental Health and Developmental Disabilities Code or proceedings in accordance with the Assisted Outpatient Treatment Act. If the district attorney indicates an intent to initiate involuntary commitment proceedings in accordance with the Mental Health and Developmental Disabilities Code, the court may detain the defendant for a maximum of seven days only to facilitate the initiation of those proceedings at any licensed psychiatric hospital."

## **Chapter 4 Section 7 Laws 2025**

SECTION 7. Section 31-9-1.6 NMSA 1978 (being Laws 1997, Chapter 153, Section 1, as amended) is amended to read:

"31-9-1.6. HEARING TO DETERMINE DEVELOPMENTAL OR INTELLECTUAL DISABILITY.--

A. Upon motion of a party or the court, the court shall hold a hearing to determine whether the defendant is not competent due to a developmental or intellectual disability as defined in Subsection E of this section, and the evaluator shall be provided with the necessary and available documents reasonably required for admission pursuant to written policies adopted by the secretary of health or the secretary's designee.

B. If the court finds by a preponderance of the evidence that the defendant is not competent to stand trial due to a developmental or intellectual disability and that there is not a substantial probability that the defendant will be restored to competency within nine months from the date the court determined the defendant is not competent to stand trial, the court shall notify the department of health of the court's finding. Within sixty days of receipt of the court's notification, the department of health shall determine whether the defendant presents a likelihood of serious harm to the defendant's self or others.

C. If the department of health determines that the defendant presents a likelihood of serious harm to self or others, the department shall initiate involuntary commitment proceedings in accordance with the Mental Health and Developmental Disabilities Code if the defendant is charged with:

(1) murder in the first or second degree, as provided in Section 30-2-1 NMSA 1978;

(2) a felony involving infliction of great bodily harm, as defined in Section 30-1-12 NMSA 1978, on another person;

(3) criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;

(4) criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;

(5) abuse of a child, as provided in Subsection D of Section 30-6-1 NMSA 1978;

(6) a crime provided for in the Sexual Exploitation of Children Act;

(7) human trafficking, as provided in Section 30-52-1 NMSA 1978;

(8) aggravated arson, as provided in Section 30-17-6 NMSA 1978; or

(9) any "serious violent offense" enumerated in Subparagraphs (a) through (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978 with the use of a firearm.

D. After the involuntary commitment hearing or upon expiration of fourteen months from the court's initial determination that the defendant is not competent to stand trial, the criminal case shall be dismissed without prejudice.

E. As used in this section, "developmental or intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior. An intelligence quotient of seventy or below on a reliably administered intelligence quotient test shall be presumptive evidence of developmental or intellectual disability."

## **Chapter 4 Section 8 Laws 2025**

SECTION 8. Section 31-9-2 NMSA 1978 (being Laws 1967, Chapter 231, Section 3) is amended to read:

**"31-9-2. COMPETENCY EVALUATION--MENTAL OR FUNCTIONAL EXAMINATION.--**

A. Upon motion of a party or the court, the court shall order a mental examination of the defendant before making any determination of the defendant's competency. If the defendant is determined to be indigent, the court shall pay for the costs of the examination from funds available to the court.

B. A court may authorize a district attorney or the department of health to use a report of any examination ordered before a determination of a defendant's competency to stand trial for the purposes of initiating proceedings in accordance with the Mental Health and Developmental Disabilities Code or the Assisted Outpatient Treatment Act; provided that the report remains valid pursuant to the time limits set forth in that code or act."

**Chapter 4 Section 9 Laws 2025**

SECTION 9. Section 43-1B-4 NMSA 1978 (being Laws 2016, Chapter 84, Section 4, as amended) is amended to read:

**"43-1B-4. PETITION TO THE COURT.--**

A. A petition for an order authorizing assisted outpatient treatment may be filed in the district court for the county in which the respondent is present or reasonably believed to be present; provided that such district court is a party to a memorandum of understanding with a participating municipality or county.

B. A petition for an order authorizing assisted outpatient treatment may be filed only by the following persons:

- (1) a person eighteen years of age or older who resides with the respondent;
- (2) the parent or spouse of the respondent;
- (3) the sibling or child of the respondent; provided that the sibling or child is eighteen years of age or older;
- (4) the director of a hospital where the respondent is hospitalized;
- (5) the director of a public or charitable organization or agency or a home where the respondent resides and that provides mental health services to the respondent;

(6) a qualified professional who either supervises the treatment of or treats the respondent for a mental disorder or has supervised or treated the respondent for a mental disorder within the past forty-eight months;

(7) a surrogate decision-maker; or

(8) a district attorney or the attorney general.

C. The petition shall be entitled "In the Matter of \_\_\_\_\_" and shall include:

(1) each criterion for assisted outpatient treatment as set forth in Section 43-1B-3 NMSA 1978;

(2) facts that support the petitioner's belief that the respondent meets each criterion; provided that the hearing on the petition need not be limited to the stated facts; and

(3) whether the respondent is present or is reasonably believed to be present within the county where the petition is filed.

D. The petition shall be accompanied by an affidavit of a qualified professional that shall state that:

(1) the qualified professional has personally examined the respondent no more than thirty days prior to the filing of the petition, that the qualified professional recommends assisted outpatient treatment for the respondent and that the qualified professional is willing and able to testify at the hearing on the petition either in person or by contemporaneous transmission from a different location; or

(2) no more than ten days prior to the filing of the petition, the qualified professional or the qualified professional's designee has unsuccessfully attempted to persuade the respondent to submit to an examination, that the qualified professional has reason to believe that the respondent meets the criteria for assisted outpatient treatment and that the qualified professional is willing and able to examine the respondent and testify at the hearing on the petition either in person or by contemporaneous transmission from a different location."

## **Chapter 4 Section 10 Laws 2025**

SECTION 10. A new section of Chapter 30, Article 7 NMSA 1978 is enacted to read:

"UNLAWFUL POSSESSION OF A WEAPON CONVERSION DEVICE--  
PENALTY.--

A. Unlawful possession of a weapon conversion device consists of a person knowingly having in that person's possession an unlawfully obtained weapon conversion device or knowingly transporting an unlawfully obtained weapon conversion device.

B. A person who commits unlawful possession of a weapon conversion device is guilty of a third degree felony.

C. As used in this section:

(1) "fully automatic weapon" means a weapon that shoots, is designed to shoot automatically or can be readily restored to fire more than one cartridge or shell, without manual reloading, by a single function of the trigger;

(2) "semiautomatic weapon" means a repeating rifle, shotgun or pistol, regardless of barrel or overall length, that uses a portion of the energy of a firing cartridge or shell to extract the fired cartridge case or spent shell and chamber the next round and that requires a separate function of the trigger to fire each cartridge or shell; and

(3) "weapon conversion device" means a part or combination of parts designed and intended to convert a semiautomatic weapon into a fully automatic weapon."

## **Chapter 4 Section 11 Laws 2025**

SECTION 11. Section 30-16D-1 NMSA 1978 (being Laws 1978, Chapter 35, Section 91, as amended by Laws 2009, Chapter 253, Section 1 and by Laws 2009, Chapter 261, Section 1) is amended to read:

### **"30-16D-1. UNLAWFUL TAKING OF A VEHICLE OR MOTOR VEHICLE.--**

A. Unlawful taking of a vehicle or motor vehicle consists of a person taking any vehicle or motor vehicle as defined by the Motor Vehicle Code intentionally and without consent of the owner. Whoever commits unlawful taking of a vehicle or motor vehicle is guilty of a felony as provided in Section 30-16D-4.1 NMSA 1978.

B. The consent of the owner of the vehicle or motor vehicle to its taking shall not in any case be presumed or implied because of the owner's consent on a previous occasion to the taking of the vehicle or motor vehicle by the same or a different person.

C. Nothing in this section shall be construed to prohibit the holder of a lien duly recorded with the motor vehicle division of the taxation and revenue department from taking possession of a vehicle to which possession the lienholder is legally entitled under the provisions of the instrument evidencing the lien. A holder of a duly recorded lien who takes possession of a vehicle without the knowledge of the owner of the



vehicle shall immediately notify the local police authority of the fact that the holder has taken possession of the vehicle."

## **Chapter 4 Section 12 Laws 2025**

SECTION 12. Section 30-16D-2 NMSA 1978 (being Laws 2009, Chapter 253, Section 2 and Laws 2009, Chapter 261, Section 2) is amended to read:

"30-16D-2. EMBEZZLEMENT OF A VEHICLE OR MOTOR VEHICLE.--

A. Embezzlement of a vehicle or motor vehicle consists of a person embezzling or converting to the person's own use a vehicle or motor vehicle as defined by the Motor Vehicle Code, with which the person has been entrusted, with the fraudulent intent to deprive the owner of the vehicle or motor vehicle.

B. Whoever commits embezzlement of a vehicle or motor vehicle is guilty of a felony as provided in Section 30-16D-4.1 NMSA 1978."

## **Chapter 4 Section 13 Laws 2025**

SECTION 13. Section 30-16D-3 NMSA 1978 (being Laws 2009, Chapter 253, Section 3 and Laws 2009, Chapter 261, Section 3) is amended to read:

"30-16D-3. FRAUDULENTLY OBTAINING A VEHICLE OR MOTOR VEHICLE.--

A. Fraudulently obtaining a vehicle or motor vehicle consists of a person intentionally misappropriating or taking a vehicle or motor vehicle as defined by the Motor Vehicle Code that belongs to another person by means of fraudulent conduct, practices or representations.

B. Whoever commits fraudulently obtaining a vehicle or motor vehicle is guilty of a felony as provided in Section 30-16D-4.1 NMSA 1978."

## **Chapter 4 Section 14 Laws 2025**

SECTION 14. Section 30-16D-4 NMSA 1978 (being Laws 1978, Chapter 35, Section 92, as amended by Laws 2009, Chapter 253, Section 4 and by Laws 2009, Chapter 261, Section 4) is amended to read:

"30-16D-4. RECEIVING OR TRANSFERRING STOLEN VEHICLES OR MOTOR VEHICLES.--

A. Receiving or transferring a stolen vehicle or motor vehicle consists of a person who, with intent to procure or pass title to a vehicle or motor vehicle as defined by the Motor Vehicle Code that the person knows or has reason to believe has been stolen or unlawfully taken, receives or transfers possession of the vehicle or motor

vehicle from or to another or who has in the person's possession any vehicle that the person knows or has reason to believe has been stolen or unlawfully taken. This section shall not apply to an officer of the law engaged at the time in the performance of the officer's duty as an officer.

B. Whoever commits receiving or transferring a stolen vehicle or motor vehicle is guilty of a felony as provided in Section 30-16D-4.1 NMSA 1978."

## **Chapter 4 Section 15 Laws 2025**

SECTION 15. A new Section 30-16D-4.1 NMSA 1978 is enacted to read:

"30-16D-4.1. PENALTIES.--

A. Whoever violates any of the provisions described in Sections 30-16D-1 through 30-16D-4 NMSA 1978 is guilty of a:

(1) fourth degree felony for a first offense;

(2) third degree felony for a second offense, regardless of which provision was the first offense; and

(3) second degree felony for a third or subsequent offense, regardless of which provision was the first or second offense.

B. A defendant who violates multiple provisions described in Sections 30-16D-1 through 30-16D-4 NMSA 1978 with a single vehicle shall be determined to have committed a single offense for purposes of this section."

## **Chapter 4 Section 16 Laws 2025**

SECTION 16. 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 intentionally 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 and maliciously communicating to another person a serious expression of an intent to bring a firearm to a property or use the firearm and an intent to:

(1) place a person or group of persons in fear of great bodily harm, and a person or group of persons was placed in fear of great bodily harm;

(2) prevent or interrupt the occupation or use of a public building, and the occupation or use of a public building was prevented or interrupted; or

(3) cause a response to the threat by a law enforcement official or volunteer agency organized to deal with emergencies, and the threat caused a response 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 fourth degree felony.

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 4 Section 17 Laws 2025**

SECTION 17. A new section of the Criminal Sentencing Act is enacted to read:

"TRAFFICKING OF CERTAIN AMOUNTS OF FENTANYL--ALTERATION OF BASIC SENTENCE.--When a separate finding of fact by a court or jury shows that a person is in possession of fentanyl in relation to a crime of trafficking a controlled substance pursuant to Section 30-31-20 NMSA 1978, the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be enhanced by up to:

A. three years, if the person is in possession of between one hundred and five hundred pills, capsules or tablets containing a detectable amount of fentanyl, regardless of its concentration, or between ten and fifty grams of fentanyl powder;

B. five years, if the person is in possession of more than five hundred pills, capsules or tablets containing a detectable amount of fentanyl, regardless of its concentration, or more than fifty grams of fentanyl powder; or

C. five years, if the person has recruited, coordinated, organized, supervised, directed, managed or financed another to commit trafficking fentanyl pursuant to Section 30-31-20 NMSA 1978. The enhancement shall be in addition to, not a replacement of, charging conspiracy to commit trafficking pursuant to Section 30-28-2 NMSA 1978."

## **Chapter 4 Section 18 Laws 2025**

SECTION 18. Section 66-8-103 NMSA 1978 (being Laws 1967, Chapter 160, Section 1) is amended to read:

"66-8-103. CHEMICAL BLOOD TESTS--PERSONS QUALIFIED TO PERFORM TESTS--RELIEF FROM LIABILITY.--Only a physician, licensed professional or practical nurse, emergency medical technician or certified phlebotomist or a technologist employed by a hospital or physician shall withdraw blood from a person in the performance of a chemical blood test. No such physician, nurse, technician, phlebotomist or technologist who withdraws blood from a person in the performance of a chemical blood test that has been directed by a police officer or by a judicial or probation officer shall be held liable in any civil or criminal action for assault, battery, false imprisonment or any conduct of a police officer except for negligence, nor shall a person assisting in the performance of the test or a hospital wherein blood is withdrawn in the performance of the test be subject to civil or criminal liability for assault, battery, false imprisonment or any conduct of a police officer except for negligence."

## **Chapter 4 Section 19 Laws 2025**

SECTION 19. Section 66-8-104 NMSA 1978 (being Laws 1978, Chapter 35, Section 512) is amended to read:

"66-8-104. CHEMICAL BLOOD TESTS--OFFICER UNAUTHORIZED TO MAKE ARREST OR DIRECT TEST EXCEPT IN PERFORMANCE OF OFFICIAL DUTIES.--Nothing in Sections 66-8-103 or 66-8-104 NMSA 1978 is intended to authorize a police officer or a judicial or probation officer to make an arrest or to direct the performance of a chemical blood test except in the performance of that officer's official duties and as otherwise authorized by law."

## **Chapter 4 Section 20 Laws 2025**

SECTION 20. Section 66-8-111 NMSA 1978 (being Laws 1978, Chapter 35, Section 519, as amended) is amended to read:

"66-8-111. REFUSAL TO SUBMIT TO CHEMICAL TESTS--TESTING--  
GROUNDS FOR REVOCATION OF LICENSE OR PRIVILEGE TO DRIVE.--

A. If a person under arrest for violation of an offense enumerated in the Motor Vehicle Code refuses upon request of a law enforcement officer to submit to chemical tests designated by the law enforcement agency as provided in Section 66-8-107 NMSA 1978, none shall be administered except when a municipal judge, magistrate or district judge issues a search warrant authorizing chemical tests as provided in Section 66-8-107 NMSA 1978 upon finding in a law enforcement officer's written affidavit that there is probable cause to believe that the person has driven a motor vehicle while under the influence of alcohol or a controlled substance thereby causing the death or great bodily injury of another person, or there is probable cause to believe that the person has committed a felony or misdemeanor while under the influence of alcohol or a controlled substance and that chemical tests as provided in Section 66-8-107 NMSA 1978 will produce material evidence in a criminal prosecution.

B. The department, upon receipt of a statement signed under penalty of perjury from a law enforcement officer stating the officer's reasonable grounds to believe the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor or drugs and that, upon request, the person refused to submit to a chemical test after being advised that failure to submit could result in revocation of the person's privilege to drive, shall revoke the person's New Mexico driver's license or any nonresident operating privilege for a period of one year or until all conditions for license reinstatement are met, whichever is later.

C. The department, upon receipt of a statement signed under penalty of perjury from a law enforcement officer stating the officer's reasonable grounds to believe the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor and that the person submitted to chemical testing pursuant to Section 66-8-107 NMSA 1978 and the test results indicated an alcohol concentration in the person's blood or breath of eight one hundredths or more if the person is twenty-one years of age or older, four one hundredths or more if the person is driving a commercial motor vehicle or two one hundredths or more if the person is less than twenty-one years of age, shall revoke the person's license or permit to drive or the person's nonresident operating privilege for a period of:

(1) six months or until all conditions for license reinstatement are met, whichever is later, if the person is twenty-one years of age or older;

(2) one year or until all conditions for license reinstatement are met, whichever is later, if the person was less than twenty-one years of age at the time of the arrest, notwithstanding any provision of the Children's Code; or

(3) one year or until all conditions for license reinstatement are met, whichever is later, if the person's license has been revoked previously pursuant to the

provisions of this section, notwithstanding the provisions of Paragraph (1) of this subsection.

D. The determination of alcohol concentration shall be based on the grams of alcohol in one hundred milliliters of blood or the grams of alcohol in two hundred ten liters of breath.

E. If the person subject to the revocation provisions of this section is a resident or will become a resident within one year and is without a license to operate a motor vehicle in this state, the department shall deny the issuance of a license to the person for the appropriate period of time as provided in Subsections B and C of this section.

F. A statement signed by a law enforcement officer, pursuant to the provisions of Subsection B or C of this section, shall be sworn to by the officer or shall contain a declaration substantially to the effect: "I hereby declare under penalty of perjury that the information given in this statement is true and correct to the best of my knowledge.". The statement may be signed and submitted electronically in a manner and form approved by the department. A law enforcement officer who signs a statement knowing that the statement is untrue in any material issue or matter is guilty of perjury as provided in Section 66-5-38 NMSA 1978."

## **Chapter 4 Section 21 Laws 2025**

SECTION 21. Section 66-8-111.1 NMSA 1978 (being Laws 1984, Chapter 72, Section 7, as amended) is amended to read:

"66-8-111.1. LAW ENFORCEMENT OFFICER AGENT FOR DEPARTMENT--  
WRITTEN NOTICE OF REVOCATION AND RIGHT TO HEARING.--

A. On behalf of the department, a law enforcement officer requesting a chemical test or directing the administration of a chemical test pursuant to Sections 66-8-107 and 66-8-111 NMSA 1978 shall serve immediate written notice of revocation and of right to a hearing before the administrative hearings office pursuant to the Implied Consent Act on a person who:

(1) refuses to permit chemical testing; or

(2) submits to a chemical test the results of which indicate an alcohol concentration in the person's blood or breath of:

(a) eight one hundredths or more if the person is twenty-one years of age or older;

(b) four one hundredths or more if the person is driving a commercial motor vehicle; or

(c) two one hundredths or more if the person is less than twenty-one years of age.

B. The written notice of revocation and of a right to a hearing served on the driver shall be a temporary license valid for twenty days or, if the driver requests a hearing pursuant to Section 66-8-112 NMSA 1978, valid until the date the administrative hearings office issues the order following that hearing; provided that a written notice of revocation and right to a hearing shall not be a temporary license for a driver without any otherwise valid driving privileges in this state.

C. The law enforcement officer shall send to the department the signed statement required pursuant to Section 66-8-111 NMSA 1978."

## **Chapter 4 Section 22 Laws 2025**

SECTION 22. Section 66-13-1 NMSA 1978 (being Laws 2003, Chapter 241, Section 1) is amended to read:

"66-13-1. SHORT TITLE.--Chapter 66, Article 13 NMSA 1978 may be cited as the "Boating While Intoxicated Act"."

## **Chapter 4 Section 23 Laws 2025**

SECTION 23. Section 66-13-6 NMSA 1978 (being Laws 2003, Chapter 241, Section 6) is amended to read:

"66-13-6. CHEMICAL BLOOD TESTS--PERSONS QUALIFIED TO PERFORM TESTS--RELIEF FROM CIVIL AND CRIMINAL LIABILITY.--Only a physician, licensed professional or practical nurse, emergency medical technician or certified phlebotomist or a technologist employed by a hospital or physician shall withdraw blood from a person in the performance of a chemical blood test. A physician, nurse, technician, phlebotomist or technologist who withdraws blood from a person in the performance of a chemical blood test that has been directed by a law enforcement officer, or by a judicial or probation officer, shall not be held liable in a civil or criminal action for assault, battery, false imprisonment or any conduct of a law enforcement officer, except for negligence, nor shall a person assisting in the performance of the test, or a hospital wherein blood is withdrawn in the performance of the test, be subject to civil or criminal liability for assault, battery, false imprisonment or any conduct of a law enforcement officer, except for negligence."

## **Chapter 4 Section 24 Laws 2025**

SECTION 24. Section 66-13-7 NMSA 1978 (being Laws 2003, Chapter 241, Section 7) is amended to read:

"66-13-7. CHEMICAL BLOOD TEST--OFFICER UNAUTHORIZED TO MAKE ARREST OR DIRECT TEST EXCEPT IN PERFORMANCE OF OFFICIAL DUTIES.-- Nothing in the Boating While Intoxicated Act is intended to authorize a law enforcement officer, or a judicial or probation officer, to make an arrest or direct the performance of a chemical blood test, except in the performance of that officer's official duties or as otherwise authorized by law."

## **LAWS 2025, CHAPTER 5**

### **House Bill 175**

**Approved March 19, 2025**

#### **AN ACT**

RELATING TO NATURAL RESOURCES; AMENDING SECTIONS OF THE FOREST AND WATERSHED RESTORATION ACT; PROVIDING DEFINITIONS; MAKING PROJECTS TO CREATE OR MAINTAIN BUFFERS IN AND AROUND WILDLAND-URBAN INTERFACES ELIGIBLE FOR FUNDING FROM THE FOREST LAND PROTECTION REVOLVING FUND.

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

### **Chapter 5 Section 1 Laws 2025**

SECTION 1. Section 68-4-2 NMSA 1978 (being Laws 2019, Chapter 62, Section 2) is amended to read:

"68-4-2. DEFINITIONS.--As used in the Forest and Watershed Restoration Act:

- A. "board" means the forest and watershed advisory board;
- B. "buffer" means an area treated to reduce wildfire fuel in order to act as a barrier between properties to limit and halt the spread of wildfire and provide a safe zone for firefighters to engage with wildfires;
- C. "division" means the forestry division of the energy, minerals and natural resources department;
- D. "high-risk area" means an area having a high probability of wildfire that is likely to spread to projects, structures or wildland-urban interfaces;
- E. "project" means:
  - (1) a large-scale forest and watershed restoration project on any lands in the state that:



(a) increases the adaptability and resilience to recurring drought and extreme weather events of the state's forests and watersheds;

(b) protects water sources;

(c) reduces the risk of wildfire, including planning for watershed conservation; or

(d) restores burned areas or thins forests and includes a related economic or workforce development project or a wildlife conservation or habitat improvement project; or

(2) a project that creates or maintains a buffer in or around a wildland-urban interface;

F. "sponsor" means a federal, state or local government agency, tribal entity, corporation or organization that applies for a project or is conducting a project in conjunction with the division;

G. "structure" means a constructed object, including residential or commercial buildings and outbuildings such as barns and sheds; and

H. "wildland-urban interface" means the area, line or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetation fuels."

## **Chapter 5 Section 2 Laws 2025**

SECTION 2. Section 68-4-5 NMSA 1978 (being Laws 2019, Chapter 62, Section 5) is amended to read:

"68-4-5. USE OF FOREST LAND PROTECTION REVOLVING FUND--  
PROJECT EVALUATION AND PRIORITIZATION.--

A. Money in the forest land protection revolving fund may be used to administer and carry out the purposes of the Forest and Watershed Restoration Act and to fund projects authorized by the division on any lands in the state for:

(1) on-the-ground restoration projects;

(2) project planning;

(3) economic development programs to advance the use of small-diameter trees and wood biomass removed for hazardous fuel reduction and forest and watershed restoration; or

(4) workforce development for wood utilization projects.

B. A project is eligible for funding:

(1) if the project is for a public benefit and:

(a) is part of a current state forest and watershed health plan or forest action plan, a community wildfire protection plan, other comprehensive forest and watershed treatment plan or wildlife conservation or habitat improvement plan approved by the board;

(b) incorporates actions recommended by current plans or, where new plans are developed, seeks to integrate forest, fire and water management with community and economic development plans;

(c) protects watersheds that are the source of drinking or irrigation water;

(d) targets a high-risk area;

(e) will create or maintain a buffer in or around a wildland-urban interface; or

(f) has obtained all requisite state and federal permits and authorizations necessary to initiate the project, if the project is other than a planning project; and

(2) when a project meets the requirements of Paragraph (1) of this subsection and includes treatment of private lands and the division makes a written determination that the incidental benefit to a private landowner is outweighed by the fire reduction or watershed restoration benefits to the state.

C. A project that is eligible for funding in accordance with Subsection B of this section shall be given priority for funding by the division if the project:

(1) leverages federal, state, local, tribal or private sources and, if available, support from other public or private water, forest, fire, wildlife habitat or economic development programs;

(2) is in an area:

(a) with a wood supply that can be used as biomass for energy production;

(b) where small-diameter trees may be put to commercial use; or

- (c) where traditional forest products may be produced;
- (3) is clustered around priority areas that are able to supply a useful amount of wood products for industry;
- (4) creates incentives to increase investment by federal, state, local, tribal or private entities, including investment by downstream water users to manage forested headwaters and water sources; or
- (5) is identified by the board as a high-risk area."

## **LAWS 2025, CHAPTER 6**

**Senate Bill 75, aa**  
**Approved March 19, 2025**

### **AN ACT**

RELATING TO EDUCATIONAL RETIREMENT; MAKING CHANGES TO THE EDUCATIONAL RETIREMENT ACT; PROVIDING FOR UNCLAIMED MEMBER CONTRIBUTIONS TO BE DEPOSITED INTO THE EDUCATIONAL RETIREMENT FUND; CLARIFYING CERTAIN TERMS; ALLOWING FOR A MEMBER ON DISABILITY STATUS WHO IS OVER SIXTY AND WHO RECEIVES AN ANNUITY ADJUSTMENT TO CONTINUE RECEIVING THE ANNUITY ADJUSTMENT; REQUIRING PAYMENT OF ALLOWED SERVICE WITHIN NINETY DAYS; ALLOWING FOR DISCLOSURE OF MEMBER OR RETIRED MEMBER INFORMATION TO THE PUBLIC EMPLOYEES RETIREMENT BOARD TO ADMINISTER; REPEALING SECTION 22-11-5.1 NMSA 1978 (BEING LAWS 1999, CHAPTER 153, SECTION 2, AS AMENDED).

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

### **Chapter 6 Section 1 Laws 2025**

SECTION 1. Section 22-11-11 NMSA 1978 (being Laws 1967, Chapter 16, Section 135, as amended) is amended to read:

"22-11-11. EDUCATIONAL RETIREMENT FUND--SUSPENSE FUND.--

A. The "educational retirement fund" and the "educational retirement suspense fund" are created.

B. The state treasurer shall be the custodian of the funds, and the board shall be the trustee of the funds.

C. All membership fees, contributions from members and local administrative units, securities evidencing the investment of money from the fund, unclaimed member contributions, interest, gifts, grants or bequests shall be deposited in the educational retirement fund.

D. All amounts received in satisfaction of a claim brought by private attorneys on behalf of the board shall be deposited into the educational retirement suspense fund. The board shall disburse the compensation due the private attorneys, together with reimbursement for reasonable costs and expenses, in accordance with the terms of the contract with the attorneys. After the disbursements have been made, the balance of each deposit shall be distributed to the educational retirement fund."

## **Chapter 6 Section 2 Laws 2025**

SECTION 2. Section 22-11-24 NMSA 1978 (being Laws 1967, Chapter 16, Section 147) is amended to read:

"22-11-24. RETIREMENT BENEFITS--MINIMUM CONTRIBUTORY EMPLOYMENT.--

A. A member shall have acquired not less than five years of contributory employment to be eligible for retirement benefits pursuant to the Educational Retirement Act.

B. A member desiring to retire before having completed five years of contributory employment shall be limited to the maximum benefit the member would have been entitled to receive under any statute repealed by the Educational Retirement Act. A member may acquire five years or less of contributory employment by contributing to the fund, for each year of contributory employment desired, a sum equal to the prevailing combined contributions of the member and the local administrative unit in effect at the time the contributory employment is acquired. This contribution shall be computed on the member's average annual salary for the last five years of employment plus an additional sum as interest from the effective date of the Educational Retirement Act as fixed by the board, but not to exceed three percent a year.

C. Years of contributory employment purchased pursuant to this section shall not be considered as an addition to service actually performed in computing the sum of the member's retirement benefit.

D. The retirement benefits of members retired pursuant to the Educational Retirement Act prior to July 1, 1959 and who have acquired contributory employment years by purchase shall be computed upon the basis of the amount paid therefor.

E. As used only in this section, "five years of contributory employment" means the member and employer have made contributions through the last business day of the sixtieth month of contributory employment, or if the member is under contract,

the member and employer have made contributions for five years through the last business day that the member can provide services under the contract."

## **Chapter 6 Section 3 Laws 2025**

SECTION 3. Section 22-11-31 NMSA 1978 (being Laws 1979, Chapter 333, Section 2, as amended) is amended to read:

"22-11-31. COST-OF-LIVING ADJUSTMENT--ELIGIBILITY--BASED ON FUNDED RATIO--ADDITIONAL CONTRIBUTIONS.--

A. For the purposes of this section:

(1) "adjustment factor" means a multiplicative factor computed to provide an annuity adjustment pursuant to the provisions of Subsection B of this section;

(2) "annuity" means any benefit payable under the Educational Retirement Act or the Public Employees Retirement Reciprocity Act as a retirement benefit, disability benefit or survivor benefit;

(3) "calendar year" means the full twelve months beginning January 1 and ending December 31;

(4) "consumer price index" means the average of the monthly consumer price indexes for a calendar year for the entire United States for all items as published by the United States department of labor;

(5) "funded ratio" means the ratio of the actuarial value of the assets of the fund to the actuarial accrued liability of the educational retirement system;

(6) "median adjusted annuity" means the median value of all annuities and retirement benefits paid pursuant to Section 22-11-29 or 22-11-30 NMSA 1978, as calculated each fiscal year; provided, however, that the benefits paid to a member pursuant to Section 22-11-38 NMSA 1978 shall not be included in the median adjusted annuity calculation;

(7) "next preceding calendar year" means the full calendar year immediately prior to the preceding calendar year; and

(8) "preceding calendar year" means the full calendar year preceding the July 1 on which a benefit is to be adjusted.

B. On or after July 1, 1984:

(1) the annuity of a member who retires pursuant to Subsection A of Section 22-11-23 NMSA 1978 or Subsection A of Section 22-11-23.1 NMSA 1978 shall be adjusted annually and cumulatively commencing on July 1 of the year in which a member attains the age of sixty-five years or on July 1 following the year a member retires, whichever is later; and

(2) the annuity of a member who retires pursuant to Subsection A of Section 22-11-23.2 NMSA 1978 shall be adjusted annually and cumulatively commencing on July 1 of the year in which the member attains the age of sixty-seven years or on July 1 following the year the member retires, whichever is later.

C. Beginning on July 1, 2013 and on each July 1 thereafter:

(1) if the funded ratio of the fund as reported by the board's actuary in the actuarial valuation report for the next preceding fiscal year is one hundred percent or greater, the annuity adjustments provided for under Subsection B of this section shall be adjusted by applying an adjustment factor based on the percentage increase of the consumer price index between the next preceding calendar year and the preceding calendar year. The adjustment factor shall be applied as follows:

(a) if the percentage increase of the consumer price index is less than two percent in absolute value, the adjustment factor shall be the same amount as the percentage increase of the consumer price index; and

(b) if the percentage increase of the consumer price index is two percent or greater in absolute value, the adjustment factor shall be one-half of the percentage increase; except that the adjustment shall not exceed four percent in absolute value nor be less than two percent in absolute value;

(2) if the funded ratio of the fund as reported by the board's actuary in the actuarial report for the next preceding fiscal year is greater than ninety percent but less than one hundred percent, except for a member who is on disability status in accordance with Section 22-11-35 NMSA 1978 and whose benefit is adjusted as provided in Subsection G of this section or a member who is retired pursuant to Section 22-11-38 NMSA 1978, the adjustment factor provided for in Subsection B of this section shall be applied as follows:

(a) if the percentage increase in the consumer price index is less than two percent in absolute value, for a member who has twenty-five or more years of service credit at retirement and whose annuity is less than or equal to the median adjusted annuity for the fiscal year next preceding the adjustment date, the adjustment factor shall be ninety-five percent of the adjustment factor determined pursuant to Subparagraph (a) of Paragraph (1) of this subsection;

(b) if the percentage increase in the consumer price index is less than two percent in absolute value, for a member who has less than twenty-five years of

service credit at retirement and whose annuity is less than or equal to the median adjusted annuity for the fiscal year next preceding the adjustment date, and for a member whose annuity is greater than the median adjusted annuity for the fiscal year next preceding the adjustment date, the adjustment factor shall be ninety percent of the adjustment factor determined pursuant to Subparagraph (a) of Paragraph (1) of this subsection;

(c) if the percentage increase in the consumer price index is greater than or equal to two percent in absolute value for a member who has twenty-five or more years of service credit at retirement and whose annuity is less than or equal to the median adjusted annuity for the fiscal year next preceding the adjustment date, the adjustment factor shall be ninety-five percent of the adjustment factor determined under Subparagraph (b) of Paragraph (1) of this subsection; and

(d) if the percentage increase in the consumer price index is greater than or equal to two percent in absolute value, for a member who has less than twenty-five years of service credit at retirement and whose annuity is less than or equal to the median adjusted annuity for the fiscal year next preceding the adjustment date, and for a member whose annuity is greater than the median adjusted annuity for the fiscal year next preceding the adjustment date, the adjustment factor shall be ninety percent of the adjustment factor determined under Subparagraph (b) of Paragraph (1) of this subsection;

(3) if the funded ratio of the fund as reported by the board's actuary in the actuarial valuation report for the next preceding fiscal year is ninety percent or less, except for a member who is on disability status in accordance with Section 22-11-35 NMSA 1978 and whose benefit is adjusted as provided in Subsection G of this section or a member who is retired pursuant to Section 22-11-38 NMSA 1978, the adjustment factor provided for in Subsection B of this section shall be applied as follows:

(a) if the percentage increase in the consumer price index is less than two percent in absolute value, for a member who has twenty-five or more years of service credit at retirement and whose annuity is less than or equal to the median adjusted annuity for the fiscal year next preceding the adjustment date, the adjustment factor shall be ninety percent of the adjustment factor determined pursuant to Subparagraph (a) of Paragraph (1) of this subsection;

(b) if the percentage increase in the consumer price index is less than two percent in absolute value, for a member who has less than twenty-five years of service credit at retirement and whose annuity is less than or equal to the median adjusted annuity for the fiscal year next preceding the adjustment date, and for a member whose annuity is greater than the median adjusted annuity for the fiscal year next preceding the adjustment date, the adjustment factor shall be eighty percent of the adjustment factor determined pursuant to Subparagraph (a) of Paragraph (1) of this subsection;

(c) if the percentage increase in the consumer price index is greater than or equal to two percent in absolute value for a member who has twenty-five or more years of service credit at retirement and whose annuity is less than or equal to the median adjusted annuity for the fiscal year next preceding the adjustment date, the adjustment factor shall be ninety percent of the adjustment factor determined under Subparagraph (b) of Paragraph (1) of this subsection; and

(d) if the percentage increase in the consumer price index is greater than or equal to two percent in absolute value, for a member who has less than twenty-five years of service credit at retirement and whose annuity is less than or equal to the median adjusted annuity for the fiscal year next preceding the adjustment date, and for a member whose annuity is greater than the median adjusted annuity for the fiscal year next preceding the adjustment date, the adjustment factor shall be eighty percent of the adjustment factor determined under Subparagraph (b) of Paragraph (1) of this subsection; and

(4) an annuity shall not be decreased if there is a decrease in the consumer price index between the next preceding calendar year and the preceding calendar year.

D. A retired member whose benefit is subject to adjustment under the provisions of the Educational Retirement Act in effect prior to July 1, 1984 shall have the member's annuity readjusted annually and cumulatively under the provisions of that act in effect prior to July 1, 1984 until July 1 of the year in which the member attains the age of sixty-five years, when the member shall have the annuity readjusted annually and cumulatively under the provisions of this section.

E. A member who:

(1) retires pursuant to Subsection A of Section 22-11-23 NMSA 1978 or Subsection A of Section 22-11-23.1 NMSA 1978 after attaining the age of sixty-five years shall have the member's annuity adjusted as provided in Subsections B and C of this section commencing on July 1 of the year following the member's retirement; or

(2) retires pursuant to Subsection A of Section 22-11-23.2 NMSA 1978 after attaining the age of sixty-seven years shall have the member's annuity adjusted as provided in Subsections B and C of this section commencing on July 1 of the year following the member's retirement.

F. A retired member who returns to work and suspends retirement shall be subject to the provisions of this section as they exist at the time of the member's latest retirement.

G. Benefits of a member who is on a disability status in accordance with Section 22-11-35 NMSA 1978 or a member who is certified by the board as disabled at



regular retirement shall be adjusted in accordance with Subsections B and C of this section; provided that:

(1) the benefits shall be adjusted annually and cumulatively commencing on July 1 of the third full year following the year in which the member was approved by the board for disability or retirement; and

(2) upon attaining the age of sixty years, a member on a disability status who is receiving an annuity adjustment pursuant to this section shall continue to receive the annuity adjustment at the rate of benefits received for the disability."

## **Chapter 6 Section 4 Laws 2025**

SECTION 4. Section 22-11-34 NMSA 1978 (being Laws 1967, Chapter 16, Section 157, as amended) is amended to read:

"22-11-34. ALLOWED SERVICE CREDIT.--

A. A member shall be certified to have acquired allowed service credit pursuant to the Internal Revenue Code of 1986 for those periods of time when the member was:

(1) employed prior to July 1, 1967 in a federal educational program within New Mexico, including United States Indian schools and civilian conservation corps camps. This service credit shall be allowed without contribution;

(2) engaged in military service that interrupted the member's employment in New Mexico if the member returned to employment within eighteen months following honorable discharge. This service credit shall be allowed without contribution;

(3) engaged in United States military service or the commissioned corps of the public health service from which the member was honorably discharged; provided that:

(a) the member shall have five years or more of contributory employment to be eligible to purchase allowed service credit pursuant to this paragraph;

(b) the member shall contribute to the fund, for each year of service credit the member elects to purchase, a sum equal to the member's average annual actual salary for the five years preceding the date of the contribution multiplied by the sum of the member contribution rate and the employer contribution rate in effect at the time of the member's written election to purchase, subject to the federal Uniformed Services Employment and Reemployment Rights Act of 1994;

(c) full payment shall be made within ninety days of the date that the member is informed of the amount of the payment; and

(d) the portion of the purchase cost derived from the employer's contribution rate shall be credited to the fund and, in the event that a member requests a refund of contributions pursuant to Section 22-11-15 NMSA 1978, the member shall not be entitled to a refund of that portion of the purchase cost derived from the employer contribution rate; or

(4) employed:

(a) in a public school or public institution of higher learning in another state, territory or possession of the United States;

(b) in a United States military dependents' school operated by a branch of the armed forces of the United States;

(c) as provided in Paragraph (1) of this subsection after July 1, 1967; or

(d) in a private school or institution of higher learning in New Mexico whose education program is accredited or approved by the department at the time of employment.

B. Effective July 1, 2001, the member or employer under Paragraph (4) of Subsection A of this section shall contribute to the fund for each year of allowed service credit desired an amount equal to the actuarial value of the service purchased as defined by the board. No allowed service credit shall be purchased pursuant to Paragraph (4) of Subsection A of this section unless the member is currently employed by a local administrative unit.

C. No member shall be certified to have acquired allowed service credit:

(1) under any single paragraph or the combination of only Paragraphs (1) and (4) or only Paragraphs (2) and (3) of Subsection A of this section in excess of five years; or

(2) in excess of ten years for any other combination of Paragraphs (1) through (4) of Subsection A of this section.

D. A member receiving service credit under Paragraph (3) or (4) of Subsection A of this section who enrolls in the retiree health care authority shall make contributions pursuant to Subsection C of Section 10-7C-15 NMSA 1978."

## **Chapter 6 Section 5 Laws 2025**

SECTION 5. Section 22-11-55 NMSA 1978 (being Laws 2009, Chapter 240, Section 1 and Laws 2009, Chapter 248, Section 1, as amended) is amended to read:

"22-11-55. DISCLOSURE OF MEMBER OR RETIRED MEMBER INFORMATION--PENALTY.--

A. Other than names of members and local administrative units by which a member was employed; dates of employment, retirement and reported death; service credit; reported salary; retirement and disability benefits; and amounts of contributions made by members and local administrative units, neither the board nor its employees or contractors shall allow public inspection or disclosure of any information regarding a member or retired member to anyone except:

(1) the member, retired member or the spouse or authorized representative of the member or retired member;

(2) other persons specifically identified in a prior release and consent, in the form prescribed by the board, executed by the member, retired member, spouse or authorized representative;

(3) the attorney general, appropriate law enforcement agencies, the state auditor or the public education department or higher education department, if the information provided relates to contributions, payments or management of money received by, or the financial controls or procedures of, a local administrative unit; or

(4) the public employees retirement board for the purpose of administering the Public Employees Retirement Reciprocity Act.

B. No person receiving information disclosed by a violation of Subsection A of this section shall disclose that information to any other person unless authorized by an applicable confidentiality agreement, board rule or state law.

C. Whoever knowingly violates a provision of Subsection A or B of this section is guilty of a petty misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978.

## **Chapter 6 Section 6 Laws 2025**

SECTION 6. REPEAL.--Section 22-11-5.1 NMSA 1978 (being Laws 1999, Chapter 153, Section 2, as amended) is repealed.

# **LAWS 2025, CHAPTER 7**

**Senate Bill 163, aa, w/ec**  
**Approved March 19, 2025**

## **AN ACT**

RELATING TO PUBLIC SCHOOLS; PERMITTING PUBLIC SCHOOL STUDENTS WHO ARE ENROLLED, OR ELIGIBLE FOR ENROLLMENT, IN FEDERALLY RECOGNIZED INDIAN NATIONS, TRIBES AND PUEBLOS TO WEAR TRIBAL REGALIA AT GRADUATION CEREMONIES OR PUBLIC SCHOOL EVENTS; DECLARING AN EMERGENCY.

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

## **Chapter 7 Section 1 Laws 2025**

SECTION 1. Section 22-5-4.3 NMSA 1978 (being Laws 1986, Chapter 33, Section 9, as amended by Laws 2021, Chapter 19, Section 1 and by Laws 2021, Chapter 37, Section 1 and also by Laws 2021, Chapter 51, Section 8) is amended to read:

"22-5-4.3. SCHOOL DISCIPLINE POLICIES--RACIAL SENSITIVITY AND ANTI-RACISM TRAINING--HOTLINE FOR REPORTING RACIALLY CHARGED INCIDENTS AND RACIALIZED AGGRESSION INVOLVING STUDENTS OR SCHOOL PERSONNEL--STUDENTS MAY SELF-ADMINISTER CERTAIN MEDICATIONS.--

A. Local school boards shall establish student discipline policies and shall file them with the department. The local school board shall involve parents, school personnel and students in the development of these policies, and public hearings shall be held during the formulation of these policies in the high school attendance areas within each school district or on a district-wide basis for those school districts that have no high school. No local school board shall 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. Each school district discipline policy shall establish rules of conduct governing areas of student and school activity, detail specific prohibited acts and activities and enumerate possible disciplinary sanctions, which sanctions may include in-school suspension, school service, suspension or expulsion. Corporal punishment shall be prohibited by each local school board and each governing body of a charter school.

C. An individual school within a school district may establish a school discipline policy, provided that parents, school personnel and students are involved in

its development and a public hearing is held in the school prior to its adoption. If an individual school adopts a discipline policy in addition to the local school board's school district discipline policy, it shall submit its policy to the local school board for approval.

D. All school discipline policies shall define and include a specific prohibition against racialized aggression involving a student or school personnel. Every school district and every charter school shall provide links to the statewide hotline to report racially charged incidents or racialized aggression.

E. No school employee who in good faith reports any known or suspected violation of the school discipline policy or in good faith attempts to enforce the policy shall be held liable for any civil damages as a result of such report or of the employee's efforts to enforce any part of the policy.

F. All public school and school district discipline policies shall allow students to carry and self-administer asthma medication and emergency anaphylaxis medication that has been legally prescribed to the student by a licensed health care provider under the following conditions:

(1) the health care provider has instructed the student in the correct and responsible use of the medication;

(2) the student has demonstrated to the health care provider and the school nurse or other school official the skill level necessary to use the medication and any device that is necessary to administer the medication as prescribed;

(3) the health care provider formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours or school-sponsored activities, including transit to or from school or school-sponsored activities; and

(4) the student's parent has completed and submitted to the school any written documentation required by the school or the school district, including the treatment plan required in Paragraph (3) of this subsection and other documents related to liability.

G. The parent of a student who is allowed to carry and self-administer asthma medication and emergency anaphylaxis medication may provide the school with backup medication that shall be kept in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

H. Authorized school personnel who in good faith provide a person with backup medication as provided in this section shall not be held liable for civil damages as a result of providing the medication.

I. Local school boards and governing bodies of charter schools shall not prohibit a student who is enrolled, or eligible for enrollment, in a federally recognized Indian nation, tribe or pueblo from wearing tribal regalia or objects of cultural significance along with or attached to a cap or gown or wearing tribally significant footwear or other items of apparel under a gown at graduation ceremonies or public school events.

J. As used in this section:

(1) "cultural or religious headdresses" includes hijabs, head wraps or other headdresses used as part of a person'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) "tribal regalia" means a tribe's traditional dress or recognized objects of religious or cultural significance, including tribal symbols, jewelry, beading and feathers."

## **Chapter 7 Section 2 Laws 2025**

SECTION 2. Section 22-8B-4 NMSA 1978 (being Laws 1999, Chapter 281, Section 4, as amended) is amended to read:

"22-8B-4. CHARTER SCHOOLS' RIGHTS AND RESPONSIBILITIES--  
OPERATION.--

A. A charter school shall be 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.

B. 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.

C. 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.

D. 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 E of this section.

E. 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.

F. 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.

G. 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.

H. 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.

I. A charter school shall be a nonsectarian, nonreligious and non-home-based public school.

J. Except as otherwise provided in the Public School Code, a charter school shall not charge tuition or have admission requirements.

K. 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.

L. A charter school shall be subject to the provisions of Section 22-2-8 NMSA 1978 and the Assessment and Accountability Act.

M. 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.

N. 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.

O. 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.

P. 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.

Q. 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.

R. To enable state-chartered charter schools to submit required data to the department, an accountability data system shall be maintained by the department.



S. A charter school shall comply with all applicable state and federal laws and rules related to providing special education services. Charter school students with disabilities and their parents retain all rights under the federal Individuals with Disabilities Education Act and its implementing state and federal rules. Each charter school is responsible for identifying, evaluating and offering a free appropriate public education to all eligible children who are accepted for enrollment in that charter school. The state-chartered charter school, as a local educational agency, shall assume responsibility for determining students' needs for special education and related services. The division may promulgate rules to implement the requirements of this subsection."

## **Chapter 7 Section 3 Laws 2025**

SECTION 3. A new section of the Charter Schools Act is enacted to read:

"POLICY OF NON-DISCRIMINATION.--

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. Governing bodies of charter schools shall not prohibit a student who is enrolled, or eligible for enrollment, in a federally recognized Indian nation, tribe or pueblo from wearing tribal regalia or objects of cultural significance along with or attached to a cap or gown or wearing tribally significant footwear or other items of apparel under a gown at graduation ceremonies or public school events.

C. As used in this section:

(1) "cultural or religious headdresses" includes hijabs, head wraps or other headdresses used as part of a person'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) "tribal regalia" means a tribe's traditional dress or recognized objects of religious or cultural significance, including tribal symbols, jewelry, beading and feathers."

## **Chapter 7 Section 4 Laws 2025**

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

## **LAWS 2025, CHAPTER 8**

**Senate Bill 199**

**Approved March 19, 2025**

AN ACT

RELATING TO ALCOHOL; INCREASING THE AMOUNT OF THE LOCAL DWI GRANT FUND THAT MAY BE USED FOR ADMINISTRATION OF THE LOCAL DWI GRANT PROGRAM.

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

## **Chapter 8 Section 1 Laws 2025**

SECTION 1. Section 11-6A-3 NMSA 1978 (being Laws 1993, Chapter 65, Section 3, as amended) is amended to read:

"11-6A-3. LOCAL DWI GRANT PROGRAM--FUND.--

A. The division shall establish a local DWI grant program to make grants to municipalities or counties for:

(1) new, innovative or model programs, services or activities to prevent or reduce the incidence of DWI, alcoholism, alcohol abuse, drug addiction or drug abuse; and

(2) programs, services or activities to prevent or reduce the incidence of domestic abuse related to DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

B. Grants shall be awarded by the council pursuant to the advice and recommendations of the division.

C. The "local DWI grant fund" is created in the state treasury and shall be administered by the division. Three million dollars (\$3,000,000) of liquor excise tax revenues distributed to the fund and all other money in the fund, other than money appropriated for distribution pursuant to Subsections D and E of this section and money appropriated for DWI program distributions, are appropriated to the division to make grants to municipalities and counties upon council approval in accordance with the program established under the Local DWI Grant Program Act and to evaluate DWI

grantees and the local DWI grant program. Money in the fund may be used for drug courts. An amount equal to the liquor excise tax revenues distributed annually to the fund, less six million one hundred thousand dollars (\$6,100,000), is appropriated to the division to make DWI program distributions to counties upon council approval of programs in accordance with the provisions of the Local DWI Grant Program Act. No more than one million one hundred thousand dollars (\$1,100,000) of liquor excise tax revenues distributed to the fund in any fiscal year shall be expended for administration of the grant program. Balances in the fund at the end of any fiscal year shall not revert to the general fund.

D. Two million eight hundred thousand dollars (\$2,800,000) of the liquor excise tax revenues distributed to the local DWI grant fund is appropriated to the division for distribution to the following counties in the following amounts for funding of alcohol detoxification and treatment facilities:

(1) one million seven hundred thousand dollars (\$1,700,000) to class A counties with a population of over three hundred thousand persons according to the 1990 federal decennial census;

(2) three hundred thousand dollars (\$300,000) each to counties reclassified in 2002 as class A counties with a population of more than ninety thousand but less than one hundred thousand persons according to the 1990 federal decennial census;

(3) two hundred thousand dollars (\$200,000) to class B counties with a population of more than thirty thousand but less than forty thousand persons according to the 1990 federal decennial census;

(4) one hundred fifty thousand dollars (\$150,000) to class B counties with a population of more than sixty-two thousand but less than sixty-five thousand persons according to the 1990 federal decennial census; and

(5) one hundred fifty thousand dollars (\$150,000) to class B counties with a population of more than thirteen thousand but less than fifteen thousand persons according to the 1990 federal decennial census.

E. Three hundred thousand dollars (\$300,000) of the liquor excise tax revenues distributed to the local DWI grant fund is appropriated to the division for the interlock device fund.

F. In awarding DWI grants to local communities, the council:

(1) may fund new or existing innovative or model programs, services or activities designed to prevent or reduce the incidence of DWI, alcoholism or alcohol abuse;

(2) may fund existing community-based programs, services or facilities for prevention, screening and treatment of alcoholism and alcohol abuse;

(3) may fund new or existing innovative or model programs, services or activities of any kind designed to prevent or reduce the incidence of domestic abuse related to DWI, alcoholism or alcohol abuse;

(4) may fund existing community-based programs, services or facilities for prevention and treatment of domestic abuse related to DWI, alcoholism or alcohol abuse;

(5) shall give consideration to a broad range of approaches to prevention, education, screening, treatment or alternative sentencing, including programs that combine incarceration, treatment and aftercare, to address the problem of DWI, alcoholism or alcohol abuse; and

(6) shall make grants only to counties or municipalities in counties that have established a DWI planning council and adopted a county DWI plan or are parties to a multicounty DWI plan that has been approved by the council and approved pursuant to Chapter 43, Article 3 NMSA 1978 and only for programs, services or activities consistent with that plan. A DWI plan shall also comply with local DWI grant program rules and guidelines.

G. The council shall use the criteria in Subsection F of this section to approve DWI programs, services or activities for funding through the county DWI program distribution. Sixty-five percent of the DWI grants awarded to local communities shall be used for alcohol-related treatment and detoxification programs."

## **Chapter 8 Section 2 Laws 2025**

SECTION 2. Section 11-6A-6 NMSA 1978 (being Laws 1997, Chapter 182, Section 2, as amended) is amended to read:

"11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM FUNDS--APPROVAL OF PROGRAMS.--

A. An amount equal to the liquor excise tax revenues distributed to the local DWI grant fund for the fiscal year less six million one hundred thousand dollars (\$6,100,000) shall be available for distribution in accordance with the formula in Subsection B of this section to each county for council-approved DWI programs, services or activities; provided that each county shall receive a minimum distribution of at least one-half percent of the money available for distribution.

B. Each county shall be eligible for a DWI program distribution in an amount derived by multiplying the total amount of money available for distribution by a percentage that is the average of the following two percentages:

(1) a percentage equal to a fraction, the numerator of which is the retail trade gross receipts in the county and the denominator of which is the total retail trade gross receipts in the state; and

(2) a percentage equal to a fraction, the numerator of which is the number of alcohol-related injury crashes in the county and the denominator of which is the total alcohol-related injury crashes in the state.

C. A county shall be eligible to receive the distribution determined pursuant to Subsection B of this section if the board of county commissioners has submitted to the council a request to use the distribution for the operation of one or more DWI programs, services or activities in the county and the request has been approved by the council. The request shall also comply with local DWI grant program rules and guidelines.

D. No later than April 1 each year, each board of county commissioners seeking approval for the DWI program distribution pursuant to this section shall make application to the division for review and approval by the council for one or more local DWI programs, services or activities in the county. Application shall be made on a form and in a manner determined by the division. The council shall approve the programs eligible for a distribution no later than July 1 of each year. The division shall make the annual distribution to each county in quarterly installments on or before each September 10, December 10, March 10 and June 10, beginning in September 2004. The amount available for distribution quarterly to each county shall be the amount determined by applying the formula in Subsection B of this section to the amount of liquor excise tax revenues in the local DWI grant fund at the end of the month prior to the quarterly installment due date and after one million five hundred twenty-five thousand dollars (\$1,525,000) has been set aside for the DWI grant program and after the appropriations and distributions pursuant to Subsections D and E of Section 11-6A-3 NMSA 1978.

E. If a county does not have a council-approved DWI program, service or activity or does not need the full amount of the available distribution, the unused money shall revert to the local DWI grant fund and may be used by the council for the local DWI grant program.

F. As used in this section:

(1) "alcohol-related injury crashes" means the average annual number of alcohol-related injury crashes during the period from January 1, 2000 through December 31, 2002, as determined by the traffic safety bureau of the department of transportation; and

(2) "retail trade gross receipts" means the total reported gross receipts attributable to taxpayers reporting under the retail trade industry sector of the state for the most recent fiscal year as determined by the taxation and revenue department."

## **Chapter 8 Section 3 Laws 2025**

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

## **LAWS 2025, CHAPTER 9**

**Senate Bill 5, aa, partial veto**  
**Approved March 20, 2025**

### **AN ACT**

RELATING TO THE STATE GAME COMMISSION; REFORMING THE STATE GAME COMMISSION APPOINTMENT PROCESS; SETTING TERM LIMITS FOR COMMISSIONERS; ADDING REQUIREMENTS FOR APPOINTMENT AND REMOVAL OF COMMISSIONERS; CREATING THE STATE WILDLIFE COMMISSION NOMINATING COMMITTEE; RENAMING THE DEPARTMENT OF GAME AND FISH AS THE DEPARTMENT OF WILDLIFE; RENAMING THE STATE GAME COMMISSION AS THE STATE WILDLIFE COMMISSION; AMENDING STATUTORY POLICY; EXPANDING THE MANAGEMENT OF WILDLIFE; ADDING DEFINITIONS; PROVIDING REPORTING REQUIREMENTS; AMENDING LICENSING FEES; PROVIDING FOR FEE ADJUSTMENTS TO ACCOUNT FOR INFLATION; ADDING LICENSE FEES AND TYPES; PROVIDING DISCOUNTS FOR RESIDENTS WHO RECEIVE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS; PROVIDING TRANSFERS; REPEALING SECTIONS 17-1-1 AND 17-2-2 NMSA 1978 (BEING LAWS 1921, CHAPTER 35, SECTION 1 AND LAWS 1937, CHAPTER 23, SECTION 1, AS AMENDED).

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

## **Chapter 9 Section 1 Laws 2025**

SECTION 1. Section 17-2A-1 NMSA 1978 (being Laws 1996, Chapter 89, Section 3) is recompiled as Section 17-1-1.1 NMSA 1978 and is amended to read:

"17-1-1.1. DEFINITIONS.--For the purposes of Chapter 17 NMSA 1978:

- A. "commission" or "state game commission" means the state wildlife commission;
- B. "department" or "department of game and fish" means the department of wildlife;

C. "director", "warden", "state warden", "state game warden" or "state game and fish warden" means the director of the department of wildlife;

D. "hunt code" means a description used to identify and define the species, weapon type and time frame authorized for a specific hunt;

E. "outfitter" or "guide" means a person who advertises or holds themselves out to the public for hire or is employed or accepts compensation for providing, within the unit where a hunt occurs, facilities, equipment or services for hunting activities; provided, however, that "outfitter" or "guide" does not include a person who only cooks, cuts wood or performs other comparable or incidental duties not directly related to hunting activities; and

F. "unit" means a geographically bound area in the state that is used to manage game species."

## **Chapter 9 Section 2 Laws 2025**

SECTION 2. Section 17-1-2 NMSA 1978 (being Laws 1921, Chapter 35, Section 2, as amended) is amended to read:

### **"17-1-2. STATE WILDLIFE COMMISSION--APPOINTMENT--TERM.--**

A. There is created a "state wildlife commission" of seven voting members, all of whom shall possess knowledge of wildlife, hunting and fishing and be New Mexico residents. The governor shall appoint the members of the commission with the advice and consent of the senate from a list of qualified nominees submitted to the governor by the state wildlife commission nominating committee. The commission shall select one commissioner to be chair and one commissioner to be vice chair. The department shall provide administrative support to the commission.

B. Three at-large members of the commission shall hold positions one, two and three, with no more than one member residing in any one county and with no more than two members affiliated with the same political party; provided that at least one member shall be a member of a federally recognized Indian nation, tribe or pueblo in New Mexico.

C. Four members of the commission shall hold positions four, five, six and seven, with no more than one member residing in any one county and with no more than two members affiliated with the same political party, as follows:

(1) position four, a rancher or farmer who actively works at growing and selling livestock or crops from a ranch or farm where at least two big game species, as defined by and for which hunting is licensed by the department, are frequently present;

(2) position five, a conservationist who for the previous four years has been an employee, a member of the board or a member of an established advisory committee of a nonprofit wildlife or habitat conservation organization, the primary focus of which is not game species;

(3) position six, an individual who is both a hunter and an angler having held both a New Mexico hunting license and fishing license each of the previous four years; and

(4) position seven, a scientist who holds at least a master's degree in wildlife biology, conservation biology, fisheries science or management, wildlife science or management or a comparable wildlife field.

D. Except for the initial appointments as provided in Section 12 of this 2025 act, the term of office for each member of the commission shall be six years.

E. A commissioner shall serve for no more than two terms after January 1, 2027. A partial term shall be counted as one full term, unless the partial term is less than one full year.

F. When a commissioner dies, resigns or no longer meets the qualifications required for the commissioner's original appointment, or misses three consecutive meetings, that position on the commission becomes vacant. The governor shall appoint a successor for the remainder of the term from a list of qualified nominees submitted to the governor by the state wildlife commission nominating committee.

G. Except when the position of commissioner becomes vacant pursuant to Subsection F of this section, a commissioner shall not be removed except for incompetence, neglect of duty or malfeasance in office[; provided that no removal shall be made without notice of hearing and an opportunity to be heard having first been given to the commissioner. The state ethics commission may bring an action in district court for the removal of a commissioner upon the state ethics commission's information or upon the complaint of a person with knowledge of a commissioner's alleged incompetence, neglect of duty or malfeasance in office. The state ethics commission may also bring an action in district court to enforce the provisions of Subsection F of this section or determine whether a position of the commission has become vacant pursuant to Subsection F of this section. A final decision by a district court in an action brought pursuant to Subsections G or F of this section may be appealed directly to the supreme court]. *LINE ITEM VETO*

H. A person shall not be eligible to be appointed as a commissioner if the person changed party affiliation during the previous four years; provided that a person who changed party affiliation for the purpose of voting in a primary election pursuant to Section 1-4-5.7 NMSA 1978 and then changed party affiliation back to the status of that person's party affiliation immediately prior to the change within ninety days shall not be considered to have changed party affiliation for the purposes of this subsection.



I. The following persons shall serve as advisory, nonvoting members of the commission:

(1) the director of the New Mexico outdoor recreation division of the economic development department or the director's designee;

(2) the director of the New Mexico department of agriculture or the director's designee;

(3) the commissioner of public lands or the commissioner's designee;  
and

(4) the secretary of Indian affairs or the secretary's designee."

## **Chapter 9 Section 3 Laws 2025**

SECTION 3. A new Section 17-1-2.1 NMSA 1978 is enacted to read:

"17-1-2.1. STATE WILDLIFE COMMISSION NOMINATING COMMITTEE.--

A. The "state wildlife commission nominating committee" is created and consists of nine members, all of whom shall be New Mexico residents, as follows:

(1) four members appointed as follows: one by the speaker of the house of representatives, one by the minority floor leader of the house of representatives, one by the president pro tempore of the senate and one by the minority floor leader of the senate;

(2) two members as follows: the chair of the university of New Mexico's department of biology or the chair's designee and the chair of New Mexico state university's department of fish, wildlife and conservation ecology or the chair's designee;

(3) two members appointed by the governor who shall not be registered as members of the same political party; and

(4) one member appointed by the governor who shall represent an Indian nation, tribe or pueblo.

B. A committee member shall serve without compensation but shall be reimbursed for expenses incurred in pursuit of the member's duties on the committee pursuant to the Per Diem and Mileage Act.

C. The committee and individual members shall be subject to the Governmental Conduct Act, the Gift Act, the Inspection of Public Records Act, the Financial Disclosure Act and the Open Meetings Act.

D. The committee shall select one member to be chair and one member to be secretary. Administrative support shall be provided to the committee by the staff of the department.

E. An appointed committee member may be removed by the person who holds the office that appointed that committee member. A committee member shall serve until the committee member's resignation or removal by the appointing authority.

F. The committee shall meet at least ninety days prior to the date on which the term of a state wildlife commissioner ends and as often as necessary thereafter in order to submit a list to the governor, at least thirty days prior to the beginning of the new term, of a minimum of three qualified nominees for each position of the commission. The list shall be developed to provide geographical and political party diversity as appropriate to conform the makeup of the commission to the geographical and political party requirements of Section 17-1-2 NMSA 1978.

G. Upon the occurrence of a vacancy in a state wildlife commissioner position, the committee shall meet within thirty days of the date of the beginning of the vacancy and as often as necessary thereafter in order to submit a list to the governor, within sixty days of the first meeting after the vacancy occurs, of no fewer than three qualified nominees for appointment to the commission to fill the remainder of the term of each commissioner position that is vacant. The list shall be developed to provide geographical and political party diversity as appropriate to conform the makeup of the commission to the geographical and political party requirements pursuant to Section 17-1-2 NMSA 1978.

H. The committee shall actively solicit, accept and evaluate applications from qualified individuals for a position on the commission and may require an applicant to submit any information that the committee deems relevant to the consideration of the individual's application.

I. The committee shall select nominees for submission to the governor who, in the committee's judgment, are best qualified to serve as a member of the commission. A person shall not be eligible for nomination to the commission while serving on the committee.

J. A majority vote of committee members at a meeting at which a quorum is present in favor of a person is required for that person to be included on the list of qualified nominees submitted to the governor.

K. The committee shall allow for public comment at a committee meeting during which the committee is considering a list of qualified nominees for appointment to the commission before the committee votes on the nominees."

## **Chapter 9 Section 4 Laws 2025**

SECTION 4. Section 17-1-26 NMSA 1978 (being Laws 1931, Chapter 117, Section 2, as amended) is amended to read:

"17-1-26. RULEMAKING POWER.--

A. The commission is authorized and directed to make rules as it may deem necessary to carry out the provisions and purposes of Chapter 17 NMSA 1978.

B. The rules may include, as applicable, when, where, by what means and to what extent, if at all, wildlife may be hunted, taken, captured, killed, possessed, released, bartered, sold, purchased, shipped and imported into or exported from the state.

C. In making rules, the commission may consider a species' population size and trends, migration patterns, availability of suitable habitat, response to changes in climate conditions, conservation actions necessary to sustain healthy populations and ecosystems, sustainable food supply and any other factors, natural or human-driven, that are judged to affect the health of a species or a species' ecosystem."

## **Chapter 9 Section 5 Laws 2025**

SECTION 5. A new section of the Wildlife Conservation Act is enacted to read:

"WILDLIFE TO BE PROTECTED--MANAGEMENT.--

A. In addition to species defined as protected in Chapter 17 NMSA 1978, the commission is authorized to extend management and protection by rule to any species of wildlife.

B. When determining whether and how to protect a species of wildlife, the commission shall consider:

(1) whether the species qualifies as a species of greatest conservation need;

(2) the science-based reasons for protection of a species; and

(3) the rules and management programs that would potentially accompany protected status.

C. The department is not required to respond to wildlife nuisance incidents as prescribed by Section 17-2-7.2 NMSA 1978 unless:

(1) the department was required to do so for species listed as protected in statute prior to July 1, 2026; or

(2) in its own discretion, the commission adopts a rule directing the department to do so.

D. As used in this section, "wildlife" means a nondomestic mammal, bird, reptile, amphibian, fish or invertebrate species, including a living animal, or any part, egg, spawn, offspring or the dead body or parts thereof."

## **Chapter 9 Section 6 Laws 2025**

SECTION 6. A new section of the Wildlife Conservation Act is enacted to read:

"SPECIES OF GREATEST CONSERVATION NEED--DEFINITION--DATA COLLECTION.--

A. For the purposes of Chapter 17 NMSA 1978, "species of greatest conservation need" means species as identified and updated by the department in an assessment of the state's wildlife and habitat.

B. The department shall annually publish on the department's website data collected on species of greatest conservation need and the use of state and federal funds for the support and recovery of species of greatest conservation need."

## **Chapter 9 Section 7 Laws 2025**

SECTION 7. Section 17-2-38 NMSA 1978 (being Laws 1974, Chapter 83, Section 2, as amended) is amended to read:

"17-2-38. DEFINITIONS.--As used in the Wildlife Conservation Act:

A. "commission" means the state wildlife commission;

B. "director" means the director of the department of wildlife;

C. "ecosystem" means a system of living organisms and their environment;

D. "endangered species" means any species of fish or wildlife whose prospects of survival or recruitment within the state are in jeopardy due to any of the following factors:

(1) the present or threatened destruction, modification or curtailment of its habitat;

(2) overutilization for scientific, commercial or sporting purposes;

(3) the effect of disease or predation;

(4) other natural or man-made factors affecting its prospects of survival or recruitment within the state; or

(5) any combination of the foregoing factors. The term may also include any species of fish or wildlife appearing on the United States list of endangered native and foreign fish and wildlife as set forth in Section 4 of the federal Endangered Species Act of 1973 as endangered species; provided that the commission adopts those lists in whole or in part. The term does not include any species covered by the provisions of 16 U.S.C. 1331 through 1340 (1971) or any species of the class insecta determined by the director to constitute a pest whose protection under the Wildlife Conservation Act would present an overwhelming and overriding risk to humans;

E. "investigation" means a process pursuant to Subsections B through L of Section 17-2-40 NMSA 1978 undertaken whenever the director believes that a species may be threatened or endangered and that consists of a formal review of existing data and studies and may include additional field research to determine whether a species is threatened or endangered;

F. "land or aquatic habitat interests" means interests in real property or water rights consisting of fee simple title, easements in perpetuity, time certain easements, long-term leases and short-term leases;

G. "management" means the collection and application of biological information for the purposes of establishing and maintaining a congruous relationship between individuals within species and populations of wildlife and the carrying capacity of their habitat. The term includes the entire range of activities that constitutes a full scientific resource program, including research, census, law enforcement, propagation, acquisition or maintenance of land or aquatic habitat interests appropriate for recovery of the species; improvement and maintenance, education and related activities; and protection and regulated taking;

H. "recovery plan" means a designated program or methodology reasonably expected to lead to restoration and maintenance of a species and its habitat;

I. "peer review panel" means an advisory panel of scientists, each of whom possesses expertise relevant to the proposed investigation and at least one of whom is a wildlife biologist, convened to review the scientific methodology for collection and analysis of data by a researcher based on commonly accepted scientific peer review;

J. "species" means any species or subspecies;

K. "substantial public interest" means a nonfrivolous claim indicated by a broad-based expression of public concern;

L. "take" or "taking" means to harass, hunt, capture or kill any wildlife or attempt to do so;

M. "threatened species" means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range in New Mexico; the term may also include any species of fish or wildlife appearing on the United States list of endangered native and foreign fish and wildlife as set forth in Section 4 of the federal Endangered Species Act of 1973 as threatened species; provided that the commission adopts the list in whole or in part; and

N. "wildlife" means a nondomestic mammal, bird, reptile, amphibian, fish or invertebrate species, including a living animal, or any part, egg, spawn, offspring or the dead body or parts thereof."

## **Chapter 9 Section 8 Laws 2025**

SECTION 8. Section 17-3-2 NMSA 1978 (being Laws 1964 (1st S.S.), Chapter 17, Section 2, as amended) is amended to read:

### **"17-3-2. CLASSES OF LICENSES.--**

A. As used with reference to licenses in Chapter 17 NMSA 1978:

(1) "fishing" entitles the licensee to fish for game fish during the open seasons for each species;

(2) "game hunting" entitles the licensee to hunt game birds, other than wild turkey, and squirrel during the open seasons for each and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex, cougar and wild turkey;

(3) "deer" entitles the licensee to hunt deer during the open season;

(4) "antelope" entitles the licensee to hunt antelope during the open season;

(5) "elk" entitles the licensee to hunt elk during the open season;

(6) "bighorn sheep" entitles the licensee to hunt bighorn sheep during the open season;

(7) "Barbary sheep" entitles the licensee to hunt Barbary sheep during the open season;

(8) "javelina" entitles the licensee to hunt javelina during the open season;

- (9) "bear" entitles the licensee to hunt bear during the open season;
- (10) "nongame" entitles the licensee to hunt or take any animal or bird not protected by law;
- (11) "temporary fishing" entitles the licensee to fish for game fish during a specific period of time indicated on the license;
- (12) "oryx" entitles the licensee to hunt oryx during the open season;
- (13) "ibex" entitles the licensee to hunt ibex during the open season;
- (14) "cougar" entitles the licensee to hunt cougar during the open season;
- (15) "turkey" entitles the licensee to hunt turkey during the open season;
- (16) "special season turkey" entitles the licensee to hunt turkey during special seasons designated by the state wildlife commission;
- (17) "quality elk" entitles the licensee to hunt elk during a special quality elk season, to be established by the state wildlife commission, when the timing of the season and hunter density is specially regulated and the elk population is managed with an intent to provide the licensee an increased opportunity to take a mature elk;
- (18) "quality deer" entitles the licensee to hunt deer during a special quality deer season, to be established by the state wildlife commission, when the timing of the season and hunter density is specially regulated and the deer population is managed with an intent to provide the licensee an increased opportunity to take a mature deer;
- (19) "temporary game hunting" entitles the licensee to hunt game birds, except wild turkey, and squirrel during a specific period of time indicated on the license;
- (20) "second rod" entitles the licensee to fish using two fishing rods to fish for game fish during the open seasons for each species;
- (21) "fishing and game hunting combination" entitles the licensee to hunt squirrel and game birds, other than wild turkey, and to fish for game fish during the open season for each; and
- (22) "shed hunter license" entitles the licensee to shed hunting; provided that a shed hunter license shall not be required for shed hunting by a resident.

B. A hunting license does not entitle the licensee to hunt, kill or take game animals or birds within or upon a park or enclosure licensed or posted as provided by

law or within or upon a privately owned enclosure without consent of the owner or within or upon a game refuge or game management area.

C. A fishing license does not entitle the licensee to fish for or take fish within or upon a park or enclosure licensed or posted as provided by law or within or upon a privately owned enclosure without consent of the owner or in or on closed waters.

D. A junior fishing license may be purchased by a resident who has reached the age of twelve years but has not reached the age of eighteen years. A junior fishing license entitles the licensee to fish for game fish during the open season for each species.

E. A senior fishing license may be purchased by a resident who has reached the age of sixty-five years. A senior fishing license entitles the licensee to fish for game fish during the open season for each species.

F. A nonresident junior fishing license may be purchased by a nonresident who has reached the age of twelve years but has not reached the age of eighteen years. A nonresident junior fishing license entitles the licensee to fish for game fish during the open season for each species.

G. A senior game hunting license may be purchased by a resident who has reached the age of sixty-five years. A senior game hunting license entitles the licensee to hunt for squirrel and game birds, other than wild turkey, during the open seasons for each species and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex, cougar and wild turkey.

H. A junior, resident or nonresident, game hunting license may be purchased by a person who has not reached the age of eighteen years. A junior game hunting license entitles the licensee to hunt for squirrel and game birds, other than wild turkey, during the open seasons for each species and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex, cougar and wild turkey.

I. A disabled fishing license may be purchased by a resident who has a severe physical impairment that substantially limits one or more major life activities and who can furnish adequate proof of this disability to the state wildlife commission. A disabled fishing license may be purchased by a resident who has a developmental disability as defined in Subsection H of Section 43-1-3 NMSA 1978 and who can furnish adequate proof of this disability to the commission. A disabled fishing license entitles the licensee to fish for game fish during the open season for each species.

J. A disabled game hunting license may be purchased by a resident who has a severe physical impairment that substantially limits one or more major life activities and who can furnish adequate proof of this disability to the state wildlife commission. A disabled game hunting license entitles the licensee to hunt for squirrel and game birds,



other than wild turkey, during the open season for each species and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex, cougar and wild turkey.

K. A fishing license may be obtained at no cost by a resident who has reached the age of seventy years.

L. A second rod validation may be purchased by either a resident or nonresident. A second rod validation entitles the licensee to fish using two rods for game fish during the open season for each species.

M. A junior-senior elk license may be purchased by a resident who has not reached the age of eighteen years or by a resident who has reached the age of sixty-five years. A junior-senior elk license entitles the licensee to hunt for elk during the open season for that species.

N. A junior-senior deer license may be purchased by a resident who is younger than eighteen years or older than sixty-five years. A junior-senior deer license entitles the licensee to hunt for deer during the open season for that species.

O. A junior or senior fishing and game hunting combination license may be purchased by a resident who is younger than eighteen years or older than sixty-five years. A junior or senior fishing and game hunting combination license entitles the licensee to fish for game fish or hunt for squirrel and game birds, other than wild turkey, during the open seasons for each species and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex, cougar and wild turkey.

P. Except for a resident, disabled veteran, fishing and game hunting combination license issued pursuant to Section 17-3-13 NMSA 1978, a New Mexico resident who is a veteran of the United States military or who is active duty military is eligible for a fifty percent discount on any license, permit or stamp purchase upon valid proof of service as determined by the state wildlife commission."

## **Chapter 9 Section 9 Laws 2025**

SECTION 9. Section 17-3-7 NMSA 1978 (being Laws 1912, Chapter 85, Section 48, as amended) is amended to read:

"17-3-7. BLANK FORMS--LICENSE ISSUED ONLY ON APPLICATION--FALSE STATEMENT VOIDS LICENSE--RECORDS--REPORTS--ACCOUNTING FOR FEES COLLECTED--REFUND OF FEES--TRANSFER OF HUNTING LICENSE.--

A. The director of the department of wildlife shall prescribe and procure the printing of all forms and blanks that may be required to carry out the intent of Chapter 17 NMSA 1978. All necessary blanks shall be furnished by the director to the licensee

collectors. No license shall be issued except as provided in Section 17-3-5 NMSA 1978. Any false statement in any application shall render the license issued void.

B. A license collector shall keep a correct and complete record of licenses issued, which record shall remain in the license collector's office and be open to inspection by the public at all times.

C. A license collector may collect and retain a vendor fee for each license or permit issued; provided that the fee shall be just and reasonable, as determined by regulation of the state wildlife commission, and shall not exceed vendor costs for each license or permit issued; and provided further that no such fee shall be collected by the department of wildlife from the purchaser of a special license. "Special license" includes those licenses for the following species: antelope, elk, Barbary sheep, bighorn sheep, bison, oryx, ibex and javelina.

D. A license collector shall remit to the director of the department of wildlife the statutory fee of all licenses and permits sold on or before the tenth day of the month following and shall by the same time report the number and kind of licenses issued.

E. Except as provided in Section 17-1-14 NMSA 1978, the director of the department of wildlife shall turn over all money so received to the state treasurer to be credited to the game protection fund.

F. The director of the department of wildlife, in the director's sole discretion, may authorize a refund of the amount of a hunting license fee from the game and fish suspense fund if:

(1) upon written application by the licensee, prior to the time of the hunt for which the license has been issued, the director finds that:

(a) the licensee has a disability, due to a verified injury or life-threatening illness, that prohibits the licensee from hunting during the period that the license is valid; or

(b) the licensee has been deployed by the military and the deployment prevents the licensee from traveling to the hunt during the period that the license is valid;

(2) upon written application by a personal representative of a licensee's estate, the director finds that the licensee died prior to the time of the hunt for which the license was issued; or

(3) the director cancels a hunt due to forest fire or other natural disaster.

G. The director of the department of wildlife, in the director's sole discretion, may authorize a transfer of a hunting license:

(1) to the licensee's designee if, upon written application by the licensee, prior to the time of the hunt for which the license has been issued, the director finds that:

(a) the licensee has a disability, due to a verified injury or life-threatening illness, that prohibits the licensee from hunting during the period that the license is valid; or

(b) the licensee has been deployed by the military and the deployment prevents the licensee from traveling to the hunt during the period that the license is valid;

(2) to the designee of the licensee's estate if, upon written application by the personal representative of the licensee's estate, the director finds that the licensee died prior to the time of the hunt for which the license was issued; or

(3) upon written application by a licensee, to a nonprofit organization approved by the state wildlife commission.

H. The state wildlife commission may prescribe, by rule, the documentation necessary for a finding pursuant to Subsection F or G of this section."

## **Chapter 9 Section 10 Laws 2025**

SECTION 10. Section 17-3-13 NMSA 1978 (being Laws 1964 (1st S.S.), Chapter 17, Section 5, as amended) is amended to read:

"17-3-13. LICENSE FEES--FEE ADJUSTMENTS.--

A. The director of the department of wildlife shall keep a record of all money received and licenses and permits issued by the department, numbering each class separately. Upon satisfactory proof that a license or permit has been lost before its expiration, the director may issue a duplicate and collect a just and reasonable fee as determined by state wildlife commission rule.

B. Beginning April 1, 2027 and on April 1 of each successive year, the state wildlife commission may adjust the fees provided by this section for inflation as provided in Subsection C of this section. The director of the department of wildlife shall collect the following fees for each license of the class indicated:

Resident, fishing	\$35.00
Resident, game hunting	25.00

Resident, deer	50.00
Resident, junior-senior, deer	25.00
Resident, senior, disabled, game hunting and fishing	20.00
Resident, fishing and game hunting combination	42.00
Resident, junior, fishing and game hunting combination	15.00
Resident, disabled veteran, fishing and game hunting combination	10.00
Resident, antelope	60.00
Resident, elk cow	60.00
Resident, elk bull or either sex	90.00
Resident, junior-senior, elk	60.00
Resident, bighorn sheep, ram	150.00
Resident, bighorn sheep, ewe	75.00
Resident, Barbary sheep	120.00
Resident, bear	55.00
Resident, turkey	35.00
Resident, cougar	55.00
Resident, oryx	175.00
Resident, ibex	110.00
Resident, javelina	55.00
Resident, fur dealer	50.00
Resident, trapper	50.00
Resident, junior trapper	20.00
Nonresident, fishing	90.00
Nonresident, junior fishing	20.00
Nonresident, junior, game hunting	20.00
Nonresident, game hunting	90.00
Nonresident, deer	375.00
Nonresident, quality deer	600.00

Nonresident, bear	350.00
Nonresident, cougar	350.00
Nonresident, turkey	125.00
Nonresident, antelope	400.00
Nonresident, elk cow	550.00
Nonresident, elk bull or either sex	750.00
Nonresident, quality elk	975.00
Nonresident, bighorn sheep	3,500.00
Nonresident, Barbary sheep	350.00
Nonresident, oryx	1,600.00
Nonresident, ibex	1,600.00
Nonresident, javelina	155.00
Nonresident, fur dealer	200.00
Nonresident, trapper	500.00
Nonresident, nongame	65.00
Nonresident, shed hunter license	200.00
Resident, senior, disabled, fishing	8.00
Resident, junior fishing	5.00
Temporary fishing, one day	12.00
Temporary fishing, five days	30.00
Resident, senior, disabled, game hunting	15.00
Resident, junior, game hunting	10.00
Temporary game hunting, four days	40.00
Second rod validation	10.00.

C. On April 1, 2027 and on April 1 of each successive year, the state wildlife commission may adjust the fees provided by Subsection B of this section by an amount up to the total amount reflected by the annual percentage change in the consumer price index; provided that the fees shall not be adjusted below the minimum amounts of the previous year as a result of a decrease in the consumer price index, and the fees shall be adjusted on April 1, 2032 and every five years thereafter. The amount of the adjustment shall be rounded to the nearest dollar. By November 1, 2026 and by

November 1 of each successive year, the department of wildlife shall post on its website the fees provided in Subsection B of this section for the next year.

D. Residents who participate in the supplemental nutrition assistance program are eligible to receive a twenty-five percent discount on all license fees after qualifying with the department of wildlife.

E. As used in this section, "consumer price index" means the consumer price index, not seasonally adjusted, for all urban consumers, United States city average for all items, or its successor index, as published by the United States department of labor for a twelve-month period ending September 30."

## **Chapter 9 Section 11 Laws 2025**

SECTION 11. TEMPORARY PROVISION--NAME CHANGE--TRANSFER OF FUNCTIONS, PERSONNEL, MONEY, APPROPRIATIONS, PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES--UPDATE NAME AND LOGO.--

A. The department of game and fish is renamed as the "department of wildlife".

B. The state game commission is renamed as the "state wildlife commission".

C. On July 1, 2026, all:

(1) functions, personnel, money, appropriations, records, furniture, equipment, supplies and other personal and real property of the department of game and fish are transferred to the department of wildlife;

(2) agreements and contractual obligations of the department of game and fish are binding on the department of wildlife;

(3) references in law to the department of game and fish shall be deemed to be references to the department of wildlife;

(4) functions, personnel, money, appropriations, records, furniture, equipment, supplies and other personal and real property of the state game commission are transferred to the state wildlife commission;

(5) agreements and contractual obligations of the state game commission are binding on the state wildlife commission; and

(6) references in law to the state game commission shall be deemed to be references to the state wildlife commission.

D. On July 1, 2026, statutory references in Chapter 17 NMSA 1978 to:

(1) the "department of game and fish" or "department" shall be construed to be references to the department of wildlife;

(2) the "state game commission" or "commission" shall be construed to be references to the state wildlife commission; and

(3) the "director", "warden", "state warden", "state game warden" or "state game and fish warden" shall be construed to be references to the director of the department of wildlife.

E. Rules of the department of game and fish shall be rules of the department of wildlife until amended or repealed.

F. Rules of the state game commission shall be rules of the state wildlife commission until amended or repealed.

G. On July 1, 2026, or as soon thereafter as practicably possible, the department of wildlife shall update the department's name and logo; provided that existing supplies, forms, insignias, signs and logos may continue to be used until exhausted or unserviceable."

## **Chapter 9 Section 12 Laws 2025**

SECTION 12. TEMPORARY PROVISION--INITIAL APPOINTMENTS.--The initial appointments made to the state wildlife commission by the governor pursuant to the provisions of Sections 2 and 3 of this act shall replace the members of the state wildlife commission, whose terms shall end on January 1, 2027. Terms for the initial appointments to the commission beginning January 1, 2027 shall be as follows:

A. for position one, a one-year term;

B. for position two, a three-year term;

C. for position three, a five-year term;

D. for position four, a one-year term;

E. for position five, a three-year term;

F. for position six, a five-year term; and

G. for position seven, a five-year term.

## **Chapter 9 Section 13 Laws 2025**

SECTION 13. REPEAL.--Sections 17-1-1 and 17-2-2 NMSA 1978 (being Laws 1921, Chapter 35, Section 1 and Laws 1937, Chapter 23, Section 1, as amended) are repealed.

## **Chapter 9 Section 14 Laws 2025**

SECTION 14. EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 1, 4 through 7, 11 and 13 of this act is July 1, 2026.

B. The effective date of the provisions of Sections 2, 3 and 12 of this act is January 1, 2027.

C. The effective date of the provisions of Sections 8 through 10 of this act is April 1, 2026.

# **LAWS 2025, CHAPTER 10**

**HTRC/HGEIC/House Bill 47, w/ec**  
**Approved March 20, 2025**

AN ACT

RELATING TO PROPERTY TAX; AMENDING CERTAIN PROPERTY TAX EXEMPTIONS FOR VETERANS TO REFLECT CHANGES MADE TO THE EXEMPTIONS PURSUANT TO CONSTITUTIONAL AMENDMENTS APPROVED BY VOTERS AT THE NOVEMBER 5, 2024 GENERAL ELECTION; AMENDING A SECTION OF THE PROPERTY TAX CODE REGARDING CLAIMING EXEMPTIONS; DECLARING AN EMERGENCY.

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

## **Chapter 10 Section 1 Laws 2025**

SECTION 1. Section 7-37-5 NMSA 1978 (being Laws 1973, Chapter 258, Section 38, as amended) is amended to read:

"7-37-5. VETERAN EXEMPTION.--

A. An amount as provided in Subsection B of this section of the taxable value of property, including the community or joint property of married individuals, subject to the tax is exempt from the imposition of the tax if the property is owned by a veteran or



the veteran's unmarried surviving spouse if the veteran or surviving spouse is a New Mexico resident or if the property is held in a grantor trust established under Sections 671 through 677 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered, by a veteran or the veteran's unmarried surviving spouse if the veteran or surviving spouse is a New Mexico resident. The exemption shall be deducted from the taxable value of the property to determine the net taxable value of the property.

B. The exemption allowed shall be in the following amounts for the specified tax years:

(1) for tax years 2006 through 2024, four thousand dollars (\$4,000);

(2) for tax year 2025, ten thousand dollars (\$10,000); and

(3) for tax year 2026 and subsequent tax years, the amount provided in Paragraph (2) of this subsection, adjusted for inflation pursuant to Subsection C of this section.

C. For tax year 2026 and subsequent tax years, the amount of exemption shall be adjusted to account for inflation. The department shall make the adjustment by multiplying ten thousand dollars (\$10,000) by a fraction, the numerator of which is the consumer price index ending during the prior tax year and the denominator of which is the consumer price index ending in tax year 2025. The result of the multiplication shall be rounded down to the nearest one hundred dollars (\$100), except that if the result would be an amount less than the corresponding amount for the preceding tax year, then no adjustment shall be made.

D. The department shall publish annually the amount determined by the calculation made pursuant to Subsection C of this section and provide the calculated amount to each county assessor no later than December 1 of the prior tax year.

E. The veteran exemption shall be applied only if claimed and allowed in accordance with Section 7-38-17 NMSA 1978 and regulations of the department.

F. As used in this section, "veteran" means an individual who:

(1) has been honorably discharged from membership in the armed forces of the United States; and

(2) except as provided in this section, served in the armed forces of the United States on active duty continuously for ninety days.

G. For the purposes of Subsection F of this section, a person who would otherwise be entitled to status as a veteran except for failure to have served in the armed forces continuously for ninety days is considered to have met that qualification if

the person served for less than ninety days and the reason for not having served for ninety days was a discharge brought about by service-connected disablement.

H. For the purposes of Subsection F of this section, a person has been "honorably discharged" unless the person received either a dishonorable discharge or a discharge for misconduct.

I. For the purposes of this section, a person whose civilian service has been recognized as service in the armed forces of the United States under federal law and who has been issued a discharge certificate by a branch of the armed forces of the United States shall be considered to have served in the armed forces of the United States."

## **Chapter 10 Section 2 Laws 2025**

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

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

A. As used in this section:

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

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

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

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

B. The property of a disabled veteran, including joint or community property of the veteran and the veteran's spouse, is exempt from property taxation in an amount equal to the percentage of the veteran's disability as determined by federal law multiplied by the value of the property after the amount that may be exempted pursuant to Section 7-37-5 NMSA 1978 is deducted; provided that the property is occupied by the disabled veteran as the veteran's principal place of residence. Property held in a grantor trust established under Sections 671 through 677 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered, by a disabled veteran or the veteran's surviving spouse is also exempt from property taxation if the property otherwise meets the requirements for exemption in this subsection or Subsection C of this section.

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

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

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

D. Upon the transfer of the principal place of residence of a disabled veteran or of a surviving spouse of a disabled veteran entitled to and granted a disabled veteran exemption, the disabled veteran or the surviving spouse may choose to:

(1) maintain the exemption for that residence for the remainder of the year, even if the residence is transferred during the year; or

(2) remove the exemption for that residence and apply it to the disabled veteran's or the disabled veteran's surviving spouse's new principal place of residence, regardless of whether the exemption was applied for and claimed within thirty days of the mailing of the county assessor's notice of valuation made pursuant to the provisions of Section 7-38-20 NMSA 1978.

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

F. The disabled veteran exemption shall be applied only if claimed and allowed in accordance with Section 7-38-17 NMSA 1978 and the rules of the department. The disabled veteran exemption shall be claimed in proportion to the taxpayer's ownership interest in the property.

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

## **Chapter 10 Section 3 Laws 2025**

SECTION 3. Section 7-38-17 NMSA 1978 (being Laws 1973, Chapter 258, Section 57, as amended) is amended to read:

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

A. Subject to the requirements of Subsection E of this section, head-of-family exemptions, veteran exemptions, disabled veteran exemptions or veterans' organization exemptions claimed and allowed in a tax year need not be claimed for subsequent tax years if there is no change in eligibility for the exemption nor any change in ownership of the property against which the exemption was claimed. Head-of-family, veteran and

veterans' organization exemptions allowable under this subsection shall be applied automatically by county assessors in the subsequent tax years.

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

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

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

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

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

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

than one thousand dollars (\$1,000) and shall also be automatically removed from office or dismissed from employment upon conviction under this subsection.

H. When a disabled veteran or the disabled veteran's unmarried surviving spouse provides proof of eligibility pursuant to Subsection E of this section, the disabled veteran or the disabled veteran's unmarried surviving spouse shall be allowed the exemption for the tax year; provided that the exemption shall not be allowed for property tax due for previous tax years."

## **Chapter 10 Section 4 Laws 2025**

SECTION 4. APPLICABILITY.--The provisions of Section 2 of this act apply to the 2026 and subsequent property tax years.

## **Chapter 10 Section 5 Laws 2025**

SECTION 5. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

# **LAWS 2025, CHAPTER 11**

**House Bill 161**

**Approved March 20, 2025**

AN ACT

RELATING TO STATE PARKS; PROVIDING TO VETERANS RESIDING IN THE STATE ONE DAY-USE PASS FOR UNLIMITED ENTRY INTO STATE PARKS OR RECREATION AREAS AND ONE CAMPING PASS FOR UNLIMITED USE OF CAMPING AREAS OPERATED BY THE STATE PARKS DIVISION OF THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT.

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

## **Chapter 11 Section 1 Laws 2025**

SECTION 1. Section 16-2-7.1 NMSA 1978 (being Laws 1999, Chapter 174, Section 2, as amended) is amended to read:

"16-2-7.1. FREE STATE PARK PASSES TO VETERANS.--

A. The state parks division of the energy, minerals and natural resources department shall provide to a veteran residing in the state:

(1) one day-use pass for unlimited entry into state parks or recreation areas operated by the division; and

(2) one camping pass for unlimited use of camping areas operated by the division.

B. As used in this section, "veteran" means a New Mexico resident who:

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

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

(b) army reserve, navy reserve, marine corps reserve, air force reserve, coast guard reserve, space force reserve, army national guard or air national guard and was accepted for and assigned to duty for a minimum of six continuous years; or

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

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

## **LAWS 2025, CHAPTER 12**

**Senate Bill 283**

**Approved March 20, 2025**

AN ACT

RELATING TO CHILDREN; REQUIRING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO DETERMINE FEDERAL BENEFITS ELIGIBILITY FOR CHILDREN IN ITS CUSTODY, APPLY FOR FEDERAL BENEFITS AND EITHER ACT AS THE CHILD'S REPRESENTATIVE PAYEE OR DETERMINE AN APPROPRIATE ALTERNATIVE; SETTING FORTH THE DEPARTMENT'S OBLIGATIONS WHEN ACTING AS THE CHILD'S REPRESENTATIVE PAYEE; PROHIBITING THE USE OF FEDERAL BENEFITS TO PAY THE DEPARTMENT FOR THE CHILD'S CARE; REQUIRING THE DEPARTMENT TO PROVIDE FINANCIAL LITERACY AND PLANNING TOOLS; SETTING FORTH PROVISIONS FOR THE RELEASE OF FEDERAL BENEFITS PROVIDED TO CHILDREN IN LEGAL CUSTODY OF THE STATE.

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

## **Chapter 12 Section 1 Laws 2025**

SECTION 1. A new section of the Children's Code is enacted to read:

"SHORT TITLE.--This act may be cited as the "Federal Benefits for Children in State Custody Act"."

## **Chapter 12 Section 2 Laws 2025**

SECTION 2. A new section of the Children's Code is enacted to read:

"DEFINITION.--As used in the Federal Benefits for Children in State Custody Act, "Representative Payee" means a person appointed by a federal agency to manage the benefits the federal agency provides to a child."

## **Chapter 12 Section 3 Laws 2025**

SECTION 3. A new section of the Children's Code is enacted to read:

"FEDERAL BENEFITS PROVIDED TO CHILDREN IN THE LEGAL CUSTODY OF THE DEPARTMENT--ELIGIBILITY DETERMINATIONS.--

A. Within sixty days after a child enters the department's legal custody, and annually thereafter, the department shall determine whether the child is currently receiving or is eligible to receive federal benefits.

B. If it is determined that a child in the legal custody of the department is already receiving federal benefits, the department shall:

(1) in consultation with the child and the following individuals, identify the child's representative payee: the child's attorney; the child's custodian; the child's guardian; the child's guardian ad litem; or the child's Indian tribe, if the child is known to be an Indian child; or

(2) apply to become the child's representative payee; provided that no other candidate is available.

C. If the department determines that a child is eligible for benefits administered by the federal government, the department shall apply:

(1) for those benefits on behalf of the child; and

(2) to become the child's representative payee if no other candidate is available."

## **Chapter 12 Section 4 Laws 2025**

SECTION 4. A new section of the Children's Code is enacted to read:

"FEDERAL BENEFITS PROVIDED TO CHILDREN IN THE LEGAL CUSTODY OF THE DEPARTMENT--OBLIGATIONS OF THE DEPARTMENT WHEN ACTING AS THE REPRESENTATIVE PAYEE.--If the department becomes the representative payee of a child in the legal custody of the department, the department shall:

A. establish an appropriate account to use and conserve the child's federal benefits, in the child's best interest, for current unmet needs and future needs pursuant to the requirements of the funding source and any applicable asset and resource limits;

B. annually determine whether a person, other than the department, is available to assume the role of representative payee and could better serve in that role, in the child's best interest;

C. notify the child and the following individuals of any application, decision or appeal related to a child's federal benefits: the child's attorney; the child's custodian; the child's guardian; the child's guardian ad litem; or the child's Indian tribe, if the child is known to be an Indian child. In providing notice of any denial of benefits, the department shall consult with the child's attorney and appeal the denial if it is in the child's best interest;

D. provide an annual accounting as to the use, application or conservation of the child's federal benefits to the child and the following individuals: the child's attorney; the child's custodian; the child's guardian; the child's guardian ad litem; or the child's Indian tribe, if the child is known to be an Indian child;

E. avoid receiving overpayment of federal benefits and pay any discovered overpayment to the appropriate federal agency; and

F. before the child leaves the custody of the department, provide the child with financial literacy and planning tools to assist the child in aligning conserved benefits with the child's transition plan."

## **Chapter 12 Section 5 Laws 2025**

SECTION 5. A new section of the Children's Code is enacted to read:

"PROHIBITED USE OF FEDERAL BENEFITS.--If the department is the child's representative payee, the department shall not use a child's federal benefits to pay for or reimburse the department for any of the costs of the child's care; however, the



department may use those benefits to pay for the child's unmet needs beyond what the department is obligated or required or has agreed to pay."

## **Chapter 12 Section 6 Laws 2025**

SECTION 6. A new section of the Children's Code is enacted to read:

"RELEASE OF REMAINING FEDERAL BENEFIT FUNDS UPON TERMINATION OF LEGAL CUSTODY.--If the department is the child's representative payee, upon termination of the department's legal custody of a child, the department shall release any remaining funds to the child's credit pursuant to the requirements of the funding source. In the absence of any requirements, the department shall release the funds to:

- A. the child, if the child is at least eighteen years old or emancipated; or
- B. the child's parent or guardian, if the child is younger than eighteen years old or not emancipated."

## **Chapter 12 Section 7 Laws 2025**

SECTION 7. A new section of the Children's Code is enacted to read:

"REPORTING.--Beginning September 1, 2026 and annually thereafter, the department shall submit a report to the legislative health and human services committee that includes:

- A. the number of children in its custody who receive federal benefits;
- B. the type of federal benefits;
- C. the manner in which those benefits are conserved; and
- D. the amounts of federal benefits used and conserved."

# **LAWS 2025, CHAPTER 13**

**House Bill 5, aa**

**Approved March 21, 2025**

AN ACT

RELATING TO FAMILIES; ENACTING THE OFFICE OF CHILD ADVOCATE ACT; PROVIDING FOR THE STATE CHILD ADVOCATE; CREATING THE OFFICE OF CHILD ADVOCATE AND ESTABLISHING THE POWERS AND DUTIES OF THAT OFFICE; PROVIDING FOR THE ESTABLISHMENT OF THE STATE CHILD

ADVOCATE SELECTION COMMITTEE; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

## **Chapter 13 Section 1 Laws 2025**

SECTION 1. A new section of the Children's Code is enacted to read:

"SHORT TITLE.--Sections 1 through 15 of this act may be cited as the "Office of Child Advocate Act".

## **Chapter 13 Section 2 Laws 2025**

SECTION 2. A new section of the Children's Code is enacted to read:

"DEFINITIONS.--As used in the Office of Child Advocate Act:

A. "child in custody" means a minor who is placed by the department in custodial or residential care, including foster care, kinship care or care within a group home, a residential treatment center, a juvenile justice facility, a semi-independent living program or an emergency shelter, pursuant to a court order or otherwise sanctioned by the court and does not live with either of the child's birth parents;

B. "committee" means the state child advocate selection committee;

C. "department" means the children, youth and families department;

D. "near fatality" means an injury or condition caused by abuse or neglect that results in a child:

(1) being placed in serious or critical condition, as certified by a licensed physician; and

(2) receiving critical care for at least twenty-four hours following the child's admission to a critical care unit; and

E. "office" means the office of child advocate."

## **Chapter 13 Section 3 Laws 2025**

SECTION 3. A new section of the Children's Code is enacted to read:

"OFFICE OF CHILD ADVOCATE--CREATED.--The "office of child advocate" is created and is administratively attached to the office of the attorney general pursuant to

Section 9-1-7 NMSA 1978. The office shall maintain autonomy over the office's budget and any decisions the office may take."

## **Chapter 13 Section 4 Laws 2025**

SECTION 4. A new section of the Children's Code is enacted to read:

"STATE CHILD ADVOCATE--APPOINTMENT--DUTIES.--The head of the office is the "state child advocate", who shall be appointed by the governor with the advice and consent of the senate for a term of six years. The advocate shall be appointed as soon as practicable. The initial term shall end December 31, 2031. At the time of appointment, the state child advocate shall have, at a minimum, five years of documented professional experience working in child protective or juvenile justice services and be licensed in good standing as an attorney, a psychologist or social worker. The state child advocate may be reappointed to two successive terms. An appointed state child advocate shall serve and have all of the duties, responsibilities and authority of that office during the period of time in which the state child advocate is appointed. The attorney general may remove the state child advocate only for malfeasance, misfeasance or abuse of office. The state child advocate shall oversee the office and assign and distribute the work of the state child advocate."

## **Chapter 13 Section 5 Laws 2025**

SECTION 5. A new section of the Children's Code is enacted to read:

"STATE CHILD ADVOCATE SELECTION COMMITTEE--DUTIES.--

A. The "state child advocate selection committee" is created and consists of seven members, including:

- (1) one member who shall be selected by the president pro tempore of the senate;
- (2) one member who shall be selected by the minority floor leader of the senate;
- (3) one member who shall be selected by the speaker of the house of representatives;
- (4) one member who shall be selected by the minority floor leader of the house of representatives;
- (5) one member who shall be selected by the governor; and
- (6) two members who shall be selected by the chief justice of the supreme court.

B. The committee shall elect a chair from the committee's membership.

C. The committee shall meet by September 1, 2025 exclusively for the purpose of nominating persons to fill the position of state child advocate. The committee shall actively solicit, accept and evaluate applications for the position of state child advocate and may require applicants to submit any information that the committee deems relevant to the consideration of applications. Within ninety days before the date on which the term of a state child advocate ends or no later than thirty days after the occurrence of a vacancy in the state child advocate position, the committee shall convene and, within thirty days after convening, submit to the governor the names of persons who are recommended for appointment to the position by a majority of the committee members.

D. The governor shall fill a vacancy or appoint a successor to fill an impending vacancy in the office of state child advocate within thirty days after receiving final nominations from the committee by appointing one of the persons nominated by the committee.

E. The committee is administratively attached to the office of the attorney general pursuant to the provisions of Section 9-1-7 NMSA 1978.

F. After the initial meeting of the committee, the governor or a majority of the committee members may call a subsequent meeting of the committee to nominate persons to fill a current or impending vacancy in the position of state child advocate.

G. The members of the committee shall receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance."

## **Chapter 13 Section 6 Laws 2025**

SECTION 6. A new section of the Children's Code is enacted to read:

"OFFICE OF CHILD ADVOCATE--POWERS--DUTIES.--The office:

A. shall:

(1) review the department's provision of services to children and families, receive complaints concerning the actions of the department or of any entity or person that provides services to children and families through funds provided by the department and make appropriate referrals when the state child advocate determines that a child or family may be in need of assistance;

(2) determine the extent to which the department's policies and procedures protect and enhance children's personal dignity, right to privacy, appropriate health care and education in accordance with state and federal law;

(3) adopt and promulgate rules in accordance with the State Rules Act as are deemed necessary to carry out the provisions of the Office of Child Advocate Act;

(4) operate a toll-free hotline and electronic communication portal to receive complaints pursuant to this section;

(5) investigate and attempt to resolve complaints made by or on behalf of a child in custody, receiving services under the supervision of the department, subject to a referral to the department or whose parent, guardian or custodian is under investigation by the department;

(6) upon rendering a decision to investigate a complaint, notify the complainant of the intention to investigate and, if the office declines to investigate a complaint or continue an investigation, notify the complainant that no further action will be taken by the office;

(7) update the complainant on the progress of the investigation within thirty days and notify the complainant and the subjects of the complaint of the final outcome within ninety days of the completion of the investigation;

(8) analyze and monitor the development and implementation of federal, state and local laws, regulations and policies relating to child and family welfare and recommend changes when appropriate;

(9) provide information about the children's and families' rights and responsibilities related to departmental services;

(10) provide comprehensive information concerning child and family welfare to the governor, state agencies and legislators;

(11) compile an annual report pursuant to Section 7 of the Office of Child Advocate Act;

(12) access information or records that the department would be entitled to access or receive and that are necessary for carrying out the provisions of the Office of Child Advocate Act;

(13) access and review information, records or documents that the department would be entitled to access or receive, including records of third parties, that the office deems necessary to conduct a thorough and independent review of a complaint; and

(14) refer any finding of a violation of federal or state constitutional rights, reckless disregard for the health and safety of a child or a pattern of conduct or

repeated incidents of violating laws and rules relating to child and family welfare to the attorney general; and

B. may:

(1) hire and contract for such professional, technical and support staff as needed to carry out the functions of the office; provided that employees of the office, except the state child advocate, are subject to the provisions of the Personnel Act;

(2) meet or communicate with any child in custody, receiving services under the supervision of the department or under investigation by the department; and

(3) refer a complaint to another agency for investigation."

## **Chapter 13 Section 7 Laws 2025**

SECTION 7. A new section of the Children's Code is enacted to read:

"ANNUAL REPORT--REPORT CONTENTS--CREATION AND MAINTENANCE OF WEBSITE CONTAINING REPORT INFORMATION.--

A. Each year, the office shall submit to the legislative finance committee, legislative health and human services committee, nations, tribes and pueblos of New Mexico, the department, the supreme court and the governor on or before September 1 a report addressing services provided by the department, including:

(1) the quality of services provided to children and families;

(2) the conditions of placements for New Mexico's children, the number of out-of-state placements and an assessment of each active congregate care and juvenile justice facility in which children in custody are placed;

(3) the number of children removed from the household of a parent, foster parent or guardian;

(4) the number of children returned to a household from which they were removed;

(5) the number of children removed from a household subsequent to being returned to a household from which they were removed;

(6) the number of children placed in a juvenile justice facility;

(7) the number of children in custody who have run away from a department placement, the number of children in custody who have been found after running away and the number of children in custody who are currently missing;

(8) the number of cases in which families subject to court-ordered treatment plans or voluntary placement agreements have absconded with children in custody;

(9) a review of systemic issues related to services for assistance to children and families within the child protection and juvenile justice systems;

(10) findings and recommendations related to the implementation of the federal Indian Child Welfare Act of 1978 and the Indian Family Protection Act;

(11) recommendations related to improving department services for children and families;

(12) data disaggregated by race, ethnicity, gender, geographic location, sexual identity, disability status, tribal affiliation and any other categories that the office deems necessary; and

(13) an outline of the training and certification process for the state child advocate and office staff.

B. To the extent possible, the office shall use methodology that is consistent with the system used by federal government agencies for calculating and reporting the data required for the office's annual report.

C. The office shall create and maintain a web page on which the data contained in Subsection A of this section shall be provided in an accessible manner and updated quarterly.

D. Each year, the annual report shall be posted to the web page created pursuant to Subsection C of this section."

## **Chapter 13 Section 8 Laws 2025**

SECTION 8. A new section of the Children's Code is enacted to read:

"TRAINING AND CERTIFICATION.--

A. The state child advocate shall ensure that office staff are trained in:

(1) federal, state, local and tribal laws, regulations and policies with respect to child protection and juvenile justice services in the state;

(2) investigative techniques, including trauma-informed care and questioning;

(3) the federal Indian Child Welfare Act of 1978, the Indian Family Protection Act, tribal culture, tribal relations and sovereign nation status;

(4) department policies and procedures, including policies and procedures related to abuse and neglect, out-of-home placement and safety and risk assessments; and

(5) such other matters as the office deems appropriate.

B. The state child advocate shall develop procedures for the training and certification of appropriate staff.

C. An officer, employee or other representative of the office shall not investigate any complaint filed with the office unless that person is certified by the office."

## **Chapter 13 Section 9 Laws 2025**

SECTION 9. A new section of the Children's Code is enacted to read:

"CONFLICT OF INTEREST.--Persons who are employees of the office or who have contracts with the office shall not have a conflict of interest with the department or with an entity that provides services to children and families through funds provided by the department relating to the performance of their responsibilities pursuant to the Children's Code. For the purposes of this section, a conflict of interest exists whenever the state child advocate, an employee of the office or a person having a contract with the office:

A. has direct involvement in the licensing, certification or accreditation of a provider or facility delivering services to children and families;

B. has an ownership interest in a provider or facility delivering services to children and families;

C. is employed by or participates in the management of a provider or facility delivering services to children and families; or

D. receives or has the right to receive, directly or indirectly, remuneration pursuant to a compensation arrangement with a provider or facility delivering services to children and families."

## **Chapter 13 Section 10 Laws 2025**

SECTION 10. A new section of the Children's Code is enacted to read:

"INCIDENTS, FATALITIES AND NEAR FATALITIES.--



A. The department shall provide the office with a copy of all reports related to actual physical injury to a child in custody.

B. The department shall provide the office with a written notification within seventy-two hours of:

(1) a fatality or near fatality of a child in custody or referred or receiving services under the supervision of the department; and

(2) the restraint or seclusion of a child in custody."

## **Chapter 13 Section 11 Laws 2025**

SECTION 11. A new section of the Children's Code is enacted to read:

"LAW ENFORCEMENT REPORTS.--Upon request by the office, law enforcement agencies shall share with the office all law enforcement reports involving a child in custody, receiving services under the supervision of the department or whose parent, guardian or custodian is under investigation by the department."

## **Chapter 13 Section 12 Laws 2025**

SECTION 12. A new section of the Children's Code is enacted to read:

"CONFIDENTIALITY OF INFORMATION.--

A. Except as provided in Subsection B of this section, the office shall maintain the confidentiality of all case records, third-party records and court records, as well as any information gathered in the course of investigations and system monitoring duties. These records are exempt from public inspection and copying pursuant to the Inspection of Public Records Act and shall be kept confidential unless disclosure is:

(1) ordered by the court;

(2) necessary to prevent imminent harm and the imminent harm is communicated directly to the state child advocate or staff of the office;

(3) necessary to the department for the department to determine the appropriateness of initiating an investigation regarding potential abuse or neglect or other emergency circumstances; or

(4) necessary to the department for the department to determine the appropriateness of initiating an investigation to determine facility compliance with applicable rules of licensure or certification or both.

B. The office may publicly report any patterns of conduct or repeated incidents identified by the office in carrying out the provisions of the Office of Child Advocate Act; provided that the office shall not publicly disclose either of the following:

- (1) individually identifiable information about a child; and
- (2) investigation findings when there is a pending law enforcement investigation or prosecution."

## **Chapter 13 Section 13 Laws 2025**

SECTION 13. A new section of the Children's Code is enacted to read:

"OTHER REMEDIES.--An individual who pursues remedies pursuant to the Office of Child Advocate Act is not precluded from pursuing other legal or equitable remedies."

## **Chapter 13 Section 14 Laws 2025**

SECTION 14. A new section of the Children's Code is enacted to read:

"NOTIFICATION OF OFFICE OF CHILD ADVOCATE.--The department shall notify all children in custody, receiving services under the supervision of the department or under investigation by the department and their parents, guardians, foster parents and fictive kin of the existence of the office, its purpose and function and its toll-free hotline and electronic communication portal with instructions for access."

## **Chapter 13 Section 15 Laws 2025**

SECTION 15. A new section of the Children's Code is enacted to read:

"ACTION BY THE ATTORNEY GENERAL.--

A. The attorney general may bring a civil cause of action for declaratory or injunctive relief against the department based on a finding by the office of a violation of federal or state constitutional rights, reckless disregard of the health and safety of a child or a pattern of conduct or repeated incidents of violating laws and rules relating to child and family welfare.

B. The attorney general shall develop and implement procedures to prevent conflicts of interest in the investigation or prosecution of the department or an employee of the department, including procedures regarding segregation or sequestration of information related to such investigations or prosecutions.

C. The authority provided in this section is in addition to the other powers and duties of the attorney general and does not prevent prosecution for a violation of the Criminal Code."

## **Chapter 13 Section 16 Laws 2025**

SECTION 16. Section 32A-2-32 NMSA 1978 (being Laws 1993, Chapter 77, Section 61, as amended) is amended to read:

"32A-2-32. CONFIDENTIALITY--RECORDS.--

A. All records pertaining to the child, including all related social records, behavioral health screenings, diagnostic evaluations, psychiatric reports, medical reports, social studies reports, records from local detention facilities, client-identifying records from facilities for the care and rehabilitation of delinquent children, pre-parole or supervised release reports and supervision histories obtained by the juvenile probation office, parole officers and the juvenile public safety advisory board or in possession of the department, are confidential and shall not be disclosed directly or indirectly to the public.

B. The disclosure of all mental health and developmental disability records shall be made pursuant to the Children's Mental Health and Developmental Disabilities Act.

C. The records described in Subsection A of this section, other than mental health and developmental disability records, shall be disclosed only to any of the following, provided that the agency, person or institution receiving information shall not re-release the information without proper consent or as otherwise provided by law:

- (1) court personnel;
- (2) the child's court appointed special advocates;
- (3) the child's attorney or guardian ad litem representing the child in any matter;
- (4) department personnel;
- (5) corrections department personnel;
- (6) law enforcement officials when the request is related to the investigation of a crime;
- (7) district attorneys or children's court attorneys;
- (8) a state government social services agency in any state;

(9) those persons or entities of a child's Indian tribe specifically authorized to inspect such records pursuant to the federal Indian Child Welfare Act of 1978, the Indian Family Protection Act or any regulations promulgated under those acts;

(10) tribal juvenile justice system and social service representatives;

(11) 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, when the disclosure of the information is necessary for the child's treatment or care and shall include only that information necessary to provide for treatment and care of the child;

(12) school personnel involved with the child if the records concern the child's educational needs, but shall only include that information necessary to provide for the child's educational planning and needs;

(13) a health care or mental health professional involved in the evaluation or treatment of the child, the child's parents, guardians or custodian or other family members;

(14) representatives of the protection and advocacy system;

(15) the child's parent, guardian or legal custodian when the disclosure of the information is necessary for the child's treatment or care and shall include only that information necessary to provide for the treatment or care of the child;

(16) any other person or entity, by order of the court, having a legitimate interest in the case or the work of the court who agrees not to otherwise release the records;

(17) the child, if fourteen years of age or older; and

(18) the attorney general and the office of child advocate and its employees and contractors, pursuant to the requirements of the Office of Child Advocate Act, if the records are needed for the purpose of implementing that act.

D. If disclosure of otherwise confidential records is made to the child or any other person or entity pursuant to a valid release of information signed by the child, all victim or witness identifying information shall be redacted or otherwise deleted.

E. Whoever intentionally and unlawfully releases any information or records closed to the public pursuant to this section or releases or makes other unlawful use of records in violation of this section is guilty of a petty misdemeanor.

F. 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 13 Section 17 Laws 2025**

SECTION 17. 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;

(18) any other person or entity, by order of the court, having a legitimate interest in the case or the work of the court; and

(19) the attorney general and the office of child advocate and its employees and contractors, pursuant to the requirements of the Office of Child Advocate Act, if the records are needed for the purpose of implementing that act.

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 13 Section 18 Laws 2025**

SECTION 18. Section 14-2-1 NMSA 1978 (being Laws 1947, Chapter 130, Section 1, as amended) is amended to read:

"14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--Every person has a right to inspect public records of this state except:

A. records pertaining to physical or mental examinations and medical treatment of persons confined to an institution;

B. letters of reference concerning employment, licensing or permits;

C. letters or memoranda that are matters of opinion in personnel files or students' cumulative files;

D. portions of law enforcement records as provided in Section 14-2-1.2 NMSA 1978;

E. as provided by the Confidential Materials Act;

F. trade secrets;

G. attorney-client privileged information;

H. long-range or strategic business plans of public hospitals discussed in a properly closed meeting;

I. tactical response plans or procedures prepared for or by the state or a political subdivision of the state, the publication of which could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used to facilitate the planning or execution of a terrorist attack;

J. information concerning information technology systems, the publication of which would reveal specific vulnerabilities that compromise or allow unlawful access to such systems; provided that this subsection shall not be used to restrict requests for:

(1) records stored or transmitted using information technology systems;

(2) internal and external audits of information technology systems, except for those portions that would reveal ongoing vulnerabilities that compromise or allow unlawful access to such systems; or

(3) information to authenticate or validate records received pursuant to a request fulfilled pursuant to the Inspection of Public Records Act;

K. submissions in response to a competitive grant, land lease or scholarship and related scoring materials and evaluation reports until finalists are publicly named or the award is announced;

L. case records, third party records, court records and any information gathered in the course of investigations and system monitoring duties by the office of child advocate, pursuant to the provisions of the Office of Child Advocate Act; and

M. as otherwise provided by law."

## **Chapter 13 Section 19 Laws 2025**

SECTION 19. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 14**

**STBTC/Senate Bill 175**

**Approved March 21, 2025**

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; AMENDING THE CHILD CARE FACILITY REVOLVING LOAN FUND; ALLOWING THE EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT AND THE NEW MEXICO FINANCE AUTHORITY TO CONTRACT FOR SERVICES WITH PROVIDERS OR EMPLOYERS SEEKING TO CREATE OR EXPAND CHILD CARE PROGRAMS FOR AN



EMPLOYER'S EMPLOYEES; PROVIDING CONDITIONS; EXPANDING USES OF THE LOANS.

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

## **Chapter 14 Section 1 Laws 2025**

SECTION 1. Section 24-24-3 NMSA 1978 (being Laws 2003, Chapter 316, Section 3, as amended) is amended to read:

"24-24-3. DEFINITIONS.--As used in the Child Care Facility Loan Act:

- A. "authority" means the New Mexico finance authority;
- B. "department" means the early childhood education and care department;
- C. "facility" means a child care facility operated by a provider, including both family home-based and center-based programs, licensed by the department to provide care to infants, toddlers and children;
- D. "fund" means the child care facility revolving loan fund;
- E. "operating capital" means funds needed to meet short-term obligations, such as accounts payable, wages, debt servicing, lease and income tax payments; and
- F. "provider" means a person, entity or employer licensed by the department to provide child care to infants, toddlers and children pursuant to Section 9-2A-8 NMSA 1978."

## **Chapter 14 Section 2 Laws 2025**

SECTION 2. Section 24-24-4 NMSA 1978 (being Laws 2003, Chapter 316, Section 4, as amended) is amended to read:

"24-24-4. FUND CREATED--ADMINISTRATION.--

A. The "child care facility revolving loan fund" is created in the authority to provide low-interest, long-term loans to providers to make health and safety improvements in their facilities, expand their facilities, create new facilities and for operating capital. The fund shall consist of appropriations, gifts, grants and donations to the fund, which shall be invested as provided in the New Mexico Finance Authority Act. Money in the fund shall not revert. Administrative costs of the authority may be paid from the fund.

B. Money in the fund shall be used to make loans to providers or to contract for services with providers that demonstrate the need for operating capital or to make

health and safety improvements, including space expansion, in order to maintain an adequate and appropriate environment for their clients; to providers seeking to expand child care facilities; and to providers seeking to create new child care facilities, including for employers to create child care facilities for the employer's employees. Loans from the fund are to be made at an interest rate greater than zero percent for a term that does not exceed the useful life of the project being financed.

C. The department and the authority may contract for services with an eligible provider to provide child care for child care assistance eligible families as reasonably adequate legal consideration for money from the fund; provided that within a period of time prescribed in the contract of disbursement of the loan, the provider:

- (1) is located in a designated child care desert;
- (2) provides care during non-traditional hours;
- (3) demonstrates that at least fifty percent of the children that the provider or employer serves are recipients of a child care assistance program expanded or created by the provider;
- (4) demonstrates that the number of children served by the provider increased by at least ten percent; and
- (5) satisfies other qualifications as determined by the department and the authority.

D. No more than twenty percent of the fund may be loaned for a single provider in a single project. The department shall give priority for loans to providers that serve proportionately high numbers of state-subsidized clients and low-income families that are located in communities with high poverty rates and that provide nontraditional-hour child care.

E. The department, in conjunction with the authority, shall adopt rules to administer and implement the Child Care Facility Loan Act, including providing for eligibility requirements and for the selection of applicants based on department-defined priority. The rules shall become effective when filed in accordance with the State Rules Act."

## **LAWS 2025, CHAPTER 15**

**Senate Bill 417**

**Approved March 21, 2025**

AN ACT

RELATING TO ADOPTION; AMENDING AND ENACTING SECTIONS OF THE ADOPTION ACT AND THE NEW MEXICO UNIFORM PARENTAGE ACT TO PROVIDE FOR CONFIRMATORY ADOPTIONS.

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

## **Chapter 15 Section 1 Laws 2025**

SECTION 1. Section 32A-5-3 NMSA 1978 (being Laws 1993, Chapter 77, Section 130, as amended) is amended to read:

"32A-5-3. DEFINITIONS.--As used in the Adoption Act:

A. "accrediting entity" means an entity that has entered into an agreement with the United States secretary of state pursuant to the federal Intercountry Adoption Act of 2000 and regulations adopted by the United States secretary of state pursuant to that act, to accredit agencies and approve persons who provide adoption services related to convention adoptions;

B. "adoptee" means a person who is the subject of an adoption petition;

C. "adoption service" means:

(1) identifying a child for adoption and arranging the adoption of the child;

(2) arranging or assisting in the process of connecting or matching parents who may place a child for adoption with prospective adoptive parents;

(3) providing counseling, advice or guidance related to a potential adoption;

(4) receiving or disbursing funds or anything of value on behalf of a prospective adoptive parent or to a parent who may place or has placed a child for adoption;

(5) securing termination of parental rights to a child or consent to adoption of the child;

(6) performing a background study on a child and reporting on the study;

(7) performing a home study on a prospective adoptive parent and reporting on the study;

(8) making determinations regarding the best interests of a child and the appropriateness of an adoptive placement for the child;

(9) performing post-placement monitoring of a child until an adoption is final; or

(10) when there is a disruption before an adoption of a child is final, assuming custody of the child and providing or facilitating the provision of child care or other social services for the child pending an alternative placement of the child;

D. "agency" means a person certified, licensed or otherwise specially empowered by law to place a child in a home in this or any other state for the purpose of adoption;

E. "agency adoption" means an adoption when the adoptee is in the custody of an agency prior to placement;

F. "acknowledged father" means a father who:

(1) acknowledges paternity of the adoptee pursuant to the putative father registry, as provided for in Section 32A-5-20 NMSA 1978;

(2) is named, with his consent, as the adoptee's father on the adoptee's birth certificate;

(3) is obligated to support the adoptee under a written voluntary promise or pursuant to a court order;

(4) has openly held out the adoptee as his own child by establishing a custodial, personal or financial relationship with the adoptee as follows:

(a) for an adoptee under six months old at the time of placement: 1) has initiated an action to establish paternity; 2) is living with the adoptee at the time the adoption petition is filed; 3) has lived with the mother a minimum of ninety days during the two-hundred-eighty-day period prior to the birth or placement of the adoptee; 4) has lived with the adoptee within the ninety days immediately preceding the adoptive placement; 5) has provided reasonable and fair financial support to the mother during the pregnancy and in connection with the adoptee's birth in accordance with his means and when not prevented from doing so by the person or authorized agency having lawful custody of the adoptee or the adoptee's mother; 6) has continuously paid child support to the mother since the adoptee's birth in an amount at least equal to the amount provided in Section 40-4-11.1 NMSA 1978, or has brought current any delinquent child support payments; or 7) any other factor the court deems necessary to establish a custodial, personal or financial relationship with the adoptee; or

(b) for an adoptee over six months old at the time of placement: 1) has initiated an action to establish paternity; 2) has lived with the adoptee within the ninety days immediately preceding the adoptive placement; 3) has continuously paid child support to the mother since the adoptee's birth in an amount at least equal to the amount provided in Section 40-4-11.1 NMSA 1978, or is making reasonable efforts to bring delinquent child support payments current; 4) has contact with the adoptee on a monthly basis when physically and financially able and when not prevented by the person or authorized agency having lawful custody of the adoptee; or 5) has regular communication with the adoptee, or with the person or agency having the care or custody of the adoptee, when physically and financially unable to visit the adoptee and when not prevented from doing so by the person or authorized agency having lawful custody of the adoptee; or

(5) has established a parent-child relationship pursuant to Article 2 of the New Mexico Uniform Parentage Act;

G. "alleged father" means a person who alleges or is alleged to be a genetic parent or possible genetic parent of a child, but whose parentage has not been adjudicated. "Alleged father" does not include:

- (1) a presumed parent;
- (2) a person whose parental rights have been terminated or declared not to exist; or
- (3) a donor;

H. "assisted reproduction" means a method of causing pregnancy other than sexual intercourse. "Assisted reproduction" includes:

- (1) intrauterine or vaginal insemination;
- (2) donation of eggs or sperm;
- (3) donation of embryos;
- (4) in-vitro fertilization and transfer of embryos; and
- (5) intracytoplasmic sperm injection;

I. "confirmatory adoption" means an action in which a parent or parents of a child born through assisted reproduction seek to confirm parentage of the child and obtain a judgment of adoption;

J. "consent" means a document:

(1) signed by a biological parent whereby the parent grants consent to the adoption of the parent's child by another;

(2) whereby the department or an agency grants its consent to the adoption of a child in its custody; or

(3) signed by the adoptee if the child is fourteen years of age or older;

K. "convention adoption" means:

(1) an adoption by a United States resident of a child who is a resident of a foreign country that is a party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption; or

(2) an adoption by a resident of a foreign country that is a party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption of a child who is a resident of the United States;

L. "counselor" means a person certified by the department to conduct adoption counseling in independent adoptions;

M. "department adoption" means an adoption when the child is in the custody of the department;

N. "donor" means a person who contributes a gamete or gametes or an embryo or embryos to another person for assisted reproduction or gestation, whether or not there is consideration for the contribution. "Donor" does not include a person who:

(1) provides gametes for use in assisted reproduction with that person's spouse;

(2) gives birth to a child by means of assisted reproduction, unless declared otherwise by a court pursuant to a surrogacy agreement;

(3) is a parent of a child of assisted reproduction pursuant to Article 7 of the New Mexico Uniform Parentage Act; or

(4) is an intended parent pursuant to a surrogacy agreement;

O. "foreign born child" means any child not born in the United States who is not a citizen of the United States;

P. "former parent" means a parent whose parental rights have been terminated or relinquished;

Q. "full disclosure" means mandatory and continuous disclosure by the investigator, agency, department or petitioner throughout the adoption proceeding and after finalization of the adoption of all known, nonidentifying information regarding the adoptee, including:

- (1) health history;
- (2) psychological history;
- (3) mental history;
- (4) hospital history;
- (5) medication history;
- (6) genetic history;
- (7) physical descriptions;
- (8) social history;
- (9) placement history; and
- (10) education;

R. "independent adoption" means an adoption when the child is not in the custody of the department or an agency;

S. "investigator" means an individual certified by the department to conduct pre-placement studies and post-placement reports;

T. "office" means a place for the regular transaction of business or performance of particular services;

U. "parent" means a person who has established a parent-child relationship;

V. "parent-child relationship" means a relationship between a person and a child that is established by:

- (1) the person having given birth to the child;
- (2) an adjudication of the person's maternity or paternity;
- (3) adoption of the child by the person;

(4) a presumption of parentage pursuant to Section 40-11A-204 NMSA 1978;

(5) an effective acknowledgment of parentage by the person pursuant to Article 3 of the New Mexico Uniform Parentage Act, unless the acknowledgment has been rescinded or successfully challenged; or

(6) the person's having consented to assisted reproduction pursuant to Article 7 of the New Mexico Uniform Parentage Act that resulted in the birth of the child;

W. "parental rights" means all rights of a parent with reference to a child, including parental right to control, to withhold consent to an adoption or to receive notice of a hearing on a petition for adoption;

X. "placement" means the selection of a family for an adoptee or matching of a family with an adoptee and physical transfer of the adoptee to the family in all adoption proceedings, except in adoptions filed pursuant to Paragraphs (1) and (2) of Subsection C of Section 32A-5-12 NMSA 1978, in which case placement occurs when the parents consent to the adoption, parental rights are terminated or parental consent is implied;

Y. "post-placement report" means a written evaluation of the adoptive family and the adoptee after the adoptee is placed for adoption;

Z. "pre-placement study" means a written evaluation of the adoptive family, the adoptee's biological family and the adoptee;

AA. "presumed father" means:

(1) the husband of the biological mother at the time the adoptee was born;

(2) an individual who was married to the mother and either the adoptee was born during the term of the marriage or the adoptee was born within three hundred days after the marriage was terminated by death, annulment, declaration of invalidity or divorce; or

(3) before the adoptee's birth, an individual who attempted to marry the adoptee's biological mother by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid and if the attempted marriage:

(a) could be declared invalid only by a court, the adoptee was born during the attempted marriage or within three hundred days after its termination by death, annulment, declaration of invalidity or divorce; or



(b) is invalid without a court order, the adoptee was born within three hundred days after the termination of cohabitation;

BB. "record" means any petition, affidavit, consent or relinquishment form, transcript or notes of testimony, deposition, power of attorney, report, decree, order, judgment, correspondence, document, photograph, invoice, receipt, certificate or other printed, written, videotaped or tape-recorded material pertaining to an adoption proceeding;

CC. "relinquishment" means the document by which a parent relinquishes parental rights to the department or an agency to enable placement of the parent's child for adoption;

DD. "resident" means a person who, prior to filing an adoption petition, has lived in the state for at least six months immediately preceding filing of the petition for adoption or a person who has become domiciled in the state by establishing legal residence with the intention of maintaining the residency indefinitely; and

EE. "stepparent adoption" means an adoption of the adoptee by the adoptee's stepparent when the adoptee has lived with the stepparent for at least one year following the marriage of the stepparent to the custodial parent."

## **Chapter 15 Section 2 Laws 2025**

SECTION 2. A new section of the Adoption Act, Section 32A-5-3.1 NMSA 1978 is enacted to read:

"32A-5-3.1. APPLICABILITY OF TERMS.--To the extent practicable, any provision of the Adoption Act applicable to a father-child relationship applies to a mother-child relationship or parent-child relationship, and any provision of the Adoption Act applicable to a mother-child relationship applies to a father-child relationship or parent-child relationship."

## **Chapter 15 Section 3 Laws 2025**

SECTION 3. Section 32A-5-14 NMSA 1978 (being Laws 1993, Chapter 77, Section 141, as amended) is amended to read:

"32A-5-14. PRE-PLACEMENT STUDY.--

A. The pre-placement study shall be performed as prescribed by department regulation and shall include at a minimum the following:

(1) an individual interview with each petitioner;

- (2) a joint interview with both petitioners; if a joint interview is not conducted, an explanation shall be provided in the pre-placement study;
- (3) a home visit, which shall include an interview with the petitioner's children and any other permanent residents of the petitioner's home;
- (4) an interview with the adoptee, if age appropriate;
- (5) an individual interview with each of the adoptee's parents; if a parent is not interviewed, an explanation shall be provided in the pre-placement study;
- (6) full disclosure to the petitioner;
- (7) exploration of the petitioners' philosophy concerning discussion of adoption issues with the adoptee;
- (8) the initiation of a criminal records check of each petitioner;
- (9) a medical certificate dated not more than one year prior to any adoptive placement assessing the petitioner's health as it relates to the petitioner's ability to care for the adoptee;
- (10) a minimum of three letters of reference from individuals named by the petitioner or memoranda of the dates and contents of personal contacts with the references;
- (11) a statement of the capacity and readiness of the petitioner for parenthood and the petitioner's emotional and physical health and ability to shelter, feed, clothe and educate the adoptee;
- (12) verification of the petitioner's employment, financial resources and marital status;
- (13) a report of a medical examination performed on the adoptee within one year prior to the proposed adoptive placement;
- (14) a statement of the results of any prior pre-placement study or initiation of a pre-placement study, if any, of the petitioners done by any person; and
- (15) a copy of proof of certification by the department for the investigator to conduct pre-placement studies or, if the preparer of the pre-placement study is out-of-state, the preparer shall attach a statement setting forth qualifications that are equivalent to those required of an investigator pursuant to the provisions of Section 32A-5-13 NMSA 1978 and department regulations.

B. The pre-placement study shall be completed at the cost of the petitioner.

C. Unless directed by the court, a pre-placement study is not required 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 Section 32A-5-12 NMSA 1978.

D. The pre-placement study shall be filed with the court.

E. The requirements of this section shall not apply to confirmatory adoptions."

## **Chapter 15 Section 4 Laws 2025**

SECTION 4. 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.

I. The requirements of this section shall not apply to confirmatory adoptions."

## Chapter 15 Section 5 Laws 2025

SECTION 5. Section 32A-5-34 NMSA 1978 (being Laws 1993, Chapter 77, Section 161, as amended) is amended to read:

"32A-5-34. FEES AND CHARGES--DAMAGES.--

A. Prior to the final hearing on a petition, the petitioner shall file a full accounting of all disbursements of anything of value made or agreed to be made by or on behalf of the petitioner in connection with an adoption. The accounting report shall be signed under penalty of perjury. The accounting report shall be itemized in detail and shall show the services reasonably relating to the adoption or to the placement of the child for adoption that were received by the parents of the child, by the child or by or on behalf of the petitioner. The report shall also include the dates of each payment and the names and addresses of each attorney, physician, hospital, licensed adoption agency or other person or organization who received any funds or any other thing of value from the petitioner in connection with the adoption or the placement of the child with the petitioner or who participated in any way in the handling of the funds, either directly or indirectly. The requirements of this subsection shall not apply to confirmatory adoptions.

B. Only a prospective adoptive parent, acting alone, through an agency or through an attorney who is licensed in this state, shall make payments for services relating to the adoption or to the placement of the adoptee for adoption for allowed expenses only to third-party vendors, as reasonably practical. These payments shall consist of reasonable and actual fees or charges for:

- (1) the services of an agency in connection with an adoption;
- (2) medical, hospital, nursing, pharmaceutical, traveling or other similar expenses incurred by a mother or the adoptee in connection with the birth or any illness of an adoptee;
- (3) reasonable counseling services relating to the adoption;
- (4) living expenses of a mother and her dependent children, including the adoptee, for a reasonable time before the birth or placement of the adoptee and for no more than six weeks after the birth or placement of the adoptee;
- (5) expenses incurred for the purposes of full disclosure;
- (6) legal services, court costs and traveling or other administrative expenses connected with an adoption, including any legal service performed for a parent who consents to the adoption of a child or relinquishes the child to an agency;
- (7) preparation of a pre-placement study and of a post-placement report during the pendency of the adoption proceeding; or

(8) any other service or expense the court finds is reasonably necessary for services relating to the adoption or to the placement of the adoptee for adoption.

C. Any person who makes payments that are not permitted pursuant to the provisions of this section is in violation of the Adoption Act and subject to the penalties set forth in Section 32A-5-42 NMSA 1978.

D. Any person who threatens or coerces a parent to complete the relinquishment of parental rights or to complete the consent to an adoption, by demanding repayment of expenses or by any other threat or coercion, shall be liable to the parent for compensatory and punitive damages.

E. The accounting required in Subsection A of this section is not applicable to stepparent adoptions or to adoptions under the provisions of the Abuse and Neglect Act, unless ordered by the court.

F. Nothing in this section shall be construed to permit payment to a woman for conceiving and carrying a child."

## **Chapter 15 Section 6 Laws 2025**

SECTION 6. A new section of the Adoption Act, Section 32A-5-46 NMSA 1978, is enacted to read:

"32A-5-46. CONFIRMATORY ADOPTION.--

A. Whenever a child is born as a result of assisted reproduction and a person or persons who did not give birth is a parent or parents and seeks to confirm parentage through an adoption of the child, the court shall permit the parent to file a petition for adoption in accordance with this section.

B. Notwithstanding any other provisions of the Adoption Act, a petition for confirmatory adoption shall include the following:

- (1) signatures from all petitioners for confirmatory adoption;
- (2) if any of the petitioners are married, a copy of the petitioners' marriage certificate;
- (3) a declaration signed by all petitioners explaining the circumstances of the child's birth through assisted reproduction, attesting that the petitioners are parents and that there are no other persons with a claim to parentage of the child; and
- (4) a certified copy of the child's birth certificate.

C. Submission of a complete petition for confirmatory adoption constitutes notice of and written consent to the confirmatory adoption, and the court shall not require any additional notice or consent by any petitioner.

D. If a petitioner for confirmatory adoption conceived the child through assisted reproduction using a donor, the court shall not require notice of the confirmatory adoption to that donor or the consent of that donor to the confirmatory adoption.

E. Unless otherwise ordered by the court for good cause shown and supported by written findings of the court demonstrating good cause, for the purposes of evaluating and granting a petition for confirmatory adoption pursuant to this section, the court shall not require:

- (1) placement;
- (2) a pre-placement study or post-placement report, including home visits, interviews, medical exams or certificates, employment or financial resource verification, letters of reference or examination of a petitioner's capacity or readiness;
- (3) counseling for any parent, presumed parent or child;
- (4) a criminal records check;
- (5) documentation of fees or charges related to the confirmatory adoption;
- (6) a minimum residency in the home of the petitioners;
- (7) a best interest of the child assessment; or
- (8) a hearing or appearance.

F. The court shall grant a petition for confirmatory adoption within thirty days of the petition being filed upon finding that:

(1) the child was born through assisted reproduction to parents joined in marriage, one of the petitioners gave birth to the child and there are no competing claims of parentage; or

(2) the child was born through assisted reproduction with the consent of all petitioners, one of the petitioners gave birth to the child, the other petitioner or petitioners are parents and there are no competing claims of parentage.

G. A petition for confirmatory adoption shall not be denied on the basis that:

(1) any of the petitioners' parentage is already presumed or legally recognized in this state;

(2) the petitioners are unmarried; or

(3) there are more than two petitioners.

H. When parentage is presumed or legally recognized under state law, the fact that a party did not petition for confirmatory adoption shall not be considered as evidence in determining:

(1) parental rights disputes; or

(2) the best interest of a child."

## **Chapter 15 Section 7 Laws 2025**

SECTION 7. Section 40-11A-704 NMSA 1978 (being Laws 2009, Chapter 215, Section 7-704) is amended to read:

"40-11A-704. CONSENT TO ASSISTED REPRODUCTION.--

A. The intended parent or parents shall consent to the assisted reproduction in a record signed before, on or after the day of birth of the child or in an oral agreement entered into before conception by each intended parent.

B. The absence of evidence required pursuant to Subsection A of this section does not preclude a finding of parentage if the person resided with the child after birth and openly held out the child as the person's own jointly with the birthing parent.

C. All papers relating to the assisted reproduction, whether part of a court, medical or any other file, are subject to inspection only upon an order of the district court or with the consent, in a signed record of:

(1) the donor or donors; and

(2) the parent or parents who consented to the assisted reproduction pursuant to Subsection A of this section or a child who was born as a result of the assisted reproduction pursuant to Subsection A of this section if the child is eighteen years of age or older."

## **Chapter 15 Section 8 Laws 2025**

SECTION 8. APPLICABILITY.--The provisions of this act apply to actions commenced on or after the effective date of this act.



# **LAWS 2025, CHAPTER 16**

**Senate Bill 82, aa**

**Approved March 21, 2025**

## **AN ACT**

RELATING TO PUBLIC SCHOOL CAPITAL OUTLAY; EXTENDING THROUGH FISCAL YEAR 2027 THE PROVISION THAT REDUCES LOCAL SHARES BY ONE-THIRD FOR SOME SCHOOL DISTRICTS AND ONE-HALF FOR CERTAIN SMALL SCHOOL DISTRICTS; ELIMINATING SOME OF THE CRITERIA THE PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL IS REQUIRED TO CONSIDER BEFORE MAKING AN ADJUSTMENT TO A SCHOOL DISTRICT'S LOCAL SHARE; MAKING CONFORMING AMENDMENTS.

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

## **Chapter 16 Section 1 Laws 2025**

SECTION 1. Section 22-24-5 NMSA 1978 (being Laws 1975, Chapter 235, Section 5, as amended) is amended to read:

"22-24-5. PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS--APPLICATION--GRANT ASSISTANCE.--

A. Applications for grant assistance, approval of applications, prioritization of projects and grant awards shall be conducted pursuant to the provisions of this section.

B. Except as provided in Sections 22-24-4.3, 22-24-5.4 and 22-24-5.6 NMSA 1978, the following provisions govern grant assistance from the fund for a public school capital outlay project not wholly funded pursuant to Section 22-24-4.1 NMSA 1978:

(1) all school districts are eligible to apply for funding from the fund, regardless of percentage of indebtedness;

(2) priorities for funding shall be determined by using the statewide adequacy standards developed pursuant to Subsection C of this section; provided that:

(a) the council shall apply the standards to charter schools to the same extent that they are applied to other public schools;

(b) the council may award grants annually to school districts for the purpose of repairing, renovating or replacing public school building systems in existing buildings as identified in Section 22-24-4.6 NMSA 1978;

(c) the council shall adopt and apply adequacy standards appropriate to the unique needs of the constitutional special schools; and

(d) in an emergency in which the health or safety of students or school personnel is at immediate risk or in which there is a threat of significant property damage, the council may award grant assistance for a project using criteria other than the statewide adequacy standards;

(3) the council shall establish criteria to be used in public school capital outlay projects that receive grant assistance pursuant to the Public School Capital Outlay Act. In establishing the criteria, the council shall consider:

(a) the feasibility of using design, build and finance arrangements for public school capital outlay projects;

(b) the potential use of more durable construction materials that may reduce long-term operating costs;

(c) concepts that promote efficient but flexible utilization of space; and

(d) any other financing or construction concept that may maximize the dollar effect of the state grant assistance;

(4) no more than ten percent of the combined total of grants in a funding cycle shall be used for retrofitting existing facilities for technology infrastructure;

(5) no later than May 1 of each calendar year, the phase two formula value shall be calculated for each school district in accordance with the following procedure:

(a) the sum of the final prior five years net taxable value for a school district multiplied by nine ten-thousandths for that school district is calculated for each school district;

(b) the maximum allowable gross square foot per student multiplied by the replacement cost per square foot divided by forty-five is calculated for each school district;

(c) the value calculated pursuant to Subparagraph (a) of this paragraph divided by the value calculated pursuant to Subparagraph (b) of this paragraph is calculated for each school district;

(d) in those instances in which the calculation pursuant to Subparagraph (c) of this paragraph yields a value equal to or greater than one, the phase two formula value shall be zero for the subject school district;

(e) in those instances in which the calculation pursuant to Subparagraph (c) of this paragraph yields a value of ninety-hundredths or more but less than one, the phase two formula value shall be one minus the value calculated in Subparagraph (c) of this paragraph; and

(f) in those instances in which the calculation pursuant to Subparagraph (c) of this paragraph yields a value less than ninety-hundredths, the phase two formula value shall be one minus the value calculated in Subparagraph (c) of this paragraph plus the school district population density factor;

(6) the state share of a project approved by the council shall be funded within available resources pursuant to the provisions of this paragraph. Except as provided in Section 22-24-5.7 NMSA 1978 and except as adjusted pursuant to Paragraph (8), (9) or (10) of this subsection, the amount to be distributed from the fund for an approved project shall equal the total project cost multiplied by the following percentage, except that in no case shall the state share be less than six percent:

(a) for fiscal year 2024 through fiscal year 2027, the percentage shall be the phase two formula value plus a percentage equal to one-third of the difference between one and the phase two formula value; provided that, for school districts with fewer than 200 MEM, the percentage shall be the phase two formula value plus a percentage equal to one-half of the difference between one and the phase two formula; and

(b) for fiscal year 2028 and thereafter, the percentage shall be the phase two formula value;

(7) as used in this subsection:

(a) "governmental entity" includes an Indian nation, tribe or pueblo;

(b) "phase two formula value" for a state-chartered charter school means the phase two formula value calculated pursuant to Paragraph (5) of this subsection for the school district in which the state-chartered charter school is physically located;

(c) "subject school district" means the school district that has submitted the application for funding and in which the approved public school capital outlay project will be located; and

(d) "total project cost" means the total amount necessary to complete the public school capital outlay project less any insurance reimbursement received by the school district for the project;

(8) the amount calculated pursuant to Paragraph (6) of this subsection may be increased by an additional five percent if the council finds that the subject school district has been exemplary in implementing and maintaining a preventive maintenance program. The council shall adopt such rules as are necessary to implement the provisions of this paragraph;

(9) the council may adjust the amount of a school district's local share otherwise required if it determines that the school district has made a good-faith effort to use all of its local resources. Before making any adjustment to the local share, the council shall consider whether:

(a) the school district has insufficient bonding capacity over the next four years to provide the local match necessary to complete the project and, for all educational purposes, has a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds; or

(b) the school district has fewer than an average of one thousand five hundred full-time-equivalent students on the second and third reporting dates of the prior school year and, for all educational purposes, has a residential property tax rate of at least seven dollars (\$7.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds;

(10) the local match for the constitutional special schools shall be set at fifty percent for projects that qualify under the educational adequacy category and one hundred percent for projects that qualify in the support spaces category; provided that the council may adjust or waive the amount of any direct appropriation offset to or local share required for the constitutional special schools if an applicant constitutional special school has insufficient or no local resources available; and

(11) no application for grant assistance from the fund shall be approved unless the council determines that:

(a) the public school capital outlay project is needed and included in the school district's five-year facilities plan among its top priorities;

(b) the school district has used its capital resources in a prudent manner;

(c) the school district has provided insurance for buildings of the school district in accordance with the provisions of Section 13-5-3 NMSA 1978;

(d) the school district has submitted a five-year facilities plan that includes: 1) enrollment projections; 2) a current preventive maintenance plan that has been approved by the council pursuant to Section 22-24-5.3 NMSA 1978 and that is followed by each public school in the district; 3) the capital needs of charter schools located in the school district; and 4) projections for the facilities needed in order to maintain a full-day kindergarten program;

(e) the school district is willing and able to pay any portion of the total cost of the public school capital outlay project that, according to Paragraph (6), (8) or (9) of this subsection, is not funded with grant assistance from the fund;

(f) the application includes the capital needs of any charter school located in the school district or the school district has shown that the facilities of the charter school have a smaller deviation from the statewide adequacy standards than other district facilities included in the application; and

(g) the school district has agreed, in writing, to comply with any reporting requirements or conditions imposed by the council pursuant to Section 22-24-5.1 NMSA 1978.

C. After consulting with the public school capital outlay oversight task force and other experts, the council shall regularly review and update statewide adequacy standards applicable to all school districts. The standards shall establish the acceptable level for the physical condition and capacity of buildings, the educational suitability of facilities, the need for career-technical education facilities or classrooms and the need for education technology infrastructure. Except as otherwise provided in the Public School Capital Outlay Act, the amount of outstanding deviation from the standards shall be used by the council in evaluating and prioritizing public school capital outlay projects.

D. The acquisition of a facility by a school district or charter school pursuant to a financing agreement that provides for lease payments with an option to purchase for a price that is reduced according to lease payments made may be considered a public school capital outlay project and eligible for grant assistance under this section pursuant to the following criteria:

(1) no grant shall be awarded unless the council determines that, at the time of exercising the option to purchase the facility by the school district or charter school, the facility will equal or exceed the statewide adequacy standards and the building standards for public school facilities;

(2) no grant shall be awarded unless the school district and the need for the facility meet all of the requirements for grant assistance pursuant to the Public School Capital Outlay Act;

(3) the total project cost shall equal the total payments that would be due under the agreement if the school district or charter school would eventually acquire title to the facility;

(4) the portion of the total project cost to be paid from the fund may be awarded as one grant, but disbursements from the fund shall be made from time to time as lease payments become due;

(5) the portion of the total project cost to be paid by the school district or charter school may be paid from time to time as lease payments become due; and

(6) neither a grant award nor any provision of the Public School Capital Outlay Act creates a legal obligation for the school district or charter school to continue the lease from year to year or to purchase the facility.

E. In order to encourage private capital investment in the construction of public school facilities, the purchase of a privately owned school facility that is, at the time of application, in use by a school district may be considered a public school capital outlay project and eligible for grant assistance pursuant to this section if the council finds that:

(1) at the time of the initial use by the school district, the facility to be purchased equaled or exceeded the statewide adequacy standards and the building standards for public school facilities;

(2) at the time of application, attendance at the facility to be purchased is at seventy-five percent or greater of design capacity and the attendance at other schools in the school district that the students at the facility would otherwise attend is at eighty-five percent or greater of design capacity; and

(3) the school district and the capital outlay project meet all of the requirements for grant assistance pursuant to the Public School Capital Outlay Act; provided that, when determining the deviation from the statewide adequacy standards for the purposes of evaluating and prioritizing the project, the students using the facility shall be deemed to be attending other schools in the school district.

F. It is the intent of the legislature that grant assistance made pursuant to this section allows every school district to meet the standards developed pursuant to Subsection C of this section; provided, however, that nothing in the Public School Capital Outlay Act or the development of standards pursuant to that act prohibits a school district from using other funds available to the district to exceed the statewide adequacy standards.

G. Upon request, the council shall work with, and provide assistance and information to, the public school capital outlay oversight task force.

H. The council may establish committees or task forces, not necessarily consisting of council members, and may use the committees or task forces, as well as existing agencies or organizations, to conduct studies, conduct surveys, submit recommendations or otherwise contribute expertise from the public schools, programs, interest groups and segments of society most concerned with a particular aspect of the council's work.

I. Upon the recommendation of the authority, the council shall develop building standards for public school facilities and shall promulgate other such rules as are necessary to carry out the provisions of the Public School Capital Outlay Act.

J. No later than December 15 of each year, the council shall prepare a report summarizing its activities during the previous fiscal year. The report shall describe in detail all projects funded, the progress of projects previously funded but not completed, the criteria used to prioritize and fund projects and all other council actions. The report shall be submitted to the public education commission, the governor, the legislative finance committee, the legislative education study committee and the legislature.

K. For any school district that received a standards- or systems-based award from the council in fiscal year 2023, the state share for any future phase of the project for which funding has not yet been awarded shall be the amount calculated pursuant to Subsection B of this section for fiscal year 2024, regardless of the state share at the time of the initial award.

L. As used in this section:

(1) "MEM" means membership; and

(2) "membership" means the total enrollment of qualified students on the current roll of a class or school on a specified day. The current roll is established by the addition of original entries and reentries minus withdrawals. Withdrawals of students, in addition to students formally withdrawn from the public school, include students absent from the public school for as many as ten consecutive school days; provided that withdrawals do not include students in need of early intervention and habitual truants the school district is required to intervene with and keep in an educational setting."

## **LAWS 2025, CHAPTER 17**

**House Bill 12**

**Approved March 21, 2025**

AN ACT

RELATING TO FIREARMS; AMENDING THE EXTREME RISK FIREARM  
PROTECTION ORDER ACT TO ALLOW A LAW ENFORCEMENT OFFICER TO FILE A

PETITION BASED ON INFORMATION COLLECTED WHILE CARRYING OUT THE OFFICER'S OFFICIAL DUTIES; REQUIRING A RESPONDENT TO RELINQUISH FIREARMS IMMEDIATELY UPON SERVICE OF AN EXTREME RISK FIREARM PROTECTION ORDER; MAKING CONFORMING AMENDMENTS.

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

## **Chapter 17 Section 1 Laws 2025**

SECTION 1. Section 40-17-5 NMSA 1978 (being Laws 2020, Chapter 5, Section 5) is amended to read:

"40-17-5. PETITION FOR EXTREME RISK FIREARM PROTECTION ORDER--  
CONTENTS.--

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

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

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

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

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



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

G. A petition for an extreme risk firearm protection order filed pursuant to the request of a reporting party shall include:

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

H. A petition for an extreme risk firearm protection order filed based upon credible information that a law enforcement officer collected while carrying out the officer's official duties shall include:

- (1) the name and address of the respondent;
- (2) a description of the number, types and locations of firearms or ammunition that the petitioner believes the respondent has custody of, controls, owns or possesses;
- (3) a description of the circumstances under which the petitioner collected the credible information that gave rise to the petition; and
- (4) a statement regarding why the law enforcement officer believes the respondent poses a significant danger of causing imminent personal injury to self or others by having custody or control of or by purchasing, possessing or receiving a firearm."

## **Chapter 17 Section 2 Laws 2025**

SECTION 2. Section 40-17-10 NMSA 1978 (being Laws 2020, Chapter 5, Section 10) is amended to read:

"40-17-10. RELINQUISHMENT OF FIREARMS.--

A. A respondent who receives a temporary or one-year extreme risk firearm protection order shall relinquish all firearms in the respondent's possession, custody or control or subject to the respondent's possession, custody or control in a safe manner to a law enforcement officer, a law enforcement agency or a federal firearms licensee immediately upon service of the order or as directed by the court.

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

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

## **LAWS 2025, CHAPTER 18**

**HJC/House Bill 66**

**Approved March 21, 2025**

AN ACT

RELATING TO WORKERS' COMPENSATION; INCREASING THE AMOUNT OF MONEY THAT CAN BE ADVANCED BY EMPLOYERS FOR DISCOVERY COSTS; INCREASING THE MAXIMUM AMOUNT OF ATTORNEY FEES THAT CAN BE COLLECTED IN A WORKERS' COMPENSATION OR OCCUPATIONAL DISEASE DISABLEMENT CASE.

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

### **Chapter 18 Section 1 Laws 2025**

SECTION 1. Section 52-1-54 NMSA 1978 (being Laws 1987, Chapter 235, Section 24, as amended) is amended to read:

**"52-1-54. FEE RESTRICTIONS--APPOINTMENT OF ATTORNEYS BY THE  
DIRECTOR OR WORKERS' COMPENSATION JUDGE--DISCOVERY COSTS--  
OFFER OF JUDGMENT--PENALTY FOR VIOLATIONS.--**

A. It is unlawful for any person to receive or agree to receive any fees or payment directly or indirectly in connection with any claim for compensation under the Workers' Compensation Act except as provided in this section.

B. In all cases where the jurisdiction of the workers' compensation administration is invoked to approve a settlement of a compensation claim under the Workers' Compensation Act, the director or workers' compensation judge, unless the claimant is represented by an attorney, may in the director's or judge's discretion appoint an attorney to aid the workers' compensation judge in determining whether the settlement should be approved and, in the event of an appointment, a reasonable fee for the services of the attorney shall be fixed by the workers' compensation judge, subject to the limitation of Subsection I of this section.

C. In all cases where the jurisdiction of the workers' compensation administration is invoked to approve a settlement of a compensation claim under the Workers' Compensation Act and the claimant is represented by an attorney, the total amount paid or to be paid by the employer in settlement of the claim shall be stated in the settlement papers. The workers' compensation judge shall determine and fix a reasonable fee for the claimant's attorney, taking into account any sum previously paid, and the fee fixed by the workers' compensation judge shall be the limit of the fee received or to be received by the attorney in connection with the claim, subject to the limitation of Subsection I of this section.

D. The cost of discovery shall be borne by the party who requests it. If, however, the claimant requests any discovery, the employer shall advance the cost of paying for discovery up to a limit of three thousand five hundred dollars (\$3,500). Beginning January 1, 2027, the limit shall be four thousand dollars (\$4,000), and beginning January 1, 2029, the limit shall increase to four thousand five hundred dollars (\$4,500). If the claimant substantially prevails on the claim, as determined by a workers' compensation judge, any discovery cost advanced by the employer shall be paid by that employer. If the claimant does not substantially prevail on the claim, as determined by a workers' compensation judge, the employer shall be reimbursed for discovery costs advanced according to a schedule for reimbursement approved by a workers' compensation judge.

E. In all cases where compensation to which any person is entitled under the provisions of the Workers' Compensation Act is refused and the claimant thereafter collects compensation through proceedings before the workers' compensation administration or courts in an amount in excess of the amount offered in writing by an employer five business days or more prior to the informal hearing before the administration, the compensation to be paid the attorney for the claimant shall be fixed by the workers' compensation judge hearing the claim or the courts upon appeal in the

amount the workers' compensation judge or courts deem reasonable and proper, subject to the limitation of Subsection I of this section. In determining and fixing a reasonable fee, the workers' compensation judge or courts shall take into consideration:

- (1) the sum, if any, offered by the employer:
  - (a) before the worker's attorney was employed;
  - (b) after the attorney's employment but before proceedings were commenced; and
  - (c) in writing five business days or more prior to the informal hearing;
- (2) the present value of the award made in the worker's favor; and
- (3) any failure of a party to participate in a good-faith manner in informal claim resolution methods adopted by the director.

F. After a recommended resolution has been issued and rejected, but more than ten days before a trial begins, the employer or claimant may serve upon the opposing party an offer to allow a compensation order to be taken against the employer or claimant for the money or property or to the effect specified in the offer, with costs then accrued, subject to the following:

- (1) if, within ten days after the service of the offer, the opposing party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof, and thereupon that compensation order may be entered as the workers' compensation judge may direct. An offer not accepted shall be deemed withdrawn, and evidence thereof is not admissible except in a proceeding to determine costs. If the compensation order finally obtained by the party is not more favorable than the offer, that party shall pay the costs incurred by the opposing party after the making of the offer. The fact that an offer has been made but not accepted does not preclude a subsequent offer;
- (2) when the liability of one party to another has been determined by a compensation order, but the amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than ten days prior to the commencement of hearings to determine the amount or extent of liability;
- (3) if the employer's offer was greater than the amount awarded by the compensation order, the employer shall not be liable for the employer's fifty percent share of the attorney fees to be paid the worker's attorney and the worker shall pay one hundred percent of the attorney fees due to the worker's attorney; and

(4) if the worker's offer was less than the amount awarded by the compensation order, the employer shall pay one hundred percent of the attorney fees to be paid the worker's attorney, and the worker shall be relieved from any responsibility for paying any portion of the worker's attorney fees.

G. In all actions arising under the provisions of Section 52-1-56 NMSA 1978 where the jurisdiction of the workers' compensation administration is invoked to determine the question whether the claimant's disability has increased or diminished and the claimant is represented by an attorney, the workers' compensation judge or courts upon appeal shall determine and fix a reasonable fee for the services of the claimant's attorney only if the claimant is successful in establishing that the claimant's disability has increased or if the employer is unsuccessful in establishing that the claimant's disability has diminished. The fee when fixed by the workers' compensation judge or courts upon appeal shall be the limit of the fee received or to be received by the attorney for services in the action, subject to the limitation of Subsection I of this section.

H. In determining reasonable attorney fees for a claimant, the workers' compensation judge shall consider only those benefits to the worker that the attorney is responsible for securing. The value of future medical benefits shall not be considered in determining attorney fees.

I. Attorney fees, including, but not limited to, the costs of paralegal services, legal clerk services and any other related legal services costs on behalf of a claimant or an employer for a single accidental injury claim, including representation before the workers' compensation administration and the courts on appeal, shall not exceed thirty thousand dollars (\$30,000) in calendar year 2025. Beginning January 1, 2027, the maximum allowable attorney fees shall be thirty-two thousand dollars (\$32,000), and beginning January 1, 2029, the maximum allowable attorney fees shall increase to thirty-four thousand dollars (\$34,000). This limitation applies whether the claimant or employer has one or more attorneys representing the claimant or employer and applies as a cumulative limitation on compensation for all legal services rendered in all proceedings and other matters directly related to a single accidental injury to a claimant. The workers' compensation judge may exceed the maximum amount stated in this subsection in awarding a reasonable attorney fee if the judge finds that a claimant, an insurer or an employer acted in bad faith with regard to handling the injured worker's claim and the injured worker or employer has suffered economic loss as a result. However, in no case shall this additional amount exceed five thousand dollars (\$5,000). As used in this subsection, "bad faith" means conduct by the claimant, insurer or employer in the handling of a claim that amounts to fraud, malice, oppression or willful, wanton or reckless disregard of the rights of the worker or employer. Any determination of bad faith shall be made by the workers' compensation judge through a separate fact-finding proceeding. Notwithstanding the provisions of Subsection J of this section, the party found to have acted in bad faith shall pay one hundred percent of the additional fees awarded for representation of the prevailing party in a bad faith action.

J. Except as provided in Paragraphs (3) and (4) of Subsection F of this section, the payment of a claimant's attorney fees determined under this section shall be shared equally by the worker and the employer.

K. It is unlawful for any person except a licensed attorney to receive or agree to receive any fee or payment for legal services in connection with any claim for compensation under the Workers' Compensation Act.

L. Nothing in this section applies to agents, excluding attorneys, representing employers, insurance carriers or the subsequent injury fund in any matter arising from a claim under the Workers' Compensation Act.

M. No attorney fees shall be paid until the claim has been settled or adjudged.

N. By May 1, 2029, the advisory council on workers' compensation and occupational disease disablement shall review the maximum allowable attorney fees and the limitation on discovery costs that employers are required to advance. By November 1, 2029, the advisory council on workers' compensation and occupational disease disablement shall make recommendations to the legislature on any necessary adjustments to the maximum allowable attorney fees or the limitation on discovery costs that employers are required to advance.

O. Every person violating the provisions of this section is guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500), to which may be added imprisonment in the county jail for a term not exceeding ninety days.

P. Nothing in this section shall restrict a claimant from being represented before the workers' compensation administration by a nonattorney as long as that nonattorney receives no compensation for that representation from the claimant."

## **Chapter 18 Section 2 Laws 2025**

SECTION 2. Section 52-3-47 NMSA 1978 (being Laws 1987, Chapter 235, Section 41, as amended) is amended to read:

"52-3-47. FEE RESTRICTIONS--APPOINTMENT OF ATTORNEYS BY THE DIRECTOR OR WORKERS' COMPENSATION JUDGE--DISCOVERY COSTS--OFFER OF JUDGMENT--PENALTY FOR VIOLATIONS.--

A. It is unlawful for any person to receive or agree to receive any fees or payment directly or indirectly in connection with any claim for compensation under the New Mexico Occupational Disease Disablement Law except as provided in this section.

B. In all cases where the jurisdiction of the workers' compensation administration is invoked to approve a settlement of a compensation claim under the

New Mexico Occupational Disease Disablement Law, the director or workers' compensation judge, unless the claimant is represented by an attorney, may in the director's or judge's discretion appoint an attorney to aid the workers' compensation judge in determining whether the settlement should be approved. In the event of such an appointment, a reasonable fee for the services of the attorney shall be fixed by the workers' compensation judge, subject to the limitation of Subsection I of this section.

C. In all cases where the jurisdiction of the workers' compensation administration is invoked to approve a settlement of a compensation claim under the New Mexico Occupational Disease Disablement Law and the claimant is represented by an attorney, the total amount paid or to be paid by the employer in settlement of the claim shall be stated in the settlement papers, and the workers' compensation judge shall determine and fix a reasonable fee for the claimant's attorney, taking into account any sum previously paid. The fee fixed by the workers' compensation judge shall be the limit of the fee received or to be received by the attorney in connection with the claim, subject to the limitation of Subsection I of this section.

D. The cost of discovery shall be borne by the party who requests it. If, however, the claimant requests any discovery, the employer shall advance the cost of paying for discovery up to a limit of three thousand five hundred dollars (\$3,500). Beginning January 1, 2027, the limit shall be four thousand dollars (\$4,000), and beginning January 1, 2029, the limit shall increase to four thousand five hundred dollars (\$4,500). If the claimant substantially prevails on the claim, as determined by a workers' compensation judge, any discovery cost advanced by the employer shall be paid by that employer. If the claimant does not substantially prevail on the claim, as determined by a workers' compensation judge, the employer shall be reimbursed for discovery costs advanced according to a schedule for reimbursement approved by a workers' compensation judge.

E. In all cases where compensation to which any person is entitled under the provisions of the New Mexico Occupational Disease Disablement Law is refused and the claimant thereafter collects compensation through proceedings before the workers' compensation administration or courts in an amount in excess of the amount offered in writing by an employer five business days or more prior to the informal hearing before the administration, the compensation to be paid the attorney for the claimant shall be fixed by the workers' compensation judge hearing the claim or the courts upon appeal in the amount the workers' compensation judge or courts deem reasonable and proper, subject to the limitation of Subsection I of this section. In determining and fixing a reasonable fee, the workers' compensation judge or courts shall take into consideration:

- (1) the sum, if any, offered by the employer:
  - (a) before the employee's attorney was employed;
  - (b) after the attorney's employment but before proceedings were commenced; and

(c) in writing five business days or more prior to the informal hearing;

(2) the present value of the award made in the employee's favor; and

(3) the failure of a party to participate in a good-faith manner in informal claim resolution methods adopted by the director.

F. After a recommended resolution has been issued and rejected, but more than ten days before a trial begins, the employer or claimant may serve upon the opposing party an offer to allow a compensation order to be taken against the employer or claimant for the money or property or to the effect specified in the offer, with costs then accrued, subject to the following:

(1) if, within ten days after the service of the offer, the opposing party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof, and thereupon that compensation order may be entered as the workers' compensation judge may direct. An offer not accepted shall be deemed withdrawn, and evidence thereof is not admissible except in a proceeding to determine costs. If the compensation order finally obtained by the party is not more favorable than the offer, that party shall pay the costs incurred by the opposing party after the making of the offer. The fact that an offer has been made but not accepted does not preclude a subsequent offer;

(2) when the liability of one party to another has been determined by a compensation order, but the amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than ten days prior to the commencement of hearings to determine the amount or extent of liability;

(3) if the employer's offer was greater than the amount awarded by the compensation order, the employer shall not be liable for the employer's fifty-percent share of the attorney fees to be paid the worker's attorney and the worker shall pay one hundred percent of the attorney fees due to the worker's attorney; and

(4) if the worker's offer was less than the amount awarded by the compensation order, the employer shall pay one hundred percent of the attorney fees to be paid the worker's attorney, and the worker shall be relieved from any responsibility for paying any portion of the worker's attorney fees.

G. In all actions arising under the provisions of Section 52-3-35 NMSA 1978, where the jurisdiction of the workers' compensation administration is invoked to determine the question of whether the claimant's disablement has terminated and the claimant is represented by an attorney, the workers' compensation judge or courts upon appeal shall determine and fix a reasonable fee for the services of the claimant's



attorney only if the employer is unsuccessful in establishing that the claimant's disablement has terminated. The fee when fixed by the workers' compensation judge or courts upon appeal shall be taxed as part of the costs against the employer and shall be the limit of the fee received or to be received by the attorney for services in the action, subject to the limitation of Subsection I of this section.

H. In determining reasonable attorney fees for a claimant, the workers' compensation judge shall consider only those benefits to the employee that the attorney is responsible for securing. The value of future medical benefits shall not be considered in determining attorney fees.

I. Attorney fees, including, but not limited to, the costs of paralegal services, legal clerk services and any other related legal services costs on behalf of a claimant or an employer for a single disablement claim, including representation before the workers' compensation administration and the courts on appeal, shall not exceed thirty thousand dollars (\$30,000) in calendar year 2025. Beginning January 1, 2027, the maximum allowable attorney fees shall be thirty-two thousand dollars (\$32,000), and beginning January 1, 2029, the maximum allowable attorney fees shall increase to thirty-four thousand dollars (\$34,000). This limitation applies whether the claimant or employer has one or more attorneys representing the claimant or employer and applies as a cumulative limitation on compensation for all legal services rendered in all proceedings and other matters directly related to a single occupational disease of a claimant. The workers' compensation judge may exceed the maximum amount stated in this subsection in awarding a reasonable attorney fee if the judge finds that a claimant, an insurer or an employer acted in bad faith with regard to handling the disabled employee's claims and the employer or disabled employee has suffered economic loss as a result thereof. However, in no case shall this additional amount exceed five thousand dollars (\$5,000). As used in this subsection, "bad faith" means conduct by the claimant, insurer or employer in the handling of a claim that amounts to fraud, malice, oppression or willful, wanton or reckless disregard of the rights of the employee or employer. Any determination of bad faith shall be made by the workers' compensation judge through a separate fact-finding proceeding. Notwithstanding the provisions of Subsection J of this section, the party found to have acted in bad faith shall pay one hundred percent of the additional fees awarded for representation of the prevailing party in a bad faith action.

J. Except as provided in Paragraphs (3) and (4) of Subsection F of this section, the payment of a claimant's attorney fees determined under this section shall be shared equally by the employee and the employer.

K. It is unlawful for any person except a licensed attorney to receive or agree to receive any fee or payment for legal services in connection with any claim for compensation under the New Mexico Occupational Disease Disablement Law.

L. Nothing in this section applies to agents, excluding attorneys, representing employers, insurance carriers or the subsequent injury fund in any matter arising from a claim under the New Mexico Occupational Disease Disablement Law.

M. No attorney fees shall be paid until the claim has been settled or adjudged.

N. By May 1, 2029, the advisory council on workers' compensation and occupational disease disablement shall review the maximum allowable attorney fees and the limitation on discovery costs that employers are required to advance. By November 1, 2029, the advisory council on workers' compensation and occupational disease disablement shall make recommendations to the legislature on any necessary adjustments to the maximum allowable attorney fees or the limitation on discovery costs that employers are required to advance.

O. Every person violating the provisions of this section is guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500), to which may be added imprisonment in the county jail for a term not exceeding ninety days.

P. Nothing in this section shall restrict a claimant from being represented before the workers' compensation administration by a nonattorney as long as that nonattorney receives no compensation for representation from the claimant."

## **LAWS 2025, CHAPTER 19**

### **House Bill 197**

**Approved March 21, 2025**

### **AN ACT**

RELATING TO PUBLIC SAFETY; AMENDING THE DEFINITION OF "SILVER ALERT" IN THE MISSING PERSONS INFORMATION AND REPORTING ACT TO INCLUDE COGNITIVE DECLINE OR IMPAIRMENT.

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

### **Chapter 19 Section 1 Laws 2025**

SECTION 1. Section 29-15-2 NMSA 1978 (being Laws 1995, Chapter 146, Section 2, as amended) is amended to read:

"29-15-2. DEFINITIONS.--As used in the Missing Persons Information and Reporting Act:

A. "Brittany alert" means a notification relating to an endangered person:

(1) who is a missing person; and

(2) about whom there is a clear indication that the person has a developmental disability as defined in Subsection A of Section 28-16A-6 NMSA 1978 and that the person's health or safety is at risk;

B. "child" means a person under the age of eighteen years who is not emancipated;

C. "clearinghouse" means the missing persons information clearinghouse;

D. "custodian" means a parent, guardian or other person who exercises legal physical control, care or custody of a child or of an adult with a developmental disability; or a person who performs one or more activities of daily living for an adult;

E. "endangered person" means a missing person who:

(1) is in imminent danger of causing harm to the person's self;

(2) is in imminent danger of causing harm to another;

(3) is in imminent danger of being harmed by another or who has been harmed by another;

(4) has been a victim of a crime as provided in the Crimes Against Household Members Act or in Section 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any other jurisdiction;

(5) is or was protected by an order of protection pursuant to the Family Violence Protection Act;

(6) has Alzheimer's disease, dementia or another degenerative brain disorder or a brain injury; or

(7) has a developmental disability as defined in Subsection A of Section 28-16A-6 NMSA 1978 and that person's health or safety is at risk;

F. "immediate family member" means the spouse, nearest relative or close friend of a person;

G. "law enforcement agency" means a law enforcement agency of the state, a state agency or a political subdivision of the state;

H. "lead station" means an AM radio station that has been designated as the "state primary station" by the federal communications commission for the emergency alert system;

I. "missing person" means a person whose whereabouts are unknown to the person's custodian or immediate family member and the circumstances of whose absence indicate that:

(1) the person did not leave the care and control of the custodian or immediate family member voluntarily and the taking of the person was not authorized by law; or

(2) the person voluntarily left the care and control of the custodian without the custodian's consent and without intent to return;

J. "missing person report" means information that is:

(1) given to a law enforcement agency on a form used for sending information to the national crime information center; and

(2) about a person whose whereabouts are unknown to the reporter and who is alleged in the form submitted by the reporter to be missing;

K. "person" means an individual, regardless of age;

L. "possible match" means the similarities between unidentified human remains and a missing person that would lead one to believe they are the same person;

M. "reporter" means the person who reports a missing person;

N. "silver alert" means a notification relating to an endangered person:

(1) who is a missing person; and

(2) who is fifty years or older; or

(3) who the reporter believes displays signs or symptoms of Alzheimer's disease or another form of dementia, cognitive decline or impairment, regardless of age;

O. "state agency" means an agency of the state, a political subdivision of the state or a public post-secondary educational institution; and

P. "state registrar" means the employee so designated by the public health division of the department of health pursuant to the Vital Statistics Act."

## **LAWS 2025, CHAPTER 20**

**House Bill 214**

**Approved March 21, 2025**

## AN ACT

RELATING TO HEALTH; ENACTING THE DOULA CREDENTIALING AND ACCESS ACT; REQUIRING THE SECRETARY OF HEALTH TO PROMULGATE RULES TO ESTABLISH A VOLUNTARY CREDENTIALING PROCESS TO ALLOW DOULAS TO ENROLL AS MEDICAID PROVIDERS; APPOINTING A DOULA CREDENTIALING ADVISORY COUNCIL; ESTABLISHING A PROCESS FOR COLLABORATION AMONG STATE AGENCIES, LOCAL GOVERNMENT ENTITIES AND PRIVATE ENTITIES FOR SHARING CERTAIN INFORMATION REGARDING SERVICES PROVIDED BY CREDENTIALLED DOULAS; REQUIRING ANNUAL REPORTING; CREATING THE DOULA FUND; REQUIRING HOSPITALS AND FREESTANDING BIRTH CENTERS TO CREATE POLICIES TO ALLOW DOULAS TO ACCOMPANY PATIENTS RECEIVING CERTAIN SERVICES ON THEIR PREMISES.

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

### **Chapter 20 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--This act may be cited as the "Doula Credentialing and Access Act".

### **Chapter 20 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Doula Credentialing and Access Act:

- A. "applicant" means a person applying to be credentialed or recertified as a doula;
- B. "authority" means the health care authority;
- C. "credentialed doula" means a doula to whom the department has issued a credential to allow the doula to enroll as a medicaid provider;
- D. "department" means the department of health;
- E. "doula" means a trained, nonmedical professional who provides services, including health education, advocacy or physical, emotional or social support, to a person during the pre-conception period, pregnancy, childbirth or the postpartum period to promote positive health outcomes;
- F. "eligible person" means a person who:
  - (1) is eligible for medicaid; and

(2) elects to receive services from a credentialed doula, while pregnant or during the first twelve months of the postpartum period, regardless of the person's birth outcome;

G. "freestanding birth center" means a birth center licensed by the authority;

H. "hospital" means a hospital licensed by the authority; and

I. "secretary" means the secretary of health.

## **Chapter 20 Section 3 Laws 2025**

### **SECTION 3. RULEMAKING--VOLUNTARY DOULA CREDENTIALING--FEES--DISCIPLINARY ACTION.--**

A. The secretary shall adopt and promulgate rules relating to the following:

(1) the establishment and administration of a voluntary program for credentialing doulas, including the development of criteria for:

(a) education;

(b) training;

(c) experience; and

(d) other qualifications that the secretary deems appropriate in accordance with the provisions of the Doula Credentialing and Access Act;

(2) procedures for the receipt and review of and action upon applications for initial credentialing;

(3) standards for continuing education, professional development, mentorship activities and other requirements that the secretary deems appropriate for recertification;

(4) the creation of a workforce development plan, including practices for promoting equitable access to doula credentialing for members of underserved communities;

(5) procedures for disciplinary action relating to applicants or credentialed doulas, including guidelines for:

(a) reprimands;

(b) probation;

- (c) denial, suspension or revocation of credentialing or recredentialing; and
- (d) an appeal process;
- (6) the development and operation of a publicly accessible online directory for identifying credentialed doulas; and
- (7) other matters that the secretary deems appropriate to carry out the provisions of the Doula Credentialing and Access Act.

B. The secretary may:

- (1) collect credentialing fees; and
- (2) apply any fees collected pursuant to the Doula Credentialing and Access Act to cover the costs of administering a voluntary program for credentialing doulas pursuant to that act.

## **Chapter 20 Section 4 Laws 2025**

### **SECTION 4. USE OF THE "CREDENTIALLED DOULA" DESIGNATION--UNAUTHORIZED PRACTICE.--**

A. In order to use the title "credentialed doula" or other designation that indicates that an individual is a credentialed doula, the individual shall be credentialed pursuant to the provisions of the Doula Credentialing and Access Act.

B. To ensure compliance with the provisions of the Doula Credentialing and Access Act or any rule that the secretary has adopted and promulgated pursuant to that act, the department may issue cease-and-desist orders to persons who violate the provisions of the Doula Credentialing and Access Act.

C. A credentialed doula shall engage only in those activities authorized pursuant to the Doula Credentialing and Access Act and by rules adopted and promulgated pursuant to that act. While engaging in practice as a credentialed doula, an individual shall not engage in or perform any act or service for which another professional certificate, license or other legal authority is required. Nothing in this section shall be construed to prevent or restrict the practice, service or activities of an individual simultaneously credentialed as a credentialed doula and licensed, certified, registered or otherwise legally authorized in the state to engage in the practice of another profession if that individual does not, while engaged in the authorized practice of another profession, use any name, title or other designation indicating that the individual is a credentialed doula.

## Chapter 20 Section 5 Laws 2025

### SECTION 5. DOULA CREDENTIALING ADVISORY COUNCIL.--

A. The "doula credentialing advisory council" is established and administratively attached to the department.

B. The doula credentialing advisory council shall hold its first meeting no later than September 1, 2025 and thereafter shall meet at least quarterly at the call of the chair.

C. The doula credentialing advisory council consists of fifteen members who shall be:

- (1) residents of the state; and
- (2) appointed by and serve at the pleasure of the secretary.

D. Members shall include:

- (1) the secretary or the secretary's designee, who shall serve as chair of the council;
- (2) the secretary of health care authority or the secretary's designee;
- (3) the secretary of early childhood education and care or the secretary's designee; and
- (4) twelve members from diverse linguistic and cultural backgrounds and varied geographic regions, at least eight of whom shall be doulas.

E. The secretary shall endeavor to appoint members from underserved communities with experience advocating for or providing or receiving services relating to promoting positive pregnancy-related health outcomes.

F. Appointed members may receive per diem and mileage pursuant to the Per Diem and Mileage Act.

G. The secretary shall adopt and promulgate rules that establish the doula credentialing advisory council's membership, duties and the conduct of meetings.

H. The doula credentialing advisory council's duties shall include making recommendations regarding the doula credentialing process to the secretary on the following matters:



- (1) developing standards and requirements for minimal levels of education, training and experience for credentialing;
- (2) developing standards and requirements for approval or acceptance of continuing education courses and programs that the secretary may require for the renewal of a credential;
- (3) reviewing the materials approved for training and education to ensure that they include practices for providing culturally and linguistically appropriate services to address the needs of underserved communities;
- (4) creating a workforce development plan to support the establishment and growth of the credentialed doula workforce, with a focus on practices that promote diversity and equitable access to the credentialing process; and
- (5) developing methods for collecting information regarding the provision of services by credentialed doulas and the pregnancy- and postpartum-related health outcomes of eligible persons.

## **Chapter 20 Section 6 Laws 2025**

### **SECTION 6. COLLABORATION INFORMATION SHARING AND REPORTING.-**

A. The department shall collaborate with state agencies, local governments and private entities to share relevant, disaggregated, non-personal identifying information regarding the provision of credentialed doula services.

B. Beginning September 1, 2026 and annually thereafter, the department shall submit to the governor and the legislature an annual report including the following information:

- (1) the number of credentialed doulas enrolled as medicaid providers;
- (2) demographic information on credentialed doulas enrolled as medicaid providers;
- (3) the location, by county, of where credentialed doulas practice;
- (4) the number of eligible persons receiving services from credentialed doulas;
- (5) demographic data of eligible persons receiving services from credentialed doulas;

- (6) the total cost of services provided by credentialed doulas per eligible person;
- (7) the duration of services provided by credentialed doulas to each eligible person;
- (8) the average number of credentialed doula visits, per eligible person, by service type; and
- (9) the pregnancy-related health outcomes of eligible persons, including instances of gestational diabetes, prenatal and postpartum hospitalizations, premature births, caesarean sections, birth injuries and infant and maternal deaths.

C. All demographic information shall be reported in a disaggregated, non-personal-identifying manner.

## **Chapter 20 Section 7 Laws 2025**

### **SECTION 7. DOULA ACCESS.--**

A. Each hospital and freestanding birth center shall:

(1) adopt and maintain written policies and procedures authorizing a patient to select a doula of the patient's choice to accompany the patient within the facility's premises for the purposes of providing services during pregnancy, childbirth and the twelve-month postpartum period;

(2) provide a written copy of the policies and procedures adopted pursuant to Paragraph (1) of this subsection to:

(a) health care providers providing services related to pregnancy, childbirth or the twelve-month postpartum period at the facility;

(b) patients receiving services related to pregnancy, childbirth or the twelve-month postpartum period at the facility; and

(c) any other person, at the request of the patient; and

(3) post a notice of the facility's policies and procedures adopted pursuant to Paragraph (1) of this subsection:

(a) in the room of a patient admitted to the facility for services related to pregnancy, childbirth or the twelve-month postpartum period; and

(b) on the facility's website.

B. The authority may adopt rules in accordance with the Doula Credentialing and Access Act necessary to effectuate the purposes of that act.

## **Chapter 20 Section 8 Laws 2025**

### **SECTION 8. DOULA FUND--CREATION.--**

A. The "doula fund" is created as a nonreverting fund in the state treasury. The fund shall be administered by the department and consists of gifts, grants, donations and bequests made to the fund.

B. Money in the fund is subject to appropriation by the legislature to the department for purposes relevant to the provisions of the Doula Credentialing and Access Act.

C. The department shall adopt rules on qualifications for grants and specify the format, procedure and deadlines for grant applications.

D. Disbursements from the fund shall be made upon vouchers issued and signed by the secretary or the secretary's designee upon warrants drawn by the secretary of finance and administration.

## **LAWS 2025, CHAPTER 21**

**HJC/House Bill 308, w/ec**  
**Approved March 21, 2025**

### **AN ACT**

RELATING TO CONSERVANCY DISTRICT ELECTIONS; REMOVING CONSERVANCY DISTRICTS FROM THE LOCAL ELECTION ACT; PROVIDING TIMING AND OTHER PROCEDURES FOR CONSERVANCY DISTRICT ELECTIONS; DEFINING TERMS; PROVIDING PROCEDURES FOR COMPILING A LIST OF QUALIFIED ELECTORS; ELIMINATING CERTAIN REQUIREMENTS FOR ABSENTEE VOTING, ELECTION NOTICES AND POLLING LOCATIONS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

## **Chapter 21 Section 1 Laws 2025**

SECTION 1. Section 1-22-2 NMSA 1978 (being Laws 2019, Chapter 212, Section 141) is amended to read:

"1-22-2. DEFINITIONS.--As used in the Local Election Act:

- A. "local election" means a local government election;
- B. "local governing body" means a board, council or commission, as appropriate for a given local government;
- C. "local government" means a:
  - (1) political subdivision of the state with authority to levy taxes pursuant to Article 8, Section 9 of the constitution of New Mexico and its enabling legislation, but does not include a county or a conservancy district created and organized pursuant to The Conservancy Act of New Mexico; and
  - (2) political subdivision of the state without authority to levy taxes pursuant to Article 8, Section 9 of the constitution of New Mexico or its enabling legislation, but whose statutory provisions provide for election of officers or ballot questions to be decided pursuant to the Local Election Act;
- D. "municipal officers" means the local governing body and any elective executive and judicial officers of a municipality;
- E. "regular local election" means the biennial local election at which local governing body members are elected pursuant to the provisions of the Local Election Act; and
- F. "special local election" means a local election conducted at a time other than a statewide election at which only ballot questions are considered pursuant to the provisions of the Special Election Act."

## **Chapter 21 Section 2 Laws 2025**

SECTION 2. Section 73-14-20 NMSA 1978 (being Laws 1975, Chapter 262, Section 3, as amended) is amended to read:

"73-14-20. DEFINITIONS.--As used in Sections 73-14-18 through 73-14-30 NMSA 1978:

- A. "benefited area" means that area described by a property appraisal that receives a benefit as a result of the creation of a district for any of the purposes specified in Section 73-14-4 NMSA 1978;
- B. "election director" means the person whom the board of directors may request to provide election services by a contract;
- C. "election officer" means a person appointed by the board of directors to conduct the election in the absence of the election director to perform the election director's duties as required pursuant to law;

D. "list compiler" means a contractor approved by the board of directors to compile and produce a qualified elector list for a conservancy district;

E. "qualified elector" means an individual who owns real property within the benefited area of the conservancy district and who has provided proof of an ownership interest to one of the sources specified in Subsection B of Section 73-14-20.1 NMSA 1978 within the required time period, or who resides on and owns legal or equitable title in tribal lands and who is over the age of majority;

F. "qualified elector's list" means the list compiled before each election that contains the individual names of all qualified electors; and

G. "residence" means a dwelling that lies partially or completely within the benefited area."

## **Chapter 21 Section 3 Laws 2025**

SECTION 3. Section 73-14-20.1 NMSA 1978 (being Laws 1990, Chapter 48, Section 1, as amended) is amended to read:

### **"73-14-20.1. QUALIFIED ELECTOR LIST.--**

A. The board of directors of the conservancy district may contract for a list compiler before each election to compile and produce a qualified elector's list for the district. The list compiler shall deliver the completed list to the election director or election officer no later than forty-five days prior to a district election. An individual who purchases property ninety days prior to an election and whose name does not appear on the qualified elector's list shall not vote in that election. The individual may become certified to vote in a future election by filing a deed of title with the appropriate county clerk at least ninety days before the next conservancy district election.

B. Names of qualified electors shall be obtained from the records of the county clerk of the appropriate county, the appropriate county assessor of the appropriate county, records of the conservancy district or from the census bureau and enrollment records provided by the pueblos. The county assessor of the appropriate county, the county clerk of the appropriate county and the tribal representatives of the appropriate pueblos shall deliver to the list compiler all records regarding qualified electors of the benefited area no later than the last day of each July before a district election.

C. Updating the qualified elector's list shall consist of adding, for any new qualified elector who has purchased property in the district, the name, address and description of all property owned by the qualified elector in the benefited area and removing the name of any elector who is deceased or who no longer owns property within the benefited area.

D. Proof of ownership of land within the benefited area requires one of the following:

(1) a recorded deed or real estate contract indicating current ownership of land within the benefited area;

(2) an individual's name on county clerk records indicating a description of property the individual owns within the benefited area;

(3) an individual's name on a list compiled by the governing body of a pueblo within the benefited area indicating that the individual named is residing on and has legal or equitable title in the pueblo; or

(4) a current property tax bill indicating ownership of land within the benefited area.

E. The election director or election officer shall distribute to each polling place a current qualified elector's list for the appropriate county. The election director or election officer shall distribute the qualified elector's list to each polling place within a pueblo located within the benefited area. A qualified elector may vote at any one polling place in the pueblo or county where the elector owns land. An individual who seeks to cast a vote but whose name is not on the qualified elector's list shall not be allowed to vote in that election."

## **Chapter 21 Section 4 Laws 2025**

SECTION 4. Section 73-14-24 NMSA 1978 (being Laws 1975, Chapter 262, Section 7, as amended) is repealed and a new Section 73-14-24 NMSA 1978 is enacted to read:

"73-14-24. TIME AND PROCEDURE FOR ELECTION--RULE ADOPTION--ELECTION DIRECTOR--ELECTION PROCLAMATION.--

A. On the first Tuesday after the first Monday in May prior to the middle Rio Grande conservancy district election, an election proclamation shall be published that includes a list of the offices for which a candidate may file, the date and place at which declarations of candidacy shall be filed and the date of the election. The election proclamation shall be published once in a newspaper of general circulation in the counties in which the election shall be held.

B. The members of the boards of directors created pursuant to provisions of Sections 73-14-18 through 73-14-30 NMSA 1978 shall be elected at an election held on the first Tuesday after the first Monday in October in 2025 and in each odd-numbered year thereafter.

C. The elections for the members of the board of directors of the conservancy district shall be conducted, counted and canvassed as provided in Sections 73-14-18 through 73-14-30 NMSA 1978 and shall not be governed by or subject to the provisions of the Local Election Act. The polls may be opened and closed in the same manner as provided for the general election under the Election Code.

D. The board of directors shall adopt procedures as necessary to conduct elections."

## **Chapter 21 Section 5 Laws 2025**

SECTION 5. Section 73-14-25 NMSA 1978 (being Laws 1975, Chapter 262, Section 8, as amended) is amended to read:

"73-14-25. DECLARATION OF CANDIDACY--SIGNATURES OF ELECTORS.--

A. A person who desires to become a candidate for election as a member of the conservancy district board of directors shall file a written declaration of candidacy with the election director or election officer at least sixty days before the election. The election director or election officer shall certify the candidates to the board of directors.

B. The declaration of candidacy shall contain:

(1) a statement that the candidate is a qualified elector of the district and meets the qualifications of a director as required by law;

(2) the candidate's name, address, county of residence and date of declaration of candidacy;

(3) the numerical designation of the position on the board of directors for which the person desires to be a candidate;

(4) if a candidate for a position representing a county in the conservancy district, a petition signed by at least seventy-five qualified electors of the district who reside in that county;

(5) if a candidate for the position at large in the conservancy district, a petition signed by at least one hundred twenty-five qualified electors; and

(6) a statement that the person resides within the conservancy district and in the county for which the person desires to be a candidate on the board of directors."

## **Chapter 21 Section 6 Laws 2025**

SECTION 6. Section 73-14-28.1 NMSA 1978 (being Laws 1996, Chapter 42, Section 12, as amended) is repealed and a new Section 73-14-28.1 NMSA 1978 is enacted to read:

"73-14-28.1. ELECTIONS.--The board of directors of the conservancy district shall conduct the election pursuant to Sections 73-14-18 through 73-14-30 NMSA 1978 and shall select an election director as defined in Section 73-14-20 NMSA 1978 to provide election services. The election may be conducted by paper ballot, electronic voting machine or any other state-certified tabulating voting machine."

## **Chapter 21 Section 7 Laws 2025**

SECTION 7. Section 73-14-57 NMSA 1978 (being Laws 1943, Chapter 126, Section 4, as amended) is amended to read:

"73-14-57. DEFINITION OF "QUALIFIED ELECTORS".--The term "qualified electors", as used in Sections 73-14-54 through 73-14-69 NMSA 1978, means only those persons who have reached the age of majority and, for at least six months prior to the election, have owned, during the entire six-month period, real property situated within the district that is subject to conservancy district appraisals, assessments, levies and taxes."

## **Chapter 21 Section 8 Laws 2025**

SECTION 8. Section 73-14-61 NMSA 1978 (being Laws 1943, Chapter 126, Section 8, as amended) is amended to read:

"73-14-61. NOTICE OF CANDIDACY--SIGNATURES OF ELECTORS.--Any qualified elector who desires to become a candidate for election as a director shall, at least forty days prior to the election, file with the secretary of the board of directors then in office a written notice of candidacy, which shall state the candidate's name and residence and the term for which the candidate is running within the conservancy district. If the candidate is a candidate at large, the candidate's notice of candidacy shall be signed by twenty qualified electors resident within the district. If the candidate is a candidate only from that portion of the district that lies within one county, the candidate's notice of candidacy shall be signed by ten qualified electors who reside within that particular portion of the district and county from which the candidate seeks to be elected."

## **Chapter 21 Section 9 Laws 2025**

SECTION 9. Section 73-14-62 NMSA 1978 (being Laws 1943, Chapter 126, Section 9, as amended) is amended to read:



## "73-14-62. TIME, PLACE AND PROCEDURE FOR ELECTION.--

A. The five director-members of the board of directors created by Sections 73-14-54 through 73-14-69 NMSA 1978 shall be elected on the first Tuesday of October of the year 1943 and of each succeeding sixth year thereafter at an election for districts having less than one hundred thousand acres. The five director-members of the boards of directors of conservancy districts formed after July 1, 1952 shall be elected on the first Tuesday of October 1959 and of each succeeding sixth year thereafter at a general election.

B. Not less than thirty days prior to said election, the board of directors then in office shall meet and, by written resolution, which shall be preserved among the permanent records of the board, select a voting place within each voting precinct or voting division thereof within the conservancy district and shall select three judges of election to conduct the election at the place so selected. Those judges shall be qualified electors, as herein defined, and residents of the precinct within which they are appointed to act and shall serve without pay. The resolution shall appoint one of those judges to receive the ballots and post a notice of election. Not less than five days thereafter, the secretary of said board shall notify each judge so selected of the judge's appointment as such and send to the judge selected to receive the ballots four copies of a notice of election, which shall state the time and purpose thereof, the place where held within the precinct and the names of the judges selected for such precinct and said notices shall be posted at the four most prominent places within the precinct as soon as received."

## **Chapter 21 Section 10 Laws 2025**

SECTION 10. A new Section 73-14-62.1 NMSA 1978 is enacted to read:

"73-14-62.1. ELECTION RULES AND PROCEDURES--FORMS--NOTICE OF ELECTION--BALLOTS--POLLING PLACES--ABSENTEE VOTING--CANVASS OF ELECTION RETURNS--CERTIFICATION.--The board of directors may promulgate necessary and reasonable rules for the administration of its elections, including provisions for: public notice of elections; selection of election judges; opening and closing of polling places; the printing and form of ballots; mail or absentee voting; voting locations; instructions to voters; canvassing of election returns; and certification of elections."

## **Chapter 21 Section 11 Laws 2025**

SECTION 11. Section 73-14-71 NMSA 1978 (being Laws 1961, Chapter 67, Section 3, as amended) is amended to read:

"73-14-71. DEFINITION OF "QUALIFIED ELECTOR"--QUALIFIED ELECTOR LIST.--As used in the provisions of Sections 73-14-70 through 73-14-88 NMSA 1978, "qualified elector" means a natural person who has reached the age of majority and

who, for at least six months prior to the election, has owned, either in community or separately, real property located within the district and subject to conservancy district appraisals, assessments, levies and taxes."

## **Chapter 21 Section 12 Laws 2025**

SECTION 12. Section 73-14-73 NMSA 1978 (being Laws 1961, Chapter 67, Section 5, as amended) is amended to read:

"73-14-73. ELECTIONS--WHEN HELD.--

A. The first election for conservancy districts existing on July 1, 1961 and eligible under the provisions of Section 74-14-74 NMSA 1978 to have an elected board of directors shall be held on the first Tuesday in October 1961.

B. Subsequent elections shall be held every two years following the year 1961 and shall be held on the first Tuesday of October.

C. Conservancy districts formed after July 1, 1961 shall hold their first election as provided in Section 73-14-74 NMSA 1978."

## **Chapter 21 Section 13 Laws 2025**

SECTION 13. Section 73-14-74 NMSA 1978 (being Laws 1961, Chapter 67, Section 6, as amended) is amended to read:

"73-14-74. ELIGIBILITY OF DISTRICT TO HOLD ELECTION.--

A. No election shall be held in an existing conservancy district until the main canals in that district are in such a condition that water can be delivered from them for irrigation on the lands within the district.

B. The first election in any district formed after July 1, 1961, or in a district existing on July 1, 1961, and having an appointed board of directors shall be held on the first Tuesday of October occurring in an odd-numbered year after the requirements of Subsection A of this section are fulfilled."

## **Chapter 21 Section 14 Laws 2025**

SECTION 14. Section 73-14-78 NMSA 1978 (being Laws 1961, Chapter 67, Section 10, as amended) is amended to read:

"73-14-78. NOTICE OF CANDIDACY--SIGNATURES OF ELECTORS.--

A. Any qualified elector who desires to become a candidate for election as a member of a conservancy district board of directors shall file a written notice of candidacy with the secretary of the board at least twenty days before the election.

B. A notice for candidacy shall state:

(1) the candidate's name and address; and

(2) the numerical designation of the office position on the board for which the person desires to be a candidate.

C. In addition to the requirements of Subsection B of this section, a notice for candidacy shall be signed by at least ten qualified electors within the conservancy district."

## **Chapter 21 Section 15 Laws 2025**

SECTION 15. A new Section 73-14-79.1 NMSA 1978 is enacted to read:

"73-14-79.1. ELECTION RULES AND PROCEDURES--FORMS--NOTICE OF ELECTION--BALLOTS--POLLING PLACES--ABSENTEE VOTING--CANVASS OF ELECTION RETURNS--CERTIFICATION.--The board of directors may promulgate necessary and reasonable rules for the administration of its elections, including provisions for: public notice of elections; selection of election judges; opening and closing of polling places; the printing and form of ballots; mail or absentee voting; voting locations; instructions to voters; canvassing of election returns; and certification of elections."

## **Chapter 21 Section 16 Laws 2025**

SECTION 16. Section 73-18-27 NMSA 1978 (being Laws 1955, Chapter 281, Section 3, as amended) is amended to read:

"73-18-27. ELECTIONS.--In each odd-numbered year after 1955, elections shall be called and conducted pursuant to the provisions of Sections 73-18-25 through 73-18-43 NMSA 1978 for the election of directors to succeed any directors whose terms expire in that year. Elections shall be held on the second Tuesday of October of each odd-numbered year. The election shall be called by the board of directors by resolution that shall fix for each election precinct within the district outside the municipality and designate the necessary qualified electors of each election precinct to act as judges of the election in each precinct. At the discretion of the board of directors of the conservancy district, the election may be held at any place within the district. Judges of the election shall be paid an amount to be determined by the board of directors for service. Expenses of the elections shall be paid by the district."

## **Chapter 21 Section 17 Laws 2025**

SECTION 17. Section 73-18-28 NMSA 1978 (being Laws 1955, Chapter 281, Section 4, as amended) is amended to read:

"73-18-28. DIRECTOR-AT-LARGE AND MUNICIPAL DIRECTOR.--

A. The director to represent the municipality and the director-at-large for the period from October 1955 to October 1957 shall be selected at the September 1955 meeting by the board of directors of the conservancy district as it exists prior to the election. The members shall be elected from the membership of the previously existing board if there are qualified members of the board willing to serve for the additional two years. If there are no members of the existing board willing to serve for the additional period of two years or if there is only one, the existing board may select one or both of the directors from qualified electors of the district for the position or positions.

B. In the election to be held in October 1957, a director to represent the municipal voting precinct shall be elected from the qualified electors of the municipality, and a director-at-large shall be elected from the qualified electors of the district.

C. Every resident, otherwise qualified, owning real estate of any character within the district shall have one vote for director-at-large. Each elector resident of the municipal voting precinct shall have one vote for municipal director. The right of a voter to vote for municipal director shall not be affected by the elector voting in any other election precinct in which the elector may own class "A" land."

## **Chapter 21 Section 18 Laws 2025**

SECTION 18. Section 73-18-34 NMSA 1978 (being Laws 1955, Chapter 281, Section 10, as amended) is amended to read:

"73-18-34. BECOMING A CANDIDATE FOR DIRECTOR.--Any person wishing to become a candidate for the office of director in any district shall by the last Friday of July before the election file in the office of the secretary of the district a declaration of candidacy stating the election precinct for which the person is a candidate, accompanied by a petition signed by not less than ten qualified electors of the election precinct for which the person is a candidate to represent. No declaration of candidacy shall be accepted by the secretary unless accompanied by such petition, signed by electors."

## **Chapter 21 Section 19 Laws 2025**

SECTION 19. Section 73-18-41 NMSA 1978 (being Laws 1955, Chapter 281, Section 17, as amended) is amended to read:

"73-18-41. APPLICATION OF GENERAL ELECTION LAWS.--In any election held under Sections 73-18-25 through 73-18-43 NMSA 1978, the general election laws shall be applicable except as otherwise provided in Sections 73-18-25 through 73-18-43 NMSA 1978 and except as to the requirement for registration and residence in state, county or precinct as a qualification of an elector in offering to vote."

## **Chapter 21 Section 20 Laws 2025**

SECTION 20. A new Section 73-18-41.1 NMSA 1978 is enacted to read:

"73-18-41.1. ELECTION RULES AND PROCEDURES--FORMS--NOTICE OF ELECTION--BALLOTS--POLLING PLACES--ABSENTEE VOTING--CANVASS OF ELECTION RETURNS--CERTIFICATION.--The board of directors may promulgate necessary and reasonable rules for the administration of its elections, including provisions for: public notice of elections; selection of election judges; opening and closing of polling places; the printing and form of ballots; mail or absentee voting; voting locations; instructions to voters; canvassing of election returns; and certification of elections."

## **Chapter 21 Section 21 Laws 2025**

SECTION 21. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

# **LAWS 2025, CHAPTER 22**

## **Senate Bill 73**

**Approved March 21, 2025**

### **AN ACT**

RELATING TO THE OPERATION OF BICYCLES; REQUIRING A PERSON RIDING A BICYCLE AND APPROACHING A STOP SIGN OR A YIELD SIGN TO STOP WHEN REQUIRED FOR SAFETY; AMENDING SECTIONS OF CHAPTER 66 NMSA 1978.

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

## **Chapter 22 Section 1 Laws 2025**

SECTION 1. Section 66-3-702 NMSA 1978 (being Laws 1978, Chapter 35, Section 101) is amended to read:

"66-3-702. TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES.--Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle except in regard to the:

A. equipment, maintenance and operation of the bicycle pursuant to Sections 66-3-701 through 66-3-707 NMSA 1978; or

B. operation of the bicycle at an intersection pursuant to Section 66-7-345 NMSA 1978."

## **Chapter 22 Section 2 Laws 2025**

SECTION 2. Section 66-7-345 NMSA 1978 (being Laws 1965, Chapter 91, Section 3, as amended) is amended to read:

"66-7-345. AUTHORITY TO DESIGNATE THROUGH HIGHWAYS AND STOP AND YIELD INTERSECTIONS.--

A. The state transportation commission, with reference to state and county highways, and local authorities, with reference to other highways under their jurisdiction, may designate through highways and erect stop signs or yield signs at specified entrances thereto or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to the intersection.

B. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in the Motor Vehicle Code.

C. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle, other than a person riding a bicycle, approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway before entering the intersection.

D. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

E. Except when directed to proceed by a police officer, every person riding a bicycle and approaching:

(1) a stop intersection indicated by a red traffic control signal shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway before entering the intersection. After stopping, if there is no approaching pedestrian, bicycle or vehicle traffic with the right of way, the person

riding a bicycle may proceed through the intersection without waiting for the traffic control signal to turn green; and

(2) an intersection with a stop sign or a yield sign, if there is no approaching pedestrian, bicycle or vehicle traffic with the right of way, the person riding a bicycle may proceed through the intersection without stopping. If required for safety to stop, the person riding a bicycle shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the person riding a bicycle has a view of approaching traffic on the intersecting roadway."

## **Chapter 22 Section 3 Laws 2025**

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

## **LAWS 2025, CHAPTER 23**

### **Senate Bill 197**

**Approved March 28, 2025**

#### **AN ACT**

RELATING TO LOCAL GOVERNMENTS; ALLOWING MONEY IN THE EMERGENCY MEDICAL SERVICES FUND TO BE REDIRECTED TO THE NEW MEXICO FINANCE AUTHORITY TO MAKE LOANS TO PURCHASE EQUIPMENT FOR EMERGENCY MEDICAL SERVICES SYSTEM IMPROVEMENT PROJECTS FOR WHICH FUNDING HAS BEEN GRANTED PURSUANT TO THE EMERGENCY MEDICAL SERVICES FUND ACT; REPEALING LAWS 2019, CHAPTER 210, SECTION 1 TO RECONCILE MULTIPLE AMENDMENTS TO A SECTION OF LAW; MAKING AN APPROPRIATION.

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

## **Chapter 23 Section 1 Laws 2025**

SECTION 1. Section 3-31-1 NMSA 1978 (being Laws 1973, Chapter 395, Section 3, as amended) is amended to read:

"3-31-1. REVENUE BONDS--AUTHORITY TO ISSUE--PLEDGE OF REVENUES--LIMITATION ON TIME OF ISSUANCE.--

A. In addition to any other law and constitutional home rule powers authorizing a municipality to issue revenue bonds, a municipality may issue revenue bonds pursuant to Chapter 3, Article 31 NMSA 1978 for the purposes specified in this section.

B. Utility revenue bonds may be issued for acquiring, extending, enlarging, bettering, repairing or otherwise improving a municipal utility or for any combination of the foregoing purposes. The municipality may pledge irrevocably any or all of the net revenues from the operation of the municipal utility or of any one or more of other such municipal utilities for payment of the interest on and principal of the revenue bonds.

C. Joint utility revenue bonds may be issued for acquiring, extending, enlarging, bettering, repairing or otherwise improving joint water facilities, sewer facilities, gas facilities or electric facilities or for any combination of the foregoing purposes. The municipality may pledge irrevocably any or all of the net revenues from the operation of these municipal utilities for the payment of the interest on and principal of the bonds.

D. Gross receipts tax revenue bonds may be issued for any municipal purpose. A municipality may pledge irrevocably any or all of the gross receipts tax revenue received by the municipality pursuant to Section 7-1-6.4 or 7-1-6.12 NMSA 1978 to the payment of the interest on and principal of the gross receipts tax revenue bonds or for any area of municipal government services. A law that imposes or authorizes the imposition of a tax authorized by the Municipal Local Option Gross Receipts and Compensating Taxes Act or that affects the tax, or a law supplemental thereto or otherwise appertaining thereto, shall not be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding revenue bonds that may be secured by a pledge of such tax unless the outstanding revenue bonds have been discharged in full or provision has been fully made therefor. Revenues in excess of the annual principal and interest due on gross receipts tax revenue bonds secured by a pledge of gross receipts tax revenue may be accumulated in a debt service reserve account. The governing body of the municipality may appoint a commercial bank trust department to act as trustee of the gross receipts tax revenue and to administer the payment of principal of and interest on the bonds.

E. Gasoline tax revenue bonds may be issued for laying off, opening, constructing, reconstructing, resurfacing, maintaining, acquiring rights of way, repairing and otherwise improving municipal buildings, alleys, streets, public roads and bridges or any combination of the foregoing purposes. The municipality may pledge irrevocably any or all of the gasoline tax revenue received by the municipality to the payment of the interest on and principal of the gasoline tax revenue bonds.

F. Project revenue bonds may be issued for acquiring, extending, enlarging, bettering, repairing, improving, constructing, purchasing, furnishing, equipping and rehabilitating any revenue-producing project, including, where applicable, purchasing, otherwise acquiring or improving the ground therefor, including acquiring and improving parking lots, or for any combination of the foregoing purposes. The municipality may pledge irrevocably any or all of the net revenues from the operation of the revenue-producing project for which the particular project revenue bonds are issued to the payment of the interest on and principal of the project revenue bonds. The net revenues of any revenue-producing project may not be pledged to the project revenue bonds



issued for a revenue-producing project that clearly is unrelated in nature; but nothing in this subsection shall prevent the pledge to such project revenue bonds of any revenues received from existing, future or disconnected facilities and equipment that are related to and that may constitute a part of the particular revenue-producing project. A general determination by the governing body that any facilities or equipment is reasonably related to and constitutes a part of a specified revenue-producing project shall be conclusive if set forth in the proceedings authorizing the project revenue bonds.

G. Fire district revenue bonds may be issued for acquiring, extending, enlarging, bettering, repairing, improving, constructing, purchasing, furnishing, equipping and rehabilitating any fire district project, including, where applicable, purchasing, otherwise acquiring or improving the ground therefor, or for any combination of the foregoing purposes. The municipality may pledge irrevocably any or all of the revenues received by the fire district from the fire protection fund as provided in the Fire Protection Fund Law and any or all of the revenues provided for the operation of the fire district project for which the particular bonds are issued to the payment of the interest on and principal of the bonds. The revenues of any fire district project shall not be pledged to the bonds issued for a fire district project that clearly is unrelated in its purpose; but nothing in this section prevents the pledge to such bonds of any revenues received from existing, future or disconnected facilities and equipment that are related to and that may constitute a part of the particular fire district project. A general determination by the governing body of the municipality that any facilities or equipment is reasonably related to and constitutes a part of a specified fire district project shall be conclusive if set forth in the proceedings authorizing the fire district bonds.

H. Law enforcement protection revenue bonds may be issued for the repair and purchase of law enforcement apparatus and equipment that meet nationally recognized standards. The municipality may pledge irrevocably any or all of the revenues received by the municipality from the law enforcement protection fund distributions pursuant to the Law Enforcement Protection Fund Act to the payment of the interest on and principal of the law enforcement protection revenue bonds.

I. Except for the purpose of refunding previous revenue bond issues, no municipality may sell revenue bonds payable from pledged revenues after the expiration of two years from the date of the ordinance authorizing the issuance of the bonds or, for bonds to be issued and sold to the New Mexico finance authority as authorized in Subsection C of Section 3-31-4 NMSA 1978, after the expiration of two years from the date of the resolution authorizing the issuance of the bonds. However, any period of time during which a particular revenue bond issue is in litigation shall not be counted in determining the expiration date of that issue.

J. Emergency medical services bonds may be issued for the purchase of equipment for emergency medical system improvement projects or emergency medical services vehicles for which funding has been granted pursuant to the Emergency Medical Services Fund Act. The municipality may pledge irrevocably any or all of the

revenues received by the municipality from the emergency medical services fund distributions pursuant to the Emergency Medical Services Fund Act to the payment of the interest on and principal of the emergency medical services bonds."

## **Chapter 23 Section 2 Laws 2025**

SECTION 2. Section 3-31-1.1 NMSA 1978 (being Laws 2019, Chapter 274, Section 2) is amended to read:

"3-31-1.1. DEFINITIONS.--As used in Chapter 3, Article 31 NMSA 1978:

A. "bond" means any obligation of a municipality issued under Chapter 3, Article 31 NMSA 1978, whether designated as a bond, note, loan, warrant, debenture, lease-purchase agreement or other instrument evidencing an obligation of a municipality to make payments;

B. "emergency medical services bonds" means the bonds authorized by Subsection J of Section 3-31-1 NMSA 1978;

C. "gasoline tax revenue" means all or portions of the amounts of tax revenues distributed to municipalities pursuant to Sections 7-1-6.9 and 7-1-6.27 NMSA 1978;

D. "gasoline tax revenue bonds" means the bonds authorized by Subsection E of Section 3-31-1 NMSA 1978;

E. "gross receipts tax revenue" means the amount of money distributed to a municipality pursuant to Section 7-1-6.4 NMSA 1978 and transferred to a municipality pursuant to Section 7-1-6.12 NMSA 1978 for any municipal gross receipts tax imposed pursuant to the Municipal Local Option Gross Receipts and Compensating Taxes Act;

F. "gross receipts tax revenue bonds" means the bonds authorized by Subsection D of Section 3-31-1 NMSA 1978;

G. "joint utility revenue bonds" or "joint utility bonds" means the bonds authorized by Subsection C of Section 3-31-1 NMSA 1978;

H. "pledged revenues" means the revenues, net income or net revenues authorized to be pledged to the payment of revenue bonds as specifically provided in Chapter 3, Article 31 NMSA 1978;

I. "project revenue bonds" means the bonds authorized by Subsection F of Section 3-31-1 NMSA 1978; and

J. "utility revenue bonds" or "utility bonds" means the bonds authorized by Subsection B of Section 3-31-1 NMSA 1978."

## **Chapter 23 Section 3 Laws 2025**

SECTION 3. Section 4-62-1 NMSA 1978 (being Laws 1992, Chapter 95, Section 1, as amended by Laws 2019, Chapter 210, Section 1 and by Laws 2019, Chapter 274, Section 4) is amended to read:

### **"4-62-1. REVENUE BONDS--AUTHORITY TO ISSUE--PLEDGE OF REVENUES--LIMITATION ON TIME OF ISSUANCE.--**

A. In addition to any other law authorizing a county to issue revenue bonds, a county may issue revenue bonds pursuant to Chapter 4, Article 62 NMSA 1978 for the purposes specified in this section.

B. Gross receipts tax revenue bonds may be issued for any county purpose. A county may pledge irrevocably any or all of the revenue received by the county pursuant to Section 7-1-6.13 NMSA 1978 for payment of principal and interest due in connection with, and other expenses related to, gross receipts tax revenue bonds or for any area of county government services. If the revenue is pledged for payment of principal and interest as authorized by this subsection, the pledge shall require the revenues received to be deposited into a special bond fund for payment of the principal, interest and expenses. At the end of each fiscal year, money remaining in the special bond fund after the annual obligations for the bonds are fully met may be transferred to any other fund of the county. Revenues in excess of the annual principal and interest due on gross receipts tax revenue bonds secured by a pledge of gross receipts tax revenue may be accumulated in a debt service reserve account. The governing body of the county may appoint a commercial bank trust department to act as trustee of the proceeds of the tax and to administer the payment of principal of and interest on the bonds.

C. Gasoline tax revenue bonds may be issued for the acquisition of rights of way for and the construction, reconstruction, resurfacing, maintenance, repair or other improvement of county roads and bridges. A county may pledge irrevocably any or all of the county gasoline tax revenue for payment of principal and interest due in connection with, and other expenses related to, county gasoline tax revenue bonds.

D. Utility revenue bonds or joint utility revenue bonds may be issued for acquiring, extending, enlarging, bettering, repairing or otherwise improving water facilities, sewer facilities, gas facilities or electric facilities. A county may pledge irrevocably any or all of the net revenues from the operation of the utility or joint utility for which the particular utility or joint utility bonds are issued to the payment of principal and interest due in connection with, and other expenses related to, utility or joint utility revenue bonds.

E. Project revenue bonds may be issued for acquiring, extending, enlarging, bettering, repairing, improving, constructing, purchasing, furnishing, equipping or rehabilitating any revenue-producing project, including, as applicable, purchasing,

otherwise acquiring or improving the ground for the project and acquiring and improving parking lots. The county may pledge irrevocably any or all of the net revenues from the operation of the revenue-producing project for which the particular project revenue bonds are issued to the payment of the interest on and principal of the project revenue bonds. The net revenues of any revenue-producing project shall not be pledged to the project revenue bonds issued for any other revenue-producing project that is clearly unrelated in nature; but nothing in this subsection prevents the pledge to any of the project revenue bonds of the revenues received from existing, future or disconnected facilities and equipment that are related to and that may constitute a part of the particular revenue-producing project. A general determination by the governing body that facilities or equipment is reasonably related to and constitutes a part of a specified revenue-producing project shall be conclusive if set forth in the proceedings authorizing the project revenue bonds.

F. Fire district revenue bonds may be issued for acquiring, extending, enlarging, bettering, repairing, improving, constructing, purchasing, furnishing, equipping and rehabilitating a fire district project, including, as applicable, purchasing, otherwise acquiring or improving the ground for the project. The county may pledge irrevocably any or all of the revenues received by the fire district from the fire protection fund as provided in the Fire Protection Fund Law and any or all of the revenues provided for the operation of the fire district project for which the particular bonds are issued to the payment of the interest on and principal of the bonds. The revenues of a fire district project shall not be pledged to the bonds issued for a fire district project that clearly is unrelated in its purpose; but nothing in this section prevents the pledge to such bonds of revenues received from existing, future or disconnected facilities and equipment that are related to and that may constitute a part of the particular fire district project. A general determination by the governing body of the county that facilities or equipment is reasonably related to and constitutes a part of a specified fire district project shall be conclusive if set forth in the proceedings authorizing the fire district revenue bonds.

G. Law enforcement protection revenue bonds may be issued for the repair and purchase of law enforcement apparatus and equipment that meet nationally recognized standards. The county may pledge irrevocably any or all of the revenues received by the county from the law enforcement protection fund distributions pursuant to the Law Enforcement Protection Fund Act to the payment of the interest on and principal of the law enforcement protection revenue bonds.

H. PILT revenue bonds may be issued by a county to repay all or part of the principal and interest of an outstanding loan owed by the county to the New Mexico finance authority. A county may pledge irrevocably all or part of PILT revenue to the payment of principal of and interest on new loans or preexisting loans provided by the New Mexico finance authority to finance a public project.

I. Emergency medical services bonds may be issued for the purchase of equipment for emergency medical system improvement projects or emergency medical

services vehicles for which funding has been granted pursuant to the Emergency Medical Services Fund Act. The county may pledge irrevocably any or all of the revenues received by the county from the emergency medical services fund distributions pursuant to the Emergency Medical Services Fund Act to the payment of the interest on and principal of the emergency medical services bonds.

J. Except for the purpose of refunding previous revenue bond issues, no county may sell revenue bonds payable from pledged revenue after the expiration of two years from the date of the ordinance authorizing the issuance of the bonds or, for bonds to be issued and sold to the New Mexico finance authority as authorized in Subsection C of Section 4-62-4 NMSA 1978, after the expiration of two years from the date of the resolution authorizing the issuance of the bonds. However, any period of time during which a particular revenue bond issue is in litigation shall not be counted in determining the expiration date of that issue.

K. No bonds may be issued by a county, other than an H class county, a class B county as defined in Section 4-36-8 NMSA 1978 or a class A county as described in Section 4-36-10 NMSA 1978, to acquire, equip, extend, enlarge, better, repair or construct a utility unless the utility is regulated by the public regulation commission pursuant to the Public Utility Act and the issuance of the bonds is approved by the commission.

L. Any law that imposes or authorizes the imposition of a tax authorized by the County Local Option Gross Receipts and Compensating Taxes Act or that affects that tax shall not be repealed or amended in such a manner as to impair outstanding revenue bonds that are issued pursuant to Chapter 4, Article 62 NMSA 1978 and that may be secured by a pledge of the tax unless the outstanding revenue bonds have been discharged in full or for which provision has been fully made."

## **Chapter 23 Section 4 Laws 2025**

SECTION 4. Section 4-62-1.1 NMSA 1978 (being Laws 2019, Chapter 274, Section 5) is amended to read:

"4-62-1.1. DEFINITIONS.--As used in Chapter 4, Article 62 NMSA 1978:

A. "bond" means any obligation of a county issued under Chapter 4, Article 62 NMSA 1978, whether designated as a bond, note, loan, warrant, debenture, lease-purchase agreement or other instrument evidencing an obligation of a county to make payments;

B. "emergency medical services bonds" means the bonds authorized by Subsection I of Section 4-62-1 NMSA 1978;

C. "gasoline tax revenue" means the revenue from that portion of the gasoline tax distributed to the county pursuant to Sections 7-1-6.9 and 7-1-6.26 NMSA 1978;

D. "gasoline tax revenue bonds" means the bonds authorized by Subsection C of Section 4-62-1 NMSA 1978;

E. "gross receipts tax revenue" means the revenue attributable to the county gross receipts tax transferred to the county pursuant to Section 7-1-6.13 NMSA 1978 and any distribution made pursuant to Section 7-1-6.16 NMSA 1978;

F. "gross receipts tax revenue bonds" means the bonds authorized by Subsection B of Section 4-62-1 NMSA 1978;

G. "PILT revenue" means revenue received by a county from the federal government as payments in lieu of taxes;

H. "pledged revenue" means the revenue, net income or net revenue authorized to be pledged to the payment of particular revenue bonds as specifically provided in Section 4-62-1 NMSA 1978;

I. "project revenues" means the net revenues of revenue-producing projects that may be pledged to project revenue bonds pursuant to Subsection E of Section 4-62-1 NMSA 1978;

J. "public project" means "public project" as defined in Subsection E of Section 6-21-3 NMSA 1978;

K. "utility" means a water, wastewater, sewer, gas or electric utility or joint utility servicing the public; and

L. "utility revenue bonds" or "joint utility revenue bonds" means the bonds authorized by Subsection D of Section 4-62-1 NMSA 1978."

## **Chapter 23 Section 5 Laws 2025**

SECTION 5. Section 24-10A-3 NMSA 1978 (being Laws 1978, Chapter 178, Section 3, as amended) is amended to read:

"24-10A-3. EMERGENCY MEDICAL SERVICES FUND CREATED--FUNDING.--

A. The "emergency medical services fund" is created in the state treasury. Money in the fund shall not revert at the end of any fiscal year. Money appropriated to the fund or accruing to it through distributions, gifts, grants, fees or bequests shall be deposited in the fund. Interest earned on investment of the fund shall be credited to the general fund. Disbursements from the fund shall be made upon warrants drawn by the

secretary of finance and administration pursuant to vouchers signed by the secretary or the secretary's authorized representative.

B. The bureau shall administer the fund and provide for the distribution of the fund pursuant to the Emergency Medical Services Fund Act and rules adopted pursuant to the provisions of that act.

C. In any fiscal year, no less than seventy-five percent of the money in the fund shall be used for the local emergency medical services funding program to support the cost of supplies and equipment and operational costs other than salaries and benefits for emergency medical services personnel. This money shall be distributed to municipalities and counties on behalf of eligible local recipients, using a formula established pursuant to rules adopted by the department. The formula shall determine each municipality's and county's share of the fund based on the relative geographic size and population of each county. The formula shall also base the distribution of money for each municipality and county on the relative number of runs of each local recipient eligible to participate in the distribution.

D. In any fiscal year, no more than:

(1) twenty-two percent of the fund may be used for emergency medical services system improvement projects, including the purchase of emergency medical services vehicles, local and statewide emergency medical services system support projects, the statewide trauma care system program and the emergency medical dispatch agency support program; and

(2) three percent of the fund may be used by the bureau for administrative costs, including monitoring and providing technical assistance.

E. The state treasurer is authorized to redirect a distribution to the New Mexico finance authority to make loans for purchases authorized pursuant to the Emergency Medical Services Fund Act and by ordinance or resolution passed by the municipality or county and a written agreement of the municipality or county and the New Mexico finance authority."

## **Chapter 23 Section 6 Laws 2025**

SECTION 6. REPEAL.--Laws 2019, Chapter 210, Section 1 is repealed.

## **Chapter 23 Section 7 Laws 2025**

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 24**

**STBTC/Senate Bill 383, aa, w/ec**

**Approved March 28, 2025**

AN ACT

RELATING TO MUNICIPALITIES; PROVIDING FOR THE ISSUANCE OF FLOOD RECOVERY REVENUE BONDS FOR REBUILDING, REPAIRING, REPLACING AND HARDENING OF MUNICIPAL PROPERTY DAMAGED BY A FLOOD; CREATING A MUNICIPAL FLOOD RECOVERY GROSS RECEIPTS TAX FOR THE PAYMENT OF FLOOD RECOVERY REVENUE BONDS; DECLARING AN EMERGENCY.

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

## **Chapter 24 Section 1 Laws 2025**

SECTION 1. Section 3-31-1 NMSA 1978 (being Laws 1973, Chapter 395, Section 3, as amended) is amended to read:

"3-31-1. REVENUE BONDS--AUTHORITY TO ISSUE--PLEDGE OF REVENUES--LIMITATION ON TIME OF ISSUANCE.--

A. In addition to any other law and constitutional home rule powers authorizing a municipality to issue revenue bonds, a municipality may issue revenue bonds pursuant to Chapter 3, Article 31 NMSA 1978 for the purposes specified in this section.

B. Utility revenue bonds may be issued for acquiring, extending, enlarging, bettering, repairing or otherwise improving a municipal utility or for any combination of the foregoing purposes. The municipality may pledge irrevocably any or all of the net revenues from the operation of the municipal utility or of any one or more of other such municipal utilities for payment of the interest on and principal of the revenue bonds.

C. Joint utility revenue bonds may be issued for acquiring, extending, enlarging, bettering, repairing or otherwise improving joint water facilities, sewer facilities, gas facilities or electric facilities or for any combination of the foregoing purposes. The municipality may pledge irrevocably any or all of the net revenues from the operation of these municipal utilities for the payment of the interest on and principal of the bonds.

D. Gross receipts tax revenue bonds may be issued for any municipal purpose. A municipality may pledge irrevocably any or all of the gross receipts tax revenue received by the municipality pursuant to Section 7-1-6.4 or 7-1-6.12 NMSA 1978 to the payment of the interest on and principal of the gross receipts tax revenue bonds or for any area of municipal government services. A law that imposes or



authorizes the imposition of a tax authorized by the Municipal Local Option Gross Receipts and Compensating Taxes Act or that affects the tax, or a law supplemental thereto or otherwise appertaining thereto, shall not be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding revenue bonds that may be secured by a pledge of such tax unless the outstanding revenue bonds have been discharged in full or provision has been fully made therefor. Revenues in excess of the annual principal and interest due on gross receipts tax revenue bonds secured by a pledge of gross receipts tax revenue may be accumulated in a debt service reserve account. The governing body of the municipality may appoint a commercial bank trust department to act as trustee of the gross receipts tax revenue and to administer the payment of principal of and interest on the bonds.

E. Gasoline tax revenue bonds may be issued for laying off, opening, constructing, reconstructing, resurfacing, maintaining, acquiring rights of way, repairing and otherwise improving municipal buildings, alleys, streets, public roads and bridges or any combination of the foregoing purposes. The municipality may pledge irrevocably any or all of the gasoline tax revenue received by the municipality to the payment of the interest on and principal of the gasoline tax revenue bonds.

F. Project revenue bonds may be issued for acquiring, extending, enlarging, bettering, repairing, improving, constructing, purchasing, furnishing, equipping and rehabilitating any revenue-producing project, including, where applicable, purchasing, otherwise acquiring or improving the ground therefor, including acquiring and improving parking lots, or for any combination of the foregoing purposes. The municipality may pledge irrevocably any or all of the net revenues from the operation of the revenue-producing project for which the particular project revenue bonds are issued to the payment of the interest on and principal of the project revenue bonds. The net revenues of any revenue-producing project may not be pledged to the project revenue bonds issued for a revenue-producing project that clearly is unrelated in nature; but nothing in this subsection shall prevent the pledge to such project revenue bonds of any revenues received from existing, future or disconnected facilities and equipment that are related to and that may constitute a part of the particular revenue-producing project. A general determination by the governing body that any facilities or equipment is reasonably related to and constitutes a part of a specified revenue-producing project shall be conclusive if set forth in the proceedings authorizing the project revenue bonds.

G. Fire district revenue bonds may be issued for acquiring, extending, enlarging, bettering, repairing, improving, constructing, purchasing, furnishing, equipping and rehabilitating any fire district project, including, where applicable, purchasing, otherwise acquiring or improving the ground therefor, or for any combination of the foregoing purposes. The municipality may pledge irrevocably any or all of the revenues received by the fire district from the fire protection fund as provided in the Fire Protection Fund Law and any or all of the revenues provided for the operation of the fire district project for which the particular bonds are issued to the payment of the interest on and principal of the bonds. The revenues of any fire district project shall not be pledged to the bonds issued for a fire district project that clearly is

unrelated in its purpose; but nothing in this section prevents the pledge to such bonds of any revenues received from existing, future or disconnected facilities and equipment that are related to and that may constitute a part of the particular fire district project. A general determination by the governing body of the municipality that any facilities or equipment is reasonably related to and constitutes a part of a specified fire district project shall be conclusive if set forth in the proceedings authorizing the fire district bonds.

H. Law enforcement protection revenue bonds may be issued for the repair and purchase of law enforcement apparatus and equipment that meet nationally recognized standards. The municipality may pledge irrevocably any or all of the revenues received by the municipality from the law enforcement protection fund distributions pursuant to the Law Enforcement Protection Fund Act to the payment of the interest on and principal of the law enforcement protection revenue bonds.

I. Flood recovery revenue bonds may be issued for rebuilding, repairing, replacing and hardening of municipal property damaged by a flood. The municipality shall pledge irrevocably all of the revenue received by the municipality from the municipal flood recovery gross receipts tax to the payment of the interest on and principal of the bonds.

J. Except for the purpose of refunding previous revenue bond issues, no municipality may sell revenue bonds payable from pledged revenues after the expiration of two years from the date of the ordinance authorizing the issuance of the bonds or, for bonds to be issued and sold to the New Mexico finance authority as authorized in Subsection C of Section 3-31-4 NMSA 1978, after the expiration of two years from the date of the resolution authorizing the issuance of the bonds. However, any period of time during which a particular revenue bond issue is in litigation shall not be counted in determining the expiration date of that issue."

## **Chapter 24 Section 2 Laws 2025**

SECTION 2. Section 3-31-1.1 NMSA 1978 (being Laws 2019, Chapter 274, Section 2) is amended to read:

"3-31-1.1. DEFINITIONS.--As used in Chapter 3, Article 31 NMSA 1978:

A. "bond" means any obligation of a municipality issued under Chapter 3, Article 31 NMSA 1978, whether designated as a bond, note, loan, warrant, debenture, lease-purchase agreement or other instrument evidencing an obligation of a municipality to make payments;

B. "flood recovery revenue bonds" means the bonds authorized by Subsection I of Section 3-31-1 NMSA 1978;

C. "gasoline tax revenue" means all or portions of the amounts of tax revenues distributed to municipalities pursuant to Sections 7-1-6.9 and 7-1-6.27 NMSA 1978;

D. "gasoline tax revenue bonds" means the bonds authorized by Subsection E of Section 3-31-1 NMSA 1978;

E. "gross receipts tax revenue" means the amount of money distributed to a municipality pursuant to Section 7-1-6.4 NMSA 1978 and transferred to a municipality pursuant to Section 7-1-6.12 NMSA 1978 for any municipal gross receipts tax imposed pursuant to the Municipal Local Option Gross Receipts and Compensating Taxes Act;

F. "gross receipts tax revenue bonds" means the bonds authorized by Subsection D of Section 3-31-1 NMSA 1978;

G. "joint utility revenue bonds" or "joint utility bonds" means the bonds authorized by Subsection C of Section 3-31-1 NMSA 1978;

H. "pledged revenues" means the revenues, net income or net revenues authorized to be pledged to the payment of revenue bonds as specifically provided in Chapter 3, Article 31 NMSA 1978;

I. "project revenue bonds" means the bonds authorized by Subsection F of Section 3-31-1 NMSA 1978; and

J. "utility revenue bonds" or "utility bonds" means the bonds authorized by Subsection B of Section 3-31-1 NMSA 1978."

## **Chapter 24 Section 3 Laws 2025**

SECTION 3. A new section of the Municipal Local Option Gross Receipts and Compensating Taxes Act is enacted to read:

### **"MUNICIPAL FLOOD RECOVERY GROSS RECEIPTS TAX.--**

A. The majority of the members of the governing body of a municipality may impose by ordinance an excise tax at a rate not to exceed three-eighths percent of the gross receipts of a person engaging in business in the municipality for the privilege of engaging in business. The tax may be imposed in increments of one-thousandth percent not to exceed an aggregate rate of three-eighths percent. The tax shall be imposed until the flood recovery revenue bonds issued pursuant to Section 3-31-1 NMSA 1978 are fully discharged or otherwise provided for in full.

B. The tax imposed pursuant to this section may be referred to as the "municipal flood recovery gross receipts tax".

C. A governing body, at the time of enacting an ordinance imposing a rate of tax authorized in Subsection A of this section, shall dedicate the revenue only for payment of flood recovery revenue bonds issued pursuant to Section 3-31-1 NMSA 1978."

## **Chapter 24 Section 4 Laws 2025**

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

## **LAWS 2025, CHAPTER 25**

### **House Bill 41**

**Approved April 7, 2025**

#### **AN ACT**

MAKING APPROPRIATIONS FROM THE PUBLIC PROJECT REVOLVING FUND TO THE DRINKING WATER STATE REVOLVING LOAN FUND, LOCAL GOVERNMENT PLANNING FUND AND CULTURAL AFFAIRS FACILITIES INFRASTRUCTURE FUND.

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

## **Chapter 25 Section 1 Laws 2025**

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

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

(1) six million two hundred fifty thousand dollars (\$6,250,000) to the drinking water state revolving loan fund for expenditure in fiscal year 2026 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 dollars (\$2,000,000) to the local government planning fund for expenditure in fiscal year 2026 and subsequent fiscal years to carry out the purposes of the fund; and

(3) five million dollars (\$5,000,000) to the cultural affairs facilities infrastructure fund for expenditure in fiscal year 2026 and subsequent fiscal years to carry out the purposes of the fund.

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

# **LAWS 2025, CHAPTER 26**

**House Bill 71, aa**

**Approved April 7, 2025**

## **AN ACT**

RELATING TO PUBLIC FINANCE; PROVIDING FOR FIFTY PERCENT OF THE BALANCE OF THE EXCESS EXTRACTION TAXES SUSPENSE FUND THAT EXCEEDS THE ANNUAL AVERAGE AMOUNT TO BE TRANSFERRED TO THE BEHAVIORAL HEALTH TRUST FUND FOR THREE YEARS; INCREASING THE AMOUNT THAT IS ANNUALLY TRANSFERRED TO THE EARLY CHILDHOOD EDUCATION AND CARE PROGRAM FUND FROM THE EARLY CHILDHOOD EDUCATION AND CARE FUND; PROVIDING FOR REPORTING OF EXPENDITURES OF MONEY IN THE EARLY CHILDHOOD EDUCATION AND CARE PROGRAM FUND; PROVIDING FOR FIFTY PERCENT OF THE MONEY RECEIVED PURSUANT TO THE FEDERAL MINERAL LEASING ACT THAT EXCEEDS THE ANNUAL AVERAGE AMOUNT TO BE DISTRIBUTED TO THE MEDICAID TRUST FUND FOR THREE YEARS.

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

## **Chapter 26 Section 1 Laws 2025**

SECTION 1. Section 6-4-27 NMSA 1978 (being Laws 2020, Chapter 3, Section 4, as amended) is amended to read:

"6-4-27. EXCESS EXTRACTION TAXES SUSPENSE FUND--TRANSFER OF EXCESS OIL AND GAS EMERGENCY SCHOOL TAX REVENUE--TAX STABILIZATION RESERVE--EARLY CHILDHOOD EDUCATION AND CARE FUND--BEHAVIORAL HEALTH TRUST FUND--SEVERANCE TAX PERMANENT FUND.--

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

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

(1) if in the current fiscal year the total net receipts attributable to the tax imposed pursuant to Section 7-31-4 NMSA 1978 and distributed pursuant to Section 7-1-6.20 NMSA 1978 exceed the annual average amount, the department shall distribute the excess amount above the annual average amount as follows:

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

(b) the balance of the excess amount above the annual average amount, if any, after the transfer is made pursuant to Subparagraph (a) of this paragraph shall be transferred as follows: 1) for fiscal years 2026 through 2028, fifty percent to the early childhood education and care fund and fifty percent to the behavioral health trust fund; provided that if, as of the end of one of those fiscal years, the balance of the early childhood education and care fund is less than the balance of that fund as of the end of fiscal year 2025, the transfer to the behavioral health trust fund made pursuant to this item shall be decreased by an amount equal to one-half of the difference between the balance of the early childhood education and care fund as of the end of fiscal year 2025 and the balance of that fund as of the end of that fiscal year; and 2) for fiscal year 2029 and each fiscal year thereafter, one hundred percent to the early childhood education and care fund; and

(2) the remaining balance of the fund, if any, shall be distributed to the severance tax permanent fund.

C. As used in this section:

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

(2) "state reserves" means the general fund balances, as determined by the department of finance and administration, including all authorized revenues and transfers to the general fund and balances in the appropriation contingency fund, the general fund operating reserve, the state-support reserve fund and the tax stabilization reserve."

## **Chapter 26 Section 2 Laws 2025**

SECTION 2. Section 9-29A-1 NMSA 1978 (being Laws 2020, Chapter 3, Section 1, as amended) is amended to read:

"9-29A-1. EARLY CHILDHOOD EDUCATION AND CARE FUND.--

A. The "early childhood education and care fund" is created within the state treasury. The fund shall consist of distributions, appropriations, gifts, grants and

donations. Income from investment of the fund shall be credited to the fund. Money in the fund shall be expended only as provided in this section.

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

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

(2) in consultation with the state treasurer.

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

D. On July 1 of each year, a distribution shall be made from the early childhood education and care fund to the early childhood education and care program fund in an amount equal to the greater of five percent of the average of the year-end market values of the fund for the immediately preceding three calendar years or five hundred million dollars (\$500,000,000).

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

## **Chapter 26 Section 3 Laws 2025**

SECTION 3. Section 9-29A-2 NMSA 1978 (being Laws 2020, Chapter 3, Section 2, as amended) is amended to read:

"9-29A-2. EARLY CHILDHOOD EDUCATION AND CARE PROGRAM FUND.--

A. The "early childhood education and care program fund" is created in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations

and income from investment of the fund. The early childhood education and care department shall administer the fund. Money in the fund is subject to appropriation by the legislature for early childhood education and care services and programs. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of early childhood education and care or the secretary's authorized representative. Any unexpended or unencumbered balance in the fund at the end of a fiscal year shall revert to the early childhood education and care fund.

B. By November 1 of each year beginning in 2025, the state auditor shall report to the legislative finance committee on each expenditure of money in the fund, including the date, recipient and purposes for which the money was expended."

## **Chapter 26 Section 4 Laws 2025**

SECTION 4. Section 9-29A-3 NMSA 1978 (being Laws 2020, Chapter 3, Section 3, as amended) is amended to read:

"9-29A-3. DISTRIBUTION--EARLY CHILDHOOD EDUCATION AND CARE FUND--MEDICAID TRUST FUND--SEVERANCE TAX PERMANENT FUND--PAYMENTS PURSUANT TO FEDERAL MINERAL LEASING ACT.--

A. If, by June 30 of each fiscal year, the net receipts for that fiscal year of the money received by the state pursuant to the federal Mineral Leasing Act exceed the annual average amount, the excess amount above the annual average amount shall be distributed as follows and attributed to that fiscal year:

(1) for fiscal years 2026 through 2028:

(a) fifty percent to the early childhood education and care fund and fifty percent to the medicaid trust fund; provided that

(b) if, as of the end of one of those fiscal years, the balance of the early childhood education and care fund is less than the balance of that fund as of the end of fiscal year 2025, the distribution to the medicaid trust fund made pursuant to Subparagraph (a) of this paragraph shall be decreased by an amount equal to one-half of the difference between the balance of the early childhood education and care fund as of the end of fiscal year 2025 and the balance of that fund as of the end of that fiscal year; and

(2) for fiscal year 2029 and each fiscal year thereafter, one hundred percent to the early childhood education and care fund.

B. If, by June 30, 2025, and by June 30 of each fiscal year thereafter, the remaining amount of the net receipts for that fiscal year of the money received by the state pursuant to the federal Mineral Leasing Act after the distribution pursuant to



Subsection A of this section exceeds the threshold amount, the excess shall be distributed to the severance tax permanent fund.

C. The department of finance and administration shall make the calculations to determine if excess amounts shall be distributed pursuant to this section. If there is an excess amount, the distribution shall be made as soon as practicable. If there is not an excess amount, no distribution shall be made.

D. As used in this section:

(1) "annual average amount" means the total net receipts attributable to money received by the state pursuant to the federal Mineral Leasing Act in the immediately preceding five fiscal years, divided by five; and

(2) "threshold amount" means the net receipts of the money received by the state pursuant to the federal Mineral Leasing Act distributed in fiscal year 2024 pursuant to Subsection B of Section 22-8-34 NMSA 1978."

## **Chapter 26 Section 5 Laws 2025**

SECTION 5. CONTINGENT EFFECTIVE DATE.--The provisions of Section 4 of this act shall become effective upon Senate Bill 88 or similar legislation creating a "medicaid trust fund" of the first session of the fifty-seventh legislature becoming law; provided that if Senate Bill 88 or similar legislation does not take effect by July 1, 2025, the provisions of Section 3 of this act shall not take effect.

## **Chapter 26 Section 6 Laws 2025**

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of Sections 1 and 2 of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 27**

**House Bill 99, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO MOTOR VEHICLES; REORGANIZING PROVISIONS RELATED TO NONREPAIRABLE VEHICLE CERTIFICATES INTO A NEW SECTION OF THE NMSA 1978; ALLOWING INSURANCE COMPANIES THAT PAY TOTAL LOSS CLAIMS TO VEHICLE OWNERS TO OBTAIN A SALVAGE CERTIFICATE OF TITLE OR

NONREPAIRABLE VEHICLE CERTIFICATE; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

**Chapter 27 Section 1 Laws 2025**

SECTION 1. Section 66-3-4 NMSA 1978 (being Laws 1978, Chapter 35, Section 24, as amended by Laws 2023, Chapter 10, Section 1 and by Laws 2023, Chapter 136, Section 3) is amended to read:

"66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF TITLE.--

A. Except for a vehicle owned by a carrier that is from a jurisdiction that is not a participant in the International Fuel Tax Agreement, that is authorized by the United States government or an agency of the United States government to conduct cross-border operations beyond the commercial border zone pursuant to the provisions of the United States-Mexico-Canada Agreement Implementation Act and that identifies New Mexico as the carrier's base jurisdiction, every owner of a vehicle of a type required to be registered in this state shall make application to the division for the registration and issuance of a certificate of title for the vehicle. Applications shall be upon the appropriate forms furnished by the division and shall bear the signature of the owner; provided that the signature may either be made using an electronic signature in conformance with the Electronic Authentication of Documents Act and the Uniform Electronic Transactions Act or written with pen and ink. All applications presented to the division shall contain:

(1) for a vehicle other than a recreational vehicle, the name, bona fide New Mexico residence address and mail address of the owner or, if the owner is a firm, association or corporation, the name, bona fide New Mexico business address and mail address of the firm, association or corporation and for a recreational vehicle, the name, bona fide residence address and mail address of the owner and proof of delivery in New Mexico;

(2) a description of the vehicle, including, to the extent that the following specified data may exist with respect to a given vehicle, the make, model, type of body, number of cylinders, type of fuel used, serial number of the vehicle, odometer reading, engine or other identification number provided by the manufacturer of the vehicle, whether new or used, and, if a vehicle not previously registered, date of sale by the manufacturer or dealer to the person intending to operate the vehicle. In the event a vehicle is designed, constructed, converted or rebuilt for the transportation of property, the application shall include a statement of its rated capacity as established by the manufacturer of the chassis or the complete vehicle;

(3) a statement of the applicant's title and of all liens or encumbrances upon the vehicle and the names and addresses of all persons having an interest in the

vehicle, the nature of each interest and the name and address of the person to whom the certificate of title shall be delivered by the division;

(4) a space to allow the applicant the option of adding the applicant's vehicle to the nontraditional communication or disability registry; provided that the applicant submits evidence satisfactory to the division that the vehicle will regularly be driven or occupied by a person who has a medical diagnosis by a licensed health practitioner of a condition or disability that may cause the person to fail to be able to communicate with a peace officer or to respond appropriately to a peace officer's commands, including an autism spectrum disorder, deafness, a brain injury, an intellectual disability, a behavioral health disorder, dementia or a seizure disorder;

(5) if the vehicle required to be registered is a house trailer, as defined in the Motor Vehicle Code, a certificate from the treasurer or assessor of the county in which the house trailer is located showing that either:

(a) all property taxes due or to become due on the house trailer for the current tax year or any past tax years have been paid; or

(b) no liability for property taxes on the house trailer exists for the current year or any past tax years; and

(6) further information as may reasonably be required by the division to enable it to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

B. The owner of a vehicle subject to registration that has never been registered in this state and that has been registered in another state, except manufactured homes, shall have the vehicle examined and inspected for its identification number or engine number by the division or an officer or a designated agent of the division incident to securing registration, reregistration or a certificate of title from the division.

C. When an application refers to a vehicle not previously registered and the vehicle is purchased from a dealer licensed in this state or a dealer licensed or recognized as such in any other state, territory or possession of the United States, the application shall be accompanied by a manufacturer's certificate of origin duly assigned by the dealer to the purchaser. In the event that a vehicle not previously registered is sold by the manufacturer to a dealer in a state not requiring a manufacturer's certificate of origin and in the event that the vehicle is subsequently purchased by a dealer or any person in this state, the application for title shall be accompanied by the evidence of title accepted by the state in which the vehicle was sold by the manufacturer to a dealer in that state together with evidence of subsequent transfers.

D. The department shall not issue a new registration card and certificate of ownership pursuant to Subsection A, B or C of this section on a vehicle that has been issued a nonrepairable vehicle certificate pursuant to Section 66-3-4.1 NMSA 1978."

## **Chapter 27 Section 2 Laws 2025**

SECTION 2. A new Section 66-3-4.1 NMSA 1978 is enacted to read:

"66-3-4.1. NONREPAIRABLE VEHICLE CERTIFICATE--OBTAINING EVIDENCE OF OWNERSHIP AFTER TOTAL LOSS PAYMENT BY AN INSURANCE COMPANY.--

A. Prior to the sale or disposal of a nonrepairable vehicle, the owner, owner's agent or salvage pool shall obtain a properly endorsed nonrepairable vehicle certificate from the department and deliver it to the purchaser within twenty days after payment in full for the nonrepairable vehicle and shall also comply with Section 66-3-10.1 NMSA 1978. The department shall accept the endorsed nonrepairable vehicle certificate in lieu of the certificate of ownership or other evidence of ownership when accompanied by an application and other documents and fees as may be required by the department. A vehicle for which a nonrepairable vehicle certificate has been issued shall not be titled or registered for use on the highways of this state.

B. If an insurance company makes a total loss settlement on a nonrepairable vehicle and takes possession of that vehicle, either itself or through an agent or salvage pool, the insurance company or an authorized agent of the insurance company shall:

(1) stamp the face of the title or manufacturer's certificate of origin with the word "NONREPAIRABLE", in letters no less than one-half inch high, at an angle of approximately forty-five degrees to the text of the title or manufacturer's certificate of origin; and

(2) within twenty days after receipt of title by the insurer, free and clear of all liens, submit a copy of the branded title or manufacturer's certificate of title to the department together with documents explaining the reason for branding and shall forward a properly endorsed certificate of title or manufacturer's certificate of origin or other evidence of ownership acceptable to the department together with the proper fee to the department. The department, upon receipt of the title or manufacturer's certificate of origin or other evidence of ownership, shall issue a nonrepairable vehicle certificate for the vehicle.

C. Any documents used for conveyance of ownership of a motor vehicle to an insurance company as a result of a total loss insurance settlement shall not require a notarized signature and may be signed electronically.

D. If an owner of a nonrepairable vehicle elects to retain possession of the vehicle, the insurance company shall notify the department of the retention on a form

prescribed by the department. The insurance company shall also notify the insured or owner of the insured's or owner's responsibility to comply with this section. The owner shall, within twenty days from the date of settlement of the loss, forward a properly endorsed certificate of title or manufacturer's certificate of origin or other evidence of ownership acceptable to the department together with the proper fee to the department. The department, upon receipt of the title or manufacturer's certificate of origin or other evidence of ownership, shall issue a nonrepairable vehicle certificate for the vehicle.

E. If a nonrepairable vehicle is not the subject of an insurance settlement, the owner shall, within twenty days from the date of the loss, forward a properly endorsed certificate of title or manufacturer's certificate of origin or other evidence of ownership acceptable to the department together with the proper fee to the department. The department, upon receipt of the title or manufacturer's certificate of origin or other evidence of ownership, shall issue a nonrepairable vehicle certificate for the vehicle.

F. If an insurance company makes a total loss payment to a vehicle owner after paying applicable towing and storage charges and takes possession of the vehicle but is unable to obtain a properly endorsed certificate of title or other evidence of ownership acceptable to the department, the insurance company or its authorized agent may request the department to issue a salvage certificate of title or nonrepairable vehicle certificate for the vehicle on a form provided by the department and signed under penalty of perjury by a representative of the insurance company or its authorized agent as follows:

(1) the application on a form provided by the department to issue a salvage certificate of title or nonrepairable vehicle certificate shall not occur prior to thirty days after the insurance claim payment and shall include:

(a) evidence satisfactory to the department that all owners and lienholders with an interest in the vehicle have been notified in writing and that the requester has attempted two separate requests for the title documents no earlier than ten days apart and been unable to obtain a properly endorsed certificate of title or other acceptable evidence of ownership;

(b) evidence of payment of the claim that may be a copy of both sides of the deposited check, or, if paid electronically, a screenshot from the insurer's proprietary claim system showing the payee, the amount of the payment and the date of the payment; and

(c) the applicable fee to the department;

(2) the attempts by the insurance company or its authorized agent to obtain the certificate of title or other acceptable evidence of title shall be made by certified mail showing evidence of delivery or refusal; and

(3) the department, upon receipt of the properly executed request, confirmation of lienholder and vehicle owner indemnification, evidence of certified mail shipment and the required fee described in this subsection, shall issue a salvage certificate of title or nonrepairable vehicle certificate for the vehicle in the name of the insurance company that made the total loss payment on the vehicle.

G. The insurance company shall indemnify, defend and hold harmless the department for any and all claims resulting from or arising out of the department's issuance of a salvage certificate of title or nonrepairable vehicle certificate pursuant to the application for title.

H. During the total loss settlement, the vehicle owner or the lienholder, if applicable, shall forward to the insurance company a properly endorsed certificate of title within fifteen days after the receipt of settlement funds.

I. Evidence of ownership as provided in this section shall be available only for privately owned passenger vehicles."

## **LAWS 2025, CHAPTER 28**

### **House Bill 101**

**Approved April 7, 2025**

#### **AN ACT**

RELATING TO FIREARMS; MAKING AN EXEMPTION TO UNLAWFUL POSSESSION OF A FIREARM AT A POLLING PLACE FOR COMMISSIONED LAW ENFORCEMENT OFFICERS.

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

### **Chapter 28 Section 1 Laws 2025**

SECTION 1. Section 1-20-24 NMSA 1978 (being Laws 2024, Chapter 50, Section 1) is amended to read:

"1-20-24. UNLAWFUL POSSESSION OF A FIREARM AT A POLLING PLACE.--

A. Unlawful possession of a firearm at a polling place consists of possession of a loaded or unloaded firearm by any person within:

(1) one hundred feet of the door through which voters may enter to vote at a school building in which a polling place is located while early voting is in progress or on election day;

(2) one hundred feet of the door through which voters may enter to vote at the office of the county clerk, an alternate voting location, a mobile voting site or any location used as a polling place while early voting is in progress or on election day that is not a school; or

(3) fifty feet of a monitored secured container as used in Subsection E of Section 1-6-9 NMSA 1978, beginning twenty-eight days before an election through election day.

B. The provisions of Subsection A of this section do not apply to:

(1) a certified law enforcement officer in performance of the officer's official duties;

(2) a law enforcement officer who is certified pursuant to the Law Enforcement Training Act acting in accordance with the policies of the officer's law enforcement agency;

(3) a commissioned law enforcement officer with the power to arrest in performance of the officer's official duties;

(4) a commissioned law enforcement officer with the power to arrest acting in accordance with the policies of the officer's law enforcement agency;

(5) a person in a private automobile or other private means of conveyance; or

(6) a person carrying a concealed firearm who is in possession of a valid concealed handgun license for that firearm pursuant to the Concealed Handgun Carry Act.

C. A person conducting lawful, non-election-related business nearer than one hundred feet from the door through which voters may enter to vote or nearer than fifty feet from a monitored secured container is not guilty of unlawful possession of a firearm at a polling place.

D. A person who commits unlawful possession of a firearm at a polling place is guilty of a petty misdemeanor and shall be sentenced pursuant to Section 31-19-1 NMSA 1978.

E. For the purposes of this section, "firearm" means a 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."

# **LAWS 2025, CHAPTER 29**

**House Bill 102**

**Approved April 7, 2025**

AN ACT

RELATING TO CORRECTIONS; CLASSIFYING HOMICIDE BY A VEHICLE OR GREAT BODILY HARM BY A VEHICLE AS A SERIOUS VIOLENT OFFENSE FOR EARNED MERITORIOUS DEDUCTIONS.

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

## **Chapter 29 Section 1 Laws 2025**

SECTION 1. Section 33-2-34 NMSA 1978 (being Laws 1999, Chapter 238, Section 1, as amended) is amended to read:

"33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS DEDUCTIONS.--

A. To earn meritorious deductions, a prisoner confined in a correctional facility designated by the corrections department must be an active participant in programs recommended for the prisoner by the classification supervisor and approved by the warden or the warden's designee. Meritorious deductions shall not exceed the following amounts:

(1) for a prisoner confined for committing a serious violent offense, up to a maximum of four days per month of time served;

(2) for a prisoner confined for committing a nonviolent offense, up to a maximum of thirty days per month of time served;

(3) for a prisoner confined following revocation of parole for the alleged commission of a new felony offense or for absconding from parole, up to a maximum of four days per month of time served during the parole term following revocation; and

(4) for a prisoner confined following revocation of parole for a reason other than the alleged commission of a new felony offense or absconding from parole:

(a) up to a maximum of eight days per month of time served during the parole term following revocation, if the prisoner was convicted of a serious violent offense or failed to pass a drug test administered as a condition of parole; or

(b) up to a maximum of thirty days per month of time served during the parole term following revocation, if the prisoner was convicted of a nonviolent offense.



B. A prisoner may earn meritorious deductions upon recommendation by the classification supervisor, based upon the prisoner's active participation in approved programs and the quality of the prisoner's participation in those approved programs. A prisoner may not earn meritorious deductions unless the recommendation of the classification supervisor is approved by the warden or the warden's designee.

C. If a prisoner's active participation in approved programs is interrupted by a lockdown at a correctional facility, the prisoner may continue to be awarded meritorious deductions at the rate the prisoner was earning meritorious deductions prior to the lockdown, unless the warden or the warden's designee determines that the prisoner's conduct contributed to the initiation or continuance of the lockdown.

D. A prisoner confined in a correctional facility designated by the corrections department is eligible for lump-sum meritorious deductions as follows:

(1) for successfully completing an approved vocational, substance abuse or mental health program, one month; except when the prisoner has a demonstrable physical, mental health or developmental disability that prevents the prisoner from successfully earning a high school equivalency credential, in which case, the prisoner shall be awarded three months;

(2) for earning a high school equivalency credential, three months;

(3) for earning an associate's degree, four months;

(4) for earning a bachelor's degree, five months;

(5) for earning a graduate qualification, five months; and

(6) for engaging in a heroic act of saving life or property, engaging in extraordinary conduct for the benefit of the state or the public that is at great expense or risk to or involves great effort on the part of the prisoner or engaging in extraordinary conduct far in excess of normal program assignments that demonstrates the prisoner's commitment to self-rehabilitation. The classification supervisor and the warden or the warden's designee may recommend the number of days to be awarded in each case based upon the particular merits, but any award shall be determined by the director of the adult institutions division of the corrections department or the director's designee.

E. Lump-sum meritorious deductions, provided in Paragraphs (1) through (6) of Subsection D of this section, may be awarded in addition to the meritorious deductions provided in Subsections A and B of this section. Lump-sum meritorious deductions shall not exceed one year per award and shall not exceed a total of one year for all lump-sum meritorious deductions awarded in any consecutive twelve-month period.

F. A prisoner is not eligible to earn meritorious deductions if the prisoner:

(1) disobeys an order to perform labor, pursuant to Section 33-8-4 NMSA 1978;

(2) is in disciplinary segregation;

(3) is confined for committing a serious violent offense and is within the first sixty days of receipt by the corrections department; or

(4) is not an active participant in programs recommended and approved for the prisoner by the classification supervisor.

G. The provisions of this section shall not be interpreted as providing eligibility to earn meritorious deductions from a sentence of life imprisonment or a sentence of life imprisonment without possibility of release or parole.

H. The corrections department shall promulgate rules to implement the provisions of this section, and the rules shall be matters of public record. A concise summary of the rules shall be provided to each prisoner, and each prisoner shall receive a quarterly statement of the meritorious deductions earned.

I. A New Mexico prisoner confined in a federal or out-of-state correctional facility is eligible to earn meritorious deductions for active participation in programs on the basis of the prisoner's conduct and program reports furnished by that facility to the corrections department. All decisions regarding the award and forfeiture of meritorious deductions at such facility are subject to final approval by the director of the adult institutions division of the corrections department or the director's designee.

J. In order to be eligible for meritorious deductions, a prisoner confined in a federal or out-of-state correctional facility designated by the corrections department must actively participate in programs that are available. If a federal or out-of-state correctional facility does not have programs available for a prisoner, the prisoner may be awarded meritorious deductions at the rate the prisoner could have earned meritorious deductions if the prisoner had actively participated in programs.

K. A prisoner confined in a correctional facility in New Mexico that is operated by a private company, pursuant to a contract with the corrections department, is eligible to earn meritorious deductions in the same manner as a prisoner confined in a state-run correctional facility. All decisions regarding the award or forfeiture of meritorious deductions at such facilities are subject to final approval by the director of the adult institutions division of the corrections department or the director's designee.

L. As used in this section:

(1) "active participant" means a prisoner who has begun, and is regularly engaged in, approved programs;

(2) "program" means work, vocational, educational, substance abuse and mental health programs, approved by the classification supervisor, that contribute to a prisoner's self-betterment through the development of personal and occupational skills. "Program" does not include recreational activities;

(3) "nonviolent offense" means any offense other than a serious violent offense; and

(4) "serious violent offense" means:

(a) second degree murder, as provided in Section 30-2-1 NMSA 1978;

(b) voluntary manslaughter, as provided in Section 30-2-3 NMSA 1978;

(c) third degree aggravated battery, as provided in Section 30-3-5 NMSA 1978;

(d) third degree aggravated battery against a household member, as provided in Section 30-3-16 NMSA 1978;

(e) first degree kidnapping, as provided in Section 30-4-1 NMSA 1978;

(f) first and second degree criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;

(g) second and third degree criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;

(h) first and second degree robbery, as provided in Section 30-16-2 NMSA 1978;

(i) second degree aggravated arson, as provided in Section 30-17-6 NMSA 1978;

(j) shooting at a dwelling or occupied building, as provided in Section 30-3-8 NMSA 1978;

(k) shooting at or from a motor vehicle, as provided in Section 30-3-8 NMSA 1978;

(l) aggravated battery upon a peace officer, as provided in Section 30-22-25 NMSA 1978;

(m) assault with intent to commit a violent felony upon a peace officer, as provided in Section 30-22-23 NMSA 1978;

(n) aggravated assault upon a peace officer, as provided in Section 30-22-22 NMSA 1978; or

(o) any of the following offenses, when the nature of the offense and the resulting harm are such that the court judges the crime to be a serious violent offense for the purpose of this section: 1) involuntary manslaughter, as provided in Section 30-2-3 NMSA 1978; 2) fourth degree aggravated assault, as provided in Section 30-3-2 NMSA 1978; 3) third degree assault with intent to commit a violent felony, as provided in Section 30-3-3 NMSA 1978; 4) fourth degree aggravated assault against a household member, as provided in Section 30-3-13 NMSA 1978; 5) third degree assault against a household member with intent to commit a violent felony, as provided in Section 30-3-14 NMSA 1978; 6) third and fourth degree aggravated stalking, as provided in Section 30-3A-3.1 NMSA 1978; 7) second degree kidnapping, as provided in Section 30-4-1 NMSA 1978; 8) second degree abandonment of a child, as provided in Section 30-6-1 NMSA 1978; 9) first, second and third degree abuse of a child, as provided in Section 30-6-1 NMSA 1978; 10) third degree dangerous use of explosives, as provided in Section 30-7-5 NMSA 1978; 11) third and fourth degree criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978; 12) fourth degree criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978; 13) third degree robbery, as provided in Section 30-16-2 NMSA 1978; 14) homicide by vehicle or great bodily harm by vehicle, as provided in Section 66-8-101 NMSA 1978; or 15) battery upon a peace officer, as provided in Section 30-22-24 NMSA 1978.

M. Except for sex offenders, as provided in Section 31-21-10.1 NMSA 1978, an offender sentenced to confinement in a correctional facility designated by the corrections department who has been released from confinement and who is serving a parole term may be awarded earned meritorious deductions of up to thirty days per month upon recommendation of the parole officer supervising the offender, with the final approval of the adult parole board. The offender must be in compliance with all the conditions of the offender's parole to be eligible for earned meritorious deductions. The adult parole board may remove earned meritorious deductions previously awarded if the offender later fails to comply with the conditions of the offender's parole. The corrections department and the adult parole board shall promulgate rules to implement the provisions of this subsection. This subsection applies to offenders who are serving a parole term on or after July 1, 2004."

## **LAWS 2025, CHAPTER 30**

**HJC/House Bill 131**

**Approved April 7, 2025**

**AN ACT**

RELATING TO PUBLIC SAFETY; SHIFTING RESPONSIBILITY FOR OVERSEEING CAREGIVER BACKGROUND CHECKS FROM THE DEPARTMENT OF HEALTH TO THE HEALTH CARE AUTHORITY; ADDING TO THE LIST OF DISQUALIFYING CONVICTIONS FOR CAREGIVERS; ALLOWING THE HEALTH CARE AUTHORITY TO DISQUALIFY CERTAIN CAREGIVERS; PROVIDING FOR TRANSFER OF FUNCTIONS, RECORDS AND EQUIPMENT.

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

## **Chapter 30 Section 1 Laws 2025**

SECTION 1. Section 29-17-5 NMSA 1978 (being Laws 1998, Chapter 68, Section 4, as amended) is amended to read:

"29-17-5. CRIMINAL HISTORY SCREENING REQUIRED-- REGULATORY IMPLEMENTATION--APPEALS.--

A. The health care authority is authorized to receive an applicant's, caregiver's or hospital caregiver's nationwide criminal history record obtained by the department of public safety as a result of a nationwide criminal history screening pursuant to an applicant's, caregiver's or hospital caregiver's authorization for such nationwide criminal history screening. Providers shall submit a set of fingerprints of applicants, caregivers and hospital caregivers to the health care authority for a nationwide criminal history screening, and the department of public safety shall accept from the health care authority such fingerprints for the purpose of conducting a nationwide criminal history screening.

B. The health care authority is authorized to promulgate rules to implement the Caregivers Criminal History Screening Act, including rules establishing fingerprint submission procedures; fees; confidentiality; time frames for an applicant's or caregiver's nationwide criminal history screening; procedures for clarifying incomplete or confusing criminal history information; provider sanctions for noncompliance; and employment procedures pending the results of the nationwide criminal history screening relating to applicants and caregivers.

C. No caregiver or hospital caregiver may be employed by a care provider unless the caregiver or hospital caregiver first has submitted to a request for a nationwide criminal history screening prior to beginning employment in accordance with procedures established by rule by the health care authority and department of public safety. A caregiver or hospital caregiver shall apply for statewide criminal history screening when applying for employment with a care provider within twelve months of the caregiver's or hospital caregiver's most recent nationwide criminal history screening.

D. The following felony convictions disqualify an applicant, caregiver or hospital caregiver from employment as a caregiver:

- (1) homicide;
- (2) trafficking controlled substances;
- (3) kidnapping, false imprisonment, aggravated assault or aggravated battery, including aggravated battery of a household member;
- (4) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure or other related sexual offenses;
- (5) crimes involving adult abuse, neglect or financial exploitation;
- (6) crimes involving child abuse or neglect;
- (7) robbery, larceny, burglary, fraud, extortion, forgery, embezzlement, credit card fraud or receiving stolen property;
- (8) an attempt, solicitation or conspiracy involving any of the felonies in this subsection;
- (9) human trafficking;
- (10) assault of a peace officer;
- (11) identity theft; or
- (12) cruelty to animals.

E. The health care authority:

(1) may disqualify an applicant, caregiver or hospital caregiver from employment as a caregiver if that applicant, caregiver or hospital caregiver poses an unreasonable risk to care recipients. In determining whether a person poses an unreasonable risk as a caregiver, the health care authority shall assess the totality of the circumstances using reasonably reliable information, such as court records. The health care authority may only find that an applicant, caregiver or hospital caregiver poses an unreasonable risk if the preponderance of the evidence establishes an unreasonable risk due to the applicant, caregiver or hospital caregiver having:

- (a) two or more convictions related to abuse, neglect or exploitation within the past ten years, regardless of the degree of the crime; or
- (b) a single conviction or pending charges, regardless of the degree of the crime, if the crime is related to: 1) abuse, neglect or exploitation of a care recipient; 2) human trafficking; 3) criminal sexual penetration or related sexual offenses; 4) battery of a household member; or 5) child abuse; and

(2) shall provide an administrative reconsideration process for applicants, caregivers and hospital caregivers who are determined to be an unreasonable risk. The burden of proof is on the health care authority to demonstrate unreasonable risk by a preponderance of the evidence. An applicant, caregiver or hospital caregiver shall have the right to judicial review of any final decision made by the health care authority pursuant to this subsection.

F. Upon receipt by the health care authority of the results of the applicant's, caregiver's or hospital caregiver's nationwide criminal history screening, the authority shall give notice to the submitting care provider whether the applicant or caregiver is disqualified pursuant to Subsection D or E of this section. No other results of the applicant's, caregiver's or hospital caregiver's nationwide criminal history screening shall be provided to the care provider. Except as provided in Subsection G of this section, a care provider shall not employ an applicant or continue to employ a caregiver or hospital caregiver whose nationwide criminal history screening record reflects a disqualifying conviction or an unreasonable risk. When the health care authority provides notice to the care provider of a disqualification pursuant to Subsection D or E of this section, it shall also notify the applicant, caregiver or hospital caregiver, stating with specificity the reasons on which its decision is based and identifying the agency that provided the records.

G. An applicant, caregiver or hospital caregiver whose nationwide criminal history record, obtained through the applicant's, caregiver's or hospital caregiver's nationwide criminal history screening and other clarifying endeavors of the health care authority, results in a disqualification pursuant to Subsection D or E of this section, may request from the authority an administrative reconsideration. The care provider may, in its discretion, continue to employ such person during the pendency of the reconsideration. A care provider may employ the applicant or caregiver if the reconsideration proceeding results in a reversal of the health care authority's decision.

H. The health care authority is authorized to adopt rules for the administrative reconsideration proceeding available to an applicant or caregiver whose nationwide criminal history record reflects a disqualifying conviction or an unreasonable risk. The rules shall take into account the requirements of the Criminal Offender Employment Act.

I. A care provider shall maintain records evidencing compliance with the requirements of this section with respect to all applicants and caregivers employed on or after May 20, 1998.

J. All criminal history records obtained pursuant to this section by the health care authority are confidential. No criminal history records obtained pursuant to this section shall be used for any purpose other than determining whether an applicant, caregiver or hospital caregiver is disqualified pursuant to Subsection D or E of this section. Except on court order or with the written consent of the applicant, caregiver or hospital caregiver, criminal records obtained pursuant to this section and the information contained therein shall not be released or otherwise disclosed to any other person or

agency. A person who discloses confidential records or information in violation of this section is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Subsection A of Section 31-19-1 NMSA 1978.

K. The health care authority shall maintain a registry of all applicants who are disqualified from employment or contractual service as caregivers or hospital caregivers. An applicant's arrest record information shall not be released except upon request of the applicant as provided in the Arrest Record Information Act.

L. A care provider, including its administrators and employees, is not civilly liable to an applicant or a caregiver for a good faith decision to employ, not employ or terminate employment pursuant to the Caregivers Criminal History Screening Act.

M. Failure to comply with the requirements of this section are grounds for the state agency having enforcement authority with respect to the care provider to impose appropriate administrative sanctions and penalties.

N. For the purposes of this section, "unreasonable risk" means a level of risk that a reasonable person would be unwilling to take regarding the safety or welfare of a care recipient."

## **Chapter 30 Section 2 Laws 2025**

SECTION 2. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS.--On the effective date of this act, all functions, records and equipment related to the oversight of caregiver criminal history records shall be transferred from the department of health to the health care authority.

## **Chapter 30 Section 3 Laws 2025**

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 31**

**House Bill 159, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO CONSTRUCTION; REQUIRING DEVELOPERS OR OWNERS OF RENEWABLE ENERGY OR OTHER PROJECTS TO NOTIFY THE CHAIR OF THE MILITARY BASE PLANNING COMMISSION OF A NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION SUBMITTED TO THE FEDERAL AVIATION ADMINISTRATION TO INITIATE THE UNITED STATES DEPARTMENT OF DEFENSE



MILITARY AVIATION AND INSTALLATION ASSURANCE SITING CLEARINGHOUSE'S REVIEW PROCESS; REQUIRING NOTICE OF FEDERAL LETTER OF MILITARY COMPATIBILITY OR A FINDING OF ADVERSE IMPACT.

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

## **Chapter 31 Section 1 Laws 2025**

SECTION 1. A new section of Chapter 9, Article 15 NMSA 1978 is enacted to read:

"NOTIFICATION TO MILITARY BASE PLANNING COMMISSION.--When the developer or owner of a project for construction or expansion of a wind energy conversion device, solar collector or other facility submits a notice of proposed construction or alteration of a project to the federal aviation administration to initiate the review process by the United States department of defense's military aviation and installation assurance siting clearinghouse in compliance with federal law, the project developer or owner shall:

A. within thirty business days, inform the chair of the military base planning commission in writing about the submitted notice and provide a description of the project's location and basic project details; and

B. within thirty days of obtaining a determination from the federal aviation administration, a military compatibility letter from the siting clearinghouse or a finding of unacceptable risk from the military aviation and installation assurance siting clearinghouse, provide a copy of the finding to the chair of the commission."

## **Chapter 31 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 32**

**House Bill 167, aa**

**Approved April 7, 2025**

AN ACT

RELATING TO EDUCATION; PROVIDING THAT THE HIGHER EDUCATION DEPARTMENT SHALL PAY THE COST OF HIGH SCHOOL EQUIVALENCY CREDENTIAL TESTS AND ASSOCIATED TEST PREPARATION COSTS FOR NEW MEXICO RESIDENTS.

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

## **Chapter 32 Section 1 Laws 2025**

SECTION 1. A new section of Chapter 21, Article 1 NMSA 1978 is enacted to read:

"HIGH SCHOOL EQUIVALENCY CREDENTIAL TESTS--FREE FOR NEW MEXICO RESIDENTS.--The higher education department shall provide free high school equivalency credential tests to New Mexico residents who:

- A. are at least sixteen years of age;
- B. are not currently enrolled in secondary school;
- C. have not graduated from an accredited high school or received a high school equivalency certificate or a diploma; and
- D. have passed an official practice test with scores indicating test readiness."

## **LAWS 2025, CHAPTER 33**

**House Bill 174**

**Approved April 7, 2025**

AN ACT

RELATING TO INSURANCE; REQUIRING HEALTH INSURANCE THAT IS PROVIDED AS PART OF THE HEALTH CARE PURCHASING ACT TO REIMBURSE COMMUNITY-BASED PHARMACIES FOR THE FULL COST OF PRESCRIPTION DRUGS PLUS A PROFESSIONAL DISPENSING FEE.

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

## **Chapter 33 Section 1 Laws 2025**

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

"COMMUNITY-BASED PHARMACY REIMBURSEMENT.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act that offers a prescription drug benefit shall reimburse community-based pharmacy providers as follows:

(1) for the ingredient cost of a prescription drug at a value that is at least equal to the national average drug acquisition cost for the prescription drug at the time that the prescription drug is administered or dispensed, or if data for the national

average drug acquisition cost is unavailable, the wholesale acquisition cost of the prescription drug; and

(2) a professional dispensing fee.

B. The professional dispensing fee reimbursed to community-based pharmacy providers shall be no less than the professional dispensing fee reimbursed to community-based pharmacy providers for covered outpatient drugs in the medicaid fee-for-service program.

C. For the purposes of this section:

(1) "community-based pharmacy provider" means a pharmacy that is:

(a) open to the public for prescriptions to be filled, regardless of the facility or practice where the prescription was written;

(b) located in the state or near the state border, if the border town is a primary source of prescription drugs for medicaid recipients residing in the border area; and

(c) not: 1) government-owned; 2) hospital-owned; 3) owned by a corporation that owns hospitals; 4) an extension of a medical practice or special facility; 5) owned by a corporate chain of pharmacies with stores outside of the state; or 6) a mail-order pharmacy;

(2) "ingredient cost" means the actual amount paid to a community-based pharmacy provider for a prescription drug, not including the professional dispensing fee or cost sharing;

(3) "medicaid" means the medical assistance program established pursuant to Title 19 of the federal Social Security Act and regulations issued pursuant to that act;

(4) "national average drug acquisition cost" means the national average of prices at which pharmacies purchase a prescription drug from manufacturers or wholesalers; and

(5) "wholesale acquisition cost" means a manufacturer's list price for a prescription drug sold to wholesalers in the United States, not including discounts, rebates or reductions in price."

## **Chapter 33 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2026.

## **LAWS 2025, CHAPTER 34**

**House Bill 192, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO COMMUNICATIONS; PROVIDING DEPARTMENT OF INFORMATION TECHNOLOGY RESPONSIBILITIES TO REPORT ON DIGITAL TRUNKED RADIO COMMUNICATIONS SYSTEM SUBSCRIBER FEES.

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

### **Chapter 34 Section 1 Laws 2025**

SECTION 1. A new section of the Department of Information Technology Act is enacted to read:

"REPORT.--Beginning December 1, 2026, the department shall submit a written report to the legislative finance committee on the subscriber fees and users for the next fiscal year for the digital trunked radio communications system by December 1 of each year."

## **LAWS 2025, CHAPTER 35**

**House Bill 206, w/ec**  
**Approved April 7, 2025**

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 35 Section 1 Laws 2025**

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 Pueblo of Acoma in Cibola county for a storage, conveyance or delivery of water project;
2. to the city of Alamogordo in Otero county for a water conservation or recycling, treatment or reuse of water project and for a storage, conveyance or delivery of water project;
3. to the city of Albuquerque in Bernalillo county for a flood prevention project and for a storage, conveyance or delivery of water project;
4. to the Albuquerque-Bernalillo county water utility authority in Bernalillo county for a water conservation or recycling, treatment or reuse of water project;
5. to the city of Aztec in San Juan county for a storage, conveyance or delivery of water project;
6. to the town of Bernalillo in Sandoval county for a storage, conveyance or delivery of water project;
7. to the Blanco mutual domestic water consumers and mutual sewage works association in San Juan county for a storage, conveyance or delivery of water project;
8. to the city of Bloomfield in San Juan county for a storage, conveyance or delivery of water project;
9. to the Bosque Gardens mutual domestic water consumers association in Valencia county for a storage, conveyance or delivery of water project;
10. to the Cedar Creek mutual domestic water consumers association in Lincoln county for a storage, conveyance or delivery of water project;
11. to Cibola county for a flood prevention project;
12. to the village of Cloudcroft in Otero county for a storage, conveyance or delivery of water project;
13. to the Colfax soil and water conservation district in Colfax county for a watershed restoration and management project;
14. to the village of Columbus in Luna county for a flood prevention project and for a storage, conveyance or delivery of water project;
15. to the city of Deming in Luna county for a water conservation or recycling, treatment or reuse of water project, a flood prevention project and two storage, conveyance or delivery of water projects;

16. to the village of Des Moines water system in Union county for a storage, conveyance or delivery of water project;
17. to Dona Ana county for a flood prevention project;
18. to the Dona Ana mutual domestic water consumers association in Dona Ana county for two storage, conveyance or delivery of water projects;
19. to the eastern New Mexico water utility authority in Curry county for a storage, conveyance or delivery of water project;
20. to the EMWT regional water association in Torrance county for a storage, conveyance or delivery of water project;
21. to the city of Espanola in Rio Arriba and Santa Fe counties for three storage, conveyance or delivery of water projects;
22. to the town of Estancia in Torrance county for a storage, conveyance or delivery of water project;
23. to the city of Farmington in San Juan county for a storage, conveyance or delivery of water project;
24. to the Flora Vista mutual domestic water association in San Juan county for three storage, conveyance or delivery of water projects;
25. to the city of Gallup in McKinley county for a storage, conveyance or delivery of water project;
26. to the Pueblo of Isleta in Bernalillo county for a water conservation or recycling, treatment or reuse of water project;
27. to the city of Las Cruces in Dona Ana county for three storage, conveyance or delivery of water projects;
28. to the village of Logan in Quay county for a storage, conveyance or delivery of water project;
29. to Los Alamos county for two storage, conveyance or delivery of water projects;
30. to the village of Los Ranchos in Bernalillo county for a water conservation or recycling, treatment or reuse of water project;
31. to the Lumberton mutual domestic water consumers association in Rio Arriba county for a storage, conveyance or delivery of water project;

32. to Luna county for a flood prevention project;
33. to the Lybrook mutual domestic water consumers association in Rio Arriba county for a storage, conveyance or delivery of water project;
34. to McKinley county for a flood prevention project;
35. to the Mescalero Apache Tribe in Otero county for a storage, conveyance or delivery of water project;
36. to the middle Rio Grande conservancy district in Bernalillo county for a storage, conveyance or delivery of water project;
37. to the Nogal mutual domestic water consumers association in Lincoln county for a storage, conveyance or delivery of water project;
38. to the Pena Blanca water and sanitation district in Sandoval county for a storage, conveyance or delivery of water project;
39. to the Penasco mutual domestic water consumers and mutual sewage works association in Taos county for a storage, conveyance or delivery of water project;
40. to the Pendaries Village mutual domestic water consumers association in San Miguel county for a storage, conveyance or delivery of water project;
41. to the city of Portales in Roosevelt county for two storage, conveyance or delivery of water projects;
42. to the Quemado Lake water association in Catron county for a storage, conveyance or delivery of water project;
43. to the Regina mutual domestic water consumers association in Sandoval county for a storage, conveyance or delivery of water project;
44. to the Rio Chiquito mutual domestic water consumers and mutual sewage works association in Rio Arriba and Santa Fe counties for a storage, conveyance or delivery of water project;
45. to the Rio Embudo mutual domestic water consumers association in Rio Arriba county for a storage, conveyance or delivery of water project;
46. to the Rio Lucio mutual domestic water consumers association in Taos county for a storage, conveyance or delivery of water project;
47. to the Rosedale mutual domestic water consumers association in Grant county for a water conservation or recycling, treatment or reuse of water project;

48. to the village of Ruidoso in Lincoln county for a flood prevention project and three storage, conveyance or delivery of water projects;

49. to the city of Ruidoso Downs in Lincoln county for a storage, conveyance or delivery of water project;

50. to the San Juan soil and water conservation district in San Juan county for a watershed restoration and management project;

51. to the San Luis Cabezón mutual domestic water consumers association in Sandoval county for two storage, conveyance or delivery of water projects;

52. to the city of Santa Fe in Santa Fe county for two storage, conveyance or delivery of water projects;

53. to the Sile mutual domestic water consumers association in Sandoval county for a storage, conveyance or delivery of water project;

54. to the Sky Country Estates mutual domestic water consumers association in Otero county for a storage, conveyance or delivery of water project;

55. to the southern Sandoval county arroyo flood control authority in Sandoval county for a flood prevention project;

56. to the Storrie Project water users association in San Miguel county for a storage, conveyance or delivery of water project;

57. to the city of Sunland Park in Dona Ana county for two flood prevention projects;

58. to the city of Texico in Curry county for a storage, conveyance or delivery of water project;

59. to the city of Truth or Consequences in Sierra county for a flood prevention project;

60. to the upper Rio Grande watershed district in Rio Arriba county for a flood prevention project;

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

62. to el Valle de Los Ranchos water and sanitation district in Taos county for two storage, conveyance or delivery of water projects.



## **Chapter 35 Section 2 Laws 2025**

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

## **LAWS 2025, CHAPTER 36**

**House Bill 233, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO INSURANCE; AMENDING SECTIONS OF THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO REQUIRE COVERAGE FOR CERTAIN DURABLE MEDICAL EQUIPMENT FOR THE TREATMENT OF ACTIVE DIABETIC FOOT ULCERS.

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

## **Chapter 36 Section 1 Laws 2025**

SECTION 1. Section 59A-22-41 NMSA 1978 (being Laws 1997, Chapter 7, Section 1 and Laws 1997, Chapter 255, Section 1, as amended) is amended to read:

"59A-22-41. COVERAGE FOR INDIVIDUALS WITH DIABETES.--

A. Each individual and group health insurance policy, health care plan, certificate of health insurance and managed health care plan delivered or issued for delivery in this state shall provide coverage for individuals with insulin-using diabetes, with non-insulin-using diabetes and with elevated blood glucose levels induced by pregnancy. This coverage shall be a basic health care benefit and shall entitle each individual to the medically accepted standard of medical care for diabetes and benefits for diabetes treatment as well as diabetes supplies, and this coverage shall not be reduced or eliminated.

B. Except as otherwise provided in this subsection, coverage for individuals with diabetes may be subject to deductibles and coinsurance consistent with those imposed on other benefits under the same policy, plan or certificate, as long as the annual deductibles or coinsurance for benefits are no greater than the annual deductibles or coinsurance established for similar benefits within a given policy. The amount an individual with diabetes is required to pay for a preferred formulary prescription insulin drug or a medically necessary alternative is an amount not to exceed a total of twenty-five dollars (\$25.00) per thirty-day supply.

C. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled in health policies described in that subsection shall be entitled to the following equipment, supplies and appliances to treat diabetes:

- (1) blood glucose monitors, including those for individuals with disabilities, including the legally blind;
- (2) test strips for blood glucose monitors;
- (3) visual reading urine and ketone strips;
- (4) lancets and lancet devices;
- (5) insulin;
- (6) injection aids, including those adaptable to meet the needs of individuals with disabilities, including the legally blind;
- (7) syringes;
- (8) prescriptive oral agents for controlling blood sugar levels;
- (9) medically necessary podiatric appliances for prevention of feet complications associated with diabetes, including therapeutic molded or depth-inlay shoes, functional orthotics, custom molded inserts, replacement inserts, preventive devices and shoe modifications for prevention and treatment; and
- (10) glucagon emergency kits.

D. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled in health policies described in that subsection shall be entitled to the following basic health care benefits:

- (1) diabetes self-management training that shall be provided by a certified, registered or licensed health care professional with recent education in diabetes management, which shall be limited to:
  - (a) medically necessary visits upon the diagnosis of diabetes;
  - (b) visits following a diagnosis from a health care practitioner that represents a significant change in the patient's symptoms or condition that warrants changes in the patient's self-management; and

(c) visits when re-education or refresher training is prescribed by a health care practitioner with prescribing authority;

(2) medical nutrition therapy related to diabetes management; and

(3) medically necessary treatment of active diabetic foot ulcers, including topical oxygen therapy.

E. When new or improved equipment, appliances, prescription drugs for the treatment of diabetes, insulin or supplies for the treatment of diabetes are approved by the federal food and drug administration, all individual or group health insurance policies as described in Subsection A of this section shall:

(1) maintain an adequate formulary to provide those resources to individuals with diabetes; and

(2) guarantee reimbursement or coverage for the equipment, appliances, prescription drug, insulin or supplies described in this subsection within the limits of the health care plan, policy or certificate.

F. An insurer that requires a covered person to use a specific network provider or to purchase equipment, appliances, supplies or insulin or prescription drugs for the treatment or management of diabetes from a specific durable medical equipment supplier or other supplier as a condition of coverage, payment or reimbursement shall:

(1) maintain an adequate network of durable medical equipment suppliers and other suppliers to provide covered persons with medically necessary diabetes resources, whether covered under the health policy's prescription drug or medical benefit;

(2) have network contracts in place for the entire policy or plan period and shall not allow contracts with network providers, durable medical equipment suppliers and other suppliers to lapse or terminate without ensuring the availability of a replacement and continuity of care; provided that single-case agreements do not satisfy the requirements of Paragraph (1) of this subsection or this paragraph;

(3) monitor network providers, durable medical equipment suppliers and other network suppliers to ensure that medically necessary equipment, appliances, supplies and insulin or other prescription drugs are being delivered to a covered person in a timely manner and when needed by the covered person;

(4) guarantee reimbursement to a covered person within thirty days following receipt of a written demand from the covered person who pays out of pocket for necessary equipment, appliances, supplies and insulin or other prescription drugs described in this section that are not delivered timely to the covered person, and the

portion of payment for which the patient is responsible shall not exceed the amount for the same covered benefit obtained from a contracted supplier;

(5) pay interest at the rate of eighteen percent per year on the amount of reimbursement due to a covered person if not paid within thirty days as required by Paragraph (4) of this subsection;

(6) beginning on April 1, 2024, submit a written report each quarter to the superintendent for the previous quarter on the following metrics:

(a) the number of written demands for reimbursement of out-of-pocket expenses from covered persons received by the health care insurer;

(b) the number of out-of-pocket claims for reimbursement paid and the aggregate amount of claims reimbursed by the health care insurer within the time required by Paragraph (4) of this subsection;

(c) the number of out-of-pocket claims for reimbursement paid more than thirty days following receipt of a written demand and the aggregate amount of these payments, excluding interest; and

(d) the aggregate amount of interest paid by the health care insurer pursuant to Paragraph (5) of this subsection; and

(7) beginning on April 1, 2024, submit a written report each quarter for the previous quarter to the superintendent with the following information for each durable medical equipment supplier or other supplier that was under contract with the health care insurer or its agent during the previous quarter:

(a) the name, address and telephone number of each supplier and, if applicable, the corresponding date upon which the respective supplier's contract expired, lapsed or was terminated during the previous quarter;

(b) the percentage of total deliveries, by description of item, that did not meet the delivery requirements specified in Paragraph (3) of this subsection; and

(c) the number of complaints received by the health care insurer or its agent during the previous quarter related to late deliveries, incomplete orders or incorrect orders, respectively.

G. The superintendent shall annually audit all health insurers offering policies, plans or certificates as described in Subsection A of this section for compliance with the requirements of this section. If the superintendent determines that a health care insurer has not complied with the requirements of this section, the superintendent shall impose corrective action or use any other enforcement mechanism available to the superintendent to obtain the health care insurer's compliance with this section.

H. Absent a change in diagnosis or in a covered person's management or treatment of diabetes or its complications, a health care insurer shall not require more than one prior authorization per policy period for any single drug or category of item enumerated in this section if prescribed as medically necessary by the covered person's health care practitioner. Changes in the prescribed dose of a drug; quantities of supplies needed to administer a prescribed drug; quantities of blood glucose self-testing equipment and supplies; or quantities of supplies needed to use or operate devices for which a covered person has received prior authorization during the policy year shall not be subject to additional prior authorization requirements in the same policy year if prescribed as medically necessary by the covered person's health care practitioner. Nothing in this subsection shall be construed to require payment for diabetes resources that are not covered benefits.

I. The provisions of this section do not apply to short-term travel, accident-only or limited or specified disease policies.

J. For purposes of this section:

(1) "basic health care benefits":

(a) means benefits for medically necessary services consisting of preventive care, emergency care, inpatient and outpatient hospital and physician care, diagnostic laboratory and diagnostic and therapeutic radiological services; and

(b) does not include services for alcohol or drug abuse, dental or long-term rehabilitation treatment; and

(2) "managed health care plan" means a health benefit plan offered by a health care insurer that provides for the delivery of comprehensive basic health care services and medically necessary services to individuals enrolled in the plan through its own employed health care providers or by contracting with selected or participating health care providers. A managed health care plan includes only those plans that provide comprehensive basic health care services to enrollees on a prepaid, capitated basis, including the following:

(a) health maintenance organizations;

(b) preferred provider organizations;

(c) individual practice associations;

(d) competitive medical plans;

(e) exclusive provider organizations;

(f) integrated delivery systems;

- (g) independent physician-provider organizations;
- (h) physician hospital-provider organizations; and
- (i) managed care services organizations."

