

LAWS 2014, CONSTITUTIONAL AMENDMENT 3

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 6 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW THE LEGISLATURE TO SET THE DATE FOR FILING DECLARATIONS OF CANDIDACY FOR JUDICIAL RETENTION ELECTIONS.

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

Constitutional Amendment 3 Section 1 Laws 2014

SECTION 1. It is proposed to amend Article 6, Section 34 of the constitution of New Mexico to read:

"The office of any justice or judge subject to the provisions of Article 6, Section 33 of this constitution becomes vacant on January 1 immediately following the general election at which the justice or judge is rejected by more than forty-three percent of those voting on the question of retention or rejection or on January 1 immediately following the date the justice or judge fails to file a declaration of candidacy for the retention of the justice's or judge's office in the general election at which the justice or judge would be subject to retention or rejection by the electorate. Otherwise, the office becomes vacant upon the date of the death, resignation or removal by impeachment of the justice or judge."

Constitutional Amendment 3 Section 2 Laws 2014

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.

Senate Joint Resolution 16

LAWS 2014, CONSTITUTIONAL AMENDMENT 4

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 10, SECTION 10 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW CERTAIN COUNTIES TO BECOME URBAN COUNTIES AND TO CLARIFY THE MAJORITY VOTE NEEDED TO ADOPT A COUNTY CHARTER.

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

Constitutional Amendment 4 Section 1 Laws 2014

SECTION 1. It is proposed to amend Article 10, Section 10 of the constitution of New Mexico to read:

"A. A county that is less than one thousand five hundred square miles in area and has a population of three hundred thousand or more may become an urban county by the following procedure:

(1) the board of county commissioners shall appoint a charter commission consisting of not less than three persons to draft a proposed urban county charter;

(2) the proposed charter shall provide for the form and organization of the urban county government and shall designate those officers that shall be elected and those officers and employees that shall perform the duties assigned by law to county officers; and

(3) within one year after the appointment of the charter commission, the proposed charter shall be submitted to the qualified voters of the county and, if adopted by a majority of those voting, the county shall become an urban county. If, at the election or any subsequent election, the proposed charter is not adopted, then, after at least one year has elapsed after the election, pursuant to this section another charter commission may be appointed and another proposed charter may be submitted to the qualified voters for approval or disapproval.

B. An urban county may exercise all legislative powers and perform all governmental functions not expressly denied by general law or charter and may exercise all powers granted to and shall be subject to all limitations placed on municipalities by Article 9, Section 12 of the constitution of New Mexico. This grant of powers shall not include the power to enact private or civil laws except as incident to the exercise of an independent municipal power, nor shall it include the power to provide for a penalty greater than the penalty provided for a misdemeanor. No tax imposed by the governing body of an urban county, except a tax authorized by general law, shall become effective until approved by a majority vote in the urban county.

C. A charter of an urban county shall only be amended in accordance with the provisions of the charter.

D. If the charter of an urban county provides for a governing body composed of members elected by districts, a member representing a district shall be a resident and elected by the registered qualified electors of that district.

E. The purpose of this section is to provide for maximum local self-government. A liberal construction shall be given to the powers of urban counties.

F. The provisions of this section shall be self-executing."

Constitutional Amendment 4 Section 2 Laws 2014

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.

Senate Joint Resolution 22

LAWS 2014, CONSTITUTIONAL AMENDMENT 5

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF NEW MEXICO TO PRESERVE THE LAND GRANT PERMANENT FUNDS BY INCREASING THE DUTY OF CARE, REMOVING THE RESTRICTIONS ON THE TYPE OF INVESTMENT THAT MAY BE MADE AND INCREASING THE THRESHOLD AMOUNT FOR ADDITIONAL DISTRIBUTIONS.

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

Constitutional Amendment 5 Section 1 Laws 2014

SECTION 1. It is proposed to amend Article 12, Section 7 of the constitution of New Mexico to read:

"A. As used in this section, "fund" means the permanent school fund described in Article 12, Section 2 of this constitution and all other permanent funds derived from lands granted or confirmed to the state by the act of congress of June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and state government and be admitted into the union on an equal footing with the original states."

B. The fund shall be invested by the state investment officer in accordance with policy regulations promulgated by the state investment council.

C. In making investments, the state investment officer, under the supervision of the state investment council, shall invest and manage the fund in accordance with the Uniform Prudent Investor Act.