## **Chapter 36 Section 2 Laws 2025**

SECTION 2. Section 59A-23-7.17 NMSA 1978 (being Laws 2023, Chapter 50, Section 3) is amended to read:

### **"59A-23-7.17. COVERAGE FOR INDIVIDUALS WITH DIABETES.--**

A. Each group health insurance contract and blanket health insurance contract delivered or issued for delivery in this state shall provide coverage for individuals with diabetes who use insulin, individuals with diabetes who do not use insulin and with elevated blood glucose levels induced by pregnancy. This coverage shall be a basic health care benefit and shall entitle each individual to the medically accepted standard of medical care for diabetes and benefits for diabetes treatment as well as diabetes supplies, and this coverage shall not be reduced or eliminated.

B. Except as otherwise provided in this subsection, coverage for individuals with diabetes may be subject to deductibles and coinsurance consistent with those imposed on other benefits under the same policy, as long as the annual deductibles or coinsurance for benefits are no greater than the annual deductibles or coinsurance established for similar benefits within a given policy. The amount an individual with diabetes is required to pay for a preferred formulary prescription insulin drug or a medically necessary alternative is an amount not to exceed a total of twenty-five dollars (\$25.00) per thirty-day supply.

C. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled in health policies described in that subsection shall be entitled to the following equipment, supplies and appliances to treat diabetes:

- (1) blood glucose monitors, including those for persons with disabilities, including the legally blind;
- (2) test strips for blood glucose monitors;
- (3) visual reading urine and ketone strips;
- (4) lancets and lancet devices;
- (5) insulin;

(6) injection aids, including those adaptable to meet the needs of persons with disabilities, including the legally blind;

(7) syringes;

(8) prescriptive oral agents for controlling blood sugar levels;

(9) medically necessary podiatric appliances for prevention of feet complications associated with diabetes, including therapeutic molded or depth-inlay shoes, functional orthotics, custom molded inserts, replacement inserts, preventive devices and shoe modifications for prevention and treatment; and

(10) glucagon emergency kits.

D. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled in health policies described in that subsection shall be entitled to the following basic health care benefits:

(1) diabetes self-management training that shall be provided by a certified, registered or licensed health care professional with recent education in diabetes management, which shall be limited to:

(a) medically necessary visits upon the diagnosis of diabetes;

(b) visits following a diagnosis from a health care practitioner that represents a significant change in the patient's symptoms or condition that warrants changes in the patient's self-management; and

(c) visits when re-education or refresher training is prescribed by a health care practitioner with prescribing authority;

(2) medical nutrition therapy related to diabetes management; and

(3) medically necessary treatment of active diabetic foot ulcers, including topical oxygen therapy.

E. When new or improved equipment, appliances, prescription drugs for the treatment of diabetes, insulin or supplies for the treatment of diabetes are approved by the federal food and drug administration, all individual or group health insurance policies as described in Subsection A of this section shall:

(1) maintain an adequate formulary to provide those resources to individuals with diabetes; and

(2) guarantee reimbursement or coverage for the equipment, appliances, prescription drugs, insulin or supplies described in this subsection within the limits of the health care plan, policy or certificate.

F. An insurer that requires a covered person to use a specific network provider or to purchase equipment, appliances, supplies or insulin or prescription drugs for the treatment or management of diabetes from a specific durable medical equipment supplier or other supplier as a condition of coverage, payment or reimbursement shall:

(1) maintain an adequate network of durable medical equipment suppliers and other suppliers to provide covered persons with medically necessary diabetes resources whether covered under the health policy's prescription drug or medical benefit;

(2) have network contracts in place for the entire policy or plan period and shall not allow contracts with network providers, durable medical equipment suppliers and other suppliers to lapse or terminate without ensuring the availability of a replacement and continuity of care; provided that single-case agreements do not satisfy the requirements of Paragraph (1) of this subsection or this paragraph;

(3) monitor network providers, durable medical equipment suppliers and other network suppliers to ensure that medically necessary equipment, appliances, supplies and insulin or other prescription drugs are being delivered to a covered person in a timely manner and when needed by the covered person;

(4) guarantee reimbursement to a covered person within thirty days following receipt of a written demand from the covered person who pays out of pocket for necessary equipment, appliances, supplies and insulin or other prescription drugs described in this section that are not delivered in a timely manner to the covered person, and the portion of payment for which the patient is responsible shall not exceed the amount for the same covered benefit obtained from a contracted supplier;

(5) pay interest at the rate of eighteen percent per year on the amount of reimbursement due to a covered person if not paid within thirty days as required by Paragraph (4) of this subsection;

(6) beginning on April 1, 2024, submit a written report each quarter to the superintendent for the previous quarter on the following metrics:

(a) the number of written demands for reimbursement of out-of-pocket expenses from covered persons received by the health care insurer;

(b) the number of out-of-pocket claims for reimbursement paid and the aggregate amount of claims reimbursed by the health care insurer within the time required by Paragraph (4) of this subsection;



(c) the number of out-of-pocket claims for reimbursement paid more than thirty days following receipt of a written demand and the aggregate amount of these payments, excluding interest; and

(d) the aggregate amount of interest paid by the health care insurer pursuant to Paragraph (5) of this subsection; and

(7) beginning on April 1, 2024, submit a written report each quarter for the previous quarter to the superintendent with the following information for each durable medical equipment supplier or other supplier that was under contract with the health care insurer or its agent during the previous quarter:

(a) the name, address and telephone number of each supplier and, if applicable, the corresponding date upon which the respective supplier's contract expired, lapsed or was terminated during the previous quarter;

(b) the percentage of total deliveries, by description of item, that did not meet the delivery requirements specified in Paragraph (3) of this subsection; and

(c) the number of complaints received by the health care insurer or its agent during the previous quarter related to late deliveries, incomplete orders or incorrect orders, respectively.

G. The superintendent shall annually audit all health insurers offering policies, plans or certificates as described in Subsection A of this section for compliance with the requirements of this section. If the superintendent determines that a health care insurer has not complied with the requirements of this section, the superintendent shall impose corrective action or use any other enforcement mechanism available to the superintendent to obtain the health care insurer's compliance with this section.

H. Absent a change in diagnosis or in a covered person's management or treatment of diabetes or its complications, a health care insurer shall not require more than one prior authorization per policy period for any single drug or category of item enumerated in this section if prescribed as medically necessary by the covered person's health care practitioner. Changes in the prescribed dose of a drug; quantities of supplies needed to administer a prescribed drug; quantities of blood glucose self-testing equipment and supplies; or quantities of supplies needed to use or operate devices for which a covered person has received prior authorization during the policy year shall not be subject to additional prior authorization requirements in the same policy year if prescribed as medically necessary by the covered person's health care practitioner. Nothing in this subsection shall be construed to require payment for diabetes resources that are not covered benefits.

I. The provisions of this section do not apply to short-term travel, accident-only or limited or specified disease policies.

J. For purposes of this section, "basic health care benefits":

(1) means benefits for medically necessary services consisting of preventive care, emergency care, inpatient and outpatient hospital and physician care, diagnostic laboratory and diagnostic and therapeutic radiological services; and

(2) does not include services for alcohol or drug abuse, dental or long-term rehabilitation treatment."

## **Chapter 36 Section 3 Laws 2025**

SECTION 3. Section 59A-46-43 NMSA 1978 (being Laws 1997, Chapter 7, Section 3 and Laws 1997, Chapter 255, Section 3, as amended) is amended to read:

"59A-46-43. COVERAGE FOR INDIVIDUALS WITH DIABETES.--

A. Each individual and group health maintenance organization contract delivered or issued for delivery in this state shall provide coverage for individuals with insulin-using diabetes, with non-insulin-using diabetes and with elevated blood glucose levels induced by pregnancy. This coverage shall be a basic health care service and shall entitle each individual to the medically accepted standard of medical care for diabetes and benefits for diabetes treatment as well as diabetes supplies, and this coverage shall not be reduced or eliminated.

B. Except as provided in this subsection, coverage for individuals with diabetes may be subject to deductibles and coinsurance consistent with those imposed on other benefits under the same contract, as long as the annual deductibles or coinsurance for benefits are no greater than the annual deductibles or coinsurance established for similar benefits within a given contract. The amount an individual with diabetes is required to pay for a preferred formulary prescription insulin drug or a medically necessary alternative is an amount not to exceed a total of twenty-five dollars (\$25.00) per thirty-day supply.

C. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled under an individual or group health maintenance organization contract shall be entitled to the following equipment, supplies and appliances to treat diabetes:

(1) blood glucose monitors, including those for individuals with disabilities, including the legally blind;

(2) test strips for blood glucose monitors;

(3) visual reading urine and ketone strips;

(4) lancets and lancet devices;

- (5) insulin;
- (6) injection aids, including those adaptable to meet the needs of individuals with disabilities, including the legally blind;
- (7) syringes;
- (8) prescriptive oral agents for controlling blood sugar levels;
- (9) medically necessary podiatric appliances for prevention of feet complications associated with diabetes, including therapeutic molded or depth-inlay shoes, functional orthotics, custom molded inserts, replacement inserts, preventive devices and shoe modifications for prevention and treatment; and
- (10) glucagon emergency kits.

D. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled under an individual or group health maintenance contract shall be entitled to the following basic health care services:

- (1) diabetes self-management training that shall be provided by a certified, registered or licensed health care professional with recent education in diabetes management, which shall be limited to:
  - (a) medically necessary visits upon the diagnosis of diabetes;
  - (b) visits following a diagnosis from a health care practitioner that represents a significant change in the patient's symptoms or condition that warrants changes in the patient's self-management; and
  - (c) visits when re-education or refresher training is prescribed by a health care practitioner with prescribing authority; and
- (2) medical nutrition therapy related to diabetes management.

E. When new or improved equipment, appliances, prescription drugs for the treatment of diabetes, insulin or supplies for the treatment of diabetes are approved by the federal food and drug administration, each individual or group health maintenance organization contract shall:

- (1) maintain an adequate formulary to provide these resources to individuals with diabetes; and

(2) guarantee reimbursement or coverage for the equipment, appliances, prescription drug, insulin or supplies described in this subsection within the limits of the health care plan, policy or certificate.

F. A health maintenance organization that requires an enrollee to use a specific network provider or to purchase equipment, appliances, supplies or insulin or prescription drugs for the treatment or management of diabetes from a specific durable medical equipment supplier or other supplier as a condition of coverage, payment or reimbursement shall:

(1) maintain an adequate network of durable medical equipment suppliers and other suppliers to provide covered persons with medically necessary diabetes resources whether covered under the health maintenance organization contract's prescription drug or medical benefit;

(2) have network contracts in place for the entire contract period and shall not allow contracts with network providers, durable medical equipment suppliers and other suppliers to lapse or terminate without ensuring the availability of a replacement and continuity of care; provided that single-case agreements do not satisfy the requirements of Paragraph (1) of this subsection or this paragraph;

(3) monitor network providers, durable medical equipment suppliers and other network suppliers to ensure that medically necessary equipment, appliances, supplies and insulin or other prescription drugs are being delivered to an enrollee in a timely manner and when needed by the enrollee;

(4) guarantee reimbursement to an enrollee within thirty days following receipt of a written demand from the enrollee who pays out of pocket for necessary equipment, appliances, supplies and insulin or other prescription drugs described in this section that are not delivered timely to the enrollee, and the portion of payment for which the patient is responsible shall not exceed the amount for the same covered benefit obtained from a contracted supplier;

(5) pay interest at the rate of eighteen percent per year on the amount of reimbursement due to an enrollee if not paid within thirty days as required by Paragraph (4) of this subsection;

(6) beginning on April 1, 2024, submit a written report each quarter to the superintendent for the previous quarter on the following metrics:

(a) the number of written demands for reimbursement of out-of-pocket expenses from enrollees received by the health maintenance organization;

(b) the number of out-of-pocket claims for reimbursement paid and the aggregate amount of claims reimbursed by the health maintenance organization within the time required by Paragraph (4) of this subsection;

(c) the number of out-of-pocket claims for reimbursement paid more than thirty days following receipt of a written demand and the aggregate amount of these payments, excluding interest; and

(d) the aggregate amount of interest paid by the health maintenance organization pursuant to Paragraph (5) of this subsection; and

(7) beginning on April 1, 2024, submit a written report each quarter for the previous quarter to the superintendent with the following information for each durable medical equipment supplier or other supplier that was under contract with the health maintenance organization or its agent during the previous quarter:

(a) the name, address and telephone number of each supplier and, if applicable, the corresponding date upon which the respective supplier's contract expired, lapsed or was terminated during the previous quarter;

(b) the percentage of total deliveries, by description of item, that did not meet the delivery requirements specified in Paragraph (3) of this subsection; and

(c) the number of complaints received by the health maintenance organization or its agent during the previous quarter related to late deliveries, incomplete orders or incorrect orders, respectively.

G. The superintendent shall annually audit all health maintenance organizations offering contracts as described in Subsection A of this section for compliance with the requirements of this section. If the superintendent determines that a health maintenance organization has not complied with the requirements of this section, the superintendent shall impose corrective action or use any other enforcement mechanism available to the superintendent to obtain the health maintenance organization's compliance with this section.

H. Absent a change in diagnosis or in an enrollee's management or treatment of diabetes or its complications, a health maintenance organization shall not require more than one prior authorization per policy period for any single drug or category of item enumerated in this section if prescribed as medically necessary by the enrollee's health care practitioner. Changes in the prescribed dose of a drug; quantities of supplies needed to administer a prescribed drug; quantities of blood glucose self-testing equipment and supplies; or quantities of supplies needed to use or operate devices for which an enrollee has received prior authorization during the policy year shall not be subject to additional prior authorization requirements in the same policy year if prescribed as medically necessary by the enrollee's health care practitioner. Nothing in this subsection shall be construed to require payment for diabetes resources that are not a covered benefit.

I. The provisions of this section do not apply to short-term travel, accident-only or limited or specified disease policies.

J. For purposes of this section, "basic health care benefits":

(1) means benefits for medically necessary services consisting of preventive care, emergency care, inpatient and outpatient hospital and physician care, diagnostic laboratory and diagnostic and therapeutic radiological services; and

(2) does not include services for alcohol or drug abuse, dental or long-term rehabilitation treatment."

## **Chapter 36 Section 4 Laws 2025**

SECTION 4. Section 59A-47-45.8 NMSA 1978 (being Laws 2023, Chapter 50, Section 5) is amended to read:

"59A-47-45.8. COVERAGE FOR INDIVIDUALS WITH DIABETES.--

A. Each health care plan delivered or issued for delivery in this state shall provide coverage for individuals with diabetes who use insulin, individuals with diabetes who do not use insulin and with elevated blood glucose levels induced by pregnancy. This coverage shall be a basic health care benefit and shall entitle each individual to the medically accepted standard of medical care for diabetes and benefits for diabetes treatment as well as diabetes supplies, and this coverage shall not be reduced or eliminated.

B. Except as otherwise provided in this subsection, coverage for individuals with diabetes may be subject to deductibles and coinsurance consistent with those imposed on other benefits under the same plan as long as the annual deductibles or coinsurance for benefits are no greater than the annual deductibles or coinsurance established for similar benefits within a given plan. The amount an individual with diabetes is required to pay for a preferred formulary prescription insulin drug or a medically necessary alternative is an amount not to exceed a total of twenty-five dollars (\$25.00) per thirty-day supply.

C. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled in health care plans described in that subsection shall be entitled to the following equipment, supplies and appliances to treat diabetes:

(1) blood glucose monitors, including those for persons with disabilities, including the legally blind;

(2) test strips for blood glucose monitors;

(3) visual reading urine and ketone strips;

(4) lancets and lancet devices;

- (5) insulin;
- (6) injection aids, including those adaptable to meet the needs of persons with disabilities, including the legally blind;
- (7) syringes;
- (8) prescriptive oral agents for controlling blood sugar levels;
- (9) medically necessary podiatric appliances for prevention of feet complications associated with diabetes, including therapeutic molded or depth-inlay shoes, functional orthotics, custom molded inserts, replacement inserts, preventive devices and shoe modifications for prevention and treatment; and
- (10) glucagon emergency kits.

D. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled in health care plans described in that subsection shall be entitled to the following basic health care benefits:

- (1) diabetes self-management training that shall be provided by a certified, registered or licensed health care professional with recent education in diabetes management, which shall be limited to:
  - (a) medically necessary visits upon the diagnosis of diabetes;
  - (b) visits following a diagnosis from a health care practitioner that represents a significant change in the patient's symptoms or condition that warrants changes in the patient's self-management; and
  - (c) visits when re-education or refresher training is prescribed by a health care practitioner with prescribing authority;
- (2) medical nutrition therapy related to diabetes management; and
- (3) medically necessary treatment of active diabetic foot ulcers, including topical oxygen therapy.

E. When new or improved equipment, appliances, prescription drugs for the treatment of diabetes, insulin or supplies for the treatment of diabetes are approved by the federal food and drug administration, all health care plans as described in Subsection A of this section shall:

- (1) maintain an adequate formulary to provide those resources to individuals with diabetes; and

(2) guarantee reimbursement or coverage for the equipment, appliances, prescription drugs, insulin or supplies described in this subsection within the limits of the health care plan.

F. A health care plan that requires a subscriber to use a specific network provider or to purchase equipment, appliances, supplies or insulin or prescription drugs for the treatment or management of diabetes from a specific durable medical equipment supplier or other supplier as a condition of coverage, payment or reimbursement shall:

(1) maintain an adequate network of durable medical equipment suppliers and other suppliers to provide subscribers with medically necessary diabetes resources whether covered under the health care plan's prescription drug or medical benefit;

(2) have network contracts in place for the entire plan period and shall not allow contracts with network providers, durable medical equipment suppliers and other suppliers to lapse or terminate without ensuring the availability of a replacement and continuity of care; provided that single-case agreements do not satisfy the requirements of Paragraph (1) of this subsection or this paragraph;

(3) monitor network providers, durable medical equipment suppliers and other network suppliers to ensure that medically necessary equipment, appliances, supplies and insulin or other prescription drugs are being delivered to a subscriber in a timely manner and when needed by the subscriber;

(4) guarantee reimbursement to a subscriber within thirty days following receipt of a written demand from the subscriber who pays out of pocket for necessary equipment, appliances, supplies and insulin or other prescription drugs described in this section that are not delivered timely to the subscriber and the portion of payment for which the patient is responsible shall not exceed the amount for the same covered benefit obtained from a contracted supplier;

(5) pay interest at the rate of eighteen percent per year on the amount of reimbursement due to a subscriber if not paid within thirty days as required by Paragraph (4) of this subsection;

(6) beginning on April 1, 2024, submit a written report each quarter to the superintendent for the previous quarter on the following metrics:

(a) the number of written demands for reimbursement of out-of-pocket expenses from subscribers received by the health care plan;

(b) the number of out-of-pocket claims for reimbursement paid and the aggregate amount of claims reimbursed by the health care plan within the time required by Paragraph (4) of this subsection;



(c) the number of out-of-pocket claims for reimbursement paid more than thirty days following receipt of a written demand and the aggregate amount of these payments, excluding interest; and

(d) the aggregate amount of interest paid by the health care plan pursuant to Paragraph (5) of this subsection; and

(7) beginning on April 1, 2024, submit a written report each quarter for the previous quarter to the superintendent with the following information for each durable medical equipment supplier or other supplier that was under contract with the health care plan or its agent during the previous quarter:

(a) the name, address and telephone number of each supplier and, if applicable, the corresponding date upon which the respective supplier's contract expired, lapsed or was terminated during the previous quarter;

(b) the percentage of total deliveries, by description of item, that did not meet the delivery requirements specified in Paragraph (3) of this subsection; and

(c) the number of complaints received by the health care plan or its agent during the previous quarter related to late deliveries, incomplete orders or incorrect orders, respectively.

G. The superintendent shall annually audit all health care plans as described in Subsection A of this section for compliance with the requirements of this section. If the superintendent determines that a health care plan has not complied with the requirements of this section, the superintendent shall impose corrective action or use any other enforcement mechanism available to the superintendent to obtain the health care plan's compliance with this section.

H. Absent a change in diagnosis or in a subscriber's management or treatment of diabetes or its complications, a health care plan shall not require more than one prior authorization per plan period for any single drug or category of item enumerated in this section if prescribed as medically necessary by the subscriber's health care practitioner. Changes in the prescribed dose of a drug; quantities of supplies needed to administer a prescribed drug; quantities of blood glucose self-testing equipment and supplies; or quantities of supplies needed to use or operate devices for which a subscriber has received prior authorization during the plan year shall not be subject to additional prior authorization requirements in the same plan year if prescribed as medically necessary by the subscriber's health care practitioner. Nothing in this subsection shall be construed to require payment for diabetes resources that are not covered benefits.

I. The provisions of this section do not apply to:

(1) a short-term health care plan;

(2) an excepted benefit health care plan intended to supplement major medical coverage, including medicare supplement, vision, dental, disease-specific, accident-only or hospital indemnity-only insurance policies;

(3) a policy or plan for long-term care or disability income; or

(4) short-term travel policy or plan.

J. For purposes of this section, "basic health care benefits":

(1) means benefits for medically necessary services consisting of preventive care, emergency care, inpatient and outpatient hospital and physician care, diagnostic laboratory and diagnostic and therapeutic radiological services; and

(2) does not include services for alcohol or drug abuse, dental or long-term rehabilitation treatment."

## **Chapter 36 Section 5 Laws 2025**

SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2026.

# **LAWS 2025, CHAPTER 37**

**House Bill 244**

**Approved April 7, 2025**

AN ACT

RELATING TO MAGISTRATE COURT; PROVIDING FOR A MINIMUM AGE OF TWENTY-EIGHT FOR MAGISTRATE JUDGES.

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

## **Chapter 37 Section 1 Laws 2025**

SECTION 1. Section 35-2-1 NMSA 1978 (being Laws 1968, Chapter 62, Section 41, as amended) is amended to read:

"35-2-1. QUALIFICATION--PERSONAL QUALIFICATIONS.--

A. Each magistrate shall not be less than twenty-eight years of age at the time of the election and shall be a qualified elector of, and reside in, the magistrate district for which the magistrate is elected or appointed.

B. No person is eligible for election or appointment to the office of magistrate unless the person has graduated from high school or has attained the equivalent of a high school education as indicated by possession of a high school equivalency credential issued by the public education department based upon the record made on the high school equivalency credential test.

C. In magistrate districts with a population of more than two hundred thousand persons in the last federal decennial census, no person is eligible for election to the office of magistrate unless the person:

(1) is a member of the bar of this state and licensed to practice law in this state; or

(2) holds the office of magistrate in that district when the federal decennial census is published, as long as there is no break in service.

D. In magistrate districts with a population of more than two hundred thousand persons in the last federal decennial census, no person is eligible for appointment to the office of magistrate unless the person is a member of the bar of this state and licensed to practice law in this state.

E. A person holding the office of magistrate shall not engage in the private practice of law during tenure in office."

## **LAWS 2025, CHAPTER 38**

**House Bill 251**

**Approved April 7, 2025**

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; PROVIDING ADDITIONAL OPTIONS TO CHANGE THE BENEFICIARY FOR RETIRED MEMBERS WHO HAVE DESIGNATED A SPOUSE AS A BENEFICIARY.

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

### **Chapter 38 Section 1 Laws 2025**

SECTION 1. Section 22-11-29 NMSA 1978 (being Laws 1967, Chapter 16, Section 152, as amended) is amended to read:

"22-11-29. RETIREMENT BENEFIT OPTIONS.--

A. Upon retirement pursuant to the Educational Retirement Act, a member may elect, and, except as provided in Subsection D, E or F of this section, such election shall be irrevocable, to receive the actuarial equivalent of the member's retirement benefit, as provided in Section 22-11-30 NMSA 1978, to be effective on the member's retirement in any one of the following optional forms:

(1) OPTION A. An unreduced retirement benefit pursuant to Section 22-11-30 NMSA 1978;

(2) OPTION B. A reduced annuity payable during the member's life with provision that upon the member's death the same annuity shall be continued during the life of and paid to the beneficiary designated by the member in writing at the time of electing this option; or

(3) OPTION C. A reduced annuity payable during the member's life with provision that upon the member's death one-half of this same annuity shall be continued during the life of and paid to the beneficiary designated by the member in writing at the time of electing this option.

B. In the case of Options B and C of Subsection A of this section, the actuarial equivalent of the member's retirement benefit shall be computed on the basis of the lives of both the member and the beneficiary or in the event that a supplemental needs trust is the designated beneficiary, the life of the member and the beneficiary of that trust.

C. In the event that the named beneficiary of a retired member who elected Option B or C of Subsection A of this section at the time of retirement predeceases the retired member or the supplemental needs trust terminates while the retired member is living, the annuity of the retired member shall be adjusted by adding an amount equal to the amount by which the annuity of the retired member was reduced at retirement as a result of the election of Option B or C of Subsection A of this section. The adjustment authorized in this subsection shall be made as follows:

(1) beginning on the first month following the month in which the named beneficiary of a retiree dies or the beneficiary of a supplemental needs trust that is the named beneficiary dies or that trust otherwise terminates applicable to an annuity received by a retiree who retires after June 30, 1987; or

(2) beginning on July 1, 1987 applicable to an annuity received by a retiree who retired prior to July 1, 1987 and otherwise qualifies for the adjustment; provided, however, no adjustment shall be made retroactively.

D. A retired member who is being paid an adjusted annuity pursuant to Subsection C of this section because of the death of the named beneficiary or the death of the beneficiary of a supplemental needs trust or the termination of that trust may

exercise a one-time irrevocable option to designate another beneficiary and may select either Option B or Option C of Subsection A of this section; provided that:

(1) the amount of the annuity under the option selected shall be recalculated and have the same actuarial present value, computed on the effective date of the designation, as the annuity being paid to the retired member prior to the designation;

(2) the designation and the amount of the annuity shall be subject to a court order as provided for in Subsection B of Section 22-11-42 NMSA 1978; and

(3) the retired member shall pay one hundred dollars (\$100) to the board to defray the cost of determining the new annuity amount.

E. A retired member who is being paid an annuity under Option B or C of Subsection A of this section with a living or operating designated beneficiary other than the retired member's spouse or former spouse or the supplemental needs trust of the retired member's spouse or former spouse may exercise a one-time irrevocable option to deselect the designated beneficiary and elect to:

(1) designate another beneficiary; provided that:

(a) the retired member shall not have an option to change from the current form of payment;

(b) the amount of the annuity under the form of payment shall be recalculated and shall have the same actuarial present value, computed on the effective date of the designation, as the amount of annuity paid prior to the designation; and

(c) the retired member shall pay one hundred dollars (\$100) to the board to defray the cost of determining the new annuity amount; or

(2) have future annuity payments made without a reduction as a result of Option B or C of Subsection A of this section.

F. A retired member who is being paid an annuity under Option B or C of Subsection A of this section with the member's spouse as the designated beneficiary may exercise a one-time irrevocable option to deselect the designated beneficiary and elect to:

(1) designate another beneficiary; provided that:

(a) the retired member shall not have an option to change from the current form of payment;

(b) the amount of the annuity under the form of payment shall be recalculated and shall have the same actuarial present value, computed as of the effective date of the designation, as the amount of annuity paid prior to the designation;

(c) the retired member's spouse provides a notarized, written statement expressing the spouse's consent to relinquish the designation as a beneficiary; and

(d) the retired member shall pay one hundred dollars (\$100) to the board to defray the cost of determining the new annuity amount;

(2) have the future annuity payments made without a reduction as a result of Option B or C of Subsection A of this section;

(3) upon becoming divorced from the named spouse and subject to an order of a court as provided for in Subsection B of Section 22-11-42 NMSA 1978, elect to have future annuity payments made under retirement benefit Option A of Subsection A of this section;

(4) upon becoming divorced from the named spouse, exercise a one-time irrevocable option to designate another beneficiary; provided that:

(a) the retired member shall not have an option to change from the current form of payment;

(b) the amount of the annuity under the form of payment selected shall be recalculated and shall have the same actuarial present value, computed as of the effective date of the designation, as the amount of annuity paid prior to the designation;

(c) the designation and the amount of the annuity shall be subject to a court order as provided for in Subsection B of Section 22-11-42 NMSA 1978; and

(d) the retired member shall pay one hundred dollars (\$100) to the board to defray the cost of determining the new annuity amount; or

(5) have the future annuity payments made without a reduction as a result of Option B or C of Subsection A of this section.

G. In the event of the death of the member who has not retired and who has completed at least five years' earned service credit, the member shall be considered as retiring on the first day of the month following the date of death, and the benefits due the surviving beneficiary, computed on that date, shall, except as provided in Subsection K of this section, be commenced effective on the first day of such month in accordance with the terms of Option B of Subsection A of this section. In lieu of the provisions of

Option B, the surviving beneficiary may elect to receive payment of all the contributions made by the member, plus interest at the rate set by the board reduced by the sum of any disability benefits previously received by the member, or the surviving beneficiary may choose to defer receipt of the survivor's benefit to whatever age the beneficiary chooses up to the time the member would have attained age sixty. If the benefit is thus deferred, it shall be calculated as though the member had retired on the first day of the month in which the beneficiary elects to receive the benefit. In the event of the death of the beneficiary or in the event that a supplemental needs trust is the designated survivor beneficiary, the termination of that trust or the death of the beneficiary of that trust after the death of the member and prior to the date on which the beneficiary has elected to receive the beneficiary's benefit, the estate of the beneficiary shall be entitled to a refund of the member's contributions plus interest at the rate earned by the fund during the preceding fiscal year, reduced by the sum of any disability benefits previously received by the member.

H. In the event of the death of a member who has not retired and who has completed at least five years' earned service credit, but who has not designated a beneficiary in writing pursuant to the Educational Retirement Act, the eligible surviving spouse or surviving domestic partner shall be the surviving beneficiary eligible for benefits in accordance with the provisions of Subsection G of this section.

I. In the case of death of a retired member who did not elect either Option B or C of Subsection A of this section and before the benefits paid to the member have equaled the sum of the member's accumulated contributions to the fund plus accumulated interest at the rate set by the board, the balance shall be paid to the beneficiary designated in writing to the director by the member or, if no beneficiary was designated, to the eligible surviving spouse or surviving domestic partner of the member or, if there is no eligible surviving spouse or domestic partner of the member, to the estate of the member.

J. No benefit shall be paid pursuant to this section if the member's contributions have been refunded pursuant to Section 22-11-15 NMSA 1978.

K. In the case of death of a member with less than five years' earned service credit or death of a member who has filed with the director a notice rejecting the provisions of Subsection G of this section, which notice shall be revocable by the member at any time prior to retirement, the member's contributions to the fund plus interest at the rate set by the board shall be paid to the beneficiary designated in writing to the director by the member or, if no beneficiary was designated, to the eligible surviving spouse or surviving domestic partner of the member or, if there is no eligible surviving spouse or domestic partner of the member, to the estate of the member."

## **LAWS 2025, CHAPTER 39**

**House Bill 281, aa**

**Approved April 7, 2025**

## AN ACT

RELATING TO LICENSURE; EXEMPTING HAIR BRAIDING FROM PROVISIONS OF THE BARBERS AND COSMETOLOGISTS ACT; PROHIBITING DISCIPLINARY ACTION FOR HAIR BRAIDING WITHOUT BEING LICENSED PURSUANT TO THE BARBERS AND COSMETOLOGISTS ACT.

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

### **Chapter 39 Section 1 Laws 2025**

SECTION 1. Section 61-17A-2 NMSA 1978 (being Laws 1993, Chapter 171, Section 2, as amended) 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. "hair braiding" means twisting, wrapping, weaving, extending, locking or braiding hair and incidental use of topical agents and mechanical devices and includes use of hair extensions, hair fibers, decorative beads and other accessories incidental to hair braiding;

K. "hairstylist" means a person, other than a student, who for compensation engages in hairstyling;

L. "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;

M. "sanitation" means the maintenance of sanitary conditions to promote hygiene and the prevention of disease through the use of chemical agents or products;

N. "school" means a public or private instructional facility approved by the board that teaches cosmetology, barbering or hairstyling; and

O. "student" means a person enrolled in a school to learn or be trained in cosmetology, barbering, hairstyling or electrolysis."

## **Chapter 39 Section 2 Laws 2025**

SECTION 2. Section 61-17A-4.1 NMSA 1978 (being Laws 2017, Chapter 112, Section 1) is amended to read:

"61-17A-4.1. HAIRSTYLING DEFINED.--Hairstyling includes any one or any combination of the following practices when done upon the upper part of the male or female human body for cosmetic purposes for the public generally, using the hands or manual, mechanical or electrical implements or appliances:

A. cleansing, massaging or stimulating the scalp with oils, creams, lotions or other cosmetic or chemical preparations;

B. applying cosmetic or chemical preparations, antiseptics, powders, oils, clays or lotions to the scalp;

C. cutting, arranging, applying hair extensions to or styling the hair by any means; provided that hairstyling does not include hair braiding;

D. cleansing, coloring, lightening, waving or straightening the hair with cosmetic or chemical preparations; or

E. trimming a person's beard."

## **Chapter 39 Section 3 Laws 2025**

SECTION 3. Section 61-17A-5 NMSA 1978 (being Laws 1993, Chapter 171, Section 5, as amended) is amended to read:

"61-17A-5. LICENSE REQUIRED.--

A. Unless licensed pursuant to the Barbers and Cosmetologists Act or exempted from the provisions of that act, no person shall practice barbering, hairstyling or cosmetology for compensation either directly or indirectly.

B. Unless licensed pursuant to the Barbers and Cosmetologists Act, no person shall operate a school or establishment for compensation.

C. Unless licensed pursuant to the Barbers and Cosmetologists Act or exempted from the provisions of that act, no person shall teach barbering, hairstyling, cosmetology or electrology for compensation.

D. Unless licensed by the board pursuant to the Barbers and Cosmetologists Act, no person shall practice as a manicurist-pedicurist, esthetician or electrologist for compensation.

E. A person who engages in eyebrow threading or hair braiding shall not be required to have a license issued by the board."

## **Chapter 39 Section 4 Laws 2025**

SECTION 4. 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. A suspended or revoked license shall be delivered to the department or an agent of the department upon demand.

C. A license shall not be denied for hair braiding without being licensed for barbering, cosmetology or hairstyling prior to July 1, 2025."

## **Chapter 39 Section 5 Laws 2025**

SECTION 5. Section 61-17A-22 NMSA 1978 (being Laws 1993, Chapter 171, Section 22, as amended) is amended to read:

"61-17A-22. EXEMPTIONS.--The following persons are exempt from the provisions of the Barbers and Cosmetologists Act while in the discharge of their professional duties:

- A. persons licensed by the law of this state to practice medicine and surgery or chiropractic;
- B. commissioned medical or surgical officers of the United States army, navy or marine hospital service;
- C. registered nurses; and
- D. funeral service practitioners."

## **Chapter 39 Section 6 Laws 2025**

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 40**

**House Bill 298**

**Approved April 7, 2025**

AN ACT

RELATING TO MUNICIPALITIES; AMENDING SECTIONS OF THE MUNICIPAL CODE; CLARIFYING THE GOVERNING LAW OF MAYOR-COUNCIL FORMS OF GOVERNMENT; PROVIDING PROCEDURES FOR FILLING VACANCIES; PROVIDING PROCEDURES FOR THE APPOINTMENT OF OFFICIALS AND VOTING ON MATTERS BEFORE A GOVERNING BODY; CLARIFYING MAYORAL AUTHORITY, POWERS AND DUTIES; PROVIDING PROCEDURES FOR THE NOMINATION AND APPOINTMENT OF EMPLOYEES AND OFFICIALS; CODIFYING THE MAYOR AND GOVERNING BODY'S LACK OF AUTHORITY OVER JUDICIAL BRANCH AFFAIRS; REQUIRING ORGANIZATIONAL MEETINGS; PROVIDING THAT APPOINTED MEMBERS OF A GOVERNING BODY ARE NOT SUBJECT TO MERIT-SYSTEM ORDINANCES; REQUIRING MEMBERS OF A GOVERNING BODY TO RECUSE THEMSELVES FROM VOTING WHEN TRUE OR PERCEIVED CONFLICTS OF INTEREST EXIST; SPECIFYING PROCEDURES FOR SUCH RECUSALS; REMOVING THE REQUIREMENT THAT SPECIAL ELECTIONS OCCUR WITHIN NINETY DAYS OF THE ADOPTION OF AN ORDINANCE TO CHANGE THE NUMBER OF MEMBERS OF A GOVERNING BODY OR TRUSTEES OR SUCH A PETITION; AMENDING THE POWERS AND DUTIES OF A GOVERNING BODY; AMENDING THE

POWERS OF A COMMISSION IN A COMMISSION-MANAGER FORM OF GOVERNMENT.

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

**Chapter 40 Section 1 Laws 2025**

SECTION 1. Section 3-11-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-10-1) is amended to read:

"3-11-1. APPLICABILITY.--

A. The provisions of Sections 3-11-1 through 3-11-7 NMSA 1978 are applicable only to those municipalities governed under the mayor-council form of government and that have not elected to be governed under the commission-manager form of government.

B. In the event that a home rule municipality has adopted procedures in the municipality's charter that conflict with the provisions of Chapter 3, Article 11 or 12 NMSA 1978, the municipality's charter shall govern."

**Chapter 40 Section 2 Laws 2025**

SECTION 2. Section 3-11-2 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-10-2) is amended to read:

"3-11-2. MAYOR--VACATED OFFICE--APPOINTMENT BY GOVERNING BODY.--In case of the death, disability, resignation or change of residence from the municipality of the mayor, the governing body shall appoint a qualified elector to fill the vacancy of the office of the mayor by a majority vote of the members of the governing body that are present; provided that:

A. the governing body shall vote at the next meeting immediately following the vacancy to fill the vacancy if the vacancy has not been filled within fifteen days after the vacancy occurred; and provided further that so long as the vacancy remains unfilled, the item shall be included on each subsequent governing body meeting agenda until the vacancy is filled;

B. the qualified elector appointed to fill the vacancy shall serve until the next regular local election or municipal officer election, whichever is applicable, when a qualified elector shall be elected to fill the remaining unexpired term, if any; and

C. a resigning mayor shall not select a nominee or be involved in the appointment of a successor to fill a vacancy in the office of mayor."

## **Chapter 40 Section 3 Laws 2025**

SECTION 3. Section 3-11-3 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-10-3) is amended to read:

"3-11-3. MAYOR--PRESIDING OFFICER OF GOVERNING BODY--LIMITATION ON VOTE--QUORUM.--

A. The mayor of a municipality is the presiding officer of the governing body and shall constitute a member of the governing body for purposes of determining whether a quorum exists.

B. In all municipalities, the mayor shall vote only when there is a tie vote between members of a governing body; provided that the mayor is vested with the authority to break a tie vote in all circumstances, including matters requiring an affirmative vote of a supermajority of members of the governing body.

C. A member of a governing body presiding as the mayor pro tem shall retain the ability to vote as a member of the governing body but shall not vote as a mayor in the event of a tie vote as provided pursuant to Subsection B of this section."

## **Chapter 40 Section 4 Laws 2025**

SECTION 4. Section 3-11-4 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-10-4) is amended to read:

"3-11-4. MAYOR--CHIEF EXECUTIVE OFFICER--POWERS.--The mayor is the chief executive officer and shall:

A. enforce the ordinances and regulations of the municipality;

B. exercise within the municipality the authority, indirectly through the use of police personnel, to suppress disorders and keep the peace; and

C. perform other duties compatible with the mayor's office that the governing body may require; provided that such performance is in accordance with state law or the municipality's charter."

## **Chapter 40 Section 5 Laws 2025**

SECTION 5. Section 3-11-5 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-10-5, as amended) is amended to read:

"3-11-5. ORGANIZATIONAL MEETING--MAYOR--APPOINTMENT OF OFFICERS AFTER ELECTION.--

A. After each regular local election or municipal officer election, the governing body shall hold an organizational meeting no earlier than fifteen days but no later than twenty-one days after the newly elected officials begin their terms. Such a meeting may constitute a special meeting or a regular meeting of the governing body.

B. At the organizational meeting of the governing body, the mayor shall submit, for confirmation by the governing body, the names of persons who shall fill the appointive offices of the municipality.

C. The failure of the mayor to nominate an appointee to the governing body for appointment to office at the organizational meeting does not preclude the mayor from doing so at a subsequent meeting. If the governing body fails to confirm any person as an appointive official of the municipality, the mayor at the next regular meeting of the governing body may submit the name of a previous nominee or another person to fill the appointed office of the municipality. Failure to fill a vacant office shall not constitute malfeasance of an elected official.

D. Any person holding an appointed office at the time of the regular local election or municipal officer election shall continue in that office until the person's successor has been appointed and is qualified."

## **Chapter 40 Section 6 Laws 2025**

SECTION 6. Section 3-11-6 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-10-6) is amended to read:

"3-11-6. MAYOR--AUTHORITY TO APPOINT, SUPERVISE AND DISCHARGE EMPLOYEES.--

A. Subject to the approval of a majority vote of all members of the governing body, the mayor shall:

(1) appoint all officers and employees except those holding elective office; and

(2) designate an employee to perform any service authorized by the governing body.

B. The mayor may appoint temporary employees as required for the proper administration of municipal affairs. The employee shall serve only until the next regular meeting of the governing body at which a quorum is present. The temporary employment shall cease, and the employee shall not be reappointed unless appointment is confirmed by the governing body. A temporary employee is entitled to usual, ordinary and reasonable compensation for services rendered to the municipality.

C. Only the mayor shall:

- (1) supervise the employees of the municipality;
- (2) examine the grounds of reasonable complaint made against any employee; and
- (3) cause any violations or neglect of the employees' duties to be corrected promptly or reported to the proper authority for correction and punishment.

D. Subject to the limitation of a merit system ordinance of the municipality:

- (1) the governing body may discharge an appointed official or employee by a majority vote of all the members of the governing body; and
- (2) the mayor may discharge an appointed official or employee upon the approval of a majority vote of all the members of the governing body.

E. The mayor may suspend an appointed official or employee until the next regular meeting of the governing body, at which time the suspension shall be approved or disapproved by a majority vote of all the members of the governing body. If the suspension of the appointed official or employee is disapproved by the governing body, the suspended appointed official or employee shall be paid the compensation that the appointed official or employee was entitled to receive during the time of the suspension.

F. Any appointed official or employee who is discharged shall:

- (1) upon the official's or employee's request, be given, by the mayor in writing, a list of reasons for the discharge; and
- (2) be paid any vacation pay that may have accrued, subject to the limitations of a merit system ordinance.

G. Neither the mayor nor the governing body shall supervise, hire, discipline or terminate any employee, personnel or judge of the judicial branch.

H. Appointed members shall not be subject to a merit system ordinance."

## **Chapter 40 Section 7 Laws 2025**

SECTION 7. Section 3-11-7 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-10-7) is amended to read:

"3-11-7. ADDITIONAL POWERS OF MAYOR.--The mayor shall sign all commissions, licenses and permits granted by the governing body and other acts that the law or ordinances may require, or the commissions, licenses and permits may be authenticated as authorized pursuant to the:



- A. Uniform Facsimile Signature of Public Officials Act;
- B. Uniform Electronic Transactions Act; and
- C. Electronic Authentication of Documents Act."

## **Chapter 40 Section 8 Laws 2025**

SECTION 8. Section 3-12-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-11-1, as amended) is amended to read:

"3-12-1. VACANCY ON GOVERNING BODY--APPOINTMENT--PROCEDURES.--

A. A vacancy on the governing body of a mayor-council municipality shall be filled by appointment of a qualified elector by the mayor of the municipality, with the advice, the consent and a majority vote of the members of the governing body that are present; provided that the governing body shall vote at the next meeting immediately following the vacancy to fill the vacancy if the vacancy has not been filled within fifteen days after the vacancy occurred; and provided further that so long as the vacancy remains unfilled, the item shall be included on each subsequent governing body meeting agenda until the vacancy is filled.

B. A qualified elector appointed to fill a vacancy on the governing body shall serve until the next regular local election or municipal officer election, whichever is applicable, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any."

## **Chapter 40 Section 9 Laws 2025**

SECTION 9. Section 3-12-2 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-11-2, as amended) is amended to read:

"3-12-2. GOVERNING BODY--CORPORATE AUTHORITY-- LEGISLATIVE BODY--MEMBERS OF A GOVERNING BODY AND BOARDS OF TRUSTEES--QUORUM--RECUSAL.--

A. The corporate authority of a municipality is vested in the governing body that shall constitute the legislative branch of the municipality and shall not perform any executive functions except those functions assigned to it by law.

B. A majority of the members of the governing body currently serving is a quorum for the purpose of transacting business. All members of the governing body present at a meeting are counted toward a quorum.

C. Unless otherwise provided by law, a question before the governing body shall be decided by a majority vote of the members present.

D. A member of a governing body shall recuse the member's self from a vote only when a true or perceived conflict of interest exists regarding an item currently being deliberated by the governing body. Upon the recusal at such meeting, the governing body member shall state the conflict of interest on the record and then leave the meeting room until deliberation on that item has concluded. A recusal or abstention of a governing body member is counted as a vote neither for nor against a question before the governing body.

E. The governing body of a municipality having a mayor-council form of government is the governing body or board of trustees whose members are the mayor and not less than four or more than ten members of the governing body or trustees. Any governing body of more than six members of the governing body or trustees may provide by ordinance for the election of two members of the governing body or trustees for each ward or district or create or abolish wards or districts or alter the boundary of existing wards or districts; provided that only one member of the governing body or trustee shall be elected from a ward or district at any one election.

F. In those municipalities with a mayor-council form of government, when there is a requirement that a certain fraction or percentage of the members of the entire governing body or of all the members of the governing body or of the entire membership of the governing body or other similar language other than the requirement of a simple majority vote for the measure, the mayor shall not be counted in determining the actual number of votes needed but shall vote to break a tie vote as provided in Section 3-11-3 NMSA 1978, unless the mayor has declared a conflict of interest.

G. The governing body of a municipality may redistrict the municipality whenever redistricting is warranted. Upon petition signed by qualified electors equal in number to the votes cast for the member of the governing body or trustee receiving the greatest number of votes at the last regular municipal election, the governing body of the municipality shall redistrict the municipality."

## **Chapter 40 Section 10 Laws 2025**

SECTION 10. Section 3-12-2.1 NMSA 1978 (being Laws 1981, Chapter 198, Section 1, as amended) is amended to read:

"3-12-2.1. GOVERNING BODY--MAYOR-COUNCIL--CHANGE IN NUMBER OF MEMBERS.--

A. The number of members of the governing body or board of trustees of a municipality having a mayor-council form of government may be changed as set forth in this section; provided such number shall not be less than or more than that number specified in Subsection E of Section 3-12-2 NMSA 1978.

B. The members of a governing body may adopt an ordinance that increases or decreases the number of members of the governing body or trustees and call an election on that question in accordance with the Election Code.

C. The governing body of the municipality shall adopt an election resolution calling an election on the question of approving or disapproving a change in the number of members of a governing body or trustees if there is filed with the municipal clerk a petition requesting an election on such a change and the petition is signed by at least five percent of the number of registered voters of the municipality. The petition shall specify the number of members of the governing body in addition to the mayor that shall constitute the governing body of the municipality. The petition shall be validated by the municipal clerk by verification that it contains the required number of signatures of registered voters. The election resolution shall be adopted within thirty days after the petition is verified by the municipal clerk.

D. A special election to approve or disapprove a change in the number of members of the governing body or trustees shall be held at the first available election in which the question can be placed on the ballot in accordance with the provisions of the Election Code. The municipality shall pay for the cost of the election.

E. If at an election called pursuant to this section a majority of the registered voters voting on the question of changing the number of members of the governing body or trustees vote in favor of such change, all members of the governing body or trustees shall serve until their current term of office expires. At each of the subsequent two regular municipal elections, one-half of the newly required number of members of the governing body or trustees shall be elected.

F. If a majority of the registered voters voting on the question of changing the number of members of the governing body or trustees disapproves or approves of such change, then such change in the number of members shall not be considered again for a period of four years from the date of the election."

## **Chapter 40 Section 11 Laws 2025**

SECTION 11. Section 3-12-3 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-11-3, as amended) is amended to read:

### **"3-12-3. GOVERNING BODY--POWERS AND DUTIES.--**

A. The governing body of a municipality having a mayor-council form of government shall:

(1) elect one of its members to act as mayor pro tem in the absence of the mayor;

(2) possess all powers granted by law and other municipal powers not conferred by law or ordinance on another officer of the municipality;

(3) manage and control the finances and all property, real and personal, belonging to the municipality;

(4) determine the time and place of holding its meetings, which shall be open to the public;

(5) determine and adopt the rules of its own proceedings at an organizational meeting;

(6) keep minutes of its proceedings, which shall be open to examination by any citizen;

(7) adopt rules and regulations necessary to effect the powers granted municipalities;

(8) prescribe the compensation and fees to be paid municipal officers and employees;

(9) prescribe the powers and duties of those officers whose terms of office or powers and duties are not defined by law and impose additional powers and duties upon those officers whose powers and duties are prescribed by law; and

(10) have the authority to cross-commission public safety officers by resolution; provided that the resolution shall be renewed at each subsequent meeting of the governing body as necessary.

B. The governing body of a municipality having a mayor-council form of government may:

(1) remit the fine of any person convicted of a violation of a municipal ordinance; and

(2) compel the attendance of absent members in such manner and under such penalties as it deems desirable.

C. The mayor or a majority of the members of the governing body may call special meetings by notice to each member of the governing body, personally served or left at the member's usual place of residence; provided that such meetings shall be in accordance with the Open Meetings Act."

## **Chapter 40 Section 12 Laws 2025**

SECTION 12. Section 3-14-12 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-13-12) is amended to read:

"3-14-12. POWERS VESTED IN COMMISSION--DUTIES OF COMMISSION.--

A. All powers of the municipality are vested in the commission. The commission shall:

- (1) pass all ordinances and other measures conducive to the welfare of the municipality;
- (2) perform all acts required for the general welfare of the municipality;
- (3) in addition to the office of manager, create all offices necessary for the proper carrying on of the work of the municipality; and
- (4) have the authority to cross-commission public safety officers by resolution; provided that the resolution shall be renewed at each subsequent meeting of the commission as necessary.

B. The commission shall appoint a manager and shall hold the manager responsible for the proper and efficient administration of the municipal government."

## **LAWS 2025, CHAPTER 41**

**House Bill 323, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO PROFESSIONAL LICENSURE; REVISING EXEMPTIONS FOR ENGINEERS; CREATING AN EXEMPTION FROM THE ENGINEERING AND SURVEYING PRACTICE ACT FOR RURAL ELECTRIC DISTRIBUTION COOPERATIVES.

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

## **Chapter 41 Section 1 Laws 2025**

SECTION 1. Section 61-23-22 NMSA 1978 (being Laws 1993, Chapter 218, Section 17, as amended) is amended to read:

"61-23-22. ENGINEERING--EXEMPTIONS.--

A. A New Mexico licensed architect who has complied with all of the laws of New Mexico relating to the practice of architecture has the right to engage in the incidental practice, as defined by regulation, of activities properly classified as engineering; provided that the architect shall not make any representation as being a professional engineer or as performing engineering services; and further provided that the architect shall perform only that part of the work for which the architect is professionally qualified and shall use qualified professional engineers or others for those portions of the work in which the contracting architect is not qualified. Furthermore, the architect shall assume all responsibility for compliance with all laws, codes, regulations and ordinances of the state or its political subdivisions pertaining to all documents bearing the architect's professional seal.

B. An engineer employed by a business entity who performs only the engineering services involved in the operation of the business entity's or an affiliated business entity's business shall be exempt from the provisions of the Engineering and Surveying Practice Act; provided that neither the employee nor the employer offers engineering services to the public; and provided further that any such engineering services are limited to the legal boundaries of the property owned, leased or lawfully operated by the business entity or an affiliated business entity that employs the engineer. Performance of engineering on public works projects pursuant to Section 61-23-26 NMSA 1978 or within off-premises easements constitutes engineering services to the public and is subject to the Engineering and Surveying Practice Act.

C. A rural electric distribution cooperative shall be exempt from the provisions of the Engineering and Surveying Practice Act; provided that the cooperative's services are not offered to the public and are performed only within the legal boundaries of the property that the cooperative owns, leases, has an easement or right of way on or lawfully operates."

## **LAWS 2025, CHAPTER 42**

**House Bill 340, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO DNA IDENTIFICATION; PROVIDING PROCEDURES FOR THE DNA OF A PERSON ARRESTED FOR A FELONY BUT WHO DIES BEFORE BEING CHARGED TO BE ENTERED INTO CODIS.

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

### **Chapter 42 Section 1 Laws 2025**

SECTION 1. A new section of the DNA Identification Act is enacted to read:

"ENTERING DNA INTO CODIS AFTER DEATH.--The administrative center shall enter the DNA of a person collected pursuant to Section 29-3-10 NMSA 1978 into CODIS upon the death of the person if the person dies before being charged with a felony; provided that, if:

A. the person was not incarcerated at the time of death, the DNA shall be entered only upon a motion by the district attorney and an order from the court with jurisdiction over the felony had charges been filed; and

B. the person was incarcerated at the time of death or had been released prior to July 1, 1997, the DNA shall be entered automatically."

## **LAWS 2025, CHAPTER 43**

**House Bill 357**

**Approved April 7, 2025**

AN ACT

RELATING TO PUBLIC ASSISTANCE; PROHIBITING THE INCLUSION OF HEALTH CARE PROVIDER GROSS RECEIPTS TAXES IN A MI VIA WAIVER PROGRAM PARTICIPANT'S BUDGET.

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

### **Chapter 43 Section 1 Laws 2025**

#### **SECTION 1. MI VIA WAIVER PROGRAM--GROSS RECEIPTS TAXES.--**

A. The health care authority shall promulgate rules to ensure that gross receipts taxes are not used to calculate the individual budgetary allotments for individuals participating in the mi via waiver program. A health care provider's costs for gross receipts taxes shall be billed and reimbursed as a separate line item that is in addition to a participant's individual budgetary allotment.

B. For the purposes of this section:

(1) "individual budgetary allotment" means the total approved annual budget assigned to a mi via waiver program participant for services, supports and goods; and

(2) "mi via waiver program" means the state's self-directed medicaid home- and community-based services waiver program.

# **LAWS 2025, CHAPTER 44**

**House Bill 361**

**Approved April 7, 2025**

AN ACT

RELATING TO NATURAL RESOURCES; PROVIDING THAT THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT MAY AUTHORIZE THE CONVERSION OF AN OIL OR GAS WELL INTO A FACILITY THAT PROVIDES ENERGY STORAGE OR DEVELOPS GEOTHERMAL ENERGY.

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

## **Chapter 44 Section 1 Laws 2025**

SECTION 1. A new section of Chapter 71 NMSA 1978 is enacted to read:

"SHORT TITLE.--This act may be cited as the "Well Repurposing Act".

## **Chapter 44 Section 2 Laws 2025**

SECTION 2. A new section of Chapter 71 NMSA 1978 is enacted to read:

"DEFINITIONS.--As used in the Well Repurposing Act:

A. "energy storage" means the ability to capture energy sources at one time for use at a later time;

B. "geothermal energy development" means the development of geothermal resources; and

C. "geothermal resources" means the natural heat of the earth in excess of two hundred fifty degrees Fahrenheit, or the energy, in whatever form, below the surface of the earth present in, resulting from, created by or that may be extracted from this natural heat in excess of two hundred fifty degrees Fahrenheit, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases and steam, in whatever form, found below the surface of the earth, but excluding oil, hydrocarbon gas and other hydrocarbon substances and excluding the heating and cooling capacity of the earth not resulting from the natural heat of the earth in excess of two hundred fifty degrees Fahrenheit, as may be used for the heating and cooling of buildings through an on-site geo-exchange heat pump or similar on-site system."

## **Chapter 44 Section 3 Laws 2025**

SECTION 3. A new section of Chapter 71 NMSA 1978 is enacted to read:



"AUTHORIZATION OF OIL OR GAS WELL CONVERSION--ENERGY STORAGE--GEOTHERMAL ENERGY DEVELOPMENT.--The energy, minerals and natural resources department may authorize the conversion of an oil or gas well into a facility that provides or supports energy storage or geothermal energy development. When authorizing such a conversion, the department may establish fees and financial assurance requirements specific to the energy storage or geothermal development uses."

## **Chapter 44 Section 4 Laws 2025**

SECTION 4. A new section of Chapter 71 NMSA 1978 is enacted to read:

"WELL REPURPOSED FOR ENERGY STORAGE--BENEFICIAL USE.--

A. An oil or gas well that is authorized by the energy, minerals and natural resources department pursuant to the Well Repurposing Act to be used for energy storage and that is actively operated for energy storage shall not be considered an inactive or abandoned well and shall be considered a well that is being used for beneficial purposes.

B. If an oil or gas well authorized for energy storage ceases storage operations for twelve months or longer, the well shall be plugged and abandoned pursuant to state law and rules issued by the oil conservation division of the energy, minerals and natural resources department."

## **Chapter 44 Section 5 Laws 2025**

SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 45**

**HGEIC/House Bill 402**

**Approved April 7, 2025**

AN ACT

RELATING TO INSURANCE; REQUIRING THE SUPERINTENDENT OF INSURANCE TO PROMULGATE RULES ESTABLISHING A TIME FRAME FOR HEALTH INSURANCE CARRIERS TO LOAD INFORMATION ON APPROVED DENTISTS AND DENTAL HYGIENISTS INTO THEIR PROVIDER PAYMENT SYSTEMS; REQUIRING HEALTH INSURANCE CARRIERS TO REIMBURSE APPROVED DENTISTS AND DENTAL HYGIENISTS IF THE HEALTH INSURANCE CARRIERS FAIL TO LOAD THAT INFORMATION WITHIN THIRTY DAYS OF RECEIVING A COMPLETE CREDENTIALING APPLICATION.

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

## **Chapter 45 Section 1 Laws 2025**

SECTION 1. A new section of the Short-Term Health Plan and Excepted Benefit Act is enacted to read:

"DENTAL PLAN--PROVIDER CREDENTIALING--REQUIREMENTS--DEADLINE.--

A. The superintendent shall adopt and promulgate rules to provide for a uniform and efficient provider credentialing process. The superintendent shall approve no more than two forms of application to be used for the credentialing of dentists and dental hygienists.

B. A health insurance carrier shall not require a dentist or dental hygienist to submit information not required by a credentialing application established pursuant to Subsection A of this section.

C. The provisions of this section apply equally to initial credentialing applications and applications for recredentialing.

D. The rules that the superintendent adopts and promulgates shall require primary credential verification no more frequently than every three years and allow provisional credentialing for a period of one year.

E. Nothing in this section shall be construed to require a health insurance carrier to credential or provisionally credential a dentist or dental hygienist.

F. The rules that the superintendent adopts and promulgates shall establish that a health insurance carrier or a health insurance carrier's agent shall:

(1) assess and verify the qualifications of a dentist or dental hygienist who is applying to become a participating provider within thirty calendar days of receipt of a complete credentialing application and issue a decision in writing to the applicant approving or denying the credentialing application;

(2) be permitted to extend the credentialing period to assess and issue a determination by an additional fifteen calendar days if, upon review of a complete application, it is determined that the circumstance presented, including an admission of sanctions by the state licensing board, an investigation or a felony conviction, a revocation of clinical privileges or a denial of insurance coverage, requires additional consideration;

(3) within ten working days after receipt of a credentialing application, send a written notification via United States certified mail to the applicant requesting any

information or supporting documentation that the health insurance carrier requires to approve or deny the credentialing application. The notice to the applicant shall include a complete and detailed description of all of the information or supporting documentation required and the name, address and telephone number of a person who serves as the applicant's point of contact for completing the credentialing application process. Any information required pursuant to this section shall be reasonably related to the information in the application; and

(4) no later than thirty calendar days as described in Paragraph (1) of this subsection or an additional fifteen days as described in Paragraph (2) of this subsection, load into the health insurance carrier's provider payment system all dentist or dental hygienist information, including all information needed to correctly reimburse a newly approved dentist or dental hygienist according to the dentist's or dental hygienist's contract. The health insurance carrier or health insurance carrier's agent shall add the approved dentist's or dental hygienist's data to the provider directory upon loading the dentist's or dental hygienist's information into the health insurance carrier's provider payment system.

G. A health insurance carrier shall reimburse a dentist or dental hygienist for covered health care services for any claims from the dentist or dental hygienist that the health insurance carrier receives with a date of service more than thirty calendar days after the date on which the health insurance carrier received a complete credentialing application for that dentist or dental hygienist if:

(1) the dentist or dental hygienist:

(a) has submitted a complete credentialing application and any supporting documentation that the health insurance carrier has requested in writing within the time frame established in Paragraph (3) of Subsection F of this section;

(b) has no past or current license sanctions or limitations, as reported by the New Mexico board of dental health care or another pertinent licensing and regulatory agency or a similar out-of-state licensing and regulatory entity for a dentist or dental hygienist who is licensed in another state; and

(c) has professional liability insurance or is covered under the Medical Malpractice Act; and

(2) the health insurance carrier:

(a) has approved, or has failed to approve or deny, the applicant's complete credentialing application within the time frame established pursuant to Paragraph (1) or (2) of Subsection F of this section; or

(b) fails to load the approved applicant's information into the health insurance carrier's provider payment system in accordance with Paragraph (4) of Subsection F of this section.

H. A dentist or dental hygienist who, at the time services were rendered, was not employed by a practice or group that has contracted with the health insurance carrier to provide services at specified rates of reimbursement shall be paid by the health insurance carrier in accordance with the health insurance carrier's standard reimbursement rate.

I. A dentist or dental hygienist who, at the time services were rendered, was employed by a practice or group that has contracted with the health insurance carrier to provide services at specified rates of reimbursement shall be paid by the health insurance carrier in accordance with the terms of that contract.

J. The superintendent shall adopt and promulgate rules to provide for the resolution of disputes relating to reimbursement and credentialing arising in cases where credentialing is delayed beyond thirty days after application.

K. A health insurance carrier shall reimburse a dentist or dental hygienist pursuant to Subsections G, H and I of this section until the earlier of the following occurs:

(1) the health insurance carrier's approval or denial of the dentist's or dental hygienist's complete credentialing application; or

(2) the passage of three years from the date the health insurance carrier received the dentist's or dental hygienist's complete credentialing application.

L. As used in this section:

(1) "credentialing" means the process of obtaining and verifying information about a dentist or dental hygienist and evaluating that dentist or dental hygienist when that dentist or dental hygienist seeks to become a participating provider;

(2) "dental hygienist" means an individual who has graduated and received a degree from a dental hygiene educational program that is accredited by the commission on dental accreditation, provides a minimum of two academic years of dental hygiene curriculum and is an institution of higher education; and "dental hygienist" means, except as the context otherwise requires, an individual who holds a license to practice dental hygiene in New Mexico; and

(3) "dentist" means a person who has graduated and received a degree from a school of dentistry that is accredited by the commission on dental accreditation and holds a license to practice dentistry in New Mexico."

# **LAWS 2025, CHAPTER 46**

**House Bill 431**

**Approved April 7, 2025**

AN ACT

RELATING TO CONSERVATION; AMENDING THE WATERSHED DISTRICT ACT; PROVIDING FOR APPOINTMENT OF WATERSHED BOARDS OF DIRECTORS INSTEAD OF ELECTION OF THE BOARDS.

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

## **Chapter 46 Section 1 Laws 2025**

SECTION 1. Section 73-20-2 NMSA 1978 (being Laws 1957, Chapter 210, Section 2, as amended) is amended to read:

"73-20-2. DEFINITIONS.--As used in the Watershed District Act:

- A. "directors" means directors of the watershed districts;
- B. "minority jurisdiction district" means a soil and water conservation district that has within its jurisdiction a minority of the land in a watershed district; and
- C. "supervisors" means supervisors of soil and water conservation districts in which the watershed district is located."

## **Chapter 46 Section 2 Laws 2025**

SECTION 2. Section 73-20-12 NMSA 1978 (being Laws 1957, Chapter 210, Section 12, as amended) is amended to read:

"73-20-12. DIRECTORS--APPOINTMENT.--

- A. A watershed district shall be governed by a board of directors appointed by the board of supervisors for the soil and water conservation district in which the watershed district is located. Except as provided in Subsection C of this section, a board of directors shall consist of five directors; provided that, when available, one director shall be a current or former elected director of the watershed district.
- B. When appointing the initial directors for a watershed district, a board of supervisors shall appoint two members to serve terms of two years and three members to serve terms of four years. Thereafter, new appointments to the watershed district board shall be for terms of four years. Vacancies occurring before the expiration of a term shall be filled by appointment for the unexpired remainder of a term.

C. If the territory embraced within a watershed district lies within more than one soil and water conservation district, each minority jurisdiction district shall be entitled to appoint three additional directors. When appointing the additional directors, a board of supervisors shall appoint one director to serve a term of two years and two directors to serve terms of four years. Thereafter, new directors shall be appointed for terms of four years. All vacancies shall be filled by appointment by the minority jurisdiction districts for the remainder of an unexpired term.

D. The board of directors shall annually elect from its membership a chair, secretary and treasurer. The treasurer shall execute an official bond for the faithful performance of the duties of office to be approved by the board of directors. The bond shall be executed with at least three solvent personal sureties whose solvency shall exceed the amount of the bond, or by a surety company authorized to do business in this state, and shall be in an amount determined by the board of directors. If the treasurer is required to execute a surety company bond, the premium of the bond shall be paid by the board of directors.

E. The board of directors shall prepare and submit to the department of finance and administration such reports as it may require from among those required to be submitted by other political subdivisions."

## **Chapter 46 Section 3 Laws 2025**

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 47**

**House Bill 439**

**Approved April 7, 2025**

AN ACT

RELATING TO EMERGENCY MEDICINE; REQUIRING PUBLIC SAFETY  
TELEPHONE LINE TELECOMMUNICATORS TO BE TRAINED IN HIGH-QUALITY  
TELECOMMUNICATOR CARDIOPULMONARY RESUSCITATION.

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

## **Chapter 47 Section 1 Laws 2025**

SECTION 1. Section 29-7C-2 NMSA 1978 (being Laws 2003, Chapter 320, Section 4, as amended) 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. "high-quality telecommunicator cardiopulmonary resuscitation" means the instructions that a telecommunicator provides to a bystander of a cardiac emergency on how to perform cardiopulmonary resuscitation;
- G. "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
- H. "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 47 Section 2 Laws 2025**

SECTION 2. Section 29-7C-4.1 NMSA 1978 (being Laws 2022, Chapter 56, Section 19) is amended to read:

"29-7C-4.1. 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;
- G. reality-based situational training; and
- H. high-quality telecommunicator cardiopulmonary resuscitation using the most current nationally recognized emergency cardiovascular care guidelines. Training on high-quality telecommunicator cardiopulmonary resuscitation shall include instruction on out-of-hospital cardiac arrest protocols and compression-only cardiopulmonary resuscitation."

## **LAWS 2025, CHAPTER 48**

**House Bill 458, aa**  
**Approved April 7, 2025**

### **AN ACT**

RELATING TO THE ENVIRONMENT; ENACTING THE GEOLOGIC CARBON DIOXIDE STORAGE STEWARDSHIP ACT; PROVIDING RULEMAKING AUTHORITY; CREATING A FUND; PERMITTING TRANSFER OF STEWARDSHIP TO THE STATE; MAKING AN APPROPRIATION.

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

### **Chapter 48 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--This act may be cited as the "Geologic Carbon Dioxide Storage Stewardship Act".

### **Chapter 48 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Geologic Carbon Dioxide Storage Stewardship Act:

A. "carbon dioxide" means carbon dioxide produced by anthropogenic sources or captured from the atmosphere, including qualified carbon oxide as defined pursuant to applicable federal law and carbon dioxide stream as may be defined in federal law and regulations pertaining to class 6 carbon dioxide injection wells;

B. "division" means the oil conservation division of the energy, minerals and natural resources department;



C. "geologic sequestration" means the long- or short-term underground sequestration of carbon dioxide within a geologic stratum, formation, aquifer, cavity or void, whether naturally or artificially created, including deep saline aquifers, oil and gas reservoirs and unminable coal seams, such that injected carbon dioxide does not escape to the atmosphere;

D. "operator" means a person who has the right to inject carbon dioxide for geologic sequestration into a sequestration facility, whether for the person's own account or for the account of others;

E. "pore space" means the empty space between rock grains, fractures and voids in the earth's subsurface; "pore space" is the available space within, and contained by, geologic formations;

F. "sequestration facility" means carbon dioxide injection wells, monitoring wells and devices, science wells, but excluding stratigraphic and similar wells for assessing the nature of the subsurface, and other wells used for the injection of carbon dioxide in subsurface geologic formations, including the underground equipment, pipelines and surface equipment and buildings used for the purpose of geologic sequestration of carbon dioxide. "Sequestration facility" includes a facility that injects carbon dioxide for secure geologic sequestration pursuant to applicable federal laws, including a geologic sequestration project as may be defined in federal regulations pertaining to federal environmental protection agency class 6 underground injection control wells for carbon dioxide injection wells; and

G. "sequestration unit" means the geologic formation or formations proposed for the injection of carbon dioxide for geologic sequestration and the lands to be included within the unit. "Sequestration unit" does not include oil and gas units where carbon dioxide is injected for purposes of enhancing oil and gas production.

## **Chapter 48 Section 3 Laws 2025**

### **SECTION 3. APPLICABILITY--DIVISION AUTHORITY--RULEMAKING.--**

A. The Geologic Carbon Dioxide Storage Stewardship Act applies to sequestration facilities that commence injection of carbon dioxide after the effective date of that act; provided that sequestration facilities that commenced injection of carbon dioxide before the effective date of that act may apply to the division for a certificate of completion of injection operations and for the transfer of the continuing stewardship responsibilities to the state pursuant to applicable statutes and rules and after payment of a fee equivalent to the fee that the division would otherwise have collected pursuant to Section 5 of that act.

B. The division has the jurisdiction and authority necessary to enforce the provisions of the Geologic Carbon Dioxide Storage Stewardship Act and may adopt and promulgate rules and issue orders for the implementation of the provisions of that act.

C. The fees collected from operators and deposited in the geologic carbon dioxide long-term storage stewardship fund shall not relieve a facility owner or operator from responsibility for posting and maintaining financial assurance mechanisms as required by applicable statutes and rules or from any liability caused by conditions or operation of a sequestration facility prior to transfer of stewardship.

## **Chapter 48 Section 4 Laws 2025**

### **SECTION 4. CERTIFICATE OF CLOSURE FOR GEOLOGIC SEQUESTRATION UNITS.--**

A. An operator that has obtained a permit for geologic carbon dioxide sequestration may ask for a certificate of closure for that site; provided that the operator can demonstrate that the storage has demonstrated long-term security, monitoring of the site has not shown significant risk of future leakage and the conditions as provided in Subsection E of Section 6 of the Geologic Carbon Dioxide Storage Stewardship Act are satisfied.

B. The lands to be included on the certificate of closure shall be the reasonably ascertained areal extent of migration of the sequestered carbon dioxide within the formation or formations and shall include all necessary and reasonable areal buffer and subsurface monitoring zones as required by federal or state law, rule, regulation, order or permit.

C. The commissioner of public lands or a state agency may grant to an operator a certificate of closure for geologic sequestration on lands subject to the agency's jurisdiction on such terms as the agency finds are reasonable.

D. The division may grant to an operator a certificate of closure not less than five years after completion of injection activities and satisfaction of the requirements of the Geologic Carbon Dioxide Storage Stewardship Act, allowing for the transfer of stewardship to the state.

## **Chapter 48 Section 5 Laws 2025**

### **SECTION 5. GEOLOGIC CARBON DIOXIDE LONG-TERM STORAGE STEWARDSHIP FUND CREATED.--**

A. The "geologic carbon dioxide long-term storage stewardship fund" is created as a nonreverting fund in the state treasury. The fund consists of fees collected from operators at a rate of not less than ten cents (\$.10) per metric ton of carbon dioxide injected for storage pursuant to applicable statutes and rules, distributions, appropriations, gifts, grants and donations. The oil conservation commission shall establish by rule a fee schedule sufficient to meet the projected needs of the fund. All fees collected pursuant to this section shall be transmitted to the state treasurer for credit to the fund. All money in the fund is appropriated to the division for the sole

purpose of ensuring the long-term storage security of geologic sequestration facilities. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of energy, minerals and natural resources.

B. The division shall administer the geologic carbon dioxide long-term storage stewardship fund, and money in the fund shall be used for:

- (1) long-term monitoring of geologic sequestration facilities and associated class 6 injection wells;
- (2) remediation of mechanical problems associated with geologic sequestration facilities and associated carbon dioxide class 6 injection wells;
- (3) repairing mechanical leaks at geologic sequestration facilities;
- (4) plugging abandoned carbon dioxide class 6 injection wells used for geologic sequestration;
- (5) remediation of surface facilities, access, and rights of way related to a geologic sequestration site;
- (6) training and technology transfer related to carbon dioxide injection and geologic sequestration;
- (7) compliance and enforcement activities related to geologic sequestration facility operation and associated class 6 injection wells;
- (8) oversight and management of geologic sequestration facilities and associated class 6 injection wells after site closure; and
- (9) emergency response as deemed necessary by the director of the division.

## **Chapter 48 Section 6 Laws 2025**

### **SECTION 6. CERTIFICATE OF COMPLETION OF INJECTION OPERATIONS--LIABILITY RELEASE.--**

A. The division shall issue a certificate of completion of injection operations upon a showing by the operator of a sequestration facility and a division finding that the requirements of Subsection E of this section have been satisfied.

B. Upon the issuance of a certificate of completion of injection operations:

(1) all stewardship responsibilities for the sequestration facility that are covered in Subsection B of Section 5 of the Geologic Carbon Dioxide Storage Stewardship Act, including the stored carbon dioxide, shall transfer to the state;

(2) the operator, owners and all persons who generated, transported or injected carbon dioxide into the sequestration unit and all owners otherwise having an interest in the sequestration unit and sequestration facility or the injected carbon dioxide shall be released from all stewardship responsibilities associated with or related to the sequestration unit and sequestration facility;

(3) all bonds posted by or on behalf of the operator shall be released;  
and

(4) the state shall succeed and be subject to the terms of all agreements, permits, rules, regulations and orders applicable to the owner or operator and its successors, and the sequestration facility and all monitoring, repair and remediation required by law shall become the state's responsibility to be overseen by the division, unless and until the federal government assumes responsibility for the long-term monitoring and management of the sequestration unit and sequestration facility.

C. The release from stewardship responsibilities provided pursuant to this section shall not apply to an owner or operator or generators or transporters of injected carbon dioxide if, after notice and hearing, the division determines that:

(1) the person provided deficient or erroneous information that was material and relied upon by the division to support approval of the sequestration facility's certification of completion;

(2) the person concealed or misrepresented facts relating to the mechanical integrity of the sequestration facility or sequestration unit or the chemical composition of the injected carbon dioxide;

(3) the operator violated a state statute or rule related to the sequestration facility that was not remedied prior to approval of site closure and any applicable statutes of limitation have not run;

(4) liability arises from the operator's conduct associated with the sequestration facility or sequestration unit that, if known, would have materially affected the division's decision in issuing the certification of completion;

(5) the division determines that there is fluid migration for which the owner or operator is responsible that causes or threatens imminent and substantial endangerment to an underground source of drinking water; or

(6) the division determines that the geologic carbon dioxide long-term storage stewardship fund is insufficient to cover costs arising from the sequestration unit or sequestration facility.

D. The division shall set the certification matter for hearing and, in addition to notice otherwise required by law or the division's rules, shall cause the operator to give notice of the hearing, specifying the time and place of the hearing and describing briefly the hearing's purpose and the land and formations affected, to be mailed by certified mail at least thirty days prior to the hearing to all persons whose names and addresses are required to be listed in the application.

E. The certificate of completion of injection operations shall be issued upon a showing by the operator and division findings that:

(1) the operator is in full compliance with all laws governing the sequestration unit and sequestration facility;

(2) the operator has resolved all claims, pending or perfected, regarding the sequestration unit and sequestration facility;

(3) the sequestration unit is reasonably expected to retain the carbon dioxide stored in it;

(4) the carbon dioxide in the sequestration unit is stable and does not show a significant risk of future movement and leakage;

(5) all wells, monitoring devices, equipment and facilities to be used following the cessation of injection are in good condition and retain mechanical integrity; and

(6) the operator has plugged all wells and removed all equipment and facilities, unless the equipment and facilities are needed for use following the cessation of injection, and has completed all reclamation work required by law.

## **Chapter 48 Section 7 Laws 2025**

### **SECTION 7. OWNERSHIP OF PORE SPACE WITHIN THE EARTH.--**

A. Absent specific language in a severing instrument to the contrary, the surface estate includes the pore space, and the ownership of all pore space in all strata below the surface lands and waters of this state is declared to be vested in the several owners of the surface above the strata or formations.

B. To the extent the dominant mineral estate is reasonably utilizing the surface estate for the production of minerals located thereon and therein, the formations so used shall not be interfered with.

C. A conveyance of the surface ownership of real property shall be a conveyance of the pore space in all formations and strata below the surface of the real property unless the ownership interest in the pore space was previously severed from the surface ownership or is explicitly excluded in the conveyance.

D. The ownership of pore space in any formations or strata may be conveyed in the manner provided by law for the transfer of interests in real property. No agreement conveying minerals or other interests underlying the surface shall act to convey ownership of any pore space in the formation or stratum unless the agreement explicitly conveys that ownership interest.

E. No provision of law, including a lawfully adopted rule or regulation, requiring notice to be given to a surface owner, to an owner of a mineral interest or to both shall be construed to require notice to persons holding ownership interests in any pore space in the underlying formations or strata unless the law specifies that notice to the persons is required.

## **LAWS 2025, CHAPTER 49**

**House Bill 553, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO TIMBER; ENACTING THE TIMBER GRADING ACT; PROVIDING FOR IN-STATE STRUCTURAL TIMBER GRADING CERTIFICATES; PROVIDING FOR THE USE OF STRUCTURAL TIMBER THAT IS GRADED AND LABELED IN-STATE.

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

### **Chapter 49 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--This act may be cited as the "Timber Grading Act".

### **Chapter 49 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Timber Grading Act:

A. "building inspector" means a person certified by the construction industries division of the regulation and licensing department and certified by one or more trade bureaus to conduct inspections of permitted construction work to ensure that all work performed by a contractor or homeowner complies with applicable building codes;

B. "certificate" means the document provided to a person after completion of a program that allows that person to engage in timber grading and labeling as a grader;

C. "division" means the forestry division of the energy, minerals and natural resources department;

D. "grader" means the owner of a sawmill or a person employed by a sawmill who is certified to inspect, grade and label structural timber at that sawmill;

E. "label" means a document that provides information on the grade of structural timber that was milled in-state;

F. "program" means the structural timber grading certificate program; and

G. "structural timber" means dimensional lumber, structural beams and vigas milled in-state.

## **Chapter 49 Section 3 Laws 2025**

### **SECTION 3. DIVISION POWERS AND DUTIES--STRUCTURAL TIMBER GRADING SYSTEM--STRUCTURAL TIMBER GRADING CERTIFICATE PROGRAM--STRUCTURAL TIMBER GRADING CERTIFICATE.--**

A. The division shall:

(1) create a structural timber grading certificate program accessible to sawmill owners and the employees of sawmills to provide training on structural timber grading and labeling. The program may be provided by a public post-secondary educational institution;

(2) develop a state-specific system to grade and label structural timber based on the system used by the American lumber standard committee;

(3) issue a structural timber grading certificate to a person who completes the program; and

(4) promulgate rules to carry out the provisions of the Timber Grading Act, including for the:

(a) awarding of certificates;

(b) training components of the program;

(c) qualification of program instructors; and

(d) grounds and processes for the suspension or revocation of certificates.

B. The division may charge a fee not to exceed two hundred fifty dollars (\$250) for the issuance of a certificate.

C. A certificate shall include the name of the recipient and the date of issuance and shall expire after five years.

D. The division may suspend or revoke a certificate for good cause as provided by rule. The grader shall be given notice of the reason for suspension or revocation and given the opportunity for a hearing. Procedures for the notice, hearing and final decision shall be provided by rule in conformity with the Uniform Licensing Act. A final agency decision may be appealed as provided in Section 39-3-1.1 NMSA 1978.

## **Chapter 49 Section 4 Laws 2025**

### **SECTION 4. STRUCTURAL TIMBER GRADING LABEL--USE OF STRUCTURAL TIMBER IN CONSTRUCTION.--**

A. A grader shall prepare a label for structural timber that has been graded and shall provide the label to the purchaser of the structural timber. The label shall include the following information:

- (1) the name of the grader;
- (2) the name and location of the sawmill where the timber was processed;
- (3) the name of the timber species;
- (4) the quantity and type of structural timber that was graded and labeled;
- (5) the location where the timber is to be used;
- (6) the date that the timber was cut and processed;
- (7) the date on which the timber was graded; and
- (8) the moisture content of the timber at the time of grading.

B. A grader shall only grade and label structural timber that the grader has processed at the sawmill the grader owns or is employed by.

C. Structural timber that has been graded and certified in-state may be used in all residential and commercial buildings in the state.



D. The end user of structural timber that has been graded and labeled in-state shall provide the label to the building inspector in lieu of a grade stamp, and the label shall be accepted as proof of grading. Timber that has been graded and labeled in-state is equivalent to structural timber grade stamped by an accredited lumber grading or inspection agency.

## **LAWS 2025, CHAPTER 50**

**HJC/House Bill 586**

**Approved April 7, 2025**

### **AN ACT**

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE; AMENDING THE HEALTH CARE CONSOLIDATION OVERSIGHT ACT TO REQUIRE REVIEW OF PROPOSED TRANSACTIONS THAT INVOLVE MERGERS, ACQUISITIONS OR OTHER ACTIONS THAT CHANGE CONTROL OF A HOSPITAL OR CERTAIN HEALTH CARE PROVIDER ORGANIZATIONS; BROADENING THE DEFINITION OF "TRANSACTION", OVER WHICH THE HEALTH CARE AUTHORITY HAS REVIEW AUTHORITY; PROVIDING WHISTLEBLOWER PROTECTION; PROVIDING FOR ENFORCEMENT OF THE ACT; PRESCRIBING ADMINISTRATIVE PENALTIES; REPEALING THE DELAYED REPEAL OF THE ACT.

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

### **Chapter 50 Section 1 Laws 2025**

SECTION 1. Section 59A-63-1 NMSA 1978 (being Laws 2024, Chapter 40, Section 1) is recompiled as Section 24A-9-1 NMSA 1978 and is amended to read:

"24A-9-1. SHORT TITLE.--Chapter 24A, Article 9 NMSA 1978 may be cited as the "Health Care Consolidation Oversight Act"."

### **Chapter 50 Section 2 Laws 2025**

SECTION 2. Section 59A-63-2 NMSA 1978 (being Laws 2024, Chapter 40, Section 2) is recompiled as Section 24A-9-2 NMSA 1978 and is amended to read:

"24A-9-2. DEFINITIONS.--As used in the Health Care Consolidation Oversight Act:

A. "acquisition" means the direct or indirect purchase or other procurement in any manner, including through a lease, a license, a transfer, an exchange, an option, a proxy, a conveyance or a joint venture, of all or substantially all of the assets, equity or operations of a person;

B. "affiliation" means a business arrangement in which one person, directly or indirectly, is controlled by, is under common control with or controls another person;

C. "authority" means the health care authority;

D. "control" means the power to direct or cause the direction of the management and policies of a hospital, directly or indirectly, including through the ownership of voting securities, through licensing, lease or franchise agreements or by contract other than a commercial contract for goods or nonmanagement services, unless the power is the result of a public appointment, general election or corporate office held by an individual;

E. "essential services" means health care services covered by the state medicaid program, health care services that are required to be included in health plans pursuant to state or federal law and health care services that are required to be included in qualified health plans offered through the New Mexico health insurance exchange;

F. "health care provider" means a person certified, licensed, registered or otherwise authorized under state law to perform or provide health care services in New Mexico;

G. "health care provider organization" means a person that is in the business of delivering or managing the delivery of health care services, whether incorporated or not, including physician organizations, physician-hospital organizations, independent practice associations, provider networks, accountable care organizations, dental services organizations and any other organization that contracts with health insurers for payment for health care services but does not include hospitals;

H. "health insurer" means a person required to be licensed or subject to the New Mexico Insurance Code or the insurance laws of any other state in connection with the business of health insurance, excluding insurance producers;

I. "hospital" means a hospital licensed by the authority or its successor health facility licensing agency, but "hospital" does not include a state university teaching hospital or a state-owned special hospital;

J. "independent health care practice" means a health care provider organization entirely owned or controlled by one or more health care providers who are individuals and who provide health care services through the health care provider organization to patients in New Mexico;

K. "management services organization" means a person that provides all or substantially all of the administrative or management services under contract with a hospital, including administering contracts with health plans, third-party administrators and pharmacy benefit managers, on behalf of the hospital;

- L. "office" means the office of superintendent of insurance;
- M. "party" means a person that is a party to a transaction subject to the Health Care Consolidation Oversight Act;
- N. "person" means an individual, association, organization, partnership, firm, syndicate, trust, corporation or other legal entity;
- O. "secretary" means the secretary of health care authority; and
- P. "transaction" means any of the following:
- (1) a merger of a hospital in New Mexico with another hospital or with a person controlling a hospital;
  - (2) an acquisition of one or more hospitals or a person controlling a hospital in New Mexico;
  - (3) any affiliation or contract or other agreement that results in a change of control of a hospital in New Mexico, including with a management services organization or health insurer;
  - (4) a formation of a new corporation, partnership, joint venture, trust, parent organization or management services organization that results in a change of control of an existing hospital in New Mexico;
  - (5) a sale, mortgage, purchase, lease, new affiliation or other agreement that results in a change of control of a hospital in New Mexico or the real estate on which the hospital is located; and
  - (6) an acquisition of one or more independent health care practices by a health care provider organization that is owned or affiliated with a health insurer."

## **Chapter 50 Section 3 Laws 2025**

SECTION 3. Section 59A-63-3 NMSA 1978 (being Laws 2024, Chapter 40, Section 3) is recompiled as Section 24A-9-3 NMSA 1978 and is amended to read:

"24A-9-3. APPLICABILITY--PROVISIONS ADDITIONAL--CONTROL PRESUMPTIONS.--

A. The oversight power of the authority pursuant to the Health Care Consolidation Oversight Act applies to proposed transactions.

B. Being subject to the Health Care Consolidation Oversight Act does not preclude or negate any person regulated pursuant to the Insurance Holding Company Law.

C. Control is presumed to exist if a person, directly or indirectly, owns, controls, holds fifteen percent or more of the power to vote or holds proxies representing fifteen percent or more of the voting securities of any other person. The presumption may be rebutted by a showing in the manner provided by Section 59A-37-19 NMSA 1978 that control does not in fact exist."

## **Chapter 50 Section 4 Laws 2025**

SECTION 4. Section 59A-63-4 NMSA 1978 (being Laws 2024, Chapter 40, Section 4) is recompiled as Section 24A-9-4 NMSA 1978 and is amended to read:

"24A-9-4. CONFIDENTIALITY.--Except for the information provided pursuant to Paragraphs (2) through (6) of Subsection E of Section 24A-9-6 NMSA 1978, all documents, materials or other information in the possession or control of the authority that are obtained by or disclosed to the authority, the authority's contracted experts, the attorney general, the office or any other governmental entity in the course of a review under the Health Care Consolidation Oversight Act are confidential."

## **Chapter 50 Section 5 Laws 2025**

SECTION 5. Section 59A-63-5 NMSA 1978 (being Laws 2024, Chapter 40, Section 5) is recompiled as Section 24A-9-5 NMSA 1978 and is amended to read:

"24A-9-5. TIMING OF REVIEW OF NOTICE AND TOLLING.--

A. A notice of a proposed transaction shall be deemed complete by the authority on the date when all the information required by the Health Care Consolidation Oversight Act is submitted by all the parties to the transaction, as applicable.

B. Within thirty days after the notice of a proposed transaction is filed, the authority shall notify the parties in writing if the notice is complete or, if the notice is incomplete, specify what additional information must be submitted.

C. Should the scope of the proposed transaction be significantly modified from that outlined in the initial notice, the time periods set out in the Health Care Consolidation Oversight Act shall be restarted by the authority.

D. The time periods shall be tolled during any time in which the authority has requested and is awaiting further information from the parties to a transaction necessary to complete its review."

## Chapter 50 Section 6 Laws 2025

SECTION 6. Section 59A-63-6 NMSA 1978 (being Laws 2024, Chapter 40, Section 6) is recompiled as Section 24A-9-6 NMSA 1978 and is amended to read:

"24A-9-6. NOTICE OF PROPOSED TRANSACTION--GENERAL PROVISIONS--REQUIREMENTS--CONSULTATIONS--EXPERTS--PAYMENT OF COSTS.--

A. At least one person that is a party to a proposed transaction shall submit to the authority a written notice of the proposed transaction in the form and manner prescribed by the authority. The parties shall pay the reasonable costs and expenses incurred by the authority in the performance of the authority's duties pursuant to the Health Care Consolidation Oversight Act for costs associated with the authority's contracts with experts, unless determined otherwise by the secretary. The authority shall notify parties before any costs are incurred when a transaction review requires the use of outside experts, including the estimated cost of their services.

B. Upon receipt of a complete notice of a proposed transaction, the authority shall determine if the transaction is urgently necessary to maintain the solvency of a hospital or if there is an emergency that threatens the continued provision of immediate health care services. In such circumstances, the authority may agree to an immediate approval of a transaction with or without conditions.

C. Entry into a binding agreement before a transaction is effectuated is not a violation of the Health Care Consolidation Oversight Act if the transaction remains subject to regulatory review and approval.

D. If a party to the proposed transaction is a health insurer, the notice shall be submitted as an addendum to any filing required by Sections 59A-37-4 through 59A-37-10 NMSA 1978.

E. The notice of the proposed transaction shall include:

- (1) the terms of the proposed transaction and copies of all transaction agreements between any of the parties;
- (2) a list of the parties and business addresses;
- (3) a statement describing the proposed transaction, the goals of the proposed transaction and whether and how the proposed transaction affects health care services in New Mexico;
- (4) the geographic service area affected by the proposed transaction;
- (5) a description of the groups or individuals likely to be affected by the transaction; and

(6) a summary of the health care services currently provided by any of the parties and any health care services that will be added, reduced or eliminated, including an explanation of why any services will be reduced or eliminated in the service area in which they are currently provided.

F. The authority may consult with the office about the potential effect of the proposed transaction and incorporate the office's recommendations into the authority's final determination.

G. The authority may retain actuaries, accountants, attorneys or other professionals who are qualified and have expertise in the type of transaction under review as necessary to assist the authority in conducting its review of the proposed transaction.

H. The parties shall not effectuate a transaction without the written approval of the secretary. The submitting party shall notify the authority in a form and manner prescribed by the authority when the transaction has been effectuated.

I. Parties to a proposed transaction may request a pre-notice conference to determine if they are required to file a notice or to discuss the potential extent of the review.

J. The authority shall provide all notices and documents received from any of the parties to a proposed transaction to the office and the attorney general. The attorney general may provide input to the authority about the potential effect of a proposed transaction relative to the Antitrust Act, the Unfair Practices Act or other state or federal law.

K. Nothing in the Health Care Consolidation Oversight Act shall amend, modify, abrogate or otherwise affect the applicability or obligations of a party to a transaction or acquisition under any other state or federal law. The filing obligations under that act are in addition to any other obligation that may be required under other laws."

## **Chapter 50 Section 7 Laws 2025**

SECTION 7. A new section of the Health Care Consolidation Oversight Act, Section 24A-9-6.1 NMSA 1978, is enacted to read:

"24A-9-6.1. POSTING PUBLIC INFORMATION--PUBLIC COMMENT--PUBLIC COMMENT FORUMS.--

A. Within ten days of receipt of a complete notice of a proposed transaction, the authority shall post the information provided pursuant to Paragraphs (2) through (6) of Subsection E of Section 24A-9-6 NMSA 1978.

B. The authority shall publish a statement briefly describing a notice of proposed transaction in at least one newspaper of general circulation or other media that is prevalent in the area affected by the transaction. The authority shall also provide the statement to the following in the affected area:

- (1) municipal and county officials;
- (2) county health councils;
- (3) Indian nations, tribes and pueblos;
- (4) military installation commands;
- (5) state legislators;
- (6) the state's congressional delegation; and
- (7) any labor organization that represents employees of the impacted hospital or health care provider organization.

C. With respect to website, newspaper and other disseminations and communications described in Subsection B of this section, the authority shall provide details on how the public can provide comments and offer multiple methods to provide comments on a notice of a proposed transaction by telephone or in writing by mail or electronic mail, anonymously or by a third party, and such methods shall provide opportunities to submit comments in languages other than English.

D. If the authority conducts a review, at least one public comment forum shall be held in the New Mexico service area or areas of the hospital or health care provider organization that is party to or the subject of the proposed transaction.

E. At least ten calendar days prior to the public comment forum, the authority shall post to the authority's website information about the public comment forum and a link on the website to publicly available materials relevant to the proposed transaction. The forum notice and the materials shall be in a format that is easy to find and easy to read and shall include information on how to submit comments.

F. The authority shall publish a notice of a public comment forum in at least one newspaper of general circulation or other media that is prevalent in the area affected by the transaction and provide the notice to the officials and other persons specified in Subsection B of this section.

G. Public comment on a proposed transaction that is subject to review shall be provided in the same manner as provided in Subsection C of this section.

H. The authority shall consider public comments and input received during the public comment forum on a proposed transaction in the authority's determination."

## **Chapter 50 Section 8 Laws 2025**

SECTION 8. Section 59A-63-7 NMSA 1978 (being Laws 2024, Chapter 40, Section 7) is recompiled as Section 24A-9-7 NMSA 1978 and is amended to read:

"24A-9-7. REVIEW OF PROPOSED TRANSACTION.--

A. Within one hundred twenty days of receiving a complete notice of a proposed transaction, the authority shall complete a review, confer with the office and either:

- (1) approve the proposed transaction;
- (2) approve the proposed transaction with conditions; or
- (3) disapprove the proposed transaction.

B. The secretary shall notify the submitting party in writing of the authority's determination and the reasons for the determination.

C. The review period may be extended if the parties agree to an extension.

D. In conducting a review of a proposed transaction, the authority may consider the likely effect in New Mexico of the proposed transaction on:

- (1) the potential reduction or elimination in access to essential services;
- (2) the availability, accessibility and quality of health care services to the area affected by the transaction;
- (3) the health care market share of a party and whether the transaction may foreclose competitors of a party from a segment of the market or otherwise increase barriers to entry in a health care market;
- (4) changes in practice restrictions for health care providers who work at the hospital;
- (5) patient costs, including premiums and out-of-pocket costs;
- (6) health care provider networks;
- (7) the potential for the proposed transaction to affect health outcomes for New Mexico residents; and



(8) current and future wages, benefits, working conditions, employment protections and restrictions and other terms and conditions of employment for employees of hospitals or health care provider organizations that are parties to or the subject of the proposed transaction.

E. The authority shall approve the proposed transaction after the review if the authority determines that:

(1) the parties to the proposed transaction have demonstrated that the transaction will benefit the public by:

(a) reducing the growth in patient costs, including premiums and out-of-pocket costs; or

(b) maintaining or increasing access to services, especially in medically underserved areas;

(2) the proposed transaction will improve health outcomes for New Mexico residents; and

(3) there is no substantial likelihood of:

(a) a significant reduction in the availability, accessibility, affordability or quality of care for patients and other consumers of health care services; or

(b) anti-competitive effects from the proposed transaction that outweigh the benefits of the transaction."

## **Chapter 50 Section 9 Laws 2025**

SECTION 9. Section 59A-63-8 NMSA 1978 (being Laws 2024, Chapter 40, Section 8) is recompiled as Section 24A-9-8 NMSA 1978 and is amended to read:

"24A-9-8. POST-TRANSACTION OVERSIGHT.--

A. The person that acquired control over the hospital or independent health care practice through an approved or conditionally approved transaction shall submit reports to the authority and the office in the form and manner prescribed by the authority annually for three years after approval or conditional approval. Conditions to an approval shall remain in effect for no longer than three years from the date of the conditional approval.

B. Reports shall:

- (1) describe compliance with conditions placed on the transaction, if any;
- (2) describe the growth, decline and other changes in services provided by the person; and
- (3) provide analyses of cost trends and cost growth trends of the hospital."

## **Chapter 50 Section 10 Laws 2025**

SECTION 10. A new section of the Health Care Consolidation Oversight Act, Section 24A-9-9 NMSA 1978, is enacted to read:

### **"24A-9-9. ENFORCEMENT AND ADMINISTRATIVE FINES.--**

A. The authority shall enforce the provisions of the Health Care Consolidation Oversight Act.

B. A transaction that is covered by Section 24A-9-3 NMSA 1978 shall not be effectuated in New Mexico without the secretary's written determination that no review is needed or without the written approval, with or without conditions, of the secretary following review.

C. A person that violates a material or substantive provision of the Health Care Consolidation Oversight Act or an order or rule of the authority issued or adopted in accordance with that act may be assessed an administrative fine by the secretary of not more than five thousand dollars (\$5,000) for each instance of violation unless the violation is willful and intentional, in which case the secretary may assess a fine of not more than ten thousand dollars (\$10,000) for each violation, except as provided in Paragraph (2) of Subsection D of this section. For purposes of calculating the fine, the secretary shall determine what constitutes an "instance of violation" based on:

- (1) the nature of the violation, including whether it is on a per-day, per-patient, per-instance or other basis;
- (2) the nature of the proposed transaction and the circumstances of the parties involved;
- (3) the potential impact on the availability, accessibility, affordability or quality of care for patients of health care services in New Mexico; and
- (4) any anticompetitive effects from the proposed transaction.

D. In the event of a failure to provide the required notice of proposed transaction, in addition to the imposition of administrative fines, the secretary may:

(1) require the parties to the unnoticed transaction to submit a notice of proposed transaction to allow the authority to complete a preliminary review and:

(a) determine if the transaction should be subject to a review;  
and

(b) if needed, conduct such review to determine if the transaction should: 1) remain effectuated; 2) remain effectuated with conditions; or 3) be disapproved; and

(2) in the event of a willful and intentional failure to provide the notice of proposed transaction, impose an administrative fine of not more than fifteen thousand dollars (\$15,000) per day from the date on which the notice was required to be submitted to the authority to the date of issuance of an order approving, approving with conditions or disapproving the transaction.

E. Money collected from the imposition of an administrative fine pursuant to the Health Care Consolidation Oversight Act shall be deposited in the state treasury to the credit of the current school fund as provided by Article 12, Section 4 of the constitution of New Mexico."

## **Chapter 50 Section 11 Laws 2025**

SECTION 11. A new section of the Health Care Consolidation Oversight Act, Section 24A-9-10 NMSA 1978, is enacted to read:

"24A-9-10. ACT NOT EXCLUSIVE--ATTORNEY GENERAL.--Nothing in the Health Care Consolidation Oversight Act limits the authority of the attorney general to protect consumers in the health care market or to protect the economy of the state or any significant part of the state insofar as health care is concerned under any state or federal law. The authority of the attorney general to maintain competitive markets and prosecute state and federal antitrust and unfair competition violations shall not be narrowed, abrogated or otherwise altered by that act."

## **Chapter 50 Section 12 Laws 2025**

SECTION 12. A new section of the Health Care Consolidation Oversight Act, Section 24A-9-11 NMSA 1978, is enacted to read:

"24A-9-11. JURISDICTION.--New Mexico courts shall have personal jurisdiction over the parties to a transaction subject to the provisions of the Health Care Consolidation Oversight Act, including the parties to the transaction and any person affiliated with a party."

## Chapter 50 Section 13 Laws 2025

SECTION 13. A new section of the Health Care Consolidation Oversight Act, Section 24A-9-12 NMSA 1978, is enacted to read:

"24A-9-12. WHISTLEBLOWER PROTECTION--POLICY REQUIRED--  
RETALIATION PROHIBITED--PENALTIES.--

A. As used in this section:

(1) "entity" means hospitals, management services organizations and health care provider organizations that are owned or affiliated with health insurers;

(2) "good faith" means that a reasonable basis exists in fact as evidenced by the facts available;

(3) "retaliatory action" means any discriminatory or adverse action taken by an entity against a whistleblower, including termination, discharge, demotion, suspension, harassment or limitation on access to health care services;

(4) "unlawful or improper act" means a practice, procedure, action or failure to act on the part of an entity that violates the Health Care Consolidation Oversight Act or the authority's or attorney general's ability to exercise authority pursuant to that act; and

(5) "whistleblower" means a health care provider, officer, employee, contractor, subcontractor or authorized agent of an entity who reveals information about an unlawful or improper act by the entity.

B. An entity shall not take any retaliatory action against a whistleblower who:

(1) discloses to the authority, the attorney general, the office or any other state, local or federal governmental body information about an action or a failure to act that the whistleblower believes in good faith constitutes an unlawful or improper act;

(2) provides information to or testifies before a public body as part of an investigation, hearing or inquiry into an unlawful or improper act; or

(3) objects to or refuses to participate in an activity, policy or practice that the whistleblower believes in good faith constitutes an unlawful or improper act.

C. Every entity shall adopt, promulgate and enforce a whistleblower protection policy that, at a minimum, meets the requirements of Subsection B of this section to protect whistleblowers from any form of retaliatory action by the entity. The policy shall be posted at each entity's workplace, published on the entity's website and

given, by either written or electronic communication, to every officer, employee, contractor or other agent of the entity.

D. Except as otherwise provided in the Health Care Consolidation Oversight Act and in addition to any criminal charges or civil suits that may be brought against an entity for either an unlawful or improper act or retaliatory actions, the secretary may assess an administrative fine not to exceed ten thousand dollars (\$10,000) on an entity that the secretary finds has engaged in retaliatory action. Each retaliatory action or each day of violation may be considered a separate violation. If the secretary finds the entity willfully or repeatedly violated or continues to violate the prohibition against retaliatory actions, the secretary may assess an administrative fine not to exceed one hundred thousand dollars (\$100,000) for each violation.

E. The secretary shall give notice to the entity of the secretary's intention to assess an administrative fine and specify the findings of retaliatory action. The entity may request a hearing, which shall be conducted as provided in the Administrative Procedures Act. The secretary shall make final findings and decisions, which may include the time in which the entity must correct an unlawful or improper violation, and send a copy by registered mail to the entity. The decision of the secretary is a final agency action and may be appealed to the district court as provided in Section 39-3-1.1 NMSA 1978. The entity has thirty days in which to pay the administrative fine.

F. An entity that fails to stop or correct a retaliatory action within the period allowed for its correction, which period shall not begin to run until the date of the final order or appeal, if applicable, may be assessed a separate administrative fine not to exceed fifteen thousand dollars (\$15,000) for each day during which the failure to stop or correct retaliatory action continues past the deadline for stopping or correcting the action.

G. Administrative fines shall be deposited in the state treasury to the credit of the current school fund as required by Article 12, Section 4 of the constitution of New Mexico.

H. The rights and remedies provided in this section shall not be waived by an agreement, policy form or condition of employment, including by an arbitration agreement.

I. Nothing in this section shall be deemed to diminish the rights, privileges or remedies of a whistleblower or other person pursuant to any federal or state law or pursuant to any collective bargaining agreement."

## **Chapter 50 Section 14 Laws 2025**

SECTION 14. A new section of the Health Care Consolidation Oversight Act, Section 24A-9-13 NMSA 1978, is enacted to read:

"24A-9-13. AUTHORITY--HOSPITAL OWNERSHIP--ANNUAL POSTING ON WEBSITE.--The authority shall post hospital ownership annually on the authority's website and at any point in which there is a change of ownership of a hospital or the real estate on which a hospital stands."

## **Chapter 50 Section 15 Laws 2025**

SECTION 15. REPEAL.--Laws 2024, Chapter 40, Section 9 is repealed.

## **Chapter 50 Section 16 Laws 2025**

SECTION 16. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 51**

**HGEIC/House Bill 618**  
**Approved April 7, 2025**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
CLARIFYING THE DEPARTMENT OF INFORMATION TECHNOLOGY'S ROLE IN  
APPROVING INFORMATION TECHNOLOGY PROCUREMENT AND PROJECTS BY  
STATE AGENCIES; AMENDING SECTION 9-27-6 NMSA 1978 (BEING LAWS 2007,  
CHAPTER 290, SECTION 6, AS AMENDED).

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

## **Chapter 51 Section 1 Laws 2025**

SECTION 1. Section 9-27-6 NMSA 1978 (being Laws 2007, Chapter 290, Section 6, as amended) is amended to read:

"9-27-6. SECRETARY--DUTIES AND GENERAL POWERS.--

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

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

(1) exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and regulations;

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

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

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

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

(6) conduct research and studies that will improve the operations of the department and the provision of services to state agencies and 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, 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) appoint for each division a "director". These appointed positions are exempt from the provisions of the Personnel Act. Persons appointed to these positions shall serve at the pleasure of the secretary; and

(11) acquire, hold and maintain, through lease, trade or purchase, any real or personal property necessary to meet customer requirements or department obligations, including obligations of administratively attached offices or bodies.

C. As the chief information officer, the secretary shall:

(1) review agency plans regarding prudent allocation of information technology resources; reduction of duplicate or redundant data, hardware and software; and improvement of system interoperability and data accessibility among agencies;

(2) promulgate rules for oversight of agency information technology projects;

(3) approve agency information technology projects prior to procurement;

(4) develop and implement procedures to standardize data elements, determine data ownership and ensure data sharing among executive agencies;

(5) verify compliance with state information architecture and the state information technology strategic plan before approving information technology projects;

(6) monitor agency compliance with its agency plan, the state information technology strategic plan and state information architecture and report to the governor, executive agency management and the legislative finance committee on noncompliance;

(7) develop information technology cost recovery mechanisms and information systems rate and fee structures of state agencies and other public or private sector providers and make recommendations to the information technology rate committee;

(8) provide technical support to executive agencies in the development of their agency plans;

(9) ensure the use of existing public or private information technology or telecommunications resources when the use is practical, efficient, effective and financially prudent and is in compliance with the Procurement Code;

(10) review appropriation requests related to agency information technology requests to ensure compliance with agency plans and the state information technology strategic plan and make written recommendations by November 14 of each



year to the department of finance and administration and by November 21 of each year to the legislative finance committee and the appropriate interim legislative committee; provided, however, that the recommendations to the legislative committees have been agreed to by the department of information technology and the department of finance and administration;

(11) promulgate rules to ensure that information technology projects satisfy criteria established by the secretary and are phased in with funding released in phases contingent upon successful completion of the prior phase;

(12) provide oversight of information technology projects, including ensuring adequate risk management, disaster recovery and business continuity practices and monitoring compliance with strategies for information technology projects that affect multiple agencies;

(13) conduct reviews of information technology projects and provide written reports to the appropriate legislative oversight bodies;

(14) conduct background checks on department employees and prospective department employees that have or will have administrative access or authority to sensitive, confidential or private information or the ability to alter systems, networks or other information technology hardware or software; and

(15) perform any other information technology function assigned by the governor.

D. As the chief information officer, the secretary may:

(1) upon the advice and recommendation of the director of the office of broadband access and expansion pursuant to the provisions of the Broadband Access and Expansion Act, make available by lease or sale at the department's established rates on a competitively neutral basis such state-owned broadband network infrastructure or internet service that would connect underserved and unserved populations of New Mexico and otherwise support objectives of the state broadband plan;

(2) offer cybersecurity risk prevention and information technology mitigation and response solutions, including application and equipment selection, intrusion response, system monitoring or system testing for all users of agency-operated or -owned information technology, to include compliance standards for broadband infrastructure projects within the oversight or administration of the department; and

(3) establish an administrative hearing and enforcement process internal to the department or in coordination with the administrative hearings office to

support the department's private sector regulatory activities or any administratively attached office or body.

E. Each agency shall submit an agency information technology plan to the secretary in the form and detail required by the secretary. Each agency shall conduct background checks on agency or prospective agency employees that have or will have administrative access or authority to alter systems, networks or other information technology hardware or software.

F. An agency that receives an invoice from the department for services rendered to the agency shall have thirty days from receipt of the invoice to pay the department or to notify the department if the amount of the invoice is in dispute. The agency shall have fifteen days from its notification of dispute to the department to present its reasons in writing and request an adjustment. The department shall have fifteen days from its receipt of the reasons for dispute to notify the agency of its decision. If the department and the agency do not agree on a resolution, the secretary of finance and administration shall make a determination on the amount owed by the agency to the department. If the agency has not paid the department or notified the department of a dispute within thirty days of receipt of the invoice, the department shall notify the department of finance and administration and request that the department of finance and administration transfer funds from the agency to the department of information technology to satisfy the agency's obligation.

G. The secretary, as chief information officer, shall prepare a state information technology strategic plan for the executive branch and update it at least once every three years, which plan shall be available to agencies by July 31 of each year. The plan shall comply with the provisions of the Department of Information Technology Act and provide for the:

(1) interchange of information related to information technology among executive agencies;

(2) coordination among executive agencies in the development and maintenance of information technology systems;

(3) protection of the privacy and security of individual information as well as of individuals using the state's information technology systems;

(4) development of a statewide broadband network plan in conjunction with the public education department, the higher education department, state universities, other educational institutions, the public school capital outlay council, political subdivisions of the state, Indian nations, tribes and pueblos, the public regulation commission and telecommunication network service providers; and

(5) coordination and aggregation of services where feasible for entities as provided for in Section 9-27-20 NMSA 1978 and other publicly funded entities.

H. 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 or those of an administratively attached office or public body.

I. Where information technology functions of executive agencies overlap or a function assigned to one agency could better be performed by another agency, the secretary may recommend appropriate legislation to the next session of the legislature for its approval.

J. Pursuant to the State Rules Act and rules promulgated pursuant to that act, the secretary may make and adopt such reasonable procedural rules as may be necessary to carry out the duties, or relating to any matter within the oversight, of the department and its administratively attached offices or public bodies, divisions and requirements and standards for the executive branch's information technology needs, functions, systems and resources, including:

- (1) information technology security;
- (2) approval for procurement of information technology not in conflict with the Procurement Code that exceeds an amount set by rule;
- (3) detail and format for the agency information technology plan;
- (4) acquisition, licensing and sale of information technology; and
- (5) requirements for agency information technology projects and related plan, analysis, oversight, assessment and specifications.

K. Unless otherwise provided by statute, no rule affecting any person or agency outside the department shall be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by the secretary. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed rule, proposed amendment or repeal of an existing rule may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for an advance notice of hearing. Rules shall be filed in accordance with the State Rules Act."

## **LAWS 2025, CHAPTER 52**

**Senate Bill 7**

**Approved April 7, 2025**

AN ACT

RELATING TO MUNICIPALITIES; AUTHORIZING MUNICIPALITIES TO ACQUIRE, OPERATE AND MAINTAIN A MUNICIPAL UTILITY TO PROVIDE FOR STORM WATER SERVICE AND CHARGE A FEE OR ADVANCE PAYMENT FOR THE STORM WATER SERVICE; ADDING STORM WATER FACILITIES TO THE DEFINITION OF "MUNICIPAL UTILITY" IN THE MUNICIPAL CODE.

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

## **Chapter 52 Section 1 Laws 2025**

SECTION 1. A new section of the Municipal Code is enacted to read:

"STORM WATER MUNICIPAL UTILITY--AUTHORITY TO ACQUIRE FACILITIES AND PROVIDE SERVICE--FEE.--

A. A municipality may, by ordinance, acquire, operate and maintain a municipal utility to provide for storm water service for the collection, treatment, storage or disposal of storm water.

B. A municipality may require each person owning or controlling real property in the municipality to pay a just and reasonable fee for storm water service provided by a municipal utility."

## **Chapter 52 Section 2 Laws 2025**

SECTION 2. Section 3-1-2 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-1-2, as amended) is amended to read:

"3-1-2. DEFINITIONS.--As used in the Municipal Code:

A. "acquire" or "acquisition" means purchase, construct, accept or any combination of purchasing, constructing or accepting;

B. "business" means any person, occupation, profession, trade, pursuit, corporation, institution, establishment, utility, article, commodity or device engaged in making a profit, but does not include an employee;

C. "census" means any enumeration of population of a municipality conducted under the direction of the government of the United States, the state of New Mexico or the municipality;

D. "county" means the county in which the municipality or land is situated;

E. "district court" means the district court of the district in which the municipality or land is situated;

F. "governing body" means the city council or city commission of a city, the board of trustees of a town or village, the council of incorporated counties and the board of county commissioners of H class counties;

G. "municipal" or "municipality" means any incorporated city, town or village, whether incorporated under general act, special act or special charter, incorporated counties and H class counties;

H. "municipal utility" means sewer facilities, water facilities, gas facilities, electric facilities, storm water facilities, generating facilities or any interest in jointly owned generating facilities owned by a municipality and serving the public. A municipality that owns both electric facilities and any interest in jointly owned generating facilities may, by ordinance, designate such interest in jointly owned generating facilities as part of its electric facilities. Generating facilities shall be considered as part of a municipality's electric facilities unless the municipality designates, by ordinance, the generating facilities as a separate municipal utility, such designation being conclusive subject to any existing property rights or contract rights;

I. "public ground" means any real property owned or leased by a municipality;

J. "publish" or "publication" means printing in a newspaper that maintains an office in the municipality and is of general circulation within the municipality or, if such newspaper is a nondaily paper that will not be circulated to the public in time to meet publication requirements or if there is no newspaper that maintains an office in the municipality and is of general circulation within the municipality, then "publish" or "publication" means posting in six public places within the municipality on the first day that publication is required in a newspaper that maintains an office in the municipality and is of general circulation within the municipality. One of the public places where posting shall be made is the office of the municipal clerk, who shall maintain the posting during the length of time necessary to comply with the provisions relating to the number of times publication is required in a newspaper of general circulation within the municipality. The municipal clerk may, in addition to posting, publish one or more times in a newspaper of general circulation in the municipality;

K. "qualified elector" means any person who is a resident of the municipality and is registered to vote under the provisions of the Election Code. Persons who would otherwise be qualified electors if land on which they reside is annexed to a municipality shall be deemed to be qualified electors:

(1) upon the effective date of the municipal ordinance effectuating the terms of the annexation as certified by the board of arbitration pursuant to Section 3-7-10 NMSA 1978;

(2) upon thirty days after the filing of an order of annexation by the municipal boundary commission pursuant to Sections 3-7-15 and 3-7-16 NMSA 1978 if

no appeal is filed or, if an appeal is filed, upon the filing of a nonappealable court order effectuating the annexation; or

(3) upon thirty days after the filing of an ordinance pursuant to Section 3-7-17 NMSA 1978 if no appeal is filed or, if an appeal is filed, upon the filing of a nonappealable court order effectuating the annexation;

L. "revenue producing project" means any municipally owned self-liquidating projects that furnish public services to a municipality and its residents, including but not necessarily limited to public buildings; facilities and equipment for the collection or disposal of trash, refuse or garbage; swimming pools; golf courses and other recreational facilities; cemeteries or mausoleums or both; airports; off-street parking garages; and transportation centers, which may include but are not limited to office facilities and customary terminal facilities for airlines, trains, monorails, subways, intercity and intracity buses and taxicabs. "Revenue producing project" does not mean a municipal utility as defined in Subsection H of this section;

M. "street" means any thoroughfare that can accommodate pedestrian or vehicular traffic, is open to the public and is under the control of the municipality;

N. "warrant" means a warrant, check or other negotiable instrument issued by a municipality in payment for goods or services acquired by the municipality or for the payment of a debt incurred by the municipality;

O. "mayor" means the chief executive officer of municipalities having the mayor-council form of government. In municipalities having other forms of government, the presiding officer of the governing body and the official head of the government, without executive powers, may be designated mayor by the governing body. Wherever the Municipal Code requires an act to be performed by the mayor with the consent of the governing body, in municipalities not having the mayor-council form of government, the act shall be performed by the governing body;

P. "generating facility" means any facility located within or outside the state necessary or incidental to the generation or production of electric power and energy by any means and includes:

(1) any facility necessary or incidental to the acquisition of fuel of any kind for the production of electric power and energy, including the acquisition of fuel deposits, the extraction of fuel from natural deposits, the conversion of fuel for use in another form, the burning of fuel in place and the transportation and storage of such fuel; and

(2) any facility necessary or incidental to the transfer of the electric power and energy to the municipality, including without limitation step-down substations or other facilities used to reduce the voltage in a transmission line in order that electric power and energy may be distributed by the municipality to its retail customers;

Q. "jointly owned generating facility" means any generating facility in which a municipality owns any undivided or other interest, including without limitation any right to entitlement or capacity; and

R. "joint participant" means any municipality in New Mexico or any other state; any public entity incorporated under the laws of any other state having the power to enter into the type of transaction contemplated by the Municipal Electric Generation Act; the state of New Mexico; the United States; Indian tribes; and any public electric utility, investor-owned electric utility or electric cooperative subject to general or limited regulation by the public regulation commission or a similar commission of any other state."

## **Chapter 52 Section 3 Laws 2025**

SECTION 3. Section 3-23-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-22-1, as amended) is amended to read:

"3-23-1. MUNICIPAL UTILITY--SERVICE CHARGES--DEPOSITS--  
DISCONTINUANCE OF WATER SERVICE FOR NONPAYMENT OF CHARGES--  
SUPPLEMENTAL METHOD.--

A. A municipality, including an entity established pursuant to Section 72-1-10 NMSA 1978, may require a reasonable payment in advance or a reasonable deposit for water, electricity, gas, sewer service, geothermal energy, refuse collection service, street maintenance or storm water service.

B. If payment of any price, rent, fee or other charge for water, sewer service, refuse collection or street maintenance is not made within thirty days from the date the payment is due, the water service may be discontinued and shall not be again supplied to the person liable for the payment until the arrears with interest and penalties have been fully paid.

C. The provisions of this section are intended to afford an additional method of enforcing payment of charges for water, sewer service, refuse collection, street maintenance or storm water service furnished by the municipality."

## **LAWS 2025, CHAPTER 53**

**Senate Bill 8, aa**

**Approved April 7, 2025**

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE VETERINARY MEDICAL  
LOAN REPAYMENT PROGRAM; PROVIDING POWERS AND DUTIES;  
ESTABLISHING SELECTION CRITERIA AND ELIGIBILITY REQUIREMENTS;

PROVIDING FOR CONTRACTS BETWEEN RECIPIENTS AND THE HIGHER EDUCATION DEPARTMENT; PROVIDING FOR RELEASE FROM CONTRACT OR RECOUPMENT; CREATING A FUND; PRESCRIBING A PENALTY.

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

## **Chapter 53 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--This act may be cited as the "Veterinary Medical Loan Repayment Act".

## **Chapter 53 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Veterinary Medical Loan Repayment Act:

- A. "award" means the loan repayment award granted to a recipient;
- B. "committee" means the veterinarian selection committee;
- C. "department" means the higher education department;
- D. "designated underserved area" means a municipality or county designated by the committee that does not have a sufficient number of food-animal veterinarians for the needs of the veterinary medical service area;
- E. "loan" means a grant of money to defray the cost of tuition and fees for a veterinary medical education under a contract between the federal government or a commercial lender and a veterinary medical student requiring repayment of principal and interest;
- F. "recipient" means a veterinarian selected to participate in the veterinary medical loan repayment program; and
- G. "veterinarian" means a person who graduated from an accredited school of veterinary medicine and is licensed as a veterinarian in New Mexico.

## **Chapter 53 Section 3 Laws 2025**

SECTION 3. DEPARTMENT--POWERS AND DUTIES--DESIGNATED UNDERSERVED AREAS--COMMITTEE--ELIGIBILITY AND SELECTION--APPLICANT QUALIFICATIONS.--

- A. The department may:



(1) promulgate rules to implement the provisions of the Veterinary Medical Loan Repayment Act, including the factors to be used to identify designated underserved areas of the state;

(2) delegate to other agencies or contract for the performance of services required by the Veterinary Medical Loan Repayment Act; and

(3) grant an award to repay loans to a recipient on such terms and conditions as determined by rule of the department.

B. The department, delegated agency or contractor shall participate in any federal programs that support the repayment of education loans incurred by veterinarians and agree to the conditions of a federal program.

C. The department shall appoint an ongoing "veterinarian selection committee" composed of the state veterinarian, the New Mexico state university extension veterinarian and the chair of the board of veterinary medicine, who all serve ex officio. The committee shall:

(1) select up to ten qualified applicants per year to participate in the veterinary medical loan repayment program;

(2) designate food-animal veterinarian underserved areas of the state and rank them as to need; and

(3) assist the department in determining eligibility and selection criteria for applicants and recipients.

D. An applicant shall be:

(1) a citizen or lawful permanent resident of the United States;

(2) a resident of New Mexico;

(3) licensed as a veterinarian in New Mexico; and

(4) employed full time in a private practice providing food-animal veterinary medical services in a designated underserved area.

E. The department, with the assistance of the board of veterinary medicine, shall make a full and careful investigation of the training, ability, character and other pertinent qualifications of each applicant and determine fitness to be a recipient.

F. The board of veterinary medicine shall maintain a database of employment opportunities for veterinarians in designated underserved areas.

## **Chapter 53 Section 4 Laws 2025**

### **SECTION 4. AWARD CRITERIA--CONTRACT--TERMS--PAYMENT--PENALTY.--**

A. Award criteria shall provide that:

(1) amounts are dependent on the location and characteristics of the medical practice and the applicant's total veterinary medical school indebtedness;

(2) preference in making awards shall be to persons who have graduated from a post-secondary educational institution that gives preferential enrollment to New Mexico residents;

(3) award amounts may be modified based on available funding or other special circumstances; and

(4) an award shall not exceed the total veterinary medical education indebtedness of the recipient.

B. The following education debts are not eligible for repayment pursuant to the Veterinary Medical Loan Repayment Act:

(1) amounts incurred as a result of participation in state loan-for-service programs or other state financial aid programs that require that service be provided in exchange for financial assistance;

(2) scholarships;

(3) personal loans from friends or relatives; and

(4) loans that exceed individual standard school expense levels.

C. The award shall be evidenced by a contract between the recipient and the department acting on behalf of the state. The general form of the contract required shall be approved by the attorney general and signed by the recipient and the department or the designated representative of the department on behalf of the state.

D. The contract shall provide for the payment by the state of a stated sum to the recipient's debtors and shall state the obligations of the recipient under the program, including a minimum four-year period of service, quarterly reporting requirements and other rules established by the department.

E. Recipients shall serve a complete year in order to receive credit for that year. The annual award shall be established by the department but shall not exceed fifteen thousand dollars (\$15,000) for each of the first two years and twenty-five

thousand dollars (\$25,000) for each of the second two years, for a total not to exceed eighty thousand dollars (\$80,000).

F. If a recipient does not comply with the terms of the contract, the department shall assess a penalty of up to three times the amount of the award disbursed plus eighteen percent interest, unless the department finds acceptable extenuating circumstances, including those that require release of contract, as to why the recipient cannot serve or comply with the terms of the contract. If the department does not find acceptable extenuating circumstances for the recipient's failure to comply with the contract, the department shall require immediate repayment plus the amount of the penalty.

G. The department shall adopt rules to implement the provisions of this section. The rules may provide for the disbursement of awards to the lenders of recipients in annual or other periodic installments.

## **Chapter 53 Section 5 Laws 2025**

### **SECTION 5. RELEASE FROM CONTRACT--CONTRACT CANCELLATION--ENFORCEMENT.--**

A. The department, with recommendation from the committee, may cancel a contract made between the department and a recipient for the recipient's failure to comply with provisions of the contract, the Veterinary Medical Loan Repayment Act, rules promulgated in accordance with that act or any other reasonable cause deemed sufficient by the department.

B. The department shall release a recipient from the contract without penalty if:

(1) the recipient has completed the service requirements of the contract;

(2) the recipient is unable to complete the service requirements of the contract due to serious illness or disability; or

(3) the recipient demonstrates extreme hardship or other good cause to the department justifying the release from contract.

C. A decision not to release a recipient from the contract without penalty is a final agency decision and may be appealed to the district court as provided in Section 39-3-1.1 NMSA 1978.

D. The department is vested with full and complete authority and power to sue in its own name for the balance due the state from any recipient on a loan repayment contract.

## **Chapter 53 Section 6 Laws 2025**

SECTION 6. FUND CREATED.--The "veterinary medical loan repayment fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants, donations and income from investment of the fund. Money in the fund shall be used to make awards to recipients who are in compliance with the recipients' contracts, the Veterinary Medical Loan Repayment Act and rules promulgated in accordance with that act. Expenditures from the fund shall be on 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 53 Section 7 Laws 2025**

SECTION 7. REPORTS.--The department shall make annual reports to the governor and the legislature prior to each regular legislative session of the department's activities, including cohort data and annual and total program data that shows:

- A. the number and amount of awards given;
- B. the completion rate of recipients in the program, the number of recipients who completed the program and stayed in New Mexico and the number of those recipients who are practicing in a designated underserved area;
- C. the amounts repaid and amounts owed on educational loans and the total number and total amount of penalties assessed against recipients who left the program;
- D. the service locations of current and former recipients in New Mexico;
- E. for each designated underserved area in the state, the number of recipients who are serving or have served in the area and whether there are recipients who are not employed or not employed full time in the area; and
- F. other information determined by the department.

## **LAWS 2025, CHAPTER 54**

**Senate Bill 16, aa**

**Approved April 7, 2025**

AN ACT

RELATING TO PRIMARY ELECTIONS; ALLOWING VOTERS WHO HAVE NOT DESIGNATED A POLITICAL PARTY AFFILIATION ON THEIR CERTIFICATES OF REGISTRATION TO PARTICIPATE IN THE PRIMARY ELECTION PROCESS BY CHOOSING TO AFFILIATE WITH A MAJOR POLITICAL PARTY PARTICIPATING IN A

PRIMARY BY REQUESTING THE PARTY'S BALLOT; MAKING CONFORMING CHANGES.

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

## **Chapter 54 Section 1 Laws 2025**

SECTION 1. Section 1-4-15 NMSA 1978 (being Laws 1969, Chapter 240, Section 71, as amended) is amended to read:

"1-4-15. REGISTRATION--CHANGE OF PARTY AFFILIATION.--

A. A voter may change the voter's designated party affiliation by executing a new certificate of registration indicating the change of party affiliation.

B. A voter who has previously declined to designate a party affiliation on the voter's certificate of registration but who desires to designate a party affiliation on the voter's certificate of registration shall execute a new certificate of registration indicating the desired party affiliation.

C. A voter who does not designate on the certificate of registration a party affiliation shall be considered to have declined to designate a party affiliation.

D. A voter who has declined to designate on the voter's certificate of registration a party affiliation but who chooses to affiliate with a major political party that is participating in a primary election may do so by requesting the ballot of one of the parties participating in that primary election. The voter's certificate of registration shall not be changed to reflect a new or different party affiliation unless the voter so requests in accordance with the provisions of Subsection B of this section."

## **Chapter 54 Section 2 Laws 2025**

SECTION 2. Section 1-6-4 NMSA 1978 (being Laws 1969, Chapter 240, Section 130, as amended) is amended to read:

"1-6-4. MAILED BALLOT APPLICATION.--

A. In a statewide election, application by a voter for a mailed ballot shall be made only on the official form approved by the secretary of state or its online equivalent accessed through a website authorized by the secretary of state. The form shall identify the applicant and contain information to establish the applicant's qualification for issuance of a mailed ballot under the Absent Voter Act. A voter who has declined to designate on the voter's certificate of registration a party affiliation shall be provided the option on the application form for a mailed ballot in a primary election to request the ballot of one of the parties participating in the primary election.

B. Each application on a paper form for a mailed ballot shall be signed by the applicant and shall require the applicant's printed name, registration address and year of birth. When submitted by the voter, the county clerk shall accept an application for a mailed ballot pursuant to this subsection regardless of whether the application for a mailed ballot is delivered to the county clerk on paper or by electronic means. When submitted by a third party, the county clerk shall not accept an application for a mailed ballot pursuant to this subsection if the application for a mailed ballot is delivered by electronic means.

C. The secretary of state shall allow a voter to submit an online application for a mailed ballot through a website authorized by the secretary of state; provided that the voter shall have a current or expired New Mexico driver's license or state identification card issued by the motor vehicle division of the taxation and revenue department. An online request for a mailed ballot shall contain all of the information that is required for a paper form. The voter shall also provide the person's full New Mexico driver's license number or state identification card number.

D. When a voter requests a mailed ballot pursuant to this section, the voter shall mark the box associated with the following statement, which shall be included as part of the online mailed ballot request form:

"By clicking the boxes below, I swear or affirm all of the following:

☐ I am the person whose name and identifying information is provided on this form and I desire to request a mailed ballot to vote in the state of New Mexico; and

☐ All of the information that I have provided on this form is true and correct as of the date I am submitting this form.".

E. Online applications for mailed ballots shall retain the dates of submission by the qualified elector and of acceptance by the county clerk. For purposes of deadlines contained in the Election Code, the time and date of the submission by the voter shall be considered the time and date when the application for a mailed ballot is received by the county clerk.

F. New registrants who registered for the first time in this state by mail and at that time did not provide acceptable documentary identification as required by federal law shall be informed of the need to comply with federal identification requirements when returning the requested ballot and notified that if the registrant votes for the first time in New Mexico by mail and does not follow the instructions for returning the required documentary identification, the registrant waives the right to secrecy in that mailed ballot. The secretary of state shall issue rules to exempt voters from submitting identification only as required by federal law and shall review and, if necessary, update these rules no later than March 15 of even-numbered years.

G. A person who willfully and with knowledge and intent to deceive or mislead any voter, election board, canvassing board, county clerk or other election official and who falsifies any information on an absentee ballot request form or who affixes a signature or mark other than the person's own on a mailed ballot request form is guilty of a fourth degree felony."

## **Chapter 54 Section 3 Laws 2025**

SECTION 3. Section 1-6-22.1 NMSA 1978 (being Laws 2009, Chapter 251, Section 1 and Laws 2009, Chapter 274, Section 1, as amended) is amended to read:

"1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE VOTING IN LIEU OF POLLING PLACE.--

A. Notwithstanding the provisions of Sections 1-1-11 and 1-1-12 NMSA 1978, not later than the first Monday in November of each odd-numbered year, a board of county commissioners may designate a precinct as a mail ballot election precinct if, upon a written request of the county clerk, it finds that the precinct has fewer than one hundred voters and the nearest polling place for an adjoining precinct is more than twenty miles driving distance from the boundary for the precinct in question.

B. If a precinct is designated a mail ballot election precinct, in addition to the notice required pursuant to Section 1-3-8 NMSA 1978, the county clerk shall notify by mail with delivery confirmation all voters in that precinct at least forty-two days before an election that each voter will be sent an absentee ballot twenty-eight days before the election and that there will be no polling place for the precinct on election day. The county clerk shall include in the notice a card informing the voter that if the voter does not want to receive an absentee ballot for that election, the voter should return the card before the date the county clerk is scheduled to mail out absentee ballots. The notice shall also inform the voter that a voting system equipped for persons with disabilities will be available at all early voting locations before election day and in the office of the county clerk on election day in case the voter prefers to vote in person and not by mail. In addition, the notice shall inform the voter of the ability of the voter to cast a ballot at any voter convenience center on election day if the voter chooses not to receive an absentee ballot, or to cast a replacement ballot at any early voting location or voter convenience center if the voter does not receive an absentee ballot, which will be counted upon confirmation that the voter has not returned the absentee ballot. The notice shall also contain the information required in the voter notification sent by the secretary of state on behalf of each county clerk in advance of a statewide election pursuant to Section 1-11-4.1 NMSA 1978.

C. For a primary election, the notice sent to voters who have not designated a party affiliation on their certificates of registration shall inform such voters that the voters may return the card and indicate which major political party's ballot the voter chooses for that primary election or log on to a website hosted by the secretary of state to indicate which major political party's ballot the voter chooses for that primary election.

D. The county clerk shall mail each voter in the mail ballot election precinct an absentee ballot on the twenty-eighth day before an election, unless the voter has requested otherwise or does not return the card required by Subsection C of this section indicating which party ballot the voter chooses for that election, along with a notice that there will be no polling place in that precinct on election day."

## **Chapter 54 Section 4 Laws 2025**

SECTION 4. Section 1-12-7 NMSA 1978 (being Laws 1969, Chapter 240, Section 246, as amended) is amended to read:

"1-12-7. CONDUCT OF ELECTION--PERSONS NOT PERMITTED TO VOTE--  
PERSONS PERMITTED TO VOTE UPON CHOOSING TO AFFILIATE WITH A  
PARTY.--

A. A person shall not vote in a primary, general or statewide special election unless the person is a voter of the county in which the person offers to vote. A valid original certificate of registration in the county register is prima facie evidence of being a voter in the precinct.

B. A person at a primary election shall not be permitted to vote for the candidate of any party other than the party designated on the person's current certificate of registration; provided that a person who has declined to designate a political party affiliation on the person's certificate of registration shall be permitted to choose to affiliate with a major political party in a primary election by requesting a major political party's primary election ballot and shall be permitted to vote for the candidates on that party's ballot."

## **Chapter 54 Section 5 Laws 2025**

SECTION 5. Section 1-12-7.1 NMSA 1978 (being Laws 1969, Chapter 240, Section 112, as amended) is amended to read:

"1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF VOTERS--  
USE DURING ELECTION.--

A. At each election day polling location, other than a consolidated precinct where any voter in the county may vote, the precinct board shall post securely at or near the entrance of the polling place one copy of an alphabetical list of voters and a map of the precincts represented in that polling place for use of the voters prior to voting. The posted copy shall not contain a listing of voter addresses, years, months or days of birth or social security numbers.

B. At each polling location where physical rosters are used, the presiding judge of the precinct board shall assign one judge or election clerk of the board to be in



charge of one copy of the checklist of voters, which shall be used to confirm the registration and voting of each person offering to vote.

C. The presiding judge of the precinct board shall assign one judge or election clerk to be in charge of the signature roster.

D. The judge or election clerk assigned to confirm registration shall determine that each person offering to vote is registered and, in the case of a primary election, that the voter is either currently registered in a party designated on the primary election ballot or has declined to designate a party affiliation on the voter's certificate of registration and chooses to affiliate with a major political party for that primary election by requesting a ballot of a party designated on the primary election ballot. If the person's registration is confirmed and the voter provides the required voter identification, the judge or election clerk shall announce to the judges or election clerks the list number and the name of the voter as shown on the checklist of voters. If the voter does not provide the required voter identification, the voter shall be allowed to vote on a provisional paper ballot and shall provide the required voter identification to the county clerk's office before 5:00 p.m. on the second day following the election, or to the precinct board before the polls close, or the voter's provisional ballot shall not be qualified. If the required voter identification is provided, the voter's provisional paper ballot shall be qualified and the voter shall not vote on any other type of ballot.

E. The judge or election clerk shall locate the name on the signature roster and shall require the voter to sign the voter's usual signature or, if unable to write, to make the voter's mark opposite the voter's printed name. If the voter makes the voter's mark, it shall be witnessed by one of the judges or election clerks of the precinct board.

F. If the signature roster indicates that the voter is required to present a physical form of identification before voting, the judge or election clerk shall ask the voter for the required physical form of identification. If the voter does not provide the required identification, the voter shall be allowed to vote on a provisional paper ballot; provided, however, that if the voter brings the required physical form of identification to the polling place after casting a provisional paper ballot, that ballot shall be qualified.

G. The judge or election clerk shall follow the procedures provided for in Sections 1-12-7.2 and 1-12-8 NMSA 1978 if a person whose name does not appear on the signature roster requests to vote or a person is required to vote on a provisional paper ballot.

H. A voter shall not be permitted to vote until the voter has properly signed the voter's usual signature or made the voter's mark in the signature roster."

## **Chapter 54 Section 6 Laws 2025**

SECTION 6. Section 1-12-7.2 NMSA 1978 (being Laws 1969, Chapter 240, Section 114, as amended) is amended to read:

**"1-12-7.2. VOTER WHOSE NAME IS NOT ON LIST OR ROSTER.--**

A. A voter whose name does not appear on the voter list and signature roster for the precinct in which the voter offers to vote shall be permitted to vote in the precinct pursuant to the federal National Voter Registration Act of 1993 and Section 1-12-8 NMSA 1978.

B. The judges or election clerks in charge of the signature rosters shall add the voter's name and address in ink to the signature roster on the line immediately following the last entered voter's name, and the voter shall be allowed to sign an affidavit of eligibility and cast a provisional paper ballot; provided that the voter has first signed or marked both the signature roster and checklist of registered voters.

C. The provisional paper ballot tracking number for the voter shall be entered on the affidavit of eligibility, the signature roster and the checklist of registered voters.

D. In a primary election, a voter shall not be permitted to vote for a candidate of a party different from the party designation shown on the voter's certificate of registration unless the voter's certificate of registration shows that the voter has declined to designate a party affiliation and the voter chooses to affiliate with a major political party for that primary election by requesting the ballot of a party participating in the primary. Upon making that determination, the county clerk shall transmit the ballot to the county canvassing board to be tallied and included in the canvass of that county for the appropriate precinct."

**Chapter 54 Section 7 Laws 2025**

SECTION 7. Section 1-12-20 NMSA 1978 (being Laws 1969, Chapter 240, Section 273, as amended) is amended to read:

**"1-12-20. CONDUCT OF ELECTION--INTERPOSING CHALLENGES.--**A challenge may be interposed by a member of the precinct board or by a party challenger for the following reasons:

- A. the person offering to vote is not registered to vote;
- B. the person offering to vote is listed among those persons to whom an absentee ballot was mailed;
- C. the person offering to vote has already cast a ballot in that election;
- D. the person offering to vote is improperly registered because the person is not a qualified elector; or

E. in the case of a primary election, the person desiring to vote is currently affiliated with a major political party or a political party not represented on the ballot and the person requests a ballot for a party with which the person is not affiliated."

## **Chapter 54 Section 8 Laws 2025**

SECTION 8. Section 1-15A-2 NMSA 1978 (being Laws 1977, Chapter 230, Section 2, as amended) is amended to read:

"1-15A-2. VOTING IN PRESIDENTIAL PRIMARY--DATE OF ELECTION.--

A. In the year in which the president and vice president of the United States are to be elected, the registered voters of this state shall be given an opportunity to express their preference for the person to be the presidential candidate of their political party in either a presidential primary election or in accordance with the selection procedure for presidential candidates of each voter's party. The presidential primary election shall be held on the same date as the primary election is held in this state.

B. A voter may vote in a presidential primary election on the ballot of only one of the parties participating in the primary election in accordance with the provisions of Section 1-12-7 NMSA 1978."

## **Chapter 54 Section 9 Laws 2025**

SECTION 9. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 55**

**SFC/SCONC/Senate Bill 33, w/ec**  
**Approved April 7, 2025**

AN ACT

RELATING TO FOREST CONSERVATION; ENACTING THE WILDFIRE PREPARED ACT; AMENDING AND RECOMPILING A SECTION OF THE NMSA 1978 TO BE A SECTION OF THE WILDFIRE PREPARED ACT; ADDING MEMBERS AND DUTIES TO THE FIRE PLANNING TASK FORCE; CREATING THE WILDFIRE PREPARED PROGRAM; CREATING THE WILDFIRE PREPARED FUND; RECONCILING CONFLICTING ENACTMENTS OF THE SAME SECTION OF LAW BY REPEALING LAWS 2003, CHAPTER 115, SECTION 1; DECLARING AN EMERGENCY.

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

## **Chapter 55 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--This act may be cited as the "Wildfire Prepared Act".

## **Chapter 55 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Wildfire Prepared Act:

- A. "assessment" means an assessment of a structure or property for compliance with wildfire preparedness standards;
- B. "buffer" means an area treated to reduce wildfire fuel in order to act as a barrier between properties to limit and halt the spread of wildfire and provide a safe zone for firefighters to engage with wildfires;
- C. "certification" means a certificate provided pursuant to the wildfire prepared program indicating that a structure or property meets wildfire preparedness standards;
- D. "department" means the energy, minerals and natural resources department;
- E. "division" means the forestry division of the energy, minerals and natural resources department;
- F. "eligible property owner" means a New Mexico resident who owns a residence in New Mexico and meets all requirements developed by the task force to be eligible for a wildfire prepared program grant;
- G. "high-risk area" means an area identified by the task force as having a high probability of wildfire that is likely to spread to structures or property;
- H. "noncombustible" means made from material of which no part will ignite and burn when subjected to fire;
- I. "property" means the land adjacent to a structure;
- J. "qualified entity" means a political subdivision of the state or an entity contracted with for the hardening of structures to be wildfire prepared;
- K. "residence" means a dwelling structure designed for long-term habitation and its property;
- L. "structure" means a constructed object, including residences or commercial buildings and outbuildings such as barns and sheds;

M. "task force" means the fire planning task force;

N. "wildfire" means a fire originating from an unplanned ignition, such as lightning, volcanoes, an unauthorized or accidental human-caused fire or a prescribed fire that is declared a wildfire;

O. "wildfire prepared" means being resistant to wildfire through actions to harden and make noncombustible structures and property to reduce the risk of structure ignition and building-to-building fire spread, including the use of noncombustible and ignition-proof building materials and landscaping property to reduce hazardous fuels; and

P. "wildfire preparedness standards" means the standards developed by the task force for structures and property to be wildfire prepared.

## **Chapter 55 Section 3 Laws 2025**

SECTION 3. Section 68-2-34 NMSA 1978 (being Laws 2003, Chapter 115, Section 1 and Laws 2003, Chapter 303, Section 1) is recompiled as a section of the Wildfire Prepared Act and is amended to read:

### **"FIRE PLANNING TASK FORCE--DUTIES--WILDFIRE PREPARED PROGRAM--STANDARDS--REQUIREMENTS.--**

A. The "fire planning task force" is created. The task force shall consist of:

- (1) the state fire marshal;
- (2) the director of the local government division of the department of finance and administration;
- (3) the commissioner of public lands;
- (4) the state director of the federal bureau of land management on behalf of the United States department of the interior;
- (5) the regional forester of the United States forest service;
- (6) a member of a local fire department, appointed by the governor;
- (7) a member of a volunteer fire department, appointed by the state forester;
- (8) the director of the New Mexico association of counties;
- (9) the director of the New Mexico municipal league;

(10) the director of the construction industries division of the regulation and licensing department;

(11) the state forester;

(12) the secretary of Indian affairs;

(13) the superintendent of insurance;

(14) the secretary of homeland security and emergency management;

(15) a member with expertise in wildfire science and structures, appointed by the state forester; and

(16) a representative of a state-based property insurance carrier trade association, appointed by the state forester, after consulting with the office of superintendent of insurance.

B. The chair of the task force shall be elected by the task force. The task force shall meet at the call of the chair.

C. The public members of the task force shall receive per diem and mileage pursuant to the Per Diem and Mileage Act.

D. The division, with assistance from the department of finance and administration, shall provide staff for the task force.

E. The task force shall:

(1) identify and map high-risk areas within the state;

(2) develop standards for building codes, defensible space requirements and ordinances that will reduce the threat of wildfires. In developing the standards, the task force shall:

(a) recognize the distinction between altering existing situations and establishing standards for new construction;

(b) consider other fire suppression measures, including thinning overgrown forests, conducting controlled burns, clearing spaces around homes and other structures, using wildfire-resistant, noncombustible and ignition-resistant building materials and national standards for defensible space requirements, including making the five-foot zone closest to and surrounding structures noncombustible;

(c) consider the impact of fire mitigation measures on wildlife;

and

(d) solicit comments from affected landowners, land users and local governments;

(3) work with communities in the affected areas in adopting and implementing the building codes and ordinances;

(4) develop wildfire preparedness standards for certification that are consistent with and no less stringent than the most recent standards developed by a nationally recognized wildfire prepared standard-setting organization, such as the insurance institute for business and home safety;

(5) develop by June 30 of each year guidelines and requirements for eligibility for grants consistent with the provisions of and provided through the wildfire prepared program pursuant to Section 4 of the Wildfire Prepared Act; and

(6) report its progress and any recommendations for legislation to the governor and the legislature by December 15 of each year."

## **Chapter 55 Section 4 Laws 2025**

### **SECTION 4. WILDFIRE PREPARED PROGRAM--NO RIGHT OF ACTION, GUARANTEE OF BENEFITS OR ENFORCEABLE INTEREST.--**

A. The "wildfire prepared program" is created in the department to make structures and properties in New Mexico wildfire prepared. The department shall provide technical assistance and training, conduct assessments, provide certification and award grants to:

(1) political subdivisions of the state to:

(a) make changes to structures and properties to make them wildfire prepared;

(b) conduct hazardous fuels reduction to provide buffers for structures and properties in high-risk areas; and

(c) establish community-based programs to conduct assessments and provide certification; or

(2) qualified entities to assist eligible property owners with making the necessary changes to their residences for the sole purpose of making the residences wildfire prepared.

B. At least fifty percent of the grant money awarded pursuant to this section shall be made to qualified entities for the purpose of assisting eligible property owners with making the necessary changes to their residences to make them wildfire prepared.

C. Grants awarded pursuant to the wildfire prepared program shall be consistent with the guidelines and requirements developed by the task force.

D. Nothing in the Wildfire Prepared Act shall create any additional right of action under the law, and the provisions of that act do not guarantee any benefits and shall not be construed to create an interest in property that is enforceable under state law or that does not otherwise exist.

## **Chapter 55 Section 5 Laws 2025**

### **SECTION 5. WILDFIRE PREPARED FUND.--**

A. The "wildfire prepared fund" is created as a nonreverting fund in the state treasury to provide funding for the wildfire prepared program. The fund consists of distributions, appropriations, gifts, grants, donations and income from investment of the fund.

B. The department shall administer the fund. Money in the fund is appropriated to the department to administer, staff and carry out the provisions of the Wildfire Prepared Act.

C. Expenditures from the fund shall be by 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.

## **Chapter 55 Section 6 Laws 2025**

### **SECTION 6. REPEAL.--Laws 2003, Chapter 115, Section 1 is repealed.**

## **Chapter 55 Section 7 Laws 2025**

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

# **LAWS 2025, CHAPTER 56**

**Senate Bill 37, aa**

**Approved April 7, 2025**

**AN ACT**

**RELATING TO WATER; CREATING THE STRATEGIC WATER RESERVE FUND TO BE ADMINISTERED BY THE INTERSTATE STREAM COMMISSION; PROVIDING THAT THE STRATEGIC WATER RESERVE SHALL BE USED TO ASSIST IN WATER MANAGEMENT AND CONSERVATION EFFORTS DESIGNED TO SUPPORT**



AQUIFER RECHARGE OR REDUCE GROUND WATER DEPLETION; ALLOWING THE INTERSTATE STREAM COMMISSION TO PRIORITIZE WATER TRANSACTIONS THAT PROVIDE SUPPLEMENTARY BENEFITS IN ADDITION TO AT LEAST ONE AUTHORIZED PURPOSE; MAKING AN APPROPRIATION.

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

## **Chapter 56 Section 1 Laws 2025**

SECTION 1. A new section of Chapter 72, Article 14 NMSA 1978 is enacted to read:

"STRATEGIC WATER RESERVE FUND--CREATED.--

A. The "strategic water reserve fund" is created in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations and income from investment of the fund. Any unexpended or unencumbered balance remaining in the fund at the end of a fiscal year shall not revert except for balances that exceed fifteen million dollars (\$15,000,000), which shall revert to the general fund at the end of the fiscal year.

B. The interstate stream commission shall administer the fund. Money in the fund is appropriated to the interstate stream commission for the purposes of the strategic water reserve pursuant to Section 72-14-3.3 NMSA 1978; provided that over any five-year period, no more than twenty-five percent of money expended shall be used for the purpose of aquifer recharge and ground water depletion reduction pursuant to Paragraph (3) of Subsection B of Section 72-14-3.3 NMSA 1978. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the director of the interstate stream commission or the director's authorized representative."

## **Chapter 56 Section 2 Laws 2025**

SECTION 2. Section 72-14-3.3 NMSA 1978 (being Laws 2005, Chapter 175, Section 1 and Laws 2005, Chapter 182, Section 1, as amended) is amended to read:

"72-14-3.3. INTERSTATE STREAM COMMISSION--ADDITIONAL POWERS--STRATEGIC WATER RESERVE.--

A. The interstate stream commission shall establish a strategic water reserve and may purchase or lease from willing sellers or lessors or receive through donation surface water or water rights or storage rights to compose the reserve. The commission may also purchase or lease from willing sellers or lessors or receive by donation underground water or water rights for the strategic water reserve for cessation of pumping or limited short-term stream augmentation. At no time shall the use of water or

water rights held by the strategic water reserve result in an increase in net depletions in any basin. The commission shall pay no more than the appraised market value to purchase or lease water or water rights and storage rights for the strategic water reserve. The commission may accept money or grants from federal or other governmental entities or other persons to purchase or lease water or water rights for the strategic water reserve, to pay administrative costs and to develop, construct, operate and maintain infrastructure for the delivery of water to the location of need. The commission shall not acquire water or water rights that are served by or owned by an acequia or community ditch established pursuant to Chapter 73, Articles 2 and 3 NMSA 1978 for inclusion in the strategic water reserve. The commission shall not acquire water or water rights that are served by an irrigation district established pursuant to Chapter 73, Article 10 NMSA 1978, except through contractual arrangement with the district board of directors or as a special water users association established pursuant to Chapter 73, Article 10 NMSA 1978, but nothing in this section shall be construed to authorize the interstate stream commission to acquire water rights contrary to Section 72-1-2.4 NMSA 1978. The commission shall acquire only water rights that have sufficient seniority and consistent, historic beneficial use to effectively contribute to the purpose of the strategic water reserve. The commission shall not acquire water or water rights for the strategic water reserve by condemnation and may only condemn real property when that property is needed for infrastructure related to the conveyance of water. Water in the strategic water reserve shall not be subject to forfeiture pursuant to Chapter 72 NMSA 1978. Water or water rights shall only be acquired with the explicit approval of the commission.

B. Water and water rights in the strategic water reserve shall be used to:

(1) assist the state in complying with interstate stream compacts and court decrees;

(2) assist the state and water users in water management efforts for the benefit of threatened or endangered species or in a program intended to avoid additional listings of species. Management of water pursuant to this subsection shall be done in conjunction with collaborative programs or processes where they exist. Use of the strategic water reserve pursuant to this paragraph shall be limited to aquatic or obligate riparian species; or

(3) assist the state or water users with water management and water conservation efforts designed to support aquifer recharge or reduce ground water depletion, in order to promote stream flow or other environmental benefits. Surface water leased or purchased for the purpose of this paragraph shall not be converted to ground water via any methods other than natural, passive infiltration through the streambed.

C. The interstate stream commission shall develop river reach or ground water basin priorities for the acquisition of water or water rights and storage rights for the strategic water reserve in consultation with the New Mexico interstate stream

compact commissioners, the office of the state engineer and the state department of justice. For each river reach or ground water basin, additional prioritization shall be developed in coordination with the governing bodies of the following organizations within the affected river reach or ground water basin:

- (1) Indian nations, tribes and pueblos;
- (2) boards of county commissioners;
- (3) municipalities;
- (4) special districts established pursuant to Chapter 73 NMSA 1978;
- (5) soil and water conservation districts;
- (6) water authorities; and
- (7) water planning regions.

D. Nothing in this section shall modify or repeal any authority currently vested in any organization described in Subsection C of this section.

E. When establishing priorities for acquisition of water or water rights and storage rights for the strategic water reserve pursuant to Subsection C of this section, the interstate stream commission shall consider potential supplementary benefits, such as supporting traditional and cultural practices, habitat improvement or recreational opportunities within the affected water reach or ground water basin. The interstate stream commission may prioritize transactions that meet at least one of these supplementary benefits, in addition to at least one of the purposes described in Subsection B of this section.

F. The interstate stream commission may sell or lease water or water rights from the strategic water reserve at no less than the appraised market value. The commission may sell water rights only if the rights are no longer necessary for the purposes for which they were acquired for the reserve; provided that water rights in the reserve shall not be sold to the United States. Pursuant to a sale of water rights from the strategic water reserve by the interstate stream commission, the commission shall first make the offer of sale for the original purpose of use. Proceeds of any sale are appropriated to the office of the state engineer to adjudicate water rights. Proceeds of any leases are appropriated to the interstate stream commission for carrying out the purposes of the strategic water reserve.

G. Water or water rights acquired for the strategic water reserve or water or water rights sold or leased from the reserve shall remain in their river reach or ground water basin of origin.

H. Transactions with members of an irrigation or conservancy district established pursuant to Chapter 73 NMSA 1978 shall provide for the strategic water reserve to pay the annual assessment to the district that would accrue to the district absent the transaction.

I. Cumulative impacts of the strategic water reserve acquisitions and uses shall not adversely affect existing water users or delivery systems.

J. The interstate stream commission shall adopt rules consistent with the terms of this section, including rules to ensure:

(1) that water and water rights acquired for the strategic water reserve are used only for the purposes of the reserve;

(2) adequate public notice in each affected area for the acquisition or disposal of water rights; and

(3) that the office of the state engineer transfer procedures shall be followed.

K. The interstate stream commission shall annually report to the appropriate committee of the legislature on the status of the strategic water reserve."

## **LAWS 2025, CHAPTER 57**

**Senate Bill 39, aa**

**Approved April 7, 2025**

AN ACT

RELATING TO INSURANCE; AMENDING THE PRIOR AUTHORIZATION ACT TO ADD MORE CLASSES OF DRUGS THAT ARE NOT SUBJECT TO PRIOR AUTHORIZATIONS OR STEP THERAPY PROTOCOLS.

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

### **Chapter 57 Section 1 Laws 2025**

SECTION 1. Section 59A-22B-2 NMSA 1978 (being Laws 2019, Chapter 187, Section 4) is amended to read:

"59A-22B-2. DEFINITIONS.--As used in the Prior Authorization Act:

A. "adjudicate" means to approve or deny a request for prior authorization;

B. "auto-adjudicate" means to use technology and automation to make a near-real-time determination to approve, deny or pend a request for prior authorization;

C. "covered person" means an individual who is insured under a health benefits plan;

D. "emergency care" means medical care, pharmaceutical benefits or related benefits to a covered person after the sudden onset of what reasonably appears to be a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could be reasonably expected by a reasonable layperson to result in jeopardy to a person's health, serious impairment of bodily functions, serious dysfunction of a bodily organ or part or disfigurement to a person;

E. "health benefits plan" means a policy, contract, certificate or agreement, entered into, offered or issued by a health insurer to provide, deliver, arrange for, pay for or reimburse any of the costs of medical care, pharmaceutical benefits or related benefits;

F. "health care professional" means an individual who is licensed or otherwise authorized by the state to provide health care services;

G. "health care provider" means a health care professional, corporation, organization, facility or institution licensed or otherwise authorized by the state to provide health care services;

H. "health insurer" means a health maintenance organization, nonprofit health care plan, provider service network, medicaid managed care organization or third-party payer or its agent;

I. "medical care, pharmaceutical benefits or related benefits" means medical, behavioral, hospital, surgical, physical rehabilitation and home health services, and includes pharmaceuticals, durable medical equipment, prosthetics, orthotics and supplies;

J. "medical necessity" means health care services determined by a health care provider, in consultation with the health insurer, to be appropriate or necessary according to:

(1) applicable, generally accepted principles and practices of good medical care;

(2) practice guidelines developed by the federal government or national or professional medical societies, boards or associations; or

(3) applicable clinical protocols or practice guidelines developed by the health insurer consistent with federal, national and professional practice guidelines, which shall apply to the diagnosis, direct care and treatment of a physical or behavioral health condition, illness, injury or disease;

K. "medical peer review" means review by a health care professional from the same or similar practice specialty that typically manages the medical condition, procedure or treatment under review for prior authorization;

L. "off-label" means a federal food and drug administration-approved medication that does not have a federal food and drug administration-approved indication for a specific condition or disease but is prescribed to a covered person because there is sufficient clinical evidence for a prescribing clinician to reasonably consider the medication to be medically necessary to treat the covered person's condition or disease;

M. "office" means the office of superintendent of insurance;

N. "pend" means to hold a prior authorization request for further clinical review;

O. "pharmacy benefits manager" means an agent responsible for handling prescription drug benefits for a health insurer;

P. "prior authorization" means a voluntary or mandatory pre-service determination, including a recommended clinical review, that a health insurer makes regarding a covered person's eligibility for health care services, based on medical necessity, the appropriateness of the site of services and the terms of the covered person's health benefits plan; and

Q. "rare disease or condition" means a disease or condition that affects fewer than two hundred thousand people in the United States."

## **Chapter 57 Section 2 Laws 2025**

SECTION 2. Section 59A-22B-5 NMSA 1978 (being Laws 2019, Chapter 187, Section 7) is amended to read:

"59A-22B-5. PRIOR AUTHORIZATION REQUIREMENTS.--

A. A health insurer that offers prior authorization shall:

(1) use the uniform prior authorization forms developed by the office for medical care, for pharmaceutical benefits or related benefits pursuant to Section 59A-22B-4 NMSA 1978 and for prescription drugs pursuant to Section 59A-2-9.8 NMSA 1978;

(2) establish and maintain an electronic portal system for:

(a) the secure electronic transmission of prior authorization requests on a twenty-four-hour, seven-day-a-week basis, for medical care, pharmaceutical benefits or related benefits; and

(b) auto-adjudication of prior authorization requests;

(3) provide an electronic receipt to the health care provider and assign a tracking number to the health care provider for the health care provider's use in tracking the status of the prior authorization request, regardless of whether or not the request is tracked electronically, through a call center or by facsimile;

(4) auto-adjudicate all electronically transmitted prior authorization requests to approve or pend a request for benefits; and

(5) accept requests for medical care, pharmaceutical benefits or related benefits that are not electronically transmitted.

B. Prior authorization shall be deemed granted for determinations not made within seven days; provided that:

(1) an adjudication shall be made within twenty-four hours, or shall be deemed granted if not made within twenty-four hours, when a covered person's health care professional requests an expedited prior authorization and submits to the health insurer a statement that, in the health care professional's opinion that is based on reasonable medical probability, delay in the treatment for which prior authorization is requested could:

(a) seriously jeopardize the covered person's life or overall health;

(b) affect the covered person's ability to regain maximum function; or

(c) subject the covered person to severe and intolerable pain; and

(2) the adjudication time line shall commence only when the health insurer receives all necessary and relevant documentation supporting the prior authorization request.

C. After December 31, 2020, an insurer may automatically deny a covered person's prior authorization request that is electronically submitted and that relates to a prescription drug that is not on the covered person's health benefits plan formulary;

provided that the insurer shall accompany the denial with a list of alternative drugs that are on the covered person's health benefits plan formulary.

D. Upon denial of a covered person's prior authorization request based on a finding that a prescription drug is not on the covered person's health benefits plan formulary, a health insurer shall notify the person of the denial and include in a conspicuous manner information regarding the person's right to initiate a drug formulary exception request and the process to file a request for an exception to the denial.

E. An auto-adjudicated prior authorization request based on medical necessity that is pended or denied shall be reviewed by a health care professional who has knowledge or consults with a specialist who has knowledge of the medical condition or disease of the covered person for whom the authorization is requested. The health care professional shall make a final determination of the request. If the request is denied after review by a health care professional, notice of the denial shall be provided to the covered person and covered person's provider with the grounds for the denial and a notice of the right to appeal and describing the process to file an appeal.

F. A health insurer shall establish a process by which a health care provider or covered person may initiate an electronic appeal of a denial of a prior authorization request.

G. A health insurer shall have in place policies and procedures for annual review of its prior authorization practices to validate that the prior authorization requirements advance the principles of lower cost and improved quality, safety and service.

H. The office shall establish by rule protocols and criteria pursuant to which a covered person or a covered person's health care professional may request expedited independent review of an expedited prior authorization request made pursuant to Subsection B of this section following medical peer review of a prior authorization request pursuant to the Prior Authorization Act."

## **Chapter 57 Section 3 Laws 2025**

SECTION 3. Section 59A-22B-8 NMSA 1978 (being Laws 2023, Chapter 114, Section 13, as amended) is amended to read:

"59A-22B-8. PRIOR AUTHORIZATION FOR PRESCRIPTION DRUGS OR STEP THERAPY FOR CERTAIN CONDITIONS PROHIBITED.--

A. Coverage for medication approved by the federal food and drug administration that is prescribed for the treatment of an autoimmune disorder, cancer, rare disease or condition or a substance use disorder, pursuant to a medical necessity determination made by a health care professional from the same or similar practice specialty that typically manages the medical condition, procedure or treatment under



review, shall not be subject to prior authorization, except in cases in which a biosimilar, interchangeable biologic or generic version is available. Medical necessity determinations shall be automatically approved within seven days for standard determinations and twenty-four hours for emergency determinations when a delay in treatment could:

- (1) seriously jeopardize a covered person's life or overall health;
- (2) affect a covered person's ability to regain maximum function; or
- (3) subject a covered person to severe and intolerable pain.

B. A health insurer shall not impose step therapy requirements before authorizing coverage for medication approved by the federal food and drug administration that is prescribed for the treatment of an autoimmune disorder, cancer or a substance use disorder, pursuant to a medical necessity determination made by a health care professional from the same or similar practice specialty that typically manages the medical condition, procedure or treatment under review, except in cases in which a biosimilar, interchangeable biologic or generic version is available.

C. A health insurer shall not impose step therapy requirements before authorizing coverage for an off-label medication that is prescribed for the treatment of a rare disease or condition, pursuant to a medical necessity determination made by a health care professional from the same or similar practice specialty that typically manages the medical condition, procedure or treatment under review, except in cases in which a biosimilar, interchangeable biologic or generic version is available. Medical necessity determinations shall be automatically approved within seven days for standard determinations and twenty-four hours for emergency determinations when a delay in treatment could:

- (1) seriously jeopardize a covered person's life or overall health;
- (2) affect a covered person's ability to regain maximum function; or
- (3) subject a covered person to severe and intolerable pain."

## **Chapter 57 Section 4 Laws 2025**

SECTION 4. APPLICABILITY.--The provisions of this act apply to an individual or group policy, contract, certificate or agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of medical care, pharmaceutical benefits or related benefits that is entered into, offered or issued by a health insurer on or after July 1, 2025, pursuant to any of the following:

- A. Chapter 59A, Article 22 NMSA 1978;

- B. Chapter 59A, Article 23 NMSA 1978;
- C. the Health Maintenance Organization Law;
- D. the Nonprofit Health Care Plan Law; or
- E. the Health Care Purchasing Act.

## **LAWS 2025, CHAPTER 58**

**Senate Bill 41, aa**  
**Approved April 7, 2025**

### **AN ACT**

RELATING TO ENDANGERED PERSONS; MANDATING THAT THE DEPARTMENT OF PUBLIC SAFETY CREATE AND MAINTAIN A TURQUOISE ALERT SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION RELATING TO MISSING AMERICAN INDIANS.

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

### **Chapter 58 Section 1 Laws 2025**

SECTION 1. Section 29-15-2 NMSA 1978 (being Laws 1995, Chapter 146, Section 2, as amended) is amended to read:

"29-15-2. DEFINITIONS.--As used in the Missing Persons Information and Reporting Act:

- A. "Brittany alert" means a notification relating to an endangered person:
  - (1) who is a missing person; and
  - (2) about whom there is a clear indication that the person has a developmental disability as defined in Subsection A of Section 28-16A-6 NMSA 1978 and that the person's health or safety is at risk;
- B. "child" means a person under the age of eighteen years who is not emancipated;
- C. "clearinghouse" means the missing persons information clearinghouse;
- D. "custodian" means a parent, guardian or other person who exercises legal physical control, care or custody of a child or of an adult with a developmental disability; or a person who performs one or more activities of daily living for an adult;

E. "endangered person" means a missing person who:

- (1) is in imminent danger of causing harm to the person's self;
- (2) is in imminent danger of causing harm to another;
- (3) is in imminent danger of being harmed by another or who has been harmed by another;
- (4) has been a victim of a crime as provided in the Crimes Against Household Members Act or in Section 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any other jurisdiction;
- (5) is or was protected by an order of protection pursuant to the Family Violence Protection Act;
- (6) has Alzheimer's disease, dementia or another degenerative brain disorder or a brain injury; or
- (7) has a developmental disability as defined in Subsection A of Section 28-16A-6 NMSA 1978 and that person's health or safety is at risk;

F. "immediate family member" means the spouse, nearest relative or close friend of a person;

G. "law enforcement agency" means a law enforcement agency of the state, a state agency or a political subdivision of the state;

H. "lead station" means an AM radio station that has been designated as the "state primary station" by the federal communications commission for the emergency alert system;

I. "missing person" means a person whose whereabouts are unknown to the person's custodian or immediate family member and the circumstances of whose absence indicate that:

- (1) the person did not leave the care and control of the custodian or immediate family member voluntarily and the taking of the person was not authorized by law; or
- (2) the person voluntarily left the care and control of the custodian without the custodian's consent and without intent to return;

J. "missing person report" means information that is:

(1) given to a law enforcement agency on a form used for sending information to the national crime information center; and

(2) about a person whose whereabouts are unknown to the reporter and who is alleged in the form submitted by the reporter to be missing;

K. "person" means an individual, regardless of age;

L. "possible match" means the similarities between unidentified human remains and a missing person that would lead one to believe they are the same person;

M. "reporter" means the person who reports a missing person;

N. "silver alert" means a notification relating to an endangered person:

(1) who is a missing person; and

(2) who is fifty years or older; or

(3) about whom there is a clear indication that the individual suffers from Alzheimer's disease or another form of dementia, regardless of age;

O. "state agency" means an agency of the state, a political subdivision of the state or a public post-secondary educational institution;

P. "state registrar" means the employee so designated by the public health division of the department of health pursuant to the Vital Statistics Act; and

Q. "turquoise alert" means a notification relating to a missing person who is an enrolled member or a person eligible for enrollment in a federally or state-recognized Indian nation, tribe or pueblo and the person:

(1) is missing due to involuntary, unexplained or suspicious circumstances;

(2) is at risk due to safety or health concerns; or

(3) suffers from a mental or physical disability or substance abuse disorder."

## **Chapter 58 Section 2 Laws 2025**

SECTION 2. A new section of the Missing Persons Information and Reporting Act, Section 29-15-3.5 NMSA 1978, is enacted to read:

"29-15-3.5. TURQUOISE ALERT ADVISORY.--

A. The department of public safety or the lead investigating law enforcement agency shall issue a turquoise alert if, after review and investigation of a missing person report of a person subject to the alert, the department of public safety or the lead investigating law enforcement agency makes an independent determination that the missing person is a person subject to the alert.

B. The department of public safety shall develop and implement a turquoise alert plan for the purpose of disseminating, as rapidly as possible, information about a person subject to the alert. The plan shall:

(1) provide a procedure for the department to notify the lead station that a turquoise alert has been declared. The procedure shall include codes for use by the department in communicating with the lead station to prevent false alerts;

(2) provide a procedure in which other state and private print, radio, television or other media may alert members of the public of the missing person;

(3) include a procedure for notifying the department of information technology that a turquoise alert has been declared. The department of information technology shall immediately transmit the notification and related information to all state field operations employees so that they may be aware and vigilant in the course of their regular activities;

(4) require cellular service companies to implement turquoise alerts in accordance with the federal communications commission's wireless emergency alerts processes. The alert from cellular service companies shall only be required after a determination by the department of public safety or the lead investigating law enforcement agency that there is evidence of imminent danger of serious bodily harm to or death of the missing person and that there is enough descriptive information about the missing person to assist in locating that person;

(5) include a procedure for notifying all local and federal law enforcement agencies that a turquoise alert has been declared;

(6) provide for dissemination of information about the missing person to the lead station, the department of information technology and local law enforcement agencies when a turquoise alert has been declared; and

(7) provide for collecting and maintaining the following records regarding each turquoise alert issued:

- (a) the municipality where the missing person report originated;
- (b) the age of the missing person;
- (c) the gender of the missing person;

- (d) the date of the missing person report;
- (e) the date the turquoise alert is issued; and
- (f) the date of recovery of the missing person.

C. The department of public safety shall distribute the turquoise alert notification plan to all local law enforcement agencies and provide such training and other assistance as is necessary to ensure that the plan can be properly implemented.

D. Once a turquoise alert has been declared, only the department of public safety or the lead investigating law enforcement agency may terminate the turquoise alert."

## **LAWS 2025, CHAPTER 59**

### **Senate Bill 53**

**Approved April 7, 2025**

#### **AN ACT**

RELATING TO PROFESSIONAL PSYCHOLOGISTS; AMENDING THE PROFESSIONAL PSYCHOLOGIST ACT; ADDING CERTAIN PRESCRIBING PSYCHOLOGISTS WITH INDEPENDENT EXPERIENCE IN PRESCRIBING PSYCHOTROPIC MEDICATION TO THE DEFINITION OF "INDEPENDENTLY LICENSED PRESCRIBING CLINICIAN".

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

### **Chapter 59 Section 1 Laws 2025**

SECTION 1. Section 61-9-3 NMSA 1978 (being Laws 1963, Chapter 92, Section 3, as amended) is amended to read:

"61-9-3. DEFINITIONS.--As used in the Professional Psychologist Act:

- A. "board" means the New Mexico state board of psychologist examiners;
- B. "conditional prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication under the supervision of a supervising clinician pursuant to the Professional Psychologist Act;
- C. "independently licensed prescribing clinician" means a licensed physician, osteopathic physician, prescribing psychologist who has at least four years of independent experience in prescribing psychotropic medication to treat behavioral and

emotional conditions and mental illness, nurse practitioner, psychiatric nurse practitioner or clinical nurse specialist;

D. "person" includes an individual, firm, partnership, association or corporation;

E. "prescribing psychologist" means a licensed psychologist who holds a valid prescription certificate;

F. "prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication pursuant to the Professional Psychologist Act;

G. "psychotropic medication" means a controlled substance or dangerous drug that may not be dispensed or administered without a prescription but is limited to only those agents related to the diagnosis and treatment or management of mental, nervous, emotional, behavioral, substance use or cognitive disorders, including the management of or protection from side effects that are a direct result from the use of those agents, whose use is consistent with the standards of practice for clinical psychopharmacology;

H. "psychologist" means a person who engages in the practice of psychology or holds the person's self out to the public by any title or description of services representing the person as a psychologist, which incorporates the words "psychological", "psychologist", "psychology", or when a person describes the person's self as above and, under such title or description, offers to render or renders services involving the application of principles, methods and procedures of the science and profession of psychology to persons for compensation or other personal gain;

I. "practice of psychology" means the observation, description, evaluation, interpretation and modification of human behavior by the application of psychological principles, methods and procedures for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health and mental health, and further means the rendering of such psychological services to individuals, families or groups regardless of whether payment is received for services rendered. The practice of psychology includes psychological testing or neuropsychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, behavior analysis and therapy; diagnosis and treatment of a mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct and the psychological aspects of physical illness, accident, injury and disability; and psychoeducational evaluation, therapy, remediation and consultation;

J. "school" or "college" means a university or other institution of higher education that is regionally accredited and that offers a full-time graduate course of study in psychology as defined by rule of the board or that is approved by the American psychological association; and

K. "supervising clinician" means a licensed physician, osteopathic physician, prescribing psychologist who has at least four years of independent experience prescribing psychotropic medication to treat behavioral and emotional conditions and mental illness, nurse practitioner, psychiatric nurse practitioner or clinical nurse specialist who is supervising a psychologist in the prescribing of psychotropic medication."

## **LAWS 2025, CHAPTER 60**

### **Senate Bill 57**

**Approved April 7, 2025**

#### **AN ACT**

RELATING TO PUBLIC RECORDS; AMENDING THE INSPECTION OF PUBLIC RECORDS ACT TO EXCEPT FROM DISCLOSURE ANY RECORD CONTAINING PERSONAL IDENTIFYING INFORMATION OR SENSITIVE INFORMATION RELATED TO THE PRACTICE OF A MEDICAL PROVIDER WHO PERFORMS MEDICAL SERVICES RELATED TO ABORTION.

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

### **Chapter 60 Section 1 Laws 2025**

SECTION 1. Section 14-2-1 NMSA 1978 (being Laws 1947, Chapter 130, Section 1, as amended) is amended to read:

"14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--Every person has a right to inspect public records of this state except:

A. records pertaining to physical or mental examinations and medical treatment of persons confined to an institution;

B. letters of reference concerning employment, licensing or permits;

C. letters or memoranda that are matters of opinion in personnel files or students' cumulative files;

D. portions of law enforcement records as provided in Section 14-2-1.2 NMSA 1978;



- E. as provided by the Confidential Materials Act;
- F. trade secrets;
- G. attorney-client privileged information;
- H. long-range or strategic business plans of public hospitals discussed in a properly closed meeting;
- I. tactical response plans or procedures prepared for or by the state or a political subdivision of the state, the publication of which could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used to facilitate the planning or execution of a terrorist attack;
- J. information concerning information technology systems, the publication of which would reveal specific vulnerabilities that compromise or allow unlawful access to such systems; provided that this subsection shall not be used to restrict requests for:
  - (1) records stored or transmitted using information technology systems;
  - (2) internal and external audits of information technology systems, except for those portions that would reveal ongoing vulnerabilities that compromise or allow unlawful access to such systems; or
  - (3) information to authenticate or validate records received pursuant to a request fulfilled pursuant to the Inspection of Public Records Act;
- K. submissions in response to a competitive grant, land lease or scholarship and related scoring materials and evaluation reports until finalists are publicly named or the award is announced;
- L. records containing personal identifying information or sensitive information related to the practice of a medical provider employed by a public body who performs medical services related to abortion; and
- M. as otherwise provided by law."

## **LAWS 2025, CHAPTER 61**

**Senate Bill 66, w/ec**  
**Approved April 7, 2025**

AN ACT

RELATING TO EMPLOYMENT; PROVIDING THAT THE CRIMINAL OFFENDER  
EMPLOYMENT ACT DOES NOT APPLY TO CERTAIN AGENCIES; REQUIRING

EXEMPT AGENCIES TO PROMULGATE RULES RELATED TO CRIMINAL HISTORY SCREENING; DECLARING AN EMERGENCY.

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

## **Chapter 61 Section 1 Laws 2025**

SECTION 1. Section 28-2-5 NMSA 1978 (being Laws 1974, Chapter 78, Section 5) is amended to read:

"28-2-5. NONAPPLICABILITY TO AGENCIES.--

A. The Criminal Offender Employment Act is not applicable to:

- (1) any law enforcement agency;
- (2) the early childhood education and care department for consideration of an applicant for licensure, registration or employment at a child care facility;
- (3) an agency for consideration of an applicant for employment as a caregiver or hospital caregiver subject to the Caregivers Criminal History Screening Act;
- (4) the children, youth and families department; and
- (5) the public education department for consideration of an applicant for licensure under the School Personnel Act.

B. Nothing in the Criminal Offender Employment Act shall be construed to preclude an exempt agency in its discretion from adopting the policy set forth in that act.

C. An agency exempted pursuant to Subsection A of this section shall promulgate rules related to criminal history screening for the purpose of determining eligibility."

## **Chapter 61 Section 2 Laws 2025**

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

# **LAWS 2025, CHAPTER 62**

**Senate Bill 72**

**Approved April 7, 2025**

AN ACT

RELATING TO NONPROFIT CORPORATIONS; ALLOWING NONPROFIT  
CONDOMINIUM ASSOCIATIONS TO TRANSACT BUSINESS REMOTELY.

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

## **Chapter 62 Section 1 Laws 2025**

SECTION 1. Section 47-7C-8 NMSA 1978 (being Laws 1982, Chapter 27, Section 41) is amended to read:

"47-7C-8. MEETINGS.--A meeting of the association shall be held at least once each year. Special meetings of the association may be called by the president, a majority of the executive board or unit owners having twenty percent, or any lower percentage specified in the bylaws, of the votes in the association. Not less than ten days nor more than sixty days in advance of any meeting, the secretary or other officer specified in the bylaws shall cause notice to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit owner. A notice may be sent by electronic mail or an equivalent electronic transmission; provided that the recipient has agreed to electronic notice in advance. The notice of any meeting shall state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws, any budget changes and any proposal to remove a director or officer."

## **Chapter 62 Section 2 Laws 2025**

SECTION 2. Section 47-7C-9 NMSA 1978 (being Laws 1982, Chapter 27, Section 42) is amended to read:

"47-7C-9. QUORUMS.--

A. Unless the bylaws provide otherwise, a quorum is present throughout any meeting of the association if persons entitled to cast twenty percent of the votes that may be cast for election of the executive board are present in person, by proxy or via simultaneous, remote electronic means at the beginning of the meeting.

B. Unless the bylaws specify a larger percentage, a quorum is deemed present throughout any meeting of the executive board if persons entitled to cast fifty percent of the votes on that board are present at the beginning of the meeting."

## **Chapter 62 Section 3 Laws 2025**

SECTION 3. Section 53-8-15 NMSA 1978 (being Laws 1975, Chapter 217, Section 15) is amended to read:

"53-8-15. VOTING.--

A. The right of the members, or any class or classes of members, to vote may be limited, enlarged or denied to the extent specified in the articles of incorporation or the bylaws. Unless so limited, enlarged or denied, each member, regardless of class, shall be entitled to one vote on each matter submitted to a vote of members.

B. A member entitled to vote may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by proxy executed in writing by the member or by the member's duly authorized attorney-in-fact or via simultaneous, remote electronic means. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy. Where directors or officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail.

C. The articles of incorporation or the bylaws may provide that in all elections for directors every member entitled to vote shall have the right to cumulate the member's vote and to give one candidate a number of votes equal to the member's vote multiplied by the number of directors to be elected, or by distributing such votes on the same principle among any number of candidates.

D. If a corporation has no members or its members have no right to vote, the directors shall have the sole voting power."

## **Chapter 62 Section 4 Laws 2025**

SECTION 4. Section 53-8-16 NMSA 1978 (being Laws 1975, Chapter 217, Section 16) is amended to read:

"53-8-16. QUORUM.--The bylaws may provide the number or percentage of members entitled to vote represented in person, by proxy or via simultaneous, remote electronic means or the number or percentage of votes represented in person, by proxy or via simultaneous, remote electronic means that shall constitute a quorum at a meeting of members. In the absence of any such provision, members holding one-tenth of the votes entitled to be cast on the matter to be voted upon represented in person, by proxy or via simultaneous, remote electronic means shall constitute a quorum. A majority of the votes entitled to be cast on a matter to be voted upon by the members present, represented by proxy or via simultaneous, remote electronic means at a meeting at which a quorum is present shall be necessary for the adoption thereof unless a greater proportion is required by the Nonprofit Corporation Act, the articles of incorporation or the bylaws."

## **Chapter 62 Section 5 Laws 2025**

SECTION 5. Section 53-8-22 NMSA 1978 (being Laws 1975, Chapter 217, Section 22, as amended) is amended to read:

"53-8-22. DIRECTORS' MEETINGS.--Meetings of the board of directors, regular or special, may be held either within or without New Mexico and upon such notice as the bylaws may prescribe. Attendance of a director at any meeting shall constitute a waiver of notice of the meeting, except when a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of the meeting unless required by the bylaws. Except as otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or any committee designated thereby may participate in a meeting of the board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time or via simultaneous, remote electronic means and participation by such means shall constitute presence in person at a meeting."

## **LAWS 2025, CHAPTER 63**

**Senate Bill 83, aa, w/cc**  
**Approved April 7, 2025**

AN ACT

RELATING TO PUBLIC FUNDS; CREATING THE INNOVATION IN STATE  
GOVERNMENT FUND FOR STATE AGENCIES TO CREATE MASTER PLANS AND  
INCREASE AGENCY CAPACITY TO IMPLEMENT CLIMATE CHANGE POLICY.

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

### **Chapter 63 Section 1 Laws 2025**

#### **SECTION 1. INNOVATION IN STATE GOVERNMENT FUND.--**

A. The "innovation in state government fund" is created as a nonreverting fund in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations and bequests made to the fund and income from investment of the fund. The department of finance and administration shall administer the fund. Money in the fund is subject to appropriation by the legislature only as provided in this section. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary or the secretary's authorized representative.

B. Money in the fund may be appropriated to state agencies to create master plans and increase agency capacity to:

- (1) achieve net-zero emissions;

- (2) implement sustainable economic policies;
- (3) provide technical support to entities applying for grants and other funding that seek to address climate change; or
- (4) implement, enable or reduce the barriers to implementing climate change policy.

C. Money in the fund may be expended in the event that general fund balances, including all authorized revenues and transfers to the general fund and balances in the general fund operating reserve, the appropriation contingency fund and the tax stabilization reserve, will not meet the level of appropriations authorized from the general fund for a fiscal year. In that event, to avoid an unconstitutional deficit, the legislature may appropriate from the fund to the general fund only in the amount necessary to meet general fund appropriations for that fiscal year and only if the legislature has authorized transfers from the appropriation contingency fund, the general fund operating reserve and the tax stabilization reserve that exhaust those fund balances.

D. By June 30 of each year, a state agency that receives funding from the fund shall submit a report and budget to the department of finance and administration showing how the funds will be expended in support of the authorized purposes. The report shall also include:

- (1) justification of any proposed changes to the agency's program structure pursuant to Section 6-3A-4 NMSA 1978, and any approval or denial of the changes pursuant to that section, as well as the justification for the decision; and
- (2) if an agency has received an appropriation from the government results and opportunity program fund for a master plan created pursuant to Subsection B of this section and has or is expected to make a request to expand the purpose of the appropriation, justification for such request.

E. As used in this section:

- (1) "greenhouse gas" means a gas or gaseous compound that contributes to the greenhouse effect by absorbing infrared radiation, including carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride and sulfur hexafluoride;
- (2) "net-zero emissions" means allowable direct emissions of greenhouse gases that are fully offset; and
- (3) "sustainable economic policies" means policies to promote:

(a) the addition of new jobs statewide and the replacement of jobs that rely on the extraction or development of natural resources; and

(b) diversifying the state's revenue sources to replace the revenue generated from the natural resource extraction sector, including policies that promote economic development; investment of state revenue; infrastructure development; determining alternative funding sources for education, hospitals and other social services; and long-term economic growth for the state.

## **LAWS 2025, CHAPTER 64**

### **Senate Bill 100**

**Approved April 7, 2025**

#### **AN ACT**

RELATING TO THE ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY; INCREASING THE LIMIT OF OUTSTANDING INDEBTEDNESS OF THE AUTHORITY.

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

### **Chapter 64 Section 1 Laws 2025**

SECTION 1. Section 72-16-44 NMSA 1978 (being Laws 1963, Chapter 311, Section 44, as amended) is amended to read:

"72-16-44. ISSUANCE OF BONDS AND INCURRENCE OF DEBT.--The authority is authorized to borrow money in anticipation of taxes or other revenues, or both, and to issue bonds to evidence the amount so borrowed. No bonded indebtedness or any other indebtedness not payable in full within one year, except for interim debentures as provided in Sections 72-16-46 and 72-16-89 through 72-16-91 NMSA 1978, shall be created by the authority without first submitting a proposition of issuing the bonds to the qualified electors of the authority and being approved by a majority of electors voting at an election held for that purpose in accordance with Section 72-16-28 and all laws amendatory thereof and supplemental thereto. Bonds so authorized may be issued in one series or more and may mature at such times not exceeding forty years from their issuance as the board may determine. The total of all outstanding indebtedness at any one time shall not exceed one hundred twenty million dollars (\$120,000,000) without prior approval of the state legislature."

### **Chapter 64 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 65**

**Senate Bill 101, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO LIVESTOCK; INCREASING FEES FOR SERVICES RELATING TO LIVESTOCK.

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

## **Chapter 65 Section 1 Laws 2025**

SECTION 1. Section 77-2-29 NMSA 1978 (being Laws 1981, Chapter 357, Section 2, as amended) is amended to read:

"77-2-29. FEES.--The following fees shall be fixed by the board for services rendered pursuant to the provisions of The Livestock Code:

A. an inspection or permit fee not to exceed one dollar (\$1.00) per head to be charged for the importation or exportation of sheep and goats pursuant to Section 77-8-3 NMSA 1978 and a service charge in an amount not to exceed fifty dollars (\$50.00) for each inspection request; provided that the board shall not increase the inspection fee more than four cents (\$.04) in any one fiscal year;

B. a fee for recording a transfer of a brand pursuant to Section 77-2-7.1 NMSA 1978 in an amount not to exceed two hundred dollars (\$200);

C. a fee for recording a brand or researching a brand pursuant to Section 77-2-7.4 NMSA 1978 in an amount not to exceed two hundred dollars (\$200);

D. a fee for additional copies of certified copies of brands pursuant to Section 77-2-7.4 NMSA 1978 in an amount not to exceed twenty dollars (\$20.00) per copy;

E. a fee for the recording of a holding brand pursuant to Section 77-2-7.9 NMSA 1978 in an amount not to exceed two hundred dollars (\$200), which recording shall be valid for one year from the date of recording, and an additional fee in an amount not to exceed one hundred dollars (\$100) for each annual renewal;

F. a fee for the re-recording of brands pursuant to Section 77-2-7.12 NMSA 1978 in an amount not to exceed two hundred dollars (\$200);

G. a fee for the inspection of livestock pursuant to Section 77-9-38 or 77-10-4 NMSA 1978 in an amount not to exceed two dollars fifty cents (\$2.50) per head and a service charge in an amount not to exceed fifty dollars (\$50.00) for each inspection



request; provided that the board may not increase the inspection fee more than ten cents (\$.10) in any one fiscal year;

H. a fee for the inspection of hides pursuant to Section 77-9-54 NMSA 1978 in an amount not to exceed two dollars fifty cents (\$2.50) per hide and a service charge in an amount not to exceed fifty dollars (\$50.00) for each inspection request; provided that the board may not increase the inspection fee more than ten cents (\$.10) in any one fiscal year;

I. a fee for the handling of the proceeds of the sale of an estray pursuant to Section 77-13-6 NMSA 1978 in an amount not to exceed seventy-five dollars (\$75.00);

J. a fee for the impoundment of trespass livestock pursuant to Section 77-14-36 NMSA 1978 in an amount not to exceed fifty dollars (\$50.00) per head per day and a reasonable charge for the moving of trespass livestock pursuant to Section 77-14-36 NMSA 1978 to be set by the board;

K. a fee for the licensing of a livestock auction market pursuant to Section 77-10-2 NMSA 1978 in an amount not to exceed one hundred dollars (\$100);

L. a fee for issuing a transportation permit pursuant to Section 77-9-42 NMSA 1978 in an amount not to exceed one hundred dollars (\$100);

M. a fee for the licensing of a cattle or sheep rest station pursuant to Section 77-9A-2 NMSA 1978 in an amount not to exceed one hundred dollars (\$100);

N. a fee for issuing a certificate of brand exemption pursuant to Section 77-8-22 or 77-9-3 NMSA 1978 in an amount not to exceed two hundred dollars (\$200); and

O. a fee for moving a head of livestock to or from a place for seasonal grazing in an amount equal to fifty percent of the fee for the inspection of livestock per head set by the board pursuant to Subsection G of this section and Section 77-9-38 NMSA 1978, rounded up to the nearest cent.

For the purposes of this subsection, "seasonal grazing" means the movement of livestock from one grazing location to another grazing location; provided, however, that both grazing locations are under the control of the same producer and the ownership of the livestock does not transfer upon the movement of the livestock."

## **Chapter 65 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 66**

**Senate Bill 113, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO PROFESSIONAL LICENSURE; EXTENDING SUNSET DATES OF CERTAIN BOARDS AND COMMISSIONS.

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

## **Chapter 66 Section 1 Laws 2025**

SECTION 1. Section 61-13-17 NMSA 1978 (being Laws 1978, Chapter 206, Section 1, as amended) is amended to read:

"61-13-17. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The board of nursing home administrators is terminated on July 1, 2035 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of Chapter 61, Article 13 NMSA 1978 until July 1, 2036. Effective July 1, 2036, Chapter 61, Article 13 NMSA 1978 is repealed."

## **Chapter 66 Section 2 Laws 2025**

SECTION 2. Section 61-17A-25 NMSA 1978 (being Laws 1993, Chapter 171, Section 27, as amended) is amended to read:

"61-17A-25. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The board of barbers and cosmetologists is terminated on July 1, 2035 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Barbers and Cosmetologists Act until July 1, 2036. Effective July 1, 2036, the Barbers and Cosmetologists Act is repealed."

## **Chapter 66 Section 3 Laws 2025**

SECTION 3. Section 61-24B-17 NMSA 1978 (being Laws 1985, Chapter 151, Section 18, as amended) is amended to read:

"61-24B-17. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The board of landscape architects is terminated on July 1, 2035 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Landscape Architects Act until July 1, 2036. Effective July 1, 2036, the Landscape Architects Act is repealed."

## **Chapter 66 Section 4 Laws 2025**

SECTION 4. Section 69-25A-36 NMSA 1978 (being Laws 1987, Chapter 333, Section 14, as amended) is amended to read:

"69-25A-36. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The coal surface mining commission is terminated on July 1, 2035 pursuant to the Sunset Act. The commission shall continue to operate according to the provisions of the Surface Mining Act until July 1, 2036. Effective July 1, 2036, Section 69-25A-4 NMSA 1978 is repealed."

## **Chapter 66 Section 5 Laws 2025**

SECTION 5. Section 74-6-17 NMSA 1978 (being Laws 1987, Chapter 333, Section 15, as amended) is amended to read:

"74-6-17. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The water quality control commission is terminated on July 1, 2035 pursuant to the Sunset Act. The commission shall continue to operate according to the provisions of Chapter 74, Article 6 NMSA 1978 until July 1, 2036. Effective July 1, 2036, Sections 74-6-3 through 74-6-4 NMSA 1978 are repealed."

# **LAWS 2025, CHAPTER 67**

**SFC/Senate Bill 115, aa, w/ec**  
**Approved April 7, 2025**

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 67 Section 1 Laws 2025**

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. Aggie development, incorporated in Dona Ana county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;
2. the Alamogordo public school district in Otero county for land, building, equipment, furniture and machinery projects;
3. the city of Alamogordo in Otero county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;
4. the city of Albuquerque in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;
5. the Aztec municipal school district in San Juan county for land, building, equipment, furniture and machinery projects;
6. the city of Bayard in Grant county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;
7. the Belen consolidated school district in Valencia county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;
8. the city of Belen in Valencia county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;
9. Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;
10. the Bernalillo public school district in Sandoval county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

11. the Bloomfield school district in San Juan county for land, building, equipment, furniture and machinery projects;
12. the city of Bloomfield in San Juan county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;
13. the Bluewater water and sanitation district in Cibola county for road, street, airport, parking facility and public transportation system projects;
14. the village of Bosque Farms in Valencia county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, transportation system, public recreational facility and refinancing projects;
15. the Broadmoor Heights public improvement district in Sandoval county for electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;
16. the Cabezon public improvement district in Sandoval county for electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;
17. the Carlsbad municipal school district in Eddy county for land, building, equipment, furniture, machinery and refinancing projects;
18. the city of Carlsbad in Eddy county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;
19. the town of Carrizozo in Lincoln county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;
20. the Central consolidated school district in San Juan county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;
21. the governing board of central New Mexico community college in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

22. the village of Chama in Rio Arriba county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

23. the village of Cimarron in Colfax county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

24. the Cimarron municipal school district in Colfax county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

25. the town of Clayton in Union county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

26. the Cloudcroft municipal school district in Otero county for land, building, equipment, furniture, machinery, road, street, airport, parking facility and public transportation system projects;

27. the village of Cloudcroft in Otero county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

28. the Clovis municipal school district in Curry county for land, building, equipment, furniture, machinery and refinancing projects;

29. the city of Clovis in Curry county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

30. the Cobre consolidated school district in Grant county for land, building, equipment, furniture and machinery projects;

31. the village of Columbus in Luna county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

32. the village of Corrales in Sandoval county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

33. the Cuba independent school district in Sandoval county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

34. Curry county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

35. the city of Deming in Luna county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

36. the Deming public school district in Luna county for land, building, equipment, furniture, machinery and refinancing projects;

37. the Dexter consolidated school district in Chaves county for land, building, equipment, furniture, machinery and refinancing projects;

38. the village of Dora in Roosevelt county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

39. the village of Eagle Nest in Colfax county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

40. the east Rio Arriba soil and water conservation district in Rio Arriba county for land, building, equipment, furniture, machinery and refinancing projects;

41. the board of regents of eastern New Mexico university in Roosevelt county for land, building, equipment, furniture and machinery projects;

42. the board of regents of eastern New Mexico university for the Roswell branch campus in Chaves county for land, building, equipment, furniture and machinery projects;

43. the board of regents of eastern New Mexico university for the Ruidoso branch campus in Lincoln county for land, building, equipment, furniture and machinery projects;

44. Eddy county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

45. the El Prado water and sanitation district in Taos county for electric, water, wastewater, water rights, solid waste and refinancing projects;

46. the El Valle de Los Ranchos water and sanitation district in Taos county for electric, water, wastewater, water rights and solid waste projects;

47. the city of Elephant Butte in Sierra county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

48. the town of Elida in Roosevelt county for electric, water, wastewater, water rights and solid waste projects;

49. the village of Encino in Torrance county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

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

51. the city of Espanola in Rio Arriba county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

52. the Espanola public school district in Rio Arriba county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

53. the town of Estancia in Torrance county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;



54. the Estates at la Cuentista public improvement district in Bernalillo county for electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

55. the Farmington municipal school district in San Juan county for land, building, equipment, furniture, machinery, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

56. the village of Fort Sumner in De Baca county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

57. the Gadsden independent school district in Dona Ana county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

58. the city of Gallup in McKinley county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

59. the Gallup-McKinley county school district in McKinley county for land, building, equipment, furniture, machinery and refinancing projects;

60. the Gila regional medical center in Grant county for land, building, equipment, furniture and machinery projects;

61. the Grady municipal school district in Curry county for land, building, equipment, furniture, machinery, road, street, airport, parking facility and public transportation system projects;

62. Grant county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

63. the town of Hagerman in Chaves county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste and public recreational facility projects;

64. Hidalgo county for land, building, equipment, furniture, machinery, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

65. the Hondo Valley public school district in Lincoln county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

66. Homewise, incorporated in Santa Fe county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

67. the House municipal school district in Quay county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

68. the Indian Pueblo cultural center in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

69. Indian Pueblos marketing, incorporated in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

70. Indian Pueblos marketing, incorporated 3 in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

71. Indian Pueblos marketing, incorporated 4 in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

72. Indian Pueblos marketing, incorporated 5 in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

73. Indian Pueblos marketing, incorporated 6 in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

74. the city of Jal in Lea county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

75. the Jal public school district in Lea county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

76. the Jemez Mountain public school district in Rio Arriba county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

77. the Jemez Valley public school district in Sandoval county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

78. Kewa enterprises, incorporated in Sandoval county for land, building, equipment, furniture and machinery projects;

79. Kewa gas, limited in Sandoval county for land, building, equipment, furniture and machinery projects;

80. the Kewa Pueblo health corporation in Sandoval county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

81. La Union mutual domestic sewer and water association in Dona Ana county for refinancing projects;

82. the Las Vegas city public school district in San Miguel county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

83. the village of Logan in Quay county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

84. the Lordsburg municipal school district in Hidalgo county for land, building, equipment, furniture, machinery and public recreational facility projects;

85. Los Alamos county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, public facility, public transportation system, public recreational facility and refinancing projects;

86. Los Diamantes public improvement district in Sandoval county for electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

87. Los Diamantes tax incremental development district in Sandoval county for electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

88. the Los Lunas public school district in Valencia county for land, building, equipment, furniture, machinery, road, street, airport, parking facility, public transportation system and refinancing projects;

89. the village of Los Lunas in Valencia county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

90. the village of Los Ranchos de Albuquerque in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

91. the Loving municipal school district in Eddy county for land, building, equipment, furniture and machinery projects;

92. the Lovington municipal school district in Lea county for land, building, equipment, furniture, machinery, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

93. the Magdalena municipal school district in Socorro county for land, building, equipment, furniture and machinery projects;

94. the Mariposa public improvement district in Sandoval county for electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

95. the Melrose public school district in Curry county for land, building, equipment, furniture and machinery projects;

96. the Mesa Vista consolidated school district in Rio Arriba county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

97. the town of Mesilla in Dona Ana county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

98. the village of Milan in Cibola county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

99. the middle Rio Grande conservancy district in Bernalillo county for land, building, equipment, furniture, machinery and water projects;

100. the Moriarty-Edgewood school district in Torrance county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights and solid waste projects;

101. the town of Mountainair in Torrance county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation, public recreational facility and refinancing projects;

102. the board of regents of the New Mexico military institute in Chaves county for land, building, equipment, furniture, machinery, public recreational facility and refinancing projects;

103. the board of regents of New Mexico state university for arrowhead center, inc. in Dona Ana county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

104. the north central regional transit district in Santa Fe, Rio Arriba, Los Alamos and Taos counties for land, building, equipment, furniture and machinery projects;

105. the board of regents of northern New Mexico state school in Rio Arriba county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

106. the northwest New Mexico regional solid waste authority in McKinley county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights and solid waste projects;

107. Ohkay Owingeh in Rio Arriba county for electric, water, wastewater, water rights, solid waste and public recreational facility projects;

108. Otero county for land, building, equipment, furniture, machinery, road, street, airport, parking facility and public transportation system projects;

109. the Pojoaque Valley public school district in Santa Fe county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid

waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

110. the Portales municipal school district in Roosevelt county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

111. the city of Portales in Roosevelt county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

112. Quay county for land, building, equipment, furniture, machinery, road, street, airport, parking facility, public transportation system and public recreational facility projects;

113. the Quemado independent school district in Catron county for land, building, equipment, furniture and machinery projects;

114. the village of Questa in Taos county for electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

115. the Questa independent school district in Taos county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

116. the Raton public school district in Colfax county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

117. the city of Raton in Colfax county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

118. Rio Arriba county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

119. the Rio Rancho public school district in Sandoval county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

120. Roosevelt county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

121. the Ruidoso municipal school district in Lincoln county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and refinancing projects;

122. the village of Ruidoso in Lincoln county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

123. the San Jon municipal school district in Quay county for land, building, equipment, furniture, machinery and refinancing projects;

124. the San Juan regional medical center in San Juan county for land, building, equipment, furniture, machinery and refinancing projects;

125. the village of San Ysidro in Sandoval county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

126. the Pueblo of Santa Ana in Sandoval county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

127. the Santa Ana hospitality corporation in Sandoval county for land, building, equipment, furniture and machinery projects;

128. the village of Santa Clara in Grant county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

129. Kewa Pueblo in Sandoval county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

130. the Santo Domingo tribal housing authority in Sandoval county for land, building, equipment, furniture and machinery projects;

131. the city of Santa Fe in Santa Fe county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

132. the governing board of Santa Fe community college in Santa Fe county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

133. Santa Fe county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

134. the town of Silver City in Grant county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

135. the Socorro consolidated school district in Socorro county for land, building, equipment, furniture, machinery and refinancing projects;

136. Socorro county for land, building, equipment, furniture and machinery projects;

137. the south central solid waste authority in Dona Ana county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste and refinancing projects;

138. the town of Springer in Colfax county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

139. the state parks division of the energy, minerals and natural resources department in Santa Fe county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

140. the Stonegate public improvement district in Sandoval county for electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

141. the Stonegate tax incremental development district in Sandoval county for electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;



142. the Tatum municipal school district in Lea county for land, building, equipment, furniture, public recreational facility and refinancing projects;

143. the Texico municipal school district in Curry and Roosevelt counties for land, building, equipment, furniture and machinery projects;

144. the Tierra del Oro public improvement district in Sandoval county for electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

145. the Tierra del Sol housing corporation in Dona Ana county for land, building, equipment, furniture and machinery projects;

146. the village of Tijeras in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

147. the city of Truth or Consequences in Sierra county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

148. the Tucumcari public school district in Quay county for land, building, equipment, furniture and machinery projects;

149. the 21st Century public academy in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

150. the university of New Mexico medical group, incorporated in Bernalillo county for land, building, equipment, furniture, machinery and refinancing projects;

151. the upper Rio Grande watershed district in Rio Arriba county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

152. Valencia county for land, building, equipment, furniture and machinery projects;

153. the Village at Rio Rancho tax increment development district in Sandoval county for electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

154. the Wagon Mound public school district in Mora county for land, building, equipment, furniture and machinery projects;

155. the ACES technical charter school in Bernalillo county for land, building, equipment, furniture and machinery projects;

156. the Albuquerque talent development secondary charter school in Bernalillo county for land, building, equipment, furniture and machinery projects;

157. the Aldo Leopold charter school in Grant county for land, building, equipment, furniture and machinery projects;

158. the city of Anthony in Dona Ana county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

159. the Arroyo Hondo Arriba community land grant in Taos county for land, building, equipment, furniture and machinery projects;

160. the Clayton municipal school district in Union county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

161. Colfax county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

162. the Corona public school district in Lincoln county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

163. the Cottonwood classical preparatory school in Bernalillo county for land, building, equipment, furniture, machinery and refinancing projects;

164. the Don Fernando de Taos land grant-merced in Taos county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste and public recreational facility projects;

165. Dona Ana county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

166. the Eldorado area water and sanitation district in Santa Fe county for electric, water, wastewater, water rights and solid waste projects;

167. the city of Eunice in Lea county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

168. the Explore academy-Las Cruces in Dona Ana county for land, building, equipment, furniture, machinery and refinancing projects;

169. the Explore academy-Rio Rancho in Sandoval county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

170. the city of Grants in Cibola county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

171. the Health Leadership high school in Bernalillo county for land, building, equipment, furniture and machinery projects;

172. the city of Hobbs in Lea county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and public recreational facility projects;

173. the Hobbs municipal school district in Lea county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system and refinancing projects;

174. the J. Paul Taylor academy in Dona Ana county for land, building, equipment, furniture and machinery projects;

175. the Laguna development corporation in Bernalillo county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights and solid waste projects;

176. McKinley county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

177. the Mescalero Apache Tribe in Otero county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street,

airport, parking facility, public transportation system, public recreational facility and refinancing projects;

178. the Mountainair public school district in Torrance county for land, building, equipment, furniture, machinery, public recreational facility and refinancing projects;

179. the New America school-Las Cruces in Dona Ana county for refinancing projects;

180. the New Mexico academy for the media arts in Bernalillo county for land, building, equipment, furniture, machinery and refinancing projects;

181. the New Mexico school for the arts in Santa Fe county for land, building, equipment, furniture and machinery projects;

182. the board of regents of New Mexico state university for the Grants branch campus in Cibola county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility and public transportation system projects;

183. the Public academy for performing arts in Bernalillo county for land, building, equipment, furniture, machinery and refinancing projects;

184. the Red River Valley charter school in Taos county for land, building, equipment, furniture and machinery projects;

185. the Roswell independent school district in Chaves county for land, building, equipment, furniture and machinery projects;

186. the Roy municipal school district in Harding county for land, building, equipment, furniture and machinery projects;

187. the city of Ruidoso Downs in Lincoln county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

188. the Sacramento school of engineering and science in Otero county for land, building, equipment, furniture and machinery projects;

189. San Miguel county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

190. the Sandoval academy of bilingual education in Sandoval county for land, building, equipment, furniture, machinery and refinancing projects;

191. the Pueblo of Taos in Taos county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

192. the Taos integrated school of the arts in Taos county for land, building, equipment, furniture and machinery projects;

193. the Taos pueblo housing authority in Taos county for land, building, equipment, furniture, machinery and public recreational facility projects;

194. the Taos pueblo tribal utility service in Taos county for electric, water, wastewater, water rights and solid waste projects;

195. the ASK academy in Sandoval county for land, building, equipment, furniture, machinery and refinancing projects;

196. the Tierra Amarilla land grant-merced in Rio Arriba county for land, building, equipment, furniture and machinery projects;

197. the Truth or Consequences municipal school district in Sierra county for land, building, equipment, furniture, machinery, electric, water, wastewater, water rights, solid waste, road, street, airport, parking facility, public transportation system, public recreational facility and refinancing projects;

198. the Tularosa municipal school district in Otero county for land, building, equipment, furniture and machinery projects;

199. the board of regents of the university of New Mexico for the Los Alamos branch campus in Los Alamos county for land, building, equipment, furniture and machinery projects; and

200. the board of regents of New Mexico state university and the governing board of the Alamogordo branch community college district for the Alamogordo branch campus in Otero county for land, building, equipment, furniture, machinery, water, wastewater, road and parking facility projects.

## **Chapter 67 Section 2 Laws 2025**

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 2028 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 67 Section 3 Laws 2025**

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

## **LAWS 2025, CHAPTER 68**

**Senate Bill 127, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO OCCUPATIONS; PROVIDING AN EXEMPTION TO THE BARBERS AND COSMETOLOGISTS ACT FOR MAKE-UP ARTISTS AND HAIRSTYLISTS EMPLOYED FOR THEATRICAL OR CINEMATIC PRODUCTIONS.

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

## **Chapter 68 Section 1 Laws 2025**

SECTION 1. Section 61-17A-22 NMSA 1978 (being Laws 1993, Chapter 171, Section 22, as amended) is amended to read:

"61-17A-22. EXEMPTIONS.--The following persons are exempt from the provisions of the Barbers and Cosmetologists Act while in the discharge of their professional duties:

- A. persons licensed by the law of this state to practice medicine and surgery or chiropractic;
- B. commissioned medical or surgical officers of the United States army, navy, marine or air force hospital service;
- C. registered nurses;
- D. funeral service practitioners;
- E. persons providing only eyebrow-threading services; and
- F. persons who are employed as make-up artists or hairstylists for theatrical or cinematic productions."

# **LAWS 2025, CHAPTER 69**

**Senate Bill 155, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO EMBEZZLEMENT; ALLOWING A TWELVE-MONTH AGGREGATION OF INCIDENTS OF EMBEZZLEMENT TO DETERMINE PENALTY.

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

## **Chapter 69 Section 1 Laws 2025**

SECTION 1. Section 30-16-8 NMSA 1978 (being Laws 1963, Chapter 303, Section 16-7, as amended) is amended to read:

"30-16-8. EMBEZZLEMENT.--

A. Embezzlement consists of a person embezzling or converting to the person's own use anything of value, with which the person has been entrusted, with fraudulent intent to deprive the owner thereof.

B. Whoever commits embezzlement when the value of the thing embezzled or converted is two hundred fifty dollars (\$250) or less against any one victim in any consecutive twelve-month period is guilty of a petty misdemeanor.

C. Whoever commits embezzlement when the value of the thing embezzled or converted is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) against any one victim in any consecutive twelve-month period is guilty of a misdemeanor.

D. Whoever commits embezzlement when the value of the thing embezzled or converted is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) against any one victim in any consecutive twelve-month period is guilty of a fourth degree felony.

E. Whoever commits embezzlement when the value of the thing embezzled or converted is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) against any one victim in any consecutive twelve-month period is guilty of a third degree felony.

F. Whoever commits embezzlement when the value of the thing embezzled or converted exceeds twenty thousand dollars (\$20,000) against any one victim in any consecutive twelve-month period is guilty of a second degree felony."

## **Chapter 69 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

## **LAWS 2025, CHAPTER 70**

**STBTC/Senate Bill 169, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; ENACTING THE STRATEGIC ECONOMIC DEVELOPMENT SITE READINESS ACT.

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

## **Chapter 70 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--This act may be cited as the "Strategic Economic Development Site Readiness Act".

## **Chapter 70 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Strategic Economic Development Site Readiness Act:

- A. "department" means the economic development department;
- B. "private partner" means an individual, a foreign or domestic corporation, a general partnership, a limited liability company, a limited partnership, a joint venture, a business trust, a public benefit corporation, a nonprofit entity or other private business entity or a combination thereof;
- C. "public partner" means the state and the state's branches, agencies, departments, boards, instrumentalities or institutions and all political subdivisions of the state and their agencies, instrumentalities and institutions, including a department, an institution of higher education, a board or a commission, and includes Indian nations, tribes and pueblos; and
- D. "secretary" means the secretary of economic development.

## **Chapter 70 Section 3 Laws 2025**

SECTION 3. SITE CHARACTERIZATION STUDIES.--



A. The department may enter into contracts with public partners and private partners for site characterization studies of proposed economic development sites to determine the suitability of such sites for certification as a strategic economic development site.

B. The secretary shall accept for consideration proposals for site characterization studies of proposed economic development sites and shall decide if a proposed economic development site will be the subject of a site characterization study pursuant to Subsection A of this section.

C. A site characterization study shall assess the suitability of a proposed economic development site for development by a public partner or private partner and may consider the following characteristics:

- (1) the availability of public infrastructure, including transportation access, water and wastewater;
- (2) the availability of public utilities, including electricity, natural gas and broadband access;
- (3) environmental limitations;
- (4) size, configuration, topography, soils and drainage;
- (5) workforce availability;
- (6) housing availability;
- (7) governmental land use restrictions;
- (8) site ownership;
- (9) neighboring land uses; and
- (10) any other site characteristics that may affect the degree to which the site is ready for immediate economic development.

## **Chapter 70 Section 4 Laws 2025**

### **SECTION 4. STRATEGIC ECONOMIC DEVELOPMENT SITE ADVISORY COMMITTEE--CREATED--MEMBERSHIP.--**

A. The "strategic economic development site advisory committee" is created. The department shall provide necessary administrative services to the committee.

B. The strategic economic development site advisory committee is composed of:

- (1) the secretary of energy, minerals and natural resources or the secretary's designee;
- (2) the secretary of environment or the secretary's designee;
- (3) a representative of the public regulation commission appointed by the commission;
- (4) the secretary of transportation or the secretary's designee;
- (5) the chief executive officer of the New Mexico finance authority or the chief executive officer's designee;
- (6) the director of the economic development division of the department; and
- (7) five public members appointed by the New Mexico legislative council who shall have experience in law, architecture, planning, utilities, transportation or economic development.

C. The public members appointed initially shall draw lots for staggered terms in such a way that two members shall serve for six years, two members shall serve for four years and one member shall serve for two years. Thereafter, the public members shall serve for six-year terms. A vacancy in a term of a public member of the strategic economic development site advisory committee shall be filled by the New Mexico legislative council for the remainder of the original term.

D. The members shall select a chair, who shall be a public member and who shall serve a term of two years.

E. Members who are not public employees are entitled to per diem and mileage as provided in the Per Diem and Mileage Act but shall receive no other compensation, perquisite or allowance.

F. A member of the strategic economic development site advisory committee shall not participate in or influence a decision by the committee in which that member has a conflict of interest, pecuniary interest or other disqualifying interest regarding a proposed strategic economic development site. All members of the committee shall certify annually and in writing compliance with this subsection.

## **Chapter 70 Section 5 Laws 2025**

SECTION 5. STRATEGIC ECONOMIC DEVELOPMENT SITE ADVISORY COMMITTEE--DUTIES.--The strategic economic development site advisory committee has the following duties:

- A. meet quarterly and at such other times as deemed necessary by the chair;
- B. review and recommend the designation of proposed strategic economic development sites;
- C. recommend approval or disapproval of applications for grants and loans from the site readiness fund, the public project revolving fund and other potential funding sources;
- D. recommend the promulgation of rules establishing the application process and criteria for the approval of strategic economic development sites in accordance with the provisions of the State Rules Act; and
- E. consult with state agencies and county and local governments on technical issues relevant to the committee's consideration of proposed strategic economic development sites and applications for grants and loans from the site readiness fund.

## **Chapter 70 Section 6 Laws 2025**

SECTION 6. STRATEGIC ECONOMIC DEVELOPMENT SITES--DESIGNATION--IMPLEMENTATION.--

A. The secretary shall review site characterization studies conducted pursuant to Section 3 of the Strategic Economic Development Site Readiness Act and shall determine, after consideration of the recommendations of the strategic economic development site advisory committee:

- (1) whether there needs to be further study of the characteristics of proposed economic development sites; or
- (2) whether the proposed economic development site should be designated as a strategic economic development site.

B. Upon designation as a strategic economic development site, the secretary may solicit proposals from public partners and private partners for site pre-development projects that will enhance the readiness of the strategic economic development site. Site pre-development projects may include:

- (1) surveying, engineering, planning and architectural work required in advance of construction on site development and building construction;

- (2) environmental assessments and remediation;
  - (3) public infrastructure improvements necessary prior to the start of site development and building construction, including roads and utilities;
  - (4) site preparation, including landscaping and drainage improvements;
- and
- (5) governmental permitting.

C. The secretary shall review proposals from public partners and private partners for site pre-development projects and shall determine, after consideration of the recommendations of the strategic economic development site advisory committee, which proposed site pre-development projects could be funded in whole or in part by grants and loans from the site readiness fund or should be recommended for funding from the public project revolving fund or other funding resources.

## **Chapter 70 Section 7 Laws 2025**

### **SECTION 7. SITE READINESS FUND--CREATED.--**

A. The "site readiness fund" is created in the state treasury. The fund consists of appropriations, gifts, grants, donations, income from investment of the fund, payments of principal and interest on loans made from the fund and any other money distributed or otherwise allocated to the fund. Income from the fund shall be credited to the fund. Money in the fund shall not revert or be transferred to any other fund at the end of a fiscal year.

B. The department shall administer the site readiness fund. Money in the fund is appropriated to the department for the purposes of carrying out the provisions of the Strategic Economic Development Site Readiness Act, including site characteristic studies of proposed economic development sites and site preparations of strategic economic development sites. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of economic development or the secretary's authorized representative.

C. Money in the site readiness fund may be used to provide grants and loans for financing site pre-development projects.

D. Money in the site readiness fund may be used for administrative and reimbursable costs incurred by the department, subject to the legislative appropriation process.

## **Chapter 70 Section 8 Laws 2025**

SECTION 8. REPORT.--By October 1, 2026, and by October 1 of each year thereafter, the secretary shall provide a report to the governor, the legislative finance committee and the appropriate interim legislative committees regarding:

- A. the number and location of proposed economic development sites that have been approved for site characterization studies;
- B. the number and location of strategic economic development sites that have been approved by the secretary;
- C. the number and location of site pre-development projects that have been approved by the secretary, including those that have been approved for funding, in whole or in part, through grants and loans from the site readiness fund, the public project revolving fund or other funding resources;
- D. the status of the site readiness fund; and
- E. recommended changes to the Strategic Economic Development Site Readiness Act.

## **Chapter 70 Section 9 Laws 2025**

SECTION 9. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 71**

**Senate Bill 170, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; REVISING DEFINITIONS IN THE NEW MEXICO FINANCE AUTHORITY ACT; AMENDING PERMITTED USES FOR MONEY IN THE PUBLIC PROJECT REVOLVING FUND; REVISING ECONOMIC DEVELOPMENT RATES FOR GAS AND ELECTRIC UTILITIES; PROVIDING FOR EXPEDITED RATEMAKING ORDERS.

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

## Chapter 71 Section 1 Laws 2025

SECTION 1. Section 6-21-3 NMSA 1978 (being Laws 1992, Chapter 61, Section 3, as amended) is amended to read:

"6-21-3. DEFINITIONS.--As used in the New Mexico Finance Authority Act:

- A. "authority" means the New Mexico finance authority;
- B. "bond" means any bonds, notes, certificates of participation or other evidence of indebtedness;
- C. "bondholder" or "holder" means a person who is the owner of a bond, whether registered or not;
- D. "emergency public project" means a public project:
  - (1) made necessary by an unforeseen occurrence or circumstance threatening the public health, safety or welfare; and
  - (2) requiring the immediate expenditure of money that is not within the available financial resources of the qualified entity as determined by the authority;
- E. "public project" means the acquisition, construction, improvement, alteration or reconstruction of assets of a long-term capital nature by a qualified entity, including land; buildings; water rights; water, sewerage and waste disposal systems; streets; housing; airports; municipal utilities; public recreational facilities; public transportation systems; parking facilities; and machinery, furniture and equipment. "Public project" includes all proposed expenditures related to the entire undertaking. "Public project" also includes the acquisition, construction or improvement of real property, buildings, facilities and other assets by the authority for the purpose of leasing the property;
- F. "qualified entity" means the state or an agency or institution of the state or a county, municipality, school district, two-year public post-secondary educational institution, charter school, land grant corporation, acequia association, public improvement district, federally chartered college located in New Mexico, intercommunity water or natural gas supply association or corporation, special water, drainage, irrigation or conservancy district or other special district created pursuant to law, rural electric cooperative pursuant to the Rural Electric Cooperative Act, nonprofit foundation or other support organization affiliated with a public university, college or other higher educational institution located in New Mexico, including a university research park corporation, a nonprofit housing developer, an Indian nation, tribe or pueblo located wholly or partially in New Mexico, including a political subdivision or a wholly owned enterprise of an Indian nation, tribe or pueblo or a consortium of those Indian entities or a consortium of any two or more qualified entities created pursuant to law; and

G. "security" or "securities", unless the context indicates otherwise, means bonds, notes or other evidence of indebtedness issued by a qualified entity or leases or certificates or other evidence of participation in the lessor's interest in and rights under a lease with a qualified entity and that are payable from taxes, revenues, rates, charges, assessments or user fees or from the proceeds of funding or refunding bonds, notes or other evidence of indebtedness of a qualified entity or from certificates or evidence of participation in a lease with a qualified entity."

## **Chapter 71 Section 2 Laws 2025**

SECTION 2. Section 6-21-6 NMSA 1978 (being Laws 1992, Chapter 61, Section 6, as amended) is amended to read:

"6-21-6. PUBLIC PROJECT REVOLVING FUND--PURPOSE--  
ADMINISTRATION.--

A. The "public project revolving fund" is created within the authority. The fund shall be administered by the authority as a separate account, but may consist of such subaccounts as the authority deems necessary to carry out the purposes of the fund. The authority may establish procedures and adopt rules as required to administer the fund in accordance with the New Mexico Finance Authority Act.

B. Except as otherwise provided in the New Mexico Finance Authority Act, money from payments of principal of and interest on loans and payments of principal of and interest on securities held by the authority for public projects shall be deposited in the public project revolving fund. The fund shall also consist of any other money appropriated, distributed or otherwise allocated to the fund for the purpose of financing public projects.

C. Money appropriated to pay administrative costs, money available for administrative costs from other sources and money from payments of interest on loans or securities held by the authority, including payments of interest on loans and securities held by the authority for public projects, that represents payments for administrative costs shall not be deposited in the public project revolving fund and shall be deposited in a separate account of the authority and may be used by the authority to meet administrative costs of the authority.

D. Except as otherwise provided in the New Mexico Finance Authority Act, money in the public project revolving fund is appropriated to the authority to pay the reasonably necessary costs of originating and servicing loans, grants or securities funded by the fund and to make loans or grants and to purchase or sell securities to assist qualified entities in financing public projects in accordance with the New Mexico Finance Authority Act.

E. Money in the public project revolving fund not needed for immediate disbursement, including money held in reserve, may be deposited with the state

treasurer for short-term investment pursuant to Section 6-10-10.1 NMSA 1978 or may be invested in direct and general obligations of or obligations fully and unconditionally guaranteed by the United States, obligations issued by agencies of the United States, obligations of this state or any political subdivision of the state, interest-bearing time deposits, commercial paper issued by corporations organized and operating in the United States and rated "prime" quality by a national rating service, other investments permitted by Section 6-10-10 NMSA 1978 or as otherwise provided by the trust indenture or bond resolution, if money is pledged for or secures payment of bonds issued by the authority.

F. The authority shall establish fiscal controls and accounting procedures that are sufficient to assure proper accounting for public project revolving fund payments, disbursements and balances.

G. Money on deposit in the public project revolving fund may be used to make interim loans for a term not exceeding two years to qualified entities for the purpose of providing interim financing for any project approved or funded by the legislature.

H. Money on deposit in the public project revolving fund may be used to acquire securities or to make loans to qualified entities in connection with the small loan program. As used in this subsection, "small loan program" means the program of the authority designed to provide financing for public projects in amounts not to exceed one million dollars (\$1,000,000) per project. A public project financed pursuant to the small loan program shall not require specific authorization by law.

I. Money on deposit in the public project revolving fund may be designated as a reserve for any bonds issued by the authority, including bonds payable from sources other than the public project revolving fund, and the authority may covenant in any bond resolution or trust indenture to maintain and replenish the reserve from money deposited in the public project revolving fund after issuance of bonds by the authority.

J. Money on deposit in the public project revolving fund may be used to purchase bonds issued by the authority, which are payable from any designated source of revenues or collateral. Purchasing and holding the bonds in the public project revolving fund shall not, as a matter of law, result in cancellation or merger of the bonds notwithstanding the fact that the authority as the issuer of the bonds is obligated to make the required debt service payments and the public project revolving fund held by the authority is entitled to receive the required debt service payments.

K. Money on deposit in the public project revolving fund may be used to capitalize other financing programs of the authority authorized by law, either directly or from proceeds of bonds issued by the authority and secured by money in the public project revolving fund.



L. After June 30, 2028, only public projects referenced in Subsection D of this section that are specifically authorized by law shall be eligible for funding from the public project revolving fund."

## **Chapter 71 Section 3 Laws 2025**

SECTION 3. Section 62-6-26 NMSA 1978 (being Laws 1989, Chapter 5, Section 1, as amended) is amended to read:

### **"62-6-26. ECONOMIC DEVELOPMENT RATES FOR GAS AND ELECTRIC UTILITIES--AUTHORIZATION.--**

A. The commission may approve or otherwise allow to become effective, as provided in Subsection B of this section, applications from utilities or persons subject to regulation pursuant to Subsection B of Section 62-6-4 NMSA 1978 or filings by cooperative utilities pursuant to Section 62-8-7 NMSA 1978, as appropriate, for special rates or tariffs in order to prevent the loss of customers, to encourage customers to expand present facilities and operations in New Mexico and to attract new customers where necessary or appropriate to promote economic development in New Mexico. Any such special rates or tariffs shall be designed so as to recover at least the incremental cost of providing service to such customers.

B. The commission may approve or otherwise allow to become effective applications from utilities or persons subject to regulation pursuant to Subsection B of Section 62-6-4 NMSA 1978 and filings by cooperative utilities pursuant to Section 62-8-7 NMSA 1978 for economic development rates and rates designed to retain load for gas and electric utility customers. For purposes of this section and Section 62-8-6 NMSA 1978, economic development rates and rates designed to retain load are rates set at a level lower than the corresponding service rate for which a customer would otherwise qualify.

C. Except as provided in Subsection D of this section, economic development rates shall be approved or otherwise allowed to become effective for an electric utility or persons subject to regulation pursuant to Subsection B of Section 62-6-4 NMSA 1978 or filings by cooperative utilities pursuant to Section 62-8-7 NMSA 1978 only when the utility or the substantially full requirements supplier of the utility has excess capacity. For purposes of this section, "excess capacity" means the amount of electric generating and purchased power capacity available to the utility or such supplier that is greater than the utility's or such supplier's peak load plus a fixed percentage reserve margin set by the commission.

D. Economic development rates may be approved or otherwise allowed to become effective for electric utilities or persons subject to regulation pursuant to Subsection B of Section 62-6-4 NMSA 1978 or filings by cooperative utilities pursuant to Section 62-8-7 NMSA 1978 that do not meet the qualifications of Subsection C of this section; provided that the following conditions are met:

(1) economic development rates approved under this subsection shall not be lower than the incremental cost of providing service to the economic development rate customer as determined by the commission. As used in this subsection, "economic development rate customer" means a customer that directly benefits from the economic development rate established pursuant to this subsection; and

(2) an economic development rate approved for any customer under this subsection shall last no longer than four years, except that the commission may approve the rate for up to twelve additional months if it finds that the additional period is necessary to attract a particular economic development rate customer to New Mexico.

E. Prior to July 1, 2035, the commission shall allow public utilities to recover prudent and reasonable costs incurred by a public utility for the ongoing development, construction or maintenance of resources for economic development projects that provide incremental capacity, or serve incremental load growth, within the economic development project's service area. For economic development projects implemented after the effective date of this 2025 act, the reasonable costs of economic development projects shall be recoverable in rates through a rate rider, base rates or a combination thereof, when the associated equipment and facilities begin serving the new load associated with the economic development project or the utility demonstrates that the economic development project provides benefits to existing customers. A public utility shall be allowed to defer costs incurred for economic development projects that are not included in rates to a regulatory asset. Notwithstanding the time lines in Subsection C of Section 62-9-1 NMSA 1978, the commission shall review a public utility's application for an economic development project and issue a final order approving, modifying or denying the application within six months of the application filing date; provided, however, that the commission may extend the time for granting approval for an additional three months for good cause shown. All projects shall be certified by the economic development department using industry standard guidelines for site selection and approved by the commission. All certified and approved projects shall be allowed to complete construction.

F. The economic development department shall certify, using industry standard guidelines for site selection, whether the economic development project will support reasonably anticipated economic development within the state. Prior to the certification, the department shall provide an opportunity for public comment regarding whether the proposed economic development project will support reasonably anticipated economic development within the state. The department shall issue a certification letter within sixty days of a request from a public utility or project developer, and the certification letter shall be included in a public utility's application filed pursuant to Subsection E of this section.

G. For purposes of this section:

(1) "economic development project" means the construction or modification of new or existing electric generation facilities, energy storage facilities, transmission and distribution facilities, zero-carbon resources as defined in Subsection K of Section 62-16-3 NMSA 1978, alternative fuel facilities, energy efficiency programs, renewable energy and fuel cell facilities, recycled energy or other technologies necessary to serve reasonably anticipated new load and that have been certified by the economic development department pursuant to Subsection F of this section;

(2) "incremental capacity" means the increase in capacity attributable to new or expanded facilities up to ten percent of a public utility's total system peak load per calendar year;

(3) "incremental cost" at a minimum shall include all additional costs incurred to serve the economic development rate customer that would not otherwise have been incurred to serve other customers, fuel and purchased power costs, costs recoverable from customers pursuant to the Renewable Energy Act and the Efficient Use of Energy Act and the direct costs of facilities necessary to provide service to the customer. The commission shall not impute to the electric utility revenues that would have been received from the economic development rate or load retention customer if they had been provided service under the corresponding rate for which they would have otherwise qualified;

(4) "incremental load growth" means the increase in forecasted load attributable to commercial and industrial growth or electrification of utility customer infrastructure; and

(5) "recycled energy" means energy produced by a generation unit that converts the otherwise lost energy from exhaust stacks or pipes to electricity without combustion of additional fossil fuel."

## **Chapter 71 Section 4 Laws 2025**

SECTION 4. Section 62-9-1 NMSA 1978 (being Laws 1941, Chapter 84, Section 46, as amended) is amended to read:

### **"62-9-1. NEW CONSTRUCTION--RATEMAKING PRINCIPLES.--**

A. No public utility shall begin the construction or operation of any public utility plant or system or of any extension of any plant or system without first obtaining from the commission a certificate that public convenience and necessity require or will require such construction or operation. This section does not require a public utility to secure a certificate for an extension within any municipality or district within which it lawfully commenced operations before June 13, 1941 or for an extension within or to territory already served by it, necessary in the ordinary course of its business, or for an extension into territory contiguous to that already occupied by it and that is not receiving similar service from another utility. If any public utility or mutual domestic water

consumer association in constructing or extending its line, plant or system unreasonably interferes or is about to unreasonably interfere with the service or system of any other public utility or mutual domestic water consumer association rendering the same type of service, the commission, on complaint of the public utility or mutual domestic water consumer association claiming to be injuriously affected, may, upon and pursuant to the applicable procedure provided in Chapter 62, Article 10 NMSA 1978, and after giving due regard to public convenience and necessity, including reasonable service agreements between the utilities, make an order and prescribe just and reasonable terms and conditions in harmony with the Public Utility Act to provide for the construction, development and extension, without unnecessary duplication and economic waste.

B. If a certificate of public convenience and necessity is required pursuant to this section for the construction or extension of a generating plant or transmission lines and associated facilities, a public utility may include in the application for the certificate a request that the commission determine the ratemaking principles and treatment that will be applicable for the facilities that are the subject of the application for the certificate. If such a request is made, the commission shall, in the order granting the certificate, set forth the ratemaking principles and treatment that will be applicable to the public utility's stake in the certified facilities in all ratemaking proceedings on and after such time as the facilities are placed in service. The commission shall use the ratemaking principles and treatment specified in the order in all proceedings in which the cost of the public utility's stake in the certified facilities is considered. If the commission later decertifies the facilities, the commission shall apply the ratemaking principles and treatment specified in the original certification order to the costs associated with the facilities that were incurred by the public utility prior to decertification.

C. The commission may approve the application for the certificate without a formal hearing if no protest is filed within sixty days of the date that notice is given, pursuant to commission order, that the application has been filed. The commission shall issue its order granting or denying the application within nine months from the date the application is filed with the commission. Failure to issue its order within nine months is deemed to be approval and final disposition of the application; provided, however, that the commission may extend the time for granting approval for an additional six months for good cause shown.

D. Notwithstanding the time lines contained in Subsection C of this section, for applications certified by the economic development department pursuant to Subsection F of Section 62-6-26 NMSA 1978, the commission shall issue an order granting or denying the application within six months from the date the application is filed with the commission. Failure to issue the commission's order within six months is deemed to be approval and final disposition of the application; provided, however, that the commission may extend the time for granting approval for an additional three months for good cause shown.

E. In an application for a certificate of public convenience and necessity for an energy storage system, the commission shall approve energy storage systems that:

- (1) reduce costs to ratepayers by avoiding or deferring the need for investment in new generation and for upgrades to systems for the transmission and distribution of energy;
- (2) reduce the use of fossil fuels for meeting demand during peak load periods and for providing ancillary services;
- (3) assist with ensuring grid reliability, including transmission and distribution system stability, while integrating sources of renewable energy into the grid;
- (4) support diversification of energy resources and enhance grid security;
- (5) reduce greenhouse gases and other air pollutants resulting from power generation;
- (6) provide the public utility with the discretion, subject to applicable laws and rules, to operate, maintain and control energy storage systems so as to ensure reliable and efficient service to customers; and
- (7) are the most cost effective among feasible alternatives.

F. As used in this section:

- (1) "energy storage system" means methods and technologies used to store electricity; and
- (2) "mutual domestic water consumer association" means an association created and organized pursuant to the provisions of:
  - (a) Laws 1947, Chapter 206; Laws 1949, Chapter 79; or Laws 1951, Chapter 52; or
  - (b) the Sanitary Projects Act."

## **LAWS 2025, CHAPTER 72**

**Senate Bill 201, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; CHANGING THE USE OF THE PUBLIC EDUCATION REFORM FUND TO ALLOW FUNDING FOR REFORM PROJECTS INCLUDED IN ACCOUNTABILITY AND EVALUATION PLANS APPROVED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION; REQUIRING THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO CONSULT WITH THE LEGISLATIVE FINANCE COMMITTEE AND THE LEGISLATIVE EDUCATION STUDY COMMITTEE PRIOR TO APPROVING INSTRUCTIONS FOR ACCOUNTABILITY AND EVALUATION PLANS.

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

## **Chapter 72 Section 1 Laws 2025**

SECTION 1. Section 22-8-12.1 NMSA 1978 (being Laws 1978, Chapter 128, Section 5, as amended) is amended to read:

"22-8-12.1. MEMBERSHIP PROJECTIONS AND BUDGET REQUESTS.--

A. Each local school board or governing body of a state-chartered charter school shall submit annually, on or before October 15, to the department:

(1) an estimate for the succeeding fiscal year of:

(a) the membership of qualified students to be enrolled in the basic program;

(b) the full-time-equivalent membership of students to be enrolled in approved early childhood education programs; and

(c) the membership of students to be enrolled in approved special education programs;

(2) all other information necessary to calculate program costs; and

(3) any other information related to the financial needs of the school district or state-chartered charter school as may be requested by the department.

B. All information requested pursuant to Subsection A of this section shall be submitted on forms prescribed and furnished by the department and shall comply with the department's rules and procedures.

C. The department shall:

(1) review the financial needs of each school district or state-chartered charter school for the succeeding fiscal year;

(2) submit annually, on or before September 1, to the department of finance and administration, the legislative finance committee and the legislative education study committee the recommendations of the department for:

- (a) amendments to the public school finance formula;
- (b) appropriations for the succeeding fiscal year to the public school fund; and
- (c) appropriations for the succeeding fiscal year for pupil transportation and instructional materials; and

(3) submit annually, on or before November 30, to the department of finance and administration, the legislative finance committee and the legislative education study committee any adjustments to the recommendations of the department for appropriations related to additional enrollment growth program units pursuant to Section 22-8-23.1 NMSA 1978."

## **Chapter 72 Section 2 Laws 2025**

SECTION 2. Section 22-8-23.13 NMSA 1978 (being Laws 2019, Chapter 206, Section 19 and Laws 2019, Chapter 207, Section 19) is amended to read:

"22-8-23.13. PUBLIC EDUCATION REFORM FUND CREATED.--

A. The "public education reform fund" is created as a nonreverting fund in the state treasury and consists of appropriations; unspecified gifts, grants and donations to the fund; and income from investment of the fund.

B. Subject to legislative appropriation, money in the fund is appropriated to the department for the purposes of implementing and evaluating public education reforms and initiatives.

C. The department of finance and administration, the legislative finance committee and the legislative education study committee shall approve instructions for accountability and evaluation plans and shall send the instructions on or before May 1 to the department. The notification shall set forth the process for completing and submitting accountability and evaluation plans and shall direct the department to:

- (1) identify the goals, objectives and expected outputs and outcomes of the program receiving an appropriation from the public education reform fund;
- (2) describe the specific activities of the program, including expected roles and responsibilities of all participating entities, and how those activities and entities will achieve expected program outcomes;

(3) provide a summary of whether the program is evidence-based, research-based, promising or does not yet have rigorous research pursuant to Section 6-3A-3 NMSA 1978 on its effectiveness;

(4) provide a list of performance measures and a monitoring plan to regularly assess program performance;

(5) provide a program evaluation plan to assess the causal impact of the program on expected outcomes whenever possible or, when not possible to assess causal impact, provide a rationale for the proposed evaluation design; and

(6) provide a description of methods, including planned statistical analysis, the agency or entity responsible for performing the evaluation and the time line for releasing performance and program evaluation results to the department of finance and administration, the legislative finance committee, the legislative education study committee and the public.

D. The department shall submit an accountability and evaluation plan for each program receiving an appropriation from the public education reform fund to the department of finance and administration, the legislative finance committee and the legislative education study committee on or before July 1 of the year the appropriation is made and, if the department of finance and administration, the legislative finance committee and the legislative education study committee require, a revised plan on or before September 1 of the same year.

E. On or before September 1 of the final year of an appropriation for a program or project, the department, the department of finance and administration, the legislative finance committee and the legislative education study committee shall consider the evaluation performed on the program or project and make recommendations regarding recurring funding for the following fiscal year."

## **LAWS 2025, CHAPTER 73**

**SJC/Senate Bill 219, aa**

**Approved April 7, 2025**

AN ACT

RELATING TO HEALTH CARE; ENACTING THE MEDICAL PSILOCYBIN ACT; ALLOWING THE USE OF PSILOCYBIN IN AN APPROVED SETTING TO TREAT QUALIFIED MEDICAL CONDITIONS; CREATING AN ADVISORY BOARD; PROVIDING POWERS AND DUTIES; AMENDING THE CONTROLLED SUBSTANCES ACT TO REMOVE PSILOCYBIN AND PSILOCIN FROM THE SCHEDULE FOR PURPOSES OF QUALIFIED MEDICAL TREATMENT; PROVIDING A GROSS RECEIPTS TAX DEDUCTION FOR MEDICAL PSILOCYBIN; PRESCRIBING A PENALTY.



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

## **Chapter 73 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--Sections 1 through 11 of this act may be cited as the "Medical Psilocybin Act".

## **Chapter 73 Section 2 Laws 2025**

SECTION 2. PURPOSE OF ACT.--The purpose of the Medical Psilocybin Act is to allow the beneficial use of psilocybin in a regulated system for alleviating qualified medical conditions.

## **Chapter 73 Section 3 Laws 2025**

SECTION 3. DEFINITIONS.--As used in the Medical Psilocybin Act:

- A. "board" means the medical psilocybin advisory board;
- B. "clinician" means an approved health care provider licensed in New Mexico who holds a permit from the department to provide medical services to qualified patients;
- C. "department" means the department of health;
- D. "medical services" means services provided to a patient in an approved setting before, during and after the ingestion of psilocybin and includes a preparation session, an administration session and an integration session;
- E. "producer" means a person who has a permit from the department to grow and harvest or prepare psilocybin from psilocybin-producing mushrooms, including to compound, convert, process or manufacture psilocybin products directly or indirectly from psilocybin mushrooms and to package or repackage or label or relabel the products;
- F. "program" means the medical use of psilocybin program;
- G. "psilocybin" means the naturally occurring psychedelic compound 4-phosphoryloxy-N,N-dimethyltryptamine, also known as 4-PO-DMT, and its pharmacologically active metabolite psilocin, 4-hydroxy-N,N-dimethyltryptamine, found in certain mushrooms, but does not include synthetic or synthetic analogs of psilocybin;
- H. "qualified patient" means a patient whose clinician has judged the patient to be a medically appropriate candidate for the use of medical psilocybin based on being diagnosed with a qualifying condition;

- I. "qualifying condition" includes:
  - (1) major treatment-resistant depression;
  - (2) posttraumatic stress disorder;
  - (3) substance use disorders;
  - (4) end-of-life care; and
  - (5) other conditions approved by the department; and
- J. "secretary" means the secretary of health.

## **Chapter 73 Section 4 Laws 2025**

SECTION 4. APPLICABILITY.--Federal food and drug administration-approved products that contain psilocybin shall be exempt from the Medical Psilocybin Act, with the exception that such products shall be authorized for use:

- A. in any research conducted by state research universities or health care providers pursuant to grants awarded through the medical psilocybin research fund; and
- B. by qualified patients whose treatments may be funded through the medical psilocybin treatment equity fund.

## **Chapter 73 Section 5 Laws 2025**

SECTION 5. EXEMPTION FROM CRIMINAL AND CIVIL PENALTIES FOR THE MEDICAL USE OF PSILOCYBIN.--

- A. A producer, clinician or qualified patient shall not be subject to arrest, prosecution or penalty for participating in the program.
- B. The following conduct is lawful and shall not constitute grounds for detention, search or arrest of a person or for a violation of probation or parole, and psilocybin that relates to the conduct is not contraband or subject to seizure or forfeiture pursuant to the Controlled Substances Act or the Forfeiture Act:
  - (1) a producer or clinician possessing or transporting not more than an adequate supply of psilocybin for medical purposes as defined by department rule; and
  - (2) a clinician administering or a qualified patient taking psilocybin in an approved setting in accordance with the Medical Psilocybin Act or rules promulgated in accordance with that act.

C. A clinician shall not be subject to arrest or prosecution or denied any right or privilege for recommending the program or providing medical services authorized in the Medical Psilocybin Act.

D. A person shall not be subject to arrest or prosecution for a psilocybin-related offense for simply being in the presence of the medical use of psilocybin as allowed under the provisions of the Medical Psilocybin Act.

E. The Medical Psilocybin Act does not apply to federal food and drug administration-approved clinical trials.

## **Chapter 73 Section 6 Laws 2025**

### **SECTION 6. PROHIBITIONS, RESTRICTIONS AND LIMITATIONS ON THE USE OF PSILOCYBIN--CRIMINAL PENALTIES.--**

A. Participation in the program by a producer, clinician or qualified patient does not relieve the producer, clinician or qualified patient from:

(1) criminal prosecution or civil penalties for activities not authorized in the Medical Psilocybin Act; or

(2) liability for damages or criminal prosecution arising out of the operation of a motor vehicle if driving while under the influence of psilocybin.

B. A person who makes a fraudulent representation to a law enforcement officer about the person's participation in the program to avoid arrest or prosecution for a psilocybin-related offense is guilty of a petty misdemeanor and shall be sentenced as provided in Section 31-19-1 NMSA 1978.

## **Chapter 73 Section 7 Laws 2025**

### **SECTION 7. DEPARTMENT--PROGRAM.--**

A. The "medical use of psilocybin program" is created in the department. In developing the program, the department shall establish:

(1) appropriate qualifying conditions for qualified patients;

(2) necessary initial and ongoing training for producers and clinicians;

(3) treatment protocols, including patient selection criteria, medical service standards, dosage standards and approved settings for administration of psilocybin to patients;

- (4) safety protocols for producing psilocybin from mushrooms, transporting, storing and handling psilocybin and treating patients;
- (5) other best practices for producers and clinicians;
- (6) requirements for data collection to evaluate the program and the use of best practices by producers and clinicians; and
- (7) other requirements, restrictions and limitations promulgated by the department to ensure an efficacious program.

B. The department shall monitor producers and clinicians to ensure compliance with the Medical Psilocybin Act and rules promulgated in accordance with that act.

C. The department shall collaborate with the board, state higher education institutions and health care providers to collect and analyze data to develop best practices, including best settings for administration of psilocybin, and, by December 31, 2027, implement the program. When developing the program, the department shall engage in tribal consultation as provided in the State-Tribal Collaboration Act.

## **Chapter 73 Section 8 Laws 2025**

### **SECTION 8. ADVISORY BOARD CREATED--DUTIES.--**

A. The secretary shall establish the "medical psilocybin advisory board", consisting of nine members who are knowledgeable about the medical use of psilocybin. At least one member shall be an enrolled member of an Indian nation, tribe or pueblo located wholly or partially in New Mexico; one member shall be licensed to provide behavioral health care services in New Mexico; one member shall be a mental or behavioral health equity advocate; one member shall be a representative of the health care authority; and at least one member shall be a veteran of the United States armed forces. A majority of the members constitutes a quorum, and a quorum of the members present and a majority vote are needed to take any action.

B. The board shall:

- (1) review and recommend to the department for approval medical conditions that may benefit from the medical use of psilocybin;
- (2) accept and review petitions to add medical conditions to the list of medical conditions that qualify for the medical use of psilocybin;
- (3) convene at least twice per year to conduct public hearings and to evaluate petitions, which shall be maintained as confidential personal health information;

- (4) recommend patient qualifications;
- (5) recommend formulation or preparation rules and dosage standards for psilocybin; and
- (6) assist the department in establishing, monitoring and evaluating best practices for producers and clinicians.

## **Chapter 73 Section 9 Laws 2025**

SECTION 9. ASSESSMENT REPORTING.--The department shall promulgate rules for the collection of data from producers, clinicians and qualified patients as a means to evaluate the efficacy of the medical use of psilocybin and publish an annual assessment of the program. The assessment shall consider the needs of qualified patients who live in rural areas, federal subsidized housing or on reservations of New Mexico Indian nations, tribes or pueblos, as long as the qualified patient's place of residence is wholly within the exterior boundaries of the state. Data shall be reported in such a way that an individual qualified patient cannot be identified.

## **Chapter 73 Section 10 Laws 2025**

SECTION 10. PERSONS UNDER STATE SUPERVISION-- PROTECTIONS.--A person who is serving a period of probation or parole or who is in the custody or under the supervision of the state or a local government pending trial as part of a community supervision program shall not be penalized for participation in the program.

## **Chapter 73 Section 11 Laws 2025**

### **SECTION 11. FUNDS--CREATED.--**

A. The "medical psilocybin treatment equity fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations. The fund shall be used to fund treatments of qualified patients who meet income requirements determined by rule of the department. The department shall administer the fund, and money in the fund is subject to appropriation by the legislature. Expenditures from the fund shall be by warrants signed by the secretary of finance and administration on vouchers signed by the secretary of health or the secretary's authorized representative.

B. The "medical psilocybin research fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations. The fund shall be used to provide grants to state research universities and health care providers that are studying any facet of the medical use of psilocybin. The department shall administer the fund, and money in the fund is subject to appropriation by the legislature. Expenditures from the fund shall be by warrants signed by the secretary of

finance and administration on vouchers signed by the secretary of health or the secretary's authorized representative.

## **Chapter 73 Section 12 Laws 2025**

SECTION 12. Section 7-9-73.2 NMSA 1978 (being Laws 1998, Chapter 95, Section 2 and Laws 1998, Chapter 99, Section 4, as amended) is amended to read:

"7-9-73.2. DEDUCTION--GROSS RECEIPTS TAX AND GOVERNMENTAL GROSS RECEIPTS TAX--PRESCRIPTION DRUGS--OXYGEN--CANNABIS--PSILOCYBIN.--

A. Receipts from the sale of prescription drugs and oxygen and oxygen services provided by a licensed medicare durable medical equipment provider and cannabis products that are sold in accordance with the Lynn and Erin Compassionate Use Act and psilocybin products and medical care that are sold in accordance with the Medical Psilocybin Act may be deducted from gross receipts and governmental gross receipts.

B. For the purposes of this section, "prescription drugs" means insulin and substances that are:

(1) dispensed by or under the supervision of a licensed pharmacist or by a physician or other person authorized under state law to do so;

(2) prescribed for a specified person by a person authorized under state law to prescribe the substance; and

(3) subject to the restrictions on sale contained in Subparagraph 1 of Subsection (b) of 21 USCA 353."

## **Chapter 73 Section 13 Laws 2025**

SECTION 13. Section 30-31-6 NMSA 1978 (being Laws 1972, Chapter 84, Section 6, as amended) is amended to read:

"30-31-6. SCHEDULE I.--The following controlled substances are included in Schedule I:

A. any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, unless specifically exempted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) acetylmethadol;

- (2) allylprodine;
- (3) alphacetylmethadol;
- (4) alphameprodine;
- (5) alphamethadol;
- (6) benzethidine;
- (7) betacetylmethadol;
- (8) betameprodine;
- (9) betamethadol;
- (10) betaprodine;
- (11) clonitazene;
- (12) dextromoramide;
- (13) dextrophan;
- (14) diampromide;
- (15) diethylthiambutene;
- (16) dimenoxadol;
- (17) dimepheptanol;
- (18) dimethylthiambutene;
- (19) dioxaphetyl butyrate;
- (20) dipipanone;
- (21) ethylmethylthiambutene;
- (22) etonitazene;
- (23) etoxeridine;
- (24) furethidine;

- (25) hydroxypethidine;
- (26) ketobemidone;
- (27) levomoramide;
- (28) levophenacymorphan;
- (29) morpheridine;
- (30) noracymethadol;
- (31) norlevorphanol;
- (32) normethadone;
- (33) norpipanone;
- (34) phenadoxone;
- (35) phenampromide;
- (36) phenomorphan;
- (37) phenoperidine;
- (38) piritramide;
- (39) proheptazine;
- (40) properidine;
- (41) racemoramide; and
- (42) trimeperidine;

B. any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically exempted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) acetorphine;
- (2) acetyldihydrocodeine;
- (3) benzylmorphine;



- (4) codeine methylbromide;
- (5) codeine-N-oxide;
- (6) cyprenorphine;
- (7) desomorphine;
- (8) dihydromorphine;
- (9) etorphine;
- (10) heroin;
- (11) hydromorphenol;
- (12) methyl-desorphine;
- (13) methyldihydromorphine;
- (14) morphine methylbromide;
- (15) morphine methylsulfonate;
- (16) morphine-N-oxide;
- (17) myrophine;
- (18) nicocodeine;
- (19) nicomorphine;
- (20) normorphine;
- (21) pholcodine; and
- (22) thebacon;

C. any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically exempted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) 3,4-methylenedioxy amphetamine;
- (2) 5-methoxy-3,4-methylenedioxy amphetamine;

- (3) 3,4,5-trimethoxy amphetamine;
- (4) bufotenine;
- (5) diethyltryptamine;
- (6) dimethyltryptamine;
- (7) 4-methyl-2,5-dimethoxy amphetamine;
- (8) ibogaine;
- (9) lysergic acid diethylamide;
- (10) mescaline;
- (11) peyote, except as otherwise provided in the Controlled Substances Act;
- (12) N-ethyl-3-piperidyl benzilate;
- (13) N-methyl-3-piperidyl benzilate;
- (14) psilocybin, except as provided otherwise in the Controlled Substances Act and the Medical Psilocybin Act;
- (15) psilocin, except as provided otherwise in the Controlled Substances Act and the Medical Psilocybin Act;
- (16) synthetic cannabinoids, including:
  - (a) 1-[2-(4-(morpholinyl)ethyl)-3-(1-naphthoyl)]indole;
  - (b) 1-butyl-3-(1-naphthoyl)indole;
  - (c) 1-hexyl-3-(1-naphthoyl)indole;
  - (d) 1-pentyl-3-(1-naphthoyl)indole;
  - (e) 1-pentyl-3-(2-methoxyphenylacetyl) indole;
  - (f) cannabicyclohexanol (CP 47, 497 and homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

(g) 6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol);

(h) dextranabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

(i) 1-pentyl-3-(4-chloro naphthoyl) indole;

(j) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone;  
and

(k) 5-(1,1-dimethylheptyl)-2-(3-hydroxy cyclohexyl)-phenol;

(17) 3,4-methylenedioxymethcathinone;

(18) 3,4-methylenedioxypyrovalerone;

(19) 4-methylmethcathinone;

(20) 4-methoxymethcathinone;

(21) 3-fluoromethcathinone; and

(22) 4-fluoromethcathinone;

D. the enumeration of peyote as a controlled substance does not apply to the use of peyote in bona fide religious ceremonies by a bona fide religious organization, and members of the organization so using peyote are exempt from registration. Any person who manufactures peyote for or distributes peyote to the organization or its members shall comply with the federal Comprehensive Drug Abuse Prevention and Control Act of 1970 and all other requirements of law;

E. the enumeration of psilocybin and psilocin in this schedule does not apply to their medical use as provided in the Medical Psilocybin Act;

F. the enumeration of Schedule I controlled substances does not apply to:

(1) hemp pursuant to rules promulgated by the board of regents of New Mexico state university on behalf of the New Mexico department of agriculture;

(2) cultivation of hemp by persons pursuant to rules promulgated by the board of regents of New Mexico state university on behalf of the New Mexico department of agriculture;

(3) tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinols, including tetrahydrocannabinols or chemical derivatives of

tetrahydrocannabinols with concentrations of up to five percent as measured using a post-decarboxylation method and based on percentage dry weight, possessed by a person in connection with the cultivation, transportation, testing, researching, manufacturing or other processing of the plant *Cannabis sativa* L., or any part of the plant whether growing or not, if authorized pursuant to rules promulgated, pursuant to the Hemp Manufacturing Act, by the board of regents of New Mexico state university on behalf of the New Mexico department of agriculture or the department of environment; or

(4) tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinols, including tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinols in any concentration possessed by a person in connection with the extraction of tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinols, if authorized pursuant to rules promulgated, pursuant to the Hemp Manufacturing Act, by the board of regents of New Mexico state university on behalf of the New Mexico department of agriculture or the department of environment; and

G. controlled substances added to Schedule I by rule adopted by the board pursuant to Section 30-31-3 NMSA 1978."

## **LAWS 2025, CHAPTER 74**

**Senate Bill 236, aa**  
**Approved April 7, 2025**

### **AN ACT**

RELATING TO MOTOR VEHICLES; PROVIDING FOR THE ISSUANCE OF LOOK TWICE FOR MOTORCYCLES SPECIAL REGISTRATION PLATES FOR MOTORCYCLES; AMENDING SECTION 66-3-424.40 NMSA 1978 (BEING LAWS 2023, CHAPTER 73, SECTION 1); MAKING AN APPROPRIATION.

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

### **Chapter 74 Section 1 Laws 2025**

SECTION 1. Section 66-3-424.40 NMSA 1978 (being Laws 2023, Chapter 73, Section 1) is amended to read:

"66-3-424.40. SPECIAL LOOK TWICE FOR MOTORCYCLES REGISTRATION PLATE.--

A. The division shall issue:

(1) a standardized look twice for motorcycles special registration plate for motor vehicles with a logo designed pursuant to Section 66-3-424 NMSA 1978 indicating that the recipient supports driver safety awareness for those who share the road and remind drivers to look twice for motorcycles; and

(2) a standardized look twice for motorcycles motorcycle special registration plate for motorcycles.

B. For an initial fee of:

(1) forty-five dollars (\$45.00) that shall be in addition to the regular motor vehicle registration fees, the owner of a motor vehicle may apply for issuance of a look twice for motorcycles special registration plate. The vehicle owner shall pay a renewal fee of fifteen dollars (\$15.00) each year to retain and renew the look twice for motorcycles special registration plate; and

(2) forty dollars (\$40.00) that shall be in addition to the regular motorcycle registration fees, the owner of a motorcycle may apply for issuance of a look twice for motorcycles special registration plate for motorcycles. The motorcycle owner shall pay a renewal fee of ten dollars (\$10.00) each year to retain and renew the look twice for motorcycles special registration plate for motorcycles.

C. The revenue from the additional fee for a look twice for motorcycles special registration plate for motor vehicles shall be distributed as follows:

(1) twelve dollars (\$12.00) of the initial fee collected shall be retained by and is appropriated to the division to defray the cost of making and issuing the special registration plate with the look twice for motorcycles logo; and

(2) thirty-three dollars (\$33.00) of the initial registration fee and the entire fifteen dollars (\$15.00) of subsequent renewal fees shall be distributed and are appropriated to the motorcycle training fund for the department of transportation to provide driver awareness education and motorcycle training statewide.

D. The revenue from the additional fee for a look twice for motorcycles special registration plate for motorcycles shall be distributed as follows:

(1) eight dollars (\$8.00) of the initial fee collected shall be retained by and is appropriated to the division to defray the cost of making and issuing the special registration plate with the look twice for motorcycles logo; and

(2) thirty-two dollars (\$32.00) of the initial registration fee and the entire ten dollars (\$10.00) of subsequent renewal fees shall be distributed and are appropriated to the motorcycle training fund for the department of transportation to provide driver awareness education and motorcycle training statewide.

E. Beginning on July 1, 2028, and on July 1 of each subsequent year, the division shall compare the number of new look twice for motorcycles special registration plates and registration renewals for those plates that were issued in the previous fiscal year with the average of the number of those plates issued in fiscal years 2026 and 2027 separately for motor vehicles and for motorcycles.

F. By September 1 of a fiscal year in which the division determines that the number of new look twice for motorcycles special registration plates and registration renewals for those plates that were issued in the previous fiscal year is less than fifty percent of the average number of those plates issued in fiscal years 2026 and 2027:

(1) for motor vehicles, the division shall stop issuing look twice for motorcycles motor vehicle special registration plates; or

(2) for motorcycles, the division shall stop issuing look twice for motorcycles special registration plates for motorcycles."

## **Chapter 74 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 75**

**Senate Bill 252, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO TELEHEALTH; AMENDING THE NEW MEXICO TELEHEALTH ACT TO ALLOW ALL LICENSED SOCIAL WORKERS TO PROVIDE TELEHEALTH SERVICES.

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

## **Chapter 75 Section 1 Laws 2025**

SECTION 1. Section 24-25-3 NMSA 1978 (being Laws 2004, Chapter 48, Section 3, as amended) is amended to read:

"24-25-3. DEFINITIONS.--As used in the New Mexico Telehealth Act:

A. "health care provider" means a person licensed to provide health care to patients in New Mexico, including:

(1) an optometrist;

- (2) a chiropractic physician;
- (3) a dentist;
- (4) a physician;
- (5) a podiatric physician;
- (6) an osteopathic physician;
- (7) a physician assistant;
- (8) a certified nurse practitioner;
- (9) a physical therapist;
- (10) an occupational therapist;
- (11) a speech-language pathologist;
- (12) a doctor of oriental medicine;
- (13) a nutritionist;
- (14) a psychologist;
- (15) a certified nurse-midwife;
- (16) a clinical nurse specialist;
- (17) a registered nurse;
- (18) a dental hygienist;
- (19) a pharmacist;
- (20) a licensed social worker;
- (21) a licensed counselor;
- (22) a community health representative;
- (23) a licensed athletic trainer;
- (24) a certified peer support worker; or

(25) any other health care professional who has received a medicaid provider identification number from the health care authority;

B. "originating site" means a place where a patient may receive health care via telehealth. An originating site may include:

- (1) a licensed inpatient center;
- (2) an ambulatory surgical or treatment center;
- (3) a skilled nursing center;
- (4) a residential treatment center;
- (5) a home health agency;
- (6) a diagnostic laboratory or imaging center;
- (7) an assisted living center;
- (8) a school-based health program;
- (9) a mobile clinic;
- (10) a mental health clinic;
- (11) a rehabilitation or other therapeutic health setting;
- (12) the patient's residence;
- (13) a federally qualified health center; or
- (14) a community health center; and

C. "telehealth" means the use of electronic information, imaging and communication technologies, including interactive audio, video, data communications as well as store-and-forward technologies, to provide and support health care delivery, diagnosis, consultation, treatment, transfer of medical data and education."

## **Chapter 75 Section 2 Laws 2025**

SECTION 2. Section 24-25-5 NMSA 1978 (being Laws 2004, Chapter 48, Section 5, as amended) is amended to read:

"24-25-5. SCOPE OF ACT.--



A. The New Mexico Telehealth Act does not alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

B. Because the use of telehealth improves access to quality health care and will generally benefit the citizens of New Mexico, health insurers, health maintenance organizations, managed care organizations and third-party payors offering services to the citizens of New Mexico are encouraged to use and provide coverage for telehealth within the scope of their plans or policies. The state's medical assistance program is also encouraged to include telehealth within the scope of its plan or policy.

C. Nothing in the New Mexico Telehealth Act shall be construed to alter supervision requirements set forth by a health care provider's applicable licensing board. A health care provider shall provide telehealth services under the same level of supervision required for in-person practice."

## **LAWS 2025, CHAPTER 76**

**Senate Bill 274, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO PUBLIC PROPERTY; CHANGING THE THRESHOLD FOR STATE BOARD OF FINANCE APPROVAL ON SALES, TRADES OR LEASES OF PROPERTY BY STATE AGENCIES AND LOCAL PUBLIC BODIES.

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

### **Chapter 76 Section 1 Laws 2025**

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

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

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

(1) of a current resale value of thirty thousand dollars (\$30,000) or less;  
and

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

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

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

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

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

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

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

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

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

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

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

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

K. Notwithstanding the provisions of Subsection A of this section, the department of transportation may sell through public auction or dispose of surplus tangible personal property used to manage, maintain or build roads that exceeds thirty thousand dollars (\$30,000) in value. Proceeds from sales shall be credited to the state road fund. The department of transportation shall notify the department of finance and administration regarding the disposition of all property.

L. If the secretary of public safety finds that a K-9 dog presents no threat to public safety, the K-9 dog shall be released from public ownership as provided in this subsection. The K-9 dog shall first be offered to its trainer or handler free of charge. If the trainer or handler does not want to accept ownership of the K-9 dog, then the K-9 dog shall be offered to an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 free of charge. If both of the above fail, the K-9 dog shall only be sold to a qualified individual found capable of providing a good home to the animal."

## **Chapter 76 Section 2 Laws 2025**

SECTION 2. Section 13-6-2 NMSA 1978 (being Laws 1979, Chapter 195, Section 3, as amended) is amended to read:

"13-6-2. SALE OF PROPERTY BY STATE AGENCIES OR LOCAL PUBLIC BODIES--AUTHORITY TO SELL OR DISPOSE OF PROPERTY--APPROVAL OF APPROPRIATE APPROVAL AUTHORITY.--

A. Providing a written determination has been made, a state agency, local public body or school district may sell or otherwise dispose of real or tangible personal property belonging to the state agency, local public body or school district.

B. A state agency, local public body or school district may sell or otherwise dispose of real property:

(1) by negotiated sale or donation to an Indian nation, tribe or pueblo located wholly or partially in New Mexico, or to a governmental unit of an Indian nation, tribe or pueblo in New Mexico, that is authorized to purchase land and control activities on its land by an act of congress or to purchase land on behalf of the Indian nation, tribe or pueblo;

(2) by negotiated sale or donation to other state agencies, local public bodies or school districts;

(3) through the central purchasing office of the state agency, local public body or school district by means of competitive sealed bid, public auction or negotiated sale to a private person or to an Indian nation, tribe or pueblo in New Mexico; or

(4) if a state agency, through the surplus property bureau of the transportation services division of the general services department.

C. A state agency shall give the surplus property bureau of the transportation services division of the general services department the right of first refusal to dispose of tangible personal property of the state agency. A school district may give the surplus property bureau the right of first refusal to dispose of tangible personal property of the school district.

D. Except as provided in Section 13-6-2.1 NMSA 1978 requiring state board of finance approval for certain transactions, sale or disposition of real or tangible personal property having a current resale value of more than thirty thousand dollars (\$30,000) may be made by a state agency, local public body or school district if the sale or disposition has been approved by the state budget division of the department of finance and administration for state agencies, the local government division of the department of finance and administration for local public bodies other than community colleges, the public education department for school districts and the higher education department for community colleges.

E. Prior approval of the appropriate approval authority is not required if the value of the real or tangible personal property is less than thirty thousand dollars (\$30,000) or the tangible personal property is to be used as a trade-in or exchange pursuant to the provisions of the Procurement Code.

F. The appropriate approval authority may condition the approval of the sale or other disposition of real or tangible personal property upon the property being offered for sale or donation to a state agency, local public body or school district.

G. The appropriate approval authority may credit a payment received from the sale of such real or tangible personal property to the governmental body making the sale. The state agency, local public body or school district may convey all or any interest in the real or tangible personal property without warranty.

H. This section does not apply to:

(1) computer software of a state agency;

(2) those institutions specifically enumerated in Article 12, Section 11 of the constitution of New Mexico;

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

(4) the state land office or the department of transportation;

(5) property acquired by a museum through abandonment procedures pursuant to the Abandoned Cultural Properties Act;

(6) leases of county hospitals with any person pursuant to the Hospital Funding Act;

(7) property acquired by the economic development department pursuant to the Statewide Economic Development Finance Act; and

(8) the state parks division of the energy, minerals and natural resources department."

## **Chapter 76 Section 3 Laws 2025**

SECTION 3. Section 13-6-2.1 NMSA 1978 (being Laws 1989, Chapter 380, Section 1, as amended) is amended to read:

"13-6-2.1. SALES, TRADES OR LEASES--STATE BOARD OF FINANCE APPROVAL.--

A. Except for sales, trades or leases approved pursuant to Section 13-6-3 NMSA 1978, any sale, trade or lease of real property belonging to a state agency, local public body or school district for more than five years or for a consideration of more than one hundred fifty thousand dollars (\$150,000) shall be approved by the state board of finance prior to its effective date.

B. The provisions of this section shall not be applicable to:

(1) those institutions specifically enumerated in Article 12, Section 11 of the constitution of New Mexico;

(2) the state land office;

(3) the state transportation commission;

(4) the economic development department when disposing of property acquired pursuant to the Statewide Economic Development Finance Act; or

(5) a school district when leasing facilities to a locally chartered or state-chartered charter school."

## **Chapter 76 Section 4 Laws 2025**

SECTION 4. Section 13-6-3 NMSA 1978 (being Laws 1961, Chapter 41, Section 1, as amended by Laws 2003, Chapter 142, Section 4 and by Laws 2003, Chapter 349, Section 23) is amended to read:

"13-6-3. SALE, TRADE OR LEASE OF REAL PROPERTY BY STATE AGENCIES--APPROVAL OF LEGISLATURE--EXCEPTIONS.--

A. Any sale, trade or lease for a period exceeding twenty-five years in duration of real property belonging to any state agency, which sale, trade or lease shall be for a consideration of five hundred fifty thousand dollars (\$550,000) or more, shall be subject to the ratification and approval of the state legislature prior to the sale, trade or lease becoming effective.

B. The provisions of this section shall not be applicable as to those institutions specifically enumerated in Article 12, Section 11 of the constitution of New Mexico, the state land office, the state transportation commission or the economic development department when disposing of property acquired pursuant to the Statewide Economic Development Finance Act."

## **Chapter 76 Section 5 Laws 2025**

SECTION 5. Section 13-6-4 NMSA 1978 (being Laws 1979, Chapter 195, Section 5, as amended) is amended to read:

"13-6-4. DEFINITIONS.--As used in Chapter 13, Article 6 NMSA 1978:

A. "local public body" means all political subdivisions of the state, including their agencies, instrumentalities and institutions, and includes community colleges but excludes municipalities and school districts;

B. "state agency" means the state or any of its branches, agencies, departments, boards, instrumentalities or institutions other than state educational institutions;

C. "state educational institutions" means those institutions designated by Article 12, Section 11 of the constitution of New Mexico; and

D. "school districts" means those political subdivisions of the state established for the administration of public schools, segregated geographically for taxation and bonding purposes and governed by the Public School Code."

## **Chapter 76 Section 6 Laws 2025**

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

## **LAWS 2025, CHAPTER 77**

**STBTC/Senate Bill 353, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO SEARCH AND RESCUE EMERGENCY RESPONSE; AMENDING THE SEARCH AND RESCUE ACT; PROVIDING RESPONSE PROTOCOLS FOR FEDERAL, STATE, LOCAL OR TRIBAL AGENCIES WHEN NEW MEXICO SEARCH AND RESCUE IS REQUIRED IN SEARCH AND RESCUE EMERGENCIES.

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

## **Chapter 77 Section 1 Laws 2025**

SECTION 1. Section 24-15A-3 NMSA 1978 (being Laws 1978, Chapter 107, Section 3, as amended) is amended to read:

"24-15A-3. DEFINITIONS.--As used in the Search and Rescue Act:

A. "search and rescue" or "SAR" means the employment, coordination and utilization of available resources and personnel in locating, relieving the distress and preserving the lives of and removing survivors from the site of a disaster, emergency or hazard to a place of safety in the case of lost, stranded, entrapped or injured persons;

B. "board" means the state search and rescue review board;

C. "AFRCC" means the air force rescue coordination center, which is the federal agency responsible for coordinating federal SAR activities within the inland region pursuant to the national search and rescue plan;

D. "state SAR control agency" means the department of public safety;

E. "state SAR mission initiator" means the New Mexico state police officer so appointed and SAR trained;

F. "state SAR resource officer" means the official located within the department of public safety responsible for coordinating SAR resources and administering the state SAR plan;

G. "field coordinator" means a person certified by the board with special training and expertise responsible for the efficient organization and conduction of a SAR mission;

H. "civil air patrol" means the civil air patrol division of the department of military affairs and an air force auxiliary responsible for coordinating air searches that are authorized by the AFRCC;

I. "mission" means each separate group effort in the employment, direction and guidance of personnel and facilities in searching for and rendering aid to persons lost or in distress;

J. "chief" means the chief of the New Mexico state police division of the department of public safety;

K. "director" means the director of the technical and emergency support division of the department of public safety;

L. "SAR emergency" means an incident requiring urgent SAR assistance; and

M. "tribe" or "tribal" includes federally recognized Indian nations, tribes and pueblos."

## **Chapter 77 Section 2 Laws 2025**

SECTION 2. A new section of the Search and Rescue Act is enacted to read:

"SAR EMERGENCY RESPONSE PROTOCOL--STANDARDIZED SEARCH AND RESCUE CRITERIA.--

A. The state SAR resource officer, in consultation with local, state, federal and tribal emergency responders, search and rescue volunteer organizations and the board, shall establish standardized criteria for notifying the state SAR control agency of a SAR emergency. The consultation process shall include the distribution of proposed protocols to stakeholders listed in this subsection, followed by a comment period, followed by the final protocol being developed. The consultation process shall be repeated when modifications are considered to the notification protocol.

B. The state SAR resource officer shall provide training to local, state, federal and tribal emergency response entities, public safety answering points and volunteer SAR organizations in the protocols for reporting a SAR emergency.

C. Unless specified otherwise in a memorandum of agreement between the state SAR control agency and the local jurisdiction where a SAR emergency is located, local and state emergency response entities and public safety answering points



responsible for emergency response shall promptly notify the state SAR control agency by phone or other approved communication technology of a potential need of state SAR personnel and resources.

D. Notification to the state SAR control agency of a SAR emergency shall not prevent the deployment of other agencies' personnel or resources pursuant to a request for aid, including fire departments, law enforcement agencies and emergency medical services."

## **Chapter 77 Section 3 Laws 2025**

SECTION 3. A new section of the Search and Rescue Act is enacted to read:

"SAR EMERGENCY RESPONSE PROTOCOLS--NOTIFICATION OF AGENCIES WITH RELEVANT EMERGENCY RESPONSE JURISDICTION.--After being notified of a SAR emergency, the state SAR control agency shall promptly notify the entity that requested assistance and other appropriate authorities having jurisdiction, including affected land management agencies if a SAR emergency has occurred on the agency's or agencies' land, that state SAR personnel and resources have been activated. If the standardized criteria of a SAR emergency is not met to activate resources or if SAR resources are not available, the state SAR control agency shall notify the entity that requested assistance that SAR resources have not been deployed. If the state SAR control agency receives the initial notification of a SAR emergency, the SAR control agency shall promptly notify the affected authorities having jurisdiction of where the local SAR emergency is anticipated to be located and whether resources or personnel have been deployed. In the event that the state SAR control agency is unable to deploy SAR resources for a SAR emergency, the SAR control agency shall facilitate and assist in securing alternate SAR resources to support the affected jurisdiction."

## **Chapter 77 Section 4 Laws 2025**

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2026.

# **LAWS 2025, CHAPTER 78**

**Senate Bill 364**

**Approved April 7, 2025**

AN ACT

RELATING TO LAW ENFORCEMENT; AMENDING QUALIFICATIONS FOR THE APPOINTMENT OF LAW ENFORCEMENT OFFICERS TO INCLUDE AUTHORIZATION TO WORK BY THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.

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

## **Chapter 78 Section 1 Laws 2025**

SECTION 1. Section 29-1-9 NMSA 1978 (being Laws 1891, Chapter 60, Section 1 and Laws 1891, Chapter 60, Section 2, as amended) is amended to read:

"29-1-9. APPOINTMENT OF PEACE OFFICERS--CITIZENSHIP CERTIFICATE OF APPOINTMENT--EXCEPTIONS.--

A. No sheriff of a county, mayor of a city or other person authorized by law to appoint special deputy sheriffs, marshals, police officers or other peace officers in the state of New Mexico to preserve the public peace and to prevent and quell public disturbances shall appoint as such special deputy sheriff, marshal, police officer or other peace officer any person who is not a citizen of the United States of America or has not been authorized to work by the United States citizenship and immigration services.

B. No person shall assume or exercise the functions, powers, duties and privileges incident and belonging to the office of special deputy sheriff, marshal, police officer or other peace officer without first having received an appointment in writing from a person authorized by law to appoint special deputy sheriffs, marshals, police officers or other peace officers; provided that nothing in this section shall apply to lawfully appointed United States marshals or to deputies of those marshals or to railroad peace officers appointed pursuant to Section 63-2-18 NMSA 1978 in the performance of their duties as peace officers.

C. This section shall not apply in times of riot or unusual disturbance and when so declared by the public proclamation of the governor of the state."

## **Chapter 78 Section 2 Laws 2025**

SECTION 2. Section 29-2-6 NMSA 1978 (being Laws 1941, Chapter 147, Section 6, as amended) is amended to read:

"29-2-6. QUALIFICATIONS OF MEMBERS.--

A. Members of the New Mexico state police, except the chief, shall:

(1) at the time of their appointment, be citizens of the United States or be authorized to work by the United States citizenship and immigration services;

(2) at the time of their appointment, have reached twenty-one years of age;

(3) except as otherwise provided in Subsection B of this section, at the time of their appointment, have completed at least sixty hours of college credit or have

had two years of military or law enforcement service. This requirement shall not apply to officers who are certified and commissioned as of June 30, 2015 in the former motor transportation division or the former special investigations division;

(4) be of good moral character and not have been convicted of a felony or infamous crime in the courts of this state or other state or any country or in the federal courts; and

(5) pass a physical examination that the New Mexico state police may require.

B. Notwithstanding the requirement of Paragraph (3) of Subsection A of this section, the chief may appoint a member of the New Mexico state police who has at least thirty hours of college credit, and the chief shall determine an appropriate time period after appointment for the member to complete the additional thirty hours of college credit required. This provision shall not apply to officers who are certified and commissioned as of June 30, 2015 in the former motor transportation division or the former special investigations division."

## **Chapter 78 Section 3 Laws 2025**

SECTION 3. Section 29-7-6 NMSA 1978 (being Laws 1993, Chapter 255, Section 6) is amended to read:

"29-7-6. QUALIFICATIONS FOR CERTIFICATION.--

A. An applicant for certification shall provide evidence satisfactory to the board that the applicant:

(1) is a citizen of the United States or has been authorized to work by the United States citizenship and immigration services and has reached the age of majority;

(2) holds a high school diploma or the equivalent;

(3) holds a valid driver's license;

(4) has not been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding the application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States;

(5) after examination by a licensed physician, is free of any physical condition that might adversely affect the applicant's performance as a police officer or

prohibit the applicant from successfully completing a prescribed basic law enforcement training required by the Law Enforcement Training Act;

(6) after examination by a certified psychologist, is free of any emotional or mental condition that might adversely affect performance as a police officer or prohibit the applicant from successfully completing a prescribed basic law enforcement training required by the Law Enforcement Training Act;

(7) is of good moral character;

(8) has met any other requirements for certification prescribed by the board pursuant to regulations adopted by the board; and

(9) has previously been awarded a certificate of completion by the director attesting to the applicant's completion of an approved law enforcement training program.

B. A person employed as a police officer by any law enforcement agency in this state shall forfeit the person's position unless, no later than twelve months after beginning employment as a police officer, the person satisfies the qualifications for certification set forth in Subsection A of this section and is awarded a certificate attesting to that fact."

## **LAWS 2025, CHAPTER 79**

**Senate Bill 375, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO PROBATION; REMOVING THE PAYMENT OF THE COST OF PAROLE SERVICES; ALLOWING A MINIMUM RISK DEFENDANT TO BE RELEASED FROM PROBATION IN CERTAIN CIRCUMSTANCES; CLARIFYING PROJECTED RELEASE DATES FOR MERITORIOUS DEDUCTIONS UPON ADMISSION TO A CORRECTIONAL FACILITY.

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

### **Chapter 79 Section 1 Laws 2025**

SECTION 1. 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	eighteen 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. 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 79 Section 2 Laws 2025**

SECTION 2. Section 31-20-5 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-17, as amended) is amended to read:

"31-20-5. PLACING DEFENDANT ON PROBATION.--

A. When a person has been convicted of a crime for which a sentence of imprisonment is authorized and when the magistrate, metropolitan or district court has deferred or suspended sentence, it shall order the defendant to be placed on probation

for all or some portion of the period of deferment or suspension if the defendant is in need of supervision, guidance or direction that is feasible for the corrections department to furnish. Except for sex offenders as provided in Section 31-20-5.2 NMSA 1978, the total period of probation for district court shall not exceed five years and the total period of probation for the magistrate or metropolitan courts shall be no longer than the maximum allowable incarceration time for the offense or as otherwise provided by law.

B. If a defendant is required to serve a period of probation subsequent to a period of incarceration:

(1) the period of probation shall be served subsequent to any required period of parole, with the time served on parole credited as time served on the period of probation and the conditions of probation imposed by the court deemed as additional conditions of parole; and

(2) in the event that the defendant violates any condition of that parole, the parole board shall cause the defendant to be brought before it pursuant to the provisions of Section 31-21-14 NMSA 1978 and may make any disposition authorized pursuant to that section and, if parole is revoked, the period of parole served in the custody of a correctional facility shall not be credited as time served on probation.

C. A defendant shall automatically be released from probation if the defendant:

(1) is classified as a minimum level risk by a validated scoring instrument;

(2) has met all of the obligations of the defendant's probation; and

(3) has completed one-half or more of the period of probation."

## **Chapter 79 Section 3 Laws 2025**

SECTION 3. Section 31-21-10 NMSA 1978 (being Laws 1980, Chapter 28, Section 1, as amended) is amended to read:

"31-21-10. PAROLE AUTHORITY AND PROCEDURE.--

A. Except as provided in Section 31-21-10.2 NMSA 1978, an inmate of an institution who was sentenced to life imprisonment becomes eligible for a parole hearing after the inmate has served thirty years of the sentence. Before ordering the parole of an inmate sentenced to life imprisonment, the board shall:

(1) interview the inmate at the institution where the inmate is committed;



- (2) consider all pertinent information concerning the inmate, including:
  - (a) the circumstances of the offense;
  - (b) mitigating and aggravating circumstances;
  - (c) whether a deadly weapon was used in the commission of the offense;
  - (d) whether the inmate is a habitual offender;
  - (e) the reports filed under Section 31-21-9 NMSA 1978; and
  - (f) the reports of such physical and mental examinations as have been made while in an institution;
- (3) make a finding that a parole is in the best interest of society and the inmate; and
- (4) make a finding that the inmate is able and willing to fulfill the obligations of a law-abiding citizen.

If parole is denied, the inmate sentenced to life imprisonment shall again become entitled to a parole hearing at two-year intervals. The board may, on its own motion, reopen any case in which a hearing has already been granted and parole denied.

B. Unless the board finds that it is in the best interest of society and the parolee to reduce the period of parole, a person who was sentenced to life imprisonment shall be required to undergo a minimum period of parole of five years. During the period of parole, the person shall be under the guidance and supervision of the board.

C. An inmate of an institution who was sentenced to life imprisonment without possibility of release or parole is not eligible for parole and shall remain incarcerated for the entirety of the inmate's natural life.

D. Except for certain sex offenders as provided in Section 31-21-10.1 NMSA 1978, an inmate who was convicted of a first, second or third degree felony and who has served the sentence of imprisonment imposed by the court in an institution designated by the corrections department shall be required to undergo a two-year period of parole. An inmate who was convicted of a fourth degree felony and who has served the sentence of imprisonment imposed by the court in an institution designated by the corrections department shall be required to undergo a one-year period of parole. During the period of parole, the person shall be under the guidance and supervision of the board.

E. Every person while on parole shall remain in the legal custody of the institution from which the person was released, but shall be subject to the orders of the board. The board shall furnish to each inmate as a prerequisite to release under its supervision a written statement of the conditions of parole that shall be accepted and agreed to by the inmate as evidenced by the inmate's signature affixed to a duplicate copy to be retained in the files of the board. The board shall also require as a prerequisite to release the submission and approval of a parole plan. If an inmate refuses to affix the inmate's signature to the written statement of the conditions of parole or does not have an approved parole plan, the inmate shall not be released and shall remain in the custody of the institution in which the inmate has served the inmate's sentence, excepting parole, until such time as the period of parole the inmate was required to serve, less meritorious deductions, if any, expires, at which time the inmate shall be released from that institution without parole, or until such time that the inmate evidences acceptance and agreement to the conditions of parole as required or receives approval for the inmate's parole plan or both. Time served from the date that an inmate refuses to accept and agree to the conditions of parole or fails to receive approval for the inmate's parole plan shall reduce the period, if any, to be served under parole at a later date. If the district court has ordered that the inmate make restitution to a victim as provided in Section 31-17-1 NMSA 1978, the board shall include restitution as a condition of parole. The board shall also personally apprise the inmate of the conditions of parole and the inmate's duties relating to those conditions of parole.

F. When a person on parole has performed the obligations of the person's release for the period of parole provided in this section, the board shall make a final order of discharge and issue the person a certificate of discharge.

G. The provisions of this section shall apply to all inmates except geriatric, permanently incapacitated and terminally ill inmates eligible for the medical and geriatric parole program as provided by the Parole Board Act."

## **Chapter 79 Section 4 Laws 2025**

SECTION 4. Section 33-2-34 NMSA 1978 (being Laws 1999, Chapter 238, Section 1, as amended) is amended to read:

"33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS DEDUCTIONS.--

A. A prisoner confined in a correctional facility designated by the corrections department may lose earned meritorious deductions if the prisoner fails to actively participate in programs recommended for the prisoner by the classification supervisor and approved by the warden or the warden's designee.

B. Meritorious deductions shall be awarded for the remainder of the sentence, after pre-sentence confinement has been deducted, upon admission to a correctional facility designated by the corrections department.

C. Meritorious deductions shall not exceed the following amounts:

- (1) for a prisoner confined for committing a serious violent offense, four days per month;
- (2) for a prisoner confined for committing a nonviolent offense, thirty days per month; and
- (3) for a prisoner confined following revocation of parole, meritorious deductions will be awarded commensurate with the classification of the offense.

D. A prisoner may lose meritorious deductions upon recommendation by the classification supervisor, based upon the prisoner's failure to actively participate in approved programs and the quality of the prisoner's participation in those approved programs. A prisoner may not lose meritorious deductions unless the recommendation of the classification supervisor is approved by the warden or the warden's designee.

E. If a prisoner's active participation in approved programs is interrupted by a lockdown at a correctional facility, the prisoner may not lose meritorious deductions, unless the warden or the warden's designee determines that the prisoner's conduct contributed to the initiation or continuance of the lockdown.

F. A prisoner confined in a correctional facility designated by the corrections department is eligible for lump-sum meritorious deductions as follows:

- (1) for successfully completing an approved vocational, substance abuse or mental health program, thirty days; except when the prisoner has a demonstrable physical, mental health or developmental disability that prevents the prisoner from successfully earning a high school equivalency credential, in which case, the prisoner shall be awarded ninety days;

- (2) for earning a high school equivalency credential, ninety days;

- (3) for earning an associate's degree, one hundred twenty days;

- (4) for earning a bachelor's degree, one hundred fifty days;

- (5) for earning a graduate qualification, one hundred fifty days; and

- (6) for engaging in a heroic act of saving life or property, engaging in extraordinary conduct for the benefit of the state or the public that is at great expense or risk to or involves great effort on the part of the prisoner or engaging in extraordinary conduct far in excess of normal program assignments that demonstrates the prisoner's commitment to self-rehabilitation. The classification supervisor and the warden or the warden's designee may recommend the number of days to be awarded in each case

based upon the particular merits, but any award shall be determined by the director of the adult institutions division of the corrections department or the director's designee.

G. Lump-sum meritorious deductions, provided in Paragraphs (1) through (6) of Subsection F of this section, may be awarded in addition to the meritorious deductions provided in Subsection C of this section. Lump-sum meritorious deductions shall not exceed one year per award and shall not exceed a total of one year for all lump-sum meritorious deductions awarded in any consecutive twelve-month period.

H. A prisoner may lose meritorious deductions if the prisoner:

(1) disobeys an order to perform labor, pursuant to Section 33-8-4 NMSA 1978;

(2) is in disciplinary segregation;

(3) is confined for committing a serious violent offense and is within the first sixty days of receipt by the corrections department; or

(4) is not an active participant in programs recommended and approved for the prisoner by the classification supervisor.

I. The provisions of this section shall not be interpreted as providing eligibility to earn meritorious deductions from a sentence of life imprisonment or a sentence of life imprisonment without possibility of release or parole.

J. The corrections department shall promulgate rules to implement the provisions of this section, and the rules shall be matters of public record. A concise summary of the rules shall be provided to each prisoner, and each prisoner shall receive a statement of the meritorious deductions earned upon initial award, if additional awards are given, if meritorious deductions are lost and upon request.

K. A New Mexico prisoner confined in a federal or out-of-state correctional facility is eligible to earn meritorious deductions for active participation in programs on the basis of the prisoner's conduct and program reports furnished by that facility to the corrections department. All decisions regarding the award and forfeiture of meritorious deductions at such facility are subject to final approval by the director of the adult institutions division of the corrections department or the director's designee.

L. In order to be eligible for meritorious deductions, a prisoner confined in a federal or out-of-state correctional facility designated by the corrections department must actively participate in programs that are available. If a federal or out-of-state correctional facility does not have programs available for a prisoner, the prisoner may be awarded meritorious deductions at the rate the prisoner could have earned meritorious deductions if the prisoner had actively participated in programs.

M. A prisoner confined in a correctional facility in New Mexico that is operated by a private company, pursuant to a contract with the corrections department, is eligible to earn meritorious deductions in the same manner as a prisoner confined in a state-run correctional facility. All decisions regarding the award or forfeiture of meritorious deductions at such facilities are subject to final approval by the director of the adult institutions division of the corrections department or the director's designee.

N. As used in this section:

(1) "active participant" means a prisoner who has begun, and is regularly engaged in, approved programs;

(2) "program" means work, vocational, educational, substance abuse and mental health programs, approved by the classification supervisor, that contribute to a prisoner's self-betterment through the development of personal and occupational skills. "Program" does not include recreational activities;

(3) "nonviolent offense" means any offense other than a serious violent offense; and

(4) "serious violent offense" means:

(a) second degree murder, as provided in Section 30-2-1 NMSA 1978;

(b) voluntary manslaughter, as provided in Section 30-2-3 NMSA 1978;

(c) third degree aggravated battery, as provided in Section 30-3-5 NMSA 1978;

(d) third degree aggravated battery against a household member, as provided in Section 30-3-16 NMSA 1978;

(e) first degree kidnapping, as provided in Section 30-4-1 NMSA 1978;

(f) first and second degree criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;

(g) second and third degree criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;

(h) first and second degree robbery, as provided in Section 30-16-2 NMSA 1978;

(i) second degree aggravated arson, as provided in Section 30-17-6 NMSA 1978;

(j) shooting at a dwelling or occupied building, as provided in Section 30-3-8 NMSA 1978;

(k) shooting at or from a motor vehicle, as provided in Section 30-3-8 NMSA 1978;

(l) aggravated battery upon a peace officer, as provided in Section 30-22-25 NMSA 1978;

(m) assault with intent to commit a violent felony upon a peace officer, as provided in Section 30-22-23 NMSA 1978;

(n) aggravated assault upon a peace officer, as provided in Section 30-22-22 NMSA 1978; or

(o) any of the following offenses, when the nature of the offense and the resulting harm are such that the court judges the crime to be a serious violent offense for the purpose of this section: 1) involuntary manslaughter, as provided in Section 30-2-3 NMSA 1978; 2) fourth degree aggravated assault, as provided in Section 30-3-2 NMSA 1978; 3) third degree assault with intent to commit a violent felony, as provided in Section 30-3-3 NMSA 1978; 4) fourth degree aggravated assault against a household member, as provided in Section 30-3-13 NMSA 1978; 5) third degree assault against a household member with intent to commit a violent felony, as provided in Section 30-3-14 NMSA 1978; 6) third and fourth degree aggravated stalking, as provided in Section 30-3A-3.1 NMSA 1978; 7) second degree kidnapping, as provided in Section 30-4-1 NMSA 1978; 8) second degree abandonment of a child, as provided in Section 30-6-1 NMSA 1978; 9) first, second and third degree abuse of a child, as provided in Section 30-6-1 NMSA 1978; 10) third degree dangerous use of explosives, as provided in Section 30-7-5 NMSA 1978; 11) third and fourth degree criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978; 12) fourth degree criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978; 13) third degree robbery, as provided in Section 30-16-2 NMSA 1978; 14) third degree homicide by vehicle or great bodily harm by vehicle, as provided in Section 66-8-101 NMSA 1978; or 15) battery upon a peace officer, as provided in Section 30-22-24 NMSA 1978.

O. Except for sex offenders, as provided in Section 31-21-10.1 NMSA 1978, an offender sentenced to confinement in a correctional facility designated by the corrections department who has been released from confinement and who is serving a parole term may be awarded earned meritorious deductions of up to thirty days per month upon recommendation of the parole officer supervising the offender, with the final approval of the adult parole board. The offender must be in compliance with all the conditions of the offender's parole to be eligible for earned meritorious deductions. The adult parole board may remove earned meritorious deductions previously awarded if the

offender later fails to comply with the conditions of the offender's parole. The offender shall be eligible to earn meritorious deductions while on parole in the community commensurate with the classification of the offense. The corrections department and the adult parole board shall promulgate rules to implement the provisions of this subsection. This subsection applies to offenders who are serving a parole term on or after July 1, 2004."

## **LAWS 2025, CHAPTER 80**

**SFC/Senate Bill 376**

**Approved April 7, 2025**

AN ACT

RELATING TO STATE EMPLOYEE BENEFITS; AMENDING THE CONTRIBUTION PERCENTAGES FOR STATE EMPLOYEE HEALTH BENEFITS; AUTHORIZING THE SECRETARY OF HEALTH CARE AUTHORITY TO USE FUNDS APPROPRIATED FROM THE HEALTH CARE AFFORDABILITY FUND TO REDUCE OR ELIMINATE PREMIUMS FOR CERTAIN GOVERNMENT EMPLOYEES.

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

### **Chapter 80 Section 1 Laws 2025**

SECTION 1. Section 10-7-4 NMSA 1978 (being Laws 1941, Chapter 188, Section 1, as amended) is amended to read:

"10-7-4. GROUP INSURANCE--CAFETERIA PLAN--CONTRIBUTIONS FROM PUBLIC FUNDS.--

A. All state departments and institutions and all political subdivisions of the state, excluding municipalities, counties and political subdivisions of the state with twenty-five employees or fewer, shall cooperate in providing group term life, medical or disability income insurance for the benefit of eligible employees or salaried officers of the respective departments, institutions and political subdivisions.

B. The group insurance contributions of the state or any of its departments or institutions, including institutions of higher education, shall be made as follows:

(1) at least seventy-five percent of the cost of the insurance of an employee whose annual salary is less than fifteen thousand dollars (\$15,000);

(2) at least seventy percent of the cost of the insurance of an employee whose annual salary is fifteen thousand dollars (\$15,000) or more but less than twenty thousand dollars (\$20,000);

(3) at least sixty-five percent of the cost of the insurance of an employee whose annual salary is twenty thousand dollars (\$20,000) or more but less than twenty-five thousand dollars (\$25,000); and

(4) at least sixty percent of the cost of the insurance of an employee whose annual salary is twenty-five thousand dollars (\$25,000) or more.

C. The group insurance contributions of school districts and charter schools shall be made as follows:

(1) at least eighty percent of the cost of the insurance of an employee whose annual salary is less than fifty thousand dollars (\$50,000);

(2) at least seventy percent of the cost of the insurance of an employee whose annual salary is fifty thousand dollars (\$50,000) or more but less than sixty thousand dollars (\$60,000); and

(3) at least sixty percent of the cost of the insurance of an employee whose annual salary is sixty thousand dollars (\$60,000) or more.

D. Effective July 1, 2004, the group insurance contributions of the state or any of its executive, judicial or legislative departments, including agencies, boards or commissions, shall be made as follows; provided that the contribution percentage shall be the same for all affected public employees in a given salary bracket:

(1) up to eighty percent of the cost of the insurance of an employee whose annual salary is less than thirty thousand dollars (\$30,000);

(2) up to seventy percent of the cost of the insurance of an employee whose annual salary is thirty thousand dollars (\$30,000) or more but less than forty thousand dollars (\$40,000); and

(3) up to sixty percent of the cost of the insurance of an employee whose annual salary is forty thousand dollars (\$40,000) or more.

E. Except as provided in Subsection H of this section, effective July 1, 2025, the group insurance contributions of the state or any of its executive, judicial or legislative departments, including agencies, boards or commissions, shall be eighty percent of the cost of insurance.

F. Effective July 1, 2013, the employer shall pay one hundred percent of basic life insurance premiums for employees, and employees who choose to carry disability insurance shall pay one hundred percent of the premium.



G. The state shall not make any group insurance contributions for legislators. A legislator shall be eligible for group benefits only if the legislator contributes one hundred percent of the cost of the insurance.

H. An employer shall pay one hundred percent of the employee group insurance contributions due and payable on or after July 1, 2016 for an employee who is injured while performing a public safety function or duty and, as a result of the injury, is placed on approved workers' compensation leave.

I. As used in this section, "cost of the insurance" means the premium required to be paid to provide coverages. Any contributions of the political subdivisions of the state, except the public schools and political subdivisions of the state with twenty-five employees or fewer, shall not exceed sixty percent of the cost of the insurance.

J. When a public employee elects to participate in a cafeteria plan as authorized by the Cafeteria Plan Act and enters into a salary reduction agreement with the governmental employer, the provisions of Subsections B through G of this section with respect to the maximum contributions that can be made by the employer are not violated and will still apply. The employer percentage or dollar contributions as provided in Subsections B through E of this section shall be determined by the employee's gross salary prior to any salary reduction agreement.

K. Any group medical insurance plan offered pursuant to this section shall include effective cost-containment measures to control the growth of health care costs and maximize benefits for the least cost. If a state agency that is responsible for providing state employee health benefits under the Health Care Purchasing Act establishes a reference-based pricing program for in-network or out-of-network hospital services, hospitals subject to the program shall not charge or collect from a member of the health benefit plan an amount in addition to the maximum payment established by the secretary of health care authority, except that a hospital may charge an amount for cost-sharing that is authorized by the terms of the member's health benefit plan. The responsible public body that administers a plan offered pursuant to this section shall report annually by September 1 to appropriate interim legislative committees on the effectiveness of the cost-containment measures required by this subsection.

L. Within available revenue, school districts, charter schools and participating entities pursuant to the Public School Insurance Authority Act may contribute up to one hundred percent of the cost of the insurance of all employees and institutions of higher education may contribute up to eighty percent of the cost of the insurance of all employees.

M. When the secretary of health care authority submits the health care authority's annual budget request to the legislature, the secretary shall include a budget request for purchasing state employee health benefits that has actuarially sound rates for the following fiscal year. Beginning July 1, 2025, the secretary shall set actuarially sound rates sufficient to cover projected claims, subject to legislative appropriation. By

September 1 of each year, the projected actuarially sound rate adjustment for the following fiscal year, subject to legislative appropriation, shall be communicated to the local public bodies who are part of the state employee health benefit program.

N. The secretary of health care authority shall establish a program to make state health benefit premiums more affordable for certain employees using appropriations from the health care affordability fund. The secretary shall establish a system for determining eligibility for the program and may annually update program eligibility and contribution criteria.

O. By July 1, 2026, the health care authority shall ensure that state employees are provided the opportunity to purchase a variety of health benefit plans with varying plan designs and cost-sharing options."

## **Chapter 80 Section 2 Laws 2025**

SECTION 2. Section 59A-23F-11 NMSA 1978 (being Laws 2021, Chapter 136, Section 4, as amended) is amended to read:

"59A-23F-11. HEALTH CARE AFFORDABILITY FUND.--

A. The "health care affordability fund" is created in the state treasury. The fund consists of distributions, appropriations, gifts, grants and donations. Money in the fund at the end of a fiscal year shall not revert to any other fund. The health care authority shall administer the fund, and money in the fund is subject to appropriation by the legislature for purposes provided by this section. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of health care authority or the secretary's authorized representative.

B. The purpose of the fund is to:

(1) reduce health care premiums and cost sharing for New Mexico residents who purchase health care coverage on the New Mexico health insurance exchange;

(2) reduce premiums for small businesses and their employees purchasing health care coverage in the fully insured small group market;

(3) provide resources for planning, design and implementation of health care coverage initiatives for uninsured New Mexico residents;

(4) provide resources for administration of state health care coverage initiatives for uninsured New Mexico residents;

(5) cover a portion or all of the net premium health benefit contributions for state employees enrolled in health benefit plans covered by the Health Care Purchasing Act who do not qualify for medicaid and:

(a) have a modified adjusted gross income up to two hundred fifty percent of the federal poverty level; or

(b) purchase employee-only coverage and receive an annual salary from the state of fifty thousand dollars (\$50,000) or less; and

(6) cover a portion or all of the net premiums for members of the New Mexico national guard who qualify for a federal TRICARE reserve select policy.

C. If the federal Patient Protection and Affordable Care Act is repealed in full or in part by an act of congress or invalidated by the United States supreme court and eliminates or reduces comprehensive health care coverage for New Mexico residents through medicaid or the New Mexico health insurance exchange, the fund may be used to maintain coverage through the New Mexico health insurance exchange or through medical assistance programs administered by the health care authority; provided that coverage is prioritized for New Mexico residents with incomes below two hundred percent of the federal poverty level.

D. Prior to July 1, 2025, the staff of the legislative finance committee shall conduct a program evaluation to measure the impact of changes to the health insurance premium surtax and the creation of the health care affordability fund as it relates to the purpose of the fund.

E. Prior to July 1 of each year, the health care authority shall provide actuarial data from the health care affordability fund to the legislative finance committee.

F. Prior to July 1 of each year, the secretary of health care authority, in consultation with the superintendent, the secretary of taxation and revenue and the chief executive officer of the New Mexico health insurance exchange, shall work with the legislative finance committee and the department of finance and administration to develop and report on performance measures relating to the health care affordability fund and any programs or initiatives funded by the fund."

## **LAWS 2025, CHAPTER 81**

**SEC/Senate Bill 387**

**Approved April 7, 2025**

AN ACT

RELATING TO PUBLIC SCHOOLS; CHANGING THE AMOUNT OF COMMUNITY SCHOOL IMPLEMENTATION GRANTS; RENAMING THE COMMUNITY SCHOOLS FUND IN HONOR OF DR. JEANNIE OAKES.

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

## **Chapter 81 Section 1 Laws 2025**

SECTION 1. Section 22-32-4 NMSA 1978 (being Laws 2013, Chapter 16, Section 4, as amended) is amended to read:

"22-32-4. COMMUNITY SCHOOLS INITIATIVES--INDIRECT COSTS--GRANTS--SCHOOL DISTRICT, GROUP OF PUBLIC SCHOOLS OR PUBLIC SCHOOL DUTIES--REQUIREMENTS.--

A. A school district shall bear any indirect costs associated with the establishment and implementation of a community school within the school district.

B. Subject to the availability of funding, grants for community schools initiatives are available to a school district, a group of public schools or a single public school that has demonstrated partnerships with the local community to establish, operate and sustain the community school framework and that meets department eligibility requirements.

C. The department shall promulgate rules and procedures to distribute funds through a competitive grant program developed and designed in partnership with the coalition for community schools.

D. Applications for grants for community schools initiatives shall be in the form prescribed by the department to support a continuum of community school development.

E. A school district, a group of public schools or a single public school that uses funds under this section to transform a public school into an evidence-based community schools initiative shall:

(1) use rigorous, transparent, equitable and evidence-based evaluation systems to assess the effectiveness of the implementation of the community schools initiative;

(2) provide ongoing, high-quality professional development that:

(a) aligns with the community school's instructional program;

(b) facilitates effective teaching and learning; and

(c) supports the implementation of school reform strategies; and

(3) give the community school sufficient operational flexibility in programming, curriculum, staffing, budgeting and scheduling so that the community school can fully implement a comprehensive community school framework designed to focus on improving the community school climate, student academic achievement, attendance, behavior, family engagement and, for high schools, graduation rates and readiness for college or a career.

F. If a grantee receives funding to implement the community schools initiative at three or more public school sites, the school district shall employ a community schools director or manager to oversee and coordinate implementation across all of the covered school sites and ensure the employment of a community school coordinator by the lead partner agency at each school site.

G. A school district or public school may use Title 1 funds for its community schools initiative and the department may use Title 1 funds to invest in community schools statewide.

H. The department is authorized to provide planning, implementation and renewal grants to eligible applicants as follows:

(1) a one-year, one-time planning grant of up to fifty thousand dollars (\$50,000) for each eligible public school to conduct an initial school and community needs assessment, identify community supports and services through asset mapping and establish a site-based leadership team;

(2) annual implementation grants of up to one hundred fifty thousand dollars (\$150,000) each year for a period of three years for each eligible school; and

(3) at the conclusion of the initial three-year grant period, applicants may apply for a renewal grant for one year in an amount determined by the department.

I. Eligible applicants shall provide satisfactory documentation required by the department that the applicant intends to apply for an implementation grant within six months of receiving a planning grant.

J. Eligible applicants shall submit an application for an implementation or renewal grant to the department for each eligible community school through the grant authorization process."

## **Chapter 81 Section 2 Laws 2025**

SECTION 2. Section 22-32-8 NMSA 1978 (being Laws 2019, Chapter 198, Section 7) is amended to read:

"22-32-8. DR. JEANNIE OAKES MEMORIAL COMMUNITY SCHOOLS FUND--  
CREATED--ACCOUNTABILITY.--

A. The "Dr. Jeannie Oakes memorial community schools 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 distribute grant awards to support the development and implementation of community schools initiatives.

B. The department shall ensure that the money expended from the Dr. Jeannie Oakes memorial community schools fund is used for the purposes stated in the Community Schools Act and shall not be used to correct for previous reductions in program services."

## **Chapter 81 Section 3 Laws 2025**

SECTION 3. APPLICABILITY.--The provisions of this act apply to the 2025-2026 school year and subsequent school years.

# **LAWS 2025, CHAPTER 82**

**Senate Bill 401, aa, w/cc**  
**Approved April 7, 2025**

## **AN ACT**

RELATING TO BROADBAND; AMENDING THE SEVERANCE TAX BONDING ACT TO PROVIDE FOR THE ISSUANCE OF SUPPLEMENTAL SEVERANCE TAX BONDS FOR EDUCATION TECHNOLOGY INFRASTRUCTURE; AMENDING THE BROADBAND ACCESS AND EXPANSION ACT; ADDING DEFINITIONS; CREATING THE EDUCATION TECHNOLOGY INFRASTRUCTURE FUND; PROVIDING FOR RULEMAKING; AUTHORIZING GRANTS; TRANSFERRING THE PUBLIC SCHOOL FACILITIES AUTHORITY'S BROADBAND DEPLOYMENT AND CONNECTIVITY PROGRAM AND STATEWIDE EDUCATION NETWORK TO THE OFFICE OF BROADBAND ACCESS AND EXPANSION; MAKING AN APPROPRIATION.

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

## **Chapter 82 Section 1 Laws 2025**

SECTION 1. Section 7-27-12 NMSA 1978 (being Laws 1961, Chapter 5, Section 10, as amended) is amended to read:

"7-27-12. WHEN SEVERANCE TAX BONDS TO BE ISSUED.--

A. The state board of finance shall issue and sell all severance tax bonds when authorized to do so by any law that sets out the amount of the issue and the recipient of the money.

B. The state board of finance shall also issue and sell severance tax bonds authorized by Sections 72-14-36 through 72-14-42 NMSA 1978, and such authority as has been given to the interstate stream commission to issue and sell such bonds is transferred to the state board of finance. The state board of finance shall issue and sell all severance tax bonds only when so instructed by resolution of the governing body or by written direction from an authorized officer of the recipient of the bond money.

C. Except as provided in Subsection D of this section, proceeds from supplemental severance tax bonds shall be used only for public school capital outlay projects pursuant to the Public School Capital Outlay Act or the Public School Capital Improvements Act or education technology infrastructure projects pursuant to the Broadband Access and Expansion Act.

D. Proceeds from supplemental severance tax bonds issued pursuant to Paragraph (2) of Subsection A of Section 19 of Chapter 6 of Laws 1999 (1st S.S.) and Laws 2017 (1st S.S.), Chapter 1, Section 1 shall be used for the purposes specified in those provisions.

E. Except as provided in Subsection F of this section, the state board of finance shall issue and sell all supplemental severance tax bonds when so instructed by resolution of the public school capital outlay council pursuant to Section 7-27-12.2 NMSA 1978 or by certification by the director of the office of broadband access and expansion pursuant to Section 7-27-12.6 NMSA 1978.

F. The state board of finance shall issue and sell the supplemental severance tax bonds authorized by:

(1) Paragraph (2) of Subsection A of Section 19 of Chapter 6 of Laws 1999 (1st S.S.) when so instructed by resolution of the commission on higher education; and

(2) Laws 2017 (1st S.S.), Chapter 1, Section 1 upon certification by the secretary of finance and administration of the need to use proceeds from those bonds as outlined in that section."

## **Chapter 82 Section 2 Laws 2025**

SECTION 2. A new section of the Severance Tax Bonding Act, Section 7-27-12.6 NMSA 1978, is enacted to read:

"7-27-12.6. SUPPLEMENTAL SEVERANCE TAX BONDS--EDUCATION TECHNOLOGY INFRASTRUCTURE.--

A. The director of the office of broadband access and expansion may certify that up to ten million dollars (\$10,000,000) of proceeds of supplemental severance tax bonds per fiscal year are needed for expenditures relating to education technology infrastructure pursuant to the Broadband Access and Expansion Act. The certification shall specify the total amount needed.

B. The state board of finance may issue and sell supplemental severance tax bonds in compliance with the Severance Tax Bonding Act when the director of the office of broadband access and expansion certifies the need for the issuance of the bonds pursuant to the Broadband Access and Expansion Act. The amount of the bonds sold at each sale shall not exceed the lesser of:

(1) the total of the amounts certified by the director of the office of broadband access and expansion; or

(2) the amount that may be issued pursuant to the restrictions of Section 7-27-14 NMSA 1978.

C. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible.

D. The proceeds from the sale of the bonds are appropriated to the education technology infrastructure fund for the purposes of the fund.

E. The provisions of this section shall be repealed effective July 1, 2030."

## **Chapter 82 Section 3 Laws 2025**

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 N 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 five 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 shall 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. The fund may be expended in each of fiscal years 2020 through 2024 for a pre-kindergarten classroom facilities initiative project in accordance with Section 22-24-12 NMSA 1978.

N. 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 82 Section 4 Laws 2025**

SECTION 4. Section 22-24-5 NMSA 1978 (being Laws 1975, Chapter 235, Section 5, as amended) is amended to read:

"22-24-5. PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS--APPLICATION--  
GRANT ASSISTANCE.--

A. Applications for grant assistance, approval of applications, prioritization of projects and grant awards shall be conducted pursuant to the provisions of this section.

B. Except as provided in Sections 22-24-4.3, 22-24-5.4 and 22-24-5.6 NMSA 1978, the following provisions govern grant assistance from the fund for a public school capital outlay project not wholly funded pursuant to Section 22-24-4.1 NMSA 1978:

(1) all school districts are eligible to apply for funding from the fund, regardless of percentage of indebtedness;

(2) priorities for funding shall be determined by using the statewide adequacy standards developed pursuant to Subsection C of this section; provided that:

(a) the council shall apply the standards to charter schools to the same extent that they are applied to other public schools;

(b) the council may award grants annually to school districts for the purpose of repairing, renovating or replacing public school building systems in existing buildings as identified in Section 22-24-4.6 NMSA 1978;

(c) the council shall adopt and apply adequacy standards appropriate to the unique needs of the constitutional special schools; and

(d) in an emergency in which the health or safety of students or school personnel is at immediate risk or in which there is a threat of significant property damage, the council may award grant assistance for a project using criteria other than the statewide adequacy standards;

(3) the council shall establish criteria to be used in public school capital outlay projects that receive grant assistance pursuant to the Public School Capital Outlay Act. In establishing the criteria, the council shall consider:

(a) the feasibility of using design, build and finance arrangements for public school capital outlay projects;

(b) the potential use of more durable construction materials that may reduce long-term operating costs;

(c) concepts that promote efficient but flexible utilization of space; and

(d) any other financing or construction concept that may maximize the dollar effect of the state grant assistance;

(4) no more than ten percent of the combined total of grants in a funding cycle shall be used for retrofitting existing facilities for technology infrastructure;

(5) no later than May 1 of each calendar year, the phase two formula value shall be calculated for each school district in accordance with the following procedure:

(a) the sum of the final prior five years net taxable value for a school district multiplied by nine ten-thousandths for that school district is calculated for each school district;

(b) the maximum allowable gross square foot per student multiplied by the replacement cost per square foot divided by forty-five is calculated for each school district;

(c) the value calculated pursuant to Subparagraph (a) of this paragraph divided by the value calculated pursuant to Subparagraph (b) of this paragraph is calculated for each school district;

(d) in those instances in which the calculation pursuant to Subparagraph (c) of this paragraph yields a value equal to or greater than one, the phase two formula value shall be zero for the subject school district;

(e) in those instances in which the calculation pursuant to Subparagraph (c) of this paragraph yields a value of ninety-hundredths or more but less than one, the phase two formula value shall be one minus the value calculated in Subparagraph (c) of this paragraph; and

(f) in those instances in which the calculation pursuant to Subparagraph (c) of this paragraph yields a value less than ninety-hundredths, the phase two formula value shall be one minus the value calculated in Subparagraph (c) of this paragraph plus the school district population density factor;

(6) the state share of a project approved by the council shall be funded within available resources pursuant to the provisions of this paragraph. Except as provided in Section 22-24-5.7 NMSA 1978 and except as adjusted pursuant to Paragraph (8), (9) or (10) of this subsection, the amount to be distributed from the fund for an approved project shall equal the total project cost multiplied by the following percentage, except that in no case shall the state share be less than six percent:

(a) for fiscal year 2024 through fiscal year 2026, the percentage shall be the phase two formula value plus a percentage equal to one-third of the difference between one and the phase two formula value; provided that, for school districts with fewer than 200 MEM, the percentage shall be the phase two formula value plus a percentage equal to one-half of the difference between one and the phase two formula; and

(b) for fiscal year 2027 and thereafter, the percentage shall be the phase two formula value;

(7) as used in this subsection:

(a) "governmental entity" includes an Indian nation, tribe or pueblo;

(b) "phase two formula value" for a state-chartered charter school means the phase two formula value calculated pursuant to Paragraph (5) of this subsection for the school district in which the state-chartered charter school is physically located;

(c) "subject school district" means the school district that has submitted the application for funding and in which the approved public school capital outlay project will be located; and

(d) "total project cost" means the total amount necessary to complete the public school capital outlay project less any insurance reimbursement received by the school district for the project;

(8) the amount calculated pursuant to Paragraph (6) of this subsection may be increased by an additional five percent if the council finds that the subject school district has been exemplary in implementing and maintaining a preventive maintenance program. The council shall adopt such rules as are necessary to implement the provisions of this paragraph;

(9) the council may adjust the amount of local share otherwise required if it determines that a school district has made a good-faith effort to use all of its local resources. Before making any adjustment to the local share, the council shall consider whether:

(a) the school district has insufficient bonding capacity over the next four years to provide the local match necessary to complete the project and, for all educational purposes, has a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds;

(b) the school district: 1) has fewer than an average of eight hundred full-time-equivalent students on the second and third reporting dates of the prior school year; 2) has at least seventy percent of its students eligible for free or reduced-fee lunch; 3) has a phase two formula value calculated pursuant to Paragraph (5) of this subsection that would be greater than fifty percent; and 4) for all educational purposes, has a residential property tax rate of at least seven dollars (\$7.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates

imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds; or

(c) the school district: 1) has an enrollment growth rate over the previous school year of at least two and one-half percent; 2) pursuant to its five-year facilities plan, will be building a new school within the next two years; and 3) for all educational purposes, has a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds;

(10) the local match for the constitutional special schools shall be set at fifty percent for projects that qualify under the educational adequacy category and one hundred percent for projects that qualify in the support spaces category; provided that the council may adjust or waive the amount of any direct appropriation offset to or local share required for the constitutional special schools if an applicant constitutional special school has insufficient or no local resources available; and

(11) no application for grant assistance from the fund shall be approved unless the council determines that:

(a) the public school capital outlay project is needed and included in the school district's five-year facilities plan among its top priorities;

(b) the school district has used its capital resources in a prudent manner;

(c) the school district has provided insurance for buildings of the school district in accordance with the provisions of Section 13-5-3 NMSA 1978;

(d) the school district has submitted a five-year facilities plan that includes: 1) enrollment projections; 2) a current preventive maintenance plan that has been approved by the council pursuant to Section 22-24-5.3 NMSA 1978 and that is followed by each public school in the district; 3) the capital needs of charter schools located in the school district; and 4) projections for the facilities needed in order to maintain a full-day kindergarten program;

(e) the school district is willing and able to pay any portion of the total cost of the public school capital outlay project that, according to Paragraph (6), (8) or (9) of this subsection, is not funded with grant assistance from the fund;

(f) the application includes the capital needs of any charter school located in the school district or the school district has shown that the facilities of the charter school have a smaller deviation from the statewide adequacy standards than other district facilities included in the application; and



(g) the school district has agreed, in writing, to comply with any reporting requirements or conditions imposed by the council pursuant to Section 22-24-5.1 NMSA 1978.

C. After consulting with the public school capital outlay oversight task force and other experts, the council shall regularly review and update statewide adequacy standards applicable to all school districts. The standards shall establish the acceptable level for the physical condition and capacity of buildings, the educational suitability of facilities and the need for career-technical education facilities or classrooms. The council shall collaborate with the office of broadband access and expansion in the development of education technology infrastructure standards in accordance with the provisions of the Broadband Access and Expansion Act and apply those standards to the statewide adequacy standards. Except as otherwise provided in the Public School Capital Outlay Act, the amount of outstanding deviation from the standards shall be used by the council in evaluating and prioritizing public school capital outlay projects.

D. The acquisition of a facility by a school district or charter school pursuant to a financing agreement that provides for lease payments with an option to purchase for a price that is reduced according to lease payments made may be considered a public school capital outlay project and eligible for grant assistance under this section pursuant to the following criteria:

(1) no grant shall be awarded unless the council determines that, at the time of exercising the option to purchase the facility by the school district or charter school, the facility will equal or exceed the statewide adequacy standards and the building standards for public school facilities;

(2) no grant shall be awarded unless the school district and the need for the facility meet all of the requirements for grant assistance pursuant to the Public School Capital Outlay Act;

(3) the total project cost shall equal the total payments that would be due under the agreement if the school district or charter school would eventually acquire title to the facility;

(4) the portion of the total project cost to be paid from the fund may be awarded as one grant, but disbursements from the fund shall be made from time to time as lease payments become due;

(5) the portion of the total project cost to be paid by the school district or charter school may be paid from time to time as lease payments become due; and

(6) neither a grant award nor any provision of the Public School Capital Outlay Act creates a legal obligation for the school district or charter school to continue the lease from year to year or to purchase the facility.

E. In order to encourage private capital investment in the construction of public school facilities, the purchase of a privately owned school facility that is, at the time of application, in use by a school district may be considered a public school capital outlay project and eligible for grant assistance pursuant to this section if the council finds that:

(1) at the time of the initial use by the school district, the facility to be purchased equaled or exceeded the statewide adequacy standards and the building standards for public school facilities;

(2) at the time of application, attendance at the facility to be purchased is at seventy-five percent or greater of design capacity and the attendance at other schools in the school district that the students at the facility would otherwise attend is at eighty-five percent or greater of design capacity; and

(3) the school district and the capital outlay project meet all of the requirements for grant assistance pursuant to the Public School Capital Outlay Act; provided that, when determining the deviation from the statewide adequacy standards for the purposes of evaluating and prioritizing the project, the students using the facility shall be deemed to be attending other schools in the school district.

F. It is the intent of the legislature that grant assistance made pursuant to this section allows every school district to meet the standards developed pursuant to Subsection C of this section; provided, however, that nothing in the Public School Capital Outlay Act or the development of standards pursuant to that act prohibits a school district from using other funds available to the district to exceed the statewide adequacy standards.

G. Upon request, the council shall work with, and provide assistance and information to, the public school capital outlay oversight task force.

H. The council may establish committees or task forces, not necessarily consisting of council members, and may use the committees or task forces, as well as existing agencies or organizations, to conduct studies, conduct surveys, submit recommendations or otherwise contribute expertise from the public schools, programs, interest groups and segments of society most concerned with a particular aspect of the council's work.

I. Upon the recommendation of the authority, the council shall develop building standards for public school facilities and shall promulgate other such rules as are necessary to carry out the provisions of the Public School Capital Outlay Act.

J. No later than December 15 of each year, the council shall prepare a report summarizing its activities during the previous fiscal year. The report shall describe in detail all projects funded, the progress of projects previously funded but not completed, the criteria used to prioritize and fund projects and all other council actions. The report

shall be submitted to the public education commission, the governor, the legislative finance committee, the legislative education study committee and the legislature.

K. For any school district that received a standards- or systems-based award from the council in fiscal year 2023, the state share for any future phase of the project for which funding has not yet been awarded shall be the amount calculated pursuant to Subsection B of this section for fiscal year 2024, regardless of the state share at the time of the initial award.

L. As used in this section:

(1) "MEM" means membership; and

(2) "membership" means the total enrollment of qualified students on the current roll of a class or school on a specified day. The current roll is established by the addition of original entries and reentries minus withdrawals. Withdrawals of students, in addition to students formally withdrawn from the public school, include students absent from the public school for as many as ten consecutive school days; provided that withdrawals do not include students in need of early intervention and habitual truants the school district is required to intervene with and keep in an educational setting."

## **Chapter 82 Section 5 Laws 2025**

SECTION 5. Section 63-9J-1 NMSA 1978 (being Laws 2021, Chapter 123, Section 1) is amended to read:

"63-9J-1. SHORT TITLE.--Chapter 63, Article 9J NMSA 1978 may be cited as the "Broadband Access and Expansion Act".

## **Chapter 82 Section 6 Laws 2025**

SECTION 6. Section 63-9J-2 NMSA 1978 (being Laws 2021, Chapter 123, Section 2, as amended) is amended to read:

"63-9J-2. DEFINITIONS.--As used in the Broadband Access and Expansion Act:

A. "broadband infrastructure" means facilities and equipment used to provide internet service, excluding telecommunications equipment owned, controlled or operated by a public or private end user;

B. "broadband office" means the office of broadband access and expansion;

C. "constitutional special schools" means the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf;

D. "department", unless otherwise specified, means the department of information technology;

E. "director" means the director of the broadband office;

F. "education technology infrastructure" means the physical hardware and services used to interconnect students, teachers, school districts and school buildings necessary to support broadband connectivity and remote learning as determined by the broadband office;

G. "end user" means an individual, business, institution or governmental entity that subscribes to an internet service and does not resell that service to other individuals or entities;

H. "facilities-based provider" means a provider of internet service to end users in New Mexico using facilities that satisfy any of the following criteria:

(1) physical facilities that the entity owns and that terminate at the end user premises;

(2) facilities that the entity has obtained the right to use from other entities, such as dark fiber or satellite transponder capacity as part of its own network, or has obtained;

(3) unbundled network element loops, special access lines or other leased facilities that the entity uses to complete terminations to the end user premises;

(4) wireless spectrum for which the entity holds a license or that the entity manages or has obtained the right to use via a spectrum leasing arrangement or comparable arrangement pursuant to federal regulations promulgated pursuant to the federal Communications Act of 1934, as amended, or upon subsequent amendment or repeal of that act, by the broadband office by rule; or

(5) unlicensed spectrum;

I. "fund" means the education technology infrastructure fund;

J. "internet" means a global set of computing and electronic devices interconnected through networking infrastructures to provide data and information sharing and communication facilities;

K. "local government" means the government of a municipality, county or political subdivision of the state;

L. "open access" means equal nondiscriminatory access to the state-owned broadband network by eligible entities on a technologically and competitively neutral basis, regardless of whether the entity is privately or publicly owned;

M. "public educational institution" means a public school, a school district, a public post-secondary educational institution, a tribal school or an agency that provides administrative, funding or technical support to public schools, school districts and public post-secondary educational institutions;

N. "quality of service" means the standards established by the federal communications commission;

O. "school district" includes the constitutional special schools and state-chartered charter schools;

P. "school district population density" means the population density on a per-square-mile basis of a school district as estimated by the broadband office based on the most current tract level population estimates published by the United States census bureau;

Q. "state-owned broadband network" means the state-owned broadband infrastructure that is owned, leased or operated by the department;

R. "statewide broadband plan" means a plan, including recommended statutory changes and implementation procedures, for the development and expansion of broadband infrastructure and services throughout the state to meet the needs:

(1) for the delivery of internet-based educational, medical and emergency services;

(2) for local and tribal communities to foster and recruit internet-reliant business and industry and to promote economic development and job creation; and

(3) to support internet-reliant state, local and tribal government functions and facilitate the delivery of governmental services in a manner that is competitive with similar government agencies in neighboring states;

S. "underserved" means an area or property that does not have access to internet service offering speeds greater than one hundred megabits downstream and twenty megabits upstream; and

T. "unserved" means an area or property that either does not have access to internet service at all or only has access to internet service offering speeds below twenty-five megabits per second downstream or three megabits per second upstream."

## **Chapter 82 Section 7 Laws 2025**

SECTION 7. A new section of the Broadband Access and Expansion Act is enacted to read:

"EDUCATION TECHNOLOGY INFRASTRUCTURE FUND CREATED--USE.--

A. The "education technology infrastructure fund" is created in the state treasury. The fund consists of:

- (1) appropriations, gifts, grants and donations; and
- (2) the proceeds of supplemental severance tax bonds appropriated to the fund pursuant to Section 7-27-12.6 NMSA 1978 for education technology projects.

B. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the director.

C. The fund may be expended annually by the broadband office for education technology infrastructure projects that are in conformance with the standards and guidelines developed pursuant to this 2025 act and grants to school districts for education technology projects, including expenses for management of such projects; provided that the total amount of project management expense assistance from the fund per project shall not exceed five percent of the project grant.

D. The broadband office shall promulgate rules necessary to administer the education technology infrastructure fund."

## **Chapter 82 Section 8 Laws 2025**

SECTION 8. A new section of the Broadband Access and Expansion Act is enacted to read:

"EDUCATION TECHNOLOGY INFRASTRUCTURE DEFICIENCY CORRECTIONS.--

A. No later than January 1, 2026, the broadband office shall, in collaboration with the public school capital outlay council and the public school facilities authority, define and develop:

- (1) minimum adequacy standards for education technology infrastructure;
- (2) a methodology to determine reasonable costs for:

(a) correcting education technology infrastructure deficiencies in or affecting school districts; and

(b) reasonable costs for a school district's share of the project costs; and

(3) a methodology for prioritizing projects to correct education technology infrastructure deficiencies in or affecting school districts.

B. The broadband office shall develop guidelines for a statewide education technology infrastructure network that integrates regional hub locations for network services and the installation and maintenance of equipment. The broadband office may fund education technology infrastructure projects or items that the broadband office determines are in accordance with the guidelines and necessary to education for:

(1) students;

(2) school buses;

(3) internet connectivity within a school district;

(4) a multi-district regional education network; and

(5) a statewide education network."

## **Chapter 82 Section 9 Laws 2025**

SECTION 9. A new section of the Broadband Access and Expansion Act is enacted to read:

"EDUCATION TECHNOLOGY INFRASTRUCTURE PROJECTS--  
APPLICATION-- GRANT ASSISTANCE.--

A. Applications for grant assistance, approval of applications, prioritization of projects and grant awards for education technology infrastructure shall be conducted pursuant to the provisions of this section.

B. The broadband office shall establish project funding requirements and priority standards for school districts by rule based on the following factors:

(1) school district geographic size and population;

(2) school district population density;

(3) local property tax base;

(4) the current condition of education technology infrastructure relative to the adequacy standards established in collaboration with the public school capital outlay council and public school facilities authority; and

(5) whether the broadband office has designated the school district as a high-growth area pursuant to Subsection C of this section.

C. The broadband office may designate an area that equals a contiguous attendance area of one or more existing schools as a high-growth area if it determines that within five years of the grant allocation decision, the estimated use of the proposed education technology infrastructure project will exceed the functional capacity of the project as determined by the broadband office by rule.

D. The broadband office shall apply the adequacy standards to state-chartered charter schools to the same extent that they are applied to other public schools.

E. The broadband office shall adopt and apply adequacy standards appropriate to the unique needs of the constitutional special schools.

F. In an emergency in which the health or safety of students or school personnel is at immediate risk or in which there is a threat of significant property damage, the broadband office may award grant assistance for a project using criteria other than the adequacy standards.

G. The broadband office shall, in collaboration with the public school capital outlay council and the public school facilities authority, establish criteria to be used in education technology infrastructure projects that receive grant assistance pursuant to the Broadband Access and Expansion Act. In establishing the criteria, the broadband office shall consider:

(1) the feasibility of using design, build and finance arrangements for education technology infrastructure projects;

(2) the potential use of more durable construction materials that may reduce long-term operating costs;

(3) concepts that promote efficient but flexible use of space; and

(4) any other financing or construction concept that may maximize the dollar effect of the state grant assistance.

H. No application for grant assistance from the fund shall be approved unless the broadband office determines that:



(1) the education technology infrastructure project is needed and included in the school district's five-year facilities plan among its top priorities;

(2) the school district has used its capital resources in a prudent manner;

(3) the school district has provided insurance for the district's education technology infrastructure in accordance with insurance requirements established by the broadband office by rule;

(4) the school district has submitted an education technology infrastructure plan that includes:

(a) enrollment projections;

(b) a current preventive maintenance plan that has been approved by the broadband office and that is followed by each public school in the district; and

(c) the education technology infrastructure needs of charter schools located in the school district;

(5) the school district is willing and able to pay any portion of the total cost of the education technology infrastructure project that is not funded with grant assistance from the fund;

(6) the application includes the education technology infrastructure needs of any charter school located in the school district, or the school district has shown that the education technology infrastructure needs of the charter school have a smaller deviation from the statewide adequacy standards than other district education technology infrastructure included in the application; and

(7) the school district has agreed, in writing, to comply with any reporting requirements or conditions imposed by the broadband office pursuant to the Broadband Access and Expansion Act.

I. After consulting with the public school facilities authority and other experts, the broadband office shall regularly review and update statewide adequacy standards applicable to all school districts. Except as otherwise provided in the Broadband Access and Expansion Act, the amount of outstanding deviation from the standards shall be used by the broadband office in evaluating and prioritizing education technology infrastructure projects.

J. No later than November 1 of each year, the broadband office shall prepare a report summarizing its education technology infrastructure activities during the previous fiscal year. The report shall describe in detail all projects funded, the progress

of projects previously funded but not completed, the criteria used to prioritize and fund projects and all other broadband office actions. The report shall be submitted to the public education commission, the governor, the legislative finance committee, the legislative education study committee and the legislature."

## **Chapter 82 Section 10 Laws 2025**

SECTION 10. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, PERSONNEL, MONEY, APPROPRIATIONS, PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.--

A. On the effective date of this act:

(1) all functions, personnel, money, appropriations, records, furniture, equipment, supplies and other property pertaining to the broadband deployment and connectivity program are transferred to the office of broadband access and expansion;

(2) all contractual obligations of the broadband deployment and connectivity program are binding on the office of broadband access and expansion; and

(3) all references in law, rules, orders and other official acts to the broadband deployment and connectivity program shall be deemed to be references to the office of broadband access and expansion.

B. As used in this section, "broadband deployment and connectivity program" means the program administratively established by the public school facilities authority to fulfill its support functions to the public school capital outlay council to meet the council's duties pursuant to Section 22-24-4.5 NMSA 1978 as that section existed prior to July 1, 2025.

## **Chapter 82 Section 11 Laws 2025**

SECTION 11. REPEAL.--Section 22-24-4.5 NMSA 1978 (being Laws 2014, Chapter 28, Section 4, as amended) is repealed.

## **Chapter 82 Section 12 Laws 2025**

SECTION 12. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 83**

**STBTC/Senate Bill 481, aa**  
**Approved April 7, 2025**

AN ACT

RELATING TO PUBLIC FINANCES; ENACTING THE STATE FAIRGROUNDS DISTRICT ACT; CREATING THE STATE FAIRGROUNDS DISTRICT OVER THE LAND CURRENTLY OWNED BY THE STATE, COMMONLY REFERRED TO AS THE "STATE FAIRGROUNDS", AND CONTIGUOUS LAND THAT MAY BE SUBSEQUENTLY ACQUIRED; PROVIDING POWERS; PROVIDING THAT THE DISTRICT MAY ACQUIRE LAND AND ALTER THE BOUNDARIES OF THE DISTRICT; PROVIDING THAT THE DISTRICT MAY SELL OR OTHERWISE DISPOSE OF DISTRICT PROPERTY IN ACCORDANCE WITH THE LAW; AUTHORIZING A PROPERTY TAX LEVY; AUTHORIZING THE ISSUANCE OF UP TO FIVE HUNDRED MILLION DOLLARS (\$500,000,000) OF BONDS AND REFUNDING BONDS BY THE STATE FAIRGROUNDS DISTRICT; PROVIDING A TAX EXEMPTION FROM BONDS AND INCOME FROM BONDS ISSUED PURSUANT TO THE STATE FAIRGROUNDS DISTRICT ACT; MAKING DISTRIBUTIONS TO A SPECIAL FUND OF THE DISTRICT OF SEVENTY-FIVE PERCENT OF THE NET RECEIPTS ATTRIBUTABLE TO THE STATE PORTION OF GROSS RECEIPTS TAX AND GAMING TAX FROM LOCATIONS ON THE STATE FAIRGROUNDS DISTRICT; EXEMPTING THE DISTRICT FROM THE PROVISIONS OF THE COMMUNITY SERVICE DISTRICT ACT AND THE SPECIAL DISTRICT PROCEDURES ACT; MAKING AN APPROPRIATION.

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

## **Chapter 83 Section 1 Laws 2025**

SECTION 1. A new section of Chapter 6 NMSA 1978 is enacted to read:

"SHORT TITLE.--Sections 1 through 12 of this act may be cited as the "State Fairgrounds District Act".

## **Chapter 83 Section 2 Laws 2025**

SECTION 2. A new section of Chapter 6 NMSA 1978 is enacted to read:

"DEFINITIONS.--As used in the State Fairgrounds District Act:

- A. "board" means the state fairgrounds district board;
- B. "community benefit" includes affordable housing, job creation, open space and health services;
- C. "district" means the state fairgrounds district;
- D. "person" means an association, corporation, individual, limited liability company, partnership, other legal entity or public entity;

E. "project" means acquiring or improving land or acquiring, developing, constructing, demolishing, removing, operating, maintaining, repairing, reconstructing, enlarging, improving, installing, rehabilitating, remodeling or renovating infrastructure, buildings, roads, utilities, public improvements or equipment in the district and public schools in the close vicinity of the district and includes associated planning, design work and professional services;

F. "public entity" means an agency, department, institution, county, municipality or political subdivision of the state; and

G. "public improvements" means on-site improvements and off-site improvements that directly or indirectly benefit the district or facilitate development within the district and that are dedicated to a public entity, and include:

(1) sanitary sewage systems, including collection, transport, treatment, dispersal, effluent use and discharge;

(2) drainage and flood control systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;

(3) water systems for domestic, commercial, office, hotel or motel, industrial, irrigation, municipal or fire protection purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;

(4) highways, streets, roadways, bridges, crossing structures and parking facilities, including all areas for vehicular use for travel, ingress, egress and parking;

(5) trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for travel, ingress, egress and parking;

(6) pedestrian and transit facilities, parks, recreational facilities and open space areas for the use of members of the public for entertainment, assembly and recreation;

(7) landscaping, including earthworks, structures, plants, trees and related water delivery systems;

(8) public buildings, public safety facilities and fire protection and police facilities;

(9) electrical generation, transmission and distribution facilities and natural gas distribution facilities;

(10) cable or other telecommunications lines and related equipment;

(11) lighting systems and traffic control systems and devices, including signals, controls, markings and signage;

(12) school sites and facilities with the consent of the governing board of the public school district for which the facility is to be acquired, constructed or renovated;

(13) library and other public educational or cultural facilities;

(14) equipment, vehicles, furnishings and other personal property related to the items listed in this subsection; and

(15) workforce and affordable housing."

## **Chapter 83 Section 3 Laws 2025**

SECTION 3. A new section of Chapter 6 NMSA 1978 is enacted to read:

"STATE FAIRGROUNDS DISTRICT--CREATED--POWERS.--

A. The "state fairgrounds district" is created as a political subdivision of the state, separate and apart from a municipality. The district consists of land owned by the state, commonly known as the "state fairgrounds", lying within the exterior boundaries of the city of Albuquerque as of July 1, 2025, and land contiguous to the state fairgrounds that may be subsequently acquired by the district or another public entity and included in the boundaries of the district by the board.

B. The district may:

(1) enter into contracts or expend money for any public purpose or community benefit with respect to projects of the district;

(2) enter into agreements with a public entity in connection with real property located within the district;

(3) enter into an intergovernmental agreement in accordance with the Joint Powers Agreements Act for the planning, design, inspection, ownership, control, maintenance, operation or repair of public infrastructure or the provision of services by a public entity or for any other purpose authorized the State Fairgrounds District Act;

(4) sell, lease or otherwise dispose of property of the district if the sale, lease or disposal complies with the law and is not a violation of the terms of any contract or bond covenant of the district;

(5) grant, donate or otherwise dispose of property of the district in accordance with the Local Economic Development Act, the Affordable Housing Act or the provisions of Article 9, Section 14 of the constitution of New Mexico;

(6) acquire land or undertake projects;

(7) employ or contract with staff, counsel, advisors and consultants;

(8) pay a person for providing the district with services or facilities;

(9) accept gifts or grants and incur and repay loans for a public purpose or community benefit;

(10) levy property taxes in accordance with election requirements of the State Fairgrounds District Act;

(11) pay the financial, legal and administrative costs of the district;

(12) enter into contracts, agreements and trust indentures to obtain credit enhancement or liquidity support for the district's bonds and process the issuance, registration, transfer and payment of the district's bonds and the disbursement and investment of proceeds of the bonds;

(13) borrow money and issue bonds for the purposes of the State Fairgrounds District Act;

(14) use public easements and rights of way in or across public property, roadways, highways, streets or other thoroughfares and other public easements and rights of way of the district or a public entity;

(15) alter the boundaries of the district to add land contiguous to the state fairgrounds that may be subsequently acquired by the district or another public body; and

(16) exercise the rights and powers necessary or incidental to or implied by the specific powers granted by this section."

## **Chapter 83 Section 4 Laws 2025**

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

"STATE FAIRGROUNDS DISTRICT BOARD.--

A. The district shall for six years be initially governed by a seven-member board composed of:

- (1) the governor or the governor's designee;
- (2) the state senator representing the senate district inclusive of the district or the senator's designee;
- (3) the member of the house of representatives representing the house district inclusive of the district or the member's designee;
- (4) the commissioner representing the commission district of the Bernalillo county board of county commissioners inclusive of the district;
- (5) the city councilor representing the council district inclusive of the district;
- (6) the mayor of the city of Albuquerque; and
- (7) a designee of the governor, who shall be a community member.

B. The director of the local government division of the department of finance and administration or the director's designee shall serve as clerk and treasurer of the district. All meetings of the board shall be open meetings held in accordance with the Open Meetings Act, and the board shall keep the following records, which shall be open to the public:

- (1) minutes of all meetings of the board;
- (2) all resolutions;
- (3) accounts showing all money received and disbursed;
- (4) the annual budget; and
- (5) all other records required to be maintained by law.

C. At the end of the initial and each subsequent six-year term, the board may hold an election of new directors by majority vote of qualified electors in accordance with the Local Election Act. In the absence of an election, the initial seven members shall each serve an additional six-year term, except for a designee who is not an elected official and who shall be replaced by a designee who is an elected official.

D. The board shall separately account for all revenues and indebtedness based on property tax, gross receipts tax and gaming tax distributed to the special fund of the state fairgrounds district. The board shall individually account for all property tax, gross receipts tax and gaming tax distributed to the special fund of the state fairgrounds district."

## **Chapter 83 Section 5 Laws 2025**

SECTION 5. A new section of Chapter 6 NMSA 1978 is enacted to read:

"AUTHORITY TO IMPOSE PROPERTY TAX LEVY.--The district may establish a property tax levy upon real property located within the boundaries of the district, with the following limitations:

A. the maximum property tax levy the district may impose is five dollars (\$5.00) on each one thousand dollars (\$1,000) of net taxable value, as that term is defined in the Property Tax Code, which may be used for operation, maintenance and capital improvements, in furtherance of the purposes of the State Fairgrounds District Act;

B. the district may impose a property tax levy only after authorization by a majority of votes cast by the qualified electors of the district in an election held in accordance with the Local Election Act; and

C. a property tax levy imposed by the district shall not be effective for more than four years."

## **Chapter 83 Section 6 Laws 2025**

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

"PROPERTY TAX LEVY RESCISSION ELECTION.--

A. A property tax levy imposed by the district may be rescinded within the four-year period during which a property tax levy imposed by the district is effective if:

(1) thirty-three and one-third percent of the number of persons who voted in the election for the imposition of that property tax levy sign a petition to rescind the property tax levy; and

(2) each person who signs the petition is a qualified elector of the district.

B. The petition shall be filed with the board for verification of the signatures, as to both number and qualifications of the persons signing. If the board verifies that the petition contains the requisite number of signatures by persons qualified to sign the petition pursuant to Subsection A of this section, the question of rescission of the property tax levy imposed by the district shall be placed on the ballot for:

(1) a special election held in accordance with the special election procedures of the Election Code that is called and held within ninety days; provided that the date does not conflict with the provisions of Section 1-24-1 NMSA 1978; or



(2) the next occurring regular local election or general election if that election is to be held within less than one hundred twenty days.

C. A petition for rescission of a property tax levy imposed by the district may be submitted only once each year during the four-year period during which a property tax levy by the district is effective."

## **Chapter 83 Section 7 Laws 2025**

SECTION 7. A new section of Chapter 6 NMSA 1978 is enacted to read:

### **"AUTHORIZATION OF ISSUANCE OF BONDS.--**

A. Subject to the provisions of Section 9 of the State Fairgrounds District Act, the district may issue revenue bonds not to exceed five hundred million dollars (\$500,000,000) in net proceeds for the purposes of the State Fairgrounds District Act. The district may pledge irrevocably the revenue received by the district from the gross receipts tax distribution and the gaming tax distribution pursuant to Section 13 of this 2025 act to the payment of the principal and interest of the bonds.

B. Revenue bonds or refunding bonds or loans may be authorized only by resolution of the board, which shall be approved by a majority of the members of the board.

C. The district shall issue bonds only after:

(1) the state board of finance approves of the proposed issuance of bonds and the district development plan prepared in accordance with Section 10 of the State Fairgrounds District Act;

(2) the state board of finance makes a determination that the proceeds of the bonds will be used for projects in furtherance of the district development plan and in accordance with the State Fairgrounds District Act;

(3) the state board of finance makes a determination that the projects will generate sufficient revenue to repay the bonds;

(4) the New Mexico finance authority approves of the master indenture and any amendments to the master indenture; and

(5) legislative approval of the proposed issuance of the bonds.

D. Revenue bonds or refunding bonds issued pursuant to the State Fairgrounds District Act and other loans to the district are:

(1) not general obligations of the state or any other public entity; and

(2) payable only from properly pledged revenues, and each bond or loan shall state that it is payable solely from the properly pledged revenues and that the bondholders or lenders may not look to any other fund for the payment of the principal and interest of the bond or the loan.

E. Bonds issued pursuant to the State Fairgrounds District Act:

(1) may have principal value, interest or any part thereof payable at intervals or at maturity as may be determined by the board;

(2) may be subject to a prior redemption at the district's option at a time and upon terms and conditions, with or without the payment of a premium, as determined by the board;

(3) may mature at any time not more than twenty-five years after the date that the first bonds are issued for the district;

(4) may be serial in form and maturity, may consist of one bond payable at one time or in installments or may be in another form determined by the board;

(5) shall be sold for cash at, above or below par and at a price that results in a net effective interest rate that does not exceed the maximum permitted by the Public Securities Act and the Public Securities Short-Term Interest Rate Act; and

(6) may be sold at public or negotiated sale."

## **Chapter 83 Section 8 Laws 2025**

SECTION 8. A new section of Chapter 6 NMSA 1978 is enacted to read:

"REFUNDING BONDS.--

A. After issuing bonds in accordance with the State Fairgrounds District Act, the board may, subject to the provisions of Section 9 of the State Fairgrounds District Act, issue refunding bonds for the purpose of refinancing, paying and discharging all or any part of outstanding bonds for the:

(1) acceleration, deceleration or other modification of the payment of the outstanding bonds, including, without limitation, any capitalization of any interest on the outstanding bonds in arrears or about to become due for any period not exceeding two years from the date of the refunding bonds;

(2) purpose of reducing interest costs or effecting other economies; or

(3) purpose of modifying or eliminating restrictive contractual limitations:

- (a) pertaining to the issuance of additional bonds; or
- (b) concerning the outstanding bonds or facilities relating to the outstanding bonds.

B. The board may pledge irrevocably for the payment of principal, interest and premium, if any, on refunding bonds the revenues received from distributions of the gross receipts tax and the gaming tax pursuant to Section 13 of this 2025 act, which may be pledged to an original issue of bonds.

C. Refunding bonds may be issued separately or in combination in one series or more.

D. Refunding bonds may be authorized only by resolution of the board. Bonds that are refunded shall be paid at maturity or on any permitted prior redemption date in the amounts, at the time and places and, if called prior to maturity, in accordance with any applicable notice provisions, all as provided in the proceedings authorizing the issuance of the refunded bonds or otherwise appertaining to them, except for any such bond that is voluntarily surrendered for exchange or payment by the holder or owner.

E. The principal amount of the refunding bonds may exceed the principal amount of the refunded bonds and may also be less than or the same as the principal amount of the bonds being refunded if provision is duly and sufficiently made for the payment of the refunded bonds.

F. The proceeds of refunding bonds, including accrued interest and premiums appertaining to the sale of refunding bonds, shall be immediately applied to the retirement of the bonds being refunded or placed in escrow in a commercial bank or trust company that possesses and exercises trust powers and that is a member of the federal deposit insurance corporation. The proceeds shall be applied to the principal of, interest on and any prior redemption premium due in connection with the bonds being refunded; provided that the refunding bond proceeds, including premiums and accrued interest appertaining to a sale of refunding bonds, may be applied to the establishment and maintenance of a reserve fund and to the payment of expenses incidental to the refunding and the issuance of the refunding bonds, the principal of those bonds and the interest of those bonds or both principal and interest as the board determines. This section does not require the establishment of an escrow if the refunded bonds and the amounts necessary to retire the refunded bonds within that time are deposited with the paying agent for the refunded bonds. Any such escrow shall not necessarily be limited to proceeds of refunding bonds but may include other money available for its purpose. Proceeds in escrow pending such use may be invested or reinvested in bills, certificates of indebtedness, notes or bonds that are direct obligations of, or the principal and

interest of which obligations are unconditionally guaranteed by, the United States or in certificates of deposit of banks that are members of the federal deposit insurance corporation; provided that the par value of the certificates of deposit is collateralized by a pledge of obligations or by a pledge of payment that is unconditionally guaranteed by the United States; and further provided that the par value of those obligations is at least seventy-five percent of the par value of the certificates of deposit. Such proceeds and investments in escrow, together with any interest or other income to be derived from any such investment, shall be in an amount at all times sufficient as to principal, interest, any prior redemption premium due and any charges of the escrow agent payable from the escrow to pay the bonds being refunded as they become due at their respective maturities or at any designated prior redemption date or dates in connection with which the prior redemption option shall be exercised. A purchaser of a refunding bond issued is not responsible for the application of the proceeds by the district or any of its officers, agents or employees.

G. Refunding bonds may bear additional terms and provisions as determined by the board subject to the limitations in the State Fairgrounds District Act relating to original bond issues.

H. District refunding bonds:

(1) may have principal value, interest or any part thereof payable at intervals or at maturity, as determined by the board;

(2) may be subject to prior redemption at the board's option at a time or times and upon terms and conditions with or without payment of premium or premiums, as determined by the board;

(3) may be serial in form and maturity or may consist of a single bond payable in one or more installments or may be in another form, as determined by the board; and

(4) shall be exchanged for the bonds and any matured unpaid interest being refunded at not less than par or sold at public or negotiated sale at, above or below par and at a price that results in a net effective interest rate that does not exceed the maximum permitted by the Public Securities Act.

I. At a regular or special meeting, the board may adopt a resolution by majority vote to authorize the issuance of the refunding bonds."

## **Chapter 83 Section 9 Laws 2025**

SECTION 9. A new section of Chapter 6 NMSA 1978 is enacted to read:

"TAX MODIFICATIONS--BOND TERMS--EXPIRATION.--

A. Nothing in the State Fairgrounds District Act shall prohibit the legislature from modifying any tax, including increasing or decreasing a tax. The terms and conditions of any bond issued by the district pursuant to that act shall explicitly provide that the repayment of such bonds, including interest and principal, is subject to modifications to taxes imposed by the state.

B. The terms of bonds issued pursuant to the State Fairgrounds District Act, including refunding bonds, shall expire not more than twenty-five years after the date that the first bonds are issued for the district."

## **Chapter 83 Section 10 Laws 2025**

SECTION 10. A new section of Chapter 6 NMSA 1978 is enacted to read:

"DISTRICT DEVELOPMENT PLAN.--The district shall prepare a district development plan that shall include:

A. a map depicting the geographical boundaries of the area proposed for inclusion within the district development area;

B. the estimated time necessary to complete the district projects;

C. a description and the estimated cost of all projects and public improvements proposed for the district;

D. whether it is proposed to use gross receipts tax bonds, gaming tax bonds or property tax bonds or some combination to finance all or part of the projects and public improvements;

E. the estimated annual revenue to be generated by the district development and the portion of that revenue to be allocated during the time necessary to complete the payment of the projects;

F. the general proposed land uses;

G. the number and types of jobs expected to be created;

H. the amount and characteristics of workforce and affordable housing expected to be created;

I. the location and characteristics of public school facilities expected to be created, improved, rehabilitated or constructed;

J. a description of innovative planning techniques, including mixed-use transit-oriented development, traditional neighborhood design or sustainable

development techniques, that are deemed by the governing body to be beneficial and that will be incorporated into the district; and

K. the amount and type of private investment in the district development."

## **Chapter 83 Section 11 Laws 2025**

SECTION 11. A new section of Chapter 6 NMSA 1978 is enacted to read:

"EXEMPTION FROM TAXATION.--The bonds authorized by the State Fairgrounds District Act and the income from the bonds or any other instrument executed as security for the bonds shall be exempt from all taxation by the state or any political subdivision of the state."

## **Chapter 83 Section 12 Laws 2025**

SECTION 12. A new section of Chapter 6 NMSA 1978 is enacted to read:

"REPORT REQUIRED.--By September 1 of each year, beginning in 2025, the board shall report to the state board of finance and the legislative finance committee on the implementation of the State Fairgrounds District Act and expenditures to date, bonds issued, debt service reserve funds held, progress made toward retiring the bonds, estimated capital investment in the district, the estimated total net new jobs and new full-time economic base jobs created in the district and the total revenues distributed to the district in each previous fiscal year."

## **Chapter 83 Section 13 Laws 2025**

SECTION 13. A new section of the Tax Administration Act is enacted to read:

"DISTRIBUTION--STATE FAIRGROUNDS DISTRICT.--

A. Beginning July 1, 2025, after a transfer is made pursuant to Section 7-1-6.13 NMSA 1978, a distribution shall be made by the department to a special fund of the state fairgrounds district in an amount equal to seventy-five percent of the net receipts attributable to the gross receipts tax from business locations within the state fairgrounds district. Except as provided in Subsection D of this section, the distribution shall be made until the bonds issued pursuant to the State Fairgrounds District Act are fully discharged or otherwise provided for in full.

B. Beginning July 1, 2025, a distribution shall be made by the department to a special fund of the state fairgrounds district in an amount equal to seventy-five percent of the net receipts attributable to the gaming tax from locations on the state fairgrounds district. Except as provided in Subsection D of this section, the distribution shall be made until the bonds issued pursuant to the State Fairgrounds District Act are fully discharged or otherwise provided for in full.

C. The distributions provided by this section may be adjusted for other required distributions under the Tax Administration Act.

D. Immediately after approval of a proposed issuance of bonds by the state fairgrounds district pursuant to Section 7 of the State Fairgrounds District Act, the state board of finance and the New Mexico finance authority shall notify the secretary of taxation and revenue. Immediately after issuing bonds pursuant to Section 7 of the State Fairgrounds District Act, the state fairgrounds district shall notify the secretary of taxation and revenue. If, by June 30, 2029, the state board of finance and the New Mexico finance authority have not approved of a proposed issuance of bonds or the state fairgrounds district has not issued bonds:

(1) no further distributions shall be made; and

(2) all money from distributions made prior to June 30, 2029 pursuant to this section shall revert to the general fund.

E. As used in this section, "state fairgrounds district" means land owned by the state, commonly known as the "state fairgrounds", and lying within the exterior boundaries of the city of Albuquerque as of July 1, 2025 and land contiguous to the state fairgrounds that may be subsequently acquired by that district or another public entity and included in the boundaries of the district by the district's board."

## **Chapter 83 Section 14 Laws 2025**

SECTION 14. Section 4-53-1 NMSA 1978 (being Laws 1965, Chapter 291, Section 1) is amended to read:

"4-53-1. SHORT TITLE.--Chapter 4, Article 53 NMSA 1978 may be cited as the "Special District Procedures Act"."

## **Chapter 83 Section 15 Laws 2025**

SECTION 15. A new section of the Special District Procedures Act is enacted to read:

"EXEMPTION.--The state fairgrounds district and the provisions of the State Fairgrounds District Act are exempt from the provisions of the Special District Procedures Act."

## **Chapter 83 Section 16 Laws 2025**

SECTION 16. Section 4-54-1 NMSA 1978 (being Laws 1965, Chapter 283, Section 1) is amended to read:

"4-54-1. SHORT TITLE.--Chapter 4, Article 54 NMSA 1978 may be cited as the "Community Service District Act"."

## **Chapter 83 Section 17 Laws 2025**

SECTION 17. A new section of the Community Service District Act is enacted to read:

"EXEMPTION.--The state fairgrounds district and the provisions of the State Fairgrounds District Act are exempt from the provisions of the Community Service District Act."

## **Chapter 83 Section 18 Laws 2025**

SECTION 18. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 84**

**SFC/Senate Bill 535, aa**  
**Approved April 7, 2025**

## **AN ACT**

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
INCREASING FEES TO FUND THE WORKERS' COMPENSATION ADMINISTRATION;  
INCREASING CERTAIN FEES; PROVIDING FOR THE ENFORCEMENT OF FEES BY  
THE PUBLIC REGULATION COMMISSION; INCREASING THE 911 EMERGENCY  
SURCHARGE; INCREASING THE TELECOMMUNICATIONS RELAY SERVICE  
SURCHARGE AND TRANSFERRING THE MONEY FROM THE INCREASE TO A  
NEW 988 LIFELINE FUND; ALLOWING THE STATE BUDGET DIVISION OF THE  
DEPARTMENT OF FINANCE AND ADMINISTRATION TO APPROVE THE  
EXPENDITURE OF UP TO ONE HUNDRED PERCENT OF THE  
TELECOMMUNICATIONS ACCESS FUND FOR EXPENSES INCURRED BY THE  
COMMISSION FOR DEAF AND HARD-OF-HEARING PERSONS IN ADMINISTERING  
THE TELECOMMUNICATIONS ACCESS ACT; ENACTING THE SUPPORTED  
DECISION-MAKING ACT; PROVIDING REQUIREMENTS FOR SUPPORTED  
DECISION-MAKING AGREEMENTS; PROVIDING DUTIES FOR SUPPORTERS;  
CREATING REPORTING REQUIREMENTS; CREATING A SUPPORTED DECISION-  
MAKING PROGRAM IN THE OFFICE OF GUARDIANSHIP WITHIN THE  
DEVELOPMENTAL DISABILITIES COUNCIL; MAKING AN APPROPRIATION.

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



## Chapter 84 Section 1 Laws 2025

SECTION 1. Section 52-5-19 NMSA 1978 (being Laws 1987, Chapter 235, Section 52, as amended) is amended to read:

"52-5-19. FEE FOR FUNDING ADMINISTRATION–WORKERS' COMPENSATION ADMINISTRATION FUND CREATED.--

A. Beginning with the calendar quarter ending September 30, 2004 and for each calendar quarter thereafter, there is assessed against each employer who is required or elects to be covered by the Workers' Compensation Act a fee equal to the following amounts, multiplied by the number of employees covered by the Workers' Compensation Act that the employer has on the last working day of each quarter:

- (1) prior to July 1, 2025, two dollars thirty cents (\$2.30);
- (2) beginning July 1, 2025 and prior to July 1, 2028, two dollars fifty-five cents (\$2.55);
- (3) beginning July 1, 2028 and prior to July 1, 2033, two dollars sixty-eight cents (\$2.68); and
- (4) beginning July 1, 2033, two dollars eighty cents (\$2.80).

B. At the same time the fee pursuant to Subsection A of this section is assessed, there is assessed against each employee covered by the Workers' Compensation Act on the last working day of each quarter a fee in the following amounts, which shall be deducted from the wages of the employee by the employer and remitted along with the fee assessed on the employer:

- (1) prior to July 1, 2025, two dollars (\$2.00);
- (2) beginning July 1, 2025 and prior to July 1, 2028, two dollars twenty-five cents (\$2.25);
- (3) beginning July 1, 2028 and prior to July 1, 2033, two dollars thirty-eight cents (\$2.38); and
- (4) beginning July 1, 2033, two dollars fifty cents (\$2.50).

C. The fees shall be remitted by the last day of the month following the end of the quarter for which they are due.

D. The taxation and revenue department may deduct from the gross fees collected an amount not to exceed five percent of the gross fees collected to reimburse the department for costs of administration.

E. The taxation and revenue department shall pay over the net fees collected to the state treasurer to be deposited by the treasurer in a fund hereby created and to be known as the "workers' compensation administration fund". Expenditures shall be made from this fund on vouchers signed by the director for the necessary expenses of the workers' compensation administration; provided that an amount equal to thirty cents (\$.30) per employee of the fee assessed against an employer shall be distributed from the workers' compensation administration fund to the uninsured employers' fund.

F. The workers' compensation fee authorized in this section shall be administered and enforced by the taxation and revenue department under the provisions of the Tax Administration Act."

## **Chapter 84 Section 2 Laws 2025**

SECTION 2. Section 62-8-8 NMSA 1978 (being Laws 1967, Chapter 96, Section 6, as amended) is amended to read:

"62-8-8. INSPECTION AND SUPERVISION FEE.--

A. Each utility doing business in this state and subject to the control and jurisdiction of the commission with respect to its rates or service regulations shall pay annually to the state a fee for the inspection and supervision of such business in an amount equal to five hundred ninety thousandths percent of its gross receipts from business transacted in New Mexico for the preceding calendar year. That sum shall be payable on the last day of July in each year. An inspection and supervision fee shall be paid by utilities in addition to all property, franchise, license, intangible and other taxes, fees and charges provided by law. No similar inspection and supervision fee shall be measured by the amount of the gross receipts of such utility for the calendar year next preceding the date fixed in this section for the payment of the fee. In the case of utilities engaged in interstate business, the inspection and supervision fee shall be measured by the gross receipts of those utilities from intrastate business only for that preceding calendar year and not in any respect upon receipts derived wholly or in part from interstate business. No inspection and supervision fee shall be charged on the gross receipts from the sale of gas, water or electricity to a utility regulated by the commission for resale to the public.

B. Prior to July 1, 2031, the fees established pursuant to this section may be adjusted annually by the commission; provided that any increase shall not be greater than the prior year's increase in the employment cost index for state and local government as published by the federal bureau of labor statistics."

## **Chapter 84 Section 3 Laws 2025**

SECTION 3. Section 62-13-2 NMSA 1978 (being Laws 1957, Chapter 25, Section 2, as amended) is amended to read:

"62-13-2. FEES.--The commission shall collect fees for the following, which shall be remitted to the state treasurer not later than the day following receipt; provided that the commission may increase by administrative rule the fees set forth in this section in amounts that do not exceed the cost of administrative proceedings before the commission:

A. for filing any rate schedule, service rule or regulation or sample form, or amendment thereto, one dollar (\$1.00);

B. for filing each application, petition or complaint, twenty-five dollars (\$25.00);

C. for copies of papers, testimony and records, the reasonable cost of such copies as the commission may provide from time to time by rule; and

D. for certifying any copy of any paper, testimony or record, two dollars (\$2.00)."

## **Chapter 84 Section 4 Laws 2025**

SECTION 4. Section 63-7-20 NMSA 1978 (being Laws 1951, Chapter 194, Section 1, as amended) is amended to read:

"63-7-20. UTILITY INSPECTION--FEE.--

A. Each utility doing business in this state that is subject to the control and jurisdiction of the commission by virtue of the provisions of Article 11 of the constitution of New Mexico with respect to its rates and service shall pay annually to the commission a fee in performance of its duties as now provided by law. The fee for utilities shall not exceed five hundred ninety thousandths percent of its gross receipts from business transacted in New Mexico for the preceding calendar year. This sum shall be payable annually on July 31 in each year. No similar fee shall be imposed upon the utility. In the case of utilities engaged in interstate business, the fees shall be measured by the gross receipts of the utilities from intrastate business only for the preceding calendar year and not in any respect upon receipts derived wholly or in part from interstate business. Prior to July 1, 2031, the fees established pursuant to this section may be adjusted annually by the commission; provided that any increase shall not be greater than the prior year's increase in the employment cost index for state and local government, as published by the federal bureau of labor statistics. As used in this section, "utility" includes telephone companies and transmission companies but does not include public utilities subject to the Public Utility Act.

B. When a fee is not paid on the date it is due, interest shall be paid to the state on the amount due. The interest on the amount due shall start to accrue on the day following the due date and shall continue to accrue until the total amount due is

paid. The rate of interest on a late fee payment shall be fifteen percent per year, computed at the rate of one and one-fourth percent per month.

C. In addition to any interest due on a late fee payment, a penalty shall be paid to the state for failure to pay the fee when it is due. The penalty imposed shall be two percent of the amount of the fee due.

D. The commission shall bring suit to collect fees, interest and penalties that remain unpaid."

## **Chapter 84 Section 5 Laws 2025**

SECTION 5. Section 63-9D-5 NMSA 1978 (being Laws 1989, Chapter 25, Section 5, as amended) is amended to read:

### **"63-9D-5. IMPOSITION OF SURCHARGE.--**

A. A 911 emergency surcharge is imposed in the amount of one dollar (\$1.00) to be billed to each subscriber access line by a communications service provider, on each active number for a commercial mobile radio service subscriber and on the number of VoIP lines for which the VoIP service provider enables the capacity for simultaneous calls, regardless of actual usage, to be connected to the public switched telephone network during the period for which the fixed charge is imposed. The surcharge is imposed on all subscribers whose place of primary use, as defined in the federal Mobile Telecommunications Sourcing Act, is in New Mexico; provided, however, that the surcharge shall not be imposed upon subscribers receiving reduced rates pursuant to the Low Income Telephone Service Assistance Act; and provided further that the surcharge shall not apply to prepaid wireless communication service; and provided further that a 911 emergency surcharge shall not be assessed on the provision of broadband internet access service.

B. A communications service provider shall bill and collect the surcharge from subscribers whose places of primary use, as defined in the federal Mobile Telecommunications Sourcing Act, are in New Mexico. The surcharge required to be collected by the communications service provider shall be added to and stated clearly and separately in the billings to the subscriber. The surcharge collected by the communications service provider shall not be considered revenue of the communications service provider.

C. A billed subscriber is liable for payment of the 911 emergency surcharge until it has been paid to the communications service provider.

D. A communications service provider has no obligation to take legal action to enforce the collection of the surcharge; an action may be brought by or on behalf of the department. A communications service provider, upon request and not more than once a year, shall provide to the department a list of the surcharge amounts uncollected,

along with the names and addresses of subscribers who carry a balance that can be determined by the communications service provider to be nonpayment of the surcharge. The communications service provider shall not be held liable for uncollected surcharge amounts."

## **Chapter 84 Section 6 Laws 2025**

SECTION 6. Section 63-9F-11 NMSA 1978 (being Laws 1993, Chapter 54, Section 11, as amended) is amended to read:

### **"63-9F-11. IMPOSITION OF SURCHARGE.--**

A. A telecommunications relay service surcharge of one and sixty-six hundredths percent is imposed on the gross amount paid:

(1) by customers, except customers whose telephone service rates are reduced as authorized by the Low Income Telephone Service Assistance Act, for intrastate telecommunications services provided in this state;

(2) by customers for the intrastate portion of interconnected voice over internet protocol service;

(3) by customers for intrastate mobile telecommunications services that originate and terminate in the same state, regardless of where the mobile telecommunications services originate, terminate or pass through, provided by home service providers to customers whose place of primary use is in New Mexico; and

(4) by a prepaid consumer in a retail transaction.

B. The telecommunications relay service surcharge shall be included on the monthly bill of each customer of a local exchange company or other telecommunications company providing intrastate telecommunications services, interconnected voice over internet protocol services or intrastate mobile telecommunications services and paid at the time of payment of the monthly bill. Receipts from selling those services to any other telecommunications company or provider for resale are not subject to the surcharge. The customer is liable for the payment of the surcharge to the provider of intrastate mobile telecommunications services, the provider of interconnected voice over internet protocol services or the local exchange company or other telecommunications company providing intrastate telecommunications services to the customer.

C. For the purposes of the surcharge imposed on a retail transaction pursuant to Paragraph (4) of Subsection A of this section:

(1) the surcharge shall be collected by the seller from the prepaid consumer with respect to each retail transaction occurring in this state. The amount of

the surcharge shall be either separately stated on an invoice, receipt or other similar document that is provided to the prepaid consumer by the seller or otherwise disclosed to the prepaid consumer;

(2) for the purposes of Paragraph (1) of this subsection, a retail transaction that is effected in person by a prepaid consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction is treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of the Gross Receipts and Compensating Tax Act;

(3) the surcharge is the liability of the prepaid consumer and not of the seller or any provider, except that the seller shall be liable to remit all surcharges collected from the prepaid consumer as provided in this subsection, including all such surcharges that the seller is deemed to collect where the amount of the surcharge has not been separately stated on an invoice, receipt or other similar document provided to the prepaid consumer by the seller;

(4) the amount of the surcharge that is collected by a seller from a prepaid consumer, if such amount is separately stated on an invoice, receipt or other similar document provided to the prepaid consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge or other charge that is imposed by this state, any political subdivision of this state or any intergovernmental agency;

(5) when prepaid wireless communications service is sold with one or more other products or services for a single, non-itemized price, the percentage specified in Subsection A of this section shall apply to the entire non-itemized price unless the seller elects to apply such percentage to:

(a) if the amount of the prepaid wireless communications service is disclosed to the prepaid consumer as a dollar amount, such dollar amount; or

(b) if the seller can identify the portion of the price that is attributable to the prepaid wireless communications service by reasonable and verifiable standards from its books and records that are kept in the regular course of business for other purposes, including non-tax purposes, such portion;

(6) if a minimal amount of prepaid wireless communications service is sold with a prepaid wireless device for a single, non-itemized price, the seller may elect not to apply the percentage specified in Subsection A of this section to such transaction. For the purposes of this paragraph, an amount of service denominated as ten minutes or less, or five dollars (\$5.00) or less, is minimal;

(7) surcharges collected by sellers shall be remitted to the taxation and revenue department at the times and in the manner provided with respect to the Gross Receipts and Compensating Tax Act. The department shall establish registration and

payment procedures that substantially coincide with the registration and payment procedures that apply to the Gross Receipts and Compensating Tax Act. A seller shall be permitted to deduct and retain three percent of surcharges that are collected by the seller from the prepaid consumer;

(8) the audit and appeal procedures applicable to the Gross Receipts and Compensating Tax Act shall apply to the surcharge;

(9) the taxation and revenue department shall establish procedures by which a seller of prepaid wireless communications services may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for the Gross Receipts and Compensating Tax Act; and

(10) notwithstanding Paragraph (1) of this subsection, if a 911 surcharge is imposed on prepaid wireless communications service pursuant to the Enhanced 911 Act, the taxation and revenue department shall promulgate rules to permit sellers to combine the surcharge imposed pursuant to this section and the surcharge imposed pursuant to the Enhanced 911 Act into a single surcharge on the invoice, receipt or other similar document that is provided to the prepaid consumer. The department shall ensure that appropriate surcharge revenues are directed proportionately to the respective 911 and telecommunications relay service funds.

D. A telecommunications company providing intrastate telecommunications services, a home service provider providing intrastate mobile telecommunications services and a seller of interconnected voice over internet protocol services shall, on sales subject to the telecommunications relay service surcharge, assess and collect the surcharge and remit the surcharge collected monthly to the taxation and revenue department on or before the twenty-fifth day of the month following collection. The department shall administer and enforce the collection of the surcharge in accordance with the Tax Administration Act.

E. The taxation and revenue department shall transfer the following amounts of the net receipts of the telecommunications relay service surcharge collected, less any amount deducted in accordance with Subsection F of this section, within the month following the month in which the surcharge is collected:

(1) twenty percent to the telecommunications access fund; and

(2) eighty percent to the 988 lifeline fund.

F. The taxation and revenue department may deduct an amount not to exceed three percent of the telecommunications relay service surcharge collected as a charge for the administrative costs of collection and shall remit that amount to the state treasurer for deposit in the general fund each month.

G. The commission and the health care authority shall report to the revenue stabilization and tax policy committee annually by September 30 the following information with respect to the prior fiscal year:

- (1) the amount and source of revenue received by the telecommunications access fund and the 988 lifeline fund;
- (2) the amount and category of expenditures from the funds; and
- (3) the balance of the funds on that June 30."

## **Chapter 84 Section 7 Laws 2025**

SECTION 7. Section 63-9F-12 NMSA 1978 (being Laws 1993, Chapter 54, Section 12, as amended) is amended to read:

"63-9F-12. TELECOMMUNICATIONS ACCESS FUND--ESTABLISHED.--There is created in the state treasury the "telecommunications access fund". Money appropriated to the fund or accruing to it through gifts, grants, fees, surcharges, penalties or bequests shall be delivered to the state treasurer for deposit in the fund. The fund shall be invested as other state funds are invested. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the executive director of the commission. The commission shall administer the fund. Money in the fund is appropriated to the commission for the purpose of carrying out the provisions of the Telecommunications Access Act. The commission may request the state budget division of the department of finance and administration to approve the expenditure of funds deposited in the telecommunications access fund for the purpose of defraying salary and other necessary expenses incurred by the commission in the administration of the provisions of the Telecommunications Access Act. The state budget division may approve the expenditure of up to one hundred percent of the amount deposited in the telecommunications access fund during any fiscal year for expenses incurred by the commission in administering that act. In addition, money in the fund is subject to appropriation by the legislature to the commission for the performance of its duties pursuant to Chapter 28, Article 11B NMSA 1978 and to the signed language interpreting practices fund for the purpose of defraying salary and other necessary expenses incurred by the signed language interpreting practices board. Any unexpended or unencumbered balance remaining in the fund at the end of any fiscal year shall not revert."

## **Chapter 84 Section 8 Laws 2025**

SECTION 8. 988 LIFELINE FUND.--The "988 lifeline fund" is created as a nonreverting fund in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations and income from investment of the fund. The health care authority shall administer the fund, and money in the fund is appropriated to



the authority to administer a confidential telecommunication service for emotional, mental or alcohol and drug use support made available to the public by the authority. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of health care authority or the secretary's authorized representative.

## **Chapter 84 Section 9 Laws 2025**

SECTION 9. SHORT TITLE.--Sections 9 through 22 of this act may be cited as the "Supported Decision-Making Act".

## **Chapter 84 Section 10 Laws 2025**

SECTION 10. DEFINITIONS.--As used in the Supported Decision-Making Act:

- A. "adult" means a person who is at least eighteen years of age;
- B. "decision-maker" means an adult who seeks to enter, or has entered, into a supported decision-making agreement with one or more supporters pursuant to the Supported Decision-Making Act;
- C. "decision-making support" means assistance in understanding the options, responsibilities and consequences of a decision-maker's life decisions without making those decisions on behalf of the decision-maker;
- D. "supported decision-making agreement" means an agreement entered into between a decision-maker and a supporter pursuant to the provisions of the Supported Decision-Making Act; and
- E. "supporter" means an adult who has entered into a supported decision-making agreement with a decision-maker pursuant to the Supported Decision-Making Act.

## **Chapter 84 Section 11 Laws 2025**

SECTION 11. SUPPORTED DECISION-MAKING AGREEMENTS--SCOPE OF AGREEMENTS.--A decision-maker may voluntarily, without undue influence or coercion, enter into a supported decision-making agreement with one or more supporters under which the decision-maker authorizes the supporter to do any or all of the following:

- A. provide decision-making support;
- B. assist the decision-maker in accessing, collecting and obtaining information that is relevant to a given life decision, including medical, psychological, financial, educational or treatment records, from any person;

C. assist the decision-maker in understanding the information described in Subsection B of this section; and

D. assist the decision-maker in communicating the decision-maker's decisions to appropriate persons.

## **Chapter 84 Section 12 Laws 2025**

### **SECTION 12. SUPPORTED DECISION-MAKING AGREEMENT REQUIREMENTS.--**

A. A supported decision-making agreement shall be in a form promulgated by the supreme court that shall:

- (1) be in writing;
- (2) be dated;
- (3) be signed voluntarily, without coercion or undue influence, by the decision-maker and the supporter;
- (4) designate a supporter;
- (5) list the types of decisions with which the supporter is authorized to assist the decision-maker;
- (6) list the types of decisions, if any, with which the supporter is not authorized to assist the decision-maker; and
- (7) contain a consent signed by the supporter indicating the supporter's:
  - (a) relationship to the decision-maker;
  - (b) willingness to act as a supporter; and
  - (c) acknowledgment of the duties of a supporter.

B. Each party to a supported decision-making agreement shall sign the agreement in the presence of at least two adult witnesses whose signatures shall be acknowledged by a notary public.

## **Chapter 84 Section 13 Laws 2025**

### **SECTION 13. PRESUMPTION OF CAPACITY.--**

A. All decision-makers are presumed to have capacity until such time as the decision-maker's primary care practitioner and one other qualified health professional with training and experience in the assessment of functional impairment, or a court, determine that the decision-maker is unable to make the decision-maker's own decisions. A diagnosis of mental illness, intellectual disability or developmental disability, of itself, does not void the presumption of capacity.

B. The manner in which a decision-maker communicates with others is not grounds for determining that the decision-maker is incapable of managing the decision-maker's own affairs.

C. The execution of a supported decision-making agreement may not be used as evidence of capacity or incapacity in any civil or criminal proceeding and does not preclude the ability of the decision-maker who has entered into a supported decision-making agreement to act independently of the agreement.

## **Chapter 84 Section 14 Laws 2025**

### **SECTION 14. SUPPORTER DUTIES AND AUTHORITY--SUPPORTER PROHIBITIONS.--**

A. A supporter shall:

- (1) act in good faith;
- (2) act with the care, competence and diligence ordinarily exercised by a reasonable person in similar circumstances;
- (3) act only within the scope of authority granted in the supported decision-making agreement;
- (4) not engage in self-dealing;
- (5) support the will and preference of the decision-maker rather than the supporter's opinion of the decision-maker's best interests;
- (6) not receive compensation as a result of the supporter's duties under a supported decision-making agreement; and
- (7) stop serving as a supporter if the supporter questions the capacity of the decision-maker to continue making decisions.

B. In the absence of an applicable power of attorney a supporter is prohibited from:

- (1) making decisions on behalf of the decision-maker;

- (2) signing legal documents on behalf of the decision-maker;
- (3) binding the decision-maker to a legal agreement;
- (4) obtaining, without the consent of the decision-maker, information that is not reasonably related to matters with which the supporter is authorized to assist pursuant to the supported decision-making agreement; and
- (5) using, without the consent of the decision-maker, information acquired for a purpose other than assisting the decision-maker to make a decision under the supported decision-making agreement.

## **Chapter 84 Section 15 Laws 2025**

SECTION 15. SUPPORTER DISQUALIFICATIONS.--The following persons are disqualified from acting as a supporter:

- A. an individual who is the subject of a civil or criminal order prohibiting contact with the decision-maker;
- B. an individual who has been placed on the state's employee abuse registry;
- C. an individual who has been convicted of a crime involving violence or dishonesty within the preceding ten years; and
- D. an individual who is currently incarcerated.

## **Chapter 84 Section 16 Laws 2025**

SECTION 16. ACCESS TO PERSONAL INFORMATION.--If a supporter assists a decision-maker in accessing, collecting or obtaining personal information, including financial information, protected health information under the federal Health Insurance Portability and Accountability Act of 1996 or educational records under the federal Family Educational Rights and Privacy Act of 1974, the supporter shall ensure that the information is kept privileged and confidential, as applicable, and is not subject to unauthorized access, use or disclosure.

## **Chapter 84 Section 17 Laws 2025**

SECTION 17. DECISION-MAKER ACCESS TO PERSONAL INFORMATION.--The existence of a supported decision-making agreement does not preclude a decision-maker from seeking personal information without the assistance of the supporter.

## **Chapter 84 Section 18 Laws 2025**

SECTION 18. THIRD PARTY RELIANCE ON SUPPORTED DECISION-MAKING AGREEMENT.--A person who receives an original or a copy of a supported decision-making agreement shall rely on the agreement, unless the person suspects abuse, neglect or exploitation and makes a report pursuant to Section 21 of this 2025 act.

## **Chapter 84 Section 19 Laws 2025**

SECTION 19. RECOGNITION OF DECISIONS MADE WITH ASSISTANCE OF SUPPORTER.--A decision or request made or communicated with the assistance of a supporter in conformity with the Supported Decision-Making Act shall be recognized for the purposes of any provision of law as the decision or request of the decision-maker.

## **Chapter 84 Section 20 Laws 2025**

SECTION 20. TERM OF SUPPORTED DECISION-MAKING AGREEMENT--TERMINATION OR REVOCATION OF AGREEMENT.--

A. Except as provided by Subsection B of this section, the supported decision-making agreement extends until terminated by either party or by the terms of the agreement.

B. The supported decision-making agreement is terminated as to a particular supporter if:

(1) the adult protective services division of the aging and long-term services department finds that the decision-maker has been abused, neglected or exploited by the supporter;

(2) the supporter is the subject of a civil or criminal order prohibiting contact with the decision-maker;

(3) the supporter has been placed on the state's employee abuse registry;

(4) the supporter has been convicted of a crime involving violence or dishonesty;

(5) the supporter is incarcerated;

(6) the decision-maker gives notice to the supporter orally, in writing, through an assistive technology device or by any other means or act showing a specific intent to terminate the agreement; or

(7) the supporter provides written notice of the supporter's resignation to the decision-maker.

## **Chapter 84 Section 21 Laws 2025**

SECTION 21. REPORTING OF SUSPECTED ABUSE, NEGLECT OR EXPLOITATION.--If a person who receives a copy of a supported decision-making agreement or is aware of the existence of a supported decision-making agreement has cause to believe that the decision-maker is being abused, neglected or exploited by the supporter, the person shall report the alleged abuse, neglect or exploitation to the aging and long-term services department's adult protective services division's statewide intake hotline.

## **Chapter 84 Section 22 Laws 2025**

SECTION 22. SUPPORTED DECISION-MAKING PROGRAM--CREATED--PROGRAM DUTIES.--

A. The "supported decision-making program" is created within the office of guardianship in the developmental disabilities council.

B. The supported decision-making program may:

(1) provide information to adults interested in entering into supported decision-making agreements;

(2) facilitate adults in forming, executing and terminating supported decision-making agreements;

(3) monitor supported decision-making agreements to determine if the agreement meets statutory requirements;

(4) provide resources and assistance for a decision-maker who believes a supporter is acting outside the scope of the supported decision-making agreement; and

(5) provide resources to any individual who is seeking information on reporting suspected abuse, neglect or exploitation of the decision-maker.

## **Chapter 84 Section 23 Laws 2025**

SECTION 23. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 85**

**HCEDC/House Bill 10**

**Approved April 8, 2025**

AN ACT

RELATING TO LAW ENFORCEMENT; ESTABLISHING THE ENFORCEMENT BUREAU WITHIN THE REGULATION AND LICENSING DEPARTMENT; ENACTING A NEW SECTION OF THE CANNABIS REGULATION ACT PROVIDING FOR ENFORCEMENT; PROVIDING PENALTIES.

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

## **Chapter 85 Section 1 Laws 2025**

SECTION 1. Section 9-16-1 NMSA 1978 (being Laws 1983, Chapter 297, Section 17) is amended to read:

"9-16-1. SHORT TITLE.--Chapter 9, Article 16 NMSA 1978 may be cited as the "Regulation and Licensing Department Act".

## **Chapter 85 Section 2 Laws 2025**

SECTION 2. A new section of the Regulation and Licensing Department Act is enacted to read:

"ENFORCEMENT BUREAU--ENFORCEMENT AGENTS--PEACE OFFICERS.--

A. The "enforcement bureau" is established within the office of the superintendent and shall be directed by a bureau chief appointed by the superintendent pursuant to Section 9-16-8 NMSA 1978 and who shall report to the superintendent.

B. The department shall employ enforcement agents to enforce laws and administrative rules within the scope of the Cannabis Regulation Act.

C. The bureau chief and enforcement agents employed by the department within the enforcement bureau shall be peace officers and shall have the powers and duties afforded peace officers. The enforcement agents shall report to the bureau chief. The superintendent shall be responsible for final employment decisions for enforcement agents. The bureau chief and enforcement agents shall meet the qualifications for certification pursuant to Section 29-7-6 NMSA 1978.

D. The enforcement bureau shall investigate alleged violations of law and report its findings to the superintendent and the director of the cannabis control division of the department."

## Chapter 85 Section 3 Laws 2025

SECTION 3. A new section of the Cannabis Regulation Act is enacted to read:

"ENFORCEMENT--DIVISION AND ENFORCEMENT BUREAU--ORDERS RESTRICTING MOVEMENT OF GOODS--EMBARGO AND RECALL, SEIZURE AND CONDEMNATION--PROCEDURES--PENALTIES.--

A. The division and the enforcement bureau shall enforce the provisions of the Cannabis Regulation Act and may carry out announced and unannounced inspections.

B. The division may:

(1) respond to tips or allegations of wrongdoing or initiate an investigation on the division's own initiative of an alleged or suspected violation of the Cannabis Regulation Act; provided that the division shall refer possible criminal violations to the enforcement bureau and shall assist that bureau in investigations and inspections;

(2) in the course of inspections conducted pursuant to this subsection, for the purpose of laboratory testing, collect and take custody of samples of items suspected to contain cannabis products when those items are suspected of being adulterated, dangerously or fraudulently misbranded or possessed in violation of the Cannabis Regulation Act or other laws of the state; and

(3) issue an order restricting the movement of cannabis products that are or are suspected of being adulterated or dangerously or fraudulently misbranded.

C. The enforcement bureau may:

(1) embargo or take possession of a cannabis product reasonably suspected of being an illegal cannabis product or a cannabis product that is adulterated or so misbranded as to be dangerous or fraudulent;

(2) take control pursuant to a warrant issued by a court of competent jurisdiction of the premises where a cannabis product is produced, manufactured or stored; and

(3) petition the district court for injunctive or other equitable relief.

D. The division shall give sufficient notice to the licensee of the division's decision to issue an order restricting the movement of the licensee's cannabis products. Such an order shall not be in place for longer than necessary to complete the division's or the enforcement bureau's investigation; provided that an order restricting the movement of misbranded cannabis products that are not considered dangerous or



fraudulent shall last only as long as it takes the licensee to relabel and repackage the cannabis products as ordered by the division.

E. The division may issue a recall order for cannabis products embargoed or subject to an order restricting movement due to adulteration or dangerous or fraudulent misbranding.

F. When the enforcement bureau embargoes a cannabis product, the division shall affix or cause the licensee to affix to the cannabis product a tag or other appropriate marking giving notice that the cannabis product is or is suspected of being an illegal cannabis product or is adulterated or dangerously or fraudulently misbranded and that the cannabis product shall not be sold, removed or otherwise disposed of.

G. When the enforcement bureau embargoes a cannabis product or seizes a cannabis product or a premises, the bureau shall give written notice to the licensee of the grounds for the embargo or seizure.

H. Neither the division nor the enforcement bureau shall be required to care for embargoed or seized cannabis products.

I. A licensee aggrieved by an embargo, seizure or recall undertaken pursuant to Subsection B, C or E of this section may request an administrative hearing within ten calendar days from the date that the embargo, seizure or recall was executed. The hearing shall be held before a hearing officer as provided by rule. The final agency decision may be appealed pursuant to Section 39-3-1.1 NMSA 1978.

J. When the determination is made that an embargoed or seized cannabis product is illegal, adulterated or dangerously or fraudulently misbranded, the division shall petition the district court for condemnation of the cannabis product.

K. If the district court orders condemnation, the department shall destroy the cannabis product at the licensee's expense. If the district court does not order condemnation, the enforcement bureau shall have the restrictive tags or markings removed and the affected products released or returned to the licensee or other owner of the products.

L. The New Mexico department of agriculture, the department of environment and other state agencies with relevant knowledge and expertise shall cooperate with the division and the enforcement bureau at the regulation and licensing department's request.

M. A person who intentionally, knowingly or recklessly:

(1) removes, conceals, destroys or disposes of a cannabis product subject to an order restricting the movement or embargo is guilty of a fourth degree felony and shall be sentenced as provided in Section 31-18-15 NMSA 1978; and

(2) sells, delivers or transfers a cannabis product subject to recall to another person is guilty of a fourth degree felony and shall be sentenced as provided in Section 31-18-15 NMSA 1978.

N. In addition to the actions provided in this section, after an administrative hearing pursuant to the Uniform Licensing Act, the division may take disciplinary action against a licensee, including:

- (1) suspension or revocation of the license;
- (2) imposition of an administrative penalty not to exceed ten thousand dollars (\$10,000) per violation; or
- (3) any other disciplinary action allowed under that act or rule of the division.

O. As used in this section:

- (1) "embargo" means to place in a secure location, accessible only by the licensee, the division and the enforcement bureau, that has continuous video monitoring; and
- (2) "enforcement bureau" means the enforcement bureau of the department."

## **Chapter 85 Section 4 Laws 2025**

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

## **LAWS 2025, CHAPTER 86**

**HTRC/House Bill 19, aa, w/cc**

**Approved April 8, 2025**

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; ENACTING THE TRADE PORTS DEVELOPMENT ACT; PROVIDING FOR THE DESIGNATION OF TRADE PORT DISTRICTS; ESTABLISHING CRITERIA FOR APPROVAL OF TRADE PORT PROJECTS; CREATING THE TRADE PORTS ADVISORY COMMITTEE AND SPECIFYING DUTIES; SPECIFYING DUTIES OF THE SECRETARY OF ECONOMIC DEVELOPMENT; ALLOWING PUBLIC PARTNERS TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS TO FACILITATE DEVELOPMENT OF TRADE PORTS; CREATING THE TRADE PORTS DEVELOPMENT FUND;

AUTHORIZING GRANTS AND LOANS; AMENDING A SECTION OF THE  
PROCUREMENT CODE; PROVIDING DUTIES OF THE STATE BOARD OF FINANCE;  
MAKING AN APPROPRIATION.

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

## **Chapter 86 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--Sections 1 through 13 of this act may be cited as the "Trade Ports Development Act".

## **Chapter 86 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Trade Ports Development Act:

A. "private partner" means an individual, a foreign or domestic corporation, a general partnership, a limited liability company, a limited partnership, a joint venture, a business trust, a public benefit corporation, a nonprofit entity or other private business entity or combination thereof;

B. "public partner" means the state and its branches, agencies, departments, boards, instrumentalities or institutions and all political subdivisions of the state and their agencies, instrumentalities and institutions, including a department, an agency, an institution of higher education, a board or a commission;

C. "public-private partnership" means an arrangement between one or more public partners and one or more private partners for the development of a trade port project pursuant to the Trade Ports Development Act;

D. "public-private partnership agreement" means a contract between one or more public partners and one or more private partners in connection with the development of a trade port project;

E. "secretary" means the secretary of economic development;

F. "trade port" means a multimodal system of facilities and services in a given location with the logistical capacity to efficiently manage cargo and enhance national supply chain resiliency by facilitating the movement and redistribution of goods and commodities to other locations;

G. "trade port district" means a distinct geographic area subject to the approval of the secretary pursuant to Subsection B of Section 7 of the Trade Ports Development Act within which proposed trade port projects may be approved for grants or loans; and

H. "trade port project" means a project subject to the approval of the secretary pursuant to Subsection C of Section 7 of the Trade Ports Development Act creating or modifying infrastructure for the construction of buildings or other facilities that support the functions of a trade port within an approved trade port district.

## **Chapter 86 Section 3 Laws 2025**

### **SECTION 3. TRADE PORT DISTRICTS--DESIGNATION CRITERIA.--**

A. A private partner or a public partner may propose a specific geographic area for designation as a trade port district pursuant to Subsection B of Section 7 of the Trade Ports Development Act.

B. A proposed trade port district shall meet as many of the following criteria as feasible at the time of designation:

(1) designation by the United States department of transportation as a trade port regional infrastructure accelerator;

(2) the federal designation as a foreign-trade zone or subzone;

(3) the availability of services from the United States customs and border protection;

(4) proximity to a designated federal interstate highway or other four-lane vehicular highway;

(5) proximity to an established or planned trade port corridor system;

(6) proximity to a class 1 railroad line providing access to international border crossings and major markets and ports on the west coast, gulf coast and east coast of the United States;

(7) proximity to an airport that can provide national and international passenger and air freight service;

(8) existing infrastructure suitable for redevelopment or expansion through a trade port project;

(9) the availability of a qualified labor pool and partnership or collaborative that can address the workforce development needs consistent with job availability within the trade port district, including in a county with an unemployment rate higher than the unemployment rate of New Mexico;

(10) the beneficial impact of a trade port district designation on an economically disadvantaged or distressed community, including a county with a poverty rate greater than the poverty rate of New Mexico;

(11) the availability of land in a county with a population of one hundred thousand or fewer according to the most recent federal decennial census in parcels large enough to accommodate sufficient trade port projects to constitute an economically viable trade port;

(12) the availability of a public partner capable of coordinating development activities within the proposed trade port; and

(13) the ability to use state economic development incentive programs for trade port projects pursuant to:

- NMSA 1978;
- (a) improvement districts pursuant to Chapter 3, Article 33
  - (b) the Public Improvement District Act;
  - (c) the Tax Increment for Development Act;
  - (d) the Industrial Revenue Bond Act;
  - (e) the Local Economic Development Act; and
  - (f) the Infrastructure Development Zone Act.

## **Chapter 86 Section 4 Laws 2025**

SECTION 4. TRADE PORT PROJECTS--CRITERIA FOR APPROVAL.--For all proposed trade port projects, in deciding whether to approve a proposed grant, loan and public-private partnership agreement, the secretary shall consider at least the following criteria:

- A. the extent to which the proposed trade port project will further the development of a trade port;
- B. whether the proposed trade port project complies with state and federal infrastructure planning;
- C. the cost-effectiveness and financial feasibility of the proposed trade port project;
- D. the net environmental impact of the proposed trade port project;

E. the technological feasibility of the proposed trade port project and the ability of the private partners and public partners to successfully implement the proposed trade port project;

F. the capacity of the public or private partner to manage the trade port project to completion, including the financial resources to satisfy any funding match requirements;

G. the projected time frame for completion of the proposed trade port project;

H. the potential qualification of the proposed trade port project for state and federal grants, loans and tax incentives;

I. the projected impact of the proposed trade port project on economic development within the state and relevant municipalities and counties; and

J. the possibility of state investment in the proposed trade port project pursuant to Section 7-27-5.15 NMSA 1978.

## **Chapter 86 Section 5 Laws 2025**

### **SECTION 5. TRADE PORTS ADVISORY COMMITTEE--CREATED--MEMBERSHIP.--**

A. The "trade ports advisory committee" is created. The economic development department shall provide necessary administrative services to the committee.

B. The trade ports advisory committee is composed of:

- (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 energy, minerals and natural resources or the secretary's designee;
- (4) the secretary of environment or the secretary's designee;
- (5) a representative of the public regulation commission appointed by the commission;
- (6) the secretary of transportation or the secretary's designee;

(7) the chief executive officer of the New Mexico finance authority or the chief executive officer's designee; and

(8) five public members appointed by the New Mexico legislative council who shall have experience in law, architecture, planning, utilities, transportation or economic development.

C. The public members appointed initially shall draw lots for staggered terms in such a way that two members shall serve for six years, two members shall serve for four years and one member shall serve for two years. Thereafter, the public members shall serve for six-year terms. A vacancy in a term of a public member of the trade ports advisory committee shall be filled by the New Mexico legislative council for the remainder of the original term.

D. The members shall select a chair, who shall be a public member and who shall serve a term of two years.

E. Members who are not public employees are entitled to per diem and mileage as provided in the Per Diem and Mileage Act but shall receive no other compensation, perquisite or allowance.

F. A member of the trade ports advisory committee shall not participate in or influence a decision by the committee in which that member has a conflict of interest, pecuniary interest or other disqualifying interest respecting a public-private partnership agreement or a trade port project that is considered by the committee. All members of the committee shall certify annually and in writing compliance with this subsection.

## **Chapter 86 Section 6 Laws 2025**

SECTION 6. TRADE PORTS ADVISORY COMMITTEE--DUTIES.--The trade ports advisory committee has the following duties:

- A. meet quarterly and at such other times as deemed necessary by the chair;
- B. review and recommend approval, modification or disapproval of specific geographic areas to be designated as trade port districts;
- C. review and recommend approval, modification or disapproval of proposed public-private partnership agreements for a trade port project;
- D. recommend modification or termination of existing approvals or designations for failure to meet the requirements of the Trade Ports Development Act;
- E. recommend the promulgation of rules establishing the application process and criteria for the approval of public-private partnership agreements in accordance with the provisions of the State Rules Act;

F. recommend approval or disapproval of applications for grants or loans from the trade ports development fund for trade port projects;

G. consult with state agencies on technical issues relevant to the trade ports advisory committee's consideration of an application; and

H. request updates to any technical information, including any annual certification, provided in connection with an approved application or designation.

## **Chapter 86 Section 7 Laws 2025**

SECTION 7. POWERS AND DUTIES OF THE SECRETARY.--The secretary has the following powers and duties:

A. develop forms of application for approval of public-private partnerships;

B. review and approve, modify or disapprove specific geographic areas to be designated as trade port districts;

C. review and approve or disapprove proposed public-private partnership agreements for a trade port project, subject to final approval by the state board of finance;

D. modify or terminate existing approvals or designations for failure to meet the requirements of the Trade Ports Development Act;

E. adopt and promulgate rules establishing the application process and criteria for the preliminary approval of public-private partnership agreements, grants and loans in accordance with the provisions of the State Rules Act;

F. approve or disapprove applications for grants or loans from the trade ports development fund for trade port projects;

G. consult with the department of transportation on technical issues relevant to the secretary's consideration of an application, including compliance with the statewide transportation improvement program;

H. request updates to any technical information, including any annual certification, provided in connection with an approved application or designation; and

I. take all other actions necessary to implement the Trade Ports Development Act, including entering into joint powers agreements and retaining legal counsel and experts when appropriate.



## Chapter 86 Section 8 Laws 2025

### SECTION 8. PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS--APPROVAL REQUIREMENTS--RESTRICTIONS.--

A. To provide economic and administrative efficiencies in connection with the development of trade port projects, a public partner is authorized to enter into public-private partnership agreements.

B. Prior to entering into negotiations regarding the use of a public-private partnership agreement as a method of implementing a proposed trade port project, the public partner shall publish in a newspaper of general circulation its interest in considering such an agreement, and such publication shall include a description of the scope of the proposed trade port project.

C. Prior to entering into a public-private partnership agreement, a public partner shall:

(1) undertake a cost-benefit analysis of a public-private partnership trade port project in comparison with a traditional public-partner-managed project;

(2) conduct a public hearing relating to the proposed public-private partnership held in accordance with the Open Meetings Act;

(3) demonstrate that the proposed trade port project serves an important public purpose and fulfills an important public need; and

(4) demonstrate that the proposed trade port project will comply with applicable state and federal law.

D. A public-private partnership agreement shall:

(1) define the roles and responsibilities of the public partners and the private partners;

(2) provide clawback or recapture provisions that protect the public investment in the event of a default on the agreement;

(3) provide a finance plan detailing the financial contributions and obligations of the public partners and the private partners;

(4) require a private partner to provide, or cause to be provided, performance and payment bonds as required pursuant to Section 13-4-18 NMSA 1978;

(5) require a private partner to provide guarantees, letters of credit or other acceptable forms of security, the amount of which may be less than one hundred

percent of the value of the proposed trade port project based on the determination of the public partner or, for public-private partnership agreements requiring approval pursuant to the Trade Ports Development Act, based on the determination by the secretary;

(6) specify how revenue will be collected, accounted for and audited;

(7) specify how debts incurred on behalf of the public partner or private partner will be repaid;

(8) address how the public partners and private partners will share the management and risks of the trade port project;

(9) provide that, in the event of an uncured default, the public partner may:

(a) elect to take over the trade port project, including the succession of all right, title and interest in or to the project, subject to any liens on revenue previously granted by the private partner; and

(b) terminate the public-private partnership and exercise any other rights and remedies that may be available, where such right to terminate may also be exercised by the secretary if the secretary finds it is in the public interest to do so;

(10) specify the term of the public-private partnership agreement, which shall not exceed thirty years;

(11) limit a private partner from seeking injunctive or other equitable relief to in any way restrict a public partner from developing, constructing or maintaining a trade port project, except that the public-private partnership agreement may provide for reasonable compensation to the private partner for an adverse effect resulting from development, construction, operation and maintenance of another trade port project of a public partner;

(12) provide for the protection of proprietary information of the private partner;

(13) provide that operations and maintenance of a trade port project shall be performed by the public partner, except for broadband, telecommunications and energy infrastructure components of the trade port project;

(14) provide provisions for termination of the public-private partnership agreement, including the cessation of the powers and duties of the private partner; and

(15) provide project benchmarks or deliverables that must be satisfied prior to the disbursement of public funds.

E. A public-private partnership agreement for a trade port project shall not become effective until it receives preliminary approval by the secretary, pursuant to Subsection C of Section 7 of the Trade Ports Development Act, and final approval by the state board of finance.

F. The attorney general shall, as requested by the secretary, enforce a clawback or recapture provision in a public-private partnership agreement in the event of a default on the agreement.

## **Chapter 86 Section 9 Laws 2025**

### **SECTION 9. TRADE PORTS DEVELOPMENT FUND CREATED.--**

A. The "trade ports development fund" is created in the state treasury. The fund consists of appropriations, gifts, grants, donations, income from investment of the fund, payments of principal and interest on loans made from the fund and any other money distributed or otherwise allocated to the fund. Income from the fund shall be credited to the fund. Money in the fund shall not revert or be transferred to any other fund at the end of a fiscal year.

B. The economic development department shall administer the fund. Money in the fund is appropriated to the economic development department for the purposes of carrying out the provisions of the Trade Ports Development Act, including the planning, renovation or construction of trade ports and associated facilities and infrastructure. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of economic development or the secretary's authorized representative.

C. Money in the trade ports development fund may be used to make grants of up to two hundred fifty thousand dollars (\$250,000) to a public partner for the purposes of studying the costs and benefits of entering into a public-private partnership for a proposed trade port project.

D. Money in the trade ports development fund may be used to provide grants and loans for financing a trade port project through a public-private partnership agreement; provided that:

(1) the private partner shall provide funds that match or exceed the public partner's monetary obligation for the public-private partnership agreement, as provided by rule; and

(2) the public partner certifies to the secretary that the public partner has taken all action necessary to approve the public-private partnership agreement and that the agreement contains all terms and conditions required by Subsection D of Section 8 of the Trade Ports Development Act.

E. Money in the trade ports development fund may be used pursuant to Subsections B and C of this section only for grants or loans to a public partner for a trade port project.

F. Money in the trade ports development fund may be used for grants or loans to an Indian nation, tribe or pueblo that has entered into a partnership with a private partner for the development of a trade port project only if:

(1) the agreement between the Indian nation, tribe or pueblo and the private partner is approved by the secretary; and

(2) the grant or loan application is approved by the secretary.

G. Money in the trade ports development fund may be used for administrative and reimbursable costs incurred by the economic development department, the state board of finance and the department of transportation, subject to the legislative appropriation process.

## **Chapter 86 Section 10 Laws 2025**

SECTION 10. APPLICABILITY OF CERTAIN OTHER LAWS.--The construction of a trade port project pursuant to a public-private partnership agreement is a public work for the purposes of the Public Works Minimum Wage Act, the Subcontractors Fair Practices Act and the Public Works Apprentice and Training Act.

## **Chapter 86 Section 11 Laws 2025**

### **SECTION 11. EMPLOYMENT RESTRICTIONS.--**

A. A private partner shall:

(1) have no employee related to the secretary or another employee of the economic development department responsible for reviewing public-private partnership agreements; and

(2) not hire the secretary or another employee of the economic development department responsible for reviewing public-private partnership agreements within two years of separation from employment by the department.

B. Any person who knowingly and willfully violates the provisions of Subsection A of this section is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Subsection B of Section 30-1-6 NMSA 1978. An alleged violation of Subsection A of this section may be reported to the attorney general or a district attorney for enforcement.

## **Chapter 86 Section 12 Laws 2025**

SECTION 12. POWERS AND DUTIES OF THE STATE BOARD OF FINANCE.--  
The state board of finance shall have the following powers and duties pursuant to the Trade Ports Development Act:

- A. the review and provision of final approval or disapproval of all public-private partnership agreements, pursuant to the requirements of Subsection D of Section 8 of that act;
- B. approval of the disbursement of public funds from the trade ports development fund for a trade port project based on the private partner's satisfaction of project benchmarks or deliverables; and
- C. promulgation of rules to carry out its duties pursuant to that act.

## **Chapter 86 Section 13 Laws 2025**

SECTION 13. REPORT.--By December 1, 2025, and by December 1 of each year thereafter, the secretary shall provide a report to the governor and the legislative finance committee regarding:

- A. trade port districts and trade port projects approved by the secretary;
- B. a description of the businesses and industries participating in each approved trade port district and trade port project;
- C. grant and loan applications approved by the secretary;
- D. public-private partnership agreements approved by the secretary;
- E. the status of the trade ports development fund; and
- F. any recommended changes to the Trade Ports Development Act.

## **Chapter 86 Section 14 Laws 2025**

SECTION 14. Section 13-1-150 NMSA 1978 (being Laws 1984, Chapter 65, Section 123, as amended) is amended to read:

"13-1-150. MULTI-TERM CONTRACTS--SPECIFIED PERIOD.--

- A. A multi-term contract for items of tangible personal property, construction or services except for professional services, in an amount under twenty-five thousand dollars (\$25,000), may be entered into for any period of time deemed to be in the best interests of the state agency or a local public body not to exceed four years; provided

that the term of the contract and conditions of renewal or extension, if any, are included in the specifications and funds are available for the first fiscal period at the time of contracting. If the amount of the contract is twenty-five thousand dollars (\$25,000) or more, the term shall not exceed ten years, including all extensions and renewals, except that for a contract entered into pursuant to the Public Facility Energy Efficiency and Water Conservation Act, the term shall not exceed twenty-five years, including all extensions and renewals. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor. If the contract is pursuant to a public-private partnership agreement pursuant to the Trade Ports Development Act, the contract term shall not exceed thirty years, including all extensions and renewals.

B. A contract for professional services may not exceed four years, including all extensions and renewals, except for the following:

(1) services required to support or operate federally certified medicaid, financial assistance and child support enforcement management information or payment systems;

(2) services to design, develop or implement the taxation and revenue information management systems project authorized by Laws 1997, Chapter 125;

(3) a multi-term contract for the services of trustees, escrow agents, registrars, paying agents, letter of credit issuers and other forms of credit enhancement and other similar services, excluding bond attorneys, underwriters and financial advisors with regard to the issuance, sale and delivery of public securities, may be for the life of the securities or as long as the securities remain outstanding;

(4) services relating to the implementation, operation and administration of the Education Trust Act;

(5) services relating to measurement and verification of conservation-related cost savings and utility cost savings pursuant to the Public Facility Energy Efficiency and Water Conservation Act;

(6) services relating to the design and engineering of a state public works project:

(a) for a period not to exceed the requisite time for project completion and a subsequent warranty period; and

(b) upon approval of the secretary of finance and administration;

(7) services relating to the design and engineering of a regional water project with an estimated cost of more than five hundred million dollars (\$500,000,000):

(a) for a period not to exceed the requisite time for project completion and a subsequent warranty period; and

(b) upon approval of the secretary of finance and administration;  
and

(8) a contract for services pursuant to a public-private partnership agreement pursuant to the Trade Ports Development Act, which contract shall not exceed thirty years, including all extensions and renewals."

## **Chapter 86 Section 15 Laws 2025**

SECTION 15. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 87**

**HJC/HRDLC/House Bill 24**

**Approved April 8, 2025**

AN ACT

RELATING TO LEGAL SERVICES; AMENDING SECTIONS OF THE COMMUNITY GOVERNANCE ATTORNEY ACT; TRANSFERRING THE DUTIES TO PUBLICIZE AND ADMINISTER CONTRACTS FOR THE COMMUNITY GOVERNANCE ATTORNEY AND CONDITIONAL TUITION WAIVER PROGRAM FROM THE HIGHER EDUCATION DEPARTMENT TO THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW; ALLOWING COUNTIES AND MUNICIPALITIES WITH AT LEAST ONE DESIGNATED COLONIA WITHIN THEIR BOUNDARIES AND STATE AGENCIES TO HIRE COMMUNITY GOVERNANCE ATTORNEYS.

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

## **Chapter 87 Section 1 Laws 2025**

SECTION 1. Section 21-21Q-3 NMSA 1978 (being Laws 2019, Chapter 43, Section 3, as amended) is amended to read:

"21-21Q-3. COMMUNITY GOVERNANCE ATTORNEY AND CONDITIONAL TUITION WAIVER PROGRAM CREATED--ADMINISTRATION--RULEMAKING SELECTION PROCESS--REPAYMENT.--

A. The "community governance attorney and conditional tuition waiver program" is created and shall be administered by the department. The department shall:

(1) promulgate rules to implement and administer the program and for a reasonable living stipend in consultation with the university; provided that the maximum living stipend shall be based upon the availability of funds and information provided by the university regarding the current cost of attendance at the university;

(2) collect and manage repayment from students who do not meet their obligations under the program; and

(3) accept funds for the program, including grants and donations.

B. The university shall publicize the program to law students and prospective law students.

C. Participants shall enter the program in their final year of law school. The commission shall select participants according to program rules and shall create a standard process for law students to apply to participate in the program.

D. The department shall award no more than two new waivers a year, in addition to renewing existing waivers for eligible participants, subject to the availability of funding.

E. Participation in the program shall be evidenced by a contract between the participant and the department. The contract shall provide for the payment of a participant's waiver and shall be conditioned upon the participant fulfilling the program obligations and meeting the university's standards for satisfactory academic progress. An applicant to the program shall sign the contract prior to being accepted into the program.

F. The contract shall include the following terms for repayment of the waiver:

(1) interest shall accrue upon termination of the participant's course of study at the following interest rates:

(a) eighteen percent per year if the participant completes a course of study and no portion of the principal and interest is forgiven pursuant to Subsection G of this section; and

(b) seven percent per year in all other cases; and

(2) the maximum period for repayment shall be ten years, commencing six months from the date the participant completes or discontinues the course of study.

G. The contract shall provide that the department forgive fifty percent of a waiver for each year that a participant is employed full time as a community governance attorney with a maximum salary not to exceed the entry-level salary rate paid by the legal service provider."



## Chapter 87 Section 2 Laws 2025

SECTION 2. Section 21-21Q-4 NMSA 1978 (being Laws 2019, Chapter 43, Section 4) is amended to read:

"21-21Q-4. COMMISSION--DUTIES.--

A. The "community governance attorney commission" is created. The commission shall be composed of five members as follows:

- (1) the secretary or the secretary's designee;
- (2) the dean of the university or the dean's designee; and
- (3) three members appointed by the governor; provided that one member shall be a:
  - (a) current or past member of the acequia commission;
  - (b) current or past member of the land grant council; and
  - (c) current or past member of the colonias infrastructure board and a resident of a colonia.

B. Staff and meeting space for the commission shall be provided by the university. The commission shall elect a chair and such other officers as it deems appropriate and shall meet at the call of the chair. Members of the commission shall receive per diem and mileage pursuant to the Per Diem and Mileage Act and shall receive no other compensation.

C. The commission shall:

- (1) make recommendations to the department on applicants for the program;
- (2) advise the department on the adoption of rules to implement the provisions of the Community Governance Attorney Act; and
- (3) pursuant to the Procurement Code, solicit proposals for disbursement from the fund for legal services.

D. The university shall, with the approval of the commission, enter into contracts for expenditure of the fund for the purpose of providing free community governance attorney services for acequias, land grants-mercedes and low-income residents of colonias on issues regarding the governance of colonias. The contracts shall be entered into with the university, counties or municipalities that have designated

at least one colonia within their boundaries, state agencies or nonprofit organizations whose mission includes providing a range of legal services to low-income New Mexicans. No contract shall provide funding in excess of one-half of a full-time community governance attorney position and each contract shall be executed only with service providers that have secured sufficient matching funding to provide a full-time position."

## **Chapter 87 Section 3 Laws 2025**

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 88**

**House Bill 56, aa**  
**Approved April 8, 2025**

## **AN ACT**

RELATING TO HEALTH CARE; REQUIRING THE SECRETARY OF HEALTH CARE AUTHORITY TO MAKE MEDICAID REIMBURSEMENT FOR SERVICES PROVIDED AT BIRTH CENTERS SIMILAR TO REIMBURSEMENT FOR SERVICES PROVIDED AT HOSPITALS.

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

## **Chapter 88 Section 1 Laws 2025**

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

"EQUITABLE REIMBURSEMENT FOR SERVICES PROVIDED AT BIRTH CENTERS.--

A. For the purposes of this section:

(1) "birth center" means a freestanding birth center licensed by the state for the primary purpose of performing low-risk deliveries that is not a hospital, attached to a hospital or in a hospital and where births are planned to occur away from the pregnant person's residence following a low-risk pregnancy;

(2) "medicaid" means the medical assistance program established pursuant to Title 19 of the federal Social Security Act and regulations issued pursuant to that act; and

(3) "medicaid recipient" means a person whom the department has determined to be eligible to receive medicaid-related services.

B. The secretary shall adopt rules that:

(1) create a methodology to determine medicaid facility fee reimbursement rates for birth centers that are comparable to rates for similar services provided at a hospital; and

(2) require annual increases to birth center facility fee reimbursement rates that are equivalent to hospital reimbursement rate increases."

## **LAWS 2025, CHAPTER 89**

**House Bill 63, aa**

**Approved April 8, 2025**

### **AN ACT**

RELATING TO PUBLIC SCHOOL FINANCE; MAKING CHANGES TO THE PUBLIC SCHOOL FUNDING FORMULA; INCREASING THE BASIC PROGRAM UNIT FOR SIXTH THROUGH TWELFTH GRADES; DEFINING THE FAMILY INCOME INDEX RATE; CHANGING THE AT-RISK PROGRAM UNIT; CALCULATING THE AT-RISK INDEX FOR CHARTER SCHOOLS ON THEIR MEMBERSHIP AFTER THE FIRST YEAR OF OPERATION; CREATING AN ENGLISH LEARNER PROGRAM UNIT; PROVIDING A HOLD HARMLESS PROVISION FOR FORMULA CHANGES.

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

### **Chapter 89 Section 1 Laws 2025**

SECTION 1. Section 22-8-2 NMSA 1978 (being Laws 1978, Chapter 128, Section 3, as amended by Laws 2019, Chapter 206, Section 6 and by Laws 2019, Chapter 207, Section 6) is amended to read:

"22-8-2. DEFINITIONS.--As used in the Public School Finance Act:

A. "ADM" or "MEM" means membership;

B. "membership" means the total enrollment of qualified students on the current roll of a class or school on a specified day. The current roll is established by the addition of original entries and reentries minus withdrawals. Withdrawals of students, in addition to students formally withdrawn from the public school, include students absent from the public school for as many as ten consecutive school days; provided that withdrawals do not include students who are in need of intervention or who are chronically or excessively absent;

C. "basic program ADM" or "basic program MEM" means the MEM of qualified students but excludes the full-time-equivalent MEM in early childhood education and three- and four-year-old students receiving special education services;

D. "cost differential factor" is the numerical expression of the ratio of the cost of a particular segment of the school program to the cost of the basic program in grades four through six;

E. "department" or "division" means the public education department;

F. "early childhood education ADM" or "early childhood education MEM" means the full-time-equivalent MEM of students attending approved early childhood education programs;

G. "family income index rate" means the percentage of students in a school district or charter school that is identified as either extremely low income or very low income by the family income index;

H. "full-time-equivalent ADM" or "full-time-equivalent MEM" is that membership calculated by applying to the MEM in an approved public school program the ratio of the number of hours per school day devoted to the program to six hours or the number of hours per school week devoted to the program to thirty hours;

I. "operating budget" means the annual financial plan and educational plan required to be submitted by a local school board or governing body of a state-chartered charter school;

J. "performance measure" means a quantitative indicator used to assess the output or outcome of an approved program;

K. "performance target" means the expected level of performance of a program's performance measure;

L. "program cost" is the product of the total number of program units to which a school district is entitled multiplied by the dollar value per program unit established by the legislature;

M. "program element" is that component of a public school system to which a cost differential factor is applied to determine the number of program units to which a school district is entitled, including MEM, full-time-equivalent MEM, teacher, classroom or public school;

N. "program unit" is the product of the program element multiplied by the applicable cost differential factor;

O. "public money" or "public funds" means all money from public or private sources received by a school district or state-chartered charter school or officer or employee of a school district or state-chartered charter school for public use;

P. "qualified student" means a public school student who:

- (1) has not graduated from high school;
- (2) is regularly enrolled in one-half or more of the minimum course requirements approved by the department for public school students; and
- (3) in terms of age and other criteria:
  - (a) is at least five years of age prior to 12:01 a.m. on September 1 of the school year;
  - (b) is at least three years of age at any time during the school year and is receiving special education services pursuant to rules of the department;
  - (c) except as provided in Subparagraph (d) of this paragraph, has not reached the student's twenty-second birthday on the first day of the school year; or
  - (d) has reached the student's twenty-second birthday on the first day of the 2019-2020 school year, is counted in a school district's or charter school's MEM on the third reporting date of the 2018-2019 school year, has been continuously enrolled in the same public school since that reporting date and is still enrolled in that school;

Q. "rural population rate" means that proportion of the total population within a school district's geographic boundaries that lives in a rural area and not in an urban area as defined by the United States census bureau;

R. "staffing cost multiplier" means the teacher cost index; and

S. "state superintendent" means the secretary of public education or the secretary's designee."

## **Chapter 89 Section 2 Laws 2025**

SECTION 2. Section 22-8-6.1 NMSA 1978 (being Laws 1993, Chapter 227, Section 8, as amended by Laws 2019, Chapter 206, Section 9 and by Laws 2019, Chapter 207, Section 9) is amended to read:

"22-8-6.1. CHARTER SCHOOL OPERATING BUDGETS--MAXIMUM MEM.--

A. Each state-chartered charter school shall submit to the charter schools division of the department a school-based operating budget. The operating budget shall be submitted to the division for approval or amendment pursuant to the Public School Finance Act and the Charter Schools Act. Thereafter, the operating budget shall be submitted to the commission for review.

B. Each locally chartered charter school shall submit to the local school board a school-based operating budget for approval or amendment. The approval or amendment authority of the local school board relative to the charter school operating budget is limited to ensuring that sound fiscal practices are followed in the development of the operating budget and that the charter school operating budget is within the allotted resources. The local school board shall have no veto authority over individual line items within the charter school's proposed financial budget or over any item in the educational plan but shall approve or disapprove the operating budget in its entirety. Upon final approval of the charter school operating budget by the local school board, the individual charter school operating budget shall be included separately in the budget submission to the department required pursuant to the Public School Finance Act and the Charter Schools Act.

C. For its first year of operation, a charter school's operating budget shall be based on the projected number of program units generated by the school and its students using the at-risk index, the English learner three-year average rate and the staffing cost multiplier of the school district in which the charter school is located, and the charter school's operating budget shall be adjusted using the qualified MEM on the first reporting date of the current school year. For its second and third fiscal year of operation, a charter school's operating budget shall be based on the number of program units generated by the school and its students using the average of MEM on the second and third reporting dates of the prior year, the at-risk index and English learner three-year average rate of the school district in which the charter school is located and the charter school's staffing cost multiplier. For its fourth and subsequent fiscal years of operation, a charter school's operating budget shall be based on the number of program units generated by the charter school and its students using the average of the MEM on the second and third reporting dates of the prior year, the charter school's at-risk index, the charter school's English learner three-year average rate and the charter school's staffing cost multiplier."

## **Chapter 89 Section 3 Laws 2025**

SECTION 3. Section 22-8-18 NMSA 1978 (being Laws 1974, Chapter 8, Section 8, as amended) is amended to read:

"22-8-18. PROGRAM COST CALCULATION--LOCAL RESPONSIBILITY.--

A. The total program units for the purpose of computing the program cost shall be calculated by multiplying the sum of the program units itemized as Paragraphs (1) and (2) in this subsection by the staffing cost multiplier and adding the program units

itemized as Paragraphs (3) through (16) in this subsection. The itemized program units are as follows:

- (1) early childhood education;
- (2) basic education;
- (3) special education, adjusted by subtracting the units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers;
- (4) bilingual multicultural education;
- (5) fine arts education;
- (6) elementary physical education;
- (7) size adjustment;
- (8) at-risk;
- (9) enrollment growth or new district adjustment;
- (10) special education units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers;
- (11) national board for professional teaching standards certification;
- (12) home school student;
- (13) home school student activities;
- (14) charter school student activities;
- (15) K-12 plus; and
- (16) English learners.

B. The total program cost calculated as prescribed in Subsection A of this section includes the cost of early childhood, special, bilingual multicultural, fine arts and vocational education and other remedial or enrichment programs. It is the responsibility of the local school board or governing body of a charter school to determine its priorities in terms of the needs of the community served by that board. Except as otherwise provided in this section, funds generated pursuant to the Public School Finance Act are discretionary to local school boards and governing bodies of charter schools; provided that the special program needs as enumerated in this section are met; and provided

further that the department shall ensure that the local school board or governing body of a charter school is prioritizing resources for the public school toward proven programs and methods linked to improved student achievement."

## **Chapter 89 Section 4 Laws 2025**

SECTION 4. Section 22-8-20 NMSA 1978 (being Laws 1991, Chapter 85, Section 3, as amended by Laws 1993, Chapter 2, Section 1 and by Laws 1993, Chapter 226, Sections 21 and 22 and also by Laws 1993, Chapter 228, Sections 2 and 3) is amended to read:

"22-8-20. BASIC PROGRAM UNITS.--The number of basic program units is determined by multiplying the basic program MEM in each grade by the corresponding cost differential factor as follows:

Grades	Cost Differential Factor
1	1.2
2 and 3	1.18
4 and 5	1.045
6 through 12	1.30."

## **Chapter 89 Section 5 Laws 2025**

SECTION 5. Section 22-8-23.3 NMSA 1978 (being Laws 1997, Chapter 40, Section 7, as amended) is amended to read:

"22-8-23.3. AT-RISK PROGRAM UNITS.--

A. A school district or charter school is eligible for additional program units if it establishes within its department-approved educational plan identified services to assist students to reach their full academic potential. A school district or charter school receiving additional at-risk program units shall include a report of specified services implemented to improve the academic success of at-risk students. The report shall identify the ways in which the school district, charter school and individual public schools use funding generated through the at-risk index and the intended outcomes. For purposes of this section, "at-risk student" means a student who meets the criteria to be included in the calculation of the three-year average rate in Subsection B of this section. The number of additional units to which a school district or charter school is entitled under this section is computed in the following manner:

$$\text{At-Risk Index} \times \text{MEM} = \text{Units}$$



where MEM is equal to the total district or charter school membership, including early childhood education, full-time-equivalent membership and special education membership and where the at-risk index is calculated in the following manner:

$$\text{Three-Year Average Rate} \times 0.40 = \text{At-Risk Index.}$$

B. To calculate the three-year average rate, the department shall compute the preceding three-year average of the school district's or charter school's family income index rate.

C. The department shall recalculate the at-risk index for each school district and charter school every year.

D. For purposes of this section, "services" means research-based or evidence-based social, emotional or academic interventions, such as:

(1) case management, tutoring, reading interventions and after-school programs that are delivered by social workers, counselors, teachers or other professional staff;

(2) culturally relevant professional and curriculum development, including those necessary to support language acquisition, bilingual and multicultural education;

(3) additional compensation strategies for high-need schools;

(4) whole school interventions, including school-based health centers and community schools;

(5) educational programming intended to improve career and college readiness of at-risk students, including dual or concurrent enrollment, career and technical education, guidance counseling services and coordination with post-secondary institutions; and

(6) services to engage and support parents and families in the education of students."

## **Chapter 89 Section 6 Laws 2025**

SECTION 6. A new section of the Public School Finance Act, Section 22-8-23.15 NMSA 1978, is enacted to read:

"22-8-23.15. ENGLISH LEARNER PROGRAM UNITS.--

A. A school district or charter school is eligible for additional program units if it establishes identified services to assist English learners to attain English language

proficiency in a reasonable period of time. The number of additional units to which a school district or charter school is entitled pursuant to this section is computed in the following manner:

$$\text{Three-Year Average Rate} \times \text{MEM} \times 0.33 = \text{Units.}$$

B. To calculate the three-year average rate, the department shall compute the preceding three-year average of the school district's or charter school's percentage of MEM that is classified as an English learner, using criteria established by the office for civil rights of the United States department of education. The three-year average rate shall include students who have been reclassified as fluent English proficient in the preceding two school years, as determined by the department on the department-approved English language proficiency assessment.

C. The department shall recalculate the three-year average rate for each school district and charter school every year.

D. For the purposes of this section, "services" means research- or evidence-based social, emotional or academic interventions designed to improve student achievement and sustain student progress, such as:

(1) culturally sustaining case management, tutoring, language development interventions, out-of-school time programs and student service-leadership development opportunities;

(2) culturally sustaining professional learning, coursework and curriculum development opportunities;

(3) culturally and grade-level-appropriate instructional materials;

(4) additional compensation strategies that support high-quality, culturally and linguistically sustaining instruction;

(5) innovative staffing, scheduling and programming strategies that promote collaborative instruction; and

(6) services to support and partner with parents and families in the long-term success of students."

## **Chapter 89 Section 7 Laws 2025**

SECTION 7. TEMPORARY PROVISION--PROTECTION FROM PROGRAM COST REDUCTIONS.--

A. Using money appropriated by the legislature for fiscal year 2026, the public education department shall supplement a school district's or charter school's calculated program cost in that fiscal year:

(1) if, for fiscal year 2026, the school district's or charter school's calculated program units are less than its final program units in fiscal year 2025, if the reduction is attributable to the implementation of Sections 2 through 6 of this act, an amount equal to one hundred percent of the reduction attributable to those sections; and

(2) if, in fiscal year 2026, the appropriation for the purpose of implementing this subsection is insufficient to supplement school districts and charter schools in accordance with Paragraph (1) of this subsection, then in an amount equal to the school district's or charter school's prorated share of the total appropriation.

B. On or before January 31, 2026, the public education department shall submit a report to the legislative education study committee and the legislative finance committee that states the need for a supplemental appropriation for fiscal year 2026 that shows:

(1) the total sum needed to supplement school districts and charter schools in accordance with this section; and

(2) the supplemental amount for each of those school districts and charter schools.

## **Chapter 89 Section 8 Laws 2025**

SECTION 8. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 90**

**House Bill 69**

**Approved April 8, 2025**

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE PUBLIC SERVICE LOAN FORGIVENESS MULTIPLIER ACT; PROVIDING A MULTIPLIER FOR ADJUNCT AND CONTINGENT FACULTY AT POST-SECONDARY EDUCATIONAL INSTITUTIONS; PROVIDING FOR THE CERTIFICATION OF FULL-TIME EMPLOYMENT STATUS; PROVIDING FOR NOTICE AND RENEWAL OF A PUBLIC SERVICE LOAN FORGIVENESS FORM; PROVIDING FOR THE DISSEMINATION OF PUBLIC SERVICE LOAN FORGIVENESS INFORMATION.

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

## **Chapter 90 Section 1 Laws 2025**

SECTION 1. A new section of Chapter 21 NMSA 1978 is enacted to read:

"SHORT TITLE.--This act may be cited as the "Public Service Loan Forgiveness Multiplier Act".

## **Chapter 90 Section 2 Laws 2025**

SECTION 2. A new section of Chapter 21 NMSA 1978 is enacted to read:

"DEFINITIONS.--As used in the Public Service Loan Forgiveness Multiplier Act:

A. "certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan forgiveness form;

B. "employee" means someone who works for a public service employer, regardless of whether the public service employer considers that work to be full-time or part-time, contingent or contracted, or who receives a form W-2 from the employer;

C. "full-time" means the lesser of:

(1) working at least an average of thirty hours per week or working at least an average of thirty hours per week throughout a contractual or employment period of at least eight months in a twelve-month period; or

(2) an hourly standard adopted by the United States department of education;

D. "public service employer" means a post-secondary educational institution in the state that is designated as a qualifying employer under the federal public service loan forgiveness program by the United States department of education;

E. "public service loan forgiveness form" means the form used by the United States department of education to certify an individual's employment at a public service organization and is used to determine eligibility for the purposes of the public service loan forgiveness program; and

F. "public service loan forgiveness program" means the federal loan forgiveness program established pursuant to 34 C.F.R. Section 685.219, as amended."

## Chapter 90 Section 3 Laws 2025

SECTION 3. A new section of Chapter 21 NMSA 1978 is enacted to read:

### "CERTIFICATION OF EMPLOYMENT--HOUR MULTIPLIER--DETERMINATION OF FULL-TIME EMPLOYMENT.--

A. For the purposes of certifying employment for the public service loan forgiveness program for employees who are former or current adjunct professors or contingent faculty at a post-secondary educational institution, a public service employer shall credit at least four and thirty-five hundredths hours worked for each hour of credit or classroom contact time, regardless of when the hours are worked, including hours worked on or after October 1, 2007. The provisions of this subsection shall not supersede any greater adjustment factor established by a collective bargaining agreement or employer policy in recognition of additional work associated with lecture or classroom time for the purpose of the public service loan forgiveness program and shall have no other applicability for public service employers and employees.

B. When determining whether an employee is considered full-time, for the purpose of certifying employment for the public service loan forgiveness program only, a public service employer shall not treat any adjusted total hours worked pursuant to this section differently from hours worked without an adjustment factor.

C. For the purpose of certifying employment only, a public service employer shall:

(1) consider as full-time, as necessary, any employee who satisfies the definition of "full-time" pursuant to Subsection C of Section 2 of the Public Service Loan Forgiveness Multiplier Act; and

(2) treat as a continuous employment period any consecutive academic terms for which an employee teaches, regardless of whether such hours are taught pursuant to separate employment contracts and regardless of whether such academic terms are separated by routine academic vacation, but only to the extent that doing so maximizes the amount of time for which an employee's employment can be considered full-time.

D. A public service employer shall adopt a policy of maximizing the amount of time for which an employee's employment can be considered full-time. Nothing in this section shall require a public service employee to increase the number of contracted hours for which the employee is paid.

E. Notwithstanding the provisions of this section, should the United States department of education promulgate rules related to the calculation of hours worked for the purposes of certifying employment for the public service loan forgiveness program

that are more favorable to employees than those requirements provided herein, those rules shall govern."

## **Chapter 90 Section 4 Laws 2025**

SECTION 4. A new section of Chapter 21 NMSA 1978 is enacted to read:

"EMPLOYMENT CERTIFICATION--PUBLIC SERVICE LOAN FORGIVENESS FORM--CALCULATION OF TIME WORKED.--

A. In the event that the United States department of education permits public service employers to certify employment for past or present individual employees or groups of employees directly with the United States department of education or its agents, notwithstanding any other provision of law, a public service employer shall be permitted to send to the United States department of education or its agents the information necessary for employment certification.

B. Subject to the provisions of this section, a public service employer shall certify the employment of:

(1) any former or current employee who requests that the public service employer complete a public service loan forgiveness form; and

(2) any employee who is ending work with the public service employer.

C. The public service employer shall certify the period of employment requested by the former or current employee or, if no period is specified, shall certify a former or current employee's entire period of employment.

D. Post-secondary educational institutions shall use the calculation established in Section 3 of the Public Service Loan Forgiveness Multiplier Act and may apply it to hours worked beginning October 1, 2007, only for the purpose of determining whether a part-time employee is considered full-time for the public service loan forgiveness program.

E. A public service employer shall not unreasonably delay certifying employment.

F. Nothing in this section shall prevent a public service employer from seeking permission from employees prior to certifying the employees' employment."

## **Chapter 90 Section 5 Laws 2025**

SECTION 5. A new section of Chapter 21 NMSA 1978 is enacted to read:

**"HIGHER EDUCATION DEPARTMENT DUTIES--PUBLIC SERVICE  
EMPLOYER DUTIES--DISSEMINATION OF LOAN FORGIVENESS INFORMATION.--**

A. The secretary of higher education or the secretary's designee shall develop and update, as necessary, materials designed to promote and increase awareness of the public service loan forgiveness program. The secretary or the secretary's designee may use materials developed by other state agencies or by the United States department of education, as appropriate. The materials shall include:

(1) a standardized letter for public service employers to distribute to employees that briefly summarizes the public service loan forgiveness program, provides information about what eligible employees are required to do to benefit from the program and recommends that eligible employees contact their student loan service for additional resources;

(2) a detailed fact sheet describing the public service loan forgiveness program, including the official websites maintained by the United States department of education for the program and by the United States department of the treasury for student loan borrower resources; and

(3) a document containing frequently asked questions about the public service loan forgiveness program.

B. The secretary of higher education shall coordinate with other state agencies and offices, as necessary, to make the materials available to public service employers.

C. Each public service employer shall annually provide to all employees the most recent available version of the materials required pursuant to Subsection A of this section in written or electronic form. In addition to those materials, a public service employer shall provide a newly hired employee with those same materials within thirty days of the employee's first day of employment by mail, by electronic mail or during an in-person new employee orientation."

**Chapter 90 Section 6 Laws 2025**

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

**LAWS 2025, CHAPTER 91**

**HJC/HJC/House Bill 78, aa  
Approved April 8, 2025**

AN ACT

RELATING TO PRESCRIPTION DRUGS; PROHIBITING DISCRIMINATION AGAINST ENTITIES PARTICIPATING IN THE FEDERAL 340B DRUG PRICING PROGRAM.

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

## **Chapter 91 Section 1 Laws 2025**

### **SECTION 1. PROHIBITION OF DISCRIMINATION AGAINST 340B ENTITIES.--**

A. As used in this section:

(1) "340B drug" means a drug that is purchased at a discount in accordance with the 340B program requirements;

(2) "340B program" means the federal drug pricing program created pursuant to 42 U.S.C. Section 256b;

(3) "affiliate" means a person that directly or indirectly controls, is controlled by or is under common control with a manufacturer;

(4) "applicable entity" means an organization that receives federal grant funding and is recognized by the federal health resources and services administration as a federally qualified health center or a federally qualified health center lookalike; and

(5) "manufacturer" means an entity licensed to manufacture prescription drugs pursuant to the Pharmacy Act.

B. A manufacturer, a manufacturer's agent or an affiliate of a manufacturer shall not directly or indirectly:

(1) deny, restrict, prohibit or interfere with the acquisition of a 340B drug by, or delivery of a 340B drug to, a pharmacy contractually obligated with an applicable entity and is authorized to receive and dispense 340B drugs on behalf of the applicable entity unless receipt of the 340B drugs is prohibited by the United States department of health and human services;

(2) interfere with the ability of a pharmacy contracted with an applicable entity to dispense 340B drugs to the applicable entity's eligible patients; or

(3) require an applicable entity to submit any claims, utilization, purchasing or other data as a condition for allowing the acquisition of a 340B drug by, or delivery of a 340B drug to, an applicable entity unless the sharing of claims or utilization data is required by federal law.



## **Chapter 91 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2026.

## **LAWS 2025, CHAPTER 92**

**House Bill 89**

**Approved April 8, 2025**

AN ACT

RELATING TO HIGHER EDUCATION; AMENDING THE GRADUATE SCHOLARSHIP ACT; CHANGING ELIGIBILITY; INCREASING AWARDS.

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

## **Chapter 92 Section 1 Laws 2025**

SECTION 1. Section 21-21G-3 NMSA 1978 (being Laws 1988, Chapter 111, Section 3, as amended) is amended to read:

"21-21G-3. DEFINITIONS.--As used in the Graduate Scholarship Act:

A. "academic year" means the consecutive period of two semesters or other comparable units commencing with the fall term each year;

B. "award recipient" means a student who is a New Mexico resident and is awarded a graduate scholarship;

C. "department" means the higher education department;

D. "eligible institution" means a graduate-degree-granting state university enumerated in Article 12, Section 11 of the constitution of New Mexico and accredited by the higher learning commission;

E. "graduate field" means a program of study intended to result in a master's or doctoral degree, excluding a doctor of medicine; and

F. "groups underrepresented in graduate education" means women, minorities, persons with a visual impairment or other physical disability and other groups that have traditionally been underrepresented in the specific area of graduate study or profession for which the scholarship is awarded."

## **Chapter 92 Section 2 Laws 2025**

SECTION 2. Section 21-21G-5 NMSA 1978 (being Laws 1988, Chapter 111, Section 5, as amended) is amended to read:

"21-21G-5. CONDITIONS FOR FIRST-YEAR ELIGIBILITY.—

A. Priority shall be given to New Mexico students who are New Mexico residents with the greatest financial need and students who are residents from groups underrepresented in graduate education.

B. A scholarship may be awarded to a New Mexico resident who has:

(1) earned a bachelor's degree and maintained a grade point average of 3.0 or higher on a 4.0 scale or who holds a paid position supporting faculty teaching or research activities;

(2) met the admission requirements, is accepted for enrollment and enrolls in at least six credit hours in a graduate field of study; and

(3) complied with all the rules adopted by the department for award of the scholarship and the provisions regarding the administration of the graduate scholarship program."

## **Chapter 92 Section 3 Laws 2025**

SECTION 3. Section 21-21G-6 NMSA 1978 (being Laws 1988, Chapter 111, Section 6, as amended) is amended to read:

"21-21G-6. CONDITIONS FOR CONTINUING ELIGIBILITY.--

A. Except as provided in Subsection B of this section, a scholarship may be re-awarded to a student who:

(1) was an award recipient the previous year;

(2) maintains a grade point average of 3.0 or higher on a 4.0 scale and remains in good academic standing as determined by the eligible institution; and

(3) is enrolled in at least six credit hours in a graduate field of study.

B. A graduate scholarship may be granted until the award recipient either receives a terminal degree or has qualified and received eight semesters of scholarship, whichever occurs first."

## **Chapter 92 Section 4 Laws 2025**

SECTION 4. Section 21-21G-7 NMSA 1978 (being Laws 1988, Chapter 111, Section 7, as amended) is amended to read:

"21-21G-7. AMOUNT OF SCHOLARSHIPS.--Scholarship award amounts shall not exceed one hundred percent of tuition and fees for the graduate program at the eligible institution for the academic year; provided that the department shall fund only one semester at a time and shall not fund the second semester of the academic year if the student does not enroll for that semester or does not otherwise maintain eligibility."

## **Chapter 92 Section 5 Laws 2025**

SECTION 5. Section 21-21G-10 NMSA 1978 (being Laws 1988, Chapter 111, Section 10, as amended) is amended to read:

"21-21G-10. TERMINATION OF SCHOLARSHIPS.--A scholarship is terminated upon the occurrence of:

A. withdrawal from the eligible institution by the award recipient or failure to reenroll for consecutive academic semesters;

B. failure to maintain the required grade point average and other qualifications for the scholarship; or

C. substantial noncompliance by the award recipient with the Graduate Scholarship Act or the rules or procedures promulgated by the department in accordance with that act."

## **Chapter 92 Section 6 Laws 2025**

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 93**

**HGEIC/House Bill 93, aa, w/cc**

**Approved April 8, 2025**

AN ACT

RELATING TO UTILITIES; PROVIDING FOR THE INCLUSION OF ADVANCED GRID TECHNOLOGY PROJECTS BY PUBLIC UTILITIES WHEN FILING AN APPLICATION FOR APPROVAL OF GRID MODERNIZATION PROJECTS TO THE PUBLIC REGULATION COMMISSION; ALLOWING UTILITIES TO RECOVER FROM

CUSTOMERS COSTS FOR ADVANCED GRID TECHNOLOGY PROJECTS; INCLUDING ADVANCED GRID TECHNOLOGIES IN UTILITY INTEGRATED RESOURCE PLANS AND THE ANNUAL REPORTS OF DISTRIBUTION COOPERATIVE UTILITIES; PERMITTING THE GENERATION AND DISTRIBUTION OF SELF-SOURCED POWER.

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

## **Chapter 93 Section 1 Laws 2025**

SECTION 1. Section 62-8-13 NMSA 1978 (being Laws 2020, Chapter 15, Section 3, as amended) is amended to read:

"62-8-13. APPLICATION FOR GRID MODERNIZATION PROJECTS--  
ADVANCED GRID TECHNOLOGY PROJECTS.--

A. A public utility may file an application with the commission to approve grid modernization projects that are needed by the utility, or upon request of the commission. Applications may include requests for approval of investments or incentives to facilitate grid modernization, rate designs or programs that incorporate the use of technologies, equipment or infrastructure associated with grid modernization and customer education and outreach programs that increase awareness of grid modernization programs and of the benefits of grid modernization. Applications shall include the utility's estimate of costs for grid modernization projects. Applications may include requests for approval of advanced grid technology projects pursuant to Subsection G of this section. Applications for grid modernization projects shall be filed pursuant to Sections 62-9-1 and 62-9-3 NMSA 1978, as applicable.

B. When considering applications for approval, the commission shall review the reasonableness of a proposed grid modernization project and as part of that review shall consider whether the requested investments, incentives, programs and expenditures are:

(1) reasonably expected to improve the public utility's electrical system efficiency, reliability, resilience and security; maintain reasonable operations, maintenance and ratepayer costs; and meet energy demands through a flexible, diversified and distributed energy portfolio, including energy standards established in Section 62-16-4 NMSA 1978;

(2) designed to support connection of New Mexico's electrical grid into regional energy markets and increase New Mexico's capability to supply regional energy needs through export of clean and renewable electricity;

(3) reasonably expected to increase access to and use of clean and renewable energy, with consideration given for increasing access to low-income users and users in underserved communities;

(4) designed to contribute to the reduction of air pollution, including greenhouse gases;

(5) reasonably expected to support increased product and program offerings by utilities to their customers; allow for private capital investments and skilled jobs in related services; and provide customer protection, information or education;

(6) transparent, incorporating public reporting requirements to inform project design and commission policy; and

(7) otherwise consistent with the state's grid modernization planning process and priorities.

C. Except as provided in Subsection D of this section, a public utility that undertakes grid modernization projects approved by the commission may recover its reasonable costs through an approved tariff rider or in base rates, or by a combination of the two. Costs that are no greater than the amount approved by the commission for a utility grid modernization project are presumed to be reasonable. A tariff rider proposed by a public utility to fund approved grid modernization projects shall go into effect thirty days after filing, unless suspended by the commission for a period not to exceed one hundred eighty days. If the tariff rider is not approved or suspended within thirty days after filing, it shall be deemed approved as a matter of law. If the commission has not acted to approve or disapprove the tariff rider by the end of the suspension period, it shall be deemed approved as a matter of law.

D. Costs for a grid modernization project that only benefits customers of an electric distribution system shall not be recovered from customers served at a level of one hundred ten thousand volts or higher from an electric transmission system in New Mexico, except for advanced grid technology projects pursuant to Subsection G of this section.

E. The provisions of this section do not apply to a distribution cooperative organized pursuant to the Rural Electric Cooperative Act.

F. As used in this section, "grid modernization" means improvements to electric distribution or transmission infrastructure through investments in assets, technologies or services that are designed to modernize the electrical system by enhancing electric distribution or transmission grid reliability, resilience, interconnection of distributed energy resources, distribution system efficiency, grid security against cyber and physical threats, customer service or energy efficiency and conservation and includes:

(1) advanced metering infrastructure and associated communications networks;

- (2) intelligent grid devices for real-time or near-real-time system and asset information;
- (3) automated control systems for electric transmission and distribution circuits and substations;
- (4) high-speed, low-latency communications networks for grid device data exchange and remote and automated control of devices;
- (5) distribution system hardening projects for circuits and substations designed to reduce service outages or service restoration times, but does not include the conversion of overhead tap lines to underground service;
- (6) physical security measures at critical distribution substations;
- (7) cybersecurity measures;
- (8) systems or technologies that enhance or improve distribution system planning capabilities by the public utility;
- (9) technologies to enable demand response;
- (10) energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability or resiliency or provide temporary backup energy supply;
- (11) infrastructure and equipment necessary to support electric vehicle charging or the electrification of community infrastructure or industrial production, processing or transportation; and
- (12) new customer information platforms designed to provide improved customer access, greater service options and expanded access to energy usage information.

G. When considering advanced grid technology projects for approval, the commission shall review the reasonableness of the projects proposed and whether the investments, programs and expenditures of the project would:

- (1) reduce costs to ratepayers by avoiding or deferring the need for investment in new generation or transmission, including new rights of way;
- (2) assist with ensuring grid reliability, including transmission and distribution system stability, while integrating sources of renewable energy into the grid;
- (3) support the diversification of energy resources and enhance grid security;

(4) reduce greenhouse gases and other air pollutants resulting from power generation, as required by the energy standards established pursuant to Section 62-16-4 NMSA 1978;

(5) be reasonably expected to increase access to and the use of clean and renewable energy, with consideration given for increasing access for low-income users and users in underserved communities;

(6) be consistent with the state's grid modernization planning and priorities; and

(7) be the most cost effective among feasible alternatives, taking into consideration future benefits for customers that may reasonably result from the selection of advanced transmission technologies.

H. As used in this section, "advanced grid technology project" means a project that is consistent with the priorities of the state's grid modernization planning and that is contemplated by a utility's most recent integrated resource plan or most recent grid modernization plan that makes use of advanced grid technologies."

## **Chapter 93 Section 2 Laws 2025**

SECTION 2. A new section of Chapter 62, Article 8 NMSA 1978 is enacted to read:

"DEFINITIONS.--As used in Chapter 62, Article 8 NMSA 1978:

A. "advanced conductor" means a conductor that has a direct current electrical resistance at least ten percent lower than existing conductors of a similar diameter while simultaneously increasing the energy carrying capacity by at least seventy-five percent;

B. "advanced grid technology" means hardware or software technology that increases the efficiency, capacity or reliability of existing or new electric transmission and distribution systems, facilities and equipment and includes advanced conductors, thermal ratings, grid enhancing technology and technology determined by the commission or the federal energy regulation commission to increase the efficiency, capacity or reliability of an existing or new transmission facility;

C. "advanced power flow controllers" means hardware or software technology used to push or pull electric power in a manner that balances overloaded lines and underused corridors within a distribution or transmission system;

D. "dynamic line ratings" means hardware or software technology used to appropriately update the calculated thermal limits of existing distribution or transmission lines based on real-time and forecasted weather conditions;

E. "grid enhancing technology" means hardware or software technology that reduces congestion or enhances the flexibility of electric transmission and distribution systems by increasing the capacity of a line or rerouting electricity from overloaded to uncongested lines while maintaining industry safety standards and includes dynamic line ratings, advanced power flow controllers and topology optimization; and

F. "topology optimization" means hardware or software technology that identifies reconfigurations of the distribution or transmission grid and can enable the routing of power flows around congested or overloaded distribution or transmission elements."

## **Chapter 93 Section 3 Laws 2025**

SECTION 3. Section 62-17-4 NMSA 1978 (being Laws 2005, Chapter 341, Section 4, as amended) is amended to read:

"62-17-4. DEFINITIONS.--As used in the Efficient Use of Energy Act:

A. "achievable" means those energy efficiency or load management resources available to the utility using its best efforts;

B. "advanced conductor" means a conductor that has a direct current electrical resistance at least ten percent lower than existing conductors of a similar diameter while simultaneously increasing the energy carrying capacity by at least seventy-five percent;

C. "advanced grid technology" means hardware or software technology that increases the efficiency, capacity or reliability of existing or new electric transmission and distribution systems, facilities and equipment and includes advanced conductors, thermal ratings, grid enhancing technology and technology determined by the commission or the federal energy regulation commission to increase the efficiency, capacity or reliability of an existing or new transmission facility;

D. "advanced power flow controllers" means hardware or software technology used to push or pull electric power in a manner that balances overloaded lines and underused corridors within a distribution or transmission system;

E. "commission" means the public regulation commission;

F. "cost-effective" means that the energy efficiency or load management program meets the utility cost test;

G. "customer" means a utility customer at a single, contiguous field, location or facility, regardless of the number of meters at that field, location or facility;



H. "distribution cooperative utility" means a utility with distribution facilities organized as a rural electric cooperative pursuant to Laws 1937, Chapter 100 or the Rural Electric Cooperative Act or similarly organized in other states;

I. "dynamic line ratings" means hardware or software technology used to appropriately update the calculated thermal limits of existing distribution or transmission lines based on real-time and forecasted weather conditions;

J. "energy efficiency" means measures, including energy conservation measures, or programs that target consumer behavior, equipment or devices to result in a decrease in consumption of electricity and natural gas without reducing the amount or quality of energy services;

K. "grid enhancing technology" means hardware or software technology that reduces congestion or enhances the flexibility of electric transmission and distribution systems by increasing the capacity of a line or rerouting electricity from overloaded to uncongested lines while maintaining industry safety standards and includes dynamic line ratings, advanced power flow controllers and topology optimization;

L. "large customer" means a customer with electricity consumption greater than seven thousand megawatt-hours per year or natural gas use greater than three hundred sixty thousand decatherms per year;

M. "load management" means measures or programs that target equipment or devices to result in decreased peak electricity demand or shift demand from peak to off-peak periods;

N. "program costs" means the prudent and reasonable costs of developing and implementing energy efficiency and load management programs, but "program costs" does not include charges for incentives or the removal of regulatory disincentives;

O. "public utility" means a public utility that is not also a distribution cooperative utility;

P. "topology optimization" means hardware or software technology that identifies reconfigurations of the distribution or transmission grid and can enable the routing of power flows around congested or overloaded distribution or transmission elements; and

Q. "utility cost test" means a standard that is met if the monetary costs that are borne by the public utility and that are incurred to develop, acquire and operate energy efficiency or load management resources on a life-cycle basis are less than the avoided monetary costs associated with developing, acquiring and operating the associated supply-side resources."

## **Chapter 93 Section 4 Laws 2025**

SECTION 4. Section 62-17-10 NMSA 1978 (being Laws 2005, Chapter 341, Section 10) is amended to read:

"62-17-10. INTEGRATED RESOURCE PLANNING.--Pursuant to the commission's rulemaking authority, public utilities supplying electric or natural gas service to customers shall periodically file an integrated resource plan with the commission. Utility integrated resource plans shall evaluate renewable energy, energy efficiency, load management, distributed generation and conventional supply-side resources on a consistent and comparable basis and take into consideration deployment of advanced grid technologies, risk and uncertainty of fuel supply, price volatility and costs of anticipated environmental regulations in order to identify the most cost-effective portfolio of resources to supply the energy needs of customers. The preparation of resource plans shall incorporate a public advisory process. Nothing in this section shall prohibit public utilities from implementing cost-effective energy efficiency and load management programs and the commission from approving public utility expenditures on energy efficiency programs and load management programs prior to the commission establishing rules and guidelines for integrated resource planning. The commission may exempt public utilities with fewer than five thousand customers and distribution-only public utilities from the requirements of this section. The commission shall take into account a public utility's resource planning requirements in other states and shall authorize utilities that operate in multiple states to implement plans that coordinate the applicable state resource planning requirements. The requirements of this section shall take effect one year following the commission's adoption of rules implementing the provisions of this section."

## **Chapter 93 Section 5 Laws 2025**

SECTION 5. Section 62-17-11 NMSA 1978 (being Laws 2005, Chapter 341, Section 11, as amended) is amended to read:

"62-17-11. DISTRIBUTION COOPERATIVE UTILITIES.--

A. Distribution cooperative utilities shall periodically examine the potential to assist their customers in reducing energy consumption or peak electricity demand in a cost-effective manner. Based on these studies, by January 1, 2009, distribution cooperative utilities shall establish energy efficiency and load management targets and begin to implement cost-effective energy efficiency and load management programs that are economically feasible and practical for their members and customers. Approval for such programs shall reside with the governing body of each distribution cooperative utility and not with the commission.

B. Each distribution cooperative utility shall file with the commission, concurrently with its annual report, a report that describes all of the distribution cooperative utility's programs or measures that promote energy efficiency, conservation

or load management, including the deployment of advanced grid technologies. The report shall set forth the costs of each of the programs or measures for the previous calendar year and the resulting effect on the consumption of electricity. In offering or implementing energy efficiency, conservation or load management programs, a distribution cooperative utility shall attempt to minimize any cross-subsidies between customer classes.

C. Each distribution cooperative utility shall include in the report required by Subsection B of this section a description of all programs or measures to promote energy efficiency, conservation or load management, including the deployment of advanced grid technologies, that are planned and the anticipated date for implementation.

D. Costs resulting from programs or measures to promote energy efficiency, conservation or load management, including the deployment of advanced grid technologies, may be recovered by the distribution cooperative utility through its general rates. In requesting approval to recover such costs in general rates, the distribution cooperative utility may elect to use the procedure set forth in Subsection H of Section 62-8-7 NMSA 1978."

## **Chapter 93 Section 6 Laws 2025**

SECTION 6. A new section of Chapter 62 NMSA 1978 is enacted to read:

"SELF-SOURCED POWER GENERATION.--

A. Persons located within the state may receive electricity service using a qualified microgrid that may also deliver electricity to equipment, lines and facilities operated by an electric public utility; provided that the person and the electric public utility enter into an electric service agreement.

B. This section authorizes an electric public utility, subject to approval by the public regulation commission, to acquire self-source generation resources or energy and dedicate those resources or energy to retail services, wholesale services or self-generation services, or any combination of those services, and rates established for those services shall take into account the public interest and need, reliability and affordability. The public regulation commission shall not approve an acquisition pursuant to this section from a facility that does not qualify as a self-source generation resource.

C. Energy generated and sold from a self-source generation resource that is owned in whole or in part by a qualified microgrid shall not be considered retail sales or energy as contemplated under Sections 62-15-34, 62-16-4 and 62-18-10 NMSA 1978 until 2035, whether serving the qualified microgrid or purchased in whole or in part by the electric public utility to provide service. By 2045, all of the energy that a qualified microgrid generates and sells shall be from net-zero carbon resources. An operator of a qualified microgrid shall file reports as required by the public regulation commission,

certifying the qualified microgrid's progress toward and compliance with the net-zero carbon resource standard.

D. A person who only provides self-source generation sales from a self-source generation resource to that person's employees or tenants, when the service or commodity is not resold to or used by others, shall not be considered an electric public utility.

E. As used in this section:

(1) "electric public utility" means an electric public utility certified by the public regulation commission to provide retail electric service in New Mexico pursuant to the Public Utility Act that is not also a distribution cooperative utility;

(2) "net-zero carbon resource" means an electricity generation resource that emits no carbon dioxide into the atmosphere, or that reduces methane emitted into the atmosphere in an amount equal to no less than one-tenth of the tons of carbon dioxide emitted into the atmosphere, as a result of electricity production;

(3) "qualified microgrid" means a permanent or temporary electrical system that:

(a) incorporates a microgrid controller;

(b) includes a self-source generation resource that is capable of generating not less than twenty megawatts; and

(c) is capable of operating independently and disconnected from the grid;

(4) "self-source generation resource" means a permanent or temporary electricity generating resource that is dedicated to primarily serving the persons connected either directly or indirectly through business affiliates to the construction and installation of a qualified microgrid; and

(5) "self-source generation sales" means sales of electricity to persons or utilities generated from a self-source generation resource."

## **Chapter 93 Section 7 Laws 2025**

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 94**

**HAFC/House Bill 113**

**Approved April 8, 2025**

AN ACT

RELATING TO ANIMALS; CREATING THE ANIMAL WELFARE PROGRAM TO PROVIDE FUNDING FOR PROJECTS THAT SUPPORT THE WELFARE OF DOMESTIC CATS AND DOGS; CREATING THE ANIMAL WELFARE PROGRAM FUND.

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

## **Chapter 94 Section 1 Laws 2025**

### SECTION 1. ANIMAL WELFARE PROGRAM.--

A. The "animal welfare program" is created to provide funding for projects that support the welfare of domestic cats and dogs as provided in this section. Beginning July 1, 2025, the department may award a grant to a municipality or county or an Indian nation, tribe or pueblo, or contract for services with an eligible entity, for a project to repair, renovate or operate an animal shelter, provided that a grant to repair or renovate shall only be for publicly owned facilities, and to purchase equipment and supplies or provide services for:

- (1) controlling loose or stray cats and dogs to mitigate threats to public safety, livestock or other domestic animals;
- (2) improving the enforcement of animal cruelty laws, including investigation and response to reports of animal cruelty;
- (3) reducing animal shelter intake and euthanasia rates or expanding animal shelter building facility capacity;
- (4) providing spay and neuter services;
- (5) providing shelter and care for cats and dogs seized by law enforcement that are suspected of being cruelly treated in violation of local, state or federal laws; or
- (6) developing, publishing or distributing animal welfare education and outreach materials to the public.

B. To receive a grant or contract for services, an applicant shall apply to the department on forms and in a manner prescribed by the department. An application shall include:

- (1) a description of the proposed project;
- (2) a demonstration that the proposed project will meet one or more of the purposes provided in Subsection A of this section; and
- (3) details and specifics as to the reasonable expected costs and completion date of the proposed project.

C. The department shall determine, through a competitive review process pursuant to rules promulgated by the department, which proposed projects are approved to receive a grant or contract for services. The department may adjust the amount of money requested for a proposed project based on its determination of the reasonable costs of the proposal. Once the projects are approved, the department shall promptly offer each applicant a grant or contract for services, as appropriate. If a grantee or contractor accepts an offer, the project may commence and the grantee or contractor shall report to the department on the progress of the project on a periodic basis, as determined by the department, including an accounting of expenditures made for the project. Funds allocated to an approved project shall be spent within two years of receiving a grant or contract for services, and if any unexpended or unencumbered balance remains at the end of the project period, the applicant shall immediately return that balance to the department. The department shall deposit returned amounts in the animal welfare program fund.

D. The department shall promulgate rules to administer the animal welfare program. The rules shall include provisions to:

- (1) establish procedures for review, evaluation and approval of proposed project applications;
- (2) accord priority attention to areas with the greatest need for animal welfare projects; and
- (3) evaluate the ability and competence of an applicant to provide efficiently and adequately for the completion of a proposed project.

E. On October 1 of each year, the department shall submit a report to the legislative finance committee on the animal welfare program that shall include:

- (1) for each funded project:
  - (a) a description of the project;

- (b) the name of the grantee or contractor;
  - (c) how much funding the project received;
  - (d) the progress or completion of the project; and
  - (e) how the project supports animal welfare;
- (2) the number and proposed costs of proposed projects that were approved for but did not receive funding due to the insufficiency of available funds for the animal welfare program; and
- (3) the total amount of administrative costs incurred by the department to administer the program.

F. As used in this section:

- (1) "department" means the department of finance and administration;
- (2) "eligible entity" means a nonprofit organization whose primary purpose is to provide services that support the welfare of domestic cats and dogs; and
- (3) "equipment and supplies" means vehicles, equipment and tools, computer hardware and software, training materials and supplies that are necessary and directly related to providing support for animal welfare.

## **Chapter 94 Section 2 Laws 2025**

SECTION 2. ANIMAL WELFARE PROGRAM FUND.--The "animal welfare program fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations. The department of finance and administration shall administer the fund, and money in the fund is appropriated to the department to administer the animal welfare program. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of finance and administration or the secretary's authorized representative.

## **LAWS 2025, CHAPTER 95**

**House Bill 117, aa**  
**Approved April 8, 2025**

AN ACT

RELATING TO VITAL STATISTICS; ALLOWING PHYSICIAN ASSISTANTS TO CERTIFY THE DEATH OF A PATIENT; AMENDING THE REQUIREMENTS FOR REFERRALS TO THE STATE MEDICAL INVESTIGATOR.

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

## **Chapter 95 Section 1 Laws 2025**

SECTION 1. Section 24-14-20 NMSA 1978 (being Laws 1961, Chapter 44, Section 18, as amended) is amended to read:

"24-14-20. DEATH REGISTRATION.--

A. A death certificate for each death that occurs in this state shall be filed within five days after the death and prior to final disposition. The death certificate shall be registered by the state registrar if it has been completed and filed in accordance with this section, subject to the exception provided in Section 24-14-24 NMSA 1978; provided that:

(1) if the place of death is unknown but the dead body is found in this state, a death certificate shall be filed with a local registrar within ten days after the occurrence. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be approximated by the state medical investigator; and

(2) if death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where the body is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state, but the certificate shall show the actual place of death insofar as can be determined by the state medical investigator.

B. The funeral service practitioner or person acting as a funeral service practitioner who first assumes custody of a dead body shall:

(1) file the death certificate;

(2) obtain the personal data from the next of kin or the best qualified person or source available; and

(3) obtain the medical certification of cause of death.

C. The medical certification shall be completed and signed within forty-eight hours after death by the physician, nurse practitioner or physician assistant in charge of



the patient's care for the illness or condition that resulted in death, except when inquiry is required by law. Except as provided in Subsection D of this section, in the absence of the physician, nurse practitioner or physician assistant, or with the physician's, the nurse practitioner's or the physician assistant's approval, the medical certification may be completed and signed by the physician's associate physician, the nurse practitioner's associate nurse practitioner, the physician assistant's associate physician assistant, the chief medical officer of the institution in which death occurred or the physician who performed an autopsy on the decedent; provided that the individual has access to the medical history of the case and views the deceased at or after death and that death is due to natural causes.

D. Unless there is reasonable cause to believe that the death is not due to natural causes, a registered nurse employed by a nursing home or a hospice agency may pronounce the death of a resident of the nursing home and a registered nurse employed by a hospital may pronounce the death of a patient of the hospital. The nurse shall have access to the medical history of the case and view the deceased at or after death, and the individual who completes the medical certification shall not be required to view the deceased at or after death. The death shall be pronounced pursuant to procedures or facility protocols prescribed by the hospital for patients or by the physician who is the medical director of the nursing home for residents. The procedures or facility protocols shall ensure that the medical certification of death is completed in accordance with the provisions of Subsection C of this section.

E. For purposes of this section:

(1) "hospital" means a public hospital, profit or nonprofit private hospital or a general or special hospital that is licensed as a hospital by the health care authority;

(2) "nurse practitioner" means a registered nurse who is licensed by the board of nursing for advanced practice as a certified nurse practitioner and whose name and pertinent information are entered on the list of certified nurse practitioners maintained by the board of nursing; and

(3) "nursing home" means any nursing institution or facility required to be licensed under state law as a nursing facility by the health care authority, whether proprietary or nonprofit, including skilled nursing home facilities.

F. When death occurs without medical attendance as set forth in Subsection C or D of this section or when death occurs more than three hundred sixty-five days after the decedent was last provided a medical examination, medical advice or a prescription for medication by a primary care physician, physician assistant or nurse practitioner, the case shall be referred to the state medical investigator for investigation to determine and certify the cause of death. If a physician, physician assistant or nurse practitioner is unable to certify the cause of death for a decedent by reasonably ascertaining the cause of death from the decedent's medical history, the case shall be

referred to the state medical investigator for investigation to determine and certify the cause of death.

G. An amended death certificate based on an anatomical observation shall be filed within thirty days of the completion of an autopsy."

## **LAWS 2025, CHAPTER 96**

**House Bill 128, aa**

**Approved April 8, 2025**

AN ACT

RELATING TO PUBLIC FINANCE; CREATING THE LOCAL SOLAR ACCESS FUND IN THE NEW MEXICO FINANCE AUTHORITY; PROVIDING GRANTS FOR SOLAR ENERGY SYSTEMS; REQUIRING THE NEW MEXICO FINANCE AUTHORITY TO ESTABLISH RULES; MAKING AN APPROPRIATION.

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

### **Chapter 96 Section 1 Laws 2025**

SECTION 1. A new section of the New Mexico Finance Authority Act is enacted to read:

"LOCAL SOLAR ACCESS FUND--CREATED--APPLICATIONS AND GRANTS--CONTRACT PERFORMANCE AND PAYMENT BONDS.--

A. As used in this section:

(1) "eligible entity" means a county, a municipality, a school district, a land grant--merced controlled and governed pursuant to Chapter 49, Article 1 NMSA 1978 or an Indian nation, tribe or pueblo located wholly or partially in New Mexico; and

(2) "solar energy system" means the equipment used to generate, convert, store, manage and monitor solar energy for use as thermal energy or electricity and may include:

(a) energy storage systems, including batteries, that are capable of retaining, storing and delivering electrical energy by chemical, thermal, mechanical or other means; and

(b) interconnection equipment required to safely interconnect the system with the electrical grid.

B. The "local solar access fund" is created in the authority. The fund consists of appropriations, distributions, transfers, income from investment of the fund, bequests, gifts, grants, donations 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. The fund shall be administered by the authority as a separate account and may consist of subaccounts as the authority deems necessary to carry out the purposes of the fund.

C. Money in the fund is appropriated to the authority to implement the provisions of this section, including to:

(1) provide grants to eligible entities to plan, design, construct, purchase, install and equip solar energy systems used to power buildings and infrastructure located within New Mexico that are owned and operated by an eligible entity, including necessary upgrades or repairs required to install or connect solar energy systems;

(2) provide grants to eligible entities or New Mexico councils of governments for technical assistance to apply for federal or other funding to plan, design, construct, purchase, install and equip solar energy systems; and

(3) pay the administrative costs incurred by the authority in carrying out the provisions of this section.

D. 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.

E. By December 31, 2025, the authority shall establish rules in consultation with the energy, minerals and natural resources department to carry out the provisions of this section, including:

(1) criteria for evaluating proposed solar energy systems, including minimum eligibility requirements; and

(2) metrics to be used by the authority to prioritize solar energy systems that shall include:

(a) an eligible entity's need for authority funding to plan or complete a solar energy system;

(b) the percentage of low-income households in the community served by that solar energy system;

(c) buildings and infrastructure that are used to provide community services or emergency shelter;

- (d) the requirement that the majority of the funding shall be allocated to rural eligible entities as determined by the authority;
- (e) the projected long-term operating cost reductions of the solar energy system;
- (f) procedures to ensure maximum geographic disbursement and diversity;
- (g) appropriate caps on different types of grants to ensure the fund's sustainability and selection of the most qualified projects;
- (h) solar energy systems that include an energy storage system;
- (i) pricing consistent with statewide price agreements; and
- (j) solar energy systems that support workforce development, including by hiring local New Mexico workers, paying the prevailing wage or hiring workers participating in apprenticeship programs that are registered pursuant to the Apprenticeship Assistance Act.

F. Applications for grants shall be in a form specified by the authority and shall include such information as required by the authority, including:

- (1) an estimate of the cost of the solar energy system for which a grant is being sought;
- (2) an estimate of the operating cost savings expected to be achieved by the solar energy system; and
- (3) a description of the benefits of the solar energy system.

G. An eligible entity, except for an Indian nation, tribe or pueblo, that is made a grant pursuant to this section shall require a contractor of a project funded by the local solar access fund to post a performance and payment bond as described in Section 13-4-18 NMSA 1978."

## **LAWS 2025, CHAPTER 97**

**HENRC/HAAWC/House Bill 137, aa**  
**Approved April 8, 2025**

AN ACT

RELATING TO WATER; ENACTING THE STRATEGIC WATER SUPPLY ACT;  
CREATING THE STRATEGIC WATER SUPPLY PROGRAM; AUTHORIZING THE

DEPARTMENT OF ENVIRONMENT AND THE OFFICE OF THE STATE ENGINEER TO ENTER INTO CONTRACTS AND AWARD GRANTS FOR PROJECTS INVOLVING BRACKISH WATER THAT ENHANCE THE STATE'S FRESH WATER RESOURCES; CREATING THE STRATEGIC WATER SUPPLY PROGRAM FUND; PROVIDING REQUIREMENTS BEFORE A PERSON DRILLS WELLS OR RECOMPLETES EXISTING WELLS TO APPROPRIATE WATERS; MAKING AN APPROPRIATION.

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

## **Chapter 97 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--Sections 1 through 4 of this act may be cited as the "Strategic Water Supply Act".

## **Chapter 97 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Strategic Water Supply Act:

- A. "brackish water" means water that is sourced from an underground stream, channel, artesian basin, reservoir or lake, having reasonably ascertainable boundaries, that contains not less than one thousand parts per million of dissolved solids and is not produced water;
- B. "produced water" means a fluid that is an incidental byproduct from drilling for or the production of oil and gas;
- C. "public entity" means a county, municipality, political subdivision, state agency or state institution of higher education; and
- D. "treated brackish water" means brackish water that has undergone a process to remove or eliminate contaminants to meet applicable standards for water quality established pursuant to the Water Quality Act by the water quality control commission.

## **Chapter 97 Section 3 Laws 2025**

SECTION 3. STRATEGIC WATER SUPPLY PROGRAM.--

- A. The "strategic water supply program" is created. Subject to the availability of funds and a project that meets all eligibility requirements, the department of environment and the office of the state engineer may each enter into contracts or award grants for eligible projects involving treated brackish water for the purposes of enhancing the state's fresh water resources.

B. A contract entered into pursuant to this section shall be in accordance with the Procurement Code, except that the contract duration shall not exceed twenty years in length, including extensions and renewals.

C. To be eligible for a strategic water supply program contract, a project shall:

(1) comply with all applicable state, federal, tribal and local governmental standards, permit requirements and other provisions of law, including public notice, public hearing processes and all other associated requirements related to public involvement, to protect existing water rights, conservation of water within the state, public welfare, public health and the environment;

(2) furnish financial assurance, other than third party guarantees, to the department of environment in accordance with rules promulgated by the water quality control commission, running to the benefit of the state and with any forfeitures deposited in the state treasury in the strategic water supply program fund;

(3) clearly demonstrate how the project will advance state, tribal or local government economic development goals in accordance with the purposes of enhancing the state's fresh water resources; and

(4) submit a specific, actionable and measurable community benefits plan that includes a process for community engagement and is designed to provide broadly shared benefits to members of the public who are or may be impacted by the strategic water supply program contract.

D. To be eligible for a strategic water supply program grant, the grant recipient shall be a public entity or federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico and the grant project shall:

(1) be approved by the state engineer as advancing the exploration, production or treatment of brackish water in New Mexico;

(2) comply with applicable state, federal, tribal and local governmental standards and permit requirements and other provisions of law, including public notice, public hearing processes and all other associated requirements related to public involvement, to protect existing water rights, conservation of water within the state, public welfare, public health and the environment; and

(3) clearly demonstrate how the project will advance state, tribal or local government economic development goals in accordance with the purposes of enhancing the state's fresh water resources.

E. The agency awarding a strategic water supply contract shall publish the community benefits plan to the agency's website.

F. When preparing a request for proposals pursuant to Subsection C of this section or a grant solicitation pursuant to Subsection D of this section, the agency shall:

(1) do so in accordance with the State-Tribal Collaboration Act, where applicable; and

(2) consult with the secretary of economic development.

G. The department of environment or the office of the state engineer shall notify the state investment council about new strategic water supply program contracts or grants and any opportunities for public input associated with the strategic water supply program within two business days of the date the agency publishes the new grant, contract or public input opportunity to the general public.

H. When evaluating contract or grant proposals for compliance with Subsection C or D of this section, the agency shall evaluate how the projects in the proposal will limit greenhouse gas emissions.

I. In connection with any strategic water supply program contract or grant that is subject to the notice of intention filing requirements pursuant to Section 72-12-26 NMSA 1978, the office of the state engineer shall provide an opportunity for a federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico, a person, a firm, a corporation or other entity to file an objection or protest through a process consistent with the provisions of Section 72-12-3 NMSA 1978 regarding a determination by the state engineer made pursuant to Section 72-12-26 NMSA 1978.

## **Chapter 97 Section 4 Laws 2025**

### **SECTION 4. STRATEGIC WATER SUPPLY PROGRAM FUND.--**

A. The "strategic water supply program fund" is created as a nonreverting fund in the state treasury and shall be administered by the department of environment. The fund consists of distributions, appropriations, gifts, grants, donations, income from investment of the fund and fees collected pursuant to Section 70-13-6 NMSA 1978.

B. Money in the fund is appropriated to the department of environment and the office of the state engineer for the purpose of administering the strategic water supply program pursuant to Section 3 of the Strategic Water Supply Act.

C. Expenditures from the fund shall be to the department of environment or the office of the state engineer by warrant of the secretary of finance and administration pursuant to vouchers signed by both the secretary of environment or the secretary's authorized representative and the state engineer or the state engineer's authorized representative.

## **Chapter 97 Section 5 Laws 2025**

SECTION 5. Section 72-12-26 NMSA 1978 (being Laws 1967, Chapter 86, Section 2) is amended to read:

"72-12-26. NOTICE OF DRILLING--DEPTH AND LOCATION.--Any person proposing to drill wells or recomplete existing wells to appropriate waters referred to in Section 72-12-25 NMSA 1978 shall file a notice of intention to drill or recomplete with the office of the state engineer in such form as the state engineer shall prescribe and shall publish a notice, in a newspaper of general circulation in the county in which the proposed wells will be located once a week for three consecutive weeks, stating the location and the proposed depth of such wells, the purpose for which the water shall be used and an estimate of the volume of water to be used. The wells shall not be drilled or recompleted prior to thirty days after the last publication of the notice and until the state engineer has determined that the use of water stated in the notice will not impair existing water rights, be contrary to the conservation of water within the state or be detrimental to the public welfare of the state."

## **LAWS 2025, CHAPTER 98**

**HENRC/House Bill 140, aa**  
**Approved April 8, 2025**

AN ACT

RELATING TO HAZARDOUS MATERIALS; AMENDING THE DEFINITION OF "HAZARDOUS WASTE"; AUTHORIZING THE ENVIRONMENTAL IMPROVEMENT BOARD TO ADOPT RULES FOR PER- AND POLYFLUOROALKYL SUBSTANCES THAT ARE DESIGNATED HAZARDOUS WASTE.

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

## **Chapter 98 Section 1 Laws 2025**

SECTION 1. Section 74-4-3 NMSA 1978 (being Laws 1977, Chapter 313, Section 3, as amended) is amended to read:

"74-4-3. DEFINITIONS.--As used in the Hazardous Waste Act:

A. "above ground storage tank" means a single tank or combination of tanks, including underground pipes connected thereto, that are used to contain petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure of sixty degrees Fahrenheit and fourteen and seven-tenths pounds per square inch absolute, and the volume of which is more than ninety percent above the surface of the ground. "Above ground storage tank" does not include any:



(1) farm, ranch or residential tank used for storing motor fuel for noncommercial purposes;

(2) pipeline facility, including gathering lines, that is regulated under Chapter 601 of Title 49 of the United States Code or that is an intrastate pipeline facility regulated under state laws as provided in Chapter 601 of Title 49 of the United States Code and that is determined by the United States secretary of transportation to be connected to a pipeline, or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

(3) surface impoundment, pit, pond or lagoon;

(4) storm water or wastewater collection system;

(5) flow-through process tank;

(6) liquid trap, tank or associated gathering lines or other storage methods or devices related to oil, gas or mining exploration, production, transportation, refining, processing or storage, or to oil field service industry operations;

(7) tank used for storing heating oil for consumptive use on the premises where stored;

(8) pipes connected to any tank that is described in Paragraphs (1) through (7) of this subsection; or

(9) tanks or related pipelines and facilities owned or used by a refinery, natural gas processing plant or pipeline company in the regular course of its refining, processing or pipeline business;

B. "board" means the environmental improvement board;

C. "corrective action" means an action taken in accordance with rules of the board to investigate, minimize, eliminate or clean up a release to protect the public health, safety and welfare or the environment;

D. "director" or "secretary" means the secretary of environment;

E. "disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste or constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters;

F. "division" or "department" means the department of environment;

G. "federal agency" means any department, agency or other instrumentality of the federal government and any independent agency or establishment of that government, including any government corporation and the government publishing office;

H. "generator" means any person producing hazardous waste;

I. "hazardous agricultural waste" means hazardous waste generated as part of the licensed activity by any person licensed pursuant to the Pesticide Control Act or hazardous waste designated as hazardous agricultural waste by the board, but does not include animal excrement in connection with farm, ranch or feedlot operations;

J. "hazardous substance incident" means any emergency incident involving a chemical or chemicals, including transportation wrecks, accidental spills or leaks, fires or explosions, which incident creates the reasonable probability of injury to human health or property;

K. "hazardous waste":

(1) means any solid waste or combination of solid wastes that, because of quantity, concentration or physical, chemical or infectious characteristics, may:

(a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed;

(2) includes:

(a) discarded aqueous film-forming foam containing intentionally added per- or polyfluoroalkyl substances; and

(b) all solid waste or combination of solid wastes listed and designated as hazardous waste by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976; provided that any solid waste or combination of solid wastes designated as hazardous by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976 on July 1, 2025 and subsequently removed by the federal environmental protection agency shall be considered hazardous waste; and

(3) does not include the following substances, until the board determines that the substance is subject to Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq.:

(a) drilling fluids, produced waters and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal energy;

(b) fly ash waste;

(c) bottom ash waste;

(d) slag waste;

(e) flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

(f) solid waste from the extraction, beneficiation or processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore;

(g) cement kiln dust waste; or

(h) solid wastes generated by the growing and harvesting of agricultural crops or the raising of animals, including animal manures, when those solid wastes are returned to the soils as fertilizer;

L. "manifest" means the form used for identifying the quantity, composition, origin, routing and destination of hazardous waste during transportation from point of generation to point of disposal, treatment or storage;

M. "person" means an individual, trust, firm, joint stock company, federal agency, corporation, including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state or any interstate body;

N. "regulated substance" means:

(1) a substance defined in Section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, but not including a substance regulated as a hazardous waste under Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended; and

(2) petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure of sixty degrees Fahrenheit and fourteen and seven-tenths pounds per square inch absolute;

O. "solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community

activities, but does not include solid or dissolved materials in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, 86 Stat. 880, or source, special nuclear or byproduct material as defined by the federal Atomic Energy Act of 1954, as amended, 68 Stat. 923;

P. "storage" means the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste;

Q. "storage tank" means an above ground storage tank or an underground storage tank;

R. "tank installer" means any individual who installs or repairs a storage tank;

S. "tank tester" means any individual who tests storage tanks;

T. "transporter" means a person engaged in the movement of hazardous waste, not including movement at the site of generation, disposal, treatment or storage;

U. "treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous waste so as to neutralize the waste or so as to render the waste nonhazardous, safer for transport, amenable to recovery, amenable to storage or reduced in volume. "Treatment" includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous;

V. "underground storage tank" means a single tank or a combination of tanks, including underground pipes connected thereto, that is used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected thereto, is ten percent or more beneath the surface of the ground. "Underground storage tank" does not include any:

(1) farm, ranch or residential tank of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes;

(2) septic tank;

(3) pipeline facility, including gathering lines, that is regulated under Chapter 601 of Title 49 of the United States Code or that is an intrastate pipeline facility regulated under state laws as provided in Chapter 601 of Title 49 of the United States Code and that is determined by the United States secretary of transportation to be connected to a pipeline, or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

- (4) surface impoundment, pit, pond or lagoon;
- (5) storm water or wastewater collection system;
- (6) flow-through process tank;
- (7) liquid trap, tank or associated gathering lines directly related to oil or gas production and gathering operations;
- (8) storage tank situated in an underground area, such as a basement, cellar, mineworking drift, shaft or tunnel, if the storage tank is situated upon or above the surface of the undesignated floor;
- (9) tank used for storing heating oil for consumptive use on the premises where stored;
- (10) tank exempted by rule of the board after finding that the type of tank is adequately regulated under another federal or state law; or
- (11) pipes connected to any tank that is described in Paragraphs (1) through (10) of this subsection; and

W. "used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities."

## **Chapter 98 Section 2 Laws 2025**

SECTION 2. Section 74-4-4 NMSA 1978 (being Laws 1977, Chapter 313, Section 4, as amended) is amended to read:

### **"74-4-4. DUTIES AND POWERS OF THE BOARD.--**

A. The board shall adopt rules for the management of hazardous waste, as may be necessary to protect public health and the environment, that are equivalent to and at least as stringent as federal regulations adopted by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended:

(1) for the identification and listing of hazardous wastes, taking into account toxicity, persistence and degradability, potential for accumulation in tissue and other related factors, including flammability, corrosiveness and other hazardous characteristics; provided that, except as authorized by Sections 74-4-3.3 and 74-8-2 NMSA 1978, the board shall not identify or list any solid waste or combination of solid wastes as a hazardous waste that has not been listed and designated as a hazardous

waste by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended;

(2) establishing standards applicable to generators identified or listed under this subsection, including requirements for:

(a) furnishing information on the location and description of the generator's facility and on the production or energy recovery activity occurring at that facility;

(b) recordkeeping practices that accurately identify the quantities of hazardous waste generated, the constituents of the waste that are significant in quantity or in potential harm to human health or the environment and the disposition of the waste;

(c) labeling practices for any containers used for the storage, transport or disposal of the hazardous waste that will identify accurately the waste;

(d) use of safe containers tested for safe storage and transportation of the hazardous waste;

(e) furnishing the information on the general chemical composition of the hazardous waste to persons transporting, treating, storing or disposing of the waste;

(f) implementation of programs to reduce the volume or quantity and toxicity of the hazardous waste generated;

(g) submission of reports to the secretary at such times as the secretary deems necessary, setting out the quantities of hazardous waste identified or listed pursuant to the Hazardous Waste Act that the generator has generated during a particular time period and the disposition of all hazardous waste reported, the efforts undertaken during a particular time period to reduce the volume and toxicity of waste generated and the changes in volume and toxicity of waste actually achieved during a particular time period in comparison with previous time periods; and

(h) the use of a manifest system and any other reasonable means necessary to ensure that all hazardous waste generated is designated for treatment, storage or disposal in, and arrives at, treatment, storage or disposal facilities, other than facilities on the premises where the waste is generated, for which a permit has been issued pursuant to the Hazardous Waste Act; that the generator of hazardous waste has a program in place to reduce the volume or quality and toxicity of waste to the degree determined by the generator to be economically practicable; and that the proposed method of treatment, storage or disposal is that practicable method currently available to the generator that minimizes the present and future threat to human health and the environment;

(3) establishing standards applicable to transporters of hazardous waste identified or listed under this subsection or of fuel produced from any such hazardous waste or of fuel from such waste and any other material, as may be necessary to protect human health and the environment, including requirements for:

(a) recordkeeping concerning the hazardous waste transported and its source and delivery points;

(b) transportation of the hazardous waste only if properly labeled;

(c) compliance with the manifest system referred to in Subparagraph (h) of Paragraph (2) of this subsection; and

(d) transportation of all the hazardous waste only to the hazardous waste treatment, storage or disposal facility that the shipper designates on the manifest form to be a facility holding a permit issued pursuant to the Hazardous Waste Act or the federal Resource Conservation and Recovery Act of 1976, as amended;

(4) establishing standards applicable to distributors or marketers of any fuel produced from hazardous waste, or any fuel that contains hazardous waste, for:

(a) furnishing the information stating the location and general description of the facility; and

(b) furnishing the information describing the production or energy recovery activity carried out at the facility;

(5) establishing performance standards as may be necessary to protect human health and the environment applicable to owners and operators of facilities for the treatment, storage or disposal of hazardous waste identified or listed under this section, distinguishing, where appropriate, between new facilities and facilities in existence on the date of promulgation, including requirements for:

(a) maintaining the records of all hazardous waste identified or listed under this subsection that is treated, stored or disposed of, as the case may be, and the manner in which the waste was treated, stored or disposed of;

(b) satisfactory reporting, monitoring, inspection and compliance with the manifest system referred to in Subparagraph (h) of Paragraph (2) of this subsection;

(c) treatment, storage or disposal of all such waste and any liquid that is not a hazardous waste, except with respect to underground injection

control into deep injection wells, received by the facility pursuant to such operating methods, techniques and practices as may be satisfactory to the secretary;

(d) location, design and construction of hazardous waste treatment, disposal or storage facilities;

(e) contingency plans for effective action to minimize unanticipated damage from any treatment, storage or disposal of any hazardous waste;

(f) maintenance and operation of the facilities and requiring any additional qualifications as to ownership, continuity of operation, training for personnel and financial responsibility, including financial responsibility for corrective action, as may be necessary or desirable;

(g) compliance with the requirements of Paragraph (6) of this subsection respecting permits for treatment, storage or disposal;

(h) the taking of corrective action for all releases of hazardous waste from a solid waste management unit at a treatment, storage or disposal facility, regardless of the time at which waste was placed in the unit; and

(i) the taking of corrective action beyond a facility's boundaries where necessary to protect human health and the environment unless the owner or operator of that facility demonstrates to the satisfaction of the secretary that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. Rules adopted and promulgated under this subparagraph shall take effect immediately and shall apply to all facilities operating under permits issued under Paragraph (6) of this subsection and to all landfills, surface impoundments and waste pile units, including any new units, replacements of existing units or lateral expansions of existing units, that receive hazardous waste after July 26, 1982. No private entity shall be precluded by reason of criteria established under Subparagraph (f) of this paragraph from the ownership or operation of facilities providing hazardous waste treatment, storage or disposal services where the entity can provide assurance of financial responsibility and continuity of operation consistent with the degree and duration of risks associated with the treatment, storage or disposal of specified hazardous waste;

(6) requiring each person owning or operating, or both, an existing facility or planning to construct a new facility for the treatment, storage or disposal of hazardous waste identified or listed under this subsection to have a permit issued pursuant to requirements established by the board;

(7) establishing procedures for the issuance, suspension, revocation and modification of permits issued under Paragraph (6) of this subsection, which rules shall provide for public notice, public comment and an opportunity for a hearing prior to



the issuance, suspension, revocation or major modification of any permit unless otherwise provided in the Hazardous Waste Act;

(8) defining major and minor modifications; and

(9) establishing procedures for the inspection of facilities for the treatment, storage and disposal of hazardous waste that govern the minimum frequency and manner of the inspections, the manner in which records of the inspections shall be maintained and the manner in which reports of the inspections shall be filed; provided, however, that inspections of permitted facilities shall occur no less often than every two years.

B. The board shall adopt rules:

(1) concerning hazardous substance incidents; and

(2) requiring notification to the department of any hazardous substance incidents.

C. The board shall adopt rules concerning storage tanks as may be necessary to protect public health and the environment and that, in the case of underground storage tanks, are equivalent to and at least as stringent as federal regulations adopted by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended.

D. The board shall adopt rules concerning storage tanks that implement the federal Energy Policy Act of 2005, Pub. L. 109-58, as amended, and that are equivalent to and at least as stringent as the Energy Policy Act and its grant guidelines and regulations.

E. Rules adopted pursuant to this section shall include:

(1) standards for the installation, operation, maintenance, repair and replacement of storage tanks;

(2) requirements for financial responsibility;

(3) standards for inventory control;

(4) standards for the detection of leaks from and the integrity-testing and monitoring of storage tanks;

(5) standards for the closure and dismantling of storage tanks;

(6) requirements for recordkeeping;

(7) requirements for the reporting, containment and remediation of all leaks from any storage tanks; and

(8) criteria and procedures for classifying a storage tank facility as ineligible, and reclassifying a storage tank facility as eligible, for the delivery, deposit, acceptance or sale of petroleum products.

F. The criteria and procedures adopted by the board pursuant to this section shall require the department to classify a storage tank facility as ineligible for delivery, deposit, acceptance or sale of petroleum products if the storage tank facility has not installed required equipment for spill prevention, overfill protection, leak detection or corrosion protection, including required corrosion protection equipment for a buried metal flexible connector.

G. The criteria and procedures adopted by the board pursuant to this section may allow the department to classify a storage tank facility as ineligible for delivery, deposit, acceptance or sale of petroleum products when the owner or operator has failed to comply with a written warning within a reasonable period of time and the warning concerns:

(1) improper operation or maintenance of required equipment for spill prevention, overfill protection, leak detection or corrosion protection;

(2) failure to maintain required financial responsibility for corrective action; or

(3) operation of the storage tank facility in a manner that creates an imminent threat to the public health and the environment.

H. Rules adopted by the board pursuant to this section shall defer classifying a storage tank facility as ineligible for delivery, deposit, acceptance or sale of petroleum products if the ineligible classification would jeopardize the availability of, or access to, motor fuel in any rural and remote areas.

I. Rules adopted by the board pursuant to this section shall allow the department to authorize delivery or deposit of petroleum products to:

(1) an emergency generator tank that is otherwise ineligible for delivery or deposit if a commercial power failure or other declared state of emergency exists and the emergency generator tank provides power supply, stores petroleum and is used solely in connection with an emergency system, legally required standby system or optional standby system; or

(2) a storage tank facility that is otherwise ineligible for delivery or deposit if the delivery or deposit is necessary to test or calibrate a tank.

J. The board shall adopt rules concerning the management of used oil that are equivalent to and at least as stringent as federal regulations adopted by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended.

K. In the event the board wishes to adopt rules that are identical with regulations adopted by an agency of the federal government, the board, after notice and hearing, may adopt such rules by reference to the federal regulations without setting forth the provisions of the federal regulations.

L. Before the board adopts a rule for the management of hazardous waste, concerning storage tanks or concerning used oil, that is more stringent than the federal regulations, the board shall make a determination, based on substantial evidence and after notice and public hearing, that the proposed rule will be more protective of public health and the environment.

M. The board may adopt rules pertaining to aqueous film-forming foam containing intentionally added per- or polyfluoroalkyl substances pursuant to the Hazardous Waste Act."

## **LAWS 2025, CHAPTER 99**

**HLVMC/House Bill 158, aa**  
**Approved April 8, 2025**

### **AN ACT**

RELATING TO MILITARY BASES; ENACTING THE MILITARY BASE PLANNING AND IMPACT ACT; CREATING THE MILITARY BASE IMPACT FUND; PROVIDING FOR GRANTS TO DEFENSE COMMUNITIES; ESTABLISHING PURPOSES AND LIMITATIONS; REQUIRING REPORTS; AMENDING, REPEALING, ENACTING AND RECOMPILING SECTIONS OF CHAPTER 9, ARTICLE 15 NMSA 1978; REPEALING THE SUNSET FOR THE OFFICE OF MILITARY BASE PLANNING AND SUPPORT AND THE MILITARY BASE PLANNING COMMISSION; MAKING AN APPROPRIATION.

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

### **Chapter 99 Section 1 Laws 2025**

SECTION 1. A new Section 9-15-60 NMSA 1978 is enacted to read:

"9-15-60. SHORT TITLE.--Sections 9-15-60 through 9-15-66 may be referred to as the "Military Base Planning and Impact Act"."

## Chapter 99 Section 2 Laws 2025

SECTION 2. A new Section 9-15-61 NMSA 1978 is enacted to read:

"9-15-61. DEFINITIONS.--As used in the Military Base Planning and Impact Act:

- A. "commission" means the military base planning commission;
- B. "defense community" means a political subdivision, including a municipality, county or special district, that encompasses a portion of or is within a service area of a United States military base or defense facility;
- C. "defense worker" means:
  - (1) an employee of the United States department of defense, including armed forces personnel and civilian workers;
  - (2) an employee of a government agency or private business or organization providing a United States department-of-defense-related function who is employed at a military facility;
  - (3) an employee of a business that directly provides services or products to the United States department of defense and whose job is directly dependent on defense expenditures; or
  - (4) an employee of the United States department of energy or an employee or a contractor for the United States department of energy working at a defense or United States department of energy facility in support of a department-of-defense-related project;
- D. "defense worker job" means a permanent position authorized by the United States department of defense or a position held or occupied by one or more defense workers for more than twelve months;
- E. "department" means the economic development department;
- F. "fund" means the military base impact fund;
- G. "military facility" includes military bases and research and training facilities owned or operated or under contract by the United States department of defense; and
- H. "military office" means the office of military base planning and support."

## **Chapter 99 Section 3 Laws 2025**

SECTION 3. Section 9-15-50 NMSA 1978 (being Laws 2003, Chapter 166, Section 3 and Laws 2003, Chapter 170, Section 3) is recompiled as Section 9-15-64 NMSA 1978 and is amended to read:

"9-15-64. DUTIES.--The commission shall:

- A. obtain and evaluate information about the federal government's considerations, plans, policies and initiatives relating to assigned base missions;
- B. obtain and evaluate information relating to the impact of federal assigned base missions on the state's economy and the military base area's local economy;
- C. work with and provide assistance to established community organizations that have as their purpose the support of the long-term viability of the military bases in their local area;
- D. ensure collaboration among the community organizations described in Subsection C of this section and an understanding of the joint efforts between the military bases in the state;
- E. work with and provide assistance to the state's congressional delegation on matters relating to federal assigned base missions;
- F. advise the governor on measures necessary to ensure the continued presence of military bases in the state;
- G. advise the military office concerning the development of a grant program and make recommendations for grant awards from the fund; and
- H. adopt rules regarding:
  - (1) the administration of grants from the fund. The rules shall include the application procedure, required qualifications for projects and purposes for which the grants may be used; and
  - (2) the service area boundary for each military base in New Mexico."

## **Chapter 99 Section 4 Laws 2025**

SECTION 4. A new Section 9-15-65 NMSA 1978 is enacted to read:

"9-15-65. MILITARY BASE IMPACT FUND CREATED--GRANTS--REQUIREMENTS AND LIMITATIONS.--

A. The "military base impact 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 military office to provide assistance for infrastructure projects to defense communities. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the director of the military office.

B. The military office shall implement a grant program for infrastructure projects to:

(1) accommodate or leverage, for the benefit of a defense community, an anticipated expansion of a military facility or employment of defense workers at a military facility or the retention of a military facility or employment of defense workers at a military facility;

(2) increase the potential to retain a military facility anticipated to be closed or a military mission that is anticipated to be relocated in a realignment process initiated by the federal government;

(3) facilitate the recruitment of a new military mission or other defense worker employer at a military facility to replace a mission or an employer that is being or is anticipated to be closed, reduced or relocated; or

(4) stimulate the development or recruitment of private or public sector employers to replace an actual or anticipated reduction in defense worker jobs due to a closure, reduction or relocation of a military base or defense worker employer.

C. A recipient of a grant from the fund shall be either a defense community or a regional planning organization organized under the Regional Planning Act that has a defense community within its planning region.

D. A grant from the fund may be made for project construction, planning and design or purchase of interests in land for new facilities or rehabilitation or renovation of existing facilities; provided that a grant shall be no greater than the lesser of ninety percent of the total cost of the project or ninety percent of a matching requirement from a federal or other nonstate funding source.

E. An applicant for a grant from the fund shall provide proof satisfactory to the military office that it can and will meet its cost-share requirements pursuant to this section."

## **Chapter 99 Section 5 Laws 2025**

SECTION 5. A new Section 9-15-66 NMSA 1978 is enacted to read:

"9-15-66. REPORTS.--On or before November 30, 2025, and on or before November 30 in each subsequent year, the military office shall provide a report to the governor and to the interim legislative committee tasked with examining economic development issues on the status of the fund, the projects that have received grants and rates of success of the grantees in achieving the goals for which the grants were made."

## **Chapter 99 Section 6 Laws 2025**

SECTION 6. TEMPORARY PROVISION--RECOMPILATION.--Sections 9-15-48 and 9-15-49 NMSA 1978 (being Laws 2003, Chapter 166, Section 1 and Laws 2003, Chapter 170, Section 1; and Laws 2003, Chapter 166, Section 2 and Laws 2003, Chapter 170, Section 2, as amended) are recompiled as Sections 9-15-62 and 9-15-63 NMSA 1978.

## **Chapter 99 Section 7 Laws 2025**

SECTION 7. REPEAL.--Section 9-15-51.1 NMSA 1978 (being Laws 2021, Chapter 50, Section 1) is repealed.

# **LAWS 2025, CHAPTER 100**

**House Bill 171, aa**  
**Approved April 8, 2025**

AN ACT

RELATING TO PHARMACIES; AMENDING THE PHARMACY ACT TO PROVIDE FOR CUSTODIAL CARE FACILITIES ACQUIRING AND POSSESSING CONTROLLED SUBSTANCES FOR WITHDRAWAL MANAGEMENT.

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

## **Chapter 100 Section 1 Laws 2025**

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

"CUSTODIAL CARE FACILITIES--ACQUIRING AND POSSESSING CONTROLLED SUBSTANCES.--

A. A licensed custodial care facility that is authorized to provide medically monitored withdrawal management that is under the supervision of a consulting pharmacist and has nursing staff on-site twenty-four hours per day, three hundred sixty-five days per year, may acquire, stock, maintain and have in the facility's possession dangerous drugs, including controlled substances to be used for withdrawal management purposes, in accordance with board rules.

B. As used in this section, "controlled substance" means a drug, substance or immediate precursor enumerated in Schedules III and V of the Controlled Substances Act."

## **Chapter 100 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2026.

# **LAWS 2025, CHAPTER 101**

**House Bill 178, aa, w/cc**  
**Approved April 8, 2025**

## **AN ACT**

RELATING TO HEALTH; AMENDING SECTIONS OF THE NURSING PRACTICE ACT TO CLARIFY THE SCOPE OF PRACTICE FOR DIFFERENT CATEGORIES OF LICENSED NURSES REGARDING THE ADMINISTRATION OF GENERAL ANESTHESIA, ANESTHETICS AND SEDATIVES; MAKING CHANGES TO THE LICENSING PROCESS; EXPANDING THE POWERS AND DUTIES OF THE BOARD OF NURSING; MODIFYING THE ADMINISTRATION OF CERTAIN DISCIPLINARY PROCESSES; REQUIRING THE CONFIDENTIALITY OF COMMUNICATIONS RELATING TO POTENTIAL DISCIPLINARY ACTIONS.

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

## **Chapter 101 Section 1 Laws 2025**

SECTION 1. Section 61-3-3 NMSA 1978 (being Laws 1991, Chapter 190, Section 2, as amended) is amended to read:

"61-3-3. DEFINITIONS.--As used in the Nursing Practice Act:

A. "advanced practice" means the practice of professional registered nursing by a registered nurse who has been prepared through additional formal education as provided in Sections 61-3-23.2 through 61-3-23.4 NMSA 1978 to function beyond the scope of practice of professional registered nursing, including certified nurse practitioners, certified registered nurse anesthetists and certified clinical nurse specialists;

B. "advanced practice registered nurse" means a certified nurse practitioner, certified registered nurse anesthetist or certified clinical nurse specialist licensed pursuant to the Nursing Practice Act;



C. "anesthetics" means a substance that causes the entire or partial loss of the feeling of pain, temperature or other sensations, with or without the loss of consciousness, including topical, local or intravenous anesthetics but excluding general anesthesia;

D. "artificial intelligence" means a broad category of existing, emerging and future digital technologies that involves using algorithms to drive the behavior of agents such as software programs, machines and robotics;

E. "board" means the board of nursing;

F. "certified hemodialysis technician" means a person who is certified by the board to assist in the direct care of a patient undergoing hemodialysis, under the supervision and at the direction of a registered nurse or a licensed practical nurse, according to the rules adopted by the board;

G. "certified medication aide" means a person who is certified by the board to administer medications under the supervision and at the direction of a registered nurse or a licensed practical nurse, according to the rules adopted by the board;

H. "certified nurse practitioner" means a registered nurse who is licensed by the board for advanced practice as a certified nurse practitioner and whose name and pertinent information are entered on the list of certified nurse practitioners maintained by the board;

I. "certified registered nurse anesthetist" means a registered nurse who is licensed by the board for advanced practice as a certified registered nurse anesthetist and whose name and pertinent information are entered on the list of certified registered nurse anesthetists maintained by the board;

J. "certified clinical nurse specialist" means a registered nurse who is licensed by the board for advanced practice as a certified clinical nurse specialist and whose name and pertinent information are entered on the list of certified clinical nurse specialists maintained by the board;

K. "collaboration" means the cooperative working relationship with another health care provider in the provision of patient care, and such collaborative practice includes the discussion of patient diagnosis and cooperation in the management and delivery of health care;

L. "general anesthesia" means a drug-induced loss of consciousness where:

- (1) patients are not arousable, even by painful stimulation;
- (2) the ability to maintain an adequate airway and respiratory function is affected; and

- (3) the cardiovascular function may be impaired;

M. "licensed practical nurse" means a nurse who practices licensed practical nursing and whose name and pertinent information are entered in the register of licensed practical nurses maintained by the board or a nurse who practices licensed practical nursing pursuant to a multistate licensure privilege as provided in the Nurse Licensure Compact;

N. "licensed practical nursing" means the practice of a directed scope of nursing requiring basic knowledge of the biological, physical, social and behavioral sciences and nursing procedures, which practice is at the direction of a registered nurse, physician or dentist licensed to practice in this state. This practice includes but is not limited to:

- (1) contributing to the assessment of the health status of individuals, families and communities;
- (2) participating in the development and modification of the plan of care;
- (3) implementing appropriate aspects of the plan of care commensurate with education and verified competence;
- (4) collaborating with other health care professionals in the management of health care; and
- (5) participating in the evaluation of responses to interventions;

O. "Nurse Licensure Compact" means the agreement entered into between New Mexico and other jurisdictions permitting the practice of professional registered nursing or licensed practical nursing pursuant to a multistate licensure privilege;

P. "nursing diagnosis" means a clinical judgment about individual, family or community responses to actual or potential health problems or life processes, which judgment provides a basis for the selection of nursing interventions to achieve outcomes for which the person making the judgment is accountable;

Q. "practice of nursing" means assisting individuals, families or communities in maintaining or attaining optimal health, assessing and implementing a plan of care to accomplish defined goals and evaluating responses to care and treatment. This practice is based on specialized knowledge, judgment and nursing skills acquired through educational preparation in nursing and in the biological, physical, social and behavioral sciences and includes but is not limited to:

- (1) initiating and maintaining comfort measures;

- (2) promoting and supporting optimal human functions and responses;
- (3) establishing an environment conducive to well-being or to the support of a dignified death;
- (4) collaborating on the health care regimen;
- (5) administering medications and performing treatments prescribed by a person authorized in this state or in any other state in the United States to prescribe them;
- (6) recording and reporting nursing observations, assessments, interventions and responses to health care;
- (7) providing counseling and health teaching;
- (8) delegating and supervising nursing interventions that may be performed safely by others and are not in conflict with the Nursing Practice Act; and
- (9) maintaining accountability for safe and effective nursing care;

R. "professional registered nursing" means the practice of the full scope of nursing requiring substantial knowledge of the biological, physical, social and behavioral sciences and of nursing theory and may include advanced practice pursuant to the Nursing Practice Act. This practice includes but is not limited to:

- (1) assessing the health status of individuals, families and communities;
- (2) establishing a nursing diagnosis;
- (3) establishing goals to meet identified health care needs;
- (4) developing a plan of care;
- (5) determining nursing intervention to implement the plan of care;
- (6) implementing the plan of care commensurate with education and verified competence;
- (7) evaluating responses to interventions;
- (8) teaching based on the theory and practice of nursing;
- (9) managing and supervising the practice of nursing;

(10) collaborating with other health care professionals in the management of health care; and

(11) conducting nursing research;

S. "registered nurse" means a nurse who practices professional registered nursing and whose name and pertinent information are entered in the register of licensed registered nurses maintained by the board or a nurse who practices professional registered nursing pursuant to a multistate licensure privilege as provided in the Nurse Licensure Compact;

T. "scope of practice" means the parameters within which nurses practice based upon education, experience, licensure, certification and expertise;

U. "sedation" means the administration of medication to produce various levels of calmness, relaxation or sleep, including:

(1) minimum sedation, during which a patient responds normally to verbal commands and may have impaired cognitive function or coordination, and respiratory and cardiovascular functions remain stable;

(2) moderate sedation, during which a patient responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation; respiratory functions remain stable; and cardiovascular functions are usually maintained;

(3) deep sedation, during which a patient cannot be easily aroused but responds purposefully, following repeated or painful stimulation; respiratory functions may be impaired, requiring assistance in maintaining the airway, including intubation and mechanical ventilation; and cardiovascular functions are usually maintained; or

(4) palliative sedation, an end-of-life intervention used to provide a patient with relief of symptoms that cannot be controlled in a tolerable time frame despite the use of therapies and that are unlikely to be controlled by further therapies without excessive, intolerable, acute or chronic side effects or complications, but not to intentionally hasten death; and

V. "training program" means an educational program approved by the board."

## **Chapter 101 Section 2 Laws 2025**

SECTION 2. Section 61-3-6 NMSA 1978 (being Laws 1973, Chapter 149, Section 2, as amended) is amended to read:

"61-3-6. ADMINISTRATION OF ANESTHETICS, SEDATIVES AND GENERAL ANESTHESIA.--

A. A currently licensed certified registered nurse anesthetist may administer general anesthesia to any person.

B. A registered nurse currently licensed pursuant to the Nursing Practice Act may, upon the successful completion of required training programs, administer anesthetics, as ordered by a licensed physician or independent provider or per employing organization protocol, up to and including moderate sedation to any person."

## **Chapter 101 Section 3 Laws 2025**

SECTION 3. Section 61-3-9 NMSA 1978 (being Laws 1968, Chapter 44, Section 6, as amended) is amended to read:

"61-3-9. BOARD MEETINGS--QUORUM--OFFICERS.--

A. The board shall annually elect a chair, vice chair and secretary from its entire membership.

B. The board shall meet at least once every three months. Special meetings may be called by the chair and shall be called upon the written request of three or more members of the board. Notification of special meetings shall be made by certified mail unless such notice is waived by the entire board and 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 any meeting.

C. A majority of the board, including at least one officer, constitutes a quorum."

## **Chapter 101 Section 4 Laws 2025**

SECTION 4. Section 61-3-10 NMSA 1978 (being Laws 1968, Chapter 44, Section 7, as amended) 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. shall 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, including designating an inactive

reserve category for registered nurses and licensed practical nurses for activation during an emergency for limited functions at no cost to the nurse;

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 certified 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, certified clinical nurse specialists and certified registered nurse anesthetists;

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;

U. shall promulgate a rule creating a retired registered nurse license category without a licensing fee for retired registered nurses who can serve on advisory and policymaking community and nonprofit organization boards;

V. shall ensure that New Mexico nursing data collected by the board is owned by the board;

W. shall develop and maintain a system that assists all schools of nursing with the coordination of pre-licensure clinical placements;

X. shall provide a nurse applying for a first-time license, or upon renewal of a license, the option for a single or multistate license, which may incur an additional fee; and

Y. shall promulgate rules establishing standards for the use of artificial intelligence in nursing."

## **Chapter 101 Section 5 Laws 2025**

SECTION 5. 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. An applicant who successfully passes the examination and submits a completed application 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 101 Section 6 Laws 2025**

SECTION 6. Section 61-3-16 NMSA 1978 (being Laws 1968, Chapter 44, Section 13, as amended) is amended to read:

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

A. for licensure without examination, a fee not to exceed two hundred dollars (\$200);

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

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

D. for initial licensure as a certified nurse practitioner, certified registered nurse anesthetist or certified clinical nurse specialist, a fee not to exceed two hundred



dollars (\$200). This fee shall be in addition to the fee paid for registered nurse licensure; and

E. the board may waive the fee for an initial license for a registered nurse who has graduated from a New Mexico public school of nursing."

## **Chapter 101 Section 7 Laws 2025**

SECTION 7. 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. An applicant who passes the examination and submits a completed application may be issued a license by the board 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.

D. The board may waive the fee for an initial license for an applicant who has graduated from a New Mexico public school of nursing."

## **Chapter 101 Section 8 Laws 2025**

SECTION 8. 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 podiatric physicians.

C. Certified nurse practitioners who have fulfilled requirements for prescriptive authority may prescribe in accordance with rules 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 101 Section 9 Laws 2025**

SECTION 9. Section 61-3-23.4 NMSA 1978 (being Laws 1991, Chapter 190, Section 16, as amended) is amended to read:

"61-3-23.4. CERTIFIED CLINICAL NURSE SPECIALIST--QUALIFICATIONS--ENDORSEMENT--EXPEDITED LICENSURE.--

A. The board may license for advanced practice as a certified 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. Certified 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 certified 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 certified 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. Certified clinical nurse specialists who have fulfilled the requirements for prescriptive authority in the area of specialty practice may prescribe in accordance with rules promulgated by the board.

E. Certified 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 certified 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 101 Section 10 Laws 2025**

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

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

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

B. Upon receipt of the application and, except as provided in Section 61-1-34 NMSA 1978, a fee, in an amount not to exceed one hundred fifty dollars (\$150), a license valid for two years shall be issued. Upon initial licensure, or upon renewal, a licensee may apply for a multistate license for an additional fee not to exceed fifty dollars (\$50.00).

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

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

## **Chapter 101 Section 11 Laws 2025**

SECTION 11. Section 61-3-28 NMSA 1978 (being Laws 1968, Chapter 44, Section 24, as amended) is amended to read:

"61-3-28. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW--APPLICATION OF UNIFORM LICENSING ACT--LIMITATION.--

A. In accordance with the procedures contained in the Uniform Licensing Act, the board may deny, revoke or suspend any license held or applied for under the Nursing Practice Act, reprimand or place a licensee on probation or deny, limit or revoke the multistate licensure privilege of a nurse desiring to practice or practicing professional registered nursing or licensed practical nursing as provided in the Nurse Licensure Compact upon grounds that the licensee, applicant or nurse:

(1) is guilty of fraud or deceit in procuring or attempting to procure a license or certificate of registration;

(2) is convicted of a felony;

(3) is unfit or incompetent;

(4) is addicted to the use of habit-forming substances;

(5) is mentally incompetent;

(6) is guilty of unprofessional conduct as defined by the rules adopted by the board pursuant to the Nursing Practice Act;

(7) has willfully or repeatedly violated any provisions of the Nursing Practice Act, including any rule adopted by the board pursuant to that act;

(8) was licensed to practice nursing in any jurisdiction, territory or possession of the United States or another country and was the subject of disciplinary action as a licensee for acts similar to acts described in this subsection. A certified copy of the record of the jurisdiction, territory or possession of the United States or another country taking the disciplinary action is conclusive evidence of the action; or

(9) uses conversion therapy on a minor.

B. Disciplinary proceedings may be instituted by any person, shall be by complaint and shall conform with the provisions of the Uniform Licensing Act. Any party

to the hearing may obtain a copy of the hearing record upon payment of costs for the copy.

C. The board shall not initiate a disciplinary action more than two years after the date that it receives a complaint.

D. The time limitation contained in Subsection C 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.

E. The board may recover the costs associated with the investigation and disposition of a disciplinary proceeding from the nurse who is the subject of the proceeding if the nurse is practicing professional registered nursing or licensed practical nursing pursuant to a multistate licensure privilege as provided in the Nurse Licensure Compact.

F. 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, based on the person's appearance, behavior or physical characteristics, that the person exhibits more masculinity or femininity whether or not it matches the person's gender or sex assigned at birth;

(3) "minor" means a person under eighteen years of age; and

(4) "sexual orientation" means a person's physical, romantic or emotional attraction to persons of the same or different gender or the absence of any such attraction."

## Chapter 101 Section 12 Laws 2025

SECTION 12. Section 61-3-29.1 NMSA 1978 (being Laws 1987, Chapter 285, Section 1, as amended) is amended to read:

"61-3-29.1. ALTERNATIVE TO DISCIPLINE PROGRAM CREATED--ADVISORY COMMITTEE--RENEWAL FEE--REQUIREMENTS-- IMMUNITY FROM CIVIL ACTIONS.--

A. The board shall establish an alternative to discipline program to rehabilitate nurses whose competencies may be impaired because of the use of habit-forming substances so that nurses can be treated and returned to or continue the practice of nursing in a manner that will benefit the public. The intent of the alternative to discipline program is to develop a voluntary alternative to traditional disciplinary actions and an alternative to lengthy and costly investigations and administrative proceedings against such nurses, at the same time providing adequate safeguards for the public.

B. The board shall appoint one or more evaluation committees, hereinafter called "regional advisory committees", each of which shall be composed of members with expertise in chemical dependency. At least one member shall be a registered nurse. No current member of the board shall be appointed to a regional advisory committee. The executive officer of the board or the executive officer's designee shall be the liaison between each regional advisory committee and the board.

C. Each regional advisory committee shall function under the direction of the board and in accordance with rules of the board. The rules shall include directions to a regional advisory committee to:

- (1) establish criteria for continuance in the program;
- (2) develop a written alternative to discipline program contract to be approved by the board that sets forth the requirements that shall be met by the nurse and the conditions under which the alternative to discipline program may be successfully completed or terminated;
- (3) recommend to the board in favor of or against each nurse's discharge from the alternative to discipline program;
- (4) evaluate each nurse's progress in recovery and compliance with the nurse's alternative to discipline program contract;
- (5) report violations to the board;
- (6) submit an annual report to the board; and

(7) coordinate educational programs and research related to nurses addicted to the use of habit-forming substances.

D. The board may increase the renewal fee for each nurse in the state not to exceed twenty dollars (\$20.00) for the purpose of implementing and maintaining the alternative to discipline program.

E. Files of nurses in the alternative to discipline program shall be maintained in the board office and shall be confidential except as required to be disclosed pursuant to the Nurse Licensure Compact, when used to make a report to the board concerning a nurse who is not cooperating and complying with the alternative to discipline program contract or, with written consent of a nurse, when used for research purposes as long as the nurse is not specifically identified. However, the files shall be subject to discovery or subpoena. The confidential provisions of this subsection are of no effect if the nurse admitted to the alternative to discipline program leaves the state prior to the completion of the program.

F. A person making a report to the board or to a regional advisory committee regarding a nurse suspected of practicing nursing while addicted to the use of habit-forming substances or making a report of a nurse's progress or lack of progress in rehabilitation shall be immune from civil action for defamation or other cause of action resulting from such reports if the reports are made in good faith and with some reasonable basis in fact.

G. A person admitted to the alternative to discipline program for chemically dependent nurses who fails to comply with the provisions of this section or with the rules adopted by the board pursuant to this section or with the written alternative to discipline program contract or with any amendments to the written alternative to discipline program contract may be subject to disciplinary action in accordance with Section 61-3-28 NMSA 1978."

## **LAWS 2025, CHAPTER 102**

**HJC/HJC/HENRC/House Bill 212, w/cc**

**Approved April 8, 2025**

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE PER- AND POLY-FLUOROALKYL SUBSTANCES PROTECTION ACT; PROHIBITING CERTAIN PRODUCTS THAT CONTAIN AN INTENTIONALLY ADDED PER- OR POLY-FLUOROALKYL SUBSTANCE; AUTHORIZING THE ENVIRONMENTAL IMPROVEMENT BOARD TO ADOPT RULES PROHIBITING CERTAIN PRODUCTS THAT CONTAIN AN INTENTIONALLY ADDED PER- OR POLY-FLUOROALKYL SUBSTANCE; REQUIRING DISCLOSURE OF INFORMATION AND TESTING OF PRODUCTS SOLD, OFFERED FOR SALE OR DISTRIBUTED FOR SALE IN THIS



STATE THAT CONTAIN AN INTENTIONALLY ADDED PER- OR POLY-FLUOROALKYL SUBSTANCE; PROVIDING PENALTIES.

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

## **Chapter 102 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--This act may be cited as the "Per- and Poly-Fluoroalkyl Substances Protection Act".

## **Chapter 102 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Per- and Poly-Fluoroalkyl Substances Protection Act:

- A. "board" means the environmental improvement board;
- B. "carpet or rug" means a fabric marketed or intended for use as a floor covering;
- C. "chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown of products of the substance or substances that form through decomposition, degradation or metabolism;
- D. "cleaning product" means a finished product used for general cleaning purposes, including:
  - (1) a polish or floor maintenance product;
  - (2) an air care product labeled for the intended use of enhancing or conditioning the indoor environment by eliminating unpleasant odors or freshening the air; and
  - (3) an automotive maintenance product labeled for the intended use of maintaining the appearance of a motor vehicle, but does not include automotive paint or paint repair products;
- E. "consumer product" means a tangible personal property that is distributed in commerce and normally used for personal, family or household use, including product categories that are normally used in households but designed for or sold to businesses, such as commercial carpet or floor waxes;
- F. "cookware" means durable houseware items intended for direct food contact and used to prepare, dispense or store food, foodstuffs or beverages;

G. "cosmetic" means a product or product component, other than soap, intended to be applied to the human body for cleansing, beautifying or promoting attractiveness;

H. "currently unavoidable use" means a use of a per- or poly-fluoroalkyl substance that the board has determined by rule to be essential for health, safety or the functioning of society and for which alternatives are not reasonably available;

I. "department" means the department of environment;

J. "fabric treatment" means a substance applied to fabric for stain, grease or water resistance or flame retardance;

K. "feminine hygiene product" means a disposable or reusable product to collect menstruation and vaginal discharge, including tampons, pads, sponges, menstruation underwear, discs, applicators and menstruation cups;

L. "firefighting foam" means an aqueous film-forming foam containing an intentionally added per- or poly-fluoroalkyl substance;

M. "food packaging" means a container, unit package, intermediate package or shipping container applied to or providing a means to market, protect, handle, deliver, serve, contain or store a food or beverage, including an individual assembled part of a food package;

N. "intentionally added" means a per- or poly-fluoroalkyl substance deliberately added or used during the manufacture of a product where the continued presence, at any level or concentration, of the per- or poly-fluoroalkyl substance is desired or expected in the final product or one of the product's components;

O. "juvenile product" means a product designed or marketed for use by children under twelve years old, including children's car seats, clothing and toys, but does not include an electronic product, including:

- (1) personal computers and any associated equipment;
- (2) audio and video equipment;
- (3) calculators;
- (4) wireless phones;
- (5) gaming consoles;
- (6) handheld devices incorporating a video screen; and

(7) any associated peripheral device, such as a mouse, keyboard, power supply unit or power cord;

P. "manufacturer" means:

(1) a person, a firm, an association, a partnership, a corporation, an organization or a combination or a joint venture that creates, produces or assembles a product or whose brand name is affixed to a product; or

(2) in the case of a product imported into the United States, an importer or first domestic distributor of the product; provided that the entity or person that created, produced or assembled the product or whose brand name is affixed to the product does not have an office or employees in the United States;

Q. "medical device" means an instrument, an apparatus, an implement, a machine, an implant, an in vitro reagent or other similar or related device, including any component or accessory, that is a product regulated as a drug or medical device by the United States food and drug administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 et seq.:

(1) recognized in an official compendium;

(2) intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment or prevention of disease, in a human or an animal; or

(3) intended to affect the structure or function of the body of a human or an animal and that does not achieve its principal intended purposes through chemical action within or on the body of a human or an animal and that is not dependent on being metabolized for achievement of its principal intended purpose;

R. "official compendium" means a comprehensive, authoritative listing of recognized medical devices, including listings published by a federal regulatory body, which detail specifications standards, and accepted uses of medical devices;

S. "per- or poly-fluoroalkyl substance" means a substance in a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom;

T. "product" means an item created, produced, assembled, packaged or otherwise prepared for sale to a consumer, including a product component sold or distributed for personal, residential, commercial or industrial use or for use in making a product;

U. "ski wax" means a lubricant applied to the bottom of a snow runner, including a ski or snowboard, to improve grip or glide properties and includes associated tuning products;

V. "textile" means an item made in whole or in part from a natural or synthetic fiber, yarn or fabric, including leather, cotton, silk, jute, hemp, wool, viscose, nylon or polyester;

W. "textile furnishings" means a textile product made in whole or part from a natural or synthetic fiber, yarn or fabric that is used as furniture or a decorative accessory; and

X. "upholstered furniture" means furniture that is wholly or partially stuffed with a filling material.

## **Chapter 102 Section 3 Laws 2025**

### **SECTION 3. PROHIBITION ON PRODUCTS CONTAINING PER- OR POLY-FLUOROALKYL SUBSTANCES--EXEMPTIONS.--**

A. Subsections B through F of this section do not apply to:

(1) a product for which federal law governs the presence of a per- or poly-fluoroalkyl substance in the product in a manner that preempts state authority;

(2) used products offered for sale or resale;

(3) medical devices or drugs and the packaging of the medical devices or drugs that are regulated by the United States food and drug administration, including prosthetic and orthotic devices;

(4) cooling, heating, ventilation, air conditioning or refrigeration equipment that contains intentionally added per- or poly-fluoroalkyl substances or refrigerants listed as acceptable, acceptable subject to use conditions or acceptable to narrowed use limits by the United States environmental protection agency pursuant to the significant new alternatives policy program, 40 Code of Federal Regulations, Part 82, Subpart G and sold, offered for sale or distributed for sale for the use for which the refrigerant is listed pursuant to that program;

(5) a veterinary product and its packaging intended for use in or on animals, including diagnostic equipment or test kits and the veterinary product's components and any product that is a veterinary medical device, drug, biologic or parasiticide or that is otherwise used in a veterinary medical setting or in veterinary medical applications that are regulated by or under the jurisdiction of:

(a) the United States food and drug administration;

(b) the United States department of agriculture pursuant to the federal Virus-Serum-Toxin Act; or

(c) the United States environmental protection agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, except that any such products approved by the United States environmental protection agency pursuant to that law for aerial and land application are not exempt from this section;

(6) a product developed or manufactured for the purpose of public health or environmental or water quality testing;

(7) a motor vehicle or motor vehicle equipment regulated under a federal motor vehicle safety standard, as defined in 49 United States Code, Section 30102(a)(10), except that the exemption under this paragraph does not apply to any textile article or refrigerant that is included in or as a component part of such products;

(8) any other motor vehicle, including an off-highway vehicle or a specialty motor vehicle, such as an all-terrain vehicle, a side-by-side vehicle, farm equipment or a personal assistive mobility device;

(9) a watercraft, an aircraft, a lighter-than-air aircraft or a seaplane;

(10) a semiconductor, including semiconductors incorporated in electronic equipment, and materials used in the manufacture of semiconductors;

(11) non-consumer electronics and non-consumer laboratory equipment not ordinarily used for personal, family or household purposes;

(12) a product that contains intentionally added per- or poly-fluoroalkyl substances with uses that are currently listed as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits in the United States environmental protection agency's rules under the significant new alternatives policy program; provided that the product contains per- or poly-fluoroalkyl substances that are being used as substitutes for ozone-depleting substances under the conditions specified in the rules;

(13) a product used for the generation, distribution or storage of electricity;

(14) equipment directly used in the manufacture or development of the products described in Paragraphs (1) through (13) of this subsection;

(15) a product for which the board has adopted a rule providing that the use of the per- or poly-fluoroalkyl substance in that product is a currently unavoidable use; or

(16) a product that contains fluoropolymers consisting of polymeric substances for which the backbone of the polymer is either a per- or polyfluorinated

carbon-only backbone or a perfluorinated polyether backbone that is a solid at standard temperature and pressure.

B. Except as provided in Subsection A of this section, beginning January 1, 2027, a manufacturer shall not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries, the following products if that product contains an intentionally added per- or poly-fluoroalkyl substance:

- (1) cookware;
- (2) food packaging;
- (3) dental floss;
- (4) juvenile products; and
- (5) firefighting foam.

C. Except as provided in Subsection A of this section, beginning January 1, 2028, a manufacturer shall not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries, the following products if that product contains an intentionally added per- or poly-fluoroalkyl substance:

- (1) carpets or rugs;
- (2) cleaning products;
- (3) cosmetics;
- (4) fabric treatments;
- (5) feminine hygiene products;
- (6) textiles;
- (7) textile furnishings;
- (8) ski wax; and
- (9) upholstered furniture.

D. Except as provided in Subsection A of this section, the board may adopt rules to prohibit consumer products not enumerated in Subsections B and C of this section that contain an intentionally added per- or poly-fluoroalkyl substance by category or use that a manufacturer may not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries, upon a finding of fact

that a prohibition on the product is necessary to protect human health or the environment. The board shall set effective dates for a prohibition established by rule pursuant to this subsection; provided that the board shall not set an effective date for the prohibition of a product less than six months after the adoption of the final rule to prohibit the product or earlier than January 1, 2027. The board shall prioritize the prohibition of consumer products containing an intentionally added per- or poly-fluoroalkyl substance that are most likely to harm human health or contaminate the environment.

E. Except as provided in Subsection A of this section, beginning January 1, 2032, a manufacturer shall not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries, a product containing an intentionally added per- or poly-fluoroalkyl substance, unless the board has adopted a rule providing that the use of the per- or poly-fluoroalkyl substance in that product is a currently unavoidable use. The board may adopt rules to designate that the use of a per- or poly-fluoroalkyl substance in a certain product is a currently unavoidable use.

F. The department shall consult with the New Mexico department of agriculture before petitioning the board pursuant to Subsection D or E of this section with respect to a pesticide, fertilizer, agricultural liming material or plant or soil amendment that contains an intentionally added per- or poly-fluoroalkyl substance. However, if a pesticide is regulated by or under the jurisdiction of the Federal Insecticide, Fungicide, and Rodenticide Act, then Subsections B through E of this section do not apply to the pesticide.

## **Chapter 102 Section 4 Laws 2025**

### **SECTION 4. RULES.--**

A. The board shall adopt rules to:

(1) exempt from the reporting requirements established pursuant to Section 5 of the Per- and Poly-Fluoroalkyl Substances Protection Act any product that contains an intentionally added per- or poly-fluoroalkyl substance that is exempt pursuant to Subsection A of Section 3 of that act or that has been designated as a currently unavoidable use;

(2) create a series of ranges for the amount of a per- or poly-fluoroalkyl substance in a product that contains an intentionally added per- or poly-fluoroalkyl substance for reporting purposes unless exempted in Subsection A of Section 3 of the Per- and Poly-Fluoroalkyl Substances Protection Act;

(3) identify currently unavoidable uses of a per- or poly-fluoroalkyl substance that are essential for health, safety or the functioning of society and for which alternatives are not reasonably available unless exempted in Subsection A of Section 3 of the Per- and Poly-Fluoroalkyl Substances Protection Act; and

(4) as pertaining to firefighting foam:

(a) require a periodic inventory of firefighting foam quantities stored or used in New Mexico;

(b) require the use of firefighting foam for emergency purposes only; and

(c) require the cleanup of discarded firefighting foam pursuant to the Hazardous Waste Act.

For purposes of this subsection, "emergency purposes" does not include training or the use of firefighting foam in fire suppression systems.

B. The board may:

(1) adopt rules to carry out the provisions of the Per- and Poly-Fluoroalkyl Substances Protection Act, including requiring the labeling of products in English and Spanish; and

(2) determine that a product containing intentionally added per- or poly-fluoroalkyl substances are a currently unavoidable use based on determinations made by other states.

## **Chapter 102 Section 5 Laws 2025**

### **SECTION 5. RULES--INFORMATION REQUIRED--EXTENSIONS--WAIVERS--**

A. The board shall adopt rules that enumerate the information required of a manufacturer. The information required shall include:

(1) a brief description of the product, including a universal product code, stock keeping unit or other numeric code assigned to the product;

(2) the purpose for which a per- or poly-fluoroalkyl substance is used in the product;

(3) the amount of each per- or poly-fluoroalkyl substance in the product, identified by its chemical abstracts service registry number and reported as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purposes by the department;

(4) the name and address of the manufacturer and the name, address and phone number of a contact person for the manufacturer; and



(5) any additional information requested by the department as necessary; provided that the department shall not require disclosure of records, reports or information or particular parts of records, reports or information that would divulge confidential business records or methods or processes entitled to protection as trade secret; and provided further that the manufacturer shall, by a preponderance of evidence, demonstrate that the information requested would divulge confidential business records or methods or processes entitled to protection as trade secrets.

B. On or before January 1, 2027, a manufacturer of a product sold, offered for sale, distributed or distributed for sale in the state, directly or indirectly or through intermediaries, that contains an intentionally added per- or poly-fluoroalkyl substance shall submit to the department the information required by Subsection A of this section or a rule adopted pursuant to that subsection.

C. On or after January 1, 2028, a manufacturer shall not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries, a product if testing requested by the department demonstrates that the product contains an intentionally added per- or poly-fluoroalkyl substance and the manufacturer has failed to provide the department the information required by Subsection A of this section or a rule adopted pursuant to that subsection.

D. On or after January 1, 2028, a manufacturer shall not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries, a product that contains an intentionally added per- or poly-fluoroalkyl substance unless the manufacturer has submitted to the department the information required by Subsection A of this section or a rule adopted pursuant to that subsection. A product reported pursuant to this subsection containing an intentionally added per- or poly-fluoroalkyl substance may be prohibited from sale pursuant to the Per- and Poly-Fluoroalkyl Substances Protection Act and to rules adopted pursuant to that act.

E. A manufacturer shall submit a revision of the information provided on a product within thirty days of a significant change to the information the manufacturer previously submitted or upon the request of the department.

F. Upon written approval from the department, a manufacturer may provide the information required by this section to the department for a category or type of product or product component.

G. The department may waive the obligation of a manufacturer to submit all or part of the information required by this section if the department determines that substantially equivalent information is publicly available. The department may grant a waiver to a manufacturer or a group of manufacturers for multiple products or a product category.

H. The department may enter into an agreement with one or more states or political subdivisions of a state to collect information and may accept information to a shared system as meeting the information requirements of this section.

I. The department may extend the deadline for a manufacturer to submit the information required by this section upon a determination by the department that the circumstances merit an extension of time.

J. Within sixty days of receiving information from a manufacturer, the department shall notify the manufacturer that adequate information has been received or that additional information is required. A manufacturer shall submit to the department any additional information requested by the department within thirty days of the request.

K. The requirements of this section do not apply to products that are exempt pursuant to Subsection A of Section 3 of the Per- and Poly-Fluoroalkyl Substances Protection Act.

## **Chapter 102 Section 6 Laws 2025**

### **SECTION 6. TESTING REQUIRED--CERTIFICATE OF COMPLIANCE--EXEMPTION.--**

A. If the department has reason to believe that a product containing an intentionally added per- or poly-fluoroalkyl substance is being sold, offered for sale, distributed or distributed for sale in the state, directly or indirectly or through intermediaries, the department may direct the manufacturer of the product to, within thirty days, provide the department with testing results that demonstrate the amount of each per- or poly-fluoroalkyl substance in the product, identified by its chemical abstracts service registry number reported as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purposes by the department.

B. If testing demonstrates that the product does not contain an intentionally added per- or poly-fluoroalkyl substance, the manufacturer shall provide the department with a certificate of compliance attesting that the product does not contain an intentionally added per- or poly-fluoroalkyl substance, the testing results and any other relevant information.

C. If testing demonstrates that the product contains an intentionally added per- or poly-fluoroalkyl substance, the manufacturer shall:

(1) provide to the department, within thirty days, the information required for a product pursuant to the Per- and Poly-Fluoroalkyl Substances Protection Act or rules adopted pursuant to that act; and

(2) notify a person that sells, offers for sale, distributes or distributes the product for sale in this state that the product is prohibited in this state and provide the department with a list of the names and addresses of the people notified.

D. The department may notify a person that sells, offers for sale, distributes or distributes for sale in this state a product prohibited by the Per- and Poly-Fluoroalkyl Substances Protection Act or rules adopted pursuant to that act that the product is prohibited in this state.

E. The provisions of this section do not apply to a medical device or drug or the packaging of a medical device or drug that is regulated by the United States food and drug administration.

## **Chapter 102 Section 7 Laws 2025**

### **SECTION 7. ENFORCEMENT--CIVIL PENALTY.--**

A. A manufacturer that violates a provision of the Per- and Poly-Fluoroalkyl Substances Protection Act or a rule adopted pursuant to that act shall be assessed a civil penalty not to exceed fifteen thousand dollars (\$15,000), and for each day during which any portion of a violation occurs, the department may assess the manufacturer administrative costs the department incurs for enforcement of the Per- and Poly-Fluoroalkyl Substances Protection Act or a rule adopted pursuant to that act.

B. A manufacturer that fails to comply with an administrative order issued pursuant to the Per- and Poly- Fluoroalkyl Substances Protection Act or a rule adopted pursuant to that act may be assessed, pursuant to a court order, a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each day of noncompliance.

C. Penalties and administrative costs imposed pursuant to this section are independent of any damages, remediation or cleanup costs, environmental restoration costs or other monetary or nonmonetary remedies that may be imposed by statute, rule or court decision.

D. In an action to enforce the provisions of the Per- and Poly-Fluoroalkyl Substances Protection Act or a rule or order adopted pursuant to that act, the department shall be represented by the attorney general or the department.

E. Penalties collected pursuant to this section shall be deposited in the recycling and illegal dumping fund.

## **LAWS 2025, CHAPTER 103**

**House Bill 240**

**Approved April 8, 2025**

## AN ACT

RELATING TO THE DRINKING WATER STATE REVOLVING LOAN FUND ACT; ALLOWING THE NEW MEXICO FINANCE AUTHORITY TO PROVIDE GRANTS FOR THE CONSTRUCTION OR REHABILITATION OF DRINKING WATER FACILITIES; REQUIRING THE NEW MEXICO FINANCE AUTHORITY, IN COOPERATION WITH THE DEPARTMENT OF ENVIRONMENT, TO PROVIDE ANNUAL REPORTS ON THE DRINKING WATER STATE REVOLVING LOAN FUND; REDISTRIBUTING DUTIES HELD BETWEEN THE NEW MEXICO FINANCE AUTHORITY AND THE DEPARTMENT OF ENVIRONMENT; EXTENDING REPAYMENT PERIOD REQUIREMENTS FOR LOANS MADE PURSUANT TO THE DRINKING WATER STATE REVOLVING LOAN FUND ACT; RENEWING THE AUTHORITY OF THE NEW MEXICO FINANCE AUTHORITY TO TRANSFER UP TO ONE-THIRD OF CERTAIN GRANTS TO THE DRINKING WATER STATE REVOLVING LOAN FUND AND TO THE WASTEWATER FACILITY CONSTRUCTION LOAN FUND.

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

### **Chapter 103 Section 1 Laws 2025**

SECTION 1. Section 6-21A-3 NMSA 1978 (being Laws 1997, Chapter 144, Section 3, as amended) is amended to read:

"6-21A-3. DEFINITIONS.--As used in the Drinking Water State Revolving Loan Fund Act:

- A. "authority" means the New Mexico finance authority;
- B. "department" means the department of environment;
- C. "drinking water facility construction project" means the acquisition, design, construction, improvement, expansion, repair or rehabilitation of all or part of any structure, facility or equipment necessary for a drinking water system or water supply system;
- D. "drinking water supply facility" means any structure, facility or equipment necessary for a drinking water system or water supply system;
- E. "federal Safe Drinking Water Act" means the federal Safe Drinking Water Act as amended in 1996 and its subsequent amendments or successor provisions;
- F. "financial assistance" means loans, the purchase or refinancing of debt obligation of a local authority at an interest rate that is less than or equal to the market interest rate in any case in which a debt obligation is incurred after July 1, 1993, loan

guarantees, grants, bond insurance or security for revenue bonds issued by the authority;

G. "fund" means the drinking water state revolving loan fund;

H. "local authority" means any municipality, county, incorporated county, sanitation district, water and sanitation district or any similar district, public or private water cooperative or association or any similar organization, public or private community water system or nonprofit noncommunity water system or any other agency created pursuant to a joint powers agreement acting on behalf of any entity listed in this subsection with a publicly owned drinking water system or water supply system that qualifies as a community water system or nonprofit noncommunity system as defined by the federal Safe Drinking Water Act. "Local authority" does not include systems owned by federal agencies; and

I. "operate and maintain" means to perform all necessary activities, including the replacement of equipment or appurtenances, to assure the dependable and economical function of a drinking water facility in accordance with its intended purpose."

## **Chapter 103 Section 2 Laws 2025**

SECTION 2. Section 6-21A-4 NMSA 1978 (being Laws 1997, Chapter 144, Section 4, as amended) is amended to read:

"6-21A-4. FUND CREATED--ADMINISTRATION.--

A. There is created in the authority a revolving loan fund to be known as the "drinking water state revolving loan fund", which shall be administered by the authority. The authority is authorized to establish procedures required to administer the fund in accordance with the federal Safe Drinking Water Act and state laws. The authority and the department shall, whenever possible, coordinate application procedures and funding cycles with the New Mexico Community Assistance Act.

B. The following shall be deposited directly in the fund:

(1) grants from the federal government or its agencies allotted to the state for capitalization of the fund;

(2) funds as appropriated by the legislature to implement the provisions of the Drinking Water State Revolving Loan Fund Act or to provide state matching funds that are required by the terms of any federal grant under the federal Safe Drinking Water Act;

(3) loan principal, interest and penalty payments if required by the terms of any federal grant under the federal Safe Drinking Water Act;

- (4) any other public or private money dedicated to the fund; and
- (5) revenue transferred from other state revolving funds.

C. Money in the fund is appropriated for expenditure by the authority in a manner consistent with the terms and conditions of the federal capitalization grants and the federal Safe Drinking Water Act and may be used:

- (1) to provide loans and grants for the construction or rehabilitation of drinking water facilities;
- (2) to buy or refinance the debt obligation of a local authority at an interest rate that is less than or equal to the market interest rate in any case in which a debt obligation is incurred after July 1, 1993;
- (3) to guarantee or purchase insurance for obligations of local authorities to improve credit market access or reduce interest rates;
- (4) to provide loan guarantees for similar revolving funds established by local authorities; and
- (5) to provide a source of revenue or security for the repayment of principal and interest on bonds issued by the authority if the proceeds of the bonds are deposited in the fund or if the proceeds of the bonds are used to make loans to local authorities to the extent provided in the terms of the federal grant.

D. If needed to cover administrative expenses, pursuant to procedures established by the authority and to the extent permitted by federal regulations, the authority may impose and collect a fee from each local authority that receives financial assistance from the fund, which fee shall be used solely for the costs of administering the fund and which fee shall be kept outside the fund.

E. Money not currently needed for the operation of the fund or otherwise dedicated may be invested pursuant to the New Mexico Finance Authority Act and all interest earned on such investments shall be credited to the fund. Money remaining in the fund at the end of the fiscal year shall not revert to the general fund but shall accrue to the credit of the fund.

F. The authority shall maintain full authority for the operation of the fund in accordance with applicable federal and state law, including, in cooperation with the department, ensuring the loan recipients are on the state priority list or otherwise satisfy the federal Safe Drinking Water Act requirements.

G. The authority shall establish fiscal controls and accounting procedures that are sufficient to assure proper accounting for fund payments, disbursements and balances and shall provide, in cooperation with the department, an annual report and an

annual independent audit on the fund to the governor and to the United States environmental protection agency as required by the federal Safe Drinking Water Act."

## **Chapter 103 Section 3 Laws 2025**

SECTION 3. Section 6-21A-5 NMSA 1978 (being Laws 1997, Chapter 144, Section 5) is amended to read:

### **"6-21A-5. LOAN PROGRAM--ADMINISTRATION.--**

A. The authority shall establish a program to provide financial assistance from the fund to local authorities, individually or jointly, for acquisition, construction or modification of drinking water facilities. The authority is authorized to enter into memoranda of understanding, contracts and other agreements to carry out the provisions of the Drinking Water State Revolving Loan Fund Act, including memoranda of understanding, contracts and agreements with federal agencies, the department, local authorities and other parties.

B. The department shall adopt, by rule, a system for the ranking of drinking water facility construction projects requesting financial assistance and for the development of a priority list that will be part of the annual intended use plan, as required by the federal Safe Drinking Water Act.

C. The department shall adopt rules or internal procedures addressing the mechanism for the preparation of the annual intended use plan and the content of the plan and shall prepare the plan, with the assistance of the authority, as required by the federal Safe Drinking Water Act and the federal capitalization grant agreement. The department shall review all proposals for drinking water facility construction projects, including project plans and specifications for compliance with the requirements of the federal Safe Drinking Water Act and the requirements of state laws and rules governing the construction and operation of drinking water supply facilities. The department also shall determine whether a local authority has demonstrated adequate technical and managerial capability to operate the drinking water supply facility for its useful life in compliance with the requirements of the federal Safe Drinking Water Act and with the requirements of state laws and rules governing the operation of drinking water supply facilities.

D. The department and the authority shall enter into an agreement for the purpose of describing and allocating duties and responsibilities with respect to monitoring the construction of drinking water facility construction projects that have been provided financial assistance pursuant to the provisions of the Drinking Water State Revolving Loan Fund Act to ensure compliance with the requirements of the federal Safe Drinking Water Act and with the requirements of state laws and rules governing construction and operation of drinking water supply facilities.

E. The department shall adopt rules or internal procedures establishing the criteria and method for the distribution of federal annual capitalization grant funds between the fund and the nonproject activities, also known as set-asides, allowed by the federal Safe Drinking Water Act and for the description in the intended use plan and annual report of the financial programmatic status of the nonproject activities, also known as set-asides, allowed by the federal Safe Drinking Water Act.

F. The authority, with the assistance of the department, shall establish procedures to identify affordability criteria for a disadvantaged community and to extend a program to assist such communities.

G. The department shall set up separate accounts outside the fund to use for nonproject activities, also known as set-asides, authorized under the federal Safe Drinking Water Act, Sections 1452(g) and 1452(k), and the authority shall set up a separate account outside the fund for administration of the fund. The department shall also provide the additional match for federal Safe Drinking Water Act, Section 1452(g)(2) activities.

H. The authority shall prepare and submit applications for federal capitalization grants to the United States environmental protection agency as required by the federal Safe Drinking Water Act."

## **Chapter 103 Section 4 Laws 2025**

SECTION 4. Section 6-21A-6 NMSA 1978 (being Laws 1997, Chapter 144, Section 6) is amended to read:

"6-21A-6. FINANCIAL ASSISTANCE--CRITERIA.--

A. Financial assistance shall be provided only to local authorities that:

(1) meet the requirements for financial capability set by the authority to assure sufficient revenues to operate and maintain the drinking water facility for its useful life and to repay the financial assistance;

(2) appear on the priority list for the fund, developed and maintained by the department, regardless of rank on such list;

(3) are considered by the authority and the department ready to proceed with the project;

(4) demonstrate adequate technical and managerial capability to operate the drinking water facility for its useful life; and

(5) meet other requirements established by the authority and state laws, including procurement, recordkeeping and accounting.



B. Loans from the fund shall be made by the authority only to local authorities that establish one or more dedicated sources of revenue to repay the money received from the fund and to provide for operation, maintenance and equipment replacement expenses of the drinking water facility proposed for funding.

C. The authority, with assistance from the department, shall establish procedures addressing methods to provide financial assistance to local authorities in accordance with the criteria set forth in the federal Safe Drinking Water Act, Section 1452(a)(3).

D. Each loan made by the authority shall provide that repayment of the loan shall begin not later than eighteen months after completion of construction of the drinking water facility for which the loan was made and shall be repaid in full no later than thirty years after completion of the construction, except in the case of a disadvantaged community. The authority may extend the term of the loan to a disadvantaged community, as long as the extended term:

(1) terminates not later than the date that is forty years after the date of project completion; and

(2) does not exceed the expected design life of the project.

E. Financial assistance may be made with an annual interest rate that is less than a market rate as determined by procedures established by the authority and reported annually in the intended use plan prepared by the department, with the assistance of the authority.

F. Financial assistance pursuant to the Drinking Water State Revolving Loan Fund Act shall not be given to a local authority if the authority determines that the financial assistance is for a drinking water facility to be constructed in fulfillment or partial fulfillment of requirements made of a subdivider under the provisions of the Land Subdivision Act or the New Mexico Subdivision Act.

G. Financial assistance may be made to local authorities that employ or contract with a registered professional engineer to provide and be responsible for engineering services on the drinking water facility. Such services, if the authority determines the services are needed, may include an engineering report, facility plans, environmental evaluations, construction contract documents, supervision of construction and start-up services.

H. Financial assistance shall be made only for eligible items as described by authority procedures and as identified pursuant to the federal Safe Drinking Water Act."

## **Chapter 103 Section 5 Laws 2025**

SECTION 5. Section 6-21A-7 NMSA 1978 (being Laws 1997, Chapter 144, Section 7) is amended to read:

### **"6-21A-7. DEPARTMENT DUTIES--POWERS.--**

A. The department with the approval of the governor and as authorized in the intended use plan may transfer up to one-third of a federal wastewater facility construction loan fund capitalization grant to the drinking water state revolving loan fund; provided the Wastewater Facility Construction Loan Act is amended to allow for such transfer. Before the department makes the transfer, the department shall:

(1) outline the transfer in the applicable intended use plans for both the drinking water state revolving loan fund and the wastewater facility construction loan fund; and

(2) report the intended transfer to the legislature.

B. The department in the annual intended use plan shall certify to the United States environmental protection agency the progress made regarding operator certification and capacity development programs as they relate to the receipt of capitalization grants available from the environmental protection agency under the federal Safe Drinking Water Act."

## **Chapter 103 Section 6 Laws 2025**

SECTION 6. Section 6-21A-8 NMSA 1978 (being Laws 1997, Chapter 144, Section 8) is amended to read:

### **"6-21A-8. AUTHORITY DUTIES--POWERS.--**

A. The authority with the approval of the governor and as authorized in the intended use plan may transfer up to one-third of a federal drinking water state revolving loan fund capitalization grant to the wastewater facility construction loan fund. Before the authority makes the transfer, the authority shall:

(1) outline the transfer in the applicable intended use plans for both the drinking water state revolving loan fund and the wastewater facility construction loan fund; and

(2) report the intended transfer to the legislature.

B. The authority has the power:

(1) to foreclose upon or attach any drinking water facility, property or interest in the facility pledged, mortgaged or otherwise available as security for a project financed in whole or in part pursuant to the Drinking Water State Revolving Loan Fund Act in the event of a default by a local authority;

(2) to acquire and hold title to or leasehold interest in real and personal property and to sell, convey or lease that property for the purpose of satisfying a default or enforcing the provisions of a loan agreement; and

(3) to enforce its rights by suit or mandamus or may use all other available remedies under state law in the event of default by a local authority.

C. The authority has the power to issue bonds or refunding bonds pursuant to the New Mexico Finance Authority Act and the Drinking Water State Revolving Loan Fund Act when the authority determines that a bond issue is required or desirable to implement the provisions of the Drinking Water State Revolving Loan Fund Act.

D. As security for the payment of the principal and interest on bonds issued by the authority, the authority is authorized to pledge, transfer and assign:

(1) any obligations of each local authority, payable to the authority;

(2) the security for the local authority obligations;

(3) any grant, subsidy or contribution from the United States or any of its agencies or instrumentalities; or

(4) any income, revenues, funds or other money of the authority from any other source appropriated or authorized for use for the purpose of implementing the provisions of the Drinking Water State Revolving Loan Fund Act, including the fund.

E. The bonds and other obligations issued by the authority shall be issued and delivered in accordance with the provisions of the New Mexico Finance Authority Act and may be sold at any time the authority determines appropriate. The authority may apply the proceeds of the sale of the bonds to:

(1) the purposes of the Drinking Water State Revolving Loan Fund Act or the purposes for which the fund may be used;

(2) the payment of interest on bonds issued by the authority for a period not to exceed three years from the date of issuance of the bonds; and

(3) the payment of all expenses, including publication and printing charges, attorney fees, financial advisory and underwriter fees and premiums or commissions that the authority determines are necessary or advantageous in

connection with the recommendation, advertisement, sale, creation and issuance of bonds.

F. In the event that money is not available for a loan for a drinking water facility project when application is made, in order to accelerate the completion of any drinking water facility project, the local authority may, with the approval of the authority, obligate itself to provide local funds to pay that portion of the cost of the drinking water facility project that the authority agrees to make available by loan, and the authority may reimburse the amount expended on its behalf by the local authority.

G. Authority members or employees and any person executing bonds issued pursuant to the New Mexico Finance Authority Act and Drinking Water State Revolving Loan Fund Act shall not be liable personally on the bonds or be subject to personal liability or accountability by reason of the issuance of the bonds.

H. All bonds, notes and certificates issued by the authority shall be special obligations of the authority, payable solely from the revenue, income, fees or charges that may, pursuant to the provisions of the New Mexico Finance Authority Act and the Drinking Water State Revolving Loan Fund Act, be pledged to the payment of such obligations, and the bonds, notes or certificates shall not create an obligation, debt or liability of the state. No breach of any pledge, obligation or agreement of the authority shall impose a pecuniary liability upon the state or a charge upon its general credit or taxing power."

## **LAWS 2025, CHAPTER 104**

### **House Bill 295**

**Approved April 8, 2025**

#### **AN ACT**

RELATING TO TAXATION; MAKING IMPROVEMENTS ON LAND OWNED BY THE NEW MEXICO RENEWABLE ENERGY AUTHORITY EXEMPT FROM PROPERTY TAX FOR SO LONG AS THE AUTHORITY HOLDS TITLE TO THE PROPERTY.

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

### **Chapter 104 Section 1 Laws 2025**

SECTION 1. Section 7-36-4 NMSA 1978 (being Laws 1976, Chapter 61, Section 1, as amended) is amended to read:

"7-36-4. FRACTIONAL PROPERTY INTERESTS--DEFINITIONS--TAXATION AND VALUATION OF FRACTIONAL INTERESTS.--

A. As used in this section:

(1) "fractional interest" means a tangible interest in real property, except for mineral property as defined in Section 7-36-22 NMSA 1978, that is less than the total of the interests existing in the property, but "fractional interest" does not include those property interests described in Sections 7-36-3, 7-36-3.1 and 7-36-3.2 NMSA 1978 nor does it include the lessee's interest under a lease when the term of the lease is more than seventy-five years;

(2) "exempt entity" means any person whose real property is exempt from taxation under the constitution of New Mexico or the Enabling Act (36 Stat. 557, as amended) by reason of ownership;

(3) "exempt property" means property that is exempt from property taxation pursuant to Article 8, Section 3 of the constitution of New Mexico by reason of use;

(4) "improvements" includes surface and subsurface structures, fixtures, transmission lines, pipelines and other works, but "improvements" does not include:

(a) that property either included or specifically excluded under the terms "property used in connection with mineral property" under Section 7-36-23 NMSA 1978, "property used in connection with potash mineral property" under Section 7-36-24 NMSA 1978 and "property used in connection with uranium mineral property" under Section 7-36-25 NMSA 1978;

(b) a dwelling occupied by a low-income resident in a housing project authorized under the provisions of the Municipal Housing Law; and

(c) those property interests described in Sections 7-36-3, 7-36-3.1 and 7-36-3.2 NMSA 1978;

(5) "nonexempt entity" means any person that is not an exempt entity; and

(6) "nonexempt property" means property that is not exempt property.

B. Fractional interests of nonexempt entities in real property of exempt entities are exempt from property taxation under the Property Tax Code, but this exemption shall not apply to the following property:

(1) improvements of land of an exempt entity if the improvements are owned or leased by a nonexempt entity; these improvements are subject to valuation for property taxation purposes and to property taxation to be paid by the nonexempt entity; provided, however, that improvements, including leasehold interest in the improvements, are exempt if the improvements are:

(a) electric transmission and interconnected storage facilities and all related structures, properties and supporting infrastructure that have been acquired by the New Mexico renewable energy transmission authority and qualify as an eligible facility pursuant to the New Mexico Renewable Energy Transmission Authority Act; and

(b) leased by the New Mexico renewable energy transmission authority to a nonexempt entity to construct, operate or assist the authority in constructing or operating the eligible facility; and

(2) property interests of nonexempt entities held under equitable title in the property of exempt entities.

C. When fractional interests are created in property:

(1) fractional interests that are nonexempt property shall be reported to the appropriate valuation authority by the fractional interest owners for valuation for property tax purposes if the owner is a nonexempt entity; and

(2) except for fractional interests owned by the United States, an Indian nation, tribe or pueblo, the state of New Mexico or a political subdivision of the state, fractional interests that are owned by a nonexempt entity but are claimed to be exempt property shall be reported by the owner to the appropriate valuation authority for a determination of exemption status and valuation if determined to be nonexempt property.

D. Fractional interests that are nonexempt property shall be valued by the applicable method of valuation pursuant to the Property Tax Code, and if fractional interests that are exempt property have been created, the value of the remaining nonexempt fractional interests shall be determined in the property tax year following the creation of the interests as the value of the property in the property tax year immediately prior to the year in which creation of the fractional interests occurred, increased or decreased by the value directly attributable to the creation of the fractional interests that are exempt property. For subsequent property tax years, the nonexempt fractional interests shall be valued pursuant to the applicable methods of valuation."

## **Chapter 104 Section 2 Laws 2025**

SECTION 2. APPLICABILITY.--The provisions of this act apply to the 2026 and subsequent property tax years.

## **LAWS 2025, CHAPTER 105**

**HJC/HCEDC/House Bill 296**  
**Approved April 8, 2025**

## AN ACT

RELATING TO THE 1999 PUBLIC ACCOUNTANCY ACT; AMENDING DEFINITIONS; CHANGING QUALIFICATIONS FOR CERTIFICATION; REQUIRING PRACTITIONERS FROM OTHER STATES AND JURISDICTIONS TO HAVE LICENSE REQUIREMENTS THAT ARE COMPARABLE TO OR EXCEED NEW MEXICO'S REQUIREMENTS.

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

### **Chapter 105 Section 1 Laws 2025**

SECTION 1. Section 61-28B-3 NMSA 1978 (being Laws 1999, Chapter 179, Section 3, as amended) is amended to read:

"61-28B-3. DEFINITIONS.--As used in the 1999 Public Accountancy Act:

A. "accounting experience" means providing service or advice involving the use of accounting, attest, management advisory, financial advisory, tax or consulting skills as verified by a certified public accountant who meets requirements prescribed by the board; provided that experience gained through employment in government, industry, academia or public practice shall be accepted;

B. "attest" means to provide the following services:

(1) an audit or other engagement performed in accordance with the statements on auditing standards;

(2) a review of a financial statement performed in accordance with the statement on standards for accounting and review services;

(3) an engagement performed in accordance with the statements on standards for attestation engagements adopted by the board; and

(4) an engagement to be performed in accordance with the auditing standards of the public company accounting oversight board;

C. "board" means the New Mexico public accountancy board;

D. "certificate" means the legal recognition issued to identify a certified public accountant or a registered public accountant pursuant to the 1999 Public Accountancy Act or prior law;

E. "certified public accountant" means a person certified by this state or by another state to practice public accountancy and use the designation;

F. "comparable licensure requirements" means requirements that are comparable to or exceed the education, examination and accounting experience requirements of Paragraph (1) of Subsection A of Section 61-28B-26 NMSA 1978, as determined by the board;

G. "compilation" means a service provided to management, applying accounting and financial reporting expertise, in the presentation of financial statements and reports without undertaking to obtain or provide assurance that there are no material modifications that should be made to the financial statements or reports to be in accordance with the applicable financial reporting framework;

H. "contingent fee" means a fee established for the performance of a service pursuant to an arrangement in which no fee will be charged unless a specific finding or result is attained or upon which the amount of the fee is dependent upon a finding or result. "Contingent fee" does not mean a fee set by the court or a public authority on a tax matter;

I. "director" means the executive director of the board;

J. "firm" means a sole proprietorship, professional corporation, partnership, limited liability company, limited liability partnership or other legal business entity that practices public accountancy;

K. "licensee" means a person, certified public accountant, certified public accountant firm, registered public accountant or registered public accountant firm authorized to do business in New Mexico pursuant to the provisions of the 1999 Public Accountancy Act or prior law;

L. "peer review" means a study, appraisal or review of one or more aspects of the professional work of a firm by a certified public accountant who is not affiliated with the firm being reviewed;

M. "permit" means the annual authority granted to practice as a certified public accountant firm or a registered public accountant firm;

N. "practice" means performing or offering to perform public accountancy for a client or potential client by a person who makes a representation to the public as being a permit holder or registered firm;

O. "public accountancy" means the performance of one or more kinds of services involving accounting or auditing skills, including the issuance of reports on financial statements, the performance of one or more kinds of management, financial advisory or consulting services, the preparation of tax returns or the furnishing of advice on tax matters;



P. "registered public accountant" means a person who is registered by the board to practice public accountancy and use the designation; and

Q. "report" means a written communication issued by an accountant or an accountant firm that:

(1) when used in reference to an audit, review or examination service, expresses or disclaims an opinion or a conclusion as to whether subject matter is presented in accordance with specified criteria; and

(2) when used in reference to a compilation, agreed-upon procedures service or other service that is not an audit, review or examination service, includes a statement or implication that the accountant or accountant firm that issued the report has special knowledge or competence in accounting or attest services such as by the use of names or titles indicating that the person or firm is an accountant or an accountant firm or by the contents of the report itself."

## **Chapter 105 Section 2 Laws 2025**

SECTION 2. Section 61-28B-8 NMSA 1978 (being Laws 1999, Chapter 179, Section 8, as amended) is amended to read:

"61-28B-8. QUALIFICATIONS FOR A CERTIFICATE AS A CERTIFIED PUBLIC ACCOUNTANT.--

A. An applicant for a certificate shall complete the application form provided by the board and demonstrate to the board's satisfaction that the applicant:

(1) is of good moral character and lacks a history of dishonest or felonious acts; and

(2) meets the education, accounting experience and examination requirements of the board.

B. The board may refuse to grant a certificate on the ground that the applicant failed to satisfy the requirement of good moral character.

C. The education requirement for examination shall be:

(1) a baccalaureate degree or its equivalent from a college or university acceptable to the board plus completion of an additional thirty semester hours of higher education in accounting or business;

(2) a baccalaureate degree from a college or university acceptable to the board with a concentration in accounting or business; or

(3) a master's degree from a college or university acceptable to the board with a concentration in accounting or business.

D. The education and accounting experience requirement for a certificate shall be:

(1) a baccalaureate degree or its equivalent from a college or university acceptable to the board plus completion of an additional thirty semester hours of higher education in accounting or business and evidence of at least one year of accounting experience;

(2) a baccalaureate degree from a college or university acceptable to the board with a concentration in accounting or business and evidence of at least two years of accounting experience; or

(3) a master's degree from a college or university acceptable to the board with a concentration in accounting or business and evidence of at least one year of accounting experience.

E. The examination for certification shall be offered continuously via a computer-based testing system at a designated testing center and shall test an applicant's knowledge of the subjects of accounting and auditing and other related subjects as prescribed by the board. The board shall prescribe the method of applying for the examination and the dissemination of scores, and it shall rely on the American institute of certified public accountants for the grading of the examination. The board may use all or any part of the uniform certified public accountant examination services of the national association of state boards of accountancy to perform administrative services with respect to the examination. The board or its designee shall report all eligibility and score data to the national candidate database, and it shall, to the extent possible, provide that the passing scores are uniform with passing scores of other states.

F. An applicant must pass all sections of the examination to qualify for a certificate. A passing scaled score for each section shall be seventy-five percent. Sections may be taken individually and in any order. Credit for any section passed shall be valid for thirty months from the date the passing score is released to the applicant, without having to attain a minimum score on any failed test section and without regard to whether the applicant has taken other test sections. An applicant must pass all four test sections within a continuous thirty-month period, which begins on the date that the first passing scores are released to the applicant. If all four test sections are not passed within the continuous thirty-month period, credit for any test section passed outside the thirty-month period will expire, and that test section must be retaken.

G. An applicant shall be given credit for examination sections passed in another state if such credit would have been given in New Mexico.

H. The board may waive or defer requirements of this section regarding the circumstances in which sections of the examination must be passed, upon a showing that, by reason of circumstances beyond the applicant's control, the applicant was unable to meet the requirement."

## **Chapter 105 Section 3 Laws 2025**

SECTION 3. Section 61-28B-9 NMSA 1978 (being Laws 1999, Chapter 179, Section 9, as amended) is amended to read:

"61-28B-9. ISSUANCE AND RENEWAL OF CERTIFICATE--MAINTENANCE OF COMPETENCY--NONRESIDENT MAINTENANCE OF COMPETENCY REQUIREMENTS.--

A. The board shall grant or renew a certificate upon application and demonstration that the applicant's qualifications are in accordance with the 1999 Public Accountancy Act.

B. The board may establish by rule for the issuance of annual certificates and may prescribe the expiration date of certificates. Failure to pay the renewal fee shall be cause for the board to withhold renewal of a certificate without prior hearing pursuant to the provisions of the Uniform Licensing Act. If the renewal fee and delinquency fee are not paid within ninety days after the expiration date of the license, the certificate shall be subject to cancellation. A certificate holder whose certificate has been canceled for failure to pay the annual renewal fee may secure reinstatement of the certificate only upon application and payment of the renewal fee and reinstatement fee and upon approval by the board.

C. The board shall grant or deny an application for certification no later than one hundred twenty days after the complete application is filed.

D. If an applicant appeals the decision of the board to deny a certificate, the board may issue a provisional certificate for no longer than ninety days while the board reconsiders its decision.

E. To renew a certificate, a certificate holder shall provide satisfactory proof to the board of continuing professional education that is designed to maintain competency. Continuing professional education courses shall comply with board rules. The board may create an exception to the requirement to maintain continuing professional education for certificate holders who do not provide services to the public. A certificate holder granted such an exception must place the word "inactive" or "retired" adjacent to the certificate holder's certified public accountant title or registered public accountant title on a business card, letterhead or other document or device, except for a board-issued certificate.

F. A nonresident certificate holder seeking to renew a certificate shall be determined to have met the continuing professional education requirement in this state if the nonresident has met the continuing professional education requirement in the state where the nonresident's principal place of business is located; provided that:

(1) the nonresident signs a statement on the renewal application that the nonresident has met the continuing professional education requirement in the state where the nonresident's principal place of business is located; and

(2) the state where the nonresident's principal place of business is located requires continuing professional education.

G. An applicant for initial issuance or renewal of a certificate pursuant to this section shall list all foreign and domestic jurisdictions in which the applicant has applied for or holds a designation to practice public accountancy. The applicant shall also list any past denial, revocation or suspension of a certificate, license or permit. An applicant or certificate holder shall notify the board in writing, within thirty days of the occurrence of any issuance, denial, revocation or suspension of a designation or commencement of a disciplinary or enforcement action by any jurisdiction."

## **Chapter 105 Section 4 Laws 2025**

SECTION 4. Section 61-28B-11 NMSA 1978 (being Laws 1999, Chapter 179, Section 11, as amended) is amended to read:

"61-28B-11. CERTIFICATES ISSUED TO HOLDERS OF A CERTIFICATE, LICENSE OR PERMIT ISSUED BY ANOTHER STATE--EXCEPTION.--

A. The board may issue a certificate to a holder of a certificate, license or permit issued by another state upon a showing that the applicant:

(1) passed the examination required for issuance of the applicant's certificate with scores that would have been passing grades at the time in New Mexico;

(2) passed the examination upon which the applicant's out-of-state certificate was based and has met the accounting experience requirements within the ten years immediately preceding the application; and

(3) if the applicant's certificate, license or permit was issued more than four years prior to application, has fulfilled the board's requirements of continuing professional education.

B. An individual shall be granted the privilege to perform, or offer to perform, services without notice to the board or being certified, if the individual holds a valid license or permit in good standing as a certified public accountant or its equivalent issued by another jurisdiction in the United States; provided that the licensee, at the

time of licensure, was required to provide evidence of having successfully completed a qualifying exam in accordance with the requirements of the licensing jurisdiction.

C. The board may issue a certificate to a holder of a foreign designation with comparable licensure requirements as determined by the board to be comparable to or to exceed the education, examination and accounting experience requirements of Paragraph (1) of Subsection A of Section 61-28B-26 NMSA 1978; provided that:

(1) the foreign authority that granted the designation makes similar provision to allow a person who holds a valid certificate issued by New Mexico to obtain such foreign authority's comparable designation;

(2) the foreign designation:

(a) was duly issued by a foreign authority that regulates the practice of public accountancy and the foreign designation has not expired or been revoked or suspended;

(b) entitles the holder to issue reports upon financial statements;  
and

(c) was issued upon the basis of educational, examination and accounting experience requirements established by the foreign authority or by law; and

(3) the applicant:

(a) received the designation based on comparable licensure requirements at the time the foreign designation was granted;

(b) completed an accounting experience requirement in the jurisdiction that granted the foreign designation that has comparable licensure requirements or has completed four years of professional accounting experience in New Mexico; and

(c) passed a uniform qualifying examination on national standards and an examination on the laws, rules and code of ethical conduct in effect in New Mexico that is acceptable to the board.

D. An applicant for initial issuance or renewal of a certificate pursuant to this section shall list all foreign and domestic jurisdictions in which the applicant has applied for or holds a designation to practice public accountancy. The applicant shall also list any past denial, revocation or suspension of a certificate, license or permit. An applicant or certificate holder shall notify the board in writing, within thirty days of the occurrence of any issuance, denial, revocation or suspension of a designation or commencement of a disciplinary or enforcement action by any jurisdiction.

E. The board has the sole authority to interpret the application of the provisions of this section."

## **Chapter 105 Section 5 Laws 2025**

SECTION 5. Section 61-28B-13 NMSA 1978 (being Laws 1999, Chapter 179, Section 13, as amended) is amended to read:

"61-28B-13. FIRM PERMITS TO PRACTICE, ATTEST EXPERIENCE, PEER REVIEW.--

A. The board may grant or renew a permit to practice as a certified public accountant firm to an applicant that demonstrates its qualifications in accordance with this section.

B. A permit issued pursuant to this section shall be required for the following:

(1) a firm with an office in New Mexico performing attest services as defined by the 1999 Public Accountancy Act;

(2) a firm with an office in New Mexico that uses the title "CPA" or "CPA firm"; or

(3) a firm that does not have an office in New Mexico but offers or renders attest services for a client in New Mexico, except as provided in Subsection C of this section.

C. A firm that does not have an office in New Mexico may offer or render attest services for a client in New Mexico and may use the title "CPA" or "CPA firm" without a permit issued pursuant to this section only if:

(1) the firm offers or renders the services through an individual that:

(a) holds a valid license or permit in good standing as a certified public accountant or equivalent issued by another jurisdiction in the United States if, at the time of licensure, the individual showed evidence of having successfully completed a qualifying exam in accordance with the licensing jurisdiction; and

(b) consents to the disciplinary authority of the board;

(2) the firm meets the requirements of Paragraph (1) of Subsection H of this section; and

(3) the firm meets the requirements of Subsection L of this section.

D. A firm not subject to the requirements of Subsection B or C of this section may perform other nonattest professional services while using the title "CPA" or "CPA firm" in New Mexico without a permit issued pursuant to this section only if:

(1) the firm performs services through a person with practice privileges pursuant to Section 61-28B-26 NMSA 1978; and

(2) the firm can lawfully perform services in the state that is the firm's principal place of business.

E. Permits shall be issued and renewed for periods of not more than two years, expiring on June 30 of the year of expiration. Failure to pay the renewal fee shall be cause for the board to withhold renewal of a permit without prior hearing pursuant to the provisions of the Uniform Licensing Act. If the renewal fee and delinquency fee are not paid within ninety days after the expiration of the permit, the permit shall be subject to cancellation. A firm whose permit has been canceled for failure to pay the annual renewal fee may secure reinstatement of the permit upon application and payment of the renewal fee and upon approval by the board.

F. The board shall grant or deny an application for a permit no later than ninety days after the complete application is filed.

G. If an applicant appeals the decision of the board to deny a permit, the board may issue a provisional permit for no longer than ninety days while the board reconsiders its decision.

H. An applicant for initial issuance or renewal of a permit shall demonstrate that:

(1) a simple majority of the ownership of the firm, in terms of financial interests, profits, losses, dividends, distributions, options, redemptions and voting rights of all partners, officers, shareholders, members or managers, belongs to holders of a certificate who are licensed in some state. A partner, officer, shareholder, member or manager, whose principal place of business is in New Mexico, and who performs professional services in New Mexico, must hold a valid certificate. The firm and all owners must comply with the 1999 Public Accountancy Act. A person with practice privileges pursuant to Section 61-28B-26 NMSA 1978 who performs services for which a permit is required pursuant to this section shall not be required to obtain a certificate from New Mexico pursuant to Section 61-28B-9 NMSA 1978. A firm may include owners who are not certificate holders; provided that:

(a) the firm designates a New Mexico certificate holder, or in the case of a firm that must have a permit, a licensee of another state who meets the requirements of Subsection A of Section 61-28B-26 NMSA 1978, who is responsible for the proper registration of the firm and identifies that person to the board;

(b) all owners who are not certificate holders are active participants in the certified public accountant firm or registered public accountant firm or affiliated entities; and

(c) the firm complies with the 1999 Public Accountancy Act; and

(2) a certificate holder, or a person qualifying for practice privileges pursuant to Section 61-28B-26 NMSA 1978, who is responsible for supervising attest services or signs or authorizes someone to sign the accountant's report on behalf of the firm meets the accounting experience requirements set out in the professional standards for such services.

I. An applicant for initial issuance or renewal of a permit shall be required to register each office of the firm within New Mexico with the board and to show that all attest services rendered in this state are under the charge of a person holding a valid certificate issued pursuant to the 1999 Public Accountancy Act or the corresponding provision of prior law or by some other state.

J. An applicant for initial issuance or renewal of a permit shall list all foreign and domestic jurisdictions in which it has applied for or holds permits as a certified public accountant firm and list any past denial, revocation or suspension of a permit by any jurisdiction. Each permit holder or applicant shall notify the board in writing, within thirty days of the occurrence of a change in the identities of partners, officers, shareholders, members or managers whose principal place of business is in this state, a change in the number or location of offices within this state, a change in the identity of the persons in charge of such offices and any issuance, denial, revocation or suspension of a permit by another jurisdiction.

K. A firm that falls out of compliance with the provisions of the 1999 Public Accountancy Act due to changes in firm ownership or personnel shall take corrective action to bring the firm back into compliance as quickly as possible. The board may grant a six-month period for a firm to take the corrective action. Failure to bring the firm back into compliance within six months shall result in the suspension or revocation of the firm permit.

L. As a condition to permit renewal, the board shall require the applicant to undergo a peer review conducted in accordance with board rules. The review shall include a verification that a person in the firm, or a person qualifying for practice privileges pursuant to Section 61-28B-26 NMSA 1978, who is responsible for supervising attest services and signs or authorizes someone to sign the accountant's report on behalf of the firm meets the accounting experience requirements set out in the professional standards for the services as required by the board.

M. If a partner, shareholder or member is a legal business entity, that legal business entity must be a firm.



N. Attest services may only be provided by a certificate holder or a member of a firm that satisfies the requirements of this section and Sections 61-28B-8 and 61-28B-13 NMSA 1978. Attest services may not be performed by a certificate holder who is a member of a firm that does not meet the certificate holder's ownership requirements set forth in this section."

## **Chapter 105 Section 6 Laws 2025**

SECTION 6. Section 61-28B-17 NMSA 1978 (being Laws 1999, Chapter 179, Section 17, as amended) is amended to read:

### **"61-28B-17. ENFORCEMENT--UNLAWFUL ACTS.--**

A. Except as otherwise provided in the 1999 Public Accountancy Act, it is unlawful for a person to engage in practice in New Mexico unless the person is a licensee.

B. Except as otherwise provided in the 1999 Public Accountancy Act, no person shall issue a report or financial statement for a person or a governmental unit or issue a report using any form of language conventionally used respecting an audit or review of financial statements, unless the person holds a current license or permit. The state auditor and the state auditor's auditing staff are considered to be in the practice of public accountancy.

C. With the exception of persons cited in Section 61-28B-18 NMSA 1978, a person who prepares a financial accounting and related statements and who is not the holder of a certificate or a permit under the provisions of that act shall use the following statement in the transmittal letter: "I (we) have prepared the accompanying financial statements of (name of entity) as of (time period) and for the (time period) ending (date). This presentation is limited to preparing in the form of financial statements information that is the representation of management (owners). I (we) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.".

D. No person shall indicate by title, designation, abbreviation, sign, card or device that the person is a certified public accountant or a registered public accountant unless the person is currently certified by the board pursuant to the 1999 Public Accountancy Act or is a firm currently permitted by the board pursuant to that act. Unless the person is a holder of a current certificate or permit, no person shall use any title, initials or designation intended to or substantially likely to indicate to the public that the person is a certified public accountant or registered public accountant.

E. No person shall engage in practice unless the person:

- (1) holds a valid certificate or current permit;

(2) is an employee supervised by a licensee pursuant to Section 61-28B-18 NMSA 1978 and not a partner, officer, shareholder or member of a firm; or

(3) is exempt from licensure pursuant to Subparagraph (a) of Paragraph (1) of Subsection C of Section 61-28B-13 NMSA 1978.

F. No person or firm holding a certificate or permit shall engage in practice using a professional or firm name or designation that is misleading about the legal form of the firm; provided, however, that names of one or more former partners, shareholders or members may be included in the name of a firm or its successors.

G. No person shall sell, offer to sell or fraudulently obtain or furnish any certificate or permit nor shall the person fraudulently register as a certified public accountant or registered public accountant or practice in this state without being granted a certificate or permit as provided in the 1999 Public Accountancy Act.

H. A licensee or the licensee's firm shall not receive a commission to recommend or refer a product or service to a client or to recommend to anyone else a product or service to be supplied by a client during the period the licensee or the licensee's firm is engaged to perform the following services for that client and during the period covered by any historical financial statements involved in the services:

(1) an audit or review of a financial statement;

(2) a compilation of a financial statement when the licensee expects or might reasonably expect that a third party will use the financial statement, and the compilation report does not disclose the lack of independence by the licensee; or

(3) an examination of prospective financial information.

I. A licensee or the licensee's firm that is not prohibited from receiving a commission by Subsection H of this section and that is paid or expects to be paid a commission shall disclose that fact in writing to the person for whom the licensee or the licensee's firm performs a service or refers or recommends a product or service. A licensee or firm that accepts or pays a referral fee for a service or to obtain a client shall disclose such acceptance or payment to the client in writing.

J. A licensee or the licensee's firm shall not charge or receive a contingent fee for a client for whom the licensee or the licensee's firm performs the following services:

(1) an audit or review of a financial statement;

(2) a compilation of a financial statement when the licensee expects or reasonably might expect that a third party will use the financial statement and the compilation report does not disclose a lack of independence;

(3) an examination of prospective financial information; or

(4) preparation of an original or amended tax return or claim for tax refund, except in the case of federal, state or other taxes in which the findings are those of the tax authorities and not those of the licensee or in the case of professional services for which fees are to be fixed by courts or other public authorities and that are therefore indeterminate in amount at the time the professional services are undertaken.

K. No licensee shall sign or certify any financial statements if the licensee knows the same to be materially false or fraudulent.

L. For the purposes of this section, a person with practice privileges pursuant to Section 61-28B-26 NMSA 1978 shall be deemed to have comparable licensure requirements to a certificate holder pursuant to Section 61-28B-9 NMSA 1978. Terms or references that refer to a certificate holder pursuant to Section 61-28B-9 NMSA 1978 shall include a person with practice privileges pursuant to Section 61-28B-26 NMSA 1978.

M. For the purposes of this section, a firm practicing under Subsection C or D of Section 61-28B-13 NMSA 1978 may perform the services specified by the applicable provisions of the 1999 Public Accountancy Act and may use the terms "CPA" or "CPA firm" without obtaining a permit. Terms or references that refer to a firm holding a permit pursuant to Subsection B of Section 61-28B-13 NMSA 1978 shall include a firm practicing pursuant to Subsection C or D of Section 61-28B-13 NMSA 1978."

## **Chapter 105 Section 7 Laws 2025**

SECTION 7. Section 61-28B-26 NMSA 1978 (being Laws 1999, Chapter 179, Section 26, as amended) is amended to read:

"61-28B-26. PRACTICE PRIVILEGE AND DISCIPLINE FOR A CERTIFICATE HOLDER FROM ANOTHER STATE OR JURISDICTION--REQUIREMENTS.--

A. Except as provided in Subsection D of this section, a person whose principal place of business is not in New Mexico shall be presumed to have met comparable licensure requirements and may exercise all the practice privileges of certificate holders of New Mexico without the need to obtain a certificate pursuant to Section 61-28B-9 NMSA 1978 if the person:

(1) holds a valid license as a certified public accountant from any state that requires, as a condition of licensure, that a person meet the education and accounting experience requirements pursuant to Subsection D of Section 61-28B-8 NMSA 1978; or

(2) holds a valid license or permit in good standing as a certified public accountant or its equivalent from a jurisdiction in the United States; provided that the

licensee, at the time of licensure, was required to provide evidence of having successfully completed a qualifying exam in accordance with the requirements of the licensing jurisdiction and the education and accounting experience requirements pursuant to Subsection D of Section 61-28B-8 NMSA 1978.

B. Notwithstanding any other provision of law, a person who qualifies for the practice privilege pursuant to this section may offer or render professional services whether in person or by mail, telephone or electronic means, and no notice, fee or other submission shall be required of the person.

C. A person licensed in another state exercising the practice privilege afforded pursuant to this section shall consent, as a condition of exercising the practice privilege:

(1) to submit to the personal and subject-matter jurisdiction and disciplinary authority of the board;

(2) to comply with the 1999 Public Accountancy Act and the rules adopted by the board;

(3) to cease offering or rendering professional attest services in New Mexico in the event the license from the state of the person's principal place of business is no longer valid; and

(4) to the appointment of the state board that issued the license as agent upon whom process may be served in any action or proceeding by the New Mexico public accountancy board against the licensee.

D. A person who qualifies for the practice privileges pursuant to this section and who performs an attest service shall meet the requirements of Section 61-28B-11 NMSA 1978.

E. A certificate or permit holder of New Mexico that offers or renders an attest service or uses its certified public accountant title in another state shall be subject to disciplinary action in New Mexico for an act committed in another state for which it would be subject to discipline in the other state. The board shall investigate any complaint made by the board of accountancy in another state in accordance with the provisions of the 1999 Public Accountancy Act."

## **Chapter 105 Section 8 Laws 2025**

SECTION 8. Section 61-28B-27 NMSA 1978 (being Laws 1999, Chapter 179, Section 27, as amended) is amended to read:

"61-28B-27. FEES.--Except as provided in Section 61-1-34 NMSA 1978 and Subsection B of Section 61-28B-11 NMSA 1978, the board may collect from certificate holders, permit holders, applicants and others the following fees:

- A. for examination, a fee not to exceed four hundred dollars (\$400) per examination section;
- B. for certificate issuance or renewal, a fee not to exceed one hundred seventy-five dollars (\$175) per year; provided, however, that the board may charge a biennial fee of not more than twice the annual fee;
- C. for firm permits, a fee not to exceed one hundred dollars (\$100) per year; provided, however, that the board may charge a biennial fee of not more than twice the annual fee;
- D. for incomplete or delinquent continuing education reports, certificate or permit renewals, a fee not to exceed one hundred dollars (\$100) each;
- E. for preparing and providing licensure and examination information to others, a fee not to exceed seventy-five dollars (\$75.00) per report;
- F. reasonable administrative fees for such services as research, record copies, duplicate or replacement certificates or permits;
- G. a fee for fingerprinting and background check for an applicant for certification not to exceed one hundred dollars (\$100);
- H. for certificate reinstatement, a fee not to exceed one hundred seventy-five dollars (\$175), plus past due fees and penalties;
- I. for waiver to comply with continuing professional education requirements, a fee not to exceed seventy-five dollars (\$75.00) per application; and
- J. for reentry into active certificate status and to comply with continuing education, a fee not to exceed seventy-five dollars (\$75.00) per application."

## **Chapter 105 Section 9 Laws 2025**

SECTION 9. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2026.

# **LAWS 2025, CHAPTER 106**

**House Bill 336**

**Approved April 8, 2025**

## AN ACT

RELATING TO PUBLIC EMPLOYEES; EXPANDING THE DEFINITION OF "PEACE OFFICER" TO ALLOW RETIRED MEMBERS THAT ARE EMPLOYED BY THE STATE AND WHO HAVE PEACE OFFICER POWERS TO RETURN TO WORK UNDER CERTAIN CONDITIONS.

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

### **Chapter 106 Section 1 Laws 2025**

SECTION 1. Section 10-11-8 NMSA 1978 (being Laws 1987, Chapter 253, Section 8, as amended) is amended to read:

"10-11-8. NORMAL RETIREMENT--RETURN TO EMPLOYMENT--BENEFITS CONTINUED--CONTRIBUTIONS.--

A. A member may retire upon fulfilling the following requirements prior to the selected date of retirement:

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

(2) employment is terminated with all employers covered by any state system or the educational retirement system;

(3) the member selects an effective date of retirement that is the first day of a calendar month; and

(4) the member meets the age and service credit requirement for normal retirement specified in the coverage plan applicable to the member.

B. The amount of normal retirement pension is determined in accordance with the coverage plan applicable to the member.

C. Except as provided in Subsections D, J and K of this section, on or after July 1, 2010, a retired member may be subsequently employed by an affiliated public employer only pursuant to the following provisions:

(1) the retired member has not been employed as an employee of an affiliated public employer or retained as an independent contractor by the affiliated public employer from which the retired member retired for at least twelve consecutive months from the date of retirement to the commencement of subsequent employment or reemployment with an affiliated public employer;

(2) the retired member's pension shall be suspended upon commencement of the subsequent employment;

(3) except as provided in Subsection F of this section, the retired member shall not become a member and shall not accrue service credit, and the retired member and that person's subsequent affiliated public employer shall not make contributions under any coverage plan pursuant to the Public Employees Retirement Act; and

(4) upon termination of the subsequent employment, the retired member's pension shall resume in accordance with the provisions of Subsection A of this section.

D. The provisions of Subsections C, G, H, J and K of this section do not apply to:

(1) a retired member employed by the legislature for legislative session work;

(2) a retired member employed temporarily as a precinct board member for a municipal election or an election covered by the Election Code; or

(3) a retired member who is elected to serve a term as an elected official in an office covered pursuant to the Public Employees Retirement Act; provided that:

(a) the retired member files an irrevocable exemption from membership with the association within thirty days of taking office; and

(b) the irrevocable exemption shall be for the elected official's term of office.

E. A retired member who returns to employment during retirement pursuant to Subsection D of this section is entitled to receive retirement benefits but is not entitled to accrue service credit or to acquire or purchase service credit in the future for the period of the retired member's subsequent employment with an affiliated public employer.

F. At any time during a retired member's subsequent employment pursuant to Subsection C of this section, the retired member may elect to become a member and the following conditions shall apply:

(1) the previously retired member and the subsequent affiliated public employer shall make the required employee and employer contributions, and the previously retired member shall accrue service credit for the period of subsequent employment; and

(2) when the previously retired member terminates the subsequent employment with an affiliated public employer, the previously retired member shall retire according to the provisions of the Public Employees Retirement Act, subject to the following conditions:

(a) payment of the pension shall resume in accordance with the provisions of Subsection A of this section;

(b) unless the previously retired member accrued at least three years of service credit on account of the subsequent employment, the recalculation of pension shall: 1) employ the form of payment selected by the previously retired member at the time of the first retirement; and 2) use the provisions of the coverage plan applicable to the member on the date of the first retirement; and

(c) the recalculated pension shall not be less than the amount of the suspended pension.

G. A retired member who returned to work with an affiliated public employer prior to July 1, 2010 shall be subject to the provisions of this section in effect on the date the retired member returned to work; provided that on and after July 1, 2010, the retired member shall pay the employee contribution in an amount specified in the Public Employees Retirement Act for the position in which the retired member is subsequently employed.

H. Effective July 1, 2014, if a retired member who, subsequent to retirement, is employed and covered pursuant to the provisions of the Magistrate Retirement Act or Judicial Retirement Act, during the period of subsequent employment:

(1) the member shall be entitled to receive retirement benefits;

(2) the retired member's cost-of-living pension adjustment shall be suspended upon commencement of the employment; and

(3) upon termination of the employment, the retired member's suspended cost-of-living pension adjustment shall be reinstated as provided under Section 10-11-118 NMSA 1978.

I. The pension of a member who has earned service credit under more than one coverage plan shall be determined as follows:

(1) the pension of a member who has three or more years of service credit earned on or before June 30, 2013 under each of two or more coverage plans shall be determined in accordance with the coverage plan that produces the highest pension;



(2) the pension of a member who has service credit earned on or before June 30, 2013 under two or more coverage plans but who has three or more years of service credit under only one of those coverage plans shall be determined in accordance with the coverage plan in which the member has three or more years of service credit. If the service credit is acquired under two different coverage plans applied to the same affiliated public employer as a consequence of an election by the members, adoption by the affiliated public employer or a change in the law that results in the application of a coverage plan with a greater pension, the greater pension shall be paid a member retiring from the affiliated public employer under which the change in coverage plan took place regardless of the amount of service credit under the coverage plan producing the greater pension; provided that the member has three or more years of continuous employment with that affiliated public employer immediately preceding or immediately preceding and immediately following the date the coverage plan changed;

(3) the pension of a member who has service credit earned on or before June 30, 2013 under each of two or more coverage plans and who has service credit earned under any coverage plan on or after July 1, 2013 shall be equal to the sum of:

(a) the pension attributable to the service credit earned on or before June 30, 2013 determined pursuant to Paragraph (1) or (2) of this subsection; and

(b) the pension attributable to the service credit earned under each coverage plan on or after July 1, 2013;

(4) the pension of a member who has service credit earned only on and after July 1, 2013 shall be equal to the sum of the pension attributable to the service credit the member has accrued under each coverage plan; and

(5) the provisions of each coverage plan for the purpose of this subsection shall be those in effect at the time the member ceased to be covered by the coverage plan. "Service credit", for the purposes of this subsection, shall be only personal service rendered an affiliated public employer and credited to the member under the provisions of Subsection A of Section 10-11-4 NMSA 1978. Service credited under any other provision of the Public Employees Retirement Act shall not be used to satisfy the three-year service credit requirement of this subsection.

J. A retired member may be subsequently employed by an affiliated public employer; provided that the retired member has not been employed as an employee of an affiliated public employer or retained as an independent contractor by the affiliated public employer from which the retired member retired for at least ninety consecutive days from the date of retirement to the commencement of subsequent employment or reemployment with an affiliated public employer; and further provided that the:

positions: (1) retired member shall only be employed in one of the following

- (a) adult correctional officer;
- (b) adult detention officer;
- (c) courthouse security officer;
- (d) emergency medical dispatcher;
- (e) emergency medical technician or paramedic;
- (f) firefighter;
- (g) juvenile correctional officer;
- (h) juvenile detention officer;
- (i) municipal police officer;
- (j) peace officer;
- (k) protective services investigator;
- (l) public safety telecommunicator;
- (m) sheriff's deputy; or
- (n) state police officer;

(2) retired member shall have retired prior to December 31, 2023;

(3) retired member's pension, including any cost-of-living adjustment, shall continue to be paid during the period of subsequent employment;

(4) retired member shall not become a member during the period of subsequent employment;

(5) retired member shall not accrue service credit for any portion of the period of subsequent employment;

(6) retired member and the retired member's subsequent affiliated public employer shall make the contributions that would be required for members and employers under the applicable coverage plan during the entire period of subsequent employment;

(7) contributions paid by or on behalf of the retired member during the term of subsequent employment shall not be refundable at the termination of the subsequent employment;

(8) retired member shall have no seniority based on pre-retirement employment for purposes of selecting shifts;

(9) retired member shall have no limitation on the length of time that the retired member can be subsequently employed or reemployed by an affiliated public employer; provided that the retired member shall only receive up to thirty-six consecutive months of pension payments while reemployed;

(10) retired member shall not be hired for reemployment into an employment position with a vacancy rate that is lower than ten percent at the time of the retired member's hiring; and

(11) subsequent employment begins prior to July 1, 2027.

K. An affiliated public employer that employs a retired member provided in Subsection J of this section shall:

(1) track and document:

(a) the date of hire and date of separation for each reemployed retired member;

(b) the retired member's employment position prior to retirement;

(c) the salary of each reemployed retired member; and

(d) the monthly vacancy rate for each employment position at the affiliated public employer; and

(2) if the affiliated public employer has to lay off employees due to budgetary restrictions, lay off reemployed retired members before laying off any members.

L. For the purposes of this section:

(1) "adult correctional officer" means a person who is employed as an adult correctional officer or an adult correctional officer specialist by a state correctional facility of the corrections department or its successor agency;

(2) "adult detention officer" means a person who is employed by an affiliated public employer other than the state and who has inmate custodial

responsibilities at a facility used for the confinement of adults charged with or convicted of a violation of a law or ordinance;

(3) "courthouse security officer" means a person who is employed by the administrative office of the courts who provides security or protective services for a courthouse;

(4) "emergency medical dispatcher" means a person who is trained and licensed pursuant to the Emergency Medical Services Act and who receives calls for emergency medical assistance, provides pre-arrival medical instructions, dispatches emergency medical assistance and coordinates its response;

(5) "emergency medical technician" means a person who is licensed as an emergency medical technician or paramedic and who provides patient care pursuant to the Emergency Medical Services Act;

(6) "firefighter" means a person who is employed as a full-time non-volunteer firefighter by an affiliated public employer who has taken the oath for firefighters and who serves in a non-management position serving or supporting the delivery of emergency services in a front line capacity;

(7) "juvenile correctional officer" means a person who is employed as a juvenile correctional officer by the children, youth and families department or its successor agency;

(8) "juvenile detention officer" means a person who is employed as a juvenile detention officer or youth program officer by an affiliated public employer other than the state;

(9) "municipal police officer" means a person who is employed by an affiliated public employer other than the state or a county and who is a law enforcement officer who serves in a uniformed patrol capacity responding to dispatched calls for service;

(10) "peace officer" means:

(a) a person who is appointed by the attorney general or district attorney and who is a certified law enforcement officer who investigates and enforces state laws, rules and regulations, including the execution of warrants; or

(b) an employee of the state with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes;

(11) "protective services investigator" means a person who is an employee of the protective services division of the children, youth and families

department who investigates child abuse referrals, assesses the risk and safety of the child and takes appropriate action or prepares cases for transfer to child protective services permanency planning;

(12) "public safety telecommunicator" means a person who is an employee of a safety agency who receives calls or dispatches the appropriate personnel or equipment in response to calls for police, fire or medical services and makes decisions affecting the life, health or welfare of the public or safety employees and who has qualified for the certification set forth in the Public Safety Telecommunicator Training Act;

(13) "sheriff's deputy" means a person who is employed by a county and who is a law enforcement officer who serves in a uniformed patrol capacity responding to dispatched calls for service or serves as a courthouse security officer employed by a county; and

(14) "state police officer" means a person who is an officer of the New Mexico state police division of the department of public safety, who has taken the oath prescribed for such officers and who serves in a uniformed patrol capacity responding to dispatched calls for service."

## **LAWS 2025, CHAPTER 107**

**House Bill 368**

**Approved April 8, 2025**

AN ACT

RELATING TO THE HIGH-WAGE JOBS TAX CREDIT; AMENDING THE DEFINITION OF "THRESHOLD JOB" APPLICABLE TO THE CREDIT.

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

### **Chapter 107 Section 1 Laws 2025**

SECTION 1. Section 7-9G-1 NMSA 1978 (being Laws 2004, Chapter 15, Section 1, as amended) is amended to read:

"7-9G-1. HIGH-WAGE JOBS TAX CREDIT--QUALIFYING HIGH-WAGE JOBS.--

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

B. The purpose of the high-wage jobs tax credit is to provide an incentive for urban and rural businesses to create and fill new high-wage jobs in New Mexico.

C. The high-wage jobs tax credit may be claimed and allowed in an amount equal to eight and one-half percent of the wages distributed to an eligible employee in a new high-wage job but shall not exceed twelve thousand seven hundred fifty dollars (\$12,750) per job per qualifying period. The high-wage jobs tax credit may be claimed by an eligible employer for each new high-wage job performed for the year in which the new high-wage job is created and for consecutive qualifying periods.

D. To receive a high-wage jobs tax credit, a taxpayer shall file an application for approval of the credit with the department once per calendar year on forms and in the manner prescribed by the department. The annual application shall contain the certification required by Subsection K of this section and shall contain all qualifying periods that closed during the calendar year for which the application is made. Any qualifying period that did not close in the calendar year for which the application is made shall be denied by the department. The application for a calendar year shall be filed no later than December 31 of the following calendar year. If a taxpayer fails to file the annual application within the time limits provided in this section, the application shall be denied by the department. The department shall make a determination on the application within one hundred eighty days of the date on which the application was filed.

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

F. If a consecutive qualifying period for a new high-wage job does not meet the wage, occupancy and residency requirements, then the qualifying period is ineligible.

G. Except as provided in Subsection H of this section, a new high-wage job shall not be eligible for a credit pursuant to this section if:

(1) the new high-wage job is created due to a business merger or acquisition or other change in business organization;

(2) the eligible employee was terminated from employment in New Mexico by another employer involved in the business merger or acquisition or other change in business organization with the taxpayer; and

(3) the new high-wage job is performed by:

(a) the person who performed the job or its functional equivalent prior to the business merger or acquisition or other change in business organization; or

(b) a person replacing the person who performed the job or its functional equivalent prior to a business merger or acquisition or other change in business organization.

H. A new high-wage job that was created by another employer and for which an application for the high-wage jobs tax credit was received and is under review by the department prior to the time of the business merger or acquisition or other change in business organization shall remain eligible for the high-wage jobs tax credit for the balance of the consecutive qualifying periods. The new employer that results from a business merger or acquisition or other change in business organization may only claim the high-wage jobs tax credit for the balance of the consecutive qualifying periods for which the new high-wage job is otherwise eligible.

I. A new high-wage job shall not be eligible for a credit pursuant to this section if the job is created due to an eligible employer entering into a contract or becoming a subcontractor to a contract with a governmental entity that replaces one or more entities performing functionally equivalent services for the governmental entity unless the job is a new high-wage job that was not being performed by an employee of the replaced entity.

J. A new high-wage job shall not be eligible for a credit pursuant to this section if the eligible employer has more than one business location in New Mexico from which it conducts business and the requirements of Subsection E of this section are satisfied solely by moving the job from one business location of the eligible employer in New Mexico to another business location of the eligible employer in New Mexico.

K. With respect to each annual application for a high-wage jobs tax credit, the employer shall certify and include:

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

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

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

(4) which qualifying period the application pertains to for each eligible employee;

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

(6) the total number of threshold jobs performed or based at the eligible employer's location on the day prior to the qualifying period and on the last day of the qualifying period;

(7) for an eligible employer that has more than one business location in New Mexico from which it conducts business, the total number of threshold jobs performed or based at each business location of the eligible employer in New Mexico on the day prior to the qualifying period and on the last day of the qualifying period;

(8) whether the eligible employer is receiving or is eligible to receive development training program assistance pursuant to Section 21-19-7 NMSA 1978;

(9) whether the eligible employer has ceased business operations at any of its business locations in New Mexico; and

(10) whether the application is precluded by Subsection O of this section.

L. Any person who willfully submits a false, incorrect or fraudulent certification required pursuant to Subsection K of this section shall be subject to all applicable penalties under the Tax Administration Act, except that the amount on which the penalty is based shall be the total amount of credit requested on the application for approval.

M. Except as provided in Subsection N of this section, an approved high-wage jobs tax credit shall be claimed against the taxpayer's modified combined tax liability and shall be filed with the return due immediately following the date of the credit approval. If the credit exceeds the taxpayer's modified combined tax liability, the excess shall be refunded to the taxpayer.

N. If the taxpayer ceases business operations in New Mexico while an application for credit approval is pending or after an application for credit has been approved for any qualifying period for a new high-wage job, the department shall not grant an additional high-wage jobs tax credit to that taxpayer except as provided in Subsection O of this section and shall extinguish any amount of credit approved for that taxpayer that has not already been claimed against the taxpayer's modified combined tax liability.

O. A taxpayer that has received a high-wage jobs tax credit shall not submit a new application for the credit for a minimum of two calendar years from the closing date of the last qualifying period for which the taxpayer received the credit if the taxpayer lost



eligibility to claim the credit from a previous application pursuant to Subsection N of this section.

P. The economic development department and the taxation and revenue department shall report to the appropriate interim legislative committee each year the cost of the high-wage jobs tax credit to the state and its impact on company recruitment and job creation.

Q. As used in this section:

(1) "benefits" means all remuneration for work performed that is provided to an employee in whole or in part by the employer, other than wages, including the employer's contributions to insurance programs, health care, medical, dental and vision plans, life insurance, employer contributions to pensions, such as a 401(k), and employer-provided services, such as child care, offered by an employer to the employee;

(2) "consecutive qualifying period" means each of the three qualifying periods successively following the qualifying period in which the new high-wage job was created;

(3) "department" means the taxation and revenue department;

(4) "dependent" means "dependent" as defined in 26 U.S.C. 152(a), as that section may be amended or renumbered;

(5) "domicile" means the sole place where an individual has a true, fixed, permanent home. It is the place where the individual has a voluntary, fixed habitation of self and family with the intention of making a permanent home;

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

(a) is a dependent of the employer;

(b) if the employer is an estate or trust, is a grantor, beneficiary or fiduciary of the estate or trust or is a dependent of a grantor, beneficiary or fiduciary of the estate or trust;

(c) if the employer is a corporation, is a dependent of an individual who owns, directly or indirectly, more than fifty percent in value of the outstanding stock of the corporation; or

(d) if the employer is an entity other than a corporation, estate or trust, is a dependent of an individual who owns, directly or indirectly, more than fifty percent of the capital and profits interests in the entity;

(7) "eligible employer" means an employer that, during the applicable qualifying period, would be eligible for development training program assistance under the fiscal year 2019 policies defining development training program eligibility developed by the industrial training board in accordance with Section 21-19-7 NMSA 1978;

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

(9) "new high-wage job" means a new job created in New Mexico by an eligible employer on or after July 1, 2004 and prior to July 1, 2026 that is occupied for at least forty-four weeks of a qualifying period by an eligible employee who is paid wages calculated for the qualifying period to be at least:

(a) for a new high-wage job created prior to July 1, 2015: 1) forty thousand dollars (\$40,000) if the job is performed or based in or within ten miles of the external boundaries of a municipality with a population of sixty thousand or more according to the most recent federal decennial census or in a class H county; and 2) twenty-eight thousand dollars (\$28,000) if the job is performed or based in a municipality with a population of less than sixty thousand according to the most recent federal decennial census or in the unincorporated area, that is not within ten miles of the external boundaries of a municipality with a population of sixty thousand or more, of a county other than a class H county; and

(b) for a new high-wage job created on or after July 1, 2015: 1) sixty thousand dollars (\$60,000) if the job is performed or based in or within ten miles of the external boundaries of a municipality with a population of sixty thousand or more according to the most recent federal decennial census or in a class H county; and 2) forty thousand dollars (\$40,000) if the job is performed or based in a municipality with a population of less than sixty thousand according to the most recent federal decennial census or in the unincorporated area, that is not within ten miles of the external boundaries of a municipality with a population of sixty thousand or more, of a county other than a class H county;

(10) "new job" means a job that is occupied by an employee who has not been employed in New Mexico by the eligible employer in the three years prior to the date of hire;

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

(12) "resident" means a natural person whose domicile is in New Mexico at the time of hire or within one hundred eighty days of the date of hire;

(13) "threshold job" means a job that:

(a) is occupied for at least forty-four weeks of the first fifty-two weeks of employment by an eligible employee; provided that the fifty-two-week period begins on the day the eligible employee occupies the job; and

(b) meets the wage requirements for a "new high-wage job"; and

(14) "wages" means all compensation paid by an eligible employer to an eligible employee through the employer's payroll system, including those wages that the employee elects to defer or redirect or the employee's contribution to a 401(k) or cafeteria plan program, but "wages" does not include benefits or the employer's share of payroll taxes, social security or medicare contributions, federal or state unemployment insurance contributions or workers' compensation."

## **Chapter 107 Section 2 Laws 2025**

SECTION 2. APPLICABILITY.--The provisions of this act apply to applications for a high-wage jobs tax credit received by the taxation and revenue department on or after the effective date of this act.

# **LAWS 2025, CHAPTER 108**

**HHHC/House Bill 398**

**Approved April 8, 2025**

AN ACT

RELATING TO INSURANCE; AMENDING THE INSURANCE HOLDING COMPANY LAW; ADDING DEFINITIONS; PROVIDING FOR GROUP CAPITAL CALCULATION REPORTS AND LIQUIDITY STRESS TESTS; AMENDING THE HEALTH MAINTENANCE ORGANIZATION LAW TO MODIFY THE TIME LINE FOR EXAMINATIONS OF HEALTH MAINTENANCE ORGANIZATIONS AND CONTRACT PROVIDERS.

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

## **Chapter 108 Section 1 Laws 2025**

SECTION 1. Section 59A-37-2 NMSA 1978 (being Laws 1984, Chapter 127, Section 617, as amended) is amended to read:

"59A-37-2. DEFINITIONS.--As used in the Insurance Holding Company Law:

A. "acquire" means to come into possession or control of, and "acquisition" means any agreement, arrangement or activity the consummation of which results in a person acquiring directly or indirectly the control of another person and includes the acquisition of voting securities or assets, bulk reinsurance and mergers;

B. "affiliate" means a person that directly or indirectly is controlled by, is under common control with or controls another person;

C. "association" means the national association of insurance commissioners;

D. "commissioner" means an insurance regulation department of another state or the chief regulator or the regulator's deputy of another state;

E. "control" means the possession of the power to direct or cause the direction of the management and policies of a person, whether directly or indirectly, through the ownership of voting securities, through licensing or franchise agreements, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by an individual. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing ten or more percent of the voting securities of any other person. This presumption may be rebutted by a showing, in the manner provided by Section 59A-37-19 NMSA 1978, that control does not in fact exist. The superintendent may determine, after furnishing all persons in interest notice and an opportunity to be heard, that control exists in fact, notwithstanding the absence of a presumption to that effect; provided that the determination is based on specific findings of fact in its support;

F. "enterprise risk" means an activity, a circumstance, an event or a series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its whole insurance holding company system and includes a situation that would cause a company action level event as defined in Section 59A-5A-4 NMSA 1978 or would cause the insurer to be in a hazardous financial condition as defined in Section 59A-41-24 NMSA 1978;

G. "group-wide supervisor" means the regulatory official authorized to conduct and coordinate group-wide supervision activities who is determined or

acknowledged by the superintendent to have sufficient significant contacts with the internationally active insurance group as described in the *National Association of Insurance Commissioners Model Laws, Regulations, Guidelines and Other Resources* 440-1;

H. "health maintenance organization" means a person that undertakes to provide or arrange for the delivery of basic health care services to enrollees on a prepaid basis; provided that "prepaid basis" may include the payment of copayments and deductibles by enrollees;

I. "insurance holding company" is a person that controls an insurer; "insurance holding company system" means a combination of two or more affiliated persons, at least one of which is an insurer;

J. "insurer" means a person that undertakes, under contract, to indemnify a person against loss, damage or liability arising from an unknown or contingent future event. The term does not include agencies, authorities or instrumentalities of the United States, its possessions or territories, the commonwealth of Puerto Rico, the District of Columbia, a state or any of its political subdivisions or a fraternal benefit society;

K. "internationally active insurance group" means an insurance holding company system that includes an insurer registered pursuant to Section 59A-37-12 NMSA 1978 that:

(1) writes premiums in at least three counties;

(2) produces gross premiums written outside of the United States of at least ten percent of the insurance holding company system's gross written premiums; and

(3) has total assets of at least fifty billion dollars (\$50,000,000,000) based on a three-year rolling average or has total gross written premiums of at least ten billion dollars (\$10,000,000,000);

L. "large life insurance company" means a person, as defined by the association, that contracts with a policy owner to guarantee to pay a sum of money to one or more named beneficiaries when an insured person dies;

M. "liquidity stress test framework" means the publication adopted or amended by the association that includes the scope criteria for a specific data year and the liquidity stress test instructions and reporting templates for a specific data year;

N. "person" means an individual, corporation, association, partnership, joint stock company, trust, unincorporated organization or any similar entity or combination of entities;

O. "scope criteria" means the designated exposure bases and minimum magnitudes for a specified data year as detailed by the association used to establish a preliminary list of insurers scoped into the liquidity stress test framework for a data year;

P. "securityholder" means the owner of any security of a person, including common stock, preferred stock, debt obligations and any other security convertible into or evidencing the right to acquire any of the foregoing;

Q. "subsidiary" means an affiliate of a person controlled by the person either directly or indirectly through one or more intermediaries; and

R. "voting security" means a certificate evidencing the ownership or indebtedness of a person, to which is attached a right to vote on the management or policymaking of that person and includes any security convertible into or evidencing a right to acquire such a voting security."

## **Chapter 108 Section 2 Laws 2025**

SECTION 2. Section 59A-37-30 NMSA 1978 (being Laws 2014, Chapter 59, Section 44) is amended to read:

"59A-37-30. ENTERPRISE RISK FILING.--The ultimate controlling person of every insurer that is subject to registration shall file an enterprise risk report each year. The report shall reflect that person's knowledge and belief of the material risks within the insurance holding company system that pose enterprise risk to the insurer. The report shall be filed with the lead state insurance supervisory official of the insurance holding company system and in compliance with the relevant procedures outlined in the financial analysis handbook adopted by the association."

## **Chapter 108 Section 3 Laws 2025**

SECTION 3. Section 59A-37-32 NMSA 1978 (being Laws 2014, Chapter 59, Section 46) is amended to read:

"59A-37-32. SUPERVISORY COLLEGES.--

A. In order to determine compliance with the Insurance Holding Company Law by an insurer registered pursuant to Section 59A-37-11 NMSA 1978, the superintendent may participate in a supervisory college for a domestic insurer that is part of an insurance holding company system with international operations. Concerning a supervisory college, the superintendent may:

- (1) initiate its establishment;
- (2) clarify its membership and the participation of other supervisors;

(3) clarify its functions and the role of other regulators, including the establishment of a group-wide supervisor;

(4) coordinate its ongoing activities, including planning meetings, supervision and processes for information sharing; and

(5) establish a crisis management plan.

B. A registered insurer subject to this section shall pay the reasonable expenses, including for travel, associated with the superintendent's participation in a supervisory college pursuant to Subsection C of this section. A supervisory college may be convened as a temporary or permanent forum for communication and cooperation between the regulators charged with the supervision of the insurer or its affiliates. The superintendent may establish a regular assessment to the insurer for the payment of these expenses.

C. In order to assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management and governance processes of an insurer, and as part of the examination of individual insurers pursuant to Section 59A-37-23 NMSA 1978, the superintendent may participate in a supervisory college with other regulators charged with the supervision of the insurer or its affiliates, including other state, federal and international regulatory agencies. The superintendent may enter into agreements in accordance with Subsection C of Section 59A-37-24 NMSA 1978 that provide the basis for cooperation between the superintendent and the other regulatory agencies and the activities of the supervisory college. Nothing in this section shall delegate to the supervisory college the authority of the superintendent to regulate or supervise the insurer or its affiliates within its jurisdiction.

D. The superintendent may act as the group-wide supervisor for an internationally active insurance group and may also acknowledge another commissioner as the group-wide supervisor when the internationally active insurance group:

(1) does not have substantial insurance operations in the United States;

(2) has substantial insurance operations in the United States, but not in New Mexico; or

(3) has substantial operations in the United States, including in New Mexico, but the superintendent has determined that another commissioner is the appropriate group-wide supervisor.

E. An insurance holding company system that does not qualify as an internationally active insurance group may request that the superintendent make a determination as to a group-wide supervisor.

F. The superintendent shall identify a single group-wide supervisor for an internationally active insurance group in cooperation with other state, federal and international regulatory agencies.

G. The superintendent may determine that the superintendent is the appropriate group-wide supervisor for an internationally active insurance group that conducts substantial insurance operations conducted in New Mexico.

H. The superintendent may acknowledge that a commissioner from another jurisdiction is the appropriate group-wide supervisor. In making this determination, the superintendent shall consider the following factors:

(1) the place of domicile of the insurers within the internationally active insurance group that holds the largest share of the group's written premiums, assets or liabilities;

(2) the place of domicile of the top-tiered insurers in the insurance holding company's system of the internationally active insurance group;

(3) the location of the executive offices or largest operational offices of the internationally active insurance group;

(4) whether another commissioner is acting or seeking to act as the group-wide supervisor under a regulatory system that the superintendent determines to be substantially similar to New Mexico's system of regulation or otherwise sufficient in terms of providing for group-wide supervision, enterprise risk analysis and cooperation with other regulatory officials; and

(5) whether the commissioner acting or seeking to act as the group-wide supervisor provides the superintendent with reasonably reciprocal recognition and cooperation.

I. Another commissioner identified as the group-wide supervisor may determine that it is appropriate to acknowledge another supervisor to serve as the group-wide supervisor after considering the factors in Subsection H of this section. Such acknowledgment shall be made in cooperation with the subject of the acknowledgment, the internationally active insurance group and other commissioners involved with supervision of members of the internationally active insurance group.

J. Notwithstanding any other provision of law, when another commissioner is acting as the group-wide supervisor of an internationally active insurance group, the superintendent shall acknowledge that commissioner as the group-wide supervisor."



## Chapter 108 Section 4 Laws 2025

SECTION 4. A new section of the Insurance Holding Company Law is enacted to read:

### "GROUP CAPITAL CALCULATION.--

A. Except as provided below, the ultimate controlling person of an insurer subject to registration pursuant to the provisions of the Insurance Code shall also file an annual group capital calculation report in accordance with the group capital calculation instructions in the financial analysis handbook adopted by the association as directed by the superintendent.

B. The following insurance holding company systems shall be exempt from filing the group capital calculation report:

(1) an insurance holding company system that has only one insurer within its holding company structure, only writes business and is licensed in its domestic state and assumes no business from any other insurer;

(2) an insurance holding company system that is required to perform a group capital calculation as specified by the United States federal reserve board;

(3) an insurance holding company system whose non-United States group-wide supervisor is located in a reciprocal jurisdiction that recognizes the United States regulatory approach to group supervision and group capital; and

(4) an insurance holding company system:

(a) that provides information to a lead state that meets the association's accreditation requirements and financial standards; and

(b) whose non-United States group-wide supervisor recognizes and accepts the world-wide capital assessment for United States insurance groups that operate in that jurisdiction.

C. If an insurance holding company system is required to perform a group capital calculation with the United States federal reserve board, the superintendent shall request the calculation from the United States federal reserve board. If the United States federal reserve board cannot share the calculation, the insurance holding company system is not exempt from the group capital calculation report.

D. Notwithstanding any other provisions of this section, a lead state regulator shall require a group capital calculation for United States operation of any non-United States-based insurance holding company system where, after any necessary consultation with other commissioners, it is deemed appropriate by the lead state

regulator for prudential oversight and solvency monitoring purposes or for ensuring a competitive insurance marketplace.

E. Notwithstanding the filing exemptions provided in this section, the superintendent may exempt the ultimate controlling person from filing that annual group capital calculation and accept a limited group capital calculation report in accordance with criteria specified by the superintendent in regulation.

F. If the superintendent determines that an insurance holding company system no longer meets the requirements for an exemption, the insurance holding company system shall file the group capital calculation at the next annual filing date unless given an extension by the superintendent based on reasonable grounds shown."

## **Chapter 108 Section 5 Laws 2025**

SECTION 5. A new section of the Insurance Holding Company Law is enacted to read:

### **"LIQUIDITY STRESS TEST.--**

A. A large life insurance company subject to registration pursuant to the provisions of the Insurance Code shall file the results of a specific year's liquidity stress test in accordance with the instructions in the financial analysis handbook adopted by the association as directed by the superintendent.

B. A change to the association's liquidity stress test framework or to the data year for which the scope criteria are to be measured shall be effective on January 1 of the year following the calendar year when the change was adopted.

C. A large life insurance company that meets the requirements of the scope criteria is considered scoped into the association's liquidity stress test framework for that data year. A large life insurance company that does not meet the requirements of the scope criteria is considered scoped out of the association's liquidity stress test framework for that data year, unless the superintendent, in consultation with the association's financial stability task force or its successor, determines that the large life insurance company should be scoped into the liquidity stress test framework for that year.

D. The superintendent shall, in consultation with the association's financial stability task force or its successor, assess the concerns of the superintendent's wishes to avoid having insurers scoped in and out of the association's liquidity stress test framework.

E. The superintendent shall comply with the association's liquidity stress test framework instruction and reporting templates and shall file the results of a specific year's determinations.

F. A large life insurance company subject to registration pursuant to the provisions of the Insurance Code shall file the results of a specific year's liquidity stress test in accordance with the instructions in the financial analysis handbook adopted by the association as directed by the superintendent.

G. A change to the association's liquidity stress test framework or to the data year for which the scope criteria are to be measured shall be effective on January 1 of the year following the calendar year when the change was adopted."

## **Chapter 108 Section 6 Laws 2025**

SECTION 6. Section 59A-46-19 NMSA 1978 (being Laws 1993, Chapter 266, Section 19) is amended to read:

"59A-46-19. EXAMINATIONS.--

A. The superintendent may make an examination of the affairs of any health maintenance organization and providers with whom the health maintenance organization has contracts, agreements or other arrangements as often as is reasonably necessary for the protection of the interests of the people of this state, but not less frequently than once every five years.

B. The superintendent may make or request the secretary of health to make an examination concerning the quality assurance program of the health maintenance organization and of any providers with whom the health maintenance organization has contracts, agreements or other arrangements as often as is reasonably necessary for the protection of the interests of the people of this state.

C. Every health maintenance organization and provider shall submit its books and records for examinations and in every way facilitate the completion of the examination. Medical records of individuals and contract providers shall not be subject to examination. For the purpose of examinations, the superintendent and the secretary of health may administer oaths to and examine the officers and agents of the health maintenance organization and the principals of the providers concerning their business.

D. The expenses of examinations under this section shall be assessed against the health maintenance organization being examined and remitted to the superintendent.

E. In lieu of examination, the superintendent may accept the report of an examination made by the superintendent or secretary of health of another state.

F. Examination procedures shall be governed by the applicable provisions of Chapter 59A, Article 4 NMSA 1978."

# **LAWS 2025, CHAPTER 109**

**House Bill 456**

**Approved April 8, 2025**

## **AN ACT**

RELATING TO PROCUREMENT; INCREASING THE LIMIT ON THE TOTAL AMOUNT ON CONTRACTS FOR PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION THAT STATE AGENCIES AND LOCAL PUBLIC BODIES MAY ENTER INTO AND FOR PURCHASE ORDERS UNDER THE CONTRACTS.

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

## **Chapter 109 Section 1 Laws 2025**

SECTION 1. Section 13-1-154.1 NMSA 1978 (being Laws 2007, Chapter 312, Section 1, as amended) is amended to read:

"13-1-154.1. MULTIPLE SOURCE CONTRACTS--ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS--INDEFINITE QUANTITY CONSTRUCTION CONTRACTS.--

A. A state agency or local public body may procure multiple architectural or engineering services contracts for multiple projects under a single qualifications-based request for proposals; provided that the total amount of multiple contracts and all renewals for a single contractor does not exceed seven million five hundred thousand dollars (\$7,500,000) over four years and that a single contract, including any renewals, does not exceed two million dollars (\$2,000,000).

B. A state agency or local public body may procure multiple indefinite quantity construction contracts pursuant to a price agreement for multiple projects under a single request for proposals; provided that the total amount of all contracts and all renewals does not exceed thirty million dollars (\$30,000,000) in a period of no more than ten years and the contract provides that any one purchase order under the contract may not exceed seven million dollars (\$7,000,000).

C. A state agency or local public body may make procurements in accordance with the provisions of Subsection A or B of this section if:

(1) the advertisement and request for proposals states that multiple contracts may or will be awarded, states the number of contracts that may or will be awarded and describes the services or construction to be performed under each contract;

(2) there is a single selection process for all of the multiple contracts, except that for each contract there may be a separate final list and a separate negotiation of contract terms; and

(3) each of the multiple contracts for architectural or engineering services has a term not exceeding four years, or for construction, has a term not exceeding three years, each including all extensions and renewals.

D. A contract to be awarded pursuant to this section to a firm that is currently performing under a contract issued pursuant to this section shall not cause the total amount of all contracts issued pursuant to this section to that firm to exceed:

(1) fifteen million dollars (\$15,000,000) in any four-year period for architectural or engineering services; or

(2) thirty million dollars (\$30,000,000) in any ten-year period for construction.

E. Procurement pursuant to this section is subject to the limitations of Sections 13-1-150 through 13-1-154 NMSA 1978.

F. A state agency and a local public body, not including an agency of the legislative or judicial branch of state government, shall report to the legislative finance committee on an annual basis and to the purchasing division of the general services department on, at minimum, a quarterly basis the aggregate amount of contracts for each contractor and the corresponding amounts to be spent under each multiple source contract pursuant to this section. The general services department may promulgate rules regarding reporting to the department pursuant to this subsection."

## **LAWS 2025, CHAPTER 110**

**House Bill 468**

**Approved April 8, 2025**

AN ACT

RELATING TO THE STATE FLAG; ESTABLISHING THE MANNER OF RETIRING A STATE FLAG.

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

### **Chapter 110 Section 1 Laws 2025**

SECTION 1. STATE FLAG--DISPOSAL.--

A. If a New Mexico state flag is no longer used or useful as an emblem for display, the flag may be destroyed, preferably by burning, in a ceremony or in another dignified manner that emphasizes its honor as a fitting emblem of New Mexico.

B. The retirement of a New Mexico state flag may be a public ceremony under the direction of uniformed personnel representing a state or federal military service or a patriotic society or a private ceremony.

## **LAWS 2025, CHAPTER 111**

**SEC/Senate Bill 19, aa**  
**Approved April 8, 2025**

### **AN ACT**

RELATING TO STATE EDUCATIONAL INSTITUTIONS; REQUIRING ALL MEMBERS OF THE BOARDS OF REGENTS OF STATE EDUCATIONAL INSTITUTIONS AND THE GOVERNING BOARDS OF OTHER PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS TO COMPLETE TEN HOURS OF TRAINING; REQUIRING THE HIGHER EDUCATION DEPARTMENT TO DEVELOP AND PROVIDE THE TRAINING AND MONITOR COMPLIANCE.

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

### **Chapter 111 Section 1 Laws 2025**

SECTION 1. A new section of Chapter 21 NMSA 1978 is enacted to read:

"STATE EDUCATIONAL INSTITUTIONS--BOARDS OF REGENTS AND GOVERNING BOARDS MANDATORY TRAINING.--

A. The members of the boards of regents of all state educational institutions enumerated in Article 12, Section 11 of the constitution of New Mexico and the governing boards of other public post-secondary educational institutions shall complete ten hours of training during the first six months of the members' terms. The training shall consist of:

- (1) two hours covering the provisions of the constitution of New Mexico and state law pertaining to state educational institutions and related post-secondary education matters;
- (2) two hours covering financial management, budgeting and fiduciary duties;
- (3) two hours covering student success and student support services;

(4) two hours covering institutional governance, innovation, best practices and available federal, state and nongovernmental resources to assist the boards of regents and members of the boards; and

(5) two hours covering ethics and state law regarding ethics oversight and public accountability, including the Procurement Code, the Open Meetings Act, the Gift Act and the Inspection of Public Records Act.

B. The higher education department shall:

(1) develop and provide the ten hours of training to all members of the boards of regents and governing boards; and

(2) monitor and maintain a record of each member's compliance with this section."

## **Chapter 111 Section 2 Laws 2025**

SECTION 2. APPLICABILITY.--The provisions of this act apply to all members appointed to the boards of regents of the state educational institutions enumerated in Article 12, Section 11 of the constitution of New Mexico and all members of the governing boards of other public post-secondary educational institutions after the effective date of this act and to current members with at least one year of the members' terms left to be served after the effective date of this act; provided that current members to whom this act applies shall complete the training no later than December 31, 2025.

## **LAWS 2025, CHAPTER 112**

**SJC/Senate Bills 21 & 22, aa, w/o ec, w/cc**

**Approved April 8, 2025**

AN ACT

RELATING TO THE ENVIRONMENT; ALPHABETIZING AND ADDING DEFINITIONS TO THE WATER QUALITY ACT; PROVIDING FOR CERTAIN WATER QUALITY CONTROL COMMISSION RULES RELATING TO THE REGULATION OF WATER POLLUTION; CREATING THE NEGLECTED AND CONTAMINATED SITES FUND; PROVIDING FOR GENERAL PERMIT COVERAGE FOR MULTIPLE DISCHARGERS; REVISING THE WATER QUALITY MANAGEMENT FUND; ALLOWING FOR THE DENIAL OF PERMITS THAT WOULD CONTRIBUTE TO WATER CONTAMINANT LEVELS IN EXCESS OF DOWNSTREAM STATE OR TRIBAL WATER QUALITY STANDARDS; AMENDING NOTICE REQUIREMENTS FOR WATER QUALITY ACT PERMITS; PROVIDING FOR CERTAIN USES OF PERMIT FEES; AMENDING THE PURPOSES OF THE WATER QUALITY MANAGEMENT FUND; CREATING CERTAIN EXCEPTIONS FOR SURFACE WATER DISCHARGES; ADDRESSING POTENTIAL

LIABILITY; ENACTING THE NEW MEXICO POLLUTANT DISCHARGE ELIMINATION SYSTEM ACT; REQUIRING PERMITS FOR DISCHARGES INTO WATERS OF THE UNITED STATES; REQUIRING THE WATER QUALITY CONTROL COMMISSION TO ADOPT RULES TO IMPLEMENT THE DISCHARGE PROGRAM; PROVIDING POWERS AND DUTIES OF THE DEPARTMENT OF ENVIRONMENT; PROVIDING FOR ENFORCEMENT OF THE PROGRAM; PROVIDING PENALTIES; PROVIDING FOR APPEALS TO THE WATER QUALITY CONTROL COMMISSION AND THE COURT OF APPEALS; PROVIDING FOR PUBLICLY ACCESSIBLE RECORDS.

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

## **Chapter 112 Section 1 Laws 2025**

SECTION 1. Section 74-6-2 NMSA 1978 (being Laws 1967, Chapter 190, Section 2, as amended) is amended to read:

"74-6-2. DEFINITIONS.--As used in the Water Quality Act:

A. "abatement costs" means costs incurred in accordance with an abatement plan prepared and approved in accordance with rules adopted by the commission;

B. "aquatic resources" means wetlands, streams, lakes, rivers and other bodies of water, riparian habitats and the organisms that live in them and the ecological functions, services and values they provide;

C. "barrier" means a technical, including any log reduction credits assigned, operational or managerial measure to control microbial or chemical constituents;

D. "commission" means the water quality control commission;

E. "constituent agency" means, as the context may require, any or all of the following agencies of the state:

(1) the department;

(2) the state engineer and the interstate stream commission;

(3) the department of game and fish;

(4) the oil conservation commission;

(5) the state parks division of the energy, minerals and natural resources department;

(6) the New Mexico department of agriculture;



(7) the soil and water conservation commission; and

(8) the bureau of geology and mineral resources at the New Mexico institute of mining and technology;

F. "compensatory mitigation" means the process of restoring, establishing, enhancing or preserving wetlands, streams or other aquatic resources to offset unavoidable adverse impacts that remain after appropriate and practicable avoidance and minimization measures have been achieved;

G. "department" means the department of environment;

H. "dredged material" means material that is excavated or dredged from a surface water;

I. "facility" means all contiguous land and structures, other appurtenances and improvements on the land, including any building, installation, equipment, pipe or pipeline, including a pipe into a sewer or a publicly owned treatment works, a well, a pit, a pond, a lagoon, an impoundment, a ditch, a landfill, a storage container, a motor vehicle, a rolling stock, an aircraft, a vessel or a watercraft, or any site or area where a water contaminant has been, is currently or is proposed to be managed, treated, deposited, stored, disposed of or placed or has otherwise come to be located;

J. "federal act" means the Federal Water Pollution Control Act and its subsequent amendment and successor provisions;

K. "fill material" means material that is placed in a surface water where the material has the effect of replacing any portion of a surface water with dry land or changing the bottom elevation of a surface water; "fill material" does not include trash, garbage or incidental fallback resulting from excavation activities when small volumes of material fall back to substantially the same place as the initial removal;

L. "general permit" means a permit that applies to one or more categories or subcategories of discharges, sludge use or disposal practices or facilities within a geographic area, including the state or a region, basin or watershed in the state;

M. "general permit coverage" means authorization to discharge pursuant to a general permit and any additional permit conditions required by a constituent agency;

N. "gray water" means untreated household wastewater that has not come in contact with toilet waste and includes wastewater from bathtubs, showers, washbasins, clothes washing machines and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers or laundry water from the washing of material soiled with human excreta, such as diapers;

O. "new source" means:

(1) any source, the construction of which is commenced after the publication of proposed rules prescribing a standard of performance applicable to the source; or

(2) an existing source when modified to treat substantial additional volumes or when there is a substantial change in the character of water contaminants treated;

P. "pathogen" means a microorganism capable of causing illness in humans;

Q. "person" means an individual or other entity, including partnerships, corporations, associations, responsible business or association agents or officers, the state or a political subdivision of the state or an agency, a department or an instrumentality of the United States and any of its officers, agents or employees;

R. "point source" means a discernable, confined and discrete conveyance, including a pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system or vessel or other floating craft from which water contaminants are or may be discharged; "point source" does not include a discharge composed entirely of return flows from irrigated agriculture or agricultural storm water runoff;

S. "produced water" means a fluid that is an incidental byproduct from drilling for or the production of oil and gas;

T. "responsible party" means:

(1) the owner and operator of a facility;

(2) a person who, at the time of disposal of any water contaminant, owned or operated a facility at or from which such water contaminants were disposed;

(3) a person who, by contract, agreement or otherwise, arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of water contaminants owned or possessed by the person, or by any other party or entity, at a facility owned or operated by another party or entity and containing such water contaminants; and

(4) a person who accepts or accepted any water contaminants for transport to disposal or treatment facilities or sites selected by the person, from which there is a release, or a threatened release that causes the incurrence of response costs, of a water contaminant;

U. "septage" means the residual wastes and water periodically pumped from a liquid waste treatment unit or holding tank for maintenance or disposal purposes;

V. "sewer system" means pipelines, conduits, pumping stations, force mains or other structures, devices, appurtenances or facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal;

W. "sewerage system" means a system for disposing of wastes, either by surface or underground methods, and includes sewer systems, treatment works, disposal wells and other systems;

X. "sludge" means solid, semi-solid or liquid waste generated from a municipal, a commercial or an industrial wastewater treatment plant, a water supply treatment plant or an air pollution control facility that is associated with the treatment of these wastes. "Sludge" does not mean treated effluent from a wastewater treatment plant;

Y. "source" means a building, a structure, a facility or an installation from which there is or may be a discharge of water contaminants directly or indirectly into water;

Z. "standards of performance" means a standard, an effluent limitation or an effluent standard adopted pursuant to the federal act or the Water Quality Act;

AA. "substantial adverse environmental impact" means that an act or omission of the violator causes harm or damage:

(1) to human beings; or

(2) that amounts to more than ten thousand dollars (\$10,000) in damage or mitigation costs to flora, including agriculture crops; fish or other aquatic life; waterfowl or other birds; livestock; or wildlife or damage to their habitats, ground water or surface water or the lands of the state;

BB. "surface water discharge" means:

(1) the addition of a water contaminant or combination of water contaminants to a surface water from a point source, including surface runoff collected or channeled by human effort, discharges through pipes, sewers or other conveyances owned by the state, a municipality or another person that do not lead to a treatment works and discharges through pipes, sewers or other conveyances leading into privately owned treatment works, but does not include the addition of water contaminants from an indirect discharger; or

(2) the addition of dredged or fill material into a surface water from excavation of a surface water or from filling in a surface water in a manner that replaces the surface water with dry land or changes the bottom elevation of the surface water but does not include incidental fallback;

CC. "treatment works" means a plant or other works used for the purpose of treating, stabilizing or holding wastes;

DD. "wastes" means sewage, industrial wastes or other liquid, gaseous or solid substances that may pollute the waters of the state;

EE. "water" means all water, including water situated wholly or partly within or bordering upon the state, whether surface or subsurface, public or private, except private waters that do not combine with other surface or subsurface water;

FF. "water contaminant" means a substance that could alter, if discharged or spilled, the physical, chemical, biological or radiological qualities of water. "Water contaminant" does not mean source, special nuclear or byproduct material as defined by the federal Atomic Energy Act of 1954; and

GG. "water pollution" means introducing or permitting the introduction into water, either directly or indirectly, of one or more water contaminants in a quantity and duration as may with reasonable probability injure human health, animal or plant life or property or to unreasonably interfere with the public welfare or the use of property."

## **Chapter 112 Section 2 Laws 2025**

SECTION 2. Section 74-6-4 NMSA 1978 (being Laws 1967, Chapter 190, Section 4, as amended) is amended to read:

"74-6-4. DUTIES AND POWERS OF COMMISSION.--The commission:

A. may accept and supervise the administration of loans and grants from the federal government and from other sources, public or private, which loans and grants shall not be expended for purposes other than those provided;

B. shall adopt a comprehensive water quality management program and develop a continuing planning process;

C. shall not adopt or promulgate a standard or rule that exceeds a grant of rulemaking authority listed in the statutory section of the Water Quality Act authorizing the standard or rule;

D. shall adopt water quality standards for surface and ground waters of the state based on credible scientific data and other evidence appropriate under the Water Quality Act. The standards shall include narrative standards and, as appropriate, the designated uses of the waters and the water quality criteria necessary to protect such uses. The standards shall at a minimum protect the public health or welfare, enhance the quality of water and serve the purposes of the Water Quality Act. In making standards, the commission shall give weight it deems appropriate to all facts and

circumstances, including the use and value of the water for water supplies, propagation of fish and wildlife, recreational purposes and agricultural, industrial and other purposes;

E. shall adopt rules to prevent or abate water pollution in the state or in any specific geographic area, aquifer or watershed of the state or in any part thereof, or for any class of waters, and to govern the disposal of septage and sludge and the use of sludge for various beneficial purposes. The rules governing the disposal of septage and sludge may include the use of tracking and permitting systems or other reasonable means necessary to assure that septage and sludge are designated for disposal in, and arrive at, disposal facilities, other than facilities on the premises where the septage and sludge is generated, for which a permit or other authorization has been issued pursuant to the federal act or the Water Quality Act. Rules may specify a standard of performance for new sources that reflects the greatest reduction in the concentration of water contaminants that the commission determines to be achievable through application of the best available demonstrated control technology, processes, operating methods or other alternatives, including where practicable a standard permitting no discharge of pollutants;

F. in making rules, shall give weight it deems appropriate to all relevant facts and circumstances, including:

(1) the character and degree of injury to or interference with health, welfare, environment and property;

(2) the public interest, including the social and economic value of the sources of water contaminants;

(3) the technical practicability and economic reasonableness of reducing or eliminating water contaminants from the sources involved and previous experience with equipment and methods available to control the water contaminants involved;

(4) the successive uses, including domestic, commercial, industrial, pastoral, agricultural, wildlife and recreational uses;

(5) feasibility of a user or a subsequent user treating the water before a subsequent use;

(6) property rights and accustomed uses; and

(7) federal water quality requirements;

G. shall assign responsibility for administering its rules to constituent agencies to assure adequate coverage and prevent duplication of effort. To this end, the commission may make such classification of waters and sources of water contaminants as will facilitate the assignment of administrative responsibilities to constituent agencies.

The commission shall also hear and decide disputes between constituent agencies as to jurisdiction concerning matters within the purpose of the Water Quality Act. In assigning responsibilities to constituent agencies, the commission shall give priority to the primary interests of the constituent agencies. The department shall provide technical services, including certification of permits pursuant to the federal act, and shall maintain a repository of the scientific data required by the Water Quality Act;

H. may enter into or authorize constituent agencies to enter into agreements with the federal government or other state governments for purposes consistent with the Water Quality Act and receive and allocate to constituent agencies funds made available to the commission;

I. may grant an individual variance from a rule of the commission whenever it is found that compliance with the rule will impose an unreasonable burden upon any lawful business, occupation or activity. The commission may only grant a variance conditioned upon a person effecting a particular abatement of water pollution within a reasonable period of time. A variance shall be granted for the period of time specified by the commission. The commission shall adopt rules specifying the procedure under which variances may be sought, which rules shall provide for the holding of a public hearing before a variance may be granted;

J. may adopt rules to require the filing with the commission or a constituent agency of proposed plans and specifications for the construction and operation of new sewer systems, treatment works or sewerage systems or extensions, modifications of or additions to new or existing sewer systems, treatment works or sewerage systems. Filing with and approval by the federal housing administration of plans for an extension to an existing or construction of a new sewerage system intended to serve a subdivision solely residential in nature shall be deemed compliance with all provisions of this subsection;

K. may adopt rules requiring notice to the commission or a constituent agency of intent to introduce or allow the introduction of water contaminants into waters of the state;

L. shall specify in rules the measures to be taken to prevent water pollution and to monitor water quality. The commission may adopt rules for particular industries. The commission shall adopt rules for the dairy industry and the copper industry. The commission shall consider, in addition to the factors listed in Subsection F of this section, the best available scientific information. The rules may include variations in requirements based on site-specific factors, such as depth and distance to ground water and geological and hydrological conditions. The constituent agency shall establish an advisory committee composed of persons with knowledge and expertise particular to the industry category and other interested stakeholders to advise the constituent agency on appropriate rules to be proposed for adoption by the commission. The rules shall be developed and adopted in accordance with a schedule approved by the commission.

The schedule shall incorporate an opportunity for public input and stakeholder negotiations;

M. may adopt rules establishing pretreatment standards that prohibit or control the introduction into publicly owned sewerage systems of water contaminants that are not susceptible to treatment by the treatment works or that would interfere with the operation of the treatment works;

N. shall not require a permit respecting the use of water in irrigated agriculture, except in the case of the employment of a specific practice in connection with the irrigation that documentation or actual case history has shown to be hazardous to public health or the environment or for the use of produced water;

O. shall not require a permit for applying less than two hundred fifty gallons per day of private residential gray water originating from a residence for the resident's household gardening, composting or landscape irrigation if:

(1) a constructed gray water distribution system provides for overflow into the sewer system or on-site wastewater treatment and disposal system;

(2) a gray water storage tank is covered to restrict access and to eliminate habitat for mosquitos or other vectors;

(3) a gray water system is sited outside of a floodway;

(4) gray water is vertically separated at least five feet above the ground water table;

(5) gray water pressure piping is clearly identified as a nonpotable water conduit;

(6) gray water is used on the site where it is generated and does not run off the property lines;

(7) gray water is applied in a manner that minimizes the potential for contact with people or domestic pets;

(8) ponding is prohibited, application of gray water is managed to minimize standing water on the surface and to ensure that the hydraulic capacity of the soil is not exceeded;

(9) gray water is not sprayed;

(10) gray water is not discharged to a watercourse; and

(11) gray water use within municipalities or counties complies with all applicable municipal or county ordinances enacted pursuant to Chapter 3, Article 53 NMSA 1978;

P. shall coordinate application procedures and funding cycles for loans and grants from the federal government and from other sources, public or private, with the local government division of the department of finance and administration pursuant to the New Mexico Community Assistance Act;

Q. shall adopt rules to be administered by the department for the discharge, handling, transport, storage, recycling or treatment for the disposition of treated produced water, including disposition in road construction maintenance, roadway ice or dust control or other construction, or in the application of treated produced water to land, for activities unrelated to the exploration, drilling, production, treatment or refinement of oil or gas;

R. shall adopt rules to be administered by the department for surface water discharges, including:

(1) for discharges from point sources, the rules shall not require a permit for a point source discharge for which a permit is issued under Section 402 of the federal Clean Water Act or the New Mexico Pollutant Discharge Elimination System Act; provided that in adopting rules related to this paragraph, in addition to the factors to be considered under Subsection F of this section, the commission may:

(a) identify exemptions from a discharge permit requirement when water contaminants in discharges are subject to effective and enforceable water quality requirements in a state or federally issued permit, unless there is a hazard to public health or the environment that may result or an applicable state water quality standard will not be achieved; and

(b) consider requirements for permits and general permits that are consistent with the requirements of similar permits issued under Section 402 of the federal Clean Water Act; and

(2) for discharges of dredged or fill material, the rules shall not require a permit for discharges of dredged or filled materials for which a permit or authorization is issued under Section 404 of the federal Clean Water Act; provided that the rules shall include avoidance and minimization to the maximum extent practicable of adverse impacts to wetlands, streams and other aquatic resources and may require compensatory mitigation for unavoidable adverse impacts that remain after appropriate and practicable avoidance and minimization measures have been achieved; and provided further that in adopting rules related to this paragraph, in addition to the factors to be considered under Subsection F of this section, the commission may:



(a) identify exemptions from a discharge permit requirement when a discharge is subject to effective and enforceable water quality requirements in a state or federally issued permit, unless there is a hazard to public health or the environment that may result or an applicable state water quality standard will not be achieved; and

(b) consider the requirements for permits and general permits that are consistent with the requirements of similar permits issued under Section 404 of the federal Clean Water Act;

S. may adopt rules to be administered by the department for the state to respond to, investigate and remediate water pollution and contamination in soil and soil vapor for the protection of human health and the environment; and

T. shall adopt rules to be administered by the department to govern the transfer and use of treated domestic wastewater for potable reuse. The rules may specify a standard of performance, including log reduction for pathogen removal, critical control points, barriers and the greatest reduction in the concentration of water contaminants and pathogens that the commission determines to be achievable through application of the best available demonstrated control technology, processes, operating methods or other alternatives, including, where practicable, a standard permitting no risk to human health. The rules governing the potable reuse of domestic wastewater may include the use of existing permitting systems or create new permitting rules that include the means necessary to assure that potable reuse projects are conducted in a manner that is directly protective of human health."

## **Chapter 112 Section 3 Laws 2025**

SECTION 3. Section 74-6-5 NMSA 1978 (being Laws 1973, Chapter 326, Section 4, as amended) is amended to read:

### **"74-6-5. PERMITS--CERTIFICATION--APPEALS TO COMMISSION.--**

A. By rule, the commission may require a person to obtain from a constituent agency designated by the commission a permit or general permit coverage for the discharge of a water contaminant or for the disposal or reuse of septage or sludge.

B. The commission shall adopt rules establishing procedures for certifying federal water quality permits.

C. Prior to the issuance of a permit or approval of general permit coverage, the constituent agency may require the submission of plans, specifications and other relevant information that it deems necessary.

D. The commission shall by rule set the dates upon which applications for permits shall be filed and designate the time periods within which the constituent

agency shall, after the filing of an administratively complete application for a permit, either grant the permit, grant the permit subject to conditions or deny the permit. The constituent agency has the burden of showing that each condition is reasonable and necessary to ensure compliance with the Water Quality Act and applicable rules, considering site-specific conditions. After rules have been adopted for a particular industry, permits for facilities in that industry shall be subject to conditions contained in the rules. Additional conditions on a final permit may be imposed if the applicant is provided with an opportunity to review and provide comments in writing on the draft permit conditions and to receive a written explanation of the reasons for the conditions from the constituent agency.

E. The constituent agency shall deny an application for a permit or request for general permit coverage or deny the certification of a federal water quality permit if:

(1) the effluent would not meet applicable state or federal effluent regulations, standards of performance or limitations;

(2) a provision of the Water Quality Act would be violated;

(3) the discharge would cause or contribute to water contaminant levels in excess of a state or federal standard. Determination of the discharge's effect on ground water shall be measured at a place of withdrawal of water for present or reasonably foreseeable future use. Determination of the discharge's effect on surface waters shall be measured at the point of discharge;

(4) the surface water discharge would cause or contribute to water contaminant levels in excess of a downstream state or tribal water quality standard; or

(5) the applicant has, within the ten years immediately preceding the date of submission of the permit application or request for general permit coverage:

(a) knowingly misrepresented a material fact in an application for a permit or request for general permit coverage;

(b) refused or failed to disclose information required pursuant to the Water Quality Act;

(c) been convicted of a felony or other crime involving moral turpitude;

(d) been convicted of a felony in court for a crime defined by state or federal law as being a restraint of trade, price-fixing, bribery or fraud;

(e) exhibited a history of willful disregard for environmental laws of a state or the United States; or

(f) had an environmental permit revoked or permanently suspended for cause under environmental laws of a state or the United States.

F. For ground water discharge permits, the commission shall by rule develop procedures that ensure that the public and affected governmental agencies, Indian nations, tribes and pueblos and other states shall receive notice of each application and draft of a new permit, a modification of a permit or a renewal of a permit. Public notice shall include:

(1) for issuance of new permits or permit modifications:

(a) notice to adjacent and nearby landowners using postal or electronic mail;

(b) notice to affected local, state and federal government agencies, land grant organizations, ditch associations and Indian nations, tribes and pueblos using postal or electronic mail;

(c) posting the notice at a place conspicuous to the public and near the discharge or proposed discharge site;

(d) a display advertisement in English and Spanish in a newspaper of general circulation in the location of the discharge or proposed discharge site; provided, however, that the advertisement shall not be displayed in the classified or legal advertisement sections; and

(e) consideration of the languages spoken by and the communication methods accessible to the intended recipients of the public notice; and

(2) for permit renewals:

(a) notice by postal or electronic mail to the interested public;

(b) notice to affected local, state and federal government agencies, land grant organizations, ditch associations and Indian nations, tribes and pueblos;

(c) a display advertisement in English and Spanish in a newspaper of general circulation in the location of the discharge site; provided, however, that the advertisement shall not be displayed in the classified or legal advertisement sections; and

(d) consideration of the languages spoken by and the communication methods accessible to the intended recipients of the public notice.

G. For surface water discharge permits, the commission shall by rule develop procedures that ensure that the public and affected governmental agencies, Indian nations, tribes and pueblos and other states shall receive notice of each draft permit. Public notice shall include the following, except that for a general permit, Paragraphs (1) and (3) of this subsection shall not be required:

(1) notice to adjacent and nearby landowners using postal or electronic mail;

(2) notice to affected local, state and federal government agencies, land grant organizations, ditch associations and Indian nations, tribes and pueblos using postal or electronic mail;

(3) for new surface water discharge permits or permit modifications, posting at a place conspicuous to the public and near the discharge or proposed discharge site;

(4) notice to the general public and others whom the commission deems appropriate using one or more reasonable and appropriate methods, such as electronic mail to persons who have requested notification, social media posts, radio announcements or advertisements in a newspaper of general circulation in the location of the discharge or proposed discharge site; and

(5) consideration of the languages spoken by and the communication methods accessible to the intended recipients of the public notice.

H. No ruling shall be made on a draft permit without opportunity for a public hearing at which all interested persons shall be given a reasonable chance to submit evidence, data, views or arguments orally or in writing and to examine witnesses testifying at the hearing. The hearing shall be recorded. A person submitting evidence, data, views or arguments shall be subject to examination at the hearing.

I. The commission may adopt rules for the operation and maintenance of the permitted facility, including requirements, as may be necessary or desirable, that relate to continuity of operation, personnel training and financial responsibility, including financial responsibility for corrective action.

J. Permits shall be issued for fixed terms of five years, except that surface water discharge permits may be issued for fixed terms of up to ten years. For new discharges, the term of the permit shall commence on the date the discharge begins, but in no event shall the term of the permit exceed seven years from the date the permit was issued.

K. By rule, the commission may impose reasonable conditions upon permits requiring permittees to:

- (1) install, use and maintain monitoring devices;
- (2) sample effluents and receiving waters for any known or suspected water contaminants in accordance with methods and at locations and intervals as may be prescribed by the commission;
- (3) establish and maintain records of the nature and amounts of effluents and the performance of effluent control devices;
- (4) provide other information relating to the discharge or direct or indirect release of water contaminants; and
- (5) notify a constituent agency of the introduction of new water contaminants from a new source and of a substantial change in volume or character of water contaminants being introduced from sources in existence at the time of the issuance of the permit.

L. The commission shall provide by rule a schedule of fees for permits and approvals of general permit coverage to support the cost of developing and implementing the permitting rules authorized pursuant to Section 74-6-4 NMSA 1978, including the review of applications, issuance and enforcement of permits and rules, compliance assistance, monitoring and inspection of facilities and discharges, data stewardship, records management and administrative and legal costs. Fees collected pursuant to this section shall be deposited in the water quality management fund.

M. The issuance of a permit or approval of or request for a general permit coverage does not relieve a person from the responsibility of complying with the provisions of the Water Quality Act, any applicable rules or water quality standards of the commission or any applicable federal laws, regulations or standards.

N. A permit or general permit coverage may be terminated or modified by the constituent agency that issued the permit or approved the general permit coverage prior to its date of expiration for any of the following causes:

- (1) violation of a condition of the permit;
- (2) obtaining the permit or general permit coverage by misrepresentation or failure to disclose fully all relevant facts;
- (3) violation of the provisions of the Water Quality Act or any applicable rules, standard of performance or water quality standards;
- (4) violation of applicable state or federal effluent regulations or limitations; or

(5) change in a condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

O. If the constituent agency denies, terminates or modifies a permit or general permit coverage or grants a permit subject to condition, the constituent agency shall notify the applicant or permittee by certified mail or other method acceptable to the applicant or permittee of the action taken and the reasons. Notice shall also be given by postal or electronic mail to persons who participated in the permitting action.

P. A person who participated in a permitting action before a constituent agency or a person affected by a certification of a federal permit and who is adversely affected by the permitting action or certification may file a petition for review before the commission. Unless a timely petition for review is made, the decision of the constituent agency shall be final and not subject to judicial review. The petition shall:

(1) be made in writing to the commission within thirty days from the date notice is given of the constituent agency's action;

(2) include a statement of the issues to be raised and the relief sought;  
and

(3) be provided to all other persons submitting evidence, data, views or arguments in the proceeding before the constituent agency.

Q. If a timely petition for review is made, the commission shall consider the petition within ninety days after receipt of the petition. The commission shall notify the petitioner and the applicant or permittee, if other than the petitioner, by certified mail of the date, time and place of the review. If the petitioner is not the applicant or permittee, the applicant or permittee shall be a party to the proceeding. The commission shall ensure that the public receives notice of the date, time and place of the review.

R. The commission shall review the record compiled before the constituent agency, including the transcript of a public hearing held on the application or draft permit, and shall allow any party to submit arguments. The commission may designate a hearing officer to review the record and the arguments of the parties and recommend a decision to the commission. The commission shall consider and weigh only the evidence contained in the record before the constituent agency and the recommended decision of the hearing officer, if any, and shall not be bound by the factual findings or legal conclusions of the constituent agency. Based on the review of the evidence, the arguments of the parties and recommendations of the hearing officer, the commission shall sustain, modify or reverse the action of the constituent agency. The commission shall enter ultimate findings of fact and conclusions of law and keep a record of the review.

S. Prior to the date set for review, if a party shows to the satisfaction of the commission that there was no reasonable opportunity to submit comment or evidence

on an issue being challenged, the commission shall order that additional comment or evidence be taken by the constituent agency. Based on the additional evidence, the constituent agency may revise the decision and shall promptly file with the commission the additional evidence received and action taken. The commission shall consider the additional evidence within ninety days after receipt of the additional evidence and shall notify the petitioner and the applicant or permittee, if other than the petitioner, of the date, time and place of the review.

T. The commission shall notify the petitioner and all other participants in the review proceeding of the action taken by the commission and the reasons for that action.

U. The only exemptions from surface water discharge permits for point sources are:

- (1) return flows composed entirely from irrigated agriculture;
- (2) stormwater runoff from a mining operation or an oil and gas exploration, production, processing or treatment operation or transmission facility that is composed entirely of flows that are from conveyances or systems of conveyances, including pipes, conduits, ditches and channels, used for collecting and conveying precipitation runoff and that are not contaminated by contact with, or do not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste product located on the site of the operation or facility; provided that oil and gas exploration, production, processing or treatment operations or transmission facilities include activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not the field activities or operations may be considered to be construction activities;
- (3) runoff resulting from the following silviculture activities conducted in accordance with standard industry practice:
  - (a) nursery operations;
  - (b) site preparation;
  - (c) reforestation and subsequent cultural treatment;
  - (d) thinning;
  - (e) prescribed burning;
  - (f) pest and fire control;
  - (g) harvesting operations;

(h) surface drainage; and

(i) road construction and maintenance; and

(4) discharges and water contaminants that are subject to effective and enforceable surface water quality requirements in a state or federally issued permit, unless there is a hazard to public health or the environment that may result or an applicable state water quality standard will not be achieved.

V. The only exemptions from surface water discharge permits for discharges of dredged or fill material are:

(1) normal farming, silviculture and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber and forest products or upland soil and water conservation practices;

(2) maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways and bridge abutments or approaches and transportation structures;

(3) construction or maintenance of farm or stock ponds, acequias or irrigation ditches or the maintenance of drainage ditches;

(4) construction of temporary sedimentation basins on a construction site that does not include placement of fill material into the surface waters;

(5) construction or maintenance of farm roads, forest roads or temporary roads for moving mining equipment, where such roads are constructed and maintained, in accordance with best management practices, to assure that:

(a) flow and circulation patterns and chemical and biological characteristics of the surface waters are not impaired;

(b) the reach of the surface waters is not reduced; and

(c) any adverse effect on the aquatic environment will be otherwise minimized; and

(6) discharges that are subject to effective and enforceable surface water quality requirements in a state-issued or federally issued permit, unless there is a hazard to public health or the environment that may result or an applicable state water quality standard will not be achieved.

W. The exemptions provided in Subsection V of this section shall not apply if the discharge resulting from the activities contains any toxic pollutant as set forth in rule



by the commission or if a new activity brings a surface water of the state into farm production where the area of the surface water has not previously been used for farming."

## **Chapter 112 Section 4 Laws 2025**

SECTION 4. Section 74-6-5.2 NMSA 1978 (being Laws 1993, Chapter 100, Section 4) is amended to read:

"74-6-5.2. WATER QUALITY MANAGEMENT FUND CREATED.--There is created as a nonreverting fund in the state treasury the "water quality management fund" to be administered by the department. The fund consists of appropriations, gifts, grants, donations and money received by the department. All fees collected pursuant to Section 74-6-4 NMSA 1978 and for the operation and maintenance of a permitted facility pursuant to Subsection I of Section 74-6-5 NMSA 1978 shall be deposited in the fund. Money in the fund is appropriated to the department for the purpose of administering the rules adopted by the commission pursuant to Sections 74-6-4 and 74-6-5 NMSA 1978. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of environment."

## **Chapter 112 Section 5 Laws 2025**

SECTION 5. Section 74-6-9 NMSA 1978 (being Laws 1967, Chapter 190, Section 8, as amended) is amended to read:

"74-6-9. POWERS OF CONSTITUENT AGENCIES.--Each constituent agency may:

- A. receive and expend funds appropriated, donated or allocated to the constituent agency for purposes consistent with the Water Quality Act;
- B. develop facts and make studies and investigations and require the production of documents necessary to carry out the responsibilities assigned to the constituent agency. The result of any investigation shall be reduced to writing and a copy furnished to the commission and to the owner or occupant of the premises investigated;
- C. report to the commission and to other constituent agencies water pollution conditions that are believed to require action where the circumstances are such that the responsibility appears to be outside the responsibility assigned to the agency making the report;
- D. respond to, investigate and remediate water pollution and contamination in soil and soil vapor; provided that in its investigation, the department shall identify responsible parties and shall prepare a written report of the investigation; and provided

further that prior to remediation of water pollution and soil contamination in soil and soil vapor, the department shall:

- (1) prepare a work plan consistent with rules adopted by the commission;
- (2) issue public notice of the work plan; and
- (3) provide opportunities for public comment and participation in accordance with rules adopted by the commission;

E. make every reasonable effort to obtain voluntary cooperation in the prevention or abatement of water pollution;

F. upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the commission; provided that entry into any private residence without the permission of the owner shall be only by order of the district court for the county in which the residence is located and that, in connection with any entry provided for in this subsection, the constituent agency may:

- (1) have access to and reproduce for its use any copy of the records;
- (2) inspect any treatment works, monitoring equipment or methods required to be installed by regulations of the federal government or the commission; and
- (3) sample any effluents, water contaminant or receiving waters;

G. on the same basis as any other person, recommend and propose regulations and standards for promulgation by the commission; and

H. on the same basis as any other person, present data, views or arguments and examine witnesses and otherwise participate at all hearings conducted by the commission or any other administrative agency with responsibility in the areas of environmental management, public health or consumer protection, but shall not be given any special status over any other party; provided that the participation by a constituent agency in a hearing shall not require the recusal or disqualification of the commissioner representing that constituent agency."

## **Chapter 112 Section 6 Laws 2025**

SECTION 6. Section 74-6-10 NMSA 1978 (being Laws 1967, Chapter 190, Section 9, as amended) is amended to read:

"74-6-10. PENALTIES ENFORCEMENT--COMPLIANCE ORDERS--  
PENALTIES--ASSURANCE OF DISCONTINUANCE.--

A. Whenever, on the basis of any information, a constituent agency determines that a person violated or is violating a requirement, regulation or water quality standard adopted pursuant to the Water Quality Act or a condition of a permit issued pursuant to that act, the constituent agency may:

(1) issue a compliance order requiring compliance immediately or within a specified time period or issue a compliance order assessing a civil penalty, or both; or

(2) commence a civil action in district court for appropriate relief, including injunctive relief.

B. A compliance order issued pursuant to Paragraph (1) of Subsection A of this section may include a suspension or termination of the permit allegedly violated.

C. A compliance order shall state with reasonable specificity the nature of the violation. Any penalty assessed in the compliance order shall not exceed:

(1) fifteen thousand dollars (\$15,000) per day of noncompliance with the provisions in Section 74-6-5 NMSA 1978, including a regulation adopted or a permit issued pursuant to that section; or

(2) ten thousand dollars (\$10,000) per day for each violation of a provision of the Water Quality Act other than the provisions in Section 74-6-5 NMSA 1978 or of a regulation or water quality standard adopted pursuant to the Water Quality Act.

D. In assessing a penalty authorized by this section, the constituent agency shall take into account the seriousness of the violation, any good faith efforts to comply with the applicable requirements and other relevant factors.

E. For purposes of this section, a single operational event that leads to simultaneous violations of more than one standard shall be treated as a single violation.

F. If a person fails to take corrective actions within the time specified in a compliance order, the constituent agency may:

(1) assess a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each day of continued noncompliance with the compliance order; and

(2) suspend or terminate the permit violated by the person.

G. A compliance order issued by a constituent agency pursuant to this section shall become final unless, no later than thirty days after the compliance order is served, a person named in the compliance order submits a written request to the commission for a public hearing. The commission shall conduct a public hearing within ninety days after receipt of a request.

H. The commission may appoint an independent hearing officer to preside over a public hearing held pursuant to Subsection G of this section. The hearing officer shall:

- (1) make and preserve a complete record of the proceedings; and
- (2) forward to the commission a report that includes recommendations if recommendations are requested by the commission.

I. The commission shall consider the findings of the independent hearing officer, and based on the evidence presented at the hearing, the commission shall make a final decision regarding the compliance order.

J. In connection with any proceeding provided for in this section, the commission may:

- (1) adopt rules for discovery procedures; and
- (2) issue subpoenas for the attendance and testimony of witnesses and for relevant papers, books and documents.

K. Penalties collected pursuant to this section shall be deposited in the general fund.

L. As an additional means of enforcing the Water Quality Act or any regulation or standard of the commission, the commission may accept an assurance of discontinuance of any act or practice deemed in violation of the Water Quality Act, or any regulation or standard adopted pursuant to that act, from any person engaging in, or who has engaged in, such act or practice, signed and acknowledged by the chair of the commission and the party affected. Any such assurance shall specify a time limit during which the discontinuance is to be accomplished."

## **Chapter 112 Section 7 Laws 2025**

SECTION 7. Section 74-6-12 NMSA 1978 (being Laws 1967, Chapter 190, Section 11, as amended) is amended to read:

"74-6-12. LIMITATIONS.--

A. The Water Quality Act does not grant to the commission or to any other entity the power to take away or modify the property rights in water, nor is it the intention of the Water Quality Act to take away or modify such rights.

B. The Water Quality Act does not apply to an activity or condition subject to the authority of the environmental improvement board pursuant to the Hazardous Waste Act, the Ground Water Protection Act or the Solid Waste Act except to abate water pollution or to control the disposal or use of septage and sludge.

C. The Water Quality Act does not authorize the commission to adopt a rule with respect to a condition or quality of water if the water pollution and its effects are confined entirely within the boundaries of property within which the water pollution occurs when the water does not combine with other waters.

D. The Water Quality Act does not grant to the commission any jurisdiction or authority affecting the relation between employers and employees with respect to or arising out of a condition or quality of water.

E. The Water Quality Act does not supersede or limit the applicability of a law relating to industrial health, safety or sanitation.

F. Except as required by federal law or for surface water discharges permitted pursuant to the Water Quality Act, in the adoption of rules and water quality standards and in an action for enforcement of the Water Quality Act and rules adopted pursuant to that act, reasonable degradation of water quality resulting from beneficial use shall be allowed. The degradation shall not result in impairment of water quality to the extent that water quality standards are exceeded.

G. Except for a surface water discharge for which a permit is required under rules adopted pursuant to Subsection R of Section 74-6-4 NMSA 1978, the Water Quality Act does not apply to an activity or condition subject to the authority of the oil conservation commission pursuant to provisions of the Oil and Gas Act and other laws conferring power on the oil conservation commission to prevent or abate water pollution.

H. When changes in dissolved oxygen, temperature, dissolved solids, sediment or turbidity in a water of the state is attributable to natural causes or to the reasonable operation of irrigation and flood control facilities that are not subject to federal or state water pollution control permitting, numerical standards for temperature, dissolved solids content, dissolved oxygen, sediment or turbidity adopted under the Water Quality Act do not apply. "Reasonable operation", as used in this subsection, shall be defined by rule of the commission."

## **Chapter 112 Section 8 Laws 2025**

SECTION 8. A new section of the Water Quality Act is enacted to read:

"NEGLECTED AND CONTAMINATED SITES FUND--CREATED.--

A. The "neglected and contaminated sites fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants, donations and money received by the department. Unless otherwise required by law, money received or recovered by the state by or on behalf of the department arising from claims for enforcement actions, response actions or response costs relating to the contamination liability, including any fees, settlement funds, recovered litigation costs and any interest derived therefrom, shall be deposited in the fund.

B. The department shall administer the fund. Money in the fund is appropriated to the department for the state to respond to, investigate and remediate water pollution and contamination in soil and soil vapor.

C. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary's designee."

## **Chapter 112 Section 9 Laws 2025**

SECTION 9. A new section of the Water Quality Act is enacted to read:

"LIABILITY--SCOPE--DEFENSES--CONTRIBUTION.--

A. Liability for the prevention or abatement of water pollution exists if there has been an actual or threatened release of a water contaminant that causes the requirement for response or remediation, or the incurrence of response or remediation costs. Responsible parties may be liable for the release of a water contaminant that occurred prior to and since the effective date of this 2025 act.

B. Liability shall include:

- (1) all costs of removal or remedial action incurred by the state;
- (2) any other necessary costs of response incurred by any other person;
- (3) damages for injury to, destruction of or loss of natural resources, including the reasonable costs of assessing such injury, destruction or loss, resulting from a release of water contaminants; and
- (4) the cost of any health assessment or health effects study carried out pursuant to rules promulgated by the commission.

C. Liability defenses of the responsible party shall include, if established by a preponderance of the evidence:

- (1) an act of God;
- (2) an act of war;
- (3) an act or omission of a third party if:

(a) the defendant exercised due care with respect to the water contaminant concerned, taking into consideration the characteristics of such contamination, in light of all relevant facts and circumstances;

(b) the defendant took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions;

(c) the third party was not an employee or agent of the defendant at the time of the release; and

(d) the third party was not one whose act or omission occurred in connection with a contractual relationship, existing directly or indirectly, with the defendant;

(4) an act authorized by and in compliance with a permit issued pursuant to the Water Quality Act;

(5) a party that holds only a security interest in property where there has been water pollution;

(6) a party who is an innocent purchaser or a bona fide prospective purchaser as defined in 42 U.S.C. 9601;

(7) a party who owned or operates property where water pollution has migrated onto the property from a property not owned or operated by that party;

(8) a party acting as a fiduciary in accordance with its fiduciary duty for property where there has been water pollution; or

(9) any combination of Paragraphs (1) through (8) of this subsection.

D. Any person who incurs costs associated with an abatement plan as approved by the department consistent with the rules adopted by the commission may file an action in district court to seek contribution from any other person who is liable or potentially liable with respect to the release of water contaminants pursuant to the Water Quality Act. In resolving contribution claims, the court may allocate response costs among liable parties using such equitable factors as the court determines are appropriate. Nothing in this subsection shall diminish the right of any person to bring an action for contribution under any other law.

E. The department may bring an action in district court against any responsible party to recover response or remediation costs. The department may settle the liability of any responsible party for response or remediation costs through an administratively or judicially approved settlement.

F. A person who has resolved liability to the state in an administrative or judicially approved settlement shall not be liable for claims for contribution regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially liable persons unless its terms so provide, but it reduces the potential liability of the others by the amount of the settlement."

## **Chapter 112 Section 10 Laws 2025**

SECTION 10. SHORT TITLE.--Sections 10 through 20 of this 2025 act may be cited as the "New Mexico Pollutant Discharge Elimination System Act".

## **Chapter 112 Section 11 Laws 2025**

SECTION 11. DEFINITIONS.--As used in the New Mexico Pollutant Discharge Elimination System Act:

A. "commission" means the water quality control commission;

B. "confidential business information" means business information that a person claims as confidential at the time of submission and that, if made public, would divulge trade secrets or falls under other laws that give or may give a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information;

C. "department" means the department of environment;

D. "discharge" means the addition of a pollutant or combination of pollutants to waters of the United States from a point source, including surface runoff collected or channeled by human effort, discharges through pipes, sewers or other conveyances owned by the state, a municipality or another person that do not lead to a treatment works and discharges through pipes, sewers or other conveyances leading into privately owned treatment works. "Discharge" does not include an addition of pollutants by an indirect discharger;

E. "federal act" means the Federal Water Pollution Control Act and its subsequent amendments and successor provisions;

F. "national pollutant discharge elimination system" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing



permits and imposing and enforcing pretreatment requirements pursuant to Sections 307, 318, 402 and 405 of the federal act;

G. "permit" means an authorization issued by the department in accordance with program requirements and includes an individual or general permit;

H. "person" means an individual, an association, a partnership, a corporation, a municipality, a state or federal agency or an agent, officer or employee thereof;

I. "point source" means a discernible, confined and discrete conveyance, including a pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system or vessel or other floating craft from which pollutants are or may be discharged, but does not include a discharge composed entirely of return flows from irrigated agriculture or agricultural storm water runoff;

J. "pollutant" means:

(1) dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated pursuant to the federal Atomic Energy Act of 1954, as amended), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water; but

(2) "pollutant" does not include:

(a) sewage from vessels;

(b) water, gas or other material that is injected into a well to facilitate production of oil or gas; and

(c) water derived in association with oil or gas production and disposed of in a well, if: 1) the well is used either to facilitate production or for disposal purposes and is approved by authority of the state in which the well is located; and 2) the state determines that the injection or disposal will not result in the degradation of ground or surface water resources;

K. "program" means the program authorized by the New Mexico Pollutant Discharge Elimination System Act and approved by the United States environmental protection agency;

L. "regional administrator" means the regional administrator of region six of the United States environmental protection agency; and

M. "waters of the United States" means those waters regulated pursuant to the national pollutant discharge elimination system program and defined in federal regulations.

## **Chapter 112 Section 12 Laws 2025**

### **SECTION 12. PERMIT REQUIRED.--**

A. A person shall not discharge a pollutant from a point source to waters of the United States without a permit issued by the department pursuant to the New Mexico Pollutant Discharge Elimination System Act and the program.

B. The issuance of a permit does not convey any property rights or exclusive privileges.

C. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights or any infringement of any other laws, rules, regulations or ordinances.

D. No permit shall be issued when the regional administrator has objected in writing pursuant to the federal act.

E. Only the following discharges are exempt from Subsection A of this section:

(1) a discharge composed entirely of return flows from irrigated agriculture;

(2) a discharge of storm water runoff from a mining operation or an oil and gas exploration, production, processing or treatment operation or transmission facility that is composed entirely of flows that are from conveyances or systems of conveyances, including pipes, conduits, ditches and channels, used for collecting and conveying precipitation runoff and that are not contaminated by contact with, or do not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of the operation or facility. Oil and gas exploration, production, processing or treatment operations or transmission facilities include activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not the field activities or operations may be considered to be construction activities; or

(3) a discharge of runoff resulting from the following silviculture activities conducted in accordance with standard industry practice:

(a) nursery operations;

(b) site preparation;

- (c) reforestation and subsequent cultural treatment;
- (d) thinning;
- (e) prescribed burning;
- (f) pest and fire control;
- (g) harvesting operations;
- (h) surface drainage; and
- (i) road construction and maintenance.

F. No ruling shall be made on any application for a draft permit without opportunity for a public hearing at which all interested persons shall be given a reasonable chance to submit evidence, data, views or arguments orally or in writing and to examine witnesses testifying at the hearing. The hearing shall be recorded. A person submitting evidence, data, views or arguments shall be subject to examination at the hearing.

## **Chapter 112 Section 13 Laws 2025**

### **SECTION 13. COMMISSION--DUTIES.--The commission shall:**

A. adopt, promulgate and publish rules to implement and administer the program, including the standards, requirements and processes to issue, renew, modify, deny and terminate permits, including rules that are necessary and appropriate to obtain and sustain authorization from the regional administrator. In adopting the rules, the commission may incorporate by reference, including prospectively, those sections or parts of federal regulations that the commission deems necessary and appropriate;

B. adopt, promulgate and publish rules for notification procedures that ensure that the public and affected Indian nations, tribes and pueblos, governmental agencies and downstream states receive notice of each draft permit;

C. adopt a schedule of fees to support the cost of implementing the program, including the preparation and adoption of rules, the review of applications, issuance and enforcement of permits and rules, compliance assistance, monitoring and inspection of facilities and discharges, data stewardship, records management, administrative and legal costs and other costs the commission deems appropriate. Unless otherwise required by law, money collected pursuant to this section shall be deposited in the water quality management fund; and

D. hear and decide petitions for review of department actions to require, issue, renew, modify, deny or terminate a permit or issue a compliance order.

## Chapter 112 Section 14 Laws 2025

### SECTION 14. DEPARTMENT--DUTIES AND POWERS.--

A. For the discharge of a pollutant to waters of the United States, notwithstanding the provisions of Section 70-2-12 NMSA 1978, the department shall administer and enforce rules adopted by the commission pursuant to the New Mexico Pollutant Discharge Elimination System Act.

B. The department shall have all duties and powers necessary and appropriate to implement the program, including the authority to:

- (1) propose rules for adoption by the commission;
- (2) conduct investigations;
- (3) require monitoring, sampling and reporting;
- (4) require the keeping and production of records, documents and other information;
- (5) review applications;
- (6) require, issue, renew, modify, deny or terminate permits;
- (7) deny a permit or request for permit coverage if the discharge would cause or contribute to a pollutant in excess of a downstream state or tribal water quality standard;
- (8) enter into or through any site or premises subject to rules adopted for the program or in which records relevant to program operation are kept or may be located, at a reasonable time and upon the presentation of proper credentials, in order to investigate whether a discharge may be present, inspect, monitor, copy records, sample, photograph, collect other information or otherwise investigate compliance with the program, including compliance with permit conditions and other program requirements. Entry into a private residence shall be allowed only by consent of the owner of the residence or order of the district court for the county in which venue is proper;
- (9) issue administrative compliance orders and file civil and criminal actions in the district court to enforce the New Mexico Pollutant Discharge Elimination System Act, permits and rules, including pretreatment standards and local limits adopted by publicly owned treatment works;
- (10) enter into agreements with the regional administrator for the implementation of the program;

(11) enter into agreements with other governmental entities, including Indian nations, tribes and pueblos; and

(12) receive and expend funds appropriated, authorized, granted, donated or allocated to the department for purposes consistent with the New Mexico Pollutant Discharge Elimination System Act.

C. The department shall:

(1) encourage the public to report violations pursuant to the New Mexico Pollutant Discharge Elimination System Act;

(2) develop procedures for receiving and ensuring proper consideration of information submitted by the public about violations and make available information on those reporting procedures;

(3) investigate and provide written responses to all complaints submitted pursuant to the reporting procedures;

(4) publish notice of and provide at least thirty days for public comment on any proposed settlement of an enforcement action taken pursuant to the New Mexico Pollutant Discharge Elimination System Act; and

(5) not oppose intervention by any person when permissive intervention may be authorized by statute or rule.

## **Chapter 112 Section 15 Laws 2025**

### **SECTION 15. ADMINISTRATIVE AND CIVIL ENFORCEMENT.--**

A. Whenever the department or attorney general determines that a person violated or is violating or that a violation may occur of any requirement of the New Mexico Pollutant Discharge Elimination System Act, program, permit or rule, the department or attorney general may:

(1) issue a temporary order directing the person to cease and desist unauthorized activity that is endangering or causing damage to public health or the environment pending further action by the department;

(2) issue an administrative compliance order requiring compliance, modification or termination of the permit and assess a civil penalty, including for administrative compliance costs; and

(3) commence a civil action in district court for appropriate relief, including a temporary restraining order or injunctive relief for a threatened or continuing violation of a program requirement and a civil penalty.

B. An administrative compliance order shall state with reasonable specificity the nature of the violation. Civil penalties shall be recoverable for the violation of a provision of the New Mexico Pollutant Discharge Elimination System Act or the program; a program permit condition; a program filing requirement; a duty to allow or carry out inspection, entry or monitoring activities; or a rule or an order issued by the department. A civil penalty shall be assessable in at least the amount of five thousand dollars (\$5,000) per day for each violation, but shall not exceed twenty thousand dollars (\$20,000) per day for each violation.

C. In determining the amount of a civil penalty, the department, attorney general or district court shall consider the seriousness of the violation or violations, as well as the economic benefit, if any, resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator and other matters as justice may require. For the purposes of this section, a single operational upset or event that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

D. An administrative compliance order issued pursuant to Paragraph (2) of Subsection A of this section shall become final unless, no later than thirty days after service, the person issued the compliance order submits a written request to the commission for a public hearing.

E. The commission shall conduct a public hearing no later than ninety days after receipt of the written request for a public hearing.

F. Following a public hearing, the commission shall issue a written decision that shall constitute the final action on the compliance order.

G. If a person fails to comply with the final action on the compliance order, the department or attorney general may file a civil action in the district court to require compliance, modify or terminate the permit, collect the assessed civil penalty and assess an additional civil penalty of not more than twenty-five thousand dollars (\$25,000) for each day of continued noncompliance with the compliance order.

H. Unless otherwise required by law, money collected pursuant to this section shall be deposited in the general fund.

## **Chapter 112 Section 16 Laws 2025**

### **SECTION 16. CRIMINAL ENFORCEMENT.--**

A. A person shall not:

(1) discharge a pollutant to waters of the United States without a permit for the discharge issued pursuant to the program;

(2) violate an applicable standard, limitation, permit condition or other requirement of a permit issued pursuant to the New Mexico Pollutant Discharge Elimination System Act or a rule adopted pursuant to that act;

(3) make a false statement, a representation, a certification or an omission of material fact in an application, a record, a plan, a form, a notice or a report required by a permit or other document submitted or maintained pursuant to the New Mexico Pollutant Discharge Elimination System Act or a rule or permit adopted or issued pursuant to that act;

(4) falsify, tamper with or render inaccurate a monitoring device, method or record required to be maintained pursuant to the New Mexico Pollutant Discharge Elimination System Act or a rule or permit adopted or issued pursuant to that act;

(5) fail to monitor, sample or report as required by a permit issued pursuant to the New Mexico Pollutant Discharge Elimination System Act or a rule or permit adopted or issued pursuant to that act; or

(6) violate a filing requirement pursuant to the New Mexico Pollutant Discharge Elimination System Act or a rule or permit adopted or issued pursuant to that act.

B. A person who knowingly violates or knowingly causes or allows another person to violate Subsection A of this section is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of the Criminal Sentencing Act.

C. A person who is convicted of a second or subsequent violation of Subsection A of this section is guilty of a third degree felony and shall be sentenced in accordance with the provisions of the Criminal Sentencing Act.

D. A person who knowingly violates Subsection A of this section or knowingly causes another person to violate Subsection A of this section and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of the Criminal Sentencing Act.

E. A person who knowingly violates Subsection A of this section and knows at the time of the violation that the person is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of the Criminal Sentencing Act.

F. A person who willfully or negligently violates Paragraph (2) or (6) of Subsection A of this section may be assessed a criminal fine of ten thousand dollars (\$10,000) per day for each violation.

G. A person who knowingly violates Paragraph (3) or (4) of Subsection A of this section may be assessed a criminal fine of five thousand dollars (\$5,000) for each violation.

H. A single operational upset or event that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

I. The attorney general has the authority to enforce this section.

## **Chapter 112 Section 17 Laws 2025**

### **SECTION 17. APPEALS TO THE COMMISSION.--**

A. An interested person who is affected by a permitting action or compliance order may file a petition for review before the commission. The petition shall:

(1) be made in writing to the commission within thirty days from the date notice is given to the applicant or permittee of the department's action;

(2) include a statement of the issues to be raised and the relief sought;  
and

(3) be provided to all other persons submitting evidence, data, views or arguments in the proceeding before the department.

B. A person who files a timely petition for review may request a stay of the department's action, which the commission may grant in whole or in part after a hearing on the request and a showing of good cause.

C. Unless a timely petition for review is made, the decision of the department shall be final and shall not be subject to judicial review or review by the commission.

D. If a timely petition for review is made, the commission shall consider the petition within ninety days after receipt of the petition at a commission meeting open to the public. The commission shall notify the petitioner and the applicant or permittee, if other than the petitioner, of the date, time and location of the public commission meeting at which the petition for review will be considered. If the petitioner is not the applicant or permittee, the applicant or permittee shall be a party to the proceeding. The commission shall ensure that the public receives notice of the date, time and place of the review.

E. The commission shall review the record compiled before the department, including the transcript of any public hearing held on the permitting action or compliance order, and shall allow any party to submit arguments.



F. The commission may designate a hearing officer to review the record and the arguments of the parties and recommend a decision to the commission.

G. Based on the review of the evidence, the arguments of the parties, if any, and the recommendations of the hearing officer, if one is designated, the commission shall sustain, modify or reverse the action of the department. The commission shall enter ultimate findings of fact and conclusions of law and keep a record of the review.

H. Prior to the date set for review, if a party shows to the satisfaction of the commission that there was no reasonable opportunity to submit comment or evidence on an issue being challenged, the commission shall order that additional comment or evidence be taken by the department. Based on the additional evidence, the department may revise the decision and shall promptly file with the commission the additional evidence received and action taken. The commission shall consider the additional evidence within ninety days after receipt of the additional evidence and shall notify the petitioner and the applicant or permittee, if other than the petitioner, of the date, time and place of the review.

I. The commission shall notify the petitioner and all other participants in the review proceeding of the action taken by the commission and the reasons for that action.

## **Chapter 112 Section 18 Laws 2025**

### **SECTION 18. JUDICIAL REVIEW.--**

A. A person who is adversely affected by a rule adopted by the commission may appeal to the court of appeals for further relief no later than thirty days after the commission's final action. The date the rule is filed with state records pursuant to the State Rules Act shall be the date of the commission's final action.

B. A person who participated in a permitting or compliance order review before the commission may appeal to the court of appeals for further relief no later than thirty days after the commission's final action.

C. An appeal before the court of appeals shall be upon the record made before the commission.

D. An application for a stay of the action being appealed may be filed with the commission no later than thirty days after the commission's final action. After a hearing and a showing of good cause by the appellant, a stay of the action being appealed may be granted pending the outcome of the judicial review. If the commission denies the application, a stay of the action may be granted by the court of appeals within ninety days after the commission's denial.

E. The court of appeals shall set aside the commission's final action only if the court finds that the action is:

- (1) arbitrary, capricious or an abuse of discretion;
- (2) not supported by substantial evidence in the record; or
- (3) otherwise not in accordance with law.

## **Chapter 112 Section 19 Laws 2025**

SECTION 19. LIMITATIONS.--The New Mexico Pollutant Discharge Elimination System Act does not authorize the commission or department to require a permit that:

- A. takes away or modifies a property right in water, except that the discharge of a pollutant to waters of the United States without a permit shall not be a property right in water;
- B. affects the relation between employers and employees with respect to or arising out of a condition of water quality; or
- C. supersedes or limits the applicability of a law relating to industrial health, safety or sanitation.

## **Chapter 112 Section 20 Laws 2025**

SECTION 20. AVAILABILITY OF RECORDS.--

- A. Records, including the names and addresses of permit applicants or permittees, applications, permits, inspections and effluent data, including data relating to discharges and ambient water quality, obtained by the commission or department pursuant to the New Mexico Pollutant Discharge Elimination System Act shall be available to the public.
- B. Records obtained by the commission or department that are submitted in relation to applications shall include information required on application forms provided by the commission or department, information submitted on the forms themselves and any attachments used to supply information required by the forms. All such records shall be available to the public.
- C. For other records, the commission or department shall not disclose the record if a person submitting the record asserts at the time of submission that the record or part of the record, if made public, would divulge confidential business information or trade secrets as defined in the Uniform Trade Secrets Act.
- D. Confidential business information or trade secrets may be disclosed:

- (1) to officers, employees or authorized representatives of the commission or department;
- (2) to officers, employees or authorized representatives of the United States; or
- (3) when relevant, in a proceeding pursuant to the New Mexico Pollutant Discharge Elimination System Act or the federal act.

E. An officer, employee or authorized representative of the commission or department who willfully discloses information that the commission or department has determined is entitled to protection as confidential business information or a trade secret shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both.

F. In submitting records, a person providing the records shall:

- (1) designate the records the person believes are entitled to protection pursuant to this section by stamping the records as "confidential business information"; and
- (2) submit the designated records separately from other records submitted pursuant to the New Mexico Pollutant Discharge Elimination System Act.

## **LAWS 2025, CHAPTER 113**

**Senate Bill 88, aa**  
**Approved April 8, 2025**

AN ACT

RELATING TO PUBLIC FUNDS; CREATING THE MEDICAID TRUST FUND AND THE STATE-SUPPORTED MEDICAID FUND; REQUIRING CERTAIN BALANCES OF REVERTING FUNDS AND ACCOUNTS TO BE TRANSFERRED FROM THE GENERAL FUND TO THE MEDICAID TRUST FUND.

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

### **Chapter 113 Section 1 Laws 2025**

#### **SECTION 1. MEDICAID TRUST FUND.--**

A. The "medicaid trust fund" is created as a nonreverting fund in the state treasury. The trust fund consists of distributions, appropriations, gifts, grants and donations. Income from investment of the trust fund shall be credited to the trust fund. Money in the trust fund shall be expended only as provided in this section.

B. The state investment officer shall invest money in the trust fund in accordance with the prudent investor rule as set forth in Chapter 6, Article 8 NMSA 1978 and in consultation with the health care authority.

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

D. On July 1, 2029 and each July 1 thereafter, a distribution shall be made from the trust fund to the state-supported medicaid fund in an amount equal to five percent of the average of the year-end market values of the trust fund for the immediately preceding three calendar years; provided that a distribution shall not be made until the balance of the trust fund at the end of a fiscal year is at least five hundred million dollars (\$500,000,000).

E. Money in the trust fund may be appropriated for any purpose if, in a fiscal year, federal matching funds for the state medicaid program:

(1) decrease by at least seven and one-half percent from the previous fiscal year; or

(2) are less than a one-to-one match with money appropriated by the legislature for the program.

F. In fiscal years 2026 through 2029, money in the trust fund may be appropriated to support the state medicaid program if a reduction in federal medicaid funding received by the state will cause a reduction in coverage or benefits below the levels provided as of the effective date of this 2025 act.

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

## **Chapter 113 Section 2 Laws 2025**

SECTION 2. STATE-SUPPORTED MEDICAID FUND.--The "state-supported medicaid fund" is created in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations and income from investment of the fund. The health care authority shall administer the fund. Money in the fund is subject to appropriation by the legislature to support the state medicaid program and to match federal funds for the state medicaid program. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of health care authority or the secretary's authorized representative. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall revert to the medicaid trust fund.

## **Chapter 113 Section 3 Laws 2025**

SECTION 3. Section 6-5-10 NMSA 1978 (being Laws 1994, Chapter 11, Section 1, as amended) is amended to read:

"6-5-10. STATE AGENCY REVERSIONS--DIRECTOR POWERS--COMPLIANCE WITH FEDERAL RULES--TRANSFER OF REVERSIONS IN GENERAL FUND TO THE MEDICAID TRUST FUND.--

A. Except as provided in Subsection B of this section, all unreserved undesignated fund balances in reverting funds and accounts as reflected in the central financial reporting and accounting system as of June 30 shall revert by September 30 to the general fund. The division may adjust the reversion within forty-five days of release of the audit report for that fiscal year.

B. By October 1 of each year, the balance of the reversions in excess of one hundred ten million dollars (\$110,000,000) for the previous fiscal year shall be transferred to the medicaid trust fund until the balance of the medicaid trust fund reaches two billion dollars (\$2,000,000,000) as of the end of a fiscal year.

C. The director of the division may modify a reversion required pursuant to Subsection A of this section or a transfer made pursuant to Subsection B of this section if the reversion made pursuant to Subsection A of this section would violate federal law or rules pertaining to supplanting of state funds with federal funds or other applicable federal provisions."

## **Chapter 113 Section 4 Laws 2025**

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 114**

**Senate Bill 92**

**Approved April 8, 2025**

AN ACT

RELATING TO HORSE RACING; CREATING THE HORSE RACING INTEGRITY AND SAFETY AUTHORITY AND JOCKEY AND EXERCISE RIDER INSURANCE FUND; PROVIDING A PROCESS FOR PAYING THE COSTS OF JOCKEY AND EXERCISE RIDER INSURANCE AND COMPLYING WITH STATE AND FEDERAL LAW; MAKING AN APPROPRIATION.

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

## **Chapter 114 Section 1 Laws 2025**

SECTION 1. A new section of the Horse Racing Act is enacted to read:

"HORSE RACING INTEGRITY AND SAFETY AUTHORITY AND JOCKEY AND EXERCISE RIDER INSURANCE FUND CREATED--PURPOSE.--The "horse racing integrity and safety authority and jockey and exercise rider insurance fund" is created as a nonreverting fund in the state treasury. The fund consists of money collected by the commission to offset the costs of jockey and exercise rider insurance and to comply with federal and state laws affecting horse racing as provided in Section 60-2E-47 NMSA 1978, distributions, appropriations, income from investment of the fund, gifts, grants, donations and bequests. The fund shall be administered by the commission, and money in the fund is appropriated to the commission to pay the costs of complying with Section 60-2E-47 NMSA 1978. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the executive director of the commission or the executive director's designee."

# **LAWS 2025, CHAPTER 115**

**SHPAC/Senate Bill 120, aa**

**Approved April 8, 2025**

AN ACT

RELATING TO HEALTH; AMENDING SECTIONS OF THE HEALTH CARE PURCHASING ACT AND NEW MEXICO INSURANCE CODE TO ADD AN EXEMPTION FROM THE PROHIBITION ON COST SHARING FOR BEHAVIORAL HEALTH SERVICES FOR CERTAIN PLANS.

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

## **Chapter 115 Section 1 Laws 2025**

SECTION 1. Section 13-7-26 NMSA 1978 (being Laws 2021, Chapter 136, Section 3) is amended to read:

"13-7-26. BEHAVIORAL HEALTH SERVICES--ELIMINATION OF COST SHARING.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act that offers coverage of behavioral health services shall not impose cost sharing on those behavioral health services in network.

B. For the purposes of this section:

(1) "behavioral health services" means professional and ancillary services for the treatment, habilitation, prevention and identification of mental illnesses, substance abuse disorders and trauma spectrum disorders, including inpatient, detoxification, residential treatment and partial hospitalization, intensive outpatient therapy, outpatient therapy and all medications, including brand-name pharmacy drugs when generics are unavailable;

(2) "coinsurance" means a cost-sharing method that requires an enrollee to pay a stated percentage of medical expenses after any deductible amount is paid; provided that coinsurance rates may differ for different types of services under the same group health plan;

(3) "copayment" means a cost-sharing method that requires an enrollee to pay a fixed dollar amount when health care services are received, with the plan administrator paying the balance of the allowable amount; provided that there may be different copayment requirements for different types of services under the same group health plan; and

(4) "cost sharing" means a copayment, coinsurance, deductible or any other form of financial obligation of an enrollee other than a premium or a share of a premium, or any combination of any of these financial obligations, as defined by the terms of a group health plan.

C. The provisions of this section do not apply to excepted benefit plans as provided under the Short-Term Health Plan and Excepted Benefit Act, catastrophic plans as defined under 42 USCA Section 18022(e) or high-deductible health plans with health savings accounts until an enrollee's deductible has been met, unless otherwise permitted by federal law."

## Chapter 115 Section 2 Laws 2025

SECTION 2. Section 59A-22-57 NMSA 1978 (being Laws 2021, Chapter 136, Section 6) is amended to read:

"59A-22-57. BEHAVIORAL HEALTH SERVICES--ELIMINATION OF COST SHARING.--

A. An individual or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in this state that offers coverage of behavioral health services shall not impose cost sharing on those behavioral health services.

B. For the purposes of this section:

(1) "behavioral health services" means professional and ancillary services for the treatment, habilitation, prevention and identification of mental illnesses, substance abuse disorders and trauma spectrum disorders, including inpatient, detoxification, residential treatment and partial hospitalization, intensive outpatient therapy, outpatient therapy and all medications, including brand-name pharmacy drugs when generics are unavailable;

(2) "coinsurance" means a cost-sharing method that requires the insured to pay a stated percentage of medical expenses after any deductible amount is paid; provided that coinsurance rates may differ for different types of services under the same individual or group health insurance policy, health care plan or certificate of health insurance;

(3) "copayment" means a cost-sharing method that requires the insured to pay a fixed dollar amount when health care services are received, with the insurer paying the balance of the allowable amount; provided that there may be different copayment requirements for different types of services under the same individual or group health insurance policy, health care plan or certificate of health insurance; and

(4) "cost sharing" means a copayment, coinsurance, deductible or any other form of financial obligation of the insured other than a premium or a share of a premium, or any combination of any of these financial obligations, as defined by the terms of an individual or group health insurance policy, health care plan or certificate of health insurance.

C. The provisions of this section do not apply to excepted benefit plans as provided under the Short-Term Health Plan and Excepted Benefit Act, catastrophic plans as defined under 42 USCA Section 18022(e) or high-deductible health plans with health savings accounts until an insured's deductible has been met, unless otherwise permitted by federal law."



## Chapter 115 Section 3 Laws 2025

SECTION 3. Section 59A-23-16 NMSA 1978 (being Laws 2021, Chapter 136, Section 7) is amended to read:

### "59A-23-16. BEHAVIORAL HEALTH SERVICES--ELIMINATION OF COST SHARING.--

A. A group or blanket health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in this state that offers coverage of behavioral health services shall not impose cost sharing on those behavioral health services in network.

B. For the purposes of this section:

(1) "behavioral health services" means professional and ancillary services for the treatment, habilitation, prevention and identification of mental illnesses, substance abuse disorders and trauma spectrum disorders, including inpatient, detoxification, residential treatment and partial hospitalization, intensive outpatient therapy, outpatient therapy and all medications, including brand-name pharmacy drugs when generics are unavailable;

(2) "coinsurance" means a cost-sharing method that requires a covered person to pay a stated percentage of medical expenses after any deductible amount is paid; provided that coinsurance rates may differ for different types of services under the same group or blanket health insurance policy, health care plan or certificate of health insurance;

(3) "copayment" means a cost-sharing method that requires a covered person to pay a fixed dollar amount when health care services are received, with the insurer paying the balance of the allowable amount; provided that there may be different copayment requirements for different types of services under the same group or blanket health insurance policy, health care plan or certificate of health insurance; and

(4) "cost sharing" means a copayment, coinsurance, deductible or any other form of financial obligation of a covered person other than a premium or a share of a premium, or any combination of any of these financial obligations, as defined by the terms of a group or blanket health insurance policy, health care plan or certificate of health insurance.

C. The provisions of this section do not apply to excepted benefit plans as provided under the Short-Term Health Plan and Excepted Benefit Act, catastrophic plans as defined under 42 USCA Section 18022(e) or high-deductible health plans with health savings accounts until a covered person's deductible has been met, unless otherwise permitted by federal law."

## Chapter 115 Section 4 Laws 2025

SECTION 4. Section 59A-46-57 NMSA 1978 (being Laws 2021, Chapter 136, Section 8) is amended to read:

"59A-46-57. BEHAVIORAL HEALTH SERVICES--ELIMINATION OF COST SHARING.--

A. An individual or group health maintenance organization contract that is delivered, issued for delivery or renewed in this state that offers coverage of behavioral health services shall not impose cost sharing on those behavioral health services in network.

B. For the purposes of this section:

(1) "behavioral health services" means professional and ancillary services for the treatment, habilitation, prevention and identification of mental illnesses, substance abuse disorders and trauma spectrum disorders, including inpatient, detoxification, residential treatment and partial hospitalization, intensive outpatient therapy, outpatient therapy and all medications, including brand-name pharmacy drugs when generics are unavailable;

(2) "coinsurance" means a cost-sharing method that requires an enrollee to pay a stated percentage of medical expenses after any deductible amount is paid; provided that coinsurance rates may differ for different types of services under the same individual or group health maintenance organization contract;

(3) "copayment" means a cost-sharing method that requires an enrollee to pay a fixed dollar amount when health care services are received, with the carrier paying the balance of the allowable amount; provided that there may be different copayment requirements for different types of services under the same individual or group health maintenance organization contract; and

(4) "cost sharing" means a copayment, coinsurance, deductible or any other form of financial obligation of an enrollee other than a premium or a share of a premium, or any combination of any of these financial obligations, as defined by the terms of an individual or group health maintenance organization contract.

C. The provisions of this section do not apply to excepted benefit plans as provided under the Short-Term Health Plan and Excepted Benefit Act, catastrophic plans as defined under 42 USCA Section 18022(e) or high-deductible health plans with health savings accounts until an enrollee's deductible has been met, unless otherwise permitted by federal law."

## Chapter 115 Section 5 Laws 2025

SECTION 5. Section 59A-47-51 NMSA 1978 (being Laws 2021, Chapter 136, Section 9) is amended to read:

"59A-47-51. BEHAVIORAL HEALTH SERVICES--ELIMINATION OF COST SHARING.--

A. An individual or group health care plan that is delivered, issued for delivery or renewed in this state that offers coverage of behavioral health services shall not impose cost sharing on those behavioral health services in network.

B. For the purposes of this section:

(1) "behavioral health services" means professional and ancillary services for the treatment, habilitation, prevention and identification of mental illnesses, substance abuse disorders and trauma spectrum disorders, including inpatient, detoxification, residential treatment and partial hospitalization, intensive outpatient therapy, outpatient therapy and all medications, including brand-name pharmacy drugs when generics are unavailable;

(2) "coinsurance" means a cost-sharing method that requires a subscriber to pay a stated percentage of medical expenses after any deductible amount is paid; provided that coinsurance rates may differ for different types of services under the same individual or group health care plan;

(3) "copayment" means a cost-sharing method that requires a subscriber to pay a fixed dollar amount when health care services are received, with the health care plan paying the balance of the allowable amount; provided that there may be different copayment requirements for different types of services under the same individual or group health care plan; and

(4) "cost sharing" means a copayment, coinsurance, deductible or any other form of financial obligation of a subscriber other than a premium or a share of a premium, or any combination of any of these financial obligations, as defined by the terms of an individual or group health care plan.

C. The provisions of this section do not apply to excepted benefit plans as provided under the Short-Term Health Plan and Excepted Benefit Act, catastrophic plans as defined under 42 USCA Section 18022(e) or high-deductible health plans with health savings accounts until a subscriber's deductible has been met, unless otherwise permitted by federal law."

## **Chapter 115 Section 6 Laws 2025**

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2026.

## **LAWS 2025, CHAPTER 116**

**Senate Bill 122, aa**  
**Approved April 8, 2025**

### **AN ACT**

RELATING TO PRESCRIPTION DRUGS; EXPANDING THE PRESCRIPTION DRUG DONATION PROGRAM TO ALLOW MORE DONORS AND RECIPIENTS TO PARTICIPATE IN THE DONATION, COLLECTION AND REDISTRIBUTION OF UNUSED PRESCRIPTION DRUGS.

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

## **Chapter 116 Section 1 Laws 2025**

SECTION 1. Section 26-1-3.2 NMSA 1978 (being Laws 2011, Chapter 119, Section 1) is amended to read:

"26-1-3.2. PRESCRIPTION DRUG DONATION.--

A. As used in this section:

(1) "donor" means a person who donates unused prescription drugs to an eligible recipient for the purpose of redistribution to patients;

(2) "eligible recipient" means a person who registers with the board to participate in the collection of donated drugs and is:

(a) licensed pursuant to Section 61-11-14 NMSA 1978 to receive and distribute prescription drugs;

(b) a health care facility licensed by the health care authority pursuant to the Health Care Code; or

(c) a practitioner licensed to prescribe prescription drugs;

(3) "patient" means an individual who voluntarily receives donated prescription drugs; and

(4) "tamper-evident" means a device or process that makes unauthorized access to protected pharmaceutical packaging easily detected.

B. The board shall adopt and promulgate rules for the donation of unused prescription drugs. Any person, including persons from other states, may donate unexpired and unused prescription drugs to an eligible recipient, and an eligible recipient may accept and redistribute the donated prescription drugs in accordance with rules promulgated by the board. Donated prescription drugs shall only be redistributed to a patient if the drugs will not expire before the patient is able to completely use the drugs, based on the directions for use given by the patient's prescribing health care professional.

C. The board shall promulgate rules to establish:

(1) procedures to allow the donation and redistribution of certain prescription drugs, including refrigerated drugs, that:

(a) ensure that the redistribution process is consistent with public health and safety standards;

(b) exclude controlled substances; and

(c) allow in-state and out-of-state pharmacies that are experienced in managing donated prescription drugs to distribute donated prescription drugs to patients, either at a physical pharmacy location or through a mail-order pharmacy;

(2) standards and procedures for accepting, storing, labeling and redistributing donated prescription drugs;

(3) standards and procedures for inspecting donated prescription drugs to determine that the packaging is tamper-evident and that the donated prescription drugs are unadulterated, safe and suitable for redistribution;

(4) a form to be signed by the patient specifying:

(a) knowledge that the donor took reasonable care of the donated prescription drug;

(b) knowledge that the donated prescription drugs have been inspected prior to being dispensed and that there is no reason to believe that the donated prescription drug was improperly handled or stored;

(c) that any person who exercises reasonable care in donating, accepting or redistributing pursuant to this section shall be immune from civil or criminal

liability or professional disciplinary action of any kind for any related injury, death or loss; and

(d) that the immunity provided by this section shall not decrease or increase the civil or criminal liability of a drug manufacturer, distributor or dispenser that would have existed but for the donation;

(5) information required to be provided by the donor verifying that:

(a) the donated prescription drug has been properly stored and the container has not been opened or tampered with;

(b) the donated prescription drug has not been adulterated or misbranded; and

(c) the donor is voluntarily donating the prescription drug;

(6) a handling fee not to exceed the reasonable costs of participating in the collection of donated prescription drugs that may be charged to the patient by the eligible recipient to cover the costs of inspecting, storing, labeling and redistributing the donated prescription drug; and

(7) any other standards deemed necessary by the board.

D. The board shall maintain and publish a current listing of eligible recipients.

E. Before redistributing donated prescription drugs, the eligible recipient shall:

(1) comply with all applicable federal laws and the laws of the state that deal with the inspection, storage, labeling and redistribution of donated prescription drugs; and

(2) examine the donated prescription drug to determine that it has not been adulterated or misbranded and certify that the drug has been stored in compliance with the requirements of the product label.

F. Any person who exercises reasonable care in donating, accepting or redistributing prescription drugs pursuant to this section shall be immune from civil or criminal liability or professional disciplinary action of any kind for any related injury, death or loss.

G. The immunity provided by this section shall not decrease or increase the civil or criminal liability of a drug manufacturer, distributor or dispenser that would have existed but for the donation.

H. A manufacturer shall not be liable for failure to transfer or communicate product consumer information or the expiration date of the donated prescription drug pursuant to this section.

I. This section does not restrict the authority of an appropriate governmental agency to regulate or ban the use of any prescription drugs."

## **LAWS 2025, CHAPTER 117**

**Senate Bill 126**

**Approved April 8, 2025**

### **AN ACT**

RELATING TO TELECOMMUNICATIONS; AMENDING SECTION 63-9H-6 NMSA 1978 (BEING LAWS 1999, CHAPTER 295, SECTION 6, AS AMENDED); INCREASING THE AMOUNT FROM THE STATE RURAL UNIVERSAL SERVICE FUND ALLOCATED TO THE BROADBAND PROGRAM FROM THIRTY MILLION DOLLARS (\$30,000,000) LESS CERTAIN EXPENSES TO FORTY MILLION DOLLARS (\$40,000,000) LESS CERTAIN EXPENSES; INCREASING THE CAP ON OBLIGATIONS OF THE STATE RURAL UNIVERSAL SERVICE FUND PLUS ADMINISTRATIVE EXPENSES AND A PRUDENT FUND BALANCE FROM THIRTY MILLION DOLLARS (\$30,000,000) TO FORTY MILLION DOLLARS (\$40,000,000).

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

### **Chapter 117 Section 1 Laws 2025**

SECTION 1. Section 63-9H-6 NMSA 1978 (being Laws 1999, Chapter 295, Section 6, as amended) is amended to read:

"63-9H-6. STATE RURAL UNIVERSAL SERVICE FUND--ESTABLISHMENT.--

A. The commission shall implement and maintain a "state rural universal service fund" to maintain and support universal service that is provided by eligible telecommunications carriers, including commercial mobile radio services carriers, as are determined by the commission. As used in this section, "universal service" means basic local exchange service, comparable retail alternative services at affordable rates, service pursuant to a low-income telephone assistance plan and broadband internet access service to unserved and underserved areas as determined by the commission.

B. The fund shall be financed by a surcharge on intrastate retail public telecommunications services to be determined by the commission, excluding services provided pursuant to a low-income telephone assistance plan billed to end-user customers by a telecommunications carrier, and excluding all amounts from surcharges,

gross receipts taxes, excise taxes, franchise fees and similar charges. For the purpose of funding the fund, the commission has the authority to apply the surcharge on intrastate retail public telecommunications services provided by telecommunications carriers, including commercial mobile radio services and voice over internet protocol services, at a competitively and technologically neutral rate or rates to be determined by the commission. The commission may establish the surcharge as a percentage of intrastate retail public telecommunications services revenue or as a fixed amount applicable to each communication connection. For purposes of this section, a "communication connection" means a voice-enabled telephone access line, wireless voice connection, unique voice over internet protocol service connection or other uniquely identifiable functional equivalent as determined by the commission. Such surcharges shall be competitively and technologically neutral. Money deposited in the fund is not public money, and the administration of the fund is not subject to the provisions of law regulating public funds. The commission shall not apply this surcharge to a private telecommunications network; to the state, a county, a municipality or other governmental entity; to a public school district; to a public institution of higher education; to an Indian nation, tribe or pueblo; or to Native American customers who reside on tribal or pueblo land.

C. The fund shall be competitively and technologically neutral, equitable and nondiscriminatory in its collection and distribution of funds, portable between eligible telecommunications carriers and additionally shall provide a specific, predictable and sufficient support mechanism as determined by the commission that ensures universal service in the state.

D. The commission shall:

(1) establish eligibility criteria for participation in the fund consistent with federal law that ensure the availability of universal service at affordable rates. The eligibility criteria shall not restrict or limit an eligible telecommunications carrier from receiving federal universal service support;

(2) provide for the collection of the surcharge on a competitively neutral basis and for the administration and disbursement of money from the fund;

(3) determine those services and areas requiring support from the fund;

(4) provide for the separate administration and disbursement of federal universal service funds consistent with federal law; and

(5) establish affordability benchmark rates for local residential and business services that shall be utilized in determining the level of support from the fund. The process for determining subsequent adjustments to the benchmark shall be established through a rulemaking.



E. All incumbent telecommunications carriers and competitive carriers already designated as eligible telecommunications carriers for the fund shall be eligible for participation in the fund. All other carriers that choose to become eligible to receive support from the fund may petition the commission to be designated as an eligible telecommunications carrier for the fund. The commission may grant eligible carrier status to a competitive carrier in a rural area upon a finding that granting the application is in the public interest. In making a public interest finding, the commission may consider at least the following items:

- (1) the impact of designation of an additional eligible carrier on the size of the fund;
- (2) the unique advantages and disadvantages of the competitor's service offering; and
- (3) any commitments made regarding the quality of telephone service.

F. The commission shall adopt rules, including a provision for variances, for the implementation and administration of the fund in accordance with the provisions of this section. The rules shall enumerate the appropriate uses of fund support and any restrictions on the use of fund support by eligible telecommunications carriers. The rules shall require that an eligible telecommunications carrier receiving support from the fund pursuant to Subsection K, L, M or N of this section must expend no less than sixty percent of the support it receives to deploy and maintain broadband internet access services in rural areas of the state. The rules also shall provide for annual reporting by eligible telecommunications carriers verifying that the reporting carrier continues to meet the requirements for designation as an eligible telecommunications carrier for purposes of the fund and is in compliance with the commission's rules, including the provisions regarding use of support from the fund.

G. The commission shall, upon implementation of the fund, select a neutral third-party administrator to collect, administer and disburse money from the fund under the supervision and control of the commission pursuant to established criteria and rules promulgated by the commission. The administrator may be reasonably compensated for the specified services from the surcharge proceeds to be received by the fund pursuant to Subsection B of this section. For purposes of this subsection, the commission shall not be a neutral third-party administrator.

H. The fund established by the commission shall ensure the availability of universal service as determined by the commission at affordable rates in rural areas of the state; provided, however, that nothing in this section shall be construed as granting any authority to the commission to impose the surcharge on or otherwise regulate broadband internet access services.

I. The commission shall ensure that intrastate switched access charges are equal to interstate switched access charges established by the federal communications

commission as of January 1, 2006. Nothing in this section shall preclude the commission from considering further adjustments to intrastate switched access charges based on changes to interstate switched access charges.

J. To ensure that providers of intrastate retail communications service contribute to the fund and to further ensure that the surcharge determined pursuant to Subsection B of this section to be paid by the end-user customer will be held to a minimum, the commission shall adopt rules, or take other appropriate action, to require all such providers to participate in a plan to ensure accurate reporting.

K. The commission shall authorize payments from the fund to incumbent local exchange carriers, in combination with revenue-neutral rate rebalancing up to the affordability benchmark rates. Beginning in 2018, the commission shall make access reduction support payments in the amount made from the fund in base year 2014, adjusted each year thereafter by:

(1) the annual percentage change in the number of access lines served by the incumbent local exchange carriers receiving such support for the prior calendar year, as compared to base year 2014; and

(2) changes in the affordability benchmark rates that have occurred since 2014.

L. Notwithstanding the provisions of Subsection K of this section, the annual amount of access reduction support payments for an eligible incumbent local exchange carrier in 2024, 2025 and 2026 shall be equal to the annual access reduction support payments for that eligible incumbent local exchange carrier for the year 2023. Access reduction support payments shall be terminated after December 31, 2026.

M. The commission shall determine the methodology to be used to authorize payments to all other carriers that apply for and receive eligible carrier status; provided that:

(1) an eligible incumbent telecommunications carrier that is not eligible for funding pursuant to rate rebalancing in Subsection K of this section and that has been previously authorized pursuant to Subsection N of this section for need-based support may apply for ongoing fund support;

(2) the commission shall award an applicant ongoing fund support at no less than the average access line amount of funding support for comparable carriers; provided that an eligible telecommunications carrier receiving fund support pursuant to this subsection shall not offer basic local exchange residential and business services at rate levels lower than the rates for such services charged by any of the comparable carriers used for the determination of the level of support;

(3) the commission shall act upon a request for ongoing fund support within one hundred twenty days of the filing of the request; and

(4) nothing in this section shall limit the commission's authority to adopt rules pursuant to Subsection F of this section regarding appropriate uses of fund support and any restrictions on the use of the fund support by eligible telecommunications carriers.

N. The commission may also authorize payments from the fund to incumbent rural telecommunications carriers or to telecommunications carriers providing comparable retail alternative services that have been designated as eligible telecommunications carriers serving in rural areas of the state upon a finding, based on factors that may include a carrier's regulated revenues, expenses or investment, by the commission that such payments are needed to ensure the widespread availability and affordability of universal service. The commission shall decide cases filed pursuant to this subsection with reasonable promptness, with or without a hearing, but no later than six months following the filing of an application seeking payments from the fund, unless the commission finds that a longer time will be required, in which case the commission may extend the period for an additional three months.

O. The commission shall adopt rules that establish and implement a broadband program to provide funding to eligible telecommunications carriers for the construction and maintenance of broadband infrastructure. Each year, an amount equal to forty million dollars (\$40,000,000) less the amounts expended pursuant to Subsections K, L, M and N of this section shall be dedicated to the broadband program.

P. Rules adopted pursuant to Subsection O of this section shall require that the commission:

(1) consider applications for funding on a technology-neutral basis;

(2) submit applications for funding to the connect New Mexico council for prioritization and alignment with the statewide broadband plan to ensure digital equity and digital inclusion; and

(3) require that the awards of support be consistent with federal universal service support programs.

Q. The total obligations of the fund determined by the commission pursuant to this section, plus administrative expenses and a prudent fund balance, shall not exceed a cap of forty million dollars (\$40,000,000) per year.

R. By October 1 of each year, the commission shall make a report to the legislature regarding the status of the fund, including:

- (1) relevant data relating to implementation of the broadband program and the progress toward digital equity and digital inclusion in rural areas of the state;
- (2) recommendations for changes to the structure, size and purposes of the fund and whether the cap on the fund provided for in Subsection Q of this section should be modified, maintained or eliminated; and
- (3) the service areas that received funding awards from the broadband program and the amounts of those awards.

S. The 2025 annual report made pursuant to Subsection R of this section shall include an assessment of the state rural universal service fund that addresses:

- (1) whether to repurpose the access reduction support funds into the commission's broadband support program;

- (2) a methodology for determining broadband support levels that is consistent with the requirements of Subsection C of this section and accounts, at a minimum, for broadband costs, potential revenues from deployed infrastructure and existing federal support mechanisms;

- (3) the appropriate size of the fund;

- (4) criteria for awarding funding;

- (5) the impact of proposed changes on per-connection assessments;

and

- (6) whether all sellers of prepaid telecommunications services should be required to collect state rural universal service fund assessments at the point of sale, similar to the methodology for collecting 911 emergency surcharges pursuant to Section 63-9D-5 NMSA 1978."

## **Chapter 117 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

## **LAWS 2025, CHAPTER 118**

**Senate Bill 146, w/cc**  
**Approved April 8, 2025**

AN ACT

RELATING TO MILITARY CHILDREN; CORRECTING A REFERENCE TO A UNITED STATES CODE PROVISION IN THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

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

## **Chapter 118 Section 1 Laws 2025**

SECTION 1. Section 11-8B-1 NMSA 1978 (being Laws 2010, Chapter 41, Section 1) is amended to read:

"11-8B-1. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN--ENTERED INTO.--The "Interstate Compact on Educational Opportunity for Military Children" is enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

"INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

### ARTICLE 1

#### PURPOSE

It is the purpose of the Interstate Compact on Educational Opportunity for Military Children to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

- A. facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or variations in entrance and age requirements;
- B. facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment;
- C. facilitating the qualification and eligibility for enrollment, educational programs and participation in extracurricular, academic, athletic and social activities;
- D. facilitating the on-time graduation of children of military families;
- E. providing for the promulgation and enforcement of administrative rules implementing the provisions of that compact;
- F. providing for the uniform collection and sharing of information between and among member states, schools and military families under that compact;

G. promoting coordination between that compact and other compacts affecting military children; and

H. promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

## ARTICLE 2

### DEFINITIONS

As used in the Interstate Compact on Educational Opportunity for Military Children:

A. "active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211;

B. "children of military families" means school-aged children enrolled in kindergarten through twelfth grade in the household of an active duty member;

C. "compact commissioner" means the voting representative of each compacting state appointed pursuant to Article 8 of the Interstate Compact on Educational Opportunity for Military Children;

D. "deployment" means the period one month prior to the service members' departures from their home stations on military orders through six months after return to their home stations;

E. "education records" means records, files and data that are directly related to a student and maintained by a school or local education agency, including records encompassing all the material kept in a student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs;

F. "extracurricular activity" means a voluntary activity sponsored by a school or local education agency or an organization sanctioned by a local education agency. "Extracurricular activity" includes preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities;

G. "interstate commission" means the interstate commission on educational opportunity for military children that is created under Article 9 of the Interstate Compact on Educational Opportunity for Military Children;

H. "local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions;

I. "member state" means a state that has enacted the Interstate Compact on Educational Opportunity for Military Children;

J. "military installation" means a base, camp, post, station, yard, center or homeport facility for any ship or other activity under the jurisdiction of the United States department of defense, including any leased facility, that is located within any of the several states, the District of Columbia, the commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other United States territory. The term does not include any facility used primarily for civil works, rivers and harbors projects or flood control projects;

K. "non-member state" means a state that has not enacted the Interstate Compact on Educational Opportunity for Military Children;

L. "receiving state" means the state to which a child of a military family is sent or brought or caused to be sent or brought;

M. "rule" means a written statement by the interstate commission promulgated pursuant to Article 12 of the Interstate Compact on Educational Opportunity for Military Children that is of general applicability, implements, interprets or prescribes a policy or provision of that compact or an organizational, procedural or practice requirement of the interstate commission and includes the amendment, repeal or suspension of an existing rule;

N. "sending state" means the state from which a child of a military family is sent or brought or caused to be sent or brought;

O. "state" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other United States territory;

P. "student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade;

Q. "transition" means:

(1) the formal and physical process of transferring from school to school; or

(2) the period of time in which a student moves from one school in the sending state to another school in the receiving state;

R. "uniformed services" means the army, navy, air force, marine corps, coast guard and the commissioned corps of the national oceanic and atmospheric administration and United States public health service; and

S. "veteran" means a person who served in the uniformed services and who was discharged or released from the uniformed services under conditions other than dishonorable.

### ARTICLE 3

#### APPLICABILITY

A. Except as otherwise provided in Subsection B of this article, the Interstate Compact on Educational Opportunity for Military Children shall apply to the children of:

(1) active duty members of the uniformed services, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211;

(2) members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

(3) members of the uniformed services who die on active duty or as a result of injuries sustained while on active duty and extending for a period of one year after death.

B. The provisions of the Interstate Compact on Educational Opportunity for Military Children shall only apply to local education agencies.

C. The provisions of the Interstate Compact on Educational Opportunity for Military Children shall not apply to the children of:

(1) inactive members of the national guard and military reserves;

(2) members of the uniformed services now retired, except as provided in Subsection A of this article;

(3) veterans of the uniformed services, except as provided in Subsection A of this article; and

(4) other United States department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

### ARTICLE 4



## EDUCATIONAL RECORDS AND ENROLLMENT

A. In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records, pending validation by the official records, as quickly as possible.

B. Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state shall process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

C. Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the interstate commission for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

D. Students shall be allowed to continue their enrollment at a grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on the student's validated level from an accredited school in the sending state.

## ARTICLE 5

### PLACEMENT AND ATTENDANCE

A. When a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career-challenging courses should be paramount when considering placement. This subsection does not preclude the school in the receiving state from performing subsequent

evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

B. The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs include gifted and talented programs and English as a second language. This subsection does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. In compliance with the federal requirements of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on the student's current individualized education program. In compliance with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, and with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This subsection does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Local education agency administrative officials shall have flexibility in waiving course or program prerequisites or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

E. A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from or has immediately returned from deployment to a combat zone or combat support posting shall be granted additional excused absences, at the discretion of the local education agency superintendent, to visit with the student's parent or legal guardian.

## ARTICLE 6

### ELIGIBILITY

A. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

B. A local education agency shall be prohibited from charging local tuition to a military child who is in transition and is placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

C. A military child who is in transition and is placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent may continue to attend the school in which the child was enrolled while residing with the custodial parent.

D. State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

## ARTICLE 7

### GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time;

B. receiving states shall accept exit or end-of-course exams required for graduation from the sending state, national norm-referenced achievement tests or alternative testing in lieu of testing requirements for graduation in the receiving state. In the event the alternatives in this subsection and Subsection A of this article cannot be accommodated by the receiving state for a student transferring in the student's senior year, then the provisions of Subsection C of this article shall apply; and

C. if a military student transferring at the beginning of or during the military student's senior year is ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of the Interstate Compact on Educational Opportunity for Military Children, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Subsections A and B of this article.

## ARTICLE 8

### STATE COORDINATION

A. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of

government, local education agencies and military installations concerning the state's participation in and compliance with the Interstate Compact on Educational Opportunity for Military Children and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include: the secretary of public education, the superintendent of a school district with a high concentration of military children, one representative from a military installation, one representative from the executive branch of government and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of the Interstate Compact on Educational Opportunity for Military Children.

C. The compact commissioner responsible for the administration and management of the state's participation in the Interstate Compact on Educational Opportunity for Military Children shall be appointed by the governor or as otherwise determined by each member state.

D. The compact commissioner and the military family education liaison designated in this article shall be ex-officio nonvoting members of the state council, unless either is already a full voting member of the state council.

## ARTICLE 9

### INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "interstate commission on educational opportunity for military children". The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

A. be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth in the Interstate Compact on Educational Opportunity for Military Children and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of that compact;

B. consist of one voting representative from each member state who shall be that state's compact commissioner.

(1) Each member state represented at a meeting of the interstate commission is entitled to one vote.

(2) A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

(3) A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from the person's state for a specified meeting.

(4) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication;

C. consist of ex-officio nonvoting representatives who are members of interested organizations. The ex-officio members, as defined in the bylaws, may include members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States department of defense, the education commission of the states, the interstate agreement on qualification of educational personnel and other interstate compacts affecting the education of children of military members;

D. meet at least once each calendar year. The chair may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

E. establish an executive committee whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its bylaws and rules and other such duties as deemed necessary. The United States department of defense shall serve as an ex-officio nonvoting member of the executive committee;

F. establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

G. give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the Interstate Compact on Educational Opportunity for Military Children. The interstate commission and its committees may close a meeting, or a portion of a meeting, if it determines by a two-thirds' vote that an open meeting would be likely to:

- (1) relate solely to the interstate commission's internal personnel practices and procedures;
- (2) disclose matters specifically exempted from disclosure by federal and state statute;
- (3) disclose trade secrets or commercial or financial information that is privileged or confidential;
- (4) involve accusing a person of a crime or formally censuring a person;
- (5) disclose information of a personal nature if the disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (6) disclose investigative records compiled for law enforcement purposes; or
- (7) specifically relate to the interstate commission's participation in a civil action or other legal proceeding;

H. cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, that is closed pursuant to this subsection. The interstate commission shall keep minutes that shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons for the actions, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;

I. collect standardized data concerning the educational transition of the children of military families under the Interstate Compact on Educational Opportunity for Military Children as directed through its rules, which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. The methods of data collection, exchange and reporting shall, insofar as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules; and

J. create a process that permits military officials, education officials and parents to inform the interstate commission if and when there are alleged violations of the Interstate Compact on Educational Opportunity for Military Children or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This subsection shall not be construed to create a private right of action against the interstate commission or any member state.

## ARTICLE 10

### POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission may:

- A. provide for dispute resolution among member states;
- B. promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in the Interstate Compact on Educational Opportunity for Military Children. The rules shall be binding in the compact states to the extent and in the manner provided in that compact;
- C. issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact and its bylaws, rules and actions;
- D. enforce compliance with the compact provisions, the rules promulgated by the interstate commission and the bylaws, using all necessary and proper means, including the use of judicial process;
- E. establish and maintain offices that shall be located within one or more of the member states;
- F. purchase and maintain insurance and bonds;
- G. borrow, accept, hire or contract for services of personnel;
- H. establish and appoint committees, including an executive committee as required by Subsection E of Article 9 of the Interstate Compact on Educational Opportunity for Military Children, that shall have the power to act on behalf of the interstate commission in carrying out its powers and duties under that compact;
- I. elect or appoint officers, attorneys, employees, agents or consultants and fix their compensation, define their duties and determine their qualifications;
- J. establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel;

K. accept donations and grants of money, equipment, supplies, materials and services and receive, use and dispose of them;

L. lease, purchase, accept contributions or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed;

M. sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

N. establish a budget and make expenditures;

O. adopt a seal and bylaws governing the management and operation of the interstate commission;

P. report annually to the legislatures, governors, judiciaries and state councils of the member states concerning the activities of the interstate commission during the preceding year. The reports shall also include any recommendations that may have been adopted by the interstate commission;

Q. coordinate education, training and public awareness regarding the Interstate Compact on Educational Opportunity for Military Children, its implementation and operation for officials and parents involved in such activity;

R. establish uniform standards for the reporting, collecting and exchanging of data;

S. maintain corporate books and records in accordance with the bylaws;

T. perform such functions as may be necessary or appropriate to achieve the purposes of the Interstate Compact on Educational Opportunity for Military Children; and

U. provide for the uniform collection and sharing of information between and among member states, schools and military families under the Interstate Compact on Educational Opportunity for Military Children.

## ARTICLE 11

### ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Interstate Compact on Educational Opportunity for Military Children, including:

(1) establishing the fiscal year of the interstate commission;



(2) establishing an executive committee and other committees as may be necessary;

(3) providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission;

(4) providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each meeting;

(5) establishing the titles and responsibilities of the officers and staff of the interstate commission;

(6) providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of that compact after paying and reserving all of its debts and obligations; and

(7) providing start-up rules for initial administration of the Interstate Compact on Educational Opportunity for Military Children.

B. The interstate commission shall, by a majority of the members, elect annually from among its members a chair, a vice chair and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chair or, in the chair's absence or disability, the vice chair shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission, provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

C. The executive committee shall have such authority and duties as may be set forth in the bylaws, including:

(1) managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

(2) overseeing an organizational structure within, and appropriate procedures for, the interstate commission to provide for the creation of rules, operating procedures and administrative and technical support functions; and

(3) planning, implementing and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the interstate commission.

D. The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms

and conditions and for such compensation as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

E. The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend the interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of the person.

## ARTICLE 12

### RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Interstate Compact on Educational Opportunity for Military Children. If the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of that compact, or the powers granted under that compact, then such an action by the interstate commission shall be invalid and have no force or effect.

B. Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" (1981), Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

C. Not later than thirty days after the date a rule is promulgated, any person may file a petition for judicial review of the rule, provided that the filing of the petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the Interstate Compact on Educational Opportunity for Military Children, then the rule shall have no further force and effect in any compacting state.

## ARTICLE 13

## OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

A. All courts shall take judicial notice of the Interstate Compact on Educational Opportunity for Military Children and the rules promulgated under that compact in any judicial or administrative proceeding in a member state pertaining to the subject matter of that compact that may affect the powers, responsibilities or actions of the interstate commission.

B. The interstate commission shall be entitled to receive all service of process in any proceeding provided in Subsection A of this article and shall have standing to intervene in the proceeding for all purposes.

C. If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Interstate Compact on Educational Opportunity for Military Children or the bylaws or promulgated rules, the interstate commission shall:

(1) provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default and any action taken by the interstate commission. The interstate commission shall specify the means by which the defaulting state shall cure its default; and

(2) provide remedial training and specific technical assistance regarding the default.

D. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Interstate Compact on Educational Opportunity for Military Children upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by that compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

E. Suspension or termination of membership in the Interstate Compact on Educational Opportunity for Military Children shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the member states.

F. The state that has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination, including obligations the performance of which extends beyond the effective date of suspension or termination.

G. The interstate commission shall not bear any costs relating to any state that has been found to be in default or that has been suspended or terminated from the Interstate Compact on Educational Opportunity for Military Children unless otherwise

mutually agreed upon in writing between the interstate commission and the defaulting state.

H. The defaulting state may appeal the action of the interstate commission by petitioning the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices.

I. The interstate commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the Interstate Compact on Educational Opportunity for Military Children and that may arise among member states and between member and non-member states.

J. The interstate commission shall promulgate a rule providing for both mediation and dispute resolution for disputes as appropriate.

K. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the Interstate Compact on Educational Opportunity for Military Children.

L. The interstate commission may, by majority vote of the members, initiate legal action to enforce compliance with the provisions of the Interstate Compact on Educational Opportunity for Military Children and its promulgated rules and bylaws against a member state in default. The venue for the action shall be consistent with the determination in other interstate compacts to which the state of New Mexico is a member under the laws of the state of New Mexico.

M. The remedies in the Interstate Compact on Educational Opportunity for Military Children shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or under the regulation of a profession.

## ARTICLE 14

### FINANCING OF THE INTERSTATE COMMISSION

A. The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

B. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff that must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

C. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the obligations; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the interstate commission.

## ARTICLE 15

### MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state is eligible to become a member state.

B. The Interstate Compact on Educational Opportunity for Military Children shall become effective and binding upon legislative enactment of that compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007. Thereafter, it shall become effective and binding as to any other member state upon enactment of that compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of that compact by all states.

C. The interstate commission may propose amendments to the Interstate Compact on Educational Opportunity for Military Children for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

## ARTICLE 16

### WITHDRAWAL AND DISSOLUTION

A. Once effective, the Interstate Compact on Educational Opportunity for Military Children shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from that compact by specifically repealing the statute that enacted that compact into law.

B. Withdrawal from the Interstate Compact on Educational Opportunity for Military Children shall be by the enactment of a statute repealing that compact.

C. The withdrawing state shall immediately notify the chair of the interstate commission in writing upon the introduction of legislation repealing the Interstate

Compact on Educational Opportunity for Military Children in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt of the notice.

D. The withdrawing state is responsible for all assessments, obligations and liabilities incurred on its behalf through the effective date of withdrawal, including obligations the performance of which extends beyond the effective date of withdrawal.

E. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the Interstate Compact on Educational Opportunity for Military Children or upon such later date as determined by the interstate commission.

F. The Interstate Compact on Educational Opportunity for Military Children shall dissolve effective upon the date of the withdrawal or default of the member state that reduces the membership in that compact to one member state.

G. Upon the dissolution of the Interstate Compact on Educational Opportunity for Military Children, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded, and surplus funds shall be distributed in accordance with the bylaws.

## ARTICLE 17

### SEVERABILITY AND CONSTRUCTION

A. The provisions of the Interstate Compact on Educational Opportunity for Military Children shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of that compact shall be enforceable.

B. The provisions of the Interstate Compact on Educational Opportunity for Military Children shall be liberally construed to effectuate its purposes.

C. Nothing in the Interstate Compact on Educational Opportunity for Military Children shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

## ARTICLE 18

### BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Nothing in the Interstate Compact on Educational Opportunity for Military Children prevents the enforcement of any other law of a member state.

B. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

C. All agreements between the interstate commission and the member states are binding in accordance with their terms.

D. In the event any provision of the Interstate Compact on Educational Opportunity for Military Children exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state."."

## **LAWS 2025, CHAPTER 119**

**SJC/Senate Bill 159, aa**  
**Approved April 8, 2025**

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AUTHORIZING THE ISSUANCE OF SPECIAL INDEPENDENT THEATER DISPENSING LICENSES FOR BEER AND WINE.

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

### **Chapter 119 Section 1 Laws 2025**

SECTION 1. A new section of the Liquor Control Act is enacted to read:

"SPECIAL INDEPENDENT THEATER DISPENSING LICENSE--FEES--LIMITATIONS.--

A. The director may issue a special independent theater dispensing license to an owner or operator of an independent theater in accordance with rules promulgated by the director to protect public health and safety. The license shall be limited to the serving of wine and beer to customers of the independent theater in conjunction with that independent theater's movie screenings or other events.

B. An independent theater may apply for a special independent theater dispensing license. The license shall allow an owner, operator or employee of an independent theater who holds a server permit to dispense only wine or beer to customers of the independent theater in conjunction with movie screenings or other events on the premises of the independent theater.

C. The issuance of a special independent theater dispensing license shall be contingent on the approval of the governing body or local option district of the jurisdiction in which the independent theater is domiciled.

D. Service of beer or wine to customers of an independent theater shall be limited to two twelve-ounce servings of beer or two six-ounce servings of wine per customer for each event.

E. A special independent theater dispensing license shall not be transferable from person to person or from one location to another.

F. An owner, operator or employee of an independent theater who holds a server permit shall comply with the provisions of Chapter 60, Article 6E NMSA 1978.

G. As used in this section, "independent theater" means a business establishment that:

(1) is operated primarily for the purpose of exhibiting movies or hosting live productions and events;

(2) is owned and operated by a New Mexico resident or is a business or organization registered in New Mexico; and

(3) has been in existence for at least one year."

## **Chapter 119 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 120**

**Senate Bill 221, aa**  
**Approved April 8, 2025**

AN ACT

RELATING TO INSURANCE; AMENDING THE NEW MEXICO INSURANCE CODE TO DEFINE AND PROHIBIT AN ADDITIONAL UNFAIR CLAIMS PRACTICE.

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

## **Chapter 120 Section 1 Laws 2025**

SECTION 1. Section 59A-16-20 NMSA 1978 (being Laws 1984, Chapter 127, Section 286, as amended) is amended to read:

"59A-16-20. UNFAIR CLAIMS PRACTICES DEFINED AND PROHIBITED.--Any of the following practices with respect to claims, by an insurer or other person,



knowingly committed or performed with such frequency as to indicate a general business practice are defined as unfair and deceptive practices and are prohibited:

- A. misrepresenting to insureds pertinent facts or policy provisions relating to coverages at issue;
- B. failing to acknowledge and act reasonably promptly upon communications with respect to claims from insureds arising under policies;
- C. failing to adopt and implement reasonable standards for the prompt investigation and processing of insureds' claims arising under policies;
- D. failing to affirm or deny coverage of claims of insureds within a reasonable time after proof of loss requirements under the policy have been completed and submitted by the insured;
- E. not attempting in good faith to effectuate prompt, fair and equitable settlements of an insured's claims in which liability has become reasonably clear;
- F. failing to settle all catastrophic claims within a ninety-day period after the assignment of a catastrophic claim number when a catastrophic loss has been declared;
- G. compelling insureds to institute litigation to recover amounts due under policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds when such insureds have made claims for amounts reasonably similar to amounts ultimately recovered;
- H. attempting to settle a claim by an insured for less than the amount to which a reasonable person would have believed the insured was entitled by reference to written or printed advertising material accompanying or made part of an application;
- I. attempting to settle claims on the basis of an application that was altered without notice to, or knowledge or consent of, the insured or the insured's representative, agent or broker;
- J. failing, after payment of a claim, to inform insureds or beneficiaries, upon request by them, of the coverage under which payment has been made;
- K. making known to insureds or claimants a practice of insurer of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;
- L. delaying the investigation or payment of claims by requiring an insured, a claimant or the physician of either to submit a preliminary claim report and then

requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

M. failing to settle an insured's claims promptly where liability has become apparent under one portion of the policy coverage in order to influence settlement under other portions of the policy coverage;

N. failing to promptly provide an insured a reasonable explanation of the basis relied on in the policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement;

O. violating a provision of the Domestic Abuse Insurance Protection Act; or

P. treating an insured's inquiry relating to damage or loss as a claim when the facts of the inquiry are not covered in the policy, the insurer makes no payment to or on behalf of the insured and the claim does not involve deceptive practices on the part of the insured."

## **LAWS 2025, CHAPTER 121**

**SFC/Senate Bill 249**

**Approved April 8, 2025**

AN ACT

RELATING TO HEALTH CARE; REQUIRING HEALTH CARE PROVIDERS TO BE REIMBURSED FOR GROSS RECEIPTS TAXES.

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

### **Chapter 121 Section 1 Laws 2025**

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

"REIMBURSEMENT FOR GROSS RECEIPTS TAXES.--

A. When a health care provider contracts with a managed care organization for medicaid reimbursement for providing health care services to a recipient, the managed care organization shall:

(1) reimburse the health care provider for all applicable gross receipts taxes that the health care provider is required to pay for the contracted health care services; and

(2) provide documentation that differentiates the medicaid reimbursement for health care services from the amount of gross receipts taxes paid to the health care provider.

B. For the purposes of this section:

(1) "managed care organization" means a person eligible to enter into risk-based prepaid capitation agreements with the authority to provide health care and related services; and

(2) "medicaid" means the federal-state program administered by the authority pursuant to Title 19 or Title 21 of the federal Social Security Act."

## **Chapter 121 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2026.

# **LAWS 2025, CHAPTER 122**

**SJC/Senate Bill 267**

**Approved April 8, 2025**

AN ACT

RELATING TO HOUSING; REQUIRING OWNERS TO PROVIDE NOTICE TO DWELLING UNIT APPLICANTS OF FEES RELATED TO APPLICANT SCREENING; REQUIRING OWNERS TO RETURN AN APPLICANT SCREENING FEE IN CERTAIN CIRCUMSTANCES; REQUIRING OWNERS TO PROVIDE NOTICE OF FEE INCREASES; REDUCING THE LIMIT ON LATE FEES; EXPANDING PRIVATE REMEDIES; DECLARING AN UNFAIR OR DECEPTIVE TRADE PRACTICE.

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

## **Chapter 122 Section 1 Laws 2025**

SECTION 1. Section 47-8-3 NMSA 1978 (being Laws 1975, Chapter 38, Section 3, as amended) is amended to read:

"47-8-3. DEFINITIONS.--As used in the Uniform Owner-Resident Relations Act:

A. "abandonment" means absence of the resident from the dwelling, without notice to the owner, in excess of seven continuous days; providing such absence occurs only after rent for the dwelling unit is delinquent;

B. "action" includes recoupment, counterclaim, set-off, suit in equity and any other proceeding in which rights are determined, including an action for possession;

C. "amenity" means a facility appurtenance or area supplied by the owner and the absence of which would not materially affect the health and safety of the resident or the habitability of the dwelling unit;

D. "applicant" means a person who submits an application to rent a dwelling unit to the owner or who agrees to act as a guarantor or cosigner on a rental agreement;

E. "codes" includes building codes, housing codes, health and safety codes, sanitation codes and any law, ordinance or governmental regulation concerning fitness for habitation or the construction, maintenance, operation, occupancy or use of a dwelling unit;

F. "deposit" means an amount of currency or instrument delivered to the owner by the resident as a pledge to abide by terms and conditions of the rental agreement;

G. "dwelling unit" means a structure, mobile home or the part of a structure, including a hotel or motel, that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household and includes a parcel of land leased by its owner for use as a site for the parking of a mobile home;

H. "eviction" means any action initiated by the owner to regain possession of a dwelling unit and use of the premises pursuant to the terms of the Uniform Owner-Resident Relations Act;

I. "fair rental value" is that value that is comparable to the value established in the market place;

J. "good faith" means honesty in fact in the conduct of the transaction concerned as evidenced by all surrounding circumstances;

K. "normal wear and tear" means deterioration that occurs based upon the use for which the rental unit is intended, without negligence, carelessness, accident, abuse or intentional damage of the premises, equipment or chattels of the owner by the residents or by any other person in the dwelling unit or on the premises with the resident's consent; however, uncleanliness does not constitute normal wear and tear;

L. "organization" includes a corporation, government, governmental subdivision or agency thereof, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest or any other legal or commercial entity;

M. "owner" means one or more persons, jointly or severally, in whom is vested:

(1) all or part of the legal title to property, but shall not include the limited partner in an association regulated pursuant to the Uniform Limited Partnership Act; or

(2) all or part of the beneficial ownership and a right to present use and enjoyment of the premises and agents thereof and includes a mortgagee in possession and the lessors, but shall not include a person or persons, jointly or severally, who as owner leases the entire premises to a lessee of vacant land for apartment use;

N. "person" includes an individual, corporation, entity or organization;

O. "premises" means facilities, facilities and appurtenances, areas and other facilities held out for use of the resident or whose use is promised to the resident coincidental with occupancy of a dwelling unit;

P. "rent" means payments in currency or in-kind pursuant to terms and conditions of the rental agreement for use of a dwelling unit or premises, to be made to the owner by the resident, but does not include deposits;

Q. "rental agreement" means all agreements between an owner and resident and valid rules and regulations adopted under Section 47-8-23 NMSA 1978 embodying the terms and conditions concerning the use and occupancy of a dwelling unit or premises;

R. "resident" means a person entitled pursuant to a rental agreement to occupy a dwelling unit in peaceful possession to the exclusion of others and includes the owner of a mobile home renting premises, other than a lot or parcel in a mobile home park, for use as a site for the location of the mobile home;

S. "roomer" means a person occupying a dwelling unit that lacks a major bathroom or kitchen facility in a structure where one or more major facilities are used in common by occupants of the dwelling units. As referred to in this subsection, "major facility", in the case of a bathroom, means toilet and either a bath or shower and, in the case of a kitchen, means refrigerator, stove or sink;

T. "screening fee" means a one-time charge that is charged to an applicant by an owner to recoup the owner's cost of purchasing a consumer credit report or reference check or the assistance of a screening service to validate, review or otherwise process an application for renting a dwelling unit;

U. "single family residence" means a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it is a single family residence if it has direct access to a street or

thoroughfare and shares neither heating facilities, hot water equipment nor any other essential facility or service with any other dwelling unit;

V. "substantial violation" means a violation of the rental agreement or rules and regulations by the resident or occurring with the resident's consent that occurs in the dwelling unit, on the premises or within three hundred feet of the premises and that includes the following conduct, which shall be the sole grounds for a substantial violation:

(1) possession, use, sale, distribution or manufacture of a controlled substance, excluding misdemeanor possession and use;

(2) unlawful use of a deadly weapon;

(3) unlawful action causing serious physical harm to another person;

(4) sexual assault or sexual molestation of another person;

(5) entry into the dwelling unit or vehicle of another person without that person's permission and with intent to commit theft or assault;

(6) theft or attempted theft of the property of another person by use or threatened use of force; or

(7) intentional or reckless damage to property in excess of one thousand dollars (\$1,000);

W. "term" is the period of occupancy specified in the rental agreement; and

X. "transient occupancy" means occupancy of a dwelling unit for which rent is paid on less than a weekly basis or where the resident has not manifested an intent to make the dwelling unit a residence or household."

## **Chapter 122 Section 2 Laws 2025**

SECTION 2. A new section of the Uniform Owner-Resident Relations Act is enacted to read:

"OWNER DISCLOSURE TO APPLICANTS.--An owner shall disclose to applicants in plain language all costs of a rental agreement in a published listing of the dwelling unit, including the base rent that will be assessed and a description of all fees or charges that will be assessed during the residency, which shall be itemized and readily identifiable in the listing. An owner shall not be liable for violating the provisions of the Uniform Owner-Resident Relations Act for a third-party website's failure to represent all costs provided by the owner."

## Chapter 122 Section 3 Laws 2025

SECTION 3. A new section of the Uniform Owner-Resident Relations Act is enacted to read:

### "DWELLING UNIT APPLICANT SCREENING FEE--PROHIBITED FEES.--

A. An owner may charge an applicant a screening fee that shall not exceed fifty dollars (\$50.00) to cover the cost of obtaining information about the applicant, including the cost of a consumer credit report, a reference check or a screening service; provided that the owner:

(1) provides the applicant with written or digital notice of the screening fee and the applicant agrees in writing to pay the screening fee;

(2) shall not charge the applicant a screening fee when the owner knows or should know that a dwelling unit is not available for rent at that time or will not be available at the beginning of the residency;

(3) provides the applicant with a written or digital receipt for the screening fee paid by the applicant;

(4) shall place a hold on a credit card or wait to deposit cash or checks for an applicant's screening fee until all prior applicants have either been screened and rejected or offered the dwelling unit and declined to enter into a rental agreement; and

(5) shall not charge any other fees to process an application.

B. An owner shall return the screening fee within thirty calendar days to an applicant if:

(1) a prior applicant is offered the dwelling unit and agrees to enter into a rental agreement; or

(2) the owner does not:

(a) obtain a consumer credit report;

(b) perform a reference check;

(c) use a screening service to obtain information about the applicant; or

(d) process the application.

C. A screening fee that is returned as provided in Subsection B of this section shall be:

- (1) returned by certified mail;
- (2) destroyed upon the applicant's request if paid by check; or
- (3) made available for the applicant to retrieve."

## **Chapter 122 Section 4 Laws 2025**

SECTION 4. A new section of the Uniform Owner-Resident Relations Act is enacted to read:

"BACKGROUND CHECKS.--

A. An owner may require a background check of an applicant before entering a rental agreement. An owner shall not charge more than one screening fee to the same applicant if the screening was completed within ninety calendar days of the application date for any properties under the same ownership.

B. An owner shall provide the applicant with a copy of any reports used to screen the applicant."

## **Chapter 122 Section 5 Laws 2025**

SECTION 5. A new section of the Uniform Owner-Resident Relations Act is enacted to read:

"NOTICE OF FEE CHANGES REQUIRED.--An owner may increase a fee that is provided pursuant to the terms of a rental agreement by providing written notice at least sixty days prior to the periodic rental date specified in the rental agreement or at least sixty days prior to the end of the term of a fixed term residency. In the case of a periodic residency of less than one month, written notice shall be provided at least one rental period in advance of the first fee payment to be increased."

## **Chapter 122 Section 6 Laws 2025**

SECTION 6. Section 47-8-15 NMSA 1978 (being Laws 1975, Chapter 38, Section 15, as amended) is amended to read:

"47-8-15. PAYMENT OF RENT.--

A. The resident shall pay rent in accordance with the rental agreement. In the absence of an agreement, the resident shall pay as rent the fair rental value for the use of the premises and occupancy of the dwelling unit.



B. Rent is payable without demand or notice at the time and place agreed upon by the parties. Unless otherwise agreed, rent is payable at the dwelling unit. Unless otherwise agreed, periodic rent is payable at the beginning of any term of one month or less and otherwise in equal monthly installments at the beginning of each monthly period. The date of one month to the same date of the following month shall constitute a term of one month.

C. Unless the rental agreement fixes a definite term, the residency is week-to-week in the case of a person who pays weekly rent and in all other cases month-to-month.

D. If the rental agreement provides for the charging of a late fee and if the resident does not pay rent in accordance with the rental agreement, the owner may charge the resident a late fee in an amount not to exceed five percent of the rent for each rental period that the resident is in default. Late fees shall be calculated only based on rent. Rent calculations to determine late fees shall not include deposits, additional fees or utilities. To assess a late fee, the owner shall provide notice of the late fee charged no later than the last day of the next rental period immediately following the period in which the default occurred.

E. An owner may not assess a fee from the resident for occupancy of the dwelling unit by a reasonable number of guests for a reasonable length of time. This shall not preclude charges for use of premises or facilities other than the dwelling unit by guests.

F. An owner may increase the rent payable by the resident in a month-to-month residency by providing written notice to the resident of the proposed increase at least thirty days prior to the periodic rental date specified in the rental agreement or, in the case of a fixed term residency, at least thirty days prior to the end of the term. In the case of a periodic residency of less than one month, written notice shall be provided at least one rental period in advance of the first rental payment to be increased.

G. Unless agreed upon in writing by the owner and the resident, a resident's payment of rent may not be allocated to any deposits or damages."

## **Chapter 122 Section 7 Laws 2025**

SECTION 7. Section 47-8-48 NMSA 1978 (being Laws 1975, Chapter 38, Section 48, as amended) is amended to read:

"47-8-48. PREVAILING PARTY RIGHTS IN LAWSUIT--PRIVATE ENFORCEMENT.--

A. If suit is brought by an applicant or any party to the rental agreement to enforce the terms and conditions of the rental agreement or to enforce any provisions of

the Uniform Owner-Resident Relations Act, the prevailing party shall be entitled to reasonable attorneys' fees and court costs to be assessed by the court.

B. An owner who charges an unauthorized screening fee shall be liable for two hundred fifty dollars (\$250) and shall return all fees paid by the applicant.

C. An owner who violates a provision of Section 47-8-36 or 47-8-39 NMSA 1978 shall be liable for two times the amount of the monthly rent.

D. A resident who intentionally violates a provision of Subsection F of Section 47-8-22 NMSA 1978 shall be liable for two times the amount of the monthly rent."

## **Chapter 122 Section 8 Laws 2025**

SECTION 8. Section 57-12-2 NMSA 1978 (being Laws 1967, Chapter 268, Section 2, as amended) is amended to read:

"57-12-2. DEFINITIONS.--As used in the Unfair Practices Act:

A. "person" means, where applicable, natural persons, corporations, trusts, partnerships, associations, cooperative associations, clubs, companies, firms, joint ventures or syndicates;

B. "seller-initiated telephone sale" means a sale, lease or rental of goods or services in which the seller or the seller's representative solicits the sale by telephoning the prospective purchaser and in which the sale is consummated entirely by telephone or mail, but does not include a transaction:

(1) in which a person solicits a sale from a prospective purchaser who has previously made an authorized purchase from the seller's business; or

(2) in which the purchaser is accorded the right of rescission by the provisions of the federal Consumer Credit Protection Act, 15 U.S.C. 1635, or regulations issued pursuant thereto;

C. "trade" or "commerce" includes the advertising, offering for sale or distribution of any services and any property and any other article, commodity or thing of value, including any trade or commerce directly or indirectly affecting the people of this state;

D. "unfair or deceptive trade practice" means an act specifically declared unlawful pursuant to the Unfair Practices Act, a false or misleading oral or written statement, visual description or other representation of any kind knowingly made in connection with the sale, lease, rental or loan of goods or services or in the extension of credit or in the collection of debts by a person in the regular course of the person's trade or commerce, that may, tends to or does deceive or mislead any person and includes:

(1) representing goods or services as those of another when the goods or services are not the goods or services of another;

(2) causing confusion or misunderstanding as to the source, sponsorship, approval or certification of goods or services;

(3) causing confusion or misunderstanding as to affiliation, connection or association with or certification by another;

(4) using deceptive representations or designations of geographic origin in connection with goods or services;

(5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation or connection that the person does not have;

(6) representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or secondhand;

(7) representing that goods or services are of a particular standard, quality or grade or that goods are of a particular style or model if they are of another;

(8) disparaging the goods, services or business of another by false or misleading representations;

(9) offering goods or services with intent not to supply them in the quantity requested by the prospective buyer to the extent of the stock available, unless the purchaser is purchasing for resale;

(10) offering goods or services with intent not to supply reasonable expectable public demand;

(11) making false or misleading statements of fact concerning the price of goods or services, the prices of competitors or one's own price at a past or future time or the reasons for, existence of or amounts of price reduction;

(12) making false or misleading statements of fact for the purpose of obtaining appointments for the demonstration, exhibition or other sales presentation of goods or services;

(13) packaging goods for sale in a container that bears a trademark or trade name identified with goods formerly packaged in the container, without authorization, unless the container is labeled or marked to disclaim a connection between the contents and the trademark or trade name;

(14) using exaggeration, innuendo or ambiguity as to a material fact or failing to state a material fact if doing so deceives or tends to deceive;

(15) stating that a transaction involves rights, remedies or obligations that it does not involve;

(16) stating that services, replacements or repairs are needed if they are not needed;

(17) failing to deliver the quality or quantity of goods or services contracted for;

(18) violating the Tobacco Escrow Fund Act;

(19) offering or providing unposted or unadvertised pricing or service based on the buyer's gender or perceived gender identity; provided, however, that this provision does not apply to persons regulated by the office of superintendent of insurance pursuant to the New Mexico Insurance Code; or

(20) charging an applicant a fee in violation of the Uniform Owner-Resident Relations Act; and

E. "unconscionable trade practice" means an act or practice in connection with the sale, lease, rental or loan, or in connection with the offering for sale, lease, rental or loan, of any goods or services, including services provided by licensed professionals, or in the extension of credit or in the collection of debts that to a person's detriment:

(1) takes advantage of the lack of knowledge, ability, experience or capacity of a person to a grossly unfair degree; or

(2) results in a gross disparity between the value received by a person and the price paid."

## **Chapter 122 Section 9 Laws 2025**

SECTION 9. A new section of the Unfair Practices Act is enacted to read:

"PROHIBITED CONDUCT IN RENTING OF DWELLING UNITS.--

A. As used in this section:

(1) "applicant" means a person who submits an application to rent a dwelling unit to the owner or agrees to act as a guarantor or cosigner on a rental agreement;

(2) "dwelling unit" means a structure, mobile home or the part of a structure, including a hotel or motel, that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household and includes a parcel of land leased by the owner for use as a site for the parking of a mobile home;

(3) "owner" means one or more persons, jointly or severally, in whom is vested all or part of the:

(a) legal title to a property, but does not include the limited partner in an association regulated under the Uniform Revised Limited Partnership Act; or

(b) beneficial ownership and a right to present use and enjoyment of the premises and agents thereof and includes a mortgagee in possession and the lessors, but does not include a person or persons, jointly or severally, who as owner leases the entire premises to a lessee of vacant land for apartment use;

(4) "rent" means payments in currency or in-kind under terms and conditions of the rental agreement for use of a dwelling unit or premises, to be made to the owner by the resident, but does not include deposits; and

(5) "rental agreement" means all agreements between an owner and resident and valid rules and regulations adopted pursuant to Section 47-8-23 NMSA 1978 embodying the terms and conditions concerning the use and occupancy of a dwelling unit or premises.

B. It is an unfair or deceptive trade practice for an owner to charge a fee to an applicant that is not a screening fee or deposit or that was not published in a listing for rental of a dwelling unit in violation of the Uniform Owner-Resident Relations Act.

C. It is an unfair or deceptive trade practice for an owner to charge fees that are not included in the rental agreement in violation of the Uniform Owner-Resident Relations Act."

## **LAWS 2025, CHAPTER 123**

**Senate Bill 280**

**Approved April 8, 2025**

AN ACT

RELATING TO PUBLIC SCHOOL CAPITAL IMPROVEMENTS; ADDING THE NEW MEXICO MILITARY INSTITUTE TO THE PUBLIC SCHOOL CAPITAL OUTLAY ACT AS ONE OF THE CONSTITUTIONAL SPECIAL SCHOOLS.

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

## **Chapter 123 Section 1 Laws 2025**

SECTION 1. Section 22-24-3 NMSA 1978 (being Laws 1975, Chapter 235, Section 3, as amended) is amended to read:

"22-24-3. DEFINITIONS.--As used in the Public School Capital Outlay Act:

- A. "authority" means the public school facilities authority;
- B. "building system" means a set of interacting parts that makes up a single, nonportable or fixed component of a facility and that, together with other building systems, makes up an entire integrated facility or property, including roofing, electrical distribution, electronic communication, plumbing, lighting, mechanical, fire prevention, facility shell, interior finishes, heating, ventilation and air conditioning systems and school security systems, as defined by the council;
- C. "constitutional special schools" means the New Mexico school for the blind and visually impaired, the New Mexico school for the deaf and the New Mexico military institute;
- D. "constitutional special schools support spaces" means all facilities necessary to support the constitutional special schools' educational mission that are not included in the constitutional special schools' educational adequacy standards, including performing arts centers, facilities for athletic competition, school district administration and facility and vehicle maintenance;
- E. "council" means the public school capital outlay council;
- F. "education technology infrastructure" means the physical hardware and services used to interconnect students, teachers, school districts and school buildings necessary to support broadband connectivity and remote learning as determined by the council;
- G. "fund" means the public school capital outlay fund;
- H. "maximum allowable gross square foot per student" means a determination made by applying the established maximum allowable square foot guidelines for educational facilities based on type of school and number of students in the current published New Mexico public school adequacy planning guide to the department's current year certified first reporting date membership;
- I. "replacement cost per square foot" means the statewide cost per square foot as established by the council;

J. "school district" includes state-chartered charter schools and the constitutional special schools;

K. "school district population density" means the population density on a per square mile basis of a school district as estimated by the authority based on the most current tract level population estimates published by the United States census bureau; and

L. "school district population density factor" means zero when the school district population density is greater than fifty people per square mile, six-hundredths when the school district population density is greater than fifteen but less than fifty-one persons per square mile and twelve-hundredths when the school district population density is less than sixteen persons per square mile."

## **LAWS 2025, CHAPTER 124**

**Senate Bill 290, aa**  
**Approved April 8, 2025**

### **AN ACT**

**RELATING TO MARRIAGE LICENSING FEES; RAISING MARRIAGE LICENSING FEES; ADJUSTING THE DISPOSITION OF FEES.**

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

### **Chapter 124 Section 1 Laws 2025**

**SECTION 1.** Section 40-1-11 NMSA 1978 (being Laws 1957, Chapter 33, Section 1, as amended) is amended to read:

**"40-1-11. FEES--DISPOSITION.--**

A. The county clerk shall receive a fee of fifty-five dollars (\$55.00) for issuing, acknowledging and recording a marriage license and marriage certificate.

B. Fees collected pursuant to Subsection A of this section shall be deposited in the county clerk recording and filing fund; provided that the county treasurer shall remit the fees collected within fifteen days of the last day of each month as follows:

(1) fifteen dollars (\$15.00) of each fee shall be remitted to the county general fund;

(2) twenty dollars (\$20.00) of each fee shall be remitted to the state treasurer for credit to the children's trust fund; and

(3) twenty dollars (\$20.00) of each fee shall be retained by the county clerk."

## **LAWS 2025, CHAPTER 125**

**Senate Bill 357, aa**  
**Approved April 8, 2025**

### **AN ACT**

RELATING TO UTILITIES; CREATING THE ESSENTIAL SERVICES DEVELOPMENT ACT TO ALLOW STATE SUPPORT FOR INFRASTRUCTURE PROJECTS THAT ALLOW ACCESS TO INTERNET, ENERGY, WATER AND WASTEWATER SERVICES PRIMARILY FOR RESIDENTIAL PURPOSES.

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

### **Chapter 125 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--This act may be cited as the "Essential Services Development Act".

### **Chapter 125 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Essential Services Development Act:

A. "broadband telecommunications network facilities" means the electronics, equipment, transmission facilities, fiber-optic cables and any other item directly related to a system capable of transmission of internet protocol or other formatted data at current federal communications commission baseline speed standard, all of which will be owned and used by a provider of internet access services;

B. "division" means the local government division of the department of finance and administration;

C. "essential services project" or "project" means an infrastructure project that allows access to internet, energy, water and wastewater services primarily for residential purposes;

D. "governing body" means the city council, city commission or board of trustees of a municipality or the board of county commissioners of a county;

E. "local government" means a municipality or county;

F. "municipality" means an incorporated city, town or village;



G. "person" means an individual, corporation, association, partnership or other legal entity;

H. "public support" means the provision of assistance by the state to provide direct or indirect assistance to support an essential services project, including for the provision of:

(1) land, buildings or other infrastructure by purchase, lease, grant, construction, reconstruction, improvement or other acquisition or conveyance;

(2) the placement of new broadband telecommunications network facilities; provided that the facilities shall not serve a public facility or location that already meets federal communications commission baseline speed standards;

(3) rights-of-way infrastructure, including trenching and conduit, for the placement of new broadband telecommunications network facilities;

(4) public works improvements essential to the location or expansion of a qualifying entity;

(5) payments for professional services contracts necessary to implement an essential services plan or provide public support for an essential services project;

(6) direct loans or grants for land, buildings or infrastructure;

(7) loan guarantees securing the cost of land, buildings or infrastructure; and

(8) grants for public works infrastructure improvements; and

I. "regional government" means any combination of municipalities and counties that enter into a joint powers agreement to provide public support for economic development projects pursuant to a plan adopted by all parties to the joint powers agreement.

## **Chapter 125 Section 3 Laws 2025**

SECTION 3. PUBLIC SUPPORT SHALL BE SPECIFICALLY AUTHORIZED BY LAW.--Public support for an essential services project shall be specifically authorized by law. The law shall include provisions to safeguard public money and other resources, including allowing the division to recover money and other resources from a local or regional government if the essential services project is not completed to the satisfaction of the division or otherwise does not meet the requirements provided in the Essential Services Development Act.

## **Chapter 125 Section 4 Laws 2025**

SECTION 4. TECHNICAL ASSISTANCE FROM THE DIVISION.--At the request of a local or regional government, the division shall provide technical assistance in the development of an essential services plan or project.

## **Chapter 125 Section 5 Laws 2025**

SECTION 5. ESSENTIAL SERVICES DEVELOPMENT PLAN--CONTENTS--PUBLICATION.--

A. Prior to receiving public support, a local or regional government seeking to pursue an essential services project shall adopt a development plan to implement the project. Any plan or plan amendment shall be adopted by ordinance of the governing body of the local government or each local government of a regional government proposing the plan or plan amendment.

B. The plan or the ordinance adopting the plan shall:

(1) describe the local or regional government's essential services development goals or strategies;

(2) describe the types of essential services projects that will qualify for public support under the plan;

(3) describe the criteria to be used to determine eligibility for public support for an essential services project;

(4) describe the manner in which a person or entity may submit an application for public support pursuant to Section 7 of the Essential Services Development Act;

(5) describe the process the local or regional government will use to verify the information submitted on an application for public support;

(6) detail the need for the essential services projects contemplated in the plan and the benefit that the projects will bring to the local or regional government;

(7) describe the safeguards of public resources that will be ensured;  
and

(8) if a regional government, describe the joint powers agreement, including whether it can be terminated and, if so, how the contractual or other obligations, risks and any property will be assigned or divided among the local governments that are party to the agreement.

C. The plan shall be made available to the residents within the local or regional government area.

## **Chapter 125 Section 6 Laws 2025**

### **SECTION 6. REGIONAL PLANS--JOINT POWERS AGREEMENT--REGIONAL GOVERNMENT.--**

A. Two or more municipalities, two or more counties or one or more municipalities and counties may enter into a joint powers agreement pursuant to the Joint Powers Agreements Act to develop a regional essential services development plan, which may consist of existing local plans. The parties to the agreement shall be deemed a regional government for the purposes of the Essential Services Development Act.

B. The joint powers agreement shall provide for appointment of a project manager who shall be responsible for the management of projects and money from public support. The agreement may provide for a regional body consisting of representatives from the governing bodies of each local government that is a party to the agreement and may determine the powers and duties of that body in implementing the regional government's plan and providing public support for essential services projects.

## **Chapter 125 Section 7 Laws 2025**

### **SECTION 7. APPLICATIONS FOR PUBLIC SUPPORT.--**

A. After the adoption of an essential services development plan by a local or regional government, the local or regional government may begin accepting applications for public support of the local or regional government's essential services project. The application shall be on a form and in a manner as prescribed by the local or regional government.

B. The local or regional government shall review each application and any project determined to be eligible for public support shall be approved by ordinance.

C. The local or regional government's evaluation of an application shall be based on the provisions of the essential services development plan and any other information the local or regional government believes is necessary for a full review of the application.

D. The local or regional government may negotiate with an applicant on the type or amount of public support to be provided or on the scope of the essential services project.

## **Chapter 125 Section 8 Laws 2025**

### **SECTION 8. DEPOSIT PUBLIC SUPPORT MONEY IN SPECIAL FUND.--**

A. A regional or local government that receives money from public support for an essential services project shall create a special fund into which the money from the public support shall be deposited and shall be expended only for essential services project purposes. Separate accounts shall be established for each essential services project.

B. In the case of a regional government, money from public support may be expended only as provided by the regional government's essential services development plan and joint powers agreement.

## **Chapter 125 Section 9 Laws 2025**

### **SECTION 9. PLAN AND PROJECT TERMINATION--DEPOSIT OF UNEXPENDED FUNDS IN GENERAL FUND.--**

A. At any time after approval of an essential services development plan, the governing body of the local government or the governing body of each local government in a regional government may enact an ordinance terminating the plan and dissolving or terminating any public support for essential services projects.

B. Any unexpended and unencumbered balance remaining in a local or regional government's special fund or account upon repeal of an essential services plan and termination of public support for or dissolution of a project shall be returned to the state treasurer, who shall deposit the returned amount in the general fund.

## **Chapter 125 Section 10 Laws 2025**

### **SECTION 10. STATE PARTICIPATION IN ESSENTIAL SERVICES PROJECTS--PROJECT PARTICIPATION AGREEMENT--DUTIES AND REQUIREMENTS.--**

A. If public support is provided for an essential services project, the division shall enter into a project participation agreement with the local or regional government pursuant to this section.

B. A project participation agreement shall set out, at a minimum:

(1) a description of the public support to be provided for the essential services project;

(2) a schedule for project development and completion, including measurable goals and time limits for those goals;

(3) provisions for performance review and actions to be taken upon a determination that project performance is unsatisfactory; and

(4) a description of how the local or regional government will safeguard public money or other resources provided as public support for the essential services project.

## **LAWS 2025, CHAPTER 126**

**STBTC/Senate Bill 59**

**Approved April 9, 2025**

AN ACT

RELATING TO PUBLIC WORKS; DEFINING "SITE OF THE PROJECT", WHICH INCLUDES OFF-SITE FABRICATION.

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

### **Chapter 126 Section 1 Laws 2025**

SECTION 1. Section 13-4-10.1 NMSA 1978 (being Laws 2009, Chapter 206, Section 2) is amended to read:

"13-4-10.1. DEFINITIONS.--As used in the Public Works Minimum Wage Act:

- A. "director" means the director of the division;
- B. "division" means the labor relations division of the workforce solutions department;
- C. "fringe benefit" means payments made by a contractor, subcontractor, employer or person acting as a contractor, if the payment has been authorized through a negotiated process or by a collective bargaining agreement, for:
  - (1) holidays;
  - (2) time off for sickness or injury;
  - (3) time off for personal reasons or vacation;
  - (4) bonuses;
  - (5) authorized expenses incurred during the course of employment;
  - (6) health, life and accident or disability insurance;

- (7) profit-sharing plans;
- (8) contributions made on behalf of an employee to a retirement or other pension plan; and
- (9) any other compensation paid to an employee other than wages;

D. "labor organization" means an organization of any kind, or an agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work;

E. "site of the project" means the physical location of a public works project as well as any off-site fabrication locations that engage in the fabrication of heating, cooling, ventilation or exhaust duct systems that are part of the public works project; and

F. "wage" means the basic hourly rate of pay."

## **Chapter 126 Section 2 Laws 2025**

SECTION 2. APPLICABILITY.--The provisions of this act apply to requests for proposals, invitations for bid or other procurement for public works projects issued on or after July 1, 2025.

## **LAWS 2025, CHAPTER 127**

**STBTC/Senate Bill 168**  
**Approved April 9, 2025**

AN ACT

RELATING TO TRAVEL INSURANCE; RECOMPILING A SECTION OF THE NMSA 1978; ENACTING THE TRAVEL INSURANCE ACT; PROHIBITING CERTAIN TRAVEL INSURANCE PRACTICES.

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

## **Chapter 127 Section 1 Laws 2025**

SECTION 1. A new section of the New Mexico Insurance Code is enacted to read:

"SHORT TITLE.--Sections 1 through 9 of this act may be cited as the "Travel Insurance Act"."

## Chapter 127 Section 2 Laws 2025

SECTION 2. A new section of the New Mexico Insurance Code is enacted to read:

"DEFINITIONS.--As used in the Travel Insurance Act:

A. "aggregator site" means a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping;

B. "blanket travel insurance" means a policy of travel insurance issued to an eligible group providing coverage for specific classes of persons defined in the policy with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group;

C. "cancellation fee waiver" means a contractual agreement between a supplier of travel services and the supplier's customer to waive some or all of the non-refundable cancellation fee provisions of the supplier's underlying travel contract with or without regard to the reason for the cancellation or form of reimbursement. A "cancellation fee waiver" is not insurance;

D. "eligible group" means two or more persons that are engaged in a common enterprise or have an economic, educational or social affinity or relationship, including:

(1) any entity engaged in the business of providing travel or travel services, including a:

- (a) tour operator;
- (b) lodging provider, vacation property owner, hotel or resort;
- (c) travel club or travel agency;
- (d) property manager;
- (e) cultural exchange program; or

(f) common carrier or operator, owner or lessor of a means of transportation of passengers, including an airline, a cruise line, a railroad, a steamship company or a public bus carrier, when all members or customers of the group have a common exposure to risk attendant to their travel;

(2) any college, school or other institution of learning covering students, teachers, employees or volunteers;

- (3) any employer covering a group of employees, volunteers, contractors, board of directors, dependents or guests;
- (4) any sports team, camp or sponsor thereof covering participants, members, campers, employees, officials, supervisors or volunteers;
- (5) any religious, charitable, recreational, educational or civic organization or branch thereof covering a group of members, participants or volunteers;
- (6) any financial institution or financial institution vendor or parent holding company, trustee or agent of or designated by a financial institution or financial institution vendor, including account holders, credit card holders, debtors, guarantors or purchasers;
- (7) any incorporated or unincorporated association, including a labor union, having a common interest, constitution and bylaws and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering the association's members;
- (8) any trust or the trustees of a fund established, created or maintained for the benefit of and covering members, employees or customers, subject to the superintendent's permitting the use of a trust;
- (9) any entertainment production company covering a group of participants, volunteers, audience members, contestants or workers;
- (10) any volunteer fire department, ambulance, rescue, police or court or any first aid, civil defense or other such volunteer group;
- (11) a preschool, a daycare institution for children or adults or a senior citizen club;
- (12) any automobile or truck rental or leasing company covering a group of individuals who may become renters, lessees or passengers defined by their travel status regarding the rented or leased vehicles where the truck rental or leasing company is the policyholder under a policy to which this section applies; or
- (13) any other group of which the superintendent has determined that the members are engaged in a common enterprise and have an economic, educational or social affinity or relationship and that issuance of the policy would not be contrary to the public interest;

E. "fulfillment materials" means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance details;



F. "limited lines travel insurance producer" means a licensed managing general agent or third-party administrator or licensed insurance producer, including a limited lines producer or travel administrator;

G. "travel administrator" means a person that directly or indirectly underwrites or collects charges, collateral or premiums from or adjusts or settles claims on residents of this state in connection with travel insurance; provided that a person shall not be considered a travel administrator if that person's only actions that would otherwise cause the person to be considered a travel administrator include:

(1) a person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;

(2) an insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the producer's license;

(3) a travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with the Travel Insurance Act;

(4) a person adjusting or settling claims in the normal course of that person's practice or employment as an attorney-at-law and who does not collect charges or premiums in connection with insurance coverage; or

(5) a business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer;

H. "travel assistance service" means a service for which the consumer is not indemnified based on a fortuitous event and that does not result in the transfer or shifting of risk that would constitute the business of insurance, including:

(1) security advisories;

(2) destination information;

(3) vaccination and immunization information services;

(4) travel reservation services;

(5) entertainment;

(6) activity and event planning;

(7) translation assistance;

- (8) emergency messaging;
- (9) international legal and medical referrals;
- (10) medical case monitoring;
- (11) coordination of transportation arrangements;
- (12) emergency cash transfer assistance;
- (13) medical prescription replacement assistance;
- (14) passport and travel document replacement assistance;
- (15) lost luggage assistance;
- (16) concierge services; or
- (17) any other service that is furnished in connection with planned travel.

"Travel assistance service" is not insurance and is not related to insurance;

I. "travel insurance" means insurance coverage for personal risks incident to planned travel, including:

- (1) interruption or cancellation of a trip or an event;
- (2) loss of baggage or personal effects;
- (3) damages to accommodations or rental vehicles;
- (4) sickness, accident, disability or death occurring during travel;
- (5) emergency evacuation;
- (6) repatriation of remains; or

(7) any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the superintendent. "Travel insurance" does not include a major medical plan that provides comprehensive medical protection for travelers with trips lasting longer than six months, including expatriates living or working abroad, or any other product that requires a specific insurance producer license;

J. "travel protection plan" means a plan that provides one or more of the following:

- (1) travel insurance;
- (2) travel assistance services; or
- (3) cancellation fee waivers; and

K. "travel retailer" means an entity that makes, arranges or offers planned travel services."

## **Chapter 127 Section 3 Laws 2025**

SECTION 3. Section 59A-12-18.1 NMSA 1978 (being Laws 2013, Chapter 140, Section 3, as amended) is recompiled in the Travel Insurance Act and is amended to read:

### **"LIMITED LINES TRAVEL INSURANCE PRODUCER LICENSE.--**

A. The superintendent may issue a limited lines travel insurance producer license to an applicant who is qualified to solicit or sell travel insurance.

B. A travel retailer may offer travel insurance under the license of a limited lines travel insurance producer only if:

(1) the limited lines travel insurance producer or travel retailer provides to purchasers of travel insurance:

- (a) a description of the material terms of the insurance coverage;
- (b) a description of the process for filing a claim;
- (c) a description of the travel insurance policy's cancellation process; and

(d) the identity and contact information of the insurer and limited lines travel insurance producer;

(2) the limited lines travel insurance producer:

(a) establishes at the time of licensure on a form prescribed by the superintendent a register of each travel retailer that offers travel insurance on behalf of the limited lines travel insurance producer;

(b) includes in the register each travel retailer's federal tax identification number and the name, address and contact information of each travel retailer and an officer or person who directs or controls the travel retailer's operations;

(c) maintains the register and updates it at least once a year;

(d) submits the register to the superintendent upon reasonable request; and

(e) certifies that each travel retailer on the register complies with federal laws;

(3) the limited lines travel insurance producer has selected a designated responsible agent who is one of its licensed individual insurance producer employees and who is responsible for the limited lines travel insurance producer's compliance with the travel insurance laws and rules of this state;

(4) the designated responsible agent, president, secretary, treasurer and all other officers or persons who direct or control the limited lines travel insurance producer's insurance operations comply with the fingerprinting requirements for insurance producers of the resident state of the limited lines travel insurance producer;

(5) the limited lines travel insurance producer has paid all applicable insurance producer licensing fees pursuant to state law; and

(6) the limited lines travel insurance producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training that the superintendent may review and that, at a minimum, contains instructions on the types of insurance offered, ethical sales practices and required disclosures to prospective customers.

C. A travel retailer that offers and disseminates travel insurance shall make available to prospective purchasers brochures or other written materials that:

(1) identify and provide the contact information of the insurer and the limited lines travel insurance producer;

(2) explain that the purchase of travel insurance is not a prerequisite to the purchase of any other product or service of the travel retailer; and

(3) explain that an unlicensed travel retailer may provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.

D. A travel retailer's employee or authorized representative who is not licensed as an insurance producer shall not:

(1) evaluate or interpret the technical terms, benefits or conditions of the travel insurance coverage offered;

(2) evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

(3) make representation as being a licensed insurer, licensed insurance producer or insurance expert.

E. A travel retailer and its employees and authorized representatives whose insurance-related activities are limited to the offering and disseminating of travel insurance on behalf of and under the direction of a limited lines travel insurance producer that complies with this section may conduct and receive compensation for those activities.

F. A travel retailer may place insurance under an individual policy or under a group or master policy.

G. As the insurer designee, a limited lines travel insurance producer shall be responsible for the acts of the travel retailer and shall use reasonable means to ensure that the travel retailer complies with the provisions of the Travel Insurance Act."

## **Chapter 127 Section 4 Laws 2025**

SECTION 4. A new section of the New Mexico Insurance Code is enacted to read:

"POLICY.--

A. Travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance.

B. Travel insurance may be in the form of an individual, a group or a blanket policy.

C. Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels; provided that those standards also meet the state's underwriting standards for inland marine insurance."

## **Chapter 127 Section 5 Laws 2025**

SECTION 5. A new section of the New Mexico Insurance Code is enacted to read:

"TRAVEL PROTECTION PLANS.--A travel protection plan may be offered for one price for the combined features that the travel protection plan offers in this state if:

A. the travel protection plan:

(1) clearly discloses to the consumer, at or prior to the time of purchase, whether the travel protection plan includes travel insurance, travel assistance services or cancellation fee waivers, as applicable; and

(2) provides information and an opportunity, at or prior to the time of purchase, for the consumer to obtain additional information regarding the features and pricing of each; and

B. the fulfillment materials:

(1) describe and delineate the travel insurance, travel assistance services and cancellation fee waivers in the travel protection plan; and

(2) include the travel insurance disclosures and contact information for persons providing travel assistance services and cancellation fee waivers, as applicable."

## **Chapter 127 Section 6 Laws 2025**

SECTION 6. A new section of the New Mexico Insurance Code is enacted to read:

"SALES PRACTICES.--

A. All documents provided to consumers prior to the purchase of travel insurance, including sales materials, advertising materials and marketing materials, shall be consistent with the travel insurance policy itself, including forms, endorsements, policies, rate filings and certificates of insurance.

B. For a travel insurance policy or certificate that contains a preexisting condition exclusion, information and an opportunity to learn more about the preexisting condition exclusion shall be provided any time prior to the time of purchase and in the coverage's fulfillment materials.

C. The fulfillment materials and information described in this section shall be provided to a policyholder or certificate holder as soon as practicable following the purchase of a travel protection plan.

D. Fulfillment materials shall disclose whether the travel insurance is primary or secondary to other applicable coverage.

E. A policyholder or certificate holder may cancel a policy or certificate in accordance with the provisions of Section 59A-45-11 NMSA 1978."

## **Chapter 127 Section 7 Laws 2025**

SECTION 7. A new section of the New Mexico Insurance Code is enacted to read:

"PERMISSIBLE PRACTICES.--

A. An insurer may market travel insurance directly to a consumer through the insurer's website or through an aggregator website so long as an accurate summary or short description of coverage is provided and the consumer has access to the full policy through electronic means.

B. When a consumer's destination jurisdiction requires insurance, an insurer may require a consumer to choose between the following options as a condition of purchasing a trip or travel package:

(1) purchasing the coverage required by the destination jurisdiction through the travel retailer or limited lines travel insurance producer supplying the trip or travel package; or

(2) agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to departure.

C. Permissible practices described in this section shall not constitute an unfair claims practice pursuant to the provisions of Section 59A-16-20 NMSA 1978."

## **Chapter 127 Section 8 Laws 2025**

SECTION 8. A new section of the New Mexico Insurance Code is enacted to read:

"TRAVEL ADMINISTRATION.--

A. A person shall not act or represent the person's self as a travel administrator for travel insurance in this state unless that person:

(1) is a licensed property and casualty insurance producer in this state for activities permitted under that producer license;

(2) holds a valid managing general agent license in this state; or

(3) holds a valid third-party administrator license in this state.

B. An insurer shall be responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer and shall ensure that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the superintendent upon request."

## **Chapter 127 Section 9 Laws 2025**

SECTION 9. A new section of the New Mexico Insurance Code is enacted to read:

"RULES.--The superintendent may promulgate rules to implement the provisions of the Travel Insurance Act."

## **Chapter 127 Section 10 Laws 2025**

SECTION 10. Section 59A-16-20 NMSA 1978 (being Laws 1984, Chapter 127, Section 286, as amended) is amended to read:

"59A-16-20. UNFAIR CLAIMS PRACTICES DEFINED AND PROHIBITED.--Any of the following practices with respect to claims, by an insurer or other person, knowingly committed or performed with such frequency as to indicate a general business practice are defined as unfair and deceptive practices and are prohibited:

A. misrepresenting to insureds pertinent facts or policy provisions relating to coverages at issue;

B. failing to acknowledge and act reasonably promptly upon communications with respect to claims from insureds arising under policies;

C. failing to adopt and implement reasonable standards for the prompt investigation and processing of insureds' claims arising under policies;

D. failing to affirm or deny coverage of claims of insureds within a reasonable time after proof of loss requirements under the policy have been completed and submitted by the insured;

E. not attempting in good faith to effectuate prompt, fair and equitable settlements of an insured's claims in which liability has become reasonably clear;

F. failing to settle all catastrophic claims within a ninety-day period after the assignment of a catastrophic claim number when a catastrophic loss has been declared;

G. compelling insureds to institute litigation to recover amounts due under policy by offering substantially less than the amounts ultimately recovered in actions



brought by such insureds when such insureds have made claims for amounts reasonably similar to amounts ultimately recovered;

H. attempting to settle a claim by an insured for less than the amount to which a reasonable person would have believed the insured was entitled by reference to written or printed advertising material accompanying or made part of an application;

I. attempting to settle claims on the basis of an application that was altered without notice to, or knowledge or consent of, the insured, the insured's representative, agent or broker;

J. failing, after payment of a claim, to inform insureds or beneficiaries, upon request by them, of the coverage under which payment has been made;

K. making known to insureds or claimants a practice of insurer of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

L. delaying the investigation or payment of claims by requiring an insured, claimant or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

M. failing to settle an insured's claims promptly where liability has become apparent under one portion of the policy coverage in order to influence settlement under other portions of the policy coverage;

N. failing to promptly provide an insured a reasonable explanation of the basis relied on in the policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement;

O. violating a provision of the Domestic Abuse Insurance Protection Act;

P. marketing blanket travel insurance as free; or

Q. offering, soliciting or negotiating travel insurance or a travel protection plan by using a negative option or opt out that requires the consumer to take an affirmative action to deselect coverage."

## **LAWS 2025, CHAPTER 128**

**SJC/Senate Bill 70, aa**  
**Approved April 9, 2025**

AN ACT

RELATING TO CRIME; AMENDING THE RACKETEERING ACT; ADDING CERTAIN  
CRIMES TO THE DEFINITION OF "RACKETEERING".

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

## **Chapter 128 Section 1 Laws 2025**

SECTION 1. Section 30-42-1 NMSA 1978 (being Laws 1980, Chapter 40,  
Section 1) is amended to read:

"30-42-1. SHORT TITLE.--Chapter 30, Article 42 NMSA 1978 may be cited as  
the "Racketeering Act".

## **Chapter 128 Section 2 Laws 2025**

SECTION 2. Section 30-42-3 NMSA 1978 (being Laws 1980, Chapter 40,  
Section 3, as amended) is amended to read:

"30-42-3. DEFINITIONS.--As used in the Racketeering Act:

A. "racketeering" means any act that is chargeable or indictable under the  
laws of New Mexico and punishable by imprisonment for more than one year, involving  
any of the following cited offenses:

- (1) murder, as provided in Section 30-2-1 NMSA 1978;
- (2) robbery, as provided in Section 30-16-2 NMSA 1978;
- (3) kidnapping, as provided in Section 30-4-1 NMSA 1978;
- (4) forgery, as provided in Section 30-16-10 NMSA 1978;
- (5) larceny, as provided in Section 30-16-1 NMSA 1978;
- (6) fraud, as provided in Section 30-16-6 NMSA 1978;
- (7) embezzlement, as provided in Section 30-16-8 NMSA 1978;
- (8) receiving stolen property, as provided in Section 30-16-11 NMSA  
1978;
- (9) bribery, as provided in Sections 30-24-1 through 30-24-3.1 NMSA  
1978;
- (10) gambling, as provided in Sections 30-19-3, 30-19-13 and 30-19-15  
NMSA 1978;

- (11) illegal kickbacks, as provided in Sections 30-41-1 and 30-41-2 NMSA 1978;
- (12) extortion, as provided in Section 30-16-9 NMSA 1978;
- (13) trafficking in controlled substances, as provided in Section 30-31-20 NMSA 1978;
- (14) arson and aggravated arson, as provided in Subsection A of Section 30-17-5 and Section 30-17-6 NMSA 1978;
- (15) promoting prostitution, as provided in Section 30-9-4 NMSA 1978;
- (16) criminal solicitation, as provided in Section 30-28-3 NMSA 1978;
- (17) fraudulent securities practices, as provided in the New Mexico Uniform Securities Act;
- (18) loan sharking, as provided in Sections 30-43-1 through 30-43-5 NMSA 1978;
- (19) distribution of controlled substances or controlled substance analogues, as provided in Sections 30-31-21 and 30-31-22 NMSA 1978;
- (20) money laundering, as provided in Section 30-51-4 NMSA 1978;
- (21) unlawful taking of a vehicle or motor vehicle, as provided in Section 30-16D-1 NMSA 1978;
- (22) embezzlement of a vehicle or motor vehicle, as provided in Section 30-16D-2 NMSA 1978;
- (23) fraudulently obtaining a vehicle or motor vehicle, as provided in Section 30-16D-3 NMSA 1978;
- (24) receiving or transferring stolen vehicles or motor vehicles, as provided in Section 30-16D-4 NMSA 1978;
- (25) altering or changing the serial number, engine number, decal or other numbers or marks of a vehicle or motor vehicle, as provided in Section 30-16D-6 NMSA 1978;
- (26) trafficking cannabis products, as provided in Section 26-2C-28 NMSA 1978;

(27) sexual exploitation of children, as provided in Sections 30-6A-3 and 30-6A-4 NMSA 1978;

(28) criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;

(29) criminal sexual contact, as provided in Sections 30-9-12 and 30-9-13 NMSA 1978;

(30) dog fighting, as provided in Section 30-18-9 NMSA 1978;

(31) cockfighting, as provided in Section 30-18-9 NMSA 1978;

(32) bringing contraband into places of imprisonment, as provided in Section 30-22-14 NMSA 1978; and

(33) human trafficking, as provided in Section 30-52-1 NMSA 1978;

B. "person" means an individual or entity capable of holding a legal or beneficial interest in property;

C. "enterprise" means a sole proprietorship, partnership, corporation, business, labor union, association or other legal entity or a group of persons associated in fact although not a legal entity, and includes illicit as well as licit entities; and

D. "pattern of racketeering activity" means engaging in at least two incidents of racketeering with the intent of accomplishing any of the prohibited activities set forth in Subsections A through D of Section 30-42-4 NMSA 1978; provided at least one of the incidents occurred after February 28, 1980 and the last incident occurred within five years after the commission of a prior incident of racketeering."

## **LAWS 2025, CHAPTER 129**

**HEC/House Bill 54, aa**  
**Approved April 9, 2025**

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING SCHOOLS TO DEVELOP CARDIAC EMERGENCY RESPONSE PLANS; REQUIRING EVERY SCHOOL TO INSTALL AN AUTOMATED EXTERNAL DEFIBRILLATOR.

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

## **Chapter 129 Section 1 Laws 2025**

SECTION 1. Section 22-33-1 NMSA 1978 (being Laws 2014, Chapter 50, Section 1) is amended to read:

"22-33-1. SHORT TITLE.--Chapter 22, Article 33 NMSA 1978 may be cited as the "Emergency Medication in Schools Act"."

## **Chapter 129 Section 2 Laws 2025**

SECTION 2. Section 22-33-2 NMSA 1978 (being Laws 2014, Chapter 50, Section 2) is amended to read:

"22-33-2. DEFINITIONS.--As used in the Emergency Medication in Schools Act:

A. "albuterol" includes albuterol or another inhaled bronchodilator, as recommended by the department of health, for the treatment of respiratory distress;

B. "albuterol aerosol canister" means a portable drug delivery device packaged with multiple premeasured doses of albuterol;

C. "anaphylaxis" or "anaphylactic reaction" means a sudden, severe and potentially life-threatening whole-body allergic reaction;

D. "automated external defibrillator" means a medical device heart monitor and defibrillator that:

(1) has received approval of its premarket modification filed pursuant to 21 U.S.C. 360(k), from the United States food and drug administration;

(2) is capable of recognizing cardiac arrest that will respond to defibrillation, ventricular fibrillation or rapid ventricular tachycardia and is capable of determining whether defibrillation should be performed; and

(3) upon determining that defibrillation should be performed, automatically charges and is capable of delivering an electrical impulse to an individual's heart;

E. "emergency medication" means albuterol or epinephrine;

F. "epinephrine" includes epinephrine or another medication, as recommended by the department of health, used to treat anaphylaxis until the immediate arrival of emergency medical system responders;

G. "epinephrine auto-injector" means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine;

- H. "governing body" includes a governing body of a private school;
- I. "health care practitioner" means a person authorized by the state to prescribe emergency medication;
- J. "respiratory distress" includes impaired oxygenation of the blood or impaired ventilation of the respiratory system;
- K. "school" means a public school, charter school or private school;
- L. "spacer" means a holding chamber that is used to optimize the delivery of albuterol to a person's lungs;
- M. "stock supply" means an appropriate quantity of emergency medication, as recommended by the department of health; and
- N. "trained personnel" means a school employee, agent or volunteer who has completed epinephrine administration training documented by the school nurse, school principal or school leader and approved by the department of health and who has been designated by the school principal or school leader to administer epinephrine on a voluntary basis outside of the scope of employment."

## **Chapter 129 Section 3 Laws 2025**

SECTION 3. A new section of the Emergency Medication in Schools Act is enacted to read:

"CARDIAC EMERGENCY RESPONSE PLAN--AUTOMATED EXTERNAL DEFIBRILLATOR.--

A. Each school shall develop and implement a cardiac emergency response plan that addresses the appropriate use of school personnel who are to respond to incidents involving a person experiencing a sudden cardiac arrest or a similar life-threatening emergency while on school grounds. Each cardiac emergency response plan shall:

- (1) be developed and implemented using core elements that are nationally recognized and evidence-based;
- (2) identify specific school personnel who will take action when a person experiences a sudden cardiac arrest or a similar life-threatening emergency;
- (3) establish protocols for school personnel identified by the cardiac emergency response plan to follow when a person experiences a sudden cardiac arrest or a similar life-threatening emergency;

(4) determine an appropriate location for an automated external defibrillator to be installed;

(5) provide for routine maintenance of the automated external defibrillator; and

(6) be updated when necessary to be consistent with evidence-based guidelines.

B. Every school in the state shall install an automated external defibrillator. Installed automated external defibrillators shall be maintained and tested according to the manufacturer's operational guidelines.

C. No later than January 1, 2026, the department shall adopt and promulgate rules for the training of school employees on the use of automated external defibrillators in a manner consistent with standards adopted by the American heart association.

D. The requirements of Subsections A and B of this section shall be fulfilled by all:

(1) public non-charter high schools no later than the 2026-2027 school year; and

(2) elementary schools, middle schools, charter schools and private schools no later than the 2027-2028 school year."

## **LAWS 2025, CHAPTER 130**

**House Bill 218, aa, w/cc**

**Approved April 9, 2025**

### **AN ACT**

RELATING TO TAXATION; UPDATING AND DELETING OUTDATED PROVISIONS IN CERTAIN SECTIONS OF CHAPTER 7 NMSA 1978; AMENDING CERTAIN PROVISIONS OF THE METROPOLITAN REDEVELOPMENT CODE AND THE TAX INCREMENT FOR DEVELOPMENT ACT TO CONFORM WITH DESTINATION SOURCING; AMENDING THAT SECTION OF LAW THAT ALLOWS THE TAXATION AND REVENUE DEPARTMENT TO MAKE ADJUSTMENTS OF DISTRIBUTIONS AND TRANSFERS TO POLITICAL SUBDIVISIONS; INCREASING THE AMOUNT AND EXTENDING THE TIME PERIOD THE SECRETARY OF TAXATION AND REVENUE MAY SET TAX REPORTING AND PAYMENT INTERVALS; INCREASING THE AMOUNT A TAXPAYER MAY OWE TO ALLOW QUARTERLY OR SEMIANNUAL FILING; ALLOWING THE SECRETARY OF TAXATION AND REVENUE TO COMPROMISE ASSERTED LIABILITY IN THE CASE OF A DENIAL OF A REFUND OR

CREDIT; INCREASING THE AMOUNT OF INSTALLMENT AGREEMENTS, ABATEMENTS, REFUNDS AND CREDITS THAT SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION; ALLOWING A COMPLETED RETURN TO CONSTITUTE A FILING OF A CLAIM FOR REFUND; REMOVING ATTORNEY GENERAL APPROVAL OF CLOSING AGREEMENTS AND OF REFUNDS OVER TWENTY THOUSAND DOLLARS (\$20,000); AMENDING CERTAIN PROVISIONS REGARDING A LIEN FOR A TAX LIABILITY; AMENDING CERTAIN PROVISIONS ON INTEREST ON DEFICIENCIES; PROVIDING THAT ELECTRONIC FILERS FILE AND PAY WITH THE SAME DEADLINE AS ALL OTHER FILERS; REMOVING CONTINGENT RATES FOR THE PETROLEUM PRODUCTS LOADING FEE; PROVIDING THAT LOCAL OPTION GROSS RECEIPTS AND COMPENSATING TAX RATES SHALL BE EFFECTIVE ON JULY 1 FOLLOWING ELECTION OR ADOPTED ORDINANCE UNLESS AN EMERGENCY OR UNFORESEEN OCCURRENCE OCCURS; STREAMLINING ADVANCE PAYMENTS OF CERTAIN OIL AND GAS TAXES; ALLOWING TAX LIENS TO BE RECORDED WITHOUT A NOTARY SIGNATURE; ALIGNING A WORKERS' COMPENSATION FEE DUE DATE TO THE WITHHOLDING TAX DUE DATE; AMENDING A SECTION OF LAWS 2024, CHAPTER 41; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

## **Chapter 130 Section 1 Laws 2025**

SECTION 1. Section 3-60A-21 NMSA 1978 (being Laws 2024, Chapter 62, Section 1) is amended to read:

"3-60A-21. PROPERTY AND GROSS RECEIPTS TAX INCREMENTS--PROCEDURES.--

A. The procedures to be used in determining a property tax increment are:

(1) the local government shall, after approval of a metropolitan redevelopment plan, notify the county assessor of the taxable parcels of property within the metropolitan redevelopment area;

(2) upon receipt of the notification, the county assessor shall identify the parcels of property within the metropolitan redevelopment area within their respective jurisdictions and certify to the county treasurer the net taxable value of the property at the time of notification as the base value for the distribution of property tax revenues authorized by the Property Tax Code. If because of acquisition by the local government the property becomes tax exempt, the county assessor shall note that fact on their respective records and so notify the county treasurer, but the county assessor and the county treasurer shall preserve a record of the net taxable value at the time of inclusion of the property within the metropolitan redevelopment area as the base value



for the purpose of distribution of property tax revenues when the parcel again becomes taxable. The county assessor is not required by this section to preserve the new taxable value at the time of inclusion of the property within the metropolitan redevelopment area as the base value for the purposes of valuation of the property;

(3) if because of acquisition by the local government the property becomes tax exempt, when the parcel again becomes taxable, the local government shall notify the county assessor of the parcels of property that because of their rehabilitation or other improvement are to be revalued for property tax purposes. A new taxable value of this property shall then be determined by the county assessor. If no acquisition by the local government occurs, improvement or rehabilitation of property subject to valuation by the assessor shall be reported to the assessor as required by the Property Tax Code, and the new taxable value shall be determined as of January 1 of the tax year following the year in which the improvement or rehabilitation is completed; and

(4) current tax rates shall then be applied to the new taxable value of property included in the metropolitan redevelopment area. The amount by which the revenue received exceeds that which would have been received by application of the same rates to the base value before inclusion in the metropolitan redevelopment area shall be multiplied by the percentage of the increment dedicated by the local government pursuant to Section 3-60A-23 NMSA 1978, credited to the local government and deposited in the metropolitan redevelopment fund. This transfer shall take place only after the county treasurer has been notified to apply the procedures pursuant to this subsection to property included in a metropolitan redevelopment area. Unless the entire metropolitan redevelopment area is specifically included by the local government for purposes of tax increment financing, the payment by the county treasurer to the local government shall be limited to those properties specifically included. The remaining revenue shall be distributed to participating units of government as authorized by the Property Tax Code.

B. The procedures to be used in determining a gross receipts tax increment are:

(1) the local government shall notify the taxation and revenue department of the geographic boundaries of the metropolitan redevelopment area;

(2) by the July 1 following at least ninety days after receipt of the notice of the geographic boundaries, the taxation and revenue department shall designate a reporting location code for the metropolitan redevelopment area pursuant to Section 7-1-14 NMSA 1978;

(3) using data from the twelve months of reporting periods following designation of the reporting location code, the taxation and revenue department shall calculate the gross receipts tax revenue for the base year as follows:

(a) the amount of the local government's local option gross receipts tax revenue attributable to the gross receipts sourced to the metropolitan redevelopment area pursuant to Section 7-1-14 NMSA 1978 in the previous twelve months; and

(b) the amount of state gross receipts tax revenue attributable to gross receipts sourced to the metropolitan redevelopment area pursuant to Section 7-1-14 NMSA 1978 in the previous twelve months, less any amount distributed to the municipality pursuant to Section 7-1-6.4 NMSA 1978 attributable to gross receipts sourced to the metropolitan redevelopment area; and

(4) following making the calculation of the gross receipts tax revenue for the base year:

(a) the taxation and revenue department shall compare the amounts of gross receipts tax revenues of the base year with the amounts of gross receipts tax revenues of that following twelve months, using the same calculation methods as provided in Paragraph (3) of this subsection; and

(b) if there is an increase between the gross receipts tax revenue of the base year and the gross receipts tax revenue of that following twelve months, the taxation and revenue department shall distribute, pursuant to Section 7-1-6.71 NMSA 1978, the sum of: 1) the product of the total rate of the local government's local option gross receipts tax multiplied by the increased amount of the local government's local option gross receipts tax revenue, further multiplied by the percentage of the gross receipts tax increment dedicated by the local government pursuant to Section 3-60A-23 NMSA 1978; plus 2) the product of the state gross receipts tax rate multiplied by the increased amount of the state gross receipts tax revenue, further multiplied by the percentage of the gross receipts tax increment dedicated by the state board of finance pursuant to Section 3-60A-23 NMSA 1978.

C. The procedures specified in this section shall be followed annually for a maximum period of twenty years following the date of notification provided by this section.

D. The state board of finance shall promulgate rules for implementing the dedication of a state gross receipts tax increment for the purpose of funding a metropolitan redevelopment project and for determining the amount of the increment pursuant to the Metropolitan Redevelopment Code.

E. As used in this section:

(1) "local option gross receipts tax revenue" means revenue transferred to the local government pursuant to Section 7-1-6.12 or 7-1-6.13 NMSA 1978, as appropriate; and

(2) "state gross receipts tax revenue" means revenue received from the gross receipts tax imposed pursuant to Section 7-9-4 NMSA 1978."

## **Chapter 130 Section 2 Laws 2025**

SECTION 2. Section 5-15-3 NMSA 1978 (being Laws 2006, Chapter 75, Section 3, as amended by Laws 2019, Chapter 212, Section 199 and also by Laws 2019, Chapter 275, Section 1) is amended to read:

"5-15-3. DEFINITIONS.--As used in the Tax Increment for Development Act:

A. "base gross receipts taxes" means:

(1) the total amount of gross receipts tax revenue attributable to the gross receipts sourced to a tax increment development district pursuant to Section 7-1-14 NMSA 1978, as calculated by the taxation and revenue department, in the base period and designated by the governing body to be available as part of the gross receipts tax increment; and

(2) any amount of gross receipts taxes that would have been collected in the base period if any applicable additional gross receipts taxes imposed after that base period had been imposed in that base period;

B. "base period" means, unless as revised pursuant to Sections 5-15-25.1 and 5-15-25.2 NMSA 1978:

(1) the first twelve months following designation of a new reporting location code by the taxation and revenue department following notice of the formation of a district pursuant to Section 5-15-9 NMSA 1978; or

(2) upon request by the governing body forming the district to the secretary, and upon the secretary's approval, the most recent twelve-month period for which gross receipts tax revenue data is available from filed returns;

C. "base property taxes" means:

(1) the portion of property taxes produced by the total of all property tax levied at the rate fixed each year by each governing body levying a property tax on the assessed value of taxable property within the tax increment development area last certified for the year ending immediately prior to the year in which a tax increment development plan is approved for the tax increment development area, or, when an area is added to an existing tax increment development area, "base property taxes" means that portion of property taxes produced by the total of all property tax levied at the rate fixed each year by each governing body levying a property tax upon the assessed value of taxable property within the tax increment development area on the

date of the modification of the tax increment development plan and designated by the governing body to be available as part of the property tax increment; and

(2) any amount of property taxes that would have been collected in such year if any applicable additional property taxes imposed after that year had been imposed in that year;

D. "county option gross receipts tax" means gross receipts taxes imposed by counties pursuant to the County Local Option Gross Receipts Taxes Act and designated by the governing body of the county to be available as part of the gross receipts tax increment;

E. "developer" means the owner or developer who has entered into an agreement pursuant to Subsection A of Section 5-15-4 NMSA 1978 with the governing body that formed the district or the owner's or developer's successors or assigns;

F. "district" means a tax increment development district;

G. "district board" means a board formed in accordance with the provisions of the Tax Increment for Development Act to govern a tax increment development district;

H. "enhanced services" means public services provided by a municipality or county within the district at a higher level or to a greater degree than otherwise available to the land located in the district from the municipality or county, including such services as public safety, fire protection, street or sidewalk cleaning or landscape maintenance in public areas; provided that "enhanced services" does not include the basic operation and maintenance related to infrastructure improvements financed by the district pursuant to the Tax Increment for Development Act;

I. "governing body" means the city council or city commission of a city, the board of trustees or council of a town or village or the board of county commissioners of a county;

J. "gross receipts tax increment" means the gross receipts taxes sourced to a tax increment development district in excess of the base gross receipts taxes collected in the district;

K. "gross receipts tax increment bonds" means bonds issued by a district in accordance with the Tax Increment for Development Act, the pledged revenue for which is a gross receipts tax increment;

L. "local government" means a municipality or county;

M. "municipal option gross receipts tax" means those gross receipts taxes imposed by municipalities pursuant to the Municipal Local Option Gross Receipts Taxes

Act and designated by the governing body of the municipality to be available as part of the gross receipts tax increment;

N. "municipality" means an incorporated city, town or village;

O. "new full-time economic base job" means a job:

(1) that is primarily performed in New Mexico;

(2) that is held by an employee who is hired to work an average of at least thirty-two hours per week for at least forty-eight weeks per year;

(3) that is:

(a) involved, directly or in a supervisory capacity, with the production of: 1) a service; provided that the majority of the revenue generated from the service is from sources outside the state; or 2) tangible or intangible personal property for sale; or

(b) held by an employee that is employed at a regional, national or international headquarters operation or at an operation that primarily provides services for other operations of the qualifying entity that are located outside the state; and

(4) that is not directly involved with natural resources extraction or processing, on-site services where the customer is typically present for the delivery of the service, call center, retail, construction or agriculture except for value-added processing performed on agricultural products that would then be sold for wholesale or retail consumption;

P. "owner" means a person owning real property within the boundaries of a district;

Q. "person" means an individual, corporation, association, partnership, limited liability company or other legal entity;

R. "project" means a tax increment development project;

S. "property tax increment" means all property tax collected on real property within the designated tax increment development area that is in excess of the base property tax until termination of the district and distributed to the district in the same manner as distributions are made under the provisions of the Tax Administration Act;

T. "property tax increment bonds" means bonds issued by a district in accordance with the Tax Increment for Development Act, the pledged revenue for which is a property tax increment;

U. "public improvements" means on-site improvements and off-site improvements that directly or indirectly benefit a tax increment development district or facilitate development within a tax increment development area and that are dedicated to the governing body in which the district lies. "Public improvements" includes:

(1) sanitary sewage systems, including collection, transport, treatment, dispersal, effluent use and discharge;

(2) drainage and flood control systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;

(3) water systems for domestic, commercial, office, hotel or motel, industrial, irrigation, municipal or fire protection purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;

(4) highways, streets, roadways, bridges, crossing structures and parking facilities, including all areas for vehicular use for travel, ingress, egress and parking;

(5) trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for travel, ingress, egress and parking;

(6) pedestrian and transit facilities, parks, recreational facilities and open space areas for the use of members of the public for entertainment, assembly and recreation;

(7) landscaping, including earthworks, structures, plants, trees and related water delivery systems;

(8) public buildings, public safety facilities and fire protection and police facilities;

(9) electrical generation, transmission and distribution facilities;

(10) natural gas distribution facilities;

(11) lighting systems;

(12) cable or other telecommunications lines and related equipment;

(13) traffic control systems and devices, including signals, controls, markings and signage;

(14) school sites and facilities with the consent of the governing board of the public school district for which the facility is to be acquired, constructed or renovated;

(15) library and other public educational or cultural facilities;

(16) equipment, vehicles, furnishings and other personal property related to the items listed in this subsection;

(17) inspection, construction management, planning and program management and other professional services costs incidental to the project;

(18) workforce housing; and

(19) any other improvement that the governing body determines to be for the use or benefit of the public;

V. "state gross receipts tax" means the gross receipts tax imposed pursuant to the Gross Receipts and Compensating Tax Act, but does not include that portion distributed to municipalities pursuant to Sections 7-1-6.4 and 7-1-6.46 NMSA 1978 or to counties pursuant to Section 7-1-6.47 NMSA 1978;

W. "sustainable development" means land development that achieves sustainable economic and social goals in ways that can be supported for the long term by conserving resources, protecting the environment and ensuring human health and welfare using mixed-use, pedestrian-oriented, multimodal land use planning;

X. "tax increment development area" means the land included within the boundaries of a tax increment development district;

Y. "tax increment development district" means a district formed for the purposes of carrying out tax increment development projects;

Z. "tax increment development plan" means a plan for the undertaking of a tax increment development project;

AA. "tax increment development project" means activities undertaken within a tax increment development area to enhance the sustainability of the local, regional or statewide economy; to support the creation of jobs, schools and workforce housing; and to generate tax revenue for the provision of public improvements and may include:

(1) acquisition of land within a designated tax increment development area or a portion of that tax increment development area;

(2) demolition and removal of buildings and improvements and installation, construction or reconstruction of streets, utilities, parks, playgrounds and improvements necessary to carry out the objectives of the Tax Increment for Development Act;

(3) installation, construction or reconstruction of streets, water utilities, sewer utilities, parks, playgrounds and other public improvements necessary to carry out the objectives of the Tax Increment for Development Act;

(4) disposition of property acquired or held by a tax increment development district as part of the undertaking of a tax increment development project at the fair market value of such property for uses in accordance with the Tax Increment for Development Act;

(5) payments for professional services contracts necessary to implement a tax increment development plan or project;

(6) borrowing to purchase land, buildings or infrastructure in an amount not to exceed the revenue stream that may be derived from the gross receipts tax increment or the property tax increment estimated to be received by a tax increment development district; and

(7) grants for public improvements essential to the location or expansion of a business;

BB. "taxing entity" means the governing body of a political subdivision of the state, the gross receipts tax increment or property tax increment of which may be used for a tax increment development project; and

CC. "workforce housing" means decent, safe and sanitary dwellings, apartments, single-family dwellings or other living accommodations that are affordable for persons or families earning less than eighty percent of the median income within the county in which the tax increment development project is located; provided that an owner-occupied housing unit is affordable to a household if the expected sales price is reasonably anticipated to result in monthly housing costs that do not exceed thirty-three percent of the household's gross monthly income; provided that:

(1) determination of mortgage amounts and payments is to be based on down payment rates and interest rates generally available to lower- and moderate-income households; and

(2) a renter-occupied housing unit is affordable to a household if the unit's monthly housing costs, including rent and basic utility and energy costs, do not exceed thirty-three percent of the household's gross monthly income."

## **Chapter 130 Section 3 Laws 2025**

SECTION 3. Section 5-15-9 NMSA 1978 (being Laws 2006, Chapter 75, Section 9, as amended) is amended to read:

"5-15-9. FORMATION OF A DISTRICT.--



A. If the formation of the tax increment development district is approved in accordance with the provisions of Section 5-15-8 NMSA 1978, the governing body shall deliver a copy of the resolution ordering formation of the tax increment development district to each of the following persons or entities:

- (1) the county assessor, the county treasurer and the clerk of the county in which the district is located;
- (2) the school district within which any portion of the property located within a tax increment development area lies;
- (3) any other taxing entities within which any portion of the property located within a tax increment development area lies;
- (4) the taxation and revenue department;
- (5) the local government division of the department of finance and administration; and
- (6) the director of the legislative finance committee.

B. A notice of the formation showing the number and date of the resolution and giving a description of the land included in the district shall be recorded with the clerk of the county in which the district is located.

C. A tax increment development district shall be a political subdivision of the state, separate and apart from a municipality or county.

D. By the July 1 following at least ninety days after receipt of the notice required by this section, the taxation and revenue department shall designate a reporting location code for the tax increment development district pursuant to Section 7-1-14 NMSA 1978."

## **Chapter 130 Section 4 Laws 2025**

SECTION 4. Section 5-15-15 NMSA 1978 (being Laws 2006, Chapter 75, Section 15, as amended by Laws 2019, Chapter 274, Section 8 and by Laws 2019, Chapter 275, Section 2) is amended to read:

"5-15-15. TAX INCREMENT FINANCING--GROSS RECEIPTS TAX INCREMENT TO SECURE BONDS.--

A. A tax increment development plan, as originally approved or as later modified, may contain a provision that gross receipts tax increments sourced to the tax increment development area pursuant to Section 7-1-14 NMSA 1978 and distributed to the district pursuant to Section 7-1-6.54 NMSA 1978 may be dedicated for the purpose

of securing gross receipts tax increment bonds pursuant to the Tax Increment for Development Act.

B. A municipality may dedicate a portion of any of the following to pay the principal of, the interest on and any premium due in connection with the bonds of, loans or advances to, or any indebtedness incurred by, whether funded, refunded, assumed or otherwise, the authority for financing or refinancing, in whole or in part, a tax increment development project within the tax increment development area:

(1) an increment of a municipal option gross receipts tax that is dedicated by the ordinance imposing the increment to the tax increment development project; and

(2) an amount distributed to municipalities pursuant to Sections 7-1-6.4 and 7-1-6.46 NMSA 1978.

C. A county may dedicate a portion of any of the following to pay the principal of, the interest on and any premium due in connection with the bonds of, loans or advances to, or any indebtedness incurred by, whether funded, refunded, assumed or otherwise, the district for financing or refinancing, in whole or in part, a tax increment development project within the tax increment development area:

(1) an increment of a county option gross receipts tax that is dedicated by the ordinance imposing the increment to the tax increment development project; and

(2) the amount distributed to counties pursuant to Section 7-1-6.47 NMSA 1978.

D. Subject to the provisions of Subsection G of this section, the state board of finance may dedicate a gross receipts tax increment attributable to the state gross receipts tax to pay the financing and refinancing costs, the principal of, the interest on and any premium due in connection with gross receipts tax increment bonds issued to finance a tax increment development project within the tax increment development area; provided that:

(1) beginning July 1, 2029 the increment from the state gross receipts tax is no more than the average of:

(a) the increment from municipal option gross receipts taxes dedicated by resolution by the municipality, if the district is located in a municipality; and

(b) the increment from county option gross receipts taxes dedicated by resolution by the county;

(2) the state board of finance has adopted a resolution dedicating an increment attributable to the state gross receipts tax for the purpose of securing gross receipts tax increment bonds pursuant to Subsection G of this section; and

(3) the dedication shall be conditioned on the gross receipts tax increment bonds being issued no later than four years after the state board of finance has adopted the resolution dedicating the increment.

E. The gross receipts tax increment generated by the imposition of municipal or county option gross receipts taxes specified by statute for particular purposes may nonetheless be dedicated for the purposes of the Tax Increment for Development Act if intent to do so is set forth in the tax increment development plan approved by the governing body, if the purpose for which the increment is intended to be used is consistent with the purposes set forth in the statute authorizing the municipal or county option gross receipts tax.

F. An imposition of a gross receipts tax increment attributable to a gross receipts tax by a taxing entity may be dedicated for the purpose of securing gross receipts tax increment bonds with the agreement of the taxing entity, evidenced by a resolution adopted by a majority vote of that taxing entity. A taxing entity shall not agree to dedicate for the purposes of securing gross receipts tax increment bonds more than seventy-five percent of its gross receipts tax increment attributable to gross receipts taxes by the taxing entity. A resolution of the taxing entity to dedicate a gross receipts tax increment or to increase the dedication of a gross receipts tax increment shall become effective only on July 1 of the calendar year pursuant to Subsection A of Section 5-15-3 NMSA 1978 and after base gross receipts taxes have been calculated.

G. The state board of finance shall condition a dedication of a gross receipts tax increment attributable to the state gross receipts tax on the approval required pursuant to Section 5-15-21 NMSA 1978, on calculation of base gross receipts taxes and that the initial gross receipts tax increment bonds issuance secured by a portion of the gross receipts tax increment attributable to the state gross receipts tax shall be issued no later than four years after the state board of finance has adopted the resolution making the dedication. Subject to the limitations provided in Subsection D of this section, the state board of finance shall not agree to dedicate more than seventy-five percent of the gross receipts tax increment attributable to the state gross receipts tax within the district. The resolution of the state board of finance shall become effective on July 1 of the calendar year pursuant to Subsection A of Section 5-15-3 NMSA 1978 following calculation of base gross receipts taxes and the notification period pursuant to Section 5-15-27 NMSA 1978 and shall find that:

(1) the state board of finance has reviewed the request for the use of the state gross receipts tax;

(2) based upon review by the state board of finance of the applicable tax increment development plan, the dedication by the state board of finance of a

portion of the gross receipts tax increment within the district for use in meeting the required goals of the tax increment plan is reasonable and in the best interest of the state; and

(3) based upon the review by the state board of finance, the use of the state gross receipts tax is likely to stimulate the creation of jobs, economic opportunities and general revenue for the state through the addition of new businesses to the state and the expansion of existing businesses within the state; provided that, when reviewing the applicable tax increment development plan to create jobs and economic opportunities, the state board of finance shall prioritize in its consideration net, new full-time economic base jobs that would not have occurred on a similar scale and time line but for the use of the state gross receipts tax increment. The benefit to be evaluated is the marginal benefit of the speed-up in time or the incremental change in job creation above expected normal growth and shall exclude retail jobs, call center jobs and service jobs where the customer is typically on site.

H. The governing body of the jurisdiction in which a tax increment development district has been established shall timely notify the assessor of the county in which the district has been established, the taxation and revenue department and the local government division of the department of finance and administration when:

- (1) a tax increment development plan has been approved that contains a provision for the allocation of a gross receipts tax increment;
- (2) any outstanding bonds of the district have been paid off; and
- (3) the purposes of the district have otherwise been achieved."

## **Chapter 130 Section 5 Laws 2025**

SECTION 5. Section 5-15-21 NMSA 1978 (being Laws 2006, Chapter 75, Section 21, as amended) is amended to read:

"5-15-21. APPROVAL REQUIRED FOR ISSUANCE OF BONDS AGAINST STATE GROSS RECEIPTS TAX INCREMENTS.--

A. In addition to all other requirements of the Tax Increment for Development Act, prior to a district board issuing bonds that are issued in whole or in part against a gross receipts tax increment attributable to the state gross receipts tax sourced to a district and before a distribution attributable to the state gross receipts tax is made pursuant to Section 7-1-6.54 NMSA 1978, the New Mexico finance authority shall review the proposed issuance of the bonds and determine that the proceeds of the bonds will be used for a tax increment development project in accordance with the district's tax increment development plan and present the proposed issuance of the bonds to the legislature for approval.

B. The issuance of the bonds and the maximum amount of bonds to be issued shall be specifically authorized by law."

## **Chapter 130 Section 6 Laws 2025**

SECTION 6. Section 5-15-25.1 NMSA 1978 (being Laws 2014, Chapter 11, Section 1) is amended to read:

"5-15-25.1. BASE PERIOD REVISION--RESOLUTION--COMMENT PERIOD--SUBMISSION OF MATERIALS.--

A. A district may revise the base period that the district uses to determine its gross receipts tax increment. To initiate the process of revising its base period, a district board shall:

- (1) adopt a resolution declaring that intent; and
- (2) forward copies of the adopted resolution to the secretary of taxation and revenue, the secretary of finance and administration, the developer and the local governments that have dedicated a tax increment to the district.

B. The taxation and revenue department, the department of finance and administration, the developer and the local governments that have dedicated a tax increment to the district may submit written comments to the district with copies sent to the state board of finance for fifteen days after receiving a copy of a district board's resolution indicating the board's intent to revise the base period used to determine the district's gross receipts tax increment.

C. No more than forty-five days after adopting the resolution declaring the intent to revise the base period that the district uses to determine its gross receipts tax increment, the district board shall submit to the state board of finance and send copies to the developer and any local government that has dedicated a tax increment to the district:

- (1) a copy of the resolution;
- (2) all comments on the matter that the district received from the taxation and revenue department, the department of finance and administration, the developer and the local governments that have dedicated a tax increment to the district; and
- (3) any other related documentation."

## **Chapter 130 Section 7 Laws 2025**

SECTION 7. Section 5-15-25.2 NMSA 1978 (being Laws 2014, Chapter 11, Section 2) is amended to read:

### **"5-15-25.2. BASE PERIOD REVISION--APPROVAL.--**

A. The state board of finance may approve the revision of the base period used to determine a district's gross receipts tax increment:

- (1) once during the lifetime of the district;
- (2) if no gross receipts tax increment bonds attributable to the district have been issued;
- (3) if there is no unresolved objection to the revision by the developer or by a local government that has dedicated a tax increment to the district; and
- (4) upon a finding that the revision is reasonable and in the best interest of the state.

B. If the state board of finance approves the revision of the base period used to determine a district's gross receipts tax increment, the state board of finance shall notify the district, the secretary of taxation and revenue, the developer and the local governments that have dedicated a tax increment to the district."

## **Chapter 130 Section 8 Laws 2025**

SECTION 8. Section 5-15-25.3 NMSA 1978 (being Laws 2014, Chapter 11, Section 3) is amended to read:

### **"5-15-25.3. BASE PERIOD REVISION--EFFECT.--**

A. Upon notice of the approval of a revision of the base period used to determine a district's gross receipts tax increment, the district shall:

- (1) return to the taxation and revenue department any gross receipts tax increment credited to the period between the time that the revenue collection began and the end of the revised base period and distributed to the district;
- (2) update the district tax increment development plan to reflect the revision; and
- (3) file with the clerk of the governing body that formed the district the revised tax increment development plan.

B. Upon receipt of the revenue identified in Paragraph (1) of Subsection A of this section, the taxation and revenue department shall remit to the taxing entities that have dedicated a gross receipts tax increment to the district an amount of that revenue in proportion to the amount of gross receipts tax increment attributable to their dedication."

## **Chapter 130 Section 9 Laws 2025**

SECTION 9. Section 5-15-27 NMSA 1978 (being Laws 2006, Chapter 75, Section 27, as amended) is amended to read:

"5-15-27. DEDICATION OF GROSS RECEIPTS TAX INCREMENT-- NOTICE TO TAXATION AND REVENUE DEPARTMENT.--

A. If the state board of finance or a taxing entity approves a dedication or increase in the dedication of a gross receipts tax increment to a district, the state board of finance or the taxing entity shall notify the taxation and revenue department of that approval at least one hundred twenty days before the date on which the taxation and revenue department is requested to designate a reporting location code pursuant to Section 7-1-14 NMSA 1978 for the district in order to calculate the district's base gross receipts taxes; provided that the effective date of the dedication by the state board of finance is on or after the date base gross receipts taxes have been calculated and the bonds are approved by the legislature pursuant to Section 5-15-21 NMSA 1978.

B. In regard to a dedication of a gross receipts tax increment attributable to the state gross receipts tax, if the approval required pursuant to Section 5-15-21 NMSA 1978 has not occurred when the notice pursuant to Subsection A of this section is made, the state board of finance shall include in the notice that legislative approval is needed prior to a distribution pursuant to Section 7-1-6.54 NMSA 1978 attributable to the state gross receipts tax can be made. Upon approval pursuant to Section 5-15-21 NMSA 1978, the state board of finance shall notify the department of the approval."

## **Chapter 130 Section 10 Laws 2025**

SECTION 10. Section 7-1-4.4 NMSA 1978 (being Laws 2005, Chapter 138, Section 1) is amended to read:

"7-1-4.4. NOTICE OF POTENTIAL ELIGIBILITY REQUIRED.--The department shall include a notice with an income tax refund or other notice sent to a taxpayer whose income is within one hundred thirty percent of federal poverty guidelines as defined by the United States census bureau that the taxpayer may be eligible for supplemental nutrition assistance program benefits. Included in the notice shall be general information about those benefits, such as where to apply for those benefits, based on information received by the department from the health care authority by January 30 of each calendar year."

## **Chapter 130 Section 11 Laws 2025**

SECTION 11. Section 7-1-6.2 NMSA 1978 (being Laws 1983, Chapter 211, Section 7, as amended) is amended to read:

"7-1-6.2. DISTRIBUTION--SMALL CITIES ASSISTANCE FUND.--Subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the small cities assistance fund in an amount equal to fifteen percent of the net receipts attributable to the compensating tax."

## **Chapter 130 Section 12 Laws 2025**

SECTION 12. Section 7-1-6.4 NMSA 1978 (being Laws 1983, Chapter 211, Section 9, as amended) is amended to read:

"7-1-6.4. DISTRIBUTION--MUNICIPALITY FROM GROSS RECEIPTS TAX.--

A. Except as provided in Subsection B of this section, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to each municipality in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the product of the quotient of one and two hundred twenty-five thousandths percent divided by the tax rate imposed by Section 7-9-4 NMSA 1978 multiplied by the net receipts, except net receipts attributable to a nonprofit hospital licensed by the health care authority, for the month attributable to the gross receipts tax from business locations:

- (1) within that municipality;
- (2) on land owned by the state, commonly known as the "state fairgrounds", within the exterior boundaries of that municipality;
- (3) outside the boundaries of any municipality on land owned by that municipality; and
- (4) on an Indian reservation or pueblo grant in an area that is contiguous to that municipality and in which the municipality performs services pursuant to a contract between the municipality and the Indian tribe or Indian pueblo if:
  - (a) the contract describes an area in which the municipality is required to perform services and requires the municipality to perform services that are substantially the same as the services the municipality performs for itself; and
  - (b) the governing body of the municipality has submitted a copy of the contract to the secretary.



B. 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.

C. As used in this section, "nonprofit hospital" means a hospital 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 Internal Revenue Code."

## **Chapter 130 Section 13 Laws 2025**

SECTION 13. Section 7-1-6.5 NMSA 1978 (being Laws 1983, Chapter 211, Section 10 and Laws 1983, Chapter 214, Section 6, as amended) is amended to read:

"7-1-6.5. DISTRIBUTION--SMALL COUNTIES ASSISTANCE FUND.--Subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the small counties assistance fund in an amount equal to ten percent of the net receipts attributable to the compensating tax."

## **Chapter 130 Section 14 Laws 2025**

SECTION 14. Section 7-1-6.9 NMSA 1978 (being Laws 1991, Chapter 9, Section 11, as amended) is amended to read:

"7-1-6.9. DISTRIBUTION OF GASOLINE TAXES TO MUNICIPALITIES AND COUNTIES.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to ten and thirty-eight hundredths percent of the net receipts attributable to the taxes, exclusive of penalties and interest, imposed by the Gasoline Tax Act.

B. The amount determined in Subsection A of this section shall be distributed as follows:

(1) ninety percent of the amount shall be paid to the treasurers of municipalities and H class counties in the proportion that the taxable motor fuel sales in each of the municipalities and H class counties bears to the aggregate taxable motor fuel sales in all of these municipalities and H class counties; and

(2) ten percent of the amount shall be paid to the treasurers of the counties, including H class counties, in the proportion that the taxable motor fuel sales outside of incorporated municipalities in each of the counties bears to the aggregate taxable motor fuel sales outside of incorporated municipalities in all of the counties.

C. Except as provided in Subsection D of this section, this distribution shall be paid into a separate road fund in the municipal treasury or county road fund for expenditure only for construction, reconstruction, resurfacing or other improvement or maintenance of public roads, streets, alleys or bridges, including right-of-way and materials acquisition. Money distributed pursuant to this section may be used by a municipality or county to provide matching funds for projects subject to cooperative agreements entered into with the department of transportation pursuant to Section 67-3-28 NMSA 1978. Any municipality or H class county that has created or that creates a "street improvement fund" to which gasoline tax revenues or distributions are irrevocably pledged under Sections 3-34-1 through 3-34-4 NMSA 1978 or that has pledged all or a portion of gasoline tax revenues or distributions to the payment of bonds shall receive its proportion of the distribution of revenues under this section impressed with and subject to these pledges.

D. This distribution may be paid into a separate road fund or the general fund of the municipality or county if the municipality has a population less than three thousand or the county has a population less than four thousand."

## **Chapter 130 Section 15 Laws 2025**

SECTION 15. Section 7-1-6.15 NMSA 1978 (being Laws 1983, Chapter 211, Section 20, as amended) is amended to read:

### **"7-1-6.15. ADJUSTMENTS OF DISTRIBUTIONS OR TRANSFERS.--**

A. The provisions of this section apply to:

(1) any distribution to a municipality pursuant to Section 7-1-6.2, 7-1-6.4, 7-1-6.36 or 7-1-6.46 NMSA 1978;

(2) any transfer to a municipality with respect to any local option gross receipts tax or municipal compensating tax imposed by that municipality;

(3) any transfer to a county with respect to any local option gross receipts tax or county compensating tax imposed by that county;

(4) any distribution to a county pursuant to Section 7-1-6.5, 7-1-6.16 or 7-1-6.47 NMSA 1978;

(5) any distribution to a municipality or a county of gasoline taxes pursuant to Section 7-1-6.9 NMSA 1978;

(6) any transfer to a county with respect to any tax imposed in accordance with the Local Liquor Excise Tax Act;

(7) any distribution to a county from the county government road fund pursuant to Section 7-1-6.26 NMSA 1978;

(8) any distribution to a municipality of gasoline taxes pursuant to Section 7-1-6.27 NMSA 1978;

(9) any distribution to the state treasurer on behalf of a political subdivision of oil and gas ad valorem production taxes pursuant to Sections 7-32-1 through 7-32-38 NMSA 1978;

(10) any distribution to a political subdivision of oil and gas production ad valorem equipment tax pursuant to Sections 7-34-1 through 7-34-9 NMSA 1978; and

(11) any distribution to a municipality or a county of cannabis excise taxes pursuant to Section 7-1-6.68 NMSA 1978.

B. Before making a distribution or transfer specified in Subsection A of this section for the month, amounts comprising the net receipts shall be segregated into two mutually exclusive categories. One category shall be for amounts relating to the current month, and the other category shall be for amounts relating to prior periods. The total of each category for a distribution recipient shall be reported each month to the recipient; provided that all negative amounts relating to a period prior to the three calendar years preceding the year of the current month, net of any positive amounts in that same time period for the same taxpayers to which the negative amounts pertain, shall be excluded from the total relating to prior periods; provided further, if the total of the amounts relating to prior periods is less than zero and its absolute value exceeds the greater of one hundred dollars (\$100) or an amount:

(1) equal to twenty percent of the average distribution or transfer amount for that recipient, the revised total for prior periods shall be excluded from the distribution or transfers and the net receipts to be distributed or transferred to the recipient shall be equal to the amount for the current month; and provided further that the department shall recover the excluded amount from the recipient; or

(2) less than twenty percent of the average distribution or transfer amount for that recipient, the net receipts to be distributed or transferred to the recipient shall be adjusted to equal the amount for the current month plus the revised total for prior periods.

C. The department shall recover from a distribution recipient the amount excluded by Paragraph (2) of Subsection B of this section. This amount may be referred to as the "recoverable amount".

D. Prior to or concurrently with the distribution or transfer to the distribution recipient of the adjusted net receipts, the department shall notify the recipient whose

distribution or transfer has been adjusted pursuant to Paragraph (2) of Subsection B of this section:

(1) that the department has made such an adjustment, that the department has determined that a specified amount is recoverable from the recipient and that the department intends to recover that amount from future distributions or transfers to the recipient;

(2) that the recipient has ninety days from the date notice is made to enter into a mutually agreeable repayment agreement with the department;

(3) that if the recipient takes no action within the ninety-day period, the department will recover the amount from the next six distributions or transfers following the expiration of the ninety days; and

(4) that the recipient may inspect, pursuant to Section 7-1-8.9 NMSA 1978, an application for a claim for refund that gave rise to the recoverable amount, exclusive of any amended returns that may be attached to the application.

E. No earlier than ninety days from the date notice pursuant to Subsection D of this section is given, the department shall begin recovering the recoverable amount from a distribution recipient as follows:

(1) the department may collect the recoverable amount by:

(a) decreasing distributions or transfers to the recipient in accordance with a repayment agreement entered into with the recipient; or

(b) except as provided in Paragraphs (2) and (3) of this subsection, if the recipient fails to act within the ninety days, decreasing the amount of the next six distributions or transfers to the recipient following expiration of the ninety-day period in increments as nearly equal as practicable and sufficient to recover the amount;

(2) if, pursuant to Subsection B of this section, the secretary determines that the recoverable amount is more than fifty percent of the average distribution or transfer of net receipts for that recipient, the secretary:

(a) shall recover only up to fifty percent of the average distribution or transfer of net receipts for that recipient; and

(b) may, in the secretary's discretion, waive recovery of any portion of the recoverable amount, subject to approval by the state board of finance; and

(3) if, after application of a refund claim, audit adjustment, correction of a mistake by the department or other adjustment of a prior period, but prior to any recovery of the department pursuant to this section, the total net receipts of a recipient for the twelve-month period beginning with the current month are reduced or are projected to be reduced to less than fifty percent of the average distribution or transfer of net receipts, the secretary may waive recovery of any portion of the recoverable amount, subject to approval by the state board of finance.

F. No later than ninety days from the date notice pursuant to Subsection D of this section is given, the department shall provide the distribution recipient adequate opportunity to review an application for a claim for refund that gave rise to the recoverable amount, exclusive of any amended returns that may be attached to the application, pursuant to Section 7-1-8.9 NMSA 1978.

G. On or before September 1 of each year beginning in 2016, the secretary shall report to the state board of finance and the legislative finance committee the total recoverable amount waived pursuant to Subparagraph (b) of Paragraph (2) and Paragraph (3) of Subsection E of this section for each distribution recipient in the prior fiscal year.

H. The secretary is authorized to decrease a distribution or transfer to a distribution recipient upon being directed to do so by the secretary of finance and administration pursuant to the State Aid Intercept Act or to redirect a distribution or transfer to the New Mexico finance authority pursuant to an ordinance or a resolution passed by the recipient and a written agreement of the recipient and the New Mexico finance authority. Upon direction to decrease a distribution or transfer or notice to redirect a distribution or transfer to a recipient, the secretary shall decrease or redirect the next designated distribution or transfer, and succeeding distributions or transfers as necessary, by the amount of the state distributions intercept authorized by the secretary of finance and administration pursuant to the State Aid Intercept Act or by the amount of the state distribution intercept authorized pursuant to an ordinance or a resolution passed by the recipient and a written agreement with the New Mexico finance authority. The secretary shall transfer the state distributions intercept amount to the recipient treasurer or other person designated by the secretary of finance and administration or to the New Mexico finance authority pursuant to written agreement to pay the debt service to avoid default on qualified local revenue bonds or meet other local revenue bond, loan or other debt obligations of the recipient to the New Mexico finance authority. A decrease to or redirection of a distribution or transfer pursuant to this subsection that arose:

(1) prior to an adjustment of a distribution or transfer of net receipts creating a recoverable amount owed to the department takes precedence over any collection of any recoverable amount pursuant to Paragraph (2) of Subsection B of this section, which may be made only from the net amount of the distribution or transfer remaining after application of the decrease or redirection pursuant to this subsection; and

(2) after an adjustment of a distribution or transfer of net receipts creating a recoverable amount owed to the department shall be subordinate to any collection of any recoverable amount pursuant to Paragraph (2) of Subsection B of this section.

I. Upon the direction of the secretary of finance and administration pursuant to Section 9-6-5.2 NMSA 1978, the secretary shall temporarily withhold the balance of a distribution to a distribution recipient, net of any decrease or redirected amount pursuant to Subsection H of this section and any recoverable amount pursuant to Paragraph (2) of Subsection B of this section, that has failed to submit an audit report required by the Audit Act or a financial report required by Subsection F of Section 6-6-2 NMSA 1978. The amount to be withheld, the source of the withheld distribution and the number of months that the distribution is to be withheld shall be as directed by the secretary of finance and administration. A distribution withheld pursuant to this subsection shall remain in the tax administration suspense fund until distributed to the distribution recipient and shall not be distributed to the general fund. An amount withheld pursuant to this subsection shall be distributed to the recipient upon direction of the secretary of finance and administration.

J. As used in this section:

(1) "amounts relating to the current month" means any amounts included in the net receipts of the current month that represent payment of tax due for the current month, correction of amounts processed in the current month that relate to the current month or that otherwise relate to obligations due for the current month;

(2) "amounts relating to prior periods" means any amounts processed during the current month that adjust amounts processed in a period or periods prior to the current month regardless of whether the adjustment is a correction of a department error or due to the filing of amended returns, payment of department-issued assessments, filing or approval of claims for refund, audit adjustments or other cause;

(3) "average distribution or transfer amount" means the following amounts; provided that a distribution or transfer that is negative shall not be used in calculating the amounts:

(a) the annual average of the total amount distributed or transferred to a distribution recipient in each of the three twelve-month periods preceding the current month;

(b) if a distribution or transfer to a recipient has been made for less than three years, the total amount distributed or transferred in the year preceding the current month; or

(c) if a recipient has not received distributions or transfers of net receipts for twelve or more months, the monthly average of net receipts distributed or transferred to the recipient preceding the current month multiplied by twelve;

(4) "current month" means the month for which the distribution or transfer is being prepared; and

(5) "repayment agreement" means an agreement between the department and a distribution recipient under which the recipient agrees to allow the department to recover an amount determined pursuant to Paragraph (2) of Subsection B of this section by decreasing distributions or transfers to the recipient for up to seventy-two months beginning with the distribution or transfer to be made with respect to a designated month. No interest shall be charged."

## **Chapter 130 Section 16 Laws 2025**

SECTION 16. Section 7-1-6.16 NMSA 1978 (being Laws 1983, Chapter 213, Section 27, as amended) is amended to read:

### **"7-1-6.16. COUNTY EQUALIZATION DISTRIBUTION.--**

A. On September 15 of each year, the department shall distribute to any county that has imposed or continued in effect during the state's preceding fiscal year a county gross receipts tax pursuant to Section 7-20E-9 NMSA 1978 an amount equal to:

(1) the product of a fraction, the numerator of which is the county's population and the denominator of which is the state's population, multiplied by the annual sum for the county; less

(2) the net receipts received by the department during the report year, including any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, attributable to the county gross receipts tax at a rate of one-eighth percent; provided that for any month in the report year, if no county gross receipts tax was in effect in the county in the previous month, the net receipts, for the purposes of this section, for that county for that month shall be zero.

B. If the amount determined by the calculation in Subsection A of this section is zero or a negative number for a county, no distribution shall be made to that county.

C. As used in this section:

(1) "annual sum" means for each county the sum of the monthly amounts for those months in the report year that follow a month in which the county had in effect a county gross receipts tax;

(2) "monthly amount" means an amount equal to the product of:

(a) the net receipts received by the department in the month attributable to the state gross receipts tax plus five percent of the total amount of deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the month plus five percent of the total amount of deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month; and

(b) a fraction, the numerator of which is one-eighth percent and the denominator of which is the tax rate imposed by Section 7-9-4 NMSA 1978 in effect on the last day of the previous month;

(3) "population" means the most recent official census or estimate determined by the United States census bureau for the unit or, if neither is available, the most current estimated population for the unit provided in writing by the bureau of business and economic research at the university of New Mexico; and

(4) "report year" means the twelve-month period ending on the July 31 immediately preceding the date upon which a distribution pursuant to this section is required to be made."

## **Chapter 130 Section 17 Laws 2025**

SECTION 17. Section 7-1-6.18 NMSA 1978 (being Laws 1987, Chapter 257, Section 1, as amended) is amended to read:

"7-1-6.18. DISTRIBUTION--VOLUNTARY TAX REFUND CONTRIBUTIONS.--A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to each of the following funds and entities in amounts equal to the money contributed to each purpose pursuant to Subsection C of Section 7-2-24 NMSA 1978:

- A. to the department of game and fish for the game protection fund;
- B. to the energy, minerals and natural resources department for the conservation planting revolving fund for the planting of trees in New Mexico;
- C. to the board of regents of New Mexico state university for support of the New Mexico department of agriculture's healthy soil program;
- D. to the veterans' services department for the veterans' state cemetery fund after the city of Santa Fe has received the balance of tax refund contributions in the amount of one million seventy thousand dollars (\$1,070,000);
- E. to the public education department for the substance abuse education fund;
- F. to the board of regents of the university of New Mexico for the amyotrophic lateral sclerosis research fund;



G. to the energy, minerals and natural resources department for the state parks division's kids in parks education program;

H. to the department of military affairs to deposit in a temporary suspense account for distribution to members of the New Mexico national guard and to their families;

I. to the veterans' services department for the operation, maintenance and improvement of the Vietnam veterans memorial near Angel Fire, New Mexico;

J. to the veterans' services department for the veterans' enterprise fund;

K. to the higher education department for the lottery tuition fund;

L. to the New Mexico livestock board for the equine shelter rescue fund;

M. to the aging and long-term services department to enhance or expand senior services;

N. to the board of veterinary medicine for the animal care and facility fund;

O. to the New Mexico mortgage finance authority for the New Mexico housing trust fund; and

P. to the state treasurer to remit within ten days of receipt of the money from the department to each state political party."

## **Chapter 130 Section 18 Laws 2025**

SECTION 18. Section 7-1-6.26 NMSA 1978 (being Laws 1987, Chapter 347, Section 11, as amended) is amended to read:

### **"7-1-6.26. COUNTY GOVERNMENT ROAD FUND--DISTRIBUTION.--**

A. For the purposes of this section, "distributable amount" means the amount in the county government road fund as of the last day of any month for which a distribution is required to be made pursuant to this section, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, in excess of the balance in that fund as of the last day of the preceding month after reduction for any required distributions for the preceding month.

B. The secretary of transportation shall determine and certify on or before July 1 of each year the total miles of public roads maintained by each county pursuant to Section 66-6-23 NMSA 1978. For the purposes of this subsection, if the certified mileage of public roads maintained by a county is less than four hundred miles, the state treasurer shall increase the number of miles of public roads maintained by that

county by fifty percent and revise the total miles of public roads maintained by all counties accordingly. Except as provided otherwise in Subsection D of this section, each county shall receive an amount equal to its proportionate share of miles of public roads maintained, as the number of miles for the county may have been revised pursuant to this subsection, to the total miles of public roads maintained by all counties, as that total may have been revised pursuant to this subsection, times fifty percent of the distributable amount in the county government road fund.

C. Except as provided otherwise in Subsection D of this section, each county shall receive a share of fifty percent of the distributable amount in the county government road fund as determined in this subsection. The amount for each county shall be the greater of:

(1) twenty-one cents (\$.21) multiplied by the county's population as shown by the most recent federal decennial census; or

(2) the proportionate share that the taxable gallons of gasoline reported for that county for the preceding fiscal year bear to the total taxable gallons of gasoline for all counties in the preceding fiscal year, as determined by the department, multiplied by fifty percent of the distributable amount in the county government road fund.

If the sum of the amounts to be distributed pursuant to Paragraphs (1) and (2) of this subsection exceeds fifty percent of the distributable amount in the county government road fund, the excess shall be eliminated by multiplying the amount determined in Paragraphs (1) and (2) of this subsection for each county by a fraction, the numerator of which is fifty percent of the distributable amount in the county government road fund, and the denominator of which is the sum of amounts determined for all counties in Paragraphs (1) and (2) of this subsection.

D. If the distribution for a class A county or for an H class county determined pursuant to Subsections B and C of this section exceeds an amount equal to one-twelfth of the product of the total taxable gallons of gasoline reported for the county for the preceding fiscal year times one cent (\$.01), the distribution for that county shall be reduced to an amount equal to one-twelfth of the product of the total taxable gallons of gasoline reported for the county for the preceding fiscal year times one cent (\$.01). Any amount of the reduction shall be shared among the counties whose distribution has not been reduced pursuant to this subsection in the ratio of the amounts computed in Subsections B and C of this section.

E. If a county has not made the required mileage certification pursuant to Section 67-3-28.3 NMSA 1978 by April 1 of every year of the year for which distribution is being made, the secretary of transportation shall estimate the mileage maintained by those counties for the purpose of making distribution to all counties, and the amount calculated to be distributed each month to those counties not certifying mileage shall be reduced by one-third each month for that fiscal year and that amount not distributed to those counties shall be distributed equally to all counties that have certified mileages.

F. Distributions made to counties pursuant to this section shall be deposited in the county road fund to be used for the construction, reconstruction, resurfacing or other improvement or maintenance of the public roads and bridges in the county, including right-of-way and materials acquisition. Money distributed pursuant to this section may be used by the county to provide matching funds for projects subject to cooperative agreements entered into with the department of transportation pursuant to Section 67-3-28 NMSA 1978."

## **Chapter 130 Section 19 Laws 2025**

SECTION 19. Section 7-1-6.27 NMSA 1978 (being Laws 1991, Chapter 9, Section 20, as amended) is amended to read:

### **"7-1-6.27. DISTRIBUTION--MUNICIPAL ROADS.--**

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to municipalities for the purposes and amounts specified in this section in an aggregate amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to five and seventy-six hundredths percent of the net receipts attributable to the gasoline tax.

B. The distribution authorized in this section shall be used for the following purposes:

(1) reconstructing, resurfacing, maintaining, repairing or otherwise improving existing alleys, streets, roads or bridges, or any combination of the foregoing; or laying off, opening, constructing or otherwise acquiring new alleys, streets, roads or bridges, or any combination of the foregoing; provided that any of the foregoing improvements may include, but are not limited to, the acquisition of rights of way;

(2) to provide matching funds for projects subject to cooperative agreements with the department of transportation pursuant to Section 67-3-28 NMSA 1978; and

(3) for expenses of purchasing, maintaining and operating transit operations and facilities, for the operation of a transit authority established by the Municipal Transit Law and for the operation of a vehicle emission inspection program. A municipality may engage in the business of the transportation of passengers and property within the political subdivision by whatever means the municipality may decide and may acquire cars, trucks, motor buses and other equipment necessary for operating the business. A municipality may acquire land, erect buildings and equip the buildings with all the necessary machinery and facilities for the operation, maintenance, modification, repair and storage of the cars, trucks, motor buses and other equipment needed. A municipality may do all things necessary for the acquisition and the conduct of the business of public transportation.

C. For the purposes of this section:

(1) "computed distribution amount" means the distribution amount calculated for a municipality for a month pursuant to Paragraph (2) of Subsection D of this section prior to any adjustments to the amount due to the provisions of Subsections E and F of this section;

(2) "floor amount" means four hundred seventeen dollars (\$417);

(3) "floor municipality" means a municipality whose computed distribution amount is less than the floor amount; and

(4) "full distribution municipality" means a municipality whose population at the last federal decennial census was at least two hundred thousand.

D. Subject to the provisions of Subsections E and F of this section, each municipality shall be distributed a portion of the aggregate amount distributable under this section in an amount equal to the greater of:

(1) the floor amount; or

(2) eighty-five percent of the aggregate amount distributable under this section times a fraction, the numerator of which is the municipality's reported taxable gallons of gasoline for the immediately preceding state fiscal year and the denominator of which is the reported total taxable gallons for all municipalities for the same period.

E. Fifteen percent of the aggregate amount distributable under this section shall be referred to as the "redistribution amount". Beginning in August 1990, and each month thereafter, from the redistribution amount there shall be taken an amount sufficient to increase the computed distribution amount of every floor municipality to the floor amount. In the event that the redistribution amount is insufficient for this purpose, the computed distribution amount for each floor municipality shall be increased by an amount equal to the redistribution amount times a fraction, the numerator of which is the difference between the floor amount and the municipality's computed distribution amount and the denominator of which is the difference between the product of the floor amount multiplied by the number of floor municipalities and the total of the computed distribution amounts for all floor municipalities.

F. If a balance remains after the redistribution amount has been reduced pursuant to Subsection E of this section, there shall be added to the computed distribution amount of each municipality that is neither a full distribution municipality nor a floor municipality an amount that equals the balance of the redistribution amount times a fraction, the numerator of which is the computed distribution amount of the municipality and the denominator of which is the sum of the computed distribution amounts of all municipalities that are neither full distribution municipalities nor floor municipalities."

## **Chapter 130 Section 20 Laws 2025**

SECTION 20. Section 7-1-6.30 NMSA 1978 (being Laws 1990, Chapter 6, Section 20, as amended) is amended to read:

"7-1-6.30. DISTRIBUTION--RETIREE HEALTH CARE FUND.--A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the retiree health care fund in an amount equal to one-twelfth of one hundred twelve percent of the total amount distributed to the retiree health care fund in the previous fiscal year."

## **Chapter 130 Section 21 Laws 2025**

SECTION 21. 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, 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:

- percent; (1) on or after July 1, 2025 and prior to July 1, 2026, twenty-eight
- percent; (2) on or after July 1, 2026 and prior to July 1, 2027, twenty-one
- (3) on or after July 1, 2027 and prior to July 1, 2028, fourteen percent;
- (4) on or after July 1, 2028 and prior to July 1, 2029, seven percent;
- and
- (5) 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 Laws 2022, Chapter 47 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) sourced to the municipality pursuant to Section 7-1-14 NMSA 1978; and
  - (b) sourced to land owned by the state, commonly known as the "state fairgrounds", within the exterior boundaries of the municipality;
- (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 sourced 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 130 Section 22 Laws 2025**

SECTION 22. 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:

- percent;
- (1) on or after July 1, 2025 and prior to July 1, 2026, twenty-eight percent;
- (2) on or after July 1, 2026 and prior to July 1, 2027, twenty-one percent;
- (3) on or after July 1, 2027 and prior to July 1, 2028, fourteen percent;
- (4) on or after July 1, 2028 and prior to July 1, 2029, seven percent;
- and
- (5) 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 Laws 2022, Chapter 47 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 sourced to a municipality in the county pursuant to Section 7-1-14 NMSA 1978 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 sourced to the county but not sourced to a municipality pursuant to Section 7-1-14 NMSA 1978 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 sourced to a municipality pursuant to Section 7-1-14 NMSA 1978; 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 sourced to a municipality in the county pursuant to Section 7-1-14 NMSA 1978 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 sourced to the county but not sourced to a municipality pursuant to Section 7-1-14 NMSA 1978 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 sourced to a municipality pursuant to Section 7-1-14 NMSA 1978."

## **Chapter 130 Section 23 Laws 2025**

SECTION 23. Section 7-1-6.58 NMSA 1978 (being Laws 2007 (1st S.S.), Chapter 2, Section 8) is amended to read:

"7-1-6.58. DISTRIBUTION--PUBLIC ELECTION FUND.--A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the public election fund from the amount deposited pursuant to the provisions of Section 7-8A-13 NMSA 1978 in the amount of one hundred thousand dollars (\$100,000) per month."

## **Chapter 130 Section 24 Laws 2025**

SECTION 24. Section 7-1-6.68 NMSA 1978 (being Laws 2021 (1st S.S.), Chapter 4, Section 50, as amended) is amended to read:

"7-1-6.68. DISTRIBUTION--CANNABIS EXCISE TAX--MUNICIPALITIES AND COUNTIES.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to each municipality, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, in an amount equal to thirty-three and thirty-three hundredths percent of the net receipts attributable to the cannabis excise tax from business locations sourced to the municipality as reported pursuant to Section 7-42-4 NMSA 1978.

B. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to each county in an amount equal to thirty-three and thirty-three hundredths percent of the net receipts attributable to the cannabis excise tax from business locations sourced to the county area of the county as reported pursuant to Section 7-42-4 NMSA 1978.

C. The department may deduct an amount not to exceed three percent of the distributions made pursuant to this section for the reasonable costs for administering the distributions.

D. As used in this section, "county area" means that portion of a county located outside the boundaries of any municipality."

## **Chapter 130 Section 25 Laws 2025**

SECTION 25. Section 7-1-8.9 NMSA 1978 (being Laws 2009, Chapter 243, Section 11, as amended by Laws 2015, Chapter 89, Section 2 and by Laws 2015, Chapter 100, Section 2) is amended to read:

"7-1-8.9. INFORMATION THAT MAY BE REVEALED TO LOCAL GOVERNMENTS AND THEIR AGENCIES.--

A. An employee of the department may reveal to:

(1) the officials or employees of a municipality of this state authorized in a written request by the municipality for a period specified in the request within the twelve months preceding the request; provided that the municipality receiving the information has entered into a written agreement with the department that the information shall be used for tax purposes only and specifying that the municipality is subject to the confidentiality provisions of Section 7-1-8 NMSA 1978 and the penalty provisions of Section 7-1-76 NMSA 1978:

(a) the names, last four digits of the taxpayer identification numbers and addresses of registered gross receipts taxpayers reporting gross receipts for that municipality under the Gross Receipts and Compensating Tax Act or a local option gross receipts tax imposed by that municipality. The department may also reveal the information described in this subparagraph quarterly or upon such other periodic basis as the secretary and the municipality may agree in writing;

(b) a range of taxable gross receipts of registered gross receipts paid by taxpayers from business locations sourced pursuant to Section 7-1-14 NMSA 1978 to that municipality; provided that authorization from the federal internal revenue service to reveal such information has been received. The department may also reveal the information described in this subparagraph quarterly or upon such other periodic basis as the secretary and the municipality may agree in writing; and

(c) information indicating whether persons shown on a list of businesses sourced pursuant to Section 7-1-14 NMSA 1978 to that municipality furnished by the municipality have reported gross receipts to the department but have not reported gross receipts for that municipality under the Gross Receipts and Compensating Tax Act or a local option gross receipts tax imposed by that municipality;

(2) the officials or employees of a county of this state authorized in a written request by the county for a period specified in the request within the twelve months preceding the request; provided that the county receiving the information has entered into a written agreement with the department that the information shall be used for tax purposes only and specifying that the county is subject to the confidentiality provisions of Section 7-1-8 NMSA 1978 and the penalty provisions of Section 7-1-76 NMSA 1978:

(a) the names, last four digits of the taxpayer identification numbers and addresses of registered gross receipts taxpayers reporting gross receipts either for that county in the case of a local option gross receipts tax imposed on a countywide basis or only for the areas of that county outside of any incorporated municipalities within that county in the case of a county local option gross receipts tax imposed only in areas of the county outside of any incorporated municipalities. The department may also reveal the information described in this subparagraph quarterly or upon such other periodic basis as the secretary and the county may agree in writing;

(b) a range of taxable gross receipts of registered gross receipts paid by taxpayers from business locations sourced pursuant to Section 7-1-14 NMSA 1978 either to that county in the case of a local option gross receipts tax imposed on a countywide basis or only to the areas of that county outside of any incorporated municipalities within that county in the case of a county local option gross receipts tax imposed only in areas of the county outside of any incorporated municipalities; provided that authorization from the federal internal revenue service to reveal such information has been received. The department may also reveal the information described in this subparagraph quarterly or upon such other periodic basis as the secretary and the county may agree in writing;

(c) in the case of a local option gross receipts tax imposed by a county on a countywide basis, information indicating whether persons shown on a list of businesses located within the county furnished by the county have reported gross receipts to the department but have not reported gross receipts for that county under the Gross Receipts and Compensating Tax Act or a local option gross receipts tax imposed by that county on a countywide basis; and

(d) in the case of a local option gross receipts tax imposed by a county only on persons engaging in business sourced pursuant to Section 7-1-14 NMSA 1978 to that area of the county outside of incorporated municipalities, information indicating whether persons on a list of businesses located in that county outside of the incorporated municipalities but within that county furnished by the county have reported

gross receipts to the department but have not reported gross receipts for that county outside of the incorporated municipalities within that county under the Gross Receipts and Compensating Tax Act or a local option gross receipts tax imposed by the county only on persons engaging in business sourced to that county outside of the incorporated municipalities; and

(3) officials or employees of a municipality or county of this state, authorized in a written request of the municipality or county, for purposes of inspection, the records of the department pertaining to an increase or decrease to a distribution or transfer made pursuant to Section 7-1-6.15 NMSA 1978 for the purpose of reviewing the basis for the increase or decrease; provided that the municipality or county receiving the information has entered into a written agreement with the department that the information shall be used for tax purposes only and specifying that the municipality or county is subject to the confidentiality provisions of Section 7-1-8 NMSA 1978 and the penalty provisions of Section 7-1-76 NMSA 1978. The authorized officials or employees may only reveal the information provided in this paragraph to another authorized official or employee, to an employee of the department, or a district court, an appellate court or a federal court in a proceeding relating to a disputed distribution and in which both the state and the municipality or county are parties.

B. The department shall require that a municipal or county official or employee satisfactorily complete appropriate training on protecting confidential information prior to receiving the information pursuant to Subsection A of this section."

## **Chapter 130 Section 26 Laws 2025**

SECTION 26. Section 7-1-13.1 NMSA 1978 (being Laws 1988, Chapter 99, Section 3, as amended) is amended to read:

### **"7-1-13.1. METHOD OF PAYMENT OF CERTAIN TAXES DUE.--**

A. Payment of the taxes, including any applicable penalties and interest, described in Paragraph (1), (2), (3) or (4) of this subsection shall be made on or before the date due in accordance with Subsection B of this section if the taxpayer's average tax payment for the group of taxes during the preceding calendar year equaled or exceeded twenty-five thousand dollars (\$25,000):

(1) Group 1: all taxes due under the Withholding Tax Act, the Gross Receipts and Compensating Tax Act, local option gross receipts tax acts, the Interstate Telecommunications Gross Receipts Tax Act and the Leased Vehicle Gross Receipts Tax Act;

(2) Group 2: all taxes due under the Oil and Gas Severance Tax Act, the Oil and Gas Conservation Tax Act, the Oil and Gas Emergency School Tax Act and the Oil and Gas Ad Valorem Production Tax Act;

(3) Group 3: the tax due under the Natural Gas Processors Tax Act; or

(4) Group 4: all taxes and fees due under the Gasoline Tax Act, the Special Fuels Supplier Tax Act and the Petroleum Products Loading Fee Act.

B. Taxpayers who are required to make payment in accordance with the provisions of this section shall make payment by electronic payment; provided that a result of the payment is that funds are immediately available to the state of New Mexico on or before the due date.

C. If the taxes required to be paid under this section are not paid in accordance with Subsection B of this section, the payment is not timely and is subject to the provisions of Sections 7-1-67 and 7-1-69 NMSA 1978.

D. For the purposes of this section, "average tax payment" means the total amount of taxes paid with respect to a group of taxes listed under Subsection A of this section during a calendar year divided by the number of months in that calendar year containing a due date on which the taxpayer was required to pay one or more taxes in the group."

## **Chapter 130 Section 27 Laws 2025**

SECTION 27. Section 7-1-15 NMSA 1978 (being Laws 1969, Chapter 31, Section 1, as amended) is amended to read:

"7-1-15. SECRETARY MAY SET TAX REPORTING AND PAYMENT INTERVALS.--The secretary may, pursuant to rule, allow taxpayers with an anticipated tax liability of less than five hundred dollars (\$500) a month to report and pay taxes at intervals which the secretary may specify. However, unless specifically permitted by law, an interval shall not exceed one year."

## **Chapter 130 Section 28 Laws 2025**

SECTION 28. Section 7-1-20 NMSA 1978 (being Laws 1965, Chapter 248, Section 22, as amended) is amended to read:

"7-1-20. COMPROMISE OF TAXES--CLOSING AGREEMENTS.--

A. At any time after the assessment of any tax or the denial of a refund or credit, if the secretary in good faith is in doubt of the correctness of the denial or liability for the payment of an assessment, the secretary may compromise the asserted liability for taxes or the denial by entering with the taxpayer into a written agreement that adequately protects the interests of the state.

B. The agreement provided for in this section is to be known as a "closing agreement". If entered into after any court acquires jurisdiction of the matter, the agreement shall be part of a stipulated order or judgment disposing of the case.

C. As a condition for entering into a closing agreement, the secretary may require the taxpayer to furnish security for payment of any taxes due according to the terms of the agreement.

D. A closing agreement is conclusive as to liability or nonliability for payment of assessed taxes or the denial of a refund or credit relating to the periods referred to in the agreement, and except upon a showing of fraud or malfeasance, or misrepresentation or concealment of a material fact:

(1) the agreement shall not be modified by any officer, employee or agent of the state; and

(2) in any suit, action or proceeding, the agreement or any determination, assessment, collection, payment, abatement, refund or credit made in accordance therewith shall not be annulled, modified, set aside or disregarded."

## **Chapter 130 Section 29 Laws 2025**

SECTION 29. Section 7-1-26 NMSA 1978 (being Laws 1965, Chapter 248, Section 28, as amended) is amended to read:

### **"7-1-26. DISPUTING LIABILITIES--CLAIM FOR REBATE OR REFUND.--**

A. A person who believes that an amount of tax has been paid by or withheld from that person in excess of that for which the person was liable, who has been denied a rebate claimed or who claims a prior right to property in the possession of the department pursuant to a levy made pursuant to the authority of Sections 7-1-31 through 7-1-34 NMSA 1978 may claim a refund by directing to the secretary, within the time limitations provided by Subsections F and G of this section, a written claim for refund that, except as provided in Subsection K of this section, includes:

(1) the taxpayer's name, address and identification number;

(2) the type of tax for which a refund is being claimed, the rebate denied or the property levied upon;

(3) the sum of money or other property being claimed;

(4) with respect to a refund, the period for which overpayment was made;

(5) a brief statement of the facts and the law on which the claim is based, which may be referred to as the "basis for the refund", which may include documentation that substantiates the written claim and supports the taxpayer's basis for the refund; and

(6) if applicable, a copy of an amended return for each tax period for which the refund is claimed.

B. A claim for refund that meets the requirements of Subsection A of this section and that is filed within the time limitations provided by Subsections F and G of this section is deemed to be properly before the department for consideration, regardless of whether the department requests additional documentation after receipt of the claim for refund.

C. If the department requests additional relevant documentation from a taxpayer who has submitted a claim for refund, the claim for refund shall not be considered incomplete provided the taxpayer submits sufficient information for the department to make a determination.

D. The secretary or the secretary's delegate may allow the claim in whole or in part or may deny the claim. If the:

(1) claim is denied in whole or in part in writing, the person shall not refile the denied claim, but the person, within ninety days after either the mailing or delivery of the denial of all or any part of the claim, may elect to pursue only one of the remedies provided in Subsection E of this section; and

(2) department has neither granted nor denied any portion of a complete claim for refund within one hundred eighty days after the claim was mailed or otherwise delivered to the department, the person may elect to treat the claim as denied and elect to pursue only one of the remedies provided in Subsection E of this section.

E. A person may elect to pursue only one of the remedies provided in this subsection. A person who timely pursues more than one remedy is deemed to have elected the first. The person may:

(1) direct to the secretary, pursuant to the provisions of Section 7-1-24 NMSA 1978, a written protest that sets forth:

(a) the circumstances of: 1) an alleged overpayment; 2) a denied rebate; or 3) a denial of a prior right to property levied upon by the department;

(b) an allegation that, because of that overpayment or denial, the state is indebted to the taxpayer for a specified amount, including any allowed interest, or for the property;

(c) a demand for the refund to the taxpayer of that amount or that property; and

(d) a recitation of the facts of the claim for refund; or

(2) commence a civil action in the district court for Santa Fe county by filing a complaint setting forth the circumstance of the claimed overpayment, denied rebate or denial of a prior right to property levied upon by the department alleging that on account thereof the state is indebted to the plaintiff in the amount or property stated, together with any interest allowable, demanding the refund to the plaintiff of that amount or property and reciting the facts of the claim for refund. The plaintiff or the secretary may appeal from any final decision or order of the district court to the court of appeals.

F. Except as otherwise provided in Subsection G of this section, a refund of any amount of overpaid tax, penalty or interest may be allowed or made to a person if a claim is properly filed:

(1) only within three years after the end of the calendar year in which the applicable event occurs:

(a) in the case of tax paid with an original or amended state return, the date the related tax was originally due;

(b) in the case of tax paid in response to an assessment by the department pursuant to Section 7-1-17 NMSA 1978, the date the tax was paid;

(c) in the case of tax with respect to which a net-negative federal adjustment, as that term is used in Section 7-1-13 NMSA 1978, relates, the final determination date of that federal adjustment, as provided in Section 7-1-13 NMSA 1978;

(d) the final determination of value occurs with respect to any overpayment that resulted from a disapproval by any agency of the United States or the state of New Mexico or any court of increase in value of a product subject to taxation pursuant to the Oil and Gas Severance Tax Act, the Oil and Gas Conservation Tax Act, the Oil and Gas Emergency School Tax Act, the Oil and Gas Ad Valorem Production Tax Act or the Natural Gas Processors Tax Act; or

(e) in the case of a claim related to property taken by levy, the date the property was levied upon as provided in the Tax Administration Act;

(2) in the case of a taxpayer under audit by the department who has signed a waiver of the limitation on assessments pursuant to Subsection F of Section 7-1-18 NMSA 1978, only for a refund of the same tax paid for the same period for which the waiver was given, and only until a date one year after the later of the date of the mailing of an assessment issued pursuant to the audit, the date of the mailing of final



audit findings to the taxpayer or the date a proceeding is begun in court by the department with respect to the same tax and the same period;

(3) in the case of a payment of an amount of tax not made within three years of the end of the calendar year in which the original due date of the tax or date of the assessment of the department occurred, only for a claim for refund of that amount of tax and only within one year of the date on which the tax was paid; or

(4) in the case of a taxpayer who has been assessed a tax pursuant to Subsection B, C or D of Section 7-1-18 NMSA 1978 and an assessment that applies to a period ending at least three years prior to the beginning of the year in which the assessment was made, only for a refund for the same tax for the period of the assessment or for any period following that period within one year of the date of the assessment unless a longer period for claiming a refund is provided in this section.

G. No refund shall be allowed or made to a person claiming a refund of gasoline tax pursuant to Section 7-13-11 NMSA 1978 unless notice of the destruction of the gasoline was given to the department within thirty days of the actual destruction and the claim for refund is made within six months of the date of destruction. No refund shall be allowed or made to a person claiming a refund of gasoline tax pursuant to Section 7-13-17 NMSA 1978 unless the refund is claimed within six months of the date of purchase of the gasoline and the gasoline has been used at the time the claim for refund is made.

H. If, as a result of an audit by the department or a managed audit covering multiple periods, an overpayment of tax is found in any period under the audit and if the taxpayer files a claim for refund for the overpayments identified in the audit, that overpayment may be credited against an underpayment of the same tax found in another period under audit pursuant to Section 7-1-29 NMSA 1978.

I. A refund of tax paid under any tax or tax act administered pursuant to Subsection B of Section 7-1-2 NMSA 1978 may be made, at the discretion of the department, in the form of credit against future tax payments if future tax liabilities in an amount at least equal to the credit amount reasonably may be expected to become due.

J. For the purposes of this section, "oil and gas tax return" means a return reporting tax due with respect to oil, natural gas, liquid hydrocarbons, carbon dioxide, helium or nonhydrocarbon gas pursuant to the Oil and Gas Severance Tax Act, the Oil and Gas Conservation Tax Act, the Oil and Gas Emergency School Tax Act, the Oil and Gas Ad Valorem Production Tax Act, the Natural Gas Processors Tax Act or the Oil and Gas Production Equipment Ad Valorem Tax Act.

K. The filing of a fully completed original income tax return, corporate income tax return, corporate income and franchise tax return, estate tax return or annual insurance premium tax return that shows a balance due the taxpayer or a fully completed amended income tax return, an amended corporate income tax return, an

amended corporate income and franchise tax return, an amended estate tax return, an amended oil and gas tax return or an amended insurance premium tax return that shows a lesser tax liability than the original return constitutes the filing of a claim for refund for the difference in tax due shown on the original and amended returns.

L. The department may allow a completed return and an amended return to constitute the filing of a claim for refund.

M. In no case may a refund be claimed if the related federal adjustment is taken into account by a partnership in the partnership's tax return for the adjustment year and allocated to the partners in a manner similar to other partnership tax items."

## **Chapter 130 Section 30 Laws 2025**

SECTION 30. Section 7-1-28 NMSA 1978 (being Laws 1965, Chapter 248, Section 30, as amended) is amended to read:

"7-1-28. AUTHORITY FOR ABATEMENTS OF ASSESSMENTS OF TAX.--

A. The secretary or the secretary's delegate may abate any or part of an assessment determined by the secretary or the secretary's delegate if:

(1) a written protest is filed against an assessment, submitted in accordance with the provisions of Section 7-1-24 NMSA 1978, but before any court acquires jurisdiction of the matter;

(2) a "notice of assessment of taxes" is incorrect or erroneously made;  
or

(3) a written protest is filed solely against an assessment of penalty and interest totaling not more than fifty dollars (\$50.00).

B. Pursuant to the final order of the district court, the court of appeals, the supreme court of New Mexico or any federal court, from which order, appeal or review is not successfully taken by the department, adjudging that any person is not required to pay any portion of tax assessed to that person, the secretary or the secretary's delegate shall cause that amount of the assessment to be abated.

C. Pursuant to a compromise of taxes agreed to by the secretary and according to the terms of the closing agreement formalizing the compromise pursuant to Section 7-1-20 NMSA 1978, the secretary or the secretary's delegate shall cause the abatement of the appropriate amount of any assessment of tax.

D. The secretary or the secretary's delegate shall cause the abatement of the amount of an assessment of tax that is equal to the amount of fee paid to or retained by

an out-of-state attorney or collection agency from a judgment or the amount collected by the attorney or collection agency pursuant to Section 7-1-58 NMSA 1978.

E. Records of abatements made in excess of twenty thousand dollars (\$20,000) shall be available for inspection by the public. The department shall keep such records for a minimum of three years from the date of the abatement.

F. In response to a timely protest pursuant to Section 7-1-24 NMSA 1978 of an assessment by the department and notwithstanding any other provision of the Tax Administration Act, the secretary or the secretary's delegate may abate that portion of an assessment of tax, including applicable penalties and interest, representing the amount of tax previously paid by another person on behalf of the taxpayer on the same transaction; provided that the requirements of equitable recoupment are met. For purposes of this subsection, the protest pursuant to Section 7-1-24 NMSA 1978 of the department's assessment may be made by the taxpayer to whom the assessment was issued or by the other person who claims to have previously paid the tax on behalf of the taxpayer."

## **Chapter 130 Section 31 Laws 2025**

SECTION 31. Section 7-1-29 NMSA 1978 (being Laws 1965, Chapter 248, Section 31, as amended) is amended to read:

"7-1-29. AUTHORITY TO MAKE REFUNDS, CREDITS OR REBATES.--

A. In response to a claim for refund, credit or rebate made as provided in Section 7-1-26 NMSA 1978, but before a court acquires jurisdiction of the matter, the secretary or the secretary's delegate may authorize payment to a person in the amount of the credit or rebate claimed or refund an overpayment of tax determined by the secretary or the secretary's delegate to have been erroneously made by the person, together with allowable interest.

B. Pursuant to the final order of the district court, the court of appeals, the supreme court of New Mexico or a federal court, from which order, appeal or review is not successfully taken, adjudging that a person has properly claimed a credit, rebate or a refund of overpaid tax, the secretary shall authorize the payment to the person of the amount thereof. After a court acquires jurisdiction but before it issues a final order, the secretary may authorize payment of a credit, rebate or refund pursuant to a closing agreement pursuant to Section 7-1-20 NMSA 1978.

C. In the discretion of the secretary, any amount of credit or rebate to be paid or tax to be refunded may be offset against any amount of tax for which the person due to receive the credit, rebate payment or refund is liable. The secretary or the secretary's delegate shall give notice to the taxpayer that the credit, rebate payment or refund will be made in this manner, and the taxpayer shall be entitled to interest pursuant to

Section 7-1-68 NMSA 1978 until the tax liability is credited with the credit, rebate or refund amount.

D. In an audit by the department or a managed audit covering multiple reporting periods in which both underpayments and overpayments of a tax have been made in different reporting periods, the department shall credit the tax overpayments against the underpayments; provided that the taxpayer files a claim for refund of the overpayments. An overpayment shall be applied as a credit first to the earliest underpayment and then to succeeding underpayments. An underpayment of tax to which an overpayment is credited pursuant to this section shall be deemed paid in the period in which the overpayment was made or the period to which the overpayment was credited against an underpayment, whichever is later. If the overpayments credited pursuant to this section exceed the underpayments of a tax, the amount of the net overpayment for the periods covered in the audit shall be refunded to the taxpayer.

E. When a taxpayer makes a payment identified to a particular return or assessment, and the department determines that the payment exceeds the amount due pursuant to that return or assessment, the secretary may apply the excess to the taxpayer's other liabilities pursuant to the tax acts to which the return or assessment applies, without requiring the taxpayer to file a claim for a refund. The liability to which an overpayment is applied pursuant to this section shall be deemed paid in the period in which the overpayment was made or the period to which the overpayment was applied, whichever is later.

F. If the department determines, upon review of an original or amended income tax return, corporate income and franchise tax return, estate tax return, special fuels excise tax return or oil and gas tax return, that there has been an overpayment of tax for the taxable period to which the return or amended return relates in excess of the amount due to be refunded to the taxpayer pursuant to the provisions of Subsection K of Section 7-1-26 NMSA 1978, the department may refund that excess amount to the taxpayer without requiring the taxpayer to file a refund claim.

G. Records of refunds and credits made in excess of twenty thousand dollars (\$20,000) shall be available for inspection by the public. The department shall keep such records for a minimum of three years from the date of the refund or credit.

H. In response to a timely refund claim pursuant to Section 7-1-26 NMSA 1978 and notwithstanding any other provision of the Tax Administration Act, the secretary or the secretary's delegate may refund or credit a portion of an assessment of tax paid, including applicable penalties and interest representing the amount of tax previously paid by another person on behalf of the taxpayer on the same transaction; provided that the requirements of equitable recoupment are met. For purposes of this subsection, the refund claim may be filed by the taxpayer to whom the assessment was issued or by another person who claims to have previously paid the tax on behalf of the taxpayer. Prior to granting the refund or credit, the secretary may require a waiver of all

rights to claim a refund or credit of the tax previously paid by another person paying a tax on behalf of the taxpayer.

I. If, as a result of an audit by the department or a managed audit, a person is determined to owe gross receipts tax on receipts from the sale of property or services, the department may credit against the amount owed an amount of compensating tax paid by the purchaser if the person can demonstrate that the purchaser timely paid the compensating tax on the same property or services. The credit provided by this subsection shall not be denied solely because the purchaser cannot timely file for a refund of the compensating tax paid and, if the credit is to be granted, the department shall require, for the purpose of granting the credit, that the purchaser give up any right to claim a refund of that tax."

## **Chapter 130 Section 32 Laws 2025**

SECTION 32. Section 7-1-37 NMSA 1978 (being Laws 1965, Chapter 248, Section 39, as amended) is amended to read:

"7-1-37. ASSESSMENT AS LIEN.--

A. If any person liable for any tax neglects or refuses to pay the tax after assessment and demand for payment as provided in Section 7-1-17 NMSA 1978 or if any person liable for tax pursuant to Section 7-1-63 NMSA 1978 neglects or refuses to pay after demand has been made, unless and only so long as such a person is entitled to the protection afforded by a valid order of a United States court entered pursuant to Section 362 or 1301 of Title 11 of the United States Code, as amended or renumbered, the amount of the tax shall be a lien in favor of the state of New Mexico upon all property and rights to property of the person.

B. The lien imposed by Subsection A of this section shall arise at the time both assessment and demand, as provided in Section 7-1-17 NMSA 1978, have been made or at the time demand has been made pursuant to Section 7-1-63 NMSA 1978 and shall continue until the liability for payment of the amount demanded is satisfied, extinguished or released.

C. As against any mortgagee, pledgee, purchaser, judgment creditor, person claiming a lien under Sections 48-2-1 through 48-11-9 NMSA 1978, lienor for value or other encumbrancer for value, the lien imposed by Subsection A of this section shall not be considered to have arisen or have any effect whatever until notice of the lien has been filed as provided in Section 7-1-38 NMSA 1978."

## **Chapter 130 Section 33 Laws 2025**

SECTION 33. Section 7-1-38 NMSA 1978 (being Laws 1965, Chapter 248, Section 40, as amended) is amended to read:

"7-1-38. NOTICE OF LIEN.--A notice of the lien provided for in Section 7-1-37 NMSA 1978 may be recorded in any county in the state in the tax lien index established by Sections 48-1-1 through 48-1-7 NMSA 1978 or with the office of the secretary of state and a copy thereof shall be sent to the affected taxpayer. The office of the secretary of state or a county clerk to whom the notices are presented shall record them as requested without charge. The notice of lien shall identify the taxpayer whose liability for taxes is sought to be enforced and the date or approximate date on which the tax became due and shall state that New Mexico claims a lien for the entire amount of tax asserted to be due, including applicable interest and penalties. Recording of the notice of lien shall be effective as to all property and rights to property of the taxpayer. Liens may be recorded electronically."

## **Chapter 130 Section 34 Laws 2025**

SECTION 34. Section 7-1-39 NMSA 1978 (being Laws 1965, Chapter 248, Section 41, as amended) is amended to read:

"7-1-39. RELEASE OR EXTINGUISHMENT OF LIEN--LIMITATION ON ACTIONS TO ENFORCE LIEN.--

A. When any substantial part of the amount of tax due from a taxpayer is paid, the department shall immediately file, in the same manner in which a notice of lien was filed, and in the same records, a document completely or partially releasing the lien. The official to whom such a document is presented shall record the release of the lien without charge.

B. The department may file, in the same manner as the notice of lien was filed, a document releasing or partially releasing any lien filed in accordance with Section 7-1-38 NMSA 1978 when the filing of the lien was premature or did not follow requirements of law or when release or partial release would facilitate collection of taxes due. The official to whom the document is presented shall record the release of the lien without charge.

C. In all cases when a notice of lien for taxes, penalties and interest has been filed under Section 7-1-38 NMSA 1978 and a period of ten years has passed from the date the lien was filed, as shown on the notice of lien, the taxes, penalties and interest for which the lien is claimed shall be conclusively presumed to have been paid and the lien is thereby extinguished, with no further action by the department. No action shall be brought to enforce any lien extinguished in accordance with this subsection."

## **Chapter 130 Section 35 Laws 2025**

SECTION 35. Section 7-1-79 NMSA 1978 (being Laws 1965, Chapter 248, Section 82, as amended) is amended to read:

"7-1-79. ENFORCEMENT OFFICIALS.--Every individual to whom the secretary delegates the function of enforcing any of the provisions of the Tax Administration Act:

A. shall be furnished with credentials identifying the secretary's delegate; and

B. may request the assistance of any sheriff or deputy sheriff or of the state police in order to perform the delegate's duties, which assistance shall be afforded in appropriate circumstances."

## **Chapter 130 Section 36 Laws 2025**

SECTION 36. Section 7-2-12 NMSA 1978 (being Laws 1965, Chapter 202, Section 10, as amended) is amended to read:

"7-2-12. TAXPAYER RETURNS--PAYMENT OF TAX.--Every resident of this state and every individual deriving income from any business transaction, property or employment within this state and not exempt from tax under the Income Tax Act who is required by the laws of the United States to file a federal income tax return shall file a complete tax return with the department in form and content as prescribed by the secretary. A resident or any individual who is required by the provisions of the Income Tax Act to file a return or pay a tax shall, on or before the due date of the resident's or individual's federal income tax return for the taxable year, file the return and pay the tax imposed for that year."

## **Chapter 130 Section 37 Laws 2025**

SECTION 37. Section 7-2-12.1 NMSA 1978 (being Laws 1990, Chapter 23, Section 1) is amended to read:

"7-2-12.1. LIMITATION ON CLAIMING OF CREDITS AND TAX REBATES.--

A. Except as provided otherwise in this section, a credit or tax rebate provided in the Income Tax Act that is claimed shall be disallowed if the claim for the credit or tax rebate was first made after the end of the third calendar year following the calendar year in which the return upon which the credit or tax rebate was first claimable was initially due.

B. Subsection A of this section does not apply to the credit authorized by Section 7-2-13 NMSA 1978 for income taxes paid another state."

## **Chapter 130 Section 38 Laws 2025**

SECTION 38. Section 7-2-18.16 NMSA 1978 (being Laws 2007, Chapter 45, Section 10, as amended) is amended to read:

**"7-2-18.16. CREDIT--SPECIAL NEEDS ADOPTED CHILD TAX CREDIT--  
CREATED--QUALIFICATIONS--DURATION OF CREDIT.--**

A. A taxpayer who files an individual New Mexico income tax return, who is not a dependent of another taxpayer and who adopts or has adopted a special needs child may claim a credit against the taxpayer's tax liability imposed pursuant to the Income Tax Act. The credit authorized pursuant to this section may be referred to as the "special needs adopted child tax credit".

B. A taxpayer may claim and the department may allow a special needs adopted child tax credit in the amount of one thousand five hundred dollars (\$1,500) to be claimed against the taxpayer's tax liability for the taxable year imposed pursuant to the Income Tax Act.

C. A taxpayer may claim a special needs adopted child tax credit for each year that the child may be claimed as a dependent for federal taxation purposes by the taxpayer.

D. If the amount of the special needs adopted child tax credit due to the taxpayer exceeds the taxpayer's individual income tax liability, the excess shall be refunded.

E. Married individuals who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the special needs adopted child tax credit provided in this section that would have been allowed on a joint return.

F. A taxpayer allowed a tax credit pursuant to this section shall claim the credit on forms and in a manner required by the department.

G. The tax credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the tax credit.

H. As used in this section, "special needs adopted child" means an individual who may be over eighteen years of age and who is certified by the children, youth and families department or a licensed child placement agency as meeting the definition of a "difficult to place child" pursuant to the Adoption Act; provided, however, if the classification as a "difficult to place child" is based on a physical or mental impairment or an emotional disturbance the physical or mental impairment or emotional disturbance shall be at least moderately disabling."

**Chapter 130 Section 39 Laws 2025**

SECTION 39. Section 7-2-18.17 NMSA 1978 (being Laws 2007, Chapter 172, Section 1, as amended) is amended to read:



"7-2-18.17. ANGEL INVESTMENT CREDIT.--

A. A taxpayer who files a New Mexico income tax return, is not a dependent of another taxpayer, is an accredited investor and makes a qualified investment may apply for, and the department may allow, a claim for a credit in an amount not to exceed twenty-five percent of the qualified investment; provided that a credit for each qualified investment shall not exceed sixty-two thousand five hundred dollars (\$62,500). The tax credit provided in this section shall be known as the "angel investment credit".

B. A taxpayer may claim the angel investment credit:

- (1) for not more than one qualified investment per investment round;
- (2) for qualified investments in no more than five qualified businesses per taxable year; and
- (3) for a qualified investment made on or before December 31, 2030.

C. A taxpayer may claim an angel investment credit by submitting a completed application to the department on forms and in a manner required by the department no later than one year following the end of the calendar year in which the qualified investment is made. A taxpayer shall not claim more than one credit for the same qualified investment in the same investment round.

D. Except as provided in Subsection J of this section, a taxpayer shall claim the angel investment credit no later than one year following the date the completed application for the credit is approved by the department.

E. Applications and all subsequent materials submitted to the department related to the application shall also be submitted to the economic development department.

F. The department shall allow a maximum annual aggregate of two million dollars (\$2,000,000) in angel investment credits per calendar year. Completed applications shall be considered in the order received. Applications for credits that would have been allowed but for the limit imposed by this subsection shall be allowed in subsequent calendar years.

G. The credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, which shall include, at a minimum: the number of accredited investors determined to be eligible for the credit in the previous year; the names of those investors; the amount of credit for which each investor was determined to be eligible; and the number and names of the businesses determined to be qualified businesses for purposes of an investment by an accredited investor.

H. A taxpayer who otherwise qualifies for and claims a credit pursuant to this section for a qualified investment made by a partnership or other business association of which the taxpayer is a member may claim a credit only in proportion to the taxpayer's interest in the partnership or business association.

I. Married individuals who file separate returns for a taxable year in which they could have filed a joint return may each claim one-half of the credit that would have been allowed on a joint return.

J. The angel investment credit may only be deducted from the taxpayer's income tax liability. Any portion of the tax credit provided by this section that remains unused at the end of the taxpayer's taxable year may be carried forward for five consecutive years.

K. As used in this section:

(1) "accredited investor" means a person who is an accredited investor within the meaning of Rule 501 issued by the federal securities and exchange commission pursuant to the federal Securities Act of 1933, as amended;

(2) "business" means a corporation, general partnership, limited partnership, limited liability company or other similar entity, but excludes an entity that is a government or a nonprofit organization designated as such by the federal government or any state;

(3) "equity" means common or preferred stock of a corporation, a partnership interest in a limited partnership or a membership interest in a limited liability company, including debt subject to an option in favor of the creditor to convert the debt into common or preferred stock, a partnership interest or a membership interest;

(4) "investment round" means an offer and sale of securities and all other offers and sales of securities that would be integrated with such offer and sale of securities under Regulation D issued by the federal securities and exchange commission pursuant to the federal Securities Act of 1933, as amended;

(5) "manufacturing" means combining or processing components or materials to increase their value for sale in the ordinary course of business, but does not include:

(a) construction;

(b) farming;

(c) processing natural resources, including hydrocarbons; or

(d) preparing meals for immediate consumption, on- or off-premises;

(6) "qualified business" means a business that:

(a) maintains its principal place of business and employs a majority of its full-time employees, if any, in New Mexico and a majority of its tangible assets, if any, are located in New Mexico;

(b) engages in qualified research or manufacturing activities in New Mexico;

(c) is not primarily engaged in or is not primarily organized as any of the following types of businesses: credit or finance services, including banks, savings and loan associations, credit unions, small loan companies or title loan companies; financial brokering or investment; professional services, including accounting, legal services, engineering and any other service the practice of which requires a license; insurance; real estate; construction or construction contracting; consulting or brokering; mining; wholesale or retail trade; providing utility service, including water, sewerage, electricity, natural gas, propane or butane; publishing, including publishing newspapers or other periodicals; broadcasting; or providing internet operating services;

(d) has not issued securities registered pursuant to Section 6 of the federal Securities Act of 1933, as amended; has not issued securities traded on a national securities exchange; is not subject to reporting requirements of the federal Securities Exchange Act of 1934, as amended; and is not registered pursuant to the federal Investment Company Act of 1940, as amended, at the time of the investment;

(e) has one hundred or fewer employees calculated on a full-time-equivalent basis in the taxable year in which the investment was made; and

(f) has not had gross revenues in excess of five million dollars (\$5,000,000) in any fiscal year ending on or before the date of the investment;

(7) "qualified investment" means a cash investment in a qualified business for equity, but does not include an investment by a taxpayer if the taxpayer, a member of the taxpayer's immediate family or an entity affiliated with the taxpayer receives compensation from the qualified business in exchange for services provided to the qualified business within one year of investment in the qualified business; and

(8) "qualified research" means "qualified research" as defined by Section 41 of the Internal Revenue Code."

## Chapter 130 Section 40 Laws 2025

SECTION 40. Section 7-2-18.22 NMSA 1978 (being Laws 2007, Chapter 361, Section 2, as amended) is amended to read:

### "7-2-18.22. RURAL HEALTH CARE PRACTITIONER TAX CREDIT.--

A. A taxpayer who files an individual New Mexico tax return, who is not a dependent of another individual, who is an eligible health care practitioner and who has provided health care services in New Mexico in a rural health care underserved area in a taxable year may claim a credit against the tax liability imposed by the Income Tax Act. The credit provided in this section may be referred to as the "rural health care practitioner tax credit".

B. The rural health care practitioner tax credit may be claimed and allowed in an amount that shall not exceed:

(1) five thousand dollars (\$5,000) for all physicians, osteopathic physicians, dentists, psychologists, podiatric physicians and optometrists who qualify pursuant to the provisions of this section and have provided health care during a taxable year for at least one thousand five hundred eighty-four hours at a practice site located in an approved rural health care underserved area. Eligible health care practitioners listed in this paragraph who provided health care services for at least seven hundred ninety-two hours but less than one thousand five hundred eighty-four hours at a practice site located in an approved rural health care underserved area during a taxable year are eligible for one-half of the tax credit amount; and

(2) three thousand dollars (\$3,000) for all pharmacists, dental hygienists, physician assistants, certified registered nurse anesthetists, certified nurse practitioners, clinical nurse specialists, registered nurses, midwives, licensed clinical social workers, licensed independent social workers, professional mental health counselors, professional clinical mental health counselors, marriage and family therapists, professional art therapists, alcohol and drug abuse counselors and physical therapists who qualify pursuant to the provisions of this section and have provided health care during a taxable year for at least one thousand five hundred eighty-four hours at a practice site located in an approved rural health care underserved area. Eligible health care practitioners listed in this paragraph who provided health care services for at least seven hundred ninety-two hours but less than one thousand five hundred eighty-four hours at a practice site located in an approved rural health care underserved area during a taxable year are eligible for one-half of the tax credit amount.

C. Before an eligible health care practitioner may claim the rural health care practitioner tax credit, the practitioner shall submit a completed application to the department of health that describes the practitioner's clinical practice and contains additional information that the department of health may require. The department of health shall determine whether an eligible health care practitioner qualifies for the rural

health care practitioner tax credit and shall issue a certificate to each qualifying eligible health care practitioner. The department of health shall provide the taxation and revenue department appropriate information for all eligible health care practitioners to whom certificates are issued in a secure manner on regular intervals agreed upon by both the taxation and revenue department and the department of health.

D. A taxpayer claiming the credit provided by this section shall submit a copy of the certificate issued by the department of health with the taxpayer's New Mexico income tax return for the taxable year. If the amount of the credit claimed exceeds a taxpayer's tax liability for the taxable year in which the credit is being claimed, the excess may be carried forward for three consecutive taxable years.

E. A taxpayer allowed a tax credit pursuant to this section shall claim the credit on forms and in a manner required by the department.

F. The tax credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the tax credit.

G. As used in this section:

(1) "eligible health care practitioner" means:

(a) a dentist or dental hygienist licensed pursuant to the Dental Health Care Act;

(b) a midwife that is a: 1) certified nurse-midwife licensed by the board of nursing as a registered nurse and licensed by the public health division of the department of health to practice nurse-midwifery as a certified nurse-midwife; or 2) licensed midwife licensed by the public health division of the department of health to practice licensed midwifery;

(c) an optometrist licensed pursuant to the provisions of the Optometry Act;

(d) an osteopathic physician licensed pursuant to the provisions of the Medical Practice Act;

(e) a physician licensed pursuant to the provisions of the Medical Practice Act or a physician assistant licensed pursuant to the provisions of the Physician Assistant Act;

(f) a podiatric physician licensed pursuant to the provisions of the Podiatry Act;

(g) a psychologist licensed pursuant to the provisions of the Professional Psychologist Act;

(h) a registered nurse licensed pursuant to the provisions of the Nursing Practice Act;

(i) a pharmacist licensed pursuant to the provisions of the Pharmacy Act;

(j) a licensed clinical social worker or a licensed independent social worker licensed pursuant to the provisions of the Social Work Practice Act;

(k) a professional mental health counselor, a professional clinical mental health counselor, a marriage and family therapist, an alcohol and drug abuse counselor or a professional art therapist licensed pursuant to the provisions of the Counseling and Therapy Practice Act; and

(l) a physical therapist licensed pursuant to the provisions of the Physical Therapy Act;

(2) "health care underserved area" means a geographic area or practice location in which it has been determined by the department of health, through the use of indices and other standards set by the department of health, that sufficient health care services are not being provided;

(3) "practice site" means a private practice, public health clinic, hospital, public or private nonprofit primary care clinic or other health care service location in a health care underserved area; and

(4) "rural" means a rural county or an unincorporated area of a partially rural county, as designated by the health resources and services administration of the United States department of health and human services."

## **Chapter 130 Section 41 Laws 2025**

SECTION 41. Section 7-2-18.24 NMSA 1978 (being Laws 2009, Chapter 271, Section 1, as amended) is amended to read:

"7-2-18.24. GEOTHERMAL GROUND-COUPLED HEAT PUMP INCOME TAX CREDIT.--

A. A taxpayer who files an individual New Mexico income tax return for a taxable year beginning on or after January 1, 2024 and who purchases and installs after May 15, 2024 but before December 31, 2034 a geothermal ground-coupled heat pump in a residence, business or agricultural enterprise in New Mexico owned by that taxpayer may apply for, and the department may allow, a tax credit of up to thirty

percent of the purchase and installation costs of the system. The credit provided in this section may be referred to as the "geothermal ground-coupled heat pump income tax credit". The total geothermal ground-coupled heat pump income tax credit allowed to a taxpayer shall not exceed nine thousand dollars (\$9,000). The department shall allow a geothermal ground-coupled heat pump income tax credit only for geothermal ground-coupled heat pumps that are certified pursuant to Subsection C of this section and installed by a nationally accredited ground source heat pump installer.

B. That portion of a geothermal ground-coupled heat pump 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.

C. The energy, minerals and natural resources department shall adopt rules establishing procedures to provide certification of geothermal ground-coupled heat pumps for purposes of obtaining a geothermal ground-coupled heat pump income tax credit. The rules shall address technical specifications and requirements relating to safety, building code and standards compliance, minimum system sizes, system applications and lists of eligible components. The energy, minerals and natural resources department may modify the specifications and requirements as necessary to maintain a high level of system quality and performance.

D. The maximum annual aggregate of credits that may be certified in a calendar year by the energy, minerals and natural resources department is four million dollars (\$4,000,000). That department shall not certify a tax credit for which a taxpayer claims a 2021 sustainable building tax credit using a geothermal ground-coupled heat pump as a component of qualification for the rating system certification level used in determining eligibility for that credit. Completed applications for the credit shall be considered in the order received. The energy, minerals and natural resources department shall provide the department appropriate information for all certificates of eligibility in a secure manner on regular intervals agreed upon by both departments.

E. A taxpayer who otherwise qualifies and claims a geothermal ground-coupled heat pump income tax credit with respect to property 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 property shall not exceed the amount of the credit that could have been claimed by a sole owner of the property.

F. Married individuals who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the credit that would have been allowed on a joint return.

G. A taxpayer allowed a tax credit pursuant to this section shall claim the credit on forms and in a manner required by the department.

H. The credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the tax credit.

I. As used in this section, "geothermal ground-coupled heat pump" means a heating and refrigerating system that directly or indirectly utilizes available heat below the surface of the earth for distribution of heating and cooling or domestic hot water and that has either a minimum coefficient of performance of three and four-tenths or an efficiency ratio of sixteen or greater."

## **Chapter 130 Section 42 Laws 2025**

SECTION 42. Section 7-2-18.26 NMSA 1978 (being Laws 2010, Chapter 84, Section 1, as amended) is amended to read:

### **"7-2-18.26. AGRICULTURAL BIOMASS INCOME TAX CREDIT.--**

A. A taxpayer who owns a dairy or feedlot and who files an individual New Mexico income tax return for a taxable year ending prior to January 1, 2030, may claim, and the department may allow, a tax credit equal to five dollars (\$5.00) per wet ton of agricultural biomass transported from the taxpayer's dairy or feedlot to a facility that uses agricultural biomass to generate electricity or make biocrude or other liquid or gaseous fuel for commercial use. The tax credit created in this section may be referred to as the "agricultural biomass income tax credit".

B. Subject to the limitations pursuant to Subsection D of this section, a taxpayer shall apply for certification of eligibility for the agricultural biomass income tax credit from the energy, minerals and natural resources department on forms and in the manner prescribed by that department. Completed applications shall be considered in the order received. A dated certificate of eligibility shall be issued to the taxpayer providing the amount of credit for which the taxpayer is eligible and the taxable year in which the credit may be claimed.

C. The energy, minerals and natural resources department shall:

(1) adopt rules establishing procedures to provide certification of transportation of agricultural biomass to a qualified facility that uses agricultural biomass to generate electricity or make biocrude or other liquid or gaseous fuel for commercial use for purposes of obtaining an agricultural biomass income tax credit; and

(2) provide the department appropriate information for all certificates of eligibility in a secure manner on regular intervals agreed upon by both departments.

D. The aggregate amount of agricultural biomass income tax credits and agricultural biomass corporate income tax credits that may be certified is five million dollars (\$5,000,000) per calendar year. Applications for certification received after this



limitation shall not be approved. Any amount of credit that remains unused in a taxable year may be available for certification for a maximum of four consecutive taxable years until the credit is fully utilized.

E. Any portion of the agricultural biomass income tax credit that exceeds a taxpayer's income tax liability in the taxable year in which the credit is being claimed may be carried forward for up to three consecutive taxable years. A certificate of eligibility for an agricultural biomass 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 who otherwise qualifies and claims an agricultural biomass income tax credit with respect to a dairy or feedlot owned by a partnership or other business association of which the taxpayer is a member may claim the credit only in proportion to that taxpayer's interest in the partnership or business association. The total agricultural biomass income tax credits claimed in the aggregate with respect to the same dairy or feedlot by all members of the partnership or business association shall not exceed the amount of the credit that could have been claimed by a single owner of the dairy or feedlot.

G. Married individuals who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the credit that would have been allowed on a joint return.

H. A taxpayer who claims an agricultural biomass income tax credit shall not also claim an agricultural biomass corporate income tax credit for transportation of the same agricultural biomass on which the claim for that agricultural biomass income tax credit is based.

I. A taxpayer allowed a tax credit pursuant to this section shall claim the credit on forms and in a manner required by the department.

J. The tax credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the tax credit.

K. As used in this section:

(1) "agricultural biomass" means wet manure meeting specifications established by the energy, minerals and natural resources department from either a dairy or feedlot commercial operation;

(2) "biocrude" means a nonfossil form of energy that can be transported and refined using existing petroleum refining facilities and that is made from biologically derived feedstocks and other agricultural biomass;

- (3) "feedlot" means an operation that fattens livestock for market; and
- (4) "dairy" means a facility that raises livestock for milk production."

## **Chapter 130 Section 43 Laws 2025**

SECTION 43. Section 7-2-18.29 NMSA 1978 (being Laws 2015, Chapter 130, Section 1, as amended) is amended to read:

### **"7-2-18.29. 2015 SUSTAINABLE BUILDING INCOME TAX CREDIT.--**

A. The tax credit provided by this section may be referred to as the "2015 sustainable building income tax credit". The 2015 sustainable building income tax credit shall be available for the construction in New Mexico of a sustainable building, the renovation of an existing building in New Mexico into a sustainable building or the permanent installation of manufactured housing, regardless of where the housing is manufactured, that is a sustainable building; provided that the construction, renovation or installation project is completed prior to April 1, 2023. The tax credit provided in this section may not be claimed with respect to the same sustainable building for which the 2015 sustainable building corporate income tax credit, the 2021 sustainable building income tax credit or the 2021 sustainable building corporate income tax credit has been claimed.

B. The purpose of the 2015 sustainable building income tax credit is to encourage the construction of sustainable buildings and the renovation of existing buildings into sustainable buildings.

C. A taxpayer who files an income tax return may claim a 2015 sustainable building income tax credit if the requirements of this section are met.

D. For taxable years ending on or before December 31, 2024, the 2015 sustainable building income tax credit may be claimed with respect to a sustainable commercial building. The credit shall be calculated based on the certification level the building has achieved in the LEED green building rating system and the amount of qualified occupied square footage in the building, as indicated on the following chart:

LEED Rating Level	Qualified	Tax Credit
	Occupied	per Square
	Square Footage	Foot
LEED-NC Silver	First 10,000	\$3.50
	Next 40,000	\$1.75
	Over 50,000	
	up to 500,000	\$0.70

LEED-NC Gold	First 10,000	\$4.75
	Next 40,000	\$2.00
	Over 50,000	
	up to 500,000	\$1.00
LEED-NC Platinum	First 10,000	\$6.25
	Next 40,000	\$3.25
	Over 50,000	
	up to 500,000	\$2.00
LEED-EB or CS Silver	First 10,000	\$2.50
	Next 40,000	\$1.25
	Over 50,000	
	up to 500,000	\$0.50
LEED-EB or CS Gold	First 10,000	\$3.35
	Next 40,000	\$1.40
	Over 50,000	
	up to 500,000	\$0.70
LEED-EB or CS Platinum	First 10,000	\$4.40
	Next 40,000	\$2.30
	Over 50,000	
	up to 500,000	\$1.40
LEED-CI Silver	First 10,000	\$1.40
	Next 40,000	\$0.70
	Over 50,000	
	up to 500,000	\$0.30
LEED-CI Gold	First 10,000	\$1.90
	Next 40,000	\$0.80
	Over 50,000	
	up to 500,000	\$0.40
LEED-CI Platinum	First 10,000	\$2.50
	Next 40,000	\$1.30
	Over 50,000	
	up to 500,000	\$0.80.

E. For taxable years ending on or before December 31, 2024, the 2015 sustainable building income tax credit may be claimed with respect to a sustainable residential building. The credit shall be calculated based on the amount of qualified occupied square footage, as indicated on the following chart:

Rating System/Level	Qualified Occupied Square Footage	Tax Credit per Square Foot
LEED-H Silver or Build Green NM Silver	Up to 2,000	\$3.00
LEED-H Gold or Build Green NM Gold	Up to 2,000	\$4.50
LEED-H Platinum or Build Green NM Emerald	Up to 2,000	\$6.50
Manufactured Housing	Up to 2,000	\$3.00.

F. A person that is a building owner may apply for a certificate of eligibility for the 2015 sustainable building income tax credit from the energy, minerals and natural resources department on forms and in a manner prescribed by that department after the construction, installation or renovation of the sustainable building is complete. Completed 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 tax credit application is made meets the requirements of this section as a sustainable residential building or a sustainable commercial building, the energy, minerals and natural resources department may issue a dated certificate of eligibility to the building owner providing the amount of credit for which the building owner is eligible and the taxable year in which the credit may be claimed, subject to the limitations in Subsection G 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 and a calculation of the maximum amount of 2015 sustainable building income tax credit for which the building owner is eligible. The energy, minerals and natural resources department may issue rules governing the procedure for administering the provisions of this subsection.

G. Except as provided in Subsection H of this section, the energy, minerals and natural resources department may issue a certificate of eligibility only if the aggregate amount of 2015 sustainable building income tax credits represented by certificates of eligibility issued by the energy, minerals and natural resources department pursuant to this section and Section 7-2A-28 NMSA 1978 shall not exceed in any calendar year an aggregate amount of:

(1) one million two hundred fifty thousand dollars (\$1,250,000) with respect to sustainable commercial buildings;

(2) three million three hundred seventy-five thousand dollars (\$3,375,000) with respect to sustainable residential buildings that are not manufactured housing; and

(3) three hundred seventy-five thousand dollars (\$375,000) with respect to sustainable residential buildings that are manufactured housing.

H. 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 Paragraph (1), (2) or (3) of Subsection G 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. The energy, minerals and natural resources department shall provide the department appropriate information for all certificates of eligibility in a secure manner on regular intervals agreed upon by both departments.

I. Installation of a solar thermal system or a photovoltaic system eligible for the solar market development tax credit pursuant to Section 7-2-18.14 or 7-2-18.31 NMSA 1978 may not be used as a component of qualification for the rating system certification level used in determining eligibility for the 2015 sustainable building income tax credit, unless a solar market development tax credit pursuant to Section 7-2-18.14 or 7-2-18.31 NMSA 1978 has not been claimed with respect to that system and the building owner and the taxpayer claiming the 2015 sustainable building income tax credit certify that such a tax credit will not be claimed with respect to that system.

J. To claim the 2015 sustainable building income tax credit, the building owner shall provide to the department a certificate of eligibility issued by the energy, minerals and natural resources department pursuant to the requirements of Subsection F of this section and any other information the department may require to determine the amount of the tax credit for which the building owner is eligible.

K. Any portion of a 2015 sustainable building income tax credit that exceeds the taxpayer's income tax liability in the taxable year for which the credit is claimed may be carried forward for up to seven consecutive taxable years.

L. A taxpayer who otherwise qualifies and claims a 2015 sustainable building income 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.

M. 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 2015 sustainable building income tax credit that would have been allowed on a joint return.

N. The tax credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 with an analysis of the effectiveness and cost of the tax credit and whether the tax credit is performing the purpose for which it was created.

O. For the purposes of this section:

(1) "build green New Mexico rating system" means the certification standards adopted by build green New Mexico in November 2014, which include water conservation standards;

(2) "LEED-CI" means the LEED rating system for commercial interiors;

(3) "LEED-CS" means the LEED rating system for the core and shell of buildings;

(4) "LEED-EB" means the LEED rating system for existing buildings;

(5) "LEED gold" means the rating in compliance with, or exceeding, the second-highest rating awarded by the LEED certification process;

(6) "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;

(7) "LEED-H" means the LEED rating system for homes;

(8) "LEED-NC" means the LEED rating system for new buildings and major renovations;

(9) "LEED platinum" means the rating in compliance with, or exceeding, the highest rating awarded by the LEED certification process;

(10) "LEED silver" means the rating in compliance with, or exceeding, the third-highest rating awarded by the LEED certification process;

(11) "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;

(12) "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;

(13) "person" does not include state, local government, public school district or tribal agencies;

(14) "sustainable building" means either a sustainable commercial building or a sustainable residential building;

(15) "sustainable commercial building" means a multifamily dwelling unit, as registered and certified under the LEED-H or build green New Mexico rating system, that is certified by the United States green building council as LEED-H silver or higher or by build green New Mexico as silver or higher and has achieved a home energy rating system index of sixty or lower as developed by the residential energy services network or a building that has been registered and certified under the LEED-NC, LEED-EB, LEED-CS or LEED-CI rating system and that:

(a) is certified by the United States green building council at LEED silver or higher;

(b) achieves any prerequisite for and at least one point related to commissioning under LEED "energy and atmosphere", if included in the applicable rating system; and

(c) has reduced energy consumption beginning January 1, 2012, by sixty 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;

(16) "sustainable residential building" means:

(a) a building used as a single-family residence as registered and certified under the build green New Mexico or LEED-H rating system that: 1) is certified by the United States green building council as LEED-H silver or higher or by build green New Mexico as silver or higher; 2) has achieved a home energy rating system index of sixty or lower as developed by the residential energy services network; 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 by the United States environmental protection agency;

(17) "tribal" means of, belonging to or created by a federally recognized Indian nation, tribe or pueblo; and

(18) "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."

## **Chapter 130 Section 44 Laws 2025**

SECTION 44. Section 7-2-18.31 NMSA 1978 (being Laws 2020, Chapter 13, Section 1, as amended) is amended to read:

"7-2-18.31. NEW SOLAR MARKET DEVELOPMENT INCOME TAX CREDIT.--

A. For taxable years ending 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 or by a federally recognized Indian nation, tribe or pueblo and held in leasehold by that taxpayer may claim, 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. Subject to the limitation provided in Subsection F of this section, 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. Completed applications shall be considered in the order received. 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. The energy, minerals and natural resources department shall provide the department appropriate information for all certificates of eligibility in a secure manner on regular intervals agreed upon by both departments.

F. The aggregate amount of credits that may be certified pursuant to Subsection E of this section is as follows, and applications for certification received after these limitations have been met shall not be approved:

(1) for calendar years 2020 through 2023, twelve million dollars (\$12,000,000) for each calendar year; provided that if this limitation has been met for any of those calendar years, an additional total of twenty million dollars (\$20,000,000) in credits may be certified for all of those calendar years; and provided further that credits certified pursuant to this paragraph shall be claimed only for taxable year 2023; and

(2) for calendar years 2024 and thereafter, thirty million dollars (\$30,000,000) for each calendar year.

G. 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 claim the credit on forms and in the manner prescribed by the department within twelve months following the calendar year in which the system was installed; provided that, for a taxpayer who receives a certificate of eligibility pursuant to Paragraph (1) of Subsection F of this section, the taxpayer shall apply to the department within twelve months following the calendar year in which the certification is made. The claim shall include a certification made pursuant to Subsection E of this section.

H. 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.

I. 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.

J. 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.

K. A taxpayer allowed a tax credit pursuant to this section shall claim the credit on forms and in a manner required by the department.

L. The tax credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the tax credit.

M. 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 130 Section 45 Laws 2025

SECTION 45. Section 7-2-18.32 NMSA 1978 (being Laws 2021, Chapter 84, Section 2, as amended) is amended to read:

### "7-2-18.32. 2021 SUSTAINABLE BUILDING INCOME TAX CREDIT.--

A. The tax credit provided by this section may be referred to as the "2021 sustainable building income tax credit". For taxable years ending prior to January 1, 2028, a taxpayer who is a building owner and files an income tax return may claim a 2021 sustainable building income tax credit if the requirements of this section are met. The 2021 sustainable building income 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 corporate income tax credit, the 2015 sustainable building income tax credit or the 2015 sustainable building corporate income tax credit has been claimed.

B. The amount of a 2021 sustainable building income 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	
LEED-EB or CS Platinum	Up to 200,000	\$1.00
	First 10,000	\$3.40
	Next 40,000	\$1.30
	Over 50,000	

LEED-CI Platinum	Up to 200,000	\$0.35
	First 10,000	\$1.50
	Next 40,000	\$0.40
	Over 50,000	
LEED-NC Gold	Up to 200,000	\$0.30
	First 10,000	\$3.00
	Next 40,000	\$1.00
	Over 50,000	
LEED-EB or -CS Gold	Up to 200,000	\$0.25
	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	Tax Credit
	Occupied	per Square
	Square Footage	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 who is a building owner may apply for a certificate of eligibility for the 2021 sustainable building income tax credit from the energy, minerals and natural resources department on forms and in a manner prescribed by that department after the construction, installation or renovation of the sustainable building or installation of energy-conserving products in an existing building is complete. Completed 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 income tax credit, the energy, minerals and natural resources department may issue a dated 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 amount of 2021 sustainable building income tax credit for which the building owner is 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. 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 aggregate amount of 2021 sustainable building income tax credits represented by certificates of eligibility issued by the energy, minerals and natural resources department pursuant to this section and pursuant to Section 7-2A-28.1 NMSA 1978 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. The energy, minerals and natural resources department shall provide the department appropriate information for all certificates of eligibility in a secure manner on regular intervals agreed upon by both departments.

F. Installation of a solar thermal system or a photovoltaic system eligible for the new solar market development tax credit shall not be used as a component of qualification for the rating system certification level used in determining eligibility for the 2021 sustainable building income tax credit, unless a new solar market development tax credit has not been claimed with respect to that system and the building owner and the taxpayer claiming the 2021 sustainable building income tax credit certify that such a tax credit will not be claimed with respect to that system.



G. A taxpayer allowed a tax credit pursuant to this section shall claim the credit on forms and in a manner required by the department.

H. That portion of a 2021 sustainable building income tax credit approved by the department that exceeds the taxpayer's income tax liability for the taxable year in which the credit is claimed may be carried forward for up to seven consecutive taxable years; provided that if the taxpayer is a low-income taxpayer, the excess shall be refunded to the taxpayer. A certificate of eligibility for a 2021 sustainable building 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.

I. A taxpayer who otherwise qualifies and claims a 2021 sustainable building income 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.

J. 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 income tax credit that would have been allowed on a joint return.

K. The tax credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 with an analysis of the effectiveness and cost of the tax credit.

L. 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) "building owner" means a person who holds fee simple interest in a property or a person who holds a leasehold interest in land owned by a federally recognized Indian nation, tribe or pueblo;

(5) "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;

(6) "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;

(7) "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;

(8) "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;

(9) "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;

(10) "LEED-CI" means the LEED rating system for commercial interiors;

(11) "LEED-CS" means the LEED rating system for the core and shell of buildings;

(12) "LEED-EB" means the LEED rating system for existing buildings;

(13) "LEED gold" means the rating in compliance with, or exceeding, the second-highest rating awarded by the LEED certification process;

(14) "LEED-H" means the LEED rating system for homes;

(15) "LEED-NC" means the LEED rating system for new buildings and major renovations;

(16) "LEED platinum" means the rating in compliance with, or exceeding, the highest rating awarded by the LEED certification process;

(17) "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;

(18) "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;

(19) "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;

(20) "person" does not include state, local government, public school district or tribal agencies;

(21) "sustainable building" means either a sustainable commercial building or a sustainable residential building;

(22) "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;

(23) "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;

(24) "tribal" means of, belonging to or created by a federally recognized Indian nation, tribe or pueblo;

(25) "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;

(26) "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;

(27) "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;

(28) "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

(29) "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 130 Section 46 Laws 2025**

SECTION 46. Section 7-2-18.35 NMSA 1978 (being Laws 2024, Chapter 67, Section 9) is amended to read:

### **"7-2-18.35. HOME FIRE RECOVERY INCOME TAX CREDIT.--**

A. A taxpayer who is not a dependent of another individual and who, beginning on May 15, 2024 and prior to January 1, 2030, incurs qualified home expenditures for a home in New Mexico to replace a prior home of the taxpayer that was destroyed by a wildfire in calendar years 2021 through 2023 may claim a tax credit against the taxpayer's tax liability imposed pursuant to the Income Tax Act in an amount equal to the qualified home expenditures incurred by the taxpayer not to exceed fifty thousand dollars (\$50,000) per home. The tax credit provided by this section may be referred to as the "home fire recovery income tax credit".

B. A taxpayer who seeks to claim the tax credit shall apply for certification of eligibility from the construction industries division of the regulation and licensing department on forms and in a manner prescribed by that division. The aggregate amount of credits that may be certified as eligible in any calendar year is five million dollars (\$5,000,000). An application for certification shall be made no later than twelve months after the calendar year in which construction of the home is completed. Completed applications shall be considered in the order received. If a taxpayer submits an application for the tax credit and the aggregate amount of certifications has been met for the calendar year, the application shall be placed at the front of a queue for certification in a subsequent calendar year. Except as otherwise provided in Subsections G and H of this section, only one tax credit shall be certified per taxpayer.

C. An application for certification of eligibility shall include:

(1) proof that the taxpayer's prior home was destroyed by wildfire in calendar years 2021 through 2023, including a sworn statement by the taxpayer;

(2) proof that the taxpayer incurred expenditures for the construction of a home on the same property of the taxpayer's prior, wildfire-destroyed home, including a contract with a builder or manufacturer;

(3) a sworn statement by the taxpayer and the builder or manufacturer of the home that the construction of the home has been completed and stating the date of its completion; and

(4) any additional information the construction industries division of the regulation and licensing department may require to determine eligibility for the tax credit.

D. If the construction industries division of the regulation and licensing department determines that the taxpayer meets the requirements of this section, the division shall issue a dated certificate of eligibility to the taxpayer providing the amount of tax credit for which the taxpayer is eligible and the taxable year in which the credit may be claimed. The construction industries division shall provide the department with the certificates of eligibility issued pursuant to this subsection in a secure electronic format at regularly agreed-upon intervals.

E. A taxpayer issued a certificate of eligibility shall claim the tax credit on forms and in a manner required by the department within twelve months of being issued the certificate of eligibility.

F. That portion of the tax credit that exceeds a taxpayer's tax liability in the taxable year in which the tax credit is claimed shall not be refunded but may be carried forward for a maximum of three consecutive taxable years.

G. 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 tax credit that would have been claimed on a joint return.

H. A taxpayer may be allocated the right to claim the 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.

I. The tax credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the tax credit.

J. As used in this section:

(1) "home" means a dwelling designed for long-term habitation in which the taxpayer resides for a majority of the year and is:

(a) constructed permanently on a taxpayer's property with a foundation and that cannot be moved; or

(b) a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet and 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 the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations; and

(2) "qualified home expenditures" means gross expenditures for the construction or manufacture of a home on the same property in New Mexico that a taxpayer's prior home was destroyed by a wildfire in calendar years 2021 through 2023, less any compensation related to home construction, manufacture or repair costs received pursuant to the federal Hermit's Peak/Calf Canyon Fire Assistance Act or from insurance or other source of compensation."

## **Chapter 130 Section 47 Laws 2025**

SECTION 47. Section 7-2-18.38 NMSA 1978 (being Laws 2024, Chapter 67, Section 33) is amended to read:

### **"7-2-18.38. GEOTHERMAL ELECTRICITY GENERATION INCOME TAX CREDIT.--**

A. For taxable years ending prior to January 1, 2032, a taxpayer who is not a dependent of another individual and who holds an interest in a geothermal electricity generation facility may apply for, and the department may allow, a credit against the taxpayer's tax liability imposed pursuant to the Income Tax Act. The tax credit provided by this section may be referred to as the "geothermal electricity generation income tax credit".

B. The amount of a tax credit allowed pursuant to this section shall be an amount equal to one and one-half cents (\$0.015) per kilowatt-hour of electricity generated in New Mexico in a taxable year by the geothermal electricity generation facility in which the taxpayer holds an interest.

C. A taxpayer shall apply for certification of eligibility for the credit provided by this section from the energy, minerals and natural resources department on forms and

in the manner prescribed by that department. The total annual aggregate amount of credits that may be certified for geothermal electricity generation income tax credits and geothermal electricity generation corporate income tax credits in any calendar year is five million dollars (\$5,000,000). 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 for that calendar year, but shall be considered for certification in the following calendar year. The application shall include proof that the taxpayer is eligible for certification, including that the geothermal electricity generation facility that produced the energy for which the taxpayer is claiming credit, the geothermal resources used by the geothermal electricity generation facility and the taxpayer's interest in the geothermal electricity generation facility are in accordance with the definitions set forth in this section. For taxpayers approved to receive the credit, the energy, minerals and natural resources department shall issue a certificate of eligibility stating the amount of credit to which the taxpayer is entitled and the taxable year in which the credit may be claimed. The certificate of eligibility shall be numbered for identification and declare the date of issuance and the amount of the tax credit allowed.

D. A taxpayer may claim a geothermal electricity generation income tax credit for the taxable year in which electricity was generated in New Mexico by a geothermal electricity generation facility in which the taxpayer holds an interest. To receive the 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 certificate of eligibility issued pursuant to Subsection C of this section.

E. That portion of a credit that exceeds a taxpayer's tax liability in the taxable year in which the credit is claimed may be carried forward for up to three consecutive years.

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 credit that would have been claimed on a joint return.

G. A taxpayer may be allocated the right to claim a credit provided by this section 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 maximum amount of the credit allowed pursuant to this section.

H. 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.

I. The tax credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the tax credit.



J. As used in this section:

(1) "geothermal electricity generation facility" means a facility located in New Mexico that generates electricity from geothermal resources and:

(a) for new facilities, begins construction on or after January 1, 2025; or

(b) for existing facilities, on or after January 1, 2025, increases the amount of electricity generated from geothermal resources the facility generated prior to that date by at least one hundred percent;

(2) "geothermal resources" means the natural heat of the earth in excess of two hundred fifty degrees Fahrenheit or the energy, in whatever form, below the surface of the earth present in, resulting from, created by or that may be extracted from this natural heat in excess of two hundred fifty degrees Fahrenheit and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases and steam, in whatever form, found below the surface of the earth, but excluding oil, hydrocarbon gas and other hydrocarbon substances and excluding the heating and cooling capacity of the earth not resulting from the natural heat of the earth in excess of two hundred fifty degrees Fahrenheit as may be used for the heating and cooling of buildings through an on-site geoexchange heat pump or similar on-site system; and

(3) "interest in a geothermal electricity generation facility" means title to a geothermal electricity generation facility; a leasehold interest in such facility; an ownership interest in a business or entity that is taxed for federal income tax purposes as a partnership that holds title to or a leasehold interest in such facility; or an ownership interest, through one or more intermediate entities that are each taxed for federal income tax purposes as a partnership, in a business that holds title to or a leasehold interest in such facility."

## **Chapter 130 Section 48 Laws 2025**

SECTION 48. Section 7-2-24 NMSA 1978 (being Laws 1981, Chapter 343, Section 2, as amended) is amended to read:

"7-2-24. OPTIONAL DESIGNATION OF TAX REFUND CONTRIBUTIONS.--

A. Except as provided in Subsection C of this section, an individual whose state income tax liability after application of allowable credits and tax rebates in any year is lower than the amount of money held by the department to the credit of such individual for that tax year may designate any portion of the income tax refund due to the individual to be paid to the entities or funds as provided in Subsection B of this section. In the case of a joint return, both individuals must make such designation.

B. The department shall provide for the state income tax form to allow the designation of such contributions as follows:

- (1) to the game protection fund;
- (2) to the energy, minerals and natural resources department for the conservation planting revolving fund for the planting of trees in New Mexico;
- (3) to the board of regents of New Mexico state university for the New Mexico department of agriculture's healthy soil program;
- (4) to the veterans' services department for the veterans' state cemetery fund;
- (5) to the public education department for the substance abuse education fund to provide substance abuse educational programs in New Mexico schools;
- (6) to the board of regents of the university of New Mexico for the amyotrophic lateral sclerosis research fund for amyotrophic lateral sclerosis (Lou Gehrig's disease) research;
- (7) to the state parks division of the energy, minerals and natural resources department for the kids in parks education program;
- (8) to the department of military affairs for assistance to members of the New Mexico national guard and to their families;
- (9) to the veterans' services department for the operation, maintenance and improvement of the Vietnam veterans memorial near Angel Fire, New Mexico;
- (10) to the veterans' services department for the veterans' enterprise fund to carry out the programs, duties or services of the veterans' services department;
- (11) to the higher education department for the lottery tuition fund to provide tuition assistance for New Mexico resident undergraduates;
- (12) to the New Mexico livestock board for the equine shelter rescue fund;
- (13) to the aging and long-term services department to enhance or expand senior services through statewide area agencies on aging grant programs, including senior services provided through the north central New Mexico economic development district as the non-metro area agency on aging, the city of Albuquerque/Bernalillo county area agency on aging, the Indian area agency on aging and the Navajo area agency on aging;

(14) to the board of veterinary medicine for the animal care and facility fund to carry out the statewide dog and cat spay and neuter program;

(15) to the New Mexico mortgage finance authority for the New Mexico housing trust fund for affordable housing programs; and

(16) two dollars (\$2.00) to a state political party of the individual's choosing that on January 1 of the taxable year for which the return is filed meets the requirements of Subsection A of Section 1-7-2 NMSA 1978.

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

D. The department shall disregard a direction on a return to make an optional refund contribution if the amount of refund due on the return is determined by the department to be less than the sum of the amounts directed to be contributed.

E. Notwithstanding the provisions of Section 7-1-26 NMSA 1978, a taxpayer shall not claim and the department shall not allow a refund with respect to any optional refund contribution that was made by the department at the direction of the taxpayer."

## **Chapter 130 Section 49 Laws 2025**

SECTION 49. Section 7-2-28.1 NMSA 1978 (being Laws 2011, Chapter 42, Section 1, as amended) is amended to read:

"7-2-28.1. VETERANS' STATE CEMETERY FUND--CREATED.--The "veterans' state cemetery fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants, donations and amounts designated pursuant to Section 7-2-24 NMSA 1978. Money in the fund at the end of a fiscal year shall not revert to any other fund. The veterans' services department shall administer the fund, and money in the fund is appropriated to the veterans' services department."

## **Chapter 130 Section 50 Laws 2025**

SECTION 50. Section 7-2-31.1 NMSA 1978 (being Laws 1999, Chapter 47, Section 5) is amended to read:

"7-2-31.1. OPTIONAL REFUND CONTRIBUTION PROVISIONS--  
CONDITIONAL REPEAL.--

A. By August 31 of each year, the secretary shall determine the total amount contributed through the preceding July 31 on returns filed for taxable years ending in the preceding calendar year pursuant to each purpose stated in Section 7-2-24 NMSA 1978.

B. If the secretary's determination pursuant to Subsection A of this section regarding an optional refund contribution provision is that the amount contributed is less than ten thousand dollars (\$10,000), the secretary shall certify that fact to the secretary of state. Any optional refund contribution purpose for which a certification is made for three consecutive years is repealed and shall no longer be included on the state income tax form, effective on the January 1 following the third certification."

## **Chapter 130 Section 51 Laws 2025**

SECTION 51. Section 7-2-39 NMSA 1978 (being Laws 2019, Chapter 270, Section 15) is amended to read:

### **"7-2-39. DEDUCTION FROM NET INCOME FOR CERTAIN DEPENDENTS.--**

A. As long as the exemption amount pursuant to Section 151 of the Internal Revenue Code means zero, a taxpayer who is not a dependent of another individual and files a return as a head of household or married filing jointly may claim a deduction from net income in an amount equal to the product of four thousand dollars (\$4,000) multiplied by the difference between the number of dependents claimed on the taxpayer's return and one.

B. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction to the department in a manner required by the department.

C. The deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction.

D. As used in this section, "dependent" means "dependent" as defined in Section 152 of the Internal Revenue Code."

## **Chapter 130 Section 52 Laws 2025**

SECTION 52. Section 7-2-40 NMSA 1978 (being Laws 2021, Chapter 7, Section 1) is amended to read:

### **"7-2-40. DEDUCTION--INCOME FROM LEASING A LIQUOR LICENSE.--**

A. Prior to January 1, 2026, a taxpayer who is a liquor license lessor and who held the license on June 30, 2021 may claim a deduction from net income in an amount equal to the gross receipts from sales of alcoholic beverages made by each liquor license lessee in an amount, if the liquor license is a dispenser's license and sales of alcoholic beverages for consumption off premises are less than fifty percent of total alcoholic beverage sales, not to exceed fifty thousand dollars (\$50,000) for each of four taxable years.

B. 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 a deduction provided by this section that would have been claimed on a joint return.

C. A taxpayer may claim the deduction provided by this section 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 deduction. The total deduction claimed in the aggregate by all members of the partnership or association with respect to the deduction shall not exceed the amount of the deduction that could have been claimed by a sole owner of the business.

D. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction to the department in a manner required by the department.

E. The deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction.

F. As used in this section:

(1) "alcoholic beverage" means alcoholic beverage as defined in the Liquor Control Act;

(2) "dispenser's license" means a license issued pursuant to the provisions of the Liquor Control Act allowing the licensee to sell, offer for sale or have in the person's possession with the intent to sell alcoholic beverages both by the drink for consumption on the licensed premises and in unbroken packages, including growlers, for consumption and not for resale off the licensed premises;

(3) "growler" means a clean, refillable, resealable container that has a liquid capacity that does not exceed one gallon and that is intended and used for the sale of beer, wine or cider;

(4) "liquor license" means a dispenser's license issued pursuant to Section 60-6A-3 NMSA 1978 or a dispenser's license issued pursuant to Section 60-6A-12 NMSA 1978 issued prior to July 1, 2021;

(5) "liquor license lessee" means a person that leases a liquor license from a liquor license lessor; and

(6) "liquor license lessor" means a person that leases a liquor license to a third party."

## Chapter 130 Section 53 Laws 2025

SECTION 53. Section 7-2-41 NMSA 1978 (being Laws 2024, Chapter 67, Section 24) is amended to read:

"7-2-41. DEDUCTION--SCHOOL SUPPLIES PURCHASED BY A PUBLIC SCHOOL TEACHER.--

A. A taxpayer who is not a dependent of another individual and is a public school teacher may claim a deduction from net income in an amount equal to the costs of school supplies purchased by the public school teacher in a taxable year, not to exceed:

(1) for a taxable year beginning on January 1, 2024 and prior to January 1, 2025, five hundred dollars (\$500); and

(2) for a taxable year beginning on January 1, 2025 and prior to January 1, 2029, one thousand dollars (\$1,000).

B. To claim a deduction pursuant to this section, a taxpayer shall submit to the department information required by the secretary establishing that the taxpayer is eligible to claim a deduction pursuant to this section.

C. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction to the department in a manner required by the department.

D. The deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction.

E. As used in this section:

(1) "public school teacher" means a person who is licensed as a teacher pursuant to the Public School Code and who teaches at a public school, as that term is defined in the Public School Code; and

(2) "school supplies" means items purchased by a public school teacher and used by the students of the teacher in the teacher's classroom for educational purposes, including notebooks, paper, writing instruments, crayons, art supplies, rulers, maps and globes, but not including computers or other similar digital devices, watches, radios, digital music players, headphones, sporting equipment, portable or desktop telephones, cellular telephones or other electronic communication devices, copiers, office equipment, furniture or fixtures."

## **Chapter 130 Section 54 Laws 2025**

SECTION 54. Section 7-2A-9 NMSA 1978 (being Laws 1981, Chapter 37, Section 42, as amended) is amended to read:

### **"7-2A-9. TAXPAYER RETURNS--PAYMENT OF TAX.--**

A. Every corporation deriving income from any business transaction, property or employment within this state, that is not exempt from tax under the Corporate Income and Franchise Tax Act and that is required by the laws of the United States to file a federal income tax return shall file a complete tax return with the department in form and content as prescribed by the secretary. A corporation that is required by the provisions of the Corporate Income and Franchise Tax Act to file a return or pay a tax shall, on or before the due date of the corporation's federal corporate income tax return for the taxable year, file the return and pay the tax imposed for that year.

B. Every domestic or foreign corporation that is not exempt from tax under the Corporate Income and Franchise Tax Act, that is employed or engaged in the transaction of business in, into or from this state or that derives any income from property or employment within this state and every domestic or foreign corporation, regardless of whether it is engaged in active business, that has or exercises its corporate franchise in this state and that is not exempt from tax under the Corporate Income and Franchise Tax Act shall file a return in the form and content as prescribed by the secretary and pay the tax levied pursuant to Subsection B of Section 7-2A-3 NMSA 1978 in the amount for each corporation as specified in Section 7-2A-5.1 NMSA 1978. Returns and payment of tax for corporate franchise tax for a taxable year shall be filed and paid on the date specified in Subsection A of this section for payment of corporate income tax for the preceding taxable year."

## **Chapter 130 Section 55 Laws 2025**

SECTION 55. Section 7-2A-24 NMSA 1978 (being Laws 2009, Chapter 271, Section 2, as amended) is amended to read:

### **"7-2A-24. GEOTHERMAL GROUND-COUPLED HEAT PUMP CORPORATE INCOME TAX CREDIT.--**

A. A taxpayer that files a New Mexico corporate income tax return for a taxable year beginning on or after January 1, 2024 and that purchases and installs after May 15, 2024 but before December 31, 2034 a geothermal ground-coupled heat pump in a property owned by the taxpayer may claim against the taxpayer's corporate income tax liability, and the department may allow, a tax credit of up to thirty percent of the purchase and installation costs of the system. The credit provided in this section may be referred to as the "geothermal ground-coupled heat pump corporate income tax credit". The total geothermal ground-coupled heat pump corporate income tax credit allowed to a taxpayer shall not exceed nine thousand dollars (\$9,000). The department shall allow

a geothermal ground-coupled heat pump corporate income tax credit only for geothermal ground-coupled heat pumps that are certified pursuant to Subsection C of this section and installed by a nationally accredited ground source heat pump installer.

B. That portion of a geothermal ground-coupled heat pump corporate 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.

C. The energy, minerals and natural resources department shall adopt rules establishing procedures to provide certification of geothermal ground-coupled heat pumps for purposes of obtaining a geothermal ground-coupled heat pump corporate income tax credit. The rules shall address technical specifications and requirements relating to safety, building code and standards compliance, minimum system sizes, system applications and lists of eligible components. The energy, minerals and natural resources department may modify the specifications and requirements as necessary to maintain a high level of system quality and performance.

D. The maximum annual aggregate of credits that may be certified in a calendar year by the energy, minerals and natural resources department is four million dollars (\$4,000,000). That department shall not certify a tax credit for which a taxpayer claims a 2021 sustainable building corporate income tax credit using a geothermal ground-coupled heat pump as a component of qualification for the rating system certification level used in determining eligibility for that credit. Completed applications for the credit shall be considered in the order received. The energy, minerals and natural resources department shall provide the department appropriate information for all certificates of eligibility in a secure manner on regular intervals agreed upon by both departments.

E. A taxpayer allowed a tax credit pursuant to this section shall claim the credit on forms and in a manner required by the department.

F. The tax credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the tax credit.

G. As used in this section, "geothermal ground-coupled heat pump" means a heating and refrigerating system that directly or indirectly utilizes available heat below the surface of the earth for distribution of heating and cooling or domestic hot water and that has either a minimum coefficient of performance of three and four-tenths or an efficiency ratio of sixteen or greater."

## **Chapter 130 Section 56 Laws 2025**

SECTION 56. Section 7-2A-24.1 NMSA 1978 (being Laws 2024, Chapter 67, Section 34) is amended to read:



"7-2A-24.1. GEOTHERMAL ELECTRICITY GENERATION CORPORATE INCOME TAX CREDIT.--

A. For taxable years ending prior to January 1, 2032, a taxpayer that holds an interest in a geothermal electricity generation facility may apply for, and the department may allow, a credit against the taxpayer's tax liability imposed pursuant to the Corporate Income and Franchise Tax Act. The tax credit provided by this section may be referred to as the "geothermal electricity generation corporate income tax credit".

B. The amount of a tax credit allowed pursuant to this section shall be an amount equal to one and one-half cents (\$0.015) per kilowatt-hour of electricity generated in New Mexico in a taxable year by the geothermal electricity generation facility in which the taxpayer holds an interest.

C. A taxpayer shall apply for certification of eligibility for the credit provided by this section from the energy, minerals and natural resources department on forms and in the manner prescribed by that department. The total annual aggregate amount of geothermal electricity generation corporate income tax credits and geothermal electricity generation income tax credits that may be certified in any calendar year is five million dollars (\$5,000,000). 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 for that calendar year, but shall be considered for certification in the following calendar year. The application shall include proof that the taxpayer is eligible for certification, including that the geothermal electricity generation facility that produced the energy for which the taxpayer is claiming credit, the geothermal resources used by the geothermal electricity generation facility and the taxpayer's interest in the geothermal electricity generation facility are in accordance with the definitions set forth in this section. For taxpayers approved to receive the credit, the energy, minerals and natural resources department shall issue a certificate of eligibility stating the amount of credit to which the taxpayer is entitled and the taxable year in which the credit may be claimed. The certificate of eligibility shall be numbered for identification and declare the date of issuance and the amount of the tax credit allowed.

D. A taxpayer may claim a geothermal electricity generation corporate income tax credit for the taxable year in which electricity was generated in New Mexico by a geothermal electricity generation facility in which the taxpayer holds an interest. To receive the 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 certificate of eligibility issued pursuant to Subsection C of this section.

E. That portion of a credit that exceeds a taxpayer's tax liability in the taxable year in which the credit is claimed may be carried forward for up to three consecutive years.

F. 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 that department.

G. The tax credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the tax credit.

H. As used in this section:

(1) "geothermal electricity generation facility" means a facility located in New Mexico that generates electricity from geothermal resources and:

(a) for new facilities, begins construction on or after January 1, 2025; or

(b) for existing facilities, on or after January 1, 2025, increases the amount of electricity generated from geothermal resources the facility generated prior to that date by at least one hundred percent;

(2) "geothermal resources" means the natural heat of the earth in excess of two hundred fifty degrees Fahrenheit or the energy, in whatever form, below the surface of the earth present in, resulting from, created by or that may be extracted from this natural heat in excess of two hundred fifty degrees Fahrenheit and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases and steam, in whatever form, found below the surface of the earth, but excluding oil, hydrocarbon gas and other hydrocarbon substances and excluding the heating and cooling capacity of the earth not resulting from the natural heat of the earth in excess of two hundred fifty degrees Fahrenheit as may be used for the heating and cooling of buildings through an on-site geoexchange heat pump or similar on-site system; and

(3) "interest in a geothermal electricity generation facility" means title to a geothermal electricity generation facility; a leasehold interest in such facility; an ownership interest in a business or entity that is taxed for federal income tax purposes as a partnership that holds title to or a leasehold interest in such facility; or an ownership interest, through one or more intermediate entities that are each taxed for federal income tax purposes as a partnership, in a business that holds title to or a leasehold interest in such facility."

## **Chapter 130 Section 57 Laws 2025**

SECTION 57. Section 7-2A-26 NMSA 1978 (being Laws 2010, Chapter 84, Section 2, as amended) is amended to read:

"7-2A-26. AGRICULTURAL BIOMASS CORPORATE INCOME TAX CREDIT.--

A. A taxpayer that files a New Mexico corporate income tax return for a taxable year ending prior to January 1, 2030 for a dairy or feedlot owned by the taxpayer may claim against the taxpayer's corporate income and franchise tax liability, and the department may allow, a tax credit equal to five dollars (\$5.00) per wet ton of

agricultural biomass transported from the taxpayer's dairy or feedlot to a facility that uses agricultural biomass to generate electricity or make biocrude or other liquid or gaseous fuel for commercial use. The credit provided in this section may be referred to as the "agricultural biomass corporate income tax credit".

B. Subject to the limitations of Subsection C of this section, a taxpayer shall apply for certification of eligibility for the agricultural biomass corporate income tax credit from the energy, minerals and natural resources department on forms and in the manner prescribed by that department. Completed applications shall be considered in the order received. A dated certificate of eligibility shall be issued to the taxpayer providing the amount of the agricultural biomass corporate income tax credit for which the taxpayer is eligible and the taxable year in which the credit may be claimed. The energy, minerals and natural resources department shall adopt rules establishing procedures to provide certification of transportation of agricultural biomass to a qualified facility that uses agricultural biomass to generate electricity or make biocrude or other liquid or gaseous fuel for commercial use for purposes of obtaining an agricultural biomass corporate income tax credit.

C. The aggregate amount of agricultural biomass income tax credits and agricultural biomass corporate income tax credits that may be certified is five million dollars (\$5,000,000) per calendar year, and applications for certification received after this limitation shall not be approved. Any remaining credits that remain unused in a taxable year may be available for certification for a maximum of four consecutive taxable years until the credits are fully utilized. The energy, minerals and natural resources department shall provide the department appropriate information for all certificates of eligibility in a secure manner on regular intervals agreed upon by both departments.

D. Any portion of the agricultural biomass corporate income tax credit that exceeds a taxpayer's corporate income tax liability in the taxable year in which the credit is being claimed may be carried forward for up to three consecutive taxable years. A certificate of eligibility for an agricultural biomass corporate 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.

E. A taxpayer that claims an agricultural biomass corporate income tax credit shall not also claim an agricultural biomass income tax credit for transportation of the same agricultural biomass on which the claim for that agricultural biomass income tax credit is based.

F. A taxpayer allowed a tax credit pursuant to this section shall claim the credit on forms and in a manner required by the department.

G. The tax credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the tax credit.

H. As used in this section:

(1) "agricultural biomass" means wet manure meeting specifications established by the energy, minerals and natural resources department from either a dairy or feedlot commercial operation;

(2) "biocrude" means a nonfossil form of energy that can be transported and refined using existing petroleum refining facilities and that is made from biologically derived feedstocks and other agricultural biomass;

(3) "feedlot" means an operation that fattens livestock for market; and

(4) "dairy" means a facility that raises livestock for milk production."

## **Chapter 130 Section 58 Laws 2025**

SECTION 58. Section 7-2A-28 NMSA 1978 (being Laws 2015, Chapter 130, Section 2, as amended) is amended to read:

"7-2A-28. 2015 SUSTAINABLE BUILDING CORPORATE INCOME TAX CREDIT.--

A. The tax credit provided by this section may be referred to as the "2015 sustainable building corporate income tax credit". The 2015 sustainable building corporate income tax credit shall be available for the construction in New Mexico of a sustainable building, the renovation of an existing building in New Mexico into a sustainable building or the permanent installation of manufactured housing, regardless of where the housing is manufactured, that is a sustainable building; provided that the construction, renovation or installation project is completed prior to April 1, 2023. The tax credit provided in this section may not be claimed with respect to the same sustainable building for which the 2015 sustainable building income tax credit, the 2021 sustainable building income tax credit or the 2021 sustainable building corporate income tax credit has been claimed.

B. The purpose of the 2015 sustainable building corporate income tax credit is to encourage the construction of sustainable buildings and the renovation of existing buildings into sustainable buildings.

C. A taxpayer that files a corporate income tax return may claim a 2015 sustainable building corporate income tax credit if the requirements of this section are met.

D. For taxable years ending on or before December 31, 2024, the 2015 sustainable building corporate income tax credit may be claimed with respect to a sustainable commercial building. The credit shall be calculated based on the certification level the building has achieved in the LEED green building rating system and the amount of qualified occupied square footage in the building, as indicated on the following chart:

LEED Rating Level	Qualified Occupied Square Footage	Tax Credit per Square Foot
LEED-NC Silver	First 10,000	\$3.50
	Next 40,000	\$1.75
	Over 50,000	
	up to 500,000	\$0.70
LEED-NC Gold	First 10,000	\$4.75
	Next 40,000	\$2.00
	Over 50,000	
	up to 500,000	\$1.00
LEED-NC Platinum	First 10,000	\$6.25
	Next 40,000	\$3.25
	Over 50,000	
	up to 500,000	\$2.00
LEED-EB or CS Silver	First 10,000	\$2.50
	Next 40,000	\$1.25
	Over 50,000	
	up to 500,000	\$0.50
LEED-EB or CS Gold	First 10,000	\$3.35
	Next 40,000	\$1.40
	Over 50,000	
	up to 500,000	\$0.70
LEED-EB or CS Platinum	First 10,000	\$4.40
	Next 40,000	\$2.30
	Over 50,000	

	up to 500,000	\$1.40
LEED-CI Silver	First 10,000	\$1.40
	Next 40,000	\$0.70
	Over 50,000	
	up to 500,000	\$0.30
LEED-CI Gold	First 10,000	\$1.90
	Next 40,000	\$0.80
	Over 50,000	
	up to 500,000	\$0.40
LEED-CI Platinum	First 10,000	\$2.50
	Next 40,000	\$1.30
	Over 50,000	
	up to 500,000	\$0.80.

E. For taxable years ending on or before December 31, 2024, the 2015 sustainable building corporate income tax credit may be claimed with respect to a sustainable residential building. The credit shall be calculated based on the amount of qualified occupied square footage, as indicated on the following chart:

Rating System/Level	Qualified Occupied Square Footage	Tax Credit per Square Foot
LEED-H Silver or Build Green NM Silver	Up to 2,000	\$3.00
LEED-H Gold or Build Green NM Gold	Up to 2,000	\$4.50
LEED-H Platinum or Build Green NM Emerald	Up to 2,000	\$6.50
Manufactured Housing	Up to 2,000	\$3.00.

F. A person that is a building owner may apply for a certificate of eligibility for the 2015 sustainable building corporate income tax credit from the energy, minerals and natural resources department after the construction, installation or renovation of the sustainable building is complete. Completed 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 tax credit application is made meets the requirements of this section as a sustainable residential building or a sustainable commercial building, the energy, minerals and natural resources department may issue a dated certificate of eligibility to the building owner providing the amount of credit for which the building owner is eligible and the taxable year in which the credit may be claimed, subject to the limitations in Subsection G 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 and a calculation of the maximum amount of 2015 sustainable building corporate income tax credit for which the building owner would be eligible. The energy, minerals and natural resources department may issue rules governing the procedure for administering the provisions of this subsection.

G. Except as provided in Subsection H of this section, the energy, minerals and natural resources department may issue a certificate of eligibility only if the aggregate amount of 2015 sustainable building corporate income tax credits represented by certificates of eligibility issued by the energy, minerals and natural resources department pursuant to this section and Section 7-2-18.29 NMSA 1978 shall not exceed in any calendar year an aggregate amount of:

(1) one million two hundred fifty thousand dollars (\$1,250,000) with respect to sustainable commercial buildings;

(2) three million three hundred seventy-five thousand dollars (\$3,375,000) with respect to sustainable residential buildings that are not manufactured housing; and

(3) three hundred seventy-five thousand dollars (\$375,000) with respect to sustainable residential buildings that are manufactured housing.

H. For any taxable year that the energy, minerals and natural resources department determines that applications for sustainable building corporate income tax credits for any type of sustainable building pursuant to Paragraph (1), (2) or (3) of Subsection G 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. The energy, minerals and natural resources department shall provide the department appropriate information for all certificates of eligibility in a secure manner on regular intervals agreed upon by both departments.

I. Installation of a solar thermal system or a photovoltaic system eligible for the solar market development tax credit pursuant to Section 7-2-18.14 or 7-2-18.31 NMSA 1978 may not be used as a component of qualification for the rating system certification level used in determining eligibility for the 2015 sustainable building

corporate income tax credit, unless a solar market development tax credit pursuant to Section 7-2-18.14 or 7-2-18.31 NMSA 1978 has not been claimed with respect to that system and the building owner and the taxpayer claiming the 2015 sustainable building corporate income tax credit certify that such a tax credit will not be claimed with respect to that system.

J. To claim the 2015 sustainable building corporate income tax credit, the building owner shall provide to the department a certificate of eligibility issued by the energy, minerals and natural resources department pursuant to the requirements of Subsection F of this section and any other information the department may require to determine the amount of the tax credit for which the building owner is eligible.

K. Any portion of a 2015 sustainable building corporate income tax credit that exceeds the taxpayer's corporate income tax liability for the taxable year in which the credit is claimed may be carried forward for up to seven consecutive taxable years.

L. A taxpayer that otherwise qualifies and claims a 2015 sustainable building corporate income 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.

M. The credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 with an analysis of the effectiveness and cost of the tax credit and whether the tax credit is performing the purpose for which it was created.

N. For the purposes of this section:

(1) "build green New Mexico rating system" means the certification standards adopted by build green New Mexico in November 2014, which include water conservation standards;

(2) "LEED-CI" means the LEED rating system for commercial interiors;

(3) "LEED-CS" means the LEED rating system for the core and shell of buildings;

(4) "LEED-EB" means the LEED rating system for existing buildings;

(5) "LEED gold" means the rating in compliance with, or exceeding, the second-highest rating awarded by the LEED certification process;



(6) "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;

(7) "LEED-H" means the LEED rating system for homes;

(8) "LEED-NC" means the LEED rating system for new buildings and major renovations;

(9) "LEED platinum" means the rating in compliance with, or exceeding, the highest rating awarded by the LEED certification process;

(10) "LEED silver" means the rating in compliance with, or exceeding, the third-highest rating awarded by the LEED certification process;

(11) "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;

(12) "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;

(13) "person" does not include state, local government, public school district or tribal agencies;

(14) "sustainable building" means either a sustainable commercial building or a sustainable residential building;

(15) "sustainable commercial building" means a multifamily dwelling unit, as registered and certified under the LEED-H or build green New Mexico rating system, that is certified by the United States green building council as LEED-H silver or higher or by build green New Mexico as silver or higher and has achieved a home energy rating system index of sixty or lower as developed by the residential energy services network or a building that has been registered and certified under the LEED-NC, LEED-EB, LEED-CS or LEED-CI rating system and that:

(a) is certified by the United States green building council at LEED silver or higher;

(b) achieves any prerequisite for and at least one point related to commissioning under LEED "energy and atmosphere", if included in the applicable rating system; and

(c) has reduced energy consumption beginning January 1, 2012, by sixty 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;

(16) "sustainable residential building" means:

(a) a building used as a single-family residence as registered and certified under the build green New Mexico or LEED-H rating systems that: 1) is certified by the United States green building council as LEED-H silver or higher or by build green New Mexico as silver or higher; 2) has achieved a home energy rating system index of sixty or lower as developed by the residential energy services network; 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 by the United States environmental protection agency;

(17) "tribal" means of, belonging to or created by a federally recognized Indian nation, tribe or pueblo; and

(18) "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."

## **Chapter 130 Section 59 Laws 2025**

SECTION 59. Section 7-2A-28.1 NMSA 1978 (being Laws 2021, Chapter 84, Section 4, as amended) is amended to read:

"7-2A-28.1. 2021 SUSTAINABLE BUILDING CORPORATE INCOME TAX CREDIT.--

A. The tax credit provided by this section may be referred to as the "2021 sustainable building corporate income tax credit". For taxable years ending prior to January 1, 2028, a taxpayer that is a building owner and files a corporate income tax return may claim a 2021 sustainable building corporate income tax credit if the requirements of this section are met. The 2021 sustainable building corporate income 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 income tax credit, the 2015 sustainable building income tax credit or the 2015 sustainable building corporate income tax credit has been claimed.

B. The amount of a 2021 sustainable building corporate income 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	Tax Credit
	Occupied	Per Square
	Square Footage	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	
	up to 200,000	\$0.25
LEED-CI Gold	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, per product installed:

Product	Amount of Credit
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	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	\$1,000	\$500.

C. A person that is a building owner may apply for a certificate of eligibility for the 2021 sustainable building corporate income tax credit from the energy, minerals and natural resources department on forms and in a manner prescribed by that department after the construction, installation or renovation of the sustainable building or installation of energy-conserving products in an existing building is complete. Completed 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 corporate income tax credit, the energy, minerals and natural resources department may issue a dated 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 amount of 2021 sustainable building corporate income tax credit for which the building owner is 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. 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 aggregate amount of 2021 sustainable building corporate income tax credits represented by certificates of eligibility issued by the energy, minerals and natural resources department pursuant to this section and Section 7-2-18.32 NMSA 1978 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. The energy, minerals and natural resources department shall provide the department appropriate information for all certificates of eligibility in a secure manner on regular intervals agreed upon by both departments.



F. Installation of a solar thermal system or a photovoltaic system eligible for the new solar market development tax credit shall not be used as a component of qualification for the rating system certification level used in determining eligibility for the 2021 sustainable building corporate income tax credit, unless a new solar market development tax credit 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. A taxpayer allowed a tax credit pursuant to this section shall claim the credit on forms and in a manner required by the department.

H. That portion of a 2021 sustainable building corporate income tax credit approved by the department that exceeds the taxpayer's corporate income tax liability for the taxable year in which the credit is claimed may be carried forward for up to seven consecutive taxable years. A certificate of eligibility for a 2021 sustainable building corporate 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.

I. A taxpayer that otherwise qualifies and claims a 2021 sustainable building corporate income 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.

J. The tax credit provided by this section shall be included in the tax expenditure report pursuant to Section 7-1-84 NMSA 1978 with an analysis of the effectiveness and cost of the tax credit.

K. 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) "building owner" means a person who holds fee simple interest in a property or a person who holds a leasehold interest in land owned by a federally recognized Indian nation, tribe or pueblo;

(5) "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;

(6) "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;

(7) "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;

(8) "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;

(9) "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;

(10) "LEED-CI" means the LEED rating system for commercial interiors;

(11) "LEED-CS" means the LEED rating system for the core and shell of buildings;

(12) "LEED-EB" means the LEED rating system for existing buildings;

(13) "LEED gold" means the rating in compliance with, or exceeding, the second-highest rating awarded by the LEED certification process;

(14) "LEED-H" means the LEED rating system for homes;

(15) "LEED-NC" means the LEED rating system for new buildings and major renovations;

(16) "LEED platinum" means the rating in compliance with, or exceeding, the highest rating awarded by the LEED certification process;

(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 130 Section 60 Laws 2025**

SECTION 60. Section 7-2A-31 NMSA 1978 (being Laws 2021, Chapter 7, Section 2) is amended to read:

### **"7-2A-31. DEDUCTION--INCOME FROM LEASING A LIQUOR LICENSE.--**

A. Prior to January 1, 2026, a taxpayer that is a liquor license lessor and that held the license on June 30, 2021 may claim a deduction from taxable income in an amount equal to the gross receipts from sales of alcoholic beverages made by each liquor license lessee in an amount, if the liquor license is a dispenser's license and sales of alcoholic beverages for consumption off premises are less than fifty percent of total alcoholic beverage sales, not to exceed fifty thousand dollars (\$50,000) for each of four taxable years.

B. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction to the department in a manner required by the department.

C. The deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction.

D. As used in this section:

(1) "alcoholic beverage" means alcoholic beverage as defined in the Liquor Control Act;

(2) "dispenser's license" means a license issued pursuant to the provisions of the Liquor Control Act allowing the licensee to sell, offer for sale or have in

the person's possession with the intent to sell alcoholic beverages both by the drink for consumption on the licensed premises and in unbroken packages, including growlers, for consumption and not for resale off the licensed premises;

(3) "growler" means a clean, refillable, resealable container that has a liquid capacity that does not exceed one gallon and that is intended and used for the sale of beer, wine or cider;

(4) "liquor license" means a dispenser's license issued pursuant to Section 60-6A-3 NMSA 1978 or a dispenser's license issued pursuant to Section 60-6A-12 NMSA 1978 issued prior to July 1, 2021;

(5) "liquor license lessee" means a person that leases a liquor license from a liquor license lessor; and

(6) "liquor license lessor" means a person that leases a liquor license to a third party."

## **Chapter 130 Section 61 Laws 2025**

SECTION 61. Section 7-2C-12 NMSA 1978 (being Laws 1985, Chapter 106, Section 12, as amended) is amended to read:

"7-2C-12. ADMINISTRATIVE COSTS--CHARGES APPROPRIATED TO DEPARTMENT.--

A. The department shall charge claimant agencies an administrative fee of three percent of the debts for the claimant agencies pursuant to the Tax Refund Intercept Program Act.

B. Money from the administrative fee authorized pursuant to Subsection A of this section is appropriated to the department for use in administering the Tax Refund Intercept Program Act."

## **Chapter 130 Section 62 Laws 2025**

SECTION 62. Section 7-2E-1.1 NMSA 1978 (being Laws 2007, Chapter 172, Section 2, as amended) is amended to read:

"7-2E-1.1. TAX CREDIT--RURAL JOB TAX CREDIT.--

A. The tax credit created by this section may be referred to as the "rural job tax credit". Every eligible employer may apply for, and the taxation and revenue department may approve, a tax credit for each qualifying job the employer creates. The maximum tax credit amount with respect to each qualifying job is equal to:

(1) twenty-five percent of the first sixteen thousand dollars (\$16,000) in wages paid for the qualifying job if the job is performed or based at a location in a tier one area; or

(2) twelve and one-half percent of the first sixteen thousand dollars (\$16,000) in wages paid if the qualifying job is performed or based at a location in a tier two area.

B. The purpose of the rural job tax credit is to encourage businesses to start new businesses or expand existing businesses in rural areas of the state.

C. The amount of the rural job tax credit shall be six and one-fourth percent of the first sixteen thousand dollars (\$16,000) in wages paid for the qualifying job in a qualifying period. The rural job tax credit may be claimed for each qualifying job for a maximum of:

(1) four qualifying periods for each qualifying job performed or based at a location in a tier one area; and

(2) two qualifying periods for each qualifying job performed or based at a location in a tier two area.

D. With respect to each qualifying job for which an eligible employer seeks the rural job tax credit, the employer shall certify:

(1) the amount of wages paid to each eligible employee during each qualifying period;

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

(3) whether the qualifying job was in a tier one or tier two area;

(4) whether the application pertains to the first, second, third or fourth qualifying period, depending on whether the taxpayer is in a tier one or tier two area;

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

(6) whether the eligible employer is receiving or is eligible to receive development training program assistance pursuant to Section 21-19-7 NMSA 1978; and

(7) whether the eligible employer has ceased business operations at any of its business locations in New Mexico.

E. The economic development department shall determine which employers are eligible employers and shall report the listing of eligible employers to the taxation and revenue department in a manner and at times the departments shall agree upon.

F. To receive a rural job tax credit with respect to any qualifying period, an eligible employer shall apply to the taxation and revenue department once per calendar year on forms and in the manner the department may prescribe. The annual application shall include a certification made pursuant to Subsection D of this section and contain all qualifying periods that closed during the calendar year for which the application is made. Any qualifying period that did not close in the calendar year for which the application is made shall be denied by the department. The application for a calendar year shall be filed no later than December 31 of the following calendar year. If a taxpayer fails to file the annual application within the time limits provided in this section, the department shall deny the application. If all the requirements of this section have been complied with, the taxation and revenue department shall issue to the applicant a certificate of eligibility for the appropriate qualifying period. The certificate of eligibility shall be numbered for identification and declare its date of issuance and the amount of rural job tax credit allowed for the respective jobs created. A certificate of eligibility may be sold, exchanged or otherwise transferred to another taxpayer for the full value of the credit. The parties to such a transaction to sell, exchange or transfer a rural job tax credit shall notify the department of the transaction within ten days of the sale, exchange or transfer.

G. The person entitled to claim the credit may claim all or a portion of the rural job tax credit against the person's modified combined tax liability, personal income tax liability or corporate income tax liability. Any rural job tax credit that exceeds the person's tax liability may be carried forward for up to three consecutive taxable years from the date of issuance of the certificate of eligibility. No amount of rural job tax credit may be applied against a gross receipts tax or compensating tax imposed by a municipality or county.

H. Notwithstanding the provisions of Section 7-1-8 NMSA 1978, the taxation and revenue department may disclose to any person the balance of rural job tax credit remaining on any tax credit certificate of eligibility and the balance of credit remaining for any period.

I. The secretary of economic development and the secretary of workforce solutions or their designees shall annually evaluate the effectiveness of the rural job tax credit in stimulating economic development in the rural areas of New Mexico and make a joint report of their findings to each session of the legislature so long as the rural job tax credit is in effect.

J. A qualifying job shall not be eligible for a rural job tax credit pursuant to this section if:



(1) the job is created due to a business merger, acquisition or other change in organization;

(2) the eligible employee was terminated from employment in New Mexico by another employer involved in the merger, acquisition or other change in organization; or

(3) the job is performed by:

(a) the person who performed the job or its functional equivalent prior to the business merger, acquisition or other change in organization; or

(b) a person replacing the person who performed the job or its functional equivalent prior to the business merger, acquisition or other change in organization.

K. A job shall not be eligible for a rural job tax credit pursuant to this section if the job is created due to an eligible employer entering into a contract or becoming a subcontractor to a contract with a governmental entity that replaces one or more entities performing functionally equivalent services for the governmental entity in New Mexico unless the job is a qualifying job that was not being performed by an employee of the replaced entity.

L. The credit provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the credit.

M. As used in this section:

(1) "dependent" means "dependent" as defined in 26 U.S.C. 152(a), as that section may be amended or renumbered;

(2) "eligible employee" means any individual other than an individual who:

(a) is a dependent of the employer;

(b) if the employer is an estate or trust, is a grantor, beneficiary or fiduciary of the estate or trust or is a dependent of a grantor, beneficiary or fiduciary of the estate or trust;

(c) if the employer is a corporation, is a dependent of an individual who owns, directly or indirectly, more than fifty percent in value of the outstanding stock of the corporation;

(d) if the employer is an entity other than a corporation, estate or trust, is a dependent of an individual who owns, directly or indirectly, more than fifty percent of the capital and profits interests in the entity; or

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

(3) "eligible employer" means an employer who is eligible for in-plant training assistance pursuant to Section 21-19-7 NMSA 1978;

(4) "metropolitan statistical area" means a metropolitan statistical area in New Mexico as determined by the United States bureau of the census;

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

(6) "new job" means a job that is occupied by an employee who has not been employed in New Mexico by the eligible employer in the three years prior to the date of hire;

(7) "qualifying job" means a new job that was created after July 1, 2000 and that was not created due to a change in organizational structure established by the employer that is occupied by an eligible employee for at least forty-four weeks of a qualifying period;

(8) "qualifying period" means the period of twelve months beginning on the day an eligible employee begins working in a qualifying job or the period of twelve months beginning on the anniversary of the day an eligible employee began working in a qualifying job;

(9) "rural area" means any part of the state other than:

(a) an H class county;

(b) the state fairgrounds;

(c) an incorporated municipality within a metropolitan statistical area if the municipality's population is thirty thousand or more according to the most recent federal decennial census; and

(d) any area within ten miles of the exterior boundaries of a municipality described in Subparagraph (c) of this paragraph;

(10) "tier one area" means:

(a) any municipality within the rural area if the municipality's population according to the most recent federal decennial census is fifteen thousand or less; or

(b) any part of the rural area that is not within the exterior boundaries of a municipality;

(11) "tier two area" means any municipality within the rural area if the municipality's population according to the most recent federal decennial census is more than fifteen thousand; and

(12) "wages" means all compensation paid by an eligible employer to an eligible employee through the employer's payroll system, including those wages the employee elects to defer or redirect, such as the employee's contribution to 401(k) or cafeteria plan programs, but not including benefits or the employer's share of payroll taxes."

## **Chapter 130 Section 63 Laws 2025**

SECTION 63. Section 7-3-7 NMSA 1978 (being Laws 1961, Chapter 243, Section 8, as amended) is amended to read:

### **"7-3-7. STATEMENTS OF WITHHOLDING.--**

A. Every employer shall file with the department an annual statement of withholding for each employee. The statement shall be in an electronic format prescribed by the department. The statement shall be filed with the department on or before the last day of January of the year following that for which the statement is made. It shall include the total compensation paid the employee and the total amount of tax withheld for the calendar year or portion of a calendar year if the employee has worked less than a full calendar year.

B. Every payer shall file with the department an annual statement of withholding for each individual from whom some portion of a pension or an annuity has been deducted and withheld by that payer. The statement shall be in an electronic format prescribed by the department. The statement shall be in a form prescribed by the department and shall be filed with the department on or before the last day of January

of the year following that for which the statement is made. It shall include the total amount of pension or annuity paid to the individual and the amount of tax withheld for the calendar year.

C. Every person required to deduct and withhold tax from a payment of winnings that are subject to withholding shall file with the department an annual statement of withholding for each wagerer from whom some portion of a payment of winnings has been deducted and withheld by that person. The statement shall be filed using a department-approved electronic medium and shall be filed with the department on or before the last day of January of the year following that for which the statement is made. It shall include the total amount of winnings paid to the individual and the amount of tax withheld for the calendar year. The department may also require any person who is required to submit an information return to the internal revenue service regarding the winnings of another person to submit copies of the return to the department."

## **Chapter 130 Section 64 Laws 2025**

SECTION 64. Section 7-3-13 NMSA 1978 (being Laws 2010, Chapter 53, Section 7) is amended to read:

### **"7-3-13. WITHHOLDING RETURN REQUIRED.--**

A. An employer or a payor shall file quarterly a withholding return with the department on or before the twenty-fifth day of the month following the close of the calendar quarter when the taxes were required to be withheld.

B. The quarterly withholding return required by this section shall contain all information required by the department, including:

- (1) each employee's or payee's social security number;
- (2) each employee's or payee's name;
- (3) each employee's or payee's gross wages, pensions or annuity payments;
- (4) each employee's or payee's state income tax withheld; and
- (5) the workers' compensation fees due on behalf of each employee or payee.

C. Each quarterly withholding return shall be filed with the department using a department-approved electronic medium."

## **Chapter 130 Section 65 Laws 2025**

SECTION 65. Section 7-3A-9 NMSA 1978 (being Laws 2003, Chapter 86, Section 12, as amended) is amended to read:

"7-3A-9. INTERPRETATION OF ACT--ADMINISTRATION AND ENFORCEMENT OF ACT.--

A. The department shall interpret the provisions of the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act.

B. The department shall administer and enforce the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act, and the Tax Administration Act applies to the administration and enforcement of the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act."

## **Chapter 130 Section 66 Laws 2025**

SECTION 66. Section 7-9-9 NMSA 1978 (being Laws 1966, Chapter 47, Section 9, as amended) is amended to read:

"7-9-9. LIABILITY OF USER FOR PAYMENT OF COMPENSATING TAX.--Any person in New Mexico initially using property in New Mexico on the value of which compensating tax is payable but has not been paid is liable to the state for payment of the compensating tax, but this liability is discharged if the buyer has paid the compensating tax to the seller for payment over to the department."

## **Chapter 130 Section 67 Laws 2025**

SECTION 67. Section 7-9-18.1 NMSA 1978 (being Laws 1987, Chapter 264, Section 13 and Laws 1987, Chapter 304, Section 1) is amended to read:

"7-9-18.1. EXEMPTION--GROSS RECEIPTS TAX--SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS.--Exempted from the gross receipts tax are the receipts of a taxpayer who is approved for participation in the supplemental nutrition assistance program authorized by U.S.C. Title 7, Chapter 51, as that chapter may be amended or renumbered, from the lawful acceptance and deposit with a financial institution of benefits issued by the United States department of agriculture pursuant to the supplemental nutrition assistance program."

## **Chapter 130 Section 68 Laws 2025**

SECTION 68. Section 7-9-43 NMSA 1978 (being Laws 1966, Chapter 47, Section 13, as amended) is amended to read:

"7-9-43. NONTAXABLE TRANSACTION CERTIFICATES AND OTHER EVIDENCE REQUIRED TO ENTITLE PERSONS TO DEDUCTIONS.--

A. Except as provided in Subsection B of this section, a person may establish entitlement to a deduction from gross receipts allowed pursuant to the Gross Receipts and Compensating Tax Act by obtaining in good faith a properly executed nontaxable transaction certificate from the purchaser. Nontaxable transaction certificates shall contain the information and be in a form prescribed by the department. The department by rule may deem to be nontaxable transaction certificates documents issued by other states or the multistate tax commission to taxpayers not required to be registered in New Mexico. Only buyers or lessees who have a registration number or have applied for a registration number and have not been refused one under Subsection C of Section 7-1-12 NMSA 1978 shall execute nontaxable transaction certificates issued by the department. If the seller or lessor has been given an identification number for tax purposes by the department, the seller or lessor shall disclose that identification number to the buyer or lessee prior to or upon acceptance of a nontaxable transaction certificate.

B. Except as provided in Subsection C of this section, a person who does not comply with Subsection A of this section may establish entitlement to a deduction from gross receipts by presenting alternative evidence that demonstrates the facts necessary to support entitlement to the deduction, but the burden of proof is on that person. Alternative evidence includes:

- (1) invoices or contracts that identify the nature of the transaction;
- (2) documentation as to the purchaser's use or disposition of the property or service;
- (3) a statement from the purchaser indicating that the purchaser sold or intends to resell the property or service purchased from the seller, either by itself or in combination with other property or services, in the ordinary course of business. The statement from the purchaser shall include:
  - (a) the seller's name;
  - (b) the date of the invoice or date of the transaction;
  - (c) the invoice number or a copy of the invoice;
  - (d) a copy of the purchase order, if available;
  - (e) the amount of purchase; and
  - (f) a description of the property or service purchased or leased;

or

(4) any other evidence that demonstrates the facts necessary to establish entitlement to the deduction.

C. Subsection B of this section does not apply to sellers of electricity or fuels that are parties to an agreement with the department pursuant to Section 7-1-21.1 NMSA 1978 regarding the deduction pursuant to Subsection B of Section 7-9-46 NMSA 1978.

D. When a person accepts in good faith a properly executed nontaxable transaction certificate from the purchaser, the properly executed nontaxable transaction certificate shall be conclusive evidence that the proceeds from the transaction are deductible from the person's gross receipts.

E. To exercise the privilege of executing appropriate nontaxable transaction certificates, a buyer or lessee shall apply to the department for permission to execute nontaxable transaction certificates, except with respect to documents issued by other states or the multistate tax commission that the department has deemed to be nontaxable transaction certificates.

F. If a person has accepted in good faith a properly executed nontaxable transaction certificate, but the purchaser has not employed the property or service purchased in the nontaxable manner or has provided materially false or inaccurate information on the nontaxable transaction certificate, the purchaser shall be liable for an amount equal to any tax, penalty and interest that the seller would have been required to pay if the seller had not complied with Subsection A of this section.

G. Any person who knowingly or willfully provides false or inaccurate information on a nontaxable transaction certificate, to obtain a nontaxable transaction certificate or as alternative evidence provided in support of a claim for a deduction, may be subject to prosecution under Sections 7-1-72 and 7-1-73 NMSA 1978."

## **Chapter 130 Section 69 Laws 2025**

SECTION 69. Section 7-9-46 NMSA 1978 (being Laws 1969, Chapter 144, Section 36, as amended) is amended to read:

"7-9-46. DEDUCTION--GROSS RECEIPTS--GOVERNMENTAL GROSS RECEIPTS--SALES TO MANUFACTURERS AND MANUFACTURING SERVICE PROVIDERS.--

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

B. Receipts from selling a manufacturing consumable to a manufacturer or a manufacturing service provider may be deducted from gross receipts or from governmental gross receipts if the buyer delivers a nontaxable transaction certificate to the seller or provides alternative evidence pursuant to Section 7-9-43 NMSA 1978; provided that if the seller is a utility company, an agreement with the department pursuant to Section 7-1-21.1 NMSA 1978 and a nontaxable transaction certificate shall be required.

C. Receipts from selling or leasing qualified equipment may be deducted from gross receipts if the sale is made to, or the lease is entered into with, a person engaged in the business of manufacturing or a manufacturing service provider who delivers a nontaxable transaction certificate to the seller or provides alternative evidence pursuant to Section 7-9-43 NMSA 1978; provided that a manufacturer or manufacturing service provider delivering a nontaxable transaction certificate or alternative evidence with respect to the qualified equipment shall not claim an investment credit pursuant to the Investment Credit Act for that same equipment.

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

E. A taxpayer allowed a deduction pursuant to this section shall report the amount deducted separately for each deduction provided in this section and attribute the amount of the deduction to the appropriate authorization provided in this section in a manner required by the department.

F. The deductions provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deductions.

G. As used in this section:

(1) "manufacturing consumable" means tangible personal property, other than qualified equipment or an ingredient or component part of a manufactured product, that is incorporated into, destroyed, depleted or transformed in the process of manufacturing a product, including electricity, fuels, water, manufacturing aids and supplies, chemicals, gases and other tangibles used to manufacture a product;

(2) "manufacturing operation" means a plant operated by a manufacturer or manufacturing service provider that employs personnel to perform production tasks to produce goods, in conjunction with machinery and equipment; and

(3) "qualified equipment" means machinery, equipment and tools, including component, repair, replacement and spare parts thereof, that are used directly



in the manufacturing process of a manufacturing operation. "Qualified equipment" includes computer hardware and software used directly in the manufacturing process of a manufacturing operation but excludes any motor vehicle that is required to be registered in this state pursuant to the Motor Vehicle Code."

## **Chapter 130 Section 70 Laws 2025**

SECTION 70. Section 7-9-56.3 NMSA 1978 (being Laws 2003, Chapter 232, Section 1, as amended) is amended to read:

"7-9-56.3. DEDUCTION--GROSS RECEIPTS--TRADE-SUPPORT COMPANY IN A BORDER ZONE.--

A. The receipts of a trade-support company may be deducted from gross receipts if:

(1) the trade-support company first locates in New Mexico within twenty miles of a port of entry on New Mexico's border with Mexico on or after January 1, 2016 but before January 1, 2021;

(2) the receipts are received by the company within a five-year period beginning on the date the trade-support company locates in New Mexico and the receipts are derived from its business activities and operations at its border zone location; and

(3) the trade-support company employs at least two employees in New Mexico.

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 deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 with an analysis of the effectiveness and cost of the deduction.

D. As used in this section:

(1) "dependent" means "dependent" as defined in 26 U.S.C. 152(a), as that section may be amended or renumbered;

(2) "employee" means an individual, other than an individual who:

(a) is a dependent of the employer;

(b) if the employer is an estate or trust, is a grantor, beneficiary or fiduciary of the estate or trust or is a dependent of a grantor, beneficiary or fiduciary of the estate or trust;

(c) if the employer is a corporation, is a dependent of an individual who owns, directly or indirectly, more than fifty percent in value of the outstanding stock of the corporation; or

(d) if the employer is an entity other than a corporation, estate or trust, is a dependent of an individual who owns, directly or indirectly, more than fifty percent of the capital and profits interests in the entity;

(3) "port of entry" means an international port of entry in New Mexico at which customs services are provided by United States customs and border protection; and

(4) "trade-support company" means a customs brokerage firm or a freight forwarder."

## **Chapter 130 Section 71 Laws 2025**

SECTION 71. Section 7-9-62 NMSA 1978 (being Laws 1969, Chapter 144, Section 52, as amended) is amended to read:

"7-9-62. DEDUCTION--GROSS RECEIPTS TAX--AGRICULTURAL IMPLEMENTS--AIRCRAFT MANUFACTURERS--VEHICLES THAT ARE NOT REQUIRED TO BE REGISTERED--AIRCRAFT PARTS AND MAINTENANCE SERVICES--REPORTING REQUIREMENTS.--

A. Except for receipts deductible under Subsection B of this section, fifty percent of the receipts from selling agricultural implements, farm tractors, aircraft or vehicles that are not required to be registered under the Motor Vehicle Code may be deducted from gross receipts; provided that, with respect to agricultural implements, the sale is made to a person who states in writing that the person is regularly engaged in the business of farming or ranching. Any deduction allowed under Section 7-9-71 NMSA 1978 must be taken before the deduction allowed by this subsection is computed.

B. Receipts of an aircraft manufacturer or affiliate from selling aircraft or from selling aircraft flight support, pilot training or maintenance training services may be deducted from gross receipts. Any deduction allowed under Section 7-9-71 NMSA 1978 must be taken before the deduction allowed by this subsection is computed.

C. Receipts from selling aircraft parts or maintenance services for aircraft or aircraft parts may be deducted from gross receipts. Any deduction allowed under Section 7-9-71 NMSA 1978 must be taken before the deduction allowed by this subsection is computed.

D. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department.

E. The deductions provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 with an analysis of the effectiveness and cost of the deductions.

F. As used in this section:

(1) "affiliate" means a business entity that directly or indirectly through one or more intermediaries controls, is controlled by or is under common control with the aircraft manufacturer;

(2) "agricultural implement" means a tool, utensil or instrument that is depreciable for federal income tax purposes and that is:

(a) designed to irrigate agricultural crops above ground or below ground at the place where the crop is grown; or

(b) designed primarily for use with a source of motive power, such as a tractor, in planting, growing, cultivating, harvesting or processing agricultural crops at the place where the crop is grown; in raising poultry or livestock; or in obtaining or processing food or fiber, such as eggs, milk, wool or mohair, from living poultry or livestock at the place where the poultry or livestock are kept for this purpose;

(3) "aircraft manufacturer" means a business entity that in the ordinary course of business designs and builds private or commercial aircraft certified by the federal aviation administration;

(4) "business entity" means a corporation, limited liability company, partnership, limited partnership, limited liability partnership or real estate investment trust, but does not mean an individual or a joint venture;

(5) "control" means equity ownership in a business entity that:

(a) represents at least fifty percent of the total voting power of that business entity; and

(b) has a value equal to at least fifty percent of the total equity of that business entity; and

(6) "flight support" means providing navigation data, charts, weather information, online maintenance records and other aircraft or flight-related information and the software needed to access the information."

## **Chapter 130 Section 72 Laws 2025**

SECTION 72. Section 7-9-62.1 NMSA 1978 (being Laws 2000 (2nd S.S.), Chapter 4, Section 2, as amended) is amended to read:

"7-9-62.1. DEDUCTION--GROSS RECEIPTS TAX--AIRCRAFT SALES AND SERVICES--REPORTING REQUIREMENTS.--

A. Receipts from the sale of or from maintaining, refurbishing, remodeling or otherwise modifying a commercial or military carrier over ten thousand pounds gross landing weight may be deducted from 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 deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 with an analysis of the effectiveness and cost of the deduction."

## **Chapter 130 Section 73 Laws 2025**

SECTION 73. Section 7-9-73.2 NMSA 1978 (being Laws 1998, Chapter 95, Section 2 and Laws 1998, Chapter 99, Section 4, as amended) is amended to read:

"7-9-73.2. DEDUCTION--GROSS RECEIPTS TAX AND GOVERNMENTAL GROSS RECEIPTS TAX--PRESCRIPTION DRUGS--OXYGEN--CANNABIS.--

A. Receipts from the sale of prescription drugs and oxygen and oxygen services provided by a licensed medicare durable medical equipment provider and cannabis products that are sold in accordance with the Lynn and Erin Compassionate Use Act 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. The deduction shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction.

C. For the purposes of this section, "prescription drugs" means insulin and substances that are:

(1) dispensed by or under the supervision of a licensed pharmacist or by a physician or other person authorized under state law to do so;

(2) prescribed for a specified person by a person authorized under state law to prescribe the substance; and

(3) subject to the restrictions on sale contained in Subparagraph 1 of Subsection (b) of 21 USCA 353."

## **Chapter 130 Section 74 Laws 2025**

SECTION 74. Section 7-9-73.3 NMSA 1978 (being Laws 2014, Chapter 26, Section 1, as amended) is amended to read:

### **"7-9-73.3. DEDUCTION--GROSS RECEIPTS TAX AND GOVERNMENTAL GROSS RECEIPTS TAX--DURABLE MEDICAL EQUIPMENT--MEDICAL SUPPLIES.--**

A. Prior to July 1, 2030, receipts from the sale or rental of durable medical equipment and medical supplies may be deducted from gross receipts and governmental gross receipts.

B. The purpose of the deduction provided in this section is to help protect jobs and retain businesses in New Mexico that sell or rent durable medical equipment and medical supplies.

C. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department.

D. The deduction provided in this section shall be taken only by a taxpayer participating in the New Mexico medicaid program whose gross receipts are no less than ninety percent derived from the sale or rental of durable medical equipment, medical supplies or infusion therapy services, including the medications used in infusion therapy services.

E. Claiming a deduction provided by this section is authorization by the taxpayer receiving the deduction for the department to reveal return information necessary to comply with the requirements of Section 7-1-84 NMSA 1978.

F. The deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction.

G. As used in this section:

(1) "durable medical equipment" means a medical assistive device or other equipment that:

(a) can withstand repeated use;

(b) is primarily and customarily used to serve a medical purpose and is not useful to an individual in the absence of an illness, injury or other medical necessity, including improved functioning of a body part;

(c) is appropriate for use at home exclusively by the eligible recipient for whom the durable medical equipment is prescribed; and

(d) is prescribed by a physician or other person licensed by the state to prescribe durable medical equipment;

(2) "infusion therapy services" means the administration of prescribed medication through a needle or catheter;

(3) "medical supplies" means items for a course of medical treatment, including nutritional products, that are:

(a) necessary for an ongoing course of medical treatment;

(b) disposable and cannot be reused; and

(c) prescribed by a physician or other person licensed by the state to prescribe medical supplies; and

(4) "prescribe" means to authorize the use of an item or substance for a course of medical treatment."

## **Chapter 130 Section 75 Laws 2025**

SECTION 75. Section 7-9-77.1 NMSA 1978 (being Laws 1998, Chapter 96, Section 1, as amended by Laws 2022, Chapter 43, Section 1 and by Laws 2022, Chapter 49, Section 1) 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, 2032, 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 deductions provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 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 Health Care Code;

(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:

(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 podiatric physician 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 health care authority 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 health care authority 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 health care authority 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 130 Section 76 Laws 2025**

SECTION 76. Section 7-9-77.2 NMSA 1978 (being Laws 2024, Chapter 67, Section 13) is amended to read:

"7-9-77.2. DEDUCTIONS--GROSS RECEIPTS--CHILD CARE ASSISTANCE THROUGH A LICENSED CHILD CARE ASSISTANCE PROGRAM--PRE-KINDERGARTEN SERVICES BY FOR-PROFIT PRE-KINDERGARTEN PROVIDERS.-

A. Receipts from the sale of child care assistance services by a taxpayer pursuant to a contract or grant with the early childhood education and care department to provide such services through a licensed child care assistance program may be deducted from gross receipts.

B. Receipts of for-profit pre-kindergarten providers for the sale of pre-kindergarten services pursuant to the Pre-Kindergarten Act may be deducted from gross receipts.

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 deductions provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deductions.

E. As used in this section:

(1) "child care assistance" means "child care assistance" or "early childhood care assistance", as those terms are defined in the Early Childhood Care Accountability Act; and

(2) "licensed child care assistance program" means "licensed child care program", "licensed early childhood care program" or "licensed exempt child care program", as those terms are defined in the Early Childhood Care Accountability Act."

## **Chapter 130 Section 77 Laws 2025**

SECTION 77. Section 7-9-83 NMSA 1978 (being Laws 1993, Chapter 364, Section 1, as amended) is amended to read:

"7-9-83. DEDUCTION--GROSS RECEIPTS TAX--JET FUEL.--Forty percent of the receipts from the sale of fuel specially prepared and sold for use in turboprop or jet-type engines as determined by the department may be deducted from gross receipts."

## **Chapter 130 Section 78 Laws 2025**

SECTION 78. Section 7-9-84 NMSA 1978 (being Laws 1993, Chapter 364, Section 2, as amended) is amended to read:

"7-9-84. DEDUCTION--COMPENSATING TAX--JET FUEL.--Forty percent of the value of the fuel specially prepared and sold for use in turboprop or jet-type engines as determined by the department may be deducted in computing the compensating tax due."

## **Chapter 130 Section 79 Laws 2025**

SECTION 79. Section 7-9-90 NMSA 1978 (being Laws 1999, Chapter 231, Section 3, as amended) is amended to read:

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

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

B. The deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction.

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

## **Chapter 130 Section 80 Laws 2025**

SECTION 80. Section 7-9-91 NMSA 1978 (being Laws 2001, Chapter 135, Section 1) is amended to read:

"7-9-91. DEDUCTION--COMPENSATING TAX--CONTRIBUTIONS OF INVENTORY TO CERTAIN ORGANIZATIONS AND GOVERNMENTAL AGENCIES.--

A. Except as provided otherwise in Subsection D of this section, the value of tangible personal property that is removed from inventory and contributed to organizations that have been granted exemption from the federal income tax by the United States commissioner of internal revenue as organizations described in Section

501(c)(3) of the Internal Revenue Code of 1986, as amended, may be deducted in computing the compensating tax due, provided that the contribution is deductible for federal income tax purposes by the person from whose inventory the property was withdrawn or, if the person from whose inventory the property was withdrawn is a pass-through entity as that term is defined in Section 7-3A-2 NMSA 1978, the contribution is deductible by the owner or owners of the pass-through entity.

B. Except as provided otherwise in Subsection D of this section, the value of tangible personal property that is removed from inventory and contributed to the United States or New Mexico or any governmental unit or subdivision, agency, department or instrumentality thereof may be deducted in computing the compensating tax due.

C. Except as provided otherwise in Subsection D of this section, the value of tangible personal property that is removed from inventory and contributed to an Indian tribe, nation or pueblo or any governmental subdivision, agency, department or instrumentality thereof for use on that Indian reservation or pueblo grant may be deducted in computing the compensating tax due.

D. Unless contrary to federal law, the deduction provided by this section does not apply to:

- (1) a contribution of metalliferous mineral ore;
- (2) a contribution of tangible personal property that is or will be incorporated into a metropolitan redevelopment project created under the Metropolitan Redevelopment Code;
- (3) a contribution of tangible personal property that will become an ingredient or component part of a construction project; or
- (4) a contribution of tangible personal property utilized or produced in the performance of a service.

E. For purposes of this section:

- (1) "inventory" means tangible personal property held for sale or lease in the ordinary course of business; and
- (2) "contributed" or "contribution" means a transfer of ownership without consideration. Public acknowledgment of the contribution does not constitute consideration for the purpose of this section."

## **Chapter 130 Section 81 Laws 2025**

SECTION 81. Section 7-9-93 NMSA 1978 (being Laws 2004, Chapter 116, Section 6, as amended) is amended to read:

"7-9-93. DEDUCTION--GROSS RECEIPTS--CERTAIN RECEIPTS FOR SERVICES PROVIDED BY HEALTH CARE PRACTITIONER OR ASSOCIATION OF HEALTH CARE PRACTITIONERS.--

A. Receipts of a health care practitioner or an association of health care practitioners for commercial contract services or medicare part C services paid by a managed care organization or health care insurer may be deducted from gross receipts if the services are within the scope of practice of the health care practitioner providing the service. Receipts from fee-for-service payments by a health care insurer may not be deducted from gross receipts.

B. Prior to July 1, 2028, receipts from a copayment or deductible paid by an insured or enrollee to a health care practitioner or an association of health care practitioners for commercial contract services pursuant to the terms of the insured's health insurance plan or enrollee's managed care health plan may be deducted from gross receipts if the services are within the scope of practice of the health care practitioner providing the service.

C. The deductions provided by this section shall be applied only to gross receipts remaining after all other allowable deductions available under the Gross Receipts and Compensating Tax Act have been taken.

D. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department.

E. The deductions provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 with an analysis of the cost of the deductions.

F. As used in 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) "commercial contract services" means health care services performed by a health care practitioner pursuant to a contract with a managed care

organization or health care insurer other than those health care services provided for medicare patients pursuant to Title 18 of the federal Social Security Act or for medicaid patients pursuant to Title 19 or Title 21 of the federal Social Security Act;

(3) "copayment" means a fixed dollar amount that a health care insurer or managed care health plan requires an insured or enrollee to pay upon incurring an expense for receiving medical services;

(4) "deductible" means the amount of covered charges an insured or enrollee is required to pay in a plan year for commercial contract services before the insured's health insurance plan or enrollee's managed care health plan begins to pay for applicable covered charges;

(5) "fee-for-service" means payment for health care services by a health care insurer for covered charges under an indemnity insurance plan;

(6) "health care insurer" means a person that:

(a) has a valid certificate of authority in good standing pursuant to the New Mexico Insurance Code to act as an insurer, health maintenance organization or nonprofit health care plan or prepaid dental plan; and

(b) contracts to reimburse licensed health care practitioners for providing basic health services to enrollees at negotiated fee rates;

(7) "health care practitioner" means:

(a) a chiropractic physician licensed pursuant to the provisions of the Chiropractic Physician Practice Act;

(b) a dentist or dental hygienist licensed pursuant to the Dental Health Care Act;

(c) a doctor of oriental medicine licensed pursuant to the provisions of the Acupuncture and Oriental Medicine Practice Act;

(d) an optometrist licensed pursuant to the provisions of the Optometry Act;

(e) an osteopathic physician licensed pursuant to the provisions of the Medical Practice Act;

(f) a physical therapist licensed pursuant to the provisions of the Physical Therapy Act;

(g) a physician or physician assistant licensed pursuant to the provisions of the Medical Practice Act;

(h) a podiatric physician licensed pursuant to the provisions of the Podiatry Act;

(i) a psychologist licensed pursuant to the provisions of the Professional Psychologist Act;

(j) a registered lay midwife registered by the department of health;

(k) a registered nurse or licensed practical nurse licensed pursuant to the provisions of the Nursing Practice Act;

(l) a registered occupational therapist licensed pursuant to the provisions of the Occupational Therapy Act;

(m) a respiratory care practitioner licensed pursuant to the provisions of the Respiratory Care Act;

(n) a speech-language pathologist or audiologist licensed pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

(o) a professional clinical mental health counselor, marriage and family therapist or professional art therapist licensed pursuant to the provisions of the Counseling and Therapy Practice Act who has obtained a master's degree or a doctorate;

(p) an independent social worker licensed pursuant to the provisions of the Social Work Practice Act; and

(q) a clinical laboratory that is accredited pursuant to 42 U.S.C. Section 263a but that is not a laboratory in a physician's office or in a hospital defined pursuant to 42 U.S.C. Section 1395x;

(8) "managed care health plan" means a health care plan offered by a managed care organization that provides for the delivery of comprehensive basic health care services and medically necessary services to individuals enrolled in the plan other than those services provided to medicare patients pursuant to Title 18 of the federal Social Security Act or to medicaid patients pursuant to Title 19 or Title 21 of the federal Social Security Act;

(9) "managed care organization" means a person that provides for the delivery of comprehensive basic health care services and medically necessary services

to individuals enrolled in a plan through its own employed health care providers or by contracting with selected or participating health care providers. "Managed care organization" includes only those persons that provide comprehensive basic health care services to enrollees on a contract basis, including the following:

- (a) health maintenance organizations;
- (b) preferred provider organizations;
- (c) individual practice associations;
- (d) competitive medical plans;
- (e) exclusive provider organizations;
- (f) integrated delivery systems;
- (g) independent physician-provider organizations;
- (h) physician hospital-provider organizations; and
- (i) managed care services organizations; and

(10) "medicare part C services" means services performed pursuant to a contract with a managed health care provider for medicare patients pursuant to Title 18 of the federal Social Security Act."

## **Chapter 130 Section 82 Laws 2025**

SECTION 82. Section 7-9-94 NMSA 1978 (being Laws 2005, Chapter 104, Section 23, as amended) is amended to read:

"7-9-94. DEDUCTION--GROSS RECEIPTS--MILITARY TRANSFORMATIONAL ACQUISITION PROGRAMS.--

A. Receipts from transformational acquisition programs performing research and development, test and evaluation at New Mexico major range and test facility bases pursuant to contracts entered into with the United States department of defense may be deducted from gross receipts through June 30, 2025.

B. As used in this section, "transformational acquisition program" means a military acquisition program authorized by the office of the secretary of defense force transformation and not physically tested in New Mexico on or before July 1, 2005.



C. The deduction provided in this section does not apply to receipts of a prime contractor operating facilities designated as a national laboratory by act of congress and is not applicable to current force programs as of July 1, 2005.

D. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department. The deduction shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction."

## **Chapter 130 Section 83 Laws 2025**

SECTION 83. Section 7-9-95 NMSA 1978 (being Laws 2005, Chapter 104, Section 25) is amended to read:

"7-9-95. DEDUCTION--GROSS RECEIPTS TAX--SALES OF CERTAIN TANGIBLE PERSONAL PROPERTY--LIMITED PERIOD.--Receipts from the sale at retail of the following types of tangible personal property may be deducted if the sale of the property occurs during the period beginning at 12:01 a.m. on the last Friday in July and ending at midnight on the following Sunday:

A. an article of clothing or footwear designed to be worn on or about the human body if the sales price of the article is less than one hundred dollars (\$100) except:

(1) any special clothing or footwear that is primarily designed for athletic activity or protective use and that is not normally worn except when used for the athletic activity or protective use for which it is designed; and

(2) accessories, including jewelry, handbags, luggage, umbrellas, wallets, watches and similar items worn or carried on or about the human body, without regard to whether worn on the body in a manner characteristic of clothing;

B. a desktop, laptop or notebook computer if the sales price of the computer does not exceed one thousand dollars (\$1,000) and any associated monitor, speaker or set of speakers, printer, keyboard, microphone or mouse if the sales price of the device does not exceed five hundred dollars (\$500); and

C. school supplies that are items normally used by students in a standard classroom for educational purposes, including notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, maps and globes, but not including watches, radios, compact disc players, headphones, sporting equipment, portable or desktop telephones, copiers, office equipment, furniture or fixtures."

## **Chapter 130 Section 84 Laws 2025**

SECTION 84. Section 7-9-103.1 NMSA 1978 (being Laws 2012, Chapter 12, Section 2) is amended to read:

### **"7-9-103.1. DEDUCTION--GROSS RECEIPTS TAX--CONVERTING ELECTRICITY.--**

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

B. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department. The deduction shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction.

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

## **Chapter 130 Section 85 Laws 2025**

SECTION 85. Section 7-9-103.2 NMSA 1978 (being Laws 2012, Chapter 12, Section 3) is amended to read:

### **"7-9-103.2. DEDUCTION--GROSS RECEIPTS--ELECTRICITY EXCHANGE.--**

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

B. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department. The deduction shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction.

C. Claiming a deduction provided by this section is authorization by the taxpayer receiving the deduction for the department to reveal return information necessary to comply with the requirements of Section 7-1-84 NMSA 1978.

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

## **Chapter 130 Section 86 Laws 2025**

SECTION 86. Section 7-9-110.3 NMSA 1978 (being Laws 2011, Chapter 60, Section 3 and Laws 2011, Chapter 61, Section 3, as amended) is amended to read:

### **"7-9-110.3. PURPOSE AND REQUIREMENTS OF LOCOMOTIVE FUEL DEDUCTION.--**

A. The purpose of the deduction on fuel loaded or used by a common carrier in a locomotive engine from gross receipts and from compensating tax is to encourage the construction, renovation, maintenance and operation of railroad locomotive refueling facilities and other railroad capital investments in New Mexico.

B. To be eligible for the deduction on fuel loaded or used by a common carrier in a locomotive engine from compensating tax, the fuel shall be used or loaded by a common carrier that:

(1) after July 1, 2011, made a capital investment of one hundred million dollars (\$100,000,000) or more in new construction or renovations at the railroad locomotive refueling facility in which the fuel is loaded or used; or

(2) on or after July 1, 2012, made a capital investment of fifty million dollars (\$50,000,000) or more in new railroad infrastructure improvements, including railroad facilities, track, signals and supporting railroad network, located in New Mexico; provided that the new railroad infrastructure improvements are not required by a regulatory agency to correct problems, such as regular or preventive maintenance, specifically identified by that agency as requiring necessary corrective action.

C. To be eligible for the deduction on fuel loaded or used by a common carrier in a locomotive engine from gross receipts, a common carrier shall deliver an appropriate nontaxable transaction certificate to the seller and the sale shall be made to a common carrier that:

(1) after July 1, 2011, made a capital investment of one hundred million dollars (\$100,000,000) or more in new construction or renovations at the railroad locomotive refueling facility in which the fuel is sold; or

(2) on or after July 1, 2012, made a capital investment of fifty million dollars (\$50,000,000) or more in new railroad infrastructure improvements, including railroad facilities, track, signals and supporting railroad network, located in New Mexico; provided that the new railroad infrastructure improvements are not required by a regulatory agency to correct problems, such as regular or preventive maintenance, specifically identified by that agency as requiring necessary corrective action.

D. The economic development department shall promulgate rules for the issuance of a certificate of eligibility for the purposes of claiming a deduction on fuel

loaded or used by a common carrier in a locomotive engine from gross receipts or compensating tax. A common carrier may request a certificate of eligibility from the economic development department to provide to the taxation and revenue department to establish eligibility for a nontaxable transaction certificate for the deduction on fuel loaded or used by a common carrier in a locomotive engine from gross receipts. The taxation and revenue department shall issue nontaxable transaction certificates to a common carrier upon the presentation of a certificate of eligibility obtained from the economic development department pursuant to this subsection.

E. The economic development department shall keep a record of temporary and permanent jobs from all railroad activity where a capital investment is made by a common carrier that claims a deduction on fuel loaded or used by a common carrier in a locomotive engine from gross receipts or from compensating tax. The economic development department and the taxation and revenue department shall estimate the amount of state revenue that is attributable to all railroad activity where a capital investment is made by a common carrier that claims a deduction on fuel loaded or used by a common carrier in a locomotive engine from gross receipts or from compensating tax.

F. The economic development department shall report the number of jobs created as a result of the deduction and any other information required by the legislature to aid in evaluating the effectiveness of the deduction. A taxpayer who claims a deduction on fuel loaded or used by a common carrier in a locomotive engine from gross receipts or from compensating tax shall provide the economic development department with the information required to compile that report. Notwithstanding any other section of law to the contrary, the economic development department and the taxation and revenue department may disclose the number of taxpayers claiming the deduction, the amount of the deduction claimed, the number of employees of the taxpayer and any other information required by the legislature or the taxation and revenue department to aid in evaluating the effectiveness of the deduction.

G. The deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction."

## **Chapter 130 Section 87 Laws 2025**

SECTION 87. Section 7-9-112.1 NMSA 1978 (being Laws 2024, Chapter 67, Section 39) is amended to read:

"7-9-112.1. DEDUCTIONS--GROSS RECEIPTS TAX--COMPENSATING TAX--GEOTHERMAL ELECTRICITY GENERATION-RELATED SALES AND USE.--

A. Prior to July 1, 2032, receipts from the following sales may be deducted from gross receipts; provided that the sale is made to a person who holds an interest in a geothermal electricity generation facility and the person delivers an appropriate

nontaxable transaction certificate to the seller or lessor or provides alternative evidence pursuant to Section 7-9-43 NMSA 1978:

(1) selling tangible personal property installed as part of, or services rendered in connection with, constructing and equipping a geothermal electricity generation facility;

(2) selling tangible personal property installed as part of a system used for the distribution of electricity generated from a geothermal electricity generation facility; and

(3) selling or leasing tangible personal property or selling services that are construction plant costs.

B. Prior to July 1, 2032, the value of:

(1) tangible personal property installed as part of, or services rendered in connection with, constructing and equipping a geothermal electricity generation facility may be deducted in computing compensating tax due;

(2) tangible personal property installed as part of a system used for the distribution of electricity generated from a geothermal electricity generation facility may be deducted in computing compensating tax due; and

(3) construction plant costs purchased by a person who holds an interest in a geothermal electricity generation facility may be deducted in computing compensating tax due.

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 deductions provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 with an analysis of the effectiveness and cost of the deductions.

E. As used in this section:

(1) "construction plant costs" means actual expenditures for the development and construction of a geothermal electricity generation facility, including the drilling of wells to at least twelve thousand feet; permitting; site characterization and assessment; engineering; design; site and equipment acquisition; raw materials; and fuel supply development used directly and exclusively in the facility;

(2) "geothermal electricity generation facility" means a facility located in New Mexico that generates electricity from geothermal resources and:

(a) for a new facility, begins construction on or after January 1, 2025; or

(b) for an existing facility, on or after January 1, 2025, increases the amount of electricity generated from geothermal resources the facility generated prior to that date by at least one hundred percent;

(3) "geothermal resources" means the natural heat of the earth in excess of two hundred fifty degrees Fahrenheit or the energy, in whatever form, below the surface of the earth present in, resulting from, created by or that may be extracted from this natural heat in excess of two hundred fifty degrees Fahrenheit and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases and steam, in whatever form, found below the surface of the earth, but excluding oil, hydrocarbon gas and other hydrocarbon substances and excluding the heating and cooling capacity of the earth not resulting from the natural heat of the earth in excess of two hundred fifty degrees Fahrenheit as may be used for the heating and cooling of buildings through an on-site geexchange heat pump or similar on-site system; and

(4) "interest in a geothermal electricity generation facility" means title to a geothermal electricity generation facility; a leasehold interest in such facility; an ownership interest in a business or entity that is taxed for federal income tax purposes as a partnership that holds title to or a leasehold interest in such facility; or an ownership interest, through one or more intermediate entities that are each taxed for federal income tax purposes as a partnership, in a business that holds title to or a leasehold interest in such facility."

## **Chapter 130 Section 88 Laws 2025**

SECTION 88. Section 7-9-115 NMSA 1978 (being Laws 2015 (1st S.S.), Chapter 2, Section 9, as amended) is amended to read:

"7-9-115. DEDUCTION--GROSS RECEIPTS TAX--GOODS AND SERVICES FOR THE DEPARTMENT OF DEFENSE RELATED TO DIRECTED ENERGY AND SATELLITES.--

A. Prior to January 1, 2031, receipts from the sale by a qualified contractor of qualified research and development services and qualified directed energy and satellite-related inputs may be deducted from gross receipts when sold pursuant to a contract with the United States department of defense.

B. The purposes of the deduction allowed in this section are to promote new and sophisticated technology, enhance the viability of directed energy and satellite projects, attract new projects and employers to New Mexico and increase high-technology employment opportunities 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 deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 with an analysis of the effectiveness and cost of the deduction and whether the deduction is performing the purpose for which it was created.

E. As used in this section:

(1) "directed energy" means a system, including related services, that enables the use of the frequency spectrum, including radio waves, light and x-rays;

(2) "inputs" means systems, subsystems, components, prototypes and demonstrators or products and services involving optics, photonics, electronics, advanced materials, nanoelectromechanical and microelectromechanical systems, fabrication materials and test evaluation and computer control systems related to directed energy or satellites;

(3) "qualified contractor" means a person other than an organization designated as a national laboratory by act of congress or an operator of national laboratory facilities in New Mexico; provided that the operator may be a qualified contractor with respect to the operator's receipts not connected with operating the national laboratory;

(4) "qualified directed energy and satellite-related inputs" means inputs supplied to the department of defense pursuant to a contract with that department entered into on or after January 1, 2016;

(5) "qualified research and development services" means research and development services related to directed energy or satellites provided to the department of defense pursuant to a contract with that department entered into on or after January 1, 2016; and

(6) "satellite" means composite systems assembled and packaged for use in space, including launch vehicles and related products and services."

## **Chapter 130 Section 89 Laws 2025**

SECTION 89. Section 7-9-116 NMSA 1978 (being Laws 2018, Chapter 46, Section 1, as amended) is amended to read:

"7-9-116. DEDUCTION--GROSS RECEIPTS TAX--RETAIL SALES BY CERTAIN BUSINESSES.--

A. Prior to July 1, 2025, receipts from the sale at retail of the following types of tangible personal property may be deducted if the sales price of the property is less than five hundred dollars (\$500) and:

(1) the sale occurs during the period beginning at 12:01 a.m. on the first Saturday after Thanksgiving and ending at midnight on the same Saturday;

(2) the sale is for:

(a) an article of clothing or footwear designed to be worn on or about the human body;

(b) accessories, including jewelry, handbags, book bags, backpacks, luggage, wallets, watches and similar items worn or carried on or about the human body, without regard to whether worn on the body in a manner characteristic of clothing;

(c) sporting goods and camping equipment;

(d) tools used for home improvement, gardening and automotive maintenance and repair;

(e) books, journals, paper, writing instruments, art supplies, greeting cards and postcards;

(f) works of art, including any painting, drawing, print, photograph, sculpture, pottery or ceramics, carving, textile, basketry, artifact, natural specimen, rare book, authors' papers, objects of historical or technical interest or other article of intrinsic cultural value;

(g) floral arrangements and indoor plants;

(h) cosmetics and personal grooming items;

(i) musical instruments;

(j) cookware and small home appliances for residential use;

(k) bedding, towels and bath accessories;

(l) furniture;

(m) a toy or game that is a physical item, product or object clearly intended and designed to be used by children or families in play;



(n) a video game or video game console and any associated accessories for the video game console; or

(o) home electronics such as computers, phones, tablets, stereo equipment and related electronics accessories; and

(3) the sale is made by a seller that carries on a trade or business in New Mexico, maintains its primary place of business in New Mexico, as determined by the department, and employed no more than ten employees at any one time during the previous fiscal year.

B. Receipts for sales made by a business that operates under a franchise agreement may not be deducted pursuant to this section.

C. The purpose of the deduction provided by this section is to increase sales at small local businesses.

D. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department.

E. The deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 with an analysis of the effectiveness and cost of the deduction and whether the deduction is performing the purpose for which it was created."

## **Chapter 130 Section 90 Laws 2025**

SECTION 90. Section 7-9-119 NMSA 1978 (being Laws 2021, Chapter 7, Section 3) is amended to read:

"7-9-119. DEDUCTION--SALES MADE BY DISPENSER'S LICENSE HOLDER.--

A. Prior to January 1, 2026, a liquor license holder who held the license on June 30, 2021 may deduct from gross receipts the following receipts, for each dispenser's license for which sales of alcoholic beverages for consumption off premises are less than fifty percent of total alcoholic beverage sales, up to fifty thousand dollars (\$50,000) of receipts from the sale of alcoholic beverages for taxable years 2022 through 2025.

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 deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978 with an analysis of the cost of the deduction.

D. As used in this section:

(1) "alcoholic beverage" means alcoholic beverage as defined in the Liquor Control Act;

(2) "dispenser's license" means a license issued pursuant to the provisions of the Liquor Control Act allowing the licensee to sell, offer for sale or have in the person's possession with the intent to sell alcoholic beverages both by the drink for consumption on the licensed premises and in unbroken packages, including growlers, for consumption and not for resale off the licensed premises;

(3) "growler" means a clean, refillable, resealable container that has a liquid capacity that does not exceed one gallon and that is intended and used for the sale of beer, wine or cider; and

(4) "liquor license holder" means a person that holds a retailer's license issued pursuant to Section 60-6A-2 NMSA 1978, a special dispenser's license issued pursuant to Section 60-6A-3 NMSA 1978 or a dispenser's license issued pursuant to Section 60-6A-12 NMSA 1978 issued prior to July 1, 2021."

## **Chapter 130 Section 91 Laws 2025**

SECTION 91. Section 7-9A-5 NMSA 1978 (being Laws 1979, Chapter 347, Section 5, as amended) is amended to read:

"7-9A-5. INVESTMENT CREDIT--AMOUNT--CLAIMANT.--

A. The investment credit provided for in the Investment Credit Act may be claimed by a taxpayer carrying on a manufacturing operation in New Mexico in an amount equal to:

(1) the product of the sum of the compensating tax rate and any municipal or county compensating tax rate multiplied by the value of the qualified equipment; or

(2) if the sale is subject to the gross receipts tax, the product of the sum of the state gross receipts tax rate and any municipal or county local option gross receipts tax rates multiplied by the seller's gross receipts from the sale of the qualified equipment.

B. If the purchase or the introduction into New Mexico of the qualified equipment is not subject to the gross receipts tax or compensating tax, the rate to determine the amount of the credit shall be equal to the rate of the state gross receipts tax."

## **Chapter 130 Section 92 Laws 2025**

SECTION 92. Section 7-9C-7 NMSA 1978 (being Laws 1992, Chapter 50, Section 7 and also Laws 1992, Chapter 67, Section 7, as amended) is amended to read:

"7-9C-7. DEDUCTION--SALE OF A SERVICE FOR RESALE.--Receipts from providing an interstate telecommunications service in this state that will be used by other persons in providing telephone or telegraph services to the final user may be deducted from interstate telecommunications gross receipts if the sale is made to a person who is subject to the interstate telecommunications gross receipts tax or to the gross receipts tax or the compensating tax."

## **Chapter 130 Section 93 Laws 2025**

SECTION 93. Section 7-9G-1 NMSA 1978 (being Laws 2004, Chapter 15, Section 1, as amended) is amended to read:

"7-9G-1. HIGH-WAGE JOBS TAX CREDIT--QUALIFYING HIGH-WAGE JOBS.--

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

B. The purpose of the high-wage jobs tax credit is to provide an incentive for businesses to create and fill new high-wage jobs in New Mexico.

C. The high-wage jobs tax credit may be claimed and allowed in an amount equal to eight and one-half percent of the wages distributed to an eligible employee in a new high-wage job but shall not exceed twelve thousand seven hundred fifty dollars (\$12,750) per job per qualifying period. The high-wage jobs tax credit may be claimed by an eligible employer for each new high-wage job performed for the year in which the new high-wage job is created and for consecutive qualifying periods.

D. To receive a high-wage jobs tax credit, a taxpayer shall file a completed application for approval of the credit with the department once per calendar year on forms and in the manner prescribed by the department. The annual application shall contain the certification required by Subsection K of this section and shall contain all qualifying periods that closed during the calendar year for which the application is made. Any qualifying period that did not close in the calendar year for which the application is made shall be denied by the department. The application for a calendar year shall be filed no later than December 31 of the following calendar year. If a taxpayer fails to file the annual application within the time limits provided in this section, the application shall be denied by the department.

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

F. If a consecutive qualifying period for a new high-wage job does not meet the wage, occupancy and residency requirements, then the qualifying period is ineligible.

G. Except as provided in Subsection H of this section, a new high-wage job shall not be eligible for a credit pursuant to this section if:

(1) the new high-wage job is created due to a business merger or acquisition or other change in business organization;

(2) the eligible employee was terminated from employment in New Mexico by another employer involved in the business merger or acquisition or other change in business organization with the taxpayer; and

(3) the new high-wage job is performed by:

(a) the person who performed the job or its functional equivalent prior to the business merger or acquisition or other change in business organization; or

(b) a person replacing the person who performed the job or its functional equivalent prior to a business merger or acquisition or other change in business organization.

H. A new high-wage job that was created by another employer and for which an application for the high-wage jobs tax credit was received and is under review by the department prior to the time of the business merger or acquisition or other change in business organization shall remain eligible for the high-wage jobs tax credit for the balance of the consecutive qualifying periods. The new employer that results from a business merger or acquisition or other change in business organization may only claim the high-wage jobs tax credit for the balance of the consecutive qualifying periods for which the new high-wage job is otherwise eligible.

I. A new high-wage job shall not be eligible for a credit pursuant to this section if the job is created due to an eligible employer entering into a contract or becoming a subcontractor to a contract with a governmental entity that replaces one or

more entities performing functionally equivalent services for the governmental entity unless the job is a new high-wage job that was not being performed by an employee of the replaced entity.

J. A new high-wage job shall not be eligible for a credit pursuant to this section if the eligible employer has more than one business location in New Mexico from which it conducts business and the requirements of Subsection E of this section are satisfied solely by moving the job from one business location of the eligible employer in New Mexico to another business location of the eligible employer in New Mexico.

K. With respect to each annual application for a high-wage jobs tax credit, the employer shall certify and include:

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

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

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

(4) which qualifying period the application pertains to for each eligible employee;

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

(6) the total number of threshold jobs performed or based at the eligible employer's location on the day prior to the qualifying period and on the last day of the qualifying period;

(7) for an eligible employer that has more than one business location in New Mexico from which it conducts business, the total number of threshold jobs performed or based at each business location of the eligible employer in New Mexico on the day prior to the qualifying period and on the last day of the qualifying period;

(8) whether the eligible employer is receiving or is eligible to receive development training program assistance pursuant to Section 21-19-7 NMSA 1978;

(9) whether the eligible employer has ceased business operations at any of its business locations in New Mexico; and

(10) whether the application is precluded by Subsection O of this section.

L. Any person who willfully submits a false, incorrect or fraudulent certification required pursuant to Subsection K of this section shall be subject to all applicable penalties under the Tax Administration Act, except that the amount on which the penalty is based shall be the total amount of credit requested on the application for approval.

M. Except as provided in Subsection N of this section, an approved high-wage jobs tax credit shall be claimed against the taxpayer's modified combined tax liability and shall be filed with the return due immediately following the date of the credit approval. If the credit exceeds the taxpayer's modified combined tax liability, the excess shall be refunded to the taxpayer.

N. If the taxpayer ceases business operations in New Mexico while an application for credit approval is pending or after an application for credit has been approved for any qualifying period for a new high-wage job, the department shall not grant an additional high-wage jobs tax credit to that taxpayer except as provided in Subsection O of this section and shall extinguish any amount of credit approved for that taxpayer that has not already been claimed against the taxpayer's modified combined tax liability.

O. A taxpayer that has received a high-wage jobs tax credit shall not submit a new application for the credit for a minimum of two calendar years from the closing date of the last qualifying period for which the taxpayer received the credit if the taxpayer lost eligibility to claim the credit from a previous application pursuant to Subsection N of this section.

P. The economic development department and the taxation and revenue department shall report to the appropriate interim legislative committee each year the cost of the high-wage jobs tax credit to the state and its impact on company recruitment and job creation.

Q. As used in this section:

(1) "benefits" means all remuneration for work performed that is provided to an employee in whole or in part by the employer, other than wages, including the employer's contributions to insurance programs, health care, medical, dental and vision plans, life insurance, employer contributions to pensions, such as a 401(k), and employer-provided services, such as child care, offered by an employer to the employee;

(2) "consecutive qualifying period" means each of the three qualifying periods successively following the qualifying period in which the new high-wage job was created;

(3) "department" means the taxation and revenue department;

(4) "dependent" means "dependent" as defined in 26 U.S.C. 152(a), as that section may be amended or renumbered;

(5) "domicile" means the sole place where an individual has a true, fixed, permanent home. It is the place where the individual has a voluntary, fixed habitation of self and family with the intention of making a permanent home;

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

(a) is a dependent of the employer;

(b) if the employer is an estate or trust, is a grantor, beneficiary or fiduciary of the estate or trust or is a dependent of a grantor, beneficiary or fiduciary of the estate or trust;

(c) if the employer is a corporation, is a dependent of an individual who owns, directly or indirectly, more than fifty percent in value of the outstanding stock of the corporation; or

(d) if the employer is an entity other than a corporation, estate or trust, is a dependent of an individual who owns, directly or indirectly, more than fifty percent of the capital and profits interests in the entity;

(7) "eligible employer" means an employer that, during the applicable qualifying period, would be eligible for development training program assistance under the fiscal year 2019 policies defining development training program eligibility developed by the industrial training board in accordance with Section 21-19-7 NMSA 1978;

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

(9) "new high-wage job" means a new job created in New Mexico by an eligible employer on or after July 1, 2004 and prior to July 1, 2026 that is occupied for at least forty-four weeks of a qualifying period by an eligible employee who is paid wages calculated for the qualifying period to be at least:

(a) sixty thousand dollars (\$60,000) if the job is performed or based in or within ten miles of the external boundaries of a municipality with a population of sixty thousand or more according to the most recent federal decennial census or in a class H county; and

(b) forty thousand dollars (\$40,000) if the job is performed or based in a municipality with a population of less than sixty thousand according to the most recent federal decennial census or in the unincorporated area, that is not within ten miles of the external boundaries of a municipality with a population of sixty thousand or more, of a county other than a class H county;

(10) "new job" means a job that is occupied by an employee who has not been employed in New Mexico by the eligible employer in the three years prior to the date of hire;

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

(12) "resident" means a natural person whose domicile is in New Mexico at the time of hire or within one hundred eighty days of the date of hire;

(13) "threshold job" means a job that is occupied for at least forty-four weeks of a calendar year by an eligible employee and that meets the wage requirements for a "new high-wage job"; and

(14) "wages" means all compensation paid by an eligible employer to an eligible employee through the employer's payroll system, including those wages that the employee elects to defer or redirect or the employee's contribution to a 401(k) or cafeteria plan program, but "wages" does not include benefits or the employer's share of payroll taxes, social security or medicare contributions, federal or state unemployment insurance contributions or workers' compensation."

## **Chapter 130 Section 94 Laws 2025**

SECTION 94. Section 7-13-3.5 NMSA 1978 (being Laws 1997, Chapter 192, Section 3) is amended to read:

### **"7-13-3.5. BOND REQUIRED OF TAXPAYERS.--**

A. Except as provided in Subsection H of this section, every taxpayer shall file with the department a bond on a form approved by the attorney general with a surety company authorized by the public regulation commission to transact business in this state as a surety and upon which bond the taxpayer is the principal obligor and the state the obligee. The bond shall be conditioned upon the prompt filing of true reports



and the payment by the taxpayer to the department of all taxes levied by the Gasoline Tax Act, together with all applicable penalties and interest thereon.

B. In lieu of the bond, the taxpayer may elect to file with the department cash or bonds of the United States or New Mexico or of any political subdivision of the state.

C. The total amount of the bond, cash or securities required of any taxpayer shall be fixed by the department and may be increased or reduced by the department at any time, subject to the limitations provided in this section.

D. In fixing the total amount of the bond, cash or securities required of any taxpayer required to post bond, the department shall require an equivalent in total amount to at least two times the amount of the department's estimate of the taxpayer's monthly gasoline tax, determined in such manner as the secretary may deem proper; provided, however, the total amount of bond, cash or securities required of a taxpayer shall never be less than one thousand dollars (\$1,000).

E. In the event the department decides that the amount of the existing bond, cash or securities is insufficient to insure payment to this state of the amount of the gasoline tax and any penalties and interest for which the taxpayer is or may at any time become liable, the taxpayer, upon written demand of the department mailed to the last known address of the taxpayer as shown on the records of the department, shall file an additional bond, cash or securities in the manner, form and amount determined by the department to be necessary to secure at all times the payment by the taxpayer of all taxes, penalties and interest due under the Gasoline Tax Act.

F. A surety on a bond furnished by a taxpayer as required by this section shall be released and discharged from all liability accruing on the bond after the expiration of ninety days from the date upon which the surety files with the department a written request to be released and discharged; provided, however, that such request shall not operate to release or discharge the surety from any liability already accrued or that shall accrue before the expiration of the ninety-day period, unless a new bond is filed during the ninety-day period, in which case the previous bond may be canceled as of the effective date of the new bond. On receipt of notice of such request, the department promptly shall notify the taxpayer who furnished the bond that the taxpayer, on or before the expiration of the ninety-day period, shall file with the department a new bond with a surety satisfactory to the department in the amount and form required in this section.

G. The taxpayer required to file bond with or provide cash or securities to the department in accordance with this section and who is required by another state law to file another bond with or provide cash or securities to the department may elect to file a combined bond or provide cash or securities applicable to the provisions of both this section and the other law, with the approval of the secretary. The amount of the combined bond, cash or securities shall be determined by the department and the form of the combined bond shall be approved by the attorney general.

H. A taxpayer required to file a bond pursuant to the provisions of this section who, for a twenty-four consecutive month period, has not been a delinquent taxpayer pursuant to the Gasoline Tax Act may request to be exempt from the requirement to file a bond beginning with the first day of the first month following the end of the twenty-four month period. If a taxpayer exempted pursuant to this subsection subsequently becomes a delinquent taxpayer under the Gasoline Tax Act, the department may terminate the exemption and require the filing of a bond in accordance with this section. If the department terminates the exemption, the termination shall not be effective any earlier than ten days after the date the department notifies the taxpayer in writing of the termination."

## **Chapter 130 Section 95 Laws 2025**

SECTION 95. Section 7-13A-3 NMSA 1978 (being Laws 1990, Chapter 124, Section 16, as amended) is amended to read:

"7-13A-3. IMPOSITION AND RATE OF FEE--DENOMINATION AS  
"PETROLEUM PRODUCTS LOADING FEE".--

A. For the privilege of loading gasoline or special fuel from a rack at a refinery or pipeline terminal in this state into a cargo tank, there is imposed a fee on the distributor at a rate of one hundred fifty dollars (\$150) per load on each gallon of gasoline or special fuel loaded in New Mexico on which the petroleum products loading fee has not been previously paid. The fee imposed by this section may be referred to as the "petroleum products loading fee".

B. For the privilege of importing gasoline or special fuel into this state for resale or consumption in this state there is imposed a fee as provided in Subsection A of this section on each load of gasoline or special fuel imported into New Mexico for resale or consumption on which the petroleum products loading fee has not been previously paid. For the purposes of this section, "load" means eight thousand gallons of gasoline or special fuel. To determine how many loads a person is to report under the provisions of this section, the person shall divide by eight thousand the total gallons of gasoline reported for the purposes of Section 7-13-3 NMSA 1978 as adjusted under the provisions of Section 7-13-4 NMSA 1978 and the total gallons of special fuels received in New Mexico less any gallons exempted under Section 7-13A-4 NMSA 1978. Loads shall be calculated to the nearest one-hundredth of a load."

## **Chapter 130 Section 96 Laws 2025**

SECTION 96. Section 7-13A-5 NMSA 1978 (being Laws 1990, Chapter 124, Section 18, as amended) is amended to read:

"7-13A-5. DEDUCTION--GASOLINE OR SPECIAL FUELS RETURNED--  
BIODIESEL FOR SUBSEQUENT BLENDING OR RESALE BY A RACK OPERATOR.--

A. Refunds and allowances made to buyers for gasoline or special fuels returned to the refiner, pipeline terminal operator or distributor or amounts of gasoline or special fuels, the payment for which has not been collected and has been determined to be uncollectible pursuant to rules issued by the secretary may be deducted from gallons used to determine loads for the purposes of calculating the petroleum products loading fee. If such a payment is subsequently collected, the gallons represented shall be included in determining loads. The deduction under the provisions of this section shall not be allowed if the petroleum products loading fee has not been paid previously on the petroleum products that were returned to the seller or the sale of which created an uncollectible debt.

B. Biodiesel, as defined in the Special Fuels Supplier Tax Act, loaded in or imported into New Mexico and delivered to a rack operator for subsequent blending or resale by a rack operator may be deducted from gallons used to determine loads for the purposes of calculating the petroleum products loading fee.

C. A taxpayer that deducts an amount of biodiesel pursuant to Subsection B of this section shall report the deducted amount separately with the taxpayer's return in a manner prescribed by the department.

D. The deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction.

E. For purposes of this section, "rack operator" means the operator of a refinery in this state or the owner of special fuel stored at a pipeline terminal in this state."

## **Chapter 130 Section 97 Laws 2025**

SECTION 97. Section 7-16A-9.4 NMSA 1978 (being Laws 2013, Chapter 109, Section 3) is amended to read:

### **"7-16A-9.4. REPORTING REQUIREMENTS--SPECIAL FUEL DEDUCTION--BIODIESEL.--**

A. A taxpayer that deducts an amount of special fuel that is biodiesel from the total amount of special fuel received in New Mexico pursuant to Paragraph (2) of Subsection H of Section 7-16A-10 NMSA 1978 shall report the deducted amount separately with the taxpayer's return in a manner prescribed by the department.

B. The deduction provided by this section shall be included in the tax expenditure budget pursuant to Section 7-1-84 NMSA 1978, including the annual aggregate cost of the deduction."

## **Chapter 130 Section 98 Laws 2025**

SECTION 98. Section 7-16A-13.1 NMSA 1978 (being Laws 2001, Chapter 43, Section 2, as amended by Laws 2006, Chapter 73, Section 1 and by Laws 2006, Chapter 74, Section 2) is amended to read:

"7-16A-13.1. CLAIM FOR REFUND OF SPECIAL FUEL EXCISE TAX PAID ON SPECIAL FUEL.--

A. Upon the submission of proof satisfactory to the department, a user of special fuel may submit and the department may allow a claim for refund of tax paid on special fuel used to propel a vehicle authorized by contract with the public education department or with a public school district as a school bus, to propel a vehicle off-road, to operate auxiliary equipment by a power take-off from the main engine or transmission of a vehicle or to operate a non-automotive apparatus mounted on a vehicle when the special fuel used for such purposes and the special fuel used to propel the vehicle on the highways are drawn from a common supply tank. The vehicle must be registered with the department. The user must be registered with the department for purposes of reporting and paying gross receipts tax.

B. No person may submit claims for refund pursuant to the provisions of this section more frequently than quarterly. No claim for refund may be submitted or allowed on less than one hundred gallons.

C. The department may prescribe the documents necessary to support a claim for refund pursuant to the provisions of this section. The department may prescribe the use of types of monitoring or measuring equipment."

## **Chapter 130 Section 99 Laws 2025**

SECTION 99. Section 7-16A-15 NMSA 1978 (being Laws 1992, Chapter 51, Section 15, as amended) is amended to read:

"7-16A-15. BOND REQUIRED OF SUPPLIER.--

A. Except as provided in Subsection H of this section, every supplier shall file with the department a bond on a form approved by the attorney general with a surety company authorized by the public regulation commission to transact business in this state as a surety and upon which bond the supplier is the principal obligor and the state the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the supplier to the department of all taxes levied by the Special Fuels Supplier Tax Act, together with all applicable penalties and interest thereon.

B. In lieu of the bond, the supplier may elect to file with the department cash or bonds of the United States or New Mexico or of any political subdivision of the state.

C. The total amount of the bond, cash or securities required of any supplier shall be fixed by the department and may be increased or reduced by the department at any time, subject to the limitations provided in this section.

D. In fixing the total amount of the bond, cash or securities required of any supplier required to post bond, the department shall require an equivalent in total amount to at least two times the amount of the department's estimate of the supplier's monthly tax, determined in such manner as the secretary may deem proper; provided, however, the total amount of bond, cash or securities required of a supplier shall never be less than one thousand dollars (\$1,000).

E. In the event the department decides that the amount of the existing bond, cash or securities is insufficient to insure payment to this state of the amount of the tax and any penalties and interest for which the supplier is or may at any time become liable, the supplier shall, upon written demand of the department mailed to the last known address of the supplier as shown on the records of the department, file an additional bond, cash or securities in the manner, form and amount determined by the department to be necessary to secure at all times the payment by the supplier of all taxes, penalties and interest due pursuant to the Special Fuels Supplier Tax Act.

F. Any surety on any bond furnished by any supplier as required by this section shall be released and discharged from all liability accruing on the bond after the expiration of ninety days from the date upon which the surety files with the department a written request to be released and discharged; provided, however, the request shall not operate to release or discharge the surety from any liability already accrued or that shall accrue before the expiration of the ninety-day period, unless a new bond is filed during the ninety-day period, in which case the previous bond may be canceled as of the effective date of the new bond. On receipt of notice of such request, the department shall notify promptly the supplier who furnished the bond that the supplier shall, on or before the expiration of the ninety-day period, file with the department a new bond with a surety satisfactory to the department in the amount and form required in this section.

G. The supplier required to file bond with or provide cash or securities to the department in accordance with this section and who is required by any other state law to file another bond with or provide cash or securities to the department may elect to file a combined bond or provide cash or securities applicable to the provisions of both this section and the other law, with the approval of the secretary. The amount of the combined bond, cash or securities shall be determined by the department and the form of the combined bond shall be approved by the attorney general.

H. A supplier required to file a bond pursuant to the provisions of this section who, for a twenty-four consecutive month period, has not been a delinquent taxpayer pursuant to the Special Fuels Supplier Tax Act may request to be exempt from the requirement to file a bond beginning with the first day of the first month following the end of the twenty-four month period. If a supplier exempted pursuant to this subsection subsequently becomes a delinquent taxpayer pursuant to the Special Fuels Supplier

Tax Act, the department may terminate the exemption and require the filing of a bond in accordance with this section. If the department terminates the exemption, the termination shall not be effective any earlier than ten days after the date the department notifies the supplier in writing of the termination."

## **Chapter 130 Section 100 Laws 2025**

SECTION 100. Section 7-16B-4 NMSA 1978 (being Laws 1995, Chapter 16, Section 4, as amended) is amended to read:

"7-16B-4. IMPOSITION AND RATE OF TAX--DENOMINATION AS ALTERNATIVE FUEL EXCISE TAX.--

A. For the privilege of distributing alternative fuel in this state, there is imposed an excise tax at a rate provided in Subsection C of this section on each gallon of alternative fuel distributed in New Mexico.

B. The tax imposed by this section may be called the "alternative fuel excise tax".

C. For each gallon of alternative fuel distributed in New Mexico, the tax imposed by Subsection A of this section shall be:

(1) for alternative fuel that is compressed natural gas, thirteen and three-tenths cents (\$.133) per gallon;

(2) for alternative fuel that is liquefied natural gas, twenty and six-tenths cents (\$.206) per gallon; and

(3) for alternative fuel not described in Paragraph (1) or (2) of this subsection, twelve cents (\$.12) per gallon.

D. Alternative fuel purchased for distribution shall not be subject to the alternative fuel excise tax at the time of purchase or acquisition, but the tax shall be due on any alternative fuel at the time it is dispensed or delivered into the supply tank of a motor vehicle that is operated on the highways of this state."

## **Chapter 130 Section 101 Laws 2025**

SECTION 101. Section 7-19-11 NMSA 1978 (being Laws 1979, Chapter 397, Section 2, as amended) is amended to read:

"7-19-11. DEFINITIONS.--As used in the Supplemental Municipal Gross Receipts Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "governing body" means the city council or city commission of a municipality;

C. "municipality" means any incorporated city, town or village having previously qualified to impose and did impose the tax pursuant to the provisions of the Supplemental Municipal Gross Receipts Tax Act in effect prior to the enactment of Laws 1997, Chapter 219;

D. "person" means an individual or any other legal entity;

E. "refunding bonds" means bonds issued pursuant to the provisions of the Supplemental Municipal Gross Receipts Tax Act to refund supplemental municipal gross receipts tax bonds issued pursuant to the provisions of that act;

F. "state gross receipts tax" means the gross receipts tax imposed under the Gross Receipts and Compensating Tax Act; and

G. "supplemental municipal gross receipts tax" means the tax authorized to be imposed under the Supplemental Municipal Gross Receipts Tax Act."

## **Chapter 130 Section 102 Laws 2025**

SECTION 102. Section 7-19-12 NMSA 1978 (being Laws 1979, Chapter 397, Section 3, as amended) is amended to read:

"7-19-12. AUTHORIZATION TO IMPOSE SUPPLEMENTAL MUNICIPAL GROSS RECEIPTS TAX--AUTHORIZATION FOR ISSUANCE OF SUPPLEMENTAL MUNICIPAL GROSS RECEIPTS BONDS--ELECTION REQUIRED.--

A. The majority of the members elected to the governing body of a municipality may enact an ordinance imposing an excise tax on any person engaging in business in the municipality for the privilege of engaging in business in the municipality. This tax is to be referred to as the "supplemental municipal gross receipts tax". The rate of the tax shall not exceed one percent of the gross receipts of the person engaging in business and shall be imposed in one-fourth percent increments if less than one percent.

B. The governing body of a municipality enacting an ordinance imposing the tax authorized in Subsection A of this section shall submit the question of imposing such tax and the question of the issuance of supplemental municipal gross receipts bonds in an amount not to exceed nine million dollars (\$9,000,000), for which the revenue from

the supplemental municipal gross receipts tax is dedicated, to the qualified electors of the municipality at a regular or special election.

C. The questions referred to in Subsection B of this section shall be submitted to a vote of the qualified electors of the municipality as two separate ballot questions, which shall be substantially in the following form:

(1) "Shall the municipality be authorized to issue supplemental municipal gross receipts bonds in an amount of not exceeding \_\_\_\_\_ dollars for the purpose of constructing and equipping and otherwise acquiring a municipal water supply system?

For \_\_\_\_\_ Against \_\_\_\_\_"; and

(2) "Shall the municipality impose an excise tax for the privilege of engaging in business in the municipality which shall be known as the "supplemental municipal gross receipts tax" and which shall be imposed at a rate of \_\_\_\_\_ percent of the gross receipts of the person engaging in business, the proceeds of which are dedicated to the payment of supplemental municipal gross receipts bonds?

For \_\_\_\_\_ Against \_\_\_\_\_".

D. Only those voters who are registered electors who reside within the municipality shall be permitted to vote on these two questions. The procedures for conducting the election shall be substantially the same as the applicable provisions in Sections 3-30-1, 3-30-6 and 3-30-7 NMSA 1978 relating to municipal debt.

E. If at an election called pursuant to this section a majority of the voters voting on each of the two questions votes in the affirmative on each question, the ordinance imposing the supplemental municipal gross receipts tax shall be approved. If at such election a majority of the voters voting on such questions fails to approve any of the questions, the ordinance imposing the tax shall be disapproved and the questions required to be submitted by Subsection B of this section shall not be submitted to the voters for a period of one year from the date of the election.

F. Except as provided in Subsection G of this section, any ordinance enacted under the provisions of this section shall include an effective date of the first July 1 after the expiration of at least three months from the date of the election. A certified copy of any ordinance imposing a supplemental municipal gross receipts tax shall be mailed to the department within five days after the ordinance is adopted by the approval by the electorate. Any ordinance repealing the imposition of a tax under the provisions of the Supplemental Municipal Gross Receipts Tax Act shall become effective on the first July 1 after the expiration of at least three months from the date the ordinance is repealed by the governing body.



G. If the governor declares a state of emergency, or if there is an unforeseen occurrence that would cause a municipality's reserves to drop below the amount required by the local government division of the department of finance and administration, as certified by the division, an ordinance imposing a tax or an increment of a tax may become effective on the first January 1 after the expiration of at least three months after such a declaration or event and notification to the department."

## **Chapter 130 Section 103 Laws 2025**

SECTION 103. Section 7-19-13 NMSA 1978 (being Laws 1979, Chapter 397, Section 4) is amended to read:

"7-19-13. ORDINANCE SHALL CONFORM TO CERTAIN PROVISIONS OF THE GROSS RECEIPTS AND COMPENSATING TAX ACT AND REQUIREMENTS OF THE DEPARTMENT.--

A. Any ordinance imposing a supplemental municipal gross receipts tax shall adopt by reference the same definitions and the same provisions relating to exemptions and deductions as are contained in the Gross Receipts and Compensating Tax Act then in effect and as it may be amended from time to time.

B. The governing body of any municipality imposing or increasing the supplemental municipal gross receipts tax shall adopt the language of the model ordinance furnished to the municipality by the department for the portion of the ordinance relating to the tax."

## **Chapter 130 Section 104 Laws 2025**

SECTION 104. Section 7-19-14 NMSA 1978 (being Laws 1979, Chapter 397, Section 5, as amended) is amended to read:

"7-19-14. SPECIFIC EXEMPTIONS.--No supplemental municipal gross receipts tax shall be imposed on the gross receipts arising from a business located outside the boundaries of a municipality on land owned by that municipality for which a gross receipts tax distribution is made pursuant to Section 7-1-6.4 NMSA 1978."

## **Chapter 130 Section 105 Laws 2025**

SECTION 105. Section 7-19-16 NMSA 1978 (being Laws 1979, Chapter 397, Section 7) is amended to read:

"7-19-16. INTERPRETATION OF ACT--ADMINISTRATION AND ENFORCEMENT OF TAX.--

A. The department shall interpret the provisions of the Supplemental Municipal Gross Receipts Tax Act.

B. The department shall administer and enforce the collection of the supplemental municipal gross receipts tax, and the Tax Administration Act applies to the administration and enforcement of the tax."

## **Chapter 130 Section 106 Laws 2025**

SECTION 106. Section 7-19D-3 NMSA 1978 (being Laws 1993, Chapter 346, Section 3) is amended to read:

"7-19D-3. EFFECTIVE DATE OF ORDINANCE.--

A. Except as provided in Subsection B of this section, an ordinance imposing, amending or repealing a tax or an increment of tax authorized by the Municipal Local Option Gross Receipts and Compensating Taxes Act shall be effective on the first July 1 after the expiration of at least three months from the date the adopted ordinance is mailed or delivered to the department.

B. If the governor declares a state of emergency, or if there is an unforeseen occurrence that would cause a municipality's reserves to drop below the amount required by the local government division of the department of finance and administration, as certified by the division, an ordinance imposing a tax or an increment of a tax may become effective on the first January 1 after the expiration of at least three months after such a declaration or event and notification to the department.

C. The ordinance imposing, amending or repealing a tax or an increment of tax shall include the effective date."

## **Chapter 130 Section 107 Laws 2025**

SECTION 107. Section 7-19D-5 NMSA 1978 (being Laws 1993, Chapter 346, Section 5, as amended) is amended to read:

"7-19D-5. SPECIFIC EXEMPTIONS.--No tax authorized by the provisions of the Municipal Local Option Gross Receipts and Compensating Taxes Act shall be imposed on the gross receipts arising from a business located outside the boundaries of a municipality on land owned by that municipality for which a state gross receipts tax distribution is made pursuant to Section 7-1-6.4 NMSA 1978."

## **Chapter 130 Section 108 Laws 2025**

SECTION 108. Section 7-19D-17 NMSA 1978 (being Laws 2012, Chapter 58, Section 1, as amended) is amended to read:

"7-19D-17. FEDERAL WATER PROJECT GROSS RECEIPTS TAX--  
AUTHORIZATION--USE OF REVENUE--REFERENDUM.--

A. A majority of the members of the governing body of a municipality may enact an ordinance imposing an excise tax on any person engaging in business in the municipality for the privilege of engaging in business. The rate of the tax shall not exceed one-fourth percent of the gross receipts of the person engaging in business. An ordinance enacting the tax authorized by this section is subject to a positive referendum.

B. The tax imposed pursuant to this section may be referred to as the "federal water project gross receipts tax".

C. The governing body of a municipality, at the time of enacting an ordinance imposing the rate of the tax authorized in this section, shall dedicate the revenue for the repayment of loan obligations to the federal government for the construction, expansion, operation and maintenance of a water delivery system and for the expansion, operation and maintenance of that water delivery system after the loan obligation to the federal government is retired or repaid. The revenue from the federal water project gross receipts tax shall not be dedicated to repay revenue bonds or any other form of bonds.

D. An ordinance imposing the federal water project gross receipts tax shall not go into effect until an election is held and a majority of the voters of the municipality voting in the election votes in favor of imposing the tax. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of imposing the tax. The question shall be submitted to the voters of the municipality as a separate question at a regular local election or at a special election called for that purpose by the governing body. An election shall be called, conducted and canvassed as provided in the Local Election Act. If a majority of the voters voting on the question approves the ordinance imposing the federal water project gross receipts tax, then the ordinance shall become effective on July 1 in accordance with the provisions of the Municipal Local Option Gross Receipts and Compensating Taxes Act. If the question of imposing the federal water project gross receipts tax fails, the governing body shall not again propose the imposition of the tax for a period of one year from the date of the election.

E. As used in this section, "municipality" means an incorporated municipality that has a population pursuant to the most recent federal decennial census of greater than twenty thousand but less than twenty-five thousand and is located in a class B county."

## **Chapter 130 Section 109 Laws 2025**

SECTION 109. Section 7-20E-3 NMSA 1978 (being Laws 1993, Chapter 354, Section 3, as amended) is amended to read:

"7-20E-3. OPTIONAL REFERENDUM SELECTION--EFFECTIVE DATE OF ORDINANCE.--

A. The governing body of a county imposing a tax or an increment of tax authorized by the County Local Option Gross Receipts and Compensating Taxes Act or any other county local option gross receipts tax act that is subject to optional referendum selection shall select, when enacting the ordinance imposing the tax, one of the following referendum options:

(1) except as provided in Subsection C of this section, the ordinance imposing the tax or increment of tax shall go into effect on July 1 in accordance with the provisions of the County Local Option Gross Receipts and Compensating Taxes Act, but an election may be called in the county on the question of approving or disapproving that ordinance as follows:

(a) an election shall be called when: 1) in a county having a referendum provision in its charter, a petition requesting such an election is filed pursuant to the requirements of that provision in the charter and signed by the number of registered voters in the county equal to the number of registered voters required in its charter to seek a referendum; and 2) in all other counties, a petition requesting such an election is filed with the county clerk within sixty days of enactment of the ordinance by the governing body and the petition has been signed by a number of registered voters in the county equal to at least five percent of the number of the voters in the county who were registered to vote in the most recent general election;

(b) the signatures on the petition requesting an election shall be verified by the county clerk. If the petition is verified by the county clerk as containing the required number of signatures of registered voters, the governing body shall adopt a resolution calling an election on the question of approving or disapproving the ordinance. The election shall be held within sixty days after the date the petition is verified by the county clerk, or it may be held in conjunction with a general election if that election occurs within sixty days after the date of the verification. The election shall be called, held, conducted and canvassed in substantially the same manner as provided by law for general elections; and

(c) if a majority of the registered voters voting on the question approves the ordinance, the ordinance shall go into effect on July 1 or January 1 in accordance with the provisions of the County Local Option Gross Receipts and Compensating Taxes Act. If at such an election a majority of the registered voters voting on the question disapproves the ordinance, the ordinance imposing the tax shall be deemed repealed and the question of imposing the tax or increment of tax shall not be considered again by the governing body for a period of one year from the date of the election; or

(2) the ordinance imposing the tax or increment of tax shall not go into effect until after an election is held and a simple majority of the registered voters of the county voting on the question votes in favor of imposing the tax or increment of tax. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of imposing the tax or increment of

tax. Such question may be submitted to the voters and voted upon as a separate question at any general election or at any special election called for that purpose by the governing body. The election upon the question shall be called, held, conducted and canvassed in substantially the same manner as may be provided by law for general elections. If the question of imposing the tax or increment of tax fails, the governing body shall not again propose the tax or increment of tax for a period of one year after the election.

B. Except as provided in Subsection C of this section, an ordinance imposing, amending or repealing a tax or an increment of tax authorized by the County Local Option Gross Receipts and Compensating Taxes Act shall be effective on the first July 1 after the expiration of at least three months from the date the adopted ordinance is mailed or delivered to the department.

C. If the governor declares a state of emergency, or if there is an unforeseen occurrence that would cause a county's reserves to drop below the amount required by the local government division of the department of finance and administration, as certified by the division, an ordinance imposing a tax or an increment of a tax may become effective on the first January 1 after the expiration of at least three months after such a declaration or event and notification to the department.

D. The ordinance imposing, amending or repealing a tax or an increment of tax shall include the effective date."

## **Chapter 130 Section 110 Laws 2025**

SECTION 110. Section 7-20E-13 NMSA 1978 (being Laws 1987, Chapter 45, Section 3, as amended) is amended to read:

"7-20E-13. SPECIAL COUNTY HOSPITAL GROSS RECEIPTS TAX--  
AUTHORITY TO IMPOSE--ORDINANCE REQUIREMENTS.--

A. The majority of the members of the governing body may enact an ordinance imposing an excise tax on any person engaging in business in the county for the privilege of engaging in business. The rate of the tax shall be one-eighth percent of the gross receipts of the person engaging in business. The tax shall be imposed for a period of not more than five years from the effective date of the ordinance imposing the tax. Having once enacted an ordinance under this section, the governing body may enact subsequent ordinances for succeeding periods of not more than five years; provided that each such ordinance meets the requirements of the County Local Option Gross Receipts and Compensating Taxes Act with respect to the tax imposed by this section.

B. The tax imposed by this section may be referred to as the "special county hospital gross receipts tax".

C. For the purposes of this section, "county" means:

(1) a county:

(a) having a population of more than ten thousand but less than ten thousand six hundred, according to the last federal decennial census or any subsequent decennial census, and having a net taxable value for rate-setting purposes for the 1986 property tax year or any subsequent year of more than eighty-two million dollars (\$82,000,000) but less than eighty-two million three hundred thousand dollars (\$82,300,000);

(b) that has imposed a rate of one dollar fifty cents (\$1.50) to each one thousand dollars (\$1,000) of net taxable value of property as defined in the Property Tax Code for property taxation purposes in the county and to each one thousand dollars (\$1,000) of the assessed value of products severed and sold in the school district as determined under the Oil and Gas Ad Valorem Production Tax Act and the Oil and Gas Production Equipment Ad Valorem Tax Act or has made an appropriation of funds or has imposed another tax that produces an amount not less than the revenue that would be produced by applying a rate of one dollar fifty cents (\$1.50) to each one thousand dollars (\$1,000) of net taxable value of property as defined in the Property Tax Code for property taxation purposes in the school district and to each one thousand dollars (\$1,000) of the assessed value of products severed and sold in the school district as determined under the Oil and Gas Ad Valorem Production Tax Act and the Oil and Gas Production Equipment Ad Valorem Tax Act. The proceeds of any tax imposed or appropriation made shall be dedicated for current operations and maintenance of a hospital owned and operated by the county or operated and maintained by another party pursuant to a lease with the county; and

(c) having qualified at any time under this definition shall continue to be qualified as a county and authorized to implement the provisions of this section; and

(2) a class B county having a population of more than seventeen thousand five hundred but less than nineteen thousand according to the 1990 federal decennial census and having a net taxable value for property tax rate-setting purposes of under three hundred million dollars (\$300,000,000).

D. The governing body of a county described in Paragraph (1) of Subsection C of this section shall, at the time of enacting an ordinance imposing the rate of the tax authorized in Subsection A of this section, dedicate the revenue for current operations and maintenance of a hospital owned and operated by the county or operated and maintained by another party pursuant to a lease with the county, and the use of these proceeds shall be for the care and maintenance of sick and indigent persons and shall be an expenditure for a public purpose. In any election held, the ballot shall clearly state the purpose to which the revenue will be dedicated, and the revenue shall be used by the county for that purpose.

E. The governing body of a county described in Paragraph (2) of Subsection C of this section shall, at the time of enacting an ordinance imposing the rate of the tax authorized in Subsection A of this section, dedicate the revenue for county ambulance transport costs or for operation of a rural health clinic. In any election held, the ballot shall clearly state the purposes to which the revenue will be dedicated, and the revenue shall be used by the county for those purposes.

F. Any ordinance enacted under the provisions of Subsection A of this section shall include an effective date of July 1 in accordance with the provisions of the County Local Option Gross Receipts and Compensating Taxes Act.

G. The ordinance shall not go into effect until after an election is held and a simple majority of the qualified electors of the county voting in the election votes in favor of imposing the special county hospital gross receipts tax. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of imposing the tax. The question may be submitted to the qualified electors and voted upon as a separate question in a general election or in any special election called for that purpose by the governing body. A special election upon the question shall be called, held, conducted and canvassed in substantially the same manner as provided by law for general elections. If the question of imposing a special county hospital gross receipts tax fails, the governing body shall not again propose a special county hospital gross receipts tax for a period of one year after the election. A certified copy of any ordinance imposing a special county hospital gross receipts tax shall be mailed to the department within five days after the ordinance is adopted in any election called for that purpose.

H. A single election may be held on the question of imposing a special county hospital gross receipts tax as authorized in this section and on the question of imposing a mill levy pursuant to the Hospital Funding Act."

## **Chapter 130 Section 111 Laws 2025**

SECTION 111. Section 7-20E-18 NMSA 1978 (being Laws 1991, Chapter 212, Section 7, as amended) is amended to read:

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

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

B. In addition to the imposition of the county health care gross receipts tax authorized by Subsection A of this section, the majority of the members of the governing body of a county having a population of more than five hundred thousand persons according to the most recent federal decennial census may enact an ordinance imposing an additional one-sixteenth percent increment of county health care gross receipts tax; provided that the imposition of the additional increment shall be for a period that ends no later than June 30, 2009. To continue an increment after June 30, 2009 or beyond any five-year period for which the increment has been imposed, the members of the governing body shall review the need for the increment and if the majority of the members vote in favor of continuing the increment imposed pursuant to this subsection, the increment shall be imposed for an additional period of five years. The governing body of the county shall, at the time of enacting an ordinance imposing the additional increment of county health care gross receipts tax, dedicate the revenue to the support of indigent patients.

C. Any ordinance enacted pursuant to the provisions of Subsection A or B of this section shall include an effective date of July 1 in accordance with the provisions of the County Local Option Gross Receipts and Compensating Taxes Act."

## **Chapter 130 Section 112 Laws 2025**

SECTION 112. Section 7-20E-26 NMSA 1978 (being Laws 2007, Chapter 346, Section 1) is amended to read:

"7-20E-26. WATER AND SANITATION GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE--RATE--ELECTION--USE OF REVENUE.--

A. An excise tax imposed by a governing body pursuant to this section may be referred to as the "water and sanitation gross receipts tax". The water and sanitation gross receipts tax shall be imposed by a governing body as set forth in this section, contingent upon a majority of the voters voting in an election on the question of whether to impose a water and sanitation gross receipts tax voting in favor of the imposition.

B. Upon receipt of a resolution adopted and submitted by the board of directors of a water and sanitation district that requests the governing body to impose a water and sanitation gross receipts tax on behalf of the water and sanitation district, a governing body shall enact an ordinance imposing a water and sanitation gross receipts tax in that water and sanitation district. The ordinance shall impose the tax at a rate of one-fourth percent on a person engaging in business within the area of the county located within the water and sanitation district for the privilege of engaging in business within that water and sanitation district within the county.

C. The governing body, at the time of enacting an ordinance imposing a water and sanitation gross receipts tax authorized pursuant to Subsection A of this section, shall dedicate the revenue only for the operation of the water and sanitation



district for which the tax is imposed. The tax shall be imposed for six years from the date on which the water and sanitation gross receipts tax goes into effect.

D. Within sixty days of the date the ordinance is adopted by the governing body, the governing body shall adopt a resolution calling for an election on the question of whether to impose a water and sanitation gross receipts tax. The question shall be submitted to the voters of the water and sanitation district requesting the county to impose the tax. A special election shall be called, conducted and canvassed in substantially the same manner as provided by law for general elections. If a majority of the voters voting on the question approves the ordinance imposing the water and sanitation gross receipts tax, then the ordinance shall become effective in accordance with the provisions of the County Local Option Gross Receipts and Compensating Taxes Act on the first July 1 following the election approving the imposition of the tax, except as provided in Subsection E of this section. If the question of imposing the water and sanitation gross receipts tax fails, a resolution from the board of directors of the water and sanitation district initiating the request to the county to impose a water and sanitation gross receipts tax may not again be submitted to the governing body for a period of one year from the date of the election.

E. If the governor declares a state of emergency, or if there is an unforeseen occurrence that would cause a district's reserves to drop below the amount required by the local government division of the department of finance and administration, as certified by the division, an ordinance imposing a tax or an increment of a tax may become effective on the first January 1 after the expiration of at least three months after such a declaration or event and notification to the department.

F. The proceeds from the water and sanitation gross receipts tax shall be administered by the governing body and disbursed by the county treasurer to the appropriate water and sanitation district in amounts and for the purposes authorized in this section and as set out in the resolution submitted by the board of directors to the governing body. An agreement shall be entered into between the water and sanitation district and the governing body that sets out the responsibilities of both parties regarding administration, distribution and use of the revenue from the water and sanitation gross receipts tax."

## **Chapter 130 Section 113 Laws 2025**

SECTION 113. Section 7-26-2 NMSA 1978 (being Laws 1977, Chapter 102, Section 4, as amended) is amended to read:

"7-26-2. DEFINITIONS.--As used in the Severance Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "natural resource" means timber and any metalliferous or nonmetalliferous mineral product, combination or compound thereof but does not include oil, natural gas, liquid hydrocarbon, individually or any combination thereof, or carbon dioxide;

C. "severer" means any person engaging in the business of severing natural resources that the person owns or any person who is the owner of natural resources and has another person perform the severing of such natural resources;

D. "severing" means mining, quarrying, extracting, felling or producing any natural resources in New Mexico;

E. "owner", when used in connection with the severing of any of the natural resources covered by the Severance Tax Act under any lease or contract with the state or United States, includes any person having the right to sever those resources; and

F. "secretary" means the secretary of taxation and revenue."

## **Chapter 130 Section 114 Laws 2025**

SECTION 114. Section 7-29-2 NMSA 1978 (being Laws 1959, Chapter 52, Section 2, as amended) is amended to read:

"7-29-2. DEFINITIONS.--As used in the Oil and Gas Severance Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "production unit" means a unit of property designated by the department from which products of common ownership are severed;

C. "severance" means the taking from the soil of any product in any manner whatsoever;

D. "value" means the actual price received for products at the production unit, except as otherwise provided in the Oil and Gas Severance Tax Act;

E. "product" or "products" means oil, including crude, slop or skim oil and condensate; natural gas; liquid hydrocarbon, including ethane, propane, isobutene, normal butane and pentanes plus, individually or any combination thereof; and non-hydrocarbon gases, including carbon dioxide and helium;

F. "operator" means any person:

(1) engaged in the severance of products from a production unit; or

(2) owning an interest in any product at the time of severance who receives a portion or all of such product for the person's interest;

G. "primary recovery" means the displacement of oil and of other liquid hydrocarbons removed from natural gas at or near the wellhead from an oil well or pool as classified by the oil conservation division of the energy, minerals and natural resources department pursuant to Paragraph (11) of Subsection B of Section 70-2-12 NMSA 1978 into the wellbore by means of the natural pressure of the oil well or pool, including artificial lift;

H. "purchaser" means a person who is the first purchaser of a product after severance from a production unit, except as otherwise provided in the Oil and Gas Severance Tax Act;

I. "person" means any individual, estate, trust, receiver, business trust, corporation, firm, co-partnership, cooperative, joint venture, association or other group or combination acting as a unit, and the plural as well as the singular number;

J. "interest owner" means a person owning an entire or fractional interest of whatsoever kind or nature in the products at the time of severance from a production unit, or who has a right to a monetary payment that is determined by the value of such products;

K. "new production natural gas well" means a producing crude oil or natural gas well proration unit that begins its initial natural gas production on or after May 1, 1987 as determined by the oil conservation division of the energy, minerals and natural resources department;

L. "qualified enhanced recovery project", prior to January 1, 1994, means the use or the expanded use of carbon dioxide, when approved by the oil conservation division of the energy, minerals and natural resources department pursuant to the Enhanced Oil Recovery Act, for the displacement of oil and of other liquid hydrocarbons removed from natural gas at or near the wellhead from an oil well or pool classified by the oil conservation division pursuant to Paragraph (11) of Subsection B of Section 70-2-12 NMSA 1978;

M. "qualified enhanced recovery project", on and after January 1, 1994, means the use or the expanded use of any process approved by the oil conservation division of the energy, minerals and natural resources department pursuant to the Enhanced Oil Recovery Act for the displacement of oil and of other liquid hydrocarbons removed from natural gas at or near the wellhead from an oil well or pool classified by the oil conservation division pursuant to Paragraph (11) of Subsection B of Section 70-2-12 NMSA 1978, other than a primary recovery process; the term includes the use of a pressure maintenance process, a water flooding process and immiscible, miscible, chemical, thermal or biological process or any other related process;

N. "production restoration project" means the use of any process for returning to production a natural gas or oil well that had thirty days or less of production in any period of twenty-four consecutive months beginning on or after January 1, 1993, as approved and certified by the oil conservation division of the energy, minerals and natural resources department pursuant to the Natural Gas and Crude Oil Production Incentive Act;

O. "well workover project" means any procedure undertaken by the operator of a natural gas or crude oil well that is intended to increase the production from the well and that has been approved and certified by the oil conservation division of the energy, minerals and natural resources department pursuant to the Natural Gas and Crude Oil Production Incentive Act;

P. "stripper well property" means a crude oil or natural gas producing property that is assigned a single production unit number by the department and is certified by the oil conservation division of the energy, minerals and natural resources department pursuant to the Natural Gas and Crude Oil Production Incentive Act to have produced in the preceding calendar year:

(1) if a crude oil producing property, an average daily production of less than ten barrels of oil per eligible well per day;

(2) if a natural gas producing property, an average daily production of less than sixty thousand cubic feet of natural gas per eligible well per day; or

(3) if a property with wells that produce both crude oil and natural gas, an average daily production of less than ten barrels of oil per eligible well per day, as determined by converting the volume of natural gas produced by the well to barrels of oil by using a ratio of six thousand cubic feet to one barrel of oil;

Q. "average annual taxable value" means as applicable:

(1) the average of the taxable value per one thousand cubic feet, determined pursuant to Section 7-31-5 NMSA 1978, of all natural gas produced in New Mexico for the specified calendar year as determined by the department; or

(2) the average of the taxable value per barrel, determined pursuant to Section 7-31-5 NMSA 1978, of all oil produced in New Mexico for the specified calendar year as determined by the department;

R. "tax" means the oil and gas severance tax; and

S. "volume" means the quantity of product severed reported using:

(1) oil, condensate and slop oil in barrels; and

(2) natural gas, liquid hydrocarbons, helium and carbon dioxide in thousand cubic feet at a pressure base of fifteen and twenty-five thousandths pounds per square inch."

## **Chapter 130 Section 115 Laws 2025**

SECTION 115. Section 7-29-4 NMSA 1978 (being Laws 1980, Chapter 62, Section 5, as amended) is amended to read:

### **"7-29-4. OIL AND GAS SEVERANCE TAX IMPOSED--COLLECTION-- INTEREST OWNER'S LIABILITY TO STATE--INDIAN LIABILITY.--**

A. There is imposed and shall be collected by the department a tax on all products that are severed and sold, except as provided in Subsection B of this section. The measure of the tax and the rates are:

(1) on natural gas severed and sold, except as provided in Paragraphs (4), (6) and (7) of this subsection, three and three-fourths percent of the taxable value determined pursuant to Section 7-29-4.1 NMSA 1978;

(2) on oil and on other liquid hydrocarbons removed from natural gas at or near the wellhead, except as provided in Paragraphs (3), (5), (8) and (9) of this subsection, three and three-fourths percent of taxable value determined pursuant to Section 7-29-4.1 NMSA 1978;

(3) on oil and on other liquid hydrocarbons removed from natural gas at or near the wellhead produced from a qualified enhanced recovery project, one and seven-eighths percent of the taxable value determined pursuant to Section 7-29-4.1 NMSA 1978, provided that the annual average price of west Texas intermediate crude oil, determined by the department by averaging the posted prices in effect on the last day of each month of the twelve-month period ending on May 31 prior to the fiscal year in which the tax rate is to be imposed, was less than twenty-eight dollars (\$28.00) per barrel;

(4) on the natural gas from a well workover project that is certified by the oil conservation division of the energy, minerals and natural resources department in its approval of the well workover project, two and forty-five hundredths percent of the taxable value determined pursuant to Section 7-29-4.1 NMSA 1978, provided that the annual average price of west Texas intermediate crude oil, determined by the department by averaging the posted prices in effect on the last day of each month of the twelve-month period ending on May 31 prior to the fiscal year in which the tax rate is to be imposed, was less than twenty-four dollars (\$24.00) per barrel;

(5) on the oil and on other liquid hydrocarbons removed from natural gas at or near the wellhead from a well workover project that is certified by the oil conservation division of the energy, minerals and natural resources department in its

approval of the well workover project, two and forty-five hundredths percent of the taxable value determined pursuant to Section 7-29-4.1 NMSA 1978, provided that the annual average price of west Texas intermediate crude oil, determined by the department by averaging the posted prices in effect on the last day of each month of the twelve-month period ending on May 31 prior to the fiscal year in which the tax rate is to be imposed, was less than twenty-four dollars (\$24.00) per barrel;

(6) on the natural gas from a stripper well property, one and seven-eighths percent of the taxable value determined pursuant to Section 7-29-4.1 NMSA 1978, provided the average annual taxable value of natural gas was equal to or less than one dollar fifteen cents (\$1.15) per thousand cubic feet in the calendar year preceding July 1 of the fiscal year in which the tax rate is to be imposed;

(7) on the natural gas from a stripper well property, two and thirteen-sixteenths percent of the taxable value determined pursuant to Section 7-29-4.1 NMSA 1978, provided that the average annual taxable value of natural gas was greater than one dollar fifteen cents (\$1.15) per thousand cubic feet but not more than one dollar thirty-five cents (\$1.35) per thousand cubic feet in the calendar year preceding July 1 of the fiscal year in which the tax rate is to be imposed;

(8) on the oil and on other liquid hydrocarbons removed from natural gas at or near the wellhead from a stripper well property, one and seven-eighths percent of the taxable value determined pursuant to Section 7-29-4.1 NMSA 1978, provided that the average annual taxable value of oil was equal to or less than fifteen dollars (\$15.00) per barrel in the calendar year preceding July 1 of the fiscal year in which the tax rate is to be imposed;

(9) on the oil and on other liquid hydrocarbons removed from natural gas at or near the wellhead from a stripper well property, two and thirteen-sixteenths percent of the taxable value determined pursuant to Section 7-29-4.1 NMSA 1978, provided that the average annual taxable value of oil was greater than fifteen dollars (\$15.00) per barrel but not more than eighteen dollars (\$18.00) per barrel in the calendar year preceding July 1 of the fiscal year in which the tax rate is to be imposed; and

(10) on carbon dioxide, helium and non-hydrocarbon gases, three and three-fourths percent of the taxable value determined pursuant to Section 7-29-4.1 NMSA 1978.

B. The tax imposed in Subsection A of this section shall not be imposed on:

(1) natural gas severed and sold from a production restoration project during the first ten years of production following the restoration of production, provided that the annual average price of west Texas intermediate crude oil, determined by the department by averaging the posted prices in effect on the last day of each month of the

twelve-month period ending on May 31 prior to each fiscal year in which the tax exemption is to be effective, was less than twenty-four dollars (\$24.00) per barrel; and

(2) oil and other liquid hydrocarbons removed from natural gas at or near the wellhead from a production restoration project during the first ten years of production following the restoration of production, provided that the annual average price of west Texas intermediate crude oil, determined by the department by averaging the posted prices in effect on the last day of each month of the twelve-month period ending on May 31 prior to each fiscal year in which the tax exemption is to be effective, was less than twenty-four dollars (\$24.00) per barrel.

C. Every interest owner shall be liable for the tax to the extent of the interest owner's interest in such products. Any Indian tribe, Indian pueblo or Indian shall be liable for the tax to the extent authorized or permitted by law.

D. The tax imposed by this section may be referred to as the "oil and gas severance tax".

## **Chapter 130 Section 116 Laws 2025**

SECTION 116. Section 7-29-5 NMSA 1978 (being Laws 1959, Chapter 52, Section 8) is amended to read:

"7-29-5. PRODUCTS ON WHICH TAX HAS BEEN LEVIED-- DEPARTMENT RULE.--The tax shall not be levied more than once on the same product. Reporting of products on which the tax has been paid shall be subject to department rule."

## **Chapter 130 Section 117 Laws 2025**

SECTION 117. Section 7-29-6 NMSA 1978 (being Laws 1959, Chapter 52, Section 9) is amended to read:

"7-29-6. OPERATOR OR PURCHASER TO WITHHOLD INTEREST OWNER'S TAX--DEPARTMENT MAY REQUIRE WITHHOLDING OF TAX--TAX WITHHELD TO BE REMITTED TO THE STATE--OPERATOR OR PURCHASER TO BE REIMBURSED.--

A. Any operator making a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit shall withhold from such payment the amount of tax due from the interest owner.

B. Any purchaser who, by express or implied agreement with the operator, makes a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit, shall withhold from such payment the amount of tax due from the interest owner.

C. The department may require any purchaser making a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit to withhold from such payment the amount of tax due from the interest owner.

D. Any operator or purchaser who pays any tax due from an interest owner shall be entitled to reimbursement from the interest owner for the tax so paid and may take credit for such amount from any monetary payment to the interest owner for the value of products."

## **Chapter 130 Section 118 Laws 2025**

SECTION 118. Section 7-29-7 NMSA 1978 (being Laws 1959, Chapter 52, Section 10, as amended) is amended to read:

"7-29-7. OPERATOR'S REPORT--TAX REMITTANCE--ADDITIONAL INFORMATION.--Each operator shall, in the form and manner required by the department, file a return with the department showing the total value, volume and kind of products sold from each production unit for each calendar month. All taxes due or to be remitted by the operator shall accompany this return. The return shall be filed on or before the twenty-fifth day of the second month after the calendar month for which the return is required. Any additional report or information the department may deem necessary for the proper administration of the Oil and Gas Severance Tax Act may be required."

## **Chapter 130 Section 119 Laws 2025**

SECTION 119. Section 7-29-8 NMSA 1978 (being Laws 1959, Chapter 52, Section 11, as amended) is amended to read:

"7-29-8. PURCHASER'S REPORT--TAX REMITTANCE--ADDITIONAL INFORMATION.--Each purchaser shall, in the form and manner required by the department, file a return to the department showing the total value, volume and kind of products purchased by the purchaser from each production unit for each calendar month. All taxes due or to be remitted by the purchaser shall accompany this return. The return shall be filed on or before the twenty-fifth day of the second month after the calendar month for which the return is required. Any additional reports or information the department may deem necessary for the proper administration of the Oil and Gas Severance Tax Act may be required."

## **Chapter 130 Section 120 Laws 2025**

SECTION 120. Section 7-29-23 NMSA 1978 (being Laws 1991, Chapter 9, Section 36) is amended to read:

"7-29-23. ADVANCE PAYMENT REQUIRED.--



A. Any person required to make payment of tax pursuant to Section 7-29-7 or 7-29-8 NMSA 1978 shall make the advance payment required by this section.

B. For the purposes of this section:

(1) "advance payment" means the payment required to be made by this section in addition to any oil and gas severance tax, penalty or interest due; and

(2) "average tax" means the aggregate amount of tax, less any refunds or credits, paid by a person for the twelve-month period ending the last day of February pursuant to the Oil and Gas Severance Tax Act divided by the number of months during that period for which the person made payment.

C. Each year, prior to July 1, the department shall compute the advance payment required to be made pursuant to this section, compute the average tax for the filing periods February through January of the subsequent year for each person required to pay tax pursuant to the Oil and Gas Severance Tax Act and provide a tax statement to each person required to pay tax pursuant to the Oil and Gas Severance Tax Act. The average tax calculated for a year shall be used during the twelve-month period beginning with July of that year and ending with June of the following year as the basis for making the advance payments required by Subsection D of this section.

D. Annually, by the twenty-fifth of the month in which a person files or amends that person's first return pursuant to the Oil and Gas Severance Tax Act and after receiving the tax statement provided by the department, a person required to pay tax in a month pursuant to the Oil and Gas Severance Tax Act shall pay, in addition to any amount of tax, interest or penalty due, an advance payment in an amount equal to the applicable average tax, except:

(1) if the person is making a final return under the Oil and Gas Severance Tax Act, no advance payment pursuant to this subsection is due for that return; and

(2) as provided in Subsection F of this section.

E. Annually, by the twenty-fifth of the month in which a person files or amends that person's first return pursuant to the Oil and Gas Severance Tax Act and after receiving the tax statement provided by the department, a person required to pay tax pursuant to the Oil and Gas Severance Tax Act may claim a credit equal to the amount of advance payment made in the previous month, except as provided in Subsection F of this section.

F. If, in any year, a person is not required to pay tax pursuant to the Oil and Gas Severance Tax Act, that person is not required to pay the advance payment and may not claim a credit pursuant to Subsection E of this section; provided that, in any

succeeding year when the person has liability under the Oil and Gas Severance Tax Act, the person may claim a credit for any advance payment made and not credited.

G. In the event that the date by which a person is required to pay the tax pursuant to the Oil and Gas Severance Tax Act is accelerated to a date earlier than the twenty-fifth day of the second month following the month of production, the advance payment provision contained in this section is void and any money held as advance payments shall be credited to the taxpayers' accounts."

## **Chapter 130 Section 121 Laws 2025**

SECTION 121. Section 7-30-9 NMSA 1978 (being Laws 1959, Chapter 53, Section 9, as amended) is amended to read:

"7-30-9. OPERATOR OR PURCHASER TO WITHHOLD INTEREST OWNER'S TAX--DEPARTMENT MAY REQUIRE WITHHOLDING OF TAX--TAX WITHHELD TO BE REMITTED TO THE STATE--OPERATOR OR PURCHASER TO BE REIMBURSED.--

A. Any operator making a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit shall withhold from such payment the amount of tax due from the interest owner.

B. Any purchaser who, by express or implied agreement with the operator, makes a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit shall withhold from such payment the amount of tax due from the interest owner.

C. The department may require any purchaser making a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit to withhold from such payment the amount of tax due from the interest owner.

D. Any operator or purchaser who pays any tax due from an interest owner shall be entitled to reimbursement from the interest owner for the tax so paid and may take credit for such amount from any monetary payment to the interest owner for the value of products."

## **Chapter 130 Section 122 Laws 2025**

SECTION 122. Section 7-30-27 NMSA 1978 (being Laws 1991, Chapter 9, Section 37) is amended to read:

"7-30-27. ADVANCE PAYMENT REQUIRED.--

A. Any person required to make payment of tax pursuant to Section 7-30-10 or 7-30-11 NMSA 1978 shall make the advance payment required by this section.

B. For the purposes of this section:

(1) "advance payment" means the payment required to be made by this section in addition to any oil and gas conservation tax, penalty or interest due; and

(2) "average tax" means the aggregate amount of tax, less any refunds or credits, paid by a person for the twelve-month period ending the last day of February pursuant to the Oil and Gas Conservation Tax Act divided by the number of months during that period for which the person made payment.

C. Each year, prior to July 1, the department shall compute the advance payment required to be made pursuant to this section, compute the average tax for the filing periods February through January of the subsequent year for each person required to pay tax pursuant to the Oil and Gas Conservation Tax Act and provide a tax statement to each person required to pay tax pursuant to the Oil and Gas Conservation Tax Act. The average tax calculated for a year shall be used during the twelve-month period beginning with July of that year and ending with June of the following year as the basis for making the advance payments required by Subsection D of this section.

D. Annually, by the twenty-fifth of the month in which a person files or amends that person's first return pursuant to the Oil and Gas Conservation Tax Act and after receiving the tax statement provided by the department, a person required to pay tax in a month pursuant to the Oil and Gas Conservation Tax Act shall pay, in addition to any amount of tax, interest or penalty due, an advance payment in an amount equal to the applicable average tax, except:

(1) if the person is making a final return under the Oil and Gas Conservation Tax Act, no advance payment pursuant to this subsection is due for that return; and

(2) as provided in Subsection F of this section.

E. Annually, by the twenty-fifth of the month in which a person files or amends that person's first return pursuant to the Oil and Gas Conservation Tax Act and after receiving the tax statement provided by the department, a person required to pay tax pursuant to the Oil and Gas Conservation Tax Act may claim a credit equal to the amount of advance payment made in the previous year, except as provided in Subsection F of this section.

F. If, in any year, a person is not required to pay tax pursuant to the Oil and Gas Conservation Tax Act, that person is not required to pay the advance payment and may not claim a credit pursuant to Subsection E of this section; provided that, in any succeeding month when the person has liability under the Oil and Gas Conservation

Tax Act, the person may claim a credit for any advance payment made and not credited.

G. In the event that the date by which a person is required to pay the tax pursuant to the Oil and Gas Conservation Tax Act is accelerated to a date earlier than the twenty-fifth day of the second month following the month of production, the advance payment provision contained in this section is void and any money held as advance payments shall be credited to the taxpayers' accounts."

## **Chapter 130 Section 123 Laws 2025**

SECTION 123. Section 7-31-2 NMSA 1978 (being Laws 1959, Chapter 54, Section 2, as amended) is amended to read:

"7-31-2. DEFINITIONS.--As used in the Oil and Gas Emergency School Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "production unit" means a unit of property designated by the department from which products of common ownership are severed;

C. "severance" means the taking from the soil of any product in any manner whatsoever;

D. "value" means the actual price received from products at the production unit, except as otherwise provided in the Oil and Gas Emergency School Tax Act;

E. "product" or "products" means oil, including crude oil, slop oil or skim oil and condensate; natural gas; liquid hydrocarbon, including ethane, propane, isobutene, normal butane and pentanes plus, individually or any combination thereof; and non-hydrocarbon gases, including carbon dioxide and helium;

F. "operator" means any person:

(1) engaged in the severance of products from a production unit; or

(2) owning an interest in any product at the time of severance who receives a portion or all of such product for the person's interest;

G. "purchaser" means a person who is the first purchaser of a product after severance from a production unit, except as otherwise provided in the Oil and Gas Emergency School Tax Act;

H. "person" means any individual, estate, trust, receiver, business trust, corporation, firm, copartnership, cooperative, joint venture, association, limited liability company or other group or combination acting as a unit, and the plural as well as the singular number;

I. "interest owner" means a person owning an entire or fractional interest of whatsoever kind or nature in the products at the time of severance from a production unit or who has a right to a monetary payment that is determined by the value of such products;

J. "stripper well property" means a crude oil or natural gas producing property that is assigned a single production unit number by the department and is certified by the oil conservation division of the energy, minerals and natural resources department pursuant to the Natural Gas and Crude Oil Production Incentive Act to have produced in the preceding calendar year:

(1) if a crude oil producing property, an average daily production of less than ten barrels of oil per eligible well per day;

(2) if a natural gas producing property, an average daily production of less than sixty thousand cubic feet of natural gas per eligible well per day; or

(3) if a property with wells that produce both crude oil and natural gas, an average daily production of less than ten barrels of oil per eligible well per day, as determined by converting the volume of natural gas produced by the well to barrels of oil by using a ratio of six thousand cubic feet to one barrel of oil;

K. "average annual taxable value" means as applicable:

(1) the average of the taxable value per one thousand cubic feet, determined pursuant to Section 7-31-5 NMSA 1978, of all natural gas produced in New Mexico for the specified calendar year as determined by the department; or

(2) the average of the taxable value per barrel, determined pursuant to Section 7-31-5 NMSA 1978, of all oil produced in New Mexico for the specified calendar year as determined by the department;

L. "tax" means the oil and gas emergency school tax; and

M. "volume" means the quantity of product severed reported using:

(1) oil, condensate and slop oil in barrels; and

(2) natural gas, liquid hydrocarbons, helium and carbon dioxide in thousand cubic feet at a pressure base of fifteen and twenty-five thousandths pounds per square inch."

## Chapter 130 Section 124 Laws 2025

SECTION 124. Section 7-31-4 NMSA 1978 (being Laws 1959, Chapter 54, Section 4, as amended) is amended to read:

"7-31-4. PRIVILEGE TAX LEVIED--COLLECTED BY DEPARTMENT--RATE--INTEREST OWNER'S LIABILITY TO STATE--INDIAN LIABILITY.--

A. There is imposed and shall be collected by the department a privilege tax on all products that are severed and sold. The measure of the tax shall be:

(1) on oil and on oil and other liquid hydrocarbons removed from natural gas at or near the wellhead, except as provided in Paragraphs (4) and (5) of this subsection, three and fifteen-hundredths percent of the taxable value determined pursuant to Section 7-31-5 NMSA 1978;

(2) on carbon dioxide, helium and non-hydrocarbon gases, three and fifteen-hundredths percent of the taxable value determined pursuant to Section 7-31-5 NMSA 1978;

(3) on natural gas, except as provided in Paragraphs (6) and (7) of this subsection, four percent of the taxable value determined pursuant to Section 7-31-5 NMSA 1978;

(4) on the oil and on other liquid hydrocarbons removed from natural gas at or near the wellhead from a stripper well property, one and fifty-eight hundredths percent of the taxable value determined pursuant to Section 7-31-5 NMSA 1978, provided that the average annual taxable value of oil was equal to or less than fifteen dollars (\$15.00) per barrel in the calendar year preceding July 1 of the fiscal year in which the tax rate is to be imposed;

(5) on the oil and on other liquid hydrocarbons removed from natural gas at or near the wellhead from a stripper well property, two and thirty-six hundredths percent of the taxable value determined pursuant to Section 7-31-5 NMSA 1978, provided that the average annual taxable value of oil was greater than fifteen dollars (\$15.00) per barrel but not more than eighteen dollars (\$18.00) per barrel in the calendar year preceding July 1 of the fiscal year in which the tax rate is to be imposed;

(6) on the natural gas removed from a stripper well property, two percent of the taxable value determined pursuant to Section 7-31-5 NMSA 1978, provided that the average annual taxable value of natural gas was equal to or less than one dollar fifteen cents (\$1.15) per thousand cubic feet in the calendar year preceding July 1 of the fiscal year in which the tax rate is to be imposed; and

(7) on the natural gas removed from a stripper well property, three percent of the taxable value determined pursuant to Section 7-31-5 NMSA 1978,

provided that the average annual taxable value of natural gas was greater than one dollar fifteen cents (\$1.15) per thousand cubic feet but not more than one dollar thirty-five cents (\$1.35) per thousand cubic feet in the calendar year preceding July 1 of the fiscal year in which the tax rate is to be imposed.

B. Every interest owner, for the purpose of levying this tax, is deemed to be in the business of severing products and is liable for this tax to the extent of the owner's interest in the value of the products or to the extent of the owner's interest as may be measured by the value of the products.

C. Any Indian tribe, Indian pueblo or Indian is liable for this tax to the extent authorized or permitted by law."

## **Chapter 130 Section 125 Laws 2025**

SECTION 125. Section 7-31-6 NMSA 1978 (being Laws 1959, Chapter 54, Section 6) is amended to read:

"7-31-6. VALUE MAY BE DETERMINED BY DEPARTMENT--STANDARD.--

A. The department may determine the value of products severed from a production unit when:

- (1) the operator and purchaser are affiliated persons;
- (2) the sale and purchase of products is not an arm's length transaction; or
- (3) products are severed and removed from a production unit and a value as defined in the Oil and Gas Emergency School Tax Act is not established for such products.

B. The value determined by the department shall be commensurate with the actual price received for products of like quality, character and use which are severed in the same field or area."

## **Chapter 130 Section 126 Laws 2025**

SECTION 126. Section 7-31-8 NMSA 1978 (being Laws 1959, Chapter 54, Section 8) is amended to read:

"7-31-8. PRODUCTS ON WHICH TAX HAS BEEN LEVIED-- DEPARTMENT RULE.--The tax shall not be levied more than once on the same product. Reporting of products on which the tax has been paid shall be subject to department rule."

## **Chapter 130 Section 127 Laws 2025**

SECTION 127. Section 7-31-9 NMSA 1978 (being Laws 1959, Chapter 54, Section 9) is amended to read:

"7-31-9. OPERATOR OR PURCHASER TO WITHHOLD INTEREST OWNER'S TAX--DEPARTMENT MAY REQUIRE WITHHOLDING OF TAX--TAX WITHHELD TO BE REMITTED TO THE STATE--OPERATOR OR PURCHASER TO BE REIMBURSED.--

A. Any operator making a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit shall withhold from such payment the amount of tax due from any interest owner.

B. Any purchaser who, by express or implied agreement with the operator, makes a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit shall withhold from such payment the amount of tax due from the interest owner.

C. The department may require any purchaser making a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit to withhold from such payment the amount of tax due from the interest owner.

D. Any operator or purchaser who pays any tax due from an interest owner shall be entitled to reimbursement from the interest owner for the tax so paid and may take credit for such amount from any monetary payment to the interest owner for the value of products."

## **Chapter 130 Section 128 Laws 2025**

SECTION 128. Section 7-31-10 NMSA 1978 (being Laws 1959, Chapter 54, Section 10, as amended) is amended to read:

"7-31-10. OPERATOR'S REPORT--TAX REMITTANCE--ADDITIONAL INFORMATION.--Each operator shall, in the form and manner required by the department, file a return with the department showing the total value, volume and kind of products sold from each production unit for each calendar month. All taxes due or to be remitted by the operator shall accompany this return. The return shall be filed on or before the twenty-fifth day of the second month after the calendar month for which the return is required. Any additional report or information the department may deem necessary for the proper administration of the Oil and Gas Emergency School Tax Act may be required."



## **Chapter 130 Section 129 Laws 2025**

SECTION 129. Section 7-31-11 NMSA 1978 (being Laws 1959, Chapter 54, Section 11, as amended) is amended to read:

"7-31-11. PURCHASER'S REPORT--TAX REMITTANCE--ADDITIONAL INFORMATION.--Each purchaser shall, in the form and manner required by the department, file a return to the department showing the total value, volume and kind of products purchased by the purchaser from each production unit for each calendar month. All taxes due or to be remitted by the purchaser shall accompany this return. The return shall be filed on or before the twenty-fifth day of the second month after the calendar month for which the return is required. Any additional reports or information the department may deem necessary for the proper administration of the Oil and Gas Emergency School Tax Act may be required."

## **Chapter 130 Section 130 Laws 2025**

SECTION 130. Section 7-31-26 NMSA 1978 (being Laws 1991, Chapter 9, Section 38) is amended to read:

"7-31-26. ADVANCE PAYMENT REQUIRED.--

A. Any person required to make payment of tax pursuant to Section 7-31-10 or 7-31-11 NMSA 1978 shall make the advance payment required by this section.

B. For the purposes of this section:

(1) "advance payment" means the payment required to be made by this section in addition to any oil and gas emergency school tax, penalty or interest due; and

(2) "average tax" means the aggregate amount of tax, less any refunds or credits, paid by a person for the twelve-month period ending the last day of February pursuant to the Oil and Gas Emergency School Tax Act divided by the number of months during that period for which the person made payment.

C. Each year, prior to July 1, the department shall compute the advance payment required to be made pursuant to this section, compute the average tax for the filing periods February through January of the subsequent year for each person required to pay tax pursuant to the Oil and Gas Emergency School Tax Act and provide a tax statement to each person required to pay tax pursuant to the Oil and Gas Emergency School Tax Act. The average tax calculated for a year shall be used during the twelve-month period beginning with July of that year and ending with June of the following year as the basis for making the advance payments required by Subsection D of this section.

D. Annually, by the twenty-fifth of the month in which a person files or amends that person's first return pursuant to the Oil and Gas Emergency School Tax Act and after receiving the tax statement provided by the department, a person required to pay tax in a month pursuant to the Oil and Gas Emergency School Tax Act shall pay, in addition to any amount of tax, interest or penalty due, an advance payment in an amount equal to the applicable average tax, except:

(1) if the person is making a final return under the Oil and Gas Emergency School Tax Act, no advance payment pursuant to this subsection is due for that return; and

(2) as provided in Subsection F of this section.

E. Annually, by the twenty-fifth of the month in which a person files or amends that person's first return pursuant to the Oil and Gas Emergency School Tax Act and after receiving the tax statement provided by the department, a person required to pay tax pursuant to the Oil and Gas Emergency School Tax Act may claim a credit equal to the amount of advance payment made in the previous year, except as provided in Subsection F of this section.

F. If, in any year, a person is not required to pay tax pursuant to the Oil and Gas Emergency School Tax Act, that person is not required to pay the advance payment and may not claim a credit pursuant to Subsection E of this section; provided that, in any succeeding month when the person has liability under the Oil and Gas Emergency School Tax Act, the person may claim a credit for any advance payment made and not credited.

G. In the event that the date by which a person is required to pay the tax pursuant to the Oil and Gas Emergency School Tax Act is accelerated to a date earlier than the twenty-fifth day of the second month following the month of production, the advance payment provision contained in this section is void and any money held as advance payments shall be credited to the taxpayers' accounts."

## **Chapter 130 Section 131 Laws 2025**

SECTION 131. Section 7-32-2 NMSA 1978 (being Laws 1959, Chapter 55, Section 2, as amended) is amended to read:

"7-32-2. DEFINITIONS.--As used in the Oil and Gas Ad Valorem Production Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "production unit" means a unit of property designated by the department from which products of common ownership are severed;

C. "severance" means the taking from the soil any product in any manner whatsoever;

D. "value" means the actual price received for products at the production unit, except as otherwise provided in the Oil and Gas Ad Valorem Production Tax Act;

E. "product" or "products" means oil, including crude oil, slop oil or skim oil and condensate; natural gas; liquid hydrocarbon, including ethane, propane, isobutene, normal butane and pentanes plus, individually or any combination thereof; and non-hydrocarbon gases, including carbon dioxide and helium;

F. "operator" means any person:

(1) engaged in the severance of products from a production unit; or

(2) owning an interest in any product at the time of severance who receives a portion or all of such product for the person's interest;

G. "purchaser" means a person who is the first purchaser of a product after severance from a production unit, except as otherwise provided in the Oil and Gas Ad Valorem Production Tax Act;

H. "person" means any individual, estate, trust, receiver, business trust, corporation, firm, copartnership, cooperative, joint venture, association or other group or combination acting as a unit, and the plural as well as the singular number;

I. "interest owner" means a person owning an entire or fractional interest of whatsoever kind or nature in the products at the time of severance from a production unit or who has a right to a monetary payment that is determined by the value of such products;

J. "assessed value" means the value against which tax rates are applied;

K. "tax" means the oil and gas ad valorem production tax; and

L. "volume" means the quantity of product severed reported using:

(1) oil, condensate and slop oil in barrels; and

(2) natural gas, liquid hydrocarbons, helium and carbon dioxide in thousand cubic feet at a pressure base of fifteen and twenty-five thousandths pounds per square inch."

## **Chapter 130 Section 132 Laws 2025**

SECTION 132. Section 7-32-4 NMSA 1978 (being Laws 1959, Chapter 55, Section 4, as amended) is amended to read:

"7-32-4. AD VALOREM TAX LEVIED--COLLECTED BY DEPARTMENT--RATE--INTEREST OWNER'S LIABILITY TO STATE--INDIAN LIABILITY.--There is levied and shall be collected by the department an ad valorem tax on the assessed value of products which are severed and sold to a purchaser from each production unit at the rate certified to the department by the department of finance and administration under the provisions of Section 7-37-7 NMSA 1978. Such rate shall be levied for each month following its certification and shall be levied monthly thereafter until a new rate is certified. Every interest owner shall be liable for this tax to the extent of the interest owner's interest in the value of such products or to the extent of the interest owner's interest as may be measured by the value of such products. Provided, any Indian tribe, Indian pueblo or Indian shall be liable for this tax to the extent authorized or permitted by law."

## **Chapter 130 Section 133 Laws 2025**

SECTION 133. Section 7-32-6 NMSA 1978 (being Laws 1959, Chapter 55, Section 6) is amended to read:

"7-32-6. VALUE MAY BE DETERMINED BY DEPARTMENT--STANDARD.--The department may determine the value of products severed from a production unit when:

- A. the operator and purchaser are affiliated persons;
- B. the sale and purchase of products is not an arm's length transaction; or
- C. products are severed and removed from a production unit and a value as defined in the Oil and Gas Ad Valorem Production Tax Act is not established for such products.

The value determined by the department shall be commensurate with the actual price received for products of like quality, character and use which are severed in the same field or area."

## **Chapter 130 Section 134 Laws 2025**

SECTION 134. Section 7-32-8 NMSA 1978 (being Laws 1959, Chapter 55, Section 8) is amended to read:

"7-32-8. PRODUCTS ON WHICH TAX HAS BEEN LEVIED-- DEPARTMENT RULE.--The tax shall not be levied more than once on the same product. Reporting of products on which the tax has been paid shall be subject to department rule."

## **Chapter 130 Section 135 Laws 2025**

SECTION 135. Section 7-32-9 NMSA 1978 (being Laws 1959, Chapter 55, Section 9) is amended to read:

"7-32-9. OPERATOR OR PURCHASER TO WITHHOLD INTEREST OWNER'S TAX--DEPARTMENT MAY REQUIRE WITHHOLDING OF TAX--TAX WITHHELD TO BE REMITTED TO THE STATE--OPERATOR OR PURCHASER TO BE REIMBURSED.--

A. Any operator making a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit shall withhold from such payment the amount of tax due from any interest owner.

B. Any purchaser, who by express or implied agreement with the operator, makes a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit shall withhold from such payment the amount of tax due from the interest owner.

C. The department may require any purchaser making a monetary payment to an interest owner for the interest owner's portion of the value of products from a production unit to withhold from such payment the amount of tax due from the interest owner.

D. Any operator or purchaser who pays any tax due from an interest owner shall be entitled to reimbursement from the interest owner for the tax so paid and may take credit for such amount from any monetary payment to the interest owner for the value of products."

## **Chapter 130 Section 136 Laws 2025**

SECTION 136. Section 7-32-10 NMSA 1978 (being Laws 1959, Chapter 55, Section 10, as amended) is amended to read:

"7-32-10. OPERATOR'S REPORT--TAX REMITTANCE--ADDITIONAL INFORMATION.--Each operator shall, in the form and manner required by the department, file a return with the department showing the total value, volume and kind of products sold from each production unit for each calendar month. All taxes due or to be remitted by the operator shall accompany this return. The return shall be filed on or before the twenty-fifth day of the second month after the calendar month for which the return is required. Any additional report or information the department may deem necessary for the proper administration of the Oil and Gas Ad Valorem Production Tax Act may be required."

## **Chapter 130 Section 137 Laws 2025**

SECTION 137. Section 7-32-11 NMSA 1978 (being Laws 1959, Chapter 55, Section 11, as amended) is amended to read:

"7-32-11. PURCHASER'S REPORT--TAX REMITTANCE--ADDITIONAL INFORMATION.--Each purchaser shall, in the form and manner required by the department, file a return to the department showing the total value, volume and kind of products purchased by the purchaser from each production unit for each calendar month. All taxes due or to be remitted by the purchaser shall accompany this return. The return shall be filed on or before the twenty-fifth day of the second month after the calendar month for which the return is required. Any additional reports or information the department may deem necessary for the proper administration of the Oil and Gas Ad Valorem Production Tax Act may be required."

## **Chapter 130 Section 138 Laws 2025**

SECTION 138. Section 7-32-13 NMSA 1978 (being Laws 1959, Chapter 55, Section 13, as amended) is amended to read:

"7-32-13. DEPARTMENT SHALL PREPARE SCHEDULES AND FORWARD TO ASSESSORS AND TREASURERS.--By the last day of each month, the department shall prepare and certify a schedule to the respective counties in which production units are located. The schedules shall reflect the accounting of the preceding month and shall list each production unit and by production unit show the assessed value, taxing district, extension of tax levies, tax payments and other information as the department deems appropriate. The schedules shall be forwarded to the assessors and treasurers of the respective counties. Upon receipt, an assessor shall accept them as the assessment of property as required in the Oil and Gas Ad Valorem Production Tax Act and a county treasurer shall accept them as the oil and gas ad valorem schedule for the county."

## **Chapter 130 Section 139 Laws 2025**

SECTION 139. Section 7-32-28 NMSA 1978 (being Laws 1991, Chapter 9, Section 39) is amended to read:

"7-32-28. ADVANCE PAYMENT REQUIRED.--

A. Any person required to make payment of tax pursuant to Section 7-32-10 or 7-32-11 NMSA 1978 shall make the advance payment required by this section.

B. For the purposes of this section:

(1) "advance payment" means the payment required to be made by this section in addition to any oil and gas ad valorem production tax, penalty or interest due; and

(2) "average tax" means the aggregate amount of tax, less any refunds or credits, paid by a person during the twelve-month period ending March 31 pursuant to the Oil and Gas Ad Valorem Production Tax Act divided by the number of months during that period for which the person made payment.

C. Each year, prior to July 1, the department shall compute the advance payment required to be made pursuant to this section, compute the average tax for the filing periods February through January of the subsequent year for each person required to pay tax pursuant to the Oil and Gas Ad Valorem Production Tax Act and provide a tax statement to each person required to pay tax pursuant to the Oil and Gas Ad Valorem Production Tax Act. The average tax calculated for a year shall be used during the twelve-month period beginning with July of that year and ending with June of the following year as the basis for making the advance payments required by Subsection D of this section.

D. Annually, by the twenty-fifth of the month in which a person files or amends that person's first return pursuant to the Oil and Gas Ad Valorem Production Tax Act and after receiving the tax statement provided by the department, a person required to pay tax in a month pursuant to the Oil and Gas Ad Valorem Production Tax Act shall pay, in addition to any amount of tax, interest or penalty due, an advance payment in an amount equal to the applicable average tax, except:

(1) if the person is making a final return under the Oil and Gas Ad Valorem Production Tax Act, no advance payment pursuant to this subsection is due for that return; and

(2) as provided in Subsection F of this section.

E. Annually, by the twenty-fifth of the month in which a person files or amends that person's first return pursuant to the Oil and Gas Ad Valorem Production Tax Act and after receiving the tax statement provided by the department, a person required to pay tax pursuant to the Oil and Gas Ad Valorem Production Tax Act may claim a credit equal to the amount of advance payment made in the previous year, except as provided in Subsection F of this section.

F. If, in any year, a person is not required to pay tax pursuant to the Oil and Gas Ad Valorem Production Tax Act, that person is not required to pay the advance payment and may not claim a credit pursuant to Subsection E of this section; provided that, in any succeeding month when the person has liability under the Oil and Gas Ad Valorem Production Tax Act, the person may claim a credit for any advance payment made and not credited.

G. In the event that the date by which a person is required to pay the tax pursuant to the Oil and Gas Ad Valorem Production Tax Act is accelerated to a date earlier than the twenty-fifth day of the second month following the month of production,

the advance payment provision contained in this section is void and any money held as advance payments shall be credited to the taxpayers' accounts."

## **Chapter 130 Section 140 Laws 2025**

SECTION 140. Section 7-33-4 NMSA 1978 (being Laws 1963, Chapter 179, Section 4, as amended) is amended to read:

"7-33-4. PRIVILEGE TAX LEVIED--COLLECTED BY DEPARTMENT--RATE.--

A. There is levied and shall be collected by the department a privilege tax on processors for the privilege of operating a natural gas processing plant in New Mexico. This tax may be referred to as the "natural gas processors tax".

B. The tax shall be imposed on the amount of mmbtus of natural gas delivered to the processor at the inlet of the natural gas processing plant after subtracting the mmbtu deductions authorized in Subsection D of this section. The tax shall be imposed at the rate per mmbtu determined in Subsection C of this section.

C. The tax rate shall be determined by multiplying the rate of sixty-five hundredths of one cent (\$.0065) per mmbtu by a fraction, the numerator of which is the annual average taxable value per mcf of natural gas produced in New Mexico during the preceding calendar year and the denominator of which is one dollar thirty-three cents (\$1.33) per mcf. The resulting tax rate shall be rounded to the nearest one-hundredth of one cent per mmbtu.

D. A processor may deduct from the amount of mmbtus of natural gas subject to the tax the mmbtus of natural gas that are:

- (1) used for natural gas processing by the processor;
- (2) returned to the lease from which they are produced;
- (3) legally flared by the processor; or
- (4) lost as a result of natural gas processing plant malfunctions or other incidences of force majeure.

E. On or before June 15 of each year, the department shall inform each processor in writing of the tax rate applicable for the succeeding fiscal year.

F. Any Indian nation, tribe or pueblo or Indian is liable for the tax to the extent authorized or permitted by law."



## **Chapter 130 Section 141 Laws 2025**

SECTION 141. Section 7-34-2 NMSA 1978 (being Laws 1969, Chapter 119, Section 2, as amended) is amended to read:

"7-34-2. DEFINITIONS.--As used in the Oil and Gas Production Equipment Ad Valorem Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "person" means any individual, estate, trust, receiver, business trust, corporation, firm, copartnership, cooperative, joint venture, association or other group or combination acting as a unit;

C. "operator" means any person engaged in the severance of products from a production unit;

D. "product" means oil, natural gas or liquid hydrocarbon, individually or any combination thereof, carbon dioxide, helium or a non-hydrocarbon gas;

E. "severance" means taking any product from the soil in any manner;

F. "production unit" means a unit of property designated by the department from which products of common ownership are severed;

G. "equipment" means wells and nonmobile equipment used at a production unit in connection with severance, treatment or storage of production unit products;

H. "value" means the actual price received for products at the production unit as established under the Oil and Gas Ad Valorem Production Tax Act;

I. "assessed value" means the value against which tax rates are applied;  
and

J. "tax" means the oil and gas production equipment ad valorem tax."

## **Chapter 130 Section 142 Laws 2025**

SECTION 142. Section 7-34-3 NMSA 1978 (being Laws 1969, Chapter 119, Section 3, as amended) is amended to read:

"7-34-3. METHOD OF DETERMINING ASSESSED VALUE.--

A. Annually the department shall compute the value of products of each production unit for the previous calendar year.

B. The taxable value of equipment of each production unit is an amount equal to twenty-seven percent of the value of products of each production unit.

C. The assessed value of equipment of each production unit shall be determined by applying the uniform assessment ratio to the taxable value of equipment of each production unit."

## **Chapter 130 Section 143 Laws 2025**

SECTION 143. Section 7-34-4 NMSA 1978 (being Laws 1969, Chapter 119, Section 4, as amended) is amended to read:

"7-34-4. AD VALOREM TAX LEVIED.--An ad valorem tax is levied on the assessed value of the equipment at each production unit. The tax shall be at the rate certified to the department by the department of finance and administration under the provisions of Section 7-37-7 NMSA 1978."

## **Chapter 130 Section 144 Laws 2025**

SECTION 144. Section 7-34-5 NMSA 1978 (being Laws 1969, Chapter 119, Section 5, as amended) is amended to read:

"7-34-5. OIL AND GAS PRODUCTION EQUIPMENT AD VALOREM TAX TO BE EXCLUSIVE MEASURE OF AD VALOREM TAX LIABILITY.--The tax levied by Section 7-34-4 NMSA 1978 shall be the full and exclusive measure of ad valorem tax liability for equipment used at a production unit. Any other ad valorem tax on equipment used at a production unit is void."

## **Chapter 130 Section 145 Laws 2025**

SECTION 145. Section 7-34-6 NMSA 1978 (being Laws 1969, Chapter 119, Section 6) is amended to read:

"7-34-6. TAX STATEMENT--TAX DUE DATE.--Annually the department shall compute the assessed value of equipment for each production unit and extend the applicable rates against the assessed value to determine the amount of tax due. The department shall prepare a tax statement for each production unit showing the production unit identification, the taxing district in which it is located, calendar-year value, assessed value, district rates and the amount of tax due. The tax statement shall be sent to the operator on or before November 1 and payment shall be made to the department on or before November 30."

## **Chapter 130 Section 146 Laws 2025**

SECTION 146. Section 7-34-7 NMSA 1978 (being Laws 1969, Chapter 119, Section 7) is amended to read:

"7-34-7. DEPARTMENT SHALL REPORT TO COUNTY--TAX SCHEDULE.--On or before December 30, the department shall deliver a tax schedule to each county in which production units are located, identifying each production unit, the taxing district in which it is located, the value, assessed value, district rates and the amount of tax paid."

## **Chapter 130 Section 147 Laws 2025**

SECTION 147. Section 7-40-5 NMSA 1978 (being Laws 2018, Chapter 57, Section 5) is amended to read:

"7-40-5. EXEMPTIONS.--Exempted from the taxes imposed pursuant to the Insurance Premium Tax Act are:

A. premiums attributable to insurance or contracts purchased by the state or a political subdivision for the state's or political subdivision's active or retired employees;

B. payments received by a health maintenance organization from the federal secretary of health and human services pursuant to a risk-sharing contract issued under the provisions of 42 U.S.C. Section 1395mm(g);

C. any business transacted pursuant to the provisions of the Service Contract Regulation Act;

D. the money collected and placed in trust pursuant to Section 59A-49-6 NMSA 1978; and

E. premiums from supplemental health care plans issued by an insurer 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 United States Internal Revenue Code of 1986, as amended or renumbered."

## **Chapter 130 Section 148 Laws 2025**

SECTION 148. Section 14-8-4 NMSA 1978 (being Laws 1901, Chapter 62, Section 18, as amended) is amended to read:

"14-8-4. ACKNOWLEDGMENT NECESSARY FOR RECORDING--EXCEPTIONS--RECORDING OF DUPLICATES.--

A. Any original instrument of writing duly acknowledged may be filed and recorded. Any instrument of writing not duly acknowledged may not be filed and

recorded or considered of record, though so entered, unless otherwise provided in this section.

B. For purposes of this section, "acknowledged" means notarized by a person empowered to perform notarial acts pursuant to the Revised Uniform Law on Notarial Acts.

C. The following documents need not be acknowledged but may be filed and recorded:

- (1) court-certified copies of a court order, judgment or other judicial decree;
- (2) court-certified transcripts of any money judgment obtained in a court of New Mexico or, pursuant to Section 14-9-9 NMSA 1978, in the United States district court for the district of New Mexico;
- (3) land patents and land office receipts;
- (4) notice of lis pendens filed pursuant to Section 38-1-14 NMSA 1978;
- (5) provisional orders creating improvement districts pursuant to Section 4-55A-7 NMSA 1978;
- (6) notices of levy on real estate under execution or writ of attachment when filed by a peace officer pursuant to Section 39-4-4 NMSA 1978;
- (7) surveys of land that do not create a division of land but only show existing tracts of record when filed by a professional surveyor pursuant to Section 61-23-28.2 NMSA 1978;
- (8) certified copies of foreign wills, marriages or birth certificates duly authenticated;
- (9) instruments of writing in any manner affecting lands in the state filed pursuant to Section 14-9-7 NMSA 1978, when these instruments have been duly executed by an authorized public officer; and
- (10) notices of lien filed pursuant to Section 7-1-38 NMSA 1978.

D. If an original instrument of writing is unavailable but, if it were available, could be filed and recorded in accordance with this section, a duplicate of that instrument shall be accepted for filing and recording if accompanied by an affidavit executed pursuant to this subsection. The affidavit shall:

- (1) provide the name, telephone number and mailing address of the affiant;
- (2) provide information regarding the execution of the instrument, consideration paid, delivery or other information establishing that the original instrument, if it were available, would be entitled to be recorded pursuant to Subsection A of this section;
- (3) specify the reason the duplicate is filed and recorded in place of the original instrument;
- (4) include a statement that the duplicate is a true and correct copy of the original instrument; and
- (5) be acknowledged and made under oath confirming that the statements set forth in the affidavit are true and correct and of the personal knowledge of the affiant.

E. The filing of a duplicate instrument in accordance with Subsection D of this section shall not incur a fee in addition to the fee, if any, charged for filing an original instrument. When the clerk records the instrument, the grantor and grantee shall be those of the duplicate instrument and the name of the affiant shall be indexed under miscellaneous information.

F. Any filing or recording permitted or required under the provisions of the Uniform Commercial Code need not comply with the requirements of this section.

G. Instruments acknowledged on behalf of a corporation need not have the corporation's seal affixed thereto in order to be filed and recorded."

## **Chapter 130 Section 149 Laws 2025**

SECTION 149. Section 24A-8-2 NMSA 1978 (being Laws 2024, Chapter 41, Section 2) is amended to read:

"24A-8-2. DEFINITIONS.--As used in the Health Care Delivery and Access Act:

A. "assessed days" means the number of inpatient hospital days exclusive of medicare days for each eligible hospital, with data sources to be defined by the authority and updated no less frequently than every three years;

B. "assessed outpatient revenue" means net patient revenue exclusive of medicare outpatient revenue for outpatient services, with data sources to be defined by the authority and updated no less frequently than every three years;

C. "assessment" means the health care delivery and access assessment;

D. "assessment amount" means the assessment amount owed by an eligible hospital;

E. "assessment rate" means the amount per assessed day and the percentage of assessed outpatient revenue calculated by the authority;

F. "authority" means the health care authority;

G. "average commercial rate" means the average rate paid by commercial insurers as provided by the centers for medicare and medicaid services;

H. "centers for medicare and medicaid services" means the centers for medicare and medicaid services of the United States department of health and human services;

I. "eligible hospital" means a non-federal facility licensed as a hospital by the authority, excluding a state university teaching hospital or a state-owned special hospital;

J. "general acute care hospital" means a hospital other than a special hospital;

K. "hospital" means a facility providing emergency or urgent care, inpatient medical care and nursing care for acute illness, injury, surgery or obstetrics.

"Hospital" includes a facility licensed by the authority as a critical access hospital, rural emergency hospital, general hospital, long-term acute care hospital, psychiatric hospital, rehabilitation hospital, limited services hospital or special hospital;

L. "inpatient hospital services" means services that:

(1) are ordinarily furnished in a hospital for the care and treatment of inpatients;

(2) are furnished under the direction of a physician, advanced practice clinician or dentist;

(3) are furnished in an institution that:

(a) is maintained primarily for the care and treatment of patients;

(b) is licensed or formally approved as a hospital by an officially designated authority for state standard-setting;

(c) meets the requirements for participation in medicare as a hospital; and

(d) has in effect a utilization review plan, applicable to all medicaid patients, that meets federal requirements; and

(4) are not skilled nursing facility services or immediate care facility services furnished by a hospital with a swing-bed approval;

M. "managed care organization" means a person or organization that has entered into a comprehensive risk-based contract with the authority to provide health care services, including inpatient and outpatient hospital services, to medicaid beneficiaries;

N. "medicaid" means the medical assistance program established pursuant to Title 19 of the federal Social Security Act and regulations promulgated pursuant to that act;

O. "medicaid-directed payment program" means the health care delivery and access medicaid-directed payment program created pursuant to Section 24A-8-5 NMSA 1978 providing additional medicaid funding for hospital services provided through medicaid managed care organizations, as directed by the authority and approved by the centers for medicare and medicaid services;

P. "medicare days" means the number of inpatient days provided by an eligible hospital during the year to patients covered under Title 18 of the federal Social Security Act;

Q. "medicare outpatient revenue" means the amount of net revenue received by an eligible hospital for outpatient hospital services provided to patients covered under Title 18 of the federal Social Security Act;

R. "net patient revenue" means total net revenue received by a hospital for inpatient and outpatient hospital services in a year, as determined by the authority;

S. "New Mexico medicaid program" means the medicaid program established pursuant to Section 27-2-12 NMSA 1978;

T. "outpatient hospital services" means preventive, diagnostic, therapeutic, rehabilitative or palliative services that are furnished:

(1) to outpatients;

(2) by or under the direction of a physician, advanced practice clinician or dentist; and

(3) by an institution that:

(a) is licensed or formally approved as a hospital by an officially designated authority for state standard-setting; and

(b) meets the requirements for participation in medicare as a hospital;

U. "quality incentive payments" means the portion of the medicaid-directed payment program paid to hospitals based on value-based quality measurements and performance evaluation criteria, as established by the authority pursuant to Section 24A-8-5 NMSA 1978;

V. "rehabilitation hospital" means a facility licensed as a rehabilitation hospital by the authority;

W. "rural emergency hospital" means a facility licensed as a rural emergency hospital by the authority;

X. "rural hospital" means a hospital that is located in a county that has a population of one hundred twenty-five thousand or fewer according to the most recent federal decennial census;

Y. "secretary" means the secretary of health care authority;

Z. "small urban hospital" means a hospital that is located in a county that has a population greater than one hundred twenty-five thousand and that has fewer than fifteen licensed inpatient beds as of January 1, 2024;

AA. "special hospital" means a facility licensed as a special hospital by the authority; and

BB. "uniform rate increase" means the portion of the medicaid-directed payment program paid to hospitals as a uniform dollar or percentage increase."

## **Chapter 130 Section 150 Laws 2025**

SECTION 150. Section 24A-8-3 NMSA 1978 (being Laws 2024, Chapter 41, Section 3) is amended to read:

"24A-8-3. HEALTH CARE DELIVERY AND ACCESS ASSESSMENT--RATE AND CALCULATION--NOTIFICATION.--

A. Except as otherwise provided in Subsection C of this section, an assessment is imposed on inpatient hospital services and outpatient hospital services provided by an eligible hospital. The assessment rate and assessment amounts shall be annually calculated by the authority pursuant to Subsection D of this section, and the taxation and revenue department shall collect the assessment. The inpatient



assessment shall be based on assessed days and the outpatient assessment shall be based on assessed outpatient revenue. The assessment provided by this section may be referred to as the "health care delivery and access assessment".

B. The rate of the health care delivery and access assessment on a rural hospital and special hospital shall be reduced by fifty percent, and the rate of the assessment on a small urban hospital shall be reduced by ninety percent; provided that the amount of the assessment qualifies for a waiver of the uniformity requirement for provider assessment from the centers for medicare and medicaid services. The authority may adjust these percentages and establish eligibility requirements as necessary to qualify for the waiver.

C. The health care delivery and access assessment shall not be imposed for any period for which the centers for medicare and medicaid services has not approved a necessary waiver or other applicable authorization required to ensure that the assessment is a permissible source of non-federal funding for medicaid program expenditures, or for which the centers for medicare and medicaid services has not approved the distribution of the medicaid-directed payment program payments.

D. The authority shall annually calculate the health care delivery and access assessment amount to be paid by each eligible hospital and shall annually notify the taxation and revenue department and all hospitals of the applicable rates. The authority shall calculate the assessment amount by applying the assessment rate to an eligible hospital's assessed days and assessed outpatient revenue so that total revenue from the assessment will equal the lesser of:

(1) the amount needed, in combination with other funds deposited or expected to be deposited in the health care delivery and access fund for the subsequent fiscal year, including unexpended and unencumbered money in the fund, to provide sufficient funding for:

(a) the non-federal share of medicaid-directed payment program payments for inpatient and outpatient hospital services for eligible hospitals at a level such that the total reimbursement for medicaid managed care patients, including any other inpatient or outpatient hospital directed payments, is equivalent to the average commercial rate or such other maximum level as may be set by the centers for medicare and medicaid services; and

(b) the purposes of the health care delivery and access fund; or

(2) the amount specified in Section 1903(w)(4)(C)(ii) of the federal Social Security Act, above which an indirect guarantee is determined to exist, with such amount determined each year based on the most recent available net patient revenue data.

E. The authority shall notify an eligible hospital and the taxation and revenue department of the health care delivery and access assessment amount for the eligible hospital pursuant to the following schedule:

(1) by November 1, 2024 for the period beginning on July 1, 2024 and ending on December 31, 2024; provided that the assessment amount shall be based on assessed days and assessed outpatient revenue for a full year; and

(2) by November 1 of the preceding calendar year for each calendar year thereafter.

F. The authority may require hospitals, regardless of whether they are eligible hospitals, to report information or data necessary to implement and administer the Health Care Delivery and Access Act. If the authority requires such reporting, it shall specify the frequency and due dates.

G. The authority shall determine how the health care delivery and access assessment is applied to newly created hospitals and hospitals that are merged, acquired or closed.

H. A hospital shall not specifically list the cost of the health care delivery and access assessment on any invoice, claim or statement sent to a patient, insurer, self-insured employer program or other responsible party."

## **Chapter 130 Section 151 Laws 2025**

SECTION 151. Section 24A-8-6 NMSA 1978 (being Laws 2024, Chapter 41, Section 6) is amended to read:

"24A-8-6. DUE DATES--HEALTH CARE DELIVERY AND ACCESS ASSESSMENT--DIRECTED PAYMENTS.--

A. Except as provided in Subsection B of this section, a hospital shall pay the health care delivery and access assessment to the taxation and revenue department as follows:

(1) for the period from July 1, 2024 through December 31, 2024:

(a) sixty percent of the assessment by March 10, 2025; and

(b) forty percent of the assessment by May 10, 2025; and

(2) for calendar year 2025 and thereafter:

(a) fifteen percent of the assessment seventy days after the end of each calendar quarter; and

(b) forty percent of the assessment by May 10 of the subsequent year.

B. If approval by the centers for medicare and medicaid services of the medicaid-directed payment program for that year has not been received by the health care delivery and access assessment's due date, the due date for the assessment shall be forty-five days after such approval is received.

C. In the event that approval by the centers for medicare and medicaid services has not been received in time for a hospital to pay the health care delivery and access assessment by the dates set out in Subsection A of this section, the authority shall notify the taxation and revenue department of the date that such approval is received, of the dates on which the assessments are now due and that no interest or penalty on the assessment shall accrue prior to those due dates.

D. The authority shall make directed payments to a managed care organization as follows:

(1) for the period beginning on July 1, 2024 and ending on December 31, 2024, the authority shall transfer the uniform rate increase funding to a managed care organization in one installment by March 15, 2025 and the quality incentive payment by May 15, 2025; and

(2) for calendar years 2025 and thereafter, the authority shall transfer the uniform rate increase funding to the managed care organization on a quarterly basis no later than seventy-five days after the end of the quarter and the quality incentive payment by May 15 of the subsequent calendar year.

E. The authority shall require a managed care organization to make directed payments to hospitals no more than fifteen days after receipt of such payments from the authority."

## **Chapter 130 Section 152 Laws 2025**

SECTION 152. Section 52-5-19 NMSA 1978 (being Laws 1987, Chapter 235, Section 52, as amended) is amended to read:

"52-5-19. FEE FOR FUNDING ADMINISTRATION--WORKERS' COMPENSATION ADMINISTRATION FUND CREATED.--

A. For each calendar quarter, there is assessed against each employer who is required or elects to be covered by the Workers' Compensation Act a fee equal to two dollars thirty cents (\$2.30) multiplied by the number of employees covered by the Workers' Compensation Act that the employer has on the last working day of each quarter. At the same time, there is assessed against each employee covered by the Workers' Compensation Act on the last working day of each quarter a fee of two dollars

(\$2.00), which shall be deducted from the wages of the employee by the employer and remitted along with the fee assessed on the employer. The fees shall be remitted on or before the twenty-fifth day of the month following the end of the calendar quarter for which they are due.

B. The taxation and revenue department may deduct from the gross fees collected an amount not to exceed five percent of the gross fees collected to reimburse the department for costs of administration.

C. The taxation and revenue department shall pay over the net fees collected to the state treasurer to be deposited by the treasurer in a fund hereby created and to be known as the "workers' compensation administration fund". Expenditures shall be made from this fund on vouchers signed by the director for the necessary expenses of the workers' compensation administration; provided that an amount equal to thirty cents (\$.30) per employee of the fee assessed against an employer shall be distributed from the workers' compensation administration fund to the uninsured employers' fund.

D. The workers' compensation fee authorized in this section shall be administered and enforced by the taxation and revenue department under the provisions of the Tax Administration Act."

## **Chapter 130 Section 153 Laws 2025**

SECTION 153. Section 67-3-8.1 NMSA 1978 (being Laws 2003, Chapter 150, Section 3, as amended) is amended to read:

"67-3-8.1. SECRETARY--AUTHORITY TO ENTER INTO INTERGOVERNMENTAL AGREEMENT--GASOLINE TAX SHARING AGREEMENT--QUALIFIED TRIBE.--

A. The secretary may enter into an intergovernmental agreement that may be referred to as a "gasoline tax sharing agreement" with a qualified tribe to receive forty percent of the gasoline tax revenue paid on two million five hundred thousand gallons of gasoline each month in exchange for the qualified tribe's agreement that the qualified tribe or a registered Indian tribal distributor owned by the qualified tribe shall not:

(1) distribute gasoline for resale outside of the boundaries of that registered Indian tribal distributor's Indian reservation, pueblo grant or trust land located in New Mexico; and

(2) claim all or part of the deduction authorized in Subsection F of Section 7-13-4 NMSA 1978.

B. The term of a gasoline tax sharing agreement entered into pursuant to this section shall be for a period of up to twenty years. The secretary and a qualified tribe with a gasoline tax sharing agreement shall report, at the midpoint of the term of the

agreement, to the legislative finance committee and to the revenue stabilization and tax policy committee on the status of the agreement.

C. A gasoline tax sharing agreement entered into pursuant to this section shall be construed solely as an agreement between the two party governments and shall not alter or affect the government-to-government relations between the state and any other tribe.

D. Nothing in this section or in a gasoline tax sharing agreement entered into pursuant to this section shall be construed as creating rights in a third party.

E. Copies of gasoline tax sharing agreements shall be promptly transmitted to the secretary of taxation and revenue upon signing by the representatives of the governments that are parties to the agreement.

F. As used in this section:

(1) "qualified tribe" means the Pueblo of Nambe or the Pueblo of Santo Domingo, as long as it owns one hundred percent of a registered Indian tribal distributor pursuant to the Gasoline Tax Act, that qualifies for a deduction pursuant to Subsection F of Section 7-13-4 NMSA 1978; and

(2) "tribe" means an Indian nation, tribe or pueblo located in New Mexico."

## **Chapter 130 Section 154 Laws 2025**

SECTION 154. Laws 2024, Chapter 41, Section 13 is amended to read:

"SECTION 13. DELAYED REPEAL.--Sections 1 through 7, 9 and 11 of this act are repealed effective July 1, 2030."

## **Chapter 130 Section 155 Laws 2025**

SECTION 155. REPEAL.--Sections 7-1-6.6, 7-1-6.24, 7-1-6.34, 7-1-6.35, 7-1-6.48 through 7-1-6.50, 7-1-6.59, 7-1-6.60, 7-1-15.2, 7-2-7.2, 7-2-7.3, 7-2-18.7, 7-2-18.11, 7-2-18.14, 7-2-18.19, 7-2-18.23, 7-2-18.30, 7-2-23, 7-2-24.1 through 7-2-28, 7-2-29 through 7-2-30.9, 7-2-30.11, 7-2-31, 7-2A-14, 7-2A-17.1, 7-2A-21, 7-2A-29, 7-2A-30, 7-2D-1 through 7-2D-14, 7-2F-1, 7-2F-2.1, 7-2F-6 through 7-2F-11, 7-2H-1 through 7-2H-4, 7-9-10, 7-9-74, 7-9-79.2, 7-9-118, 7-9A-2.1, 7-9F-12, 7-9J-1 through 7-9J-8 and 7-13-10 NMSA 1978 (being Laws 1983, Chapter 211, Section 11; Laws 1987, Chapter 265, Section 3; Laws 1992, Chapter 108, Sections 3 and 2; Laws 2005, Chapter 56, Section 1; Laws 2005, Chapter 87, Section 1; Laws 2005, Chapter 220, Section 1; Laws 2009, Chapter 175, Section 1; Laws 2010, Chapter 31, Section 2; Laws 1998, Chapter 105, Section 1; Laws 2005 (1st S.S.), Chapter 3, Sections 3 and 4; Laws 2000, Chapter 64, Section 1 and Laws 2000, Chapter 78, Section 1; Laws 2003, Chapter 400, Section

1; Laws 2006, Chapter 93, Section 1; Laws 2007, Chapter 204, Section 3; Laws 2008 (2nd S.S.), Chapter 3, Section 1; Laws 2018, Chapter 36, Section 1; Laws 2019, Chapter 270, Section 20; Laws 1981, Chapter 343, Section 1; Laws 1992, Chapter 108, Section 4; Laws 2021, Chapter 90, Section 1; Laws 1987, Chapter 257, Section 3; Laws 1987, Chapter 265, Sections 1 and 2; Laws 2005, Chapter 56, Section 2; Laws 2005, Chapter 87, Section 2; Laws 2005, Chapter 220, Section 2; Laws 2009, Chapter 175, Section 2; Laws 2012, Chapter 7, Section 1; Laws 2012, Chapter 57, Section 1; Laws 2013, Chapter 49, Section 2; Laws 2015, Chapter 50, Section 1; Laws 2015, Chapter 82, Section 1; Laws 2018, Chapter 51, Section 1; Laws 1992, Chapter 108, Section 1; Laws 1983, Chapter 218, Section 1; Laws 2003, Chapter 400, Section 2; Laws 2007, Chapter 204, Section 4; Laws 2018, Chapter 36, Section 2; Laws 1993, Chapter 313, Sections 1, 2 and 4 through 14; Laws 2002, Chapter 36, Section 1; Laws 2015, Chapter 143, Sections 4 through 10; Laws 2008, Chapter 89, Sections 1 through 4; Laws 1966, Chapter 47, Section 10; Laws 1971, Chapter 217, Section 2; Laws 2007, Chapter 204, Section 9; Laws 2021, Chapter 4, Section 3; Laws 2001, Chapter 57, Section 2 and Laws 2001, Chapter 337, Section 2; Laws 2000 (2nd S.S.), Chapter 22, Section 12; Laws 2007, Chapter 204, Sections 11 through 18; and Laws 1977, Chapter 342, Section 5, as amended) are repealed.

### **Chapter 130 Section 156 Laws 2025**

SECTION 156. ADDITIONAL REPEAL.--That version of Section 7-2-7 NMSA 1978 (being Laws 2005 (1st S.S.), Chapter 3, Section 2) is repealed.

### **Chapter 130 Section 157 Laws 2025**

SECTION 157. DELAYED REPEAL.--Section 7-1-6.66 NMSA 1978 (being Laws 2021, Chapter 4, Section 1) is repealed effective January 1, 2028.

### **Chapter 130 Section 158 Laws 2025**

SECTION 158. EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 1 through 16, 18 through 35, 37, 61, 66 through 119, 121, 123 through 129, 131 through 138, 140 through 148, 153, 155 and 156 of this act is July 1, 2025.

B. The effective date of the provisions of Sections 17, 36, 38 through 60, 62 through 65, 120, 122, 130, 139 and 152 of this act is January 1, 2026.

## **LAWS 2025, CHAPTER 131**

**House Bill 252, aa, w/ec**  
**Approved April 9, 2025**

AN ACT

RELATING TO CHILDREN; AMENDING THE AGING AND LONG-TERM SERVICES DEPARTMENT ACT TO CREATE THE KINSHIP CAREGIVER SUPPORT PILOT PROGRAM; PROVIDING PILOT PROGRAM PARTICIPATION REQUIREMENTS; PROVIDING DUTIES; DECLARING AN EMERGENCY.

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

## **Chapter 131 Section 1 Laws 2025**

SECTION 1. A new section of the Aging and Long-Term Services Department Act is enacted to read:

"PILOT PROGRAM CREATED--PURPOSE--DEPARTMENT DEVELOPMENT--ELIGIBILITY--REQUIREMENTS--ADMINISTRATION.--

A. As used in this section:

(1) "fictive kin" means a person not related by birth, adoption, marriage or legal guardianship with whom a child has an emotionally significant relationship;

(2) "grandparent" means a biological or adoptive parent of a minor child's biological or adoptive parent and includes a person married to a grandparent;

(3) "kinship caregiver" means a grandparent, next-of-kin or fictive kin who is raising and supporting a child;

(4) "next-of-kin" means a relative of a child, other than a parent or grandparent, who is raising and supporting a child;

(5) "participant" means a kinship caregiver for a child in this state who is a New Mexico resident and who participates in the pilot program;

(6) "pilot program" means the kinship caregiver support pilot program;  
and

(7) "program partner" means a community organization, nonprofit or area foundation in this state that collaborates and partners with the department in the administration of the pilot program.

B. The "kinship caregiver support pilot program" is created within the department as a three-year pilot program. The purpose of the pilot program is to:

(1) develop and implement the pilot program within five to seven counties in the state and serve fifty participants in each of the communities; and

(2) improve the lives of children by referring participants to a program partner's monthly economic support program and providing access to services or referrals to help participants and the children cared for and supported by those participants.

C. In establishing the pilot program provided in this section, the department, in collaboration with the program partners, shall:

(1) develop and implement processes and eligibility criteria for kinship caregivers to apply to, and become participants in, the pilot program. Criteria for consideration shall include a kinship caregiver's current household income and the needs of the child or children that are or will be cared for and supported by the kinship caregiver;

(2) determine and establish processes necessary to implement and administer the pilot program;

(3) identify and coordinate access to federal, state and local programs and to services and referrals for participants, including legal representation, public assistance and economic support services administered by program partners;

(4) determine the requirements necessary to use federal assistance or resources, including Title IV-E of the federal Social Security Act funds, if available;

(5) engage with other community organizations and nonprofit organizations and area foundations to identify the availability for additional resources and funds to provide economic support for participants;

(6) develop and approve a budget for:

(a) salaries and benefits for staff to assist participants in applying for participation in the pilot program and in accessing additional services available to participants;

(b) legal assistance provided to participants who may wish to attain legal custody or kinship guardianship of one or more children; and

(c) other costs to the department necessary for the administration of the pilot program;

(7) administer the pilot program and collaborate with, and receive technical assistance from, other state agencies, including the early childhood education and care department and any appropriate community or nonprofit organizations;

(8) no later than June 1, 2025, promulgate and adopt rules for the administration of the pilot program; and



(9) by December 1, 2025 and by December 1 of each subsequent calendar year, and in consultation with the early childhood education and care department and any other appropriate state agency, provide a report to the legislative finance committee assessing the impact and outcomes of the pilot program and providing department recommendations."

## **Chapter 131 Section 2 Laws 2025**

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

## **LAWS 2025, CHAPTER 132**

### **House Bill 6**

**Approved April 9, 2025**

### **AN ACT**

RELATING TO MINIMUM WAGE; REQUIRING THAT PROJECTS UNDERTAKEN BY A MUNICIPALITY OR COUNTY THROUGH THE ISSUANCE OF INDUSTRIAL REVENUE BONDS PAY THE PREVAILING WAGE AND COMPLY WITH THE PROVISIONS OF SECTION 13-4-11 NMSA 1978 (BEING LAWS 1965, CHAPTER 35, SECTION 1, AS AMENDED).

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

## **Chapter 132 Section 1 Laws 2025**

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--INDUSTRIAL REVENUE BOND PROJECTS.--

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.

J. For projects undertaken under the auspices of a municipality or county through the issuance of an industrial revenue bond, the contractor, subcontractor, employer or person acting as a contractor shall pay the prevailing wage and comply with the provisions of this section."

## **LAWS 2025, CHAPTER 133**

**HCEDC/House Bill 20, aa**

**Approved April 9, 2025**

### **AN ACT**

RELATING TO ECONOMIC DEVELOPMENT; CREATING THE TECHNOLOGY AND INNOVATION DIVISION WITHIN THE ECONOMIC DEVELOPMENT DEPARTMENT; PROVIDING POWERS AND DUTIES; CREATING THE TECHNOLOGY AND INNOVATION NETWORK ADVISORY BOARD; ENACTING THE RESEARCH, DEVELOPMENT AND DEPLOYMENT FUND ACT; CREATING THE RESEARCH, DEVELOPMENT AND DEPLOYMENT FUND; PROVIDING FOR MATCH FUNDING FOR CERTAIN PROJECTS THAT PROMOTE CERTAIN GOALS; ESTABLISHING AN APPLICATION PROCESS, ELIGIBILITY REQUIREMENTS AND AWARD TERMS; REQUIRING REPORTING; CREATING THE TECHNOLOGY INNOVATION PRIZE AND PROVIDING REQUIREMENTS FOR ELIGIBILITY AND RECEIVING PRIZE MONEY; TRANSFERRING OFFICE FUNCTIONS, PERSONNEL, MONEY AND PROPERTY TO THE TECHNOLOGY AND INNOVATION DIVISION; REPEALING SECTIONS 9-15-16 AND 9-15-17 NMSA 1978 (BEING LAWS 1991, CHAPTER 21, SECTIONS 21 AND 22) TO REMOVE OBSOLETE PROVISIONS; MAKING AN APPROPRIATION.

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

### **Chapter 133 Section 1 Laws 2025**

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

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

- A. the administrative services division;
- B. the economic development division;
- C. the New Mexico film division;
- D. the technology and innovation division;
- E. the trade and Mexican affairs division;
- F. the New Mexico outdoor recreation division; and
- G. the creative industries division."

## **Chapter 133 Section 2 Laws 2025**

SECTION 2. A new section of the Economic Development Department Act is enacted to read:

### **"TECHNOLOGY AND INNOVATION DIVISION--DUTIES.--**

A. The "technology and innovation division" is created in the department. In addition to any organizational units, programs or funds that the secretary assigns to the technology and innovation division, the division consists of the office of strategy, science and technology.

B. The technology and innovation division, in addition to other duties that may be assigned to the division by the secretary or by law, is authorized to:

- (1) engage and coordinate with the technology and innovation network advisory board and the broader business community;
- (2) support and coordinate with the target sector subcommittees of the technology and innovation network advisory board;
- (3) represent New Mexico at national conferences and trade shows related to technology and innovation, focusing on the target sectors;
- (4) identify and support applications for federal grant opportunities in the target sectors;

- sectors;
- (5) support and develop ecosystems in New Mexico in the target sectors;
- (6) provide program staff for each target sector to coordinate and serve as liaisons to target sector ecosystems in New Mexico;
- (7) market and promote New Mexico's target sectors within and without New Mexico;
- (8) administer the Research, Development and Deployment Fund Act, including:
- process;
- (a) establishing, maintaining and administering the application process;
- (b) reviewing and evaluating grant proposals;
- (c) monitoring the progress and outcomes of projects awarded funding;
- (d) ensuring compliance with fund matching requirements;
- (e) tracking and reporting on the performance of the research, development and deployment fund; and
- (f) coordinating and managing the awards process in consultation with the technology and innovation network advisory board;
- (9) develop and maintain a statewide technology and innovation strategic plan that:
- (a) aligns with state economic development goals;
- (b) identifies key innovation assets and opportunities;
- (c) establishes metrics for measuring progress and success; and
- (d) outlines strategies for the development of target sector ecosystems;
- including:
- (10) collect, analyze and report to the department on innovation metrics,
- (a) economic impacts of division programs;
- (b) state innovation performance indicators;

- (c) ecosystem development metrics; and
  - (d) returns on investment of state funding;
- (11) support technology transfer and commercialization through:
  - (a) facilitating connections between researchers and industry;
  - (b) providing technical assistance for technology commercialization;
  - (c) supporting small business innovation and incubation programs; and
  - (d) coordinating with federal and state technology transfer programs;
- (12) coordinate innovation initiatives across state agencies, including:
  - (a) identifying opportunities for collaboration;
  - (b) aligning resources and programs;
  - (c) reducing duplication of efforts; and
  - (d) maximizing impact of state investments; and
- (13) maintain databases and resources, including:
  - (a) state innovation assets and capabilities;
  - (b) funding opportunities and resources;
  - (c) technical assistance providers; and
  - (d) ecosystem support organizations.

C. As used in this section, "target sectors" means aerospace and space, biosciences, clean energy and water, advanced computing, which includes artificial intelligence, quantum computing and cybersecurity, and other sectors that are strategic and important for statewide economic development."

## **Chapter 133 Section 3 Laws 2025**

SECTION 3. A new section of the Economic Development Department Act is enacted to read:

"TECHNOLOGY AND INNOVATION NETWORK ADVISORY BOARD--  
CREATED--MEMBERS--DUTIES.--

A. The "technology and innovation network advisory board" is created in the technology and innovation division of the department. The advisory board consists of an executive committee and any subcommittees created by the executive committee. The advisory board is composed of the following:

- (1) the secretary or the secretary's designee, to serve as chair;
- (2) eleven members who may collectively be referred to as "core members", including the president of the New Mexico independent community colleges or that president's designee, the president of the New Mexico chamber of commerce or that president's designee and one representative from each of the following:
  - (a) Sandia national laboratories;
  - (b) Los Alamos national laboratory;
  - (c) the United States air force research laboratory;
  - (d) New Mexico state university;
  - (e) the university of New Mexico;
  - (f) the university of New Mexico health sciences center;
  - (g) the New Mexico institute of mining and technology;
  - (h) Navajo technical university; and
  - (i) central New Mexico community college;
- (3) a representative from each center of excellence established pursuant to Section 21-1-27.11 NMSA 1978 that is not otherwise represented on the board; and
- (4) the following public members to be appointed by the secretary:
  - (a) one representative from a skilled trades association in New Mexico;
  - (b) one representative from a regional economic development organization;
  - (c) one representative from an Indian nation, tribe or pueblo;



(d) one representative from the private equity industry with at least five years of relevant experience;

(e) one representative from the venture capital industry with at least five years of relevant experience;

(f) one representative from the private sector who owns a business and who, on account of the person's previous vocation, employment or affiliation, cannot be classified as a representative of employers or employees;

(g) one representative from a New Mexico business incubator or accelerator with at least five years of relevant experience; and

(h) eight representatives who are industry alliance members or have at least five years of relevant experience working in entrepreneurial support. Two representatives shall be from each of the following four target sectors: aerospace and space, biosciences, clean energy and water and advanced computing.

B. The "technology and innovation network advisory board" is created to unite various sector perspectives to assist in the guidance and ongoing strategic planning of the division. The advisory board shall:

(1) provide to the technology and innovation division recommendations for strategic engagement, industry perspective, sectors that the division should make target sectors and feedback on the division's programs and initiatives;

(2) assist with ensuring active engagement between the state and the private sector;

(3) assist the technology and innovation division with administering the Research, Development and Deployment Fund Act, including providing recommendations to that division for eligibility requirements, funding priorities and the awarding of project funding; and

(4) publish annual performance reports by December of each year that identify near-term constraints and challenges, identify opportunities and long-term trends and provide sector survey metrics and policy recommendations.

C. The technology and innovation network advisory board shall meet, beginning in 2025, not less than quarterly at the call of the chair or at the request of two-fifths of its membership to carry out its duties. A majority of the members constitutes a quorum for the transaction of business, and the support of a majority of the quorum is required for adoption of any action.

D. Appointments to the technology and innovation network advisory board shall be made by and the terms of service of appointed members shall start on

September 1, 2025. The terms shall be four years, and the initial terms shall be staggered so that the terms of one-half of the members shall expire at the end of the initial two years and the terms of the remaining members shall expire at the end of the initial four years. The initial terms shall be selected by random drawing.

E. Each member of the advisory board shall, pursuant to a policy adopted by and on forms required by the executive committee of the board, disclose conflicts of interest annually.

F. In the event of a vacancy on the technology and innovation network advisory board, a new member shall be appointed by the original appointing authority for the remainder of the unexpired term. A member may be removed by the secretary or by a two-thirds' vote of the executive committee members.

G. Public members of the technology and innovation network advisory board are entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

H. The staff for the technology and innovation network advisory board shall be provided by the technology and innovation division of the department, and the staff shall provide:

- (1) administrative and technical support for the advisory board;
- (2) assistance with the coordination and documentation of board, executive committee and subcommittee meetings;
- (3) assistance with reporting requirements and metric tracking; and
- (4) support with the administration of grants."

## **Chapter 133 Section 4 Laws 2025**

SECTION 4. A new section of the Economic Development Department Act is enacted to read:

"TECHNOLOGY AND INNOVATION NETWORK ADVISORY BOARD--  
EXECUTIVE COMMITTEE--SUBCOMMITTEES--COMPOSITION AND DUTIES.--

A. There is created within the technology and innovation network advisory board an executive committee.

B. The executive committee is composed of the following members of the technology and innovation network advisory board:

- (1) the chair;

- (2) two core members;
- (3) two of the public members appointed by the secretary; and
- (4) one representative from each of the following four target sectors: aerospace and space, biosciences, clean energy and water and advanced computing.

C. The executive committee shall oversee the technology and innovation network advisory board's operations, set meeting agendas, review and approve subcommittee recommendations and make time-sensitive decisions between full board meetings.

D. A subcommittee shall be composed of the two representatives from the corresponding target sector, one representative from a laboratory, one representative from a university, one representative from private industry and the secretary or the secretary's designee to serve as chair. The subcommittee members shall elect a vice chair. A member of the public may apply to the executive committee to be a nonvoting member of a subcommittee, and the executive committee shall adopt policies and procedures necessary for such an application and evaluation process.

E. A subcommittee created shall develop sector-specific metrics and goals, review and assess relevant grant proposals, monitor sector performance and trends, prepare annual reports and identify cross-sector opportunities.

F. The executive committee, beginning September 1, 2025, and any subcommittees created shall meet not less than quarterly at the call of the chair or at the request of two-fifths of its membership to carry out its duties. A majority of the members constitutes a quorum for the transaction of business, and the support of a majority of the quorum is required for adoption of any action."

## **Chapter 133 Section 5 Laws 2025**

SECTION 5. SHORT TITLE.--Sections 5 through 11 of this act may be cited as the "Research, Development and Deployment Fund Act".

## **Chapter 133 Section 6 Laws 2025**

SECTION 6. DEFINITIONS.--As used in the Research, Development and Deployment Fund Act:

- A. "applicant" means a person or entity applying for project funding;
- B. "applicant match" means money for a project provided by an applicant or a partnering entity that is not a political subdivision of the state;

- C. "board" means the technology and innovation network advisory board established pursuant to Section 3 of this 2025 act;
- D. "business" means any corporation, partnership, limited liability company, joint venture or other similar legal entity registered in New Mexico;
- E. "department" means the economic development department;
- F. "division" means the technology and innovation division of the department;
- G. "documented need" means language in solicitations for non-state funding or other communications from authorized officials within a non-state funding agency or corporation that clearly states that regional or institutional support, commitments or matching funds will be used in the evaluation of proposals for non-state funding;
- H. "fund" means the research, development and deployment fund;
- I. "public entity" means a political subdivision of the state, a state agency or a national laboratory or public post-secondary educational institution in New Mexico; and
- J. "target sector" means aerospace and space, biosciences, clean energy and water, advanced computing, which includes artificial intelligence, quantum computing and cybersecurity, and other sectors that are strategic and important for statewide economic development.

## **Chapter 133 Section 7 Laws 2025**

### **SECTION 7. RESEARCH, DEVELOPMENT AND DEPLOYMENT FUND.--**

- A. The "research, development and deployment fund" is created as a nonreverting fund in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations and income from investment of the fund. The department shall administer the fund. Money in the fund is appropriated to the department for the purposes of catalyzing innovation, economic growth and job creation by providing early-stage capital and financial support to emerging technologies, start-up businesses and research initiatives that align with the state's economic development plan through project awards pursuant to the Research, Development and Deployment Fund Act.
- B. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of economic development or the secretary's authorized representative.

## Chapter 133 Section 8 Laws 2025

### SECTION 8. PROJECT FUNDING--DEPARTMENT DUTIES--APPLICATIONS.--

A. The division shall administer the provisions of the Research, Development and Deployment Fund Act to provide project funding to applicants that meet all eligibility requirements. The division shall:

(1) establish a streamlined application process pursuant to the requirements of the Research, Development and Deployment Fund Act, with:

(a) eligibility requirements and funding priorities, which shall be established in consultation with the board; and

(b) an option for the expedited review and processing of applications for applicants who submit additional justifying documentation of exigent circumstances, as required by the department;

(2) establish clear application evaluation criteria that are aligned with state economic development goals;

(3) award project funding in consultation with the board's recommendations;

(4) verify applicant match funding requirements for a project when a match is applicable or match funding is being requested;

(5) monitor ongoing compliance with a funded project's match requirements when a match is applicable or match funding is being requested;

(6) establish procedures for addressing undelivered applicant funding commitments;

(7) annually report with the department to the legislature and governor on the administration, performance and efficacy of the Research, Development and Deployment Fund Act; and

(8) promulgate rules necessary to implement and administer the provisions of the Research, Development and Deployment Fund Act, in consultation with the board.

B. Applications may be submitted:

(1) up to three hundred sixty-five days prior to anticipated federal or private sector grant deadlines for new or recurring published opportunities;

(2) for pending proposals with multistage reviews that have been submitted but have not had an award finalized or, subject to department approval, within ninety days after such an award is finalized;

(3) for project funding awards pending successful non-state funding or private grant applications;

(4) for re-application by an applicant who has previously been denied project funding; provided that the applicant makes changes and improvements based on any feedback received from the prior application; and

(5) in response to grant award solicitations by the division.

C. In administering the provisions of the Research, Development and Deployment Fund Act, the division shall not:

(1) impose limitations on the amount of project funding that may be awarded to public post-secondary educational institutions, except as provided in the Research, Development and Deployment Fund Act; or

(2) restrict the awarding of project funding to only research activities.

## **Chapter 133 Section 9 Laws 2025**

### **SECTION 9. ELIGIBILITY REQUIREMENTS.--**

A. To be eligible for project funding:

(1) an applicant shall be a public entity or a business registered in New Mexico;

(2) an applicant's project shall be reasonably expected to do two or more of the following in New Mexico:

(a) advance innovation in at least one of the target sectors;

(b) foster collaboration between at least two of the following: private industry, a national laboratory, a federal agency or a public entity;

(c) leverage federal or private investment;

(d) create new economic opportunities;

(e) create new jobs and workforce training opportunities; and

(f) advance the commercialization of a technology in at least one of the target sectors;

(3) an applicant shall submit:

(a) a project budget that includes proposed and anticipated funding from state and non-state sources;

(b) one or more letters of support or letters of commitment of resources to the project;

(c) if a public entity, at least one partnership agreement entered into for the purposes of the project from partners not under the control of the applicant;

(d) a time line detailing when and how project funding will be expended;

(e) a time line for non-state funding availability and applicant match funding availability, if applicable; and

(f) a valuation methodology for in-kind contributions, if applicable;

(4) if applicable due to a match requirement, an applicant shall submit evidence satisfactory to the division that the applicant has received applicant match in an amount that is equal to or greater than the amount of project funding the applicant is requesting, including certification by the applicant of such a fact;

(5) if an applicant is seeking project funding in connection with or as part of a separate application for grant money that requires cost sharing, matching funds, institutional support or regional financial commitments as a condition of eligibility for that grant money, the applicant shall submit written evidence from the entity providing that grant money that clearly states such requirements will be used in the evaluation of applications for that grant money. If no such written evidence exists of the requirements for institutional support or regional financial commitment, the applicant may submit alternative proof of the requirements and the division shall establish criteria and, on a case-by-case basis, evaluate whether the proof is sufficient; and

(6) an applicant shall meet all other eligibility requirements of the division, which the division shall establish in consultation with the board.

B. In lieu of evidence of documented need for project funding required pursuant to Subsection A of this section, an applicant may include with the applicant's application a justification for why project funding is necessary for the project to be successful and effectively promote state interests in one or more target sectors.

C. When an applicant's project has a match requirement, the division may reduce applicant match requirements by up to fifty percent for projects:

(1) that primarily benefit communities that are rural or part of Indian nations, tribes or pueblos;

(2) led by minority-serving public post-secondary educational institutions as defined in federal law; or

(3) that address critical state needs as determined by the department in its statewide economic plan.

D. An in-kind contribution to a project may qualify as a portion of an applicant's required match when the:

(1) value of the in-kind contribution can be independently verified;

(2) in-kind contribution is essential to the project's success, as determined by the division;

(3) in-kind contribution would otherwise be a legitimate project expense; and

(4) total in-kind contributions to a project constitute no more than fifty percent of the applicant match.

## **Chapter 133 Section 10 Laws 2025**

### **SECTION 10. PROJECT FUNDING AWARDS--PROCESS--TERMS.--**

A. Priority shall be given to projects that:

(1) create high-quality, high-wage jobs in New Mexico;

(2) when applicable, have higher percentages of matching funds from non-public entities;

(3) demonstrate strong potential for commercialization in a target sector;

(4) support the growth of New Mexico-based companies;

(5) benefit communities that are rural or in an Indian nation, tribe or pueblo; and

(6) provide opportunities for broad regional participation.



B. Awards of project funding shall:

- (1) allow for multiyear project periods aligned with federal or private sector grant or other non-state funding opportunity time lines;
- (2) permit pre-award project spending by applicants when necessary to meet non-state grant application deadlines; provided that applicants shall use non-state funding or other institutional funding for pre-award spending; and
- (3) provide that a certain amount of the funding may be used for an applicant's administrative costs to implement the project.

## **Chapter 133 Section 11 Laws 2025**

SECTION 11. REPORTING.--On or before December 1 of 2025 and of every year thereafter, the department shall provide a report to the governor, the legislative finance committee and the appropriate interim committees that study economic development regarding the administration, efficacy and performance of the Research, Development and Deployment Fund Act, including:

- A. projects that have been awarded funding;
- B. for each project, the dollar amounts awarded, the amount of non-state matching funds the project received, if applicable, and the amount of non-state funding leveraged;
- C. updates on the progress, performance, outcomes and impacts of each project that was awarded funding;
- D. total jobs created and retained in New Mexico;
- E. return on investment of state money spent pursuant to the Research, Development and Deployment Fund Act;
- F. any additional investment that was attracted to the state and state-owned businesses; and
- G. other relevant performance metrics, including those recommended by the board, to measure the success of the Research, Development and Deployment Fund Act and the state's investment of public money pursuant to that act.

## **Chapter 133 Section 12 Laws 2025**

SECTION 12. A new section of the Economic Development Department Act is enacted to read:

"TECHNOLOGY INNOVATION PRIZE--ELIGIBILITY--REQUIREMENTS--  
PARTICIPATION--ADMINISTRATION.--

A. The department shall establish and administer the "technology innovation prize program". The prize program shall provide:

- (1) no less than five million dollars (\$5,000,000) for the top award recipient;
- (2) no less than one million dollars (\$1,000,000) each for the next two award recipients; and
- (3) additional award amounts as recommended and approved by the technology and innovation network advisory board.

B. Technology innovation prizes shall only be awarded to companies that provide technological innovation in the following sectors:

- (1) clean energy and water;
- (2) aerospace and space;
- (3) advanced computing, including quantum computing, artificial intelligence and cybersecurity;
- (4) biosciences; or
- (5) other sectors that are recommended through resolution of the technology and innovation network advisory board.

C. To be eligible for a technology innovation prize, an applicant shall:

- (1) be a business registered in New Mexico;
- (2) have a substantial presence in New Mexico or commit to establishing such presence; and
- (3) in the case of an international applicant, maintain a contractual partnership with a New Mexico-based entity.

D. Before receiving technology innovation prize money, a recipient shall enter into a contract with the department that requires the recipient to:

- (1) maintain operations and a substantial presence in New Mexico for a minimum of three years after receiving the award;

(2) create and maintain for at least three years after receiving prize money a number of jobs in New Mexico, as required by the department;

(3) participate in science, technology, engineering and mathematics education initiatives within the state; and

(4) repay to the department the prize money at a fair current market interest rate if the recipient accepts the prize money and fails to meet a requirement of this section.

E. The department shall establish or coordinate with existing programs to provide technology innovation prize money recipients with:

(1) access to New Mexico's national laboratories for consultation;

(2) mentorship opportunities with industry experts; and

(3) networking events with potential investors and partners.

F. The department, with approval from the technology and innovation network advisory board and for the purposes of administering the technology innovation prize program, shall create a steering committee, develop program time lines, establish application rules and guidelines, establish partnerships and determine resource allocation.

G. The department shall promulgate rules as necessary to carry out the provisions of this section.

H. As used in this section, "business" means any corporation, partnership, limited liability company, joint venture or other similar legal entity."

## **Chapter 133 Section 13 Laws 2025**

SECTION 13. Section 9-15-18 NMSA 1978 (being Laws 1991, Chapter 21, Section 23) is amended to read:

"9-15-18. PROPRIETARY INFORMATION.--

A. Any information obtained by the technology and innovation division that is deemed by the director to be proprietary technical or business information shall be held in confidence. Proprietary technical or business information shall not be deemed a public record under the Public Records Act or be open to inspection under Section 14-2-1 NMSA 1978. The technology and innovation division shall take such steps as are necessary to safeguard the confidentiality of the information.

B. Notwithstanding Sections 10-15-1 through 10-15-4 NMSA 1978 or any other law requiring meetings of public bodies to be open to the public, meetings of the commission shall be closed when proprietary technical or business information is discussed."

## **Chapter 133 Section 14 Laws 2025**

SECTION 14. Section 9-15-19 NMSA 1978 (being Laws 1991, Chapter 21, Section 24) is repealed and a new Section 9-15-19 NMSA 1978 is enacted to read:

"9-15-19. TECHNOLOGY AND INNOVATION FUND CREATED.--The "technology and innovation fund" is created as a nonreverting fund in the state treasury to replace the technology enterprise fund. The fund consists of distributions, appropriations, gifts, grants, donations, money from cooperative research and technology transfer agreements and income from investment of the fund. The economic development department shall administer the fund. Money in the fund is subject to appropriation by the legislature for administering the provisions of Section 2 of this 2025 act. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of economic development or the secretary's authorized representative."

## **Chapter 133 Section 15 Laws 2025**

SECTION 15. TEMPORARY PROVISION--TRANSFER.--

A. On the effective date of this act:

(1) the office of strategy, science and technology of the economic development department and the office of entrepreneurship of the economic development department, including the functions, personnel, appropriations, money, records and other property of those offices, shall be transferred to the technology and innovation division of the economic development department; and

(2) money in the technology enterprise fund shall be transferred to the technology and innovation fund.

B. The secretary of economic development shall assign other programs and funds management to the appropriate division.

C. Contractual obligations of any of the transferred units of the economic development department shall continue to be obligations of the department.

## **Chapter 133 Section 16 Laws 2025**

SECTION 16. REPEAL.--Sections 9-15-16 and 9-15-17 NMSA 1978 (being Laws 1991, Chapter 21, Sections 21 and 22) are repealed.

## **Chapter 133 Section 17 Laws 2025**

SECTION 17. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

## **LAWS 2025, CHAPTER 134**

**House Bill 172**

**Approved April 9, 2025**

AN ACT

RELATING TO PUBLIC HOLIDAYS; DECLARING AUGUST AS "NEW MEXICO RED AND GREEN CHILE MONTH".

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

## **Chapter 134 Section 1 Laws 2025**

SECTION 1. A new section of Chapter 12, Article 5 NMSA 1978 is enacted to read:

"NEW MEXICO RED AND GREEN CHILE MONTH.--August of each year shall be set apart and known as "Red and Green Chile Month" in recognition of the impact chile has in New Mexico. Chile represents the blending of cultures and traditions that have shaped New Mexico over centuries. The rise from its indigenous roots through its adoption by the Spanish settlers to the chile's current status as a culinary superstar in New Mexico symbolizes the status of New Mexico's unique identity. Furthermore, chile is a vital economic driver, supporting thousands of jobs and contributing significantly to the agricultural economy of New Mexico."

## **LAWS 2025, CHAPTER 135**

**House Bill 532**

**Approved April 9, 2025**

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING EACH LOCAL SCHOOL BOARD AND GOVERNING BODY OF A CHARTER SCHOOL TO DEVELOP OR ADOPT GUIDANCE FOR STUDENT WATER SAFETY; REQUIRING THAT WATER SAFETY GUIDANCE BE PROVIDED TO PARENTS OF EACH STUDENT AT THE BEGINNING OF EACH SCHOOL YEAR.

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

## **Chapter 135 Section 1 Laws 2025**

SECTION 1. A new section of the Public School Code is enacted to read:

"PARENTAL GUIDANCE FOR WATER SAFETY.--

A. Each local school board and governing body of a charter school shall develop or adopt digital or written guidance for parents that promotes student safety in, on and around bodies of water and water infrastructure, including information about local options for age-appropriate swimming lessons and other water safety courses.

B. Beginning in the 2025-2026 school year, all public schools shall provide the parents of each student with the guidance developed pursuant to Subsection A of this section upon the student's enrollment at a public school or no later than the tenth school day of a school year. The guidance may be conspicuously incorporated into a district-wide or school-specific handbook published for parents and students; provided that the public school receives written acknowledgment of a parent's receipt of the handbook."

## **LAWS 2025, CHAPTER 136**

**Senate Bill 9, aa**

**Approved April 10, 2025**

AN ACT

RELATING TO OIL AND GAS; ENHANCING CIVIL PENALTIES FOR VIOLATION OF THE PIPELINE SAFETY ACT TO CONFORM TO FEDERAL GUIDELINES.

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

## **Chapter 136 Section 1 Laws 2025**

SECTION 1. Section 70-3-19 NMSA 1978 (being Laws 1969, Chapter 71, Section 9, as amended) is amended to read:

"70-3-19. ENFORCEMENT--PENALTIES.--

A. If, as a result of investigation, the commission has good cause to believe that any person is violating any provision of Subsection A of Section 70-3-18 NMSA 1978 or any regulation adopted by the commission under the Pipeline Safety Act, the commission shall, when practicable and except in the case of a knowing and willful violation, give the person notice of the violation and an opportunity to comply. If the commission is unable within a reasonable time to obtain voluntary cooperation to prevent the continuing violation, the commission may apply for an injunction in the district court of the county in which the violation occurs to secure compliance. The

failure to give notice and afford an opportunity to comply shall not preclude the granting of injunctive relief.

B. The trial before the district court shall be before the court without jury, and the court shall enter judgment and orders enforcing the judgment as the public interest and equities of the case may require.

C. Any person owning or operating gas pipeline facilities or engaged in the transportation of gas or owning or operating oil pipeline facilities or engaged in the transportation of oil who has been determined by order of the commission after hearing to have violated any provision of Subsection A of Section 70-3-18 NMSA 1978 or any regulation promulgated under the Pipeline Safety Act applicable to intrastate pipeline facilities shall be subject to a civil penalty in an amount not to exceed the maximum civil penalty provided pursuant to 49 U.S.C. Section 60122 and 49 C.F.R. 190.223.

D. In determining the amount of the penalty, the commission shall consider the nature, circumstances and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, any history of prior violations, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty and other matters as justice may require.

E. Judicial review of any provision of this section may be accomplished in the same manner as is found in Section 70-3-15 NMSA 1978.

F. Any person who willfully and knowingly injures or destroys or attempts to injure or destroy an intrastate pipeline facility shall upon conviction be subject for each offense to a fine not to exceed twenty-five thousand dollars (\$25,000) or imprisonment for a term not to exceed fifteen years, or both.

G. Any person who willfully and knowingly damages, removes or destroys any pipeline sign, right-of-way marker required by the Pipeline Safety Act or any regulation or order issued pursuant to that act shall upon conviction be subject for each offense to a fine of not more than five thousand dollars (\$5,000) or imprisonment for a term not to exceed one year, or both."

## **LAWS 2025, CHAPTER 137**

**SFC/Senate Bill 23**

**Approved April 10, 2025**

AN ACT

RELATING TO PUBLIC LANDS; SETTING THE ROYALTY RATE ON FUTURE OIL AND GAS DEVELOPMENT LEASES ON CERTAIN STATE TRUST LANDS TO ENHANCE REVENUE FOR BENEFICIARIES; REQUIRING THE MANNER OF POSTING OF CERTAIN INFORMATION.

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

## Chapter 137 Section 1 Laws 2025

SECTION 1. Section 19-10-4.3 NMSA 1978 (being Laws 1985, Chapter 195, Section 5) is amended to read:

"19-10-4.3. DEVELOPMENT FORM OF LEASE--PREMIUM RESTRICTED LAND.--

A. The commissioner shall not cancel leases except upon failure or default of the lessee to comply with any of the provisions or covenants within the lease described in Subsection B of this section.

B. The following form is designed as the "Development Form". It may be used by the commissioner for oil and gas leases on lands classified as restricted lands and categorized as Premium and issued on or after July 1, 2025:

"LEASE NO. \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_  
OIL AND GAS LEASE  
(Development Form)

This agreement, dated \_\_\_\_\_, 20\_\_\_\_, between the state of New Mexico, acting by and through its commissioner of public lands, hereinafter called the "lessor", and \_\_\_\_\_,

whose address is \_\_\_\_\_

\_\_\_\_\_,

hereinafter called the "lessee",

WITNESSETH:

WHEREAS, the lessee has filed in the office of the commissioner of public lands an application for an oil and gas lease covering the lands hereinafter described and has tendered therewith the required first payment; and

WHEREAS, all of the requirements of law relative to the application and tender have been duly complied with;

THEREFORE, in consideration of the premises as well as the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_), the same being the amount of the tender above mentioned, and the further sum of \$ \_\_\_\_\_ filing fee, and of the covenants and agreements



hereinafter contained, the lessor does hereby grant, demise, lease and let unto the lessee, exclusively, for the sole and only purpose of exploration, development and production of oil or gas (including carbon dioxide and helium), or both thereon and therefrom with the right to own all oil and gas so produced and saved therefrom and not reserved as royalty by the lessor under the terms of this lease, together with rights of way, easements and servitudes for pipelines, telephone lines, tanks, power houses, stations, gasoline plants and fixtures for producing, treating and caring for such products and housing and boarding employees and any and all rights and privileges necessary, incident to or convenient for the economical operation of the land, for oil and gas, with right for such purposes to the free use of oil, gas, casing-head gas or water from the lands, but not from the lessor's water wells, and with the rights of removing either during or after the term hereof, all and any improvements placed or erected on the premises by the lessee, including the right to pull all casing, subject, however, to the covenants and conditions hereinafter set out, the following described land situated in the county of \_\_\_\_\_, state of New Mexico, and more particularly described as follows:

Line	SUBDIVISION	Sec.	Twp.	Rge.	Acres	Institution
1	_____					
2	_____					
3	_____					
4	_____					
5	_____					
6	_____					
7	_____					

The lands having been awarded to the lessee and designated as Tract No. \_\_\_\_\_ at a public sale held by the commissioner of public lands on \_\_\_\_\_, 20\_\_\_\_.

To have and to hold the land, and all the rights and privileges granted hereunder, to and unto the lessee for a primary term of five years from the date hereof, and as long thereafter as oil and gas, or either of them, is produced in paying quantities from the land by the lessee, subject to all of the terms and conditions as hereinafter set forth.

In consideration of the premises, the parties covenant and agree as follows:

1. Subject to the free use without royalty, as hereinbefore provided, the lessee shall pay the lessor as royalty \_\_\_\_\_ (not less than three-sixteenths nor more than one-fifth, or alternatively, not less than one-fifth nor more than one-fourth if the leased premises is located in whole or in part within the following portions of the restricted districts established pursuant to Section 19-10-16 NMSA 1978: townships 8 to 10 south inclusive, ranges 31 to 38 east inclusive; townships 11 to 15 south inclusive,

ranges 31 to 38 east inclusive; townships 16 to 20 south inclusive, ranges 21 to 39 east inclusive; township 20.5 south, ranges 21 to 23 east inclusive; or townships 21 to 26 south inclusive, ranges 21 to 38 east inclusive, N.M.P.M.) part of the oil produced and saved from the leased premises or the cash value thereof, at the option of the lessor, such value to be the price prevailing the day oil is run into a pipeline, if the oil be run into a pipeline, or into storage tanks, if the oil is stored.

2. Subject to the free use without royalty, as hereinbefore provided, at the option of the lessor at any time and from time to time, the lessee shall pay the lessor as royalty \_\_\_\_\_ (not less than three-sixteenths nor more than one-fifth, or alternatively, not less than one-fifth nor more than one-fourth if the leased premises is located in whole or in part within the following portions of the restricted districts established pursuant to Section 19-10-16 NMSA 1978: townships 8 to 10 south inclusive, ranges 31 to 38 east inclusive; townships 11 to 15 south inclusive, ranges 31 to 38 east inclusive; townships 16 to 20 south inclusive, ranges 21 to 39 east inclusive; township 20.5 south, ranges 21 to 23 east inclusive; or townships 21 to 26 south inclusive, ranges 21 to 38 east inclusive, N.M.P.M.) part of the gas produced and saved from the leased premises, including casing-head gas. Unless the option is exercised by the lessor, the lessee shall pay the lessor as royalty \_\_\_\_\_ (not less than three-sixteenths nor more than one-fifth, or alternatively, not less than one-fifth nor more than one-fourth if the leased premises is located in whole or in part within the following portions of the restricted districts established pursuant to Section 19-10-16 NMSA 1978: townships 8 to 10 south inclusive, ranges 31 to 38 east inclusive; townships 11 to 15 south inclusive, ranges 31 to 38 east inclusive; townships 16 to 20 south inclusive, ranges 21 to 39 east inclusive; township 20.5 south, ranges 21 to 23 east inclusive; or townships 21 to 26 south inclusive, ranges 21 to 38 east inclusive, N.M.P.M.) of the cash value of the gas, including casing-head gas, produced and saved from the leased premises and marketed or utilized, such value to be equal to the net proceeds derived from the sale of such gas in the field; provided, however, the cash value for royalty purposes of carbon dioxide gas and of hydrocarbon gas delivered to a gasoline plant for extraction of liquid hydrocarbons shall be equal to the net proceeds derived from the sale of such gas, including any liquid hydrocarbons recovered therefrom.

Notwithstanding the foregoing provisions, the lessor may require the payment of royalty for all or any part of the gas produced and saved under this lease and marketed or used at a price per m.c.f. equal to the maximum price being paid for gas of like kind and quality and under like conditions in the same field or area or may reduce the royalty value of any such gas (to any amount not less than the net proceeds of sale thereof, in the field) if the commissioner of public lands shall determine such action to be necessary to the successful operation of the lands for oil or gas purposes or to encouragement of the greatest ultimate recovery of oil or gas or to the promotion or conservation of oil or gas or in the public interest.

3. This lease shall not expire at the end of the primary term hereof if there is a well capable of producing gas in paying quantities located upon some part of the lands embraced herein, or upon lands pooled or communitized herewith, where such

well is shut-in due to the inability of the lessee to obtain a pipeline connection or to market the gas therefrom, and if the lessee timely pays an annual royalty on or before the annual rental paying date next ensuing after the expiration of ninety days from the date the well was shut-in and on or before the rental date thereafter. The payment of the annual royalty shall be considered for all purposes the same as if gas were being produced in paying quantities and upon the commencement of marketing of gas from the well or wells the royalty paid for the lease year in which the gas is first marketed shall be credited upon the royalty payable hereunder to the lessor for such year. The provisions of this section shall also apply where gas is being marketed from the leasehold premises and through no fault of the lessee, the pipeline connection or market is lost or ceases, in which case this lease shall not expire so long as the annual royalty is paid as herein provided. The amount of any annual royalty payable under this section shall equal twice the annual rental due by the lessee under the terms of this lease but not less than three hundred twenty dollars (\$320) per well per year; provided, however, that any such annual royalty for any month beginning on or after ten years from the date hereof shall equal four times the annual rental due by the lessee under the terms of this lease but not less than two thousand dollars (\$2,000) per well per year; provided further, that no annual royalty shall be payable under this section if equivalent amounts are timely paid pursuant to another lease issued by the lessor and if such other lease includes lands communitized with lands granted hereunder for the purpose of prorationally sharing in the shut-in well. Notwithstanding the provisions of this section to the contrary, this lease shall not be continued after five years from the date hereof for any period of more than ten years by the payment of the annual royalty unless, for good cause shown, the commissioner of public lands, in the commissioner's discretion, grants such a continuance.

4. The lessee agrees to make full settlement on the twentieth day of each month for all royalties due the lessor for the preceding month, under this lease, and to permit the lessor or its agents, at all reasonable hours, to examine the lessee's books relating to the production and disposition of oil and gas produced. The lessee further agrees to submit to the lessor annually upon forms furnished by the lessor, verified reports showing the lessee's operations for the preceding year.

5. An annual rental at the rate of \$\_\_\_\_\_ per acre shall become due and payable to the lessor by the lessee, upon each acre of the land above described and then claimed by such lessee and the same shall be due and payable in advance to the lessor on the successive anniversary dates of this lease, but the annual rental on any assignment shall in no event be less than forty dollars (\$40.00).

In the event the lessee shall elect to surrender any or all of the acreage, the lessee shall deliver to the lessor a duly executed release thereof and in event the lease has been recorded then the lessee shall upon request furnish and deliver to the lessor a certified copy of a duly recorded release.

6. The lessee may at any time by paying to the lessor all amounts then due as provided herein and the further sum of forty dollars (\$40.00), surrender and cancel

this lease insofar as the same covers all or any portion of the lands herein leased and be relieved from further obligations or liability hereunder, in the manner as hereinbefore provided. Provided, this surrender clause and the option herein reserved to the lessee shall cease and become absolutely inoperative immediately and concurrently with the institution of any suit in any court of law or equity by the lessee, lessor or any assignee, to enforce this lease, or any of its terms expressed or implied.

7. All payments due hereunder shall be made on or before the day such payment is due, at the office of the commissioner of public lands in Santa Fe, New Mexico.

8. The lessee with the consent of the lessor shall have the rights to assign this lease in whole or in part. Provided, however, that no assignment of an undivided interest in the lease or in any part thereof nor any assignment of less than a legal subdivision shall be recognized or approved by the lessor. Upon approval in writing by the lessor of an assignment, the assignor shall stand relieved from all obligations to the lessor with respect to the lands embraced in the assignment and the lessor shall likewise be relieved from all obligations to the assignor as to such tracts, and the assignee shall succeed to all of the rights and privileges of the assignor with respect to such tracts and shall be held to have assumed all of the duties and obligations of the assignor to the lessor as to such tracts.

9. In the event a well or wells producing oil or gas in paying quantities should be brought in on adjacent land that is draining the leased premises, the lessee shall drill such offset well or wells as a reasonably prudent operator would drill under the same or similar circumstances, provided that no such offset well shall be required if compensatory royalties are paid pursuant to an agreement between the lessor and the lessee.

10. The lessee agrees to notify the lessor of the location of each well before commencing drilling thereon, to keep a complete and accurate log of each well drilled and to furnish a copy thereof, verified by some person having actual knowledge of the facts, to the lessor upon the completion of any well, and to furnish the log of any unfinished well at any time when requested to do so by the lessor.

If any lands embraced in this lease shall be included in any deed or contract of purchase outstanding and subsisting issued pursuant to any sale made of the surface of such lands prior to the date of this lease, it is agreed and understood that no drilling operation shall be commenced on any such lands so sold unless and until the lessee shall have filed a good and sufficient bond with the lessor as required by law, to secure the payment for such damage to the livestock, range, water, crops or tangible improvements on such lands as may be suffered by the purchaser holding such deed or contract of purchase, or the purchaser's successors, by reason of the developments, use and occupation of such lands by such lessee. Provided, however, that no such bond shall be required if such purchaser shall waive the right to require such bond to be given in the manner provided by law.

11. In drilling wells, all water-bearing strata shall be noted in the log, and the lessor reserves the right to require that all or any part of the casing shall be left in any nonproductive well when the lessor deems it to the interest of the beneficiaries of the lands granted hereunder to maintain the well or wells for water. For such casing so left in wells the lessor shall pay to the lessee the reasonable value thereof.

12. The lessee shall be liable and agree to pay for all damages to the range, livestock, growing crops or improvements caused by the lessee's operations on the lands. When requested by the lessor, the lessee shall bury pipelines below plow depth.

13. The lessee shall not remove any machinery or fixtures placed on the premises, nor draw the casing from any well unless and until all payments and obligations due the lessor under the terms of this agreement shall have been paid or satisfied. The lessee's right to remove the casing is subject to the provision of Paragraph 11 above.

14. Upon failure or default of the lessee to comply with any of the provisions or covenants hereof, the lessor is hereby authorized to cancel this lease and such cancellation shall extend to and include all rights hereunder as to the whole of the tract so claimed, or possessed by the lessee, but shall not extend to, nor affect the rights of any other lessee or assignee claiming any portion of the lands upon which no default has been made; provided, however, that before any such cancellation shall be made, the lessor shall mail to the lessee so defaulting, by registered or certified mail, addressed to the post office address of such lessee as shown by the records of the state land office, a notice of intention of cancellation specifying the default for which cancellation is to be made, and if within thirty days from the date of mailing the notice the lessee shall remedy the default specified in the notice, cancellation shall not be made.

15. If this lease shall have been maintained in accordance with the provisions hereof and if at the expiration of the primary term provided for herein oil or gas is not being produced on the land but the lessee is then engaged in bona fide drilling or reworking operations thereon, this lease shall remain in full force and effect so long as such operations are diligently prosecuted and, if they result in the production of oil or gas, so long thereafter as oil and gas in paying quantities, or either of them, is produced from the land; provided, however, such operations extending beyond the primary term shall be approved by the lessor upon written application filed with the lessor on or before the expiration of the term, and a report of the status of all of such operations shall be made by the lessee to the lessor every thirty days and a cessation of such operations for more than twenty consecutive days shall be considered as an abandonment of such operations and this lease shall thereupon terminate.

If during the drilling or reworking of any well under this section, the lessee loses or junks the hole or well and after diligent efforts in good faith is unable to complete the operations, then within twenty days after the abandonment of the operations, the lessee

may commence another well within three hundred thirty feet of the lost or junked hole or well and drill the same with due diligence.

Operations commenced and continued as herein provided shall extend this lease as to all lands as to which the same is in full force and effect as of the time the drilling operations are commenced; provided, however, this lease shall be subject to cancellation in accordance with Paragraph 14 hereof for failure to pay rentals or file reports that may become due while operations are being conducted hereunder.

16. Should production of oil and gas or either of them in paying quantities be obtained while this lease is in force and effect and should thereafter cease from any cause after the expiration of five years from the date hereof, this lease shall not terminate if the lessee commences additional drilling or reworking operations within sixty days after the cessation of such production and shall remain in full force and effect so long as such operations are prosecuted in good faith with no cessation of more than twenty consecutive days, and if such operations result in the production of oil or gas in paying quantities, so long thereafter as oil or gas in paying quantities is produced from the land; provided, however, written notice of intention to commence such operations shall be filed with the lessor within thirty days after the cessation of such production, and a report of the status of such operations shall be made by the lessee to the lessor every thirty days, and the cessation of such operations for more than twenty consecutive days shall be considered as an abandonment of such operations and this lease shall thereupon terminate.

17. Lessees, including their heirs, assigns, agents and contractors, shall at their own expense fully comply with all laws, regulations, rules, ordinances and requirements of the city, county, state and federal authorities and agencies, in all matters and things affecting the premises and operations thereon that may be enacted or promulgated under the governmental police powers pertaining to public health and welfare, including but not limited to conservation, sanitation, aesthetics, pollution, cultural properties, fire and ecology. Such agencies are not to be deemed third party beneficiaries hereunder, however this clause is enforceable by the lessor in any manner provided in this lease or by law.

18. Should the lessor desire to exercise its rights to take in-kind its royalty share of oil, gas or associated substances or purchase all or any part of the oil, gas or associated substances produced from the lands covered by this lease, the lessee hereby irrevocably consents to the lessor exercising its right. Such consent is a consent to the termination of any supplier/purchaser relationship between the lessor and the lessee deemed to exist under federal regulations. The lessee further agrees that it will require any purchaser of oil, gas or associated substances to likewise waive any such rights.

19. The lessor reserves a continuing option to purchase at any time and from time to time, at the market price prevailing in the area on the date of purchase, all or any

part of the minerals (oil and gas) that will be produced from the lands covered by this lease.

20. The lessor reserves the right to execute leases for geothermal resource development and operation thereon; the right to sell or dispose of the geothermal resources of such lands; and the right to grant rights of way and easements for these purposes.

21. All terms of this agreement shall extend to and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

In witness whereof, the party of the first part has signed and caused its name to be signed by its commissioner of public lands duly authorized, with the seal of office affixed, and the lessee has signed this agreement the day and year first above written.

STATE OF NEW MEXICO

By \_\_\_\_\_

Commissioner of Public Lands, Lessor

\_\_\_\_\_  
\_\_\_\_\_(Seal)

Lessee".

## **Chapter 137 Section 2 Laws 2025**

SECTION 2. Section 19-10-17 NMSA 1978 (being Laws 1929, Chapter 125, Section 8, as amended) is amended to read:

"19-10-17. PUBLIC SALE OF RESTRICTED DISTRICT LEASES--TIME--REGULATIONS--NOTICE--MINIMUM BONUS--SEALED BIDS OR PUBLIC AUCTION AUTHORIZED--SITE OF SALE--PUBLICATION OF NOTICE--REJECTION OF BIDS--COMPLETION OF TRANSACTION.--

A. The commissioner shall hold a public sale of oil and gas leases upon lands that may be open to lease and embraced within the restricted district or districts created and that may be created under Section 19-10-16 NMSA 1978 on the third Tuesday of each month or on the next business day following, where the third Tuesday falls on a legal holiday, and shall offer for lease such lands in designated tracts to the highest and best bidder. All sales of leases upon competitive bidding or a public auction shall be governed by regulations issued by the commissioner not in conflict with the provisions of Chapter 19, Article 10 NMSA 1978. Notice of such sales shall be given by posting in a conspicuous place in the state land office, not less than ten days before the date of sale, a notice of the sale specifying the day and hour when and the place where the sale will be held and specifying the following for each tract to be offered for lease:

- (1) a description of the lands;
- (2) the form of lease to be used;
- (3) the royalty rate; and
- (4) the annual rental per acre to be paid.

B. The commissioner may, when it is deemed to be for the best interests of the beneficiaries of such lands, also specify a minimum bonus to be paid for the leases upon the respective tracts, and, when so specified, the bonus shall be paid in addition to the first year's rental. The notice shall also contain such other information as the commissioner may deem advisable or necessary. Sales may be conducted through sealed bids or at public auction or by both methods combined, but the method of conducting each sale shall be stated in the notice of sale required pursuant to this section. Sales may be held at the option of the commissioner either in the office of the commissioner or at the county seat of the county in which the lands, or the greater part thereof, are situated or such other place within the state as the commissioner may designate in the notice of public auction provided for in this section. The commissioner is authorized to give such additional notice of the sales, either by publication in newspapers or by mailing copies of the notice of sale to interested persons, firms or corporations, as the commissioner may deem necessary to give proper publicity thereto. The commissioner shall have the right to reject all bids received at any sale for the lease upon any tract but shall not reject any bids made in conformity with the regulations and provisions of Chapter 19, Article 10 NMSA 1978 without rejecting all bids applicable to the same tract of land. Leases sold at sales as provided in this section shall be awarded to the respective bidders offering the largest bonus, which shall be paid in addition to the first year's rental, or, where a minimum bonus is not specified and no offer of a bonus is received, to the bidder offering the rental specified in the notice of sale that, for the first year, shall not be less than one hundred dollars (\$100) for each lease as provided in Section 19-10-15 NMSA 1978. Where two or more sealed bids making the same offer for the same tract are received, the commissioner shall award the lease in accordance with such regulations as the commissioner may prescribe. The successful bidders shall file proper applications for the leases purchased and shall complete the payment of any balance due on their bids before the closing of the office of the commissioner on the day of the sale.

C. The individual percentages and total percentage for each factor, pursuant to Section 19-10-3 NMSA 1978, shall be posted in conjunction with the lease notice for each individual tract nomination in a manner that keeps confidential the identity of the nominating company."

## **Chapter 137 Section 3 Laws 2025**

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.



# **LAWS 2025, CHAPTER 138**

**Senate Bill 36, aa**

**Approved April 10, 2025**

AN ACT

RELATING TO GOVERNMENTAL CONDUCT; PROHIBITING DISCLOSURE OF SENSITIVE PERSONAL INFORMATION BY STATE AGENCY EMPLOYEES; PROVIDING EXCEPTIONS; AMENDING THE MOTOR VEHICLE CODE; PRESCRIBING PENALTIES.

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

## **Chapter 138 Section 1 Laws 2025**

SECTION 1. A new section of Chapter 10 NMSA 1978 is enacted to read:

"SHORT TITLE.--Sections 1 through 4 of this act may be cited as the "Nondisclosure of Sensitive Personal Information Act".

## **Chapter 138 Section 2 Laws 2025**

SECTION 2. A new section of Chapter 10 NMSA 1978 is enacted to read:

"DEFINITIONS.--As used in the Nondisclosure of Sensitive Personal Information Act:

A. "sensitive personal information" means an individual's:

- (1) status as a recipient of public assistance or as a crime victim;
- (2) sexual orientation, gender identity, physical or mental disability, medical condition, immigration status, national origin or religion; and
- (3) social security number; and

B. "social security number" includes an individual tax identification number."

## **Chapter 138 Section 3 Laws 2025**

SECTION 3. A new section of Chapter 10 NMSA 1978 is enacted to read:

"SENSITIVE PERSONAL INFORMATION--EXCEPTIONS.--A state agency employee shall not intentionally disclose sensitive personal information acquired by

virtue of the employee's position with a state agency to anyone outside the state agency except when such disclosure is:

- A. necessary to carry out a function of the state agency;
- B. necessary to comply with an order or subpoena issued by a court of this state or a United States district court;
- C. required by the Inspection of Public Records Act;
- D. required by federal statute;
- E. made to or by a court or administrative tribunal in the course of a judicial or administrative proceeding or made in a court or administrative tribunal record;
- F. made to a state contractor that needs the sensitive personal information to perform the contractor's obligations under the contract and has agreed in writing to be bound by the same restrictions on disclosure that are imposed on state employees by this section;
- G. made pursuant to the Whistleblower Protection Act;
- H. expressly permitted by the federal Health Insurance Portability and Accountability Act of 1996 and associated regulations; or
- I. made with the written consent of the person whose information would be disclosed."

## **Chapter 138 Section 4 Laws 2025**

SECTION 4. A new section of Chapter 10 NMSA 1978 is enacted to read:

"ENFORCEMENT--PENALTIES.--The attorney general, a district attorney and the state ethics commission may institute a civil action in district court if a violation has occurred or to prevent a violation of the Nondisclosure of Sensitive Personal Information Act. Penalties for a violation of that act shall be a civil penalty of two hundred fifty dollars (\$250) for each violation, but not to exceed five thousand dollars (\$5,000)."

## **Chapter 138 Section 5 Laws 2025**

SECTION 5. Section 66-2-7.1 NMSA 1978 (being Laws 1995, Chapter 135, Section 4, as amended by Laws 2007, Chapter 323, Section 31 and by Laws 2007, Chapter 324, Section 1) is amended to read:

"66-2-7.1. MOTOR VEHICLE-RELATED RECORDS--CONFIDENTIAL.--

A. It is unlawful for any department or bureau employee or contractor or for any former department or bureau employee or contractor to disclose to any person other than another employee of the department or bureau any personal information about an individual obtained by the department or bureau in connection with a driver's license or permit, the titling or registration of a vehicle, the administration of the Ignition Interlock Licensing Act and the interlock device fund or an identification card issued by the department pursuant to the Motor Vehicle Code except:

- (1) to the individual or the individual's authorized representative;
- (2) for use by any governmental agency, including any court, in carrying out its functions or by any private person acting on behalf of the government;
- (3) for use in connection with matters of motor vehicle and driver safety or theft; motor vehicle emissions; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; motor vehicle production alterations, recalls or advisories; and removal of non-owner records from original owner records of motor vehicle manufacturers;
- (4) for use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed or used to contact individuals;
- (5) for use by any insurer or insurance support organization or by a self-insured entity or its agents, employees or contractors in connection with claims investigation activities, antifraud activities, rating or underwriting;
- (6) for providing notice to owners of towed or impounded vehicles;
- (7) for use by an employer or its agent or insurer in obtaining or verifying information relating to a holder of a commercial driver's license;
- (8) for use by any requester if the requester demonstrates that it has obtained the written consent of the individual to whom the information pertains;
- (9) for use by an insured state-chartered or federally chartered credit union; an insured state or national bank; an insured state or federal savings and loan association; or an insured savings bank, but only:
  - (a) to verify the accuracy of personal information submitted by an individual to the credit union, bank, savings and loan association or savings bank; and
  - (b) if the information as submitted is not correct or is no longer correct, to obtain the correct information, but only for the purpose of preventing fraud by

pursuing legal remedies against or recovering on a debt or security interest from the individual;

(10) for providing organ donor information as provided in the Jonathan Spradling Revised Uniform Anatomical Gift Act or Section 66-5-10 NMSA 1978; or

(11) for providing the names and addresses of all lienholders and owners of record of abandoned vehicles to storage facilities or wrecker yards for the purpose of providing notice as required in Section 66-3-121 NMSA 1978.

B. It is unlawful for a department or bureau employee or contractor or for a former department or bureau employee or contractor to disclose to a federal, state or local governmental agency or nongovernmental entity for purposes of enforcing the federal Immigration and Nationality Act, except felony criminal provisions of that act, any personal information about an individual obtained by the department or bureau in connection with a driver's license or permit, the titling or registration of a vehicle, the administration of the Ignition Interlock Licensing Act and the interlock device fund or an identification card issued by the department pursuant to the Motor Vehicle Code.

C. Whenever the department or the division enters into a contract with a nongovernmental entity for the disclosure of personal information pursuant to Subsection A of this section, the department or the division shall require that a nongovernmental entity that receives or has access to records or information from the department or division, including through a database or automated network, shall certify in writing to the department or division, before receipt of or access to the information, and as a condition of renewal of any agreement for such receipt or access, that the entity shall not use or disclose the records or information for the purpose of enforcing the federal Immigration and Nationality Act, except felony criminal provisions of that act. If the director of the motor vehicle division of the department determines a nongovernmental entity has used or disclosed records or information for the purpose of enforcing the federal Immigration and Nationality Act other than felony criminal provisions of that act, the director may revoke the nongovernmental entity's access to personal information pursuant to Subsection A of this section.

D. Any person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978."

## **Chapter 138 Section 6 Laws 2025**

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 139**

**Senate Bill 45, aa**

**Approved April 10, 2025**

## **AN ACT**

RELATING TO HEALTH CARE; AMENDING THE INDIGENT HOSPITAL AND COUNTY HEALTH CARE ACT TO ALLOW ADDITIONAL AUTHORIZED USES OF COUNTY HEALTH CARE ASSISTANCE FUNDS.

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

## **Chapter 139 Section 1 Laws 2025**

SECTION 1. Section 27-5-7.1 NMSA 1978 (being Laws 1993, Chapter 321, Section 16, as amended) is amended to read:

"27-5-7.1. COUNTY HEALTH CARE ASSISTANCE FUND--AUTHORIZED USES OF THE FUND.--

A. The fund may be used to pay for:

- (1) expenses of burial or cremation of an indigent person;
- (2) ambulance transportation, hospital care and health care services for indigent patients;
- (3) all or a portion of the:
  - (a) monthly premiums of public or private health insurance or coverage for indigent patients; or
  - (b) out-of-pocket costs, including copayments and deductibles, incurred by indigent patient insureds pursuant to the terms of a public or private health insurance policy or coverage plan; or
- (4) county administrative expenses associated with fund expenditures authorized in Paragraphs (1) through (3) of this subsection.

B. The fund may be used to meet a county's obligation under Section 27-10-4 NMSA 1978."

# **LAWS 2025, CHAPTER 140**

**Senate Bill 47**

**Approved April 10, 2025**

AN ACT

RELATING TO LAND GRANTS; AMENDING A SECTION OF CHAPTER 49, ARTICLE 1 NMSA 1978 TO INCLUDE THE SANTA CRUZ DE LA CANADA LAND GRANT-MERGED AS A LAND GRANT GOVERNED PURSUANT TO CHAPTER 49, ARTICLE 1 NMSA 1978.

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

## **Chapter 140 Section 1 Laws 2025**

SECTION 1. Section 49-1-2 NMSA 1978 (being Laws 1907, Chapter 42, Section 2, as amended) is amended to read:

"49-1-2. APPLICATION.--

A. Chapter 49, Article 1 NMSA 1978 shall apply to all land grants-mercedes within the geographic boundaries of lands confirmed by the congress of the United States or by the court of private land claims or designated in any report or list of land grants prepared by the surveyor general in furtherance of meeting the obligations of the Treaty of Guadalupe Hidalgo and designated in this section but shall not apply to any land grant that is now managed or controlled pursuant to another section of Chapter 49 NMSA 1978.

B. If a majority of the members of the board of trustees of a land grant-merced covered by specific legislation determines that the specific legislation is no longer beneficial to the land grant-merced, the board has the authority to petition the legislature to repeal the legislation and to be governed by its bylaws and as provided in Chapter 49, Article 1 NMSA 1978.

C. The town of Tome land grant-merced, situated in Valencia county, confirmed by congress in 1858 and patented by the United States to the town of Tome, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

D. The town of Atrisco land grant-merced, situated in Bernalillo county, confirmed by the court of private land claims in 1894 and patented by the United States to the town of Atrisco in 1905, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978; provided that the board of trustees shall not have regulatory jurisdiction over, and the provisions of Chapter 49, Article 1 NMSA 1978 shall not apply to or govern, any lands or interests in real property the title to which is held by any other person, including a public or private corporation, partnership or limited liability company.

E. The Tecolote land grant-merced, also known as the town of Tecolote, situated in San Miguel county, confirmed by congress in 1858 and patented by the United States to the town of Tecolote in 1902, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

F. The San Antonio del Rio Colorado land grant-merced, situated in Taos county, which claim was recommended for confirmation by surveyor general James K. Proudfit in 1874 and again in 1886 by surveyor general George W. Julian, but not confirmed by congress, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

G. The Manzano land grant-merced, also known as la merced del Manzano land grant-merced, situated in Torrance county, confirmed by congress in 1860 and patented by the United States to the town of Manzano in 1907, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

H. The Arroyo Hondo Arriba community land grant-merced, also known as the community of San Antonio and as the community of Valdez, situated in Taos county, which was established in 1823 and whose heirs were recognized as the fee simple owners of the grant's common lands by the eighth judicial district court of New Mexico in 1914, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

I. The Anton Chico land grant-merced, also known as the town of Anton Chico land grant, situated in Guadalupe and San Miguel counties, confirmed by congress in 1860 and patented by the United States to the town of Anton Chico in 1883, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

J. The Abiquiu land grant-merced, also known as the merced del Pueblo Abiquiu and town of Abiquiu land grant, situated in Rio Arriba county, confirmed by the court of private land claims in 1894 and patented by the United States to the board of grant commissioners of the Abiquiu grant in 1909, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

K. The Canon de Carnue land grant-merced, situated in Bernalillo county, confirmed by the court of private land claims in 1894 and patented by the United States to the confirmees of the Canon de Carnue grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

L. The Cebolleta land grant-merced, also known as the town of Cebolleta land grant, situated in Cibola county, confirmed by congress in 1869 and patented by the United States to the town of Cebolleta land grant in 1882, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

M. The Cristobal de la Serna land grant-merced, situated in Taos county, confirmed by the court of private land claims in 1892 and patented by the United States

to the Cristobal de la Serna grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

N. The Cubero land grant-merced, also known as the town of Cubero land grant, situated in Cibola county, confirmed by the court of private land claims in 1892 and patented by the United States to the confirmees of the town of Cubero grant in 1900, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

O. The Don Fernando de Taos land grant-merced, situated in Taos county, confirmed by the court of private land claims in 1897 and patented by the United States to the confirmees of the Don Fernando de Taos grant in 1907, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

P. The Santo Tomas Apostol del Rio de Las Trampas land grant-merced, situated in Taos county, also known as the town of Las Trampas land grant, confirmed by congress in 1860 and patented by the United States to the town of Las Trampas grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

Q. The Santa Barbara land grant-merced, also known as la merced de Santa Barbara, situated in Taos county, confirmed by the court of private land claims in 1894 and patented by the United States to the heirs of the Santa Barbara grant in 1905, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

R. The Juan Bautista Baldes land grant-merced, also known as the merced comunitara de Juan Bautista Baldes, situated in Rio Arriba county, confirmed by the court of private land claims in 1898 and patented by the United States to the heirs of Juan Bautista Baldes in 1913, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

S. The San Joaquin del Rio de Chama land grant-merced, also known as the merced de San Joaquin del Rio de Chama and the Canon de Chama land grant-merced, situated in Rio Arriba and Sandoval counties, confirmed by the court of private land claims in 1894 and patented by the United States to the heirs of the Canon de Chama grant in 1905, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

T. The San Miguel del Bado land grant-merced, also known as the merced de San Miguel del Bado, situated in San Miguel county, confirmed by the court of private land claims in 1894 and patented by the United States to the board of the San Miguel del Bado grant in 1910, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

U. The Santo Domingo de Cundiyo land grant-merced, situated in Santa Fe county, confirmed by the court of private land claims in 1900 and patented by the United States to the confirmees of the Santo Domingo de Cundiyo grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.



V. The Tierra Amarilla land grant-merced, also known as the merced de los Pueblos de Tierra Amarilla, situated in Rio Arriba county, confirmed by congress in 1860 and patented by the United States to Francisco Martinez in 1881, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

W. The San Antonio de las Huertas land grant-merced, also known as the merced de San Antonio de las Huertas, situated in Sandoval county, confirmed by the court of private land claims in 1897 and patented by the United States to the San Antonio de las Huertas grant claimants in 1907, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

X. The Tajique land grant-merced, also known as the town of Tajique land grant, situated in Tarrant county, confirmed by congress in 1860 and patented by the United States to the confirmees of the town of Tajique land grant in 1912, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

Y. The Torreon land grant-merced, also known as the town of Torreon, situated in Tarrant county, confirmed by congress in 1860 and patented by the United States to the confirmees of the town of Torreon grant in 1909, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

Z. The Los Vigiles land grant-merced, situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant and approved by the fourth judicial district of New Mexico in 1951, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

AA. The Lower Gallinas land grant-merced, situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant in 1951 and approved by the fourth judicial district of New Mexico, the approval of which was reaffirmed by the court in 1997, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

BB. The San Augustin land grant-merced, situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant and approved by the fourth judicial district of New Mexico in 1929, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

CC. The merced del Pueblo de Santa Cruz de la Canada, also known as Santa Cruz de la Canada land grant-merced, situated in Rio Arriba county and Santa Fe county, which was confirmed by the court of private land claims in 1900 and patented by the United States to the heirs of the land grant-merced in 1910, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978."

## **Chapter 140 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

## **LAWS 2025, CHAPTER 141**

**Senate Bill 48, aa**

**Approved April 10, 2025**

AN ACT

RELATING TO PUBLIC FINANCE; CREATING THE COMMUNITY BENEFIT FUND. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

## **Chapter 141 Section 1 Laws 2025**

SECTION 1. COMMUNITY BENEFIT FUND--PROJECTS TO BE FUNDED.--

A. The "community benefit fund" is created as a nonreverting fund in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations and bequests made to the fund and income from investment of the fund. The department of finance and administration shall administer the fund, and money in the fund is subject to appropriation by the legislature to fund projects that will:

(1) reduce a greenhouse gas; provided that for projects related to:

(a) the construction or the renovation of a public building, the reduction shall be accomplished by practices that exceed all requirements of the most current international energy conservation code; and

(b) reducing methane leaks and releases attributable to the extractive industries, projects shall implement greenhouse gas emission reduction strategies to achieve emission reductions that are in addition to those that would be achieved pursuant to any existing greenhouse regulatory requirements in state or federal law;

(2) increase electric grid capacity, resilience or reliability through grid modernization;

(3) increase electricity from renewable energy resources and the efficiency of electricity from energy efficiency projects;

(4) reduce the use of combustion engine vehicles through transportation projects, including projects that increase electric vehicle infrastructure or bicycle and pedestrian infrastructure;

(5) assess or reduce the effects of climate change on the natural environment, agricultural production, land and natural resources and human health;

(6) assist public entities in the purchase of electric vehicles and related charging infrastructure to reduce the use of combustion engine vehicles;

(7) establish or expand economic development needed to address the economic implications of climate change, develop economic opportunities to optimize resources to lower consumption, promote the reuse and recycling of materials in a sustainable manner and transition New Mexico away from dependence on the fossil fuel industry as a revenue resource; or

(8) establish or expand worker training activities to provide workers for industries that assist in achieving the objectives identified in Paragraphs (1) through (7) of this subsection.

B. A project that proposes to meet the requirements of:

(1) Paragraphs (1) through (5) of Subsection A of this section shall include:

(a) documentation that two meetings regarding the project were held within the community affected by the proposed project to accept comments and address concerns and that shows that notice of the meetings was provided to overburdened communities that may be impacted by the project; or

(b) a community benefits agreement negotiated with overburdened communities that may be impacted by the project; and

(2) Paragraphs (7) and (8) of Subsection A of this section shall include a plan for outreach to overburdened communities to encourage those communities to participate in the worker training programs or in the economic development opportunities.

C. The department of finance and administration shall, in consultation with energy, minerals and natural resources department, develop or identify a data tool that uses spatial datasets to identify overburdened communities, which are communities experiencing disproportionate burdens in climate change, energy, health, housing, legacy pollution, transportation, water and wastewater and workforce development. The departments shall ensure that data from tribal and indigenous communities are included in the data used by the data tool.

D. On or before December 1 of each year that a project receives funding from the community benefit fund, the administering agency shall submit a report to the appropriate interim legislative committees with the progress or, if appropriate, final

results of the project and any other information the committee requires to evaluate the project.

E. As used in this section:

(1) "climate change" means any significant change in the measures of climate lasting for an extended period of time, typically decades or longer, and includes major changes in temperature, precipitation, wind patterns or other weather-related effects;

(2) "energy efficiency" means measures, including energy conservation measures, or programs that target consumer behavior, equipment or devices to result in a decrease in consumption of electricity without reducing the amount or quality of energy services;

(3) "greenhouse gas" means a gas or gaseous compound that contributes to the process through which heat is trapped near earth's surface by absorbing infrared radiation, including carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride and sulfur hexafluoride;

(4) "grid modernization" means improvements to electric distribution or transmission infrastructure, including related data analytics equipment, that are designed to accommodate or facilitate the integration of renewable electric generation resources with the electric distribution grid or to otherwise enhance electric distribution or transmission grid reliability, grid security, demand response capability, customer service or energy efficiency or conservation; and

(5) "renewable energy resource" means electric or useful thermal energy that:

(a) is generated by use of the following energy resources, with or without energy storage and delivered to a rural electric cooperative or public utility: 1) solar, wind and geothermal; 2) hydropower facilities brought in service on or after July 1, 2007; 3) other hydropower facilities supplying no greater than the amount of energy from hydropower facilities that were part of an energy supply portfolio prior to July 1, 2007; 4) fuel cells that do not use fossil fuels to create electricity; 5) biomass resources, limited to agriculture or animal waste, small diameter timber not to exceed eight inches, salt cedar and other phreatophyte or woody vegetation removed from river basins or watersheds in New Mexico; provided that these resources are from facilities certified by the energy, minerals and natural resources department to: a) be of appropriate scale to have sustainable feedstock in the near vicinity; b) have zero life cycle carbon emissions; and c) meet scientifically determined restoration, sustainability and soil nutrient principles; and 6) landfill gas and anaerobically digested waste biomass; and

(b) does not include electric energy generated by use of fossil fuel or nuclear energy.

# **LAWS 2025, CHAPTER 142**

**Senate Bill 78**

**Approved April 10, 2025**

AN ACT

RELATING TO NURSING; PROVIDING FOR AN INDEPENDENT ROLE FOR CERTIFIED REGISTERED NURSE ANESTHETISTS.

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

## **Chapter 142 Section 1 Laws 2025**

SECTION 1. 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 guidelines for nurse anesthesia practice issued by the national professional association representing certified registered nurse anesthetists.

C. Certified registered nurse anesthetists shall function in either an independent role or in collaboration with other health care providers in accordance with the policies of a health care facility. As used in this subsection, "collaboration" means the process in which each health care provider contributes the health care provider's

respective expertise. As used in this subsection, "independent role" means performing any action, including determining, preparing, administering or monitoring anesthesia care or anesthesia-related services, without the supervision of another health care provider.

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."

## **LAWS 2025, CHAPTER 143**

**Senate Bill 124, aa**

**Approved April 10, 2025**

AN ACT

RELATING TO THE OFFICE OF SUPERINTENDENT OF INSURANCE; PROVIDING THE POWER TO ISSUE A CIVIL INVESTIGATIVE SUBPOENA TO THE SUPERINTENDENT OF INSURANCE; PROVIDING PROCEDURES TO COMPEL COMPLIANCE WITH SUCH A SUBPOENA.

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

**Chapter 143 Section 1 Laws 2025**

SECTION 1. Section 59A-2-8 NMSA 1978 (being Laws 1984, Chapter 127, Section 26, as amended) is amended to read:

"59A-2-8. GENERAL POWERS AND DUTIES OF SUPERINTENDENT.--

A. The superintendent shall:

- (1) organize and manage the office of superintendent of insurance and direct and supervise all its activities;
- (2) execute the duties imposed upon the superintendent by the Insurance Code;
- (3) enforce those provisions of the Insurance Code that are administered by the superintendent;
- (4) have the powers and authority expressly conferred by or reasonably implied from the provisions of the Insurance Code;
- (5) conduct such examinations and investigations of insurance matters, in addition to those expressly authorized, as the superintendent may deem proper upon reasonable and probable cause to determine whether a person has violated a provision of the Insurance Code or to secure information useful in the lawful enforcement or administration of the provision; provided that:
  - (a) when examining or investigating such insurance matters, the superintendent may issue a civil investigative subpoena prior to the issuance of a notice of contemplated action; and
  - (b) upon failure of a person without lawful excuse to obey a subpoena and upon reasonable notice to all persons affected, the enforcing authority may apply to the district court for an order compelling compliance;
- (6) have the power to sue or be sued;

(7) have the power to make, enter into and enforce all contracts, agreements and other instruments necessary, convenient or desirable in the exercise of the superintendent's powers and functions and for the purposes of the Insurance Code;

(8) prepare an annual budget for the office of superintendent of insurance;

(9) have the right to require performance bonds of employees as the superintendent deems necessary pursuant to the Surety Bond Act. The office of superintendent of insurance shall pay the cost of required bonds;

(10) comply with the provisions of the Administrative Procedures Act;

(11) upon an order based upon the invocation of a state of emergency under the All Hazard Emergency Management Act or the Public Health Emergency Response Act by the governor, take those actions necessary to ensure access to insurance and the stability of insurance markets during the emergency. Such actions may include issuing emergency rules or orders to address any or all of the following matters related to insurance policies issued in New Mexico:

(a) grace periods for payment of insurance premiums and performance of other duties by insureds;

(b) refund of premiums;

(c) waiver of cost sharing or deductibles;

(d) temporary postponement of cancellations and nonrenewals;

(e) reporting requirements for claims; and

(f) suspension of compliance with a statute, rule or contract, if strict compliance would prevent, hinder or delay necessary action in response to the emergency; and

(12) have such additional powers and duties as may be provided by other laws of this state.

B. If a state of emergency under the All Hazard Emergency Management Act or the Public Health Emergency Response Act is invoked by the governor, and the superintendent issues emergency rules or orders to address matters related to insurance policies issued in New Mexico, each emergency rule or order:

(1) shall specify, by line of insurance:

(a) the geographic area in which the order applies; and



(b) the dates on which the order becomes effective and terminates; and

(2) shall not:

(a) apply retroactively;

(b) apply outside the geographic area designated in the governor's order; or

(c) extend beyond the end date of the governor's order."

## **LAWS 2025, CHAPTER 144**

**Senate Bill 133, aa**  
**Approved April 10, 2025**

### **AN ACT**

RELATING TO EDUCATIONAL RETIREMENT; INCREASING THE SALARY A RETIRED MEMBER MAY EARN WITHOUT A SUSPENSION OF THE MEMBER'S RETIREMENT BENEFITS WHEN RETURNING TO WORK; INCREASING THE TIME ALLOWED FOR RETURNING TO WORK.

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

### **Chapter 144 Section 1 Laws 2025**

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 twenty-five thousand dollars (\$25,000) 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 sixty 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 2025, CHAPTER 145**

**Senate Bill 343**

**Approved April 10, 2025**

AN ACT

RELATING TO EDUCATION; REMOVING EXCEPTIONS TO LEVEL ONE, LEVEL TWO AND LEVEL THREE-A LICENSED TEACHER SALARY RATES; AMENDING SECTIONS 22-10A-7, 22-10A-10 AND 22-10A-11 NMSA 1978 (BEING LAWS 2003, CHAPTER 153, SECTIONS 38, 41 AND 42, AS AMENDED).

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

### **Chapter 145 Section 1 Laws 2025**

SECTION 1. Section 22-10A-7 NMSA 1978 (being Laws 2003, Chapter 153, Section 38, as amended) 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 a standard level one vocational license to an applicant who meets the requirements of Subsection D of this section or to an applicant who is at least twenty-three years of age and who:

(1) has five or more years of professional experience in the vocational field in which the applicant will teach; and

(2) meets other qualifications for level one licensure, including clearance of a background check pursuant to Section 22-10A-5 NMSA 1978.

F. The department shall issue an alternative level one license to an applicant who meets the requirements of Section 22-10A-8 NMSA 1978.

G. 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.

H. 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-12 plus program shall receive additional salary at the same rate as their base salary for that teaching time.

I. After the issuance of a license, a license holder shall not be required to meet changed requirements to maintain the license until such time as the license expires and the license holder seeks renewal of the license."

## **Chapter 145 Section 2 Laws 2025**

SECTION 2. Section 22-10A-10 NMSA 1978 (being Laws 2003, Chapter 153, Section 41, as amended) 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-12 plus program shall receive additional salary at the same rate as their base salary for that teaching time."

## **Chapter 145 Section 3 Laws 2025**

SECTION 3. Section 22-10A-11 NMSA 1978 (being Laws 2003, Chapter 153, Section 42, as amended) 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 department shall grant a level three-A license to an applicant seeking a level three-A vocational education license who does not meet the requirements of Subsection B of this section, but who otherwise is eligible for a level three-A license, provided that the applicant:

- (1) has been a level two teacher for at least three years;
- (2) provides documentation from an accredited higher education institution of the applicant's eligibility to teach dual-credit courses at the post-secondary level in the field in which the applicant is teaching; or
- (3) completes a department-approved career-technical education training certificate course of study that is a minimum of sixteen hours at an accredited higher education institution.

D. 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-12 plus program shall receive additional salary at the same rate as their base salary for that teaching time.

E. 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 D of this section."

## **Chapter 145 Section 4 Laws 2025**

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

## **LAWS 2025, CHAPTER 146**

**Senate Bill 345**

**Approved April 10, 2025**

AN ACT

RELATING TO SCHOOL PERSONNEL; ALLOWING THE USE OF A TEACHER PORTFOLIO FOR LEVEL ONE LICENSURE; ALLOWING RECIPROCITY FOR LEVELS TWO AND THREE NEW MEXICO LICENSURE FOR INSTRUCTIONAL SUPPORT PROVIDERS WHO ARE LICENSED IN OTHER STATES.

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

## **Chapter 146 Section 1 Laws 2025**

SECTION 1. Section 22-10A-7 NMSA 1978 (being Laws 2003, Chapter 153, Section 38, as amended) 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 or the New Mexico teacher portfolio, 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 a standard level one vocational license to an applicant who meets the requirements of Subsection D of this section or to an applicant who is at least twenty-three years of age and who:

(1) has five or more years of professional experience in the vocational field in which the applicant will teach; and

(2) meets other qualifications for level one licensure, including clearance of a background check pursuant to Section 22-10A-5 NMSA 1978.

F. The department shall issue an alternative level one license to an applicant who meets the requirements of Section 22-10A-8 NMSA 1978.

G. 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.

H. The minimum salary for a level one teacher, except for a teacher licensed pursuant to Subsection E of this section, 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.

I. After the issuance of a license, a license holder shall not be required to meet changed requirements to maintain the license until such time as the license expires and the license holder seeks renewal of the license."

## **Chapter 146 Section 2 Laws 2025**

SECTION 2. Section 22-10A-12 NMSA 1978 (being Laws 2003, Chapter 153, Section 43, as amended) is amended to read:



"22-10A-12. LIMITED RECIPROCITY.--

A. A teacher or school principal licensed in another state may be granted a level two or level three license if the teacher or school principal has teaching experience, demonstrates the required competencies and meets other requirements and qualifications for the license for which the teacher or school principal applies, including clearance of the required background check. The local superintendent may require a mentorship period for the licensee if the superintendent deems it necessary. A teacher or school principal who holds an out-of-state license may apply for a lower level license if the teacher or school principal does not meet the requirements for the higher level.

B. The department may grant a level three-B license to a candidate who does not meet the other requirements and qualifications of that license if the candidate has a school administrator license issued in another state and has worked as a school administrator in good standing for at least six years.

C. An instructional support provider licensed in another state may be granted a level two or level three license if the instructional support provider has professional experience, holds a professional license in addition to a school license, if applicable, and demonstrates the required competencies and meets other requirements and qualifications for the license sought, including clearance of the required background check. A local superintendent may require a mentorship period for the licensee if the local superintendent deems it necessary. An instructional support provider who holds an out-of-state school license may apply for a lower level license if the instructional support provider does not meet the requirements and qualifications for the higher level."

## **LAWS 2025, CHAPTER 147**

**House Bill 91, aa**

**Approved April 10, 2025**

AN ACT

RELATING TO PUBLIC UTILITIES; ALLOWING ADDITIONAL RATE STRUCTURES.

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

### **Chapter 147 Section 1 Laws 2025**

SECTION 1. Section 62-8-6 NMSA 1978 (being Laws 1941, Chapter 84, Section 42, as amended) is amended to read:

"62-8-6. DISCRIMINATION.--No public utility shall, as to rates or services, make or grant any unreasonable preference or advantage to any corporation or person within any classification or subject any corporation or person within any classification to any

unreasonable prejudice or disadvantage. No public utility shall establish and maintain any unreasonable differences as to rates of service either as between localities or as between classes of service. Nothing shall prohibit, however, the commission from approving:

- A. economic development rates;
- B. rates designed to retain load;
- C. rates and programs designed to reduce the burden of energy costs on low-income customers; and
- D. energy efficiency programs designed to reduce the burden of energy costs on low-income customers pursuant to the Efficient Use of Energy Act."

## **Chapter 147 Section 2 Laws 2025**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 148**

**House Bill 157, aa**  
**Approved April 10, 2025**

AN ACT

RELATING TO SCHOOL PERSONNEL; CREATING NEW LICENSES FOR SITE ADMINISTRATORS, SUPERINTENDENTS AND OTHER SCHOOL ADMINISTRATORS; PROVIDING ENHANCED QUALIFICATIONS AND REQUIREMENTS; ENACTING THE SCHOOL ADMINISTRATOR DEVELOPMENT ACT; PROVIDING POWERS AND DUTIES; SETTING CRITERIA; PROVIDING FOR A DELAYED REPEAL OF CURRENT SCHOOL ADMINISTRATOR LICENSES; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

## **Chapter 148 Section 1 Laws 2025**

SECTION 1. Section 22-10A-2 NMSA 1978 (being Laws 2019, Chapter 238, Section 1, as amended by Laws 2023, Chapter 148, Section 3 and by Laws 2023, Chapter 177, Section 1) is amended to read:

"22-10A-2. DEFINITIONS.--As used in the School Personnel Act:

A. "child abuse" means a child:

(1) who has suffered or who is at risk of suffering serious harm because of the action or inaction of the child's parent, guardian, custodian or other adult;

(2) who has suffered physical abuse, emotional abuse or psychological abuse inflicted or caused by the child's parent, guardian, custodian or other adult;

(3) who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian, custodian or other adult;

(4) whose parent, guardian, custodian or other adult has knowingly, intentionally or negligently placed the child in a situation that may endanger the child's life or health; or

(5) whose parent, guardian, custodian or other adult has knowingly or intentionally tortured, cruelly confined or cruelly punished the child;

B. "constitutional special school" means the New Mexico military institute, New Mexico school for the deaf and New Mexico school for the blind and visually impaired;

C. "contractor" means a person who is under contract with a public school and is hired to provide services to the public school, but does not include a general contractor or a building or maintenance contractor who is supervised and has no access to students at the public school;

D. "discharge" means the act of severing the employment relationship with a licensed school employee prior to the expiration of the current employment contract;

E. "employed for three consecutive school years" means a licensed school employee has been offered and accepted in writing a notice of reemployment for the third consecutive school year;

F. "ethical misconduct" means the following behavior or conduct by school district personnel, school employees, school volunteers, contractors or contractors' employees:

(1) discriminatory practice based on race, age, color, national origin, ethnicity, sex, pregnancy, sexual orientation, gender identity, mental or physical disability, marital status, religion, citizenship, domestic abuse reporting status or serious medical condition;

(2) sexual misconduct or any sexual offense prohibited by Chapter 30, Article 6A or 9 NMSA 1978 involving an adult or child, regardless of a child's enrollment status;

(3) fondling a child or student, including touching private body parts, such as breasts, buttocks, genitals, inner thighs, groin or anus; or

(4) any other behavior, including licentious, enticing or solicitous behavior, that is reasonably apparent to result in inappropriate sexual contact with a child or student or to induce a child or student into engaging in illegal, immoral or other prohibited behavior;

G. "governing authority" means the policy-setting body of a school district, charter school, constitutional special school or regional education cooperative, or the final decision maker of a state agency that provides educational services to a school-aged person;

H. "instructional support provider" means a person who is employed to support the instructional program of a public school, including educational assistant, school counselor, social worker, school nurse, speech-language pathologist, psychologist, physical therapist, occupational therapist, recreational therapist, marriage and family therapist, interpreter for the deaf, diagnostician, attendance coach, practical nurse, school health assistant, school business official, rehabilitation counselor, athletic coach, educational alcohol and drug abuse counselor and substance abuse associate;

I. "just cause" means a reason that is rationally related to a school employee's competence or turpitude or the proper performance of the school employee's duties and that is not in violation of the school employee's civil or constitutional rights;

J. "military service member" means a person who is:

(1) 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;

(2) the spouse of a person who is 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; or a surviving spouse of a member who at the time of death was serving on active duty; or

(3) the child of a person who is 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; provided that child is also a dependent of that person for federal income tax purposes;

K. "moral turpitude" means an act or behavior that gravely violates the accepted standards of moral conduct, justice or honesty and may include ethical misconduct;

L. "public school" means a school district, charter school, constitutional special school, regional education cooperative or the educational program of another state agency;

M. "sabbatical leave" means leave of absence with pay as approved by the governing authority during all or part of a regular school term for purposes of study or travel related to a licensed school employee's duties and of direct benefit to the instructional program;

N. "school administrator" means a person licensed to administer in a school district, charter school, constitutional special school or regional education cooperative or a person employed with another state agency who administers an educational program and includes local superintendents, school principals, central district administrators, business managers, charter school head administrators and state agency education supervisors;

O. "school employee" includes licensed and unlicensed employees of a public school;

P. "school premises" means:

(1) the buildings and grounds, including playgrounds, playing fields and parking areas and a school bus of a public school, in or on which school or school-related activities are being operated under the supervision of a local school board, charter school or state agency; or

(2) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which public school-related and -sanctioned activities are being performed;

Q. "school volunteer" means a person, including a relative of a student, who commits to serve on a regular basis at a school district, charter school or other educational entity without compensation;

R. "site administrator" means an assistant principal, a principal or a charter school head administrator;

S. "state agency" means a regional education cooperative or state institution;

T. "state institution" means the juvenile detention centers operated by the children, youth and families department, including the New Mexico youth diagnostic and development center; the John Paul Taylor center; the Sequoyah adolescent treatment

center; the Carrie Tingley crippled children's hospital; the New Mexico behavioral health institute at Las Vegas; and any other state agency responsible for educating resident children;

U. "substitute teacher" means a person who holds a certificate to substitute for a teacher in the classroom;

V. "superintendent" means a local superintendent, head administrator of a charter school or regional education cooperative, superintendent or commandant of a special school or head administrator of the educational program of a state agency;

W. "teacher" means a person who holds a level one, level two or level three-A license and whose primary job is classroom instruction or the supervision, below the school principal level, of an instructional program or whose duties include curriculum development, peer intervention, peer coaching or mentoring, or serving as a resource teacher for other teachers;

X. "terminate" means the act of severing the employment relationship with a school employee;

Y. "unsupervised contact with children or students" means access to or contact with, or the opportunity to have access to or contact with, a child or student for any length of time in the absence of:

(1) a licensed staff person from the same school or institution;

(2) a school volunteer who has undergone a background check pursuant to Section 22-10A-5 NMSA 1978; or

(3) any adult relative or guardian of the child or student;

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

AA. "working day" means every school calendar day, excluding Saturdays, Sundays and legal holidays."

## **Chapter 148 Section 2 Laws 2025**

SECTION 2. Section 22-10A-3 NMSA 1978 (being Laws 2003, Chapter 153, Section 34, as amended) is amended to read:

"22-10A-3. LICENSE OR CERTIFICATE REQUIRED--APPLICATION FEE--  
CRIMINAL HISTORY RECORD CHECKS--GENERAL DUTIES.--

A. Except as otherwise provided in this subsection, any person teaching, supervising an instructional program or providing instructional support services in a public school; any person administering in a public school; and any person providing health care and administering medications or performing medical procedures in a public school shall hold a valid license or certificate from the department authorizing the person to perform that function. A person applying for a license or certificate from the department shall undergo a criminal history record check pursuant to Section 22-10A-5 NMSA 1978. The criminal history record check requirement shall apply to the following applicants:

- (1) applicants for level one licensure pursuant to Section 22-10A-7 NMSA 1978;
- (2) applicants for an alternative level one license pursuant to Section 22-10A-8 NMSA 1978;
- (3) applicants for level two licensure pursuant to Section 22-10A-10 NMSA 1978;
- (4) applicants for level three licensure pursuant to Section 22-10A-11 NMSA 1978;
- (5) applicants for an alternative level two or level three license pursuant to Section 22-10A-11.1 NMSA 1978;
- (6) applicants for alternative licensure pursuant to Section 22-10A-11.2 NMSA 1978;
- (7) applicants for level three-B provisional licensure for school principals pursuant to Section 22-10A-11.3 NMSA 1978;
- (8) applicants for level three-B administrator's licensure pursuant to Section 22-10A-11.4 NMSA 1978;
- (9) applicants for provisional site administrator licensure pursuant to Section 22-10A-11.5 NMSA 1978;
- (10) applicants for initial site administrator licensure pursuant to Section 22-10A-11.6 NMSA 1978;
- (11) applicants for professional site administrator licensure pursuant to Section 22-10A-11.7 NMSA 1978;
- (12) applicants for provisional superintendent licensure pursuant to Section 22-10A-11.8 NMSA 1978;

(13) applicants for superintendent licensure pursuant to Section 22-10A-11.9 NMSA 1978;

(14) applicants for licenses granted on the basis of reciprocity pursuant to Section 22-10A-12 NMSA 1978;

(15) applicants for expedited licensure pursuant to Section 22-10A-12.1 NMSA 1978;

(16) applicants for Native American language and culture certificates pursuant to Section 22-10A-13 NMSA 1978;

(17) applicants for substitute teacher certificates pursuant to Section 22-10A-15 NMSA 1978;

(18) applicants for instructional support provider licenses pursuant to Section 22-10A-17 NMSA 1978;

(19) applicants for educational assistant licensure pursuant to Section 22-10A-17.1 NMSA 1978;

(20) applicants for alternative level three-B licensure pursuant to Section 22-10A-17.2 NMSA 1978; and

(21) applicants for licensure for student teachers still in a teacher preparation program or a teacher residency pursuant to Section 22-10B-5 NMSA 1978.

B. In the event that the statutory section numbers referring to the licenses and certificates in Subsection A of this section are amended, the licensure and criminal history record check requirement shall remain in effect for the applicants. The department may require a federal bureau of investigation criminal history record check of a current licensee to analyze whether the department has good and just cause for suspension or revocation of a department-issued license. Applicants and current licensees shall pay the cost of obtaining a federal bureau of investigation criminal history record check. The department shall not share criminal history record check information with another entity unless expressly permitted by applicable federal law or federal regulation.

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

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



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

F. Each licensed school employee shall:

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

## **Chapter 148 Section 3 Laws 2025**

SECTION 3. Section 22-10A-4 NMSA 1978 (being Laws 2003, Chapter 153, Section 35, as amended by Laws 2005, Chapter 315, Section 4 and by Laws 2005, Chapter 316, Section 1) is amended to read:

"22-10A-4. TEACHERS AND SCHOOL ADMINISTRATORS--PROFESSIONAL STATUS--LICENSURE LEVELS--SALARY ALIGNMENT.--

A. Teaching and school administration are recognized as professions, with all the rights, responsibilities and privileges accorded professions, having their first responsibility to the public they serve. The primary responsibilities of the teaching and site administration professions are to educate the children of this state and to improve the professional practices and ethical conduct of their members.

B. The New Mexico licensure framework for teachers and school administrators is a progressive career system in which licensees are required to demonstrate increased competencies and undertake increased duties as they progress through the licensure levels. The minimum salary provided as part of the career system shall not take effect until the department has adopted increased competencies for the particular level of licensure and a highly objective uniform statewide standard of evaluation.

C. A level one license is a provisional license that gives a beginning teacher the opportunity, through a formal mentorship program, for additional preparation to be a quality teacher. A level two license is given to a teacher who is a fully qualified professional who is primarily responsible for ensuring that students meet and exceed

department-adopted academic content and performance standards; a teacher may choose to remain at level two for the remainder of the teacher's career. A level three-A license is the highest level of teaching licensure for those teachers who choose to advance as instructional leaders in the teaching profession and undertake greater responsibilities such as curriculum development, peer intervention and mentoring.

D. An initial site administrator license is for teachers and instructional support providers who commence a new career path in site administration by becoming assistant school principals, school principals or charter school administrators. A professional site administrator license is given to an assistant school principal, school principal or charter school head administrator who is a fully qualified professional who may choose to remain at this level for the remainder of the assistant school principal's, school principal's or charter school head administrator's career.

E. A superintendent license is the highest level of administrative licensure for those administrators who choose to undertake the responsibilities of leading a school district. Charter school governing bodies may choose to require head administrators to hold a superintendent license based on the needs of the school.

F. All teacher and school administrator salary systems shall be aligned with the licensure framework in a professional educator licensing and salary system.

G. A licensed school employee who holds a valid three-B license on July 1, 2029 shall be granted a professional site administrator license and a superintendent license."

## **Chapter 148 Section 4 Laws 2025**

SECTION 4. A new section of the School Personnel Act, Section 22-10A-11.5 NMSA 1978, is enacted to read:

### **"22-10A-11.5. PROVISIONAL SITE ADMINISTRATOR LICENSURE.--**

A. A provisional site administrator license is a one-year license granted to a level two or three-A teacher who meets the qualifications for that license.

B. To qualify for a provisional site administrator license, the candidate shall:

- (1) meet the requirements for a level two or three-A license;
- (2) be enrolled in a department-approved site administrator induction and mentoring program in the school district; and
- (3) be accepted into a department-approved site administrator preparation program.

C. The provisional license is renewable up to three times upon annual proof of enrollment in a department-approved site administrator preparation program and satisfactory evaluations each year from the school district's mentoring program. After successful completion of the department-approved site administrator preparation program and satisfactory evaluations, the provisional license may be converted to a professional site administrator license if the candidate completes the requirements for that license."

## **Chapter 148 Section 5 Laws 2025**

SECTION 5. A new section of the School Personnel Act, Section 22-10A-11.6 NMSA 1978, is enacted to read:

### **"22-10A-11.6. INITIAL SITE ADMINISTRATOR LICENSE.--**

A. As used in this section, "responsibility factor" means a value of 1.25 for an elementary school principal, 1.45 for a middle school or junior high school principal, 1.65 for a high school principal, 1.15 for an assistant elementary school principal, 1.20 for an assistant middle school or assistant junior high school principal and 1.30 for an assistant high school principal.

B. An initial site administrator license is a three-year license granted to an applicant who meets the qualifications for that license. Up to two one-year renewals may be granted upon request by the local superintendent.

C. The department shall grant an initial site administrator license to an applicant who:

(1) has successfully completed a department-approved site administrator preparation program or an out-of-state council for the accreditation of educator preparation- or association for advancing quality in educator preparation-accredited administrator preparation program and a department-approved clinical experience in New Mexico;

(2) has at least three years of experience as a teacher or instructional support provider;

(3) holds a post-baccalaureate degree or national board for professional teaching standards certification; and

(4) meets any additional requirements as determined by the department.

D. The minimum annual salary for a licensed site administrator serving as a school principal or assistant school principal is the minimum salary for a level three-A teacher multiplied by the applicable responsibility factor.

E. The department shall adopt a highly objective uniform statewide standard of evaluation, including data sources linked to student achievement and an educational plan for student success progress, for school principals and assistant school principals and rules for the implementation of that evaluation system linked to the level of responsibility at each school level."

## **Chapter 148 Section 6 Laws 2025**

SECTION 6. A new section of the School Personnel Act, Section 22-10A-11.7 NMSA 1978, is enacted to read:

"22-10A-11.7. PROFESSIONAL SITE ADMINISTRATOR LICENSURE.--

A. A professional site administrator license is a five-year license granted to an applicant who meets the qualifications for that license.

B. The department shall grant a professional site administrator license to an applicant who:

(1) holds a post-baccalaureate degree or national board for professional teaching standards certification;

(2) has successfully completed a department-approved site administrator preparation program;

(3) has at least one year of experience as a site administrator;

(4) has successfully completed a department- approved site administrator induction program; and

(5) meets any additional requirements as determined by the department.

C. Licenses may be renewed on successful completion of department-required professional development and satisfactory annual performance evaluations."

## **Chapter 148 Section 7 Laws 2025**

SECTION 7. A new section of the School Personnel Act, Section 22-10A-11.8 NMSA 1978, is enacted to read:

"22-10A-11.8. PROVISIONAL SUPERINTENDENT LICENSURE.--

A. A provisional superintendent license is a one-year license granted to an applicant who meets the qualifications for that license. A provisional license may be

renewed up to three times with annual proof of enrollment in a department-approved aspiring superintendent academy and the recommendation of an induction coach.

B. The department shall grant a provisional superintendent license to an applicant who:

- (1) has at least one year of experience as a school administrator;
- (2) is enrolled in a department-approved superintendent induction and mentoring program; and
- (3) meets any additional requirements as determined by the department."

## **Chapter 148 Section 8 Laws 2025**

SECTION 8. A new section of the School Personnel Act, Section 22-10A-11.9 NMSA 1978, is enacted to read:

"22-10A-11.9. SUPERINTENDENT LICENSURE.--

A. A superintendent license is a five-year license granted to an applicant who meets the qualifications for that license.

B. The department shall grant a superintendent license to an applicant who:

- (1) has at least one year of experience as a site administrator;
- (2) has successfully completed a department-approved aspiring superintendent academy;
- (3) is enrolled in a department-approved superintendent induction and mentoring program, which must be successfully completed before license renewal; and
- (4) meets any additional requirements as determined by the department.

C. Licenses may be renewed upon successful completion of department-required professional development."

## **Chapter 148 Section 9 Laws 2025**

SECTION 9. A new section of the School Personnel Act, Section 22-10A-11.10 NMSA 1978, is enacted to read:

"22-10A-11.10. LICENSURE FOR SCHOOL ADMINISTRATORS NOT LICENSED AS SITE ADMINISTRATORS OR SUPERINTENDENTS.--The department may establish new licensure requirements for school administrators who are not licensed as site administrators or superintendents."

## **Chapter 148 Section 10 Laws 2025**

SECTION 10. Section 22-10A-12 NMSA 1978 (being Laws 2003, Chapter 153, Section 43, as amended) is amended to read:

"22-10A-12. LIMITED RECIPROCITY.--

A. A teacher or school principal licensed in another state may be granted a level two, level three-A or site administrator license if the teacher or site administrator has teaching experience, demonstrates the required competencies and meets other requirements and qualifications for the license for which the teacher or school principal applies, including clearance of the required background check. The local superintendent may require a mentorship period for the licensee if the superintendent deems it necessary. A teacher or site administrator who holds an out-of-state license may apply for a lower level license if the teacher or site administrator does not meet the requirements for the higher level.

B. The department may grant an initial site administrator license to an out-of-state candidate who does not meet the other requirements and qualifications of that license if the candidate:

- (1) has a standard, valid, unencumbered school administrator license from another state;
- (2) has worked as a site administrator for at least three years;
- (3) has a recent satisfactory performance evaluation;
- (4) is enrolled in a department-approved site administrator induction program; and
- (5) meets other requirements of the department.

C. The department may grant a superintendent license to an out-of-state candidate who does not meet the other requirements and qualifications of that license if the candidate:

- (1) has a standard, valid, unencumbered school administrator license from another state;
- (2) has worked as a superintendent for at least three years;

(3) is enrolled in a department-approved superintendent induction program; and

(4) meets other requirements of the department."

## **Chapter 148 Section 11 Laws 2025**

SECTION 11. Section 22-10A-14 NMSA 1978 (being Laws 2003, Chapter 153, Section 45, as amended) is amended to read:

"22-10A-14. CERTIFICATES OF WAIVER.--

A. If a local superintendent or governing authority of a state agency certifies to the department that an emergency exists in the hiring of a qualified person, the department may issue a certificate of teaching waiver or assignment waiver.

B. The department may issue a certificate of teaching waiver to a person who holds a baccalaureate degree but does not meet other requirements for licensure as a level one teacher. Certificates of teaching waivers are one-year waivers and may be renewed only if the holder provides satisfactory evidence of continued progress toward a level one license.

C. At the request of a local superintendent, the department may issue a certificate of assignment waiver to a licensed teacher who is assigned to teach outside the teacher's teaching endorsement area. A certificate of assignment waiver may be renewed each school year if the teacher provides satisfactory evidence of continued progress toward meeting the requirements for endorsement.

D. If a local superintendent or governing authority certifies to the department that an emergency exists in the hiring of a qualified site administrator, the department may issue a certificate of principalship waiver to a person who holds a level two or level three-A license but does not meet the other requirements for a site administrator license. Certificates of principalship waivers are one-year waivers and are not renewable.

E. If a local school board certifies to the department that an emergency exists in the hiring of a qualified local superintendent, the department may issue a certificate of superintendency waiver to a person who holds a professional site administrator license but does not meet the other requirements for a superintendent license. Certificates of superintendency waivers are one-year waivers and are not renewable."

## **Chapter 148 Section 12 Laws 2025**

SECTION 12. A new section of the Public School Code, Section 22-10D-1 NMSA 1978, is enacted to read:

"22-10D-1. SHORT TITLE.--Chapter 22, Article 10D NMSA 1978 may be cited as the "School Administrator Development Act".

## **Chapter 148 Section 13 Laws 2025**

SECTION 13. A new section of the Public School Code, Section 22-10D-2 NMSA 1978, is enacted to read:

"22-10D-2. DEFINITIONS.--As used in the School Administrator Development Act:

A. "program" means a department-approved school administrator preparation program; and

B. "site administrator" means a school principal, assistant school principal or charter school head administrator."

## **Chapter 148 Section 14 Laws 2025**

SECTION 14. A new section of the Public School Code, Section 22-10D-3 NMSA 1978, is enacted to read:

"22-10D-3. STANDARDS-BASED SITE ADMINISTRATOR PREPARATION PROGRAMS--REQUIREMENTS--DEPARTMENT APPROVAL.--

A. A public post-secondary education institution, tribal college or other qualified entity that wants to offer a school administrator preparation program is required to have the program approved by the department in accordance with criteria set forth in the School Administrator Development Act. The department shall promulgate rules to implement the provisions of the School Administrator Development Act.

B. The department shall promulgate rules to establish criteria for programs that include the following research-based features of effective leader preparation programs:

- (1) comprehensive curriculum aligned to national and state standards;
- (2) deliberate candidate recruitment and selection;
- (3) robust clinical experience;
- (4) cohort structure with trained coaches; and
- (5) formal partnerships between programs and school districts and charter schools.



C. The department shall convene a task force of site administrators, local superintendents and representatives of educator preparation programs to develop common performance tasks and rubrics that shall be completed by applicants for initial or professional site administrator licenses and superintendent licenses.

D. No later than July 1, 2027, programs shall be approved by the department before enrolling new students seeking site administrator licensure. Students enrolled before the effective date of the School Administrator Development Act may be granted licensure in accordance with existing program approvals.

E. The department shall provide by rule a process for approving new and revised programs. The department shall consult the professional practices and standards council and publish a manual outlining the requirements for program approval. The process shall be aligned with the School Administrator Development Act and meet the general requirements of the program as determined by the department.

F. All programs seeking approval pursuant to the School Administrator Development Act, including those approved prior to the effective date of that act, shall submit an application to the department by January 15, 2027. Applications shall provide the information outlined in the school administrator preparation professional practices and standards manual published in accordance with Subsection E of this section.

G. The department shall monitor program success and candidate outcomes through educator accountability report indicators, including data tracking of graduates through a completer survey issued to all graduates within one year of program completion that measures completers' perception of their own readiness and individual effectiveness in the position, the number of people licensed through each licensure pathway and through each clinical experience type and the number and types of licenses held by each school and school district leader.

H. Nothing in this section shall preclude the department from establishing or accepting equivalent requirements for the purposes of reciprocal licensure for out-of-state school administrators as provided in Section 22-10A-12 NMSA 1978."

## **Chapter 148 Section 15 Laws 2025**

SECTION 15. DELAYED REPEAL.--Sections 22-10A-11.3, 22-10A-11.4 and 22-10A-17.2 NMSA 1978 (being Laws 2009, Chapter 117, Section 2, Laws 2015, Chapter 74, Section 2 and Laws 2017, Chapter 68, Section 1, as amended) are repealed effective July 1, 2029.

## **Chapter 148 Section 16 Laws 2025**

SECTION 16. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 149**

**House Bill 156, aa**

**Approved April 10, 2025**

## **AN ACT**

RELATING TO SCHOOL PERSONNEL; INCREASING THE MINIMUM SALARIES FOR TEACHERS, SCHOOL COUNSELORS AND SCHOOL ADMINISTRATORS; REQUIRING THE SCIENCE OF READING TO BE TAUGHT IN PUBLIC POST-SECONDARY TEACHER PREPARATION PROGRAMS SO THAT LEVEL ONE APPLICANTS WILL BE BETTER PREPARED TO TEACH PUBLIC SCHOOL STUDENTS.

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

## **Chapter 149 Section 1 Laws 2025**

SECTION 1. A new section of Chapter 21 NMSA 1978 is enacted to read:

"TEACHER PREPARATION PROGRAMS--TEACHING STUDENTS HOW TO TEACH READING.--

A. As used in this section:

(1) "high-quality instructional materials" means instructional materials that are a comprehensive full course of study that is research-based, culturally and linguistically relevant and designed to support equitable learning for all students;

(2) "science of reading" means an interdisciplinary body of scientifically based research about reading and issues related to reading and writing;

(3) "scientifically based reading instruction" means instruction grounded in empirical research, including explicit and systematic instruction in phonemic awareness, phonics, fluency, vocabulary and comprehension and the science of reading; and

(4) "structured literacy" means an evidence-based approach to teaching oral and written language aligned with the science of reading that is based on the science of how children learn to read and is characterized by explicit, systematic, sequential, cumulative and diagnostic instruction in phonology, sound-symbol association, syllable instruction, morphology, syntax and semantics.

B. Structured literacy is the primary approach to teaching foundational literacy skills for all learners. Literacy instruction for English language learners shall include evidence-based practices for bi-literacy, differentiation and culturally and

linguistically responsive instruction. Public school students shall be taught to read using science of reading, structured literacy and scientifically based reading instruction.

C. Each teacher preparation program shall offer courses and student teaching sufficient for level one licensure that:

(1) includes science of reading, structured literacy and scientifically based reading instruction;

(2) for elementary teacher candidates, provides a minimum of one hundred hours of supervised field experience in public school classrooms implementing the science of reading, structured literacy and scientifically based reading instruction, including:

(a) planning and teaching reading lessons focused on phonemic awareness, phonics, fluency, vocabulary and comprehension; and

(b) observing and applying scientifically based reading instruction techniques under the supervision of a teacher trained in the science of reading; and

(3) includes training and teaching teacher candidates to identify when students are not reading at grade level.

D. In collaboration with public post-secondary teacher preparation programs, the public education department shall develop specific teacher preparation standards related to the five components of the science of reading, including the knowledge and skills teachers need to support struggling readers and those with dyslexia as well as the knowledge and skills teachers need to support English language learners.

E. As part of its review process, the public education department shall monitor all teacher preparation programs, and programs that fail to adhere to the science of reading shall be required to submit corrective action plans and may face the loss of state approval.

F. As part of the state approval review process for teacher preparation programs, each program shall provide evidence of its alignment with New Mexico's statutory and regulatory requirements for structured and systematic science of reading instruction.

G. Initial approval and ongoing review shall include:

(1) evaluation of coursework and field experiences to ensure that teacher candidates are prepared to implement evidence-based reading instruction practices aligned with the science of reading;

(2) an assessment of faculty qualifications and professional development related to scientifically based reading instruction methodologies;

(3) documentation of how the program integrates state-adopted literacy standards, including explicit instruction in phonemic awareness, phonics, vocabulary development, fluency and comprehension;

(4) the collection of data demonstrating the effectiveness of graduates in applying science of reading practices during their first three years of teaching, as available through performance-based assessments or other state-approved measures; and

(5) evidence of partnerships with kindergarten through twelfth grade public schools to ensure high-quality student teaching and supervised field experiences that emphasize science of reading instructional practices and the use of high-quality instructional materials during student teaching and other supervised field experiences.

H. The public education department shall provide guidelines for evaluating compliance with science of reading instruction requirements during the review process. These guidelines shall include minimum performance thresholds for coursework, assessments and candidate outcomes.

I. Programs failing to meet the established science of reading instruction standards may be placed on a corrective action plan with specific requirements and time lines for achieving compliance. Noncompliance may result in probationary status or the loss of state approval.

J. As part of an annual accountability report, teacher preparation programs shall include:

(1) a summary of program changes made to enhance science of reading instruction aligned to the standards;

(2) data on teacher candidate performance in science of reading instruction-related coursework and clinical experiences; and

(3) graduate impact data on student literacy outcomes, where available."

## **Chapter 149 Section 2 Laws 2025**

SECTION 2. Section 22-10A-7 NMSA 1978 (being Laws 2003, Chapter 153, Section 38, as amended) 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 a standard level one vocational license to an applicant who meets the requirements of Subsection D of this section or to an applicant who is at least twenty-three years of age and who:

(1) has five or more years of professional experience in the vocational field in which the applicant will teach; and

(2) meets other qualifications for level one licensure, including clearance of a background check pursuant to Section 22-10A-5 NMSA 1978.

F. The department shall issue an alternative level one license to an applicant who meets the requirements of Section 22-10A-8 NMSA 1978.

G. 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.

H. The minimum salary for a level one teacher, except for a teacher licensed pursuant to Subsection E of this section, is fifty-five thousand dollars (\$55,000) 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.

I. After the issuance of a license, a license holder shall not be required to meet changed requirements to maintain the license until such time as the license expires and the license holder seeks renewal of the license."

## **Chapter 149 Section 3 Laws 2025**

SECTION 3. Section 22-10A-10 NMSA 1978 (being Laws 2003, Chapter 153, Section 41, as amended) 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, except for those teachers with a vocational education license, is sixty-five thousand dollars (\$65,000) 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 149 Section 4 Laws 2025**

SECTION 4. Section 22-10A-11 NMSA 1978 (being Laws 2003, Chapter 153, Section 42, as amended) 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 department shall grant a level three-A license to an applicant seeking a level three-A vocational education license who does not meet the requirements of Subsection B of this section, but who otherwise is eligible for a level three-A license; provided that the applicant:

- (1) has been a level two teacher for at least three years;
- (2) provides documentation from an accredited higher education institution of the applicant's eligibility to teach dual-credit courses at the post-secondary level in the field in which the applicant is teaching; or
- (3) completes a department-approved career-technical education training certificate course of study that is a minimum of sixteen hours at an accredited higher education institution.

D. The minimum salary for a level three-A teacher, except teachers licensed pursuant to Subsection C of this section, is seventy-five thousand dollars (\$75,000) 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.

E. 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 D of this section."

## **Chapter 149 Section 5 Laws 2025**

SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

## **LAWS 2025, CHAPTER 150**

**House Bill 195, aa**  
**Approved April 10, 2025**

AN ACT

RELATING TO SCHOOL PERSONNEL; PROVIDING A TIERED SALARY SYSTEM FOR SCHOOL NURSES; PROVIDING MINIMUM SALARIES AT THE SAME RATE AS TEACHERS; CREATING A PROGRAM UNIT FOR NATIONAL BOARD CERTIFICATION OF CERTAIN REGISTERED NURSES.

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

## **Chapter 150 Section 1 Laws 2025**

SECTION 1. Section 22-8-18 NMSA 1978 (being Laws 1974, Chapter 8, Section 8, as amended) is amended to read:

"22-8-18. PROGRAM COST CALCULATION--LOCAL RESPONSIBILITY.--

A. The total program units for the purpose of computing the program cost shall be calculated by multiplying the sum of the program units itemized as Paragraphs (1) and (2) in this subsection by the staffing cost multiplier and adding the program units itemized as Paragraphs (3) through (16) in this subsection. The itemized program units are as follows:

- (1) early childhood education;
- (2) basic education;



(3) special education, adjusted by subtracting the units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers;

(4) bilingual multicultural education;

(5) fine arts education;

(6) elementary physical education;

(7) size adjustment;

(8) at-risk;

(9) enrollment growth or new district adjustment;

(10) special education units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers;

(11) national board for professional teaching standards certification;

(12) home school student;

(13) home school student activities;

(14) charter school student activities;

(15) K-12 plus; and

(16) national board for certification of school nurses certification.

B. The total program cost calculated as prescribed in Subsection A of this section includes the cost of early childhood, special, bilingual multicultural, fine arts and vocational education and other remedial or enrichment programs. It is the responsibility of the local school board or governing body of a charter school to determine its priorities in terms of the needs of the community served by that board. Except as otherwise provided in this section, funds generated under the Public School Finance Act are discretionary to local school boards and governing bodies of charter schools; provided that the special program needs as enumerated in this section are met; and provided further that the department shall ensure that the local school board or governing body of a charter school is prioritizing resources for the public school toward proven programs and methods linked to improved student achievement."

## **Chapter 150 Section 2 Laws 2025**

SECTION 2. A new section of the Public School Finance Act is enacted to read:

"SCHOOL NURSES--CERTIFICATION BY NATIONAL BOARD FOR CERTIFICATION OF SCHOOL NURSES--PROGRAM UNITS.--The number of program units for licensed level two or level three school nurses who are registered nurses and who are certified by the national board for certification of school nurses is determined by multiplying by one and one-half the number of licensed school employees certified by the national board for certification of school nurses employed by the school district or charter school on or before the first reporting date of the school year and verified by the department. Department approval of these units shall be contingent on verification by the school district or charter school that these licensed school nurses hold certification by the national board for certification of school nurses and are receiving a one-time salary differential equal to or greater than the amount generated by the units multiplied by the program unit value during the fiscal year in which the school district or charter school will receive these units."

## **Chapter 150 Section 3 Laws 2025**

SECTION 3. A new section of the School Personnel Act is enacted to read:

"SCHOOL NURSES--LEVEL ONE LICENSURE.--

A. A level one license is a provisional three-year license for beginning registered nurses who do not have at least three years of nursing experience satisfactory to the department prior to being licensed as a school nurse and 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 level three school nurse; provided that the department shall promulgate rules for mentorship and evaluation when a school district does not have a level three nurse. A registered nurse with at least three years of nursing experience satisfactory to the department is not required to serve as a level one school nurse.

B. Each school district, in accordance with department rules, shall provide for the mentorship and evaluation of level one school nurses. At the end of each year and at the end of the license period, the level one school nurse shall be evaluated for competency. If the school nurse fails to demonstrate satisfactory progress and competence annually, the school nurse may be terminated as provided in Section 22-10A-24 NMSA 1978. If the school nurse has not demonstrated satisfactory progress and competence by the end of the three-year period, the school nurse 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 an associate or baccalaureate degree in nursing from an accredited educational institution;

(2) is licensed by the board of nursing as a registered nurse; and

(3) meets other qualifications for level one licensure, including clearance of the required background check.

E. The department shall establish competencies and qualifications for level one licensure.

F. The minimum salary for a level one school nurse is the same as that for a level one teacher for a standard nine and one-half month contract.

G. After the issuance of a license, a license holder shall not be required to meet changed requirements to maintain the license until such time as the license expires and the license holder seeks renewal of the license."

## **Chapter 150 Section 4 Laws 2025**

SECTION 4. A new section of the School Personnel Act is enacted to read:

"SCHOOL NURSES--LEVEL TWO LICENSURE.--

A. A level two license is a nine-year license granted to a school nurse who is a registered nurse who holds a level one license or has at least three years of registered nursing experience satisfactory to the department and who meets the qualifications for level two licensure and who annually demonstrates essential competency to nurse. If a level two school nurse does not demonstrate essential competency in a given school year, the school district shall provide the school nurse with additional professional development and mentorship during the following school year. If by the end of that school year the school nurse fails to demonstrate essential competency, a school district may choose not to contract with the school nurse.

B. The department shall issue a level two license to an applicant who has served successfully as a school nurse at level one or who has at least three years of registered nursing experience 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 a highly objective uniform statewide standard of evaluation for school nurses; and

(2) meet other qualifications as required by the department.

C. The minimum salary for a level two school nurse is the same as that for a level two teacher for a standard nine and one-half month contract."

## **Chapter 150 Section 5 Laws 2025**

SECTION 5. A new section of the School Personnel Act is enacted to read:

"SCHOOL NURSES--LEVEL THREE LICENSURE.--

A. A level three license is a nine-year license granted to a school nurse who meets the qualifications for that level and who annually demonstrates nursing leadership competencies. If a level three school nurse does not demonstrate essential nursing leadership competency in a given school year, the school district shall provide the school nurse with additional professional development and mentorship during the following school year. If by the end of that school year the school nurse fails to demonstrate essential nursing leadership competency, a school district may choose not to contract with the school nurse.

B. The department shall grant a level three license to an applicant who:

- (1) has been a level two school nurse for at least three years;
- (2) holds a post-baccalaureate degree or is certified by the national board for certification of school nurses;
- (3) demonstrates nursing leadership competence as required by the department and verified by the local superintendent through a highly objective uniform statewide standard of evaluation; and
- (4) meets other qualifications for the license.

C. The minimum salary for a level three school nurse is the same as that for a level three-A teacher for a standard nine and one-half month contract."

## **LAWS 2025, CHAPTER 151**

**HGEIC/House Bill 291, aa**  
**Approved April 10, 2025**

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING THE RECYCLING AND ILLEGAL DUMPING ACT TO PROMOTE THE STATE'S CIRCULAR ECONOMY; REQUIRING THE ENVIRONMENTAL IMPROVEMENT BOARD TO ADOPT REQUIREMENTS AND PROCEDURES FOR A PERSON TO SUBMIT RULES TO THE BOARD FOR

ADOPTION; REQUIRING THE BOARD TO DETERMINE WHETHER TO HOLD A HEARING WITHIN SIXTY DAYS.

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

## **Chapter 151 Section 1 Laws 2025**

SECTION 1. Section 74-13-1 NMSA 1978 (being Laws 2005, Chapter 171, Section 1) is amended to read:

"74-13-1. SHORT TITLE.--Chapter 74, Article 13 NMSA 1978 may be cited as the "Recycling, Circular Economy and Illegal Dumping Act"."

## **Chapter 151 Section 2 Laws 2025**

SECTION 2. Section 74-13-2 NMSA 1978 (being Laws 2005, Chapter 171, Section 2) is amended to read:

"74-13-2. LEGISLATIVE PURPOSES.--The purposes of the Recycling, Circular Economy and Illegal Dumping Act are to:

- A. protect the health and welfare of current and future residents of New Mexico by providing for the prevention and abatement of illegal dumpsites;
- B. promote environmentally sound methods for reuse and recycling and to foster a circular economy;
- C. create a statewide recycling and circular economy alliance involving the cooperation of cities, counties, state agencies, tribal governments, land grant communities and private business to encourage economic development, community development and collaboration that foster sustainable use of resources and increased recycling and that promote a circular economy and a cleaner and healthier environment; and
- D. enhance and coordinate existing highway litter control and removal and recycling efforts that include the recycling of tires, glass, plastic, metal, paper products, electronic waste and construction and demolition materials."

## **Chapter 151 Section 3 Laws 2025**

SECTION 3. Section 74-13-3 NMSA 1978 (being Laws 2005, Chapter 171, Section 3) is amended to read:

"74-13-3. DEFINITIONS.--As used in the Recycling, Circular Economy and Illegal Dumping Act:

- A. "abatement" means to reduce in amount, degree or intensity or to eliminate;
- B. "agricultural use" means the beneficial use of scrap tires in conjunction with the operations of a farm or ranch that includes construction projects and aids in the storage of feed;
- C. "alliance" means the recycling, circular economy and illegal dumping alliance;
- D. "board" means the environmental improvement board;
- E. "circular economy" means an economy that uses a systems-focused approach and involves industrial processes and economic activities that:
- (1) are restorative or regenerative by design;
  - (2) enable resources used in such processes and activities to maintain their highest values for as long as possible; and
  - (3) aim for the elimination of waste through the superior design of materials, products and systems, including business models;
- F. "civil engineering application" means the use of scrap tires or other recycled material in conjunction with other aggregate materials in engineering applications;
- G. "composting" means the process by which biological decomposition of organic material is carried out under controlled conditions and the process stabilizes the organic fraction into a material that can be easily and safely stored, handled and used in an environmentally acceptable manner;
- H. "cooperative association" means a refuse disposal district created pursuant to the Refuse Disposal Act, a sanitation district created pursuant to the Water and Sanitation District Act, a special district created pursuant to the Special District Procedures Act or other associations created pursuant to the Joint Powers Agreements Act or the Solid Waste Authority Act;
- I. "department" means the department of environment;
- J. "dispose" means to deposit scrap tires or solid waste into or on any land or water;
- K. "household" means any single and multiple residence, hotel or motel, bunkhouse, ranger station, crew quarters, campground, picnic ground or day-use recreation area;

L. "illegal dumping" means disposal of trash, scrap tires or any solid waste in a manner that violates the Solid Waste Act or the Recycling, Circular Economy and Illegal Dumping Act;

M. "illegal dumpsite" means a place where illegal dumping has occurred, except as stated in Subsection A of Section 74-13-4 NMSA 1978;

N. "market development" means activities to expand or create markets for recyclable and reusable materials that foster a circular economy;

O. "motor vehicle" means a vehicle or device that is propelled by an internal combustion engine or electric motor power that is used or may be used on the public highways for the purpose of transporting persons or property and includes any connected trailer or semitrailer;

P. "processing" means techniques to change physical, chemical or biological character or composition of solid waste but does not include composting, transformation or open burning;

Q. "recycling" means any process by which recyclable materials are collected, separated or processed and reused or returned to use in the form of raw materials or products;

R. "reuse" means the return of a commodity into the economic stream without a change to its original form;

S. "scrap tire" means a tire that is no longer suitable for its originally intended purpose because of wear, damage or defect;

T. "scrap tire baling" means the process by which scrap tires are mechanically compressed and bound into block form;

U. "scrap tire generator" means a person who generates scrap tires, including retail tire dealers, retreaders, scrap tire processors, automobile dealers, automobile salvage yards, private company vehicle maintenance shops, garages, service stations and city, county and state government but does not include persons who generate scrap tires in a household or in agricultural operations;

V. "scrap tire hauler" means a person who transports scrap tires for hire for the purpose of recycling, disposal, transformation or use in a civil engineering application;

W. "secretary" means the secretary of environment;

X. "tire" means a continuous solid or pneumatic rubber covering that encircles the wheel of a motor vehicle;

Y. "tire-derived fuel" means whole or chipped tires that produce a low sulfur, high-heating-value fuel;

Z. "tire-derived product" means a usable product produced from the processing of a scrap tire but does not include baled tires;

AA. "tire recycling" means a process in which scrap tires are collected, stored, separated or reprocessed for reuse as a different product or shredded into a form suitable for use in rubberized asphalt or as raw material for the manufacture of other products; and

BB. "tire recycling facility" means a place operated or maintained for tire recycling but does not include:

(1) retail business premises where tires are sold, if no more than five hundred loose scrap tires or two thousand scrap tires, if left in a closed conveyance or enclosure, are kept on the premises at one time;

(2) the premises of a tire retreading business, if no more than three thousand scrap tires are kept on the premises at one time;

(3) premises where tires are removed from motor vehicles in the ordinary course of business, if no more than five hundred scrap tires are kept on the premises at one time;

(4) a solid waste facility having a valid permit or registration issued pursuant to the provisions of the Solid Waste Act or regulations adopted pursuant to that act or registration issued pursuant to the Environmental Improvement Act; or

(5) a site where tires are stored or used for agricultural uses."

## **Chapter 151 Section 4 Laws 2025**

SECTION 4. Section 74-13-6 NMSA 1978 (being Laws 2005, Chapter 171, Section 6) is amended to read:

"74-13-6. ADMINISTRATION OF ACT--RECYCLING AND WASTE REDUCTION COORDINATOR--CIRCULAR ECONOMY COORDINATOR.--

A. The department is responsible for the administration and enforcement of the provisions of the Recycling, Circular Economy and Illegal Dumping Act and of all rules adopted by the board pursuant to the provisions of that act. The department is delegated all authority necessary and appropriate to carry out its responsibilities.



B. The positions of "recycling and waste reduction coordinator" and "circular economy coordinator" are created in the department and shall be funded from the recycling and illegal dumping fund."

## **Chapter 151 Section 5 Laws 2025**

SECTION 5. Section 74-13-7 NMSA 1978 (being Laws 2005, Chapter 171, Section 7) is amended to read:

"74-13-7. RECYCLING, CIRCULAR ECONOMY AND ILLEGAL DUMPING ALLIANCE.--

A. The "recycling, circular economy and illegal dumping alliance" is created and is composed of one member from each of the following:

- (1) state government;
- (2) local government;
- (3) a solid waste authority;
- (4) an industry waste generator;
- (5) a tribal government;
- (6) a nonprofit organization;
- (7) a recycling company;
- (8) a retailer;
- (9) an agricultural producer;
- (10) a soil and water conservation district;
- (11) a waste management company; and
- (12) the public at large.

B. The secretary shall appoint members of the alliance to serve two-year terms as volunteers with no compensation from the state.

C. The alliance shall:

(1) develop strategies to increase recycling, foster the circular economy and decrease illegal dumping in New Mexico;

(2) create a state circular economy plan, as a component of the New Mexico solid waste management plan, to establish programs and goals and update the plans every three years to measure progress and modify strategies; and

(3) review and make recommendations for funding grant applications from the recycling and illegal dumping fund."

## **Chapter 151 Section 6 Laws 2025**

SECTION 6. Section 74-13-8 NMSA 1978 (being Laws 2005, Chapter 171, Section 8) is amended to read:

"74-13-8. RULES--AUTHORITY AND CONTENT.--The board shall adopt rules to implement the provisions of the Recycling, Circular Economy and Illegal Dumping Act. The rules shall be adopted pursuant to the provisions of the Environmental Improvement Act and shall include:

A. requirements and procedures for the issuance of permits and registrations to tire recycling facilities, civil engineering applications, scrap tire generators and scrap tire haulers;

B. standards and requirements for tire recycling and scrap tire storage and processing;

C. record-keeping requirements for tire recycling facilities, scrap tire haulers and scrap tire generators;

D. financial assurance criteria for tire recycling facilities;

E. fire rules for storage of scrap tires and tire-derived products that are consistent with the rules or recommendations adopted by the state fire marshal;

F. criteria and procedures for making disbursements pursuant to grant and loan programs authorized from the recycling and illegal dumping fund;

G. requirements and procedures for contracting with counties, municipalities, Indian nations, pueblos and tribes, land grant communities and cooperative associations for the abatement of illegal dumpsites and recycling;

H. requirements and procedures for a scrap tire manifest system;

I. a fee schedule applicable to scrap tire haulers and tire recycling facilities not exceeding the estimated cost of investigating and issuing permits and registrations and conducting regulatory oversight of permitted and registered activities;

J. a fee schedule applicable to scrap tire generators not exceeding the estimated cost of conducting regulatory oversight of scrap tire generators; and

K. requirements and procedures for a person to submit proposed rules to the board for adoption. The board shall determine whether to hold a hearing within sixty days of submission of a proposed rule."

## **Chapter 151 Section 7 Laws 2025**

SECTION 7. Section 74-13-10 NMSA 1978 (being Laws 2005, Chapter 171, Section 10) is amended to read:

"74-13-10. SOLID WASTE PERMIT EXEMPTION.--A person operating a tire recycling facility under a permit issued pursuant to the Recycling, Circular Economy and Illegal Dumping Act shall not be required to obtain a permit for that facility pursuant to the Solid Waste Act."

## **Chapter 151 Section 8 Laws 2025**

SECTION 8. Section 74-13-11 NMSA 1978 (being Laws 2005, Chapter 171, Section 11) is amended to read:

"74-13-11. ABATEMENT OF ILLEGAL DUMPSITE.--

A. The department may bring an abatement action pursuant to the provisions of Section 30-8-8 NMSA 1978 to eliminate an illegal dumpsite.

B. The secretary may act administratively to eliminate illegal dumpsites pursuant to the provisions of the Recycling, Circular Economy and Illegal Dumping Act.

C. Nothing in this section shall prohibit a municipality, county, Indian nation, pueblo or tribe, land grant community or cooperative association from contracting for services to complete an abatement action."

## **Chapter 151 Section 9 Laws 2025**

SECTION 9. Section 74-13-13 NMSA 1978 (being Laws 2005, Chapter 171, Section 13) is amended to read:

"74-13-13. ENFORCEMENT--COMPLIANCE ORDERS.--

A. Whenever the secretary determines that a person has violated or is violating any requirement or prohibition of the Recycling, Circular Economy and Illegal Dumping Act, a rule adopted pursuant to that act or a condition of a permit issued pursuant to that act, the secretary may:

(1) issue a compliance order stating with reasonable specificity the nature of the violation and requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violation or both; and

(2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction.

B. A compliance order issued pursuant to this section may include a suspension or revocation of a permit or portion of the permit issued by the secretary. A penalty assessed in the compliance order shall not exceed five thousand dollars (\$5,000) per day of noncompliance for each violation.

C. A compliance order issued pursuant to this section shall state with reasonable specificity the nature of the required corrective action or other response measure and shall specify a time for compliance.

D. A compliance order issued pursuant to this section shall become final unless, no later than thirty days after the order is served, the person named in the order submits a written request to the secretary for a public hearing. Upon a request, the secretary promptly shall conduct a public hearing. The secretary shall appoint an independent hearing officer to preside over the public hearing. The hearing officer shall make and preserve a complete record of the proceedings and forward a recommendation to the secretary, who shall make the final decision.

E. The secretary may seek enforcement of the order by filing an action for enforcement in the district court.

F. Upon request of a party, the secretary may issue subpoenas for the attendance and testimony of witnesses at the hearing and for the production of relevant documents. The secretary shall adopt procedural rules for the conduct of the hearing, including provisions for discovery.

G. In determining the amount of a penalty authorized to be assessed pursuant to this section, the secretary shall take into account the seriousness of the violation, good-faith efforts of the violator to comply with applicable requirements of the Recycling, Circular Economy and Illegal Dumping Act or rules issued pursuant to its provisions and other relevant factors."

## **Chapter 151 Section 10 Laws 2025**

SECTION 10. Section 74-13-14 NMSA 1978 (being Laws 2005, Chapter 171, Section 14) is amended to read:

"74-13-14. ENFORCEMENT--FIELD CITATIONS.--

A. The board shall implement a field citation program by adopting rules establishing appropriate minor violations for which field citations assessing civil penalties not to exceed one thousand dollars (\$1,000) per day of violation may be issued by local government authorities or employees of the department as designated by the secretary.

B. A field citation issued pursuant to this section shall be final unless the person named in the citation files a written request for a public hearing with the secretary no later than fifteen days after the date on which the field citation is served on the person, in which case the enforcement of the field citation shall be suspended pending the issuance of a final order of the secretary after a public hearing. The procedures for scheduling and conducting a hearing on and for final disposition of a field citation shall be the same as those provided for a compliance order pursuant to the Recycling, Circular Economy and Illegal Dumping Act.

C. Payment of a civil penalty required by a field citation issued pursuant to this section shall not be a defense to further enforcement by the department to correct a continuing violation or to assess the maximum statutory penalty pursuant to the provisions of the Recycling, Circular Economy and Illegal Dumping Act if the violation continues.

D. In determining the amount of a penalty to be assessed pursuant to this section, the secretary or the person issuing a field citation shall take into account the seriousness of the violation, good-faith efforts of the violator to comply with the applicable requirements of the Recycling, Circular Economy and Illegal Dumping Act or rules issued pursuant to its provisions and other relevant factors.

E. In connection with a proceeding pursuant to this section, the secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents and may adopt rules for discovery."

## **Chapter 151 Section 11 Laws 2025**

SECTION 11. Section 74-13-15 NMSA 1978 (being Laws 2005, Chapter 171, Section 15) is amended to read:

"74-13-15. JUDICIAL REVIEW OF ADMINISTRATIVE ACTIONS.--A person adversely affected by an administrative action taken by the secretary pursuant to the provisions of the Recycling, Circular Economy and Illegal Dumping Act may appeal the action pursuant to Section 39-3-1.1 NMSA 1978."

## **Chapter 151 Section 12 Laws 2025**

SECTION 12. Section 74-13-16 NMSA 1978 (being Laws 2005, Chapter 171, Section 16) is amended to read:

**"74-13-16. PENALTY--CRIMINAL.--**

A. A person who knowingly violates Section 74-13-4 NMSA 1978:

(1) is guilty of a misdemeanor if the violation involves a quantity of scrap tires or tire-derived products that is less than five thousand pounds and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978; or

(2) is guilty of a fourth degree felony if the violation involves a quantity of scrap tires or tire-derived products that is five thousand pounds or greater and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

B. A person who knowingly omits any substantive information or knowingly makes a false substantive statement or representation required pursuant to the Recycling, Circular Economy and Illegal Dumping Act or rule adopted pursuant to the provisions of that act is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978."

## **Chapter 151 Section 13 Laws 2025**

SECTION 13. Section 74-13-17 NMSA 1978 (being Laws 2005, Chapter 171, Section 17) is amended to read:

**"74-13-17. GRANTS--ELIGIBILITY--APPLICATIONS.--**

A. A municipality, county, Indian nation, pueblo or tribe, land grant community, cooperative association or solid waste authority that meets eligibility requirements established by the board may apply for a grant for providing funds to public landfills to offset the cost of collecting or recycling of tires, purchase equipment, perform marketing, purchase products produced by a recycling facility, provide educational outreach, develop recycling infrastructure, abate illegal dumpsites or contract with vendors to promote recycling and to abate illegal dumpsites consistent with provisions of the Recycling, Circular Economy and Illegal Dumping Act. The first priority for funding shall be abatement of illegal scrap tire dumpsites and the recycling of scrap tires.

B. Nothing in this section prohibits a municipality, county, Indian nation, pueblo or tribe, land grant community or cooperative association from contracting for services to complete an abatement action."

## **Chapter 151 Section 14 Laws 2025**

SECTION 14. Section 74-13-19 NMSA 1978 (being Laws 2005, Chapter 171, Section 19) is amended to read:

"74-13-19. RECYCLING AND ILLEGAL DUMPING FUND CREATED.--The "recycling and illegal dumping fund" is created in the state treasury. Fees and penalties collected pursuant to the Recycling, Circular Economy and Illegal Dumping Act shall be deposited into the fund. Money in the fund is appropriated to the department for carrying out the provisions of the Recycling, Circular Economy and Illegal Dumping Act. Any unexpended or unencumbered balance or income earned from the money in the recycling and illegal dumping fund remaining at the end of a fiscal year shall not revert to the general fund. Disbursements from the fund shall be by warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary's designee."

## **LAWS 2025, CHAPTER 152**

**House Bill 352, aa**  
**Approved April 10, 2025**

AN ACT

RELATING TO COURTS; CLOSING MAGISTRATE CIRCUIT COURTS IN THE MCKINLEY, SANTA FE, TORRANCE, DONA ANA AND LEA DISTRICTS; RELOCATING A CIRCUIT COURT IN THE RIO ARRIBA DISTRICT.

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

### **Chapter 152 Section 1 Laws 2025**

SECTION 1. Section 35-1-10 NMSA 1978 (being Laws 1968, Chapter 62, Section 12, as amended) is amended to read:

"35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT.--There shall be seven magistrates in Dona Ana magistrate district. Divisions 1, 2, 3, 4, 5, 6 and 7 shall operate as a single court in Las Cruces and shall rotate riding circuit to Anthony on a regularly scheduled basis."

### **Chapter 152 Section 2 Laws 2025**

SECTION 2. Section 35-1-16 NMSA 1978 (being Laws 1968, Chapter 62, Section 18, as amended) is amended to read:

"35-1-16. MAGISTRATE COURT--LEA DISTRICT.--

A. There shall be four magistrates in the Lea magistrate district, divisions 1 and 2 operating as a single court in Hobbs, division 3 in Eunice and division 4 in Lovington. The division 3 magistrate shall ride circuit to Hobbs as needed.

B. Magistrate judges shall not be elected at large from the district but shall be elected by the voters of the division for which the magistrate sits. Magistrate judges shall reside in their divisions but shall have district-wide jurisdiction. For the 2010 and subsequent elections, the composition of the divisions for elections and residence purposes is as follows:

(1) division 1 is composed of Lea county precincts 23 through 30, 32 and 41 through 43;

(2) division 2 is composed of Lea county precincts 33 through 35, 44, 51 through 55 and 61;

(3) division 3 is composed of Lea county precincts 20, 22, 31, 36, 62 and 71 through 74; and

(4) division 4 is composed of Lea county precincts 2, 3, 10 through 18 and 21."

## **Chapter 152 Section 3 Laws 2025**

SECTION 3. Section 35-1-20 NMSA 1978 (being Laws 1968, Chapter 62, Section 22, as amended) is amended to read:

"35-1-20. MAGISTRATE COURT--MCKINLEY DISTRICT.--There shall be three magistrates in McKinley magistrate district, divisions 1, 2 and 3 operating as a single court in Gallup."

## **Chapter 152 Section 4 Laws 2025**

SECTION 4. Section 35-1-24 NMSA 1978 (being Laws 1968, Chapter 62, Section 26, as amended) is amended to read:

"35-1-24. MAGISTRATE COURT--RIO ARRIBA DISTRICT.--

A. Prior to January 1, 2027, there shall be two magistrates in Rio Arriba magistrate district, divisions 1 and 2 operating as a single court in Espanola. The magistrates shall rotate riding circuit to Chama as needed.

B. Beginning January 1, 2027, there shall be two magistrates in Rio Arriba magistrate district, divisions 1 and 2 operating as a single court in Espanola. The magistrates shall ride circuit to Tierra Amarilla as needed."

## **Chapter 152 Section 5 Laws 2025**

SECTION 5. Section 35-1-29 NMSA 1978 (being Laws 1968, Chapter 62, Section 31, as amended) is amended to read:



"35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT.--There shall be four magistrates in the Santa Fe magistrate district, divisions 1, 2, 3 and 4 operating as a single court in Santa Fe."

## **Chapter 152 Section 6 Laws 2025**

SECTION 6. Section 35-1-33 NMSA 1978 (being Laws 1968, Chapter 62, Section 35, as amended) is amended to read:

"35-1-33. MAGISTRATE COURT--TORRANCE DISTRICT.--There shall be one magistrate in Torrance magistrate district whose principal court is in Moriarty."

# **LAWS 2025, CHAPTER 153**

## **House Bill 487**

**Approved April 10, 2025**

### **AN ACT**

RELATING TO HISPANIC EDUCATION; INCLUDING THE PROTECTION AND PRESERVATION OF NEW MEXICO'S HERITAGE SPANISH LANGUAGE AND CULTURE AND OTHER ELEMENTS IN THE PURPOSE FOR THE HISPANIC EDUCATION ACT; REQUIRING THE HISPANIC EDUCATION ADVISORY COUNCIL TO MEET AT BIENNIAL HISPANIC EDUCATION SUMMITS; ALLOWING PER DIEM AND MILEAGE FOR COUNCIL MEMBERS.

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

## **Chapter 153 Section 1 Laws 2025**

SECTION 1. Section 22-23B-2 NMSA 1978 (being Laws 2010, Chapter 108, Section 2 and Laws 2010, Chapter 114, Section 2) is amended to read:

"22-23B-2. PURPOSE.--The purpose of the Hispanic Education Act is to:

- A. provide for the study, development and implementation of educational systems that affect the academic success of Hispanic students to increase graduation rates and ensure lifelong success;
- B. protect and preserve New Mexico's heritage Spanish language and culture;
- C. encourage and foster parental involvement in the education of their children; and

D. provide mechanisms for parents; community, community-based and business organizations; public schools; school districts; charter schools; public post-secondary educational institutions; the higher education department; the public education department; and state and local policymakers to work together to improve educational opportunities for Hispanic students for the purpose of increasing graduation rates, increasing post-secondary enrollment, retention and completion and ensuring lifelong success."

## **Chapter 153 Section 2 Laws 2025**

SECTION 2. Section 22-23B-5 NMSA 1978 (being Laws 2010, Chapter 108, Section 5 and Laws 2010, Chapter 114, Section 5) is amended to read:

"22-23B-5. HISPANIC EDUCATION ADVISORY COUNCIL.--

A. The "Hispanic education advisory council" is created as an advisory council to the secretary. The council shall advise the secretary on matters related to improving public school education for Hispanic students, increasing parent involvement and community engagement in the education of Hispanic students and increasing the number of Hispanic high school graduates who succeed in post-secondary academic, professional or vocational education.

B. The secretary shall appoint no more than twenty-three members to the council who are knowledgeable about and interested in the education of Hispanic students, including representatives of public schools; post-secondary education and teacher preparation programs; parents; Hispanic cultural, community and business organizations; other community and business organizations; and other interested persons. The secretary shall give due regard to geographic representation. Members shall serve at the pleasure of the secretary.

C. The council shall elect a chairperson and such other officers as it deems necessary.

D. The council shall meet as necessary, but at least twice each year at the biannual Hispanic education summit.

E. The council shall advise the secretary on matters related to Hispanic education in New Mexico.

F. Members of the council may receive per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance."

# **LAWS 2025, CHAPTER 154**

**HAFC/House Bill 493, aa**  
**Approved April 10, 2025**

AN ACT

RELATING TO PUBLIC FINANCE; ENACTING THE PUBLIC FINANCE ACCOUNTABILITY ACT; ESTABLISHING FUNDING CRITERIA AND GRANT MANAGEMENT AND OVERSIGHT REQUIREMENTS; ENUMERATING DUTIES OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION.

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

## **Chapter 154 Section 1 Laws 2025**

SECTION 1. SHORT TITLE.--This act may be cited as the "Public Finance Accountability Act".

## **Chapter 154 Section 2 Laws 2025**

SECTION 2. DEFINITIONS.--As used in the Public Finance Accountability Act:

- A. "annual audit" means the annual audit or examination of the financial affairs of a grantee by an independent auditor required by the Audit Act;
- B. "department" means the department of finance and administration;
- C. "grant" means a non-exchange transaction whereby a state agency makes a capital outlay appropriation or other special purpose appropriation available to a grantee;
- D. "grant agreement" means a written agreement pursuant to which a state agency grants a capital outlay appropriation or other special purpose appropriation to a grantee;
- E. "grantee" means an entity to which a state agency grants a capital outlay appropriation or other special purpose appropriation;
- F. "independent auditor" means a certified public accountant or chartered accountant who has been approved by the state auditor to examine financial records and transactions of a grantee to impartially and objectively determine compliance with generally accepted accounting principles and state laws and rules; and
- G. "state agency" means any department, institution, board, bureau, commission, district or committee of state government.

## Chapter 154 Section 3 Laws 2025

### SECTION 3. FUNDING CRITERIA.--

A. The department shall establish the following funding criteria for a grantee to be eligible for a capital outlay appropriation or other special purpose appropriation to political subdivisions of the state:

(1) a grantee shall have completed an annual audit for one of the past two fiscal years, and the most recently completed annual audit shall be a public record pursuant to the Audit Act;

(2) if a grantee's most recently completed annual audit documents material weaknesses or significant deficiencies:

(a) the grantee shall prepare an actionable plan to address the material weaknesses and significant deficiencies;

(b) the state agency making the grant shall provide support to the grantee to prepare and implement the grantee's plan to adequately address the material weaknesses and significant deficiencies; or

(c) if the grantee's prior year audit findings have repeated material weaknesses and significant deficiencies for more than two consecutive fiscal years from the fiscal year the grant is being considered, the state agency making the grant shall have determined that another appropriate entity is able and willing to act as fiscal agent for the grant;

(3) if the grantee's most recently completed annual audit of public record is not from either of the two immediate past fiscal years, the state agency making the grant shall have determined that another appropriate entity is able and willing to act as fiscal agent for the grant;

(4) in the case of a grantee that is not required to have annual audits conducted pursuant to the Audit Act:

(a) the grantee shall have demonstrated to the satisfaction of the state agency making the grant that it has adequate accounting methods and procedures to manage and expend grant funds in accordance with applicable law and account for and safeguard grant funds and assets acquired by grant funds;

(b) if necessary, the state agency shall have determined that it can impose and has the resources to implement special grant conditions that will adequately address any relevant deficiencies in the grantee's accounting methods and procedures; or

(c) if necessary, the state agency may have determined that another appropriate entity is able and willing to act as fiscal agent for the grant; and

(5) the grantee shall be in compliance with any financial reporting requirements, including those enumerated in the Audit Act, and shall have a budget for the current fiscal year approved by any applicable governing body or oversight agency.

B. If a grantee is not in agreement with the department's or state agency's decision to require a fiscal agent for a grant, the grantee may file a written appeal with the department or state agency within one week of the department's or state agency's decision to require a fiscal agent; provided that once a written appeal is filed with the department or state agency, the chief financial officer of the department or state agency shall review and discuss the appeal with the grantee and then prepare a written set of findings upholding or overturning the original department or state agency decision to require the grantee to have a fiscal agent.

C. The department shall require the funding criteria set forth in Subsection A of this section to be met prior to allowing a state agency to:

(1) certify to the state board of finance for the issuance of severance tax or general obligation bonds for a project; or

(2) make a grant to a grantee.

## **Chapter 154 Section 4 Laws 2025**

SECTION 4. GRANT MANAGEMENT AND OVERSIGHT REQUIREMENTS.--  
The department shall establish grant management and oversight requirements that, at a minimum, require state agencies to:

A. ensure that sales, leases and licenses of capital assets acquired with capital outlay appropriations and special purpose appropriations granted to a grantee are approved in accordance with applicable law;

B. in the event no oversight agency is required to approve of a sale, lease or license of capital assets acquired with capital outlay appropriations and special purpose appropriations granted to a grantee, independently confirm that the disposition of capital assets complies with applicable law and that the grantee is receiving adequate consideration in exchange for the capital assets;

C. utilize the appropriate capital outlay grant agreement template developed by the department; and

D. conduct field audits of capital outlay projects, on a statistical or stratified basis, in accordance with procedures and policies prescribed by the department.

## **Chapter 154 Section 5 Laws 2025**

### **SECTION 5. DUTIES OF THE DEPARTMENT.--The department shall:**

- A. prescribe procedures, policies and processing and appeal documents to implement the funding criteria and grant management requirements set forth in Sections 3 and 4 of the Public Finance Accountability Act;
- B. prescribe one or more capital outlay grant agreement templates for use by state agencies;
- C. develop criteria for granting requests for deviations from its grant agreement templates and grant management and oversight requirements; and
- D. monitor and enforce state agencies' compliance with the funding criteria and grant management and oversight requirements of Sections 3 and 4 of the Public Finance Accountability Act.

## **Chapter 154 Section 6 Laws 2025**

### **SECTION 6. FORCE MAJEURE PROVISION.--**

- A. Upon a showing by a prospective grantee that strict compliance with the Public Finance Accountability Act was impractical or impossible due to a flood, hurricane, tornado, earthquake, other declared natural disaster, armed conflict, terrorist attack, riot, pandemic, epidemic or other force majeure circumstance, the secretary of finance and administration, in consultation with the state auditor, may temporarily waive strict compliance with the requirements of that act.
- B. Such a waiver shall only be granted upon a determination that adequate alternatives exist to protect against waste, fraud or abuse of public funds.
- C. The determination that a waiver is warranted shall be documented in writing, specifying the reasons for the waiver and the alternative measures that will be implemented to ensure the protection of public funds.
- D. The waiver shall be limited in duration and scope to address the specific circumstances necessitating the waiver and shall be subject to periodic review to assess the continued need for such waiver.
- E. The secretary of finance and administration shall ensure that any waiver granted pursuant to this section is communicated to all relevant state agencies and grantees, along with guidance on the alternative measures to be followed during the waiver period.

F. The provisions of this section shall not be construed to permit any action that would otherwise violate state law or compromise the integrity of public finance management.

## **Chapter 154 Section 7 Laws 2025**

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

# **LAWS 2025, CHAPTER 155**

**SFC/Senate Bill 11, aa**  
**Approved April 10, 2025**

## **AN ACT**

RELATING TO PUBLIC EDUCATION; REQUIRING THAT EACH SCHOOL DISTRICT AND CHARTER SCHOOL ADOPT AND IMPLEMENT A POLICY FOR THE USE OF WIRELESS COMMUNICATION DEVICES BY STUDENTS IN PUBLIC SCHOOLS; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO PROVIDE POLICY GUIDELINES.

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

## **Chapter 155 Section 1 Laws 2025**

SECTION 1. A new section of the Public School Code is enacted to read:

"WIRELESS COMMUNICATION DEVICE--DEFINITION--POLICY--USE OF DEVICE BY STUDENTS.--

A. As used in this section, "wireless communication device" means a portable electronic device capable of transmitting voice, text or data, including a:

- (1) cellular phone, smartphone or smartwatch;
- (2) tablet computer;
- (3) laptop computer; or
- (4) gaming device.

B. No later than August 1, 2025, each school district and charter school shall adopt and implement a wireless communication device policy. The department shall issue guidelines outlining the minimum requirements for a wireless communication device policy, including that a policy may:

- (1) prohibit a student from using a wireless communication device during instructional hours;
- (2) authorize a teacher to permit a student to use a wireless communication device for educational purposes during instructional hours;
- (3) permit a student to use a wireless communication device in the event of an emergency or to manage the student's health care;
- (4) permit a student to use a wireless communication device for accessibility purposes, including text-to-speech, speech-to-text or other assistive technologies that aid in communication, navigation or learning;
- (5) provide protections for student privacy and confidentiality related to the permissible use of a wireless communication device at school;
- (6) provide for the permissible use of a wireless communication device during non-instructional hours; and
- (7) provide for consequences for violation of the wireless communication device policy.

C. A wireless communication device policy adopted and implemented pursuant to this section shall not prohibit a student from using during instructional hours:

- (1) text-to-speech, speech-to-text or other assistive technologies that aid in communication, navigation or learning; or
- (2) a wireless communication device if the use of the device is a medical necessity, an accommodation for a student with a disability or included in a student's individualized education program.

D. Upon adoption of a wireless communication device policy, each school district or charter school shall publish the policy on the school district's or charter school's website."

## **LAWS 2025, CHAPTER 156**

**SJC/SRC/Senate Bill 42, aa, w/cc**  
**Approved April 10, 2025**

AN ACT

RELATING TO CHILD WELFARE; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978 TO ENACT A NEW MEXICO CHILD SAFETY AND WELFARE ACT; REQUIRING THE USE OF STATE-ISSUED ELECTRONIC DEVICES WHEN



PERFORMING DEPARTMENTAL DUTIES; REQUIRING THE BACKUP AND RETENTION OF ELECTRONIC RECORDS; ENHANCING THE STATE PROGRAM ADMINISTERED PURSUANT TO THE FEDERAL COMPREHENSIVE ADDICTION AND RECOVERY ACT OF 2016; MOVING THAT PROGRAM FROM THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO THE HEALTH CARE AUTHORITY; AMENDING REQUIREMENTS FOR PLANS OF SAFE CARE; REQUIRING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO IMPLEMENT THE MULTILEVEL RESPONSE SYSTEM STATEWIDE; ENACTING THE FAMILIES FIRST ACT WITHIN THE CHILDREN'S CODE; REQUIRING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO DEVELOP AND IMPLEMENT A STRATEGIC PLAN FOR APPROVAL BY THE FEDERAL ADMINISTRATION FOR CHILDREN AND FAMILIES; REQUIRING PROVISIONS OF THE STRATEGIC PLAN TO IDENTIFY AND PROVIDE FOSTER CARE PREVENTION SERVICES THAT MEET THE REQUIREMENTS OF THE FEDERAL FAMILY FIRST PREVENTION SERVICES ACT; PROVIDING ACCESS TO AND REQUIREMENTS FOR CONFIDENTIALITY OF CERTAIN RECORDS AND INFORMATION; SPECIFYING TO WHOM AND UNDER WHAT CIRCUMSTANCES INFORMATION THAT IS HELD BY THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT THAT PERTAINS TO CHILD ABUSE AND NEGLECT MAY BE SHARED; REQUIRING THAT INFORMATION BE PROVIDED ABOUT CHILD FATALITIES OR NEAR FATALITIES; PROTECTING PERSONAL IDENTIFIER INFORMATION OF DEPARTMENT CLIENTS; PROVIDING FOR RULEMAKING; REQUIRING REPORTS.

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

## **Chapter 156 Section 1 Laws 2025**

SECTION 1. Section 9-2A-8 NMSA 1978 (being Laws 1992, Chapter 57, Section 8, as amended) is amended to read:

"9-2A-8. DEPARTMENT--ADDITIONAL DUTIES.--In addition to other duties provided by law or assigned to the department by the governor, the department shall:

- A. develop priorities for department services and resources based on state policy and national best-practice standards and local considerations and priorities;
- B. strengthen collaboration and coordination in state and local services for children, youth and families by integrating critical functions as appropriate, including service delivery, and contracting for services across divisions and related agencies;
- C. develop and maintain a statewide database, including client tracking of services for children, youth and families;

- D. develop standards of service within the department that focus on prevention, monitoring and outcomes;
- E. analyze policies of other departments that affect children, youth and families to encourage common contracting procedures, common service definitions and a uniform system of access;
- F. adopt rules to control disposition and placement of children under the Children's Code, including rules to limit or prohibit the out-of-state placement of children, including those who have developmental disabilities or emotional, neurobiological or behavioral disorders, when in-state alternatives are available;
- G. develop reimbursement criteria for licensed child care centers and licensed home providers establishing that accreditation by a department-approved national accrediting body is sufficient qualification for the child care center or home provider to receive the highest reimbursement rate paid by the department;
- H. assume and implement responsibility for children's mental health and substance abuse services in the state, coordinating with the health care authority and the department of health;
- I. assume and implement the lead responsibility among all departments for domestic violence services;
- J. implement prevention and early intervention as a departmental focus;
- K. conduct biennial assessments of service gaps and needs and establish outcome measurements to address those service gaps and needs, including recommendations from the governor's children's cabinet and the children, youth and families advisory committee;
- L. ensure that behavioral health services provided, including mental health and substance abuse services for children, adolescents and their families, shall be in compliance with requirements of Section 24A-3-1 NMSA 1978 and any rules adopted pursuant to that section;
- M. develop and implement the families first strategic plan for the delivery of services and access to programs as required pursuant to the Families First Act; and
- N. fingerprint and conduct nationwide criminal history record searches on all department employees, staff members and volunteers whose jobs involve direct contact with department clients, including prospective employees and employees who are promoted, transferred or hired into new positions, and the superiors of all department employees, staff members and volunteers who have direct unsupervised contact with department clients."

## **Chapter 156 Section 2 Laws 2025**

SECTION 2. A new section of the Children, Youth and Families Department Act is enacted to read:

### **"ELECTRONIC RECORDS--RETENTION.--**

A. Employees of the department shall not erase data from the electronic devices issued by the department to employees for communication related to the performance of duties within the scope of their employment by the department.

B. Electronic devices issued by the department to employees shall only include software and applications that are compliant with federal data retention and protection laws.

C. By January 1, 2026, the department shall implement a system, approved by the department of information technology, that will back up on a daily basis all electronic records generated or received by employees of the department related to the performance of their duties within the scope of their employment by the department.

D. During the term of an employee's employment by the department, and for a period of at least seven years after the termination of an employee's employment by the department, the department shall retain all electronic records stored on electronic devices used by department employees and all electronic records that have been backed up from electronic devices used by department employees. The department shall back up the retained electronic records daily, monthly and annually.

E. As used in this section:

(1) "back up" means to electronically copy in a recoverable format to a searchable database maintained by the department all electronic records generated by or contained within an electronic device;

(2) "electronic device" means a telephone, tablet, computer, watch or similar device used to generate, store or transfer information; and

(3) "electronic records" means information generated by, transmitted by or stored on an electronic device, including electronic mail, voicemail, text and instant messages, documents and photographs, regardless of the platform being used, including interagency communications."

## **Chapter 156 Section 3 Laws 2025**

SECTION 3. 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;
- 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 safe care" means a written plan created by a health care professional intended to ensure the immediate and ongoing safety and well-being of a substance-exposed newborn or to provide perinatal support to a pregnant person with substance use disorder by addressing the treatment needs of the child and any of the child's parents, relatives, guardians, custodians or caretakers 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 156 Section 4 Laws 2025**

SECTION 4. Section 32A-3A-2 NMSA 1978 (being Laws 1993, Chapter 77, Section 64, as amended) is amended to read:

"32A-3A-2. DEFINITIONS.--As used in the Voluntary Placement and Family Services Act:

A. "child or family in need of family services" means a family:

(1) whose child's behavior endangers the child's health, safety, education or well-being;

(2) whose child is excessively absent from public school as defined in the Attendance for Success Act;

(3) whose child is absent from the child's place of residence for twenty-four hours or more without the consent of the parent, guardian or custodian;

(4) in which the parent, guardian or custodian of a child refuses to permit the child to live with the parent, guardian or custodian; or

(5) in which the child refuses to live with the child's parent, guardian or custodian;

B. "family services" means services that address specific needs of the child or family;

C. "guardian" means a person appointed as a guardian by a court or Indian tribal authority or a person authorized to care for a child by a parental power of attorney as permitted by law;

D. "guardianship assistance agreement" means a written agreement entered into by the prospective guardian and the department or Indian tribe prior to the establishment of the guardianship by a court;

E. "guardianship assistance payments" means payments made by the department to a kinship guardian or successor guardian on behalf of a child pursuant to the terms of a guardianship assistance agreement;

F. "guardianship assistance program" means the financial subsidy program provided for in the Voluntary Placement and Family Services Act;

G. "kinship" means the relationship that exists between a child and a relative of the child, a godparent, a member of the child's tribe or clan or an adult with whom the child has a significant bond;

H. "managed care organization" means a person or entity eligible to enter into risk-based capitation agreements with the health care authority to provide health care and related services;

I. "subsidized guardianship" means a guardianship that meets subsidy eligibility criteria pursuant to the Voluntary Placement and Family Services Act; and

J. "voluntary placement agreement" means a written agreement between the department and the parent or guardian of a child."



## Chapter 156 Section 5 Laws 2025

SECTION 5. Section 32A-3A-13 NMSA 1978 (being Laws 2019, Chapter 190, Section 3) is amended to read:

"32A-3A-13. PLAN OF SAFE CARE--GUIDELINES--CREATION--DATA SHARING--TRAINING.--

A. By July 1, 2026, the health care authority, in consultation with medicaid managed care organizations, private insurers, the office of superintendent of insurance, the children, youth and families department and the department of health, shall develop rules to guide hospitals, birthing centers, medical providers, medicaid managed care organizations and private insurers in the care of newborns who exhibit physical, neurological or behavioral symptoms consistent with prenatal drug exposure, withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder.

B. Rules shall include guidelines to hospitals, birthing centers, medical providers, medicaid managed care organizations and private insurers regarding:

(1) participation in the plan of safe care development process, which may occur at a prenatal or perinatal medical visit and shall occur prior to a substance-exposed child's discharge from a hospital. The plan of safe care development process shall allow for the creation of a written plan of safe care that shall be sent to:

(a) the child's primary care physician;

(b) a medicaid managed care organization insurance plan care coordinator or a care coordinator employed by or contracted with the health care authority;

(c) the child's parent, relative, guardian or caretaker who is present at discharge who shall receive a copy upon discharge. The plan of safe care shall be signed by an appropriate representative of the discharging hospital and the child's parent, relative, guardian or caretaker who is present at discharge; and

(d) if the child's parent, relative, guardian, custodian or caretaker resides on tribal land, the respective Indian tribe shall be sent a copy of the plan of safe care within twenty-four hours of the child's discharge;

(2) definitions and evidence-based screening tools, based on standards of professional practice, to be used by health care providers to identify a child born affected by substance use or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder. The rules shall include a requirement that all hospitals, birthing centers and prenatal care providers use the screening, brief intervention and referral to treatment program at all prenatal or perinatal medical visits and live births;

(3) collection and reporting of data to meet federal and state reporting requirements, including the following:

(a) by hospitals and birthing centers to the department when: 1) a plan of safe care has been developed; and 2) a family has been referred for a plan of safe care;

(b) information pertaining to a child born and diagnosed by a health care professional as affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder; and

(c) data collected by hospitals and birthing centers for use by the children's medical services of the family health bureau of the public health division of the department of health in epidemiological reports and to support and monitor a plan of safe care. Information reported pursuant to this subparagraph shall be coordinated with communication to insurance carrier care coordinators to facilitate access to services for children and parents, relatives, guardians, custodians or caretakers identified in a plan of safe care;

(4) requirements for the health care authority to:

(a) ensure that there is at least one care coordinator available in each birthing hospital in the state;

(b) ensure that all substance-exposed children who have a plan of safe care receive care coordination to implement the plan of safe care;

(c) provide training to hospital staff, birthing center staff and prenatal care providers on the screening, brief intervention and referral to treatment program; and

(d) communicate, collaborate and consult with an Indian child's tribe to ensure that plans of safe care are developed in a culturally responsive manner for each child;

(5) identification of appropriate agencies to be included as supports and services in the plan of safe care, based on an assessment of the needs of the child and the child's relatives, parents, guardians, custodians or caretakers, performed by a discharge planner prior to the child's discharge from the hospital or birthing center, which:

(a) shall include: 1) home visitation programs or early intervention family infant toddler programs; and 2) substance use disorder prevention and treatment providers; and

(b) may include: 1) public health agencies; 2) maternal and child health agencies; 3) mental health providers; 4) infant mental health providers; 5) public and private children and youth agencies; 6) early intervention and developmental services; 7) courts; 8) local education agencies; 9) managed care organizations; or 10) hospitals and medical providers;

(6) information that shall be in a written plan of safe care, including:

(a) the child's name;

(b) an emergency contact for at least one of the child's parents, relatives, guardians, custodians or caretakers;

(c) the address for the parent, relative, guardian, custodian or caretaker who will be taking the child home from the birthing facility; and

(d) the names of the parents, relatives, guardians, custodians or caretakers who will be living with the child;

(7) engagement of the child's relatives, parents, guardians, custodians or caretakers in order to identify the need for access to treatment for any substance use disorder or other physical or behavioral health condition that may impact the safety, early childhood development and well-being of the child; and

(8) implementation of plans of safe care that shall include requirements for care coordinators to:

(a) actively work with pregnant persons or a substance-exposed child's parents, relatives, guardians, family members or caretakers to refer and connect the pregnant person or substance-exposed child's parents, relatives, guardians, family members or caretakers to necessary services. Care coordinators shall use an evidence-based intensive care coordination model that is listed in the federal Title IV-E prevention services clearinghouse or another nationally recognized evidence-based clearinghouse for child welfare; and

(b) attempt to make contact with persons who are not following the plan of safe care using multiple methods, including in person, by mail, by phone call or by text message. If a pregnant person or a substance-exposed child's parents, relatives, guardians, family members or caretakers are not following the plan of safe care, care coordinators shall make attempts to contact and provide support services to persons who are not following the plan of safe care.

C. Reports made pursuant to Paragraph (3) of Subsection B of this section shall be collected by the department as distinct and separate from any child abuse report as captured and held or investigated by the department, such that the reporting of

a plan of safe care shall not constitute a report of suspected child abuse and neglect and shall not initiate investigation by the department or a report to law enforcement.

D. The department shall summarize and report data received pursuant to Paragraph (3) of Subsection B of this section at intervals as needed to meet federal regulations.

E. The health care authority shall provide an annual report to the legislative finance committee, the interim legislative health and human services committee and the department of finance and administration on the status of the plan of safe care system. The report shall include the following aggregate statistical information related to the creation of plans of safe care:

- (1) the primary substances that infants were exposed to;
- (2) the services that infants and families were referred to;
- (3) the availability and uptake rate of services;
- (4) whether an infant or an infant's family was subsequently reported to the children, youth and families department; and
- (5) disaggregated demographic and geographic data.

F. Reports made pursuant to the requirements in this section shall not be construed to relieve a person of the requirement to report to the department knowledge of or a reasonable suspicion that a child is an abused or neglected child based on criteria as defined by Section 32A-4-2 NMSA 1978.

G. The health care authority shall create and distribute training materials to support and educate discharge planners or social workers on the following:

- (1) how to assess whether to make a referral to the department pursuant to the Abuse and Neglect Act;
- (2) how to assess whether to make a notification to the department pursuant to Subsection B of Section 32A-4-3 NMSA 1978 for a child who has been diagnosed as affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder;
- (3) how to assess whether to create a plan of safe care when a referral to the department is not required; and
- (4) the creation and deployment of a plan of safe care.

H. A person shall not have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of the provisions of Subsection G of this section or resulting from any training, or lack thereof, required by Subsection G of this section.

I. The training, or lack thereof, required by the provisions of Subsection G of this section shall not be construed to impose any specific duty of care."

## **Chapter 156 Section 6 Laws 2025**

SECTION 6. Section 32A-3A-14 NMSA 1978 (being Laws 2019, Chapter 190, Section 4) is amended to read:

"32A-3A-14. NOTIFICATION TO THE DEPARTMENT OF NONCOMPLIANCE WITH A PLAN OF SAFE CARE.--

A. If the parents, relatives, guardians, custodians or caretakers of a child released from a hospital or freestanding birthing center pursuant to a plan of safe care fail to comply with that plan, the health care authority, a medicaid managed care organization insurance plan care coordinator or a care coordinator contracted with the health care authority shall notify the department within twenty-four hours of the failure to comply and the department shall conduct a family assessment. Based on the results of the family assessment, the department may offer or provide referrals for counseling, training, or other services aimed at addressing the underlying causative factors that may jeopardize the safety or well-being of the child. The child's parents, relatives, guardians, custodians or caretakers may choose to accept or decline any service or program offered subsequent to the family assessment; provided that if the child's parents, relatives, guardians, custodians or caretakers decline those services or programs, and the department determines that those services or programs are necessary to address concerns of imminent harm to the child, the department shall proceed with an investigation.

B. As used in this section, "family assessment" means a comprehensive assessment prepared by the department at the time the department receives notification of failure to comply with the plan of safe care to determine the needs of a child and the child's parents, relatives, guardians, custodians or caretakers, including an assessment of the likelihood of:

- (1) imminent danger to a child's well-being;
- (2) the child becoming an abused child or neglected child; and
- (3) the strengths and needs of the child's family members, including parents, relatives, guardians, custodians or caretakers, with respect to providing for the health and safety of the child."

## Chapter 156 Section 7 Laws 2025

SECTION 7. Section 32A-4-2 NMSA 1978 (being Laws 1993, Chapter 77, Section 96, as amended) is amended to read:

"32A-4-2. DEFINITIONS.--As used in the Abuse and Neglect Act:

A. "abandonment" includes instances when the parent, without justifiable cause:

(1) left the child without provision for the child's identification for a period of fourteen days; or

(2) left the child with others, including the other parent or an agency, without provision for support and without communication for a period of:

(a) three months if the child was under six years of age at the commencement of the three-month period; or

(b) six months if the child was over six years of age at the commencement of the six-month period;

B. "abused child" means a child:

(1) who has suffered or who is at risk of suffering serious harm because of the action or inaction of the child's parent, guardian or custodian;

(2) who has suffered physical abuse, emotional abuse or psychological abuse inflicted or caused by the child's parent, guardian or custodian;

(3) who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian or custodian;

(4) whose parent, guardian or custodian has knowingly, intentionally or negligently placed the child in a situation that may endanger the child's life or health; or

(5) whose parent, guardian or custodian has knowingly or intentionally tortured, cruelly confined or cruelly punished the child;

C. "aggravated circumstances" includes those circumstances in which the parent, guardian or custodian has:

(1) attempted, conspired to cause or caused great bodily harm to the child or great bodily harm or death to the child's sibling;

(2) attempted, conspired to cause or caused great bodily harm or death to another parent, guardian or custodian of the child;

(3) attempted, conspired to subject or has subjected the child to torture, chronic abuse or sexual abuse; or

(4) had parental rights over a sibling of the child terminated involuntarily;

D. "educational decision maker" means an individual appointed by the children's court to attend school meetings and to make decisions about the child's education that a parent could make under law, including decisions about the child's educational setting, and the development and implementation of an individual education plan for the child;

E. "fictive kin" means a person not related by birth, adoption or marriage with whom a child has an emotionally significant relationship;

F. "great bodily harm" means an injury to a person that creates a high probability of death, that causes serious disfigurement or that results in permanent or protracted loss or impairment of the function of a member or organ of the body;

G. "neglected child" means a child:

(1) who has been abandoned by the child's parent, guardian or custodian;

(2) who is without proper parental care and control or subsistence, education, medical or other care or control necessary for the child's well-being because of the faults or habits of the child's parent, guardian or custodian or the failure or refusal of the parent, guardian or custodian, when able to do so, to provide them;

(3) who has been physically or sexually abused, when the child's parent, guardian or custodian knew or should have known of the abuse and failed to take reasonable steps to protect the child from further harm;

(4) whose parent, guardian or custodian is unable to discharge that person's responsibilities to and for the child because of incarceration, hospitalization or physical or mental disorder or incapacity; or

(5) who has been placed for care or adoption in violation of the law; provided that nothing in the Children's Code shall be construed to imply that a child who is being provided with treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination, by a duly accredited practitioner thereof is for that reason alone a neglected child within the

meaning of the Children's Code; and further provided that no child shall be denied the protection afforded to all children under the Children's Code;

H. "personal identifier information" means a person's name and contact information, including home or business address, email address or phone number;

I. "physical abuse" includes any case in which the child suffers strangulation or suffocation and any case in which the child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling or death and:

(1) there is not a justifiable explanation for the condition or death;

(2) the explanation given for the condition is at variance with the degree or nature of the condition;

(3) the explanation given for the death is at variance with the nature of the death; or

(4) circumstances indicate that the condition or death may not be the product of an accidental occurrence;

J. "relative" means a person related to another person by birth, adoption or marriage within the fifth degree of consanguinity;

K. "sexual abuse" includes criminal sexual contact, incest or criminal sexual penetration, as those acts are defined by state law;

L. "sexual exploitation" includes:

(1) allowing, permitting or encouraging a child to engage in prostitution;

(2) allowing, permitting, encouraging or engaging a child in obscene or pornographic photographing; or

(3) filming or depicting a child for obscene or pornographic commercial purposes, as those acts are defined by state law;

M. "sibling" means a brother or sister having one or both parents in common by birth or adoption;

N. "strangulation" has the same meaning as set forth in Section 30-3-11 NMSA 1978;

O. "suffocation" has the same meaning as set forth in Section 30-3-11 NMSA 1978; and



P. "transition plan" means an individualized written plan for a child, based on the unique needs of the child, that outlines all appropriate services to be provided to the child to increase independent living skills. The plan shall also include responsibilities of the child, and any other party as appropriate, to enable the child to be self-sufficient upon emancipation."

## **Chapter 156 Section 8 Laws 2025**

SECTION 8. Section 32A-4-3 NMSA 1978 (being Laws 1993, Chapter 77, Section 97, as amended) is amended to read:

"32A-4-3. DUTY TO REPORT CHILD ABUSE AND CHILD NEGLECT--  
RESPONSIBILITY TO INVESTIGATE CHILD ABUSE OR NEGLECT--PENALTY--  
NOTIFICATION OF PLAN OF SAFE CARE.--

A. Every person, including a licensed physician; a resident or an intern examining, attending or treating a child; a law enforcement officer; a judge presiding during a proceeding; a registered nurse; a visiting nurse; a school employee; a social worker acting in an official capacity; or a member of the clergy who has information that is not privileged as a matter of law, who knows or has a reasonable suspicion that a child is an abused or a neglected child shall report the matter immediately to:

- (1) a local law enforcement agency;
- (2) the department; or
- (3) a tribal law enforcement or social services agency for any Indian child residing in Indian country.

B. A law enforcement agency receiving the report shall immediately transmit the facts of the report and the name, address and phone number of the reporter by telephone to the department and shall transmit the same information in writing within forty-eight hours. The department shall immediately transmit the facts of the report and the name, address and phone number of the reporter by telephone to a local law enforcement agency and shall transmit the same information in writing within forty-eight hours. The written report shall contain the names and addresses of the child and the child's parents, guardian or custodian, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the person responsible for the injuries. The written report shall be submitted upon a standardized form agreed to by the law enforcement agency and the department.

C. The recipient of a report under Subsection A of this section shall take immediate steps to ensure prompt investigation of the report. The investigation shall ensure that immediate steps are taken to protect the health or welfare of the alleged

abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect. A local law enforcement officer trained in the investigation of child abuse and neglect is responsible for investigating reports of alleged child abuse or neglect at schools, daycare facilities or child care facilities.

D. If the child alleged to be abused or neglected is in the care or control of or in a facility administratively connected to the department, the report shall be investigated by a local law enforcement officer trained in the investigation of child abuse and neglect. The investigation shall ensure that immediate steps are taken to protect the health or welfare of the alleged abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect.

E. A law enforcement agency or the department shall have access to any of the records pertaining to a child abuse or neglect case maintained by any of the persons enumerated in Subsection A of this section, except as otherwise provided in the Abuse and Neglect Act.

F. A person who violates the provisions of Subsection A of this section is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

G. A finding that a pregnant woman is using or abusing drugs made pursuant to an interview, self-report, clinical observation or routine toxicology screen shall not alone form a sufficient basis to report child abuse or neglect to the department pursuant to Subsection A of this section. A volunteer, contractor or staff of a hospital or freestanding birthing center shall not make a report based solely on that finding and shall make a notification pursuant to Subsection H of this section. Nothing in this subsection shall be construed to prevent a person from reporting to the department a reasonable suspicion that a child is an abused or neglected child based on other criteria as defined by Section 32A-4-2 NMSA 1978, or a combination of criteria that includes a finding pursuant to this subsection.

H. A contractor or staff of a hospital, freestanding birthing center or clinic that provides prenatal or perinatal care shall:

(1) complete a written plan of safe care for a substance-exposed newborn or a pregnant person who agrees to creating a plan of safe care, as provided for by department rule and the Children's Code; and

(2) provide notification to the health care authority. Notification by a health care provider pursuant to this paragraph shall not be construed as a report of child abuse or neglect.

I. As used in this section, "notification" means informing the health care authority that a substance-exposed newborn was born and providing a copy of the plan of safe care that was created for the child; provided that notification shall comply with

federal guidelines and shall not constitute a report of child abuse or neglect. The health care authority shall be responsible for ensuring compliance with federal reporting requirements related to plans of safe care.

J. As used in this section, "school employee" includes employees of a school district or a public school."

## **Chapter 156 Section 9 Laws 2025**

SECTION 9. Section 32A-4-4.1 NMSA 1978 (being Laws 2019, Chapter 137, Section 2) is amended to read:

### **"32A-4-4.1. MULTILEVEL RESPONSE SYSTEM.--**

A. The department shall establish a multilevel response system to evaluate and provide services to a child or the family, relatives, caretakers or guardians of a child with respect to whom a report alleging neglect or abuse has been made. The multilevel response system may include an alternative to investigation upon completion of an evaluation that may be completed at intake by the department, the results of which indicate that there is no immediate concern for the child's safety; provided, however, that an investigation shall be conducted for any report:

- (1) alleging sexual abuse of a child or serious or imminent harm to a child;
- (2) indicating a child fatality;
- (3) requiring law enforcement involvement, as identified pursuant to rules promulgated by the department; or
- (4) requiring a specialized assessment or a traditional investigative approach, as determined pursuant to rules promulgated by the department.

B. The department may remove a case from the multilevel response system and conduct an investigation if imminent danger of serious harm to the child becomes evident. The department may reassign a case from investigation to the multilevel response system at the discretion of the department.

C. For each family, including the child who is the subject of a report to the department and that child's relatives, caretakers or guardians, that receives services under the multilevel response system, the department shall conduct a family assessment. Based on the results of the family assessment, the department may offer or provide referrals for counseling, training or other services aimed at addressing the underlying causative factors jeopardizing the safety or well-being of the child who is the subject of a report to the department. A family member, relative, caretaker or guardian may choose to accept or decline any services or programs offered under the multilevel

response system; provided, however, that if a family member, relative, caretaker or guardian declines services, the department may choose to proceed with an investigation.

D. The department shall employ licensed social workers to provide services to families, relatives, caretakers or guardians participating in the multilevel response system to the extent that licensed social workers are available for employment.

E. The department shall:

(1) provide an annual report of system implementation and outcomes to the legislative finance committee, the interim legislative health and human services committee, the interim legislative committee that studies courts, corrections and justice and the department of finance and administration as part of the department's budget submission;

(2) arrange for an independent evaluation of the multilevel response system, including examining outcomes for child safety and well-being and cost-effectiveness;

(3) incorporate the multilevel response system into the department's quality assurance review process;

(4) develop performance measures, as provided in the Accountability in Government Act, for the multilevel response system; and

(5) implement the multilevel response system statewide no later than July 1, 2027.

F. The department shall promulgate rules to implement the provisions of this section.

G. As used in this section, "family assessment" means a comprehensive, evidence-based assessment tool used by the department to determine the needs of a child and the child's family, relatives, caretakers or guardians at the time the department receives a report of child abuse and neglect, including an assessment of the likelihood of:

(1) imminent danger to a child's well-being;

(2) the child becoming an abused child or a neglected child; and

(3) the strengths and needs of the child's family members, relatives, caretakers or guardians with respect to providing for the health and safety of the child."

## **Chapter 156 Section 10 Laws 2025**

SECTION 10. 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--SUPPORT SERVICES.--

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, which, if appropriate and available, may include families first services provided pursuant to the Families First Act, as well as referrals to income support or other services or programs, 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 156 Section 11 Laws 2025**

SECTION 11. Section 32A-4-33 NMSA 1978 (being Laws 1993, Chapter 77, Section 127, as amended) is amended to read:

"32A-4-33. CONFIDENTIALITY--INFORMATION--PENALTY.--

A. In investigations and proceedings alleging abuse or neglect, the department shall not disclose personal identifier information of the child or the child's parent, guardian or custodian, except as follows:

(1) in the case of the fatality or near fatality of a child;

(2) in cases in which a child is missing or abducted or the child is or may be in danger of serious injury or death unless immediate action is taken or there

are other exigent circumstances, the department shall release to law enforcement and the nationally recognized organization that serves as the national clearinghouse and resource center for information about missing and exploited children as much personal identifier information as necessary to identify the child, a possible abductor or a suspect in an abuse or neglect case or to protect evidence of a crime against the child;

(3) when a child or child's parent or guardian has been publicly identified by a person outside the department, but only that personal identifier information that has been publicly identified; or

(4) to the persons enumerated in Subsection G of this section.

B. Department information obtained during the course of an investigation into allegations of abuse or neglect shall be maintained by the department as required by federal law as a condition of the allocation of federal funds in New Mexico. The public release of department information shall be construed as openly as possible under federal and state law.

C. Information released by the department that has not otherwise been publicly released shall be redacted as needed to safeguard personal identifier information of the child and the child's family. In a case in which a child or the child's family has been publicly identified through news reports, a lawsuit or other means, the department may respond publicly with factual and complete information about the actions the department has taken in the case.

D. Except as provided in Subsections E, F and G of this section, 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.

E. The department may release redacted information described in Subsection D of this section to a person who is conducting bona fide research or investigations, the results of which shall provide the department information on child abuse and neglect that would be useful to the department in developing policy and practice.

F. In the case of a fatality, the department shall release all information described in Subsection D of this section to a person who is conducting bona fide research or investigations, the results of which shall provide the department information on child abuse and neglect that would be useful to the department in developing policy and practice.

G. The information described in Subsection D of this section shall be disclosed without redaction 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 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 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 information is that of a child currently placed with that foster parent or of a child being considered for placement with that foster parent and the information concerns the social, medical, psychological or educational needs of the child;

(11) school personnel involved with the child but only if the information concerns the child's social, medical or educational needs;

(12) a grandparent, parent of a sibling, relative or fictive kin, if the information pertains to a child being considered for placement with that grandparent, parent of a sibling, relative or fictive kin and the information concerns 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 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 information pertaining to neglect or abuse proceedings;

(17) a person 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 custodian on behalf of a child younger than fourteen years of age, has consented to the disclosure;

(18) the office of the state medical investigator; and

(19) any other person, by order of the court, having a legitimate interest in the case or the work of the court.

H. A party to a court proceeding relating to a department investigation into allegations of abuse and neglect may comment publicly as long as the party does not disclose personal identifier information that is still confidential regarding the child or the child's parent or guardian.

I. A parent, guardian or 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 personal identifier information related to the reporting party or any other party providing information shall be deleted or redacted. The parent, guardian or 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 that information the department finds would be likely to endanger the life or safety of a person providing information to the department.

J. The department is not required by this section to disclose department information if the district attorney successfully petitions the children's court that disclosure would cause specific, material harm to a criminal investigation or prosecution.

K. The department shall provide pertinent department information upon request to a prospective adoptive parent, foster parent or guardian if the information concerns a child for whom the prospective adoptive parent, foster parent or guardian seeks to adopt or provide care.

L. A person may authorize the release of department information about the person's self but shall not waive the confidentiality of department information concerning any other person.

M. The department shall provide a summary of the outcome of a department investigation to the person who reported the suspected child abuse or neglect in a timely manner no later than twenty days after the deadline for closure of the investigation.

N. Whoever intentionally and unlawfully releases any information closed to the public pursuant to the Abuse and Neglect Act or releases or makes other unlawful use of information 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.

O. The department may 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.

P. Nothing in this section or Section 32A-4-33.1 NMSA 1978 limits the right of a person to seek documents or information through other provisions of law.

Q. Nothing in this section applies to the Indian Family Protection Act, information concerning Indian children or Indian parents, guardians or custodians, as those terms are defined in that act, or investigations or proceedings pursuant to that act."

## **Chapter 156 Section 12 Laws 2025**

SECTION 12. Section 32A-4-33.1 NMSA 1978 (being Laws 2009, Chapter 239, Section 52) is amended to read:

"32A-4-33.1. FATALITIES--NEAR FATALITIES--RECORDS RELEASE.--

A. As used in this section:

(1) "near fatality" means an act that, as certified by a physician, including the child's treating physician, placed a child in a serious or critical medical condition; and

(2) "personal identifier information" means:

(a) a person's name;

(b) all but the last four digits of a person's: 1) taxpayer identification number; 2) financial account number; 3) credit or debit card number; or 4) driver's license number;

- (c) all but the year of a person's date of birth;
- (d) a person's social security number; and
- (e) a person's street address, but not the city, state or zip code.

B. After learning that a child fatality or near fatality has occurred and that there is reasonable suspicion that the fatality or near fatality was caused by abandonment, abuse or neglect, the department shall upon written request release the following information, if in the department's possession, within five business days:

(1) for a fatality:

- (a) the name, age and gender of the child;
- (b) the date and location of the fatality; and
- (c) the cause of death, if known;

(2) for a near fatality:

- (a) the age and gender of the child; and
- (b) the type and extent of injuries;

(3) for either a fatality or near fatality:

- (a) whether the child is currently or has been in the custody of the department within the last five years or the child's family is currently or has been served or under investigation by the department within the last five years;
- (b) whether the child lived with a parent, guardian or custodian; was in foster care; was in a residential facility or detention facility; was a runaway; or had some other living arrangement;
- (c) whether an investigation is being conducted by the department or by a law enforcement agency, if known;
- (d) a detailed synopsis of prior reports of abuse or neglect involving the child, siblings or other children in the home, if applicable; and
- (e) actions taken by the department to ensure the safety of siblings, if applicable; and

(4) any other information that is publicly known.

C. Upon completion of a child abandonment, abuse or neglect investigation into a fatality or near fatality, if it is determined that abandonment, abuse or neglect caused the fatality or near fatality, the following documents shall be released upon written request:

- (1) a summary of the department's investigation;
- (2) a law enforcement investigation report, if in the department's possession;
- (3) the medical investigator's report, if in the department's possession; and
- (4) in the case of a fatality, the department's file on the child who died.

D. Prior to releasing documents specified in Subsection C of this section, the department shall consult with the district attorney and shall redact:

- (1) information that, in the opinion of the district attorney, would cause specific material harm to a criminal investigation or prosecution;
- (2) personal identifier information related to a reporting party or any other party providing information and any other child living in the home;
- (3) information that is privileged, confidential or not subject to disclosure pursuant to Section 32A-4-33 NMSA 1978 or other state or federal law; and
- (4) in the case of a near fatality, personal identifier information for the child, parent, guardian, resource parent and any other child living in the home.

E. If documents pursuant to this section have been released by the department, the department may comment on the case.

F. Information released by the department consistent with the requirements of this section does not require prior notice to any other person.

G. Nothing in this section shall be construed as requiring the department to obtain documents not in the abuse and neglect case file.

H. A person disclosing abandonment, abuse or neglect case file information as required by this section shall not be subject to suit in civil or criminal proceedings for complying with the requirements of this section.

I. The department shall continue to provide timely allowable information to the public on the investigation into a case of fatality or near fatality of a child, including a summary report that shall include:

(1) actions taken by the department in response to the case, including changes in policies, practices, procedures and processes that have been made to address issues raised in the investigation of the case and any recommendations for further changes in policies, practices, procedures, processes and other rules or laws to address the issues; and

(2) the information described in Subsection J or K of this section.

J. If the summary report involves a child who was residing in the child's home, the report shall contain a summary of all of the following:

(1) whether services pursuant to the Abuse and Neglect Act were being provided to the child, a member of the child's household or a person who had been arrested for abandonment, abuse or neglect of the child prior to the time of the fatality or near fatality and the date of the last contact between the person providing the services and the person receiving the services prior to or at the time of the fatality or near fatality;

(2) whether the child, a member of the child's household or the person who had been arrested for abandonment, abuse or neglect of the child prior to the fatality or near fatality was the subject of a current or previous department report;

(3) all involvement of the child's parents or the person who had been arrested for abuse or neglect of the child prior to the fatality or near fatality in a situation for which a department report was made or services provided pursuant to the Abuse and Neglect Act in the five years preceding the incident that culminated in the fatality or near fatality; and

(4) any investigation pursuant to a department report concerning the child, a member of the child's household or the person who had been suspected of or arrested for the abandonment, abuse or neglect of the child or services provided to the child or the child's household since the date of the incident involving a fatality or a near fatality.

K. If the summary report involves a child who was in out-of-home placement, the summary report shall include:

(1) the name of the agency the licensee was licensed by; and

(2) the licensing history of the out-of-home placement, including the type of license held by the operator of the placement, the period for which the placement has been licensed and a summary of all violations by the licensee and any other actions by the licensee or an employee of the licensee that constitute a substantial failure to protect and promote the health, safety and welfare of a child.

L. Nothing in this section shall apply to the Indian Family Protection Act, information or records concerning Indian children or Indian parents, guardians or custodians or investigations or proceedings pursuant to that act."

## **Chapter 156 Section 13 Laws 2025**

SECTION 13. A new section of the Abuse and Neglect Act is enacted to read:

"CREATION AND MAINTENANCE OF DASHBOARD ON DEPARTMENT WEBSITE--ANNUAL REPORT.--

A. The department shall create and maintain a public, easily accessible and searchable dashboard on the department's website. The confidentiality of personal identifier information shall be safeguarded consistent with federal and state law. The dashboard shall be updated at least quarterly and shall include the data to be reported to the governor and the legislature.

B. By February 1 of each year, the department shall submit a report to the governor and the legislature that includes the following data for the prior twelve months ending on December 31:

(1) the number of fatalities and near fatalities of children in the custody of the department or as a result of abandonment, abuse or neglect when in the custody of a parent, guardian, custodian or other person;

(2) the number of children in department custody and the average length of time in custody, including the number of in-state and out-of-state placements in which children are placed;

(3) the number of children in foster care and the length of time in foster care or living with relatives or fictive kin;

(4) the number of complaints received alleging abandonment, abuse or neglect;

(5) the number of investigations that resulted from the complaints, the number of complaints accepted for investigation and not accepted for investigation and the identified reasons in the aggregate for not investigating a complaint;

(6) the number of children removed from the custody of a parent, guardian, custodian or other person and the reasons for removals;

(7) the number of children returned to a household from which they were removed;

(8) the number of children placed in the custody of the department who have run away while in custody;

(9) the number of cases in which families subject to court-ordered treatment plans or voluntary placement agreements have absconded with children placed in the custody of the department;

(10) the number of adoptions and the number of adoptions for which funding was terminated prior to the child reaching the age of eighteen;

(11) the number of children and cases transferred to the jurisdiction of Indian nations, tribes and pueblos pursuant to the Indian Family Protection Act; and

(12) any other information the department considers of interest to the public.

C. Data shall be disaggregated by age, race, ethnicity, gender, disability status and geographic location.

D. The report shall be published on the department's website."

## **Chapter 156 Section 14 Laws 2025**

SECTION 14. A new section of the Children's Code is enacted to read:

"SHORT TITLE.--Sections 14 through 17 of this act may be cited as the "Families First Act".

## **Chapter 156 Section 15 Laws 2025**

SECTION 15. A new section of the Children's Code is enacted to read:

"DEFINITIONS.--As used in the Families First Act:

A. "families first services" means foster care prevention services categorized pursuant to the federal Title IV-E prevention services clearinghouse as well-supported, supported or promising that are included in the families first strategic plan implemented pursuant to the Families First Act and are provided by the department through the implementation of that strategic plan; and

B. "families first strategic plan" means the plan required pursuant to the Families First Act that is developed and implemented by the department in accordance with the regulations and requirements set forth in the federal Family First Prevention Services Act."

## Chapter 156 Section 16 Laws 2025

SECTION 16. A new section of the Children's Code is enacted to read:

"FAMILIES FIRST STRATEGIC PLAN--DEPARTMENT DUTIES--FAMILIES FIRST SERVICES--TIME LINE--IMPLEMENTATION.--

A. In consultation with the early childhood education and care department, the health care authority and the department of health, the department shall develop and implement the families first strategic plan. In developing the families first strategic plan, the department shall:

(1) ensure that provisions of the families first strategic plan align with and meet the requirements set forth in the federal Family First Prevention Services Act; and

(2) maximize resources from the federal government under Title IV-E that are available to the department to provide families first services.

B. The families first strategic plan required pursuant to Subsection A of this section shall:

(1) include a comprehensive description of the department's responsibilities and duties for providing families first services;

(2) include a comprehensive and detailed list of each of the families first services the department will provide to eligible persons and affirm that each service to be provided:

(a) is eligible for reimbursement pursuant to the federal Family First Prevention Services Act; and

(b) is rated as promising, supported or well-supported in accordance with the Title IV-E prevention services clearinghouse;

(3) identify all network services providers, including other state agencies, that the department will use for providing families first services. If services are provided by another state agency, the department, together with the other state agency, shall establish safety monitoring protocols for direct monitoring of the services provided by that agency and, for each provider used by the department, list the specific families first service that the network services provider will provide, including:

(a) mental health or substance abuse prevention and treatment;

(b) in-home parent skill-based programs;



- (c) kinship navigator programs; or
  - (d) any other programs or services that are eligible or become eligible for reimbursement pursuant to the federal Family First Prevention Services Act;
- (4) identify and define the population of eligible persons who may receive families first services and include, at a minimum:
  - (a) a child who is a candidate for foster care but who can remain safely at home with the provision of evidence-based services;
  - (b) a parent, guardian or caregiver of a child at risk of entering foster care;
  - (c) a pregnant or parenting youth in foster care; and
  - (d) other eligible persons identified by the department;
- (5) identify processes and procedures to be established and followed by the department to determine eligibility for any families first service;
- (6) identify processes and procedures to be established and followed by the department to maximize federal reimbursements, funding and resources available to the department to provide families first services;
- (7) identify the process that the department will use to monitor and oversee the safety of children who receive families first services and programs, as required by the federal Family First Prevention Services Act;
- (8) establish appropriate metrics the department will use to determine and evaluate outcomes from the department's provision of families first services pursuant to the Families First Act, including outcomes related specifically to repeated substantiated reports of maltreatment of a child and the numbers of children entering foster care;
- (9) establish an appropriate time line and strategy for providing families first services statewide. The time line shall include the following:
  - (a) no later than June 30, 2027, the department shall provide families first services through a pilot program that is designed for implementation considering factors such as county population density and rates of child maltreatment and repeat maltreatment; and
  - (b) no later than June 30, 2032, the department shall provide statewide implementation of families first services rolled out in a manner consistent with the best practices derived from the evaluation of the pilot program;

(10) provide a detailed description of how the department will continuously monitor the families first strategic plan, from development of the plan through the pilot program phase and to statewide implementation. Included in that description shall be how the department will monitor key factors likely to best ensure fidelity to the service model developed within the families first strategic plan; and

(11) identify the appropriate information to include in an annual report to be provided by the department to the legislative finance committee, the interim legislative health and human services committee, the interim legislative committee that studies courts, corrections and justice and the governor. At a minimum, the annual report shall include the following information:

(a) an up-to-date inventory of all families first services available;

(b) data, without inclusion of personal identifier information, regarding the uptake and program completion among eligible individuals of families first services, including the area of the state in which the services were accessed;

(c) performance results regarding identified outcome measures, to include aggregate data about child participant placement status at the beginning of services and one year after services and whether the child entered foster care within two years after being determined a candidate for foster care and receiving families first services; and

(d) fiscal information regarding program and service expenditures and disaggregating state and federal revenue sources.

C. For the purposes of this subsection, "approving authority" means the federal administration for children and families. The department shall:

(1) no later than August 1, 2025, finalize the provisions of the families first strategic plan, post the plan to the department's website and provide a copy of the plan to the legislative finance committee, the interim legislative health and human services committee, the interim legislative committee that studies courts, corrections and justice and the governor;

(2) no later than September 1, 2025:

(a) submit the families first strategic plan to the approving authority for approval; and

(b) begin providing families first services pursuant to the provisions of the Families First Act;

(3) if a submitted strategic plan is not approved and the approving authority indicates that to secure an approval, the strategic plan must be revised, as soon as practicable:

(a) revise the families first strategic plan in accordance with the revisions required by the approving authority; and

(b) submit the revised strategic plan to the approving authority;  
and

(4) include in the department's reports required pursuant to the Families First Act the status of each families first strategic plan submitted to the approving authority for approval, including any specific revisions required, the dates of submissions and the dates of approval or nonapproval by the approving authority for each submitted strategic plan and any other relevant information related to the status of a families first strategic plan submitted to the approving authority by the department.

D. No later than July 1, 2026, and by each July 1 thereafter, the department shall post the annual report as established in the families first strategic plan pursuant to the Families First Act to the department's website, and the department shall submit the annual report to the legislative finance committee, the interim legislative health and human services committee, the interim legislative committee that studies courts, corrections and justice and the governor."

## **Chapter 156 Section 17 Laws 2025**

SECTION 17. A new section of the Children's Code is enacted to read:

"RULES.--By August 1, 2027, the department shall promulgate and adopt rules as necessary to carry out the provisions of the Families First Act."

## **LAWS 2025, CHAPTER 157**

**Senate Bill 31, aa, w/ec, partial veto**  
**Approved April 10, 2025**

AN ACT

RELATING TO PUBLIC FINANCE; PROVIDING ZERO-INTEREST LOANS TO POLITICAL SUBDIVISIONS OF THE STATE AND ELECTRIC COOPERATIVES THAT HAVE BEEN APPROVED FOR FEDERAL PUBLIC ASSISTANCE FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR A FEDERALLY DECLARED NATURAL DISASTER; REQUIRING REIMBURSEMENT CONTRACTS; PROVIDING FOR ENFORCEMENT OF THE TERMS OF THE LOAN CONTRACTS; CREATING THE NATURAL DISASTER REVOLVING FUND; PROVIDING AN ANNUAL

TRANSFER FROM THE APPROPRIATION CONTINGENCY FUND TO THE NATURAL DISASTER REVOLVING FUND; ~~[PROVIDING THAT THE STATE RESERVES SHALL CONSIST OF CERTAIN FUNDS;]~~ CREATING THE FEDERAL REIMBURSEMENT REVOLVING FUND; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.  
*LINE ITEM VETO*

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

## **Chapter 157 Section 1 Laws 2025**

### **SECTION 1. NATURAL DISASTER LOAN PROGRAM.--**

A. The department of finance and administration, in consultation with the homeland security and emergency management department, shall provide zero-interest reimbursable loans to political subdivisions of the state and electric cooperatives that have been approved for funding from the federal emergency management agency for a federally declared natural disaster. The department of finance and administration shall require a contract for reimbursement from a political subdivision of the state or an electric cooperative to receive a loan pursuant to this section. The contract shall specify:

(1) that the political subdivision or electric cooperative shall pay the loan by providing a release to the homeland security and emergency management department to transfer directly to the department of finance and administration money received from the approved funding from the federal emergency management agency that serves as the basis for the loan;

(2) that the political subdivision or electric cooperative shall repay the loan within thirty days of becoming eligible for reimbursement under the approved funding from the federal emergency management agency;

(3) such notice or reporting requirements that the department of finance and administration deems necessary to be sufficiently informed regarding compliance with Paragraphs (1) and (2) of this subsection;

(4) a reasonably prompt deadline, determined on a case-by-case basis by the department of finance and administration, by which date the political subdivision or electric cooperative shall be required to expend the loan for natural disaster recovery purposes and that if the political subdivision or electric cooperative does not expend the loan by this deadline, the political subdivision or electric cooperative shall pay an interest penalty on the loan, at a fair current market interest rate or federal interest rate, as determined by the department of finance and administration;

(5) that upon failure to meet a requirement of this subsection, the loan shall be repaid at a fair current market interest rate or federal interest rate, as determined by the department of finance and administration; and

(6) that the political subdivision or electric cooperative remit to the department of finance and administration, which shall deposit in the natural disaster revolving fund, all income from investment of money from the loan.

B. All loan repayments and interest penalty payments made pursuant to this section shall be deposited into the natural disaster revolving fund.

C. The secretary of finance and administration shall take any and all legal actions necessary to enforce the terms of contracts entered into pursuant to this section.

D. On or before June 1, 2025 and every six months thereafter, the department of finance and administration shall provide a report to the legislative finance committee and the governor regarding the loans made pursuant to this section, including:

- (1) projects for which loan contracts have been made;
- (2) the dollar amounts of and repayments made pursuant to those contracts; and
- (3) any breaches of those contracts, subsequent enforcement actions and results of the enforcement actions, including applicable interest rates for contract breaches and the determination of those interest rates.

## **Chapter 157 Section 2 Laws 2025**

### **SECTION 2. NATURAL DISASTER REVOLVING FUND.--**

A. The "natural disaster revolving fund" is created in the state treasury. The purpose of the fund is to provide loans to political subdivisions of the state and electric cooperatives that have been approved for funding from the federal emergency management agency for a federally declared natural disaster. The fund consists of distributions, transfers, appropriations, gifts, grants, donations and income from investment of the fund. Money in the fund shall be invested by the state treasurer.

B. Money in the natural disaster revolving fund is appropriated to the department of finance and administration for:

- (1) the purposes of the natural disaster loan program pursuant to Section 1 of this 2025 act; and
- (2) administration of the natural disaster loan program and enforcement of loan contracts; provided that no more than four hundred thousand dollars (\$400,000) annually shall be used for these purposes.

C. Money in the natural disaster revolving fund is appropriated to the homeland security and emergency management department for the compliance management of programs administered by the federal emergency management agency that serve as the basis for a natural disaster loan; provided that no more than one hundred fifty thousand dollars (\$150,000) annually shall be used for these purposes.

D. The department of finance and administration shall administer the fund, and expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary or the secretary's authorized representative or vouchers signed by the secretary of homeland security and emergency management or that secretary's authorized representative.

E. Any unexpended or unencumbered balance exceeding fifty million dollars (\$50,000,000) and remaining at the end of a fiscal year shall revert to the appropriation contingency fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall be included in the calculation of state reserves.

F. Any money repaid or reimbursed to the state pursuant to Laws 2023, Chapter 2, Section 1 or Laws 2024 (1st S.S.), Chapter 1, Section 2 shall be deposited in the natural disaster revolving fund.

## **Chapter 157 Section 3 Laws 2025**

SECTION 3. TRANSFER--APPROPRIATION CONTINGENCY FUND TO NATURAL DISASTER REVOLVING FUND.--Within thirty days after August 1 of each year through 2028, the secretary of finance and administration shall calculate the unexpended and unencumbered balance of the natural disaster revolving fund and, subject to availability of funds, transfer from the appropriation contingency fund to the natural disaster revolving fund an amount not greater than fifty million dollars (\$50,000,000) less the balance of the natural disaster revolving fund. If the unexpended and unencumbered balance of the natural disaster revolving fund is equal to or greater than fifty million dollars (\$50,000,000), no transfer shall be made.

## **Chapter 157 Section 4 Laws 2025**

SECTION 4. Section 6-4-2.3 NMSA 1978 (being Laws 1991, Chapter 10, Section 7) is amended to read:

"6-4-2.3. APPROPRIATION CONTINGENCY FUND.--There is created within the general fund the "appropriation contingency fund". The appropriation contingency fund may be expended only:

A. upon specific authorization by the legislature;

B. as provided in Sections 12-11-23 through 12-11-25 NMSA 1978 in the event there is no surplus of unappropriated money in the general fund and in the amount authorized by the legislature; or

C. as provided in Section 3 of this 2025 act."

## **Chapter 157 Section 5 Laws 2025**

~~[SECTION 5. A new section of Chapter 6, Article 4 NMSA 1978 is enacted to read:~~

~~"STATE RESERVES.--The state reserves consist of the:~~

~~A. appropriation contingency fund;~~

~~B. general fund operating reserve;~~

~~C. government results and opportunity expendable trust;~~

~~D. state support reserve fund;~~

~~E. tax stabilization reserve;~~

~~F. natural disaster revolving fund; and~~

~~G. federal reimbursement revolving fund." ] LINE ITEM VETO~~

## **Chapter 157 Section 6 Laws 2025**

### **SECTION 6. FEDERAL REIMBURSEMENT REVOLVING FUND.--**

A. The "federal reimbursement revolving fund" is created as a nonreverting fund in the state treasury. The purpose of the fund is to use reimbursements from the federal government for claims created by the state's response to declared emergencies to ensure recovery for local communities affected by such emergencies and respond to future emergencies in New Mexico. The fund consists of reimbursed claims from the federal government, gifts, grants, transfers, distributions, donations and income from investment of the fund.

B. Money in the fund is appropriated to the department of finance and administration to make appropriations, pursuant to Sections 12-11-24 and 12-11-25 NMSA 1978, for disaster relief after the governor declares an emergency.

C. The department of finance and administration shall administer the fund. Expenditures from the fund shall be by warrant of the secretary of finance and

administration pursuant to vouchers signed by that secretary or that secretary's authorized representative.

D. Any money reimbursed to the state or otherwise received by the state for emergency expenditures from the federal government, including money the state receives through the federal Hermit's Peak/Calf Canyon Fire Assistance Act, unless otherwise obligated under an agreement with the federal government, shall be deposited in the federal reimbursement revolving fund.

## **Chapter 157 Section 7 Laws 2025**

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

## **LAWS 2025, CHAPTER 158**

**SFC/Senate Bill 425, w/ec, w/cc, partial veto**  
**Approved April 11, 2025**

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 158 Section 1 Laws 2025**

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 158 Section 2 Laws 2025**

### **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 158 Section 3 Laws 2025

SECTION 3. PASEO DEL VOLCAN IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 1 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design and construct improvements to paseo del Volcan in Bernalillo and Sandoval counties is extended through fiscal year 2027.

## Chapter 158 Section 4 Laws 2025

~~[SECTION 4. ALBUQUERQUE MESA DEL SOL EAST PLAT LIFT STATION CONSTRUCTION--CHANGE TO ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY AUTHORITY MESA DEL SOL EAST PLAT LIFT STATION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 4 of Section 22 of Chapter 53 of Laws 2022 to plan, design and construct a lift station on the east plat of the Mesa del Sol economic development hub in Bernalillo county shall not be expended for the original purpose but is changed to plan, design and construct a lift station for the Albuquerque-Bernalillo county water utility authority on the east plat of the Mesa del Sol economic development hub in Bernalillo county. The time of expenditure is extended through fiscal year 2027.] LINE ITEM VETO~~

## Chapter 158 Section 5 Laws 2025

~~[SECTION 5. ARENAL ROAD SOUTHWEST IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 4 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct and rehabilitate any county-maintained road and associated infrastructure, including Arenal road from Coors boulevard west to the end of county maintenance and the intersection of Rio Bravo boulevard and Second street extending north and east, in county commission district 2 in Bernalillo county is extended through fiscal year 2027.] LINE ITEM VETO~~

## Chapter 158 Section 6 Laws 2025

SECTION 6. ARMIJO ROAD SOUTHWEST ROAD AND DRAINAGE IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 4 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 52 to plan, design and construct road and drainage improvements to Armijo road SW in the South Valley area of Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 7 Laws 2025**

SECTION 7. ATRISCO VISTA BOULEVARD NORTHWEST IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 5 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design and improve Atrisco Vista boulevard from Double Eagle airport to paseo del Norte boulevard NW in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 8 Laws 2025**

SECTION 8. BERNALILLO COUNTY DISTRICT 2 TRAFFIC CALMING INSTALLATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 7 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct and install traffic calming devices, including speed humps, in county commission district 2 in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 9 Laws 2025**

SECTION 9. BERNALILLO COUNTY FAMILY SERVICES FACILITY CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 4 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2023, Chapter 203, Section 9 to plan, design, construct, renovate, furnish, equip and landscape a family services facility in the South Valley area of Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 10 Laws 2025**

~~[SECTION 10. BERNALILLO COUNTY MEAL DELIVERY EQUIPMENT PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 68 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2023, Chapter 203, Section 13 to purchase and install equipment, including information technology and related equipment and infrastructure, cooking equipment, white goods, appliances and storage equipment, for a homebound and special needs meal delivery program in Bernalillo county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 11 Laws 2025**

~~[SECTION 11. BERNALILLO COUNTY MOUNTAINVIEW NEIGHBORHOOD DRAINAGE IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 8 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct and improve drainage in~~

~~cooperation with the Albuquerque metropolitan arroyo flood control authority in the Mountainview neighborhood in county commission district 2 in Bernalillo county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 12 Laws 2025**

SECTION 12. BERNALILLO COUNTY SOUTHWEST MESA FIRE STATION CONSTRUCTION--CHANGE TO NORTH VALLEY FIRE STATION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 14 of Section 29 of Chapter 138 of Laws 2021 to acquire land and to plan, design, construct, equip and furnish phase 1 of a new fire station for the southwest mesa in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct, equip and furnish a fire station in the north valley in Bernalillo county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 13 Laws 2025**

SECTION 13. BERNALILLO COUNTY SOUTHERN AREA STREET LIGHT CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 6 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct, improve, replace, purchase, retrofit and install street lights and related equipment [~~in county commission district 2~~] in Bernalillo county is extended through fiscal year 2027. *LINE ITEM VETO*

## **Chapter 158 Section 14 Laws 2025**

SECTION 14. BERNALILLO COUNTY VETERANS TRANSITIONAL HOUSING FURNITURE AND EQUIPMENT PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 155 of Section 28 of Chapter 199 of Laws 2023 to purchase and install furnishings and equipment for transitional housing at the veterans integration centers in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 15 Laws 2025**

SECTION 15. ESCARPMENT ROAD IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 10 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 21 to plan, design and construct paving and other improvements on Escarpment road on the southwest mesa in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 16 Laws 2025**

SECTION 16. ALBUQUERQUE PLAYING FIELD IMPROVEMENT--CHANGE TO EXPO NEW MEXICO PLAYING FIELD AND SPORTS ARENA IMPROVEMENT--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--~~[Fifty-four percent of the unexpended balance of]~~ the appropriation to the local government division originally authorized in Subsection 73 of Section 30 of Chapter 53 of Laws 2022 and reauthorized in Laws 2023, Chapter 203, Section 43 to purchase, equip, install and make improvements to playing fields, including artificial turf, throughout Albuquerque in Bernalillo county shall not be expended for the original or reauthorized purpose but is appropriated to the state fair commission to purchase, equip, install and make improvements to playing fields and sports arenas, including artificial turf, for Expo New Mexico in Bernalillo county. The time of expenditure is extended through fiscal year 2027. *LINE ITEM VETO*

## **Chapter 158 Section 17 Laws 2025**

SECTION 17. NEW MEXICO HIGHWAY 333 AND TABLAZON ROAD INTERSECTION IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 15 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 24 to acquire rights of way for and to plan, design and construct improvements at the intersection of Tablazon road and New Mexico highway 333, including realignment and road extension, in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 18 Laws 2025**

SECTION 18. ALBUQUERQUE MESA DEL SOL LIFT STATION AND INFRASTRUCTURE CONSTRUCTION--CHANGE TO ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY AUTHORITY MESA DEL SOL LIFT STATION CONSTRUCTION--CHANGE AGENCY--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 71 of Section 28 of Chapter 199 of Laws 2023 to plan, design and construct the Mesa del Sol lift station and infrastructure for fire stations, police stations and schools in Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to the department of environment to plan, design and construct the Mesa del Sol lift station and infrastructure for fire stations, police stations and schools for the Albuquerque-Bernalillo county water utility authority in Bernalillo county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 19 Laws 2025**

~~[SECTION 19. ALBUQUERQUE MESA DEL SOL NORTH PLAT LIFT STATION CONSTRUCTION--CHANGE TO ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY AUTHORITY MESA DEL SOL NORTH PLAT LIFT STATION~~

~~CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 5 of Section 22 of Chapter 53 of Laws 2022 to plan, design and construct a lift station in the north plat of the Mesa del Sol economic development hub in Bernalillo county shall not be expended for the original purpose but is changed to plan, design and construct a lift station for the Albuquerque-Bernalillo county water utility authority on the north plat of the Mesa del Sol economic development hub in Bernalillo county. The time of expenditure is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 20 Laws 2025**

SECTION 20. TWELFTH STREET NORTHWEST AND SAWMILL ROAD NORTHWEST IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 14 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design, construct, equip and install traffic calming devices and pedestrian safety improvements on Twelfth street NW and Sawmill road NW in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 21 Laws 2025**

~~[SECTION 21. SECOND STREET NORTHWEST IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 2 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design, construct and improve Second street NW from Osuna road to Los Ranchos road, including accessibility compliance, in Bernalillo county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 22 Laws 2025**

SECTION 22. ALBUQUERQUE ANDERSON-ABRUZZO INTERNATIONAL BALLOON MUSEUM EXHIBITION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 21 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, purchase, furnish, equip and install exhibitions, including the balloon fiesta exhibition and an outdoor youth exhibition, at the Anderson-Abruzzo Albuquerque international balloon museum in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 23 Laws 2025**

SECTION 23. ALBUQUERQUE NORTH FOURTH ARTS CENTER RENOVATION--CHANGE TO ARTS CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 74 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct safety and security renovations, including accessibility

compliance improvements, at the north Fourth arts center in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct, equip and furnish an arts center in Albuquerque. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 24 Laws 2025**

~~[SECTION 24. ALBUQUERQUE FILM AND MEDIA TRAINING CENTER IMPROVEMENT--CHANGE TO ARTS CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 63 of Section 30 of Chapter 53 of Laws 2022 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 shall not be expended for the original purpose but is changed to plan, design, construct, equip and furnish an arts center in Albuquerque in Bernalillo county. The time of expenditure is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 25 Laws 2025**

SECTION 25. ALBUQUERQUE ASIAN AND PACIFIC ISLANDER COMMUNITY CENTER CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project originally authorized in Subsection 31 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2020, Chapter 82, Section 12 and reauthorized again in Laws 2023, Chapter 203, Section 38 to plan, design and construct a city-owned community center inclusive of the cultural needs of the Asian and Pacific Islander population in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 26 Laws 2025**

SECTION 26. ALBUQUERQUE CANDELARIA NATURE PRESERVE RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 28 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct and renovate the Candelaria nature preserve in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 27 Laws 2025**

~~[SECTION 27. ALBUQUERQUE COMMUNITY KITCHEN CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 33 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, renovate and equip a building as a restaurant incubator and community kitchen in the Baretas metropolitan redevelopment area in Albuquerque in Bernalillo county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 28 Laws 2025**

SECTION 28. ALBUQUERQUE DANIEL WEBSTER PARK RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 35 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct and renovate Daniel Webster park, including accessibility and infrastructure improvements, in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 29 Laws 2025**

SECTION 29. ALBUQUERQUE INTERNATIONAL DISTRICT METROPOLITAN REDEVELOPMENT AREA DEVELOPMENT--CHANGE TO DENTAL HEALTH SERVICES PROGRAM EQUIPMENT PURCHASE--GENERAL FUND.--~~[Up to one million four hundred eighty-five thousand dollars (\$1,485,000) of the unexpended balance of]~~ the appropriation to the local government division in Subsection 74 of Section 28 of Chapter 199 of Laws 2023 to acquire land and property for and to plan, design, construct, equip and improve the central/highland/upper Nob Hill metropolitan development area, including infrastructure and facilities, in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to purchase equipment and to equip a dental health services program providing health services to the unhoused, including medical equipment, furnishings and fixtures, in Albuquerque in Bernalillo county. *LINE ITEM VETO*

## **Chapter 158 Section 30 Laws 2025**

SECTION 30. ALBUQUERQUE DISPLACED PERSONS TRANSPORTATION SERVICES VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 56 of Section 28 of Chapter 199 of Laws 2023 to purchase equipment and vehicles to provide transportation and meal services to displaced persons and families experiencing homelessness in the international district in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 31 Laws 2025**

SECTION 31. ALBUQUERQUE EMERGENCY FOOD DISTRIBUTION EQUIPMENT PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 60 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip tractors, trailers, forklifts, forklift batteries and pallet jacks and racking for emergency food storage and distribution for Albuquerque in Bernalillo county is extended through fiscal year 2027.



## **Chapter 158 Section 32 Laws 2025**

~~[SECTION 32. ALBUQUERQUE EMERGENCY FOOD DISTRIBUTION PROGRAM VEHICLE PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 42 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2023, Chapter 203, Section 33 to purchase vehicles and equipment for use by a food bank emergency food distribution program in Albuquerque in Bernalillo county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 33 Laws 2025**

SECTION 33. ALBUQUERQUE FIRE RESCUE EMERGENCY MEDICAL RESPONSE EQUIPMENT PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 65 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip emergency medical response equipment, including chest compression system devices, gurneys and extrication equipment, in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 34 Laws 2025**

SECTION 34. ALBUQUERQUE FIRE RESCUE VEHICLE PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 50 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2023, Chapter 203, Section 34 to purchase and equip fire department vehicles for Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 35 Laws 2025**

~~[SECTION 35. ALBUQUERQUE FOOD BUSINESS INCUBATOR CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project originally authorized in Subsection 63 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 36 to acquire land for and to plan, design, construct, furnish, equip and install equipment for a commercial kitchen and food business incubator in Albuquerque in Bernalillo county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 36 Laws 2025**

SECTION 36. ALBUQUERQUE GENOCIDE AND INTOLERANCE MUSEUM RENOVATION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division originally authorized in Subsection 66 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 37 to

plan, design, construct and renovate a facility for the Holocaust and Intolerance museum in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 37 Laws 2025**

SECTION 37. ALBUQUERQUE SURGICAL CENTER CONSTRUCTION--CHANGE TO HEALTH CARE DATA SYSTEMS INFORMATION TECHNOLOGY PURCHASE--GENERAL FUND.--~~Two hundred fifty thousand dollars (\$250,000) of the unexpended balance of~~ the appropriation to the local government division originally authorized in Subsection 106 of Section 28 of Chapter 199 of Laws 2023 and reauthorized in Laws 2024, Chapter 65, Section 30 to plan, design, construct, acquire, furnish and equip a surgical center for a clinically integrated health care network in Albuquerque in Bernalillo county shall not be expended for the original or reauthorized purpose but is changed to purchase, equip, furnish and install information technology for health care data systems in Albuquerque in Bernalillo county. *LINE ITEM VETO*

## **Chapter 158 Section 38 Laws 2025**

SECTION 38. ALBUQUERQUE LADDER TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 80 of Section 28 of Chapter 199 of Laws 2023 to purchase, equip and replace ladder trucks for Albuquerque fire rescue station 7 in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 39 Laws 2025**

SECTION 39. ALBUQUERQUE LOMAS TRAMWAY LIBRARY IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 63 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, replace, equip and install improvements to the roof and the heating, ventilation and air conditioning systems at the Lomas Tramway library in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 40 Laws 2025**

SECTION 40. ALBUQUERQUE GEORGE J. MALOOF MEMORIAL AIR PARK IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 65 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct improvements at the George J. Maloof memorial air park in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 41 Laws 2025**

SECTION 41. ALBUQUERQUE MEDIAN LANDSCAPING CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 17 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct and improve median landscaping along streets [~~in city council district 3~~] in Albuquerque in Bernalillo county is extended through fiscal year 2027. *LINE ITEM VETO*

## **Chapter 158 Section 42 Laws 2025**

~~[SECTION 42. ALBUQUERQUE MOBILE HOMELESS FACILITY AND VEHICLE PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 70 of Section 29 of Chapter 138 of Laws 2021 to purchase and equip mobile facilities and vehicles, including shower units and soup kitchens, for the homeless community in the international district and surrounding areas in Albuquerque in Bernalillo county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 43 Laws 2025**

SECTION 43. ALBUQUERQUE NEW MEXICO VETERANS' MEMORIAL PARK RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 77 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, renovate and equip a New Mexico veterans' memorial park in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 44 Laws 2025**

SECTION 44. ALBUQUERQUE NORTHWEST MESA FIRE STATION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 49 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2023, Chapter 203, Section 35 to plan, design and construct a fire station on the northwest mesa in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 45 Laws 2025**

SECTION 45. ALBUQUERQUE PERFORMING AND VISUAL ARTS EDUCATION CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 80 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct and renovate buildings and grounds, including site preparation and the purchase and installation of fencing, infrastructure and related equipment, at a public performing,

visual arts and education center in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 46 Laws 2025**

SECTION 46. ALBUQUERQUE DOMESTIC VIOLENCE COUNSELING OFFICE ACQUISITION--CHANGE TO ALBUQUERQUE POLICE DEPARTMENT FAMILY ADVOCACY CENTER RENOVATION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 57 of Section 28 of Chapter 199 of Laws 2023 to acquire property, including a building in which domestic violence counselors can work with victims, in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, equip and furnish the police department family advocacy center in Albuquerque. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 47 Laws 2025**

SECTION 47. ALBUQUERQUE ROUTE 66 SIGNAGE CONSTRUCTION--CHANGE TO ROUTE 66 CENTRAL AVENUE SIGNAGE AND LIGHTING IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division originally authorized in Subsection 107 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 39 to plan, design, construct and install route 66 signage at the Central avenue and Lomas boulevard intersection area in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct and install route 66 signage and lighting along Central avenue in Albuquerque in Bernalillo county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 48 Laws 2025**

SECTION 48. BERNALILLO COUNTY SOUTH VALLEY LIBRARY FURNITURE PURCHASE--CHANGE TO ALBUQUERQUE SOUTH VALLEY LIBRARY FURNITURE PURCHASE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 24 of Section 28 of Chapter 199 of Laws 2023 to purchase and replace furniture at the South Valley library in Bernalillo county shall not be expended for the original purpose but is changed to purchase and replace furniture at the South Valley library in Albuquerque in Bernalillo county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 49 Laws 2025**

SECTION 49. ALBUQUERQUE SAN ANTONIO DRIVE MEDIAN STUDY PLAN--CHANGE TO MEDIAN IMPROVEMENT--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 166 of Section 28 of Chapter 66 of Laws 2024 for a feasibility study to convert medians along San Antonio drive into linear parks or greenways in Albuquerque in Bernalillo county shall not be

expended for the original purpose but is changed to plan, design, construct, renovate and improve medians along San Antonio drive in Albuquerque.

## **Chapter 158 Section 50 Laws 2025**

SECTION 50. ALBUQUERQUE SAWMILL OLD TOWN PEDESTRIAN STREETS IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 93 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct and improve pedestrian streets, including utility relocation, lighting and signage, in the Sawmill and Old Town areas of Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 51 Laws 2025**

~~[SECTION 51. ALBUQUERQUE SAWMILL COMMUNITY LAND TRUST PLAZA RENOVATION--CHANGE TO SAWMILL RAIL TRAIL CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 123 of Section 30 of Chapter 53 of Laws 2022 to plan, design, construct and renovate the plaza on the Sawmill community land trust in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct, furnish and equip the Sawmill rail trail. The time of expenditure is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 52 Laws 2025**

SECTION 52. ALBUQUERQUE SOUTHWEST MESA STREET LIGHTS CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 23 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 41 to plan, design, construct, equip and install street lights for the southwest mesa area in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 53 Laws 2025**

SECTION 53. ALBUQUERQUE STREET LIGHT INSTALLATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 16 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct and install street lights ~~[for city council district 3]~~ in Albuquerque in Bernalillo county is extended through fiscal year 2027. *LINE ITEM VETO*

## **Chapter 158 Section 54 Laws 2025**

SECTION 54. ALBUQUERQUE SUICIDE MEMORIAL CONSTRUCTION--CHANGE TO SUICIDE PREVENTION INFORMATION PORTAL CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the local

government division in Subsection 126 of Section 28 of Chapter 199 of Laws 2023 to plan, design and construct a memorial for victims of suicide in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design and construct suicide prevention information portals citywide, including in city parks, in Albuquerque in Bernalillo county.

## **Chapter 158 Section 55 Laws 2025**

SECTION 55. ALBUQUERQUE TONY HILLERMAN LIBRARY SECURITY SYSTEM INSTALLATION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 131 of Section 28 of Chapter 199 of Laws 2023 to purchase and install security systems, including fire and burglary systems and cameras, at the Tony Hillerman library in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 56 Laws 2025**

SECTION 56. ALBUQUERQUE TRUMBULL PARK RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 103 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct and replace playground equipment at Trumbull park in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 57 Laws 2025**

SECTION 57. ALBUQUERQUE TURF PLAYING FIELDS IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 24 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2023, Chapter 203, Section 42 to purchase, equip, install and make improvements to playing fields, including artificial turf, throughout Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 58 Laws 2025**

SECTION 58. ALBUQUERQUE VISITOR CENTER IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 90 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, improve, equip and furnish a visitor center and multi-use trail along west Central avenue in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 59 Laws 2025**

~~[SECTION 59. WEST MESA BASEBALL FACILITY IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government~~

~~division project in Subsection 119 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, install, purchase and equip improvements, including concessions, office, bathrooms, plumbing, electrical, security systems, overhead shade, fencing repairs, wind and glare screens and turf, and to comply with accessibility requirements and with the guidelines of the federal centers for disease control and prevention at fields used by the West Mesa little league in Albuquerque in Bernalillo county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 60 Laws 2025**

~~[SECTION 60. ALBUQUERQUE WESTSIDE ANIMAL SHELTER RENOVATION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 141 of Section 28 of Chapter 199 of Laws 2023 to plan, design, construct, improve and expand the Westside animal shelter, including kennels, associated support facilities, offices, public areas and a veterinary clinic, in Albuquerque in Bernalillo county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 61 Laws 2025**

~~[SECTION 61. ALBUQUERQUE YOUTH EDUCATION PROGRAM INFORMATION TECHNOLOGY AND VEHICLE PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 110 of Section 29 of Chapter 138 of Laws 2021 to purchase and install information technology and related equipment and vehicles for a youth education program in Albuquerque in Bernalillo county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 62 Laws 2025**

~~SECTION 62. ALBUQUERQUE YOUTH TEMPORARY HOUSING FACILITY RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 111 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, replace, renovate, purchase and equip a facility to provide temporary housing for youth in Albuquerque in Bernalillo county is extended through fiscal year 2027.~~

## **Chapter 158 Section 63 Laws 2025**

~~SECTION 63. ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY AUTHORITY WINROCK WASTEWATER RECLAMATION SYSTEM CONSTRUCTION--EXTEND TIME[--SEVERANCE TAX BONDS].--The time of expenditure for the department of environment project originally authorized in Subsection 4 of Section 26 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 51 to plan, design, construct, permit and equip a wastewater reuse system for the Albuquerque-Bernalillo county water utility authority to provide reclaimed water to the~~

Winrock site and to public parks in Albuquerque is extended through fiscal year 2027.  
*LINE ITEM VETO*

## **Chapter 158 Section 64 Laws 2025**

SECTION 64. ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY AUTHORITY WINROCK WASTEWATER REUSE SYSTEM CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project originally authorized in Subsection 3 of Section 26 of Chapter 81 of Laws 2020 and reauthorized in Laws 2023, Chapter 203, Section 50 to plan, design, construct, permit and equip a wastewater reuse system for the Albuquerque-Bernalillo county water utility authority to provide reclaimed water to the Winrock site and to public parks in Albuquerque is extended through fiscal year 2027.

## **Chapter 158 Section 65 Laws 2025**

~~[SECTION 65. BARCELONA ROAD SOUTHWEST IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 19 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct and improve Barcelona road SW from west of Sylvia road to the Isleta drain, including drainage, in Albuquerque in Bernalillo county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 66 Laws 2025**

SECTION 66. ALBUQUERQUE WORKFORCE DEVELOPMENT CENTER MODULAR BUILDING CONSTRUCTION--CHANGE TO BERNALILLO COUNTY WORKFORCE DEVELOPMENT CENTER RENOVATION--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division originally authorized in Subsection 43 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2023, Chapter 203, Section 7 to plan, design, construct, purchase, deliver, renovate, furnish, equip and install a modular building for an education and workforce development center in Bernalillo county shall not be expended for the original or reauthorized purpose but is appropriated to the economic development department to plan, design, construct, renovate, equip and furnish an education and workforce development center for low-income Spanish speakers in Bernalillo county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 67 Laws 2025**

~~[SECTION 67. ALBUQUERQUE WORKFORCE DEVELOPMENT CENTER MODULAR BUILDING PURCHASE--CHANGE TO BERNALILLO COUNTY WORKFORCE DEVELOPMENT CENTER RENOVATION--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division originally authorized in Subsection 60 of~~



~~Section 30 of Chapter 53 of Laws 2022 and reauthorized in Laws 2023, Chapter 203, Section 8 to plan, design, construct, purchase, deliver, renovate, furnish, equip and install a modular building for an education and workforce development center in Bernalillo county shall not be expended for the original or reauthorized purpose but is appropriated to the economic development department to plan, design, construct, renovate, equip and furnish an education and workforce development center for low-income Spanish speakers in Bernalillo county. The time of expenditure is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 68 Laws 2025**

SECTION 68. BERNALILLO COUNTY EDUCATION AND WORKFORCE DEVELOPMENT CENTER MODULAR BUILDING CONSTRUCTION--CHANGE TO WORKFORCE DEVELOPMENT CENTER RENOVATION--CHANGE AGENCY--EXTEND TIME.--The unexpended balance of the appropriation to the local government division in Subsection 7 of Section 28 of Chapter 199 of Laws 2023 to plan, design, construct, renovate, purchase, deliver, install, furnish and equip a modular building for an education and workforce development center in Bernalillo county shall not be expended for the original purpose but is appropriated to the economic development department to plan, design, construct, renovate, equip and furnish an education and workforce development center for low-income Spanish speakers in Albuquerque in Bernalillo county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 69 Laws 2025**

SECTION 69. BERNALILLO COUNTY MOUNTAINVIEW SIDEWALK CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 7 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 14 to acquire rights of way and to plan, design and construct sidewalks and drainage infrastructure in the Mountainview area, including Prince street and Prosperity avenue, in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 70 Laws 2025**

~~[SECTION 70. BERNALILLO COUNTY NORTHEAST AREA SHERIFF SUBSTATION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 9 of Section 29 of Chapter 138 of Laws 2021 to acquire land and to plan, design and construct a sheriff substation in county commission district 4 in Bernalillo county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 71 Laws 2025**

SECTION 71. BERNALILLO COUNTY PARADISE HILLS COMMUNITY CENTER IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of

expenditure for the local government division project originally authorized in Subsection 7 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 54 to plan, design, construct, equip and furnish phase 2 improvements in the Paradise Hills community center in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 72 Laws 2025**

SECTION 72. BRIDGE BOULEVARD PHASE TWO BUS SHELTERS AND MEDIAN ART CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 9 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 19 to plan, design and construct phase 2 improvements, including bus shelters and median art, along Bridge boulevard between Young avenue and the Riverside drain in the South Valley in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 73 Laws 2025**

SECTION 73. EAGLE RANCH ROAD AND PASEO DEL NORTE INTERSECTION IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 30 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 60 to plan, design, construct and install improvements at the intersection of Eagle Ranch road and paseo del Norte in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 74 Laws 2025**

SECTION 74. GIBSON BOULEVARD SOUTHEAST IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 21 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct and improve Gibson boulevard SE in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 75 Laws 2025**

SECTION 75. MCMAHON BOULEVARD NORTHWEST EXPANSION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 24 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design, construct and expand McMahon boulevard NW from Rockcliff drive to Anasazi Ridge avenue, including the purchase and installation of signal and safety improvements, in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 76 Laws 2025**

SECTION 76. NEAT LANE SOUTHWEST IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 10 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design, construct and improve Neat lane SW in the Atrisco community, including storm drainage, and for other road projects [in-house district 14] in Bernalillo county is extended through fiscal year 2027. *LINE ITEM VETO*

## **Chapter 158 Section 77 Laws 2025**

SECTION 77. PASEO DEL NORTE BOULEVARD NORTHWEST EXPANSION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 25 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design, construct, improve and expand paseo del Norte boulevard NW, including two lanes in each direction, a multi-use trail and bicycle lanes, between Rainbow boulevard and calle Nortena in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 78 Laws 2025**

~~[SECTION 78. QUIET LANE SOUTHWEST IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 11 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design, construct and improve Quiet lane SW in the Atrisco community, including storm drainage, and for other road projects in-house district 14 in Bernalillo county is extended through fiscal year 2027.] *LINE ITEM VETO*~~

## **Chapter 158 Section 79 Laws 2025**

SECTION 79. SHIPMAN ROAD SOUTHWEST AND CANAL STREET SOUTHWEST IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 13 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design, construct and improve Shipman road SW and Canal street SW in the Atrisco community, including storm drainage, and for other road projects [in-house district 14] in Bernalillo county is extended through fiscal year 2027. *LINE ITEM VETO*

## **Chapter 158 Section 80 Laws 2025**

SECTION 80. SUNSET ROAD DRAINAGE IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 2 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 70 to plan, design and construct

drainage improvements to Sunset road SW between Neetsie drive and Gonzales road in the South Valley area of Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 81 Laws 2025**

SECTION 81. UNIVERSITY OF NEW MEXICO INDOOR FOOTBALL FIELD RENOVATION--EXPAND PURPOSE--GENERAL FUND.--The university of New Mexico project in Subsection 11 of Section 40 of Chapter 66 of Laws 2024 to plan, design, construct, repair, equip, furnish and renovate the indoor football practice field at the university of New Mexico in Albuquerque in Bernalillo county may include planning, designing, constructing, repairing, equipping, furnishing and renovating the softball practice field at the university of New Mexico.

## **Chapter 158 Section 82 Laws 2025**

~~[SECTION 82. UNIVERSITY OF NEW MEXICO MAXWELL MUSEUM RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the university of New Mexico project in Subsection 13 of Section 41 of Chapter 138 of Laws 2021 to plan, design, purchase, equip, renovate and improve the Maxwell museum at the university of New Mexico in Albuquerque in Bernalillo county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 83 Laws 2025**

SECTION 83. UNIVERSITY OF NEW MEXICO NORTH GOLF COURSE CLUB HOUSE ROOF REPAIR--CHANGE TO NORTH GOLF COURSE CLUB HOUSE IMPROVEMENT--GENERAL FUND.--The unexpended balance of the appropriation to the board of regents of the university of New Mexico in Subsection 19 of Section 40 of Chapter 66 of Laws 2024 to plan, design, construct, repair and replace the roof of the north golf course club house at the university of New Mexico in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct, repair, furnish, equip and improve the north golf course club house at the university of New Mexico in Albuquerque in Bernalillo county.

## **Chapter 158 Section 84 Laws 2025**

SECTION 84. UNIVERSITY OF NEW MEXICO ZIMMERMAN LIBRARY SLEEP POD CONSTRUCTION--CHANGE TO UNIVERSITY OF NEW MEXICO SLEEP POD INSTALLATION--GENERAL FUND.--The unexpended balance of the appropriation to the board of regents of the university of New Mexico in Subsection 23 of Section 40 of Chapter 66 of Laws 2024 to plan, design, construct, equip and install sleep pods at Zimmerman library at the university of New Mexico in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct, equip and install sleep pods at the university of New Mexico.

## **Chapter 158 Section 85 Laws 2025**

SECTION 85. YOUTH TRANSITIONAL LIVING FACILITY PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project originally authorized in Subsection 126 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 72 to purchase a facility and to plan, design, construct, renovate, furnish and equip buildings and grounds, fencing and security infrastructure and to purchase and install information technology and related equipment at a youth transitional living facility in Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 86 Laws 2025**

SECTION 86. LA MESA ELEMENTARY SCHOOL INFORMATION TECHNOLOGY IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the public education department project in Subsection 77 of Section 16 of Chapter 199 of Laws 2023 to purchase and install information technology, including related equipment, furniture and infrastructure, digital touch screens and classroom presentation boards, at La Mesa elementary school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 87 Laws 2025**

~~[SECTION 87. MARIE M. HUGHES ELEMENTARY SCHOOL WELLNESS ROOM IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the public education department project in Subsection 87 of Section 16 of Chapter 199 of Laws 2023 to plan, design, build, purchase, equip, furnish and install fixtures, furniture, flooring, carpet, window coverings and related equipment for student wellness rooms at Marie M. Hughes elementary school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 88 Laws 2025**

SECTION 88. PAJARITO ELEMENTARY SCHOOL OUTDOOR CLASSROOM CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 113 of Section 17 of Chapter 138 of Laws 2021 to plan, design, construct, purchase, equip and furnish infrastructure, buildings and landscaping for an outdoor classroom and equipment for community gardens at Pajarito elementary school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 89 Laws 2025**

SECTION 89. VAN BUREN MIDDLE SCHOOL INFORMATION TECHNOLOGY IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the

public education department project in Subsection 123 of Section 16 of Chapter 199 of Laws 2023 to purchase and install information technology, including related equipment, furniture and infrastructure, digital touch screens and classroom presentation boards, at Van Buren middle school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 90 Laws 2025**

SECTION 90. FOURTH STREET NW IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 29 of Section 33 of Chapter 138 of Laws 2021 to plan, design and construct road improvements to Fourth street NW from Pueblo Solano road NW to Ortega road NW in Los Ranchos de Albuquerque in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 91 Laws 2025**

SECTION 91. QUEMADO COMMUNITY CENTERS CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 122 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, improve, equip and furnish community centers in Quemado in Catron county is extended through fiscal year 2027.

## **Chapter 158 Section 92 Laws 2025**

SECTION 92. CATRON COUNTY AMBULANCE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 164 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip ambulances for Reserve in Catron county is extended through fiscal year 2027.

## **Chapter 158 Section 93 Laws 2025**

SECTION 93. HAGERMAN MUNICIPAL SCHOOL DISTRICT ADMINISTRATIVE BUILDING ROOF REPLACEMENT--EXPAND PURPOSE--GENERAL FUND.--The public education department project in Subsection 157 of Section 16 of Chapter 66 of Laws 2024 to plan, design, construct and replace roofs and gutters at the administrative building in the Hagerman municipal school district in Chaves county may include replacing heating, ventilation and air conditioning systems and repairing the roof of the high school administration building in the Hagerman municipal school district.

## **Chapter 158 Section 94 Laws 2025**

~~[SECTION 94. ROSWELL SOUTHEAST REGION SCHOOL SHOOTING RANGE IMPROVEMENT--CHANGE TO SHOOTING RANGE EQUIPMENT UPGRADE--CHANGE AGENCY--GENERAL FUND.--The unexpended balance of the~~

~~appropriation to the public education department in Subsection 156 of Section 16 of Chapter 66 of Laws 2024 to plan, design, construct, upgrade and equip shooting ranges for high schools in communities in the southeast region of Roswell in Chaves county shall not be expended for the original purpose but is appropriated to the local government division to purchase equipment and to plan, design, construct and upgrade facilities, technology and equipment at the Roswell Chaparral skeet club shooting range in Roswell in Chaves county.] LINE ITEM VETO~~

## **Chapter 158 Section 95 Laws 2025**

SECTION 95. ROSWELL MUSEUM AND ART CENTER IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 133 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, renovate, furnish and equip the Roswell museum and art center, including building system upgrades, in Roswell in Chaves county is extended through fiscal year 2027.

## **Chapter 158 Section 96 Laws 2025**

SECTION 96. CIBOLA COUNTY ABOVE-GROUND STORAGE TANKS INSTALLATION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 178 of Section 28 of Chapter 199 of Laws 2023 to plan, design, purchase, equip and install above-ground storage tanks for public service operations in Cibola county is extended through fiscal year 2027.

## **Chapter 158 Section 97 Laws 2025**

SECTION 97. COMMUNITY DITCH OF SAN JOSE DE LA CIENEGA IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 3 of Section 28 of Chapter 138 of Laws 2021 to plan, design and construct improvements to the community ditch of San Jose de la Cienega in Cibola county is extended through fiscal year 2027.

## **Chapter 158 Section 98 Laws 2025**

~~[SECTION 98. CUBERO ACEQUIA ASSOCIATION ACEQUIA IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 4 of Section 28 of Chapter 138 of Laws 2021 to plan, design and construct improvements for the Cubero acequia association in Cibola county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 99 Laws 2025**

~~[SECTION 99. RAMAH CHAPTER CEMETERY CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 9 of Section 25 of Chapter 138 of Laws 2021 to acquire land, to conduct archaeological and environmental studies and to plan, design and construct a community and veterans' cemetery in the Ramah chapter of the Navajo Nation in Cibola county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 100 Laws 2025**

SECTION 100. SAN MATEO ACEQUIA ASSOCIATION IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 5 of Section 28 of Chapter 138 of Laws 2021 to plan, design, construct, furnish and equip improvements for the San Mateo acequia association in San Mateo in Cibola county is extended through fiscal year 2027.

## **Chapter 158 Section 101 Laws 2025**

SECTION 101. GRANTS DOMESTIC VIOLENCE SHELTER RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 138 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, repair, renovate and equip a domestic violence shelter in Grants in Cibola county is extended through fiscal year 2027.

## **Chapter 158 Section 102 Laws 2025**

SECTION 102. RAMAH CHAPTER ROAD GRADER PURCHASE--CHANGE TO DUMP TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 14 of Section 25 of Chapter 199 of Laws 2023 to purchase and equip a road grader for the Ramah chapter of the Navajo Nation in Cibola county shall not be expended for the original purpose but is changed to purchase and equip a dump truck for the Ramah chapter of the Navajo Nation in Cibola county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 103 Laws 2025**

SECTION 103. COLFAX COUNTY ROAD DEPARTMENT MAINTENANCE TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 183 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip a maintenance truck for the road department in Colfax county is extended through fiscal year 2027.



## **Chapter 158 Section 104 Laws 2025**

SECTION 104. EAGLE NEST LAGOON DECOMMISSIONING--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the state parks division of the energy, minerals and natural resources department project in Subsection 4 of Section 19 of Chapter 138 of Laws 2021 to plan, design and construct the decommissioning of sewer lagoons, including dewatering, sludge and lining removal, materials disposal and land restoration, in Eagle Nest in Colfax county is extended through fiscal year 2027.

## **Chapter 158 Section 105 Laws 2025**

SECTION 105. EAGLE NEST MOTOR GRADER PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 185 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip a motor grader in Eagle Nest in Colfax county is extended through fiscal year 2027.

## **Chapter 158 Section 106 Laws 2025**

SECTION 106. SECOND STREET IMPROVEMENT--CHANGE TO EAGLE NEST STREET IMPROVEMENT--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 45 of Section 33 of Chapter 199 of Laws 2023 to plan, design, construct and improve Second street in Eagle Nest in Colfax county shall not be expended for the original purpose but is changed to plan, design, construct and improve Second street, Neal avenue and Lake avenue in Eagle Nest in Colfax county.

## **Chapter 158 Section 107 Laws 2025**

SECTION 107. EAGLE NEST WATER SYSTEM PHASE 4 CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 14 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct and equip phase 4 of water system improvements, including environmental studies, in Eagle Nest in Colfax county is extended through fiscal year 2027.

## **Chapter 158 Section 108 Laws 2025**

SECTION 108. EAGLE NEST WELL HOUSE GENERATOR PURCHASE--CHANGE TO EAGLE NEST WASTEWATER SYSTEM AND WELL HOUSE IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 15 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct, furnish, equip and install emergency generators for the Eagle Nest well house in Eagle Nest in Colfax county shall not be expended for the original purpose but is changed to plan, design, construct, furnish, equip and install improvements to a well house and wastewater lift

stations, including the purchase of generators, pumps, motors and control panels, in Eagle Nest in Colfax county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 109 Laws 2025**

SECTION 109. COLFAX COUNTY ROAD DEPARTMENT VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 186 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip a tractor trailer for the road department in Colfax county is extended through fiscal year 2027.

## **Chapter 158 Section 110 Laws 2025**

SECTION 110. CURRY COUNTY FIRE STATION CONSTRUCTION--CHANGE TO ADULT DETENTION CENTER IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 189 of Section 30 of Chapter 53 of Laws 2022 to plan, design, construct, furnish and equip a fire station for the Countyline volunteer fire department in Curry county shall not be expended for the original purpose but is changed to plan, design and construct improvements to the adult detention center in Clovis in Curry county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 111 Laws 2025**

SECTION 111. DE BACA COUNTY TRASH TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project in Subsection 22 of Section 19 of Chapter 199 of Laws 2023 to purchase and equip a front loading trash collection truck for the county solid waste facility in De Baca county is extended through fiscal year 2027.

## **Chapter 158 Section 112 Laws 2025**

SECTION 112. ALTO DE LAS FLORES MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION ADMINISTRATION BUILDING CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 154 of Section 29 of Chapter 138 of Laws 2021 to acquire land, to conduct environmental and archaeological studies and to plan, design, construct, purchase, furnish and equip a building, including building relocation, for the Alto de las Flores mutual domestic water consumers association in Dona Ana county is extended through fiscal year 2027.

## **Chapter 158 Section 113 Laws 2025**

SECTION 113. BORDER AUTHORITY SANTA TERESA TO SUNLAND PARK ROAD EXTENSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the border authority project originally authorized in Subsection 1 of Section 6 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 88 to plan, design and construct a road between Santa Teresa and Sunland Park in Dona Ana county is extended through fiscal year 2027.

## **Chapter 158 Section 114 Laws 2025**

SECTION 114. CARVER ROAD IMPROVEMENT--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The department of transportation project in Subsection 34 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct and improve Carver road in Dona Ana county may include drainage improvements and the acquisition of rights of way. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 115 Laws 2025**

SECTION 115. DONA ANA COUNTY LA MESA COMMUNITY PARK IMPROVEMENT--CHANGE TO LA MESA COMMUNITY CENTER IMPROVEMENT--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 275 of Section 28 of Chapter 66 of Laws 2024 to plan, design, construct, equip, purchase and install improvements at La Mesa community park in Dona Ana county shall not be expended for the original purpose but is changed to plan, design, construct, equip, purchase and install improvements at La Mesa community center in Dona Ana county.

## **Chapter 158 Section 116 Laws 2025**

~~[SECTION 116. DONA ANA COUNTY SANTA TERESA ARROYO IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 6 of Section 28 of Chapter 138 of Laws 2021 to acquire permits and rights of way and to plan, design and construct improvements to the Santa Teresa arroyo in Dona Ana county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 117 Laws 2025**

SECTION 117. DONA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION DRAINAGE IMPROVEMENT--SEVERANCE TAX BONDS--EXTEND TIME.--The time of expenditure for the department of environment project in Subsection 22 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct, repair, improve and protect wastewater infrastructure, including manholes, sewer lines and flood control

structures, for the Dona Ana mutual domestic water consumers association in the Picacho Hills area of Dona Ana county is extended through fiscal year 2027.

## **Chapter 158 Section 118 Laws 2025**

SECTION 118. TALAVERA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION RADIO READ METER PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project in Subsection 32 of Section 19 of Chapter 199 of Laws 2023 to purchase and install radio read meters and related equipment for the Talavera mutual domestic water consumers association in Dona Ana county is extended through fiscal year 2027.

## **Chapter 158 Section 119 Laws 2025**

SECTION 119. WESTMORELAND AVENUE ROAD DRAINAGE IMPROVEMENT--CHANGE TO WESTMORELAND AVENUE AREA ROAD DRAINAGE IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 50 of Section 33 of Chapter 199 of Laws 2023 to acquire rights of way and to plan, design and construct road, drainage and utility improvements along Westmoreland avenue in Dona Ana county shall not be expended for the original purpose but is changed to acquire rights of way and to plan, design and construct road, drainage and utility improvements in the area of Westmoreland avenue in Dona Ana county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 120 Laws 2025**

SECTION 120. WESTMORELAND AVENUE ROAD DRAIN AND UTILITY IMPROVEMENT--CHANGE TO WESTMORELAND AVENUE AREA ROAD IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 48 of Section 33 of Chapter 66 of Laws 2024 to acquire rights of way for and to plan, design, construct and install road, drainage and utility improvements along Westmoreland avenue in Dona Ana county shall not be expended for the original purpose but is changed to acquire rights of way for and to plan, design, construct and install road, drainage and utility improvements in the area of Westmoreland avenue in Dona Ana county. [~~The time of expenditure is extended through fiscal year 2027.~~] *LINE ITEM VETO*

## **Chapter 158 Section 121 Laws 2025**

SECTION 121. ANTHONY MULTIGENERATIONAL BUILDING CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 168 of Section 29 of Chapter 138 of Laws 2021 to acquire land, easements and rights of way and to plan, design, demolish and construct phase 2 of a multigenerational building in Anthony in Dona Ana county is extended through fiscal year 2027.

## **Chapter 158 Section 122 Laws 2025**

~~[SECTION 122. CHAMBERINO MUTUAL DOMESTIC WATER CONSUMERS' AND SEWAGE ASSOCIATION ADMINISTRATION FACILITY CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 172 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct an administrative and central operations facility for the Chamberino mutual domestic water consumers' and sewage association in Chamberino in Dona Ana county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 123 Laws 2025**

SECTION 123. DONA ANA COUNTY CHAPARRAL FIRE STATION 10 RENOVATION--CHANGE TO CHAPARRAL FIRE STATION 44 RENOVATION--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 218 of Section 28 of Chapter 199 of Laws 2023 to plan, design, construct, renovate, furnish and equip fire station 10 in Chaparral in Dona Ana county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip fire station 44 in Chaparral in Dona Ana county.

## **Chapter 158 Section 124 Laws 2025**

SECTION 124. DONA ANA COUNTY DRAINAGE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 35 of Section 33 of Chapter 138 of Laws 2021 to acquire property and to plan, design, construct and equip drainage channels to the Brahman diversion channel in Dona Ana county is extended through fiscal year 2027.

## **Chapter 158 Section 125 Laws 2025**

SECTION 125. EAST MADRID AVENUE IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 44 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design and construct extensions, including utility and flood control infrastructure, on east Madrid avenue in Las Cruces in Dona Ana county is extended through fiscal year 2027.

## **Chapter 158 Section 126 Laws 2025**

~~[SECTION 126. LAS CRUCES EAST MESA AREA ROAD CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 45 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design, construct and improve roads,~~

~~including utilities and flood control, for the East Mesa area and for other road projects in Las Cruces in Dona Ana county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 127 Laws 2025**

SECTION 127. LAS CRUCES INTERNATIONAL AIRPORT CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 153 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, renovate, equip, furnish and install improvements for a terminal building, including infrastructure, landscaping and parking, at the Las Cruces international airport in Las Cruces in Dona Ana county is extended through fiscal year 2027.

## **Chapter 158 Section 128 Laws 2025**

SECTION 128. LAS CRUCES SEPTIC SYSTEM REPLACEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 25 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct, replace and equip improvements to septic systems in Las Cruces in Dona Ana county is extended through fiscal year 2027.

## **Chapter 158 Section 129 Laws 2025**

SECTION 129. NEW MEXICO STATE UNIVERSITY FABIAN GARCIA SCIENCE CENTER EQUIPMENT PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the New Mexico state university project in Subsection 11 of Section 38 of Chapter 199 of Laws 2023 to purchase equipment for the Fabian Garcia science center at New Mexico state university in Las Cruces in Dona Ana county is extended through fiscal year 2027.

## **Chapter 158 Section 130 Laws 2025**

SECTION 130. CALLE DE PICACHO DRAINAGE IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 46 of Section 33 of Chapter 138 of Laws 2021 to acquire easements and rights of way and to plan, design, construct and improve drainage along calle de Picacho in Mesilla in Dona Ana county is extended through fiscal year 2027.

## **Chapter 158 Section 131 Laws 2025**

SECTION 131. SANTA TERESA PORT OF ENTRY PARKING FACILITY CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the border authority project in Subsection 1 of Section 8 of Chapter 138

of Laws 2021 to plan, design and construct a parking facility on property adjacent to the New Mexico border authority in Santa Teresa in Dona Ana county is extended through fiscal year 2027.

### **Chapter 158 Section 132 Laws 2025**

SECTION 132. SUNLAND PARK PUBLIC SAFETY COMPLEX DESIGN--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 187 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct a public safety complex in Sunland Park in Dona Ana county is extended through fiscal year 2027.

### **Chapter 158 Section 133 Laws 2025**

SECTION 133. EDDY COUNTY SPLASH PAD CONSTRUCTION--CHANGE TO PLAYGROUND AND PARK EQUIPMENT INSTALLATION--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 310 of Section 28 of Chapter 66 of Laws 2024 to plan, design, construct, install and equip a splash pad for Eddy county shall not be expended for the original purpose but is changed to plan, design, construct and install playground and park equipment in Eddy county.

### **Chapter 158 Section 134 Laws 2025**

SECTION 134. WEST HERMOSA DRIVE IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 53 of Section 33 of Chapter 138 of Laws 2021 to plan, design and construct improvements to west Hermosa drive between south First street and south Thirteenth street in Artesia in Eddy county is extended through fiscal year 2027.

### **Chapter 158 Section 135 Laws 2025**

SECTION 135. CARLSBAD AUTOMATED METER READING SYSTEM PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project in Subsection 42 of Section 19 of Chapter 199 of Laws 2023 to purchase, equip and install an automated water meter reading system in Carlsbad in Eddy county is extended through fiscal year 2027.

### **Chapter 158 Section 136 Laws 2025**

SECTION 136. CARLSBAD CANAL STREET STORM DRAIN EXTENSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 79 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 105 to plan,

design, construct and extend a storm drain from Canal street to west Fox street along west Greene and south Halagueno streets in Carlsbad in Eddy county is extended through fiscal year 2027.

## **Chapter 158 Section 137 Laws 2025**

SECTION 137. CARLSBAD NORTH MESA SENIOR RECREATION CENTER RENOVATION--CHANGE TO CASCADES RECREATION AND WELLNESS CENTER IMPROVEMENT--GENERAL FUND.--The unexpended balance of the appropriation to the aging and long-term services department in Subsection 19 of Section 4 of Chapter 199 of Laws 2023 for renovations to the North Mesa senior recreation center in Carlsbad in Eddy county shall not be expended for the original purpose but is changed to purchase, equip and install recreation, safety and accessibility compliant equipment and furnishings and to plan, design, construct and equip outdoor improvements at the Cascades recreation and wellness center in Carlsbad in Eddy county.

## **Chapter 158 Section 138 Laws 2025**

~~[SECTION 138. SOUTHEAST NEW MEXICO COLLEGE HEATING, VENTILATION AND AIR CONDITIONING SYSTEM REPLACEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the higher education department project in Subsection 8 of Section 15 of Chapter 199 of Laws 2023 to replace the heating, ventilation and air conditioning systems campuswide at southeast New Mexico college in Carlsbad in Eddy county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 139 Laws 2025**

SECTION 139. BAYARD PUBLIC SAFETY BUILDING IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 195 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct building improvements, including roofing, to the public safety building in Bayard in Grant county is extended through fiscal year 2027.

## **Chapter 158 Section 140 Laws 2025**

SECTION 140. BAYARD RECREATION FACILITY IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 196 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, equip and furnish recreational facility and concession stand improvements, including site work and the purchase of equipment, for Bayard in Grant county is extended through fiscal year 2027.



## **Chapter 158 Section 141 Laws 2025**

SECTION 141. BAYARD RECREATIONAL FACILITY IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project originally authorized in Subsection 227 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 302 to plan, design, construct, purchase, equip and furnish recreational facility improvements, including site preparation, in Bayard in Grant county is extended through fiscal year 2027.

## **Chapter 158 Section 142 Laws 2025**

SECTION 142. BAYARD SEWER VACUUM TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project in Subsection 265 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip a sewer vacuum truck for Bayard in Grant county is extended through fiscal year 2027.

## **Chapter 158 Section 143 Laws 2025**

SECTION 143. BAYARD SLUDGE DEWATERING EQUIPMENT PURCHASE--CHANGE TO WASTEWATER SYSTEM IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the department of environment in Subsection 39 of Section 26 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 303 to plan, design and construct wastewater system improvements, including the purchase of sludge dewatering equipment, in Bayard in Grant county shall not be expended for the original purpose but is changed to plan, design and construct wastewater system improvements in Bayard in Grant county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 144 Laws 2025**

~~[SECTION 144. HURLEY WATER SYSTEM CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 32 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct and equip a water system in Hurley in Grant county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 145 Laws 2025**

SECTION 145. ALDO LEOPOLD CHARTER SCHOOL ACTIVITY VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the public education department project in Subsection 144 of Section 16 of Chapter 199 of Laws 2023 to purchase and equip activity vehicles for Aldo Leopold charter school in Silver City in Grant county is extended through fiscal year 2027.

## **Chapter 158 Section 146 Laws 2025**

~~[SECTION 146. GUADALUPE COUNTY MAGISTRATE COURT RELOCATION--CHANGE TO GUADALUPE COUNTY MAGISTRATE COURT PROPERTY ACQUISITION, CONSTRUCTION AND RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the administrative office of the courts in Subsection 3 of Section 4 of Chapter 138 of Laws 2021 to plan, design, construct, renovate, furnish and equip a new location for the magistrate court in Guadalupe county shall not be expended for the original purpose but is changed to acquire land and property for and to plan, design, construct, renovate, furnish and equip a magistrate court in Guadalupe county. The time of expenditure is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 147 Laws 2025**

SECTION 147. GUADALUPE COUNTY MAGISTRATE COURT LAND ACQUISITION--CHANGE TO LAND AND PROPERTY ACQUISITION--GENERAL FUND.--The unexpended balance of the appropriation to the administrative office of the courts in Subsection 2 of Section 3 of Chapter 66 of Laws 2024 to acquire land for the Guadalupe county magistrate court in Guadalupe county shall not be expended for the original purpose but is changed to acquire land and property for and to plan, design, construct, renovate, furnish and equip a magistrate court in Guadalupe county.

## **Chapter 158 Section 148 Laws 2025**

~~[SECTION 148. SANTA ROSA MAGISTRATE COURT CONSTRUCTION--CHANGE TO GUADALUPE COUNTY MAGISTRATE COURT COMPLEX ACQUISITION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the administrative office of the courts in Subsection 1 of Section 4 of Chapter 53 of Laws 2022 to plan, design, construct, renovate, furnish and equip a magistrate court in Santa Rosa in Guadalupe county shall not be expended for the original purpose but is changed to acquire land and property for and to plan, design, construct, renovate, furnish and equip a magistrate court complex in Guadalupe county. The time of expenditure is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 149 Laws 2025**

SECTION 149. SANTA ROSA VACUUM TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project in Subsection 53 of Section 19 of Chapter 199 of Laws 2023 to purchase and equip vacuum trucks for the water department in Santa Rosa in Guadalupe county is extended through fiscal year 2027.

## **Chapter 158 Section 150 Laws 2025**

SECTION 150. SANTA ROSA CONSOLIDATED SCHOOL DISTRICT BUS PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the public education department project in Subsection 148 of Section 16 of Chapter 199 of Laws 2023 to purchase and equip an activity bus for the Santa Rosa consolidated school district in Guadalupe county is extended through fiscal year 2027.

## **Chapter 158 Section 151 Laws 2025**

SECTION 151. VAUGHN WATER SYSTEM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 35 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct, purchase, equip and install water system improvements, including water meters, in Vaughn in Guadalupe county is extended through fiscal year 2027.

## **Chapter 158 Section 152 Laws 2025**

SECTION 152. HARDING COUNTY ROAD DEPARTMENT HOUSING CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 211 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, furnish and equip employee housing quarters for the road department in Harding county is extended through fiscal year 2027.

## **Chapter 158 Section 153 Laws 2025**

SECTION 153. ALBUQUERQUE INTERNATIONAL DISTRICT FAMILY RESOURCE CENTER PURCHASE--CHANGE TO HOBBS FAMILY RESOURCE CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 57 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, purchase, renovate, equip and furnish a family resource center in the international district in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct, purchase, renovate, equip and furnish a family resource center in Hobbs in Lea county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 154 Laws 2025**

SECTION 154. HOBBS FIBER AND WIRELESS NETWORK INFRASTRUCTURE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 57 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct, furnish and equip a

citywide fiber and wireless network, including infrastructure, in Hobbs in Lea county is extended through fiscal year 2027.

## **Chapter 158 Section 155 Laws 2025**

~~[SECTION 155. LEA COUNTY COURTHOUSE RENOVATION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project originally authorized in Subsection 251 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 115 to plan, design, construct, renovate, furnish and equip the historic Lea county courthouse in Lovington in Lea county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 156 Laws 2025**

SECTION 156. LEA COUNTY COURTHOUSE RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 223 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, purchase, renovate, equip and furnish the historic county courthouse in Lovington in Lea county is extended through fiscal year 2027.

## **Chapter 158 Section 157 Laws 2025**

~~[SECTION 157. LEA COUNTY DETENTION CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 224 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, equip and furnish an addition for the county detention center in Lovington in Lea county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 158 Laws 2025**

SECTION 158. LOVINGTON ANIMAL SHELTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 225 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2023, Chapter 203, Section 117 to plan, design, construct, renovate, refurbish and equip an animal services facility and shelter in Lovington in Lea county is extended through fiscal year 2027.

## **Chapter 158 Section 159 Laws 2025**

SECTION 159. LOVINGTON BRUSH TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 296 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip a brush truck for Lovington in Lea county is extended through fiscal year 2027.

## **Chapter 158 Section 160 Laws 2025**

SECTION 160. LOVINGTON MUNICIPAL FACILITIES INFORMATION TECHNOLOGY PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 297 of Section 28 of Chapter 199 of Laws 2023 to purchase and install information technology and security networks, including related equipment, infrastructure and furniture, for municipal buildings in Lovington in Lea county is extended through fiscal year 2027.

## **Chapter 158 Section 161 Laws 2025**

~~[SECTION 161. LOVINGTON MUNICIPAL WATER TOWER DESIGN--CHANGE TO WATER INFRASTRUCTURE IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 41 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct, purchase and equip a water tower in northwest Lovington in Lea county shall not be expended for the original purpose but is changed to plan, design, construct, equip and install improvements to water infrastructure in Lovington in Lea county. The time of expenditure is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 162 Laws 2025**

SECTION 162. LINCOLN COUNTY GREENTREE SOLID WASTE AUTHORITY GRAPPLE TRUCK SYSTEM PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project in Subsection 58 of Section 19 of Chapter 199 of Laws 2023 to purchase and equip a grapple truck and green waste collection system for the Greentree solid waste authority in Lincoln county is extended through fiscal year 2027.

## **Chapter 158 Section 163 Laws 2025**

SECTION 163. LOS ALAMOS COUNTY AFFORDABLE HOUSING INFRASTRUCTURE CONSTRUCT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project originally authorized in Subsection 273 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 122 to plan, design and construct affordable housing infrastructure in Los Alamos county is extended through fiscal year 2027.

## **Chapter 158 Section 164 Laws 2025**

SECTION 164. UNIVERSITY OF NEW MEXICO-LOS ALAMOS BUILDING 2 ROOF REPAIR--CHANGE TO BUILDING 2 AND BUILDING 3 ROOF REPLACEMENT--GENERAL FUND.--The unexpended balance of the appropriation to the board of regents of the university of New Mexico in Subsection 27 of Section 40 of Chapter 66 of

Laws 2024 to plan, design, construct, repair, renovate and replace the roof on building 2 at the Los Alamos branch campus of the university of New Mexico in Los Alamos county shall not be expended for the original purpose but is changed to plan, design, construct, repair, renovate and replace the roofs on building 2 and building 3 at the Los Alamos branch campus of the university of New Mexico in Los Alamos county.

## **Chapter 158 Section 165 Laws 2025**

SECTION 165. COLUMBUS PORT OF ENTRY WASTEWATER SYSTEM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the border authority project in Subsection 2 of Section 8 of Chapter 138 of Laws 2021 to plan, design and construct wastewater system improvements, including a new pond, at the port of entry in Columbus in Luna county is extended through fiscal year 2027.

## **Chapter 158 Section 166 Laws 2025**

~~[SECTION 166. BAHAST'LAH CHAPTER WATER LINE EXTENSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 13 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 156 to plan, design, construct, purchase, equip and install water line extensions for the Bahast'lah chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.]~~

## **Chapter 158 Section 167 Laws 2025**

~~SECTION 167. CASAMERO LAKE CHAPTER SENIOR CENTER CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the aging and long-term services department project originally authorized in Subsection 30 of Section 4 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 147 to plan, design, construct, furnish and equip a senior center in the Casamero Lake chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.~~

## **Chapter 158 Section 168 Laws 2025**

~~SECTION 168. CHICHILTAH CHAPTER FENCE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 15 of Section 25 of Chapter 138 of Laws 2021 to plan, design and construct fencing for the chapter compound in the Chichiltah chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 169 Laws 2025**

SECTION 169. DINE COLLEGE NAVAJO NATION LIVESTOCK RESEARCH CENTER CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 28 of Section 31 of Chapter 277 of Laws 2019 and appropriated to the higher education department in Laws 2023, Chapter 203, Section 138 to plan, design and construct the Navajo Nation livestock, research and extension center on the Crownpoint campus of Dine college in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 170 Laws 2025**

SECTION 170. IYANBITO CHAPTER HOUSE FENCE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 23 of Section 25 of Chapter 138 of Laws 2021 to make site improvements and to plan, design, construct and equip perimeter fencing for the chapter house in the Iyanbito chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 171 Laws 2025**

SECTION 171. SMITH LAKE CHAPTER HEAVY EQUIPMENT REPAIR SHOP CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 36 of Section 25 of Chapter 138 of Laws 2021 to plan, design and construct a heavy equipment repair shop, including canopies, in the Smith Lake chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 172 Laws 2025**

SECTION 172. THOREAU CHAPTER VETERANS' SERVICE CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 37 of Section 25 of Chapter 138 of Laws 2021 to plan, design, construct, furnish and equip a veterans' service center in the Thoreau chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 173 Laws 2025**

SECTION 173. TO'HAJIILEE CHAPTER WATER LINE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 1 of Section 25 of Chapter 138 of Laws 2021 to plan, design and construct water system improvements, including a water line to connect the Albuquerque system to the To'hajiilee chapter system, for the To'hajiilee chapter of the Navajo Nation in Bernalillo county is extended through fiscal year 2027.

## **Chapter 158 Section 174 Laws 2025**

~~[SECTION 174. TSAYATOH CHAPTER SCATTERED POWER LINE RIGHTS OF WAY ACQUISITION AND CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 40 of Section 25 of Chapter 138 of Laws 2021 to acquire easements and rights of way and to plan, design and construct wiring and power lines to homes in the Tsayatoh chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 175 Laws 2025**

SECTION 175. TSAYATOH CHAPTER SCATTERED POWER LINE EXTENSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 13 of Section 48 of Chapter 138 of Laws 2021 to acquire easements and rights of way and to plan, design and construct wiring and power lines to homes in the Tsayatoh chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 176 Laws 2025**

SECTION 176. BACA CHAPTER BATHROOM ADDITION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 13 of Section 25 of Chapter 138 of Laws 2021 to plan, design, construct, furnish and equip residential bathroom additions in the Baca chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 177 Laws 2025**

SECTION 177. BACA CHAPTER BATHROOM ADDITION CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 7 of Section 48 of Chapter 138 of Laws 2021 to plan, design, construct, furnish and equip residential bathroom additions in the Baca chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 178 Laws 2025**

~~[SECTION 178. CASAMERO LAKE CHAPTER SENIOR CENTER IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 24 of Section 31 of Chapter 277 of Laws 2019 and appropriated to the aging and long-term services department in Laws 2020, Chapter 82, Section 49 and reauthorized in Laws 2023, Chapter 203, Section 136 to plan, design, construct, furnish and equip improvements to the senior center in the Casamero Lake chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.] LINE ITEM VETO~~



## **Chapter 158 Section 179 Laws 2025**

SECTION 179. GALLUP CHILDREN AND FAMILIES FACILITY RENOVATION--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 370 of Section 28 of Chapter 66 of Laws 2024 to plan, design, construct and renovate transitional housing and facilities for children, youth and families in Gallup in McKinley county may include the purchasing of land and buildings.

## **Chapter 158 Section 180 Laws 2025**

SECTION 180. NORTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS BUILDING RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 250 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, repair and renovate the northwest New Mexico council of governments building, including the interior and exterior, in Gallup in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 181 Laws 2025**

SECTION 181. UNIVERSITY OF NEW MEXICO-GALLUP CAREER TECHNOLOGY AND EDUCATION CENTER RENOVATION--CHANGE TO CAREER TECHNOLOGY AND EDUCATION CENTER AND CONSTRUCTION TECHNOLOGY BUILDING RENOVATION--GENERAL FUND.--The unexpended balance of the appropriation to the board of regents of the university of New Mexico in Subsection 32 of Section 40 of Chapter 199 of Laws 2023 to plan, design, construct and equip renovations to the center for career technology and education at the Gallup branch campus of the university of New Mexico in McKinley county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip a center for career technology and education and a construction technology building at the Gallup branch campus of the university of New Mexico in McKinley county.

## **Chapter 158 Section 182 Laws 2025**

SECTION 182. UNIVERSITY OF NEW MEXICO-GALLUP INFRASTRUCTURE REPAIR AND IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the university of New Mexico project in Subsection 22 of Section 41 of Chapter 138 of Laws 2021 to plan, design, construct, improve, repair and equip infrastructure campuswide, including fire suppression and elevator upgrades, at the Gallup campus of the university of New Mexico in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 183 Laws 2025**

SECTION 183. IYANBITO CHAPTER HOUSE FENCE CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 31 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 142 to plan, design, construct, purchase and install perimeter fencing for the chapter house tract in the Iyanbito chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 184 Laws 2025**

SECTION 184. LAKE VALLEY CHAPTER POWER LINE EXTENSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 83 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 201 to plan, design and construct power lines in the Lake Valley chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.

## **Chapter 158 Section 185 Laws 2025**

SECTION 185. MANUELITO CHAPTER HEAVY DUTY TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 41 of Section 25 of Chapter 199 of Laws 2023 to purchase and equip a heavy duty truck for the Manuelito chapter in the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 186 Laws 2025**

SECTION 186. MEXICAN SPRINGS CHAPTER ADMINISTRATION BUILDING IMPROVEMENT--CHANGE TO UTILITY INFRASTRUCTURE CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 43 of Section 25 of Chapter 199 of Laws 2023 to plan, design, construct, equip and improve the intergovernmental administration building in the Mexican Springs chapter of the Navajo Nation in McKinley county shall not be expended for the original purpose but is changed to acquire easements and rights of way and to plan, design, develop and construct utility infrastructure for an intergovernmental administrative building in the Mexican Springs chapter of the Navajo Nation in McKinley county.

## **Chapter 158 Section 187 Laws 2025**

SECTION 187. MEXICAN SPRINGS CHAPTER MULTIPURPOSE BUILDING CONSTRUCTION--CHANGE TO ADMINISTRATIVE BUILDING UTILITY INFRASTRUCTURE DEVELOPMENT--GENERAL FUND.--The unexpended balance of

the appropriation to the Indian affairs department in Subsection 30 of Section 25 of Chapter 66 of Laws 2024 to plan, design, construct and equip an intergovernmental administrative building in the Mexican Springs chapter of the Navajo Nation in McKinley county shall not be expended for the original purpose but is changed to acquire easements and rights of way and to plan, design and construct utility infrastructure for an administrative building in the Mexican Springs chapter of the Navajo Nation in McKinley county.

## **Chapter 158 Section 188 Laws 2025**

~~[SECTION 188. MEXICAN SPRINGS ADMINISTRATIVE BUILDING CONSTRUCTION--CHANGE TO UTILITY INFRASTRUCTURE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 27 of Section 25 of Chapter 138 of Laws 2021 to plan, design, construct and equip an intergovernmental administrative building in the Mexican Springs chapter of the Navajo Nation in McKinley county shall not be expended for the original purpose but is changed to acquire easements and rights of way and to plan, design and construct utility infrastructure for an administrative building in the Mexican Springs chapter of the Navajo Nation in McKinley county. The time of expenditure is extended through fiscal year in 2027.~~

## **Chapter 158 Section 189 Laws 2025**

~~SECTION 189. PREWITT SEEWALD ESTATES POWER LINE EXTENSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 38 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 148 to plan, design and construct a power line extension to the Seewald estates area in Prewitt in the Navajo Nation in McKinley county is extended through fiscal year 2027.~~

## **Chapter 158 Section 190 Laws 2025**

~~SECTION 190. PUEBLO PINTADO CHAPTER BUZZARD CANYON POWER LINE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 32 of Section 25 of Chapter 138 of Laws 2021 to acquire easements and rights of way and to plan, design and construct power line extensions for the Pueblo Pintado chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 191 Laws 2025**

~~SECTION 191. MCKINLEY COUNTY RAMAH SENIOR CENTER VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the aging and long-term services department project in Subsection 29 of Section 4 of Chapter 199 of Laws 2023 to purchase and equip vehicles for the Ramah senior center in McKinley county is extended through fiscal year 2027.~~

## **Chapter 158 Section 192 Laws 2025**

~~[SECTION 192. ROCK SPRINGS CHAPTER MULTIPURPOSE BUILDING CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 35 of Section 25 of Chapter 138 of Laws 2021 to acquire land for and to plan, design, construct, furnish and equip a multipurpose building in the Rock Springs chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 193 Laws 2025**

SECTION 193. UNITED STATES HIGHWAY 491 AND CHEE DODGE ELEMENTARY SCHOOL ACCESS ROAD IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 104 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 150 to plan, design and construct improvements, including a turnout, to the access road from United States highway 491 to Chee Dodge elementary school in the Rock Springs chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 194 Laws 2025**

~~[SECTION 194. SHIPROCK CHAPTER SENIOR CENTER PARKING LOT IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the aging and long-term services department project in Subsection 40 of Section 5 of Chapter 138 of Laws 2021 to plan, design, construct, repair, equip and install improvements to the Shiprock senior center parking lot in the Shiprock chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.]~~

## **Chapter 158 Section 195 Laws 2025**

~~SECTION 195. SMITH LAKE CHAPTER COMMUNITY POWER LINE EXTENSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 3 of Section 48 of Chapter 138 of Laws 2021 to acquire easements and rights of way and to plan, design and construct a power line extension in the Smith Lake chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 196 Laws 2025**

SECTION 196. SMITH LAKE CHAPTER VETERANS CENTER IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 44 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 153 to plan, design, construct, renovate and improve the Smith Lake veterans center for the

Smith Lake chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

### **Chapter 158 Section 197 Laws 2025**

SECTION 197. THOREAU SENIOR CENTER VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the aging and long-term services department project in Subsection 31 of Section 4 of Chapter 199 of Laws 2023 to purchase and equip vehicles for the Thoreau senior center in McKinley county is extended through fiscal year 2027.

### **Chapter 158 Section 198 Laws 2025**

SECTION 198. COUNTY ROAD 51 IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 66 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct and improve county road 51 in the Thoreau chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

### **Chapter 158 Section 199 Laws 2025**

~~[SECTION 199. TOHATCHI CHAPTER LEACH FIELD REPLACEMENT--CHANGE TO CONSTRUCT A WAREHOUSE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 38 of Section 25 of Chapter 138 of Laws 2021 to acquire rights of way and easements and to plan, design and construct a leach field replacement in the Tohatchi chapter of the Navajo Nation in McKinley county shall not be expended for the original purpose but is changed to plan, design and construct a warehouse for the Tohatchi chapter of the Navajo Nation in McKinley county. The time of expenditure is extended through fiscal year 2027.] LINE ITEM VETO~~

### **Chapter 158 Section 200 Laws 2025**

SECTION 200. TOHATCHI CHAPTER NAKAI COMMUNITY PARK RENOVATION--CHANGE TO WAREHOUSE CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 38 of Section 25 of Chapter 66 of Laws 2024 to plan, design, construct, renovate, furnish and equip Nakai park in the Tohatchi chapter of the Navajo Nation in McKinley county shall not be expended for the original purpose but is changed to plan, design and construct a warehouse for the Tohatchi chapter of the Navajo Nation in McKinley county.

## **Chapter 158 Section 201 Laws 2025**

SECTION 201. TOHATCHI CHAPTER PUBLIC SAFETY COMPLEX CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 39 of Section 25 of Chapter 138 of Laws 2021 to acquire easements and rights of way and to plan, design, construct and equip a public safety complex, including hazardous materials abatement and demolition, in the Tohatchi chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 202 Laws 2025**

~~[SECTION 202. TOHATCHI CHAPTER LEACH FIELD CONSTRUCTION--CHANGE TO PUBLIC SAFETY COMPLEX CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 19 of Section 26 of Chapter 53 of Laws 2022 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 shall not be expended for the original purpose but is changed to plan, design, construct, furnish and equip a public safety complex in the Tohatchi chapter of the Navajo Nation in McKinley county. The time of expenditure is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 203 Laws 2025**

SECTION 203. TSAYATOH CHAPTER SCATTERED POWER LINE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 41 of Section 25 of Chapter 138 of Laws 2021 to acquire easements and rights of way and to plan, design, construct and improve the electrical infrastructure, including house wiring and power line extension, in the Tsayatoh chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 204 Laws 2025**

~~[SECTION 204. TWIN LAKES CHAPTER HOUSE DEMOLITION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 43 of Section 25 of Chapter 138 of Laws 2021 to plan, demolish and remove a former chapter house in the Twin Lakes chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 205 Laws 2025**

SECTION 205. WHITEHORSE LAKE CHAPTER BATHROOM ADDITION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 45 of Section 25 of

Chapter 138 of Laws 2021 to plan, design, construct and equip bathroom additions in the Whitehorse Lake chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

### **Chapter 158 Section 206 Laws 2025**

SECTION 206. WHITEHORSE LAKE CHAPTER BATHROOM ADDITION CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 16 of Section 48 of Chapter 138 of Laws 2021 to plan, design, construct and equip bathroom additions in the Whitehorse Lake chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

### **Chapter 158 Section 207 Laws 2025**

SECTION 207. ZUNI PUEBLO WASTEWATER INFRASTRUCTURE CONSTRUCTION--CHANGE TO FIRE AND EMERGENCY MEDICAL SERVICES FACILITY--EXTEND TIME--GENERAL FUND.--The unexpended balance of the Indian affairs department project originally authorized in Subsection 54 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 158 to plan, design and construct wastewater infrastructure for a commercial development area at the Pueblo of Zuni in McKinley county shall not be expended for the original or reauthorized purpose but is changed to plan, design, construct, furnish and equip a fire and emergency medical services facility for the Pueblo of Zuni in McKinley county. The time of expenditure is extended through fiscal year 2027.

### **Chapter 158 Section 208 Laws 2025**

SECTION 208. ACEQUIA DE LA ISLA DAM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 8 of Section 28 of Chapter 138 of Laws 2021 to plan, design, construct and install improvements to the Morphy lake dam and the acequia de la Isla, including the acquisition of high-hazard dam monitoring equipment, for the acequia de la Isla in Mora county is extended through fiscal year 2027.

### **Chapter 158 Section 209 Laws 2025**

SECTION 209. AGUA PURA MUTUAL DOMESTIC WATER CONSUMERS AND MUTUAL SEWAGE WORKS ASSOCIATION WATER SYSTEM IMPROVEMENT--CHANGE TO FILTRATION SYSTEM AND WELL CONSTRUCTION AND WATER LINE REPLACEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 46 of Section 21 of Chapter 138 of Laws 2021 to plan, design and construct infrastructure improvements, including water supply lines and well construction, for the Agua Pura mutual domestic water consumers association in Mora county shall not be expended for the original purpose but is changed to plan, design, construct and replace a well, a filtration and chlorination system and water lines for the Agua Pura mutual domestic

water consumers and mutual sewage works association in Mora county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 210 Laws 2025**

~~[SECTION 210. CRYSTAL CHAPTER GREEN KNOLL SPLIT MESA WATER SYSTEM CONSTRUCTION--CHANGE TO CRYSTAL CHAPTER CISTERN AND SEPTIC SYSTEM CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 10 of Section 48 of Chapter 138 of Laws 2021 to plan, design and construct a water system, including water lines and water storage, for the Green Knoll and Split Mesa areas in the Crystal chapter of the Navajo Nation in McKinley county shall not be expended for the original purpose but is changed to plan, design and construct cistern and septic systems in the Crystal chapter of the Navajo Nation in McKinley and San Juan counties. The time of expenditure is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 211 Laws 2025**

SECTION 211. NORTH CENTRAL REGIONAL TRANSIT DISTRICT BUS PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 332 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip transit buses for the north central regional transit district in Rio Arriba, Santa Fe, Los Alamos and Taos counties is extended through fiscal year 2027.

## **Chapter 158 Section 212 Laws 2025**

SECTION 212. NAVAJO NATION CODE TALKERS MUSEUM CONSTRUCTION AND DESIGN--CHANGE TO ACQUISITION AND CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 1 of Section 25 of Chapter 66 of Laws 2024 to plan, design, construct, furnish and equip a Navajo code talkers museum in the Tse Bonito area of the Navajo Nation in McKinley county shall not be expended for the original purpose but is changed to acquire property and to plan, design, construct, furnish and equip a Navajo code talkers museum for the Navajo Nation.

## **Chapter 158 Section 213 Laws 2025**

SECTION 213. TSE BONITO NAVAJO CODE TALKERS MUSEUM CONSTRUCTION--CHANGE TO PROPERTY ACQUISITION AND CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 18 of Section 25 of Chapter 199 of Laws 2023 to plan, design, construct, furnish and equip a Navajo code talkers museum in the Tse Bonito area of the Navajo Nation in McKinley county shall not be expended for the original purpose but is changed to acquire property and to plan, design, construct,



furnish and equip a Navajo code talkers museum for the Navajo Nation. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 214 Laws 2025**

SECTION 214. NAVAJO NATION CODE TALKERS MUSEUM AND VETERANS' CENTER CONSTRUCTION--CHANGE TO PROPERTY ACQUISITION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department originally authorized in Subsection 16 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 132 to plan, design, construct, furnish and equip a Navajo code talkers museum in the Tse Bonito area shall not be expended for the original or reauthorized purpose but is changed to acquire property and to plan, design, construct, furnish and equip a Navajo code talkers museum for the Navajo Nation. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 215 Laws 2025**

~~[SECTION 215. NORTH CENTRAL REGIONAL TRANSIT DISTRICT ELECTRIC BUS PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 304 of Section 30 of Chapter 53 of Laws 2022 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 is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 216 Laws 2025**

SECTION 216. SANTA FE-POJOAQUE SOIL AND WATER CONSERVATION DISTRICT SANTA CRUZ FLOOD CONTROL DAM BARRIER CONSTRUCTION--CHANGE TO SANTA CRUZ HIGH-HAZARD DAM SITE EROSION CONTROL--GENERAL FUND.--The unexpended balance of the appropriation to the board of regents of New Mexico state university in Subsection 23 of Section 38 of Chapter 199 of Laws 2023 to purchase, construct and install dam barriers at Santa Cruz high-hazard flood control dams in the Santa Fe-Pojoaque soil and water conservation district in Rio Arriba and Santa Fe counties shall not be expended for the original purpose but is changed to purchase, construct and install erosion control site improvements at Santa Cruz high-hazard flood control dams in the Santa Fe-Pojoaque soil and water conservation district.

## **Chapter 158 Section 217 Laws 2025**

SECTION 217. UNIVERSITY OF NEW MEXICO HEALTH CARE SIMULATIONS LABORATORY IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the university of New Mexico project in Subsection 23 of Section 41 of Chapter 138 of Laws 2021 to plan, design, construct, renovate, improve, purchase and install information technology and equipment for simulations laboratories at the

university of New Mexico in Albuquerque in Bernalillo county and in Rio Rancho in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 218 Laws 2025**

SECTION 218. TIMBERON WATER AND SANITATION DISTRICT RESERVOIR CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project originally authorized in Subsection 66 of Section 26 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 162 to plan, design and construct a water storage containment reservoir, including fittings, valves, gauges, fencing and access road, for the Timberon water and sanitation district in Otero county is extended through fiscal year 2027.

## **Chapter 158 Section 219 Laws 2025**

SECTION 219. TULAROSA COMMUNITY DITCH PIPELINE IMPROVEMENT--CHANGE TO ACEQUIA AND RESERVOIR IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the interstate stream commission in Subsection 10 of Section 28 of Chapter 138 of Laws 2021 to plan, design, construct and upgrade a pipeline and water conveyance system for the Tularosa community ditch association in Otero county shall not be expended for the original purpose but is changed to plan, design, construct and improve the acequia system and reservoir, including pipelines, gates and reservoir restoration, for the Tularosa community ditch in Otero county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 220 Laws 2025**

~~[SECTION 220. TULAROSA COMMUNITY DITCH GATES IMPROVEMENT--CHANGE TO GATES AND RESERVOIR IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the interstate stream commission in Subsection 9 of Section 28 of Chapter 138 of Laws 2021 to plan, design, construct and improve the acequia system, including replacement of switch gates, for the Tularosa community ditch in Otero county shall not be expended for the original purpose but is changed to plan, design, construct and improve the acequia system and reservoir, including pipelines, gates and reservoir restoration, for the Tularosa community ditch in Otero county. The time of expenditure is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 221 Laws 2025**

SECTION 221. ALAMOGORDO FIRE DEPARTMENT ADMINISTRATIVE OFFICE AND EMERGENCY OPERATIONS CENTER RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 259 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2023, Chapter 203, Section 164 to plan, design,

renovate, purchase, furnish and equip a facility to house fire department administrative offices and an emergency operations center, including a gymnasium, in Alamogordo in Otero county is extended through fiscal year 2027.

## **Chapter 158 Section 222 Laws 2025**

SECTION 222. ALAMOGORDO POLICE DEPARTMENT STAIRLIFT INSTALLATION--EXPAND PURPOSE--EXTEND TIME--GENERAL FUND.--The local government division project in Subsection 339 of Section 28 of Chapter 199 of Laws 2023 to purchase and install an accessibility-compliant stairlift elevator at the police department facility in Alamogordo in Otero county may include the purchase and equipping of vehicles for the police department. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 223 Laws 2025**

SECTION 223. OTERO COUNTY ROOF REPLACEMENT--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 392 of Section 28 of Chapter 66 of Laws 2024 to plan, design, construct and replace the roof on the old ACES school building, including gutters and soffits, in Alamogordo in Otero county may include exterior insulation finishing systems and other improvements to that building.

## **Chapter 158 Section 224 Laws 2025**

SECTION 224. CLOUDCROFT WATER AND WASTEWATER SYSTEM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project originally authorized in Subsection 56 of Section 26 of Chapter 81 of Laws 2020 and reauthorized in Laws 2022, Chapter 52, Section 83 and again reauthorized in Laws 2023, Chapter 203, Section 167 to plan, design and construct improvements to contaminated water systems, including the PURE water project and improvements to the wastewater treatment plant, in Cloudcroft in Otero county is extended through fiscal year 2027.

## **Chapter 158 Section 225 Laws 2025**

SECTION 225. CLOUDCROFT WASTEWATER TREATMENT PLANT ACQUISITION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 50 of Section 21 of Chapter 138 of Laws 2021 to purchase property for a wastewater treatment plant for Cloudcroft in Otero county is extended through fiscal year 2027.

## **Chapter 158 Section 226 Laws 2025**

SECTION 226. CLOUDCROFT WASTEWATER TREATMENT FACILITY IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project originally authorized in Subsection 69 of Section 26 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 168 to plan, design, construct, purchase, equip and install improvements, including an emergency generator and fan press, to a wastewater treatment facility in Cloudcroft in Otero county is extended through fiscal year 2027.

## **Chapter 158 Section 227 Laws 2025**

SECTION 227. CLOUDCROFT WASTEWATER TREATMENT FACILITY AND GENERATOR IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project originally authorized in Subsection 68 of Section 26 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 169 to plan, design, construct, purchase, equip and install improvements, including an emergency generator and fan press, to a wastewater treatment facility in Cloudcroft in Otero county is extended through fiscal year 2027.

## **Chapter 158 Section 228 Laws 2025**

~~[SECTION 228. TULAROSA WASTEWATER SYSTEM IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project originally authorized in Subsection 71 of Section 26 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 170 to plan, design, purchase, equip and construct improvements to the wastewater treatment plant and system, including rehabilitation of an aeration basin and purchase of a monitoring system, in Tularosa in Otero county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 229 Laws 2025**

SECTION 229. QUAY COUNTY EMERGENCY MEDICAL SERVICES RADIO EQUIPMENT IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 343 of Section 28 of Chapter 199 of Laws 2023 to purchase, equip and replace fire and emergency medical services radio equipment and information technology for the dispatch center and emergency departments in Quay county is extended through fiscal year 2027.

## **Chapter 158 Section 230 Laws 2025**

SECTION 230. TUCUMCARI PRINCESS THEATER RENOVATION--CHANGE TO HISTORIC BUILDING RENOVATION--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 399 of

Section 28 of Chapter 66 of Laws 2024 to renovate, reconstruct and repair the historical Princess theater in Tucumcari in Quay county shall not be expended for the original purpose but is changed to plan, design, construct, repair, renovate and equip the historic Princess theater in Tucumcari in Quay county.

### **Chapter 158 Section 231 Laws 2025**

SECTION 231. TUCUMCARI SANITATION TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 349 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip a sanitation truck for Tucumcari in Quay county is extended through fiscal year 2027.

### **Chapter 158 Section 232 Laws 2025**

SECTION 232. ACEQUIA DE LA OTRA VANDA IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the interstate stream commission project originally authorized in Subsection 29 of Section 33 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 173 to plan, design and construct improvements to the acequia de la Otro Vanda in Rio Arriba county is extended through fiscal year 2027.

### **Chapter 158 Section 233 Laws 2025**

SECTION 233. ACEQUIA MESA DEL MEDIO IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the interstate stream commission project originally authorized in Subsection 20 of Section 33 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 175 to plan, design and construct improvements for the acequia Mesa del Medio in Rio Arriba county is extended through fiscal year 2027.

### **Chapter 158 Section 234 Laws 2025**

SECTION 234. CHAMA WASTEWATER SYSTEM AND SEWER LINE IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project originally authorized in Subsection 71 of Section 26 of Chapter 81 of Laws 2020 and reauthorized in Laws 2023, Chapter 203, Section 179 to plan, design and construct a wastewater system and sewer line improvements for Chama in Rio Arriba county is extended through fiscal year 2027.

### **Chapter 158 Section 235 Laws 2025**

SECTION 235. JICARILLA APACHE NATION ACCESSIBLE VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the

Indian affairs department project in Subsection 77 of Section 25 of Chapter 199 of Laws 2023 to purchase an accessible vehicle and equipment for a community health and fitness center in the Jicarilla Apache Nation in Rio Arriba county is extended through fiscal year 2027.

### **Chapter 158 Section 236 Laws 2025**

SECTION 236. JICARILLA APACHE NATION EMERGENCY MEDICAL EQUIPMENT PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 75 of Section 25 of Chapter 199 of Laws 2023 to purchase and equip chest compression systems for ambulances and emergency medical services in the Jicarilla Apache Nation in Rio Arriba county is extended through fiscal year 2027.

### **Chapter 158 Section 237 Laws 2025**

SECTION 237. JICARILLA APACHE NATION SUPERMARKET EQUIPMENT PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 78 of Section 25 of Chapter 199 of Laws 2023 to purchase and equip a baler, compactor and other equipment for the Jicarilla supermarket in the Jicarilla Apache Nation in Rio Arriba county is extended through fiscal year 2027.

### **Chapter 158 Section 238 Laws 2025**

~~[SECTION 238. JICARILLA APACHE NATION UTILITY LINES CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 16 of Section 47 of Chapter 53 of Laws 2022 to plan, design, construct and equip utility lines for the Jicarilla Apache Nation in Rio Arriba county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

### **Chapter 158 Section 239 Laws 2025**

SECTION 239. JICARILLA APACHE NATION WORKFORCE INNOVATION AND OPPORTUNITY ACT STUDENT VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 81 of Section 25 of Chapter 199 of Laws 2023 to purchase and equip vehicles and equipment for workforce innovation opportunity students in the Jicarilla Apache Nation in Rio Arriba county is extended through fiscal year 2027.

### **Chapter 158 Section 240 Laws 2025**

SECTION 240. NORTHERN NEW MEXICO STATE SCHOOL HEATING, VENTILATION AND AIR CONDITIONING SYSTEM AND CONTROL IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the northern

New Mexico state school project in Subsection 1 of Section 40 of Chapter 138 of Laws 2021 to plan, design, construct, equip and install infrastructure improvements to heating, ventilation and air conditioning systems and controls at northern New Mexico state school in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 241 Laws 2025**

SECTION 241. PIEDRA LUMBRE VISITORS CENTER RENOVATE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of finance and administration project originally authorized in Subsection 2 of Section 28 of Chapter 277 of Laws 2019 and reauthorized in Laws 2020, Chapter 82, Section 66 and again reauthorized in Laws 2023, Chapter 203, Section 183 to plan, design, renovate, repair, construct, furnish, equip, abate and remove asbestos, lead-based paint and other hazardous materials and to demolish and dispose of existing structures at the Piedra Lumbre visitors center for the San Joaquin del Rio de Chama, Juan Bautista Baldez and Tierra Amarilla land grants-mercedes in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 242 Laws 2025**

SECTION 242. RIO ARRIBA COUNTY EMBUDO FIBER OPTIC EXPANSION--CHANGE TO RIO ARRIBA COUNTY FACILITIES FIBER OPTIC INSTALLATION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 278 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct REDINet repeater fiber optic expansions, including 911 security improvements, for governmental business operations in Embudo in Rio Arriba county shall not be expended for the original purpose but is changed to plan, design, construct and equip fiber optic installations for county facilities in Rio Arriba county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 243 Laws 2025**

~~[SECTION 243. RIO ARRIBA COUNTY EMPOWERMENT CENTER REDINET COMMUNICATION INFRASTRUCTURE INSTALLATION--CHANGE TO RIO ARRIBA COUNTY FACILITIES FIBER OPTIC INSTALLATION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 393 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct and install communications equipment and infrastructure, including four-strand fiber terminations on existing lateral service off of the REDINet backbone, at the Rio Arriba empowerment center in Espanola in Rio Arriba county shall not be expended for the original purpose but is changed to plan, design, construct and equip fiber optic installations for county facilities in Rio Arriba county. The time of expenditure is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 244 Laws 2025**

SECTION 244. RIO ARRIBA COUNTY VELARDE RESIDENTIAL RECOVERY CENTER REDINET CONSTRUCTION--CHANGE TO RIO ARRIBA COUNTY FACILITIES FIBER OPTIC INSTALLATION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 394 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct a micro fiber installation for five sites on the campus of a residential recovery facility in Velarde in Rio Arriba county shall not be expended for the original purpose but is changed to plan, design, construct and equip fiber optic installations for county facilities in Rio Arriba county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 245 Laws 2025**

SECTION 245. RIO ARRIBA COUNTY HOUSING AND RESIDENTIAL CARE FACILITIES LAND ACQUISITION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 270 of Section 29 of Chapter 138 of Laws 2021 to acquire land for and to plan, design, develop and construct workforce housing and residential care facilities in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 246 Laws 2025**

~~[SECTION 246. RIO ARRIBA COUNTY OJO CALIENTE COMMUNITY CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 273 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct a community center in the vicinity of Ojo Caliente in Rio Arriba county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 247 Laws 2025**

SECTION 247. TIERRA AMARILLA LAND GRANT LAND AND WATER RIGHTS ACQUISITION--CHANGE TO LAND ACQUISITION AND LOAN REPAYMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division originally authorized in Subsection 276 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2023, Chapter 203, Section 178 to acquire vacant land and water rights within the exterior boundaries of the land grant-merced de los Pueblos de Tierra Amarilla in Rio Arriba county shall not be expended for the original or reauthorized purpose but is changed to acquire land[, including the repayment of a loan for the purpose of purchasing property,] for the land grant-merced de los Pueblos de Tierra Amarilla. The time of expenditure is extended through fiscal year 2027. *LINE ITEM VETO*



## **Chapter 158 Section 248 Laws 2025**

SECTION 248. TRUCHAS MUTUAL DOMESTIC WATER CONSUMERS' ASSOCIATION AND MUTUAL SEWAGE WORKS ASSOCIATION AUTOMATED METER READING SYSTEM PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project in Subsection 82 of Section 19 of Chapter 199 of Laws 2023 to purchase, equip and install automated meter reading systems, including information technology and infrastructure and replacement of meters, for the Truchas mutual domestic water consumers' association and mutual sewage works association in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 249 Laws 2025**

SECTION 249. TRUCHAS MUTUAL DOMESTIC WATER CONSUMERS' ASSOCIATION AND MUTUAL SEWAGE WORKS ASSOCIATION WATER METER PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 55 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct, purchase and install smart water meters and related information technology for the Truchas mutual domestic water consumers' association and mutual sewage works association in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 250 Laws 2025**

SECTION 250. ACEQUIA DEL RINCON RIO ARRIBA IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 15 of Section 28 of Chapter 138 of Laws 2021 to plan, design and construct improvements to the acequia del Rincon in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 251 Laws 2025**

SECTION 251. ALCALDE LA LOMA VISTA CEMETERY RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 277 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, equip and renovate a cemetery in Alcalde in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 252 Laws 2025**

SECTION 252. CHAMA WATER METER PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project in Subsection 84 of Section 19 of Chapter 199 of Laws 2023 to purchase, equip and install water meters and implementation systems in Chama in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 253 Laws 2025**

SECTION 253. CHAMA WASTEWATER SYSTEM AND SEWER LINE IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 57 of Section 21 of Chapter 138 of Laws 2021 to plan, design and construct wastewater system improvements, including sewer line extensions, for Chama in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 254 Laws 2025**

SECTION 254. ESPANOLA LA JOYA FIRE STATION CONSTRUCTION--CHANGE TO FIRE STATION AND REGIONAL TRAINING FACILITY ACQUISITION--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 329 of Section 30 of Chapter 53 of Laws 2022 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 shall not be expended for the original purpose but is changed to acquire property and to plan, design, construct, equip and make infrastructure improvements to a fire station and regional training facility in Espanola in Rio Arriba county.

## **Chapter 158 Section 255 Laws 2025**

SECTION 255. ESPANOLA MISION Y CONVENTO VISITOR CENTER ROOF REPLACEMENT--CHANGE TO MUNICIPAL BUILDING IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 330 of Section 30 of Chapter 53 of Laws 2022 to replace and install roofing at the Mision y Convento visitor center in Espanola in Rio Arriba county shall not be expended for the original purpose but is changed to plan, design, construct and make improvements to municipal buildings in Espanola. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 256 Laws 2025**

SECTION 256. ESPANOLA SENIOR CENTER RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the aging and long-term services department project in Subsection 33 of Section 5 of Chapter 138 of Laws 2021 to plan, design, construct and improve the interior and exterior of the Espanola senior center, including the purchase and installation of equipment, in Espanola in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 257 Laws 2025**

~~[SECTION 257. ESPANOLA VALDEZ PARK EXPANSION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division~~

project in Subsection 280 of Section 29 of Chapter 138 of Laws 2021 to acquire property for and to plan, design, construct, equip, renovate and expand Valdez park, including replacement of existing playground equipment, in Espanola in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 258 Laws 2025**

~~SECTION 258. ESPANOLA VALDEZ PARK SKATEBOARD PARK CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 281 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct basketball courts and a skate park at Valdez park in Espanola in Rio Arriba county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 259 Laws 2025**

SECTION 259. RIO ARRIBA COUNTY COMMUNITY SERVICES CENTER RENOVATION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project originally authorized in Subsection 326 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 181 to plan, design, equip, renovate and repair a facility to serve as a community services delivery center and business development hub in Espanola in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 260 Laws 2025**

SECTION 260. RIO ARRIBA COUNTY EMPOWERMENT CENTER RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 282 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, equip and renovate the Rio Arriba empowerment center in Espanola in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 261 Laws 2025**

SECTION 261. RIO ARRIBA COUNTY LOW RIDER MUSEUM CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project originally authorized in Subsection 328 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 182 to plan, design, prepare the site, construct, renovate and equip a low rider museum in Espanola in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 262 Laws 2025**

SECTION 262. SILKEY WAY EXPANSION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 75 of Section 33 of Chapter 138 of Laws 2021 to acquire property for and to plan, design, construct and expand Silkey way in Espanola in Rio Arriba county is extended through fiscal year 2027.

## **Chapter 158 Section 263 Laws 2025**

SECTION 263. ACEQUIA DE OJO SARCO PHASE 5 DITCH LINING CONSTRUCTION--EXPAND PURPOSE--GENERAL FUND.--The interstate stream commission project in Subsection 16 of Section 27 of Chapter 66 of Laws 2024 to plan, design and construct phase 5 improvements, including the installation of ditch linings, for the acequia de Ojo Sarco in Rio Arriba county may include the purchase of new track for a trackhoe and repair and upgrading of heavy equipment.

## **Chapter 158 Section 264 Laws 2025**

SECTION 264. ELIDA WASTEWATER SYSTEM CONSTRUCTION--CHANGE TO WATER SYSTEM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment originally authorized in Subsection 77 of Section 26 of Chapter 81 of Laws 2020 and reauthorized in Laws 2024, Chapter 65, Section 165 to plan, design, construct, furnish and equip a wastewater system in Elida in Roosevelt county shall not be expended for the original or reauthorized purpose but is changed to plan, design, construct and equip water system improvements, including the replacement of water lines from a well site to water storage tanks, the rehabilitation of wells and the purchase of supervisory control and data acquisition components, in Elida in Roosevelt county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 265 Laws 2025**

SECTION 265. ELIDA MUNICIPAL SCHOOL DISTRICT SCHOOL BUS PURCHASE--CHANGE TO ACTIVITY VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the public education department in Subsection 172 of Section 16 of Chapter 199 of Laws 2023 to purchase and equip an activity bus, including addition of the school logo and colors, for the Elida municipal school district in Roosevelt county shall not be expended for the original purpose but is changed to purchase and equip activity vehicles for the Elida municipal school district. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 266 Laws 2025**

SECTION 266. PORTALES CHIP SPREADER PURCHASE--CHANGE TO GARBAGE TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 362 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip a chip spreader for the street works department in Portales in Roosevelt county shall not be expended for the original purpose but is changed to purchase and equip a garbage truck for the solid waste department in Portales. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 267 Laws 2025**

SECTION 267. PORTALES EMULSION TANK PURCHASE--CHANGE TO GARBAGE TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 363 of Section 28 of Chapter 199 of Laws 2023 to purchase, install and equip emulsion tanks for the street works department in Portales in Roosevelt county shall not be expended for the original purpose but is changed to purchase and equip a garbage truck for the solid waste department in Portales. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 268 Laws 2025**

SECTION 268. BLOOMFIELD IRRIGATION DISTRICT FLUME IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the office of the state engineer project originally authorized in Subsection 5 of Section 23 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 185 to plan, design and construct improvements to the district irrigation ditch, including the Blanco flume, for the Bloomfield irrigation district in San Juan county is extended through fiscal year 2027.

## **Chapter 158 Section 269 Laws 2025**

SECTION 269. GADII'AH/TO'KOI CHAPTER ADMINISTRATIVE COMPLEX CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 62 of Section 25 of Chapter 138 of Laws 2021 to plan, design, construct, equip and furnish an administrative complex for the Gadii'ahi/To'koi chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.

## **Chapter 158 Section 270 Laws 2025**

SECTION 270. GADII'AH/TO'KOI CHAPTER SENIOR CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of

expenditure for the aging and long-term services department project in Subsection 39 of Section 5 of Chapter 138 of Laws 2021 to plan, design, construct, equip and furnish a senior center, including infrastructure, for the Gadii'ahi/To'koi chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.

### **Chapter 158 Section 271 Laws 2025**

SECTION 271. HILLSIDE IRRIGATION DITCH ACEQUIA HEADGATE SPILLWAY SYSTEM CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 16 of Section 28 of Chapter 138 of Laws 2021 to plan, design and construct a headgate spillway system for the Hillside irrigation ditch in San Juan county is extended through fiscal year 2027.

### **Chapter 158 Section 272 Laws 2025**

SECTION 272. LAKE VALLEY CHAPTER ROAD GRADER PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 95 of Section 25 of Chapter 199 of Laws 2023 to purchase and equip heavy equipment, including a road grader, for the Lake Valley chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.

### **Chapter 158 Section 273 Laws 2025**

~~[SECTION 273. NAVAJO ROUTE 571 GADII'AH/TO'KOI CHAPTER IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project in Subsection 2 of Section 48 of Chapter 53 of Laws 2023 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 is extended through fiscal year 2027.] LINE ITEM VETO~~

### **Chapter 158 Section 274 Laws 2025**

SECTION 274. NAVAJO DAM DOMESTIC WATER CONSUMERS AND MUTUAL SEWAGE WORKS COOPERATIVE WATER STORAGE TANK CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 62 of Section 21 of Chapter 138 of Laws 2021 to purchase land for and to plan, design, construct, purchase and install water storage tanks and related equipment, including concrete slabs and fencing, for the Navajo Dam domestic water consumers and mutual sewage works cooperative in San Juan county is extended through fiscal year 2027.

## **Chapter 158 Section 275 Laws 2025**

~~[SECTION 275. NEW MEXICO HIGHWAY 371 AND NAVAJO ROUTE 36 TRAFFIC SIGNAL CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 116 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 187 to plan, design, construct, purchase and install a traffic signal and related road work, including widening, at the intersection of New Mexico highway 371 and Navajo route 36 in San Juan county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 276 Laws 2025**

SECTION 276. NAVAJO NATION SCATTERED POWER LINE CONSTRUCTION--CHANGE TO RED VALLEY CHAPTER MITTEN ROCK TRANSFER STATION CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 99 of Section 25 of Chapter 199 of Laws 2023 to plan, design and construct scattered power lines in the Mitten Rock area of the Red Valley chapter of the Navajo Nation in San Juan county shall not be expended for the original purpose but is changed to plan, design, construct and equip the Mitten Rock transfer station in the Red Valley chapter of the Navajo Nation in San Juan county.

## **Chapter 158 Section 277 Laws 2025**

SECTION 277. TSE ALNAOZTI'I' CHAPTER WATER LINE AND BATHROOM CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 67 of Section 25 of Chapter 138 of Laws 2021 to acquire rights of way and easements and to plan, design and construct water line extensions and bathroom additions in the Tse Alnaozti'i' chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.

## **Chapter 158 Section 278 Laws 2025**

~~[SECTION 278. TSE'DAA'KAAN CHAPTER SERVICE CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 73 of Section 25 of Chapter 138 of Laws 2021 to plan, design and construct a community service center in the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 279 Laws 2025**

SECTION 279. AZTEC WATER SYSTEM CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of

environment project in Subsection 61 of Section 21 of Chapter 138 of Laws 2021 to acquire easements and to plan, design and construct a water system and a transmission line for Aztec in San Juan county is extended through fiscal year 2027.

## **Chapter 158 Section 280 Laws 2025**

~~[SECTION 280. BECLABITO CHAPTER HELIPAD ACCESS ROAD CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 82 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct and improve a helipad access road for the Beclabito chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 281 Laws 2025**

SECTION 281. BECLABITO CHAPTER TRANSFER STATION CONSTRUCTION--CHANGE TO HELIPAD CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 89 of Section 25 of Chapter 199 of Laws 2023 to acquire easements and rights of way and to plan, design, construct and equip a solid waste transfer station in the Beclabito chapter of the Navajo Nation in San Juan county shall not be expended for the original purpose but is changed to plan, design and construct a helipad in the Beclabito chapter of the Navajo Nation in San Juan county.

## **Chapter 158 Section 282 Laws 2025**

SECTION 282. BECLABITO CHAPTER HELIPAD CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 79 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 193 to plan, design and construct a helipad in the Beclabito chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.

## **Chapter 158 Section 283 Laws 2025**

~~[SECTION 283. BECLABITO CHAPTER HELIPAD CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 83 of Section 33 of Chapter 138 of Laws 2021 to plan, design and construct a helipad in the Beclabito chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 284 Laws 2025**

SECTION 284. EAST BLANCO BOULEVARD IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of



transportation project in Subsection 79 of Section 33 of Chapter 138 of Laws 2021 to plan, design and construct improvements to east Blanco boulevard, including bridge replacement and drainage, in Bloomfield in San Juan county is extended through fiscal year 2027.

### **Chapter 158 Section 285 Laws 2025**

SECTION 285. NORTH FARMINGTON DITCH IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 17 of Section 28 of Chapter 138 of Laws 2021 to plan, design and construct improvements to the north Farmington ditch in Farmington in San Juan county is extended through fiscal year 2027.

### **Chapter 158 Section 286 Laws 2025**

SECTION 286. NAVAJO PREPARATORY SCHOOL SECURITY SYSTEM INSTALLATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 61 of Section 25 of Chapter 138 of Laws 2021 to purchase and install improvements, including cameras, keyless entry systems, computers and servers, at Navajo preparatory school in Farmington in San Juan county is extended through fiscal year 2027.

### **Chapter 158 Section 287 Laws 2025**

SECTION 287. SAN JUAN COLLEGE SCHOOL BUS PURCHASE--CHANGE TO PASSENGER BUS PURCHASE--GENERAL FUND.--The unexpended balance of the appropriation to the higher education department in Subsection 12 of Section 15 of Chapter 66 of Laws 2024 to purchase and equip a school bus for a school bus driver training program at San Juan college in Farmington in San Juan county shall not be expended for the original purpose but is changed to purchase and equip a passenger bus that carries more than sixteen passengers, including the driver, for the purpose of training school bus drivers at San Juan college in Farmington in San Juan county.

### **Chapter 158 Section 288 Laws 2025**

~~[SECTION 288. HUERFANO CHAPTER POWER LINE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 63 of Section 25 of Chapter 138 of Laws 2021 to acquire easements and rights of way for and to plan, design and construct scattered power lines in the Huerfano chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 289 Laws 2025**

SECTION 289. NASCHITTI CHAPTER POWER LINE EXTENSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 85 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 204 to acquire rights of way and easements, to plan and design archaeological and environmental studies and to plan, design and construct power line extensions in the Naschitti chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.

## **Chapter 158 Section 290 Laws 2025**

SECTION 290. NAVAJO ROUTE 5001 AND UNITED STATES HIGHWAY 491 INTERSECTION STREETLIGHT CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 85 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct, purchase and install solar streetlights at the main intersection of United States highway 491 and Navajo route 5001 in the Newcomb chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.

## **Chapter 158 Section 291 Laws 2025**

SECTION 291. RED VALLEY CHAPTER MITTEN ROCK POWER LINE CONSTRUCTION--CHANGE TO RED VALLEY CHAPTER MITTEN ROCK TRANSFER STATION CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department originally authorized in Subsection 87 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 202 to acquire easements and rights of way for and to plan, design and construct power lines to homes on the New Mexico side of the state line in the Mitten Rock area of the Red Valley chapter of the Navajo Nation in San Juan county shall not be expended for the original purpose but is changed to plan, design, construct and equip the Mitten Rock transfer station in the Red Valley chapter of the Navajo Nation in San Juan county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 292 Laws 2025**

~~[SECTION 292. DINE COLLEGE NORTH SHIPROCK CAMPUS GYMNASIUM HEATING, VENTILATION AND AIR CONDITIONING SYSTEM REPLACEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the higher education department project in Subsection 15 of Section 34 of Chapter 138 of Laws 2021 to plan, design, construct, replace, purchase and install a heating, ventilation and air conditioning system in the gymnasium at the north Shiprock campus of Dine college in San Juan county is extended through fiscal year 2027.]~~

## **Chapter 158 Section 293 Laws 2025**

~~SECTION 293. NAVAJO NATION RENEWABLE ENERGY SYSTEM CONSTRUCTION--CHANGE TO SHIPROCK INCIDENT COMMAND CENTER CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department originally authorized in Subsection 56 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 161 to plan, design, construct, purchase, equip and install renewable energy systems for the Navajo Nation in McKinley, San Juan and Sandoval counties shall not be expended for the original purpose but is changed to plan, design, construct and equip the Shiprock incident command center in the Shiprock chapter of the Navajo Nation in San Juan county. The time of expenditure is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 294 Laws 2025**

~~SECTION 294. SHIPROCK CHAPTER SENIOR CENTER PARKING LOT CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the aging and long-term services department project in Subsection 10 of Section 5 of Chapter 53 of Laws 2022 to plan, design, construct and repair the Shiprock senior center parking lot in the Shiprock chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.~~

## **Chapter 158 Section 295 Laws 2025**

~~[SECTION 295. SHIPROCK CHAPTER SENIOR CENTER PARKING LOT CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the aging and long-term services department project in Laws 2022, Chapter 53, Section 46 to plan, design, construct and repair the Shiprock senior center parking lot in the Shiprock chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.~~

## **Chapter 158 Section 296 Laws 2025**

~~SECTION 296. NEW MEXICO HIGHWAY 134 AND UNITED STATES HIGHWAY 491 INTERSECTION SAFETY IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 86 of Section 33 of Chapter 138 of Laws 2021 to plan, design and construct road safety improvements, including traffic lights and signage, for the intersection of New Mexico highway 134 and United States highway 491 in the Tooh Hahltsooi chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 297 Laws 2025**

SECTION 297. TOO H HALTSOOI CHAPTER POWER LINE EXTENSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 78 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 210 to acquire rights of way for and to plan, design and construct power line extensions, including archaeological and environmental studies, for the Tooh Haltsooi chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 298 Laws 2025**

~~[SECTION 298. TSE'DAA'KAAN CHAPTER HOGBACK SENIOR CENTER IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the aging and long-term services department project originally authorized in Subsection 46 of Section 4 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 211 to plan, design and construct improvements to the Hogback senior center in the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 299 Laws 2025**

SECTION 299. TSE'DAA'KAAN CHAPTER POWER LINE EXTENSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 93 of Section 31 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 189 to plan, design and construct power line extensions in the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.

## **Chapter 158 Section 300 Laws 2025**

~~[SECTION 300. UPPER FRUITLAND CHAPTER SENIOR CENTER IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the aging and long-term services department project originally authorized in Subsection 48 of Section 4 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 190 to plan, design, construct, furnish and equip phase 2 of a senior center, including an addition, for the Upper Fruitland chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.]~~

## **Chapter 158 Section 301 Laws 2025**

SECTION 301. WHITE ROCK CHAPTER POWER LINE EXTENSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 23 of Section 48 of Chapter 138 of Laws 2021 to plan, design and

~~construct scattered power line extensions in the White Rock chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 302 Laws 2025**

SECTION 302. SHIPROCK INDUSTRIAL PARK SOLAR STREET LIGHT IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 68 of Section 25 of Chapter 138 of Laws 2021 to plan, design, construct, purchase and equip solar street lights at the Shiprock industrial park in Shiprock in the Navajo Nation in San Juan county is extended through fiscal year 2027.

## **Chapter 158 Section 303 Laws 2025**

~~[SECTION 303. ACEQUIA DE LOS VECINOS DE LOS VALLECITOS WEST CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 18 of Section 28 of Chapter 138 of Laws 2021 to plan, design, construct, equip and install improvements for the acequia de los Vecinos de los Vallecitos west in San Miguel county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 304 Laws 2025**

SECTION 304. ACEQUIA MADRE DE EL CERRITO IMPROVEMENT--CHANGE TO PIPELINE PURCHASE AND ACEQUIA IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the interstate stream commission originally authorized in Subsection 39 of Section 27 of Chapter 199 of Laws 2023 and reauthorized in Laws 2024, Chapter 65, Section 189 to plan, design, construct, improve and equip the acequia Madre de el Cerrito in San Miguel county shall not be expended for the original or reauthorized purpose but is changed to purchase and install pipeline and to plan, design, construct, improve and equip the acequia Madre de el Cerrito. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 305 Laws 2025**

~~[SECTION 305. ACEQUIA MADRE DE LOS ROMEROS IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 22 of Section 28 of Chapter 138 of Laws 2021 to plan, design and construct improvements for the acequia Madre de los Romeros in San Miguel county is extended through fiscal year 2027.]~~

## **Chapter 158 Section 306 Laws 2025**

~~SECTION 306. PENDARIES VILLAGE MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION WATER SYSTEM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 67 of Section 21 of Chapter 138 of Laws 2021 to plan, design and construct water supply lines and well construction projects for the Pendaries village mutual domestic water consumers association in San Miguel county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 307 Laws 2025**

SECTION 307. SAN MIGUEL COUNTY DRUG TREATMENT FACILITY FURNITURE AND EQUIPMENT INSTALLATION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 376 of Section 28 of Chapter 199 of Laws 2023 to purchase and install fixtures, furniture and equipment at a drug treatment facility in San Miguel county is extended through fiscal year 2027.

## **Chapter 158 Section 308 Laws 2025**

SECTION 308. SAN MIGUEL COUNTY EMERGENCY OPERATIONS CENTER LAPTOPS PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 387 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip laptops for the emergency operations center in the office of emergency management in San Miguel county is extended through fiscal year 2027.

## **Chapter 158 Section 309 Laws 2025**

SECTION 309. SAN MIGUEL COUNTY RADIO SYSTEM PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 378 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip radio systems for the sheriff's office in San Miguel county is extended through fiscal year 2027.

## **Chapter 158 Section 310 Laws 2025**

SECTION 310. SAN MIGUEL COUNTY VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 380 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip vehicles for San Miguel county is extended through fiscal year 2027.

## **Chapter 158 Section 311 Laws 2025**

~~[SECTION 311. TECOLOTE ACEQUIA ASSOCIATION ACEQUIA IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the interstate stream commission project originally authorized in Subsection 41 of Section 33 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 218 to plan, design and construct improvements for the Tecolote acequia association in San Miguel county is extended through fiscal year 2027.]~~

## **Chapter 158 Section 312 Laws 2025**

~~SECTION 312. LAS VEGAS EIGHTH STREET WATER LINE EXTENSION--CHANGE TO PURCHASE VEHICLES AND EQUIPMENT--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 91 of Section 22 of Chapter 53 of Laws 2022 to plan, design and construct a water line along Eighth street north of Mills avenue in Las Vegas in San Miguel county shall not be expended for the original purpose but is appropriated to the local government division to purchase and equip vehicles and equipment for the utilities department in Las Vegas in San Miguel county. The time of expenditure is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 313 Laws 2025**

SECTION 313. LAS VEGAS VETERANS OF FOREIGN WARS BUILDING RENOVATION--CHANGE TO IMPROVE VETERANS PARK--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 450 of Section 28 of Chapter 66 of Laws 2024 to plan, design, construct and renovate the Las Vegas veterans of foreign wars building, including heating, ventilation and air conditioning systems, and to purchase and install equipment, including commemorative bricks, in Las Vegas in San Miguel county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip improvements to Veterans park in Las Vegas in San Miguel county.

## **Chapter 158 Section 314 Laws 2025**

SECTION 314. LUNA COMMUNITY COLLEGE MOBILE MEDICAL CLASSROOM EQUIPMENT PURCHASE--CHANGE TO ALLIED HEALTH BUILDING RENOVATION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the higher education department in Subsection 21 of Section 15 of Chapter 199 of Laws 2023 to purchase and equip a mobile medical classroom for the department of allied health and public service at Luna community college in Las Vegas in San Miguel county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip the allied health building, including accessibility and heating, ventilation and air conditioning system improvements, at Luna

community college in Las Vegas in San Miguel county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 315 Laws 2025**

SECTION 315. NEW MEXICO HIGHLANDS UNIVERSITY SININGER HALL RENOVATION--CHANGE TO FACILITY SERVICES BUILDING RENOVATION--GENERAL FUND.--The unexpended balance of the appropriation to the board of regents of New Mexico highlands university in Subsection 4 of Section 35 of Chapter 199 of Laws 2023 to plan, design, construct, renovate and equip Sininger hall at New Mexico highlands university in Las Vegas in San Miguel county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip a facility services building at New Mexico highlands university in Las Vegas in San Miguel county.

## **Chapter 158 Section 316 Laws 2025**

SECTION 316. SAN MIGUEL COUNTY PASSENGER VAN PURCHASE--EXPAND PURPOSE--EXTEND TIME--GENERAL FUND.--The local government division project in Subsection 388 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip passenger vans for after-school and summer programs in Las Vegas in San Miguel county may include purchasing and equipping buses. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 317 Laws 2025**

SECTION 317. PECOS WATER TANK CONSTRUCTION--CHANGE TO PECOS WATER AND WASTEWATER SYSTEM IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the department of environment in Subsection 77 of Section 20 of Chapter 66 of Laws 2024 to plan, design, construct and equip a water storage tank for the Benedictine monastery in Pecos in San Miguel county shall not be expended for the original purpose but is changed to plan, design, construct and improve water and wastewater systems, including water tanks, in Pecos in San Miguel county. ~~[The time of expenditure is extended through fiscal year 2027.]~~

## **Chapter 158 Section 318 Laws 2025**

~~SECTION 318. VALLEY ELEMENTARY AND MIDDLE SCHOOL HEALTH CENTER RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 165 of Section 17 of Chapter 138 of Laws 2021 to plan, design, construct and renovate existing space for a health center at Valley elementary and middle schools in the West Las Vegas public school district in San Miguel county is extended through fiscal year 2027.~~



## **Chapter 158 Section 319 Laws 2025**

~~SECTION 319. GARCIA LUCERO ACEQUIA ASSOCIATION IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the interstate stream commission project originally authorized in Subsection 46 of Section 33 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 225 to plan, design, construct and equip improvements to the Garcia Lucero acequia association in Sandoval county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 320 Laws 2025**

SECTION 320. LA JARA WATER USERS' ASSOCIATION WATER SYSTEM IMPROVEMENT--CHANGE TO LA JARA MUTUAL DOMESTIC WATER CONSUMERS' AND MUTUAL SEWAGE WORKS ASSOCIATION WATER SYSTEM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 70 of Section 21 of Chapter 138 of Laws 2021 to plan, design and construct water system improvements for La Jara water users' association in Sandoval county shall not be expended for the original purpose but is changed to plan, design and construct water system improvements for La Jara mutual domestic water consumers' and mutual sewage works association in Sandoval county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 321 Laws 2025**

SECTION 321. PENA BLANCA WATER AND SANITATION DISTRICT WATER SYSTEM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.-- The time of expenditure for the department of environment project in Subsection 71 of Section 21 of Chapter 138 of Laws 2021 to plan, design and construct water system improvements, including water lines, pressure-reducing valve stations and fire hydrants, for the Pena Blanca water and sanitation district in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 322 Laws 2025**

SECTION 322. PLACITAS SENIOR CENTER PLAN AND DESIGN--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the aging and long-term services department project in Subsection 46 of Section 5 of Chapter 138 of Laws 2021 to plan and design the Placitas senior center in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 323 Laws 2025**

SECTION 323. SAN ANTONIO DE LAS HUERTAS LAND GRANT-MERCED COMMUNITY BUILDING CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The

time of expenditure for the local government division project originally authorized in Subsection 380 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2021, Chapter 139, Section 67 and reauthorized again in Laws 2023, Chapter 203, Section 228 to plan, design, construct, purchase, renovate, furnish and equip a community building for the San Antonio de las Huertas land grant-merced in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 324 Laws 2025**

SECTION 324. SANDOVAL COUNTY THIRTEENTH JUDICIAL DISTRICT COURTHOUSE CONSTRUCTION--CHANGE AGENCY--GENERAL FUND.--The agency for the office of the district attorney of the thirteenth judicial district project in Laws 2024, Chapter 66, Section 12 to plan, design, construct, furnish and expand the thirteenth judicial district courthouse in Sandoval county is changed to the thirteenth judicial district court.

## **Chapter 158 Section 325 Laws 2025**

SECTION 325. EDGEWOOD WASTEWATER TREATMENT PLANT CONSTRUCTION--CHANGE TO SANDOVAL COUNTY ANIMAL SHELTER CONSTRUCTION--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--~~[Twenty-one percent of the unexpended balance of]~~ the department of environment project in Subsection 85 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct and equip a wastewater treatment plant for Edgewood in Santa Fe county shall not be expended for the original purpose but is appropriated to the local government division to acquire land for and to plan, design, construct and equip an animal shelter in Sandoval county. The time of expenditure is extended through fiscal year 2027. *LINE ITEM VETO*

## **Chapter 158 Section 326 Laws 2025**

~~[SECTION 326. COCHITI PUEBLO PLAZA HOUSING RENOVATION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 23 of Section 47 of Chapter 53 of Laws 2022 to plan, design, construct and renovate housing in the council-designated historic area of the plaza in the Pueblo of Cochiti in Sandoval county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 327 Laws 2025**

SECTION 327. COCHITI PUEBLO SENIOR CENTER IMPROVEMENT AND VEHICLE PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the aging and long-term services department project in Subsection 43 of Section 5 of Chapter 138 of Laws 2021 to plan, design and construct improvements, including lighting, parking, entry, garage, patio, bathrooms, kitchen and roof repair and

replacement, and to purchase and equip vehicles for the senior center in the Pueblo of Cochiti in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 328 Laws 2025**

SECTION 328. COCHITI PUEBLO SENIOR CENTER ROOF IMPROVEMENT AND VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the aging and long-term services department project in Subsection 1 of Section 45 of Chapter 138 of Laws 2021 to plan, design and construct improvements, including lighting, parking, entry, garage, patio, bathrooms, kitchen and roof repair and replacement, and to purchase and equip vehicles for the senior center in the Pueblo of Cochiti in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 329 Laws 2025**

SECTION 329. CORRALES WEST MEADOWLARK LANE TRAIL CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 322 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct the west Meadowlark lane trail in Corrales in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 330 Laws 2025**

~~[SECTION 330. SANDOVAL COUNTY RIDING CENTER VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project originally authorized in Subsection 409 of Section 28 of Chapter 199 of Laws 2023 and reauthorized in Laws 2024, Chapter 65, Section 195 to purchase vehicles and equipment for a therapeutic riding facility in Corrales in Sandoval county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 331 Laws 2025**

SECTION 331. JEMEZ PUEBLO GLOBAL POSITIONING SYSTEM UNIT EQUIPMENT PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 127 of Section 25 of Chapter 199 of Laws 2023 to purchase, equip and install a global positioning system unit for the Pueblo of Jemez in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 332 Laws 2025**

SECTION 332. JEMEZ PUEBLO SEWER JETTER EQUIPMENT PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project in Subsection 104 of Section 19 of Chapter 199 of Laws 2023 to purchase and equip a sewer jetter for the Pueblo of Jemez in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 333 Laws 2025**

SECTION 333. IDALIA ROAD AND LOMA COLORADO BOULEVARD CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 92 of Section 33 of Chapter 138 of Laws 2021 to plan, design and construct intersection improvements at Idalia road and Loma Colorado boulevard in Rio Rancho in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 334 Laws 2025**

SECTION 334. SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY INDUSTRIAL PARK WATER FACILITY CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 74 of Section 21 of Chapter 138 of Laws 2021 to plan, design and construct a water quality facility for an industrial park for the southern Sandoval county arroyo flood control authority in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 335 Laws 2025**

SECTION 335. ENCHANTED HILLS ELEMENTARY SCHOOL FIRE PROTECTION SYSTEM IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the public education department project in Subsection 193 of Section 16 of Chapter 199 of Laws 2023 to plan, design, purchase and install a fire protection system for Enchanted Hills elementary school in the Rio Rancho public school district in Sandoval county is extended through fiscal year 2027.

## **Chapter 158 Section 336 Laws 2025**

SECTION 336. ZIA PUEBLO HEALTH AND WELLNESS CENTER CONSTRUCTION--CHANGE TO GAS STATION CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 142 of Section 25 of Chapter 199 of Laws 2023 to plan, design, construct and equip a health and wellness center for the Pueblo of Zia in Sandoval county shall not be expended for the original purpose but is changed to plan, design, construct and equip a gas station for the Pueblo of Zia in Sandoval county.

## **Chapter 158 Section 337 Laws 2025**

SECTION 337. ACEQUIA DE LA OTRA BANDA IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the interstate stream commission project originally authorized in Subsection 54 of Section 33 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 234 to plan, design and

construct improvements to the acequia de la Otra Banda in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 338 Laws 2025**

~~[SECTION 338. ACEQUIA DEL BARRANCO ALTO IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the interstate stream commission project originally authorized in Subsection 56 of Section 33 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 236 to plan, design and construct improvements to the acequia del Barranco Alto in Santa Fe county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 339 Laws 2025**

~~SECTION 339. ACEQUIA DEL CANO IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 27 of Section 28 of Chapter 138 of Laws 2021 to plan, design and construct improvements to the acequia del Cano in Santa Fe county is extended through fiscal year 2027.~~

## **Chapter 158 Section 340 Laws 2025**

~~SECTION 340. ELDORADO AREA WATER AND SANITATION DISTRICT HEAVY EQUIPMENT PURCHASE--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 583 of Section 28 of Chapter 66 of Laws 2024 to purchase and equip heavy equipment, including a backhoe, dump truck and fleet maintenance truck, for the Eldorado area water and sanitation district in Santa Fe county may include the purchase of a generator.~~

## **Chapter 158 Section 341 Laws 2025**

~~[SECTION 341. LA BAJADA COMMUNITY DITCH AND MUTUAL DOMESTIC WATER ASSOCIATION WATER LINE CONSTRUCT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 81 of Section 21 of Chapter 138 of Laws 2021 to plan, design and construct water lines, including tank connections, for La Bajada community ditch and mutual domestic water association in Santa Fe county is extended through fiscal year 2027.~~

## **Chapter 158 Section 342 Laws 2025**

~~SECTION 342. LA BAJADA COMMUNITY DITCH AND MUTUAL DOMESTIC WATER ASSOCIATION HYDRANT AND METER INSTALLATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 80 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct, purchase, equip and install fire hydrants and meters related to a~~

~~well for La Bajada community ditch and mutual domestic water association in Santa Fe county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 343 Laws 2025**

SECTION 343. LA BAJADA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION WATER SYSTEM IMPROVEMENT--CHANGE TO LA BAJADA COMMUNITY DITCH AND MUTUAL DOMESTIC WATER ASSOCIATION WATER SYSTEM IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the department of environment originally authorized in Subsection 120 of Section 26 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 240 to plan, design and construct water system improvements for La Bajada mutual domestic water consumers association in Santa Fe county shall not be expended for the original or reauthorized purpose but is changed to plan, design and construct water system improvements for La Bajada community ditch and mutual domestic water association in Santa Fe county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 344 Laws 2025**

~~[SECTION 344. SANTA FE COUNTY EDGEWOOD FIRE STATION IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 337 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2023, Chapter 203, Section 247 to plan, design, construct, furnish, equip and improve fire stations in the Edgewood fire district in Santa Fe county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 345 Laws 2025**

SECTION 345. SANTA FE COUNTY ESPERANZA SHELTER SOLAR PANEL INSTALLATION--CHANGE TO SANTA FE COUNTY FACILITIES SOLAR PANEL INSTALLATION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 402 of Section 30 of Chapter 53 of Laws 2022 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 shall not be expended for the original purpose but is changed to plan, design, construct, purchase and install solar panels at county facilities in Santa Fe county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 346 Laws 2025**

SECTION 346. SANTA FE COUNTY LA CIENEGA WATER MASTER PLAN--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 83 of Section 21 of Chapter 138 of Laws 2021 for a master plan and a preliminary engineering report to evaluate existing

water infrastructure, to examine uses and impacts and to identify the best methods for increasing flows in La Cienega springs and traditional water sources for La Cienega in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 347 Laws 2025**

~~[SECTION 347. SANTA FE COUNTY POJOAQUE DISTRICT FIRE STATION CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project originally authorized in Subsection 393 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 306 to plan, design, construct, improve, furnish and equip fire stations in the Pojoaque fire district in Santa Fe county is extended through fiscal year 2027.]~~

## **Chapter 158 Section 348 Laws 2025**

~~SECTION 348. TEODORO Y TEODORA DITCH IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the interstate stream commission project originally authorized in Subsection 53 of Section 33 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 243 to plan, design and construct improvements to the Teodoro y Teodora ditch in Santa Fe county is extended through fiscal year 2027.~~

## **Chapter 158 Section 349 Laws 2025**

~~SECTION 349. TESUQUE PUEBLO WATER DISTRIBUTION SYSTEM CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 29 of Section 48 of Chapter 138 of Laws 2021 to plan, design and construct a drinking water delivery and fire protection system for the Pueblo of Tesuque in Santa Fe county is extended through fiscal year 2027.~~

## **Chapter 158 Section 350 Laws 2025**

~~SECTION 350. UNITED STATES HIGHWAY 84/285 NOISE MITIGATION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 96 of Section 33 of Chapter 138 of Laws 2021 to plan, design and construct a road noise mitigation project for United States highway 84/285 north of Santa Fe in Santa Fe county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 351 Laws 2025**

~~SECTION 351. AGUA FRIA COMMUNITY WATER SYSTEM ASSOCIATION TRANSFERS AND WATER SYSTEM IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 135 of Section 40 of Chapter 277 of Laws 2019 and~~

reauthorized to the department of environment in Laws 2023, Chapter 203, Section 238 to acquire water rights, including applications and transfers, and to plan, design and construct improvements to water distribution systems, including well and water line extensions, for the Agua Fria community water system association in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 352 Laws 2025**

~~[SECTION 352. AGUA FRIA COMMUNITY WATER SYSTEM ASSOCIATION WATER RIGHTS ACQUISITION AND WATER SYSTEM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project originally authorized in Subsection 97 of Section 33 of Chapter 138 of Laws 2021 and appropriated to the department of environment in Laws 2023, Chapter 203, Section 237 to acquire water rights, including applications and transfers, and to plan, design and construct improvements to water distribution systems, including well and water line extensions, for the Agua Fria community water system association in Santa Fe county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 353 Laws 2025**

SECTION 353. AGUA FRIA COMMUNITY WATER SYSTEM ASSOCIATION WATER DISTRIBUTION SYSTEM CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 77 of Section 21 of Chapter 138 of Laws 2021 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 is extended through fiscal year 2027.

## **Chapter 158 Section 354 Laws 2025**

SECTION 354. MADRID WATER MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION FIRE SUPPRESSION TANK CONSTRUCTION--CHANGE TO SANTA FE COUNTY MADRID COMMUNITY WATER SYSTEM TEST WELL CONSTRUCTION--CHANGE AGENCY--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 384 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 241 to plan, design, construct, purchase, equip and install a non-pressurized underground fire suppression tank for the Madrid water mutual domestic water consumers association in Santa Fe county shall not be expended for the original or reauthorized purpose but is appropriated to the department of environment to plan, design, construct, improve and equip test water wells for the community water system in Madrid in Santa Fe county. The time of expenditure is extended through fiscal year 2027.



## **Chapter 158 Section 355 Laws 2025**

SECTION 355. SANTA FE COUNTY MADRID FIRE SUPPRESSION SYSTEM CONSTRUCTION--CHANGE TO SANTA FE COUNTY MADRID COMMUNITY WATER SYSTEM TEST WELL CONSTRUCTION--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 339 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, improve and equip the fire suppression system in the Madrid area in Santa Fe county shall not be expended for the original purpose but is appropriated to the department of environment to plan, design, construct, improve and equip test water wells for the community water system in Madrid in Santa Fe county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 356 Laws 2025**

SECTION 356. NAMBE PUEBLO SENIOR CENTER IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the aging and long-term services department project in Subsection 2 of Section 45 of Chapter 138 of Laws 2021 to plan, design, construct, improve, furnish and equip a senior center in the Pueblo of Nambe in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 357 Laws 2025**

SECTION 357. SANTA FE COUNTY ABEDON LOPEZ SENIOR CENTER UPGRADE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the aging and long-term services department project in Subsection 50 of Section 5 of Chapter 138 of Laws 2021 to plan, design, construct, upgrade and equip the Abedon Lopez senior center in Santa Cruz in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 358 Laws 2025**

SECTION 358. CHILDREN, YOUTH AND FAMILIES DEPARTMENT PUBLIC EMPLOYEES RETIREMENT ASSOCIATION BUILDING RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project in Subsection 4 of Section 9 of Chapter 138 of Laws 2021 to plan, design, construct, renovate, furnish and equip facilities for the children, youth and families department at the public employees retirement association building in Santa Fe in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 359 Laws 2025**

SECTION 359. DEPARTMENT OF HEALTH FORT BAYARD WATER INFRASTRUCTURE IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the capital program fund project originally authorized in Subsection 4 of

Section 7 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 110 to plan, design, construct, improve, renovate, repair, remediate, furnish and equip infrastructure extending from springs located in the Gila national forest to the old Fort Bayard water tanks and to certify code compliance to provide water to the current Fort Bayard medical facility in Grant county is extended through fiscal year 2027.

### **Chapter 158 Section 360 Laws 2025**

SECTION 360. GOVERNOR MILES ROAD IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 98 of Section 33 of Chapter 138 of Laws 2021 to acquire rights of way and to plan, design, construct and improve pedestrian, bicycle and drainage infrastructure on Governor Miles road in Santa Fe in Santa Fe county is extended through fiscal year 2027.

### **Chapter 158 Section 361 Laws 2025**

SECTION 361. JOHN F. SIMMS BUILDING RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project in Subsection 8 of Section 9 of Chapter 138 of Laws 2021 to plan, design, construct, renovate and improve the John F. Simms building in Santa Fe in Santa Fe county is extended through fiscal year 2027.

### **Chapter 158 Section 362 Laws 2025**

SECTION 362. LA BAJADA COMMUNITY DITCH IMPROVEMENT--CHANGE TO LA BAJADA COMMUNITY DITCH AND MUTUAL DOMESTIC WATER ASSOCIATION ACEQUIA IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the interstate stream commission originally authorized in Subsection 59 of Section 33 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 239 to plan, design, construct, repair, rehabilitate and improve La Bajada community ditch in the La Bajada area of Santa Fe county shall not be expended for the original or reauthorized purpose but is changed to plan, design, construct, repair, rehabilitate and improve La Bajada community ditch for La Bajada community ditch and mutual domestic water association in the La Bajada area of Santa Fe county. The time of expenditure is extended through fiscal year 2027.

### **Chapter 158 Section 363 Laws 2025**

~~[SECTION 363. LA BAJADA COMMUNITY DITCH AND MUTUAL DOMESTIC WATER ASSOCIATION BROADBAND CONSTRUCTION--CHANGE TO FIRE HYDRANT AND METER INSTALLATION--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 395 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct broadband connections for La Bajada community ditch and mutual domestic water association in Santa Fe county shall not be expended for the~~

~~original purpose but is appropriated to the department of environment to plan, design, construct, purchase, equip and install fire hydrants and meters for La Bajada community ditch and mutual domestic water association in Santa Fe county. The time of expenditure is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 364 Laws 2025**

SECTION 364. NAMBE PUEBLO SENIOR CENTER IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the aging and long-term services department project in Subsection 49 of Section 5 of Chapter 138 of Laws 2021 to plan, design, construct, furnish and equip facility improvements to the Nambe Pueblo senior center in the Pueblo of Nambe in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 365 Laws 2025**

SECTION 365. NEW MEXICO HIGHWAY 118 IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 96 of Section 40 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 137 to plan, design and construct road improvements along New Mexico highway 118 for the Church Rock chapter of the Navajo Nation in McKinley county is extended through fiscal year 2027.

## **Chapter 158 Section 366 Laws 2025**

SECTION 366. NEW MEXICO SCHOOL FOR THE DEAF CENTRAL PLANT AND JAMES A. LITTLE THEATER IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the New Mexico school for the deaf project in Laws 2021, Chapter 138, Section 12 to plan, design, construct, renovate, furnish and equip facilities, including abatement, at the James A. Little theater building, central plant and associated site areas at the New Mexico school for the deaf in Santa Fe in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 367 Laws 2025**

SECTION 367. SANTA FE COUNTY SHERIFF LICENSE PLATE READER PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 431 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip police mobile camera license plate readers, including fixed and mobile systems and related technology, for the county sheriff in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 368 Laws 2025**

SECTION 368. SANTA FE FIRE STATION 2 CONSTRUCTION--CHANGE TO SANTA FE FIRE STATION IMPROVEMENT--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 492 of Section 28 of Chapter 66 of Laws 2024 to plan, design, construct, furnish and equip fire station 2, including related infrastructure, in Santa Fe in Santa Fe county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip fire station facilities in Santa Fe in Santa Fe county.

## **Chapter 158 Section 369 Laws 2025**

SECTION 369. SANTA FE FIRE STATION 2 CONSTRUCTION--CHANGE TO FIRE STATION RENOVATION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 447 of Section 28 of Chapter 199 of Laws 2023 to plan, design, construct, furnish and equip fire station 2, including infrastructure, for Santa Fe in Santa Fe county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip fire station facilities in Santa Fe in Santa Fe county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 370 Laws 2025**

SECTION 370. SANTA FE HOMEBOUND MEALS PROGRAM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 340 of Section 29 of Chapter 138 of Laws 2021 to plan, design, renovate, construct, improve and equip a facility for a meals program serving homebound and special needs individuals in Santa Fe in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 371 Laws 2025**

SECTION 371. SANTA FE MIDTOWN INFRASTRUCTURE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 344 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct and improve infrastructure for the midtown Santa Fe property in Santa Fe in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 372 Laws 2025**

SECTION 372. SANTA FE PARKS IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 341 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, repair, improve and equip parks in Santa Fe in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 373 Laws 2025**

SECTION 373. SANTA FE SOUTHSIDE TEEN CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 342 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, furnish and equip a teen and resource center on the south side of Santa Fe in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 374 Laws 2025**

SECTION 374. SANTA FE CAPITOL CAMPUS MASTER PLAN IMPLEMENTATION--CHANGE TO SANTA FE STATE BUILDING RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the capital program fund in Subsection 7 of Section 9 of Chapter 138 of Laws 2021 to plan, design, construct, renovate, remediate, furnish and equip state buildings located on the capitol campus to implement the Santa Fe master plan in Santa Fe county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, remediate, furnish and equip state buildings in Santa Fe in Santa Fe county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 375 Laws 2025**

~~[SECTION 375. SANTA FE SOUTHWEST ACTIVITY NODE PARK PHASE 2 IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project originally authorized in Subsection 407 of Section 34 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 261 to plan, design, construct, furnish and equip phase 2 improvements at Southwest Activity Node park in Santa Fe in Santa Fe county is extended through fiscal year 2027.]~~  
*LINE ITEM VETO*

## **Chapter 158 Section 376 Laws 2025**

SECTION 376. SUPREME COURT BUILDING RENOVATION--CHANGE AGENCY--GENERAL FUND.--The agency for the capital program fund project in Subsection 8 of Section 6 of Chapter 66 of Laws 2024 to plan, design, construct, renovate, repair, furnish and equip improvements to the supreme court, including elevator, electrical, heating, cooling and ventilation systems, in Santa Fe in Santa Fe county is changed to the supreme court building commission.

## **Chapter 158 Section 377 Laws 2025**

SECTION 377. SANTA FE INDIAN SCHOOL WIDE AREA NETWORK CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 36 of Section 48 of Chapter 138 of Laws 2021 to continue the construction of a regional middle-mile education network

employing fiber-optic construction, point-to-point wireless and leased dark fiber, where appropriate, for an internet exchange, network, security and data operation center that connects tribes and educational entities through a wide area network at the Santa Fe Indian school in Santa Fe in Santa Fe county is extended through fiscal year 2027.

## **Chapter 158 Section 378 Laws 2025**

SECTION 378. TESUQUE PUEBLO STORM DRAINAGE SYSTEM CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project originally authorized in Subsection 140 of Section 40 of Chapter 277 of Laws 2019 to plan, design and construct a storm drainage system in the Pueblo of Tesuque in Santa Fe county and appropriated to the Indian affairs department in Laws 2023, Chapter 203, Section 264 for that purpose is extended through fiscal year 2027.

## **Chapter 158 Section 379 Laws 2025**

~~[SECTION 379. TESUQUE PUEBLO WATER SYSTEM IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 26 of Section 48 of Chapter 138 of Laws 2021 to plan, design and construct water system improvements, including a source-to-storage water line, for the Pueblo of Tesuque in Santa Fe county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 380 Laws 2025**

SECTION 380. SPACEPORT AMERICA MASTER PLANNING AND PAYLOAD FACILITY CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the spaceport authority project originally authorized in Subsection 54 of Section 5 of Chapter 73 of Laws 2018 and reauthorized in Item (64) of Section 5 of Chapter 271 of Laws 2019 and reauthorized again in Laws 2020, Chapter 82, Section 95 and reauthorized again in Laws 2023, Chapter 203, Section 268 for master planning and to plan, design, construct and equip a payload processing center, an information technology building and a visitor access control facility at spaceport America in Sierra county is extended through fiscal year 2027.

## **Chapter 158 Section 381 Laws 2025**

SECTION 381. SPACEPORT AMERICA IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the spaceport authority project originally appropriated in Laws 2019, Chapter 277, Section 38 and reauthorized in Laws 2021, Chapter 139, Section 79 and reauthorized again in Laws 2023, Chapter 203, Section 266 to plan, design, construct and make improvements at spaceport America in Sierra county, to include funding for operating expenses of up to one million seven hundred fifty thousand dollars (\$1,750,000), notwithstanding any restrictions otherwise limiting the use of those funds for indirect costs, is extended through fiscal year 2026.

## **Chapter 158 Section 382 Laws 2025**

SECTION 382. TRUTH OR CONSEQUENCES KEN JAMES SENIOR CENTER VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the aging and long-term services department project in Subsection 59 of Section 4 of Chapter 199 of Laws 2023 to purchase and equip vehicles for the Ken James senior center in Truth or Consequences in Sierra county is extended through fiscal year 2027.

## **Chapter 158 Section 383 Laws 2025**

SECTION 383. KEN JAMES SENIOR CENTER RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the aging and long-term services department project in Subsection 52 of Section 5 of Chapter 138 of Laws 2021 for renovations to the Ken James senior center in Truth or Consequences in Sierra county is extended through fiscal year 2027.

## **Chapter 158 Section 384 Laws 2025**

~~[SECTION 384. ALAMO CHAPTER STORAGE BUILDING CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 117 of Section 25 of Chapter 138 of Laws 2021 to plan, design, purchase and construct a food and water storage and distribution building, including a loading dock and security fencing, in the Alamo chapter of the Navajo Nation in Socorro county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 385 Laws 2025**

SECTION 385. ALAMO CHAPTER DUMP TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the Indian affairs department project in Subsection 164 of Section 25 of Chapter 199 of Laws 2023 to purchase and equip a dump truck for the Alamo chapter of the Navajo Nation in Socorro county is extended through fiscal year 2027.

## **Chapter 158 Section 386 Laws 2025**

SECTION 386. MAGDALENA BENJAMIN WELL IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 89 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct and improve Benjamin well, including a booster pump and water storage tank, in Magdalena in Socorro county is extended through fiscal year 2027.

## **Chapter 158 Section 387 Laws 2025**

~~[SECTION 387. MAGDALENA SENIOR CENTER IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the aging and long-term services department project in Subsection 55 of Section 5 of Chapter 138 of Laws 2021 for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Magdalena senior center in Socorro county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 388 Laws 2025**

SECTION 388. SOCORRO EAGLE PICHER SUPERFUND SITE MULTIPURPOSE BUILDING CONSTRUCTION--CHANGE TO INDUSTRIAL PARK SITE MULTIPURPOSE BUILDING CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 515 of Section 28 of Chapter 66 of Laws 2024 to plan, design, construct, purchase and equip a multipurpose building for commercial and industrial development on a remediated United States environmental protection agency superfund site near Socorro in Socorro county shall not be expended for the original purpose but is changed to plan, design, construct, purchase and equip a multipurpose building in an industrial park in Socorro in Socorro county.

## **Chapter 158 Section 389 Laws 2025**

SECTION 389. CHILDREN, YOUTH AND FAMILIES DEPARTMENT FACILITY IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project in Subsection 10 of Section 9 of Chapter 138 of Laws 2021 to plan, design, construct, improve, renovate, furnish and equip facilities for the children, youth and families department statewide is extended through fiscal year 2027.

## **Chapter 158 Section 390 Laws 2025**

SECTION 390. DEPARTMENT OF INFORMATION TECHNOLOGY BROADBAND IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of information technology project in Subsection 1 of Section 26 of Chapter 138 of Laws 2021 to plan, design, engineer, construct, purchase and equip broadband infrastructure statewide, provided that no more than five hundred thousand dollars (\$500,000) shall be expended until the department of information technology submits an expenditure plan to the legislative finance committee, is extended through fiscal year 2027.



## **Chapter 158 Section 391 Laws 2025**

SECTION 391. DEPARTMENT OF INFORMATION TECHNOLOGY RURAL BROADBAND INFRASTRUCTURE DEVELOPMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of information technology project originally authorized in Subsection 4 of Section 32 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 280 for broadband expansion, including assessments and contracts, in rural areas statewide is extended through fiscal year 2027.

## **Chapter 158 Section 392 Laws 2025**

SECTION 392. DEPARTMENT OF INFORMATION TECHNOLOGY STATEWIDE LIBRARY BROADBAND EXPANSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of information technology project originally authorized in Subsection 6 of Section 32 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 286 for statewide library broadband expansion and improvement[~~contingent upon the execution of a memorandum of understanding for use of the funds with the cultural affairs department,~~] is extended through fiscal year 2027. *LINE ITEM VETO*

## **Chapter 158 Section 393 Laws 2025**

SECTION 393. EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT PUBLIC EMPLOYEES RETIREMENT ASSOCIATION BUILDING RENOVATION--CHANGE TO INFRASTRUCTURE IMPROVEMENTS STATEWIDE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the capital program fund in Subsection 6 of Section 9 of Chapter 138 of Laws 2021 to plan, design, construct, renovate, furnish and equip facilities for the early childhood education and care department at the public employees retirement association building in Santa Fe in Santa Fe county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip infrastructure improvements at early childhood education and care department facilities statewide. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 394 Laws 2025**

SECTION 394. GENERAL SERVICES DEPARTMENT STATE FACILITIES DEMOLITION AND DECOMMISSION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the capital program fund project originally authorized in Subsection 21 of Section 7 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 287 to decommission and demolish buildings, including abatement of hazardous materials, at state-owned facilities statewide, including facilities at the Los Lunas campus in Los Lunas in Valencia county and at the New Mexico behavioral health institute at Las Vegas in San Miguel county, is extended through fiscal year 2027.

## **Chapter 158 Section 395 Laws 2025**

SECTION 395. EXECUTIVE OFFICE BUILDING CONSTRUCTION--CHANGE TO STATEWIDE PROPERTY ACQUISITION--CHANGE AGENCY--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the general services department in Item (18) of Section 10 of Chapter 54 of Laws 2022 to plan, design, construct, furnish and equip, including demolition of existing structures, an executive office building in Santa Fe in Santa Fe county shall not be expended for the original purpose but is appropriated to the capital program fund to acquire property and to plan, design, construct, improve, furnish and equip buildings and property statewide. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 396 Laws 2025**

SECTION 396. HARRIET SAMMONS BUILDING INFRASTRUCTURE IMPROVEMENT--CHANGE TO HEALTH CARE AUTHORITY FACILITY INFRASTRUCTURE IMPROVEMENT STATEWIDE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the capital program fund in Section 46 of Chapter 138 of Laws 2021 to plan, design, construct, renovate, equip, purchase and install infrastructure improvements, including roofing replacement, at the Harriet Sammons building in Farmington in San Juan county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip infrastructure improvements at health care authority facilities statewide. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 397 Laws 2025**

SECTION 397. MAINSTREET AND ARTS AND CULTURAL DISTRICT INFRASTRUCTURE IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the economic development department project in Subsection 2 of Section 16 of Chapter 138 of Laws 2021 to plan, design, construct and improve infrastructure in downtown mainstreet districts and in local arts and cultural districts statewide is extended through fiscal year 2027.

## **Chapter 158 Section 398 Laws 2025**

SECTION 398. PUBLIC EDUCATION DEPARTMENT SCHOOL BUS CAMERAS PURCHASE--EXTEND TIME--PUBLIC SCHOOL CAPITAL OUTLAY FUND.--The time of expenditure for the public education department project in Subsection 1 of Section 44 of Chapter 199 of Laws 2023 to purchase cameras for newly purchased to-and-from school buses is extended through fiscal year 2027.

## **Chapter 158 Section 399 Laws 2025**

SECTION 399. PUBLIC EDUCATION DEPARTMENT SCHOOL BUS REPLACEMENT--EXTEND TIME--PUBLIC SCHOOL CAPITAL OUTLAY FUND.--The time of expenditure for the public education department project in Subsection 2 of Section 44 of Chapter 199 of Laws 2023 to purchase district-owned, to-and-from school buses statewide is extended through fiscal year 2027.

## **Chapter 158 Section 400 Laws 2025**

SECTION 400. OFFICE OF THE STATE ENGINEER DAM REHABILITATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the office of the state engineer project in Subsection 5 of Section 20 of Chapter 138 of Laws 2021 to plan, design, construct, rehabilitate and make improvements to publicly owned dams statewide is extended through fiscal year 2027.

## **Chapter 158 Section 401 Laws 2025**

SECTION 401. VETERAN CEMETERIES AND MONUMENTS IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project originally authorized in Section 43 of Chapter 138 of Laws 2021 and reauthorized in Laws 2022, Chapter 52, Section 127 to plan, design, construct, improve, repair, furnish and equip and make improvements, including safety and security infrastructure, at veteran cemeteries and monuments statewide is extended through fiscal year 2027.

## **Chapter 158 Section 402 Laws 2025**

SECTION 402. LAND GRANT COUNCIL LAND ACQUISITION--CHANGE TO CRISTOBAL DE LA SERNA LAND GRANT-MERCED LAND ACQUISITION--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 427 of Section 34 of Chapter 277 of Laws 2019 for the land grant council to acquire land within and for the Cristobal de la Serna land grant-merced in Taos county shall not be expended for the original purpose but is changed to acquire land for the Cristobal de la Serna land grant-merced in Taos county. The time of expenditure for the project is extended through fiscal year 2027.

## **Chapter 158 Section 403 Laws 2025**

SECTION 403. UNIVERSITY OF NEW MEXICO TAOS BRANCH CAMPUS HARWOOD MUSEUM INFRASTRUCTURE RENOVATION--CHANGE TO HARWOOD MUSEUM FACILITY INFRASTRUCTURE CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the board of regents of the university of New Mexico in Subsection 31 of Section 40 of Chapter 66 of Laws 2024 to plan, design, construct, renovate, purchase, install and equip infrastructure, including accessibility

improvements, at the Harwood museum at the Taos branch campus of the university of New Mexico in Taos county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, purchase, install and equip infrastructure, including accessibility improvements, at multiple Harwood museum facilities at the Taos branch campus of the university of New Mexico in Taos county.

## **Chapter 158 Section 404 Laws 2025**

SECTION 404. CABRESTO ROAD PAVEMENT CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 106 of Section 33 of Chapter 138 of Laws 2021 to plan, design and construct improvements to Cabresto road in Questa in Taos county is extended through fiscal year 2027.

## **Chapter 158 Section 405 Laws 2025**

SECTION 405. QUESTA INDEPENDENT SCHOOL DISTRICT SPORT UTILITY VEHICLE PURCHASE--CHANGE TO VEHICLE AND EQUIPMENT PURCHASE--GENERAL FUND.--The unexpended balance of the appropriation to the public education department in Subsection 225 of Section 16 of Chapter 66 of Laws 2024 to purchase and equip a student activities sport utility vehicle for the Questa independent school district in Taos county shall not be expended for the original purpose but is changed to purchase and equip heavy equipment and vehicles for the Questa independent school district in Taos county.

## **Chapter 158 Section 406 Laws 2025**

SECTION 406. TAOS REGIONAL AIRPORT ENTRANCE ROAD AND PARKING LOT CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 357 of Section 29 of Chapter 138 of Laws 2021 and reauthorized in Laws 2022, Chapter 52, Section 146 to plan, design, construct and improve the entrance road and the parking lot at the Taos regional airport in Taos county is extended through fiscal year 2027.

## **Chapter 158 Section 407 Laws 2025**

SECTION 407. TAOS SKI VALLEY KACHINA WATER BOOSTER STATION CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of environment project originally authorized in Subsection 128 of Section 26 of Chapter 277 of Laws 2019 and reauthorized in Laws 2021, Chapter 139, Section 87 and again in Laws 2023, Chapter 203, Section 299 to plan, design, construct and equip a water booster station to provide water to the Kachina water tank and to install corresponding distribution network infrastructure to serve Taos Ski Valley in Taos county is extended through fiscal year 2027.

## **Chapter 158 Section 408 Laws 2025**

SECTION 408. TAOS PUEBLO SENIOR DAYCARE FACILITY CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the aging and long-term services department project originally authorized in Subsection 69 of Section 4 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 298 to acquire easements and rights of way for and to plan, design, construct and equip a senior daycare facility in the Pueblo of Taos in Taos county is extended through fiscal year 2027.

## **Chapter 158 Section 409 Laws 2025**

SECTION 409. TAOS SKI VALLEY WATER BOOSTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 97 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct, equip and install a water booster station for a water tank for Taos Ski Valley in Taos county is extended through fiscal year 2027.

## **Chapter 158 Section 410 Laws 2025**

SECTION 410. CLAUNCH-PINTO SOIL AND WATER CONSERVATION DISTRICT HEAVY EQUIPMENT PURCHASE--CHANGE TO TRUCK PURCHASE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the board of regents of New Mexico state university in Subsection 29 of Section 38 of Chapter 199 of Laws 2023 to purchase and equip heavy equipment, including a skid steer with attachments and a trailer, for the Claunch-Pinto soil and water conservation district in Torrance county shall not be expended for the original purpose but is changed to purchase and equip trucks for the Claunch-Pinto soil and water conservation district in Torrance county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 411 Laws 2025**

SECTION 411. TORRANCE COUNTY ADMINISTRATIVE BUILDING CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 360 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, equip and furnish a county administrative building in Torrance county is extended through fiscal year 2027.

## **Chapter 158 Section 412 Laws 2025**

~~[SECTION 412. TORRANCE COUNTY FAIRGROUNDS IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 361 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, improve, furnish and equip the county fairgrounds in Torrance county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 413 Laws 2025**

SECTION 413. MOUNTAINAIR PUBLIC SCHOOL DISTRICT ACCESSIBLE ACTIVITY BUS PURCHASE--CHANGE TO PURCHASE AN ACTIVITY BUS--EXTEND TIME--GENERAL FUND.--The public education department project in Subsection 211 of Section 16 of Chapter 199 of Laws 2023 to purchase and equip an activity bus with wheelchair lift capabilities for the Mountainair public school district in Torrance county shall not be expended for the original purpose but is changed to purchase and equip an activity bus for the Mountainair public school district. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 414 Laws 2025**

SECTION 414. MORIARTY AMBULANCE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 485 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip an ambulance for the Moriarty police and fire departments in Moriarty in Torrance county is extended through fiscal year 2027.

## **Chapter 158 Section 415 Laws 2025**

SECTION 415. MORIARTY POLICE VEHICLE PURCHASE--EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 486 of Section 28 of Chapter 199 of Laws 2023 to purchase and equip police vehicles in Moriarty in Torrance county is extended through fiscal year 2027.

## **Chapter 158 Section 416 Laws 2025**

~~[SECTION 416. MORIARTY SENIOR CENTER RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the aging and long-term services department project in Subsection 57 of Section 5 of Chapter 138 of Laws 2021 for renovations to the Moriarty senior center in Torrance county is extended through fiscal year 2027.]~~ *LINE ITEM VETO*

## **Chapter 158 Section 417 Laws 2025**

SECTION 417. BELEN SEWER LINES WEST ARAGON ROAD IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 104 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct, replace and improve sewer lines along west Aragon road in Belen in Valencia county is extended through fiscal year 2027.

## **Chapter 158 Section 418 Laws 2025**

SECTION 418. DON LUIS TRUJILLO BOULEVARD CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 111 of Section 33 of Chapter 138 of Laws 2021 to plan, design, construct and improve Don Luis Trujillo boulevard in Belen in Valencia county is extended through fiscal year 2027.

## **Chapter 158 Section 419 Laws 2025**

SECTION 419. BOSQUE FARMS FIRE AND POLICE DEPARTMENTS IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 375 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, equip and install improvements to the fire and police departments in Bosque Farms in Valencia county is extended through fiscal year 2027.

## **Chapter 158 Section 420 Laws 2025**

SECTION 420. BOSQUE FARMS WASTEWATER TREATMENT SYSTEM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 105 of Section 21 of Chapter 138 of Laws 2021 to plan, design, construct, equip and install improvements to the wastewater treatment system, including clarifier and sludge processing, for Bosque Farms in Valencia county is extended through fiscal year 2027.

## **Chapter 158 Section 421 Laws 2025**

SECTION 421. VALENCIA COUNTY ADMINISTRATION BUILDING IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 380 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, renovate, equip and install improvements, including a fire alarm and sprinkler system, upgrades to electrical, plumbing, heating, ventilation and air conditioning systems, furnishings and accessibility improvements, to the county administration building in Los Lunas in Valencia county is extended through fiscal year 2027.

## **Chapter 158 Section 422 Laws 2025**

SECTION 422. PERALTA FIRE STATION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 384 of Section 29 of Chapter 138 of Laws 2021 to plan, design and construct a fire station in Peralta in Valencia county is extended through fiscal year 2027.

## **Chapter 158 Section 423 Laws 2025**

~~[SECTION 423. COLUMBUS HEALTH COMPLEX IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 237 of Section 29 of Chapter 138 of Laws 2021 to plan, design, construct, improve, equip and furnish a health and wellness community complex for Columbus in Luna county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 424 Laws 2025**

SECTION 424. MALAGA MUTUAL DOMESTIC WATER CONSUMERS AND SEWAGE WORKS ASSOCIATION BACKHOE PURCHASE--CHANGE TO VACUUM TRAILER PURCHASE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 252 of Section 28 of Chapter 199 of Laws 2023 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 changed to purchase and equip a vacuum trailer for the Malaga mutual domestic water consumers and sewage works association in Eddy county. The time of expenditure is extended through fiscal year 2027.

## **Chapter 158 Section 425 Laws 2025**

~~[SECTION 425. TOADLENA/TWO GREY HILLS CHAPTER SENIOR CENTER IMPROVEMENT--EXTEND TIME--GENERAL FUND.--The time of expenditure for the aging and long-term services department project originally authorized in Subsection 47 of Section 4 of Chapter 277 of Laws 2019 and reauthorized in Laws 2023, Chapter 203, Section 213 to plan, design, construct, purchase, furnish, equip and install improvements, including heating, ventilation and air conditioning systems, electrical systems and accessibility, to the senior center in the Toadlena/Two Grey Hills chapter of the Navajo Nation in San Juan county is extended through fiscal year 2027.] LINE ITEM VETO~~

## **Chapter 158 Section 426 Laws 2025**

SECTION 426. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

# **LAWS 2025, CHAPTER 159**

**HTRC/House Bill 450, w/o ec, w/cc, partial veto**  
**Approved April 11, 2025**

AN ACT

RELATING TO CAPITAL EXPENDITURES; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS; MAKING APPROPRIATIONS FROM THE GENERAL



FUND AND OTHER STATE FUNDS; ESTABLISHING CONDITIONS FOR THE ISSUANCE OF SEVERANCE TAX BONDS AND THE EXPENDITURE OF SEVERANCE TAX BOND PROCEEDS; REQUIRING CERTIFICATIONS TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION; ESTABLISHING CONDITIONS FOR THE REVERSION OF UNEXPENDED BALANCES; DIRECTING THE EXPENDITURE OF CERTAIN REVERSIONS FOR PRIORITY PROJECTS; MAKING APPROPRIATIONS.

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

## **Chapter 159 Section 1 Laws 2025**

### **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 2027, 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 2029; 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 159 Section 2 Laws 2025**

SECTION 2. GENERAL FUND APPROPRIATIONS--LIMITATIONS--  
REVERSIONS.--

A. Except as otherwise specifically provided by law, general fund appropriations made pursuant to this act may be expended in fiscal years 2026 through 2029; provided that 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 2027 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

(b) the end of fiscal year 2029 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 2029.

B. The agencies named in this act shall certify to the department of finance and administration that the money appropriated in this act is needed for the purposes specified in the applicable section of this act. If an agency has not certified the need for the appropriation for a particular project by the end of fiscal year 2027, the authorization for that project is void.

C. 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.

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 159 Section 3 Laws 2025**

### **SECTION 3. FUND APPROPRIATIONS OTHER THAN GENERAL FUND-- LIMITATIONS--REVERSIONS.--**

A. Except as otherwise specifically provided by law, appropriations made pursuant to this act from funds other than the general fund may be expended in fiscal years 2025 through 2029; provided that:

(1) the unexpended balance of an appropriation made in this act 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 2029; 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 159 Section 4 Laws 2025**

SECTION 4. ADMINISTRATIVE OFFICE OF THE COURTS PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the administrative office of the courts that the need exists for the issuance of the bonds, ten million dollars (\$10,000,000) is appropriated to the administrative office of the courts to plan, design, construct, furnish and equip improvements to and replacement of magistrate courts statewide.

## **Chapter 159 Section 5 Laws 2025**

SECTION 5. 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. ten million dollars (\$10,000,000) to design, construct, furnish and equip a veterans' resource center in Albuquerque in Bernalillo county;
2. five million dollars (\$5,000,000) to plan, design, construct, renovate, equip, furnish and make improvements to the Mora county courthouse in Mora in Mora county. The appropriation is to be administered by the facilities management division of the general services department, which shall manage the project on behalf of Mora county;
3. forty million dollars (\$40,000,000) to plan, design, construct, furnish and equip a firefighter memorial, training facility and wildfire response facility for the homeland security and emergency management department and for the forestry division of the energy, minerals and natural resources department in Santa Fe in Santa Fe county, including up to five million dollars (\$5,000,000) for improvements to the firefighters training academy in Socorro in Socorro county;
4. forty million dollars (\$40,000,000) to construct, furnish and equip a new forensic unit at the New Mexico behavioral health institute in Las Vegas in San Miguel county;
5. seven million dollars (\$7,000,000) to plan, design, construct, improve, furnish and equip a training facility to meet the New Mexico law enforcement standards and training council standards for law enforcement agencies statewide in Santa Fe in Santa Fe county;
6. eight million dollars (\$8,000,000) to plan, design, construct, renovate, repair, furnish and equip improvements to correctional facilities statewide;
7. five million dollars (\$5,000,000) to plan, design, construct, renovate, furnish and equip improvements to department of health facilities statewide; and
8. five million dollars (\$5,000,000) to plan, design, construct, renovate, repair, furnish and equip improvements to department of public safety facilities, including infrastructure improvements, roads, parking lots and security and technology upgrades, statewide.

## **Chapter 159 Section 6 Laws 2025**

SECTION 6. CULTURAL AFFAIRS DEPARTMENT PROJECT--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, four million dollars (\$4,000,000) is appropriated to the cultural affairs department to plan, design, construct, repair, renovate, furnish, equip and make improvements to sites, facilities and exhibits at museums, monuments, historic sites and cultural facilities statewide.

## **Chapter 159 Section 7 Laws 2025**

SECTION 7. HIGHER EDUCATION DEPARTMENT PROJECT--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, ten million dollars (\$10,000,000) is appropriated to the higher education department to plan, design, construct, furnish and equip a film school, including remediation and other improvements, for central New Mexico community college in Albuquerque in Bernalillo county.

## **Chapter 159 Section 8 Laws 2025**

SECTION 8. 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, seven million dollars (\$7,000,000) is appropriated to the energy, minerals and natural resources department to plan, design, construct, renovate, repair, furnish and equip the department's forestry division facilities, including facilities for New Mexico-based hotshot crews, statewide.

## **Chapter 159 Section 9 Laws 2025**

SECTION 9. 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, forty million dollars (\$40,000,000) is appropriated to the state parks division of the energy, minerals and natural resources department to plan, design, construct, renovate, repair, furnish and equip state park facilities, restrooms and infrastructure statewide, including up to one million five hundred thousand dollars (\$1,500,000) for vehicles for law enforcement in state parks[ ~~and up to nine million dollars (\$9,000,000) for establishment of Slot Canyon Riverlands state park, contingent on the enactment into law of House Bill 219 or similar legislation of the first session of the fifty-seventh legislature~~]. *LINE ITEM VETO*

## **Chapter 159 Section 10 Laws 2025**

SECTION 10. 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 million dollars (\$20,000,000) is appropriated to the department of information technology to plan, design, purchase, install and implement related infrastructure to stabilize and modernize public safety radio communications systems statewide.

## **Chapter 159 Section 11 Laws 2025**

SECTION 11. 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 million dollars (\$3,000,000) is appropriated to the board of regents of New Mexico highlands university to plan, design, construct, renovate, equip and improve infrastructure campuswide at New Mexico highlands university in Las Vegas in San Miguel county.

## **Chapter 159 Section 12 Laws 2025**

SECTION 12. 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. four million five hundred thousand dollars (\$4,500,000) to plan, design, construct, furnish, equip and expand a biomedical building at New Mexico state university in Las Cruces in Dona Ana county;
2. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, furnish, equip and improve O'Donnell hall at New Mexico state university in Las Cruces in Dona Ana county; and
3. seven million dollars (\$7,000,000) to plan, design, construct, equip and improve the water system and infrastructure at New Mexico state university in Las Cruces in Dona Ana county.

## **Chapter 159 Section 13 Laws 2025**

SECTION 13. 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. twenty-five million dollars (\$25,000,000) to plan, design, construct, furnish and equip renovations to the health sciences center college of pharmacy at the university of New Mexico in Albuquerque in Bernalillo county; and
2. forty million dollars (\$40,000,000) to plan, design, construct, furnish and equip a humanities and social sciences complex at the university of New Mexico in Albuquerque in Bernalillo county.

## **Chapter 159 Section 14 Laws 2025**

SECTION 14. ADMINISTRATIVE OFFICE OF THE COURTS PROJECT--GENERAL FUND.--Seventy thousand dollars (\$70,000) is appropriated from the general fund to the administrative office of the courts to plan, design, construct, renovate and make improvements, including a partition wall, at the eighth judicial district court in Taos in Taos county.

## **Chapter 159 Section 15 Laws 2025**

SECTION 15. ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS PROJECT--GENERAL FUND.--Fifty thousand dollars (\$50,000) is appropriated from the general fund to the administrative office of the district attorneys to purchase and equip vehicles for the administrative office of the district attorneys in Albuquerque in Bernalillo county.

## **Chapter 159 Section 16 Laws 2025**

SECTION 16. AGING AND LONG-TERM SERVICES DEPARTMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the aging and long-term services department for the following purposes:

1. six hundred thousand dollars (\$600,000) to acquire and to plan, design and construct affordable housing complexes for low-to-moderate-income senior citizens in Bernalillo county;
2. twenty-five thousand dollars (\$25,000) to acquire land and rights of way for and to plan, design, construct, equip and furnish affordable senior housing in Albuquerque and in Bernalillo county;
3. two hundred thousand dollars (\$200,000) to purchase and install equipment, furniture, fixtures and information technology and to plan, design, construct and renovate the Bear Canyon senior center, including a fitness center, in Albuquerque in Bernalillo county;
4. one hundred thousand dollars (\$100,000) to plan, design and construct accessibility improvements at the Tijeras senior center in Tijeras in Bernalillo county;
5. one hundred seventy-seven thousand dollars (\$177,000) to plan, design, construct, purchase and install security and wireless communication systems in a community and senior center in Mesilla in Dona Ana county;
6. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip improvements to a senior center, including a kitchen, in Harding county;



7. two hundred fifty thousand dollars (\$250,000) to upgrade and renovate community center kitchens to create senior center facilities in Hidalgo county;
8. one hundred fifteen thousand dollars (\$115,000) to plan, design and construct improvements to the Tatum senior citizens building in Tatum in Lea county;
9. one hundred fifty thousand dollars (\$150,000) to purchase and equip a home delivery vehicle for the Coyote senior center in Coyote in Rio Arriba county;
10. twenty-five thousand dollars (\$25,000) to plan, design, construct, furnish and improve and to purchase and equip vehicles for the Jicarilla senior citizens center in the Jicarilla Apache Nation in Rio Arriba county;
11. fifty thousand dollars (\$50,000) to purchase and equip vehicles for the senior center in the Huerfano chapter of the Navajo Nation in San Juan county;
12. three hundred thousand dollars (\$300,000) to purchase and equip vehicles for a senior center in the Pueblo of Zia in Sandoval county;
13. twenty-six thousand dollars (\$26,000) to purchase walk-in freezers and refrigerators for the Ken James senior center in Truth or Consequences in Sierra county;
14. one million dollars (\$1,000,000) to address emergency needs, including renovations, code compliance and the purchase and installation of furnishings, and to purchase and equip vehicles and meals equipment and for the delivery and installation of building systems at senior centers statewide; and
15. ten million dollars (\$10,000,000) to plan, design, construct, renovate, furnish and equip facilities and to purchase vehicles and meal equipment for senior centers statewide. In determining how to prioritize funds, the department shall consider project readiness; capacity of the grantee to expend funds, including progress with spending previous appropriations; criticality of need, including projects that eliminate a risk or hazard to public health or safety that immediately endangers occupants of a facility; vehicles or equipment in need of immediate replacement to support continuous service delivery; and projects for which available funding is sufficient to support completion of a project or a functional phase of a project.

## **Chapter 159 Section 17 Laws 2025**

SECTION 17. BERNALILLO COUNTY METROPOLITAN COURT PROJECT--GENERAL FUND.--One million eight hundred thousand dollars (\$1,800,000) is appropriated from the general fund to the Bernalillo county metropolitan court to plan, design, purchase, install and equip heating, ventilation and air conditioning units, mechanical infrastructure and boiler replacements at the Bernalillo county metropolitan court in Albuquerque in Bernalillo county.

## **Chapter 159 Section 18 Laws 2025**

SECTION 18. BORDER AUTHORITY PROJECT--GENERAL FUND.--One million seven hundred thousand dollars (\$1,700,000) is appropriated from the general fund to the border authority to plan, design, construct and equip a water storage tank at the Columbus port of entry in Luna county.

## **Chapter 159 Section 19 Laws 2025**

SECTION 19. CAPITAL PROGRAM FUND PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the capital program fund for the following purposes:

1. four million dollars (\$4,000,000) to plan, design, acquire, renovate, furnish and equip an analytical laboratory in Albuquerque in Bernalillo county;
2. three million dollars (\$3,000,000) to plan, design, construct, renovate, equip, furnish and make improvements to the Mora county courthouse in Mora in Mora county. The appropriation is to be administered by the facilities management division of the general services department, which shall manage the project on behalf of Mora county;
3. one million dollars (\$1,000,000) to plan, design and construct improvements to the entrance at Fort Marcy park in Santa Fe in Santa Fe county;
4. two million dollars (\$2,000,000) to purchase, install and implement hardware, software and associated equipment for security access control and video surveillance for department of information technology data centers and telecommunication rooms in Santa Fe in Santa Fe county and in Albuquerque in Bernalillo county and at public safety radio shelters statewide;
5. six million dollars (\$6,000,000) to plan, design, construct, furnish and equip improvements to department of transportation patrol yards, including up to five hundred thousand dollars (\$500,000) for facility condition assessments of patrol yards, statewide;
6. ten million dollars (\$10,000,000) to plan, design, construct, renovate, repair, furnish and equip state-owned facilities, including up to two million dollars (\$2,000,000) to complete facility condition assessments of state-owned facilities, statewide;
7. four million dollars (\$4,000,000) to plan, design, construct, repair, furnish, equip and make improvements to veterans' cemeteries and memorials statewide; and
8. two million dollars (\$2,000,000) to plan, design, construct, renovate, repair, furnish and equip improvements to job centers statewide.

## **Chapter 159 Section 20 Laws 2025**

SECTION 20. COURT OF APPEALS PROJECT--GENERAL FUND.--Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the court of appeals to plan, design, construct, renovate, furnish and equip the court of appeals building in Albuquerque in Bernalillo county.

## **Chapter 159 Section 21 Laws 2025**

SECTION 21. CULTURAL AFFAIRS DEPARTMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the cultural affairs department for the following purposes:

1. two hundred thousand dollars (\$200,000) for a feasibility study to develop a historic building near Central avenue in the southeast area of Albuquerque as an arts and cultural facility in Albuquerque in Bernalillo county;
2. five hundred seventy thousand dollars (\$570,000) to plan, design, construct, repair, equip and improve exhibits and facilities at the national Hispanic cultural center in Albuquerque in Bernalillo county;
3. four hundred seventy thousand dollars (\$470,000) to plan, design, construct, repair, purchase equipment for and improve exhibits and facilities at the New Mexico museum of natural history and science in Albuquerque in Bernalillo county;
4. one hundred thousand dollars (\$100,000) to plan, design, construct, repair, furnish, equip and improve exhibits and facilities at the Bosque Redondo memorial and Fort Sumner historic site in De Baca county;
5. four hundred thousand dollars (\$400,000) to plan, design, construct, repair, purchase equipment and improve exhibits and facilities at the New Mexico farm and ranch heritage museum in Dona Ana county;
6. fifty thousand dollars (\$50,000) to plan, design, construct and improve the Barela building at the Taylor Reynolds Barela Mesilla historic site in Mesilla in Dona Ana county;
7. five hundred thirty thousand dollars (\$530,000) to plan, design, construct, repair, purchase and install equipment and improve exhibits and facilities at the Taylor Reynolds Barela Mesilla historic site in Mesilla in Dona Ana county;
8. one hundred ninety-five thousand dollars (\$195,000) to plan, design, construct, repair, furnish, equip and improve exhibits and facilities at the Fort Selden historic site in Radium Springs in Dona Ana county;

9. fifty thousand dollars (\$50,000) to plan, design, construct, repair, purchase and install equipment and improve exhibits and facilities at the Lincoln historic site in Lincoln county;

10. fifty thousand dollars (\$50,000) to purchase equipment and to plan, design, construct, repair and improve exhibits and facilities at the Los Luceros historic site in Alcalde in Rio Arriba county;

11. four hundred seventy-two thousand dollars (\$472,000) to plan, design, construct, repair, furnish, equip and improve exhibits and facilities at the Coronado historic site in Sandoval county;

12. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, repair, furnish, equip and improve exhibits and facilities at the Jemez historic site in Sandoval county;

13. four hundred seventy-five thousand dollars (\$475,000) to plan, design, construct, renovate, install, equip and improve facilities and infrastructure, including a service road, pedestrian walkways and accessibility, entry and security fencing, restrooms, water conservation irrigation systems and children's learning pods, at the Santa Fe botanical garden in Santa Fe county;

14. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, furnish and equip improvements to the center for contemporary arts of Santa Fe, including doors, emergency lighting, roofing, building envelope, sewage lift station, a projection booth and seating, in Santa Fe in Santa Fe county;

15. five million one hundred thousand dollars (\$5,100,000) to acquire land and property on Museum hill for the cultural affairs department in Santa Fe in Santa Fe county;

16. six hundred twenty-five thousand dollars (\$625,000) to plan, design, construct, repair, purchase and equip improvements to exhibits and facilities at the New Mexico history museum in Santa Fe in Santa Fe county;

17. one hundred thousand dollars (\$100,000) to purchase equipment and to plan, design, construct, repair and improve exhibits and facilities at the New Mexico museum of art in Santa Fe in Santa Fe county;

18. five hundred seventy-five thousand dollars (\$575,000) to purchase equipment and to plan, design, construct, repair and improve exhibits and facilities at the museum of international folk art in Santa Fe in Santa Fe county;

19. two hundred ninety thousand dollars (\$290,000) to plan, design, construct, repair, purchase and equip improvements to exhibits and facilities at the New Mexico museum of Indian arts and culture in Santa Fe in Santa Fe county; and

20. nine hundred ninety-five thousand dollars (\$995,000) to purchase and install equipment and to plan, design, construct and improve buildings and grounds, including accessibility features, safety systems, fencing, information technology, parking lots, security systems, playground equipment and shade structures, at the Santa Fe children's museum in Santa Fe county.

## **Chapter 159 Section 22 Laws 2025**

SECTION 22. CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION PROJECT--GENERAL FUND.--One million dollars (\$1,000,000) is appropriated from the general fund to the Cumbres and Toltec scenic railroad commission to plan, design, construct, repair, renovate and make improvements for track rehabilitation and related infrastructure, including drainage systems, and for improvements to passenger cars for the Cumbres and Toltec scenic railroad operating between New Mexico and Colorado.

## **Chapter 159 Section 23 Laws 2025**

SECTION 23. DISTRICT ATTORNEY OF THE SECOND JUDICIAL DISTRICT PROJECT--GENERAL FUND.--Twenty-five thousand dollars (\$25,000) is appropriated from the general fund to the office of the district attorney of the second judicial district to purchase furniture, fixtures and equipment for the expansion and modernization of the office of the second judicial district attorney in Bernalillo county.

## **Chapter 159 Section 24 Laws 2025**

SECTION 24. HIGHER EDUCATION DEPARTMENT PROJECT--GENERAL FUND.--The following amounts are appropriated from the general fund to the higher education department for the following purposes:

1. three hundred seventy-five thousand dollars (\$375,000) to demolish and remove existing facilities, including the Ted Chavez hall and the buildings on the west campus at central New Mexico community college in Bernalillo county;
2. five hundred five thousand dollars (\$505,000) to plan, design, construct, improve, furnish and equip a center for technical innovation and entrepreneurial development, including the purchase and installation of information technology and infrastructure, at central New Mexico community college in Bernalillo county;
3. three hundred thousand dollars (\$300,000) to purchase, install and relocate information technology systems and infrastructure at central New Mexico community college campuses in Bernalillo county;
4. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, replace and improve the roof for the I building at central New Mexico community college in Albuquerque in Bernalillo county;

5. seven hundred thousand dollars (\$700,000) to plan, design, construct, repair, equip and improve infrastructure, including water lines, at the Joseph Montoya campus of central New Mexico community college in Albuquerque in Bernalillo county;

6. three hundred six thousand dollars (\$306,000) to purchase and equip information technology, including automation, for expansion of the industrial technology program at Clovis community college in Curry county;

7. three hundred eighty thousand dollars (\$380,000) to plan, design, construct, replace and renovate flooring at Clovis community college in Clovis in Curry county;

8. one hundred thousand dollars (\$100,000) to purchase equipment for science, technology, engineering, math and health sciences programs at New Mexico junior college in Lea county;

9. two million dollars (\$2,000,000) to plan, design, construct, equip and improve campus safety and infrastructure at New Mexico junior college in Hobbs in Lea county;

~~[10. one hundred thousand dollars (\$100,000) to purchase and equip heating, ventilation and air conditioning systems at Navajo technical university in Crownpoint in McKinley county;]~~ *LINE ITEM VETO*

11. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, furnish and equip an academic building at Navajo technical university in Crownpoint in McKinley county;

12. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, renovate, repair and equip improvements campuswide at Mesalands community college in Tucumcari in Quay county;

13. four million five hundred thousand dollars (\$4,500,000) to plan, design, construct, renovate and equip infrastructure improvements at San Juan college in Farmington in San Juan county;

14. one hundred fifty-five thousand dollars (\$155,000) to purchase and equip class 8 trucks for the diesel equipment technology program at San Juan college in Farmington in San Juan county;

15. two hundred five thousand dollars (\$205,000) to purchase equipment, including loaders, crawlers and graders, for the diesel technology training program at San Juan college in Farmington in San Juan county;

16. four hundred eighty thousand dollars (\$480,000) to purchase and equip semi-trucks for a commercial driver's license training program at San Juan college in Farmington in San Juan county;

17. two hundred twenty-eight thousand dollars (\$228,000) to purchase and equip a truck driving simulator and truck, trailer and graphics for the commercial driver's license training program at San Juan college in Farmington in San Juan county;

18. one hundred fifty thousand dollars (\$150,000) to purchase, equip and install information technology ~~[and related infrastructure]~~ for the applied technology programs at the Rio Rancho branch campus of central New Mexico community college in Rio Rancho in Sandoval county; *LINE ITEM VETO*

19. one hundred seventy thousand dollars (\$170,000) to purchase equipment and to plan, design, equip, construct, furnish and purchase learning systems for the electrical technician program at Santa Fe community college in Santa Fe county;

20. one million dollars (\$1,000,000) to plan, design, construct, renovate, furnish and equip the library and the five-hundreds wing at Santa Fe community college in Santa Fe county;

21. two hundred thousand dollars (\$200,000) to plan, design, equip, furnish and construct utility infrastructure for an outdoor learning laboratory for film and craft services training programs at Santa Fe community college in Santa Fe county;

22. one hundred seventy-five thousand dollars (\$175,000) to purchase equipment and to plan, design, construct, furnish and upgrade the planetarium at Santa Fe community college in Santa Fe county]; ~~and~~

~~23. two hundred fifty thousand dollars (\$250,000) to develop universal space and design standards for student housing and student life projects at higher education institutions statewide. The appropriation is contingent on enactment into law of House Bill 449 or similar legislation of the first session of the fifty-seventh legislature.]~~ *LINE ITEM VETO*

## **Chapter 159 Section 25 Laws 2025**

SECTION 25. PUBLIC EDUCATION DEPARTMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the public education department for the following purposes:

1. one hundred seventy-five thousand dollars (\$175,000) to acquire and to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds, including site preparation, at 21st Century public academy in Albuquerque in Bernalillo county;

2. fifty thousand dollars (\$50,000) to purchase, equip and install broadcast equipment for high school radio stations in Bernalillo county;
3. one hundred fifteen thousand dollars (\$115,000) to plan, design, construct, purchase and equip a portable stage, sound equipment, performance lights and portable seating, at the Public academy for performing arts in the Albuquerque public school district in Bernalillo county;
4. six hundred twenty-five thousand dollars (\$625,000) to acquire and to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds, including site preparation, at Albuquerque Aviation academy in Bernalillo county;
5. one hundred twenty-five thousand dollars (\$125,000) to purchase and equip a bus and to plan, design, renovate, acquire, equip and construct facilities, buildings, grounds and instructional space and to make site improvements at Albuquerque collegiate charter school in Albuquerque in Bernalillo county;
6. one hundred ten thousand dollars (\$110,000) to plan, design, renovate, purchase, equip and construct facilities, buildings, grounds and parking areas and to make site preparations for the Albuquerque school of excellence charter school in Albuquerque in Bernalillo county;
7. two hundred thousand dollars (\$200,000) to plan, design, construct, repair and make improvements to a performing arts building, including bathrooms, electrical systems and security upgrades, for a program of the Albuquerque sign language academy in Albuquerque in Bernalillo county;
8. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds at Altura preparatory school in Albuquerque in Bernalillo county;
9. seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate, purchase and equip facilities, buildings, grounds, landscaping and parking lots, including site preparation, instructional space and security systems, at Cesar Chavez community school in Albuquerque in Bernalillo county;
10. one hundred twenty-five thousand dollars (\$125,000) to acquire and to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds, including site preparation, at Christine Duncan heritage academy in the Albuquerque public school district in Bernalillo county;
11. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds for Cottonwood Classical preparatory school in Albuquerque in Bernalillo county;



12. nine hundred thirty-five thousand dollars (\$935,000) to plan, design, construct, furnish, equip and improve buildings and grounds, including an elevator and accessibility, at the Gordon Bernell charter school in Albuquerque in Bernalillo county;

13. two hundred thousand dollars (\$200,000) to acquire and to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds, including site preparation, at the International school at Mesa del Sol in the Albuquerque public school district in Bernalillo county;

14. sixty-five thousand dollars (\$65,000) to plan, design, construct, renovate and purchase and install equipment for facilities, buildings and grounds, including site preparation, instructional space and safety systems, at the Old Coors boulevard campus of Mission Achievement and Success charter school in Albuquerque in Bernalillo county;

15. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate and purchase and install equipment for facilities, buildings and grounds, including site preparation, instructional space and safety systems, at the Yale boulevard campus of Mission Achievement and Success charter school in Albuquerque in Bernalillo county;

16. three hundred ten thousand dollars (\$310,000) to acquire and to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds, including site preparation, at Montessori elementary school in Albuquerque in Bernalillo county;

17. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, renovate and equip a facility and buildings, including a student meal storage area and a meal preparation and serving area for the staff lounge, at the Montessori of the Rio Grande charter school in the Albuquerque public school district in Bernalillo county;

18. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including classroom expansions and security upgrades, at the New Mexico academy for media arts in Albuquerque in Bernalillo county;

19. one hundred twenty-five thousand dollars (\$125,000) to acquire property and to plan, design, construct, renovate, furnish and equip buildings and grounds, including site preparation, classroom expansions and security upgrades, for Northpoint charter school in Albuquerque in Bernalillo county;

20. seventy thousand dollars (\$70,000) to purchase equipment and to plan, design, construct, equip, furnish and renovate buildings and grounds, including infrastructure, fencing, wiring, safety systems, information technology and related equipment, at Rio Grande academy of fine arts in Albuquerque in Bernalillo county;

21. one hundred thousand dollars (\$100,000) to acquire and to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds, including site preparation, at South Valley academy in the Albuquerque public school district in Bernalillo county;

22. two hundred thousand dollars (\$200,000) to purchase and equip a vehicle and trailer for Tierra Adentro of New Mexico charter school in Albuquerque in Bernalillo county;

23. two hundred fifteen thousand dollars (\$215,000) to plan, design, construct, purchase and equip a sound stage and equipment for Tierra Adentro of New Mexico charter school in Albuquerque in Bernalillo county;

24. two hundred sixty thousand dollars (\$260,000) to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds at ACE Leadership high school in the Albuquerque public school district in Bernalillo county;

25. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, improve and install technology and communication systems at Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;

26. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, improve and install technology and communication systems at Alameda elementary school in the Albuquerque public school district in Bernalillo county;

27. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, repair and renovate the grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, and to make improvements [~~for compliance with the federal Americans with Disabilities Act of 1990~~] at Alamosa elementary school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

28. one hundred seventy-five thousand dollars (\$175,000) to purchase, equip and upgrade audio consoles at the 89.1 KANW-FM public broadcast center in Albuquerque in Bernalillo county;

29. seventy thousand dollars (\$70,000) to purchase and equip vehicles for the district police department in the Albuquerque public school district in Bernalillo county;

30. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and improve playgrounds, shade structures, landscaping, signage, fencing, field turf and drainage at Alice King community school in the Albuquerque public school district in Bernalillo county;

31. one hundred forty-seven thousand dollars (\$147,000) to plan, design, construct, purchase, improve and install technology and communication systems at

Alvarado elementary school in the Albuquerque public school district in Bernalillo county;

32. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, improve and install technology and communication systems at Apache elementary school in the Albuquerque public school district in Bernalillo county;

33. one hundred thirty-five thousand dollars (\$135,000) to plan, design, construct, repair and renovate the grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, and to make improvements [~~for compliance with the federal Americans with Disabilities Act of 1990~~] at Armijo elementary school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

34. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, purchase and install grounds, fields, track areas, gym floors and tennis courts, including related equipment, weight room equipment, sports equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage, turf and landscaping, at Arroyo del Oso elementary school in the Albuquerque public school district in Bernalillo county;

35. one hundred fifteen thousand dollars (\$115,000) to plan, design, construct, renovate, purchase and install grounds, fields, track areas, gym floors and tennis courts, including related equipment, weight room equipment, sports equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage, turf and landscaping, at Atrisco elementary school in the Albuquerque public school district in Bernalillo county;

36. one hundred forty thousand dollars (\$140,000) to plan, design, construct, repair and renovate the grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs, landscaping and stair access, and to make improvements [~~for compliance with the federal Americans with Disabilities Act of 1990,~~] at Atrisco Heritage Academy high school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

37. one hundred thirty-five thousand dollars (\$135,000) to plan, design, construct, purchase, improve and install technology and communication systems at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

38. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, repair and renovate the grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, and to make improvements [~~for compliance with the federal Americans with Disabilities Act of 1990~~] at Barcelona elementary school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

39. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, improve and install technology and communication systems at Bellehaven elementary school in the Albuquerque public school district in Bernalillo county;

40. three hundred seventy thousand dollars (\$370,000) to plan, design, construct, purchase, improve and install technology and communication systems at Carlos Rey elementary school in the Albuquerque public school district in Bernalillo county;

41. one hundred forty thousand dollars (\$140,000) to plan, design, construct, renovate, purchase and install grounds, fields, track areas, gym floors and tennis courts, including related equipment, weight room equipment, sports equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage, turf and landscaping, at Chamiza elementary school in the Albuquerque public school district in Bernalillo county;

42. two hundred ten thousand dollars (\$210,000) to plan, design, construct, purchase, improve and install technology and communication systems at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;

43. one hundred eighty thousand dollars (\$180,000) to plan, design, construct, purchase, improve and install technology and communication systems at Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

44. one hundred thousand dollars (\$100,000) to plan, design, construct, repair and renovate grounds, fields, track areas, gym floors and tennis courts, including purchase and installation of related equipment, weight room equipment, sports equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage improvements, turf and landscaping, at Cibola high school in the Albuquerque public school district in Bernalillo county;

45. one hundred fifteen thousand dollars (\$115,000) to plan, design, construct, purchase and equip facilities, buildings and grounds, including elevator repair and replacement, for Cien Aguas charter school in the Albuquerque public school district in Bernalillo county;

46. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, improve and install technology and communication systems at Cleveland middle school in the Albuquerque public school district in Bernalillo county;

47. twenty-five thousand dollars (\$25,000) to plan, design, construct, repair and renovate the grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, and to make improvements [~~for compliance with the federal Americans with Disabilities Act of 1990,~~] at Comanche elementary school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

48. one hundred thousand dollars (\$100,000) to purchase, furnish, improve and install classroom equipment, furniture, fixtures, bookshelves, books and information technology and related infrastructure for classrooms at Corrales elementary school in the Albuquerque public school district in Bernalillo county;

~~[49. seven thousand dollars (\$7,000) to plan, design, construct, repair and make renovations to the grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage improvements, traffic signs and landscaping, and to make improvements to comply with the federal Americans with Disabilities Act of 1990, at Coyote Willow family school in the Albuquerque public school district in Bernalillo county;]~~ *LINE ITEM VETO*

50. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, repair and renovate the roof and exterior structures of the band and chorus facilities at Del Norte high school in the Albuquerque public school district in Bernalillo county;

51. two hundred fifty thousand dollars (\$250,000) to replace weight room equipment and to plan, design, construct and renovate the weight room at Del Norte high school in the Albuquerque public school district in Bernalillo county;

52. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, improve and install technology and communication systems at Dennis Chavez elementary school in the Albuquerque public school district in Bernalillo county;

53. two hundred thousand dollars (\$200,000) to plan, design, construct, repair and renovate the roof and exterior structures of the auxiliary gymnasium at Desert Ridge middle school in the Albuquerque public school district in Bernalillo county;

54. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds at the Digital arts and technology academy in the Albuquerque public school district in Bernalillo county;

55. one hundred thousand dollars (\$100,000) to plan, design, construct, repair, upgrade, renovate and equip heating, ventilation and air conditioning systems, ductwork and electrical systems, including improvements to building interiors and grounds related to the installation of heating, ventilation and air conditioning systems, at Dolores Gonzales elementary school in the Albuquerque public school district in Bernalillo county;

56. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, renovate, purchase and install grounds, fields, track areas, gym floors and tennis courts, including related equipment, weight room equipment, sports equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage, turf and landscaping, at Double Eagle elementary school in the Albuquerque public school district in Bernalillo county;

57. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip a multipurpose facility for a school meal program and middle school expansion at East Mountain high school in the Albuquerque public school district in Bernalillo county;

58. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, improve and install technology and communication systems at East San Jose elementary school in the Albuquerque public school district in Bernalillo county;

59. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, repair and renovate roofs and exterior structures at Edmund G. Ross elementary school in the Albuquerque public school district in Bernalillo county;

60. one hundred sixty thousand dollars (\$160,000) to plan, design, construct, repair and renovate roofs and exterior structures at Edward Gonzales elementary school in the Albuquerque public school district in Bernalillo county;

61. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, improve and install technology and communication systems at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;

62. twenty-five thousand dollars (\$25,000) to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds and parking areas, including site preparation, safety systems, instructional space and roof repair, at El Camino Real academy charter school in the Albuquerque public school district in Bernalillo county;

63. two hundred ninety-five thousand dollars (\$295,000) to plan, design, construct, renovate, purchase and install grounds, fields, track areas, gym floors and tennis courts, including related equipment, weight room equipment, sports equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage, turf and landscaping, at Eldorado high school in the Albuquerque public school district in Bernalillo county;

64. one hundred fifty-five thousand dollars (\$155,000) to plan, design, construct, purchase, improve and install technology and communication systems at Emerson elementary school in the Albuquerque public school district in Bernalillo county;

65. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase, improve and install technology and communication systems at Ernie Pyle middle school in the Albuquerque public school district in Bernalillo county;

66. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, improve and install technology and communication systems at Eugene Field elementary school in the Albuquerque public school district in Bernalillo county;

67. three hundred ten thousand dollars (\$310,000) to plan, design, construct, repair and renovate roofs and exterior structures at Georgia O'Keeffe elementary school in the Albuquerque public school district in Bernalillo county;

68. two hundred thousand dollars (\$200,000) to plan, design, construct, expand, renovate, purchase and equip facilities, buildings and grounds and parking areas, including site preparation, instructional space and safety systems, at Gilbert L. Sena charter high school in the Albuquerque public school district in Bernalillo county;

69. one hundred thousand dollars (\$100,000) to plan, design, construct, repair and renovate roofs and exterior structures at Grant middle school in the Albuquerque public school district in Bernalillo county;

70. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, purchase, improve and install technology and communication systems at Harrison middle school in the Albuquerque public school district in Bernalillo county;

71. two hundred thirty thousand dollars (\$230,000) to plan, design, construct, repair and renovate roofs and exterior structures at Hawthorne elementary school in the Albuquerque public school district in Bernalillo county;

72. eighty thousand dollars (\$80,000) to plan, design, construct, purchase, improve and install technology and communication systems at Hayes middle school in the Albuquerque public school district in Bernalillo county;

73. three hundred ninety-five thousand dollars (\$395,000) to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds and parking, including site preparation, instructional space and safety systems, at Health leadership high school in the Albuquerque public school district in Bernalillo county;

74. one hundred thousand dollars (\$100,000) to plan, design, construct, repair and make renovations to building interiors, including restrooms, and to grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, and to make improvements [to comply with the federal Americans with Disabilities Act of 1990,] at Helen Cordero elementary school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

~~[75. four thousand dollars (\$4,000) to plan, design, construct, purchase and equip indoor and outdoor signage and structures at the Highland high school north complex in the Albuquerque public school district in Bernalillo county;] *LINE ITEM VETO*~~

76. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, purchase, improve and install technology and communication systems at Highland high school in the Albuquerque public school district in Bernalillo county;

77. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, improve and install technology and communication systems at Hodgin elementary school in the Albuquerque public school district in Bernalillo county;

78. one hundred forty-five thousand dollars (\$145,000) to plan, design, construct, purchase, improve and install technology and communication systems at Hoover middle school in the Albuquerque public school district in Bernalillo county;

79. fifty thousand dollars (\$50,000) to plan, design, construct, repair and renovate roofs and exterior structures at Inez elementary school in the Albuquerque public school district in Bernalillo county;

80. seventy thousand dollars (\$70,000) to plan, design, construct, purchase, improve and install technology and communication systems at Jackson middle school in the Albuquerque public school district in Bernalillo county;

81. twenty-five thousand dollars (\$25,000) to plan, design, construct, repair and renovate building interiors and grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, and to make improvements [~~to comply with the federal Americans with Disabilities Act of 1990~~] at Janet Kahn school of integrated arts in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

82. one hundred thirty-five thousand dollars (\$135,000) to plan, design, construct, purchase, improve and install technology and communication systems at Jefferson middle school in the Albuquerque public school district in Bernalillo county;

83. one hundred twenty thousand dollars (\$120,000) to plan, design, construct, repair and make renovations to portable buildings and permanent building interiors and improvements [~~to comply with the federal Americans with Disabilities Act of 1990~~] at Jimmy Carter middle school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

84. one hundred forty thousand dollars (\$140,000) to plan, design, construct, purchase, improve and install technology and communication systems at John Adams middle school in the Albuquerque public school district in Bernalillo county;

85. one hundred eighty-seven thousand five hundred dollars (\$187,500) to plan, design, construct, repair and renovate roofs and exterior structures at John Baker elementary school in the Albuquerque public school district in Bernalillo county;

86. two hundred seventy-five thousand dollars (\$275,000) to purchase, equip, improve and install classroom equipment, furniture, fixtures, bookshelves, books, information technology and infrastructure for classrooms at the juvenile detention center alternative school in the Albuquerque public school district in Bernalillo county;



87. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, repair and renovate roofs and exterior structures at Kennedy middle school in the Albuquerque public school district in Bernalillo county;

88. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, purchase, improve and install technology and communication systems at Kit Carson elementary school in the Albuquerque public school district in Bernalillo county;

89. two hundred fifty-five thousand dollars (\$255,000) to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds, including site preparation, instructional space and safety systems, at La Academia de Esperanza in the Albuquerque public school district in Bernalillo county;

90. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate, purchase and improve security systems and technology, grounds, infrastructure and facilities related to security, including secure vestibule entryways, locks, cameras, access card systems, fencing, telecommunications alarm upgrades and information technology, at La Cueva high school in the Albuquerque public school district in Bernalillo county;

91. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase, improve and install technology and communication systems at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

92. one hundred forty thousand dollars (\$140,000) to plan, design, construct, renovate, purchase and install grounds, fields, track areas, gym floors and tennis courts, including related equipment, weight room equipment, sports equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage, turf and landscaping, at Lavaland elementary school in the Albuquerque public school district in Bernalillo county;

93. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, improve and install technology and communication systems, including indoor and outdoor connectivity, at Los Padillas elementary school in the Albuquerque public school district in Bernalillo county;

94. seventy-five thousand dollars (\$75,000) to plan, design, construct, repair and renovate exterior site upgrades, including a garden retaining wall and irrigation equipment, and playgrounds, including fencing, seating, drainage improvements and landscaping, at the Los Padillas wildlife sanctuary in the Albuquerque public school district in Bernalillo county;

95. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds, including site preparation, instructional space and safety systems, at Los Puentes charter school in the Albuquerque public school district in Bernalillo county;

96. seventy-five thousand dollars (\$75,000) to plan, design, construct, repair and renovate roofs and exterior structures at Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

97. two hundred sixty thousand dollars (\$260,000) to plan, design, construct, repair and renovate roofs and exterior structures at Lowell elementary school in the Albuquerque public school district in Bernalillo county;

98. eighty-four thousand dollars (\$84,000) to plan, design, construct, repair, renovate and upgrade culinary arts classrooms and to purchase and install new equipment, including commercial-grade appliances, ranges, ovens, refrigerators, dishwashers, durable cabinetry, workstations and demonstration stations, at Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;

99. seventy-five thousand dollars (\$75,000) to plan, design, construct, repair and renovate the grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, and to make improvements [for compliance with the federal Americans with Disabilities Act of 1990] at MacArthur elementary school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

100. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, improve and install technology and communication systems at Madison middle school in the Albuquerque public school district in Bernalillo county;

101. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, purchase, improve and install technology and communication systems at Manzano high school in the Albuquerque public school district in Bernalillo county;

102. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, purchase and install grounds, fields, track areas, gym floors and tennis courts, including related equipment, weight room equipment, sports equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage, turf and landscaping, at Manzano Mesa elementary school in the Albuquerque public school district in Bernalillo county;

103. one hundred fifty-one thousand dollars (\$151,000) to plan, design, construct and improve buildings, facilities, driveways and walkways for the student drop-off and pick-up areas at Marie M. Hughes elementary school in the Albuquerque public school district in Bernalillo county;

104. one hundred sixty thousand dollars (\$160,000) to plan, design, construct, purchase, renovate, furnish, equip and expand facilities, including classrooms, multipurpose areas, early childhood facilities and security upgrades, at Mark Armijo academy charter school in the Albuquerque public school district in Bernalillo county;

105. one hundred thirty-five thousand dollars (\$135,000) to plan, design, construct, purchase, install and equip security improvements at Mark Armijo academy charter school in the Albuquerque public school district in Bernalillo county;

106. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase, improve and install technology and communication systems at Mary Ann Binford elementary school in the Albuquerque public school district in Bernalillo county;

107. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase, improve and install technology and communication systems at Matheson Park elementary school in the Albuquerque public school district in Bernalillo county;

108. one hundred thousand dollars (\$100,000) to plan, design, construct, repair and renovate roofs and exterior structures at McCollum elementary school in the Albuquerque public school district in Bernalillo county;

109. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, repair and renovate the grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, and to make improvements [~~for compliance with the federal Americans with Disabilities Act of 1990~~] at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

110. twenty-five thousand dollars (\$25,000) to plan, design, construct, repair and renovate the grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, and to make improvements [~~for compliance with the federal Americans with Disabilities Act of 1990~~] at Mitchell elementary school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

111. one hundred fifty-five thousand dollars (\$155,000) to plan, design, construct, purchase, improve and install technology and communication systems at Monte Vista elementary school in the Albuquerque public school district in Bernalillo county;

112. one hundred thousand dollars (\$100,000) to plan, design, construct, repair and renovate roofs and exterior structures at Montezuma elementary school in the Albuquerque public school district in Bernalillo county;

113. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, repair and renovate roofs and exterior structures at Navajo elementary school in the Albuquerque public school district in Bernalillo county;

114. twenty-eight thousand dollars (\$28,000) to plan, design, construct, repair and renovate building interiors, including restrooms, showers and windows, and grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing,

resurfacing, striping, drainage, traffic signs, landscaping and bird deterrents, and to make improvements [~~to comply with the federal Americans with Disabilities Act of 1990~~] at nex+Gen Academy high school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

115. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, repair and renovate the grounds, including sidewalks, fencing, resurfacing, striping, drainage, traffic signs, landscaping and erosion control, at North Star elementary school in the Albuquerque public school district in Bernalillo county;

116. two hundred thirty-five thousand dollars (\$235,000) to plan, design, construct, repair and renovate roofs and exterior structures at Onate elementary school in the Albuquerque public school district in Bernalillo county;

117. one hundred fifty-five thousand dollars (\$155,000) to plan, design, construct, purchase, improve and install technology and communication systems at Painted Sky elementary school in the Albuquerque public school district in Bernalillo county;

118. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, improve and install technology and communication systems at Pajarito elementary school in the Albuquerque public school district in Bernalillo county;

119. one hundred sixty-eight thousand dollars (\$168,000) to plan, design, construct, repair and renovate roofs and exterior structures at Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;

120. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, improve and install technology and communication systems at Polk middle school in the Albuquerque public school district in Bernalillo county;

121. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase, improve and install technology and communication systems at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

122. one million one hundred fifty thousand dollars (\$1,150,000) to acquire property and to plan, design, construct, renovate, furnish and equip buildings and grounds, including site preparation, classroom expansions and security upgrades, for Robert F. Kennedy charter school in the Albuquerque school district in Bernalillo county;

123. one hundred thousand dollars (\$100,000) to plan, design, construct, repair and renovate roofs and exterior structures at Rudolfo Anaya elementary school in the Albuquerque public school district in Bernalillo county;

124. one hundred twenty-eight thousand three hundred thirty-three dollars (\$128,333) to plan, design, construct, purchase, improve and install technology and

communication systems at S.Y. Jackson elementary school in the Albuquerque public school district in Bernalillo county;

125. forty thousand dollars (\$40,000) to plan, design, construct, purchase, equip and furnish outdoor play equipment, seating, shade structures, walkways and landscaping at Sandia Base elementary school in the Albuquerque public school district in Bernalillo county;

126. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, purchase, improve and install technology and communication systems at Sandia high school in the Albuquerque public school district in Bernalillo county;

127. forty-five thousand dollars (\$45,000) to plan, design, construct, purchase, improve and install technology and communication systems at School on Wheels high school in the Albuquerque public school district in Bernalillo county;

128. one hundred fifty-five thousand dollars (\$155,000) to plan, design, construct, repair and renovate the grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, and to make improvements ~~[for compliance with the federal Americans with Disabilities Act of 1990]~~ at Seven Bar elementary school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

129. sixty-five thousand dollars (\$65,000) to plan, design, construct, renovate and purchase and install equipment for facilities, buildings and grounds, including site preparation, a gymnasium, instructional space and safety systems, at Siembra Leadership high school in the Albuquerque public school district in Bernalillo county;

130. sixty thousand dollars (\$60,000) to plan, design, construct, purchase, improve and install technology and communication systems at Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;

131. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate and purchase and install equipment for facilities, buildings and grounds, including site preparation, instructional space and safety systems, at Solare collegiate charter school in the Albuquerque public school district in Bernalillo county;

132. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, improve and install technology and communication systems at Sombra del Monte elementary school in the Albuquerque public school district in Bernalillo county;

133. seventy-eight thousand dollars (\$78,000) to plan, design, construct, purchase, improve and install technology and communication systems at Sunset View elementary school in the Albuquerque public school district in Bernalillo county;

134. two hundred thirty thousand dollars (\$230,000) to plan, design, construct, repair and renovate roofs and exterior structures at Susie Rayos Marmon elementary school in the Albuquerque public school district in Bernalillo county;

135. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase, improve and install technology and communication systems at Taylor middle school in the Albuquerque public school district in Bernalillo county;

136. one hundred fifty-five thousand dollars (\$155,000) to plan, design, construct, install and equip security upgrades at Technology Leadership high school in the Albuquerque public school district in Bernalillo county;

137. two hundred thousand dollars (\$200,000) to plan, design, construct, improve, equip and install a science, technology, engineering, art and mathematics laboratory, a makerspace and related improvements at Technology Leadership high school in the Albuquerque public school district in Bernalillo county;

~~[138. seven thousand dollars (\$7,000) to plan, design, construct, repair and renovate the grounds, including playgrounds, sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, at Tierra Antigua elementary school in the Albuquerque public school district in Bernalillo county;]~~ *LINE ITEM VETO*

139. one hundred thirty thousand dollars (\$130,000) to plan, design, construct, purchase, improve and install technology and communication systems at Tomasita elementary school in the Albuquerque public school district in Bernalillo county;

140. one hundred eight thousand dollars (\$108,000) to plan, design, construct, repair, upgrade and renovate heating, ventilation and air conditioning systems, ducts and electrical systems, including improvements, construction and equipment for building interiors and grounds related to the installation of heating, ventilation and air conditioning system improvements, at Tony Hillerman middle school in the Albuquerque public school district in Bernalillo county;

141. one hundred sixty-four thousand eight hundred dollars (\$164,800) to plan, design, construct, repair and renovate building interiors and grounds, including sidewalks, bus drop-off and pick-up areas, parking lots, fencing, resurfacing, striping, drainage, traffic signs and landscaping, and to make improvements ~~[to comply with the federal Americans with Disabilities Act of 1990]~~ at Tres Volcanes community collaborative school in the Albuquerque public school district in Bernalillo county; *LINE ITEM VETO*

142. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct and renovate the grounds, fields, track areas, gym floors and tennis courts, including the purchase and installation of related equipment, weight room equipment, sports equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage, turf

and landscaping, at Truman middle school in the Albuquerque public school district in Bernalillo county;

143. fifty thousand dollars (\$50,000) to plan, design, construct and equip a hands-on outdoor classroom on irrigation and acequias for the middle Rio Grande conservancy district at Valle Vista elementary school in the Albuquerque public school district in Bernalillo county;

144. one hundred twenty thousand dollars (\$120,000) to plan, design, construct, purchase, improve and install technology and communication systems at Valle Vista elementary school in the Albuquerque public school district in Bernalillo county;

145. one hundred fifty-nine thousand dollars (\$159,000) to plan, design, construct, purchase, improve and install technology and communication systems at Valley high school in the Albuquerque public school district in Bernalillo county;

146. one hundred sixty thousand dollars (\$160,000) to plan, design, construct, purchase, improve and install technology and communication systems at Van Buren middle school in the Albuquerque public school district in Bernalillo county;

147. sixty-four thousand dollars (\$64,000) to plan, design, construct, renovate and replace gym floors, including the purchase and installation of related equipment, weight room equipment, sports equipment, fencing and bleachers, at Ventana Ranch elementary school in the Albuquerque public school district in Bernalillo county;

148. one hundred seven thousand dollars (\$107,000) to plan, design, construct, renovate, purchase and install grounds, fields, track areas, gym floors and tennis courts, including related equipment, weight room equipment, sports equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage, turf and landscaping, at Volcano Vista high school in the Albuquerque public school district in Bernalillo county;

149. four hundred seventy-five thousand dollars (\$475,000) to plan, design, construct, equip and improve the baseball field and facility at Volcano Vista high school in the Albuquerque public school district in Bernalillo county;

150. fifty thousand dollars (\$50,000) to plan, design, construct, repair and renovate roofs and exterior structures at Washington middle school in the Albuquerque public school district in Bernalillo county;

151. two hundred twenty thousand dollars (\$220,000) to plan, design, construct, purchase, improve and install technology and communication systems at West Mesa high school in the Albuquerque public school district in Bernalillo county;

152. one hundred forty thousand dollars (\$140,000) to plan, design, construct, purchase, improve and install technology and communication systems at Wilson middle school in the Albuquerque public school district in Bernalillo county;

153. one hundred forty-five thousand dollars (\$145,000) to plan, design, construct, purchase, improve and install technology and communication systems at Zia elementary school in the Albuquerque public school district in Bernalillo county;

154. two hundred thousand dollars (\$200,000) to purchase and install sprinkler systems and dirt on practice fields at Dexter high school and Dexter middle school in the Dexter consolidated school district in Chaves county;

155. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate and improve the field house and fitness center at Dexter high school in the Dexter consolidated school district in Chaves county;

156. three hundred thousand dollars (\$300,000) to plan, design, construct, equip and replace the track and track equipment at Dexter high school in the Dexter consolidated school district in Chaves county;

157. five hundred seventy-six thousand dollars (\$576,000) to plan, design, construct, renovate, expand, furnish and equip the buildings and grounds, including an agricultural education land laboratory, for the Hagerman municipal school district in Chaves county;

158. two hundred ten thousand dollars (\$210,000) to plan, design, construct, repair and renovate the roof at Lake Arthur elementary school in the Lake Arthur municipal school district in Chaves county;

159. two hundred thousand dollars (\$200,000) to plan, design, construct and upgrade facilities, including interior finishes and stucco, for the Lake Arthur municipal school district in Chaves county;

160. seventy thousand dollars (\$70,000) to purchase and equip activity vehicles for the Raton public school district in Colfax county;

161. six hundred fifty thousand dollars (\$650,000) to plan, design, construct, renovate and replace natural grass playing fields with synthetic turf fields in the Texico municipal school district in Curry county;

162. one hundred sixty-two thousand dollars (\$162,000) to plan, design and construct a large animal veterinary learning lab at Hatch Valley high school in the Hatch Valley public school district in Dona Ana county;

163. twenty-five thousand dollars (\$25,000) to plan, design, construct, renovate and purchase and install equipment for facilities, buildings and grounds, including site



preparation, instructional space, safety systems and information technology and infrastructure, at New America school-New Mexico in Las Cruces in Dona Ana county;

164. eight hundred thousand dollars (\$800,000) to plan, design, construct, renovate, furnish and equip a district facility as a centralized family support center in the Las Cruces public school district in Dona Ana county;

165. five hundred thousand dollars (\$500,000) to plan, design, construct, furnish and equip a career and technical education center, including training spaces and classrooms, at Rio Grande preparatory institute in the Las Cruces public school district in Dona Ana county;

166. one hundred eighty thousand dollars (\$180,000) to plan, design, construct, furnish and equip a mercado space for student projects created through career and technical education programs at Rio Grande preparatory institute in the Las Cruces public school district in Dona Ana county;

167. six hundred fifty thousand dollars (\$650,000) to demolish, remove, design, construct and replace a roof at the Grand Heights early childhood center in the Artesia public school district in Eddy county;

168. three hundred thousand dollars (\$300,000) to plan, design, construct, furnish and equip improvements, including a security system, for the Cobre consolidated school district in Grant county;

169. two hundred thousand dollars (\$200,000) to purchase and equip a bus for the Silver consolidated school district in Silver City in Grant county;

170. one hundred fifty thousand dollars (\$150,000) to purchase and equip vehicles for the Santa Rosa consolidated school district in Guadalupe county;

171. five hundred fifty-five thousand dollars (\$555,000) to plan, design, construct and repair buildings and grounds, including parking areas, driveways, roof mitigation and roof extension, for the Mosquero municipal school district in Harding county;

172. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, equip and furnish improvements to buildings and grounds in the Animas public school district in Hidalgo county;

173. one million forty-eight thousand seven hundred seventeen dollars (\$1,048,717) to plan, design, construct, renovate, expand, furnish and equip a career and technical education facility, including converting a maintenance building into career clusters, at Lovington high school in the Lovington municipal school district in Lea county;

174. forty-one thousand dollars (\$41,000) to purchase and equip utility vehicles for the Tatum municipal school district in Lea county;

175. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish and equip accessible bathrooms for the region 9 education cooperative offices and conference spaces in Ruidoso in Lincoln county;

176. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and renovate bathrooms for accessibility compliance in the Deming high school auditorium in the Deming public school district in Luna county;

177. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate and equip a soccer field at Deming high school in the Deming public school district in Luna county;

178. one hundred thousand dollars (\$100,000) to purchase vehicles and to plan, design, construct, furnish, equip and improve security systems, including card access readers, cameras, access doors and walls, at Hozho academy charter school in Gallup in McKinley county;

179. seventy-five thousand dollars (\$75,000) to plan, design, construct, furnish and equip a cafeteria and kitchen at Hozho academy charter school in Gallup in McKinley county;

180. one hundred thousand dollars (\$100,000) to purchase, furnish and equip classrooms for the Middle College high school facility in Gallup in McKinley county;

181. one hundred fifty thousand dollars (\$150,000) to replace the running track at a stadium at Gallup middle school in the Gallup-McKinley county school district in McKinley county;

182. two hundred thousand dollars (\$200,000) to purchase, install and prepare fire alarm systems and to plan, design, construct and upgrade fire suppression systems at Indian Hills elementary school, Stagecoach elementary school, Chee Dodge elementary school, Twin Lakes elementary school, Thoreau middle school and Tobe Turpen elementary school and the Navajo school bus barns in the Gallup-McKinley county school district in McKinley county;

183. fifty thousand dollars (\$50,000) to replace hazardous gravel in playgrounds at Wagon Mound elementary school in the Wagon Mound public school district in Mora county;

184. two hundred seventy-two thousand nine hundred seventeen dollars (\$272,917) to replace track surfacing at Alamogordo high school in the Alamogordo public school district in Otero county;

185. three hundred eleven thousand one hundred eighty-one dollars (\$311,181) to purchase and equip an activity bus for the Alamogordo public school district in Otero county;

186. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and renovate a district-owned teacherage building and grounds for the Logan municipal school district in Quay county;

187. three hundred four thousand two hundred twenty dollars (\$304,220) to plan, design, construct and equip upgrades, including information technology, to heating, ventilation and air conditioning systems throughout the Chama Valley independent school district in Rio Arriba county;

188. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct and renovate a gymnasium floor at McCurdy charter school in Espanola in Rio Arriba county;

189. one hundred thousand dollars (\$100,000) to plan, design, construct, improve and expand heating systems, including conversion of propane systems to natural gas, at Escalante middle and high school and Tierra Amarilla elementary school in the Chama Valley independent school district in Rio Arriba county;

190. one hundred fifty thousand dollars (\$150,000) to purchase, equip and replace central walk-in freezers and coolers for the Espanola public school district in Rio Arriba county;

191. eighty-five thousand dollars (\$85,000) to plan, design and construct a security vestibule at Carlos F. Vigil middle school in the Espanola public school district in Rio Arriba county;

192. sixty-five thousand dollars (\$65,000) to purchase and equip a food transport truck with temperature controls for the Espanola public school district in Rio Arriba county;

193. one hundred thousand dollars (\$100,000) to [~~design,~~] design and construct teacherages for the Espanola public school district in Rio Arriba county; *LINE ITEM VETO*

194. one hundred fifty thousand dollars (\$150,000) to purchase, install and improve security lighting districtwide in the Espanola public school district in Rio Arriba county;

195. one hundred thousand dollars (\$100,000) to purchase and equip student transport vehicles for the Espanola public school district in Rio Arriba county;

196. sixty thousand dollars (\$60,000) to plan, design and construct drainage improvements to stairs, walkways and a retaining wall at Espanola Valley high school in the Espanola public school district in Rio Arriba county;

197. one hundred thousand dollars (\$100,000) to plan, design and construct water system and infrastructure improvements at Ojo Caliente elementary school and Mesa Vista middle school and high school in the Mesa Vista consolidated school district in Rio Arriba county;

198. one hundred thousand dollars (\$100,000) to plan, design, construct and renovate the football field house, including toilets, showers and locker room upgrades, at Portales high school in the Portales municipal school district in Roosevelt county;

199. five hundred eighty thousand dollars (\$580,000) to plan, design, construct, purchase, equip and install bleachers at the Farmington high school baseball field in the Farmington municipal school district in Farmington in San Juan county;

200. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, equip and improve a baseball field, including fencing, lighting, surface and grounds, at Farmington high school in the Farmington municipal school district in Farmington in San Juan county;

201. four hundred fifty thousand dollars (\$450,000) to plan, design, construct and equip a multi-use soccer field, including turfing, at Piedra Vista high school in the Farmington municipal school district in Farmington in San Juan county;

202. five hundred eighty thousand dollars (\$580,000) to plan, design, construct, purchase, equip and install bleachers for Piedra Vista high school in the Farmington municipal school district in Farmington in San Juan county;

203. one hundred thousand dollars (\$100,000) to plan, design, construct, repair, replace and renovate elevators at Robertson high school and at an administrative building in the Las Vegas city public school district in San Miguel county;

204. fifty thousand dollars (\$50,000) to purchase and install energy-efficient exterior lighting in school parking areas and buildings in the Las Vegas city public school district in San Miguel county;

205. fifty thousand dollars (\$50,000) to upgrade and replace security cameras and infrastructure at schools in the Las Vegas city public school district in San Miguel county;

206. two hundred thousand dollars (\$200,000) to plan, design, construct and repair roads around elementary, middle and high schools for the Pecos independent school district in San Miguel county;

207. two hundred fifty thousand dollars (\$250,000) to purchase a building for a performing arts center and to plan, design, construct, renovate, furnish and equip the Kiva theater for the west Las Vegas public school district in San Miguel county;

208. one hundred forty-five thousand dollars (\$145,000) to purchase commercial kitchen equipment and to purchase and equip vehicles for the west Las Vegas school district in San Miguel county;

209. two hundred thousand dollars (\$200,000) to plan, design, construct, equip, renovate and repair Our Lady of Sorrows gymnasium in the Bernalillo public school district in Sandoval county;

210. fifty thousand dollars (\$50,000) to plan, design, construct and equip the Cochiti multicultural center in the Bernalillo public school district in Sandoval county;

211. four hundred thousand dollars (\$400,000) to purchase and install equipment and to plan, design, construct, renovate, equip and repair Placitas elementary school in the Bernalillo public school district in Sandoval county;

212. five hundred twenty-five thousand dollars (\$525,000) to purchase and install equipment and to plan, design, construct and renovate facilities, buildings and grounds, including site preparation, instructional space and safety systems, at Sandoval academy of bilingual education in Rio Rancho in Sandoval county;

213. nine hundred seventeen thousand dollars (\$917,000) to acquire and to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds, including site preparation, at ASK academy in Rio Rancho in Sandoval county;

214. three hundred thousand dollars (\$300,000) to plan, design, construct and replace a gymnasium floor at Cleveland high school in the Rio Rancho public school district in Sandoval county;

215. one hundred forty thousand dollars (\$140,000) to plan, design, construct and replace the kitchen floor at Eagle Ridge middle school in the Rio Rancho public school district in Sandoval county;

216. seventy-five thousand dollars (\$75,000) to purchase, install and replace audiovisual system information technology, including related equipment, furniture and infrastructure, at Lincoln middle school in the Rio Rancho public school district in Sandoval county;

217. three hundred thousand dollars (\$300,000) to plan, design, construct and replace gymnasium bleachers at Rio Rancho middle school in the Rio Rancho public school district in Sandoval county;

218. two hundred sixty-three thousand dollars (\$263,000) to purchase and install equipment for the fine arts department, including light panels, monitors, light-emitting diode lighting and audio systems for a theater and concert hall, in the Rio Rancho public school district in Sandoval county;

219. two hundred thousand dollars (\$200,000) to purchase, install and replace information technology servers for the Rio Rancho public school district in Sandoval county;

220. one hundred forty thousand dollars (\$140,000) to purchase and install information technology backup storage for the Rio Rancho public school district in Sandoval county;

221. one hundred thousand dollars (\$100,000) to purchase, install and upgrade security systems for the Rio Rancho public school district in Sandoval county;

222. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements to playground and outdoor spaces, including synthetic turf fields at Gonzales community school and Chaparral elementary school, curbing to contain wood chips around a playground at Carlos Gilbert elementary school and landscaping at Cesar Chavez elementary school, in the Santa Fe public school district in Santa Fe county;

223. two hundred thousand dollars (\$200,000) to purchase and install safety upgrades, including a public address system, gate replacements, bollards and front entry enhancements, at Turquoise Trail charter school in Santa Fe county;

224. eight hundred thousand dollars (\$800,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including classroom expansions, a gymnasium and security upgrades, at Monte del Sol charter school in Santa Fe in Santa Fe county;

225. one hundred fifteen thousand dollars (\$115,000) to purchase and equip school buses for the New Mexico school for the arts in Santa Fe in Santa Fe county;

226. one hundred twenty thousand dollars (\$120,000) to plan, design, construct, purchase, equip and install rooftop solar panels at the New Mexico school for the arts in Santa Fe in Santa Fe county;

227. three hundred thousand dollars (\$300,000) to acquire and to plan, design, construct, renovate, purchase and equip facilities, buildings and grounds, including site preparation, at Thrive community school in Santa Fe in Santa Fe county;

228. four hundred fifty thousand dollars (\$450,000) to plan, design, construct and equip improvements, including a press box at Capital high school, a gymnasium

floor at Pinon elementary school and a sound system at Eldorado community school, for the Santa Fe public school district in Santa Fe county;

229. two million dollars (\$2,000,000) to acquire property for and to plan, design, construct, renovate, improve, purchase and equip facilities, buildings and grounds, including site preparation, for an early childhood development center in the Santa Fe public school district in Santa Fe county;

230. two hundred ninety-eight thousand dollars (\$298,000) to plan, design, construct and equip facilities, including a fence and access gate for a playground at El Camino Real academy, library renovations at Nye early childhood center and flooring at Tesuque elementary school, in the Santa Fe public school district in Santa Fe county;

231. one hundred thousand dollars (\$100,000) to purchase and equip firewalls for a district office and data center in the Santa Fe public school district in Santa Fe county;

232. one million dollars (\$1,000,000) to plan, design, construct, repair and renovate the heating, ventilation and air conditioning system at a performing arts dance facility in the Santa Fe public school district in Santa Fe county;

233. sixty thousand dollars (\$60,000) to replace the marquee sign at Hot Springs high school in the Truth or Consequences municipal school district in Sierra county;

234. sixty-one thousand dollars (\$61,000) to purchase, equip, install and replace bus security systems, including cameras, recording equipment and a badging system, in the Truth or Consequences municipal school district in Sierra county;

235. forty-three thousand dollars (\$43,000) to plan, design, construct, purchase, equip and install security improvements, including window coverings, door barricades and outward swinging doors, in the Truth or Consequences municipal school district in Sierra county;

236. two hundred ninety thousand dollars (\$290,000) to purchase and equip science, technology, engineering and mathematics laboratory equipment for an elementary and middle school program statewide;

237. two hundred thousand dollars (\$200,000) to plan, design, construct and renovate phased improvements to buildings and grounds, including modular buildings and drainage, at the Roots and Wings community school in Taos county;

238. thirty-five thousand dollars (\$35,000) to purchase, equip and upgrade outdoor safety lighting to solar light-emitting diode lighting in the Questa independent school district in Taos county;

239. one hundred ten thousand dollars (\$110,000) to purchase and equip solar light-emitting diode lighting at the high school and elementary school sites in the Questa independent school district in Taos county;

240. five hundred thousand dollars (\$500,000) to plan, design, construct, renovate, expand, purchase, furnish and equip buildings and grounds, including playgrounds, classrooms, a kitchen area and fencing, at the Red River valley charter school in Red River in Taos county;

241. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, rehabilitate and renovate school classrooms and facilities for mold remediation and prevention, including electrical systems, plumbing, earthwork and renovation of spaces, at Anansi charter school in the Taos municipal school district in Taos county;

242. three hundred thousand dollars (\$300,000) to purchase and equip an activity bus for the Taos municipal school district in Taos county;

243. fifty thousand dollars (\$50,000) to plan, design, construct and equip a playground at Alvis elementary school in the Clayton municipal school district in Union county;

244. fifty thousand dollars (\$50,000) to purchase equipment for Clayton junior high school in the Clayton municipal school district in Union county;

245. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, purchase and install renovations to the performing arts center sound system at Los Lunas high school in the Los Lunas public school district in Valencia county;

246. one hundred thirty-five thousand dollars (\$135,000) to purchase and equip an activity bus for the Los Lunas public school district in Valencia county; and

247. two hundred seventy-five thousand dollars (\$275,000) to purchase and equip an activity bus for the Los Lunas public school district in Valencia county.

## **Chapter 159 Section 26 Laws 2025**

SECTION 26. ENERGY, MINERALS AND NATURAL RESOURCES  
DEPARTMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the energy, minerals and natural resources department for the following purposes:

1. five million dollars (\$5,000,000) to purchase and equip emergency response vehicles, service vehicles and support vehicles, including fire engines, for the forestry division statewide; and



2. ten million dollars (\$10,000,000) to plan, design and construct watershed restoration and community wildfire protection improvements, including forest thinning, statewide.

## **Chapter 159 Section 27 Laws 2025**

SECTION 27. OFFICE OF THE STATE ENGINEER PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the office of the state engineer for the following purposes:

1. four hundred fifty thousand dollars (\$450,000) for a feasibility study and conceptual design for green storm water infrastructure for the Hahn arroyo in Bernalillo county;

2. one million dollars (\$1,000,000) to acquire property and rights of way and to plan, design, construct and equip and otherwise improve storm water infrastructure in the eastern area of Albuquerque in Bernalillo county;

3. one million dollars (\$1,000,000) to acquire property and easements for and to plan, design, construct and equip a flood control structure to convey surface runoff to the west to Isaacks lake in Dona Ana county;

4. one million dollars (\$1,000,000) to plan, design, construct, maintain and make improvements at Ute reservoir in Quay and Harding counties;

5. fifty thousand dollars (\$50,000) to plan, design, construct and replace Peterson dam for Las Vegas in San Miguel county;

6. ten thousand dollars (\$10,000) to plan, design and construct acequia improvements and a dam for the acequia de los Trujillos in Santa Fe county;

7. one million dollars (\$1,000,000) to plan, design and construct river channel improvements above Elephant Butte dam;

8. seven million dollars (\$7,000,000) to plan, design and construct river channel maintenance, habitat restoration and flood control projects statewide; and

9. one million dollars (\$1,000,000) to plan, design, construct, repair and equip improvements at the office of the state engineer's water measurement and metering facilities statewide.

## **Chapter 159 Section 28 Laws 2025**

SECTION 28. DEPARTMENT OF ENVIRONMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the department of environment for the following purposes:

1. two hundred twenty-five thousand dollars (\$225,000) to acquire rights of way and easements and to plan, design, construct and equip an aquifer storage and recovery facility for the Albuquerque-Bernalillo county water utility authority in Bernalillo county;
2. two hundred thirty thousand dollars (\$230,000) to plan, design, construct and equip an arsenic water treatment plant for the Albuquerque-Bernalillo county water utility authority in Bernalillo county;
3. three hundred thousand dollars (\$300,000) to plan, design, construct and equip a water collection system from the Albuquerque-Bernalillo county water utility authority to Carnuel in Bernalillo county;
4. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a wastewater collection system to extend sewer service from the Albuquerque-Bernalillo county water utility authority to Carnuel in Bernalillo county;
5. ten million two hundred ninety-five thousand dollars (\$10,295,000) to plan, design and construct a non-potable water reuse treatment plant, including water distribution pipelines and pumping facilities, for the Albuquerque-Bernalillo county water utility authority in Albuquerque in Bernalillo county;
6. two hundred seventy-five thousand dollars (\$275,000) to plan, design and construct a wastewater system, including a connection to the Pecos wastewater treatment plant, for the east Pecos mutual domestic water consumers' association in San Miguel county;
7. two hundred seven thousand dollars (\$207,000) to plan, design, repair and construct water storage tanks for Sierra Vista mutual domestic association in Bernalillo county;
8. four hundred thousand dollars (\$400,000) to plan, design and construct wastewater system improvements in Tijeras in Bernalillo county;
9. one million two hundred fifty thousand dollars (\$1,250,000) to plan, design, construct, improve and equip water and wastewater infrastructure and systems and to purchase equipment in Dexter in Chaves county;
10. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct and rehabilitate a well feeding the Lake Van water supply system, including the purchase and installation of pipe, in Dexter in Chaves county;
11. sixty-nine thousand dollars (\$69,000) to purchase and equip a skid steer for the maintenance department in Dexter in Chaves county;

12. five hundred thirty-five thousand one dollars (\$535,001) to purchase and equip a vacuum truck for the sewer department in Dexter in Chaves county;
13. five hundred thousand dollars (\$500,000) to plan, design and construct water and wastewater system improvements in Hagerman in Chaves county;
14. three hundred fifty thousand dollars (\$350,000) to purchase, equip and install water meters in Hagerman in Chaves county;
15. one hundred fifty thousand dollars (\$150,000) to purchase, design, construct and install water meters and meter readers and to make water system improvements in Lake Arthur in Chaves county;
16. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and install wastewater system improvements in Lake Arthur in Chaves county;
17. four hundred thousand dollars (\$400,000) to plan, design, construct, improve and equip the wastewater system, including replacement of variable frequency drive air pumps, for the Bluewater water and sanitation district service area in Cibola county;
18. two million five hundred thousand dollars (\$2,500,000) to plan, design, construct, repair and equip water and wastewater system improvements in Grants in Cibola county;
19. twenty-five thousand dollars (\$25,000) to plan, design and construct water system improvements, including infrastructure, for the Miami water users association in Colfax county;
20. one million seven hundred four thousand five hundred dollars (\$1,704,500) to plan, design and construct improvements to the water system in Maxwell in Colfax county;
21. one hundred thousand dollars (\$100,000) to acquire property and to plan, design, construct, equip and improve the water system in Springer in Colfax county;
22. twelve million dollars (\$12,000,000) to plan, design and construct water line extensions in Curry county;
23. one hundred seventy-five thousand dollars (\$175,000) to purchase equipment for the Anthony water and sanitation district in Dona Ana county;
24. three hundred thousand dollars (\$300,000) to plan, design and construct water system improvements, including water line extensions, for the Anthony water and sanitation district in Dona Ana county;

25. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and replace water well 31 for the Camino Real regional utility authority in Dona Ana county;

26. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, improve and equip water well 8A for the Camino Real regional utility authority in Dona Ana county;

27. one hundred twenty thousand dollars (\$120,000) to plan, design and construct a supplemental well building for the Garfield mutual domestic water consumers' and mutual sewage works association in Sierra county;

28. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct and replace fire hydrants for the Garfield mutual domestic water consumers' and mutual sewage works association in Dona Ana county;

29. one hundred sixty thousand dollars (\$160,000) to plan, design, construct, purchase and install a solar power system and a carport for La Union mutual domestic sewer and water association in Dona Ana county;

30. three hundred fifty thousand dollars (\$350,000) to plan, design, construct and repair water tanks for the Leasburg mutual domestic water consumers association in Dona Ana county;

31. fifty thousand dollars (\$50,000) to plan, design, remove and salvage water tanks and structures for the Leasburg mutual domestic water consumers association in Dona Ana county;

32. two hundred thousand dollars (\$200,000) to acquire easements and rights of way and to plan, design, construct, purchase and equip water system improvements for the lower Rio Grande public water works authority in Dona Ana county;

33. two hundred sixty-five thousand dollars (\$265,000) to acquire easements and rights of way and to plan, design, construct, purchase and equip water system improvements for the lower Rio Grande public water works authority in Dona Ana county;

34. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, purchase and equip system-wide information technology and supervisory control and data acquisition systems for the lower Rio Grande public water works authority in Dona Ana county;

35. ninety thousand dollars (\$90,000) to plan and design water system improvements for the Picacho mutual domestic water consumers association in Dona Ana county;

36. two hundred fifty thousand dollars (\$250,000) to acquire land, easements and rights of way and to plan, design, construct and equip drainage improvements in La Union in Dona Ana county;

37. two hundred sixty-eight thousand dollars (\$268,000) to plan, design, construct, equip and install wastewater system improvements, including replacement of septic tanks with service lines, in Las Cruces in Dona Ana county;

38. seven hundred thousand dollars (\$700,000) to plan, design, construct and equip the Holman road south central solid waste authority transfer and recycling facility in Las Cruces in Dona Ana county;

39. two hundred thousand dollars (\$200,000) to plan, design, construct, upgrade and improve the south central solid waste authority recycling center in Las Cruces in Dona Ana county;

40. seven hundred thousand dollars (\$700,000) to plan, design and construct water system improvements, including replacement of a potable water line along Kelly road, for the Otis mutual domestic water consumers and sewage works association in the Carlsbad area in Eddy county;

41. one million fifty thousand dollars (\$1,050,000) to acquire rights of way and to plan, design and construct water system improvements and a water line connecting the Tatum Wells area to the Double Eagle water system in Carlsbad in Eddy county;

42. one hundred thousand dollars (\$100,000) to plan, design, construct and equip water system improvements for the Casas Adobes mutual domestic water consumers association in Grant county;

43. one hundred sixty thousand dollars (\$160,000) to purchase and equip a backhoe for the Rosedale mutual domestic water consumer's association in Grant county;

44. six hundred thousand dollars (\$600,000) to plan, design and construct landfill cells for the Southwest solid waste authority in Grant county;

45. one hundred thousand dollars (\$100,000) to purchase and equip a utility vehicle for the Tyrone water and wastewater association in Grant county;

46. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct and equip water system improvements in Hurley in Grant county;

47. two hundred thousand dollars (\$200,000) to plan, design, construct and make water system improvements, including repair and replacement of storage tanks, water lines and well site facilities, for Vaughn in Guadalupe county;

48. two hundred fifty thousand dollars (\$250,000) to plan and design sewer and water utilities infrastructure in Eunice in Lea county;

49. one million five hundred thousand dollars (\$1,500,000) to replace a water main and to plan, design and construct water system improvements in Hobbs in Lea county;

50. five hundred thousand dollars (\$500,000) to plan, design, construct and furnish a mechanical building and to make improvements at the wastewater treatment plant in Jal in Lea county;

51. six hundred ten thousand dollars (\$610,000) to purchase and equip a hydro excavation truck for Lovington in Lea county;

52. three hundred thousand dollars (\$300,000) to purchase and equip a jetter truck and a hydro evacuation truck trailer in Lovington in Lea county;

53. one million dollars (\$1,000,000) to plan, design and construct above-ground fire suppression water storage tanks in Lincoln county;

54. one hundred fifty thousand dollars (\$150,000) to purchase and equip a grapple truck and green waste collection system for the Greentree solid waste authority in Lincoln county;

55. seventy-five thousand dollars (\$75,000) to plan, design and construct water system improvements, including the development of a long-range strategic water plan, in Carrizozo in Lincoln county;

56. two hundred fifty thousand dollars (\$250,000) to plan, design, purchase and install information technology to map water and sewer lines in Carrizozo in Lincoln county;

57. eight hundred eighty-five thousand four hundred fifty-four dollars (\$885,454) to plan, design, construct, equip and furnish water and wastewater system improvements in Columbus in Luna county;

58. five hundred thousand dollars (\$500,000) to plan, design, construct, furnish and equip a wastewater treatment facility in Deming in Luna county;

59. one hundred thousand dollars (\$100,000) to plan, design, construct and equip water system improvements for the Gamerco water and sanitation district service area in McKinley county;

60. twenty thousand dollars (\$20,000) to plan, design, purchase and install water system automation for the Mora county water alliance in Mora county;

61. twenty-five thousand dollars (\$25,000) to purchase, install, repair and equip fire hydrants for the greater Chimayo mutual domestic water consumers association in Rio Arriba and Santa Fe counties;

62. fifty thousand dollars (\$50,000) to plan, design, construct and improve the pumping system at well 5 for the greater Chimayo mutual domestic water consumers association in Rio Arriba and Santa Fe counties;

63. three hundred forty thousand dollars (\$340,000) to purchase vehicles and equipment, including transport trailers and maintenance equipment, for the north central solid waste authority in Rio Arriba and Santa Fe counties;

64. seventy-five thousand dollars (\$75,000) to purchase and equip improvements at the Alcalde and Tierra Amarilla transfer stations in Rio Arriba county for the north central solid waste authority in Rio Arriba and Santa Fe counties;

65. two hundred five thousand dollars (\$205,000) to design, purchase, equip and install generators and transfer switches and to purchase and equip a sewer vacuum trailer for La Luz mutual domestic water consumers' association and mutual sewage works association in Otero county;

66. five hundred thousand dollars (\$500,000) to plan, design and construct improvements to the wastewater system, including sludge basins, sludge beds, weirs, pumps and sewer lines, in Tularosa in Otero county;

67. three hundred thousand dollars (\$300,000) to plan, design and construct a water storage tank for the Alcalde mutual domestic water consumers' and mutual sewage works association in Rio Arriba county;

68. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, equip and install improvements to the water system for the Cebolla mutual domestic water consumers' and sewage works association in Rio Arriba county;

69. three hundred thousand dollars (\$300,000) to plan, design, purchase, install and construct improvements to a wastewater treatment plant for the Cordova mutual domestic water consumers association in Rio Arriba county;

70. seventy-five thousand dollars (\$75,000) to replace a booster pump station for the greater Chimayo mutual domestic water consumers association in Rio Arriba county;

71. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase and install water system improvements for the Lumberton mutual domestic water consumers and sewage works association in Rio Arriba county;

72. two hundred twenty thousand dollars (\$220,000) to plan and design water system improvements, including a supplemental well and water storage tank, for the Truchas mutual domestic water consumers' association and mutual sewer works association in Rio Arriba county;

73. four hundred eighteen thousand dollars (\$418,000) to plan, design, construct, equip, rehabilitate and improve the water treatment plant and water system in Chama in Rio Arriba county;

74. six hundred thousand dollars (\$600,000) to plan, design, construct and equip water system improvements, including wells and water transmission lines, for the water department in Elida in Roosevelt county;

75. one hundred fifty thousand dollars (\$150,000) to replace water meters, including related information technology systems, in Floyd in Roosevelt county;

76. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, equip and install water system improvements for the Lee Hammond mutual domestic water consumers association in San Juan county;

77. six hundred thirty thousand dollars (\$630,000) to plan, design, construct, improve and expand the clear-well chamber at the water treatment plant and to make water system improvements in Aztec in San Juan county;

78. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements, including rehabilitation of an infiltration gallery, for the Chapelle mutual domestic consumers association in San Miguel county;

79. sixty-five thousand dollars (\$65,000) to plan, design and construct a well for El Valle water alliance and the Ilfeld mutual domestic water consumers' association in San Miguel county;

80. sixty-five thousand dollars (\$65,000) to plan, design, construct and improve the lower Colonias water system for El Valle water alliance in San Miguel county;

81. thirteen thousand dollars (\$13,000) to replace water meters for El Valle water alliance in San Miguel county;

82. ten thousand dollars (\$10,000) to plan, design, construct and equip water system improvements for the south San Ysidro mutual domestic water consumers association in the El Valle water alliance region in San Miguel county;

83. ten thousand dollars (\$10,000) to plan, design and construct water system improvements for the Sacatosa mutual domestic water consumers' and mutual sewage works association in the El Valle water alliance region in San Miguel county;



84. ten thousand dollars (\$10,000) to plan, design and construct water system improvements for the San Jose mutual domestic water consumers association in the El Valle water alliance region in San Miguel county;

85. thirty thousand dollars (\$30,000) to plan, design, construct and equip improvements to wells for La Cueva mutual domestic water consumers association in San Miguel county;

86. one hundred ninety-five thousand dollars (\$195,000) to purchase and equip heavy equipment and to plan, design, construct, improve and equip water systems and wells for Pendaries village mutual domestic water consumers association in San Miguel county;

87. seventy-five thousand dollars (\$75,000) to plan, design and construct a well for the Tecolotito mutual domestic water consumers association in San Miguel county;

88. three hundred twenty-five thousand dollars (\$325,000) to acquire easements and rights of way and to plan, design, construct, equip and improve water and wastewater systems in Pecos in San Miguel county;

89. seventy-five thousand dollars (\$75,000) to plan, design and construct water system improvements and to replace a water line under the Jemez river at Gallagher springs for the Jemez Springs domestic water association in Sandoval county;

90. three hundred fifty thousand dollars (\$350,000) to plan, design and construct water line replacements for the Jemez Springs domestic water association in the area of Jemez Springs in Sandoval county;

91. two hundred fifty thousand dollars (\$250,000) to purchase, equip and install water storage tanks for the Jemez Springs domestic water association in Sandoval county;

92. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip water system improvements for the San Luis-Cabazon mutual domestic water association in Sandoval county;

93. one million four hundred thousand dollars (\$1,400,000) to plan, design, construct and equip water lines and water distribution systems for fire suppression in Corrales in Sandoval county;

94. one million five hundred thousand dollars (\$1,500,000) to plan, design and construct a desalination facility in Cuba in Sandoval county;

95. two hundred fifty thousand dollars (\$250,000) to purchase property for and to plan, design and construct water system improvements, including a potable water storage tank, in Cuba in Sandoval county;

96. four hundred thousand dollars (\$400,000) to plan, design and construct the lower arroyo de la Barranca water quality facility for the southern Sandoval county arroyo flood control authority in Rio Rancho in Sandoval county;

97. two hundred fifty thousand dollars (\$250,000) to acquire rights of way and to plan, design and construct a stormwater diversion and detention facility for the southern Sandoval county arroyo flood control authority in Rio Rancho in Sandoval county;

98. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, rehabilitate and improve stormwater transmission facilities for the southern Sandoval county arroyo flood control authority in Rio Rancho in Sandoval county;

99. five hundred thousand dollars (\$500,000) to acquire water rights 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;

100. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including fencing, landscaping and curb cutting, at a well house tank site for the Agua Fria community water system association in Santa Fe county;

101. two hundred fifty thousand dollars (\$250,000) to purchase and install mechanical equipment for a potable water well and to plan, design, construct and replace well number 10 for the Eldorado area water and sanitation district in Santa Fe county;

102. one hundred thousand dollars (\$100,000) to plan, design and construct water system improvements, including a water storage tank, for the La Bajada community ditch and mutual domestic water association in Santa Fe county;

103. sixty-eight thousand one hundred dollars (\$68,100) to design and construct a well plug for the Rio Chiquito mutual domestic water consumers' and mutual sewage works association in Santa Fe county;

104. two million dollars (\$2,000,000) to plan, design and construct phase 1 water system improvements for the Pojoaque basin regional water system in Santa Fe county;

105. eight hundred thousand dollars (\$800,000) to plan, design and construct the Agua Fria village utility sewer system expansion in Santa Fe county;

106. six hundred seventeen thousand dollars (\$617,000) to acquire and to plan, design and construct a sewer collection system and sewer system improvements in Edgewood in Santa Fe county;

107. eight hundred thousand dollars (\$800,000) to plan, design, construct, install and rehabilitate a sewer system in Glorieta in Santa Fe county;

108. one hundred thousand dollars (\$100,000) to plan, design and construct a wastewater treatment facility in Santa Fe in Santa Fe county;

109. one million dollars (\$1,000,000) to plan, design and construct upgrades to the wastewater treatment facility in Truth or Consequences in Sierra county;

110. one hundred fifty thousand dollars (\$150,000) to plan, design and construct water system improvements in Elephant Butte in Sierra county;

111. seventy-five thousand dollars (\$75,000) to develop a long-range strategic water use and conservation plan for Elephant Butte in Sierra county;

112. seven hundred fifty thousand dollars (\$750,000) to plan, design and construct a water tank and water system improvements for La Joya mutual domestic water consumers association in Socorro county;

113. one hundred eighty-two thousand dollars (\$182,000) to purchase and install radio-read meters and meter readers for the water system for the San Antonio mutual domestic water consumers association in Socorro county;

114. three hundred twenty-five thousand dollars (\$325,000) to purchase and equip a waste collection vehicle for Magdalena in Socorro county;

115. five million one hundred fifty thousand dollars (\$5,150,000) to the wastewater facility construction loan fund for expenditure in fiscal year 2026 and subsequent fiscal years to provide matching funds for clean water revolving loan fund projects that meet the eligibility requirements of the federal Water Pollution Control Act;

116. five million dollars (\$5,000,000) to plan, design and construct projects that improve surface water quality and river habitats statewide;

117. five hundred thousand dollars (\$500,000) to plan, design, construct, replace and improve the water system, including fire hydrants, buildings, infrastructure and security fencing, at wells 1 and 2 in El Prado water and sanitation district in Taos county;

118. three hundred thousand dollars (\$300,000) to plan, design, acquire and construct water system improvements for El Valle de los Ranchos water and sanitation district in Taos county;

119. three hundred fifty thousand dollars (\$350,000) to plan, design, construct and equip a well, pump, pump house and water lines, including connections to the community water system, for the Llano Quemado mutual domestic water consumers association in Taos county;

120. seventy-five thousand dollars (\$75,000) to purchase and equip radio read meters for the Union del Llano mutual domestic water consumers association in Taos county;

121. four hundred thousand dollars (\$400,000) to decommission existing septic tanks and to plan, design, construct and equip sewer line extensions in Questa in Taos county;

122. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements to a wastewater treatment facility for Taos in Taos county;

123. six hundred seventy-five thousand dollars (\$675,000) to plan, design and construct wind breaks for the Estancia Valley solid waste authority landfill in Torrance county;

124. three hundred thousand dollars (\$300,000) to plan, design and construct wells and make improvements to the water distribution system in Estancia in Torrance county;

125. fifty thousand dollars (\$50,000) to plan, design, construct and improve the village pump house in Encino in Torrance county;

126. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip water collection and storage systems for the McIntosh fire department in Torrance county;

127. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements to the effluent water plant in Moriarty in Torrance county;

128. fifty thousand dollars (\$50,000) to plan, design, construct, furnish and equip the natural gas system in Mountainair in Torrance county;

129. two hundred thousand dollars (\$200,000) to plan, design and construct a wastewater treatment plant in Mountainair in Torrance county;

130. fifty thousand dollars (\$50,000) to design and construct water system improvements, including the purchase and installation of tanks, piping, switching and communication systems, for Mountainair in Torrance county;

131. five hundred thousand dollars (\$500,000) to plan, design and construct a sewer line extension to the Belen regional airport in Valencia county;

132. one hundred thousand dollars (\$100,000) to plan, design and construct the replacement of the Rosedale lift station and adjoining connections in Belen in Valencia county;

133. sixty thousand dollars (\$60,000) to plan, design, construct and equip an arsenic removal system and water system improvements for Bosque Farms in Valencia county;

134. five hundred thousand dollars (\$500,000) to plan, design, construct and improve wastewater collection systems for Peralta in Valencia county; and

135. nine hundred fifty thousand dollars (\$950,000) to acquire rights of way and to plan, design and construct phase 3 improvements to the wastewater system, including replacement of a force main, in Kirtland in San Juan county.

## **Chapter 159 Section 29 Laws 2025**

SECTION 29. STATE FAIR COMMISSION PROJECT--GENERAL FUND.-- Fourteen million dollars (\$14,000,000) is appropriated from the general fund to the state fair commission to plan, design, construct, renovate, repair, furnish and equip facilities at the New Mexico state fair fairgrounds in Bernalillo county and to acquire property for a future state fair site. Property shall only be acquired if no state-owned land, including state trust land, is available to accommodate a future state fair site.

## **Chapter 159 Section 30 Laws 2025**

SECTION 30. DEPARTMENT OF FINANCE AND ADMINISTRATION PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the department of finance and administration for the following purposes:

1. one million nine hundred sixty thousand dollars (\$1,960,000) to plan, design and construct an affordable cottage housing project serving low-income households in the International district in Albuquerque in Bernalillo county;

2. one million dollars (\$1,000,000) to plan, design, purchase and install information technology, including related equipment, furniture and infrastructure, for capital appropriations and other related appropriations statewide;

3. ten million dollars (\$10,000,000) to plan, design, construct, renovate, repair, furnish and equip critical infrastructure, buildings and building systems owned and operated by local public bodies and to purchase, install and equip vehicles and equipment that are essential for public safety;

4. thirteen million five hundred thousand dollars (\$13,500,000) for housing projects statewide; and

5. three million three hundred twenty-seven thousand nine hundred forty-one dollars (\$3,327,941) to provide urgent or emergency funding for infrastructure and equipment needs statewide.

## **Chapter 159 Section 31 Laws 2025**

**SECTION 31. INDIAN AFFAIRS DEPARTMENT PROJECTS--GENERAL FUND.**--The following amounts are appropriated from the general fund to the Indian affairs department for the following purposes:

1. two million dollars (\$2,000,000) to design and construct upgrades to the Westside treatment plant for the Pueblo of Isleta in Bernalillo county;
2. five hundred thousand dollars (\$500,000) to plan, design, construct, repair and equip the roof and heating, ventilation and air conditioning systems at the Indian Pueblo cultural center in Albuquerque in Bernalillo county;
3. two hundred five thousand dollars (\$205,000) to plan, design, construct and improve the Indian Pueblo cultural center, including stucco repair and replacement, in Albuquerque in Bernalillo county;
4. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, renovate and furnish a fire station on the Pueblo of Isleta in Bernalillo county;
5. three hundred fifty thousand dollars (\$350,000) to plan, design and construct a maintenance shop near the transportation building on the Pueblo of Isleta in Bernalillo county;
6. one hundred twenty-five thousand dollars (\$125,000) to demolish and remove the Desidero center and to plan, design, construct, furnish and equip a community building in the To'hajiilee chapter of the Navajo Nation in Bernalillo county;
7. three hundred thousand dollars (\$300,000) to plan and design a land use plan for the Pueblo of Acoma in Cibola county;
8. one hundred thousand dollars (\$100,000) to purchase and equip patrol vehicles for the police department in the Pueblo of Acoma in Cibola county;
9. six hundred thousand dollars (\$600,000) to purchase equipment and to plan, design, construct, equip, furnish and install improvements to building systems at the Sky City cultural center and Haak'u museum at the Pueblo of Acoma in Cibola county;
10. four hundred fifty thousand dollars (\$450,000) to plan, design and construct and improve the wastewater system at the Sky City cultural center and Haak'u museum at the Pueblo of Acoma in Cibola county;

11. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct and equip playgrounds for the six villages in the Pueblo of Laguna in Cibola county;
12. three hundred fifty thousand dollars (\$350,000) to plan and design a police and dispatch building in the Ramah chapter of the Navajo Nation in Cibola county;
13. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate and repair a warehouse facility for the Ramah chapter of the Navajo Nation in Cibola county;
14. fifty thousand dollars (\$50,000) to plan, design, construct and furnish a cultural center, including spaces for exhibits and indoor and outdoor activities, for the Fort Sill Apache Tribe in Luna county;
15. three hundred fifty-five thousand dollars (\$355,000) to plan, design, construct and equip a fire station for the Fort Sill Apache Tribe in Luna county;
16. one hundred fifty thousand dollars (\$150,000) to acquire rights of way and to plan, design and construct a regional water supply system for the Baca chapter of the Navajo Nation in McKinley county;
17. two hundred thousand dollars (\$200,000) to acquire rights of way and to plan, design, construct, upgrade and replace the Francisco Pond road bridge in the Rock Springs chapter of the Navajo Nation in McKinley county;
18. two hundred thousand dollars (\$200,000) to plan, design, construct and improve streets in the Red Lake 18 chapter of the Navajo Nation in McKinley county;
19. one hundred thousand dollars (\$100,000) to acquire land and rights of way, and to plan, design and construct a community and veterans cemetery in the Rock Springs chapter of the Navajo Nation in McKinley county;
20. seven hundred fifty thousand dollars (\$750,000) to acquire rights of way and to plan, design, construct and equip a public safety complex in the Tohatchi chapter of the Navajo Nation in McKinley county;
21. four hundred fifty thousand dollars (\$450,000) to purchase and equip vehicles and heavy equipment for the Pueblo of Zuni in McKinley county;
22. two hundred thousand dollars (\$200,000) to plan, design, construct and equip improvements to a compound parking lot in the Baahaali chapter of the Navajo Nation in McKinley county;

23. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to wastewater systems, including a sewer lagoon, for the Baahaali chapter of the Navajo Nation in McKinley county;

24. one hundred thousand dollars (\$100,000) to plan and design a community housing development near White Cliff road in the Baahaali chapter of the Navajo Nation in McKinley county;

25. seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate and equip a multipurpose building in the Becenti chapter of the Navajo Nation in McKinley county;

26. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and install fencing for the Chichiltah chapter complex in the Navajo Nation in McKinley county;

27. one million two hundred thousand dollars (\$1,200,000) to plan, design, construct, furnish and equip a head start classroom and daycare center in the Chichiltah chapter of the Navajo Nation in McKinley county;

28. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, equip and furnish a warehouse in the Church Rock chapter of the Navajo Nation in McKinley county;

29. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, rehabilitate and expand the sewer system, including lagoon improvements, in the Coyote Canyon chapter of the Navajo Nation in McKinley county;

30. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip improvements for accessibility compliance, including sidewalks, parking areas and handrails, at the rodeo grounds in the Crownpoint chapter of the Navajo Nation in McKinley county;

31. one hundred thousand dollars (\$100,000) to purchase and equip skid steers, including attachments, for the Crownpoint chapter of the Navajo Nation in McKinley county;

32. three hundred thousand dollars (\$300,000) to plan, construct and install an electrical power line and residential wiring for the Manuelito chapter of the Navajo Nation in McKinley county;

33. one hundred thousand dollars (\$100,000) to plan, design and construct improvements for the sewer lagoon in the Manuelito chapter of the Navajo Nation in McKinley county;



34. three hundred ninety thousand dollars (\$390,000) to purchase and equip a grader and heavy equipment for the Mariano Lake chapter of the Navajo Nation in McKinley county;

35. seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate, furnish and equip the chapter house in the Ojo Encino chapter of the Navajo Nation in McKinley county;

36. two hundred seventy thousand dollars (\$270,000) to plan, design, construct, renovate, furnish and equip a facility in the Pinedale chapter of the Navajo Nation in McKinley county;

37. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design and construct a sewer lagoon in the Pueblo Pintado chapter of the Navajo Nation in McKinley county;

38. two hundred thousand dollars (\$200,000) to plan, design and construct infrastructure improvements, including a heating, ventilation and air conditioning system, at the chapter house in the Tse'Lichii (Red Rock) chapter of the Navajo Nation in McKinley county;

39. one hundred thousand dollars (\$100,000) to acquire land for and to plan, design, construct, furnish and equip a multipurpose building in the Rock Springs chapter of the Navajo Nation in McKinley county;

40. five hundred fifty thousand dollars (\$550,000) to plan, design and construct fencing for a compound in the Thoreau chapter of the Navajo Nation in McKinley county;

41. one hundred thousand dollars (\$100,000) to plan, design and construct a warehouse in the Tohatchi chapter of the Navajo Nation in McKinley county;

42. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase and equip a manufactured building for restrooms and a concession stand at Tohatchi high school in the Tohatchi chapter of the Navajo Nation in McKinley county;

43. twenty-five thousand dollars (\$25,000) to plan, design, construct, replace, equip and furnish a chapter house for the Tsayatoh chapter of the Navajo Nation in McKinley county;

44. twenty-five thousand dollars (\$25,000) to plan, design and construct bathroom additions in the Tse'ii'ahi chapter of the Navajo Nation in McKinley county;

45. two hundred thousand dollars (\$200,000) to acquire land, easements and rights of way and to plan, design, construct and improve the water system, including a water line extension, in the Tse'ii'ahi chapter of the Navajo Nation in McKinley county;

46. one hundred thousand dollars (\$100,000) to plan, design and construct a warehouse for the Bahast'lah chapter of the Navajo Nation in McKinley county;

47. seventy-five thousand dollars (\$75,000) to plan, design, construct and renovate the chapter house in the Whitehorse Lake chapter of the Navajo Nation in McKinley county;

48. eight hundred thousand dollars (\$800,000) to plan, design, construct, furnish and equip a fire and emergency medical services station for the Pueblo of Zuni in McKinley county;

49. one million dollars (\$1,000,000) to acquire property and to plan, design, construct, furnish and equip a Navajo code talkers museum for the Navajo Nation;

50. one million five hundred thousand dollars (\$1,500,000) to plan, design and construct a childcare center for the Mescalero Apache Tribe in Otero county;

51. fifty-five thousand dollars (\$55,000) to purchase and equip trucks for the Mescalero Apache Tribe in Otero county;

52. five hundred thousand dollars (\$500,000) to plan and design a youth center for the Mescalero Apache Tribe in Otero county;

53. one hundred twenty-five thousand dollars (\$125,000) to purchase and equip vehicles for the Jicarilla Apache Nation utility authority in the Jicarilla Apache Nation in Rio Arriba county;

54. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate, furnish and equip improvements, including infrastructure, at the workforce innovation opportunity facility in the Jicarilla Apache Nation in Rio Arriba county;

55. one hundred eighty thousand dollars (\$180,000) to plan, design, construct and renovate the Santa Clara Pueblo fire station in the Pueblo of Santa Clara in Rio Arriba county;

56. three hundred thirty-five thousand dollars (\$335,000) to purchase and equip a vacuum truck for the utilities division and to plan, design, construct and equip public safety facilities in Ohkay Owingeh in Rio Arriba county;

57. one million dollars (\$1,000,000) to plan, design, construct, equip and furnish a governor's office and tribal council chambers in the Pueblo of Santa Clara in Rio Arriba county;

58. one million two hundred forty-five thousand dollars (\$1,245,000) to plan, design, construct and equip an incident command center in the Shiprock chapter of the Navajo Nation in San Juan county;

59. twenty-five thousand dollars (\$25,000) to plan, design and construct bathroom additions in the Teec Nos Pos chapter of the Navajo Nation in San Juan county;

60. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct and equip replacement heating, ventilation and air conditioning systems in the veterans memorial building and chapter house in the Tse Alnaozti'i chapter of the Navajo Nation in San Juan county;

61. fifty thousand dollars (\$50,000) to plan community development and infrastructure improvements for the Ute Mountain Ute Tribe in San Juan county;

62. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip a laundromat for the White Rock chapter of the Navajo Nation in San Juan county;

63. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a fire suppression system for the multipurpose facility in the Crystal chapter of the Navajo Nation in San Juan county;

64. one hundred thousand dollars (\$100,000) to plan, design and construct a metal warehouse for the Crystal chapter of the Navajo Nation in San Juan county;

65. two hundred fifty thousand dollars (\$250,000) to purchase equipment and to plan, design, construct, renovate, repair and furnish residential housing and infrastructure at Navajo preparatory school in San Juan county;

66. one million dollars (\$1,000,000) to plan, design, repair, construct, improve and equip drainage and infrastructure at Navajo preparatory school in Farmington in San Juan county;

67. two million dollars (\$2,000,000) to plan, design, construct, furnish, equip and improve facilities and infrastructure, including security upgrades, classroom additions, sidewalks and landscaping, at Navajo preparatory school in Farmington in San Juan county;

68. one hundred ninety-five thousand dollars (\$195,000) to acquire land for and to plan, design and construct a long-term care facility for the Gadii'ahi/To'Koi chapter of the Navajo Nation in San Juan county;

69. one hundred thousand dollars (\$100,000) to acquire easements and rights of way and to plan, design and construct scattered power lines for the Adobe community in the Huerfano chapter of the Navajo Nation in San Juan county;

70. four hundred thousand dollars (\$400,000) to plan, design, construct and equip a storage building, including related utilities, for the Lake Valley chapter of the Navajo Nation in San Juan county;

71. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and upgrade the electrical system and to purchase and install energy-efficient lighting at the chapter house in the Naschitti chapter of the Navajo Nation in San Juan county;

72. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, furnish and equip a transfer station in the Red Valley chapter of the Navajo Nation in San Juan county;

73. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, renovate and repair a parking lot at the south campus of Dine college in Shiprock in San Juan county;

74. one hundred thousand dollars (\$100,000) to purchase and equip trucks for the San Juan river Dineh water users incorporated, in San Juan county;

75. twenty-five thousand dollars (\$25,000) to plan, design and construct a power line extension in the Tiis Tsoh Sikaad chapter of the Navajo Nation in San Juan county;

76. two hundred thirty-five thousand dollars (\$235,000) to plan, design, construct and renovate bathroom additions in the Tooh Haltsooi chapter of the Navajo Nation in San Juan county;

77. twenty-five thousand dollars (\$25,000) to plan, design, construct, furnish and equip a community service center for the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county;

78. four hundred thousand dollars (\$400,000) to purchase and equip a motor grader for the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county;

79. twenty-five thousand dollars (\$25,000) to acquire rights of way and easements and to plan, design and construct scattered power line extensions in the Toadlena/Two Grey Hills chapter of the Navajo Nation in San Juan county;

80. two hundred thousand dollars (\$200,000) to plan, design, construct, furnish, and equip the Veterans memorial park in the Toadlena/Two Grey Hills chapter of the Navajo Nation in San Juan county;

81. four hundred seventy-five thousand dollars (\$475,000) to plan, design, construct, furnish, equip and renovate the Ko-Tyit' Hahn center in the Pueblo of Cochiti in Sandoval county;

82. two hundred thirty thousand dollars (\$230,000) to purchase and equip a backhoe and a skid steer for the Pueblo of Jemez in Sandoval county;
83. three million dollars (\$3,000,000) to plan, design, construct, furnish and equip a community service complex in the Pueblo of Jemez in Sandoval county;
84. eighty-five thousand dollars (\$85,000) to purchase, equip and install a global positioning system unit for the Pueblo of Jemez in Sandoval county;
85. five hundred seventy-five thousand dollars (\$575,000) to purchase and equip loaders for the planning and transportation department at the Pueblo of Jemez in Sandoval county;
86. two hundred fifty thousand dollars (\$250,000) to purchase and equip excavators and loader equipment for the Pueblo of Jemez in Sandoval county;
87. two hundred thousand dollars (\$200,000) to purchase and equip a street sweeper for the Pueblo of Jemez in Sandoval county;
88. one hundred ninety thousand dollars (\$190,000) to plan and design flood control infrastructure on Hagen road in the Pueblo of San Felipe in Sandoval county;
89. one million five hundred thousand dollars (\$1,500,000) to plan, design and construct a head start and daycare facility for the Pueblo of San Felipe in Sandoval county;
90. fifty thousand dollars (\$50,000) to plan and design a veterans center in the Pueblo of San Felipe in Sandoval county;
91. one hundred thirty thousand dollars (\$130,000) to purchase furniture and equipment and to plan, design, construct and install upgrades, including communications infrastructure, at the 911 dispatch and emergency operations center in the Pueblo of Sandia in Sandoval county;
92. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, expand, equip and furnish a health care facility for the Pueblo of Sandia in Sandoval county;
93. five hundred thousand dollars (\$500,000) to plan, design, construct, furnish and equip a transitional living facility in the Pueblo of Sandia in Sandoval county;
94. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct an arsenic treatment plant in the Pueblo of Santa Ana in Sandoval county;

95. one hundred sixty thousand dollars (\$160,000) to plan, design, demolish and remove non-historical sections of the Five Sandoval day school in the Pueblo of Santa Ana in Sandoval county;

96. eighty-five thousand dollars (\$85,000) to plan and design a Tamaya cultural center and museum for the Pueblo of Santa Ana in Sandoval county;

97. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, renovate and make improvements to the Tamaya historical village housing at the Pueblo of Santa Ana in Sandoval county;

98. twenty-five thousand dollars (\$25,000) to plan, design, construct and renovate the Tamaya wellness center at the Pueblo of Santa Ana in Sandoval county;

99. four hundred thousand dollars (\$400,000) to purchase and equip a forklift for the Pueblo of Santo Domingo in Sandoval county;

100. one million dollars (\$1,000,000) to demolish and remove existing structures and to plan, design, construct, renovate, furnish and equip tribal housing in the Pueblo of Santo Domingo in Sandoval county;

101. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design and construct wastewater collection and treatment systems for government buildings in the Torreon-Star Lake chapter of the Navajo Nation in Sandoval county;

102. three hundred seventy-five thousand dollars (\$375,000) to purchase and equip vehicles for the education department in the Pueblo of Zia in Sandoval county;

103. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, equip, repair and improve tribal housing in the Pueblo of Zia in Sandoval county;

104. four million dollars (\$4,000,000) to plan, design, construct, renovate and improve the Downs at Santa Fe owned by the Pueblo of Pojoaque, including demolition, in Santa Fe county;

105. two million dollars (\$2,000,000) to plan, design, construct, furnish and equip a library in the Pueblo of San Ildefonso in Santa Fe county;

106. one million dollars (\$1,000,000) to plan, design, construct and furnish a behavioral health facility in the Pueblo of Pojoaque in Santa Fe county;

107. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish and equip an early childhood education center in the Pueblo of Pojoaque in Santa Fe county;

108. four hundred sixty thousand dollars (\$460,000) to plan, design, construct, furnish, equip and renovate a wellness center in the Pueblo of Pojoaque in Santa Fe county;

109. one million eight hundred thirty-seven thousand fifty-nine dollars (\$1,837,059) to plan, design, construct and equip a wastewater treatment facility in the Pueblo of Pojoaque in Santa Fe county;

110. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip a vehicle for a youth programs facility at the Pueblo of Pojoaque in Santa Fe county;

111. two hundred fifty thousand dollars (\$250,000) to purchase and equip audiovisual equipment in the community center at the Pueblo of San Ildefonso in Santa Fe county;

112. fifty thousand dollars (\$50,000) to purchase information technology, equipment and furniture for a leadership program at the Santa Fe Indian school in Santa Fe county;

113. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, furnish and equip an outdoor classroom cultural site at Santa Fe Indian school in Santa Fe county;

114. six hundred thousand dollars (\$600,000) to purchase emergency backup generators for wastewater systems in the Pueblo of Tesuque in Santa Fe county;

115. three hundred seventy-five thousand dollars (\$375,000) to purchase and equip heavy equipment, including a tow truck, and to purchase equipment for a lumber and firewood mill in the Pueblo of Picuris in Taos county;

116. one million eight hundred thousand dollars (\$1,800,000) to plan, design, construct, furnish and equip an outdoor amphitheater and indoor-outdoor mercado for the Pueblo of Picuris in Taos county;

117. four hundred forty thousand dollars (\$440,000) to purchase and equip vehicles for the department of public safety in the Pueblo of Taos in Taos county;

118. twenty-five thousand dollars (\$25,000) to plan, design, construct, improve, furnish and equip a building, including site preparation and infrastructure, as an education center, including child care amenities and a library, in the Pueblo of Taos in Taos county;

119. one million five hundred thousand dollars (\$1,500,000) to plan, design and construct infrastructure for phase 2 of the Spider Rock road housing development in the Pueblo of Taos in Taos county; and

120. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and improve a heavy equipment repair shop and canopy in the Smith Lake chapter of the Navajo Nation in McKinley county.

## **Chapter 159 Section 32 Laws 2025**

SECTION 32. INTERSTATE STREAM COMMISSION PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the interstate stream commission for the following purposes:

1. one hundred thousand dollars (\$100,000) to plan, design, construct and install rehabilitation improvements for the Alamos de los Gallegos acequia association in the middle Rio Grande conservancy district in Bernalillo county;
2. three hundred thousand dollars (\$300,000) to plan, design, construct and make acequia improvements for the Cebolletita acequia association in Cibola county;
3. four hundred forty-four thousand four hundred dollars (\$444,400) to plan, design, construct, purchase and equip a turbine and pump for the Fort Sumner irrigation district in De Baca county;
4. one hundred thousand dollars (\$100,000) to plan, design, construct and improve the east Puerto de Luna acequia, including the installation of pipelines, in Guadalupe county;
5. fifty thousand dollars (\$50,000) to plan, design and construct irrigation pipeline in the west Puerto de Luna community ditch in Guadalupe county;
6. two hundred thousand dollars (\$200,000) to acquire easements and to plan, design, construct, purchase and install improvements, including instrumentation, on a river diversion dam into Morphy lake dam for the acequia de la Isla in Mora county;
7. one hundred sixty-eight thousand dollars (\$168,000) to purchase equipment and to plan, design and construct improvements to the acequia Madre de Holman in Mora county;
8. one hundred thousand dollars (\$100,000) to purchase and equip a backhoe for las acequias del Norte y Sur de los Hueros in Mora county;
9. ten thousand dollars (\$10,000) to purchase equipment and to plan, design and construct improvements to the Leyba (Ortega) ditch in Mora county;
10. one hundred thousand dollars (\$100,000) to plan, design, construct, repair and improve the acequia de la Lomita in Rio Arriba and Santa Fe counties;



11. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip improvements to the acequia de Los Herreras in Santa Cruz in Rio Arriba and Santa Fe counties;
12. ten thousand dollars (\$10,000) to plan, design and construct a reinforced concrete wall on the west bank of the acequia de Alcalde in the vicinity of Los Luceros in Rio Arriba county;
13. twenty thousand dollars (\$20,000) to plan, design, construct, replace and upgrade culverts, including pillars and reroute, for la acequia de Atras de la Plaza in Rio Arriba county;
14. ten thousand dollars (\$10,000) to plan, design, construct, improve and equip the acequia de Chamita, including the replacement of culverts, in Rio Arriba county;
15. twenty thousand dollars (\$20,000) to plan, design and construct improvements for the acequia de la Canada Ancha in Rio Arriba county;
16. thirty-five thousand dollars (\$35,000) to plan, design, construct, renovate, repair and improve the acequia de la Mesa Prieta in Rio Arriba county;
17. one hundred twenty thousand dollars (\$120,000) to plan, design and construct improvements to the acequia de la Otra Vanda, Griego, in the Ancones area in Rio Arriba county;
18. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase and install water measuring equipment for the acequia de la Sierra in Rio Arriba county;
19. ten thousand dollars (\$10,000) to plan, design and construct improvements to the acequia de las Canovas in Servilleta Plaza in Rio Arriba county;
20. seventy-five thousand dollars (\$75,000) to plan, design, construct, improve and replace concrete ditch linings for the acequia de los Garcias and San Pedro in Rio Arriba county;
21. two hundred ten thousand eight hundred seventy-five dollars (\$210,875) to plan, design and construct a diversion dam and ditch improvements for the acequia de Molino in Rio Arriba county;
22. seventy-nine thousand dollars (\$79,000) to plan, design and construct acequia improvements, including a concrete chute at the desague, head walls, wing walls, gates and pipe outlets, for the acequia Madre del Medio in Rio Arriba county;

23. one hundred fifty thousand dollars (\$150,000) to replace aging infrastructure, including ditch crossings and concrete ditch lining, on the La Mesilla community ditch in Rio Arriba county;
24. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and improve Los Salazar ditch, including the head gate, in Rio Arriba county;
25. three hundred forty thousand dollars (\$340,000) to plan, design, construct and improve the M-B ditch, including steel pipe installation and access and turnout improvements, in Rio Arriba county;
26. seventy-five thousand dollars (\$75,000) to plan, design, construct, repair and improve the acequia de la Jarita in Petaca in Rio Arriba county;
27. six hundred fifty-five thousand dollars (\$655,000) to plan, design, construct and improve the La Pampa split spillgate for the Bloomfield irrigation district in San Juan county;
28. fifteen thousand dollars (\$15,000) to plan, design and construct improvements to the acequia de la Concepcion in San Miguel county;
29. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the acequia de los Seguras in the north San Isidro area of San Miguel county;
30. fifteen thousand dollars (\$15,000) to plan, design and construct improvements to the acequia de los Seguras, including bank stabilization and lining, in the San Isidro area in San Miguel county;
31. forty thousand dollars (\$40,000) to plan, design, construct, repair and improve El Llano de la Presa ditch for the El Llano de la Presa ditch association in San Jose in San Miguel county;
32. ten thousand dollars (\$10,000) to plan, design, construct, repair and improve El Porvenir acequia in San Miguel county;
33. seventy-five thousand dollars (\$75,000) to plan, design, construct, repair and make improvements to the acequias for La Fragua Puertecito y Saiz acequia association in San Miguel county;
34. forty thousand dollars (\$40,000) to plan, design and construct improvements to the acequia del Ancon de Saracino in San Miguel county;
35. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to the Ponderosa community ditch in Sandoval county;

36. ten thousand dollars (\$10,000) to plan, design and construct improvements to the acequia Ancon de Jacona in Santa Fe county;
37. one hundred thousand dollars (\$100,000) to plan, design, construct and equip improvements to the acequia de los Fresquez association in Cuartelez in Santa Fe county;
38. ten thousand dollars (\$10,000) to plan, design, construct, repair, replace and improve head gates, concrete linings and earthen berms for the acequia de los Trujillos in Santa Fe county;
39. ten thousand dollars (\$10,000) to design and construct ditch improvements to the acequia del Potrero in Santa Fe county;
40. ten thousand dollars (\$10,000) to plan, design and construct improvements to the acequia del Rancho in Jaconita in Santa Fe county;
41. two million five hundred thousand dollars (\$2,500,000) to plan, design, construct, repair, equip and make improvements to acequias and community ditches statewide;
42. ten thousand dollars (\$10,000) to plan, design, construct and improve the acequia de los Ranchos de Chimayo, including a segment of earthwork, concrete construction and site restoration, in Santa Fe county; and
43. nine hundred fifty thousand dollars (\$950,000) to plan, design and construct piping of an irrigation canal for the Farmer's mutual ditch company in the Fruitland area in San Juan county.

## **Chapter 159 Section 33 Laws 2025**

SECTION 33. LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the local government division of the department of finance and administration for the following purposes:

1. two hundred forty thousand dollars (\$240,000) to purchase and equip a brush and travel truck for wildland-urban interface use by Albuquerque fire rescue in Bernalillo county;
2. fifty thousand dollars (\$50,000) to plan, design and construct pedestrian safety infrastructure, signals and street lighting on Blake road in Albuquerque in Bernalillo county;

3. three hundred fifty thousand dollars (\$350,000) to purchase, equip and install information technology and related infrastructure, including tracking programs for data on homelessness, in Albuquerque in Bernalillo county;
4. twenty-five thousand dollars (\$25,000) to plan, design, construct and improve open space and trails at Rio Grande Valley state park and open space in Albuquerque in Bernalillo county;
5. twenty-five thousand dollars (\$25,000) to replace signage on Albuquerque metropolitan arroyo flood control authority facilities in Albuquerque in Bernalillo county;
6. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, furnish and equip the second judicial district court house, including courtrooms, hearing rooms, infrastructure and office space, in Bernalillo county;
7. sixty thousand dollars (\$60,000) to purchase, deliver and equip conference room furniture and equipment and to plan, design, construct, equip and install a solar power system for a program that offers adult education services in Bernalillo county;
8. four hundred thousand dollars (\$400,000) to purchase, install and equip an aerial/ladder truck for the Bernalillo county fire and rescue department in Bernalillo county;
9. five hundred fifty thousand dollars (\$550,000) to plan, design, construct and renovate the Alameda drain trail in Bernalillo county;
10. three hundred thousand dollars (\$300,000) to purchase land and to plan, design, construct and equip additional facilities and space for the county animal care and resource center in Bernalillo county;
11. fifty thousand dollars (\$50,000) to purchase and deliver equipment, including information technology and related infrastructure, office furniture and shelving, for a program that serves bilingual educators in Bernalillo county;
12. one hundred four thousand dollars (\$104,000) to purchase, deliver and equip information technology and related infrastructure, office furniture and equipment for an economic development organization in the South Valley area of Albuquerque in Bernalillo county;
13. four hundred thousand dollars (\$400,000) to plan, design and construct drainage improvements and to purchase, deliver and equip lobby furniture and classroom training furniture for a program that provides affordable medical care and addiction treatment services to indigent and homeless individuals in Bernalillo county;
14. sixty thousand dollars (\$60,000) to purchase, equip and deliver information technology for an organization that mentors at-risk youth in Bernalillo county;

15. thirty-two thousand dollars (\$32,000) to purchase and deliver equipment, including portable heating, ventilation and air conditioning units, assistive listening devices, lighting systems, phones, picnic tables and umbrellas, for a theater program that provides accessible and inclusive arts programming in Bernalillo county;

16. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, furnish and equip baseball fields and soccer fields at the East Mountain sports complex, including landscaping and parking lots, in Bernalillo county;

17. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the el Centro familiar and Seybold village housing complexes in Bernalillo county;

18. eighty-five thousand dollars (\$85,000) to acquire land and to purchase and equip a portable classroom and a portable stage for a youth flamenco dance education program in Bernalillo county;

19. three hundred thirty-five thousand dollars (\$335,000) to purchase, deliver and equip audiovisual and production equipment, including information technology and related equipment, a portable stage, furniture, sewing machines and portable sound and lighting equipment, for an arts organization that provides music and dance education programs in Bernalillo county;

20. seventy-five thousand dollars (\$75,000) to purchase and deliver equipment, including information technology and related infrastructure and office furniture, for a program that offers fellowships and mentorships to higher education students pursuing careers in mental and behavioral health fields in Bernalillo county;

21. one hundred sixty-seven thousand dollars (\$167,000) to plan, design, construct, equip and improve the Hiland theater, including the installation of a marquee and egress and ingress areas, in Bernalillo county;

22. two hundred thousand dollars (\$200,000) to acquire property and to plan, design, construct, renovate and equip a facility to house unsheltered, at-risk and vulnerable individuals in Bernalillo county;

23. two hundred thousand dollars (\$200,000) to purchase and deliver a mobile four-stall shower, a refrigerator and a commercial grill for an organization that serves refugees and homeless and low-income individuals in Bernalillo county;

24. two hundred thousand dollars (\$200,000) to acquire land for and to plan, design, construct, renovate, furnish and equip improvements to cottages and a former clinic for use as affordable and transitional housing in the International district in Albuquerque in Bernalillo county;

25. one hundred thousand dollars (\$100,000) to purchase vehicles and equipment, including information technology and related infrastructure and office furniture, for a job training program for justice-involved individuals in Bernalillo county;
26. twenty-five thousand dollars (\$25,000) to plan, design, construct, renovate and purchase and install equipment in county libraries in Bernalillo county;
27. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, improve, landscape, equip and furnish buildings and to make site improvements at Los Padillas community center in the South Valley in Bernalillo county;
28. four hundred ninety-five thousand dollars (\$495,000) to purchase vehicles and equipment, including kitchen and office equipment, for a food delivery service that distributes affordable and medically tailored meals in Bernalillo county;
29. one million three hundred twenty thousand dollars (\$1,320,000) to plan, design, construct, furnish and equip a center for culturally appropriate mental health and suicide prevention services for immigrant and refugee families in Bernalillo county;
30. three hundred thirty-five thousand dollars (\$335,000) to purchase and equip a vehicle for use as a mobile community center in the International district and urban core neighborhoods in Bernalillo county;
31. two hundred thousand dollars (\$200,000) to purchase, deliver and equip office and warehouse equipment, including information technology and related infrastructure, furniture, appliances, food storage shelving, tables and rolling carts, for a food pantry in the East Mountain area of Bernalillo county;
32. one million dollars (\$1,000,000) to purchase land and to plan, design, construct and equip a life center facility in the near North Valley area of Bernalillo county;
33. forty-two thousand dollars (\$42,000) to purchase information technology, bicycles and tools for an outdoor equity project in Bernalillo county;
34. two hundred thousand dollars (\$200,000) to plan, design, construct, improve and equip fields and facilities at the Paradise Hills baseball complex, including the purchase and installation of storage containers, in Bernalillo county;
35. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip improvements to the Paradise Hills community center and park and nearby pedestrian facilities in Bernalillo county;
36. one hundred eighty thousand dollars (\$180,000) to purchase vehicles and equipment, including musical instruments, stage equipment and office equipment, for a children's music education program in Bernalillo county;

37. fifty thousand dollars (\$50,000) to plan, design, construct and equip improvements, including ball fields, drainage, access roadways, outdoor performance areas, parking, lighting, landscaping, irrigation and pedestrian facilities, at Rio Bravo park in the South Valley of Bernalillo county;

38. one million seven hundred twenty-five thousand dollars (\$1,725,000) to purchase and install technology and crime prevention equipment for the sheriff's office in Bernalillo county;

39. fifty thousand dollars (\$50,000) to plan, design, construct, renovate and equip a shooting range for the sheriff's office in Bernalillo county;

40. seventy-five thousand dollars (\$75,000) to purchase and equip sport utility vehicles and trucks for the sheriff's office in Bernalillo county;

41. one million fifty thousand dollars (\$1,050,000) to demolish and remove an existing structure and to plan, design, construct and improve family services and early learning facilities in the South Valley in Bernalillo county;

42. one hundred eighty-five thousand dollars (\$185,000) to purchase vehicles and equipment, including kitchen appliances, furniture and information technology and related infrastructure, for a substance abuse recovery program in Bernalillo county;

43. seventy-five thousand dollars (\$75,000) to plan, design, construct, equip and furnish facility improvements to the Swede Scholar Mesa del Sol regional outdoor recreation complex in Bernalillo county;

44. one million eight hundred ten thousand dollars (\$1,810,000) to plan, design, construct, repair, renovate and improve facilities and grounds, including water and septic systems, utilities, security systems, a pool house, parking lot and landscaping, for a youth recovery center in Bernalillo county;

45. three hundred thousand dollars (\$300,000) to plan, design, construct, furnish and equip improvements to the community alleyways and urban open spaces in Bernalillo county;

46. four hundred thousand dollars (\$400,000) to plan, design, construct, furnish and equip site and facility improvements at Valle del Bosque park in Bernalillo county;

47. five hundred twenty-eight thousand dollars (\$528,000) to purchase and deliver technical-vocational equipment and office equipment, including food pantry and food transport equipment, dog kenneling and handling systems and other equipment, for a vocational training program for veterans in Bernalillo county;

48. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip site and building improvements at the Vista Grande community center in the Sandia Park area in Bernalillo county;

49. one hundred thousand dollars (\$100,000) to demolish and remove and to plan, design, construct, equip and furnish site and building improvements, including a new art piece to honor a medal of honor winner, for the Westside community center in Bernalillo county;

50. eighty thousand dollars (\$80,000) to purchase and equip information technology, office furniture and equipment for a youth literacy program in Bernalillo county;

51. two hundred fifty thousand dollars (\$250,000) to purchase and deliver equipment, including information technology and related infrastructure, wrestling mats and lockers, to a youth after-school program in Bernalillo county;

52. one million three hundred twenty-five thousand dollars (\$1,325,000) to plan, design, construct, renovate, furnish and equip a medical addition to the youth services center facility, including nurse workstations, a waiting area and expansion of medical and dental exam rooms, in Bernalillo county;

53. eight hundred twenty-two thousand two hundred dollars (\$822,200) to plan, design, construct, renovate, furnish, equip and improve buildings and grounds, including infrastructure, wiring, safety systems and information technology and related furniture and equipment, for a historical and event center and sports museum in Albuquerque in Bernalillo county;

54. fifty thousand dollars (\$50,000) to plan, design, construct, equip and improve 4-H park in Albuquerque in Bernalillo county;

55. one hundred forty thousand dollars (\$140,000) to plan, design, construct, equip, purchase and install landscaping and site improvements along Central avenue in the area of the ABQ BioPark in Albuquerque in Bernalillo county;

56. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate and equip the children's fantasy garden at the ABQ BioPark in Albuquerque in Bernalillo county;

57. five hundred ninety-three thousand dollars (\$593,000) to plan, design, construct and renovate a theater at ABQ BioPark zoo in Bernalillo county;

58. five hundred twenty-five thousand dollars (\$525,000) to plan, design, construct, equip and improve Academy Hills park in Albuquerque in Bernalillo county;



59. seven million five hundred sixty-two thousand dollars (\$7,562,000) to acquire land and rights of way and to plan, design, construct, furnish, equip and rehabilitate affordable, transitional and supportive housing in Albuquerque in Bernalillo county;

60. one hundred thousand dollars (\$100,000) to acquire property and to plan, design and construct buildings for the African American museum and cultural center of New Mexico in Albuquerque in Bernalillo county;

61. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate, furnish, equip and improve baseball facilities and accessibility at the fields used by the Alameda little league on Alameda Park drive in Albuquerque in Bernalillo county;

62. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and improve Alamosa park and skatepark in Albuquerque in Bernalillo county;

63. eighteen thousand dollars (\$18,000) to acquire land for and to plan, design, construct and equip parks, urban green spaces, community gardens, open spaces and alleyways in Albuquerque in Bernalillo county;

64. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct and improve the roof at the Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county;

65. three hundred fifty thousand dollars (\$350,000) to purchase, equip, install and upgrade vehicles for animal welfare in Albuquerque in Bernalillo county;

66. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip police vehicles for the Albuquerque police department in Bernalillo county;

67. four hundred sixty-two thousand dollars (\$462,000) to plan, design, construct, repair and improve Arroyo del Oso golf course, including cart paths and an outdoor patio area, in Albuquerque in Bernalillo county;

68. three hundred eighty-six thousand dollars (\$386,000) to purchase vehicles and equipment and to plan, design, construct, renovate, furnish and equip buildings and grounds, including infrastructure, wiring and the purchase of information technology, for a modern dance and arts organization serving low-income, disabled and incarcerated youth and adults in Albuquerque in Bernalillo county;

69. four hundred eighteen thousand dollars (\$418,000) to acquire land and property for and to plan, design, construct, equip and furnish a community and resource center to serve the Asian, Pacific Islander and Native Hawaiian population in Albuquerque in Bernalillo county;

70. two million dollars (\$2,000,000) to acquire land and rights of way and to plan, design, construct, improve and equip balloon landing sites in Albuquerque and Bernalillo county;

71. three hundred sixty thousand dollars (\$360,000) to plan, design, construct, renovate, equip and improve the baseball complex, including the playing fields and batting cages, at Balloon Fiesta park in Albuquerque in Bernalillo county;

72. three hundred twenty thousand dollars (\$320,000) to purchase and install equipment and to plan, design, develop, construct and improve Balloon Fiesta park, including infrastructure, utilities, shade and portal structures for the vendors' row, restrooms and site work, in Albuquerque in Bernalillo county;

73. one hundred twenty-five thousand dollars (\$125,000) to acquire land and rights of way and to plan, design, construct, purchase, equip and expand parking facilities, roads and alternative transportation options, including the acquisition of buses through a purchase or permanent lease agreement and the purchase and implementation of traffic flow management technology, for Balloon Fiesta park in Albuquerque in Bernalillo county;

74. one million sixty thousand dollars (\$1,060,000) to plan, design, construct, equip, install and improve outdoor playscapes and exhibits at the Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county;

75. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip phase 2 improvements to Barelas park in Albuquerque in Bernalillo county;

76. five hundred fifteen thousand dollars (\$515,000) to plan, design, construct and equip improvements to Bennie Hargrove park in Albuquerque in Bernalillo county;

77. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, improve and equip Betsy Patterson pool in Albuquerque in Bernalillo county;

78. two hundred thousand dollars (\$200,000) to purchase and equip public safety equipment, including ambulatory robots for the police department bomb squad, for Albuquerque in Bernalillo county;

79. eighty thousand dollars (\$80,000) to plan, design, construct, rehabilitate, furnish, equip and improve the playground at Brentwood Hills park in Albuquerque in Bernalillo county;

80. one hundred thousand dollars (\$100,000) to plan, design, construct and improve Carolino Canyon open space in Bernalillo county;

81. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish the Cesar Chavez community center in Albuquerque in Bernalillo county;

82. seventy thousand dollars (\$70,000) to plan, design, construct, furnish, equip and improve a playground at Chelwood park in Albuquerque in Bernalillo county;

83. two hundred thirty thousand dollars (\$230,000) to purchase musical equipment, instruments, furnishings, information technology and related equipment and to plan, design, construct, repair, renovate, furnish and equip facilities and infrastructure for a performing arts center in Albuquerque in Bernalillo county;

84. six hundred thousand dollars (\$600,000) to plan, design, construct and improve Creighton park in Albuquerque in Bernalillo county;

85. twenty-five thousand dollars (\$25,000) to purchase equipment for a dental school providing health care services for the homeless in Albuquerque in Bernalillo county;

86. two hundred three thousand dollars (\$203,000) to purchase and install equipment, including warehouse and durable medical equipment, for a facility that supports employment and job creation for disadvantaged populations in Albuquerque in Bernalillo county;

87. fifty thousand dollars (\$50,000) to plan, design, construct and equip improvements at Dulcinea park in Albuquerque in Bernalillo county;

88. four hundred sixty thousand dollars (\$460,000) to acquire property and to plan, design, construct and equip an early childhood education and family services facility in Albuquerque in Bernalillo county;

89. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase and install park improvements, including playgrounds, shade structures, drinking fountains, lighting and sanitation, at east Atrisco Kimbar park in Albuquerque in Bernalillo county;

90. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate and equip the east San Jose pool facilities in Albuquerque in Bernalillo county;

91. fifteen thousand dollars (\$15,000) to plan, design, construct, repair and equip facilities at the Eisenhower pool and splash pads in Albuquerque in Bernalillo county;

92. fifty thousand dollars (\$50,000) to plan, design, construct, repair, improve and equip the Elena Gallegos open space in Albuquerque in Bernalillo county;

93. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, equip and improve an emergency housing center recovery facility in Albuquerque in Bernalillo county;

94. three hundred seventy-five thousand dollars (\$375,000) to purchase and equip a rescue apparatus for fire station 22 in Albuquerque in Bernalillo county;
95. three hundred sixty-five thousand one dollars (\$365,001) to purchase and equip rescue apparatus for fire station 16 in Albuquerque in Bernalillo county;
96. eight hundred fifty thousand dollars (\$850,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including roofing, bathrooms, security and heating, ventilation and air conditioning systems, at the Erna Fergusson library in Albuquerque in Bernalillo county;
97. two hundred forty thousand dollars (\$240,000) to plan, design, construct and expand a preschool facility for children and families experiencing homelessness in Albuquerque in Bernalillo county;
98. one hundred thousand dollars (\$100,000) to purchase equipment and plan, design, construct, repair, improve, furnish and equip fire station 14 and the southwest area command facility in Albuquerque in Bernalillo county;
99. eight hundred thousand dollars (\$800,000) to plan, design, construct, furnish and equip fire station 12 in Albuquerque in Bernalillo county;
100. one million one hundred eighteen thousand dollars (\$1,118,000) to purchase and equip a pumper truck for fire station 12 in Albuquerque in Bernalillo county;
101. one million two hundred five thousand dollars (\$1,205,000) to purchase and equip a pumper truck for fire station 13 in Albuquerque in Bernalillo county;
102. five hundred thousand dollars (\$500,000) to plan, design, construct and equip fire station 4 in Albuquerque in Bernalillo county;
103. three hundred thousand dollars (\$300,000) to purchase equipment, including forklifts, forklift batteries, pallet jacks, electric pallet jacks and pallet racking, for emergency food storage and distribution facilities in Albuquerque in Bernalillo county;
104. seventy-five thousand dollars (\$75,000) to plan, design, construct, furnish and equip upgrades at the Foothills area command center for the police department in Albuquerque in Bernalillo county;
105. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, improve and equip Geneva's arroyo and the Lowell greenway in Albuquerque in Bernalillo county;

106. seven hundred fifty-one thousand dollars (\$751,000) to acquire land and rights of way for and to plan, design, construct, purchase, install, furnish and equip improvements, including information technology, at a museum and educational center for genocide and discrimination in Albuquerque in Bernalillo county;

107. four hundred twenty thousand dollars (\$420,000) to plan, design, construct, equip and improve the George J. Maloof memorial park in Albuquerque in Bernalillo county;

108. three hundred thousand dollars (\$300,000) to plan, design, construct, equip and improve Highland pool, including classrooms and roof repairs, in Albuquerque in Bernalillo county;

109. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct and equip improvements to Hoffman park, including resurfacing tennis courts, in Albuquerque in Bernalillo county;

110. one hundred thousand dollars (\$100,000) to plan, design and construct an innovation hub campus in Albuquerque in Bernalillo county;

111. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, improve and equip a library park in the International district in Albuquerque in Bernalillo county;

112. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and improve the Jerry Cline tennis center in Albuquerque in Bernalillo county;

113. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, equip and furnish Joan Jones community center in Albuquerque in Bernalillo county;

114. one hundred ninety-five thousand three hundred dollars (\$195,300) to acquire rights of way and to plan, design, construct, furnish and equip a commuter bicycle trail between Juan Tabo boulevard and Innovation parkway in Albuquerque in Bernalillo county;

115. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip phase 3 improvements to Juan Tabo Hills park in southeast Albuquerque in Bernalillo county;

116. fifty thousand dollars (\$50,000) to plan, design, construct and equip the Ken Sanchez transit maintenance facility bus wash, including wash bays, in Albuquerque in Bernalillo county;

117. fifty thousand dollars (\$50,000) to plan, design, construct, equip and install roof and heating, ventilation and air conditioning repairs at the Ken Sanchez transit maintenance facility in Albuquerque in Bernalillo county;

118. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, improve and equip Kirtland park in Albuquerque in Bernalillo county;

119. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, furnish and equip a kitchen facility, including buildings and grounds, steam tables, refrigeration, tables and chairs and a drink station, for meal services for displaced persons and families experiencing homelessness in Albuquerque in Bernalillo county;

120. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, improve and equip Kiva park in Albuquerque in Bernalillo county;

121. fifty thousand dollars (\$50,000) to plan, design, construct, equip and improve Krogh park in Albuquerque in Bernalillo county;

122. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, furnish and equip improvements at the Ladera golf course in Albuquerque in Bernalillo county;

123. one hundred thousand dollars (\$100,000) to purchase land for and to plan, design and construct utility infrastructure for an affordable housing subdivision in Albuquerque in Bernalillo county;

124. fifty thousand dollars (\$50,000) to plan, design, construct, improve and equip Lavaland park in Albuquerque in Bernalillo county;

125. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and improve little league facilities at Lobo little league field for Albuquerque in Bernalillo county;

126. one hundred forty-three thousand dollars (\$143,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including roofing, bathrooms, security and heating, ventilation and air conditioning systems, at the Lomas Tramway library in Albuquerque in Bernalillo county;

127. fifty thousand dollars (\$50,000) to plan, design, construct, furnish and equip improvements at Los Altos golf course in Albuquerque in Bernalillo county;

128. one hundred thousand dollars (\$100,000) to plan, design, construct, repair, furnish, equip and improve the outdoor patio and clubhouse at Los Altos golf course in Albuquerque in Bernalillo county;

129. three hundred twenty thousand dollars (\$320,000) to plan, design, construct, repair, improve and equip Los Altos park, including restrooms and the purchase of recreational equipment, in Albuquerque in Bernalillo county;

130. seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including security and heating, ventilation and air conditioning systems, at the Main library in Albuquerque in Bernalillo county;

131. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, renovate, expand, furnish and equip pickleball courts at the Manzano Mesa pickleball complex in Albuquerque in Bernalillo county;

132. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, furnish, equip and install lighting and improvements for baseball fields at Manzano Mesa park in Albuquerque in Bernalillo county;

133. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and improve Marion L. Fox park in Albuquerque in Bernalillo county;

134. four hundred sixty thousand dollars (\$460,000) to plan, design, construct, equip and improve Mariposa basin park in Albuquerque in Bernalillo county;

135. thirty-eight thousand dollars (\$38,000) to purchase equipment for an historic food market in Martineztown in Albuquerque in Bernalillo county;

136. twenty-five thousand dollars (\$25,000) to purchase and install equipment and to plan, design, construct and furnish renovations, including tables, benches, trash cans, playgrounds, shade structures, drinking fountains, sanitation and lighting, at parks, including Matheson park, in Albuquerque in Bernalillo county;

137. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and improve Mesa Verde park in Albuquerque in Bernalillo county;

138. one hundred thousand dollars (\$100,000) to plan, design, construct and equip micro-community shelters in Albuquerque in Bernalillo county;

139. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, purchase, install, equip and furnish park renovations, including tables, benches, trash cans, playgrounds, shade structures, drinking fountains, sanitation and lighting, at fields used by the Mile High little league in Albuquerque in Bernalillo county;

140. four hundred thousand dollars (\$400,000) to plan, design, construct, improve and equip Montgomery pool, including locker rooms and mechanical operations buildings, in Albuquerque in Bernalillo county;

141. three hundred fifty thousand dollars (\$350,000) to acquire land, buildings and rights of way and to plan, design, construct, repair, improve and equip motels as affordable housing units in Albuquerque in Bernalillo county;

142. five hundred seventy-five thousand dollars (\$575,000) to plan, design, construct, purchase and install a multi-use message board at Balloon Fiesta park in Albuquerque in Bernalillo county;

143. four hundred forty-three thousand nine hundred forty dollars (\$443,940) to plan, design, construct, renovate, repair and improve the Albuquerque museum, including the museum education center, educational spaces, offices, parking lots, heating, ventilation, air conditioning and fire suppression systems, restrooms, a sculpture garden and the purchase and installation of equipment, in Albuquerque in Bernalillo county;

144. four million twenty thousand dollars (\$4,020,000) to purchase equipment and to plan, design, construct, equip and furnish an aquatic center at north Domingo Baca park in Albuquerque in Bernalillo county;

145. three hundred ten thousand dollars (\$310,000) to plan, design, construct, equip and improve north Domingo Baca park in Albuquerque in Bernalillo county;

146. seventy-eight thousand three hundred thirty-three dollars (\$78,333) to plan, design, construct and improve playground facilities in the northeast area of Albuquerque in Bernalillo county;

147. fifty-four thousand dollars (\$54,000) to plan, design, construct and install shade structures at park facilities in the northeast area of Albuquerque in Bernalillo county;

148. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and improve the New Mexico veterans memorial in Albuquerque in Bernalillo county;

149. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct, equip and improve transitional housing at the ~~[New Mexico]~~ veterans ~~[integration]~~ center in Albuquerque in Bernalillo county; *LINE ITEM VETO*

150. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and improve trails and green storm water infrastructure along the north diversion channel between Indian School road and Montgomery boulevard in Albuquerque in Bernalillo county;

151. fifty thousand dollars (\$50,000) to plan, design, construct and improve playground facilities in the northwest area of Albuquerque in Bernalillo county;



152. five hundred twenty-five thousand dollars (\$525,000) to plan, design, construct, equip and furnish a multigenerational center in northwest Albuquerque in Bernalillo county;

153. three hundred seventy thousand dollars (\$370,000) to plan, design, construct, equip and improve Daniel Webster park in Albuquerque in Bernalillo county;

154. one hundred thousand dollars (\$100,000) to purchase and install equipment for the open space conservation division of the police department in Albuquerque in Bernalillo county;

155. one hundred fifteen thousand dollars (\$115,000) to plan, design, construct, equip and furnish the open space visitor center in Albuquerque in Bernalillo county;

156. one hundred thirty thousand dollars (\$130,000) to plan, design, construct, equip and improve Ouray dog park in Albuquerque in Bernalillo county;

157. one hundred thousand dollars (\$100,000) to plan, design, construct and equip Phil Chacon park in Albuquerque in Bernalillo county;

158. twenty thousand six hundred dollars (\$20,600) to plan, design, construct, rehabilitate, furnish, equip and improve the playground at Piedra Lisa park in Albuquerque in Bernalillo county;

159. two hundred eighty-four thousand dollars (\$284,000) to purchase and equip the police department air support unit in Albuquerque in Bernalillo county;

160. five hundred thousand dollars (\$500,000) to plan, design, construct and improve a parking lot at the police department southwest area command in Albuquerque in Bernalillo county;

161. one hundred ninety-seven thousand dollars (\$197,000) to purchase and equip unmarked vehicles for the police department in Albuquerque in Bernalillo county;

162. two million five hundred seventy-five thousand dollars (\$2,575,000) to purchase, install and improve crime-fighting equipment, including body cameras, tasers, license plate readers, drones and mobile surveillance units, in Albuquerque in Bernalillo county;

163. three hundred sixty thousand dollars (\$360,000) to purchase industry-related equipment and vehicles and to plan, design, construct, renovate, furnish and equip buildings and grounds, including infrastructure, wiring and information technology, for a music performance space in Albuquerque in Bernalillo county;

164. fifty thousand dollars (\$50,000) to acquire land for and to plan, design, construct, repair and improve affordable public housing in Albuquerque in Bernalillo county;

165. three hundred thousand dollars (\$300,000) to purchase and equip mobile hygiene trailers in Albuquerque in Bernalillo county;

166. thirty-five thousand dollars (\$35,000) to plan, design, improve and construct accessible bathrooms at a railroad museum in Albuquerque in Bernalillo county;

167. one hundred thousand dollars (\$100,000) to plan, design, construct, improve and expand a railroad museum in Albuquerque in Bernalillo county;

168. nine hundred thousand dollars (\$900,000) to purchase, furnish and equip the real-time crime center in Albuquerque in Bernalillo county;

169. fifty thousand dollars (\$50,000) to plan, design, construct, equip and improve Redlands park, including playgrounds, shade structures, drinking fountains, sanitation, lighting, tables and benches, in Albuquerque in Bernalillo county;

170. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, purchase, install, equip and furnish park renovations, including tables, benches, trash cans, playgrounds, shade structures, drinking fountains, sanitation and lighting, at Richland Hills park in Albuquerque in Bernalillo county;

171. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase and install park improvements, including playgrounds, shade structures, drinking fountains, lighting and sanitation, at Rinconada park in Albuquerque in Bernalillo county;

172. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, equip and install improvements, including signage, educational projects and historical preservation, a pedestrian overlook bridge, off-site improvements and multi-use trails along west Central avenue, in Albuquerque in Bernalillo county;

173. one hundred twenty thousand dollars (\$120,000) to plan, design, construct, repair and improve railroad infrastructure and historical facilities at the south railyards in Albuquerque in Bernalillo county;

174. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to San Antonio Oxbow open space in Albuquerque in Bernalillo county;

175. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including roofing, bathrooms,

security and heating, ventilation and air conditioning systems, at the San Pedro library in Albuquerque in Bernalillo county;

176. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and improve Santa Barbara-Martinez town park in Albuquerque in Bernalillo county;

177. three hundred thousand dollars (\$300,000) to develop a long-range strategic plan for a mixed-use development, including permanent affordable housing, in the Sawmill district in Albuquerque in Bernalillo county;

178. fifty thousand dollars (\$50,000) to plan, design, construct, improve and equip parks in the Sawmill district bounded by interstate 40, 19th street NW, Mill Pond road and Zearing avenue in Albuquerque in Bernalillo county;

179. one million two hundred seventy thousand dollars (\$1,270,000) to plan, design, construct, purchase, equip and install additional spaces, exhibits and furnishings, including outdoor play spaces and information technology and related infrastructure, for a cradle-through-career learning center campus and an early learning center at a science center and children's museum in Albuquerque in Bernalillo county;

180. three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct, purchase, equip and improve a center for emergency housing and community services in the southeast area of Albuquerque in Bernalillo county;

181. two hundred seventy-five thousand dollars (\$275,000) to acquire land and rights of way and to plan, design, construct and renovate municipal buildings and facilities in the southeast area of Albuquerque in Bernalillo county;

182. fifty thousand dollars (\$50,000) to plan, design, construct and improve playground facilities in the southeast area of Albuquerque in Bernalillo county;

183. one hundred thousand dollars (\$100,000) to plan, design, construct and install shade structures at park facilities in the southeast area of Albuquerque in Bernalillo county;

184. four hundred twenty-five thousand dollars (\$425,000) to purchase, construct and install traffic calming devices on streets in the southeast area of Albuquerque in Bernalillo county;

185. fifty thousand dollars (\$50,000) to purchase and install equipment for community safety responders in Albuquerque in Bernalillo county;

186. sixty thousand dollars (\$60,000) to purchase and equip vehicles for community safety responders in Albuquerque in Bernalillo county;

187. seventy-five thousand dollars (\$75,000) to plan, design, construct and improve park and recreational buildings and grounds, including ranges, at Shooting Range park in Albuquerque in Bernalillo county;

188. fifty thousand dollars (\$50,000) to plan, design, construct, equip and improve public safety facilities, including shooting ranges, at Shooting Range park in Albuquerque in Bernalillo county;

189. one hundred seventy thousand dollars (\$170,000) to plan, design, construct, equip and install lighting improvements to the Sierra Vista tennis complex, including the pool, in Albuquerque in Bernalillo county;

190. one hundred ten thousand dollars (\$110,000) to plan, design, construct, equip and improve Singing Arrow park in Albuquerque in Bernalillo county;

191. twenty thousand dollars (\$20,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including roofing, bathrooms, security and heating, ventilation and air conditioning systems, at the south Broadway library in Albuquerque in Bernalillo county;

192. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, equip and improve south San Jose park in Albuquerque in Bernalillo county;

193. four hundred fifty thousand dollars (\$450,000) to plan, design, construct and improve the Sunport pool, including pool replastering, deck repairs and pump room improvements, in Albuquerque in Bernalillo county;

194. one hundred thousand dollars (\$100,000) to plan, design, construct and improve playground facilities in the southwest area of Albuquerque in Bernalillo county;

195. two hundred fifty thousand dollars (\$250,000) to purchase and install gunshot detection technology and equipment on the southwest mesa in Albuquerque in Bernalillo county;

196. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, furnish and equip public safety facilities and a multigenerational center at the southwest public safety center in Albuquerque in Bernalillo county;

197. twenty-five thousand dollars (\$25,000) to plan, design, construct, repair, purchase, restore, equip and improve areas of the bosque on the west river bank and south of Central avenue in Albuquerque in Bernalillo county;

198. one hundred thousand dollars (\$100,000) to plan, design, construct, repair and equip the Ted M. Gallegos community center, including heating, ventilation and air conditioning systems and roofs, in Albuquerque in Bernalillo county;

199. one hundred ten thousand dollars (\$110,000) to plan, design, construct, furnish and improve the Thomas Bell community center building and grounds, including fixtures, interior finishes and kitchen improvements, in Albuquerque in Bernalillo county;

200. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, purchase, equip and improve open space facilities in the Tijeras Arroyo biological zone in Albuquerque in Bernalillo county;

201. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including roofing, bathrooms, security and heating, ventilation and air conditioning systems, at the Tony Hillerman library in Albuquerque in Bernalillo county;

202. seven hundred twenty-five thousand dollars (\$725,000) to plan, design, construct, purchase, equip and furnish a concession stand and improvements for the baseball fields and facilities at the new fields near Tower Pond park and at Tower Pond park in Albuquerque in Bernalillo county;

203. twenty-five thousand dollars (\$25,000) to plan, design, construct, repair and renovate buildings for supportive and transitional housing in Albuquerque in Bernalillo county;

204. twenty-five thousand dollars (\$25,000) to purchase equipment, including universal changing table stations, for municipal facilities in Albuquerque in Bernalillo county;

205. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct and renovate the Valley pool, including bathrooms, showers, heating, ventilation and air conditioning and gutter systems, in Albuquerque in Bernalillo county;

206. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and install park improvements and pickleball courts at Ventana Ranch park in Albuquerque in Bernalillo county;

207. two hundred thousand dollars (\$200,000) to plan, design, construct, improve and equip Vista del Norte park in Albuquerque in Bernalillo county;

208. four hundred forty-five thousand dollars (\$445,000) to plan, design, construct, furnish and equip a veterinary clinic at the westside animal shelter in Albuquerque in Bernalillo county;

209. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and improve West Bluff park, including playgrounds, shade structures, drinking fountains, sanitation, lighting, tables and benches, in Albuquerque in Bernalillo county;

210. one hundred fifty thousand dollars (\$150,000) to acquire land and rights of way and to plan, design, construct and equip an indoor sports complex on the west side of Albuquerque in Bernalillo county;

211. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish and equip the Westgate community center, including information technology and a gymnasium, in Albuquerque in Bernalillo county;

212. three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct, improve and expand the westside animal shelter, including kennels, support facilities, offices, public areas and a veterinary clinic, in Albuquerque in Bernalillo county;

213. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase, equip and install a housing center for emergency and other housing needs in Albuquerque in Bernalillo county;

214. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and improve aquatics facilities at the westside splash pad in Albuquerque in Bernalillo county;

215. one hundred thousand dollars (\$100,000) to plan, design, construct, improve and equip the Wilson pool facilities in Albuquerque in Bernalillo county;

216. five hundred thousand dollars (\$500,000) to plan, design, construct and improve Workers' memorial park in Albuquerque in Bernalillo county;

217. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase, equip and install improvements at a housing center for young adults in Albuquerque in Bernalillo county;

218. six hundred twenty-four thousand four hundred forty-four dollars (\$624,444) to acquire and renovate multifamily housing facilities, including energy efficiency upgrades and improvements, to preserve affordable housing options in the International district in Albuquerque in Bernalillo county;

219. three hundred thousand dollars (\$300,000) to plan, design, construct, equip and upgrade Altamont park, including artificial turf infields, irrigation, lighting, the upper field, a playground, a tournament field and a parking lot, in Albuquerque in Bernalillo county;

220. one hundred thousand dollars (\$100,000) to acquire land for and to plan, design, construct, equip and furnish phase 3 and 4 improvements to the Edward C. Sandoval north valley baseball complex in Albuquerque in Bernalillo county;

221. two hundred thousand dollars (\$200,000) to plan, design, construct, furnish and equip phase 2 infrastructure and site improvements for a multipurpose educational, agricultural and recreational facility and property between Edith boulevard NE and Osuna road NE in Albuquerque in Bernalillo county;

222. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip site improvements, including a tournament-grade regional softball facility, at Tom Tenorio park in Albuquerque in Bernalillo county;

223. one hundred seventy-seven thousand dollars (\$177,000) to plan, design, construct and equip landscaping and accessibility improvements to the east side of Coors boulevard NW between Central avenue and Bluewater road, including beautification and a multi-use trail, in Albuquerque in Bernalillo county;

224. five hundred thousand dollars (\$500,000) to acquire rights of way and to plan, design and construct road improvements on Girard boulevard from Hannett avenue to Indian School road, including lighting, signage, striping and pedestrian and bicycle routes, in Albuquerque in Bernalillo county;

225. three hundred fifteen thousand dollars (\$315,000) to plan, design, construct and equip road and safety improvements on Tower road SW between Coors and Unser boulevards, including medians, landscaping, irrigation and traffic calming devices, in Albuquerque in Bernalillo county;

226. twenty-five thousand dollars (\$25,000) to plan, design and construct phase 2 of the west mesa trails plan in Albuquerque in Bernalillo county;

227. eight hundred seventy-five thousand dollars (\$875,000) to acquire rights of way and to plan, design, construct and equip Young avenue SW, including streetscapes, paving, medians, landscaping, striping and traffic calming devices, in Albuquerque in Bernalillo county;

228. five hundred thousand dollars (\$500,000) to acquire open space and agricultural land in Los Ranchos de Albuquerque in Bernalillo county;

229. three hundred thousand dollars (\$300,000) to acquire land for and to plan, design, construct and improve Los Vecinos community center in Tijeras in Bernalillo county;

230. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to the veterans memorial in Luis Garcia park in Tijeras in Bernalillo county;

231. four hundred thousand dollars (\$400,000) to plan, design, construct, renovate, equip and furnish improvements to Glenwood community park in the Glenwood area in Catron county;

232. two hundred thousand dollars (\$200,000) to purchase and equip vehicles for Catron county;

233. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip a backhoe for the Quemado lake water association in Catron county;

234. five hundred forty-one thousand one hundred seventy-six dollars (\$541,176) to purchase and equip an ambulance and equipment for Dexter in Chaves county;

235. twenty-five thousand dollars (\$25,000) to purchase and equip a mower for Hagerman in Chaves county;

236. one hundred sixty thousand dollars (\$160,000) to purchase and equip vehicles for the public works department in Hagerman in Chaves county;

237. four hundred thousand dollars (\$400,000) to demolish and remove an existing building and to plan, design, purchase, construct, furnish and equip a warehouse and garage for the public works department in Lake Arthur in Chaves county;

238. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate and install security upgrades to the adult detention facility in Roswell in Chaves county;

239. one hundred seventy thousand dollars (\$170,000) to plan, design, construct, renovate and equip a cooperative extension service building in Roswell in Chaves county;

240. two hundred thousand dollars (\$200,000) to plan, design, construct, purchase and install variable speed electrical drives for heating, ventilation and air conditioning systems at the Chaves county courthouse in Roswell in Chaves county;

241. five hundred thirty thousand dollars (\$530,000) to plan, design, construct and replace a roof at the Chaves county courthouse in Roswell in Chaves county;

242. three hundred ninety-nine thousand nine hundred ninety-nine dollars (\$399,999) to plan, design and construct a cultural plaza facility in Roswell in Chaves county;

243. one million two hundred thousand dollars (\$1,200,000) to plan, design, construct, expand, furnish and equip fire station 1 in Roswell in Chaves county;

244. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, furnish and equip a real-time crime center for the police department in Roswell in Chaves county;



245. three hundred thousand dollars (\$300,000) to plan, design, construct and equip wastewater system improvements for the police department in Roswell in Chaves county;

246. five hundred fifty thousand dollars (\$550,000) to purchase and equip ambulances for first responders in Cibola county;

247. one hundred fifty thousand dollars (\$150,000) to purchase and equip vehicles for the county sheriff's office in Cibola county;

248. two hundred fifty thousand dollars (\$250,000) to acquire land and buildings and to plan, design, construct, renovate, furnish and equip a multipurpose facility for the Cubero land grant-merced in Cibola county;

249. two million one hundred thousand dollars (\$2,100,000) to plan, design, construct, furnish and equip a fire station in Grants in Cibola county;

250. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, repair, furnish and equip a police station in Grants in Cibola county;

251. one hundred thousand dollars (\$100,000) to plan, design, purchase and install outdoor exercise equipment at Mirabal park in Milan in Cibola county;

252. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and renovate the public safety building in Milan in Cibola county;

253. one hundred thousand dollars (\$100,000) to plan, design, construct, repair, improve and equip the municipal swimming pool in Milan in Cibola county;

254. one hundred sixty thousand dollars (\$160,000) to replace outdated firearms, body armor and carriers for public safety agencies in Colfax county;

255. two hundred forty thousand dollars (\$240,000) to purchase and equip vehicles for the sheriff's department in Colfax county;

256. seventy thousand dollars (\$70,000) to purchase and equip cardiac monitors and automated external defibrillators for ambulances in Angel Fire in Colfax county;

257. five million two hundred twenty thousand dollars (\$5,220,000) to plan, design, construct, equip and furnish a fire station in Angel Fire in Colfax county;

258. one million two hundred twenty-six thousand nine hundred two dollars (\$1,226,902) to purchase buildings and to plan, design, construct, furnish and equip a veterans' wellness center in Angel Fire in Colfax county;

259. one hundred thousand dollars (\$100,000) to plan, design, construct, improve and equip Enchanted Eagle park in Eagle Nest in Colfax county;

260. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct an animal shelter in Raton in Colfax county;

261. one hundred forty-five thousand dollars (\$145,000) to plan, design, construct and improve city buildings, including the convention center, in Raton in Colfax county;

262. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Kearny film school in Raton in Colfax county;

263. two million dollars (\$2,000,000) to plan, design and construct a visitor center at Sugarite Canyon state park for Raton in Colfax county;

264. seven million four hundred seventy-five thousand dollars (\$7,475,000) to plan, design, construct and furnish a multipurpose facility to house a long-term care facility and laboratory services for the south central Colfax county special hospital district in Colfax county;

265. five hundred thousand dollars (\$500,000) to plan, design, construct, furnish and equip an animal shelter in Clovis in Curry county;

266. two hundred fifty thousand dollars (\$250,000) to replace the roof and gutter at a food bank in Clovis in Curry county;

267. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, equip and furnish improvements to the police department building in Clovis in Curry county;

268. two hundred thousand dollars (\$200,000) to plan, design and construct residential street lighting in Clovis in Curry county;

269. five hundred thousand dollars (\$500,000) to plan, design, construct and renovate the commercial barn at the county fairgrounds in Clovis in Curry county;

270. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, purchase, equip and install public art, sidewalk amenities, seating and signage in the historic Main street district in Clovis in Curry county;

271. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, purchase, furnish, equip and install improvements to the historic city hall and police station building in Melrose in Curry county;

272. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, equip and furnish improvements to the city hall and community center in Texico in Curry county;

273. four hundred thousand dollars (\$400,000) to purchase and equip a fire truck for the volunteer fire department in Texico in Curry county;

274. one hundred fifty thousand dollars (\$150,000) to purchase a bone crusher for the offal compost area at a transfer station in De Baca county;

275. two hundred thousand dollars (\$200,000) to purchase and equip a mandatory fingerprint system and operating software for the county detention center in De Baca county;

276. three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct, renovate, furnish and equip the Fort Sumner community house building in Fort Sumner in De Baca county;

277. four hundred thousand dollars (\$400,000) to acquire land and to plan, design, construct, furnish, purchase and equip a building, including building relocation, for the Alto de Las Flores mutual domestic water consumers association in Dona Ana county;

278. one million four hundred thousand dollars (\$1,400,000) to plan, design, construct, furnish and equip an office complex for the Chamberino mutual domestic water consumer and sewer association in Dona Ana county;

279. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate, equip, install and improve facilities and grounds at the county fairgrounds, including quonset huts, a former racetrack and horse stalls, in Dona Ana county;

280. three hundred thousand dollars (\$300,000) to purchase self-contained breathing apparatus for fire and rescue services personnel throughout Dona Ana county;

281. fifty thousand dollars (\$50,000) to replace handheld, fixed and mobile radios and associated equipment for the sheriff's office, the fire rescue, the detention center, the office of emergency management and the roads division in Dona Ana county;

282. three hundred thousand dollars (\$300,000) to plan, design, construct, equip and furnish a real-time crime center in Dona Ana county;

283. four hundred thousand dollars (\$400,000) to plan, design, construct, renovate and equip waterless restroom facilities for the Vado/Del Cerro park in Dona Ana county;

284. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate, equip and expand the kitchen area at the Vado/Del Cerro community center in Dona Ana county;

285. three hundred thousand dollars (\$300,000) to plan, design, improve, construct, furnish and equip an administrative building and to make lighting, security, site and accessibility improvements, including the purchase and installation of solar panels and security cameras, for La Union watershed district in Dona Ana county;

286. one hundred eighty thousand dollars (\$180,000) to purchase and equip vehicles for the lower Rio Grande public water works authority in Dona Ana county;

287. four hundred fifty thousand dollars (\$450,000) to match federal and state funds to purchase and equip electric buses for the south central regional transit district in Dona Ana county;

288. two hundred sixty-five thousand dollars (\$265,000) to update the Dos Lagos master plan and to plan, design, construct, renovate, furnish and equip parks and recreational facilities in Anthony in Dona Ana county;

289. five hundred thousand dollars (\$500,000) to acquire easements and rights of way and to plan, design, construct, furnish and equip a multigenerational facility in Anthony in Dona Ana county;

290. one hundred fifty thousand dollars (\$150,000) to purchase and install public safety equipment in Anthony in Dona Ana county;

291. four hundred thousand dollars (\$400,000) to plan, design, construct, furnish and equip fire station 9, including a classroom, a physical fitness room and a decontamination room, in Chaparral in Dona Ana county;

292. eight hundred thousand dollars (\$800,000) to plan, design, construct, equip and renovate the De La O visitors center in Dona Ana in Dona Ana county;

293. six hundred fifty thousand dollars (\$650,000) to plan, design, construct and equip parks, including splash pads, in Hatch in Dona Ana county;

294. one million five hundred thousand dollars (\$1,500,000) to plan, design and construct a domestic violence shelter in Las Cruces in Dona Ana county;

295. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, purchase and install playground amenities, erosion control, parking lot repairs and accessibility improvements at Tortugas park in Dona Ana county;

296. three hundred thousand dollars (\$300,000) to plan, design, construct, improve, replace and equip buildings and park facilities, including accessibility improvements, in Las Cruces in Dona Ana county;

297. four hundred thousand dollars (\$400,000) to acquire property and rights of way for and to plan, design, construct, replace and improve projects identified in the Las Cruces active transportation plan, including roads, trails, sidewalks and transit stops, in Las Cruces in Dona Ana county;

298. eight hundred thousand dollars (\$800,000) to plan, design, construct, improve, furnish, expand and equip a fifty-unit housing project to extend the Mesilla Valley resource campus providing services to the homeless, including supportive housing and service buildings, in Las Cruces in Dona Ana county;

299. seven hundred ten thousand dollars (\$710,000) to plan, design, construct, furnish, equip and improve a facility, including converting an outdoor patio area into an office, at a community service center for the homeless in Las Cruces in Dona Ana county;

300. seven hundred thousand dollars (\$700,000) to plan, design, develop, construct, improve, furnish and equip the east mesa public recreation complex in Las Cruces in Dona Ana county;

301. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, equip and install solar panels for a community service facility with a health center and a soup kitchen in Las Cruces in Dona Ana county;

302. five million five hundred thousand dollars (\$5,500,000) to plan, design, construct, furnish and equip a mobile integrated health care, mental health crisis response and critical intervention team station in Las Cruces in Dona Ana county;

303. five hundred ninety thousand dollars (\$590,000) to plan, design, construct, expand and improve the Mesilla Valley resource campus providing services to the homeless, including supportive housing and service buildings, in Las Cruces in Dona Ana county;

304. one hundred thousand dollars (\$100,000) to plan, design, construct and equip inductive charging stations for buses at the Mesilla Valley intermodal transportation terminal in Las Cruces in Dona Ana county;

305. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, furnish, equip and improve the nature center at the museum of nature and science in Las Cruces in Dona Ana county;

306. one million fifty thousand dollars (\$1,050,000) to plan, design and construct the Paseos Verdes affordable housing complex in Las Cruces in Dona Ana county;

307. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, equip, install and improve park facilities in Las Cruces in Dona Ana county;

308. one million eight hundred thousand dollars (\$1,800,000) to acquire property and to plan, design, furnish, improve and equip a real-time crime center for the police department in Las Cruces in Dona Ana county;

309. six hundred twenty thousand dollars (\$620,000) to purchase and equip public safety vehicles in Las Cruces in Dona Ana county;

310. two million fifty thousand dollars (\$2,050,000) to demolish and remove a warehouse and to plan, design, construct, furnish and equip a facility for a soup kitchen and a community kitchen in Las Cruces in Dona Ana county;

311. fifty thousand dollars (\$50,000) to purchase and equip electric vehicles, charging stations and equipment for the south central solid waste authority in Las Cruces in Dona Ana county;

312. two hundred thousand dollars (\$200,000) to plan, design, construct, purchase and install adaptive street lighting control management systems in Las Cruces in Dona Ana county;

313. nine hundred seventy thousand dollars (\$970,000) to purchase and equip a bookmobile and to plan, design, construct, improve, furnish and equip the Thomas Branigan memorial library in Las Cruces in Dona Ana county;

314. seventy-five thousand dollars (\$75,000) to purchase and equip vehicles for the marshal's department in Mesilla in Dona Ana county;

315. one hundred twenty-five thousand dollars (\$125,000) to purchase, equip and install improvements and amenities at parque de Conmemorativo in Mesilla in Dona Ana county;

316. seventy-five thousand dollars (\$75,000) to plan, design, construct, improve, furnish and equip playgrounds in Mesilla in Dona Ana county;

317. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip a public safety facility in Mesilla in Dona Ana county;

318. one million dollars (\$1,000,000) to acquire land for and to plan, design, construct, renovate, furnish and equip municipal complexes and plazas in Sunland Park in Dona Ana county;

319. two million dollars (\$2,000,000) to plan, design and construct a food pantry for Sunland Park in Dona Ana county;

320. two hundred thousand dollars (\$200,000) to plan, design, construct and equip lighting, road safety and speed reduction improvements in Tortugas in Dona Ana county;

321. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip vehicles for the Malaga mutual domestic water consumers and sewage works association in Eddy county;

322. three hundred thousand dollars (\$300,000) to plan, design and construct an all-inclusive park in Artesia in Eddy county;

323. one million dollars (\$1,000,000) to plan, design, construct, renovate, furnish and equip the city hall in Artesia in Eddy county;

324. five hundred thousand dollars (\$500,000) to purchase and equip police vehicles in Artesia in Eddy county;

325. five hundred thousand dollars (\$500,000) to purchase and equip rescue engines for Artesia in Eddy county;

326. eight hundred thousand dollars (\$800,000) to purchase and equip police vehicles in Carlsbad in Eddy county;

327. five hundred thousand dollars (\$500,000) to plan, design, construct, furnish and equip a public safety facility for the fire, emergency medical services and police departments in Carlsbad in Eddy county;

328. one million twenty-five thousand dollars (\$1,025,000) to plan, design, construct, rehabilitate and improve the exterior of the county courthouse in Carlsbad in Eddy county;

329. two hundred twenty thousand dollars (\$220,000) to plan, design, construct and improve a parking lot at the county airport in Grant county;

330. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish, equip and renovate a detention center in Grant county;

331. three hundred fifty thousand dollars (\$350,000) to purchase and equip vehicles and heavy equipment for Bayard in Grant county;

332. one hundred twenty thousand dollars (\$120,000) to purchase and equip vehicles and trucks for Bayard in Grant county;

333. one hundred fifty thousand dollars (\$150,000) to purchase and equip vehicles for municipal departments in Hurley in Grant county;

334. sixty thousand dollars (\$60,000) to plan, design, construct, equip and furnish improvements, including accessibility improvements, to the Fort Bayard properties in Santa Clara in Grant county;

335. one hundred thousand dollars (\$100,000) to demolish and remove existing structures and to purchase, plan, design, construct, equip, renovate and furnish affordable housing in Santa Clara in Grant county;

336. seventy-five thousand dollars (\$75,000) to purchase and equip equipment for the maintenance department in Santa Clara in Grant county;

337. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip park improvements in Santa Clara in Grant county;

338. seven hundred thousand dollars (\$700,000) to purchase, equip and install a computed tomography scanner for Gila regional medical center in Silver City in Grant county;

339. nine hundred thousand dollars (\$900,000) to plan, design, construct, renovate, equip and furnish the city hall annex building in Silver City in Grant county;

340. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish improvements to Gough park in Silver City in Grant county;

341. two hundred thousand dollars (\$200,000) to purchase and equip road equipment for the county road department in Guadalupe county;

342. five hundred thousand dollars (\$500,000) to purchase and equip vehicles for the sheriff's department in Guadalupe county;

343. fifty thousand dollars (\$50,000) to plan, design, construct, remove, furnish, equip and improve a multipurpose building for the Anton Chico land grant-merced in Anton Chico in Guadalupe county;

344. two hundred thousand dollars (\$200,000) to plan, design, construct, repair and improve the county annex building, including stucco repair, in Santa Rosa in Guadalupe county;

345. one hundred thousand dollars (\$100,000) to plan, design, construct and improve parking areas and buildings at the veterans' community center in Santa Rosa in Guadalupe county;



346. one million nine hundred thousand dollars (\$1,900,000) to plan, design, construct, purchase and equip improvements, including bathrooms, equipment, landscaping and parking facilities, for parks in Santa Rosa in Guadalupe county;

347. two hundred thousand dollars (\$200,000) to purchase and equip vehicles and equipment for the police department in Santa Rosa in Guadalupe county;

348. one million three hundred thousand dollars (\$1,300,000) to plan, design and construct housing for county employees in Harding county;

349. 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;

350. one million six hundred eighty thousand dollars (\$1,680,000) to purchase, install and equip border security communication systems and to purchase and equip public safety vehicles for Hidalgo county;

351. two hundred fifty thousand dollars (\$250,000) to purchase equipment, including an oil distributor, a chip spreader and an equipment trailer, for Hidalgo county;

352. two hundred fifty thousand dollars (\$250,000) to purchase, plan, design, construct, equip and furnish a heritage park multipurpose center in Virden in Hidalgo county;

353. two hundred fifty thousand dollars (\$250,000) to purchase and equip utility and maintenance vehicles for Lordsburg in Hidalgo county;

354. two million five hundred thousand dollars (\$2,500,000) to plan, design, construct, furnish and equip an early childhood development center in Eunice in Lea county;

355. four hundred thousand dollars (\$400,000) to equip and furnish a recycling center in Eunice in Lea county;

356. one hundred forty-one thousand two hundred eighty-three dollars (\$141,283) to purchase and equip a trash truck in Eunice in Lea county;

357. one million dollars (\$1,000,000) to plan, design and construct improvements to the downtown area, including Shipp street plaza, in Hobbs in Lea county;

358. one hundred fifty thousand dollars (\$150,000) to purchase and equip vehicles in Hobbs in Lea county;

359. nine hundred fifty thousand dollars (\$950,000) to plan, design, construct, equip and furnish the historic county courthouse and to plan, design, construct, equip and furnish an administrative building in Lovington in Lea county;

360. five hundred thousand dollars (\$500,000) to plan, design, construct, equip and improve a youth center in Lovington in Lea county;

361. one million dollars (\$1,000,000) to plan, design, construct and furnish a behavioral health clinic for the Nor-Lea special hospital district in Lovington in Lea county;

362. three hundred seventy-five thousand dollars (\$375,000) to purchase and equip an ambulance in Tatum in Lea county;

363. one hundred thirty-five thousand dollars (\$135,000) to purchase and equip vehicles for the maintenance department in Tatum in Lea county;

364. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip a trailer and equipment for a community emergency response program in Lincoln county;

365. six hundred fifty thousand dollars (\$650,000) to plan, design, construct and furnish an ambulance building with living quarters in Carrizozo in Lincoln county;

366. fifty-five thousand dollars (\$55,000) to plan, design, construct, equip and improve the Corona natural gas system, including a close-interval survey on the main line, in Corona in Lincoln county;

367. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate and repair the public library, including the foundation, in Corona in Lincoln county;

368. seven hundred fifty thousand dollars (\$750,000) to plan, design and construct watershed improvements, including tree removal, for fire suppression and mitigation in Ruidoso in Lincoln county;

369. one hundred thirty-five thousand dollars (\$135,000) to plan, design and construct a veterans memorial area at All American park in Ruidoso Downs in Lincoln county;

370. two hundred thousand dollars (\$200,000) to plan, design and construct utility infrastructure for low-income housing projects in Los Alamos county;

371. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, furnish and equip an emergency operations center at fire station 3 in White Rock in Los Alamos county;

372. seventy thousand dollars (\$70,000) to plan, design, construct and furnish improvements to a fire station in Luna county;

373. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate, expand, acquire and equip outdoor recreation projects in Luna county;

374. two hundred fifty thousand dollars (\$250,000) to purchase road machinery and equipment for the county road department in Luna county;

375. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish recreation improvements to Albert Fields park in Columbus in Luna county;

376. six hundred thousand dollars (\$600,000) to purchase and equip vehicles and to plan, design, construct, renovate and equip a building, including information technology improvements, for the police department in Columbus in Luna county;

377. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and improve the Amistad splash pad in Deming in Luna county;

378. five hundred fifty thousand dollars (\$550,000) to plan, design, construct, renovate, furnish and equip a public safety facility phase 3 for Deming in Luna county;

379. seventy-five thousand dollars (\$75,000) to purchase and equip a mobile health unit for Gallup in McKinley county;

380. fifty thousand dollars (\$50,000) to acquire land for and to plan, design and construct affordable housing projects, including infrastructure and utility improvements and extensions, in McKinley county;

381. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and improve the bi-county fairgrounds in McKinley county;

382. two hundred fifty thousand dollars (\$250,000) to plan, design and construct landscaping and beautification improvements, including public art installations, lighting and signage, at interstate 40 interchanges in McKinley county;

383. three hundred thousand dollars (\$300,000) to plan, design and construct infrastructure improvements to the McKinley county industrial park in McKinley county;

384. four hundred thousand dollars (\$400,000) to acquire property for and to plan, design, construct, equip and furnish a veterans facility in McKinley county;

385. fifty thousand dollars (\$50,000) to plan, design, construct, equip and install a maintenance shop and office for the northwest New Mexico regional solid waste authority in McKinley county;

386. seventy-five thousand dollars (\$75,000) to acquire land for and to plan, design and construct affordable housing, including utility and infrastructure extension, in Gallup in McKinley county;

387. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements to a building used by a civic organization in Gallup in McKinley county;

388. five hundred two thousand dollars (\$502,000) to plan, design and construct an emergency domestic violence shelter in McKinley county;

389. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and improve the Mentmore hiking trails in Gallup in McKinley county;

390. two hundred fifty thousand dollars (\$250,000) to purchase equipment for the police department in Gallup in McKinley county;

391. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, repair, furnish and equip improvements to the museum at Red Rock park in Gallup in McKinley county;

392. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip a regional library in Gallup in McKinley county;

393. one hundred seventy-five thousand dollars (\$175,000) to demolish an existing building and to acquire, plan, design and construct a transitional housing development and to renovate existing housing units in Gallup in McKinley county;

394. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip improvements, including communications towers, for the public safety building in Gallup in McKinley county;

395. one hundred thousand dollars (\$100,000) to plan, design, construct, improve, install, equip and repair Red Rock park facilities, including the recreational vehicle park and campground, in Gallup in McKinley county;

396. one hundred thousand dollars (\$100,000) to plan, design, construct and equip improvements to the northwest New Mexico council of governments building in Gallup in McKinley county;

397. one hundred fifty thousand dollars (\$150,000) to plan, design and construct workforce housing for north central regional transit district employees in Espanola in Rio Arriba county;

398. two hundred thousand dollars (\$200,000) to purchase emergency medical services equipment for Mora county;

399. one hundred seventy-five thousand dollars (\$175,000) to acquire land and to plan, design and construct a maintenance shop for the county road department in Mora county;

400. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct and equip a veterans memorial in Mora county;

401. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and improve a fire department substation, including installing water lines and paving a parking area, in Wagon Mound in Mora county;

402. fifty thousand dollars (\$50,000) to plan, design, construct, furnish and equip a fire station in Wagon Mound in Mora county;

403. seventy-five thousand dollars (\$75,000) to purchase and equip a skid steer loader for Wagon Mound in Mora county;

404. three hundred thousand dollars (\$300,000) to acquire land [~~and to pay back a loan~~] for the Chilili land grant-merced in Bernalillo and Tarrant counties; *LINE ITEM VETO*

405. one hundred fifty thousand dollars (\$150,000) to purchase and equip information technology and related infrastructure for the north central solid waste authority in Rio Arriba and Santa Fe counties;

406. one hundred thousand dollars (\$100,000) to purchase and equip vehicles for the southeastern New Mexico economic development district in Chaves, Eddy, Lea, Lincoln and Otero counties;

407. one million dollars (\$1,000,000) to plan, design, construct, repair, renovate, furnish, equip and improve infrastructure at the Richard Lucero recreation center in Espanola in Rio Arriba and Santa Fe counties;

408. four hundred thousand dollars (\$400,000) to purchase and equip command vehicles, including emergency response equipment, in Otero county;

409. three million one hundred twenty-five thousand dollars (\$3,125,000) to acquire, plan, design, construct, furnish and equip a public safety facility for Chaparral in Otero county;

410. nine hundred seventy-three thousand dollars (\$973,000) to purchase and equip vehicles for the sheriff's office in Otero county;

411. one hundred twenty thousand dollars (\$120,000) to plan, design, purchase and install a columbarium, including site preparation, at Monte Vista cemetery in Alamogordo in Otero county;

412. five hundred fifty thousand dollars (\$550,000) to plan, design, renovate and construct a building at the Alamogordo family recreation center in Alamogordo in Otero county;

413. one million sixty-four thousand seven hundred dollars (\$1,064,700) to purchase and equip body cameras and to purchase and install dashboard cameras for the police department in Alamogordo in Otero county;

414. seven hundred thirty-eight thousand dollars (\$738,000) to purchase and equip a motor grader, backhoe, dump truck and maintenance equipment for Cloudcroft in Otero county;

415. two hundred fifty thousand dollars (\$250,000) to purchase and equip vehicles and communications equipment, including dashboard cameras, for the police department in Tularosa in Otero county;

416. three hundred seventy-five thousand dollars (\$375,000) to purchase and equip a backhoe for the road maintenance department in Quay county;

417. two hundred fifty thousand dollars (\$250,000) to purchase and equip a loader for the road maintenance department in Quay county;

418. seventy thousand dollars (\$70,000) to plan, design and construct an office and shop building, including utilities, an accessible restroom and a heating, ventilation and air conditioning system, at the cemetery in Tucumcari in Quay county;

419. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, repair, renovate and equip the historic Princess theater in Tucumcari in Quay county;

420. one hundred thousand dollars (\$100,000) to acquire the original community schoolhouse property, including an attached residence, for the Juan Bautista Baldes land grant-merced in Rio Arriba county;

421. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase and equip aerial data collection equipment for the assessor's office emergency management and fire services departments in Rio Arriba county;

422. one hundred thousand dollars (\$100,000) to purchase and equip vehicles for the Rio Arriba county detention center in Rio Arriba county;

423. fifty thousand dollars (\$50,000) to plan, design, construct and improve the event facility center at the county fairgrounds in Rio Arriba county;

424. three million three hundred thousand dollars (\$3,300,000) to plan, design, construct and equip a public safety complex to house a sheriff's office and emergency management services in Rio Arriba county;

425. four million eight hundred seventy thousand dollars (\$4,870,000) to plan, design, construct and equip a nursing home and a skilled nursing care facility in Rio Arriba county;

426. one hundred thousand dollars (\$100,000) to purchase and equip emergency pagers and radios, including handheld transmitters, base stations and mobile radios, for the Truchas volunteer fire department in Rio Arriba county;

427. one hundred ninety thousand dollars (\$190,000) to purchase land[, to pay back a loan] and to plan, design, construct, renovate, repair, furnish and equip a multipurpose facility for the land grant-merced de los Pueblos de Tierra Amarilla in Rio Arriba county; *LINE ITEM VETO*

428. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and improve Robert Gallegos memorial park in Chama in Rio Arriba county;

429. three million three hundred ten thousand dollars (\$3,310,000) to acquire property for and to plan, design, construct, furnish, equip and improve infrastructure at a fire station and regional training facility in Espanola in Rio Arriba county;

430. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, furnish and equip a sportsplex and fields in Espanola in Rio Arriba county;

431. two hundred thousand dollars (\$200,000) to purchase generators for the Roosevelt county special hospital district in Roosevelt county;

432. one hundred fifty thousand dollars (\$150,000) to purchase and equip a pumper fire apparatus in Portales in Roosevelt county;

433. three hundred thousand dollars (\$300,000) to purchase and equip a motor grader for the streets department in Portales in Roosevelt county;

434. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish, equip and install improvements to pedestrian facilities and walkways, including outdoor bathrooms and accessibility compliance, in Portales in Roosevelt county;

435. two hundred thousand dollars (\$200,000) to plan, design, construct, expand and equip an evidence room for the police department in Portales in Roosevelt county;

436. six hundred thousand dollars (\$600,000) to plan, design, construct, renovate, furnish and equip the historic county courthouse in Portales in Roosevelt county;

437. two million five hundred thousand dollars (\$2,500,000) to plan, design, construct, equip and expand the San Juan county clerk's office in Aztec in San Juan county;

438. one million one hundred thousand dollars (\$1,100,000) to plan, design, construct, furnish, equip and improve police department facilities and the real time crime center in Bloomfield in San Juan county;

439. one million dollars (\$1,000,000) to purchase and equip a rescue apparatus truck for the Farmington fire department in San Juan county;

440. five hundred twenty-five thousand dollars (\$525,000) to purchase and equip a fire engine for the Farmington fire department in San Juan county;

441. nine hundred thousand dollars (\$900,000) to plan, design, construct and equip improvements for fire station 5 in Farmington in San Juan county;

442. four hundred twenty-five thousand dollars (\$425,000) to plan, design, construct and expand the security camera system for the police department in Farmington in San Juan county;

443. seven million dollars (\$7,000,000) to acquire land and rights of way and to plan, design, construct and equip a crisis triage center in Farmington in San Juan county;

444. two hundred thousand dollars (\$200,000) to acquire land and rights of way and to plan, design, construct and equip an emergency medical services station in Farmington in San Juan county;

445. two hundred thousand dollars (\$200,000) to purchase and equip tools, vehicles and equipment, including excavators and cameras, for the Albuquerque metropolitan arroyo flood control authority in Bernalillo county;

446. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and upgrade communications systems for the detention center, the administrative complex and other county facilities in San Miguel county;

447. one hundred thousand dollars (\$100,000) to purchase and equip vehicles for the sheriff's office in San Miguel county;

448. one hundred fifty thousand dollars (\$150,000) to acquire land for the San Miguel del Bado land grant-merced in San Miguel county;

449. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip a city hall and administrative offices in Las Vegas in San Miguel county;



450. one hundred sixty-four thousand dollars (\$164,000) to plan, design, construct, purchase, equip and replace the mobile data communications system and infrastructure for the police department in Las Vegas in San Miguel county;

451. fifty thousand dollars (\$50,000) to purchase and equip public safety vehicles and equipment for Pecos in San Miguel county;

452. fifty-three thousand dollars (\$53,000) to plan, design, construct and equip improvements at the Bernal community center, including a heating, ventilation and air conditioning system and the purchase and installation of a trailer door, for the West Las Vegas public school district in San Miguel county;

453. two hundred thousand dollars (\$200,000) to purchase a generator and to plan, design, repair and improve an office building for the Pena Blanca water and sanitation district in Sandoval county;

454. one million two hundred fifty thousand dollars (\$1,250,000) to acquire land for and to plan, design, construct and equip an animal shelter in Sandoval county;

455. one hundred fifty thousand dollars (\$150,000) to plan, design, expand and construct broadband infrastructure and service along United States highway 550 in Sandoval county;

456. one million five thousand dollars (\$1,005,000) to acquire land for and to plan, design and construct a county courthouse in Sandoval county;

457. five hundred twenty-five thousand dollars (\$525,000) to acquire property and to plan, design, construct and equip an emergency public safety dispatch center in Sandoval county;

458. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase, install and equip a fire suppression water storage tank at La Cueva volunteer fire department station 52 in Sandoval county;

459. nine hundred thousand dollars (\$900,000) to purchase and equip vehicles, including lighting, communication and safety equipment, for the sheriff's department in Sandoval county;

460. five million four hundred thousand dollars (\$5,400,000) to plan, design, construct, furnish and equip a fire station in Bernalillo in Sandoval county;

461. fifty thousand dollars (\$50,000) to plan, design, construct, replace, improve and equip parks, including landscaping, in Bernalillo in Sandoval county;

462. sixty-eight thousand dollars (\$68,000) to purchase and equip a backhoe and heavy equipment for Cochiti Lake in Sandoval county;

463. one hundred fifty thousand dollars (\$150,000) to purchase and equip fast attack fire apparatus units for Corrales in Sandoval county;

464. two hundred thousand dollars (\$200,000) to purchase equipment, including ballistic vests, safety gear, weapons and accessories, computers and information technology systems and equipment, and to purchase and equip police vehicles for Corrales in Sandoval county;

465. three hundred thousand dollars (\$300,000) to purchase and equip a rescue ambulance for Corrales in Sandoval county;

466. one hundred thousand dollars (\$100,000) to purchase and equip a tractor, including brush hog, front end loader and snowplow attachments, for Jemez Springs in Sandoval county;

467. twenty thousand dollars (\$20,000) to plan, design, construct, improve and equip heating, ventilation and air conditioning systems in the public library and adjacent municipal office building in Jemez Springs in Sandoval county;

468. eight hundred thousand dollars (\$800,000) to plan, design and construct an additional bay for equipment, vehicles and hazardous materials at fire station 3 in Rio Rancho in Sandoval county;

469. five million dollars (\$5,000,000) to plan, design, construct, furnish and equip a fire station near Unser boulevard and Cabezon boulevard in southwest Rio Rancho in Sandoval county;

470. five hundred thousand dollars (\$500,000) to plan, design, construct, renovate and improve the children's area, including interactive learning and play spaces and parent-child reading spaces, at the Loma Colorado main library in Rio Rancho in Sandoval county;

471. seven hundred thousand dollars (\$700,000) to plan, design, construct and make improvements to parking lots serving the Esther Bone memorial library and Veterans monument park in Rio Rancho in Sandoval county;

472. six hundred thousand dollars (\$600,000) to purchase and equip vehicles for the police department in Rio Rancho in Sandoval county;

473. one hundred thousand dollars (\$100,000) to plan, design, construct and equip an irrigation project, including piping and water pumps, for the San Joaquin del Rio de Chama land grant-merced in Rio Arriba county;

474. two hundred thousand dollars (\$200,000) to improve the Agua Fria water board office and maintenance building, and to purchase tools and equipment for the Agua Fria community water system association;

475. two hundred twenty thousand dollars (\$220,000) to purchase and equip vehicles for the north central New Mexico economic development district in Santa Fe county;

476. five hundred thirty-three thousand dollars (\$533,000) to purchase and equip hybrid electric diesel buses and to provide state matching funds required by the terms of a federal grant for the north central regional transit district in Santa Fe county;

477. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, equip and install road improvements, solar arrays and grey water filtration systems at the Nueva Acequia affordable housing complex in Santa Fe county;

478. one hundred ninety thousand dollars (\$190,000) to plan, design, construct, equip, expand and improve the Valle Vista public housing development in Santa Fe county;

479. seven hundred thousand dollars (\$700,000) to plan, design, construct and equip a trail crossing under United States route 285 to extend the rail trail into Lamy in Santa Fe county;

480. two hundred fifteen thousand dollars (\$215,000) to purchase and equip vehicles, including vans, for after-school and summer recreation programs in Santa Fe county;

481. one hundred thousand dollars (\$100,000) to purchase and equip a mobile command center for the sheriff's office in Santa Fe county;

482. one hundred thirty-eight thousand dollars (\$138,000) to purchase equipment for a wellness and training center for the police department in Edgewood in Santa Fe county;

483. five hundred fifty thousand dollars (\$550,000) to plan, design and construct a pedestrian and bicycle trail along avenida Azul in Eldorado in Santa Fe county;

484. one hundred seventy-one thousand dollars (\$171,000) to plan, design, construct, renovate, equip and improve public housing units and site infrastructure at the Santa Cruz public housing development in Santa Fe county;

485. one hundred ten thousand dollars (\$110,000) to plan, design, construct, renovate, furnish and equip the north central New Mexico economic development district office building in Santa Fe in Santa Fe county;

486. one hundred thousand dollars (\$100,000) to plan, design, construct, remodel, furnish and equip the Fogelson library complex in Santa Fe in Santa Fe county;

487. four hundred fifteen thousand dollars (\$415,000) to plan, design and construct a community park for a workforce housing development in Santa Fe in Santa Fe county;

488. two hundred thousand dollars (\$200,000) to purchase generators for the office of the county clerk in Santa Fe in Santa Fe county;

489. one hundred fifty thousand dollars (\$150,000) to purchase warehouse lift equipment and security equipment, including tabulators and absentee ballot security cages, in Santa Fe in Santa Fe county;

490. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate and expand the voting area at the county clerk's office in Santa Fe in Santa Fe county;

491. fifty thousand dollars (\$50,000) to plan, design and construct accessibility and other improvements at the county fairgrounds in Santa Fe in Santa Fe county;

492. fifty-five thousand dollars (\$55,000) to plan, design, construct, renovate and furnish an administration building for a program serving homeless youth, including a laundry room renovation and the purchase and installation of security gates and doors, a washing machine, a dryer and a utility sink, in Santa Fe in Santa Fe county;

493. three hundred ninety thousand dollars (\$390,000) to plan, design, construct, purchase and install upgrades to the camino de Jacobo public housing units in Santa Fe in Santa Fe county;

494. one million nine hundred thousand dollars (\$1,900,000) to purchase and equip a ladder truck for the fire department in Santa Fe in Santa Fe county;

495. five hundred twenty-five thousand dollars (\$525,000) to purchase and equip a fire engine for the fire department in Santa Fe in Santa Fe county;

496. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, furnish and equip improvements at fire station facilities in Santa Fe in Santa Fe county;

497. five hundred thousand dollars (\$500,000) to plan, design and construct improvements to the baseball field at Fort Marcy park in Santa Fe in Santa Fe county;

498. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip improvements to the Genoveva Chavez community center in Santa Fe in Santa Fe county;

499. two hundred thousand dollars (\$200,000) to plan, design, construct and renovate buildings on the Santa Fe midtown campus to serve as a community cultural center in Santa Fe in Santa Fe county;

500. three million dollars (\$3,000,000) to plan, design, construct and renovate the Soccer Valley municipal recreation complex, including artificial turf fields, a championship field, light-emitting diode lighting and associated amenities, in Santa Fe in Santa Fe county;

501. two hundred thousand dollars (\$200,000) to plan, design, construct and upgrade irrigation systems at the municipal recreation complex in Santa Fe in Santa Fe county;

502. seven hundred ten thousand dollars (\$710,000) to acquire land and facilities and to plan, design, construct, purchase and equip permanent and transitional housing in Santa Fe in Santa Fe county;

503. three hundred thousand dollars (\$300,000) to replace natural turf with artificial turf at Ragle park in Santa Fe in Santa Fe county;

504. five hundred ninety thousand dollars (\$590,000) to plan, design and construct the phase 2 expansion of the Santa Fe regional airport terminal and related infrastructure in Santa Fe in Santa Fe county;

505. two hundred fifty thousand dollars (\$250,000) to demolish and remove an existing structure and to plan, design and construct a pedestrian bridge across the Santa Fe river at Shelby street in Santa Fe in Santa Fe county;

506. eight million nine hundred seventy-five thousand dollars (\$8,975,000) to plan, design and construct infrastructure for phase 3 of the Tierra Contenta subdivision in Santa Fe in Santa Fe county;

507. five hundred thousand dollars (\$500,000) to plan, design, construct, furnish and equip an emergency operations center in Sierra county;

508. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate and equip the fairgrounds in Sierra county;

509. four hundred seventy-five thousand dollars (\$475,000) to purchase and equip street maintenance equipment for Elephant Butte in Sierra county;

510. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, renovate, furnish and equip the Hillsboro community center, including kitchen equipment, in Hillsboro in Sierra county;

511. five hundred thousand dollars (\$500,000) to plan, design, construct, renovate, furnish and equip an animal shelter in Truth or Consequences in Sierra county;

512. three hundred sixty thousand dollars (\$360,000) to plan, design, construct, renovate, furnish and equip police department facilities in Truth or Consequences in Sierra county;

513. three hundred thousand dollars (\$300,000) to plan, design, construct and equip improvements to Escondida lake park in Socorro county;

514. one million seven hundred eighty thousand dollars (\$1,780,000) to plan, design, construct, furnish and equip a multigenerational learning center at the Very Large Array site in Socorro county;

515. four hundred ninety thousand dollars (\$490,000) to purchase and equip fleet vehicles for county road and facilities departments in Socorro county;

516. two hundred forty thousand dollars (\$240,000) to purchase and equip vehicles, including four wheel drive vehicles, for the police department in Socorro in Socorro county;

517. one million three hundred thirteen thousand dollars (\$1,313,000) to plan, design, construct, improve and equip a police station, including electrical and mechanical systems, at the former Zimmerly elementary school building in Socorro in Socorro county;

518. one hundred seventy-five thousand dollars (\$175,000) to acquire land and water rights [~~and to pay back a loan~~] for the Arroyo Hondo Arriba community land grant-merced in Taos county; *LINE ITEM VETO*

519. eight hundred twenty-five thousand dollars (\$825,000) to purchase and equip an ambulance for the county emergency medical services department in Taos county;

520. five hundred thousand dollars (\$500,000) to purchase and equip vehicles for the sheriff's department in Taos county;

521. one hundred fifty thousand dollars (\$150,000) to purchase and equip accessible vehicles for a facility providing supportive services for individuals with disabilities in Taos county;

522. one hundred thirty thousand dollars (\$130,000) to plan, design and renovate the historic Penasco high school building, including the development of planning and building documents, grading and drainage improvements, in Penasco in Taos county;

523. three hundred thousand dollars (\$300,000) to purchase and equip a loader for Red River in Taos county;

524. eight million dollars (\$8,000,000) to acquire property and to plan, design, construct, furnish and equip a recycling center in Taos in Taos county;

525. one million two hundred fifteen thousand dollars (\$1,215,000) to plan, design, construct, repair and renovate the youth and family center, including purchase and installation of equipment, in Taos in Taos county;

526. one hundred ten thousand dollars (\$110,000) to acquire property for and to equip fire station 1, including air filters, a decontamination chamber and showers, for Taos Ski Valley in Taos county;

527. three hundred thousand dollars (\$300,000) to acquire land and to plan, design, construct and renovate the Vadito community center for the Vadito mutual domestic water consumers association in Taos county;

528. one hundred fifty thousand dollars (\$150,000) to acquire land [~~and to repay a loan~~] for the Manzano land grant-merced in Torrance county; *LINE ITEM VETO*

529. one hundred sixty-five thousand dollars (\$165,000) to acquire and to plan, design, construct, renovate, furnish and equip a multipurpose community center for the Manzano land grant-merced in Torrance county;

530. one hundred fifty thousand dollars (\$150,000) to purchase land and buildings and to plan, design, construct, renovate, furnish and equip a multipurpose community center for the Tajique land grant-merced in Torrance county;

531. three hundred fifty thousand dollars (\$350,000) to purchase, equip and install communications systems, including a digital radio system, in Torrance county;

532. one hundred sixty-five thousand dollars (\$165,000) to plan, design, construct and upgrade a community center, including accessibility improvements, in Encino in Torrance county;

533. three million seven hundred fifty thousand dollars (\$3,750,000) to plan, design, construct, equip and furnish county administrative offices in Estancia in Torrance county;

534. seventy-five thousand dollars (\$75,000) to plan, design, construct, equip and improve the animal shelter in McIntosh in Torrance county;

535. twenty-five thousand dollars (\$25,000) to plan, design, construct and upgrade cemeteries, including the Mountainview cemetery, in Moriarty in Torrance county;

536. two hundred thousand dollars (\$200,000) to plan, design, construct, furnish and equip city parks and recreation centers, including B.M. Grissom park, in Moriarty in Torrance county;

537. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip vehicles for the police and fire departments in Moriarty in Torrance county;

538. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip improvements to the J.P. Helms rodeo arena in Mountainair in Torrance county;

539. twenty-five thousand dollars (\$25,000) to plan, design, construct, furnish and equip the second floor of the police department facility in Mountainair in Torrance county;

540. one million one hundred thirty-four thousand dollars (\$1,134,000) to plan, design and construct a community service and event center in Clayton in Union county;

541. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish improvements to the village hall and community center in Des Moines in Union county;

542. fifty thousand dollars (\$50,000) to acquire land and buildings and ~~to pay back a loan and~~ to plan, design, construct, renovate, furnish and equip a multipurpose building for the town of Tome land grant-merced in Valencia county; *LINE ITEM VETO*

543. four hundred thousand dollars (\$400,000) to purchase and equip a new ambulance for the Valencia county fire department in Valencia county;

544. four hundred thousand dollars (\$400,000) to purchase and equip an armored ambulance and rescue vehicle for Valencia county;

545. one hundred fifty thousand dollars (\$150,000) to purchase and equip extrication equipment for fire and rescue apparatus in Valencia county;

546. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip a multigenerational center in the Highland Meadows community in Valencia county;

547. two hundred forty thousand dollars (\$240,000) to purchase and equip vehicles for the sheriff's office in Valencia county;

548. one hundred ninety thousand dollars (\$190,000) to furnish and equip a county sheriff's office training facility in Valencia county;



549. one million one hundred thousand dollars (\$1,100,000) to plan, design and construct a sports complex and fairgrounds in Valencia county;

550. seven hundred fifty thousand dollars (\$750,000) to purchase and install security and access control equipment for the police department in Belen in Valencia county;

551. one hundred thousand dollars (\$100,000) to purchase vehicles, equipment and information technology for a community workforce development program in Belen in Valencia county;

552. seventy-five thousand dollars (\$75,000) to purchase and install in-car information technology systems and equipment for the police department in Bosque Farms in Valencia county;

553. seven hundred one thousand dollars (\$701,000) to purchase and equip patrol vehicles and an armored special weapons and tactics vehicle for the police department in Los Lunas in Valencia county;

554. eight million five hundred thousand dollars (\$8,500,000) to plan, design, construct, equip and furnish an acute care hospital in Los Lunas in Valencia county;

555. eight hundred seventy thousand dollars (\$870,000) to purchase and equip vehicles and equipment, including ambulances, for the police and fire departments in Rio Communities in Valencia county;

556. seven hundred thousand dollars (\$700,000) to acquire land and to plan, design, construct, furnish and equip a public works complex in Rio Communities in Valencia county;

557. fifty thousand dollars (\$50,000) to plan, design, construct, purchase and install a veterans' memorial in El Creston circle park and to make park and road improvements, including sidewalks, drainage, fencing and curb and gutter, to El Creston circle park and El Creston circle in Las Vegas in San Miguel county; and

558. one hundred ninety thousand dollars (\$190,000) to purchase and equip vehicles and equipment, including a backhoe and loader, for the public works department in Corona in Lincoln county.

## **Chapter 159 Section 34 Laws 2025**

SECTION 34. DEPARTMENT OF MILITARY AFFAIRS PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the department of military affairs for the following purposes:

1. five hundred thousand dollars (\$500,000) to plan, design, construct, repair, furnish and equip improvements to the youth challenge academy in Roswell in Chaves county;

2. two hundred thousand dollars (\$200,000) to plan, design, construct, repair and improve exhibits and facilities at the New Mexico national guard military museum in Santa Fe in Santa Fe county; and

3. two million five hundred thousand dollars (\$2,500,000) to plan, design, construct, repair, furnish and equip improvements to facilities and infrastructure, including energy efficient systems, at armory and national guard readiness centers, staging areas and challenge program properties statewide.

### **Chapter 159 Section 35 Laws 2025**

SECTION 35. MINERS' COLFAX MEDICAL CENTER PROJECT--GENERAL FUND.--One million dollars (\$1,000,000) is appropriated from the general fund to the miners' Colfax medical center to acquire and install medical and other equipment for the miners' Colfax medical center hospital and long-term care facility in Raton in Colfax county.

### **Chapter 159 Section 36 Laws 2025**

SECTION 36. NEW MEXICO MORTGAGE FINANCE AUTHORITY PROJECT--GENERAL FUND.--Three hundred thousand dollars (\$300,000) is appropriated from the general fund to the New Mexico mortgage finance authority to plan, design, construct and renovate a former medical and dental clinic for use as affordable and transitional housing in the International district in Albuquerque in Bernalillo county.

### **Chapter 159 Section 37 Laws 2025**

SECTION 37. DEPARTMENT OF PUBLIC SAFETY PROJECT--GENERAL FUND.--Ten million dollars (\$10,000,000) is appropriated from the general fund to the department of public safety to purchase and equip a helicopter for the New Mexico state police.

### **Chapter 159 Section 38 Laws 2025**

SECTION 38. SPACEPORT AUTHORITY PROJECT--GENERAL FUND.--Four million dollars (\$4,000,000) is appropriated from the general fund to the spaceport authority to plan, design, construct, install, furnish and equip infrastructure improvements to runways and facilities at spaceport America in Sierra county.

## **Chapter 159 Section 39 Laws 2025**

**SECTION 39. DEPARTMENT OF TRANSPORTATION PROJECTS--GENERAL FUND.**--The following amounts are appropriated from the general fund to the department of transportation for the following purposes:

1. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design and construct road improvements on Second street from Alameda boulevard to Fourth street in Bernalillo county;
2. fifty thousand dollars (\$50,000) to plan, design, construct, equip and install signal lights at the intersection of 86th street SW and Tower road on the southwest mesa in Bernalillo county;
3. five hundred twenty-five thousand dollars (\$525,000) to plan, design, construct and improve the intersection of Alameda boulevard and Loretta road, including access to open space, for the middle Rio Grande conservancy district in Bernalillo county;
4. two hundred eighty thousand dollars (\$280,000) to acquire rights of way and to plan, design, construct and improve Atrisco Vista boulevard from Double Eagle airport to Paseo del Norte boulevard, including the realignment of the intersection of Atrisco Vista boulevard and Paseo del Norte boulevard, in Bernalillo county;
5. three hundred thousand dollars (\$300,000) to acquire rights of way and to plan, design and construct drainage and road improvements on Barcelona road and side streets from the Armijo drain to the Isleta drain in Bernalillo county;
6. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to county roads in the East Mountain area, including chip seal and rehabilitation, in Bernalillo county;
7. two million dollars (\$2,000,000) to acquire rights of way and to plan, design and construct roads and infrastructure, including water, sewer, utilities and bridges, for an affordable housing project in the Kinney Brick and Mountainview neighborhoods of Bernalillo county;
8. two hundred thousand dollars (\$200,000) to acquire rights of way and to plan, design and construct drainage improvements on Blake road SW from the Isleta drain to Isleta boulevard in Bernalillo county;
9. two hundred fifty thousand dollars (\$250,000) to acquire rights of way and to plan, design and construct street improvements on Bridge boulevard from Goff boulevard to Young avenue in Bernalillo county;

10. two hundred thousand dollars (\$200,000) to plan, design and construct improvements, including drainage, traffic control, signs and striping, to Escarpment road on the southwest mesa in Bernalillo county;

11. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design and construct road and storm drainage improvements along Foothills court SW in the Atrisco community of the South Valley in Bernalillo county;

12. seven hundred thousand dollars (\$700,000) to plan, design and construct road, safety and storm drainage improvements on Foothill drive SW between Atrisco drive SW and the corner of 535 Foothill drive SW, including guardrails at the drain crossing and a water quality manhole, in Bernalillo county;

13. three hundred fifty thousand dollars (\$350,000) to acquire rights of way and to plan, design and construct road and storm drainage improvements along Hardy court SW in the Atrisco community in Bernalillo county;

14. six hundred thousand dollars (\$600,000) to acquire rights of way for and to plan, design and construct improvements to Isleta boulevard SW from Muniz road to interstate 25, including surface restoration, infiltrators, sidewalks, bike lanes, and accessibility compliant landing pads for bus stops and shelters, in Bernalillo county;

15. fifty thousand dollars (\$50,000) to plan, design, construct and improve Moriarty road in Bernalillo county;

16. two hundred thousand dollars (\$200,000) to design and construct road improvements for the Sierra Vista mutual domestic association in Bernalillo county;

17. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design and construct road improvements on Tablazon road from New Mexico highway 333 to Tecolote road in Bernalillo county;

18. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and install traffic calming devices and pedestrian safety improvements on Fourth street from Menaul boulevard to Candelaria road, including restriping, in Albuquerque in Bernalillo county;

19. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and install traffic signals at the intersection of 98th street SW and Amole Mesa avenue in the southwest mesa area of Albuquerque in Bernalillo county;

20. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design, construct, purchase, install and improve street lighting on east Central avenue between Eubank and Tramway boulevards in Albuquerque in Bernalillo county;

21. one hundred eighty-two thousand dollars (\$182,000) to acquire rights of way and to plan, design and construct a traffic-calming bicycle and activity loop on streets in the Four Hills village area of Albuquerque in Bernalillo county;
22. five hundred thousand dollars (\$500,000) to plan, design, construct and install landscaping and aesthetic improvements on Laurelwood parkway median in Albuquerque in Bernalillo county;
23. one hundred seventy thousand dollars (\$170,000) to plan, design, construct, improve and equip streets, including repaving, striping, traffic calming devices, landscaping and medians, in the northeast area of Albuquerque in Bernalillo county;
24. fifty thousand dollars (\$50,000) to acquire land and rights of way for and to plan, design, construct and improve sidewalks, including accessibility, in Albuquerque in Bernalillo county;
25. ninety thousand dollars (\$90,000) to plan, design, construct, equip and install traffic signals on Coors boulevard SW and Gonzales road SW in Albuquerque in Bernalillo county;
26. one hundred forty-five thousand dollars (\$145,000) to plan, design, construct and improve roads, pedestrian routes and bikeways, including lane expansion, curb and gutter, lighting and traffic signals, in the southwest mesa area in Albuquerque in Bernalillo county;
27. one million dollars (\$1,000,000) to acquire land for and to plan, design, construct and improve drainage in the Mountainview neighborhood in cooperation with the Albuquerque metropolitan arroyo flood control authority in Bernalillo county;
28. three hundred thousand dollars (\$300,000) to plan, design and construct a storm water drainage system on Grecian avenue NW in Albuquerque in Bernalillo county;
29. three hundred seventy-five thousand dollars (\$375,000) to plan, design and construct improvements on Lomas boulevard NE between Arizona street NE and Vassar drive, including traffic calming devices, green storm water infrastructure and traffic signals, in Albuquerque in Bernalillo county;
30. three hundred fifty thousand dollars (\$350,000) to acquire land and rights of way for and to plan, design, construct, equip, expand and improve McMahon boulevard NW, including road widening, striping, landscaping, lighting, medians and multimodal access, in Albuquerque in Bernalillo county;
31. three hundred thousand dollars (\$300,000) to plan, design, construct and improve Menaul boulevard from the north diversion channel to interstate 25, including

pedestrian and bicycle routes, traffic calming devices and green storm water infrastructure, in Albuquerque in Bernalillo county;

32. one hundred thousand dollars (\$100,000) to acquire land and rights of way and to plan, design, construct, equip and install a high-intensity activated crosswalk signal at Montano road and Guadalupe trail in Albuquerque in Bernalillo county;

33. one hundred seventy-six thousand dollars (\$176,000) to acquire property for and to purchase equipment, and to plan, design and construct phase 2 improvements, including automated control features, signage and landscaping, on the Moon street NE bikeway in Albuquerque in Bernalillo county;

34. one million nine hundred thirty thousand dollars (\$1,930,000) to acquire rights of way and to plan, design, construct and improve paseo del Norte between Unser boulevard and the western city limit in Albuquerque in Bernalillo county;

35. three hundred thousand dollars (\$300,000) to acquire rights of way for and to plan, design, construct and equip improvements to San Pedro drive NE between Cagua place NE and Lomas boulevard NE, including lighting and landscaping, in Albuquerque in Bernalillo county;

36. one hundred eight thousand two hundred sixteen dollars (\$108,216) to plan, design, construct, rehabilitate and improve landscaping on Tramway boulevard in Albuquerque in Bernalillo county;

37. fifty thousand dollars (\$50,000) to acquire rights of way for and to plan, design, construct, repair and improve Fourth street in Los Ranchos de Albuquerque in Bernalillo county;

38. five hundred thousand dollars (\$500,000) to plan, design, purchase and install a generator for the Roswell air center passenger terminal in Roswell in Chaves county;

39. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct and improve 9th, 12th, 13th, Euclid, Lincoln and Washington streets and bridge crossings in Cimarron in Colfax county;

40. one hundred forty-five thousand dollars (\$145,000) to plan, design and construct improvements to sidewalks, signage and streets, including Fourth street, El Paso avenue, Maxwell avenue and Prospect avenue, in Springer in Colfax county;

41. four hundred seventy thousand one hundred twenty-four dollars (\$470,124) to plan, design, construct and improve county roads 3, 10, 12, 13, 16, 21, N, T and S in Curry county;

42. four hundred thousand dollars (\$400,000) to plan, design and construct road and storm drain improvements on Llano Estacado boulevard between north Norris street and Humphrey road in Clovis in Curry county;

43. one hundred sixty thousand dollars (\$160,000) to plan, design and construct road improvements and gas lines on Amparo road from Hermosa drive to State Line road and on Palmas street in Dona Ana county;

44. three hundred thousand dollars (\$300,000) to acquire land, easements and rights of way and to plan, design, acquire and construct a detention pond and channel near interstate highway 25 in the Radium Springs area in Dona Ana county;

45. six hundred thousand dollars (\$600,000) to plan, design, construct, purchase and equip solar lighting and street signage in Dona Ana county;

46. twenty-five thousand dollars (\$25,000) to plan, design, construct, replace and equip signage in Mesilla in Dona Ana county;

47. one hundred twenty thousand dollars (\$120,000) to acquire land, easements and rights of way and to plan, design and construct flood control improvements, including the Moongate road drainage facility, in the east mesa area of Las Cruces in Dona Ana county;

48. two hundred thousand dollars (\$200,000) to plan, design and construct road improvements in Mesilla in Dona Ana county;

49. one million eighty-eight thousand dollars (\$1,088,000) to acquire property and easements for and to plan, design, construct and equip phase 1 drainage improvements, including a retention pond, principal outlet and emergency spillway, to detain runoff generated north of Salem and downstream along Grande avenue, Salem street and Ford street in the Salem area in Dona Ana county;

50. two hundred thousand dollars (\$200,000) to plan, design, construct, purchase, install and equip street, drainage and fire hydrant improvements, including bike lanes and pedestrian crossings, on Mount Cristo Rey boulevard in Sunland Park in Dona Ana county;

51. one million dollars (\$1,000,000) to plan, design, construct, install and equip signal lights at the intersection of United States highway 285 and Mill road in Artesia in Eddy county;

52. one million five hundred thousand dollars (\$1,500,000) to plan, design and construct road and infrastructure improvements, including sewer and water systems, for an affordable housing development in Carlsbad in Eddy county;

53. seven hundred seventy thousand dollars (\$770,000) to plan, design and construct road improvements on Old Cavern highway in Carlsbad in Eddy county;

54. two million fifty thousand dollars (\$2,050,000) to plan, design and construct road improvements, including mill, overlay and striping, on Marland boulevard in Hobbs in Lea county;

55. five hundred thousand dollars (\$500,000) to acquire rights of way for a traffic relief route in Jal in Lea county;

56. three hundred thousand dollars (\$300,000) to acquire rights of way and to plan, design, permit, repair and replace substandard bridges in McKinley county;

57. eight hundred thousand dollars (\$800,000) to plan, design, construct and equip lighting at the junction of Navajo route 30 and United States highway 491 in the Mexican Springs chapter of the Navajo Nation in McKinley county;

58. two hundred thousand dollars (\$200,000) to plan, design and construct road improvements in Gallup in McKinley county;

59. three hundred thousand dollars (\$300,000) to plan, design and construct a grade-separated crossing over the Burlington Northern Santa Fe railroad in the Iyanbito chapter of the Navajo Nation in McKinley county;

60. one hundred thousand dollars (\$100,000) to plan, design, construct and equip an access road to the community cemetery in the Little Water chapter of the Navajo Nation in McKinley county;

61. four hundred thousand dollars (\$400,000) to plan, design and construct road improvements in the Mexican Springs chapter of the Navajo Nation in McKinley county;

62. two hundred thousand dollars (\$200,000) to plan, design and construct road improvements in the Tsayatoh chapter of the Navajo Nation in McKinley county;

63. one hundred ten thousand dollars (\$110,000) to plan, design, renovate and construct the White Sands regional airport, including the electrical systems, in Alamogordo in Otero county;

64. two million dollars (\$2,000,000) to plan, design and construct improvements at the intersection of New Mexico highway 74 and Po'Pay avenue in Ohkay Owingeh in Rio Arriba county;

65. five hundred twenty-five thousand dollars (\$525,000) to plan, design and construct road improvements, including chip seal, caliche and micro seal, on county-maintained roads in Roosevelt county;



66. four hundred ninety-two thousand dollars (\$492,000) to plan, design, construct and improve streets in Portales in Roosevelt county;
67. two hundred thousand dollars (\$200,000) to design and construct a helipad access road for the Beclabito chapter of the Navajo Nation in San Juan county;
68. two hundred fifty thousand dollars (\$250,000) to plan, design and construct road improvements, including speed humps for school zones, on Navajo route 5001 in the Newcomb chapter of the Navajo Nation in San Juan county;
69. one hundred thousand dollars (\$100,000) to plan, design, construct and upgrade rural roads in the Tooh Haltsooi chapter of the Navajo Nation in San Juan county;
70. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct road improvements to county road B43B, including chip seal and surfacing, in San Miguel county;
71. five hundred thousand dollars (\$500,000) for a feasibility study by the department of transportation for a rest area near Las Vegas in San Miguel county;
72. one hundred thousand dollars (\$100,000) to plan, design and construct road improvements on Lutheran lane, including the intersection at Collins drive, in Las Vegas in San Miguel county;
73. one hundred fifty thousand dollars (\$150,000) to provide state matching funds for a federal grant to plan, design and construct New Mexico highway 165 in the Placitas area in Sandoval county;
74. twenty thousand dollars (\$20,000) to plan, design and construct signage on New Mexico highway 41 in the Galisteo area in Santa Fe county;
75. one million two hundred thousand dollars (\$1,200,000) to plan, design, construct and improve Towa Mussa road in the Pueblo of Nambe in Santa Fe county;
76. four hundred thousand dollars (\$400,000) to acquire rights of way and to plan, design and construct improvements to the Rufina street and Lopez lane intersection in Santa Fe in Santa Fe county;
77. two hundred fifty thousand dollars (\$250,000) to acquire easements and rights of way and to plan, design, construct and equip drainage system and flood control improvements in Williamsburg in Sierra county;
78. ten million dollars (\$10,000,000) to plan, design, construct and equip electric vehicle infrastructure statewide;

79. five hundred fifty thousand dollars (\$550,000) to acquire property and to plan, design and construct a two-lane bridge, including safety improvements, on Tom Holder road in Ranchos de Taos in Taos county;

80. fifty thousand dollars (\$50,000) to plan, design, construct, furnish and equip gravel roads with chip seal or asphalt in Mountainair in Torrance county;

81. one hundred thousand dollars (\$100,000) to plan, design and construct road paving improvements to dirt roads in Mountainair in Torrance county;

82. three hundred thousand dollars (\$300,000) to plan, design, construct and rehabilitate pavement and to make drainage improvements on county roads, including Gonzales road, in Union county;

83. five hundred thousand dollars (\$500,000) to plan, design, construct and improve the intersection of camino del Llano and Main street in Belen in Valencia county;

84. one hundred thousand dollars (\$100,000) to plan, design, construct and replace the camino del Llano from south Main street to Sean court in Belen in Valencia county;

85. two hundred thousand dollars (\$200,000) to plan, design, construct and improve the intersection of Sun Ranch Village road and New Mexico highway 6 in Los Lunas in Valencia county; and

86. two hundred thousand dollars (\$200,000) to plan, design, construct and equip street lights in Rio Communities in Valencia county.

## **Chapter 159 Section 40 Laws 2025**

SECTION 40. EASTERN NEW MEXICO UNIVERSITY PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the board of regents of eastern New Mexico university for the following purposes:

1. one hundred twenty thousand dollars (\$120,000) to purchase and equip an aviation maintenance boom lift for the Roswell branch campus of eastern New Mexico university in Chaves county;

2. one hundred thousand dollars (\$100,000) to purchase and equip a birthing and c-section manikin for the health care simulation center at the Roswell branch campus of eastern New Mexico university in Chaves county;

3. eighty-six thousand dollars (\$86,000) to purchase and equip a diesel engine trainer, including a mobile stand, for the diesel certificate program at the Roswell branch campus of eastern New Mexico university in Chaves county;

4. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, equip and improve sprinkler and fire suppression systems at the Roswell branch campus of eastern New Mexico university in Chaves county;
5. one hundred thousand dollars (\$100,000) to purchase and equip a forklift for the physical plant at the Roswell branch campus of eastern New Mexico university in Chaves county;
6. eighty thousand dollars (\$80,000) to purchase, equip and replace metal inert gas welders at the Roswell branch campus of eastern New Mexico university in Chaves county;
7. fifty-four thousand dollars (\$54,000) to purchase and equip a heating, ventilation and air conditioning industrial refrigeration trainer for the Roswell branch campus of eastern New Mexico university in Chaves county;
8. fifty thousand dollars (\$50,000) to purchase and upgrade safety equipment, including shelving, fire-safe cabinets and sterilizing equipment, for biology and chemistry laboratories at the Roswell branch campus of eastern New Mexico university in Chaves county;
9. three hundred seventy-five thousand dollars (\$375,000) to plan, design, construct and equip improvements to parking lots at the Ruidoso branch campus of eastern New Mexico university in Lincoln county;
10. two hundred thousand dollars (\$200,000) to plan, design, construct, repair and improve retaining walls at the Ruidoso branch campus of eastern New Mexico university in Lincoln county;
11. one hundred five thousand dollars (\$105,000) to plan, design, construct, improve, purchase and equip science laboratories at the Ruidoso branch campus of eastern New Mexico university in Lincoln county;
12. four hundred eight thousand dollars (\$408,000) to purchase and install equipment, including chutes and scales, for an animal education and research center at eastern New Mexico university in Portales in Roosevelt county;
13. two million five hundred thousand dollars (\$2,500,000) to plan, design, construct, install and improve heating, ventilation and air conditioning systems at eastern New Mexico university in Portales in Roosevelt county;
14. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase and install light-emitting diode theater lighting and digital cameras and accessories for the department of theatre and digital filmmaking at eastern New Mexico university in Portales in Roosevelt county; and

15. six million five hundred thousand dollars (\$6,500,000) to plan, design, construct, furnish and equip a new student academic services building at eastern New Mexico university in Portales in Roosevelt county.

## **Chapter 159 Section 41 Laws 2025**

SECTION 41. NEW MEXICO HIGHLANDS UNIVERSITY PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the board of regents of New Mexico highlands university for the following purposes:

1. one hundred thousand dollars (\$100,000) to purchase and equip security vehicles and to upgrade and equip the campus police telecommunications center at New Mexico highlands university in Las Vegas in San Miguel county;

2. one hundred eighty thousand dollars (\$180,000) to purchase equipment and to plan, design, construct, furnish and equip athletic facilities improvements at New Mexico highlands university in Las Vegas in San Miguel county;

~~[3. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish, equip and landscape the facilities building at New Mexico highlands university in Las Vegas in San Miguel county;]~~ *LINE ITEM VETO*

4. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, renovate, furnish and equip solar panel infrastructure, artificial turf replacement and electric vehicle charging stations at New Mexico highlands university in Las Vegas in San Miguel county;

5. fifty thousand dollars (\$50,000) to purchase and equip mariachi instruments, attire and equipment for New Mexico highlands university in Las Vegas in San Miguel county;

6. one hundred thousand dollars (\$100,000) to develop a long-range strategic plan for New Mexico highlands university in Las Vegas in San Miguel county;

7. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, renovate and equip the Thomas C. Donnelly library and annex at New Mexico highlands university in Las Vegas in San Miguel county; and

8. one million two hundred thousand dollars (\$1,200,000) to plan, design, construct, renovate, purchase, furnish and equip the track facilities at New Mexico highlands university in Las Vegas in San Miguel county.

## **Chapter 159 Section 42 Laws 2025**

SECTION 42. NEW MEXICO MILITARY INSTITUTE PROJECT--GENERAL FUND.--One million dollars (\$1,000,000) is appropriated from the general fund to the

board of regents of the New Mexico military institute to plan, design, demolish and construct a physical performance building and to renovate existing space in Cahoon hall at the New Mexico military institute in Roswell in Chaves county.

## **Chapter 159 Section 43 Laws 2025**

SECTION 43. NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the board of regents of the New Mexico institute of mining and technology for the following purposes:

1. five hundred thousand dollars (\$500,000) to purchase vehicles, heavy equipment and equipment for the Playas research and training center at the New Mexico institute of mining and technology in Hidalgo county;
2. four hundred fifty thousand dollars (\$450,000) to purchase vehicles and equipment for the energetic materials research and testing center at the New Mexico institute of mining and technology in Socorro in Socorro county;
3. six million dollars (\$6,000,000) to plan, design and construct infrastructure and wastewater improvements, including the replacement of the Fidel sewer line, at the New Mexico institute of mining and technology in Socorro in Socorro county; and
4. two hundred fifty thousand dollars (\$250,000) to purchase, equip and install information technology and related infrastructure, including furniture, for the institute for complex additive systems analysis facility at the New Mexico institute of mining and technology in Socorro in Socorro county.

## **Chapter 159 Section 44 Laws 2025**

SECTION 44. NEW MEXICO STATE UNIVERSITY PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the board of regents of New Mexico state university for the following purposes:

~~[1. twenty-five thousand dollars (\$25,000) to purchase and install heating, ventilation and air conditioning systems for the Fidel hall gymnasium at the Grants branch campus of New Mexico state university in Cibola county;] LINE ITEM VETO~~

2. four hundred eleven thousand dollars (\$411,000) to purchase equipment, including a shredder, a sweep plow and a pivot wheel track filler, and to plan, design, construct, renovate and equip the New Mexico state university agricultural science center in Clovis in Curry county;

~~[3. fifty thousand dollars (\$50,000) to plan, design, construct and upgrade the parking lot and facilities at Aggie memorial stadium at New Mexico state university in Las Cruces in Dona Ana county;] LINE ITEM VETO~~

4. five hundred fifty thousand dollars (\$550,000) to plan, design, construct, furnish and equip improvements to Atkinson recital hall, including lighting systems and associated power and control systems, at New Mexico state university in Las Cruces in Dona Ana county;

5. two million dollars (\$2,000,000) to replace the softball and baseball turf at New Mexico state university in Las Cruces in Dona Ana county;

6. fifty thousand dollars (\$50,000) to plan, design, construct, furnish, equip and upgrade the baseball facilities at New Mexico state university in Las Cruces in Dona Ana county;

7. one million five hundred twenty-five thousand dollars (\$1,525,000) to plan, design and construct campus safety improvements at New Mexico state university in Las Cruces in Dona Ana county;

8. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, furnish, equip and upgrade the Coca Cola weight training facility at New Mexico state university in Las Cruces in Dona Ana county;

9. ten million dollars (\$10,000,000) to abate and demolish Cole village and to plan, design, construct and improve infrastructure at New Mexico state university in Las Cruces in Dona Ana county;

10. fifty thousand dollars (\$50,000) to plan, design and construct improvements at the golf course at New Mexico state university in Las Cruces in Dona Ana county;

~~[11. fifty thousand dollars (\$50,000) to plan, design, construct, furnish and equip a practice facility for golf teams at New Mexico state university in Las Cruces in Dona Ana county;]~~ *LINE ITEM VETO*

12. two hundred twenty thousand dollars (\$220,000) to purchase and equip anatomage tables and specialized kinesiology chambers at New Mexico state university in Las Cruces in Dona Ana county;

~~[13. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, furnish and equip an addition to O'Donnell hall and a nursing education facility expansion at the health and social services building at New Mexico state university in Las Cruces in Dona Ana county;]~~ *LINE ITEM VETO*

14. fifty thousand dollars (\$50,000) to purchase and equip public safety handrails for the Pan American center at New Mexico state university in Las Cruces in Dona Ana county;

~~[15. fifty thousand dollars (\$50,000) to plan, design, construct, furnish and equip repairs and upgrades at the Pan American center at New Mexico state university in Las Cruces in Dona Ana county;] LINE ITEM VETO~~

16. fifty thousand dollars (\$50,000) to purchase four-wheel drive vehicles and to plan, design, construct, equip and renovate the science, technology, engineering and mathematics outreach center at New Mexico state university in Las Cruces in Dona Ana county;

17. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, furnish and equip women's athletic facilities at New Mexico state university in Las Cruces in Dona Ana county;

18. one hundred forty-five thousand dollars (\$145,000) to plan, design, construct, furnish, equip and upgrade the women's soccer facilities at New Mexico state university in Las Cruces in Dona Ana county;

19. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, renovate and equip the women's softball and soccer facilities, including the press box and bleachers, at New Mexico state university in Las Cruces in Dona Ana county;

20. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate, furnish and equip the women's volleyball facilities at New Mexico state university in Las Cruces in Dona Ana county;

21. one million four hundred seventy-five thousand dollars (\$1,475,000) to plan, design, construct and improve infrastructure, including the steam system, at the Espina campus of Dona Ana branch community college of New Mexico state university in Las Cruces in Dona Ana county;

22. three hundred sixty-nine thousand dollars (\$369,000) to plan, design and construct an agricultural administration center for the Guadalupe soil and water conservation district in Guadalupe county;

23. two hundred fifty thousand dollars (\$250,000) to plan, design, develop and construct phase 2 of a regional hydrogeological study and operational ground water model for evaluating ground water resources of the northern Tularosa basin, including weather stations, monitoring devices and wells, for the Carrizozo soil and water conservation district in Lincoln county;

24. forty thousand dollars (\$40,000) to plan, design and construct a deck for the Upper Hondo soil and water conservation district office building in Lincoln county;

25. one hundred thousand dollars (\$100,000) to purchase and equip a transportation vehicle for the McKinley soil and water conservation district service area in McKinley county;

26. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, purchase and equip a climatic chamber, photosynthesis system and agricultural equipment for the New Mexico state university agricultural science center at Mora in Mora county;

~~[27. one hundred fifty thousand dollars (\$150,000) to plan, design and construct water and sewer system improvements at the Alamogordo branch campus of New Mexico state university in Otero county;]~~ *LINE ITEM VETO*

28. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip canal maintenance equipment, including an excavator and a backhoe, for the Arch Hurley conservancy district in Tucumcari in Quay county;

29. fifty thousand dollars (\$50,000) to purchase land for and to plan, design, construct and equip a facility for the southwestern Quay soil and water conservation district in Quay county;

30. four hundred seventy thousand dollars (\$470,000) to purchase equipment, including a tractor and a tailgate plow, ~~[and to plan, design, construct, renovate]~~ and equip improvements for the New Mexico state university Rex E. Kirksey agricultural science center at Tucumcari in Quay county; *LINE ITEM VETO*

31. seventy-five thousand dollars (\$75,000) to purchase tools and equipment for the east Rio Arriba soil and water conservation district in Rio Arriba county;

32. eighty-five thousand dollars (\$85,000) to purchase equipment, including a skid steer and a sprinkler system, and to ~~[plan, design, construct, renovate,]~~ furnish and equip improvements for the New Mexico state university agricultural science center at Farmington in San Juan county; *LINE ITEM VETO*

33. five hundred fifty thousand dollars (\$550,000) to plan, design, construct and renovate reservoirs in the Coronado soil and water conservation district in Sandoval county;

34. one hundred thousand dollars (\$100,000) to purchase and equip trucks, including snow blades, for the Claunch-Pinto soil and water conservation district in Torrance county;

35. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the access road to the Valencia soil and water conservation district facilities in Valencia county;

36. seven hundred twenty-nine thousand one hundred fifty dollars (\$729,150) to plan, design and construct phase 2 improvements to an administrative building for the Valencia soil and water conservation district in Valencia county; and



37. one hundred thousand dollars (\$100,000) to purchase equipment, including a bale wagon and irrigation systems, and to ~~[plan, design, construct, renovate and]~~ equip improvements for the New Mexico state university agricultural science center at Los Lunas in Valencia county. *LINE ITEM VETO*

## **Chapter 159 Section 45 Laws 2025**

SECTION 45. NORTHERN NEW MEXICO STATE SCHOOL PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the board of regents of northern New Mexico state school for the following purposes:

1. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip infrastructure and improvements to buildings and student commons areas at the Espanola and El Rito campuses of northern New Mexico state school in Rio Arriba county;
2. one hundred thousand dollars (\$100,000) to plan, design, renovate, furnish, and equip facility and accessibility improvements to the Eagle Memorial sportsplex at northern New Mexico state school in Rio Arriba county;
3. one million dollars (\$1,000,000) to plan, design and construct an amphitheater at northern New Mexico state school in Espanola in Rio Arriba county;
4. three million five hundred thousand dollars (\$3,500,000) to plan, design, construct, renovate and equip infrastructure and security improvements, including access control and video surveillance, at the Espanola branch campus of northern New Mexico state school in Rio Arriba county; and
5. one hundred ninety thousand dollars (\$190,000) to purchase and equip passenger vehicles for northern New Mexico state school in Rio Arriba county.

## **Chapter 159 Section 46 Laws 2025**

SECTION 46. UNIVERSITY OF NEW MEXICO PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the board of regents of the university of New Mexico for the following purposes:

~~[1. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, equip and improve athletic facilities at the university of New Mexico in Albuquerque in Bernalillo county;]~~ *LINE ITEM VETO*

2. two hundred thousand dollars (\$200,000) to plan, design, construct, purchase, repair, equip and improve accessibility and safety features at the university of New Mexico in Albuquerque in Bernalillo county;

3. two million dollars (\$2,000,000) to plan, design, construct, purchase, equip and improve parking lots at the university of New Mexico in Albuquerque in Bernalillo county;

4. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, repair, purchase, equip, install and improve the alarm system at the university of New Mexico in Albuquerque in Bernalillo county;

5. one hundred thousand dollars (\$100,000) to ~~[plan, design, construct,]~~ purchase, furnish, equip and improve the center for collaborative arts and technology at the university of New Mexico in Albuquerque in Bernalillo county; *LINE ITEM VETO*

6. one hundred thousand dollars (\$100,000) to purchase, equip and install information technology and related infrastructure and equipment at the student computer laboratories at the university of New Mexico in Albuquerque in Bernalillo county;

7. one hundred eighty-three thousand three hundred thirty-three dollars (\$183,333) to ~~[plan, design, construct, purchase, repair, renovate,]~~ furnish and equip the center for high technology materials, including the quantum materials and technologies laboratories, at the university of New Mexico in Albuquerque in Bernalillo county; *LINE ITEM VETO*

8. fifty thousand dollars (\$50,000) to plan and design historic structure and heritage preservation zones at the university of New Mexico in Albuquerque in Bernalillo county;

9. one hundred thousand dollars (\$100,000) to plan and design improvements for the Johnson center and natatorium at the university of New Mexico in Albuquerque in Bernalillo county;

~~[10. fifty thousand dollars (\$50,000) to plan, design, construct, repair, equip and improve Johnson field, including irrigation systems, grading and sod, at the university of New Mexico in Albuquerque in Bernalillo county;]~~ *LINE ITEM VETO*

11. four hundred twenty-five thousand dollars (\$425,000) to plan, design, improve and relocate the KNME studios at the university of New Mexico in Albuquerque in Bernalillo county;

12. fifty thousand dollars (\$50,000) to purchase, equip and install accessible lecterns for Mitchell hall and for classrooms at the university of New Mexico in Albuquerque in Bernalillo county;

13. one million seven hundred fifty thousand dollars (\$1,750,000) to plan, design, construct, purchase, equip and improve the McKinnon tennis courts at the university of New Mexico in Albuquerque in Bernalillo county;

~~[14. —ten thousand dollars (\$10,000) to plan, design, construct, repair, purchase, furnish, equip and improve facilities at Popejoy hall at the university of New Mexico in Albuquerque in Bernalillo county;~~

~~15. —ten thousand dollars (\$10,000) to purchase, equip and install safety and security improvements at George Pearl hall at the school of architecture and planning at the university of New Mexico in Albuquerque in Bernalillo county;] LINE ITEM VETO~~

16. thirty million dollars (\$30,000,000) to plan, design, construct, furnish and equip a facility, including demolition, site work and enabling projects, at the university of New Mexico school of medicine in Albuquerque in Bernalillo county;

17. eleven million dollars (\$11,000,000) to plan, design, construct and renovate university stadium at the university of New Mexico in Albuquerque in Bernalillo county;

18. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, purchase, equip and install solar panels at the student union building at the university of New Mexico in Albuquerque in Bernalillo county;

19. fifty thousand dollars (\$50,000) to ~~[plan, design, construct,]~~ purchase and equip the training and health center in the Tow Diehm athletics facility at the university of New Mexico in Albuquerque in Bernalillo county; *LINE ITEM VETO*

20. one hundred thirty-five thousand dollars (\$135,000) to plan, design, construct, equip and install video boards at athletic venues at the university of New Mexico in Albuquerque in Bernalillo county;

21. one million dollars (\$1,000,000) to plan, design, construct and equip open space and infrastructure improvements at the Los Alamos branch campus of the university of New Mexico in Los Alamos county;

~~[22. —three hundred thousand dollars (\$300,000) to plan, design, construct, furnish, equip and renovate student services center building 1 at the Los Alamos branch campus of the university of New Mexico in Los Alamos county;] LINE ITEM VETO~~

23. three hundred thousand dollars (\$300,000) to purchase equipment for the career and technical education program, including welding and automotive technology, at the Gallup branch campus of the university of New Mexico in McKinley county;

24. one hundred seventy-five thousand dollars (\$175,000) to ~~[plan, design, construct,]~~ furnish, purchase and equip the center for career and technology education classrooms at the Gallup branch campus of the university of New Mexico in McKinley county; *LINE ITEM VETO*

25. one million dollars (\$1,000,000) to plan, design, construct, renovate and equip infrastructure improvements at the Gallup branch campus of the university of New Mexico in McKinley county;

26. ten million dollars (\$10,000,000) to plan, design, construct, equip and furnish a reproductive health care clinic in northern New Mexico;

27. forty thousand dollars (\$40,000) to purchase, equip and install security gates at the Taos branch campus of the university of New Mexico in Taos county;

28. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and improve the children's playground at the Taos branch campus of the university of New Mexico in Taos county;

29. six hundred fifteen thousand dollars (\$615,000) to plan, design, construct, purchase, furnish, equip and install safety and security improvements at the Harwood museum at the Taos branch campus of the university of New Mexico in Taos county;

30. fifty-five thousand dollars (\$55,000) to plan, design, construct, repair, improve and equip accessible egress and pathways at the Taos branch campus of the university of New Mexico in Taos county;

31. six hundred fifty thousand dollars (\$650,000) to plan, design, construct, renovate, furnish and equip improvements to the armory at the Taos branch campus of the university of New Mexico in Taos county;

32. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase, renovate, furnish and equip a facility for the automotive program at the Valencia branch campus of the university of New Mexico in Valencia county; and

33. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, renovate, furnish and equip a facility for a welding program at the Valencia branch campus of the university of New Mexico in Valencia county.

## **Chapter 159 Section 47 Laws 2025**

SECTION 47. WESTERN NEW MEXICO UNIVERSITY PROJECT--GENERAL FUND.--Two hundred fifty thousand dollars (\$250,000) is appropriated from the general fund to the board of regents of western New Mexico university to [~~plan, design,~~] purchase, equip[~~, construct~~] and install virtual desktop infrastructure, including related equipment, for remote access to campus laboratory applications at western New Mexico university in Silver City in Grant county. *LINE ITEM VETO*

## **Chapter 159 Section 48 Laws 2025**

SECTION 48. STATE LAND OFFICE PROJECT--APPROPRIATION FROM THE STATE LANDS MAINTENANCE FUND.--One million five hundred fifty thousand dollars (\$1,550,000) is appropriated from the state lands maintenance fund to the state land office to plan, design, construct, install, furnish and equip improvements to the state land office building in Santa Fe in Santa Fe county.

## **Chapter 159 Section 49 Laws 2025**

SECTION 49. HIGHER EDUCATION DEPARTMENT PROJECT--APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--Twenty million dollars (\$20,000,000) is appropriated from the public school capital outlay fund to the higher education department to plan, design, construct, furnish and equip a science, technology, engineering and mathematics institute in Albuquerque in Bernalillo county.

## **Chapter 159 Section 50 Laws 2025**

SECTION 50. PUBLIC EDUCATION DEPARTMENT PROJECT--APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--One million five hundred thousand dollars (\$1,500,000) is appropriated from the public school capital outlay fund to the public education department to provide infrastructure for fueling and charging stations for alternatively fueled school buses statewide.

## **Chapter 159 Section 51 Laws 2025**

SECTION 51. INDIAN AFFAIRS DEPARTMENT PROJECTS--APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--The following amounts are appropriated from the public school capital outlay fund to the Indian affairs department for the following purposes:

1. three million dollars (\$3,000,000) to plan, design, construct, renovate, repair, furnish and equip improvements at Navajo preparatory school in Farmington in San Juan county; and
2. three million dollars (\$3,000,000) to plan, design, construct, repair, renovate and equip the Paolo Soleri amphitheater at the Santa Fe Indian school in Santa Fe in Santa Fe county.

## **Chapter 159 Section 52 Laws 2025**

SECTION 52. PUBLIC SCHOOL FACILITIES AUTHORITY PROJECT--APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--Fifty million dollars (\$50,000,000) 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 2026 for school security improvements, career-technical education facilities or for the maintenance and repair of public school buildings for expenditure in fiscal year 2026 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 2026 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 159 Section 53 Laws 2025**

SECTION 53. ENERGY, MINERALS AND NATURAL RESOURCES  
DEPARTMENT PROJECT--APPROPRIATION FROM THE OIL AND GAS  
RECLAMATION FUND.--Sixteen million dollars (\$16,000,000) is appropriated from the oil and gas reclamation fund to the energy, minerals and natural resources department to plug, remediate and reclaim abandoned oil and gas wells statewide.

## **Chapter 159 Section 54 Laws 2025**

SECTION 54. DEPARTMENT OF FINANCE AND ADMINISTRATION  
PROJECT--APPROPRIATION FROM THE CAPITAL DEVELOPMENT PROGRAM  
FUND.--Twenty-four million dollars (\$24,000,000) is appropriated from the capital development program fund to the department of finance and administration for grants to local public bodies to support completion of capital projects previously authorized by the legislature. The department shall develop policies to ensure grantees have exhausted other funding sources prior to awarding a project completion grant and shall not make awards in excess of twenty percent of the total project cost nor in amounts exceeding one million dollars (\$1,000,000) to any single project. An amount greater than one million dollars (\$1,000,000) may only be granted upon a finding by the secretary of finance and administration that such an award is necessary to meet a critical community need and other funding cannot be secured in a timely manner. Priority shall further be given to applicants seeking funds for top priorities on infrastructure capital improvement plans and for projects that support health and safety or demonstrate substantial community benefit.

## **Chapter 159 Section 55 Laws 2025**

SECTION 55. DEPARTMENT OF GAME AND FISH PROJECT--  
APPROPRIATION FROM THE SIKES ACT ACCOUNT OF THE GAME PROTECTION  
FUND.--One million five hundred thousand dollars (\$1,500,000) is appropriated from the Sikes Act account of the game protection fund to the department of game and fish for wildlife and riparian habitat restoration and for improvements at properties owned by the state game commission statewide.

## **Chapter 159 Section 56 Laws 2025**

SECTION 56. DEPARTMENT OF GAME AND FISH PROJECT--  
APPROPRIATION FROM THE GAME AND FISH BOND RETIREMENT FUND.--Five hundred thousand dollars (\$500,000) is appropriated from the game and fish bond retirement fund to the department of game and fish for improvements to fish hatcheries owned by the state game commission statewide.

## **Chapter 159 Section 57 Laws 2025**

SECTION 57. CAPITAL PROGRAM FUND PROJECTS--APPROPRIATION  
FROM THE FIRE PROTECTION FUND.--The following amounts are appropriated from the fire protection fund to the capital program fund for the following purposes:

1. one million dollars (\$1,000,000) to plan, design, repair, renovate, furnish and equip improvements to the homeland security and emergency management department's emergency operations center in Santa Fe in Santa Fe county; and
2. nine hundred thousand dollars (\$900,000) to plan, design, repair, renovate, furnish and equip improvements to the homeland security and emergency management department's fire training academy in Socorro in Socorro county.

## **Chapter 159 Section 58 Laws 2025**

SECTION 58. CAPITAL PROGRAM FUND PROJECTS--APPROPRIATION  
FROM THE CAPITOL BUILDINGS REPAIR FUND.--The following amounts are appropriated from the capitol buildings repair fund to the capital program fund for the following purposes:

1. five million dollars (\$5,000,000) to plan, design, construct, renovate, equip and furnish the Bataan memorial building, including historic preservation renovations, in Santa Fe in Santa Fe county; and
2. five million dollars (\$5,000,000) to plan, design, construct, renovate, furnish and equip improvements to the John F. Simms building in Santa Fe in Santa Fe county.

## **Chapter 159 Section 59 Laws 2025**

SECTION 59. TRIBAL INFRASTRUCTURE BOARD PRIORITY PROJECTS--  
GENERAL FUND REVERSIONS TO THE TRIBAL INFRASTRUCTURE PROJECT  
FUND.--Notwithstanding the provisions of Section 6-29-7 NMSA 1978, as a temporary measure for fiscal years 2025 and 2026, the tribal infrastructure board shall prioritize any general fund reversions to the tribal infrastructure project fund from capital appropriations for the Navajo Nation to fund projects in San Juan and McKinley counties

upon application to the board from qualifying entities for funding projects in those counties. If no applications are made to the tribal infrastructure board in fiscal year 2025 or 2026 for projects in San Juan or McKinley county, or if the applications total less than the general fund reversions from Navajo Nation projects at the end of fiscal year 2025, the board may award the money to other qualifying applicants.

## **Chapter 159 Section 60 Laws 2025**

SECTION 60. 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 159 Section 61 Laws 2025**

SECTION 61. 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.



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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## LAWS 2025, CHAPTER 160

**HAFC/House Bills 2 & 3, aa, w/cc, partial veto**  
**Approved April 11, 2025**

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 160 Section 1 Laws 2025

Section 1. **SHORT TITLE.**--This act may be cited as the "General Appropriation Act of 2025".

### Chapter 160 Section 2 Laws 2025

Section 2. **DEFINITIONS.**--As used in the General Appropriation Act of 2025:

A. "agency" means an office, department, agency, institution, board, bureau, commission, court, district attorney, council or committee of state government;

B. "efficiency" means the measure of the degree to which services are efficient and productive and is often expressed in terms of dollars or time per unit of output;

C. "explanatory" means information that can help users to understand reported performance measures and to evaluate the significance of underlying factors that may have affected the reported information;

D. "federal funds" means any payments by the United States government to state government or agencies except those payments made in accordance with the federal Mineral Leasing Act;

E. "full-time equivalent" means one or more authorized positions that alone or together receives or receive compensation for not more than two thousand eighty-eight hours worked in fiscal year 2026. 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;

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
<p>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;</p> <p>G. "interagency transfers" means revenue, other than internal service funds, legally transferred from one agency to another;</p> <p>H. "internal service funds" means:</p> <p>(1) revenue transferred to an agency for the financing of goods or services to another agency on a cost-reimbursement basis; and</p> <p>(2) balances in agency internal service fund accounts appropriated by the General Appropriation Act of 2025;</p> <p>I. "other state funds" means:</p> <p>(1) nonreverting balances in agency accounts, other than in internal service funds accounts, appropriated by the General Appropriation Act of 2025;</p> <p>(2) all revenue available to agencies from sources other than the general fund, internal service funds, interagency transfers and federal funds; and</p> <p>(3) all revenue, the use of which is restricted by statute or agreement;</p> <p>J. "outcome" means the measure of the actual impact or public benefit of a program;</p> <p>K. "output" means the measure of the volume of work completed or the level of actual services or products delivered by a program;</p> <p>L. "performance measure" means a quantitative or qualitative indicator used to assess a program;</p> <p>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;</p>					

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
<p>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</p>					

O. "target" means the expected level of performance of a program's performance measures.

## Chapter 160 Section 3 Laws 2024

### 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 2025, or so much as may be necessary, are appropriated from the indicated source for expenditure in fiscal year 2026 for the objects expressed.

D. Unexpended balances in agency accounts remaining at the end of fiscal year 2025 shall revert to the general fund by October 1, 2025 unless otherwise indicated in the General Appropriation Act of 2025 or otherwise provided by law.

E. Unexpended balances in agency accounts remaining at the end of fiscal year 2026 shall revert to the general fund by October 1, 2026 unless otherwise indicated in the General Appropriation Act of 2025 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 2025, appropriations are made in this act for the expenditures of agencies and for other purposes as required by existing law for fiscal year 2026. If any other act of the first session of the fifty-seventh legislature changes existing law with regard to the name or responsibilities of an agency or the name or purpose of a fund or distribution, the

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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appropriation made in the General Appropriation Act of 2025 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 shall regularly consult with the legislative finance committee staff to compare fiscal year 2026 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. For fiscal year 2026, the department of finance and administration and the legislative finance committee shall include the government results and opportunity expendable trust fund in the calculation of general fund reserves.

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 2025 may be expended for payment of agency-issued credit card invoices.

K. For the purpose of administering the General Appropriation Act of 2025, 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.

L. Appropriations made in the General Appropriation Act of 2025 include sufficient funds for all agencies to make payments of unused sick leave pursuant to the provisions of Section 10-7-10 NMSA 1978 and Section 10-7-11 NMSA 1978 and in accordance with rules adopted pursuant to Subsection A of Section 10-7-2 NMSA.

## Chapter 160 Section 4 Laws 2024

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Section 4. FISCAL YEAR 2026 APPROPRIATIONS.--					

## A. LEGISLATIVE

### LEGISLATIVE COUNCIL SERVICE:

Legislative building services:

Appropriations:

(a) Personal services and employee benefits	4,461.2			4,461.2
(b) Contractual services	145.1			145.1
(c) Other	1,428.4			1,428.4
Subtotal				6,034.7
TOTAL LEGISLATIVE	6,034.7			6,034.7

## B. JUDICIAL

### NEW MEXICO COMPILATION COMMISSION:

The purpose of the New Mexico compilation commission program is to publish in print and electronic format, distribute and sell (1) laws enacted by the legislature, (2) opinions of the supreme court and court of appeals, (3) rules approved by the supreme court, (4) attorney general opinions and (5) other state and federal rules and opinions. The commission ensures the accuracy and reliability of its publications.

Appropriations:

(a) Operations	477.2	695.6	400.0	1,572.8
Subtotal				1,572.8

### 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.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					
(a) Operations	1,153.5				1,153.5
Subtotal					1,153.5

### **COURT OF APPEALS:**

The purpose of the court of appeals program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	10,107.7				10,107.7
Subtotal					10,107.7

### **SUPREME COURT:**

The purpose of the supreme court program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	9,599.7				9,599.7
Subtotal					9,599.7

### **ADMINISTRATIVE OFFICE OF THE COURTS:**

(1) Administrative support:

The purpose of the administrative support program is to provide administrative support to the chief justice, all judicial branch units and the administrative office of the courts so that they can effectively administer the New Mexico court system.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	6,977.7	1,000.0		404.9	8,382.6
(b) Contractual services	1,238.5	1,105.7		1,835.4	4,179.6
(c) Other	7,160.9	1,238.0	313.6	90.3	8,802.8

(2) Statewide judiciary automation:

The purpose of the statewide judiciary automation program is to provide development, enhancement, maintenance and support for core court automation and usage skills for appellate, district, magistrate and municipal courts and ancillary judicial agencies.

Appropriations:

(a) Personal services and employee benefits	7,115.4	891.6		8,007.0
(b) Contractual services	250.0	580.0		830.0
(c) Other	250.0	7,120.0		7,370.0

(3) Court operations:

The purpose of the court operations program is to provide support to courts statewide, including with security, customer service, access to justice and magistrate court facilities.

Appropriations:

(a) Personal services and employee benefits	3,351.7		3,351.7
(b) Contractual services	270.0	170.0	440.0
(c) Other	11,881.6	145.0	12,026.6

(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.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					
(a) Pre-trial services	11,064.6				11,064.6
(b) Court-appointed special advocate	1,408.6				1,408.6
(c) Supervised visitation	1,225.4				1,225.4
(d) Water rights		2,501.0	386.9		2,887.9
(e) Court-appointed attorneys	1,329.9				1,329.9
(f) Children's mediation	295.3				295.3
(g) Judges pro tem	27.5	41.6			69.1
(h) Court education institute	2,600.0	2,000.0			4,600.0
(i) Access to justice	332.2				332.2
(j) Statewide alternative dispute resolution	212.9				212.9
(k) Statewide treatment programs	1,456.6				1,456.6
(l) Administrative office the courts treatment programs		741.4	2,176.5		2,917.9
(m) Adult guardianship	367.2				367.2
(n) Behavioral health	375.0				375.0
Subtotal					81,932.9

### **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	13,840.2	464.4	975.0	15,279.6
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#### (2) Second judicial district:



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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The purpose of the second judicial district court program, statutorily created in Bernalillo county, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	35,838.9	6,217.1	1,778.3		43,834.3
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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	14,109.7	320.0	1,391.7		15,821.4
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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	5,888.2	48.3	807.6		6,744.1
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(5) Fifth judicial district:

The purpose of the fifth judicial district court program, statutorily created in Eddy, Chaves and Lea counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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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	14,840.5	355.1	654.7		15,850.3
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(6) Sixth judicial district:

The purpose of the sixth judicial district court program, statutorily created in Grant, Luna and Hidalgo counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	7,669.6	96.7	239.2		8,005.5
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(7) Seventh judicial district:

The purpose of the seventh judicial district court program, statutorily created in Torrance, Socorro, Catron and Sierra counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	5,238.2	34.0	399.6		5,671.8
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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:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(a) Operations	6,776.8	139.7	192.2		7,108.7

(9) Ninth judicial district:

The purpose of the ninth judicial district court program, statutorily created in Curry and Roosevelt counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	7,354.5	140.0	262.2	7,756.7
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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	2,550.2	22.4		2,572.6
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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	14,337.0	433.0	949.6	15,719.6
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(12) Twelfth judicial district:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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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	7,320.2	138.0	126.8		7,585.0
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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	15,207.0	521.9	817.2		16,546.1
Subtotal					168,495.7

**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	31,200.0	2,595.1	485.0		34,280.1
Subtotal					34,280.1

**DISTRICT ATTORNEYS:**

(1) First 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 first judicial district attorney 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	8,393.5		77.6	120.1	8,591.2
(b) Contractual services	98.9				98.9
(c) Other	611.0				611.0

Performance measures:

(a) Explanatory:	Percent of pretrial detention motions granted
(b) Explanatory:	Number of pretrial detention motions made

(2) Second judicial district:

The purpose of the second judicial district attorney 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	32,419.8	562.8	1,419.1	1,015.9	35,417.6
(b) Contractual services	694.9		44.5	341.4	1,080.8
(c) Other	2,652.1	33.2	21.4	129.5	2,836.2

Performance measures:

(a) Explanatory:	Number of pretrial detention motions made
(b) Explanatory:	Percent of pretrial detention motions granted

(3) Third judicial district:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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The purpose of the third judicial district attorney program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Dona Ana county.

Appropriations:

(a) Personal services and employee benefits	7,270.5		77.6	276.5	7,624.6
(b) Contractual services	21.0				21.0
(c) Other	424.9				424.9

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 fourth judicial district attorney 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	4,552.2				4,552.2
(b) Contractual services	108.7				108.7
(c) Other	256.0				256.0

Performance measures:

(a) Explanatory:	Number of pretrial detention motions made
(b) Explanatory:	Percent of pretrial detention motions granted

(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 attorney 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	7,746.3			287.7	8,034.0
(b) Contractual services	147.5				147.5
(c) Other	537.6				537.6

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 sixth judicial district attorney program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Grant, Hidalgo and Luna counties.

Appropriations:

(a) Personal services and employee benefits	4,204.5	91.0		177.1	4,472.6
(b) Contractual services	14.2				14.2
(c) Other	279.1				279.1

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 seventh judicial district attorney 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

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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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	3,733.0				3,733.0
(b) Contractual services	19.7				19.7
(c) Other	194.9				194.9

Performance measures:

(a) Explanatory:	Number of pretrial detention motions made
(b) Explanatory:	Percent of pretrial detention motions granted

(8) Eighth judicial district:

The purpose of the eighth judicial district attorney 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	4,359.3				4,359.3
(b) Contractual services	148.1				148.1
(c) Other	308.5				308.5

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 ninth judicial district attorney 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.



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					
(a) Personal services and employee benefits	4,316.5				4,316.5
(b) Contractual services	258.5				258.5
(c) Other	215.0				215.0

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 tenth judicial district attorney 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	2,025.3	2,025.3
(b) Contractual services	40.0	40.0
(c) Other	172.5	172.5

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 eleventh judicial district attorney, division I, program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within San Juan county.

Appropriations:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(a) Explanatory: Number of pretrial detention motions made					
(b) Explanatory: Percent of pretrial detention motions granted					
(a) Personal services and employee benefits	6,895.5			234.3	7,129.8
(b) Contractual services	2,285.8				2,285.8
(c) Other	2,379.3				2,379.3

The general fund appropriation to the eleventh judicial district attorney, division I in the contractual services category includes one million nine hundred forty-six thousand dollars (\$1,946,000) for district attorney duties in McKinley county pursuant to Section 36-1-18 NMSA 1978.

The general fund appropriation to the eleventh judicial district attorney, division I in the other category includes one million nine hundred forty-six thousand dollars (\$1,946,000) for district attorney duties in McKinley county pursuant to 36-1-18 NMSA 1978.

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 eleventh judicial district attorney, division II, 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	208.0	208.0
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Performance measures:

- (a) Explanatory: Number of pretrial detention motions made
- (b) Explanatory: Percent of pretrial detention motions granted

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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(13) Twelfth judicial district:

The purpose of the twelfth judicial district attorney 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	4,946.5			194.9	5,141.4
(b) Contractual services	98.3				98.3
(c) Other	318.9				318.9

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 thirteenth judicial district attorney 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	8,555.4	250.0			8,805.4
(b) Contractual services	150.0	210.0			360.0
(c) Other	469.5	60.0			529.5

Performance measures:

(a) Explanatory:	Number of pretrial detention motions made	
(b) Explanatory:	Percent of pretrial detention motions granted	
Subtotal		118,155.8

<u>Item</u>	<u>General</u> <u>Fund</u>	<u>Other</u> <u>State</u> <u>Funds</u>	<u>Intrnl Svc</u> <u>Funds/Inter-</u> <u>Agency Trnsf</u>	<u>Federal</u> <u>Funds</u>	<u>Total/Target</u>
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**ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS:**

(1) Administrative support:

The purpose of the administrative support program is to provide fiscal, human resource, staff development, automation, victim program services and support to all district attorneys' offices in New Mexico and to members of the New Mexico children's safe house network so 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	2,085.8				2,085.8
(b) Contractual services	538.4	30.0			568.4
(c) Other	1,004.3	60.0			1,064.3
Subtotal					3,718.5

**PUBLIC DEFENDER DEPARTMENT:**

(1) Criminal legal services:

The purpose of the criminal legal services program is to provide effective legal representation and advocacy for eligible clients so their liberty and constitutional rights are protected and to serve the community as a partner in assuring a fair and efficient criminal justice system that sustains New Mexico's statutory and constitutional mandate to adequately fund a statewide indigent defense system.

Appropriations:

(a) Personal services and employee benefits	53,484.9				53,484.9
(b) Contractual services	19,417.1				19,417.1
(c) Other	7,314.2	100.0			7,414.2

Performance measures:

(a) Output:	Average cases assigned to attorneys yearly				330
Subtotal					80,316.2
TOTAL JUDICIAL	459,076.0	31,061.6	14,087.3	5,108.0	509,332.9

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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## C. GENERAL CONTROL

### ATTORNEY GENERAL:

#### (1) Legal services:

The purpose of the legal services program is to deliver quality legal services, including opinions, counsel and representation to state government entities, and to enforce state law on behalf of the public so New Mexicans have an open, honest, efficient government and enjoy the protection of state law.

#### Appropriations:

(a) Personal services and employee benefits	12,911.9		13,702.9	139.5	26,754.3
(b) Contractual services	493.5	26.9	707.7	4.0	1,232.1
(c) Other	2,344.5	200.0	3,359.8	623.4	6,527.7
(d) Other financing uses		17,770.4			17,770.4

The internal service/interagency transfers appropriations to the legal services program of the attorney general include seventeen million seven hundred seventy thousand four hundred dollars (\$17,770,400) 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	998.7			2,665.2	3,663.9
(b) Contractual services				11.9	11.9
(c) Other	242.7			667.8	910.5
Subtotal					56,870.8

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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### 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 Mexicans that funds are expended properly.

#### Appropriations:

(a) Personal services and employee benefits	3,498.3		874.3		4,372.6
(b) Contractual services	197.8				197.8
(c) Other	603.8				603.8
(d) Other financing uses		874.3			874.3
Subtotal					6,048.5

### TAXATION AND REVENUE DEPARTMENT:

#### (1) Tax administration:

The purpose of the tax administration program is to provide registration and licensure requirements for and compliance with tax programs and to ensure the administration and collection of state taxes and fees that provide funding for support services for the general public through appropriations.

#### Appropriations:

(a) Personal services and employee benefits	29,695.6	674.1		1,938.7	32,308.4
(b) Contractual services	1,168.8	160.5		8.4	1,337.7
(c) Other	6,977.7	356.1		202.0	7,535.8

#### Performance measures:

(a) Outcome:	Percent of collectible balances outstanding from the end of the prior fiscal year that are collected	23%
(b) Outcome:	Percent of collectible audit assessments generation in the prior fiscal year that are collected	55%

#### (2) Motor vehicle:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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The purpose of the motor vehicle program is to register, title and license vehicles, boats and motor vehicle dealers and to enforce operator compliance with the Motor Vehicle Code and federal regulations by conducting tests, investigations and audits.

Appropriations:

(a) Personal services and employee benefits	16,982.6	6,860.0		210.0	24,052.6
(b) Contractual services		9,234.6		140.0	9,374.6
(c) Other		15,615.1		239.5	15,854.6
(d) Other financing uses		10,094.5			10,094.5

The other state funds appropriations to the motor vehicle program of the taxation and revenue department include ten million dollars (\$10,000,000) 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	95%
(b) Efficiency:	Average call center waiting time to reach an agent, in minutes	6
(c) Efficiency:	Average wait time in qmatic-equipped offices, in minutes	7

(3) Property tax:

The purpose of the property tax program is to administer the Property Tax Code, to ensure the fair appraisal of property and to assess property taxes within the state.

Appropriations:

(a) Personal services and employee benefits	4,539.2	4,539.2
(b) Contractual services	1,159.6	1,159.6
(c) Other	1,584.8	1,584.8

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Performance measures:					

(a) Outcome:	Percent of total delinquent property taxes recovered	17%
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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	1,978.1		1,978.1
(b) Contractual services	9.4		9.4
(c) Other	321.9		321.9

(5) Program support:

The purpose of program support is to provide information system resources, human resource services, finance and accounting services, revenue forecasting and legal services to give agency personnel the resources needed to meet departmental objectives. For the general public, the program conducts hearings for resolving taxpayer protests and provides stakeholders with reliable information regarding the state's tax programs.

Appropriations:

(a) Personal services and employee benefits	17,270.8	939.0	18,209.8
(b) Contractual services	8,199.2		8,199.2
(c) Other	3,246.4		3,246.4
Subtotal			139,806.6

## STATE INVESTMENT COUNCIL:

(1) State investment:



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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The purpose of the state investment program is to provide investment management of the state's permanent funds for the residents 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			7,949.2		7,949.2
(b) Contractual services			68,886.2		68,886.2
(c) Other			1,048.0		1,048.0

Performance measures:

(a) Outcome:	Number of basis points that five-year annualized investment return differs from internal benchmarks	12.5
(b) Outcome:	Five-year annualized percentile performance ranking in endowment investment peer universe	49%
Subtotal		77,883.4

### 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	2,217.2	210.0	128.8		2,556.0
(b) Contractual services	70.0				70.0
(c) Other	324.0				324.0

The internal service funds/interagency transfers appropriation to the administrative hearings office includes one hundred thousand dollars (\$100,000) from the health care authority for costs of conducting administrative hearings under the Medicaid Provider and Managed Care Act.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
The other state funds appropriation to the administrative hearings office includes two hundred ten thousand dollars (\$210,000) from the motor vehicle suspense fund.					

Performance measures:

(a) Outcome:	Percent of hearings for Implied Consent Act cases not held within ninety days due to administrative hearings office error	0.2%
Subtotal		2,950.0

### 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	4,696.5	4,696.5
(b) Contractual services	906.1	906.1
(c) Other	1,080.8	1,080.8

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 four million dollars (\$4,000,000) in fiscal year 2026. Repayments of emergency loans made pursuant to this paragraph shall be deposited in the board of finance emergency fund pursuant to the provisions of Section 6-1-5 NMSA 1978.

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Explanatory:	General fund reserves as a percent of recurring appropriations				
(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	4,117.5	1,315.5		434.9	5,867.9
(b) Contractual services	48.8	12.6		2.0	63.4
(c) Other	100.8	34,336.1		10,805.5	45,242.4
(d) Other financing uses		525.0			525.0

The other state funds appropriations to the community development, local government assistance and fiscal oversight program of the department of finance and administration include thirteen million one hundred eighty-nine thousand two hundred dollars (\$13,189,200) from the enhanced 911 fund and twenty-three million dollars (\$23,000,000) from the local DWI grant fund.

(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 New Mexicans with timely, accurate and comprehensive information on the financial status and expenditures of 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	6,090.7		2,322.3		8,413.0
(b) Contractual services	1,878.7		2,047.5		3,926.2
(c) Other	342.8		886.5		1,229.3

Performance measures:

(a) Efficiency:	Percent of correctly vouchered and approved vendor payments processed within two working days	100%
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(4) Infrastructure planning, funding navigation, grant management assistance and financial reporting:

Appropriations:

(a) Personal services and employee benefits	1,952.6		1,952.6
(b) Contractual services	510.0		510.0
(c) Other	171.9		171.9

(5) 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	2,661.1		2,661.1
(b) Contractual services	176.0		176.0
(c) Other	278.0		278.0

(6) Dues and membership fees/special appropriations:

Appropriations:

(a) Other financing uses	30.0	69,229.0	32,749.4	102,008.4
(b) Emergency water supply fund	109.9			109.9

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(c) Fiscal agent contract	1,200.0				1,200.0
(d) State planning districts	693.0				693.0
(e) Statewide teen court	17.7	120.2			137.9
(f) Law enforcement protection fund		20,000.0			20,000.0
(g) Leasehold community assistance	286.0				286.0
(h) Acequia and community ditch education program	498.2				498.2
(i) New Mexico acequia commission	88.1				88.1
(j) Land grant council	626.9				626.9
(k) County detention of prisoners	4,970.0				4,970.0
(l) National association of state budget officers	24.0				24.0
(m) Western governors' association	40.0				40.0
(n) National governors' association	84.0				84.0
(o) Intertribal Indian ceremonial association	328.0				328.0
(p) Civil legal services	4,286.1	2,953.9			7,240.0
(q) Federal Taylor grazing				469.2	469.2
(r) Forest reserve				9,488.9	9,488.9

The other state funds appropriation to the dues and membership fees/special appropriations program of the department of finance and administration in the other financing uses category includes sixty-seven million two hundred twenty-nine thousand dollars (\$67,229,000) from the county-supported medicaid fund and two million dollars (\$2,000,000) from the law enforcement protection fund.

The internal service funds/interagency transfer appropriation to the dues and membership fees/special appropriations program of the department of finance and administration in the other financing uses category includes fifteen million nine hundred forty-seven thousand four hundred dollars (\$15,947,400) from the tobacco settlement program fund and sixteen million eight hundred two thousand dollars (\$16,802,000) from the opioid crisis recovery fund.

The department of finance and administration shall not distribute a general fund appropriation made to the dues and membership fees/special appropriations program to a New Mexico agency or local public body that is not

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
current on its audit or financial reporting or otherwise not in compliance with the Audit Act, except for the appropriations for civil legal services.					
Subtotal					225,992.7

## 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	477,309.5	477,309.5
(b) Other financing uses	921.0	921.0

#### Performance measures:

(a) Outcome:	Percent change in per-member health claim costs	5.6%
(b) Outcome:	Percent change in medical premium as compared with industry average	4.5%

### (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	150,026.9	150,026.9
(b) Other financing uses	921.0	921.0

#### Performance measures:

(a) Explanatory:	Dollar amount of excess insurance claims for property, in thousands
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(b) Explanatory:	Dollar amount of excess insurance claims for liability, in thousands				
(c) Explanatory:	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	1,542.0	1,542.0
(b) Contractual services	100.0	100.0
(c) Other	200.0	200.0

Any unexpended balances in program support of the public school insurance authority remaining at the end of fiscal year 2026 shall revert in equal amounts to the benefits program and risk program.

Subtotal	631,020.4
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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	406,636.7	406,636.7
(b) Other	45.0	45.0
(c) Other financing uses	4,314.6	4,314.6

Performance measures:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(a) Output:	Minimum number of years of positive fund balance				30

(2) Program support:

The purpose of program support is to provide administrative support for the healthcare benefits administration program to assist the agency in delivering its services to its constituents.

Appropriations:

(a) Personal services and employee benefits	2,941.1	2,941.1
(b) Contractual services	748.3	748.3
(c) Other	625.2	625.2

Any unexpended balances in program support of the retiree health care authority remaining at the end of fiscal year 2026 from this appropriation shall revert to the healthcare benefits administration program.

Subtotal	415,310.9
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## GENERAL SERVICES DEPARTMENT:

(1) 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	5,300.0	5,300.0
(b) Contractual services	190.0	190.0
(c) Other	495.0	495.0
(d) Other financing uses	4,561.0	4,561.0

The internal service funds/interagency transfer 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.



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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Any unexpended balances in the risk management program of the general services department remaining at the end of fiscal year 2026 shall revert to the public liability fund, public property reserve fund, workers' compensation retention fund, state unemployment compensation fund and local public body unemployment compensation fund based on the proportion of each individual fund's assessment for the risk management program.

(2) Risk management funds:

The purpose of the risk management funds program is to provide public liability, public property and workers' compensation coverage to state agencies and employees.

Appropriations:

(a) Public liability	91,706.4	91,706.4
(b) Surety bond	40.0	40.0
(c) Public property reserve	16,288.6	16,288.6
(d) Local public body unemployment compensation reserve	2,090.0	2,090.0
(e) Workers' compensation retention	25,406.4	25,406.4
(f) State unemployment compensation	9,100.0	9,100.0

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

(3) State printing services:

The purpose of the state printing services program is to provide cost-effective printing and publishing services for governmental agencies.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits		611.1			611.1
(b) Contractual services		100.0			100.0
(c) Other		2,619.5			2,619.5
(d) Other financing uses		100.0			100.0

Performance measures:

(a) Output:	Percent of state printing revenue exceeding expenditures	5%
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(4) Facilities management:

The purpose of the facilities management 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	14,024.6		14,024.6
(b) Contractual services	730.3		730.3
(c) Other	6,264.6	169.2	6,433.8

Performance measures:

(a) Outcome:	Percent of new office space leases achieving adopted space standards	90%
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(5) 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	575.6	2,344.4	2,920.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(b) Contractual services		119.5			119.5
(c) Other	381.4	9,447.5			9,828.9
(d) Other financing uses		500.0			500.0

Performance measures:

(a) Outcome:	Percent of leased vehicles used daily or seven hundred fifty miles per month	70%
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(6) Procurement services:

The purpose of the procurement services program is to provide a procurement process for tangible property for government entities to ensure compliance with the Procurement Code so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a) Personal services and employee benefits	3,226.6	3,226.6
(b) Contractual services	20.5	20.5
(c) Other	345.0	345.0
(d) Other financing uses	1,187.8	1,187.8

Performance measures:

(a) Output:	Average number of days for completion of contract review	5
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(7) 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	4,995.3	4,995.3
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(b) Contractual services			624.5		624.5
(c) Other			729.0		729.0

Any unexpended balances in program support of the general services department remaining at the end of fiscal year 2026 shall revert to the procurement services, state printing, risk management and transportation services programs based on the proportion of each individual program's assessment for program support.

Subtotal					204,293.8
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### 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	11,229.2	11,229.2
(b) Contractual services	18,000.0	18,000.0
(c) Other	2,254.7	2,254.7

#### 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		31,483.9

### NEW MEXICO SENTENCING COMMISSION:

The purpose of the New Mexico sentencing commission program is to provide information, analysis, recommendations and assistance from a coordinated cross-agency perspective to the three branches of government and interested New Mexicans so they have the resources they need to make policy decisions that benefit the criminal and juvenile justice systems.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					
(a) Contractual services	1,178.2		57.0		1,235.2
(b) Other	336.1				336.1
Subtotal					1,571.3

## GOVERNOR:

### (1) Executive management and leadership:

The purpose of the executive management and leadership program is to provide appropriate management and leadership to the executive branch of government to allow for a more efficient and effective operation of the agencies within that branch of government on behalf of the residents of the state.

#### Appropriations:

(a) Personal services and employee benefits	6,042.0				6,042.0
(b) Contractual services	236.0				236.0
(c) Other	526.0				526.0
Subtotal					6,804.0

## LIEUTENANT GOVERNOR:

### (1) State ombudsman:

The purpose of the state ombudsman program is to facilitate and promote cooperation and understanding between New Mexicans and the agencies of state government, refer any complaints or special problems residents 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	709.3				709.3
(b) Contractual services	36.9				36.9
(c) Other	92.3				92.3
Subtotal					838.5

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
<b>DEPARTMENT OF INFORMATION TECHNOLOGY:</b>					

(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 Mexicans.

Appropriations:

(a) Personal services and employee benefits	1,386.0				1,386.0
(b) Contractual services	50.0				50.0
(c) Other	126.0				126.0

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	98%

(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		12,670.2		12,670.2
(b) Contractual services		5,229.4		5,229.4
(c) Other		31,528.5		31,528.5
(d) Other financing uses		15,897.5		15,897.5

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Outcome:	Percent of service desk incidents resolved within the timeframe specified for their priority levels				95%
(b) Output:	Number of independent vulnerability scans of information technology assets identifying potential cyber risks				4

(3) Equipment replacement revolving funds:

Appropriations:

(a) Other	7,258.8	10,641.2	17,900.0
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(4) Broadband access and expansion:

The purpose of the broadband access and expansion program is to achieve enterprising, affordable broadband solutions for New Mexicans that honor the state's rich heritage and elevate the quality of life for all.

Appropriations:

(a) Personal services and employee benefits	1,194.7	650.0	1,844.7
(b) Contractual services	125.0		125.0
(c) Other	419.0		419.0

The internal service funds/interagency transfer appropriation to the broadband access and expansion program of the department of information technology includes six hundred fifty thousand dollars (\$650,000) from the public school capital outlay fund.

(5) Cybersecurity:

The purpose of the cybersecurity program is to promote a safe and secure enterprise computing environment and protect the privacy and security of individuals and their information through the implementation of industry-accepted security policies, standards and procedures.

Appropriations:

(a) Personal services and employee benefits	1,635.1	1,635.1
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(b) Contractual services	3,572.6				3,572.6
(c) Other	832.8				832.8
(d) Other financing uses	482.0				482.0

(6) 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		4,253.9	315.1		4,569.0
(b) Contractual services		46.0	6.0		52.0
(c) Other		305.7	160.9		466.6

Performance measures:

(a) Output:	Percent difference between enterprise service revenues and expenditures for cost recovery of service delivery	10%
Subtotal		98,786.4

### **PUBLIC EMPLOYEES RETIREMENT ASSOCIATION:**

(1) Pension administration:

The purpose of the pension administration program is to provide information, retirement benefits and an actuarially sound fund to association members so they can receive the defined benefit they are entitled to when they retire from public service.

Appropriations:

(a) Personal services and employee benefits	50.2	11,010.8		11,061.0
(b) Contractual services		26,379.6		26,379.6
(c) Other	6.8	5,389.7		5,396.5

Performance measures:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(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					42,837.1

### STATE COMMISSION OF PUBLIC RECORDS:

(1) Records, information and archival management:

The purpose of the records, information and archival management program is to develop, implement and provide tools, methodologies and services for use by, and for the benefit of, government agencies, historical record repositories and the public so the state can effectively create, preserve, protect and properly dispose of records, facilitate their use and understanding and protect the interests of the citizens of New Mexico.

#### Appropriations:

(a) Personal services and employee benefits	3,019.2				3,019.2
(b) Contractual services	76.6			40.0	116.6
(c) Other	145.2	259.8			405.0
Subtotal					3,540.8

### 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 individuals, 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	4,641.3				4,641.3
(b) Contractual services	597.9				597.9
(c) Other	722.6	90.7			813.3

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(2) Elections:					

The purpose of the elections program is to provide voter education and information on election law and government ethics to residents, public officials and candidates so they can comply with state law.

Appropriations:

(a) Personal services and employee benefits	2,212.1				2,212.1
(b) Contractual services	611.9			836.9	1,448.8
(c) Other	501.5			532.4	1,033.9

Performance measures:

(a) Outcome:	Percent of eligible voters registered to vote	85%
(b) Outcome:	Percent of reporting individuals in compliance with campaign finance reporting requirements	97%
Subtotal		10,747.3

## PERSONNEL BOARD:

(1) Human resource management:

The purpose of the human resource management program is to provide a merit-based system in partnership with state agencies, appropriate compensation, human resource accountability and employee development that meets the evolving needs of the agencies, employees, applicants and the public so economy and efficiency in the management of state affairs may be provided while protecting the interest of the public.

Appropriations:

(a) Personal services and employee benefits	4,171.9	216.4		4,388.3
(b) Contractual services	81.0			81.0
(c) Other	318.6			318.6

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(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 in-pay-band salary increases awarded				
(d) Explanatory:	Average total compensation of classified service employees				
(e) Explanatory:	Cost of overtime pay				
Subtotal					4,787.9

### **PUBLIC EMPLOYEES LABOR RELATIONS BOARD:**

The purpose of the public employee labor relations board program is to ensure 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	218.7			218.7
(b) Contractual services	31.5			31.5
(c) Other	65.8			65.8
Subtotal				316.0

### **STATE TREASURER:**

The purpose of the state treasurer program is to provide a financial environment that maintains maximum accountability for receipt, investment and disbursement of public funds to protect the financial interests of New Mexico residents.

#### Appropriations:

(a) Personal services and employee benefits	3,463.6	401.0	2.6	3,867.2
(b) Contractual services	526.2			526.2
(c) Other	713.5	148.5		862.0

#### Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Outcome:	Number of basis points that one-year annualized investment return on general fund core portfolio differs from internal benchmark				10.0
Subtotal					5,255.4
TOTAL GENERAL CONTROL	211,179.7	1,556,742.6	169,760.6	29,462.8	1,967,145.7

## D. COMMERCE AND INDUSTRY

### BOARD OF EXAMINERS FOR ARCHITECTS:

(1) Architectural registration:

The purpose of the architectural registration program is to regulate, through enforcement and licensing, the professional conduct of architects to protect the health, safety and welfare of the general public of the state.

#### Appropriations:

(a) Personal services and employee benefits		459.6		459.6
(b) Contractual services		47.5		47.5
(c) Other		83.3		83.3
Subtotal				590.4

### STATE ETHICS COMMISSION:

The purpose of the state ethics commission program 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	1,506.0	5.0		1,511.0
(b) Contractual services	151.9			151.9
(c) Other	144.4			144.4
Subtotal				1,807.3

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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### **BORDER AUTHORITY:**

(1) Border development:

The purpose of the border development program is to encourage and foster trade development in the state by developing port facilities and infrastructure at international ports of entry to attract new industries and businesses to the New Mexico border and to assist industries, businesses and the traveling public in their efficient and effective use of ports and related facilities.

#### Appropriations:

(a) Personal services and employee benefits	461.4			461.4
(b) Contractual services	10.5	34.0		44.5
(c) Other	67.4	47.5		114.9

#### Performance measures:

(a) Outcome:	Annual trade share of New Mexico ports within the west Texas and New Mexico region	35%
(b) Outcome:	Number of commercial and noncommercial vehicles passing through New Mexico ports	1,250,000
Subtotal		620.8

### **TOURISM DEPARTMENT:**

(1) Marketing and promotion:

The purpose of the marketing and promotion program is to produce and provide collateral and editorial products and special events for the consumer and trade industry so it may increase its awareness of New Mexico as a premier tourist destination.

#### Appropriations:

(a) Personal services and employee benefits	1,396.7			1,396.7
(b) Contractual services	1,387.2			1,387.2
(c) Other	19,326.1	30.0		19,356.1

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Performance measures:					

(a) Outcome:	Percent change in New Mexico leisure and hospitality employment				2%
(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	1,084.2	180.9			1,265.1
(b) Contractual services	4.0	1.4			5.4
(c) Other	460.4	1,563.4			2,023.8

Performance measures:

(a) Output:	Number of entities participating in collaborative applications for the cooperative marketing grant program				40
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(3) New Mexico magazine:

The purpose of the New Mexico magazine program is to produce a monthly magazine and ancillary products for a state and global audience so the audience can learn about New Mexico from a cultural, historical and educational perspective.

Appropriations:

(a) Personal services and employee benefits		1,101.9			1,101.9
(b) Contractual services		830.0			830.0
(c) Other		1,109.4			1,109.4

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Performance measures:					
(a) Output:	True adventure guide advertising revenue				\$545,000
(b) Output:	Advertising revenue per issue, in thousands				\$85

(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	2,110.3			2,110.3
(b) Contractual services	32.5			32.5
(c) Other	142.5			142.5
Subtotal				30,760.9

### 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	4,578.1		331.0	4,909.1
(b) Contractual services	1,711.0			1,711.0
(c) Other	13,803.2			13,803.2

Performance measures:

(a) Outcome:	Number of workers trained by the job training incentive program	2,000
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(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.

Appropriations:

(a) Personal services and employee benefits	1,007.3			1,007.3
(b) Contractual services	753.4			753.4
(c) Other	84.6			84.6

Performance measures:

(a) Outcome:	Direct spending by film industry productions, in millions	\$600
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(3) Outdoor recreation:

The purpose of the outdoor recreation program is to support economic and community development centered on outdoor recreation, promote tourism and enhance access to New Mexico's natural landscapes.

Appropriations:

(a) Personal services and employee benefits	369.6			369.6
(b) Contractual services	125.0			125.0
(c) Other	725.7	2,260.7		2,986.4



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
The other state funds appropriation to the outdoor recreation program of the economic development department includes two million two hundred sixty thousand seven hundred dollars (\$2,260,700) from the land of enchantment legacy fund.					

(4) Creative industries:

The purpose of the creative industries program is to strengthen and advance creative industry economic development in New Mexico by supporting entrepreneurs, facilitating education and training and serving as a resource and liaison for stakeholders.

Appropriations:

(a) Personal services and employee benefits	276.1	276.1
(b) Other	200.0	200.0

(5) Program support:

The purpose of program support is to provide central direction to agency management processes and fiscal support to agency programs to ensure consistency, continuity and legal compliance.

Appropriations:

(a) Personal services and employee benefits	2,601.2	2,601.2
(b) Contractual services	1,025.5	1,025.5
(c) Other	727.3	727.3
Subtotal		30,579.7

## 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 standards to industry professionals.

Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	10,892.2				10,892.2
(b) Contractual services	567.0				567.0
(c) Other	1,615.6	200.0			1,815.6
(d) Other financing uses	147.2				147.2

Performance measures:

(a) Outcome:	Percent of commercial plans reviewed within ten working days	90%
(b) Outcome:	Percent of residential plans reviewed within five working days	97%
(c) Output:	Time to final civil action, referral or dismissal of complaint, in months	7

(2) Financial institutions:

The purpose of the financial institutions 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	96.2	3,253.0	2,190.2	5,539.4
(b) Contractual services		269.1		269.1
(c) Other		768.8		768.8
(d) Other financing uses		261.5		261.5

The other state funds appropriations to the financial institutions program of the regulation and licensing department include two million two hundred eighty thousand nine hundred dollars (\$2,280,900) from the mortgage regulatory fund.

The internal service funds/interagency transfers appropriation to the financial institutions program of the regulation and licensing department includes two million one hundred ninety thousand two hundred dollars (\$2,190,200) from the mortgage regulatory fund.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Performance measures:					

(a) Outcome:	Percent of completed applications processed within ninety days by type of application	100%
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(3) Alcohol beverage control:

The purpose of the alcohol beverage control program is to issue, deny, suspend or revoke licenses allowed under the Liquor Control Act to protect the health, safety and welfare of the residents of and visitors to New Mexico.

Appropriations:

(a) Personal services and employee benefits	1,173.9	575.5	0.1	1,749.5
(b) Contractual services		13.3		13.3
(c) Other		555.9	53.9	609.8

Performance measures:

(a) Output:	Average number of days to resolve an administrative citation that does not require a hearing	75
(b) Outcome:	Average number of days to issue a restaurant beer and wine liquor license	100

(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	260.4	1,337.0	73.3	1,670.7
(b) Contractual services	4.0	70.0		74.0
(c) Other	66.1	390.7	3.7	460.5
(d) Other financing uses		252.2		252.2

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
The internal service funds/interagency transfers appropriations to the securities program of the regulation and licensing department include seventy-seven thousand dollars (\$77,000) from the securities enforcement and investor education fund.					

(5) Boards and commissions:

The purpose of the boards and commissions program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring licensing professionals are qualified to practice.

Appropriations:

(a) Personal services and employee benefits	450.0		7,859.5		8,309.5
(b) Contractual services		547.7	100.0		647.7
(c) Other		2,987.5	30.2		3,017.7
(d) Other financing uses		9,333.7	1,057.3		10,391.0

The general fund appropriation to the boards and commissions program of the regulation and licensing department includes four hundred fifty thousand dollars (\$450,000) for the substitute care advisory council.

The internal services funds/interagency transfers appropriations to the boards and commissions program of the regulation and licensing department include one hundred thousand dollars (\$100,000) from federal Title IV-E revenue for the substitute care advisory council. The regulation and licensing department shall establish a memorandum of understanding with the children, youth and families department to reimburse federal Title IV-E eligible expenses associated with the substitute care advisory council.

(6) Cannabis control:

The purpose of the cannabis control program is to regulate and license cannabis producers, manufacturers, retailers, couriers, testing facilities and research laboratories operating in the medical and adult-use markets to ensure public health and safety.

Appropriations:

(a) Personal services and employee benefits	527.0	2,233.6		2,760.6
(b) Contractual services	1,450.0	5.2		1,455.2
(c) Other	1,662.4	363.9		2,026.3

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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The other state funds appropriations to the cannabis control program of the regulation and licensing department include one million four hundred ninety-four thousand seven hundred dollars (\$1,494,700) from cannabis licensing fees for general operations of the cannabis control program.

(7) Manufactured housing:

The purpose of the manufactured housing program is to provide code compliance oversight; issue licenses, permits and citations; perform inspections; administer exams; process complaints; and enforce laws, rules and regulations relating to manufactured housing standards.

Appropriations:

(a) Personal services and employee benefits	83.1	1,364.5			1,447.6
(b) Contractual services		90.7			90.7
(c) Other	140.9	120.3		25.0	286.2

The other state funds appropriations to the manufactured housing program of the regulation and licensing department include one million five hundred seventy-five thousand five hundred dollars (\$1,575,500) from the mortgage regulatory fund for the general operations of the manufactured housing program.

(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	1,152.2		2,016.6		3,168.8
(b) Contractual services			540.7		540.7
(c) Other			684.6		684.6
Subtotal					59,917.4

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
<b>PUBLIC REGULATION COMMISSION:</b>					

(1) Public regulation commission:

The purpose of the public regulation commission program is to fulfill the constitutional and legislative mandates regarding regulated industries through rulemaking, adjudications and policy initiatives to ensure the provision of adequate and reliable services at fair, just and reasonable rates so the interests of the consumers and regulated industries are balanced to promote and protect the public interest.

Appropriations:

(a) Personal services and employee benefits	13,074.1		1,940.5	1,322.4	16,337.0
(b) Contractual services	748.9		80.5		829.4
(c) Other	1,595.7		236.3	262.4	2,094.4

(2) Special revenues:

Appropriations:

(a) Other financing uses		2,257.3			2,257.3
Subtotal					21,518.1

**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		662.0	11,207.7		11,869.7
(b) Contractual services		824.6	3,056.4		3,881.0
(c) Other		87.4	1,877.0		1,964.4

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(d) Other financing uses		205.6			205.6

(2) Insurance fraud and auto theft:

The purpose of the insurance fraud and auto theft program is to reduce the overall incidence of insurance fraud, arson and auto theft related transactions through community outreach, training and anti-fraud programs.

Appropriations:

(a) Personal services and employee benefits		2,101.6			2,101.6
(b) Contractual services		24.1			24.1
(c) Other		669.8			669.8
(d) Other financing uses		261.0			261.0

(3) Patient's compensation fund:

The purpose of the patient's compensation fund program is to ensure the availability and affordability of medical liability insurance for healthcare providers in New Mexico.

Appropriations:

(a) Contractual services		2,292.7			2,292.7
(b) Other		28,167.7			28,167.7

(4) Special revenues:

Appropriations:

(a) Other financing uses		15,674.5			15,674.5
Subtotal					67,112.1

**MEDICAL BOARD:**

(1) Licensing and certification:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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The purpose of the licensing and certification program is to provide regulation and licensure to healthcare providers regulated by the New Mexico medical board and to ensure competent and ethical medical care to consumers.

Appropriations:

(a) Personal services and employee benefits		1,810.2			1,810.2
(b) Contractual services		1,064.0			1,064.0
(c) Other		617.3			617.3

Performance measures:

(a) Output:	Number of biennial physician assistant licenses issued or renewed	730
(b) Outcome:	Number of days to issue a physician license	21
Subtotal		3,491.5

## 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		2,944.7			2,944.7
(b) Contractual services		160.0			160.0
(c) Other		651.6	150.0		801.6
(d) Other financing uses		190.0			190.0

Performance measures:

(a) Explanatory:	Number of certified registered nurse anesthetist licenses active on June 30
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(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				250
Subtotal					4,096.3

### NEW MEXICO STATE FAIR:

The purpose of the state fair program is to promote the New Mexico state fair as a year-round operation with venues, events and facilities that provide for greater use of the assets of the agency.

#### Appropriations:

(a) Personal services and employee benefits	100.0	8,110.2		8,210.2
(b) Contractual services	175.0	3,043.9		3,218.9
(c) Other	100.0	4,099.1		4,199.1

The general fund appropriations to the New Mexico state fair in the personal services and employee benefits and contractual services categories include two hundred seventy-five thousand dollars (\$275,000) to provide staffing and operational support for programs and exhibits within the African American performing arts center. Contingent on enactment of House Bill 519 or similar legislation of the first session of the fifty-seventh legislature transferring responsibility for overseeing programmatic operations of the African American performing arts center to the cultural affairs department, the general fund appropriations to the New Mexico state fair in the personal services and employee benefits categories and contractual services categories, which total two hundred seventy-five thousand dollars (\$275,000) to provide staffing and operational support for programs and exhibits within the African American performing arts center shall transfer to the cultural affairs department.

The general fund appropriation to the New Mexico state fair in the other category includes one hundred thousand dollars (\$100,000) for the maintenance and operations of the African American performing arts center building.

#### Performance measures:

(a) Output:	Number of paid attendees at annual state fair event	430,000
Subtotal		15,628.2

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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**STATE BOARD OF Licensure for Professional Engineers and Professional Surveyors:**

(1) Regulation and licensing:

The purpose of the regulation and licensing program is to regulate the practices of engineering and surveying in the state as they relate to the welfare of the public in safeguarding life, health and property and to provide consumers with licensed professional engineers and licensed professional surveyors.

Appropriations:

(a) Personal services and employee benefits		767.9		767.9
(b) Contractual services		296.5		296.5
(c) Other		368.8		368.8
Subtotal				1,433.2

**GAMING CONTROL BOARD:**

(1) Gaming control:

The purpose of the gaming control program is to provide strictly regulated gaming activities and to promote responsible gaming to New Mexicans 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	5,449.6		5,449.6
(b) Contractual services	820.7		820.7
(c) Other	1,110.2		1,110.2
Subtotal			7,380.5

**STATE RACING COMMISSION:**

(1) Horse racing 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 horse racing regulation program is to provide regulation in an equitable manner to New Mexico's pari-mutuel 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	2,520.4				2,520.4
(b) Contractual services	341.6	2,600.0			2,941.6
(c) Other	439.0	1,400.0			1,839.0

Performance measures:

(a) Outcome:	Percent of equine samples testing positive for illegal substances	0%
(b) Explanatory:	Amount collected from pari-mutuel revenues and license fees to the general fund, in millions	
(c) Explanatory:	Number of horse fatalities per one thousand starts	
Subtotal		7,301.0

### BOARD OF VETERINARY MEDICINE:

(1) Veterinary licensing and regulatory:

The purpose of the veterinary licensing and regulatory program is to regulate the profession of veterinary medicine in accordance with the Veterinary Practice Act and to promote continuous improvement in veterinary practices and management to protect the public.

Appropriations:

(a) Personal services and employee benefits	275.0	275.0
(b) Contractual services	128.4	128.4
(c) Other	1,071.6	1,071.6
Subtotal		1,475.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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### **CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION:**

The purpose of the Cumbres and Toltec scenic railroad commission program is to provide railroad excursions through, into and over the scenic San Juan mountains.

#### Appropriations:

(a) Personal services and employee benefits	122.3				122.3
(b) Contractual services	138.6	5,459.0			5,597.6
(c) Other	133.1				133.1

#### Performance measures:

(a) Outcome:	Number of passengers				35,500
Subtotal					5,853.0

### **OFFICE OF MILITARY BASE PLANNING AND SUPPORT:**

The purpose of the office of military base planning and support program 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 state initiatives are complementary of community actions and to identify and address appropriate state-level issues that will contribute to the long-term viability of New Mexico military installations.

#### Appropriations:

(a) Personal services and employee benefits	199.8				199.8
(b) Contractual services	179.2				179.2
(c) Other	30.4				30.4
Subtotal					409.4

### **SPACEPORT AUTHORITY:**

The purpose of the spaceport authority program is to finance, design, develop, construct, equip and safely operate spaceport America and thereby generate significant high technology economic development throughout the state.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					
(a) Personal services and employee benefits	3,755.1				3,755.1
(b) Contractual services	384.2	5,968.1			6,352.3
(c) Other		2,679.2			2,679.2
Performance measures:					
(a) Output:	Number of aerospace customers and tenants				45
Subtotal					12,786.6
TOTAL COMMERCE AND INDUSTRY	107,979.6	129,682.5	33,158.5	1,940.8	272,761.4

## 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	26,492.3	2,690.1		197.0	29,379.4
(b) Contractual services	562.4	558.4		70.0	1,190.8
(c) Other	5,681.0	2,654.4		60.5	8,395.9

#### Performance measures:

(a) Outcome:	Number of people served through programs and services offered by museums and historic sites	1,600,000
(b) Outcome:	Amount of earned revenue from admissions, rentals and other activity	\$4,000,000

#### (2) Preservation:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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The purpose of the preservation program is to identify, study and protect New Mexico's unique cultural resources, including its archaeological sites, architectural and engineering achievements, cultural landscapes and diverse heritage.

Appropriations:

(a) Personal services and employee benefits	1,299.4	996.8	78.5	907.4	3,282.1
(b) Contractual services	40.0	123.1	50.9	950.0	1,164.0
(c) Other	94.3	1,500.9	4.6	1,189.4	2,789.2

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.

The other state funds appropriations to the preservation program of cultural affairs department include one million two hundred five thousand seven hundred dollars (\$1,205,700) from the land of enchantment legacy fund.

(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	2,672.3			936.0	3,608.3
(b) Contractual services	280.8			7.8	288.6
(c) Other	1,851.1	75.0	1,700.0	854.2	4,480.3

Performance measures:

(a) Output:	Number of library transactions using electronic resources funded by the New Mexico state library	3,500,000
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(4) Arts:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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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	868.7			305.0	1,173.7
(b) Contractual services	100.0			30.0	130.0
(c) Other	726.2		15.0	465.0	1,206.2

(5) Music commission:

The purpose of the music commission program is to protect, promote, and preserve the musical traditions of New Mexico, to foster appreciation of the value of music, and to encourage the educational, creative, and professional musical activities of the residents of New Mexico.

Appropriations:

(a) Personal services and employee benefits	51.5				51.5
(b) Contractual services	35.0				35.0
(c) Other	110.0				110.0

(6) 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	4,542.5				4,542.5
(b) Contractual services	428.2	37.7			465.9
(c) Other	338.4				338.4
Subtotal					62,631.8

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
<b>NEW MEXICO LIVESTOCK BOARD:</b>					

(1) Livestock inspection:

The purpose of the livestock inspection program is to protect the livestock industry from loss of livestock by theft or straying and to help control the spread of dangerous livestock diseases.

Appropriations:

(a) Personal services and employee benefits	1,648.9	5,693.6	7,342.5
(b) Contractual services	330.0		330.0
(c) Other	2,356.0		2,356.0

(2) Meat inspection:

The purpose of the meat inspection program is to ensure the safety, quality and integrity of meat products for human consumption by enforcing rigorous inspection standards that meet or exceed federal requirements and, through thorough inspections, protect public health, promote consumer confidence and support the state's livestock industry.

Appropriations:

(a) Personal services and employee benefits	1,521.8	1,521.8
(b) Contractual services	8.4	8.4
(c) Other	241.7	241.7
Subtotal		11,800.4

**DEPARTMENT OF GAME AND FISH:**

(1) Field operations:

The purpose of the field operations program is to promote and assist the implementation of law enforcement, habitat and public outreach programs throughout the state.

Appropriations:



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits		9,461.9		331.1	9,793.0
(b) Contractual services		98.7			98.7
(c) Other		2,422.9			2,422.9

Performance measures:

(a) Output:	Number of conservation officer hours spent in the field checking for compliance	56,000
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(2) Conservation services:

The purpose of the conservation services program is to provide information and technical guidance to any person wishing to conserve and enhance wildlife habitat and recover indigenous species of threatened and endangered wildlife.

Appropriations:

(a) Personal services and employee benefits	6,879.8	8,670.9	15,550.7
(b) Contractual services	2,086.6	2,204.1	4,290.7
(c) Other	7,589.8	3,884.1	11,473.9
(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 fiscal year 2026 from this appropriation shall revert to the game protection fund.

The other state funds appropriations to the conservation services program of the department of game and fish include three million three hundred fifteen thousand six hundred dollars (\$3,315,600) from the land of enchantment legacy fund.

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(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				90%
(c) Output:	Annual output of fish from the department's hatchery system, in pounds				600,000

(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	422.2	422.2
(b) Contractual services	226.7	226.7
(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:

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	5,079.8	318.4	5,398.2
(b) Contractual services	384.9	27.1	412.0
(c) Other	3,474.1	155.4	3,629.5
Subtotal			54,512.9

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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**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	2,459.3	372.0		4,133.8	6,965.1
(b) Contractual services	420.3	7,457.9		20,124.2	28,002.4
(c) Other	294.4	20.0		1,125.9	1,440.3

(2) Healthy forests:

The purpose of the healthy forests program is to promote the health of New Mexico's forest lands by managing wildfires, mitigating urban-interface fire threats and providing stewardship of private and state forest lands and associated watersheds.

Appropriations:

(a) Personal services and employee benefits	7,779.4	219.9		6,989.1	14,988.4
(b) Contractual services	83.3	3,997.0	1,250.0	17,713.5	23,043.8
(c) Other	1,958.3	1,850.9	750.0	20,227.0	24,786.2
(d) Other financing uses		56.2			56.2

The other state funds appropriations to the healthy forests program of the energy, minerals and natural resources department include three million three hundred ninety thousand dollars (\$3,390,000) from the land of enchantment legacy fund.

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Output:	Number of nonfederal wildland firefighters provided professional and technical incident command system training				1,500
(b) Output:	Number of acres treated in New Mexico's forests and watersheds				14,500

(3) State parks:

The purpose of the state parks program is to create the best recreational opportunities possible in state parks by preserving cultural and natural resources, continuously improving facilities and providing quality, fun activities and to do it all efficiently.

Appropriations:

(a) Personal services and employee benefits	10,674.2	6,256.2		665.2	17,595.6
(b) Contractual services	111.9	1,533.3		1,625.0	3,270.2
(c) Other	2,210.7	6,014.3	500.0	8,859.1	17,584.1
(d) Other financing uses		611.1			611.1

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	1,867.2	407.1	79.2	2,377.4	4,730.9
(b) Contractual services	91.4	31.4	410.0	8,541.8	9,074.6
(c) Other	135.6	116.1	17.9	841.2	1,110.8
(d) Other financing uses		48.2			48.2

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(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	9,284.5	223.0		252.4	9,759.9
(b) Contractual services	362.7	22,144.7		30,476.5	52,983.9
(c) Other	792.1	2,525.4		132.6	3,450.1
(d) Other financing uses		299.7			299.7

Performance measures:

(a) Output:	Number of inspections of oil and gas wells and associated facilities	30,000
(b) Output:	Number of abandoned wells properly plugged	70

(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	4,422.9	945.8	1,100.8	6,469.5
(b) Contractual services	180.1	25.6	7.0	212.7
(c) Other	114.4	168.8	129.3	412.5
Subtotal				226,896.2

## YOUTH CONSERVATION CORPS:

The purpose of the youth conservation corps program is to provide funding for the employment of New Mexicans between the ages of fourteen and twenty-five to work on projects that will improve New Mexico's natural, cultural, historical and agricultural resources.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					
(a) Personal services and employee benefits		304.2			304.2
(b) Contractual services		5,545.0			5,545.0
(c) Other		159.7			159.7
(d) Other financing uses		125.0			125.0
Performance measures:					
(a) Output:	Number of youth employed annually				840
Subtotal					6,133.9

### STATE LAND OFFICE:

#### (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	22,375.0	22,375.0
(b) Contractual services	3,017.7	3,017.7
(c) Other	3,294.3	3,294.3

The state land office 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 state land office may expend as much of the money so held in suspense, as well as additional money held in escrow accounts resulting from the sales and money held in fund balances, as is necessary to repurchase the royalty interests pursuant to the agreements.

#### Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Outcome:	Amount of revenue generated through oil and natural gas audit activities, in millions				4.5
(b) Output:	Average income per acre from oil, natural gas and mining activities, in dollars				\$800
(c) Output:	Number of acres treated to achieve desired conditions for future sustainability				25,000
Subtotal					28,687.0

### 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	17,692.1	803.2		18,495.3
(b) Contractual services	220.5		406.0	626.5
(c) Other	1,518.8	126.2	317.9	1,962.9

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 improvement of the Rio Grande income 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	15,000

#### (2) Interstate stream compact compliance and water development:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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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	4,505.8	100.0	3,230.7		7,836.5
(b) Contractual services	500.0	35.0	4,728.7		5,263.7
(c) Other	797.1	763.8	1,215.7		2,776.6

The internal service funds/interagency transfer appropriations to the interstate stream compact compliance and water development program include six hundred fifty-two thousand two hundred dollars (\$652,200) from the New Mexico unit fund.

The internal service funds/interagency transfer appropriations to the interstate stream compact compliance and water development program of the state engineer include seven million six hundred twenty seven thousand four hundred dollars (\$7,627,400) from the New Mexico 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 2026 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 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	161,600
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(b) Outcome:	Cumulative state-line delivery credit per the Rio Grande compact at the end of the calendar year, in acre-feet				-150,000

(3) Litigation and adjudication:

The purpose of the litigation and adjudication program is to obtain a judicial determination and definition of water rights within each stream system and underground basin to effectively perform water rights administration and meet interstate stream obligations.

Appropriations:

(a) Personal services and employee benefits	2,973.2	2,532.0	1,501.8		7,007.0
(b) Contractual services	568.3		1,067.5		1,635.8
(c) Other	436.1	120.0			556.1
(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 five hundred one thousand eight hundred dollars (\$1,501,800) from the irrigation works construction fund and one million sixty-seven thousand five hundred dollars (\$1,067,500) from the improvement of the Rio Grande income fund.

The other state funds appropriations to the litigation and adjudication program of the state engineer include two million seven hundred thirty-two thousand dollars (\$2,732,000) from the water project fund pursuant to Section 72-4A-9 NMSA 1978.

Performance measures:

(a) Outcome:	Number of offers to defendants in adjudications	300
(b) Outcome:	Percent of all water rights claims 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.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					
(a) Personal services and employee benefits	5,050.5				5,050.5
(b) Contractual services	219.7				219.7
(c) Other	817.4				817.4
Subtotal					52,328.0
TOTAL AGRICULTURE, ENERGY AND NATURAL RESOURCES	130,823.1	146,817.3	18,464.6	146,885.2	442,990.2

## **F. HEALTH, HOSPITALS AND HUMAN SERVICES**

### **COMMISSION ON STATUS OF WOMEN:**

#### (1) Status of women:

The purpose of the status of women program is to provide information, public events, leadership, support services and career development to individuals, agencies and women's organizations so they can improve the economic, health and social status of women in New Mexico.

#### Appropriations:

(a) Personal services and employee benefits	251.6	251.6
(b) Contractual services	84.5	84.5
(c) Other	83.3	83.3
Subtotal		419.4

### **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	900.1				900.1
(b) Contractual services	268.6				268.6
(c) Other	151.4				151.4
Subtotal					1,320.1

### COMMISSION FOR DEAF AND HARD-OF-HEARING PERSONS:

(1) Deaf and hard-of-hearing:

The purpose of the deaf and hard-of-hearing program is to serve as a dynamic resource that will enhance the quality of life for deaf and hard-of-hearing residents 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	776.1		676.2	1,452.3
(b) Contractual services	909.5	550.0	167.8	1,627.3
(c) Other	198.7		82.1	280.8
(d) Other financing uses			116.5	116.5

The internal service funds/interagency transfers appropriation to the deaf and hard-of-hearing program of the commission for deaf and hard-of-hearing persons in the other financing uses category includes ninety-one thousand five hundred dollars (\$91,500) to transfer to the rehabilitation services program of the vocational rehabilitation division 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.

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.

#### Performance measures:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(a) Output:	Number of accessible technology equipment distributions				1,350
Subtotal					3,476.9

### **MARTIN LUTHER KING, JR. COMMISSION:**

The purpose of the Martin Luther King, Jr. commission program is to promote Martin Luther King, Jr.'s nonviolent principles and philosophy to the people of New Mexico through remembrance, celebration and action so that everyone gets involved in making a difference toward the improvement of interracial cooperation and reduction of youth violence in our communities.

#### Appropriations:

(a) Personal services and employee benefits	250.0				250.0
(b) Contractual services	141.5				141.5
(c) Other	201.8				201.8
Subtotal					593.3

### **COMMISSION FOR THE BLIND:**

#### (1) Blind services:

The purpose of the blind services program is to assist blind or visually impaired New Mexicans 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	2,286.3	145.7	232.5	3,810.7	6,475.2
(b) Contractual services	49.8			172.4	222.2
(c) Other	542.2	9,336.0		2,989.8	12,868.0
(d) Other financing uses	107.5				107.5

The general fund appropriation to the blind services program of the commission for the blind in the other financing uses category includes up to one hundred seven thousand five hundred dollars (\$107,500) to transfer to

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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the rehabilitation services program of the vocational rehabilitation division to match with federal funds to provide rehabilitation services for blind or visually impaired New Mexicans.

The internal service funds/interagency transfers appropriation to the blind services program of the commission for the blind includes two hundred thirty-two thousand five hundred dollars (\$232,500) from the vocational rehabilitation division to provide services to blind or visually impaired New Mexicans.

Any unexpended balances in the commission for the blind remaining at the end of fiscal year 2026 from appropriations made from the general fund shall not revert.

Performance measures:

(a) Outcome:	Average hourly wage for the blind or visually impaired person	\$25.83
(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	134
Subtotal		19,672.9

## 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	2,894.8		2,894.8
(b) Contractual services	630.1		630.1
(c) Other	1,247.7	249.3	1,497.0

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.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
Subtotal					5,021.9

## EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT:

### (1) Family support and early intervention:

The purpose of the family support and early intervention program is to provide a culturally sensitive early childhood comprehensive system of supports for families and young children, including home visiting, early intervention services and perinatal case management services.

#### Appropriations:

(a) Personal services and employee benefits	2,424.1		2,945.6	1,065.0	6,434.7
(b) Contractual services	29,327.9	870.0	14,500.0	6,530.6	51,228.5
(c) Other	20,028.1	1,647.1	11,197.5	774.6	33,647.3
(d) Other financing uses	10,901.6		5,000.0		15,901.6

The internal service funds/interagency transfers appropriations to the family support and early intervention program of the early childhood education and care department include five million dollars (\$5,000,000) from the early childhood education and care program fund for the family infant toddler program for state matching revenues to the medical assistance program of the health care authority contingent on enactment of House Bill 71 or similar legislation of the first session of the fifty-seventh legislature increasing the distribution from the early childhood education and care fund in fiscal year 2026.

The internal service funds/interagency transfers appropriations to the family support and early intervention program of the early childhood education and care department include ten million dollars (\$10,000,000) from the early childhood education and care program fund for rate increases and services in the family infant toddler program.

The internal service funds/interagency transfers appropriations to the family support and early intervention program of the early childhood education and care department include ten million dollars (\$10,000,000) from the early childhood education and care program fund for home visiting contingent on enactment of House Bill 71 or similar legislation of the first session of the fifty-seventh legislature increasing the distribution from the early childhood education and care fund in fiscal year 2026.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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The general fund appropriations to the family support and early intervention program of the early childhood education and care department shall be reduced by three million dollars (\$3,000,000) and an equal amount transferred from the permanent school fund to the common school current fund authorized by the 2022 amendment in Paragraph (2) of Subsection H of Section 7 of Article 12 of the constitution of New Mexico for early childhood education is appropriated in lieu thereof for home visiting rate increases.

Performance measures:

(a) Output:	Average annual number of home visits per family	22
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(2) Early care and education:

The purpose of the early care and education program is to ensure New Mexicans have access to high-quality, healthy, safe and supportive early childhood education environments for children and their families, as well as access to healthy meals.

Appropriations:

(a) Personal services and employee benefits	1,452.5		587.0	10,728.0	12,767.5
(b) Contractual services	524.4			3,075.0	3,599.4
(c) Other	2,796.9	1,100.0	358,227.5	111,470.3	473,594.7

The internal service funds/interagency transfers appropriations to the early care and education program of the early childhood education and care 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 childcare.

The internal service funds/interagency transfers appropriations to the early care and education program of the early childhood education and care department include two hundred ten million seven hundred thousand dollars (\$210,700,000) from the early childhood care and education program fund, of which one hundred five million three hundred thousand dollars (\$105,300,000) is for childcare assistance and to expand infant and toddler services in the childcare assistance program and one million dollars (\$1,000,000) is for nutrition programming, contingent on enactment of House Bill 71 or similar legislation of the first session of the fifty-seventh legislature increasing the distribution from the early childhood education and care fund in fiscal year 2026.

Performance measures:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(a) Outcome:	Percent of infants and toddlers participating in the childcare assistance program enrolled in childcare programs with four or five stars				75%

(3) Policy, research and quality initiatives:

The purpose of the policy, research and quality initiatives program is to oversee the early childhood education and care department's quality initiatives, including workforce development, coaching and consultation, infant early childhood mental health consultation and data analysis and reporting and performance. The program also conducts internal audits to ensure program integrity for the childcare assistance program.

Appropriations:

(a) Personal services and employee benefits	1,617.1			1,106.6	2,723.7
(b) Contractual services	16,812.9		20,048.0	11,340.3	48,201.2
(c) Other	1,096.8			67.1	1,163.9

The general fund appropriations to the policy, research and quality initiatives program of the early childhood education and care department shall be reduced by three million five hundred thousand dollars (\$3,500,000) and an equal amount transferred from the permanent school fund to the common school current fund authorized by the 2022 amendment in Paragraph (2) of Subsection H of Section 7 of Article 12 of the constitution of New Mexico for early childhood education is appropriated in lieu thereof for prekindergarten quality supports.

The internal service funds/interagency transfers appropriation to the policy, research and quality initiatives program of the early childhood education and care department includes one million dollars (\$1,000,000) from the opioid crisis recovery fund for infant mental health.

The internal service funds/interagency transfers appropriation to the policy, research and quality initiatives program of the early childhood education and care department includes two million five hundred thousand dollars (\$2,500,000) from the early childhood education and care program fund for workforce supports, contingent on enactment of House Bill 71 or similar legislation of the first session of the fifty-seventh legislature increasing the distribution from the early childhood education and care fund in fiscal year 2026.

The internal service funds/interagency transfers appropriation to the policy, research and quality initiatives program of the early childhood education and care department includes five hundred forty-eight thousand dollars (\$548,000) from the early childhood education and care program fund for a program to provide



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
books to young children, contingent on enactment of House Bill 71 or similar legislation of the first session of the fifty-seventh legislature increasing the distribution from the early childhood education and care fund in fiscal year 2026.					

Performance measures:

(a) Output:	Percent of early childhood professionals, including tribal educators, with degrees and/or credentials	77%
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(4) Prekindergarten:

The purpose of the prekindergarten program is to ensure New Mexicans have access to a high-quality mixed-delivery early childhood education system. The program oversees the administration, monitoring, quality supports and technical assistance for prekindergarten in traditional public schools, charter schools and community-based organizations. In collaboration with the public education department, the program administers prekindergarten funding and ensures all prekindergarten children with special education needs receive the services and supports they need.

Appropriations:

(a) Personal services and employee benefits	1,990.5		1,990.5
(b) Contractual services	2,600.0		2,600.0
(c) Other	197,879.0	70,704.1	268,583.1

The general fund appropriations to the prekindergarten program of the early childhood education and care department shall be reduced by ten million dollars (\$10,000,000) and an equal amount transferred from the permanent school fund to the common school current fund authorized by the 2022 amendment in Paragraph (2) of Subsection H of Section 7 of Article 12 of the constitution of New Mexico for early childhood education is appropriated in lieu thereof for prekindergarten programs.

The internal service funds/interagency transfers appropriation to the prekindergarten program of the early childhood education and care department includes fifty-five million dollars (\$55,000,000) from the early childhood education and care program fund for prekindergarten and early prekindergarten services, contingent on enactment of House Bill 71 or similar legislation of the first session of the fifty-seventh legislature increasing the distribution from the early childhood education and care fund in fiscal year 2026.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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				80%
(b) Outcome:	Percent of children who participated in a New Mexico prekindergarten program for at least nine months who are proficient in math in kindergarten				75%

(5) Program support:

The purpose of program support is to provide leadership and support for the early childhood education and care department through strategic planning, legal services, information and technology services, financial services and budget, human resources and background checks.

Appropriations:

(a) Personal services and employee benefits	6,211.9	1,194.9	1,865.8	2,477.1	11,749.7
(b) Contractual services	3,579.0	1,890.8	7,700.0	3,989.2	17,159.0
(c) Other	1,791.5	856.8	1,900.0		4,548.3
(d) Other financing uses			40,000.0		40,000.0

The internal service funds/interagency transfers appropriation to program support of the early childhood education and care department in the other financing uses category includes fifteen million dollars (\$15,000,000) from the early childhood education and care program fund for the medical assistance program of the health care authority for provider rates for maternal and child health, of which ten million dollars (\$10,000,000) is contingent on enactment of House Bill 71 or similar legislation of the first session of the fifty-seventh legislature increasing the distribution for early childhood education and care fund in fiscal year 2026.

The internal service funds/interagency transfers appropriation to program support of the early childhood education and care department in the other financing uses category includes six hundred thousand dollars (\$600,000) from the early childhood education and care program fund for the public health program of the department of health for the doula credential program contingent on enactment of House Bill 214 or similar legislation of the first session of the fifty-seventh legislature creating a doula credentialing and access program.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
The internal service funds/interagency transfers appropriation to program support of the early childhood education and care department in the contractual services category includes one hundred fifty thousand dollars (\$150,000) from the early childhood education and care program fund for deaf and hard-of-hearing screenings for young children.					
The internal service funds/interagency transfers appropriations to program support of the early childhood education and care department include one million five hundred thousand dollars (\$1,500,000) from the early childhood education and care program fund for information technology contingent on enactment of House Bill 71 or similar legislation of the first session of the fifty-seventh legislature increasing the distribution for the early childhood education and care fund in fiscal year 2026.					
The internal service funds/interagency transfers appropriations to program support of the early childhood education and care department include one million dollars (\$1,000,000) from the early childhood education and care program fund for tribal support, contingent on enactment of House Bill 71 or similar legislation of the first session of the fifty-seventh legislature increasing the distribution from the early childhood education and care fund in fiscal year 2026.					
Subtotal					995,893.1

## 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	2,787.9	900.0	1,151.3	4,839.2
(b) Contractual services	310.0		111.0	421.0
(c) Other	244.6		609.5	854.1

#### Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(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				98%

(2) Aging network:

The purpose of the aging network program is to provide supportive social and nutrition services for older individuals and persons with disabilities so they can remain independent and involved in their communities and to provide training, education and work experience to older individuals so they can enter or re-enter the workforce and receive appropriate income and benefits.

Appropriations:

(a) Personal services and employee benefits	1,482.6	34.5		455.3	1,972.4
(b) Contractual services	939.9	10.0		119.2	1,069.1
(c) Other	43,667.7	71.3		11,450.1	55,189.1

The general fund appropriation to the aging network program of the aging and long-term services department in the other category includes sufficient funding to provide 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 fiscal year 2026.

Any unexpended balances remaining in the aging network program of the aging and long-term services department from the conference on aging at the end of fiscal year 2026 from appropriations made from other state funds for the conference on aging shall not revert to the general fund.

Any unexpended balances remaining in the aging network 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 2026 shall not revert to the general fund.

Performance measures:

(a) Outcome:	Number of caregiver hours	300,000:0
(b) Output:	Number of hours of service provided by senior volunteers, statewide	745,000

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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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	8,855.1		2,557.5		11,412.6
(b) Contractual services	1,092.3		1,926.3		3,018.6
(c) Other	671.4		250.0		921.4

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	100%
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(4) Long-term care:

Appropriations:

(a) Personal services and employee benefits	1,215.5		400.0	55.7	1,671.2
(b) Contractual services	5,605.3			442.8	6,048.1
(c) Other	170.0			5.0	175.0

(5) Program support:

The purpose of program support is to provide clerical, record-keeping and administrative support in the areas of personnel, budget, procurement and contracting to agency staff, outside contractors and external control agencies to implement and manage programs.

Appropriations:

(a) Personal services and employee benefits	5,069.5			121.9	5,191.4
(b) Contractual services	290.2	2,275.6			2,565.8

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(c) Other	1,848.1				1,848.1
Subtotal					97,197.1

## HEALTH CARE AUTHORITY:

(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	9,872.6			10,399.5	20,272.1
(b) Contractual services	42,933.3	6,727.4	759.9	148,999.4	199,420.0
(c) Other	1,310,744.2	155,326.0	953,759.2	8,650,709.0	11,070,538.4

~~[The distribution of forty percent of the federal funds and internal service funds/interagency transfers appropriations collected from a hospital due to the enactment of the Health Care Delivery and Access Act of 2024 shall be contingent on the health care authority certifying that the hospital demonstrates a ten percent improvement over fiscal year 2025 in the average waiting times to receive a nonemergency procedure and a ten percent improvement over fiscal year 2025 in medicaid members who receive follow-up community based services at seven days after discharge from an inpatient psychiatric hospitalization stay of four or more days.]~~ LINE ITEM VETO

The appropriations to the medical assistance program of the health care authority assume the state will receive an enhanced federal medical assistance percentage rate for those enrolled in the expansion adult category through fiscal year 2026 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 health care authority may reduce or rescind eligibility for the expansion adult category.

The internal service funds/interagency transfers appropriation to the medical assistance program of the health care authority in the other category includes one million three hundred forty thousand seven hundred dollars (\$1,340,700) from the tobacco settlement program fund for the breast and cervical cancer treatment program and eight million nine hundred twenty-two thousand two hundred dollars (\$8,922,200) from the tobacco settlement program fund for medicaid programs.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
The internal service funds/interagency transfers appropriations to the medical assistance program of the health care authority include sixty-three million seven hundred twenty-nine thousand dollars (\$63,729,000) from the county-supported medicaid fund.					
The internal service funds/interagency transfers appropriations to the medical assistance program of the health care authority include seventy-seven million three hundred forty thousand five hundred dollars (\$77,340,500) from safety net care pool proceeds.					
The other state funds appropriations to the medical assistance program of the health care authority include thirty-five million four hundred sixty-five thousand dollars (\$35,465,000) from the health care facility fund.					
The general fund appropriation to the medical assistance program of the health care authority in the other category includes eight million eight hundred twenty-three thousand dollars (\$8,823,000) to continue the rate adjustments as appropriated in Section 4 of Chapter 69 of Laws 2024 through fiscal year 2026 and based on the health care authority's comprehensive rate review.					
The general fund appropriation to the medical assistance program of the health care authority in the other category includes five million three hundred thousand dollars (\$5,300,000) for rate adjustments for a program for all inclusive care for the elderly, two million five hundred thousand dollars (\$2,500,000) for rate adjustments for assisted living facility providers and nine million dollars (\$9,000,000) to rebase rates for nursing facilities.					
The internal service funds/interagency transfers appropriations to the medical assistance program of the health care authority include ten million dollars (\$10,000,000) from the early childhood education and care fund for provider rate increases for maternal and child health, five million eight hundred thousand dollars (\$5,800,000) from the early childhood education and care fund for birthing doulas and lactation counselor services and one million five hundred thousand dollars (\$1,500,000) from the early childhood education and care fund for medicaid home visiting.					
Medicaid managed care organization contractors may negotiate different reimbursement amounts for different specialties or for different practitioners in the same specialty but shall not negotiate less than the medicaid fee-for-service rate. The health care authority will monitor implementation of the rate increases and share any reports or monitoring information quarterly with the legislative finance committee. <del>[The health care authority will not expand medicaid eligibility without prior approval of the legislature.]</del> The health care authority shall also ensure rate parity between hospitals and free standing birthing centers. <i>LINE ITEM VETO</i>					

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Outcome:	Percent of adults in medicaid managed care age eighteen and over readmitted to a hospital within thirty days of discharge				8%
(b) 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				80%

(2) Medicaid behavioral health:

The purpose of the medicaid behavioral health program is to provide the necessary resources and information to enable low-income individuals to obtain either free or low-cost behavioral healthcare.

Appropriations:

(a) Other	177,692.1	7,214.0	751,635.9	936,542.0
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The general fund appropriation to the medicaid behavioral health program of the health care authority in the other category includes five million seven hundred ninety-nine thousand five hundred dollars (\$5,799,500) for behavioral health provider rate increases.

The general fund appropriation to the medicaid behavioral health program of the health care authority includes fifty thousand dollars (\$50,000) for transfer to the administrative hearings office to support medicaid hearing officers.

The internal service funds/interagency transfers appropriation to the medicaid behavioral health program of the health care authority in the other category includes one million seven hundred fourteen thousand dollars (\$1,714,000) from the opioid crisis recovery fund for plans of safe care navigators as outlined in Section 32A-3A-13 NMSA 1978 and five million five hundred thousand dollars (\$5,500,000) from the opioid crisis recovery fund for the ongoing costs of the opioid epidemic.

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	210,000



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(3) Income support:					

The purpose of the income support program is to provide cash assistance and supportive services to eligible low-income families so they can achieve self-sufficiency. Eligibility requirements are established by state law within broad federal statutory guidelines.

Appropriations:

(a) Personal services and employee benefits	31,089.5			56,139.6	87,229.1
(b) Contractual services	15,729.4			49,376.2	65,105.6
(c) Other	44,688.1	60.8		1,288,255.8	1,333,004.7

The federal funds appropriations to the income support program of the health care authority 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 health care authority include one million nine hundred seventy-two thousand two hundred dollars (\$1,972,200) from the general fund and fifty-seven million nine hundred fifty-two thousand two hundred dollars (\$57,952,200) 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, transitions, two clothing allowances per year, diversion payments and state-funded payments to undocumented workers.

The federal funds appropriations to the income support program of the health care authority 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 health care authority 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 and care department for childcare programs.

The federal funds appropriations to the income support program of the health care authority include seventeen million seven hundred ninety-eight thousand six hundred dollars (\$17,798,600) from the federal

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
temporary assistance for needy families block grant for transfer to the children, youth and families department for supportive housing, adoption services, foster care services, multilevel response system implementation as outlined in Section 32A-4-4.1 NMSA 1978, services for youth aging out of foster care, family support services, family preservation services, evidence-based prevention and intervention services and fostering connections.					

The federal funds appropriations to the income support program of the health care authority include four million dollars (\$4,000,000) from the federal temporary assistance for needy families block grant for transfer to the higher education department for adult basic education and one million dollars (\$1,000,000) for integrated education and training programs, including integrated basic education and skills training programs.

The federal funds appropriations to the income support program of the health care authority include five hundred thousand dollars (\$500,000) from the federal temporary assistance for needy families block grant for transfer to the public education department for the graduation, reality and dual-role skills program to expand services and implement mentorship programs for teenage fathers.

The appropriations to the income support program of the health care authority include seven million two hundred twenty thousand dollars (\$7,220,000) from the general fund and one million four hundred thousand dollars (\$1,400,000) from federal funds for general assistance.

Any unexpended balances remaining at the end of fiscal year 2026 from the other state funds appropriations to the income support program of the health care authority 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	45%
(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 and comprehensive behavioral health prevention and treatment system so the program fosters recovery and supports the health and resilience of all New Mexicans.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					
(a) Personal services and employee benefits	3,850.9			1,441.9	5,292.8
(b) Contractual services	54,779.4	169.5	3,288.0	40,116.7	98,353.6
(c) Other	1,388.9	4.0		842.5	2,235.4

The internal service funds/interagency transfers appropriation to the behavioral health services program of the health care authority includes two million two hundred eighty-eight thousand dollars (\$2,288,000) from the opioid crisis recovery fund for housing assistance for people affected by opioid use disorder and one million dollars (\$1,000,000) from the opioid crisis recovery fund for behavioral health telehealth services.

Performance measures:

(a) Outcome:	Percent of individuals discharged from inpatient facilities who receive follow-up services at thirty days	60%
(b) Outcome:	Percent of adults diagnosed with major depression who remained on an antidepressant medication for at least one hundred eighty days	42%
(c) 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	51%

(5) Child support enforcement:

The purpose of the child support enforcement program is to provide location, establishment and collection services for custodial parents and their children; to ensure that all court orders for support payments are being met to maximize child support collections; and to reduce public assistance rolls.

Appropriations:

(a) Personal services and employee benefits	8,914.3		18,418.6	27,332.9
(b) Contractual services	2,964.4	201.0	6,759.4	9,924.8
(c) Other	1,677.7		3,235.5	4,913.2

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Performance measures:					

(a) Outcome:	Amount of child support collected, in millions				\$120
(b) Outcome:	Percent of current support owed that is collected				65%
(c) Outcome:	Percent of cases with support orders				85%

(6) State health benefits:

The purpose of the health benefits program is to effectively administer comprehensive health-benefit plans to state and local government employees.

Appropriations:

(a) Contractual services		37,355.0		37,355.0
(b) Other		480,998.5		480,998.5

(7) Health improvement:

The purpose of the health improvement 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	11,093.3	1,166.5		8,276.4	20,536.2
(b) Contractual services	666.1	10.4		446.0	1,122.5
(c) Other	1,354.5	115.0		564.7	2,034.2

(8) 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:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(a) Personal services and employee benefits	8,145.7			10,068.0	18,213.7
(b) Contractual services	7,147.2			6,441.7	13,588.9
(c) Other	6,255.9	184.6		2,923.8	9,364.3
(d) Other financing uses	284,324.8				284,324.8

The general fund appropriation to the developmental disabilities support program of the health care authority in the other financing uses category includes twenty-six million one hundred ninety-five thousand dollars (\$26,195,000) to raise rates for developmental disability providers, twenty million dollars (\$20,000,000) for increased enrollee service utilization and four million dollars (\$4,000,000) for enrollment growth.

(9) Health care affordability fund:

The purpose of the health care affordability fund program is to improve access to healthcare by helping New Mexicans pay for healthcare insurance and supporting the planning, design and implementation of healthcare coverage initiatives for uninsured New Mexicans.

Appropriations:

(a) Personal services and employee benefits		1,000.0		1,000.0
(b) Contractual services		1,000.0		1,000.0
(c) Other		146,000.0		146,000.0
(d) Other financing uses		30,000.0		30,000.0

(10) 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	17,170.1	2,419.6		16,222.0	35,811.7
(b) Contractual services	12,552.3	247.6	2,300.0	41,430.1	56,530.0
(c) Other	6,749.3	332.8		13,529.4	20,611.5
Subtotal					15,018,655.9

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
<b>WORKFORCE SOLUTIONS DEPARTMENT:</b>					

(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	1,044.5		1,200.0	9,181.9	11,426.4
(b) Contractual services	40.0		28.9	319.0	387.9
(c) Other	55.0		709.0	1,336.0	2,100.0

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 waiting time to speak to a customer service agent in the unemployment insurance operation center to file a new unemployment insurance claim, in minutes	14:0
(c) Output:	Average waiting time to speak to a customer service agent in the unemployment insurance operation center to file a weekly certification, in minutes	14:0

(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.

Appropriations:

(a) Personal services and employee benefits	5,133.9	116.2	340.0	100.0	5,690.1
(b) Contractual services	68.1		70.0	10.0	148.1
(c) Other	225.0		189.5	50.0	464.5

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(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	899.4			4,369.0	5,268.4
(b) Contractual services	2,205.4		1,909.5	5,007.2	9,122.1
(c) Other	2,723.9		732.5	4,793.6	8,250.0

Performance measures:

(a) Outcome:	Percent of time the unemployment framework for automated claims and tax services are available during scheduled uptime	99%
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(4) Employment services:

The purpose of the employment services program is to provide standardized business solution strategies and labor market information through the New Mexico public workforce system that is responsive to the needs of New Mexico businesses.

Appropriations:

(a) Personal services and employee benefits	500.9	12,352.2	12,680.6	25,533.7
(b) Contractual services	76.3	200.0	1,490.6	1,766.9
(c) Other	195.7	8,842.2	8,368.3	17,406.2

The internal service funds/interagency transfers appropriations to the employment services program of the workforce solutions department include seven hundred fifty thousand dollars (\$750,000) from the workers' compensation administration fund of the workers' compensation administration.

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(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				\$16,250
(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 each agency program to achieve organizational goals and objectives.

Appropriations:

(a) Personal services and employee benefits	342.0		375.1	10,788.3	11,505.4
(b) Contractual services	16.9		91.4	990.5	1,098.8
(c) Other	20.0		84.8	33,829.6	33,934.4
Subtotal					134,102.9

### 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		11,224.6		11,224.6
(b) Contractual services		396.0		396.0
(c) Other		1,471.0		1,471.0
(d) Other financing uses		750.0		750.0



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
The other state funds appropriation to the workers' compensation administration program in the other financing uses category includes seven hundred fifty thousand dollars (\$750,000) from the workers' compensation administration fund for the employment services program of the workforce solutions department.					

Performance measures:

(a) Outcome:	Rate of serious injuries and illnesses caused by workplace conditions per one hundred workers	0.6
(b) Outcome:	Percent of employers determined to be in compliance with insurance requirements of the Workers' Compensation Act after initial investigations	97%

(2) Uninsured employers' fund:

The purpose of the uninsured employers' fund program is to provide workers' compensation benefits for injured workers whose employers do not carry workers' compensation insurance but are legally required to do so.

Appropriations:

(a) Personal services and employee benefits	493.1	493.1
(b) Contractual services	121.1	121.1
(c) Other	497.0	497.0
Subtotal		14,952.8

## VOCATIONAL REHABILITATION DIVISION:

(1) Rehabilitation services:

The purpose of the rehabilitation services program is to promote opportunities for people with disabilities to become more independent and productive by empowering individuals with disabilities so they may maximize their employment, economic self-sufficiency, independence and inclusion and integration into society.

Appropriations:

(a) Personal services and employee benefits	15,962.5	15,962.5
(b) Contractual services	2,200.3	2,200.3

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(c) Other	6,404.6		191.5	9,907.1	16,503.2
(d) Other financing uses				200.0	200.0

The general fund appropriation to the rehabilitation services program of the vocational rehabilitation division 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 vocational rehabilitation division 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 vocational rehabilitation division 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 vocational rehabilitation division in the other financing uses category includes two hundred thousand dollars (\$200,000) for the independent living program of the commission for the blind to provide services to blind or visually impaired New Mexicans.

Performance measures:

(a) Outcome:	Number of clients achieving suitable employment for a minimum of ninety days	650
(b) Outcome:	Percent of clients achieving suitable employment outcomes of all cases closed after receiving planned services	60%

(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	662.7	7.5	1,337.5	2,007.7

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(c) Other financing uses				32.5	32.5

The internal service funds/interagency transfers appropriation to the independent living services program of the vocational rehabilitation division in the other category includes seven thousand five hundred dollars (\$7,500) 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 vocational rehabilitation division in the other financing uses category includes thirty-two thousand five hundred dollars (\$32,500) for the independent living program of the commission for the blind to provide services to blind or visually impaired New Mexicans.

Performance measures:

(a) Output:	Number of independent living plans developed	1,600
(b) Output:	Number of individuals served for independent living	1,700

(3) Disability determination:

The purpose of the disability determination program is to produce accurate and timely eligibility determinations to social security disability applicants so they may receive benefits.

Appropriations:

(a) Personal services and employee benefits	10,767.6	10,767.6
(b) Contractual services	4,203.0	4,203.0
(c) Other	4,399.1	4,399.1

Performance measures:

(a) Efficiency:	Average number of days to complete an initial disability claim	185
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(4) Administrative services:

The purpose of the administrative services program is to provide leadership, policy development, financial analysis, budgetary control, information technology services, administrative support and legal services to the

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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vocational rehabilitation division. The administration services program function is to ensure the vocational rehabilitation division achieves a high level of accountability and excellence in services provided to the people of New Mexico.

Appropriations:

(a) Personal services and employee benefits		951.2		4,139.7	5,090.9
(b) Contractual services				256.9	256.9
(c) Other				1,360.6	1,360.6

Any unexpended balances in the vocational rehabilitation division remaining at the end of fiscal year 2026 from appropriations made from the general fund shall not revert and may be expended in fiscal year 2027.

Subtotal					63,035.8
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### GOVERNOR'S COMMISSION ON DISABILITY:

(1) Governor's commission on disability:

The purpose of the governor's commission on disability program is to promote policies and programs that focus on common issues faced by New Mexicans with disabilities, regardless of type of disability, age or other factors. The commission educates state administrators, legislators and the general public on the issues facing New Mexicans with disabilities, especially as they relate to federal Americans with Disabilities Act directives, building codes, disability technologies and disability culture so they can improve the quality of life of New Mexicans with disabilities.

Appropriations:

(a) Personal services and employee benefits	815.7	50.0		365.9	1,231.6
(b) Contractual services	60.0			75.5	135.5
(c) Other	420.5	200.0		86.6	707.1

Performance measures:

(a) Outcome:	Percent of requested architectural plan reviews and site inspections completed	99%
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(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 health care authority 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	93.6				93.6
(b) Contractual services	58.1				58.1
(c) Other	92.4				92.4
Subtotal					2,318.3

**DEVELOPMENTAL DISABILITIES COUNCIL:**

(1) Developmental disabilities council:

The purpose of the developmental disabilities council program is to provide and produce opportunities for people with disabilities so they may realize their dreams and potential and become integrated members of society.

Appropriations:

(a) Personal services and employee benefits	1,037.4			263.5	1,300.9
(b) Contractual services	160.7				160.7
(c) Other	290.3		75.0	341.3	706.6

(2) Office of guardianship:

The purpose of the office of guardianship program is to enter into, monitor and enforce guardianship contracts for income-eligible persons and to 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:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	1,342.0				1,342.0
(b) Contractual services	6,981.0		550.0		7,531.0
(c) Other	157.4				157.4

The general fund and internal service funds/interagency transfers appropriations to the office of guardianship program of the developmental disabilities council in the contractual services category include seven million four hundred thousand dollars (\$7,400,000) to provide legal services and professional guardianship services for clients.

Performance measures:

(a) Outcome:	Average amount of time spent on waiting list, in months	7:5
Subtotal		11,198.6

### 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	11,981.0	4,795.0	7,452.0	24,228.0
(b) Contractual services	4,387.0	1,753.0	2,727.0	8,867.0
(c) Other	4,499.0	1,802.0	2,803.0	9,104.0
(d) Other financing uses	675.0			675.0

Performance measures:

(a) Outcome:	Percent of occupancy at nursing home based on licensed beds	55%
(b) Quality:	Percent of patients readmitted to the hospital within thirty days with the same or similar diagnosis	1.8%

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
Subtotal					42,874.0

## DEPARTMENT OF HEALTH:

### (1) Public health:

The purpose of the public health program is to provide a coordinated system of community-based public health services focusing on disease prevention and health promotion to improve health status, reduce disparities and ensure timely access to quality, culturally competent healthcare.

#### Appropriations:

(a) Personal services and employee benefits	32,681.7	5,361.1	5,986.6	37,169.5	81,198.9
(b) Contractual services	27,490.3	8,588.6	15,888.3	17,346.1	69,313.3
(c) Other	20,398.9	32,622.0	8,953.8	53,504.2	115,478.9
(d) Other financing uses	462.3				462.3

#### 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	96%
(c) Outcome:	Percent of preschoolers ages nineteen to thirty-five months indicated as being fully immunized	75%

### (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:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Personal services and employee benefits	7,082.0	160.2	300.0	21,460.7	29,002.9
(b) Contractual services	4,246.8	206.8	529.5	26,716.0	31,699.1
(c) Other	5,595.1	189.1	91.1	2,829.4	8,704.7

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	7,545.8	1,256.4		2,587.8	11,390.0
(b) Contractual services	656.7	13.3	33.5	155.9	859.4
(c) Other	2,704.1	290.4	860.0	3,148.2	7,002.7

(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 New Mexicans.

Appropriations:

(a) Personal services and employee benefits	72,989.0	57,196.4	5,795.1	8,954.3	144,934.8
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(b) Contractual services	3,791.0	14,194.2	1,106.4	4,162.9	23,254.5
(c) Other	17,130.4	11,758.5	533.1	1,283.3	30,705.3

Performance measures:

(a) Efficiency: Percent of eligible third-party revenue collected at all agency facilities 94%

(5) Medical cannabis:

The purpose of the medical cannabis program is to provide qualified patients with the means to legally and beneficially consume medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments and to regulate a system of production and distribution of medical cannabis to ensure an adequate supply.

Appropriations:

(a) Personal services and employee benefits		2,060.6		2,060.6
(b) Contractual services		334.8		334.8
(c) Other		121.1		121.1

(6) 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	9,385.1	638.1		8,499.6	18,522.8
(b) Contractual services	371.9		58.2	430.0	860.1
(c) Other	457.4	361.9	882.3	1,270.4	2,972.0
Subtotal					578,878.2

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
<b>DEPARTMENT OF ENVIRONMENT:</b>					

(1) Resource protection:

The purpose of the resource protection program is to monitor and provide regulatory oversight of the generation, storage, transportation and disposal of wastes in New Mexico. The program also oversees the investigation and cleanup of environmental contamination covered by the Resource Conservation and Recovery Act.

Appropriations:

(a) Personal services and employee benefits	1,917.4	6,883.6	246.0	3,684.8	12,731.8
(b) Contractual services	550.3	6,326.8		2,097.9	8,975.0
(c) Other	59.0	8,673.8	56.0	641.0	9,429.8
(d) Other financing uses		8,122.0			8,122.0

Performance measures:

(a) Outcome:	Percent of hazardous waste facilities in compliance	90%
(b) Outcome:	Percent of solid and infectious waste management facilities in compliance	90%

(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, wastewater and solid waste infrastructure through funding, technical assistance and project oversight.

Appropriations:

(a) Personal services and employee benefits	6,392.2	2,661.5	2,166.4	12,348.4	23,568.5
(b) Contractual services	1,482.0	5,580.5	115.7	24,556.2	31,734.4
(c) Other	427.9	6,719.1	637.9	14,573.1	22,358.0

The other state funds appropriations to the water protection program of the department of environment include one million five hundred seven thousand dollars (\$1,507,000) from the land of enchantment legacy fund.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Performance measures:					

(a) Output:	Number of nonpoint source impaired waterbodies restored by the department relative to the number of impaired water bodies				1/4
(b) Outcome:	Percent of groundwater permittees in compliance				99%

(3) Environmental protection:

The purpose of the environmental protection program is to ensure New Mexicans breathe healthy air, to prevent and mitigate the impacts of climate change on the state's population and industries and to protect the public from radiation-related risks. The program implements rules and initiatives that reduce greenhouse gas emissions, protect the public from environmental contaminants and limit exposure to radon and radioactive materials.

Appropriations:

(a) Personal services and employee benefits	2,458.0	10,197.1	126.3	1,630.5	14,411.9
(b) Contractual services	206.0	10,313.7	12.0	506.2	11,037.9
(c) Other	264.0	2,923.3	165.6	2,372.1	5,725.0

Performance measures:

(a) Outcome:	Percent of the population breathing air meeting federal health standards				99%
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(4) Resource management:

The purpose of the resource management program is to provide overall leadership, administrative, legal and information management support to all programs within the department. This support allows the department to operate in the most responsible, efficient and effective manner so the public can receive the information it needs to hold the department accountable.

Appropriations:

(a) Personal services and employee benefits	4,985.3		5,013.1	4,822.3	14,820.7
(b) Contractual services	554.2		1,442.2	354.5	2,350.9

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(c) Other	3,050.2		3,449.3	2,071.3	8,570.8

(5) Environmental health:

The purpose of the environmental health program is to protect the public from environmental health hazards by providing regulatory oversight of food service and food processing facilities, hemp-finished products, adult use and medical edible cannabis products, public swimming pools and spas and liquid waste systems. The program also ensures every employee has safe working conditions, enforcing occupational health and safety standards to prevent workplace illnesses, injuries, and fatalities.

Appropriations:

(a) Personal services and employee benefits	7,386.3	1,353.4	1,457.2	230.9	10,427.8
(b) Contractual services	27.0	635.0		9.2	671.2
(c) Other	283.1	989.8		221.5	1,494.4

(6) Compliance and enforcement division:

The purpose of the compliance and enforcement program is to protect the public health and the environment by ensuring business, industry and federal facility compliance with federal and state rules and permit and license requirements. This program also oversees and manages the department's emergency operations and response efforts, enabling the department to respond to emergencies while maintaining its commitment to ongoing regulatory functions.

Appropriations:

(a) Personal services and employee benefits	2,838.4	5,180.0	1,085.3	3,184.7	12,288.4
(b) Contractual services	71.2	75.0	15.0	40.0	201.2
(c) Other	322.5	858.8	170.5	227.3	1,579.1
Subtotal					200,498.8

**OFFICE OF NATURAL RESOURCES TRUSTEE:**

(1) Natural resource damage assessment and restoration:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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The purpose of the natural resource damage assessment and restoration 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	737.8	170.0			907.8
(b) Contractual services		9,500.0			9,500.0
(c) Other	62.2				62.2
Subtotal					10,470.0

**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	6,195.8	65.0		478.0	6,738.8
(b) Contractual services	1,199.6	395.0		501.0	2,095.6
(c) Other	1,225.7	115.0		264.0	1,604.7

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 the veterans' services department	
Subtotal		10,439.1

**OFFICE OF FAMILY REPRESENTATION AND ADVOCACY:**

(1) Office of family representation and advocacy:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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The purpose of the office of family representation and advocacy program is to provide high-quality legal representation for children, youth and respondents involved in child welfare cases.

Appropriations:

(a) Personal services and employee benefits	3,974.0		1,358.0		5,332.0
(b) Contractual services	4,609.4	500.0	1,355.3		6,464.7
(c) Other	527.4		175.8		703.2
Subtotal					12,499.9

**CHILDREN, YOUTH AND FAMILIES DEPARTMENT:**

(1) Juvenile justice facilities:

The purpose of the juvenile justice facilities program is to provide rehabilitative services to youth committed to the department, including medical, educational, mental health and other services that will support their rehabilitation.

Appropriations:

(a) Personal services and employee benefits	54,616.7	1,427.5	4,150.0	71.8	60,266.0
(b) Contractual services	9,083.0	3,699.4	350.0	401.5	13,533.9
(c) Other	8,187.2	27.3		108.2	8,322.7

The general fund appropriations to the juvenile justice facilities program of the children, youth and families department include seven thousand six hundred dollars (\$7,600) for juvenile public safety advisory board operations.

(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:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(a) Personal services and employee benefits	65,512.3		9,595.4	20,480.8	95,588.5
(b) Contractual services	19,228.4	525.4	9,533.3	27,407.0	56,694.1
(c) Other	40,752.2		59.3	38,544.5	79,356.0

The general fund appropriations to the protective services program of the children, youth and families department include seven million six hundred sixty-two thousand dollars (\$7,662,000) to match with federal revenue for well-supported, supported or promising programming as included on the clearinghouse website for the federal Family First Prevention Services Act or on the website for the California evidence-based clearinghouse for child welfare.

The internal service funds/interagency transfers appropriations to the protective services program of the children, youth and families department include seventeen million seven hundred ninety-eight thousand six hundred dollars (\$17,798,600) from the federal temporary assistance for needy families block grant to New Mexico for supportive housing, adoption services, foster care services, multilevel response system implementation as outlined in Section 32A-4-4.1 NMSA 1978, services for youth aging out of foster care, family support services, family preservation services, evidence-based prevention and intervention services and fostering connections.

Performance measures:

(a) Output:	Turnover rate for protective service workers	25%
(b) 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	43%

(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	10,902.6	2,676.1	201.0	13,779.7
(b) Contractual services	36,556.6	31.7	1,482.2	38,070.5
(c) Other	1,044.0			1,044.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(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	16,879.0				16,879.0
(b) Contractual services				2,936.6	2,936.6
(c) Other			1,000.0	1,943.4	2,943.4
Subtotal					389,414.4
TOTAL HEALTH, HOSPITALS AND HUMAN SERVICES	3,008,724.6	1,150,385.1	1,633,315.2	11,820,508.5	17,612,933.4

## **G. PUBLIC SAFETY**

### **DEPARTMENT OF MILITARY AFFAIRS:**

#### (1) National guard support:

The purpose of the national guard support program is to provide administrative, fiscal, personnel, facility construction and maintenance support to the New Mexico national guard so it may maintain 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	5,276.2			10,873.7	16,149.9
(b) Contractual services	467.2	10.9	232.5	3,360.4	4,071.0
(c) Other	4,249.7	124.3		11,054.1	15,428.1

The general fund appropriation to the national guard support program of the department of military affairs in the personal services and employee benefits category includes funding for the adjutant general position not to exceed the 2025 amount prescribed by federal law and regulations for members of the active military in the grade of



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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major general and for the deputy adjutant general position not to exceed the 2025 amount prescribed by federal law and regulations for members of the active military in the grade of brigadier general.

Performance measures:

(a) Outcome:	Percent strength of the New Mexico national guard	98%
(b) Outcome:	Percent of New Mexico national guard youth challenge academy graduates who earn a high school equivalency credential	72%
Subtotal		35,649.0

**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	647.1	647.1
(b) Contractual services	15.7	15.7
(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	95%
Subtotal		812.9

**CORRECTIONS DEPARTMENT:**

(1) Inmate management and control:

The purpose of the inmate management and control program is to incarcerate in a humane, professionally sound manner offenders sentenced to prison and to provide safe and secure prison operations. This includes quality

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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	106,162.6	2,983.7	18,896.0	17.5	128,059.8
(b) Contractual services	79,325.1				79,325.1
(c) Other	86,815.4	50.0			86,865.4

Performance measures:

(a) Outcome:	Average number of female inmates on in-house parole	10
(b) Outcome:	Average number of male inmates on in-house parole	65
(c) Outcome:	Vacancy rate of correctional officers in public facilities	25%
(d) Outcome:	Vacancy rate of correctional officers in private facilities	25%
(e) Output:	Number of inmate-on-inmate assaults resulting in injury requiring off-site medical treatment	10
(f) Output:	Number of inmate-on-staff assaults resulting in injury requiring off-site medical treatment	4

(2) Corrections industries:

The purpose of the corrections industries program is to provide training and work experience opportunities for inmates to instill a quality work ethic and to prepare them to perform effectively in an employment position and to reduce idle time of inmates while in prison.

Appropriations:

(a) Personal services and employee benefits	2,136.2	2,136.2
(b) Contractual services	51.4	51.4
(c) Other	8,726.9	8,726.9

Performance measures:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(a) Output:	Percent of inmates receiving vocational or educational training assigned to corrections industries				25%

(3) Community offender management:

The purpose of the community offender management program is to provide programming and supervision to offenders on probation and parole, with emphasis on high-risk offenders, to better ensure the probability of them becoming law-abiding citizens, to protect the public from undue risk and to provide intermediate sanctions and post-incarceration support services as a cost-effective alternative to incarceration.

Appropriations:

(a) Personal services and employee benefits	26,837.9	2,896.4			29,734.3
(b) Contractual services	3,352.9				3,352.9
(c) Other	6,766.2				6,766.2

Performance measures:

(a) Outcome:	Percent of contacts per month made with high-risk offenders in the community	95%
(b) Quality:	Average standard caseload per probation and parole officer	88
(c) Outcome:	Vacancy rate of probation and parole officers	18%

(4) Reentry:

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	8,874.7	301.5	256.0		9,432.2
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(b) Contractual services	11,353.4				11,353.4
(c) Other	623.1		112.2		735.3

Performance measures:

(a) Outcome:	Percent of prisoners reincarcerated within thirty-six months due to technical parole violations	9%
(b) Output:	Percent of eligible students who earn a high school equivalency credential	75%
(c) Explanatory:	Percent of participating students who have completed adult education	
(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	23%
(f) Outcome:	Percent of prisoners reincarcerated within thirty-six months due to new charges or pending charges	18%
(g) Explanatory:	Percent of residential drug abuse program graduates reincarcerated within thirty-six months of release	
(h) 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%
(i) Outcome:	Percent of prisoners reincarcerated within thirty-six months	40%
(j) Outcome:	Percent of eligible inmates enrolled in educational, cognitive, vocational and college programs	60%
(k) Output:	Number of students who earn a high school equivalency credential	185

(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	13,085.5	154.8			13,240.3
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(b) Contractual services	468.2				468.2
(c) Other	3,571.8				3,571.8
Subtotal					383,819.4

### CRIME VICTIMS REPARATION COMMISSION:

#### (1) Victim compensation:

The purpose of the victim compensation program is to provide financial assistance and information to victims of violent crime in New Mexico so they can receive services to restore their lives.

##### Appropriations:

(a) Personal services and employee benefits	1,774.8		74.6	1,849.4
(b) Contractual services	63.5		3.7	67.2
(c) Other	1,944.5	576.0	1,226.4	3,746.9

##### 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	332.8		476.7	809.5
(b) Contractual services	10,176.8		18.4	10,195.2
(c) Other	179.8		12,285.0	12,464.8

##### Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Efficiency:	Percent of state-funded subgrantees that received site visits				30%
(b) Explanatory:	Number of sexual assault survivors who received services through state-funded victim services provider programs statewide				
Subtotal					29,133.0

## 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	126,721.3	1,405.2	3,067.4	7,178.3	138,372.2
(b) Contractual services	1,423.4		100.0	597.1	2,120.5
(c) Other	31,492.6	2,552.0	2,878.6	1,697.6	38,620.8

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 2026 from the 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

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(d) Output:	Number of driving-while-intoxicated saturation patrols conducted				3,000
(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				
(h) Output:	Number of commercial motor vehicle safety inspections conducted				125,000

(2) Statewide law enforcement support:

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	20,728.7	2,802.5	368.6	414.1	24,313.9
(b) Contractual services	843.8	947.0	320.0	45.0	2,155.8
(c) Other	5,885.8	2,669.9	346.0	598.7	9,500.4

Performance measures:

(a) Explanatory:	Number of expungements processed	
(b) Outcome:	Percent of forensic evidence cases completed	100%
(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	6,616.8	202.9	252.2	7,071.9
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(b) Contractual services	229.7	100.0	5.0	14.3	349.0
(c) Other	400.4	2,515.6	5.0	1,897.7	4,818.7
Subtotal					227,323.2

## HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT:

(1) Homeland security and emergency management program:

The purpose of the homeland security and emergency management program is to provide for and coordinate an integrated, statewide, comprehensive emergency management system for New Mexicans, including all agencies, branches and levels of government.

### Appropriations:

(a) Personal services and employee benefits	2,920.2	25.0		15,447.6	18,392.8
(b) Contractual services	497.1			6,892.5	7,389.6
(c) Other	934.6	30.0		234,024.6	234,989.2

### Performance measures:

(a) Outcome:	Number of recommendations from federal grant monitoring visits older than six months unresolved at the close of the fiscal year	2
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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		6,390.9		6,390.9
(b) Contractual services		705.1		705.1
(c) Other		150,233.5		150,233.5



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
The other state funds appropriations to the state fire marshal's office program of the homeland security and emergency management department include ten million two hundred ninety-one thousand four hundred dollars (\$10,291,400) from the fire protection fund. <del>[Any unexpended balances in the state fire marshal's office program of the homeland security and emergency management department remaining at the end of fiscal year 2026 from appropriations made from the fire protection fund shall revert to the general fund.]</del> LINE ITEM VETO					

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		418,101.1
TOTAL PUBLIC SAFETY	571,209.4      188,388.8      26,790.2	308,450.2      1,094,838.6

## H. TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION:

(1) Project design and construction:

The purpose of the project design and construction program is to provide improvements and additions to the state's highway infrastructure to serve the interest of the general public. These improvements include those activities directly related to highway planning, design and construction necessary for a complete system of highways in the state.

Appropriations:

(a) Personal services and employee benefits	35,216.4	1,873.3	37,089.7
(b) Contractual services	3,294.6		3,294.6
(c) Other	1,511.1		1,511.1
(d) Plan, study, design and right-of-way acquisition, road construction and rehabilitation	109,495.8	464,772.9	574,268.7
(e) Transportation project fund	64,780.0		64,780.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(f) Local government road fund		28,000.0			28,000.0
(g) Debt service		53,837.2		56,961.6	110,798.8

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	88%

(2) Highway operations:

The highway operations program is responsible for maintaining and providing improvements to the state's highway infrastructure that serve the interest of the general public. The maintenance and improvements include 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	157,595.4	3,000.0	160,595.4
(b) Contractual services	1,703.7		1,703.7
(c) Other	43,318.3		43,318.3
(d) Roadway maintenance contracts	64,706.0		64,706.0
(e) Roadway maintenance supplies and materials	37,719.8		37,719.8
(f) Equipment purchases	10,043.3		10,043.3

Performance measures:

(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	4,000

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(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		34,658.4			34,658.4
(b) Contractual services		4,089.1			4,089.1
(c) Other		17,790.0			17,790.0

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.

Appropriations:

(a) Personal services and employee benefits	6,825.7	8,480.0	1,858.3	17,164.0
(b) Contractual services	26,309.4	700.0	12,762.9	39,772.3
(c) Other	3,597.7	1,120.0	5,058.5	9,776.2
(d) Air service assistance program	9,347.6			9,347.6
(e) Transit grants			33,226.3	33,226.3

The internal service funds/interagency transfer appropriations to the modal program of the New Mexico department of transportation include ten million dollars (\$10,000,000) from the weight distance tax identification permit fund.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Performance measures:					
(a) Outcome:	Number of traffic fatalities				400
(b) Outcome:	Number of alcohol-related traffic fatalities				140
Subtotal					1,303,653.3
TOTAL TRANSPORTATION		713,839.5	10,300.0	579,513.8	1,303,653.3

## I. OTHER EDUCATION

### PUBLIC EDUCATION DEPARTMENT:

The purpose of the public education department program 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 of the department is charged. To do this, the department is focusing on leadership and support, productivity, building capacity, accountability, communication and fiscal responsibility.

#### Appropriations:

(a) Personal services and employee benefits	20,430.2	4,948.6	45.0	11,359.5	36,783.3
(b) Contractual services	3,237.7	2,180.4	46.8	19,631.9	25,096.8
(c) Other	1,655.7	846.8		3,572.1	6,074.6

#### 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	
Subtotal		67,954.7

### REGIONAL EDUCATION COOPERATIVES:

#### Appropriations:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Northwest	150.0				150.0
(b) Northeast	150.0				150.0
(c) Lea county	150.0				150.0
(d) Pecos valley	150.0				150.0
(e) Southwest	150.0				150.0
(f) Central	150.0				150.0
(g) High plains	150.0				150.0
(h) Clovis	150.0				150.0
(i) Ruidoso	150.0				150.0
(j) Four corners	150.0				150.0
Subtotal					1,500.0

### **PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:**

#### Appropriations:

(a) Early literacy and reading support	14,000.0				14,000.0
(b) School leader professional development	5,000.0				5,000.0
(c) Teacher professional development	4,000.0				4,000.0
(d) Graduation, reality and dual-role skills program	750.0		500.0		1,250.0
(e) National board certification assistance		500.0			500.0
(f) Advanced placement, international baccalaureate and PSAT 11th grade test assistance	1,250.0				1,250.0
(g) Student nutrition and wellness	42,201.0				42,201.0
(h) School safety	1,500.0				1,500.0

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.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
The internal service funds/interagency transfers appropriation to the graduation, reality and dual-role skills program of the public education department special appropriations is from the federal temporary assistance for needy families block grant to New Mexico.					

The other state funds appropriation to the public education department special appropriations for national board certification assistance is from the national board certification scholarship fund.

The public education department may distribute awards from the advanced placement, international baccalaureate and PSAT 11th grade test assistance appropriation to public schools and secondary schools funded by the bureau of Indian education of the United States department of the interior that offer international baccalaureate programs to provide the international baccalaureate program tests free of charge to New Mexico students.

The general fund appropriation to the public education department special appropriations for school safety is for school safety interoperable alert systems.

Any unexpended balances in the public education department special appropriations remaining at the end of fiscal year 2026 from appropriations made from the general fund shall revert to the general fund.

Subtotal	69,701.0
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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	6,063.1	6,063.1
(b) Contractual services	200.0	200.0
(c) Other	1,272.9	1,272.9

#### **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					7,536.0
TOTAL OTHER EDUCATION	95,524.6	8,475.8	8,127.8	34,563.5	146,691.7

## J. HIGHER EDUCATION

On approval of the higher education department, the state budget division of the department of finance and administration may approve increases in budgets of agencies in this 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.

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.

Upon approval, the higher education department, in consultation with the legislative finance committee, the state budget division of the department of finance and administration, and the public education department, may reduce general fund appropriations, up to fifty percent, to institutions who do not adopt and implement the science of reading and structured literacy instruction techniques to teacher education programs.

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 2026 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.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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Except as otherwise provided, any unexpended balances remaining at the end of fiscal year 2026 shall not revert to the general fund.

## HIGHER EDUCATION DEPARTMENT:

(1) Policy development and institutional financial oversight:

The purpose of the policy development and institutional financial oversight program is to provide a continuous process of statewide planning and oversight within the department's statutory authority for the state higher education system and to ensure both the efficient use of state resources and progress in implementing a statewide agenda.

### Appropriations:

(a) Personal services and employee benefits	5,266.7	375.6	43.3	1,532.4	7,218.0
(b) Contractual services	660.0	30.0	600.0	950.0	2,240.0
(c) Other	10,746.3	60.0	4,400.0	9,305.0	24,511.3

The internal service funds/interagency transfers appropriations to the policy development and institutional financial oversight program of the higher education department include four million dollars (\$4,000,000) from the federal temporary assistance for needy families block grant for adult education and one million dollars (\$1,000,000) for integrated education and training programs, including integrated basic education and skills training programs.

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other category includes seven million eight hundred twenty-eight thousand dollars (\$7,828,000) to provide adults with education services and materials and access to high school equivalency test preparation and exam costs, one million two hundred fifty thousand dollars (\$1,250,000) for an adult literacy program, six hundred thousand dollars (\$600,000) to the tribal college dual-credit program fund, eighty-four thousand five hundred dollars (\$84,500) for English-learner teacher preparation, twenty-six thousand dollars (\$26,000) for the state higher education executive officers association annual dues and one hundred sixty-nine thousand dollars (\$169,000) for the western interstate commission on higher education dues.



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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Any unexpended balances in the policy development and institutional financial oversight program of the higher education department remaining at the end of fiscal year 2026 from appropriations made from the general fund shall revert to the general fund.

Performance measures:

(a) Outcome:	Percent of unemployed adult education students obtaining employment two quarters after exit	45%
(b) Outcome:	Percent of adult education high school equivalency test-takers who earn a high school equivalency credential	75%
(c) Outcome:	Percent of high school equivalency graduates entering postsecondary degree or certificate programs	32%

(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	70.0				70.0
(b) Other	24,828.8	10,000.0	50,040.0	400.0	85,268.8

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.

The general fund appropriation to the student financial aid program of the higher education department in the other category includes two million four hundred twenty thousand dollars (\$2,420,000) for the western interstate commission for higher education loan-for-service program.

(3) The opportunity scholarship:

The purpose of the opportunity scholarship program is to provide tuition and fee assistance for New Mexico higher education to students so New Mexicans may benefit from postsecondary education and training beyond high school.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					
(a) Other	146,000.0	22,000.0			168,000.0

The other state funds appropriation to the opportunity scholarship program of the higher education department is from the higher education program fund. ~~[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, 2025. Any unexpended balances remaining at the end of fiscal year 2026 from appropriations made from the general fund shall revert to the general fund.]~~

~~Institutions receiving a distribution from the opportunity scholarship program shall obtain from all enrolled in-state students receiving the opportunity scholarship a free application for federal student aid or other institutional income verification form or an attestation from the enrolled student recognizing they may be eligible for additional financial assistance but they choose to forgo consideration for such aid.]~~ *LINE ITEM VETO*

Subtotal					287,308.1
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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		273,217.0	171,826.0	445,043.0
(b) Instruction and general purposes	272,924.9	218,461.0	2,757.0	494,142.9
(c) Athletics	11,467.9	30,065.0	31.0	41,563.9
(d) Educational television	1,325.0	6,053.0	2,765.0	10,143.0
(e) Tribal education initiatives	1,272.5			1,272.5

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(f) Teacher pipeline initiatives	100.0				100.0

~~[All tenured professors at the school of law shall teach at least one core class per semester.]~~ LINE ITEM VETO

Performance measures:

(a) Output:	Number of students enrolled, by headcount	32,000
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	3,600
(c) Output:	Number of credit hours completed	540,000
(d) Output:	Number of unduplicated degree awards in the most recent academic year	5,000
(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	80%

(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		1,398.6	896.4	2,295.0
(b) Instruction and general purposes	11,355.7	5,114.8	22.5	16,493.0
(c) Tribal education initiatives	102.0			102.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	3,200
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	200

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(c) Output:	Number of credit hours completed				30,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				300
(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				60%

(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		1,123.0	1,007.0	2,130.0
(b) Instruction and general purposes	2,460.9	2,969.0	25.0	5,454.9

Performance measures:

(a) Output:	Number of students enrolled, by headcount	2,215
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	169
(c) Output:	Number of credit hours completed	9,587
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	91
(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%

(4) Valencia branch:

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		427.1		2,885.0	3,312.1
(b) Instruction and general purposes	7,390.4	5,327.6		224.3	12,942.3

Performance measures:

(a) Output:	Number of students enrolled, by headcount	4,539
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	219
(c) Output:	Number of credit hours completed	26,465
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	133
(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		1,379.5		4,188.0	5,567.5
(b) Instruction and general purposes	5,036.4	4,573.9		105.3	9,715.6

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				2,100
(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 completed				15,500
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				220
(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%

(6) Research and public service projects:

Appropriations:

(a) Judicial selection	175.0	175.0
(b) Southwest research center	831.7	831.7
(c) Resource geographic information system	68.4	68.4
(d) Southwest Indian law clinic	211.9	211.9
(e) Geospatial and population studies/bureau of business and economic research	400.3	400.3
(f) Manufacturing engineering program	551.9	551.9
(g) Wildlife law education	97.8	97.8
(h) Community-based education	559.6	559.6
(i) Corrine Wolfe children's law center	167.8	167.8
(j) Mock trial program and high school forensics	411.6	411.6
(k) Utton transboundary resources center	440.7	440.7
(l) Gallup branch - nurse expansion	803.5	803.5
(m) Valencia branch - nurse expansion	427.2	427.2

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(n) Taos branch - nurse expansion	884.6				884.6
(o) University of New Mexico press	467.5				467.5
(p) New Mexico bioscience authority	325.2				325.2
(q) Natural heritage New Mexico database	52.3				52.3
(r) Border justice initiative	188.2				188.2
(s) Wild friends program	77.4				77.4
(t) School of public administration	100.0				100.0
(u) Teacher education at branch colleges	60.0				60.0

(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		583,531.0	175,824.8	759,355.8
(b) Instruction and general purposes	93,697.9	73,649.1	7,178.3	174,525.3

Performance measures:

(a) Outcome:	Percent of nursing graduates passing the requisite licensure exam on first attempt	80%
(b) Output:	Percent of university of New Mexico-trained primary care residents practicing in New Mexico three years after completing residency	39%
(c) Output:	First-time pass rate on the American nurses credentialing center family nurse practitioner certification exam	85%
(d) Output:	First-time pass rate on the North American pharmacist licensure examination by doctor of pharmacy graduates	80%

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(8) Health sciences center research and public service projects:					
Appropriations:					
(a) ENLACE	976.3				976.3
(b) Graduate medical education/residencies	2,444.1				2,444.1
(c) Office of medical investigator	11,374.8	8,648.6			20,023.4
(d) Native American suicide prevention	96.6				96.6
(e) Children's psychiatric hospital	11,356.4	39,804.8	1,000.0		52,161.2
(f) Carrie Tingley hospital	9,011.3	16,501.4			25,512.7
(g) Newborn intensive care	3,523.0	200.9		245.6	3,969.5
(h) Pediatric oncology	1,622.7				1,622.7
(i) Poison and drug information center	2,685.9	2.4		167.4	2,855.7
(j) Cancer center	8,159.4	3,567.0		13,900.0	25,626.4
(k) Genomics, biocomputing and environmental health research	937.4	433.6		16,784.9	18,155.9
(l) Trauma specialty education	250.0				250.0
(m) Pediatrics specialty education	250.0				250.0
(n) Native American health center	329.5				329.5
(o) Nurse expansion	951.6				951.6
(p) Graduate nurse education	4,824.2				4,824.2
(q) Child abuse evaluation center	160.0				160.0
(r) Hepatitis community health outcomes	9,949.9		800.0		10,749.9
(s) Comprehensive movement disorders clinic	423.7				423.7
(t) Office of the medical investigator grief services	330.8				330.8
(u) Physician assistant program	653.0				653.0



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(v) Special needs dental clinic	500.0				500.0
(w) Undergraduate nursing education	1,500.0				1,500.0

The internal service funds/interagency transfers appropriations to the health sciences center research and public service projects of the university of New Mexico include one million eight hundred thousand dollars (\$1,800,000) from the opioid crisis recovery fund from monies from settlements, judgments, verdicts and other court orders relating to claims regarding the manufacturing, marketing, distribution or sale of opioids.

The general fund appropriation to the hepatitis community health outcomes research and public service project of the university of New Mexico health sciences center includes one million five hundred thousand dollars (\$1,500,000) to facilitate training for behavioral health providers and provide behavioral health services to patients in accordance with the Behavioral Health Reform and Investment Act.

Subtotal					2,165,828.6
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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		138,400.0	137,600.0	276,000.0
(b) Instruction and general purposes	170,475.1	160,000.0	15,000.0	345,475.1
(c) Athletics	7,816.2	15,700.0	100.0	23,616.2
(d) Educational television	1,478.1	1,500.0		2,978.1
(e) Tribal education initiatives	300.0			300.0
(f) Teacher pipeline initiatives	250.0			250.0

#### 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				17,000
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				1,500
(c) Output:	Number of credit hours completed				370,000
(d) Output:	Number of unduplicated degree awards in the most recent academic year				3,250
(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				80%

(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		1,200.0		3,600.0	4,800.0
(b) Instruction and general purposes	9,003.6	3,600.0		300.0	12,903.6

Performance measures:

(a) Output:	Number of students enrolled, by headcount	1,650
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	130
(c) Output:	Number of credit hours completed	16,275
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	90
(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%

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(3) 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		10,100.0		19,700.0	29,800.0
(b) Instruction and general purposes	30,838.8	24,200.0		3,900.0	58,938.8

Performance measures:

(a) Output:	Number of students enrolled, by headcount	9,200
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	966
(c) Output:	Number of credit hours completed	119,600
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	1,150
(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%

(4) 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		900.0		2,100.0	3,000.0
(b) Instruction and general purposes	4,476.0	2,100.0		900.0	7,476.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(c) Tribal education initiatives	100.0				100.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	1,300
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	150
(c) Output:	Number of credit hours completed	8,000
(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- 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) Department of agriculture:

Appropriations:

(a) Department of agriculture	18,043.4	7,255.0	13,200.0	38,498.4
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The other state funds appropriation to the New Mexico department of agriculture of the New Mexico state university includes three million three hundred ninety thousand nine hundred dollars (\$3,390,900) from the land of enchantment legacy fund. The New Mexico department of agriculture is responsible for administering this funding and determining awardees.

(6) Agricultural experiment station:

Appropriations:

(a) Agricultural experiment station	21,460.8	4,400.0	26,700.0	52,560.8
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(7) Cooperative extension service:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					
(a) Cooperative extension service	18,064.0	9,300.0		9,700.0	37,064.0
(8) Research and public service projects:					
(a) Nurse expansion	2,081.2				2,081.2
(b) Autism program	1,140.7				1,140.7
(c) Sunspot solar observatory consortium	402.0			400.0	802.0
(d) STEM alliance for minority participation	382.0			1,500.0	1,882.0
(e) Mental health nurse practitioner	1,315.0				1,315.0
(f) Water resource research institute	1,256.8	700.0		1,200.0	3,156.8
(g) Indian resources development	284.3	25.0		100.0	409.3
(h) Manufacturing sector development program	687.2				687.2
(i) Arrowhead center for business development	397.1	1,400.0		2,100.0	3,897.1
(j) Alliance teaching and learning advancement	221.9				221.9
(k) College assistance migrant program	307.9	100.0		600.0	1,007.9
(l) Dona Ana branch - dental hygiene program	557.5				557.5
(m) Dona Ana branch - nurse expansion	928.9				928.9
(n) Sustainable agriculture center of excellence	513.7				513.7
(o) Anna age eight institute	2,133.9				2,133.9
(p) New Mexico produced water consortium	2,242.8				2,242.8
(q) Nurse anesthesiology	500.0				500.0
(r) Alamogordo branch - nurse expansion	400.0				400.0
Subtotal					917,638.9

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					

### 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	39,706.1	12,216.7	172.5	52,095.3
(c) Athletics	3,233.5	500.0		3,733.5
(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	6,700
(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 completed	60,000
(d) Output:	Number of unduplicated degree awards in the most recent academic year	800
(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	50%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	70%

#### (2) Research and public service projects:

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
Appropriations:					
(a) Advanced placement and international baccalaureate test assistance	203.8				203.8
(b) Nurse expansion	300.5				300.5
(c) Native American social work institute	239.1				239.1
(d) Forest and watershed institute	540.8				540.8
(e) Acequia and land grant education	46.9				46.9
(f) Doctor of nurse practitioner expansion	157.8				157.8
(g) Center for excellence in social work	500.0				500.0
Subtotal					81,267.7

### **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		4,116.6	6,300.0	10,416.6
(b) Instruction and general purposes	28,829.1	16,902.9	670.0	46,402.0
(c) Athletics	3,149.3	1,555.5		4,704.8
(d) Teacher pipeline initiatives	250.0			250.0

#### Performance measures:

(a) Output:	Number of students enrolled, by headcount	4,500
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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				250
(c) Output:	Number of credit hours completed				67,000
(d) Output:	Number of unduplicated degree awards in the most recent academic year				850
(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				50%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				70%

(2) Research and public service projects:

Appropriations:

(a) Nurse expansion	1,550.3			1,550.3
(b) Truth or Consequences and Deming - nurse expansion	282.0			282.0
(c) Web-based teacher licensure	117.8			117.8
(d) Early childhood center	702.6			702.6
(e) Early childhood center of excellence	500.0			500.0
Subtotal				64,926.1

### 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	25,000.0	38,000.0
(b) Instruction and general purposes	45,160.9	21,500.0	5,000.0	71,660.9



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(c) Athletics	3,411.7	3,000.0		23.0	6,434.7
(d) Educational television	1,285.6	500.0		850.0	2,635.6
(e) Teacher pipeline initiatives	250.0				250.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	7,400
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	415
(c) Output:	Number of credit hours completed	108,000
(d) Output:	Number of unduplicated degree awards in the most recent academic year	1,350
(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	50%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	70%

(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		1,643.0	4,500.0	6,143.0
(b) Instruction and general purposes	15,683.9	5,000.0	5,500.0	26,183.9

Performance measures:

(a) Output:	Number of students enrolled, by headcount	2,750
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	350
(c) Output:	Number of credit hours completed	35,000

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				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%

(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	200.0	500.0
(b) Instruction and general purposes	2,587.7	2,000.0	3,500.0	8,087.7

Performance measures:

(a) Output:	Number of students enrolled, by headcount	1,300
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount	150
(c) Output:	Number of credit hours completed	12,500
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	115
(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%

(4) 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	323.7				323.7
(b) Blackwater draw site and museum	93.3	61.0			154.3
(c) Roswell branch - nurse expansion	350.0				350.0
(d) Teacher education preparation program	182.4				182.4
(e) Greyhound promise	91.2				91.2
(f) Nursing program	300.0				300.0
Subtotal					161,297.4

### 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		10,000.0	23,000.0	33,000.0
(b) Instruction and general purposes	39,255.1	5,000.0	6,000.0	50,255.1
(c) Teacher pipeline initiatives	50.0			50.0

#### Performance measures:

(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	165
(c) Output:	Number of credit hours completed	38,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	300
(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
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				80%
(2) Bureau of mine safety:					
Appropriations:					
(a) Bureau of mine safety	383.0			300.0	683.0
(3) Bureau of geology and mineral resources:					
Appropriations:					
(a) Bureau of geology and mineral resources	6,479.5	1,000.0		3,500.0	10,979.5
(4) Petroleum recovery research center:					
Appropriations:					
(a) Petroleum recovery research center	2,170.5	1,500.0		10,000.0	13,670.5
(5) Geophysical research center:					
Appropriations:					
(a) Geophysical research center	1,510.8	500.0		4,000.0	6,010.8
(6) Research and public service projects:					
Appropriations:					
(a) Energetic materials research center	1,042.4	8,500.0		39,000.0	48,542.4
(b) Science and engineering fair	212.4				212.4

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(c) Institute for complex additive systems analysis	1,224.9	2,000.0		21,000.0	24,224.9
(d) Cave and karst research	422.3	62.0		800.0	1,284.3
(e) Homeland security center	640.9	100.0		3,300.0	4,040.9
(f) Cybersecurity center of excellence	536.7	310.0		750.0	1,596.7
(g) Rural economic development	32.8				32.8
(h) Chemical engineering student assistanceships	199.3				199.3
(i) New Mexico mathematics, engineering and science achievement	1,154.7				1,154.7
Subtotal					195,937.3

### NORTHERN NEW MEXICO COLLEGE:

#### (1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

#### Appropriations:

(a) Other		4,980.0	3,948.0	8,928.0
(b) Instruction and general purposes	13,737.6	8,192.0	6,652.0	28,581.6
(c) Athletics	570.9	282.0		852.9
(d) Teacher pipeline initiatives	250.0			250.0

#### Performance measures:

(a) Output:	Number of students enrolled, by headcount	1,700
(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 completed	23,700

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				213
(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				50%
(f) Outcome:	Percent of first-time, full-time freshmen retained to the third semester				70%

(2) Research and public service projects:

Appropriations:

(a) Science, technology, engineering, arts and math initiative	125.2				125.2
(b) Nurse expansion	947.0				947.0
(c) Demonstration farm	50.0				50.0
(d) Arts, cultural engagement and sustainable agriculture	50.0				50.0
Subtotal					39,784.7

**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		26,473.0	3,300.0	29,773.0
(b) Instruction and general purposes	14,326.8	1,374.0	15,477.0	31,177.8

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				6,300
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				169
(c) Output:	Number of credit hours completed				53,400
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				500
(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	491.7			491.7
(b) First born, home visiting and technical assistance	450.9			450.9
(c) Teacher education expansion	175.7			175.7
(d) Small business development centers	4,605.5		1,646.0	6,251.5
Subtotal				68,320.6

### CENTRAL NEW MEXICO COMMUNITY COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		10,000.0	18,600.0	28,600.0
(b) Instruction and general purposes	81,701.8	108,200.0	7,500.0	197,401.8

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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				2,100
(c) Output:	Number of credit hours completed				320,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				7,500
(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	1,400.0			1,400.0
(b) Workforce development	70.0			70.0
Subtotal				227,471.8

### **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		898.2	1,245.0	2,143.2
(b) Instruction and general purposes	9,153.2	2,366.2	1,774.3	13,293.7
(c) Athletics	512.5			512.5



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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 completed				14,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				160
(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	509.0	509.0
Subtotal		16,458.4

### 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	5,183.9	116.4	87.9	5,388.2
(c) Athletics	217.5			217.5

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				1,000
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				180
(c) Output:	Number of credit hours completed				7,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				350
(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	116.9			116.9
(b) Nursing program	250.0			250.0
Subtotal				7,057.7

**NEW MEXICO JUNIOR COLLEGE:**

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		3,600.0	3,000.0	6,600.0
(b) Instruction and general purposes	7,812.1	29,000.0	450.0	37,262.1
(c) Athletics	607.2			607.2

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				3,250
(b) Output:	Number of first-time freshmen enrolled who graduated from a New Mexico high school, by headcount				650
(c) Output:	Number of credit hours completed				45,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				375
(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	781.9	781.9
Subtotal		45,251.2

### SOUTHEAST NEW MEXICO 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		1,000.0	1,500.0	2,500.0
(b) Instruction and general purposes	5,349.2	14,000.0	2,000.0	21,349.2

Performance measures:

(a) Output:	Number of students enrolled, by headcount	2,200
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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				100
(c) Output:	Number of credit hours completed				17,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				160
(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	398.6	398.6
Subtotal		24,247.8

### 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	32,149.9	34,000.0	6,000.0	72,149.9
(c) Tribal education initiatives	100.0			100.0

Performance measures:

(a) Output:	Number of students enrolled, by headcount	8,900
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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				300
(c) Output:	Number of credit hours completed				109,000
(d) Output:	Number of unduplicated awards conferred in the most recent academic year				1,300
(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	1,116.0			1,116.0
(b) Dental hygiene program	235.0			235.0
(c) Renewable energy center of excellence	750.0			750.0
Subtotal				110,350.9
(a) Nurse expansion	1,116.0			1,116.0

**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	13,061.9	5,500.0	1,200.0	19,761.9

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				3,300
(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 completed				34,750
(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	356.5	356.5
Subtotal		26,518.4

### 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		8,840.0	840.0	9,680.0
(b) Instruction and general purposes	3,771.6	37,770.0	322.0	41,863.6
(c) Athletics	335.1	413.0		748.1

Performance measures:

(a) Output:	Percent of third Friday high school seniors and junior college sophomore students graduating with a high school diploma or associate degree	77.5%
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(2) Research and public service projects:					
Appropriations:					
(a) Knowles legislative scholarship program	1,353.7				1,353.7
Subtotal					53,645.4

### **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	2,795.6	19,250.0	482.0	22,527.6
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    Performance measures:

(a) Output:	Number of New Mexico teachers who complete a personnel preparation program to become a teacher of the visually impaired	10
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(2) Research and public service projects:

    Appropriations:

(a) Low vision clinic programs	111.1			111.1
Subtotal				22,638.7

### **NEW MEXICO SCHOOL FOR THE DEAF:**

(1) Main campus:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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	5,974.2	25,136.9			31,111.1
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Performance measures:

(a) Outcome:	Rate of transition to postsecondary education, vocational-technical training school, junior colleges, work training or employment for graduates based on a three-year rolling average	100%
(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	300.0				300.0
(b) Teleaudiology screening	140.0				140.0
Subtotal					31,551.1
TOTAL HIGHER EDUCATION	1,390,568.5	2,170,695.5	56,883.3	929,353.5	4,547,500.8

## 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 2026.



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
<b>PUBLIC SCHOOL SUPPORT:</b>					

(1) State equalization guarantee distribution:

The purpose of public school support is to carry out the mandate to establish and maintain a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state.

Appropriations:

(a) Other	4,497,735.5	1,500.0	4,499,235.5
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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 2025-2026 school year and then, on verification of the number of units statewide for fiscal year 2026 but no later than January 31, 2026, 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.

The general fund appropriation to the state equalization guarantee distribution includes one hundred thirty-two million nine hundred thirty-five thousand dollars (\$132,935,000) contingent on enactment of House Bill 63 or similar legislation of the first session of the fifty-seventh legislature amending the Public School Finance Act to replace at-risk program units with program units based on the family income index, create program units for students identified as English learners and program units for students who have exited English learner status and increase the formula factors for sixth grade through twelfth grade to one and three tenths.

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 thirty-five million one hundred twenty-nine thousand six hundred dollars (\$135,129,600) to provide a ~~an average~~ four percent salary increase to all public school personnel. *LINE ITEM VETO*

For fiscal year 2026, 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

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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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 2026. 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 2026.

The general fund appropriation to the state equalization guarantee distribution includes fifty-five million dollars (\$55,000,000) 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 fifty-nine million dollars (\$59,000,000) for school districts and charter schools to meet teacher mentorship requirements pursuant to Section 22-10A-9 NMSA 1978, create an educational plan pursuant to Section 22-8-6 NMSA 1978, provide scientifically based literacy programs pursuant to Section 22-13-29 NMSA 1978 and Section 22-13-32 NMSA 1978, provide career technical education programs pursuant to Section 22-1-12 NMSA 1978 and implement the community school framework pursuant to Section 22-32-6 NMSA 1978.

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 year 2026 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 2026 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 2026 from appropriations made from the general fund shall revert to the general fund.

Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(a) Outcome:					5%
(b) Outcome:					5%
(c) Outcome:					47%
(d) Outcome:					39%
(e) Outcome:					46%
(f) Outcome:					39%
(g) Quality:					81%
(h) Explanatory:					
(i) Explanatory:					
(j) Explanatory:					
(k) Outcome:					39%
(l) Outcome:					39%
(m) Outcome:					39%

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(n) Outcome:	Percent of economically disadvantaged fourth-grade students who achieve proficiency or above on the standards-based assessment in mathematics				39%
(o) Outcome:	Percent of recent New Mexico high school graduates who take remedial courses in higher education at two-year schools				29%
(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	141,008.7	141,008.7
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The general fund appropriation to the transportation distribution includes two million three hundred forty thousand eight hundred dollars (\$2,340,800) to provide a ~~an average~~ four percent salary increase to all public school transportation personnel. *LINE ITEM VETO*

(3) Supplemental distribution:

Appropriations:

(a) Out-of-state tuition	393.0	393.0
(b) Emergency supplemental	1,000.0	1,000.0

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 at the end of fiscal year 2026 from appropriations made from the general fund shall revert to the general fund.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(4) Federal flow through:					
Appropriations:					
(a) Other				579,500.0	579,500.0
(5) Indian education fund:					
Appropriations:					
(a) Other	20,000.0				20,000.0
[ <del>The general fund appropriation to the Indian education fund includes four million six hundred thousand dollars (\$4,600,000) to support tribal education departments. The public education department shall enter into agreements with tribal education departments for the purposes of disbursing funds. The public education department shall issue monthly distributions from the Indian education fund to New Mexico tribal education departments.</del> ] <i>LINE ITEM VETO</i>					
(6) Standards-based assessments:					
Appropriations:					
(a) Other	12,770.0				12,770.0
[ <del>The general fund appropriation for standards based assessments includes two million seven hundred seventy thousand dollars (\$2,770,000) contingent on the department of finance and administration certifying the public education department has provided quarterly reporting of interim assessment results to the department of finance and administration, legislative finance committee and legislative education study committee.</del> ] <i>LINE ITEM VETO</i>					
Any unexpended balances in the standards-based assessments appropriation remaining at the end of fiscal year 2026 from appropriations made from the general fund shall revert to the general fund.					
Subtotal					5,253,907.2
TOTAL PUBLIC SCHOOL SUPPORT	4,672,907.2	1,500.0		579,500.0	5,253,907.2
GRAND TOTAL FISCAL YEAR 2026					
APPROPRIATIONS	10,654,027.4	6,097,588.7	1,970,887.5	14,435,286.3	33,157,789.9

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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## Chapter 160 Section 5 Laws 2025

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 2025 and 2026. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2026 shall revert to the appropriate fund.

<del>(1)</del>	<del>LEGISLATIVE FINANCE COMMITTEE</del>	<del>1,000.0</del>			<del>1,000.0</del>
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~~To implement audit and evaluation requirements of the Behavioral Health Reform and Investment Act in fiscal year 2026. Any unexpended balance remaining at the end of fiscal year 2026 shall not revert to the general fund and may be expended through fiscal year 2027.~~

<del>(2)</del>	<del>LEGISLATIVE FINANCE COMMITTEE</del>	<del>1,000.0</del>			<del>1,000.0</del>
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~~For a task force to support new parents, contingent on enactment of House Bill 7 or similar legislation of the first session of the fifty-seventh legislature creating a children's future task force.] LINE ITEM VETO~~

(3)	COURT OF APPEALS	100.0			100.0
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For pro tem judges and contract mediation services.

(4)	SUPREME COURT				
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The period of time for expending the two million dollars (\$2,000,000) appropriated from the general fund in Subsection 6 of Section 5 of Chapter 210 of Laws 2023 for security upgrades, including replacing outdated security camera and access control systems, at the New Mexico supreme court is extended through fiscal year 2026.

(5)	ADMINISTRATIVE OFFICE OF THE COURTS				
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
The period of time for expending the three million dollars (\$3,000,000) appropriated from the general fund in Section 3 of Chapter 1 of Laws 2024 to fund assisted outpatient treatment programs and competency diversion pilot programs is extended through fiscal year 2026.					
(6) ADMINISTRATIVE OFFICE OF THE COURTS					
The balance of the general fund appropriation included in Subsection 16 of Section 5 of Chapter 210 of Laws 2023 as extended in Subsection 8 of Section 5 of Chapter 69 of Laws 2024 to create judicial clerkships for district court judges in rural areas and to pilot a program to create legal clerkships for recent law school graduates in rural areas is expanded to include legal clerkships in rural areas.					
(7) ADMINISTRATIVE OFFICE OF THE COURTS					
The period of time for expending the sixteen million dollars (\$16,000,000) appropriated from the general fund in Subsection 10 of Section 5 of Chapter 210 of Laws 2023 as extended in Subsection 11 of Section 5 of Chapter 69 of Laws 2024 to purchase hardware, software, equipment and project management services to upgrade remote and hybrid judicial proceedings across the state is extended through fiscal year 2026.					
(8) ADMINISTRATIVE OFFICE OF THE COURTS					
The period of time for expending the one million sixty thousand dollars (\$1,060,000) appropriated from the general fund in Subsection 8 of Section 5 of Chapter 210 of Laws 2023 as extended in Subsection 10 of Section 5 of Chapter 69 of Laws 2024 for technology projects subject to review by the judicial technology council is extended through fiscal year 2026.					
(9) ADMINISTRATIVE OFFICE OF THE COURTS	1,500.0				1,500.0
For court-appointed special advocates statewide for expenditure through fiscal year 2027.					
(10) ADMINISTRATIVE OFFICE OF THE COURTS	6,000.0				6,000.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
For improvements, repairs and security infrastructure at court facilities statewide for expenditure in fiscal year 2026.					
(11) ADMINISTRATIVE OFFICE OF THE COURTS	950.0				950.0
For information technology hardware and software for courts statewide.					
(12) ADMINISTRATIVE OFFICE OF THE COURTS	5,000.0				5,000.0
To purchase hardware, software, equipment and project management services to upgrade remote and hybrid judicial proceedings across the state for expenditure in fiscal year 2026.					
(13) ADMINISTRATIVE OFFICE OF THE COURTS	500.0				500.0
For hardware, software, equipment and professional services to upgrade cybersecurity tools, including an intrusion detection system for use by the judiciary contingent on compliance with the department of information technology's minimum cybersecurity standards.					
(14) ADMINISTRATIVE OFFICE OF THE COURTS	1,700.0				1,700.0
For expenditure in fiscal years 2025 through 2029 for regional planning and sequential intercept mapping statewide, including costs associated with monitoring, quality assurance and setting statewide standards related to relevant elements within regional plans in accordance with the Behavioral Health Reform and Investment Act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2029 shall revert to the behavioral health trust fund.					
(15) ADMINISTRATIVE OFFICE OF THE COURTS	6,000.0				6,000.0
For the Santa Fe magistrate court in fiscal year 2026.					
(16) SECOND JUDICIAL DISTRICT COURT			750.3		750.3



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
For the foreclosure settlement program. The internal service funds/interagency transfers appropriation is from the consumer settlement fund.					
(17) FIRST JUDICIAL DISTRICT ATTORNEY	100.0				100.0
To create and evaluate a diversion program for juveniles and young adults designed to reduce recidivism.					
(18) SECOND JUDICIAL DISTRICT ATTORNEY		3,000.0			3,000.0
For the organized crime commission. The other state funds appropriation is from the consumer settlement fund.					
(19) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS	800.0				800.0
For continued implementation of an off-the-shelf case management system.					
(20) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS					
Any unexpended balances remaining at the end of fiscal year 2025 from revenues received in fiscal year 2025 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 2026. Prior to November 1, 2025, 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 contract, memorandum of understanding, joint powers agreement or grant that do not revert at the end of fiscal year 2025 for each of the district attorneys and the administrative office of the district attorneys.					
(21) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS	350.0				350.0
For software licenses.					

	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(22)	ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS					

Any unexpended balances remaining at the end of fiscal year 2025 from revenues received in fiscal year 2025 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 2026. Prior to November 1, 2025, 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 2025 for each of the district attorneys and the administrative office of the district attorneys.

(23)	PUBLIC DEFENDER DEPARTMENT	450.0				450.0
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For recruitment and retention initiatives.

(24)	PUBLIC DEFENDER DEPARTMENT		675.3			675.3
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To support workforce capacity building for public defenders. The other state funds appropriation is from the public attorney workforce capacity building fund.

(25)	ATTORNEY GENERAL					
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The period of time for expending the eight million dollars (\$8,000,000) appropriated from the consumer settlement fund in Subsection 28 of Section 5 of Chapter 210 of Laws 2023 as extended in Subsection 24 of Section 5 of Chapter 69 of Laws 2024 to address the harms to the state and its communities resulting from the Gold King mine release is extended through fiscal year 2026.

(26)	ATTORNEY GENERAL					
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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 as extended in Subsection 31 of Section 5 of Chapter 210 of Laws 2023 as extended in Subsection 23 of Section 5 of Chapter 69 of Laws 2024 for interstate water litigation costs is extended through fiscal year 2026.

(27)	ATTORNEY GENERAL					
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
The period of time for expending the two million dollars (\$2,000,000) appropriated from the general fund and the two million dollars (\$2,000,000) appropriated from the consumer settlement fund in Subsection 27 of Section 5 of Chapter 54 of Laws 2022 as extended in Subsection 29 of Section 5 of Chapter 210 of Laws 2023 as extended in Subsection 20 of Section 5 of Chapter 69 of Laws 2024 for litigation of the Rio Grande compact is extended through fiscal year 2026.					
<del>[-(28) ATTORNEY GENERAL</del>	<del>1,000.0</del>				<del>1,000.0</del>
<del>For start-up costs associated with the office of child advocate, including hotline and case management systems, contingent on enactment of House Bill 5 or similar legislation of the first session of the fifty-seventh legislature creating the office of child advocate.] LINE ITEM VETO</del>					
(29) ATTORNEY GENERAL	800.0				800.0
For litigation of the tobacco master settlement agreement.					
(30) ATTORNEY GENERAL		1,000.0			1,000.0
For training and legal expenses. The other state funds appropriation is from the consumer settlement fund.					
(31) STATE AUDITOR	1,000.0				1,000.0
To assist small local public bodies in attaining financial compliance.					
(32) STATE AUDITOR	500.0				500.0
To develop a plan for migration to a single financial audit for the state of New Mexico.					
(33) TAXATION AND REVENUE DEPARTMENT	950.0				950.0
To develop, enhance and maintain the systems of record.					
(34) TAXATION AND REVENUE DEPARTMENT					

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
[ <del>Subject to approval of an expenditure plan by the state board of finance,</del> ] the taxation and revenue department may request up to five million dollars (\$5,000,000) from the appropriation contingency fund to implement tax and Motor Vehicle Code changes. <i>LINE ITEM VETO</i>					
(35) DEPARTMENT OF FINANCE AND ADMINISTRATION	4,000.0				4,000.0
For the civil legal services fund. Up to two million dollars (\$2,000,000) may be expended in fiscal years 2025 and 2026. Any unexpended balances remaining at the end of fiscal year 2026 shall not revert to the general fund and may be expended through fiscal year 2028.					
(36) DEPARTMENT OF FINANCE AND ADMINISTRATION	250.0				250.0
To the New Mexico mortgage finance authority for administering a credit worthiness program.					
(37) DEPARTMENT OF FINANCE AND ADMINISTRATION	5,000.0				5,000.0
[ <del>To the local government division</del> ] for grants to local governments to support [ <del>a direct to</del> ]housing encampment response[, <del>with streamlined housing placements, on campsite services from outreach workers, housing navigators and case managers, ongoing closed campsite maintenance</del> ] and [ <del>an intensive focus on</del> ] closure and cleaning of campsites. <i>LINE ITEM VETO</i>					
(38) DEPARTMENT OF FINANCE AND ADMINISTRATION	2,000.0				2,000.0
For the state board of finance emergency loan program.					
(39) DEPARTMENT OF FINANCE AND ADMINISTRATION	3,000.0				3,000.0
For a sewer plant in Gallup.					
(40) DEPARTMENT OF FINANCE AND ADMINISTRATION	110,000.0				110,000.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
To support housing, affordable housing, transitional housing and the expansion of housing services providers that facilitate behavioral health services and substance abuse recovery, homelessness assistance and prevention for persons with behavioral health needs[, <del>for expenditure in fiscal year 2026, including up to eighty million dollars (\$80,000,000) for programs in the city of Albuquerque and Bernalillo county to be shared equally and ten million dollars (\$10,000,000) for programs in the city of Las Cruces and Dona Ana county</del> ]. LINE ITEM VETO					
(41) DEPARTMENT OF FINANCE AND ADMINISTRATION	2,000.0				2,000.0
For housing assistance personnel and programs.					
(42) DEPARTMENT OF FINANCE AND ADMINISTRATION	2,000.0				2,000.0
For consulting and strategic planning to support innovative models to end homelessness.					
(43) DEPARTMENT OF FINANCE AND ADMINISTRATION	1,600.0				1,600.0
To [ <del>the</del> ] law enforcement recruitment and retention [ <del>fund</del> ] for expenditure in fiscal year 2026. LINE ITEM VETO					
(44) DEPARTMENT OF FINANCE AND ADMINISTRATION	3,000.0				3,000.0
For capacity building grants to [ <del>local governments,</del> ] councils of government [ <del>and technical assistance providers</del> ] in fiscal year 2026[, <del>including a feasibility study for incorporating a community in Otero and Dona Ana counties</del> ]. LINE ITEM VETO					
(45) DEPARTMENT OF FINANCE AND ADMINISTRATION	150.0				150.0
For the New Mexico infrastructure conference.					
(46) DEPARTMENT OF FINANCE AND ADMINISTRATION	10,000.0				10,000.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
For local public safety infrastructure and capacity building, legal services, legal training, case workers, and other legal and public safety supports for expenditure in fiscal years 2025 and 2026 <del>[, including one million dollars (\$1,000,000) for a public safety campus in Chaparral, two million dollars (\$2,000,000) for support in Luna county, Hidalgo county and Dona Ana county]</del> and one hundred thousand dollars (\$100,000) for administrative support at the department of finance and administration. <i>LINE ITEM VETO</i>					
(47) DEPARTMENT OF FINANCE AND ADMINISTRATION	50,000.0				50,000.0
For regional recreation centers and quality of life grants statewide <del>[, including for communities with military installations,]</del> for expenditure in fiscal year 2026. <i>LINE ITEM VETO</i>					
(48) DEPARTMENT OF FINANCE AND ADMINISTRATION	2,000.0				2,000.0
For a nursing home in Rio Arriba county.					
(49) DEPARTMENT OF FINANCE AND ADMINISTRATION	2,000.0				2,000.0
To the New Mexico mortgage finance authority for the north central New Mexico economic development district for housing projects for senior citizens living in manufactured housing.					
(50) DEPARTMENT OF FINANCE AND ADMINISTRATION	250.0				250.0
For an audit of the statewide human resources, accounting and management reporting system.					
(51) DEPARTMENT OF FINANCE AND ADMINISTRATION	7,500.0				7,500.0
For a primary care building in Taos county.					
(52) DEPARTMENT OF FINANCE AND ADMINISTRATION					

	<u>General</u>	<u>Other</u>	<u>Intrnl Svc</u>	<u>Federal</u>	
<u>Item</u>	<u>Fund</u>	<u>Funds</u>	<u>Agency Trnsf</u>	<u>Funds</u>	<u>Total/Target</u>
The period of time for expending the five hundred thousand dollars (\$500,000) appropriated from the general fund and the two million dollars (\$2,000,000) appropriated from the mortgage regulatory fund in Subsection 47 of Section 5 of Chapter 210 of Laws 2023 as extended in Subsection 46 of Section 5 of Chapter 69 of Laws 2024 for a comprehensive landlord support program is extended through fiscal year 2026.					
(53)	DEPARTMENT OF FINANCE AND ADMINISTRATION				
The period of time for expending the fifteen million dollars (\$15,000,000) appropriated from the general fund to the health care authority in Subsection 130 of Section 5 of Chapter 69 of Laws 2024 for a building for primary care in Taos county is reappropriated to the department of finance and administration and is extended through fiscal year 2026.					
(54)	DEPARTMENT OF FINANCE AND ADMINISTRATION				
The period of time for expending the twenty-five million dollars (\$25,000,000) appropriated from the general fund in Subsection 36 of Section 5 of Chapter 69 of Laws 2024 for statewide and local fire departments, including volunteer departments, for recruitment grants for state and local fire departments for recruitment of firefighters and emergency medical technicians is extended through fiscal year 2026.					
(55)	DEPARTMENT OF FINANCE AND ADMINISTRATION				
The period of time for expending the twenty-five million dollars (\$25,000,000) appropriated from the general fund in Subsection 42 of Section 5 of Chapter 69 of Laws 2024 for statewide and local law enforcement, correctional and detention agencies for recruitment grants for law enforcement, probation, correctional and detention officers is extended through fiscal year 2026. Local law enforcement agencies shall submit monthly crime incident and ballistic information to the department of public safety as prescribed by the secretary of the department of public safety.					
(56)	DEPARTMENT OF FINANCE AND ADMINISTRATION				
The period of time for expending the five million dollars (\$5,000,000) appropriated from the general fund in Subsection 45 of Section 5 of Chapter 69 of Laws 2024 to the local government division of the department of					

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
finance and administration for a wastewater treatment system in Dona Ana county is extended through fiscal year 2026.					
(57) DEPARTMENT OF FINANCE AND ADMINISTRATION					
The period of time for expending the seven million dollars (\$7,000,000) appropriated from the general fund in Subsection 48 of Section 5 of Chapter 69 of Laws 2024 for a pump station in Milan, New Mexico is extended through fiscal year 2026.					
(58) DEPARTMENT OF FINANCE AND ADMINISTRATION					
The period of time for expending the ten million dollars (\$10,000,000) appropriated from the general fund in Subsection 52 of Section 5 of Chapter 69 of Laws 2024 for transitional housing and shelter facilities for victims of domestic violence, including up to five million dollars (\$5,000,000) for facilities in northwest New Mexico is extended through fiscal year 2026 and up to five million dollars (\$5,000,000) may be used for fire and public safety facilities in Grants.					
(59) DEPARTMENT OF FINANCE AND ADMINISTRATION					
The period of time for expending the ten million dollars (\$10,000,000) appropriated from the general fund to the health care authority in Subsection 131 of Section 5 of Chapter 69 of Laws 2024 for a hospital in Tucumcari-Quay county is reappropriated to the department of finance and administration and is extended through fiscal year 2026.					
(60) GENERAL SERVICES DEPARTMENT		1,000.0			1,000.0
For purposes authorized under the innovation in state government fund in fiscal years 2026 and 2027, contingent on enactment of Senate Bill 83 or similar legislation of the first session of the fifty-seventh legislature creating the fund. The other state funds appropriation is from the innovation in state government fund.					
(61) GENERAL SERVICES DEPARTMENT	5,000.0				5,000.0
To purchase vehicles for the state motor pool for expenditure in fiscal year 2026.					



		General	Other	Intrnl Svc	Federal	
	Item	Fund	State	Funds/Inter-	Funds	Total/Target
			Funds	Agency Trnsf		
(62)	NEW MEXICO SENTENCING COMMISSION					

The period of time for expending the two million five hundred thousand dollars (\$2,500,000) appropriated from the consumer settlement fund in Subsection 57 of Section 5 of Chapter 69 of Laws 2024 for grants awarded under the Crime Reduction Grants Act is extended through fiscal year 2026.

(63) DEPARTMENT OF INFORMATION  
TECHNOLOGY

The period of time for expending the twenty-five million dollars (\$25,000,000) from the general fund and the ninety-nine million dollars (\$99,000,000) appropriated from the connect New Mexico fund in Subsection 68 of Section 5 of Chapter 210 of Laws 2023 to fund grant programs established under department rules and administered by the office of broadband access and expansion to support implementation of the statewide broadband plan, including twenty-five million dollars (\$25,000,000) for public school projects and five million dollars (\$5,000,000) for tribal projects, is extended through 2026. Up to five percent of the general fund appropriation and the other state funds appropriation may be used for administration and operational expenses for the office of broadband access and expansion and related grant programs.

(64) DEPARTMENT OF INFORMATION  
TECHNOLOGY

The balance of the general fund appropriation contained in Subsection 60 of Section 5 of Chapter 69 of Laws 2024 appropriated for a software tool to provide cybersecurity and cyber vulnerability information for state agencies, including compliance and project management, insights, assessment and notification management of the vendor ecosystem and supply chains, with unlimited access for state agencies, including a history of previous statewide deployments, shall not be expended for the original purpose but shall be used in fiscal year 2026 to govern, identify, protect, detect, respond and recover from cybersecurity risks, including software, subscriptions, and services for state agencies, to address compliance and project management, to evaluate vendor ecosystem and supply chains, to address cyber vulnerabilities and risk mitigation for state agencies and state of New Mexico public entities, and to ensure vendor adherence to state cybersecurity standards and directives through contractual terms, conditions, and enforcement mechanisms.

(65)	DEPARTMENT OF INFORMATION TECHNOLOGY	20,000.0			20,000.0
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
For cybersecurity initiatives, including initiatives for public schools and institutions of higher education, to govern, identify, protect, detect, respond and recover including cybersecurity insurance coverage and subscriptions for the state. The general fund appropriation includes up to seven million five hundred thousand dollars (\$7,500,000) for the consortium of higher education institutions statewide and shall not be used for administrative overhead expenses.					
(66) DEPARTMENT OF INFORMATION TECHNOLOGY					
The period of time for expending the five million five hundred thousand dollars (\$5,500,000) appropriated from the general fund in Subsection 61 of Section 5 of Chapter 69 of Laws 2024 for cybersecurity initiatives including public education and higher education is extended through fiscal year 2026.					
(67) DEPARTMENT OF INFORMATION TECHNOLOGY	2,000.0			2,000.0	
For digital trunk radio system subscriptions for emergency responders statewide.					
(68) DEPARTMENT OF INFORMATION TECHNOLOGY	1,000.0			1,000.0	
To assess and secure enterprise networks statewide to comply with state cybersecurity standards.					
(69) SECRETARY OF STATE	300.0			300.0	
To implement identity verification and multi-factor authentication for public-facing business services websites.					
(70) SECRETARY OF STATE	100.0			100.0	
For moving expenses.					
(71) STATE ETHICS COMMISSION	100.0				100.0
For security infrastructure upgrades, equipment, leases and training for expenditure through fiscal year 2027.					
(72) TOURISM DEPARTMENT	300.0				300.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
To contract for services for an athletic competition for people with disabilities.					
(73) TOURISM DEPARTMENT	1,900.0				1,900.0
For grants to tribal and local governments for tourism-related infrastructure projects through the destination forward grant program through fiscal year 2027.					
<del>[(74) TOURISM DEPARTMENT]</del>	<del>4,000.0</del>				<del>4,000.0</del>
<del>For sundance satellite festival and academy.] LINE ITEM VETO</del>					
(75) TOURISM DEPARTMENT	1,000.0				1,000.0
For the Las Cruces air show.					
(76) TOURISM DEPARTMENT	2,000.0				2,000.0
For the marketing excellence bureau. <del>[The department shall work with the economic development department to promote New Mexico as a place of business.] LINE ITEM VETO</del>					
(77) TOURISM DEPARTMENT	18,000.0				18,000.0
For national and international marketing and advertising for expenditure in fiscal year 2026, including two million five hundred thousand dollars (\$2,500,000) for the route 66 centennial celebration and three million dollars (\$3,000,000) for a litter pick-up and beautification campaign and four hundred thousand dollars (\$400,000) to purchase advertisements, commercials and publicity for the Connie Mack world series.					
(78) TOURISM DEPARTMENT	200.0				200.0
For the New Mexico bowl.					
(79) TOURISM DEPARTMENT	8,000.0				8,000.0
For the Roswell air show.					
<del>[(80) ECONOMIC DEVELOPMENT DEPARTMENT]</del>	<del>6,000.0</del>				<del>6,000.0</del>

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
<del>For the bioscience development fund in fiscal year 2026, contingent on enactment of Senate Bill 119 or similar legislation of the first session of the fifty-seventh legislature.] LINE ITEM VETO</del>					
(81) ECONOMIC DEVELOPMENT DEPARTMENT	4,000.0				4,000.0
For creative industries grants.					
(82) ECONOMIC DEVELOPMENT DEPARTMENT		7,800.0			7,800.0
To assist in diversifying and promoting the state's economy by fostering economic development opportunities unrelated to fossil fuel development or use and prioritizing projects from target industries for expenditure in fiscal years 2026 through 2028, contingent on enactment of Senate Bill 48 or similar legislation of the first session of the fifty-seventh legislature creating the community benefit fund. The other state funds appropriation is from the community benefit fund.					
(83) ECONOMIC DEVELOPMENT DEPARTMENT	2,000.0				2,000.0
For the healthy food financing program.					
(84) ECONOMIC DEVELOPMENT DEPARTMENT	15,000.0				15,000.0
For operational support for entrepreneurship incubators, accelerators and venture studios for expenditure in fiscal year 2026, including ten million dollars (\$10,000,000) for quantum venture studios.					
(85) ECONOMIC DEVELOPMENT DEPARTMENT		1,000.0			1,000.0
For purposes authorized under the innovation in state government fund in fiscal years 2026 and 2027, contingent on enactment of Senate Bill 83 or similar legislation of the first session of the fifty-seventh legislature creating the fund. The other state funds appropriation is from the innovation in state government fund.					
(86) ECONOMIC DEVELOPMENT DEPARTMENT	2,000.0				2,000.0

		General	Other	Intrnl Svc	Federal	
Item		Fund	Funds	Funds/Inter-Agency Trnsf	Funds	Total/Target
For marketing and trade shows with the New Mexico partnership.						
(87)	ECONOMIC DEVELOPMENT DEPARTMENT	40,000.0				40,000.0
To establish a research, development and deployment fund in fiscal year 2026, contingent on enactment of Hous Bill 20 or similar legislation of the first session of the fifty-seventh legislature creating a research and development fund to offer matching grants for federal research funding.						
(88)	ECONOMIC DEVELOPMENT DEPARTMENT	3,000.0				3,000.0
For the outdoor equity grant program fund for expenditure in fiscal year 2026.						
(89)	ECONOMIC DEVELOPMENT DEPARTMENT	15,000.0				15,000.0
For physical economic development infrastructure for expenditure in fiscal year 2026, including five million dollars (\$5,000,000) for innovation hubs and ten million dollars (\$10,000,000) for quantum space.						
(90)	ECONOMIC DEVELOPMENT DEPARTMENT	10,800.0				10,800.0
For talent recruitment and retention in the public and private sectors focused on emerging high-yield and high tech fields for expenditure in fiscal year 2026.						
(91)	ECONOMIC DEVELOPMENT DEPARTMENT	8,000.0				8,000.0
For the New Mexico advanced energy award pilot program in fiscal year 2026.						
(92)	ECONOMIC DEVELOPMENT DEPARTMENT	24,000.0				24,000.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
legislation of the first session of the fifty-seventh legislature creating a framework for assessing potential economic development sites to determine the improvements needed for economic development purposes.					
(93) ECONOMIC DEVELOPMENT DEPARTMENT	4,000.0				4,000.0
For science and technology business startup grants.					
(94) ECONOMIC DEVELOPMENT DEPARTMENT	50,000.0				50,000.0
To the trade ports development fund in fiscal year 2026, contingent on enactment of House Bill 19 or similar legislation of the first session of the fifty-seventh legislature creating the fund.					
(95) ECONOMIC DEVELOPMENT DEPARTMENT	10,000.0				10,000.0
For trail and outdoor infrastructure grants for expenditure in fiscal years 2026 and 2027[ <del>, including matching funds for the Lobo canyon trail system,</del> ] with up to one hundred thousand dollars (\$100,000) for contract assistance processing grant management. <i>LINE ITEM VETO</i>					
(96) PUBLIC REGULATION COMMISSION	700.0				700.0
To administer the community solar program.					
(97) PUBLIC REGULATION COMMISSION					
The period of time for expending the one million five hundred thousand dollars (\$1,500,000) appropriated from the general fund in Subsection 77 of Section 5 of Chapter 69 of Laws 2024 for information technology purchases is extended through fiscal year 2026.					
(98) PUBLIC REGULATION COMMISSION					
The period of time for expending the four hundred eight thousand dollars (\$408,000) appropriated from the general fund in Subsection 79 of Section 5 of Chapter 69 of Laws 2024 to cover court award related to the DeAguiro v. PRC case No. D-101-CV-2018-02725 is extended through fiscal year 2026.					

	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(99)	PUBLIC REGULATION COMMISSION					

The period of time for expending the one hundred ninety thousand dollars (\$190,000) appropriated from the general fund in Subsection 80 of Section 5 of Chapter 69 of Laws 2024 for costs related to transitioning the commission to a new building is extended through fiscal year 2026.

(100)	PUBLIC REGULATION COMMISSION		1,000.0			1,000.0
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For purposes authorized under the innovation in state government fund for expenditure in fiscal years 2026 and 2027, contingent on enactment of Senate Bill 83 or similar legislation of the first session of the fifty-seventh legislature creating the fund. The other state funds appropriation is from the innovation in state government fund.

(101)	PUBLIC REGULATION COMMISSION	1,000.0				1,000.0
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For information technology purchases.

(102)	OFFICE OF SUPERINTENDENT OF INSURANCE	10,000.0				10,000.0
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To the New Mexico fair access to insurance requirements program for mitigation, property insurance needs, programs and initiatives statewide for expenditure in fiscal year 2026.

(103)	OFFICE OF SUPERINTENDENT OF INSURANCE	2,000.0				2,000.0
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For a study of the fire insurance market.

(104)	OFFICE OF SUPERINTENDENT OF INSURANCE	5,000.0				5,000.0
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For medical professional liability insurance premium reductions.

(105)	OFFICE OF SUPERINTENDENT OF INSURANCE					
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
The period of time for expending the two million dollars (\$2,000,000) appropriated from the general fund in Subsection 81 of Section 5 of Chapter 69 of Laws 2024 for cybersecurity response and enhancement is extended through fiscal year 2026.					

(106) OFFICE OF SUPERINTENDENT OF  
INSURANCE

The period of time for expending the one million three hundred twelve thousand dollars (\$1,312,000) appropriated from other state funds in Subsection 86 of Section 5 of Chapter 69 of Laws 2024 for salary adjustment increases to improve staff retention is extended through fiscal year 2026.

(107)	BOARD OF VETERINARY MEDICINE	125.0			125.0
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For veterinary facility and shelter inspections.

(108)	CULTURAL AFFAIRS DEPARTMENT	500.0			500.0
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For feasibility studies, planning, design and improvement of historic sites and museums statewide, including three hundred thousand dollars (\$300,000) to the Los Luceros historic site to fund economic development activities.

(109)	CULTURAL AFFAIRS DEPARTMENT	2,500.0			2,500.0
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For federal Native American Graves Protection and Repatriation Act compliance.

(110)	CULTURAL AFFAIRS DEPARTMENT	2,500.0			2,500.0
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For grants to rural libraries.

(111)	CULTURAL AFFAIRS DEPARTMENT	250.0			250.0
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For expenses related to programming and events for the semiquincentennial celebration through fiscal year 2027.

(112)	CULTURAL AFFAIRS DEPARTMENT	1,000.0			1,000.0
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For marketing and public relations for museums and historic sites in partnership with the marketing excellence bureau of the tourism department.



	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(113)	CULTURAL AFFAIRS DEPARTMENT	350.0				350.0
To upgrade websites to comply with the federal Americans with Disabilities Act.						
(114)	NEW MEXICO LIVESTOCK BOARD	200.0				200.0
For management of free-roaming horses, contingent on enactment of House Bill 284 or similar legislation of the first session of the fifty-seventh legislature.						
(115)	DEPARTMENT OF GAME AND FISH		1,000.0			1,000.0
To implement conservation actions for bighorn sheep statewide. The other state funds appropriation is from the big game enhancement fund within the game protection fund.						
(116)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	8,000.0				8,000.0
For the state supplemental land and water conservation fund.						
(117)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	5,000.0				5,000.0
To support the community energy efficiency block grant statewide.						
(118)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT					
The period of time for expending the one million eight hundred thirteen thousand four hundred dollars (\$1,813,400) appropriated from the general fund in Subsection 98 of Section 5 of Chapter 210 of Laws 2023 to support federal matching requirements at the energy conservation management division is extended through fiscal year 2026.						
(119)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT					

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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The period of time for expending the one million seven hundred five thousand dollars (\$1,705,000) appropriated from the general fund in Subsection 97 of Section 5 of Chapter 69 of Laws 2024 to support federal matching requirements at the energy conservation management division is extended through fiscal year 2026.

(120)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT		20,000.0		20,000.0
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To provide competitive grants to entities to develop or enhance energy efficiency technology, renewable energy technology, batteries and other systems capable of retaining, storing and delivering energy by chemical, thermal, mechanical or other means and any interconnection equipment required to safely interconnect these systems with the electric grid for expenditure in fiscal years 2026 through 2028, contingent on the passage of Senate Bill 48 or similar legislation of the first session of the fifty-seventh legislature creating the fund. The other state funds appropriation is from the community benefit fund.

(121)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT				
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The period of time for expending the two million five hundred twenty-five thousand dollars (\$2,525,000) appropriated from the general fund in Subsection 98 of Section 5 of Chapter 69 of Laws 2024 to address inspection and compliance backlogs in the oil conservation division is extended through fiscal year 2026.

(122)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	20,000.0			20,000.0
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For forest management, restoration, thinning and vegetation management, including three hundred thousand dollars (\$300,000) to contract with the New Mexico department of agriculture in coordination with the department of cultural affairs to develop an archaeology field school education and training program statewide, for expenditure in fiscal year 2026.

(123)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	10,000.0			10,000.0
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To the geothermal projects development fund to advance geothermal projects in New Mexico and to expand state-level investment in geothermal projects for expenditure in fiscal year 2026.

(124)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT		2,500.0		2,500.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
For purposes authorized under the innovation in state government fund for expenditure in fiscal years 2026 and 2027, contingent on enactment of Senate Bill 83 or similar legislation of the first session of the fifty-seventh legislature creating the fund. The other state funds appropriation is from the innovation in state government fund.					

(125)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT		10,000.0		10,000.0
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To contract with a New Mexico entity established by a coalition of New Mexico counties and municipalities to provide low interest loans that facilitate the adoption of technologies intended to reduce carbon emissions such as wind, solar, weatherization and geothermal energy contingent on the passage of Senate Bill 48 or similar legislation of the first session of the fifty-seventh legislature creating the community benefit fund. Loans shall preference underserved and low-income communities. In applying for loans, entities shall demonstrate that the expenditure of funds will result in a positive return on investment in terms of reduced utility costs and/or reduced carbon emissions for the state. The other state funds appropriation is from the community benefit fund.

(126)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	2,000.0			2,000.0
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To support development of a New Mexico-specific quadrennial energy review and transition plan.

(127)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	2,500.0			2,500.0
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For Red Rock park in McKinley county.

(128)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT				
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The period of time for expending the two hundred twenty-five thousand dollars (\$225,000) appropriated from the general fund in Subsection 101 of Section 5 of Chapter 69 of Laws 2024 for development of the Rio Grande trail commission is extended through fiscal year 2026.

(129)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	940.7			940.7
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To match federal funds for grant programs under the federal Infrastructure Investment and Jobs Act.

		General	Other	Intrnl Svc	Federal	
	Item	Fund	State	Funds/Inter-	Funds	Total/Target
			Funds	Agency Trnsf		
(130)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	750.0				750.0

To the oil conservation division for underground injection control program support.

(131) ENERGY, MINERALS AND NATURAL  
RESOURCES DEPARTMENT

The period of time for expending the ten million dollars (\$10,000,000) appropriated from the general fund in Subsection B of Section 2 of Chapter 1 of Laws 2024 (1st S.S.) for wildfire mitigation; watershed restoration, slope stabilization, erosion control and post-fire management made necessary by damages from flooding or a wildfire, including damages from flooding or debris flows attributable to a wildfire; and regional master planning of public infrastructure reconstruction due to damages caused by flooding or a wildfire, including damages from flooding or debris flows attributable to a wildfire is extended through fiscal year 2026 and shall be expended in consultation with the homeland security and emergency management department.

(132) STATE LAND OFFICE 1,000.0 1,000.0

For purposes authorized under the innovation in state government fund in fiscal years 2026 and 2027, contingent on enactment of Senate Bill 83 or similar legislation of the first session of the fifty-seventh legislature creating the fund. The other state funds appropriation is from the innovation in state government fund.

(133) STATE ENGINEER

The period of time for expending the five million dollars (\$5,000,000) appropriated from the general fund in Subsection 30 of Section 10 of Chapter 54 of Laws 2022 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, is extended through fiscal year 2026.

(134) STATE ENGINEER

The period of time for expending the ten million dollars (\$10,000,000) appropriated from the general fund in Subsection 102 of Section 5 of Chapter 210 of Laws 2023 for critical dam maintenance and improvement projects statewide[~~, including two million five hundred thousand dollars (\$2,500,000) for improvements for flood control near Hatch,~~] is extended through fiscal year 2026 and up to three million five hundred thousand dollars

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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(\$3,500,000) may be used to address water shortages and for a water treatment plant in Las Vegas in San Miguel county and up to two million five hundred thousand dollars (\$2,500,000) may be used for wastewater infrastructure improvements in Santa Rosa in Guadalupe county. *LINE ITEM VETO*

(135)	STATE ENGINEER	25,000.0			25,000.0
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For project development allocations to the non-pueblo settlement beneficiaries identified in Indian water rights settlement agreements for expenditure in fiscal year 2026. Any unexpended balances remaining at the end of fiscal year 2026 from this appropriation shall not revert and may be expended through fiscal year 2028.

(136)	STATE ENGINEER	5,000.0			5,000.0
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For continued support for the attorney general in interstate water litigation and settlement under the Rio Grande compact and on the Colorado river. Any unexpended balances remaining at the end of fiscal year 2026 from this appropriation shall not revert and may be expended through fiscal year 2027.

(137)	STATE ENGINEER	3,000.0			3,000.0
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For state compliance with the 2003 Pecos settlement agreement, including required augmentation pumping and to support other drought relief activities on the lower Pecos basin. Any unexpended balances remaining at the end of fiscal year 2026 from this appropriation shall not revert and may be expended through fiscal year 2027.

(138)	STATE ENGINEER	1,000.0			1,000.0
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For regional water planning.

(139)	STATE ENGINEER	5,000.0			5,000.0
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To implement the Water Security Planning Act, the fifty-year water action plan and modernization of agency online information and engagement tools, for expenditure in fiscal year 2026.

(140)	COMMISSION FOR DEAF AND HARD- OF-HEARING PERSONS	100.0			100.0
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For an audit of revenue collection for the telecommunication relay service fund in collaboration with the taxation and revenue department.

		General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(141)	COMMISSION FOR DEAF AND HARD- OF-HEARING PERSONS	132.0				132.0

To replace information technology equipment.

(142) INDIAN AFFAIRS DEPARTMENT

The period of time for expending the two million five hundred thousand dollars (\$2,500,000) appropriated from the energy transition Indian affairs fund in Subsection 113 of Section 5 of Chapter 69 of Laws 2024 as extended in Subsection 112 of Section 5 of Chapter 210 of Laws 2023 to assist tribal and native people in affected communities pursuant to Section 62-18-16 NMSA 1978 is extended through fiscal year 2026.

(143)	INDIAN AFFAIRS DEPARTMENT	500.0				500.0
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To provide funding to Indian nations, tribes and pueblos for comprehensive community planning for expenditure in fiscal year 2026.

(144)	INDIAN AFFAIRS DEPARTMENT	2,000.0				2,000.0
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For equipment and capacity building for a sawmill in Mescalero.

(145) INDIAN AFFAIRS DEPARTMENT

The period of time for expending the twenty-five million dollars (\$25,000,000) appropriated from the general fund in Subsection 20 of Section 5 of Chapter 210 of Laws 2023 as extended in Subsection 112 of Section 5 of Chapter 69 of Laws 2024 for tribal projects, including twelve million five hundred thousand dollars (\$12,500,000) for matching funds for federal infrastructure grants, two million five hundred thousand dollars (\$2,500,000) for Native American teaching statewide, and ten million dollars (\$10,000,000) to expand tribal-serving healthcare and behavioral health services, including three million dollars (\$3,000,000) for transition costs to create a critical access hospital in a tribal-serving community and one million dollars (\$1,000,000) for expanding a tribal-serving behavioral health clinic in Zuni is extended through fiscal year 2026.

(146)	EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT	2,000.0				2,000.0
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To support professional development staff in building skills to support evidence-based early intervention practice and autism supports.

	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(147)	AGING AND LONG-TERM SERVICES DEPARTMENT	600.0				600.0

For emergencies, disaster preparedness, urgent supplemental programmatic needs and planning to serve seniors and adults with disabilities.

(148)	AGING AND LONG-TERM SERVICES DEPARTMENT		4,000.0			4,000.0
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For grandparents raising grandkids projects for expenditure through fiscal year 2028. The other state funds appropriation is from the Kiki Saavedra senior dignity fund.

(149)	HEALTH CARE AUTHORITY	7,500.0				7,500.0
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To deliver services and for grants to federally qualified health centers, counties and municipalities, Indian nations, tribes and pueblos and behavioral health care providers based on the submitted regional plans for twenty-four-hour crisis response facilities, associated services and technical assistance support for expenditure in fiscal years 2026 through 2029 pursuant to the Behavioral Health Reform and Investment Act. Funding may be used to cover service, logistic and lease costs not eligible for medicaid funding on a multiyear basis. Any unexpended balance remaining at the end of fiscal year 2029 shall revert to the behavioral health trust fund.

(150)	HEALTH CARE AUTHORITY	28,000.0				28,000.0
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For grants to counties, municipalities and behavioral health care providers based on the submitted regional plans for regional transitional behavioral health facilities and certified community behavioral health clinics that are located in a municipality with a state institution of higher education and remain eligible for medicaid for expenditure in fiscal years 2026 through 2029. Funding may be used to cover service, transportation and lease costs, including community-based services and supports. Not more than five million dollars (\$5,000,000) may be used to establish or expand behavioral health investment zones based on epidemiological data and other source data that identify the combined incidence of mortality related to alcohol use, drug overdose and suicide and on any other behavioral health data deemed necessary. Any unexpended balance remaining at the end of fiscal year 2029 shall revert to the behavioral health trust fund.

(151)	HEALTH CARE AUTHORITY	200.0				200.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
To initiate the planning, coordination and implementation of behavioral health standards [in fiscal year 2025] pursuant to the Behavioral Health Reform and Investment Act. [Any unexpended balance remaining at the end of fiscal year 2025 shall revert to the behavioral health trust fund.] <i>LINE ITEM VETO</i>					

(152)	HEALTH CARE AUTHORITY	10,000.0			10,000.0
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For grants to counties, municipalities, Indian nations, tribes and pueblos and behavioral health providers based on the submitted regional plans for assisted outpatient treatment, medication assisted treatment including for juveniles, assertive community treatment, other best-practice and evidence-informed outpatient and diversion services, promising practices and community-based wraparound services and resources pursuant to the Behavioral Health Reform and Investment Act for expenditure in fiscal years 2026 through 2029. Any unexpended balance remaining at the end of fiscal year 2029 shall revert to the behavioral health trust fund.

(153)	HEALTH CARE AUTHORITY	50,000.0			50,000.0
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For behavioral health funding priorities identified in regional plans pursuant to the Behavioral Health Investment and Reform Act. The fiscal year 2026 appropriation shall be eligible for expenditure in fiscal year 2027.

(154)	HEALTH CARE AUTHORITY	500.0			500.0
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For Cibola general hospital to purchase equipment.

(155)	HEALTH CARE AUTHORITY	4,973.4		17,160.0	22,133.4
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For capacity building for the criminal justice medicaid waiver initiative.

(156)	HEALTH CARE AUTHORITY	2,000.0			2,000.0
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For grants to state agencies, counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans for diversion, crisis intervention, collaborative and embedded crisis response, mental health, social work, provider technical assistance and community and intercept resources training for expenditure in fiscal years 2026 through 2029 pursuant to the Behavioral Health Reform and Investment Act. Any unexpended balance remaining at the end of fiscal year 2029 shall revert to the behavioral health trust fund

(157)	HEALTH CARE AUTHORITY		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
For regional certified peer support workers, justice liaisons, regional behavioral health services division staff and administrative staff and to implement audit and evaluation requirements of the Behavioral Health Reform and Investment Act. The other state funds appropriation is from the government results and opportunity program fund.					
(158) HEALTH CARE AUTHORITY		10,000.0			10,000.0
For regional certified peer support workers, justice liaisons, regional behavioral health services division staff and administrative staff and to implement audit and evaluation requirements of the Behavioral Health Reform and Investment Act in fiscal year 2028. The other state funds appropriation is from the government results and opportunity program fund.					
(159) HEALTH CARE AUTHORITY		10,000.0			10,000.0
For regional certified peer support workers, justice liaisons, regional behavioral health services division staff and administrative staff and to implement audit and evaluation requirements of the Behavioral Health Reform and Investment Act in fiscal year 2027. The other state funds appropriation is from the government results and opportunity program fund.					
(160) HEALTH CARE AUTHORITY	11,500.0				11,500.0
For grants to counties, municipalities and Indian nations, tribes and pueblos based on the submitted regional plans for regional mobile crisis and recovery response, intervention and outreach teams and to support existing co-response models to transition to federally recognized mobile crisis team models to obtain medicaid reimbursement for expenditure in fiscal years 2026 through 2029 pursuant to the Behavioral Health Reform and Investment Act. Funding may also be used to support community-based mobile crisis teams and co-response coordination. Not more than five million five hundred thousand dollars (\$5,500,000) may be used by state agencies for regional mobile crisis and recovery response, intervention and outreach teams. Any unexpended balance remaining at the end of fiscal year 2029 shall revert to the behavioral health trust fund.					
(161) HEALTH CARE AUTHORITY		10,000.0			10,000.0
For healthcare affordability fund programs. The other state funds appropriation is from the health care affordability fund.					
(162) HEALTH CARE AUTHORITY	8,129.4			28,638.6	36,768.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
For startup costs to build capacity for housing providers for people experiencing homelessness and to build capacity for medical services for people involved with the criminal justice system.					
(163) HEALTH CARE AUTHORITY	1,500.0				1,500.0
For innovative residential treatment services in Dona Ana county.					
(164) HEALTH CARE AUTHORITY		22,300.0			22,300.0
For health insurance marketplace affordability programs. The other state funds appropriation is from the health care affordability fund.					
(165) HEALTH CARE AUTHORITY	2,500.0				2,500.0
For a pilot to integrate medication-assisted treatment into primary care settings.					
(166) HEALTH CARE AUTHORITY	5,000.0				5,000.0
For additional vouchers in the linkages program.					
(167) HEALTH CARE AUTHORITY	2,500.0				2,500.0
For grants to counties, municipalities, and Indian nations, tribes and pueblos for law enforcement and behavioral health service providers to purchase regional mobile crisis response, recovery and outreach equipment and vehicles based on submitted regional plans in accordance with the Behavioral Health Reform and Investment Act. Any unexpended balances remaining at the end of fiscal year 2026 shall not revert and may be expended through fiscal year 2029. Any unexpended balances remaining at the end of fiscal year 2029 shall revert to the behavioral health trust fund.					
(168) HEALTH CARE AUTHORITY	9,000.0				9,000.0
To expand patient navigation to behavioral health services through a "no-wrong-door" approach, including updates to information technology portals and for a closed-loop referral system to facilitate direct and immediate connections to behavioral health services for individuals, providers and care coordination teams, in fiscal years 2026 and 2027. Any unexpended balances remaining at the end of fiscal year 2027 shall revert to the behavioral health trust fund.					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(169) HEALTH CARE AUTHORITY	607.4				607.4

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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extended in Subsection 134 of Section 5 of Chapter 69 of Laws 2024 to assist displaced workers in affected communities pursuant to Section 62-18-16 NMSA 1978 shall not be expended for the original purpose but is appropriated to San Juan college for training for displaced workers pursuant to Section 62-18-16 NMSA 1978 in fiscal year 2026.

(176)	WORKFORCE SOLUTIONS DEPARTMENT	600.0			600.0
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To implement and evaluate youth preapprenticeship programs targeted toward science, technology, engineering and math industries and programs that provide a direct pathway to a registered apprenticeship program.

(177)	WORKFORCE SOLUTIONS DEPARTMENT		1,000.0		1,000.0
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For purposes authorized pursuant to the innovation in state government fund in fiscal years 2026 and 2027, contingent on enactment of Senate Bill 83 or similar legislation of the first session of the fifty-seventh legislature creating the fund. The other state funds appropriation is from the innovation in state government fund.

(178)	WORKFORCE SOLUTIONS DEPARTMENT	500.0			500.0
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For intensive outreach for out-of-school and at-risk youth.

(179)	WORKFORCE SOLUTIONS DEPARTMENT	750.0			750.0
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For a study to identify evidence-based or research-based strategies to increase the labor force participation rate.

(180)	WORKFORCE SOLUTIONS DEPARTMENT	500.0			500.0
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For the local news fellowship program.

(181)	WORKFORCE SOLUTIONS DEPARTMENT		50.0		50.0
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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For disaster unemployment payment adjustments. The other state funds appropriation is from the unemployment trust fund.

(182)	WORKFORCE SOLUTIONS DEPARTMENT		17,000.0		17,000.0
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To provide individuals training in non-extractive industries and to provide extractive industry workers with training that will enhance their skill set to transition to non-extractive industries for expenditure in fiscal years 2026 through 2028, contingent on the passage of Senate Bill 48 or similar legislation of the first session of the fifty-seventh legislature creating the community benefit fund. Funding may be used to provide community-based wraparound services and resources related to the training provided. The other state funds appropriation is from the community benefit fund.

(183)	WORKFORCE SOLUTIONS DEPARTMENT	1,000.0			1,000.0
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For a senior's farmers market.

(184)	WORKFORCE SOLUTIONS DEPARTMENT	2,000.0			2,000.0
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For a healthcare strategic recruitment program, contingent on enactment of House Bill 15 or similar legislation of the first session of the fifty-seventh legislature creating a healthcare strategic recruitment program in the workforce solutions department.

(185)	DEVELOPMENTAL DISABILITIES COUNCIL	60.0			60.0
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For contracts to support the center for self-advocacy's state jobs program and to update federal grants and human resources policies.

(186)	DEVELOPMENTAL DISABILITIES COUNCIL	650.0			650.0
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To reduce the waiting list for legal and guardianship services for expenditure in fiscal year 2026.

	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(187)	DEVELOPMENTAL DISABILITIES COUNCIL	229.0				229.0

For a supported decision-making program, contingent on enactment of legislation of the first session of the fifty-seventh legislature creating a supported decision-making program within the office of guardianship in the development disabilities council.

(188) DEPARTMENT OF HEALTH

The period of time for expending the two million one hundred thousand dollars (\$2,100,000) appropriated from the general fund in Subsection 142 of Section 5 of Chapter 69 of Laws 2024 to support the New Mexico rehabilitation center's efforts to achieve accreditation through the accredited residential treatment center program for substance abuse is extended through fiscal year 2026.

(189)	DEPARTMENT OF HEALTH	3,000.0				3,000.0
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For facilities operations and maintenance.

(190)	DEPARTMENT OF HEALTH	4,000.0				4,000.0
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For local health councils to transition to behavioral health supports pursuant to regional plans of the Behavioral Health Reform and Investment Act.

(191)	DEPARTMENT OF HEALTH		3,500.0			3,500.0
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For education, prevention and interventions in schools across the state in accordance with the Juul settlement. The other state funds appropriation is from the consumer settlement fund.

(192)	DEPARTMENT OF HEALTH	300.0				300.0
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For the obesity, nutrition and physical activity program.

(193)	DEPARTMENT OF HEALTH	5,400.0				5,400.0
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To offset projected shortfalls at the New Mexico behavioral health institute and the Los Lunas community program.

(194) DEPARTMENT OF HEALTH

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
<p>The period of time for expending the nine million dollars (\$9,000,000) appropriated to the department of health on behalf of the department of finance and administration in Subsection 7 of Section 10 of Chapter 54 of Laws 2022 to establish criteria for distribution of grants supporting violence intervention programs statewide is extended through fiscal year 2026 and may be used for opioid prevention programs, provided that one million dollars (\$1,000,000) shall be used for services for victims of sexual assault and one million dollars (\$1,000,000) shall be used for services for victims of domestic violence.</p>					
(195) DEPARTMENT OF HEALTH	1,000.0				1,000.0
<p>For operational expenses, contingent on enactment of Senate Bill 219 or similar legislation of the first session of the fifty-seventh legislature enacting the Medical Psilocybin Act.</p>					
(196) DEPARTMENT OF HEALTH	9,000.0				9,000.0
<p>To expand suicide prevention and youth behavioral health supports in schools through educational resources, outreach, awareness, multi-component digital platforms and behavioral health services, for expenditure in fiscal years 2026 through 2028. Any unexpended balance remaining at the end of fiscal year 2028 shall revert to the behavioral health trust fund.</p>					
(197) DEPARTMENT OF ENVIRONMENT					
<p>The period of time for expending the eight hundred thirty-nine thousand seven hundred dollars (\$839,700) appropriated from the general fund, the one million dollars (\$1,000,000) appropriated from the corrective action fund and the one million dollars (\$1,000,000) appropriated from the consumer settlement fund in Subsection 150 of Section 5 of Chapter 210 of Laws 2023 and as extended in Subsection 150 of Section 5 of Chapter 69 of Laws 2024 to match federal funds for cleanup of superfund hazardous waste sites in New Mexico is extended through fiscal year 2026.</p>					
(198) DEPARTMENT OF ENVIRONMENT					
<p>The period of time for expending the six hundred thousand dollars (\$600,000) appropriated in Subsection 145 of Section 5 of Chapter 69 of Laws 2024 to develop and implement a surface water discharge permitting program is extended through fiscal year 2026.</p>					
(199) DEPARTMENT OF ENVIRONMENT	3,000.0				3,000.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
For the development and implementation of compliance and enforcement strategies, including laboratory analytical services.					
(200) DEPARTMENT OF ENVIRONMENT	2,000.0				2,000.0
To address private well water contamination from per- and polyfluoroalkyl chemicals in Curry county and other areas of the state for expenditure in fiscal year 2026.					
(201) DEPARTMENT OF ENVIRONMENT		5,000.0			5,000.0
For purposes authorized under the innovation in state government fund in fiscal years 2026 and 2027, contingent on enactment of Senate Bill 83 or similar legislation of the first session of the fifty-seventh legislature creating the fund. The other state funds appropriation is from the innovation in state government fund.					
(202) DEPARTMENT OF ENVIRONMENT	1,000.0				1,000.0
For the sampling and analysis of drinking water contaminants. Any unexpended balances remaining at the end of fiscal year 2026 from this appropriation shall not revert and may be expended through fiscal year 2027.					
(203) DEPARTMENT OF ENVIRONMENT	20,000.0				20,000.0
For the investigation and remediation of neglected contaminated sites for expenditure in fiscal year 2026.					
(204) DEPARTMENT OF ENVIRONMENT	1,000.0				1,000.0
For the development and implementation of per-and polyfluoroalkyl substances rules and support of related litigation.					
(205) DEPARTMENT OF ENVIRONMENT	15,000.0				15,000.0
To the rural infrastructure revolving loan fund in fiscal year 2026 [ <del>for low interest loans to rural communities for water, wastewater and solid waste projects</del> ]. <i>LINE ITEM VETO</i>					
(206) DEPARTMENT OF ENVIRONMENT		5,700.0			5,700.0



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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To match federal funding and conduct clean up of superfund sites and costs associated with the Terrero mine. The other state funds appropriation is from the consumer settlement fund. Any unexpended balances remaining at the end of fiscal year 2026 from this appropriation shall not revert and may be expended through fiscal year 2027.

(207) DEPARTMENT OF ENVIRONMENT

The seven million dollars (\$7,000,000) appropriated to the water quality management fund in Subsection 152 of Section 5 of Chapter 69 of Laws 2024 shall not be transferred but is appropriated to the department of environment for the development, implementation and administration of state surface water and groundwater permitting programs through fiscal year 2026.

(208)	DEPARTMENT OF ENVIRONMENT	2,750.0			2,750.0
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For regionalization of water systems and the development of the utility operator workforce.

(209)	OFFICE OF NATURAL RESOURCES TRUSTEE		15,000.0		15,000.0
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To the natural resources trustee fund to pursue emerging natural resource injury claims against responsible parties and natural resources restoration. The other state funds appropriation is from the consumer settlement fund.

(210)	VETERANS' SERVICES DEPARTMENT	200.0			200.0
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To [~~leverage federal revenues for transitional housing~~] services for homeless veterans and their families[~~including life skills training and case management services~~]. *LINE ITEM VETO*

(211)	VETERANS' SERVICES DEPARTMENT	250.0			250.0
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To provide services and outreach to rural and underserved veterans and their families.

(212)	VETERANS' SERVICES DEPARTMENT	1,000.0			1,000.0
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For operations of the Taos veterans' cemetery.

(213)	CHILDREN, YOUTH AND FAMILIES DEPARTMENT	500.0			500.0
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		General	Other	Intrnl Svc	Federal	
	Item	Fund	State	Funds/Inter-	Funds	Total/Target
			Funds	Agency Trnsf		
To hire an external contractor to reclaim and maximize federal Title IV-E revenues from prior and current fiscal years.						
(214)	CHILDREN, YOUTH AND FAMILIES DEPARTMENT	100.0				100.0
To contract with an external entity to conduct an organizational health and employee survey and develop strategies and recommendations for workforce retention.						
(215)	CHILDREN, YOUTH AND FAMILIES DEPARTMENT	1,471.0				1,471.0
For increases to the agency's liability insurance premiums in fiscal year 2026.						
(216)	CHILDREN, YOUTH AND FAMILIES DEPARTMENT					
The period of time for expending the two hundred thousand dollars (\$200,000) appropriated from the general fund in Subsection 156 of Section 5 of Chapter 69 of Laws 2024 for technical assistance revising and resubmitting the state's prevention plan under Title IV-E of the federal Social Security Act and for review of the children, youth and families department processes to ensure maximum drawdown of federal funds for the protective services program, delivered by a vendor with experience developing a state plan [ <del>that has been approved by the federal administration for children and families</del> ] is extended through fiscal year 2026. <i>LINE ITEM VETO</i>						
(217)	DEPARTMENT OF MILITARY AFFAIRS	1,000.0				1,000.0
For the governor's summer challenge programs.						
(218)	DEPARTMENT OF MILITARY AFFAIRS	162.0				162.0
For startup costs related to the New Mexico job challenge academy						
(219)	CORRECTIONS DEPARTMENT					

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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The period of time for expending the one million dollars (\$1,000,000) appropriated from the consumer settlement fund in Subsection 11 of Section 11 of Chapter 210 of Laws 2023 as extended in Subsection 163 of Section 5 of Chapter 69 of Laws 2024 for medication-assisted treatment in prisons is extended through fiscal year 2026.

(220)	CORRECTIONS DEPARTMENT	1,300.0			1,300.0
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For use by the department [~~and for grants to counties based on regional plans~~] for discharge planning from correctional facilities [~~and detention centers,~~] and to assist discharged persons to connect with recovery support services and treatment and community-based behavioral health supports that supplement or enhance transitional services [~~covered by medicaid~~] for expenditure in fiscal years 2026 through 2029. [~~The corrections department shall consult with the department of health when making grants to counties.~~] Any unexpended balance remaining at the end of fiscal year 2029 shall revert to the behavioral health trust fund. *LINE ITEM VETO*

(221)	CORRECTIONS DEPARTMENT		17,800.0		17,800.0
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To continue hepatitis C treatment and program monitoring. Any unexpended balances from this appropriation remaining at the end of fiscal year 2026 shall not revert and may be expended through fiscal year 2027. The other state funds appropriation is from the penitentiary income fund.

(222)	CORRECTIONS DEPARTMENT		2,000.0		2,000.0
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To expand reentry services, career technical programming and housing opportunities for current and recently released inmates of the New Mexico corrections department. The other state funds appropriation is from the community corrections grant fund.

(223)	CRIME VICTIMS REPARATION COMMISSION	1,000.0			1,000.0
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For domestic violence services.

(224)	CRIME VICTIMS REPARATION COMMISSION	1,000.0			1,000.0
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For services for victims of sexual assault.

(225)	DEPARTMENT OF PUBLIC SAFETY	1,500.0			1,500.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
For maintenance and repair of law enforcement aircraft. Any unexpended balances remaining at the end of fiscal year 2026 shall not revert and may be expended through fiscal year 2028.					
(226) DEPARTMENT OF PUBLIC SAFETY	499.6				499.6
To continue the implementation of a commercial off-the-shelf records management system.					
(227) DEPARTMENT OF PUBLIC SAFETY	5,700.0				5,700.0
For state crime laboratories to outsource backlogged DNA cases.					
(228) DEPARTMENT OF PUBLIC SAFETY	300.0				300.0
For honor guard equipment and training.					
(229) DEPARTMENT OF PUBLIC SAFETY	2,500.0				2,500.0
To be used by law enforcement and behavioral health service providers to purchase equipment and vehicles for regional mobile crisis response, recovery and outreach for expenditure in fiscal years 2026 through 2029 pursuant to the Behavioral Health Reform and Investment Act. Any unexpended balances remaining at the end of fiscal year 2029 shall revert to the behavioral health trust fund.					
(230) DEPARTMENT OF PUBLIC SAFETY	900.0				900.0
For fingerprinting equipment.					
(231) DEPARTMENT OF PUBLIC SAFETY	461.2				461.2
For New Mexico state police special investigative equipment.					
(232) DEPARTMENT OF PUBLIC SAFETY	6,000.0				6,000.0
To purchase and equip law enforcement vehicles, including license plate readers.					
(233) HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT	275.0				275.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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To enhance and integrate current operating systems.

(234) DEPARTMENT OF TRANSPORTATION

The period of time for expending the one hundred seventy million dollars (\$170,000,000) appropriated from the general fund in Subsection 1 of Section 9 of Chapter 137 of Laws 2021 for acquisition of rights of way, planning, design, construction, equipment and capital facility improvements and to match federal and other state funds for projects is extended through fiscal year 2026[, provided that the balance of the nine million dollars (\$9,000,000) included for the New Mexico highway 118 Burlington Northern Santa Fe rail road overpass in transportation district six shall not be used for its original purpose but shall be used for road projects in transportation district six]. *LINE ITEM VETO*

(235) DEPARTMENT OF TRANSPORTATION

The period of time for expending the five million dollars (\$5,000,000) appropriated from the general fund in Subsection 1 of Section 9 of Chapter 54 of Laws 2022 for essential air service is extended through fiscal year 2026.

(236) DEPARTMENT OF TRANSPORTATION

The period of time for expending the nine million dollars (\$9,000,000) appropriated from the general fund in Subsection 3 of Section 9 of Chapter 137 of Laws 2021 for essential air service is extended through fiscal year 2026.

(237) DEPARTMENT OF TRANSPORTATION

The period of time for expending the two hundred forty-seven million five hundred thousand dollars (\$247,500,000) appropriated from the general fund in Subsection 6 of Section 9 of Chapter 54 of Laws 2022 for acquisition of rights of way, planning, design and construction and to match federal and other state funds is extended through fiscal year 2026.

(238) DEPARTMENT OF TRANSPORTATION

1,000.0

1,000.0

For purposes authorized under the innovation in state government fund in fiscal years 2026 and 2027, contingent on enactment of Senate Bill 83 or similar legislation of the first session of the fifty-seventh legislature creating the fund. The other state funds appropriation is from the innovation in state government fund.

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(239)	DEPARTMENT OF TRANSPORTATION				

The period of time for expending the twenty-five million dollars (\$25,000,000) appropriated from the general fund in Subsection 2 of Section 9 of Chapter 54 of Laws 2022 for interstate 40 and interstate 10 planning is extended through fiscal year 2026.

(240) DEPARTMENT OF TRANSPORTATION

Any encumbered balances in the project design and construction program, the highway operations program and the modal program of the department of transportation at the end of fiscal year 2025 from the other state funds and federal funds appropriations shall not revert and may be expended in fiscal year 2026.

~~[(241) DEPARTMENT OF TRANSPORTATION~~

~~The balance of the general fund appropriation contained in Subsection 8 of Section 9 of Chapter 54 of Laws 2022 for design and construction of wildlife corridors to mitigate wildlife-vehicle collisions on state managed roads shall not be expended for the original purpose but is appropriated to the department of transportation for rural air service enhancement in fiscal years 2026 through 2028.] LINE ITEM VETO~~

(242) PUBLIC EDUCATION DEPARTMENT

Amounts appropriated to the public education department under Item 11 of Subsection B of Section 9 of Chapter 69 of Laws 2024 and Item 11 of Subsection C of Section 9 of Chapter 69 of Laws 2024 for educator clinical practice programs may only be utilized for educator preparation programs that partner with local education agencies to place clinical practice candidates seeking licensure in an area responsible for teaching elementary school reading with mentors trained in structured literacy.

(243) PUBLIC EDUCATION DEPARTMENT 500.0 500.0

For purposes pursuant to the Bilingual Multicultural Education Act. The other state funds appropriation is from the public education reform fund.

(244) PUBLIC EDUCATION DEPARTMENT 500.0 500.0

For purposes pursuant to the Black Education Act. The other state funds appropriation is from the public education reform fund.

	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(245)	PUBLIC EDUCATION DEPARTMENT	1,500.0				1,500.0

For a three-year career development success pilot project in high school that, upon completion, results in a credential recognized by business and industry locally, statewide or nationally that verifies a person's qualification and competence to work in an occupation, trade or profession. Any unexpended balances remaining at the end of fiscal year 2026 shall not revert and may be expended through fiscal year 2028. By December 31, 2028, the public education department shall provide a final report on the pilot project to the governor and the legislative education study committee that includes the department's assessment of the pilot project and legislative recommendations.

(246)	PUBLIC EDUCATION DEPARTMENT	28,500.0	10,000.0			38,500.0
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For the career technical education pilot project, including career technical student organizations, innovation zones and work-based learning initiatives. The other state funds appropriation is from the career technical education fund.

(247)	PUBLIC EDUCATION DEPARTMENT	6,000.0				6,000.0
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For community school and family engagement initiatives. Up to four hundred thousand dollars (\$400,000) may be used by the public education department to evaluate student outcomes and accredit community schools. The public education department shall prioritize awards to school districts and charter schools that provide local matching funds for community school coordinators.

(248)	PUBLIC EDUCATION DEPARTMENT	2,280.0				2,280.0
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For the induction, preparation and evaluation of school administrators contingent on enactment of House Bill 157 or similar legislation of the first session of the fifty-seventh legislature creating standards for induction, preparation and evaluation of school administrators.

(249)	PUBLIC EDUCATION DEPARTMENT	20,000.0	300.0			20,300.0
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For the recruitment and retention of educator fellows and grow your own teacher scholarships pursuant to the Grow Your Own Teachers Act, including one million dollars (\$1,000,000) for teacher recruitment pilots and programs to improve the teacher workforce pipeline. The public education department shall prioritize awards to school districts and charter schools that provide local matching funds for participating educators. The other state funds appropriation is from the grow your own teachers fund.

	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(250)	PUBLIC EDUCATION DEPARTMENT		500.0			500.0

For purposes pursuant to the Hispanic Education Act. The other state funds appropriation is from the public education reform fund.

(251)	PUBLIC EDUCATION DEPARTMENT	30,000.0				30,000.0
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To New Mexico pueblos, tribes and nations to support activities pursuant to the Indian Education Act for expenditure in fiscal years 2026 through 2028, with no more than ten million dollars (\$10,000,000) expended in each fiscal year to support activities pursuant to the Indian Education Act.

(252)	PUBLIC EDUCATION DEPARTMENT		3,700.0			3,700.0
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For the learning management system that delivers learning resources to students, educators and administrators outside of the classroom setting. The other state funds appropriation is from the public education reform fund.

(253)	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. The other state funds appropriation is from the consumer settlement fund.

(254)	PUBLIC EDUCATION DEPARTMENT	6,000.0				6,000.0
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For a three-year math lab pilot project for kindergarten through sixth grade that provides students with support and practice in mathematics with a focus on hands-on activities and project-based learning within a dedicated learning environment designed to improve student math skills. Participating public schools shall test students before, during and after the pilot project and follow those students through the remainder of the students' time in public school. The data collected during the pilot project and over time shall be evaluated biennially to help the public education department and the school districts determine the efficacy of math labs in student success and allow the incorporation of methods and strategies learned from the pilot project into the overall teaching of mathematics. Each annual grant award shall be a minimum of one hundred thousand dollars (\$100,000) for each participating public school. The department shall make school district reports available to the governor and the legislature through the legislative education study committee. Any unexpended balances remaining at the end of fiscal year 2026 shall not revert and may be expended through fiscal year 2028. By November 1, 2028, the



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
department shall prepare a final report for the governor and the legislature on the efficacy of the pilot project, including recommendations for potential improvements or expansion of math labs statewide.					
(255) PUBLIC EDUCATION DEPARTMENT	500.0				500.0
For outdoor classrooms.					
(256) PUBLIC EDUCATION DEPARTMENT	15,000.0				15,000.0
For affordable, effective out-of-school time programs for school-aged youth statewide, including nutritional education programs. The general fund appropriation includes one million dollars (\$1,000,000) for tutoring programs for at-risk students in literacy, science, technology, engineering and math [ <del>that incorporate social-emotional learning and community service learning</del> ]. <i>LINE ITEM VETO</i>					
(257) PUBLIC EDUCATION DEPARTMENT					
Prior to the close of fiscal year 2025, remaining balances in the family and youth resource fund, teacher professional development fund, incentives for school improvement fund, schools in need of improvement fund, educational technology deficiency correction fund, charter schools stimulus fund and kindergarten plus fund shall revert to the public education reform fund.					
(258) PUBLIC EDUCATION DEPARTMENT	3,000.0				3,000.0
For Rio Rancho public schools for class size reductions and career technical education start-up costs.					
(259) PUBLIC EDUCATION DEPARTMENT	6,000.0				6,000.0
For school improvement activities.					
(260) PUBLIC EDUCATION DEPARTMENT	200.5				200.5
For regional and statewide school safety summits.					
(261) PUBLIC EDUCATION DEPARTMENT	4,000.0				4,000.0
For the implementation of special education initiatives by the public education department.					



	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(270)	PUBLIC EDUCATION DEPARTMENT		1,000.0			1,000.0

To pilot wellness rooms in school districts and charter schools. The other state funds appropriation is from the public education reform fund.

(271)	PUBLIC SCHOOL FACILITIES AUTHORITY		60,000.0			60,000.0
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For electric vehicle charging infrastructure for school districts, including the cost of upgrading from diesel-fueled school buses to electric school buses for expenditure in fiscal years 2026 through 2028, contingent on the passage of Senate Bill 48 or similar legislation of the first session of the fifty-seventh legislature creating the community benefit fund. The other state funds appropriation is from the community benefit fund.

(272)	HIGHER EDUCATION DEPARTMENT		10,000.0			10,000.0
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For adult education programs, including integrated education and training programs statewide and community-based wraparound services and resources related to those programs, for expenditure in fiscal years 2026 through 2028 contingent on the passage of Senate Bill 48 or similar legislation of the first session of the fifty-seventh legislature creating the community benefit fund. The other state funds appropriation is from the community benefit fund.

(273)	HIGHER EDUCATION DEPARTMENT	1,000.0				1,000.0
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For behavioral health career development programs including youth mental health first aid training and behavioral health internships.

(274)	HIGHER EDUCATION DEPARTMENT	3,000.0				3,000.0
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For scholarships, financial aid and other support for practicums for behavioral health or addiction counseling students.

(275)	HIGHER EDUCATION DEPARTMENT	40,000.0				40,000.0
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For distribution to the higher education institutions of New Mexico for building renewal and replacement and facility demolition for expenditure in fiscal year 2026. 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, or any other ineligible purpose as

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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defined in the New Mexico higher education department space policy, funding shall not be released to the higher education institutions. Up to ten million dollars (\$10,000,000) may be used for facility demolition.

<del>(276)</del> HIGHER EDUCATION DEPARTMENT	1,000.0				1,000.0
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~~For pathways into careers, including two hundred twenty-one thousand dollars (\$221,000) for the supercomputing challenge.] LINE ITEM VETO~~

(277) HIGHER EDUCATION DEPARTMENT	3,000.0				3,000.0
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For distribution to the higher education institutions of New Mexico for equipment renewal and replacement. A report of equipment and renewal and replacement transfers must be submitted to the higher education department before funding is released. In the event of a transfer of equipment renewal and replacement funding to cover institutional salaries, funding shall not be released to the higher education institution.

(278) HIGHER EDUCATION DEPARTMENT	20,000.0				20,000.0
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~~For the health professional loan repayment program for expenditure in fiscal year 2026[, with priority for professionals working in a behavioral health setting, including certified community behavioral health clinics, working in a criminal justice setting or serving homeless populations and including five million dollars (\$5,000,000) for doctors]. LINE ITEM VETO~~

(279) HIGHER EDUCATION DEPARTMENT	1,250.0				1,250.0
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For high school equivalency tests.

(280) HIGHER EDUCATION DEPARTMENT	2,700.0				2,700.0
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For New Mexico public community colleges and comprehensive universities for program development costs and to purchase equipment supporting noncredit workforce training programs resulting in industry-recognized certificates or credentials. Higher education institutions shall submit an application to the higher education department, including the certificates or credentials to be supported and equipment to be purchased as applicable. ~~[The higher education department shall distribute funds to institutions based on the application by July 1, 2025.]~~  
LINE ITEM VETO

(281) HIGHER EDUCATION DEPARTMENT	3,000.0				3,000.0
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
For a partnership with a New Mexico college of osteopathic medicine to improve a comprehensive outreach program to increase interest in the healthcare field within the state of New Mexico.					
(282) HIGHER EDUCATION DEPARTMENT	5,000.0				5,000.0
To the teacher loan repayment fund.					
(283) HIGHER EDUCATION DEPARTMENT	10,000.0				10,000.0
To the technology enhancement fund in fiscal year 2026 for distribution to eligible higher education institutions.					
(284) HIGHER EDUCATION DEPARTMENT	750.0				750.0
To study and support transition and administrative costs for state-funded higher education institutions.					
(285) HIGHER EDUCATION DEPARTMENT	200.0				200.0
For tribal dual credit.					
(286) HIGHER EDUCATION DEPARTMENT	1,550.0				1,550.0
To the veterinarian loan repayment fund [ <del>for expenditure in fiscal year 2026</del> ], contingent on enactment of House Bill 90 or Senate Bill 8 or similar legislation of the first session of the fifty-seventh legislature creating the fund. <i>LINE ITEM VETO</i>					
(287) HIGHER EDUCATION DEPARTMENT	2,000.0				2,000.0
For the expansion of the New Mexico workforce training economic support pilot program to include students enrolled in department-approved credit-based and noncredit workforce development training programs leading to jobs in high demand industries.					
(288) UNIVERSITY OF NEW MEXICO	1,000.0				1,000.0
For the bioscience authority.					
(289) UNIVERSITY OF NEW MEXICO	2,500.0				2,500.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
To the university of New Mexico health sciences center for the center of Native American health for Native American faculty teaching and research endowments.					
(290) UNIVERSITY OF NEW MEXICO	2,500.0				2,500.0
For the college of population health.					
(291) UNIVERSITY OF NEW MEXICO	1,000.0				1,000.0
For an educator training program through the hepatitis community health outcomes research and public service project.					
(292) UNIVERSITY OF NEW MEXICO	400.0				400.0
For the Gallup branch campus to pilot a law enforcement academy, including operational costs associated with implementation and certification.					
(293) UNIVERSITY OF NEW MEXICO	200.0				200.0
To health sciences center for the learning and working environment office.					
(294) UNIVERSITY OF NEW MEXICO	150.0				150.0
For legal education financial aid for low-income students dedicated to public service, for expenditure in fiscal years 2026 through 2028.					
(295) UNIVERSITY OF NEW MEXICO	1,800.0				1,800.0
For a mental health, substance misuse and criminal justice technical assistance center at the university of New Mexico health sciences center to support communities and regions in complying with the Behavioral Health Reform and Investment Act.					
(296) UNIVERSITY OF NEW MEXICO	2,000.0				2,000.0
To the health sciences center and the department of health for mobile health units, medication-assisted treatment and other health outreach for homeless persons, including telemedicine.					

	<u>Item</u>	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(297)	UNIVERSITY OF NEW MEXICO	2,000.0				2,000.0
	For the Native American studies department for Native American faculty, teaching and research endowments.					
(298)	UNIVERSITY OF NEW MEXICO	500.0				500.0
	For an online native language program.					
(299)	UNIVERSITY OF NEW MEXICO	500.0				500.0
	For the psychedelic assisted therapy research program in the department of family medicine.					
(300)	UNIVERSITY OF NEW MEXICO	1,800.0				1,800.0
	For the quantum institute, including five hundred thousand dollars (\$500,000) for first year fellowships.					
(301)	UNIVERSITY OF NEW MEXICO	2,000.0				2,000.0
	For the health sciences center for resident pay for expenditure in fiscal year 2026.					
(302)	UNIVERSITY OF NEW MEXICO	1,000.0				1,000.0
	For the Taos branch campus for a telescope and observatory.					
(303)	NEW MEXICO STATE UNIVERSITY	1,200.0				1,200.0
	To the department of agriculture for the acequia and community ditch fund.					
(304)	NEW MEXICO STATE UNIVERSITY	300.0				300.0
	To the department of agriculture for agricultural youth leadership programs statewide.					
(305)	NEW MEXICO STATE UNIVERSITY	430.0				430.0
	To the department of agriculture for the approved supplier program.					
(306)	NEW MEXICO STATE UNIVERSITY	2,000.0				2,000.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
For an institute of artificial intelligence and machine learning.					
(307) NEW MEXICO STATE UNIVERSITY	100.0				100.0
To the department of agriculture to assist state animal health officials in eradicating the bovine reproductive disease trichomoniasis caused by the protozoan parasite tritrichomonas foetus for expenditure in fiscal years 2026 and 2027.					
(308) NEW MEXICO STATE UNIVERSITY	3,300.0				3,300.0
To the department of agriculture for grants to assist state meat processors in adapting to new meat processing technologies, for proper disposal of meat processing by-products and for equipment. Any unexpended balances remaining at the end of fiscal year 2026 from this appropriation shall not revert and may be expended through fiscal year 2029.					
(309) NEW MEXICO STATE UNIVERSITY	4,015.0				4,015.0
To purchase equipment, instrumentation, laboratory facility improvements and other supplies for water treatment for expenditure in fiscal year 2026.					
(310) NEW MEXICO STATE UNIVERSITY					
The period of time for expending the ten million dollars (\$10,000,000) appropriated from the general fund in Subsection 232 of Section 5 of Chapter 210 of Laws 2023 as extended in Subsection 228 of Section 5 of Chapter 69 of Laws 2024 for land acquisition, planning, design and construction of the New Mexico reforestation center is extended through fiscal year 2028.					
(311) NEW MEXICO STATE UNIVERSITY	9,000.0				9,000.0
To the department of agriculture for soil and water conservation districts. Any unexpended balances remaining at the end of fiscal year 2026 from this appropriation shall not revert and may be expended through fiscal year 2028.					
(312) NEW MEXICO STATE UNIVERSITY	4,000.0				4,000.0
For innovation, research, monitoring, support and development of technology associated with potential projects for a strategic water supply program grant or contract, for expenditure through fiscal year 2028.					



	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(313)	NEW MEXICO STATE UNIVERSITY	1,500.0				1,500.0

For athletics in fiscal year 2026. The athletics department shall implement a plan to eliminate debt in the department.

(314)	NEW MEXICO STATE UNIVERSITY	450.0				450.0
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To the department of range and animal sciences to support veterinary scholarships, externships and residency programs for expenditure in fiscal years 2026 through 2028.

(315)	NEW MEXICO STATE UNIVERSITY	5,000.0				5,000.0
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~~[To the department of agriculture] for grants [to local governments] to implement projects that improve farmers' and ranchers' ability to manage, save and efficiently apply limited water resources for agricultural production.~~  
 LINE ITEM VETO

(316)	NEW MEXICO HIGHLANDS UNIVERSITY	150.0				150.0
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~~For [operational expenses to develop] a doctorate degree program in social work [and to conduct a statewide social work feasibility study].~~ LINE ITEM VETO

(317)	NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY	7,500.0				7,500.0
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To the bureau of geology and mineral resources for aquifer monitoring and improved groundwater characterization for expenditure in fiscal year 2026.

(318)	NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY	3,500.0				3,500.0
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For enterprise resource management upgrades.

(319)	NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY	2,000.0				2,000.0
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For enhanced marketing and recruitment.

	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(320)	NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY	1,500.0				1,500.0

For seismology equipment and monitoring network in the bureau of geology and mineral resources.

(321)	NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY	1,000.0				1,000.0
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For student and community wellness [~~center~~] planning. *LINE ITEM VETO*

(322)	NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY	2,000.0				2,000.0
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To implement the Water Data Act, for expenditure in fiscal year 2026.

(323)	NORTHERN NEW MEXICO COLLEGE					
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The period of time for expending the three million dollars (\$3,000,000) appropriated from the general fund in Subsection 234 of Section 5 of Chapter 69 of Laws 2024 for security improvements, information system upgrades and other infrastructure uses is extended through fiscal year 2026.

(324)	MESALANDS COMMUNITY COLLEGE	450.0				450.0
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For the nursing program.

(325)	MESALANDS COMMUNITY COLLEGE	300.0				300.0
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To purchase equipment for the wind technology and commercial driver's license programs.

(326)	SAN JUAN COLLEGE	430.0				430.0
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To purchase equipment for a heavy equipment operator program.

<del>(327)</del>	<del>SUPREME COURT</del>					
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~~The appropriations included for state agencies under the administrative jurisdiction of the supreme court in Subsection B of Section 4 of Chapter 69 of Laws 2024 and in Subsection B of Section 4 of the General~~

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
<del>Appropriations Act of 2025 include sufficient funds for the judicial branch to pilot a paid time off program for calendar year 2025.] LINE ITEM VETO</del>					
TOTAL SPECIAL APPROPRIATIONS	1,233,721.2	278,231.5	750.3	45,798.6	1,558,501.6

## Chapter 160 Section 6 Laws 2025

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.**--Unless otherwise indicated, the following amounts are appropriated from the general fund or other funds as indicated for expenditure in fiscal year 2025 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 2025 or other fiscal year for the purpose specified and approval by the department of finance and administration. Unless otherwise indicated, any unexpended balances remaining at the end of fiscal year 2025 shall revert to the appropriate fund.

(1)	SUPREME COURT	342.0		342.0
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To complete the installation of the backup generator for the New Mexico supreme court building.

(2)	ADMINISTRATIVE OFFICE OF THE COURTS	107.5		107.5
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For court interpreters.

(3)	ADMINISTRATIVE OFFICE OF THE COURTS	310.9		310.9
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To purchase security equipment and contract security guards for the administrative office of the courts.

(4)	ADMINISTRATIVE OFFICE OF THE COURTS	2,034.5		2,034.5
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
For judicial salary increases authorized by Chapter 3 of Laws 2024 for all of the district courts, the Bernalillo county metropolitan court and the court of appeals.					
(5) FIRST JUDICIAL DISTRICT COURT	30.6				30.6
To resolve a deficit fund balance.					
(6) THIRD JUDICIAL DISTRICT COURT	34.9				34.9
For contract security at Dona Ana magistrate courts.					
(7) THIRTEENTH JUDICIAL DISTRICT COURT	98.5				98.5
For expansion of the Sandoval county judicial complex.					
(8) SECOND JUDICIAL DISTRICT ATTORNEY	500.0				500.0
For personnel costs, expert witnesses and transcription fees.					
(9) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS		1,200.0			1,200.0
To support workforce capacity building for prosecutors. The other state funds appropriation is from the public attorney workforce capacity building fund.					
(10) ADMINISTRATIVE HEARINGS OFFICE	20.0				20.0
To purchase laptops, desktop computers and related equipment.					
(11) DEPARTMENT OF FINANCE AND ADMINISTRATION	200.0				200.0
For litigation expenses.					

	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(12)	DEPARTMENT OF FINANCE AND ADMINISTRATION	500.0				500.0

To address a projected shortfall in the personal service and employee benefits category for the financial control division.

(13)	DEPARTMENT OF FINANCE AND ADMINISTRATION	160.0				160.0
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For programming expenses related to administering the general obligation bonding program.

(14)	GENERAL SERVICES DEPARTMENT	21,000.0	25,000.0			46,000.0
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To resolve a deficit in the employee group health benefits fund. The other state funds appropriation is from the health care affordability fund.

(15)	GENERAL SERVICES DEPARTMENT	15,000.0				15,000.0
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To reimburse local public bodies for contributions to the employee group health benefits fund made pursuant to Subsection 15 through Subsection 17 of Section 6 of Chapter 210 of Laws 2023.

(16)	SECRETARY OF STATE	65.0				65.0
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To address a negative cash standing from an expired capital outlay project.

(17)	SECRETARY OF STATE	2,100.0				2,100.0
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To correct a deficiency in the election fund from fiscal year 2024 expenses.

(18)	SECRETARY OF STATE	5,500.0				5,500.0
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For the election fund.

(19)	STATE TREASURER	250.0				250.0
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For information technology and services.

(20)	GAMING CONTROL BOARD	122.1				122.1
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
For projected shortfalls in operating expenses.					
(21) SPACEPORT AUTHORITY	24.0				24.0
To address a prior-year cash deficit in the spaceport authority's capital projects account.					
(22) SPACEPORT AUTHORITY		675.0			675.0
For projected shortfalls in the other category. The other state funds appropriation is from the spaceport authority fund.					
(23) EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT	5,000.0				5,000.0
For supplemental funding to support an increased number of children served through the family infant toddler program.					
(24) EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT	2,000.0				2,000.0
For provider rate increases to family infant toddler providers in fiscal year 2025.					
(25) HEALTH CARE AUTHORITY	85,000.0				85,000.0
For a shortfall in the state health benefits program.					
(26) DEVELOPMENTAL DISABILITIES COUNCIL	300.0				300.0
To reduce the waiting list for guardianship services in fiscal year 2025.					
(27) VETERANS' SERVICES DEPARTMENT	881.4				881.4
For a deficiency created by the transfer of the Truth or Consequences veterans' home.					
(28) CHILDREN, YOUTH AND FAMILIES DEPARTMENT	50.0				50.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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To address a deficiency in the childcare payments account.

(29) CHILDREN, YOUTH AND FAMILIES  
DEPARTMENT

Up to twenty-five million dollars (\$25,000,000) from the appropriation contingency fund shall be made available for shortfalls in fiscal year 2024 and fiscal year 2025 contingent on the department of finance and administration certifying that the children, youth and families department has initiated a study that includes reviewing department practices and procedures for soliciting, billing and collecting federal revenues including recommendations and implementation of retroactive billing to maximize federal revenue, including but not limited to funding available through medicaid, the John H. Chafee Foster Care Program for Successful Transition to Adulthood, Title IV-E, Title IV-B, the Family First Prevention Services Act, the Child Abuse Prevention and Treatment Act Discretionary Funds Program, the Promoting Safe and Stable Families Program, and others. Any unexpended balance remaining at the end of fiscal year 2025 shall not revert and may be expended in fiscal year 2026.

(30)	CORRECTIONS DEPARTMENT	3,500.0	500.0		4,000.0
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For a projected shortfall in personal services and employee benefits and contractual services categories for medical and behavioral health services in the inmate management and control program. The other state funds appropriation is from the penitentiary income fund.

(31)	PUBLIC EDUCATION DEPARTMENT	230.3			230.3
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To address a lease liability shortfall.

(32)	PUBLIC EDUCATION DEPARTMENT	3,054.0			3,054.0
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For a prior year shortfall in providing universal free school meals pursuant to the Healthy Hunger-Free Students' Bill of Rights Act.

(33)	PUBLIC EDUCATION DEPARTMENT	7,848.0			7,848.0
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For a fiscal year 2025 budgetary shortfall in providing universal free school meals pursuant to the Healthy Hunger-Free Students' Bill of Rights Act.

(34)	PUBLIC EDUCATION DEPARTMENT		15.5		15.5
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
To remediate legacy cash deficits within the K-3 plus fund, reading materials fund and school library material fund. The other state funds appropriation is from the public education reform fund.					
TOTAL SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS	156,263.7	27,390.5			183,654.2

## Chapter 160 Section 7 Laws 2025

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 2025, 2026 and 2027. Unless otherwise indicated, any unexpended balances remaining at the end of fiscal year 2027 shall revert to the computer systems enhancement fund or other funds as indicated. For each executive branch agency project, the state chief information officer shall certify compliance with the project certification process prior to the allocation of forty million twenty thousand dollars (\$40,020,000) 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  
DISTRICT ATTORNEYS

The period of time for expending the two million five hundred sixty-four thousand dollars (\$2,564,000) appropriated from the computer systems enhancement fund and the one hundred seventy thousand dollars (\$170,000) appropriated from fund balances in Subsection 2 of Section 7 of Chapter 54 of Laws 2022 and as extended in Subsection 2 of Section 7 of Chapter 69 of Laws 2024 to purchase an enterprise comprehensive case management system through a competitive bid process is extended through fiscal year 2026.

- (2) TAXATION AND REVENUE DEPARTMENT 3,000.0 3,000.0



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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To replace the legacy tax return software.

- (3) 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 as extended in Subsection 4 of Section 7 of Chapter 137 of Laws 2021 as extended in Subsection 10 of Section 7 of Chapter 54 of Laws 2022 as extended in Subsection 6 of Section 7 of Chapter 210 of Laws 2023 and as extended in Subsection 7 of Section 7 of Chapter 69 of Laws 2024 for the implementation of an enterprise budget system is extended through fiscal year 2026.

- (4) EDUCATIONAL RETIREMENT BOARD

The period of time for expending the thirty million five hundred thousand dollars (\$30,500,000) appropriated from educational retirement fund balances in Subsection 7 of Section 7 of Chapter 210 of Laws 2023 to modernize the pension administration system is extended through fiscal year 2027.

- (5) DEPARTMENT OF INFORMATION  
TECHNOLOGY

The period of time for expending the two million dollars (\$2,000,000) from the computer systems enhancement fund in Subsection 8 of Section 7 of Chapter 210 of Laws of 2023 to develop and implement an integrated system for the enterprise project management office documents and services is extended through fiscal year 2026.

- |     |                    |         |         |
|-----|--------------------|---------|---------|
| (6) | SECRETARY OF STATE | 2,500.0 | 2,500.0 |
|-----|--------------------|---------|---------|

To implement a web-based filing solution.

- |     |                    |         |         |
|-----|--------------------|---------|---------|
| (7) | SECRETARY OF STATE | 1,000.0 | 1,000.0 |
|-----|--------------------|---------|---------|

To purchase and implement an election management solution.

- (8) GAMING CONTROL BOARD

The period of time for expending the one million five hundred thousand dollars (\$1,500,000) appropriated from the computer systems enhancement fund in Subsection 11 of Section 7 of Chapter 210 of Laws 2023 for the planning and initiation phase to modernize licensing software is extended through fiscal year 2026.

	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(9) DEPARTMENT OF GAME AND FISH			1,000.0		1,000.0

To modernize online systems.

(10) STATE LAND OFFICE

The period of time for expending the two million dollars (\$2,000,000) appropriated from the state lands maintenance fund in Subsection 18 of Section 7 of Chapter 54 of Laws 2022 and as extended in Subsection 11 of Section 7 of Chapter 69 of Laws 2024 for the modernization of software and for the addition of renewable energy project financial management and support capabilities is extended through fiscal year 2026.

(11) STATE ENGINEER			500.0		500.0
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To modernize and replace the real-time water measurement system.

(12) STATE ENGINEER			500.0		500.0
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To replace the water administration technical engineering resource system.

(13) EARLY CHILDHOOD EDUCATION AND  
CARE DEPARTMENT

The period of time for expending the five hundred thousand dollars (\$500,000) from the computer systems enhancement fund and the five hundred thousand dollars (\$500,000) appropriated from other state funds in Subsection 13 of Section 7 of Chapter 210 of Laws 2023 to continue the implementation of an enterprise content management system for the child care services bureau is extended through fiscal year 2026. The other state funds appropriation is from the early childhood education and care fund balances.

(14) EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT		1,000.0			1,000.0
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To assess an application for processing claims for the family infant toddler program. The other state funds appropriation is from the early childhood education and care program fund.

(15) AGING AND LONG-TERM SERVICES  
DEPARTMENT

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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 as extended in Subsection 21 of Section 7 of Chapter 54 of Laws 2022 as extended in Subsection 15 of Section 7 of Chapter 210 of Laws 2023 and as extended in Subsection 15 of Section 7 of Chapter 69 of Laws 2024 to consolidate and modernize information technology systems for integration with the health care authority's medicaid management information system replacement project is extended through fiscal year 2026.					
(16) HEALTH CARE AUTHORITY			70.0	630.0	700.0
To continue the facility electronic licensing and information system exchange.					
(17) HEALTH CARE AUTHORITY			5,000.0	45,000.0	50,000.0
To continue the medicaid management information system replacement project.					
(18) HEALTH CARE AUTHORITY					
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 and the five million four hundred ninety-eight thousand four hundred dollars (\$5,498,400) appropriated from federal funds in Subsection 22 of Section 7 of Chapter 83 of Laws 2020 as extended in Subsection 26 of Section 7 of Chapter 54 of Laws 2022 as extended in Subsection 20 of Section 7 of Chapter 210 of Laws 2023 and as extended in Subsection 19 of Section 7 of Chapter 69 of Laws 2024 to continue the implementation of the child support enforcement replacement project is extended through fiscal year 2026.					
(19) HEALTH CARE AUTHORITY					
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 and the thirty-six million one hundred forty-six thousand three hundred dollars (\$36,146,300) appropriated from federal funds in Subsection 23 of Section 7 of Chapter 83 of Laws 2020 as extended in Subsection 27 of Section 7 of Chapter 54 of Laws 2022 as extended in Subsection 21 of Section 7 of Chapter 210 of Laws 2023 and as extended in Subsection 22 of Section 7 of Chapter 69 of Laws 2024 to continue the implementation of the medicaid management information system replacement project is extended through fiscal year 2026.					

	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(20)	HEALTH CARE AUTHORITY					

The period of time for expending the four million eight hundred seventy-five thousand two hundred dollars (\$4,875,200) appropriated from the computer systems enhancement fund and the nine million four hundred sixty-three thousand seven hundred dollars (\$9,463,700) appropriated from federal funds in Subsection 22 of Section 7 of Chapter 54 of Laws 2022 as extended in Subsection 20 of Section 7 of Chapter 69 of Laws 2024 to continue the implementation of the child support enforcement replacement project is extended through fiscal year 2026.

(21) HEALTH CARE AUTHORITY

The period of time for expending the eight million four hundred thousand dollars (\$8,400,000) appropriated from the computer systems enhancement fund and the sixty-eight million forty-one thousand five hundred dollars (\$68,041,500) appropriated from federal funds in Subsection 23 of Section 7 of Chapter 54 of Laws 2022 and as extended in Subsection 24 of Section 7 of Chapter 69 of Laws 2024 to continue the implementation of the medicaid management information system replacement project is extended through fiscal year 2026.

(22) HEALTH CARE AUTHORITY

The period of time for expending the seven million four hundred twenty-five thousand nine hundred dollars (\$7,425,900) appropriated from the computer systems enhancement fund and the sixty-seven million five hundred seven thousand eight hundred dollars (\$67,507,800) appropriated from federal funds in Subsection 16 of Section 7 of Chapter 210 of Laws 2023 to continue the implementation of the medicaid management information system replacement project is extended through fiscal year 2026.

(23)	WORKFORCE SOLUTIONS DEPARTMENT		3,800.0		5,080.0	8,880.0
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To continue to modernize existing information technology systems and applications.

(24)	WORKFORCE SOLUTIONS DEPARTMENT		2,000.0			2,000.0
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To establish and implement a real-time case management application.

(25) DEPARTMENT OF HEALTH

	General	Other	Intrnl Svc	Federal	
Item	Fund	Funds	Agency Trnsf	Funds	Total/Target
The period of time for expending the ten million seven hundred fifty thousand dollars (\$10,750,000) appropriated from the computer systems enhancement fund in Subsection 30 of Section 7 of Chapter 54 of Laws 2022 as extended in Subsection 34 of Section 7 of Chapter 69 of Laws of 2024 to continue the implementation of an enterprise electronic health records system is extended through fiscal year 2026.					
(26)	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 as extended in Subsection 37 of Section 7 of Chapter 54 of Laws 2022 as extended in Subsection 33 of Section 7 of Chapter 210 of Laws 2023 as extended in Subsection 32 of Section 7 of Chapter 69 of Laws of 2024 to purchase and implement an enterprise electronic healthcare records system for public health offices is extended through fiscal year 2026.					
(27)	DEPARTMENT OF HEALTH				
The period of time for expending the three million seven hundred fifty thousand dollars (\$3,750,000) appropriated from the computer systems enhancement fund in Subsection 31 of Section 7 of Chapter 137 of Laws 2021 as extended in Subsection 37 of Section 7 of Chapter 54 of Laws 2022 as extended in Subsection 35 of Section 7 of Chapter 210 of Laws 2023 and as extended in Subsection 33 of Section 7 of Chapter 69 of Laws 2024 to continue the implementation of an enterprise electronic health records system is extended through fiscal year 2026.					
(28)	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 as extended in Subsection 40 of Section 7 of Chapter 54 of Laws 2022 as extended in Subsection 31 of Section 7 of Chapter 210 of Laws 2023 and as extended in Subsection 31 of Section 7 of Chapter 69 of Laws 2024 to purchase and implement an enterprise electronic healthcare records system for public health offices is extended through fiscal year 2026.					
(29)	DEPARTMENT OF ENVIRONMENT		250.0		250.0
To establish and implement a new compliance and enforcement platform.					
(30)	DEPARTMENT OF ENVIRONMENT		1,000.0		1,000.0
To modernize and enhance geographic information systems.					

	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(31)	CHILDREN, YOUTH AND FAMILIES DEPARTMENT		5,875.4	3,125.0	9,000.4

To continue the replacement of the family automated client tracking system. The internal service funds/inter-agency transfer appropriation includes two million four hundred seventy-five thousand five hundred dollars (\$2,475,500) from the health care authority.

(32) 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 and the ten million nine hundred thousand dollars (\$10,900,000) appropriated from federal funds in Subsection 37 of Section 7 of Chapter 83 of Laws 2020 as extended in Subsection 44 of Section 7 of Chapter 54 of Laws 2022 as extended in Subsection 39 of Section 7 of Chapter 210 of Laws 2023 and as extended in Subsection 43 of Section 7 of Chapter 69 of Laws 2024 to continue the modernization of the comprehensive child welfare information system is extended through fiscal year 2026.

(33) CHILDREN, YOUTH AND FAMILIES  
DEPARTMENT

The period of time for expending the three million five hundred twenty-three thousand seven hundred dollars (\$3,523,700) appropriated from the computer systems enhancement fund and the seventeen million ninety-five thousand nine hundred dollars (\$17,095,900) appropriated from federal funds in Subsection 33 of Section 7 of Chapter 137 of Laws 2021 as extended in Subsection 40 of Section 7 of Chapter 210 of Laws 2023 and as extended in Subsection 44 of Section 7 of Chapter 69 of Laws 2024 to continue the modernization of the comprehensive child welfare information system is extended through fiscal year 2026.

(34) CHILDREN, YOUTH AND FAMILIES  
DEPARTMENT

The period of time for expending the twenty-one million four hundred thirty-nine thousand four hundred dollars (\$21,439,400) appropriated from the computer systems enhancement fund and the eleven million forty-four thousand six hundred dollars (\$11,044,600) appropriated from federal funds in Subsection 38 of Section 7 of Chapter 210 of Laws 2023 to continue the modernization of the comprehensive child welfare information system is extended through fiscal year 2026.

(35) DEPARTMENT OF PUBLIC SAFETY

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
The period of time for expending the sixteen million dollars (\$16,000,000) appropriated from the computer systems enhancement fund in Subsection 44 of Section 7 of Chapter 210 of Laws 2023 to modernize the criminal justice information system and other critical public safety data systems is extended through fiscal year 2026.					
(36)	DEPARTMENT OF PUBLIC SAFETY				
The period of time for expending the eight hundred ten thousand dollars (\$810,000) appropriated from the computer systems enhancement fund in Subsection 45 of Section 7 of Chapter 210 of Laws 2023 to implement an asset management system is extended through fiscal year 2026.					
(37)	DEPARTMENT OF PUBLIC SAFETY				
The period of time for expending the one million nine hundred ninety thousand dollars (\$1,990,000) appropriated from the computer systems enhancement fund in Subsection 46 of Section 7 of Chapter 54 of Laws 2022 as extended in Subsection 47 of Section 7 of Chapter 69 of Laws 2024 to purchase and implement enhanced cybersecurity hardware and software for the criminal justice information services network is extended through fiscal year 2026.					
(38)	DEPARTMENT OF PUBLIC SAFETY				
The period of time for expending the two million two hundred five thousand dollars (\$2,205,000) appropriated from the computer systems enhancement fund in Subsection 42 of Section 7 of Chapter 210 of Laws 2023 to implement an intelligence-led policing and public safety system is extended through fiscal year 2026.					
(39)	DEPARTMENT OF PUBLIC SAFETY				
The period of time for expending the three million three hundred eighty thousand dollars (\$3,380,000) appropriated from the computer systems enhancement fund in Subsection 47 of Section 7 of Chapter 54 of Laws 2022 and as extended in Subsection 48 of Section 7 of Chapter 69 of Laws 2024 to implement an intelligence-led policing and public safety system is extended through fiscal year 2026.					
(40)	DEPARTMENT OF PUBLIC SAFETY				
The period of time for expending the one million eight hundred thousand dollars (\$1,800,000) appropriated from the computer systems enhancement fund in Subsection 43 of Section 7 of Chapter 210 of Laws 2023 to configure the Las Cruces data center as a backup site to enhance business continuity is extended through fiscal year 2026.					
(41)	DEPARTMENT OF PUBLIC SAFETY		3,000.0	6,080.0	9,080.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
To continue the modernization of the criminal justice information system.					
(42) DEPARTMENT OF PUBLIC SAFETY			4,000.0		4,000.0
For phase two of the intelligence-led policing project.					
(43) PUBLIC EDUCATION DEPARTMENT		4,000.0			4,000.0
For an online licensure portal. The other state funds appropriation is from the educator licensure fund.					
(44) HIGHER EDUCATION DEPARTMENT			6,000.0		6,000.0
To continue <del>[planning on]</del> the collaborative for the higher education shared services project, contingent on institutional match and release of funds by the project certification committee at the department of information technology. <i>LINE ITEM VETO</i>					
(45) HIGHER EDUCATION DEPARTMENT			3,000.0		3,000.0
To continue the longitudinal data system project.					
TOTAL INFORMATION TECHNOLOGY APPROPRIATIONS		5,000.0	42,495.4	59,915.0	107,410.4

## Chapter 160 Section 8 Laws 2025

### Section 8. COMPENSATION APPROPRIATIONS.--

A. Ninety-six million one hundred forty-three thousand one hundred dollars (\$96,143,100) is appropriated from the general fund to the department of finance and administration for fiscal year 2026 to pay all costs attributable to the general fund of providing a~~n average~~ salary increase of four percent to employees in budgeted positions who have completed their probationary period subject to satisfactory job performance. The salary increases shall be effective the first full pay period after July 1, 2025, and distributed as follows:  
*LINE ITEM VETO*



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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(1) nine hundred forty-two thousand six hundred dollars (\$942,600) 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' office and house and senate leadership;

(2) twelve million nine hundred thirteen thousand six hundred dollars (\$12,913,600) 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, supreme court justices, court of appeals judges, district court judges and metropolitan court judges;

(3) thirty-five million one hundred twenty-nine thousand six hundred dollars (\$35,129,600) for incumbents in positions in the classified service governed by the Personnel Act, for incumbents in the New Mexico state police career pay system and for executive exempt employees, including up to eight million one hundred fifty-nine thousand eight hundred dollars (\$8,159,800) for the implementation of longevity pay; and

(4) forty-four million nine hundred eighty thousand six hundred dollars (\$44,980,600) to the higher education department for nonstudent faculty and staff of two-year and four-year public postsecondary educational institutions; and

(5) two million one hundred seventy-six thousand seven hundred dollars (\$2,176,700) to the higher education department for nonstudent faculty and staff of the New Mexico military institute, New Mexico school for the blind and visually impaired and New Mexico school for the deaf.

B. Seventeen million dollars (\$17,000,000) is appropriated from the general fund to the department of finance and administration for fiscal year 2026 to pay ~~[all]~~ costs ~~[attributable to the general fund]~~ to transition to a single salary schedule for the classified service and to implement other recommendations of the 2024 study of the state's system of classification and compensation, contingent on the adoption of a revised system of classification and single salary schedule by the personnel board. *LINE ITEM VETO*

C. Seventeen million dollars (\$17,000,000) is appropriated from the general fund to the general services department for fiscal year 2026 for the public liability fund. Any unexpended balances remaining at the end of fiscal year 2026 shall revert to the general fund.

D. Three million eight hundred fifty-seven thousand two hundred dollars (\$3,857,200) is appropriated from the general fund to the higher education department in fiscal year 2026 for distribution to two-year and four-year public postsecondary educational institutions, the New Mexico military institute, New Mexico school for

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
the blind and visually impaired and New Mexico school for the deaf for the employer share of medical insurance rate increases in fiscal year 2026.					

E. In addition to the amounts included in Subsection A of this section, one million five hundred thousand dollars (\$1,500,000) is appropriated from the general fund to the state engineer in fiscal year 2026 for the personal services and employee benefits category.

F. In addition to the amounts included in Subsection A of this section, five million seven hundred forty-one thousand five hundred dollars (\$5,741,500) is appropriated from the general fund to the department of finance and administration for distribution to the supreme court, court of appeals, district courts, the Bernalillo county metropolitan court, administrative office of the courts, judicial standards commission and the compilation commission to pay costs attributable to the general fund of providing salary increases under the judiciary's employee compensation initiative for employees earning less than seventy-five thousand dollars (\$75,000). All affected employees must have completed their probationary period subject to satisfactory job performance.

G. Seventy-eight million five hundred thousand dollars (\$78,500,000) is appropriated to the department of finance and administration from the health care affordability fund for distribution to the health care authority or other state agencies to bring the state's group insurance contribution for state employees up to eighty percent of the cost of insurance for all state employees, reduce the state health benefits fund structural deficit, implement a reference-based pricing program, cover a portion or all of the net premium health benefit contributions for state employees enrolled in health benefit plans covered by the Health Care Purchasing Act who do not qualify for medicaid and have a modified adjusted gross income up to two hundred fifty percent of the federal poverty level or purchase employee-only coverage and receive an annual salary from the state of fifty thousand dollars (\$50,000) or less and cover a portion or all of the net premiums for members of the New Mexico national guard who qualify for a federal TRICARE reserve select policy contingent on enactment of Senate Bill 376 or similar legislation of the first session of the fifty-seventh legislature adjusting the cost of insurance for all state employees.

H. For those state employees whose salaries are referenced in or received as a result of nongeneral fund appropriations in the General Appropriation Act of 2025, 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 2026. Any unexpended balances remaining at the end of fiscal year 2026 shall revert to the appropriate fund.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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## Chapter 160 Section 9 Laws 2025

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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### Section 9. GOVERNMENT RESULTS AND OPPORTUNITY EXPENDABLE TRUST.--

A. The following amounts are appropriated from the funds transferred in fiscal year 2026 in Section 10 of this act to the government results and opportunity program fund and the balance of the government results and opportunity program fund or other funds as indicated for expenditure in fiscal year 2026 for the purposes specified. ~~[The department of finance and administration and the legislative finance committee shall approve performance measures for agencies, including those specified in this section, and any independent impact evaluation plans and results of the evaluation, for the items in this section.]~~ Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2026 shall revert to the government results and opportunity expendable trust fund or the appropriate fund. *LINE ITEM VETO*

(1)	ADMINISTRATIVE OFFICE OF THE COURTS	2,333.3	2,333.3
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For grants to judicial districts and criminal justice coordinating councils, based on the submitted regional plans to enhance regional case management, behavioral health grant writing, peer-operated crisis response and recovery support services, behavioral health, homeless outreach and engagement and family support services pursuant to the Behavioral Health Reform and Investment Act. Funds may be used by judicial districts based on the submitted regional plans for specialty, diversion, problem-solving and treatment courts and associated programs and pretrial services. The administrative office of the courts shall develop program models, standards, guidelines and program evaluation requirements for implementing, enhancing and expanding court-related programs. Any unexpended balances remaining at the end of fiscal year 2029 shall revert to the government results and opportunity program fund.

(2)	ADMINISTRATIVE OFFICE OF THE COURTS	500.0	500.0
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For the special court services program to provide legal assistance to individuals.

	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(3) ADMINISTRATIVE OFFICE OF THE COURTS		1,277.9			1,277.9
For the special court services program for electronic monitoring of pretrial defendants.					
(4) ADMINISTRATIVE OFFICE OF THE COURTS		1,200.0			1,200.0
For pretrial services.					
(5) ADMINISTRATIVE OFFICE OF THE COURTS		800.0			800.0
For call centers, including the turquoise call center.					
(6) SECOND JUDICIAL DISTRICT ATTORNEY		250.0			250.0
For court monitors and to implement competency provisions of Chapter 4 of Laws 2025.					
(7) ATTORNEY GENERAL		650.0		650.0	
For the office of child advocate contingent on enactment of House Bill 5 or similar legislation of the first session of the fifty-seventh legislature creating the office.					
(8) PERSONNEL BOARD		950.0			950.0
To implement the recommendations of the 2024 Personnel Act study.					
(9) REGULATION AND LICENSING DEPARTMENT		2,343.0			2,343.0
For compliance officers, vehicles and equipment for the cannabis control division.					
(10) REGULATION AND LICENSING DEPARTMENT		1,615.0			1,615.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
For law enforcement officers for the cannabis control division, contingent on enactment of House Bill 10 or similar legislation of the first session of the fifty-seventh legislature granting law enforcement powers to agents of the cannabis control division.					
(11) OFFICE OF SUPERINTENDENT OF INSURANCE		85.2			85.2
For operating expenses contingent on enactment of Senate Bill 42 or similar legislation of the first session of the fifty-seventh legislature enacting a New Mexico Child Safety and Welfare Act.					
(12) DEPARTMENT OF GAME AND FISH		3,500.0			3,500.0
For agency capacity building to conserve species of greatest conservation need, including the American beaver.					
(13) HEALTH CARE AUTHORITY		5,925.4		20,874.2	26,799.6
For medical services for incarcerated persons up to ninety days prior to release, including case management, medication-assisted treatment, thirty-day supply of prescription drugs and other medical services.					
(14) HEALTH CARE AUTHORITY		10,000.0			10,000.0
To support food banks statewide and ensure access to nutritious food with up to fifty percent of the first-year appropriation used for expanding capacity and the remainder for food purchases.					
(15) HEALTH CARE AUTHORITY		4,758.7		16,764.2	21,522.9
For food for women with high-risk pregnancies and people on the community benefit.					
(16) HEALTH CARE AUTHORITY		3,605.3		12,700.9	16,306.2
To provide medical respite for the homeless.					
(17) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		8,000.0		2,000.0	10,000.0
To fund personnel costs to meet Kevin S., et al. v. Blalock, et al., No. 1:18-cv-00896 settlement caseload standards. The department shall annually report to the legislative finance committee the number and percent of					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
caseworkers who hold caseloads that meet the settlement agreement standards and the number and percent of caseworkers who hold caseloads that do not meet the settlement caseload standards.					
(18) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		1,800.0		661.6	2,461.6

To establish, pilot and review the outcomes of a child welfare training academy. The children, youth and families department shall seek reimbursement for any cost eligible for federal Title IV-E reimbursement. The federal funds appropriation includes six hundred sixty-one thousand six hundred dollars (\$661,600) from federal Title IV-E revenue.

(19) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		300.0			300.0
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For personnel to respond to inquiries from the office of child advocate contingent on enactment of House Bill 5 or similar legislation of the first session of the fifty-seventh legislature creating the office.

(20) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		4,800.0			4,800.0
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For case aides to assist caseworkers in the protective services division pursuant to the remedial order in the Kevin S., et al. v. Blalock, et al., No. 1:18-cv-00896 settlement agreement. The children, youth and families department ~~[shall report quarterly to the legislative finance committee the number of case aide positions posted, the number of case aide positions hired and the number of case aide positions retained, by county. The children, youth and families department]~~ shall seek federal Title IV-E reimbursement for eligible expenses. *LINE ITEM VETO*

(21) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		2,800.0			2,800.0
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To create regional on-call emergency response teams in the protective services division pursuant to the remedial order in the Kevin S., et al. v. Blalock, et al., No. 1:18-cv-00896 settlement agreement. The children, youth and families department ~~[shall report quarterly to the legislative finance committee the number of emergency response team positions posted, the number of emergency response team positions hired and the number of emergency response team positions retained, by county. The children, youth and families department]~~ shall seek federal Title IV-E reimbursement for eligible expenses. *LINE ITEM VETO*

	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(22) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		900.0			900.0

For personnel to provide data and meet data obligations pursuant to the remedial order in the Kevin S., et al. v. Blalock, et al., No. 1:18-cv-00896 settlement agreement. The children, youth and families department ~~[shall provide the legislative finance committee with the documentation submitted to the Kevin S. arbiter in response to the remedial order which requires the children, youth and families department to provide documentation about how the department calculated the number and positions needed to meet Kevin S. agreement data submission requirements. The children, youth and families department]~~ shall seek federal Title IV-E reimbursement for eligible expenses. *LINE ITEM VETO*

(23) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		2,500.0			2,500.0
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For foster care maintenance payment rate increases. The children, youth and families department shall report quarterly to the legislative finance committee the number of foster care families recruited, the number of foster care families with a child in the custody of protective services in their care and the number of children and youth in child protective services care placed in an office, out-of-state, congregate care or shelter setting. The children, youth and families department shall seek federal Title IV-E reimbursement for eligible expenses.

(24) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		2,600.0			2,600.0
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For operating expenses contingent on enactment of Senate Bill 42 or similar legislation of the first session of the fifty-seventh legislature enacting a New Mexico Child Safety and Welfare Act.

(25) CORRECTIONS DEPARTMENT		11,300.0			11,300.0
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For medication-assisted treatment.

(26) PUBLIC EDUCATION DEPARTMENT		6,200.0			6,200.0
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For attendance initiatives to reduce excessive student absenteeism, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to two hundred thousand dollars (\$200,000) may be used by the public education department ~~[to conduct a randomized controlled~~

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
<p><del>trial</del>] to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. <i>LINE ITEM VETO</i></p>					
(27) PUBLIC EDUCATION DEPARTMENT		4,500.0			4,500.0
<p>For training educators in evidence-based math instruction, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to two hundred thousand dollars (\$200,000) may be used by the public education department <del>[to conduct a randomized controlled trial]</del> to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. <i>LINE ITEM VETO</i></p>					
(28) PUBLIC EDUCATION DEPARTMENT		2,100.0			2,100.0
<p>For a pilot program to support students who are unhoused, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to one hundred thousand dollars (\$100,000) may be used by the public education department <del>[to conduct a quasi-experimental study]</del> to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. <i>LINE ITEM VETO</i></p>					
(29) PUBLIC EDUCATION DEPARTMENT		2,600.0			2,600.0
<p>For innovative or strategic school staffing models, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to one hundred thousand dollars (\$100,000) may be used by the public education department <del>[to conduct a randomized controlled trial]</del> to evaluate and monitor outcomes. The public education department may waive requirements for class load, teaching load, minimum salary levels and staffing patterns for schools in the treatment group. The other state funds appropriation is from the public education reform fund. <i>LINE ITEM VETO</i></p>					
(30) PUBLIC EDUCATION DEPARTMENT		5,200.0			5,200.0
<p>For training secondary educators in evidence-based reading instruction, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to two hundred thousand dollars (\$200,000) may be used by the public education department <del>[to conduct a randomized controlled</del></p>					



Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
<del>trial]</del> to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. <i>LINE ITEM VETO</i>					

(31)	HIGHER EDUCATION DEPARTMENT		4,500.0		4,500.0
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For a distribution to state-controlled four-year degree-granting higher education institutions for student retention initiatives. The distributions shall be determined by a formula created by the department [~~in consultation with the legislative finance committee~~]. To qualify for a distribution, the current year retention rate for first-time, full-time students retained to the second year must exceed the retention rate for the prior year. [~~The formula shall provide an equal per-student distribution provided that no institution shall receive an award greater than one and one-half percent of the general fund appropriation for instruction and general expenses for the prior fiscal year.~~] *LINE ITEM VETO*

(32)	NEW MEXICO STATE UNIVERSITY		333.0		333.0
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For the college assistance migrant program.

(33)	NEW MEXICO STATE UNIVERSITY		12,000.0		12,000.0
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To coordinate, plan, design, implement, operate, promote and establish a statewide online education program in partnership and coordination with other state education institutions. Any unexpended balances remaining at the end of fiscal year 2026 shall not revert and may be expended through fiscal year 2028.

B. The following amounts are appropriated from the funds transferred in fiscal year 2026 in Section 10 of this act to the government results and opportunity program fund and the balance of the government results and opportunity program fund or other funds as indicated for expenditure in fiscal year 2027 for the purposes specified. [~~The department of finance and administration and the legislative finance committee shall approve performance measures for agencies, including those specified in this section, and any independent impact evaluation plans and results of the evaluation, for the items in this section.~~] Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2027 shall revert to the government results and opportunity expendable trust fund or the appropriate fund. *LINE ITEM VETO*

(1)	ADMINISTRATIVE OFFICE OF THE COURTS		2,333.3		2,333.3
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
For grants to judicial districts and criminal justice coordinating councils, based on the submitted regional plans to enhance regional case management, behavioral health grant writing, peer-operated crisis response and recovery support services, behavioral health, homeless outreach and engagement and family support services pursuant to the Behavioral Health Reform and Investment Act. Funds may be used by judicial districts based on the submitted regional plans for specialty, diversion, problem-solving and treatment courts and associated programs and pretrial services. The administrative office of the courts shall develop program models, standards, guidelines and program evaluation requirements for implementing, enhancing and expanding court-related programs. Any unexpended balances remaining at the end of fiscal year 2029 shall revert to the government results and opportunity program fund.					
(2) ADMINISTRATIVE OFFICE OF THE COURTS		500.0			500.0
For the special court services program to provide legal assistance to individuals.					
(3) ADMINISTRATIVE OFFICE OF THE COURTS		1,277.9			1,277.9
For the special court services program for electronic monitoring of pretrial defendants.					
(4) ADMINISTRATIVE OFFICE OF THE COURTS		1,200.0			1,200.0
For pretrial services.					
(5) ADMINISTRATIVE OFFICE OF THE COURTS		800.0			800.0
For call centers, including the turquoise call center.					
(6) SECOND JUDICIAL DISTRICT ATTORNEY		250.0			250.0
For court monitors and to implement competency provisions of Chapter 4 of Laws 2025.					
<del>(7) ATTORNEY GENERAL</del>		<del>650.0</del>		<del>650.0</del>	

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
<del>For the office of child advocate contingent on enactment of House Bill 5 or similar legislation of the first session of the fifty-seventh legislature creating the office.]</del> LINE ITEM VETO					
(8) PERSONNEL BOARD		950.0			950.0
To implement the recommendations of the 2024 Personnel Act study.					
(9) REGULATION AND LICENSING DEPARTMENT		1,038.0			1,038.0
For compliance officers, vehicles and equipment for the cannabis control division.					
(10) REGULATION AND LICENSING DEPARTMENT		1,150.0			1,150.0
For law enforcement officers for the cannabis control division, contingent on enactment of House Bill 10 or similar legislation of the first session of the fifty-seventh legislature granting law enforcement powers to agents of the cannabis control division.					
(11) OFFICE OF SUPERINTENDENT OF INSURANCE		85.2			85.2
For operating expenses contingent on enactment of Senate Bill 42 or similar legislation of the first session of the fifty-seventh legislature enacting a New Mexico Child Safety and Welfare Act.					
(12) DEPARTMENT OF GAME AND FISH		3,500.0			3,500.0
For agency capacity building to conserve species of greatest conservation need, including the American beaver.					
(13) HEALTH CARE AUTHORITY		5,925.4		20,874.2	26,799.6
For medical services for incarcerated persons up to ninety days prior to release, including case management, medication-assisted treatment, thirty-day supply of prescription drugs and other medical services.					
(14) HEALTH CARE AUTHORITY		10,000.0			10,000.0

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
To support food banks statewide and ensure access to nutritious food with up to twenty-five percent of the second-year appropriation used for expanding capacity and the remainder for food purchases.					
(15) HEALTH CARE AUTHORITY		4,758.7		16,764.3	21,523.0
For food for women with high-risk pregnancies and people on the community benefit.					
(16) HEALTH CARE AUTHORITY		3,605.3		12,700.9	16,306.2
To provide medical respite for the homeless.					
(17) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		8,000.0		2,000.0	10,000.0
To fund personnel costs to meet Kevin S., et al. v. Blalock, et al., No. 1:18-cv-00896 settlement caseload standards. The department shall annually report to the legislative finance committee the number and percent of caseworkers who hold caseloads that meet the settlement agreement standards and the number and percent of caseworkers who hold caseloads that do not meet the settlement caseload standards.					
(18) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		1,800.0		661.7	2,461.7
To establish, pilot and review the outcomes of a child welfare training academy. The children, youth and families department shall seek reimbursement for any cost eligible for federal Title IV-E reimbursement. The federal funds appropriation includes six hundred sixty-one thousand seven hundred dollars (\$661,700) from federal Title IV-E revenue.					
(19) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		300.0			300.0
For personnel to respond to inquiries from the office of child advocate contingent on enactment of House Bill 5 or similar legislation of the first session of the fifty-seventh legislature creating the office.					
(20) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		4,800.0			4,800.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
For case aides to assist caseworkers in the protective services division pursuant to the remedial order in the Kevin S., et al. v. Blalock, et al., No. 1:18-cv-00896 settlement agreement. The children, youth and families department <del>[shall report quarterly to the legislative finance committee the number of case aide positions posted, the number of case aide positions hired and the number of case aide positions retained, by county. The children, youth and families department]</del> shall seek federal Title IV-E reimbursement for eligible expenses. <i>LINE ITEM VETO</i>					

(21)	CHILDREN, YOUTH AND FAMILIES DEPARTMENT		2,800.0		2,800.0
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To create regional on-call emergency response teams in the protective services division pursuant to the remedial order in the Kevin S., et al. v. Blalock, et al., No. 1:18-cv-00896 settlement agreement. The children, youth and families department ~~[shall report quarterly to the legislative finance committee the number of emergency response team positions posted, the number of emergency response team positions hired and the number of emergency response team positions retained, by county. The children, youth and families department]~~ shall seek federal Title IV-E reimbursement for eligible expenses. *LINE ITEM VETO*

(22)	CHILDREN, YOUTH AND FAMILIES DEPARTMENT		900.0		900.0
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For personnel to provide data and meet data obligations pursuant to the remedial order in the Kevin S., et al. v. Blalock, et al., No. 1:18-cv-00896 settlement agreement. The children, youth and families department ~~[shall provide the legislative finance committee with the documentation submitted to the Kevin S. arbiter in response to the remedial order which requires the children, youth and families department to provide documentation about how the department calculated the number and positions needed to meet Kevin S. agreement data submission requirements. The children, youth and families department]~~ shall seek federal Title IV-E reimbursement for eligible expenses. *LINE ITEM VETO*

(23)	CHILDREN, YOUTH AND FAMILIES DEPARTMENT		2,500.0		2,500.0
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For foster care maintenance payment rate increases. The children, youth and families department shall report quarterly to the legislative finance committee the number of foster care families recruited, the number of foster care families with a child in the custody of protective services in their care and the number of children and youth in child protective services care placed in an office, out-of-state, congregate care or shelter setting. The children, youth and families department shall seek federal Title IV-E reimbursement for eligible expenses.

	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(24) CHILDREN, YOUTH AND FAMILIES DEPARTMENT		2,600.0			2,600.0

For operating expenses contingent on enactment of Senate Bill 42 or similar legislation of the first session of the fifty-seventh legislature enacting a New Mexico Child Safety and Welfare Act.

(25) CORRECTIONS DEPARTMENT		11,300.0			11,300.0
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For medication-assisted treatment.

(26) PUBLIC EDUCATION DEPARTMENT		6,200.0			6,200.0
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For attendance initiatives to reduce excessive student absenteeism, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to two hundred thousand dollars (\$200,000) may be used by the public education department [~~to conduct a randomized controlled trial~~] to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. *LINE ITEM VETO*

(27) PUBLIC EDUCATION DEPARTMENT		4,500.0			4,500.0
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For training educators in evidence-based math instruction, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to two hundred thousand dollars (\$200,000) may be used by the public education department [~~to conduct a randomized controlled trial~~] to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. *LINE ITEM VETO*

(28) PUBLIC EDUCATION DEPARTMENT		2,100.0			2,100.0
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For a pilot program to support students who are unhoused, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to one hundred thousand dollars (\$100,000) may be used by the public education department [~~to conduct a quasi-experimental study~~] to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. *LINE ITEM VETO*

(29) PUBLIC EDUCATION DEPARTMENT		2,600.0			2,600.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
For innovative or strategic school staffing models, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to one hundred thousand dollars (\$100,000) may be used by the public education department <del>[to conduct a randomized controlled trial]</del> to evaluate and monitor outcomes. The public education department may waive requirements for class load, teaching load, minimum salary levels and staffing patterns for schools in the treatment group. The other state funds appropriation is from the public education reform fund. <i>LINE ITEM VETO</i>					

(30)	PUBLIC EDUCATION DEPARTMENT		5,200.0		5,200.0
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For training secondary educators in evidence-based reading instruction, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to two hundred thousand dollars (\$200,000) may be used by the public education department ~~[to conduct a randomized controlled trial]~~ to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. *LINE ITEM VETO*

(31)	HIGHER EDUCATION DEPARTMENT		6,500.0		6,500.0
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For a distribution to state-controlled four-year degree-granting higher education institutions for student retention initiatives. The distributions shall be determined by a formula created by the department ~~[in consultation with the legislative finance committee]~~. To qualify for a distribution, the current year retention rate for first-time, full-time students retained to the second year must exceed the retention rate for the prior year. ~~[The formula shall provide an equal per student distribution provided that no institution shall receive an award greater than one and one-half percent of the general fund appropriation for instruction and general expenses for the prior fiscal year.]~~ *LINE ITEM VETO*

(32)	NEW MEXICO STATE UNIVERSITY		333.0		333.0
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For the college assistance migrant program.

C. The following amounts are appropriated from the funds transferred in fiscal year 2026 in Section 10 of this act to the government results and opportunity program fund and the balance of the government results and opportunity program fund or other funds as indicated for expenditure in fiscal year 2028 for the purposes specified. ~~[The department of finance and administration and the legislative finance committee shall approve performance measures for agencies, including those specified in this section, and any independent impact~~

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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~~evaluation plans and results of the evaluation, for the items in this section.] Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2028 shall revert to the government results and opportunity expendable trust fund or the appropriate fund. LINE ITEM VETO~~

(1)	ADMINISTRATIVE OFFICE OF THE COURTS		2,333.4		2,333.4
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For grants to judicial districts and criminal justice coordinating councils, based on the submitted regional plans to enhance regional case management, behavioral health grant writing, peer-operated crisis response and recovery support services, behavioral health, homeless outreach and engagement and family support services pursuant to the Behavioral Health Reform and Investment Act. Funds may be used by judicial districts based on the submitted regional plans for specialty, diversion, problem-solving and treatment courts and associated programs and pretrial services. The administrative office of the courts shall develop program models, standards, guidelines and program evaluation requirements for implementing, enhancing and expanding court-related programs. Any unexpended balances remaining at the end of fiscal year 2029 shall revert to the government results and opportunity program fund.

(2)	ADMINISTRATIVE OFFICE OF THE COURTS		500.0		500.0
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For the special court services program to provide legal assistance to individuals.

(3)	ADMINISTRATIVE OFFICE OF THE COURTS		1,277.9		1,277.9
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For the special court services program for electronic monitoring of pretrial defendants.

(4)	PERSONNEL BOARD		950.0		950.0
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To implement the recommendations of the 2024 Personnel Act study.

(5)	REGULATION AND LICENSING DEPARTMENT		1,039.0		1,039.0
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For compliance officers, vehicles and equipment for the cannabis control division.



	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(6)      REGULATION AND LICENSING DEPARTMENT		1,150.0			1,150.0

For law enforcement officers for the cannabis control division, contingent on enactment of House Bill 10 or similar legislation of the first session of the fifty-seventh legislature granting law enforcement powers to agents of the cannabis control division.

(7)      DEPARTMENT OF GAME AND FISH		3,500.0			3,500.0
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For agency capacity building to conserve species of greatest conservation need, including the American beaver.

(8)      HEALTH CARE AUTHORITY		5,925.4		20,874.3	26,799.7
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For medical services for incarcerated persons up to ninety days prior to release, including case management, medication-assisted treatment, thirty-day supply of prescription drugs and other medical services.

(9)      HEALTH CARE AUTHORITY		10,000.0			10,000.0
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To support food banks statewide and ensure access to nutritious food through food purchases.

(10)     HEALTH CARE AUTHORITY		4,758.8		16,764.3	21,523.1
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For food for women with high-risk pregnancies and people on the community benefit.

(11)     HEALTH CARE AUTHORITY		3,605.3		12,700.9	16,306.2
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To provide medical respite for the homeless.

(12)     CHILDREN, YOUTH AND FAMILIES DEPARTMENT		8,000.0		2,000.0	10,000.0
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To fund personnel costs to meet Kevin S., et al. v. Blalock, et al., No. 1:18-cv-00896 settlement caseload standards. The department shall annually report to the legislative finance committee the number and percent of caseworkers who hold caseloads that meet the settlement agreement standards and the number and percent of caseworkers who hold caseloads that do not meet the settlement caseload standards.

	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(13)	CHILDREN, YOUTH AND FAMILIES DEPARTMENT		1,800.0	661.7	2,461.7

To establish, pilot and review the outcomes of a child welfare training academy. The children, youth and families department shall seek reimbursement for any cost eligible for federal Title IV-E reimbursement. The federal funds appropriation includes six hundred sixty-one thousand seven hundred dollars (\$661,700) from federal Title IV-E revenue.

(14)	CORRECTIONS DEPARTMENT		11,300.0		11,300.0
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For medication-assisted treatment.

(15)	PUBLIC EDUCATION DEPARTMENT		6,200.0		6,200.0
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For attendance initiatives to reduce excessive student absenteeism, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to two hundred thousand dollars (\$200,000) may be used by the public education department [~~to conduct a randomized controlled trial~~] to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. *LINE ITEM VETO*

(16)	PUBLIC EDUCATION DEPARTMENT		4,500.0		4,500.0
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For training educators in evidence-based math instruction, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to two hundred thousand dollars (\$200,000) may be used by the public education department [~~to conduct a randomized controlled trial~~] to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. *LINE ITEM VETO*

(17)	PUBLIC EDUCATION DEPARTMENT		2,100.0		2,100.0
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For a pilot program to support students who are unhoused, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to one hundred thousand dollars

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(\$100,000) may be used by the public education department <del>[to conduct a quasi-experimental study]</del> to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. <i>LINE ITEM VETO</i>					

(18)	PUBLIC EDUCATION DEPARTMENT		2,600.0		2,600.0
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For innovative or strategic school staffing models, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to one hundred thousand dollars (\$100,000) may be used by the public education department ~~[to conduct a randomized controlled trial]~~ to evaluate and monitor outcomes. The public education department may waive requirements for class load, teaching load, minimum salary levels and staffing patterns for schools in the treatment group. The other state funds appropriation is from the public education reform fund. *LINE ITEM VETO*

(19)	PUBLIC EDUCATION DEPARTMENT		5,200.0		5,200.0
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For training secondary educators in evidence-based reading instruction, contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature requiring evidence-based program evaluation for projects receiving appropriations from the public education reform fund. Up to two hundred thousand dollars (\$200,000) may be used by the public education department ~~[to conduct a randomized controlled trial]~~ to evaluate and monitor outcomes. The other state funds appropriation is from the public education reform fund. *LINE ITEM VETO*

(20)	HIGHER EDUCATION DEPARTMENT		9,000.0		9,000.0
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For a distribution to state-controlled four-year degree-granting higher education institutions for student retention initiatives. The distributions shall be determined by a formula created by the department ~~[in consultation with the legislative finance committee]~~. To qualify for a distribution, the current year retention rate for first-time, full-time students retained to the second year must exceed the retention rate for the prior year. ~~[The formula shall provide an equal per-student distribution provided that no institution shall receive an award greater than one and one-half percent of the general fund appropriation for instruction and general expenses for the prior fiscal year.]~~ *LINE ITEM VETO*

(21)	NEW MEXICO STATE UNIVERSITY		333.0		333.0
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For the college assistance migrant program.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
TOTAL GOVERNMENT RESULTS AND OPPORTUNITY EXPENDABLE TRUST		298,756.4		159,003.2	457,759.6

## Chapter 160 Section 10 Laws 2025

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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Section 10. **FUND TRANSFERS.**--Unless otherwise indicated, the following amounts are transferred in fiscal year 2026 from the general fund or other funds as indicated for the purposes specified.

(1)	JURY AND WITNESS FEE FUND	2,200.0			2,200.0
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The general fund transfer is in fiscal year 2026.

(2)	AUDIT FUND	2,000.0			2,000.0
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The general fund transfer is in fiscal year 2025.

(3)	ANIMAL WELFARE PROGRAM FUND	5,000.0			5,000.0
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The general fund transfer is in fiscal year 2026 contingent on enactment of House Bill 113 or similar legislation of the first session of the fifty-seventh legislature creating the fund.

(4)	APPROPRIATION CONTINGENCY FUND	150,000.0			150,000.0
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The general fund transfer is in fiscal year 2025.

(5)	CHILD CARE REVOLVING LOAN FUND	10,000.0			10,000.0
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The general fund transfer is in fiscal year 2025.

(6)	COMMUNITY BENEFIT FUND	209,800.0			209,800.0
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
The general fund transfer is in fiscal year 2026 contingent on enactment of Senate Bill 48 or similar legislation of the first session of the fifty-seventh legislature creating the community benefit fund.					
(7) GOVERNMENT RESULTS AND OPPORTUNITY EXPENDABLE TRUST	265,329.6				265,329.6
The general fund transfer is in fiscal year 2026.					
(8) GOVERNMENT RESULTS AND OPPORTUNITY PROGRAM FUND	139,670.4				139,670.4
The general fund transfer is in fiscal year 2026.					
(9) INNOVATION IN STATE GOVERNMENT FUND	13,500.0				13,500.0
The general fund transfer is in fiscal year 2026 contingent on enactment of Senate Bill 83 or similar legislation of the first session of the fifty-seventh legislature creating the innovation in state government fund.					
(10) LOCAL SOLAR ACCESS FUND	20,000.0				20,000.0
The general fund transfer is in fiscal year 2026, contingent on enactment of House Bill 128 or similar legislation of the first session of the fifty-seventh legislature creating the local solar access fund.					
(11) NEW MEXICO MATCH FUND	72,000.0				72,000.0
The general fund transfer is in fiscal year 2026.					
(12) WATER PROJECT FUND	200,000.0				200,000.0
The general fund transfer is in fiscal year 2026 for projects authorized by the legislature in 2025 and 2026.					
(13) PUBLIC SCHOOL INSURANCE AUTHORITY	65,000.0				65,000.0
For the benefits fund. The general fund transfer is in fiscal year 2025.					

	<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(14)	PUBLIC SCHOOL INSURANCE AUTHORITY	28,863.2				28,863.2

For the risk fund to reimburse the authority for severe hail damage and lightning strike damage claims in fiscal year 2023. The general fund transfer is in fiscal year 2025.

(15)	PUBLIC LIABILITY FUND		5,000.0			5,000.0
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The other state funds transfer is from the state purchasing fees fund. The other state funds transfer is in fiscal year 2025.

(16)	COMMUNITY ENERGY EFFICIENCYDEVELOPMENT BLOCK GRANT FUND		15,000.0			15,000.0
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The other state funds transfer is from the community benefit fund in fiscal year 2026 subsequent to the transfer provided for in Subsection 6 of this section and contingent of passage of Senate Bill 48 or similar legislation of the first session of the fifty-seventh legislature creating the community benefit fund.

(17)	GRID MODERNIZATION GRANT FUND		70,000.0			70,000.0
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The other state funds transfer is from the community benefit fund in fiscal year 2026 subsequent to the transfer provided for in Subsection 6 of this section and contingent of passage of Senate Bill 48 or similar legislation of the first session of the fifty-seventh legislature creating the community benefit fund.

(18)	POST-WILDFIRE FUND	12,000.0				12,000.0
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The general fund transfer is in fiscal year 2026 and is contingent on enactment of House Bill 191 or similar legislation of the first session of the fifty-seventh legislature creating a post-wildfire fund.

(19)	AGING AND LONG-TERM SERVICES DEPARTMENT	5,000.0				5,000.0
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To the Kiki Saavedra senior dignity fund. The general fund transfer is in fiscal year 2026.

(20)	BEHAVIORAL HEALTH TRUST FUND	100,000.0				100,000.0
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
The general fund transfer is in fiscal year 2026.					
(21) WORKERS' COMPENSATION ADMINISTRATION FUND	6,000.0				6,000.0
The general fund transfer is in fiscal year 2026.					
(22) CHILDREN'S TRUST FUND	6,000.0				6,000.0
The general fund transfer is in fiscal year 2026.					
(23) NEXT GENERATION FUND	4,000.0				4,000.0
The general fund transfer is in fiscal year 2026.					
(24) PUBLIC EDUCATION REFORM FUND	63,800.0				63,800.0
The general fund transfer is in fiscal year 2026 contingent on enactment of Senate Bill 201 or similar legislation of the first session of the fifty-seventh legislature amending the fund to require evidence-based program evaluation for projects receiving appropriations from the public education reform fund.					
(25) STATE-SUPPORT RESERVE FUND	40,000.0				40,000.0
The general fund transfer is in fiscal year 2025. Up to one million dollars (\$1,000,000) of this transfer may be used by the public education department to supplement a school district's or charter school's program costs in fiscal year 2026 contingent on enactment of House Bill 63 or similar legislation in the first session of the fifty-seventh legislature, if calculated program units in fiscal year 2026 are less than final program units in fiscal year 2025 and reductions are attributable to implementation of funding formula changes in the bill.					
<del>[-(26) PHYSICIAN LOAN REPAYMENT FUND</del>	<del>5,000.0</del>				<del>5,000.0</del>
<del>The general fund transfer is in fiscal year 2026, contingent on enactment of Senate Bill 411 or similar legislation of the first session of the fifty-seventh legislature creating the physician loan repayment fund.]</del>					
LINE ITEM VETO					
(27) COMPUTER SYSTEM ENHANCEMENT FUND		40,020.0			40,020.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
The general fund transfer is in fiscal year 2025.					
(28) NATURAL DISASTER REVOLVING FUND		50,000.0			50,000.0
The other state funds transfer is from the appropriation contingency fund in fiscal year 2026, contingent on enactment of Senate Bill 31 or similar legislation of the first session of the fifty-seventh legislature creating the natural disaster revolving fund.					
(29) STRATEGIC WATER SUPPLY FUND	40,000.0				40,000.0
For the development, implementation or support of the strategic water supply program [ <del>in fiscal year 2026</del> ], contingent on enactment of House Bill 137 or similar legislation of the first session of the fifty-seventh legislature creating the program. <i>LINE ITEM VETO</i>					
TOTAL FUND TRANSFERS	1,505,183.2	140,000.0			1,645,183.2

## Chapter 160 Section 11 Laws 2025

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
Section 11. <b>SPECIAL TRANSPORTATION APPROPRIATIONS.</b> --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 2026 and subsequent fiscal years. Unexpended balances of the appropriations remaining at the end of fiscal year 2028 shall revert to the appropriate fund.					
(1) DEPARTMENT OF TRANSPORTATION	4,500.0				4,500.0
The general fund appropriation includes two million dollars (\$2,000,000) for the Las Cruces international airport and two million five hundred thousand dollars (\$2,500,000) for the Gallup municipal airport.					
(2) DEPARTMENT OF TRANSPORTATION	12,000.0				12,000.0

To purchase heavy equipment, split equally between the six transportation districts.



	Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(3)	DEPARTMENT OF TRANSPORTATION	8,000.0				8,000.0
For the clean up New Mexico roadway beautification program.						
(4)	DEPARTMENT OF TRANSPORTATION	65,000.0				65,000.0
For road maintenance statewide, with at least ten million dollars (\$10,000,000) for each transportation district.						
(5)	DEPARTMENT OF TRANSPORTATION	12,000.0				12,000.0
For rural air service enhancement grants [ <del>including two million dollars (\$2,000,000) for an expansion of rural air service locations, provided that grants issued from this appropriation shall require pay for performance measures based on the timeliness of flight arrivals and departures.</del> ] LINE ITEM VETO						
(6)	DEPARTMENT OF TRANSPORTATION	38,000.0				38,000.0
For the transportation project fund.						
(7)	DEPARTMENT OF TRANSPORTATION	50,000.0				50,000.0
For the wildlife corridors fund.						
TOTAL SPECIAL TRANSPORTATION APPROPRIATIONS		189,500.0				189,500.0

## Chapter 160 Section 12 Laws 2025

Section 12. **ADDITIONAL FISCAL YEAR 2025 BUDGET ADJUSTMENT AUTHORITY.**--During fiscal year 2025, 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 2024:

A. the ninth judicial district court may request budget increases up to forty-four thousand dollars (\$44,000) from other state funds for alternative dispute resolution and mediation services in Curry and Roosevelt counties;

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
B. the tenth judicial district court may request budget increases up to fifty thousand dollars (\$50,000) from other state funds for alternative dispute resolution and mediation services in De Baca, Harding and Quay counties;					
C. the eleventh judicial district court may request budget increases up to sixty thousand dollars (\$60,000) from other state funds from fund balance for civil alternative dispute resolution;					
D. the twelfth judicial district court may request budget increases up to fifteen thousand dollars (\$15,000) from other state funds for operating expenses;					
E. the general services department may request budget increases from revenues received into the employee group health benefits fund to pay for residual expenses of the employee group health benefits program;					
F. the risk management program of the general services department may request budget increases up to fifteen million dollars (\$15,000,000) from other state funds from the public liability fund for unanticipated claims expenses;					
G. the commission for the blind may request transfers up to one hundred seven thousand five hundred dollars (\$107,500) between the other category and the other financing uses category contingent on the inability of the vocational rehabilitation division to match federal funds;					
H. the employee group benefits program of the health care authority may request budget increases from other state funds in the amount of any additional revenue raised pursuant to a net increase in the number of individuals receiving group health insurance from the program;					
I. the employee benefits program of the health care authority may request budget increases from other state funds in the amount of any additional revenue raised pursuant to a premium rate increase for group health benefits or group life insurance benefits;					
J. the health care authority may request program transfers between the medical assistance program and the medicaid behavioral health program and may request budget increases from other state funds from the health care delivery and access fund for health care delivery and access hospital assessments;					
K. the victim compensation program of the crime victims reparation commission may request budget increases up to one hundred sixty-eight thousand dollars (\$168,000) from other state funds for care and support;					

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
L. the department of transportation may request budget increases up to thirty-five million dollars (\$35,000,000) from other state funds to meet federal matching requirements for debt services and related costs and intergovernmental agreements, lawsuits and construction- and maintenance-related costs;					
<del>[M. the department of transportation shall prioritize completion of the Los Lunas I-25 interchange and Pinon Hills in San Juan county and Pasco del Volcan in Sandoval county with the bonding capacity granted to them through Chapter 66 of Laws 2024;]</del> <i>LINE ITEM VETO</i>					
N. the public education department may distribute up to four million five hundred thousand dollars (\$4,500,000) from the transportation emergency fund to school districts and charter schools that experienced more than a ten percent decrease in their transportation distribution from fiscal year 2024 to fiscal year 2025, resulting in a transportation distribution allocation in fiscal year 2025 less than their fiscal year 2023 transportation distribution spending;					
O. the student financial aid program of the higher education department may request budget increases up to twenty-six million dollars (\$26,000,000) from other state funds for the legislative lottery tuition fund; and					
P. the higher education department may request transfers from the other category to the other financing uses category for student financial aid programs in the student financial aid program and the opportunity scholarship program.					

## Chapter 160 Section 13 Laws 2025

### Section 13. CERTAIN FISCAL YEAR 2026 BUDGET ADJUSTMENTS AUTHORIZED--

A. As used in this section and Section 12 of the General Appropriation Act of 2025:

(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;

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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(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 2026.

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 2025. To track the five percent transfer limitation, agencies shall report cumulative budget adjustment request totals on each budget adjustment request submitted. The department of finance and administration shall certify agency reporting of these cumulative totals.

E. In addition to the budget authority otherwise provided in the General Appropriation Act of 2025, the following agencies may request specified budget adjustments:

(1) the administrative hearings office may request budget increases up to amounts received from other state funds from conducting and adjudicating administrative hearings for other state agencies;

(2) the benefits and risk programs and program support of the public school insurance authority may request budget increases from internal service funds/interagency transfers, other state funds and fund balances for additional unexpected claims;

(3) the healthcare benefits administration program of the retiree health care authority may request budget increases from other state funds for claims;

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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(4) contingent on enactment of Senate Bill 217 or similar legislation of the first session of the fifty-seventh legislature clarifying the process for information technology procurement, the procurement services program of the general services department may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds for operating expenses;

(5) the state printing and graphics program of the general services department may request budget increases up to two hundred fifty thousand dollars (\$250,000) from other state funds;

(6) the risk management program of the general services department may request budget increases up to fifteen million dollars (\$15,000,000) from other state funds from the public liability fund for unanticipated claims expenses;

(7) the educational retirement board may request budget increases from other state funds for investment-related asset management fees, pension administration system program updates and to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

(8) 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 to support existing or new services and may request budget increases from other state funds and from fund balances up to the amount of depreciation expense, as reported in the agency's independent audit of the fiscal year ending June 30, 2025, to acquire and replace capital equipment and associated software used to provide enterprise services;

(9) the public employees retirement association may request budget increases from other state funds to pay 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 an agency;

(10) the state personnel office may request budget increases up to one hundred thousand dollars (\$100,000) from internal service funds/interagency transfers for human resources shared services;

(11) the state treasurer may request budget increases up to three hundred fifty thousand dollars (\$350,000) from other state funds collected from participating governments investing in the local government investment pool for operating expenses in connection with the local government investment pool;

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(12) 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;					
(13) 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 and other marketing opportunities;					
<del>[(14) the economic development department may request budget increases up to five million dollars (\$5,000,000) from the Local Economic Development Act fund for emergency assistance in declared emergencies;]</del> LINE ITEM VETO					
(15) 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;					
(16) the racing commission may request budget increases up to six hundred thousand dollars (\$600,000) from other state funds from the equine testing fund for enhancement of the equine testing program;					
(17) the racing commission may request budget increases from the exercise rider and jockey insurance fund for federal Horseracing Integrity and Safety Act assessment fees and insurance payments;					
(18) the preservation program of the cultural affairs department may request budget increases up to one million dollars (\$1,000,000) from other state funds for archaeological services or historic preservation services;					
(19) 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;					
(20) the museum and historic sites program of the cultural affairs department may request budget increases up to one million dollars (\$1,000,000) from other state funds;					
(21) the library services program of the cultural affairs department may request budget increases from other state funds from the rural libraries program fund for rural library grants;					

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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(22) the department of game and fish may request 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;

(23) the healthy forests program of the energy, minerals and natural resources department may request budget increases from internal service funds/interagency transfers from the New Mexico youth conservation corps fund for projects approved by the New Mexico youth conservation corps commission, may request budget increases up to fifty thousand dollars (\$50,000) from other state funds for the inmate work camp program and may request budget increases from other state funds from the forest land protection fund to support watershed restoration work statewide;

(24) 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 state engineer from federal funds to allow programs to maximize the use of federal grants and may request budget increases up to six hundred thousand dollars (\$600,000) 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 and may request budget increases up to fifty thousand dollars (\$50,000) from the oil conservation division systems and hearing fund to support oil conservation commission hearings;

(25) the mine reclamation program of the energy, minerals and natural resources department may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds in the surface mining permit fee fund and Mining Act fund for projects related to surface and hard rock mining oversight;

(26) the state parks program of the energy, minerals and natural resources department may request budget increases up to two hundred fifty thousand dollars (\$250,000) from internal service funds/interagency transfers from the department of transportation, New Mexico 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;

(27) the state land office may request budget increases from other state funds to utilize bond recovery proceeds held in suspense to perform related remediation and reclamation work, may request budget increases up to five million dollars (\$5,000,000) from other state funds from the state trust lands restoration and remediation fund to address surface damage, remediation of hazardous waste sites and watershed restoration on state trust land and may request up to three million dollars (\$3,000,000) from other state funds or federal funds received from other state agencies for fire-related prevention and response activities;

<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(28) 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;					
(29) 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 other state funds from the irrigation works construction fund for operational and maintenance costs associated with the Pecos river settlement agreement;					
(30) the interstate stream compact compliance and water development program of the state engineer may request budget increases up to two hundred fifty thousand dollars (\$250,000) from other state funds from the Ute construction fund for operational and maintenance requirements at the Ute reservoir;					
(31) the interstate stream compact compliance and water development program of the state engineer 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;					
(32) the commission for the blind may request transfers between the other category and the other financing uses category contingent on the inability of the vocational rehabilitation division to match federal funds, may request budget increases up to one million five hundred thousand dollars (\$1,500,000) 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 up to one million dollars (\$1,000,000) 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 four hundred thousand dollars (\$400,000) from other state funds for rehabilitation and independent living services;					
(33) the family support and early intervention program of the early childhood education and care department may request transfers from the other category to the other financing uses category for the family infant toddler program;					
(34) the aging and long-term services department may request budget increases up to five hundred thousand dollars (\$500,000) from the conference on aging fund balance for the conference on aging;					



<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
(35) the state health benefits program of the health care authority may request budget increases from other state funds in the amount of any additional revenue raised pursuant to a net increase in the number of individuals receiving group health insurance from the program;					
(36) the state health benefits program of the health care authority may request budget increases from other state funds in the amount of any additional revenue raised pursuant to a premium rate increase for group health benefits or group life insurance benefits;					
(37) the health care authority may request program transfers between the medical assistance program and the medicaid behavioral health program and the medical assistance program may request budget increases from other state funds from the health care delivery and access fund for health care delivery and access hospital assessments;					
(38) the independent living services program of the vocational rehabilitation division may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds for independent living services for the disabled;					
(39) the rehabilitation services program of the vocational rehabilitation division may request transfers up to two hundred thousand dollars (\$200,000) between internal service funds/interagency transfers, the other category and the other financing uses category for rehabilitation services contingent on the inability of the commission for the blind to use federal program income;					
(40) the vocational rehabilitation division may request program transfers between the rehabilitation services program and the independent living services program;					
(41) the miners' hospital of New Mexico may request budget increases from other state funds from fees from patient revenues for operating expenses;					
(42) the office of family representation and advocacy may request budget increases up to one million dollars (\$1,000,000) from other state funds from fund balances from Title IV-E of the federal Social Security Act reimbursements transferred from the children, youth and families department;					
(43) the department of military affairs may request budget increases up to seven hundred thousand dollars (\$700,000) from other state funds from the sale of land, additional revenue received from leases, land royalties, miscellaneous revenue, gifts and public education department pass-through revenue to support the national guard facility operations, the New Mexico youth challenge academy operations and the New Mexico national guard members family assistance fund;					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
(44) the department of transportation may request transfers up to ten million dollars (\$10,000,000) within or between the project design and construction programs, the highway operations program, the business support program and the modal program for costs related to engineering, construction, maintenance services and grant agreements, may request program transfers into the personnel services and employee benefits category up to twelve million dollars (\$12,000,000) and may request budget increases up to eighty-five million dollars (\$85,000,000) from other state funds and fund balances to meet federal matching requirements for debt services and related costs, intergovernmental agreements, lawsuits and construction and maintenance related costs;					
<del>[(45) the department of transportation shall prioritize completion of the Los Lunas I-25 interchange and Pinon Hills in San Juan county and Paseo del Volcan in Sandoval county with the bonding capacity granted to them through Chapter 66 of Laws 2024;]</del> <i>LINE ITEM VETO</i>					
(46) the public education department may distribute up to one hundred fifty thousand dollars (\$150,000) from the transportation emergency fund to develop efficiency benchmarks and operational standards for large school districts, small school districts and charter schools to assess the adequacy and efficiency of transportation systems; and					
(47) the higher education department may request transfers from the other category to the other financing uses category for student financial aid programs in the student financial aid program and the opportunity scholarship program.					

## Chapter 160 Section 14 Laws 2025

Section 14. **TRANSFER AUTHORITY.**--If revenue and transfers to the general fund at the end of fiscal year 2026 are not sufficient to meet appropriations, the governor, with the state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the operating reserve and the government results and opportunity expendable trust provided that the total transferred pursuant to this section shall not exceed one hundred ten million dollars (\$110,000,000).

## Chapter 160 Section 15 Laws 2025

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.

# **2025 OFFICIAL ROSTER OF THE STATE OF NEW MEXICO**

## **LAWS of the State of New Mexico**

Passed by the

FIRST SESSION

of the

FIFTY-SEVENTH 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 21<sup>st</sup> day of January 2025, and adjourned on the 22<sup>nd</sup> day of March 2024.

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 A. Stansbury, Democrat, 1<sup>st</sup> Congressional District – Albuquerque  
Gabriel Vasquez, Democrat, 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  
Howie C. Morales, Democrat  
Maggie Toulouse Oliver, Democrat  
Joseph M. Maestas, Democrat  
Laura M. Montoya, Democrat  
Raúl Torrez, Democrat  
Stephanie Garcia Richard, Democrat

Governor  
Lieutenant Governor  
Secretary of State  
State Auditor  
State Treasurer  
Attorney General  
Commissioner of Public Lands

Gabriel Aguilera  
Greg Nibert  
Pat O'Connell

Public Regulation Commissioner  
Public Regulation Commissioner  
Public Regulation Commissioner

## **JUSTICES OF THE SUPREME COURT**

David K. Thomson, Chief Justice  
Justice C. Shannon Bacon  
Justice Michael E. Vigil  
Justice Julie J. Vargas  
Justice Briana H. Zamora

## **JUDGES OF THE COURT OF APPEALS**

Jennifer L. Attrep, Chief Judge  
Kristina Bogardus  
Jacqueline R. Medina  
Megan P. Duffy  
J. Miles Hanisee  
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 Sanchez-Gagne	Santa Fe
Division III	Shannon Broderick Bulman	Santa Fe
Division IV	Denise M. Thomas	Santa Fe
Division V	Jason C. Lidyad	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	Santa Fe
	Ellenwood	

### **SECOND JUDICIAL DISTRICT Bernalillo County**

Division I	William Parnall	Albuquerque
Division II	Matthew Chavez	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	Bryan T. Fox	Albuquerque
Division XII	Elaine P. Lujan	Albuquerque
Division XIII	Lisa Chavez Ortega	Albuquerque
Division XIV	Marie Ward	Albuquerque
Division XV	Courtney B. Weeks	Albuquerque
Division XVI	Jennifer J. Wernersbach	Albuquerque
Division XVII	Erin B. O'Connell	Albuquerque
Division XVIII	Denise Barela-Shepherd	Albuquerque
Division XIX	Diana Garcia	Albuquerque
Division XX	Britt M. Baca	Albuquerque
Division XXI	Emeterio L. Rudolfo	Albuquerque
Division XXII	Amber Chavez Baker	Albuquerque
Division XXIII	Joshua A. Allison	Albuquerque
Division XXIV	Crystal Lees	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
Division XXX	David Murphy	Albuquerque

**THIRD JUDICIAL DISTRICT**  
**Doña Ana County**

Division I	Manuel I. Arrieta	Las Cruces
Division II	Robert Lara	Las Cruces
Division III	Conrad F. Perea	Las Cruces
Division IV	Rebecca C. Duffin	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	David E. Finger	Eddy
Division II	Thomas E. Lilley	Chaves
Division III	Efren A. Cortez	Lea
Division IV	Mark Sánchez	Lea
Division V	Jane Shuler Gray	Eddy
Division VI	James M. Hudson	Chaves
Division VII	Michael H. Stone	Lea
Division VIII	Jared G. Kallunki	Chaves
Division IX	Lisa Riley	Eddy
Division X	Dustin K. Hunter	Chaves
Division XI	Lee A. Kirksey	Lea
Division XII	Anne Marie Lewis	Eddy

**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-Poff	Torrance

**EIGHTH JUDICIAL DISTRICT**  
**Colfax, Union and Taos Counties**

Division I	Emilio J. Chavez	Taos
Division II	Steven A. Romero	Raton

Division	III	Jeffrey A. Shannon	Clayton
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**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	Timothy Rose	Tucumcari
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**ELEVENTH JUDICIAL DISTRICT**  
**McKinley and San Juan Counties**

Division	I	Bradford J. Dalley	Farmington
Division	II	Bradley L. Keeler	Gallup
Division	III	Sarah V. Weaver	Farmington
Division	IV	Curtis R. Gurley	Aztec
Division	V	R. David Pederson	Gallup
Division	VI	Brenna Clani-Washinawatok	Aztec
Division	VII	Douglas W. Decker	Gallup
Division	VIII	Stephen M. Wayne	Aztec

**TWELFTH JUDICIAL DISTRICT**  
**Lincoln and Otero Counties**

Division	I	Stephen P. Ochoa	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
Division IX	Allison P. Martinez	Bernalillo

### **DISTRICT ATTORNEYS**

First Judicial District	Mary V. Carmack-Altwies	Santa Fe, Los Alamos & Rio Arriba
Second Judicial District	Sam Bregman	Bernalillo
Third Judicial District	Fernando Macias	Doña Ana
Fourth Judicial District	Thomas A. Clayton	San Miguel, Mora & Guadalupe
Fifth Judicial District	Dianna Luce	Eddy, Chaves & Lea
Sixth Judicial District	Norman Wheeler	Grant, Luna & Hidalgo
Seventh Judicial District	Clint Wellborn	Socorro, Torrance, Sierra & Catron
Eighth Judicial District	Marcus J. Montoya	Taos, Colfax & Union
Ninth Judicial District	Quentin Ray	Curry & Roosevelt
Tenth Judicial District	Heidi Adamse	Quay, Harding & DeBaca
Eleventh Judicial District	Jack Fortner	San Juan
	Bernadine Martin	McKinley
Twelfth Judicial District	Ryan Suggs	Otero & Lincoln
Thirteenth Judicial District	Barbara Romo	Cibola, Sandoval & Valencia

### **STATE SENATORS SERVING IN THE FIFTY-SEVENTH LEGISLATURE STATE OF NEW MEXICO FIRST SESSION CONVENED JANUARY 21, 2025**

<u>District</u>	<u>County</u>	<u>Name</u>	<u>City</u>
1	San Juan	William E. Sharer	Farmington
2	San Juan	Steve D. Lanier	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 and Harding	Pat Woods	Broadview



8	Colfax, Guadalupe, Harding, Mora, Quay, San Miguel & Taos	Pete Campos	Las Vegas
9	Bernalillo and Sandoval	Cindy Nava	Bernalillo
10	Bernalillo	Katy M. Duhigg	Albuquerque
11	Bernalillo	Linda M. López	Albuquerque
12	Bernalillo and Sandoval	Jay C. Block	Rio Rancho
13	Bernalillo	M. Debbie O'Malley	Albuquerque
14	Bernalillo	Michael Padilla	Albuquerque
15	Bernalillo	Heather Jean Berghmans	Albuquerque
16	Bernalillo	Antoinette Sedillo Lopez	Albuquerque
17	Bernalillo	Mimi Stewart	Albuquerque
18	Bernalillo	Natalie R. Figueroa	Albuquerque
19	Bernalillo, Sandoval, Santa Fe and Torrance	Ant L. Thornton	Albuquerque
20	Bernalillo	Martin E. Hickey	Albuquerque
21	Bernalillo	Nicole L. Tobiassen	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	Linda M. Trujillo	Santa Fe
25	Santa Fe	Peter Wirth	Santa Fe
26	Bernalillo	Antonio Maestas	Albuquerque
27	Chaves, Curry, De Baca, Lea, and Roosevelt	Patrick Henry Boone IV	Elida
28	Grant, Hidalgo and Luna	Gabriel J. Ramos	Silver City
29	Socorro and Valencia	Joshua A. Sanchez	Bosque
30	Bernalillo, Cibola, McKinley Socorro and Valencia	Angel M. Charley	Acoma
31	Doña Ana and Otero	Joseph Cervantes	Las Cruces
32	Chavez and Eddy	Candy Spence Ezzell	Roswell
33	Chaves, Lincoln and Otero	Nicholas Allan Paul	Alamogordo
34	Eddy and Otero	James G. Townsend	Artesia
35	Catron, Doña Ana, Grant, Hidalgo, Luna, Sierra and Socorro	Crystal Diamond Brantley	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	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	Larry R. Scott	Hobbs

**STATE REPRESENTATIVES SERVING IN THE FIFTY-SEVENTH LEGISLATURE  
STATE OF NEW MEXICO  
FIRST SESSION  
CONVENED JANUARY 21, 2025**

<u>District</u>	<u>County</u>	<u>Name</u>	<u>City</u>
1	San Juan	Rod Montoya	Farmington
2	San Juan	P. Mark Duncan	Kirtland
3	San Juan	William A. Hall II	Aztec
4	San Juan	Joseph Franklin Hernandez	Shiprock
5	McKinley and San Juan	D. Wonda Johnson	Rehoboth
6	Cibola and McKinley	Martha Garcia	
7	Valencia	Tanya R. Mirabal Moya	Los Lunas
8	Valencia	Brian G. Baca	Los Lunas
9	McKinley	Patricia A. Lundstrom	Gallup
10	Bernalillo	G. Andrés Romero	Albuquerque
11	Bernalillo	Javier Martínez	Albuquerque
12	Bernalillo	Art De La Cruz	Albuquerque
13	Bernalillo	Patricia Roybal Caballero	Albuquerque
14	Bernalillo	Miguel P. García	Albuquerque
15	Bernalillo	Dayan Hochman-Vigil	Albuquerque
16	Bernalillo	Yanira Gurrola	Albuquerque
17	Bernalillo	Cynthia D. Borrego	Albuquerque
18	Bernalillo	Marianna A. Anaya	Albuquerque
19	Bernalillo	Janelle Anyanonu	Albuquerque
20	Bernalillo	Meredith A. Dixon	Albuquerque
21	Bernalillo	Debra M. Sariñana	Albuquerque
22	Bernalillo and Torrance	Stefani Lord	Sandia Park
23	Sandoval	Alan T. Martinez	Rio Rancho
24	Bernalillo	Elizabeth "Liz" Thomson	Albuquerque
25	Bernalillo	Cristina Parajón	Albuquerque
26	Bernalillo	Eleanor Chávez	Albuquerque
27	Bernalillo	Marian Matthews	Albuquerque
28	Bernalillo	Pamelya Herndon	Albuquerque
29	Bernalillo	Joy Garratt	Albuquerque
30	Bernalillo	Elizabeth Diane Torres-Velasquez	Albuquerque
31	Bernalillo	Nicole Chavez	Albuquerque

32	Doña Ana, Hidalgo and Luna	Jenifer Marie Jones	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	Doña Ana, Sierra and Socorro	Rebecca Dow	Truth or Consequences
39	Catron, Grant and Hidalgo	Luis M. Terrazas	Santa Clara
40	Colfax, Mora, Rio Arriba San Miguel and Taos	Joseph L. Sanchez	Alcalde
41	Rio Arriba, Sandoval, Santa Fe and Taos	Susan K. Herrera	Embudo
42	Taos	Kristina Ortiz	Taos
43	Los Alamos, Sandoval and Santa Fe	Christine Chandler	Los Alamos
44	Bernalillo and Sandoval	Kathleen M. Cates	Corrales
45	Santa Fe	Linda Michelle Serrato	Santa Fe
46	Santa Fe	Andrea Romero	Santa Fe
47	Santa Fe	Reena C. Szczepanski	Santa Fe
48	Santa Fe	Tara L. Lujan	Santa Fe
49	Catron, Sierra, Socorro and Valencia	Gail Armstrong	Magdalena
50	Sandoval and Santa Fe	Matthew McQueen	Santa Fe
51	Otero	John Block	Alamogordo
52	Doña Ana	Doreen Y. Gallegos	Las Cruces
53	Doña Ana and Otero	Sarah Angelina Silva	Las Cruces
54	Chaves, Eddy and Otero	Jonathan Allen Henry	Artesia
55	Eddy and Lea	Cathrynn N. Brown	Carlsbad
56	Lincoln and Otero	Harlan H. Vincent	Ruidoso Downs
57	Sandoval	Catherine Jeanette Cullen	Rio Rancho
58	Chaves	Angelita Mejia	Dexter
59	Chaves	Mark B. Murphy	Roswell
60	Sandoval	Joshua N. Hernandez	Rio Rancho
61	Lea	Randall T. Pettigrew	Lovington
62	Lea	Elaine Sena Cortez	Hobbs
63	Curry, DeBaca, Guadalupe, Roosevelt and San Miguel	Martin R. Zamora	Clovis
64	Chaves, Curry and Roosevelt	Andrea R. Reeb	Clovis
65	Rio Arriba, Sandoval and San Juan	Derrick J. Lente	Sandia Pueblo

66	Chaves, Eddy and Lea	Jimmy G. Mason	Artesia
67	Colfax, Curry, Harding, Quay, San Miguel and Union	Jack Chatfield	Mosquero
68	Bernalillo	Charlotte L. Little	Albuquerque
69	Bernalillo, Cibola, McKinley, San Juan, Socorro and Valencia	Michelle P. Abeyta	To'hajilee
70	San Miguel and Torrance	Anita Amalia Gonzales	Las Vegas