D. The legislature may establish criteria for investing the fund if the criteria are enacted by a three-fourths' vote of the members elected to each house, but investment of the fund is subject to the following restrictions:

(1) not more than sixty-five percent of the book value of the fund shall be invested at any given time in corporate stocks;

(2) not more than ten percent of the voting stock of a corporation shall be held; and

(3) stocks eligible for purchase shall be restricted to those stocks of businesses listed upon a national stock exchange or included in a nationally recognized list of stocks.

E. All additions to the fund and all earnings, including interest, dividends and capital gains from investment of the fund shall be credited to the fund.

F. Except as provided in Subsection G of this section, the annual distributions from the fund shall be five percent of the average of the year-end market values of the fund for the immediately preceding five calendar years.

G. In addition to the annual distribution made pursuant to Subsection F of this section, unless suspended pursuant to Subsection H of this section, an additional annual distribution shall be made pursuant to the following schedule; provided that no distribution shall be made pursuant to the provisions of this subsection in any fiscal year if the average of the year-end market values of the fund for the immediately preceding five calendar years is less than ten billion dollars (\$10,000,000,000):

(1) in fiscal years 2005 through 2012, an amount equal to eight-tenths percent of the average of the year-end market values of the fund for the immediately preceding five calendar years; provided that any additional distribution from the permanent school fund pursuant to this paragraph shall be used to implement and maintain educational reforms as provided by law; and

(2) in fiscal years 2013 through 2016, an amount equal to one-half percent of the average of the year-end market values of the fund for the immediately preceding five calendar years; provided that any additional distribution from the permanent school fund pursuant to this paragraph shall be used to implement and maintain educational reforms as provided by law.

H. The legislature, by a three-fifths' vote of the members elected to each house, may suspend any additional distribution provided for in Subsection G of this section."

Constitutional Amendment 5 Section 2 Laws 2014

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

House Joint Resolution 16

LAWS 2014, CHAPTER 1

AN ACT

RELATING TO THE LEGISLATIVE BRANCH OF GOVERNMENT; APPROPRIATING FUNDS FOR THE EXPENSE OF THE FIFTY-FIRST LEGISLATURE, SECOND SESSION, 2014, AND FOR OTHER LEGISLATIVE EXPENSES, INCLUDING THE LEGISLATIVE COUNCIL SERVICE, THE LEGISLATIVE FINANCE COMMITTEE, THE LEGISLATIVE EDUCATION STUDY COMMITTEE, THE SENATE RULES COMMITTEE, THE HOUSE CHIEF CLERK'S OFFICE AND THE SENATE CHIEF CLERK'S OFFICE; DECLARING AN EMERGENCY.

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

Chapter 1 Section 1 Laws 2014

SECTION 1. SESSION EXPENSES.--

A. There is appropriated from the general fund for the expense of the legislative department of the state of New Mexico for the second session of the fifty-first legislature for per diem and mileage of its members, for salaries of employees and for other expenses of the legislature, five million three hundred sixty-five thousand two hundred fifty dollars (\$5,365,250) 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 \$ 200,340;

(2) per diem for members of the house of representatives \$ 333,900;

(3) mileage traveled by members of the senate going to and returning from the seat of government by the usually traveled route, one round trip \$ 6,610;

(4) mileage traveled by members of the house of representatives going to and returning from the seat of government by the usually traveled route, one round trip \$ 10,375;

(5) salaries and employee benefits of senate employees \$ 1,530,800;

(6) salaries and employee benefits of house of representatives employees \$ 1,729,900;

(7) for expense of the senate not itemized above, three hundred seventy-five thousand five hundred dollars (\$375,500). No part of this item may be transferred to salaries or employee benefits;

(8) for expense of the house of representatives not itemized above, four hundred sixty-two thousand three hundred twenty-five dollars (\$462,325). No part of this item may be transferred to salaries or employee benefits; and

(9) for session expenses of the legislative council service, the joint billroom and mailroom and joint legislative switchboard, seven hundred fifteen thousand five hundred dollars (\$715,500) to be disbursed upon vouchers signed by the director of the legislative council service or the director's designee.

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

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

Chapter 1 Section 2 Laws 2014

SECTION 2. BILLS AND OTHER PRINTED MATERIALS.--

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

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

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

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

B. Any person not listed in Subsection A of this section may secure a complete file of the bills, resolutions, joint resolutions, memorials and joint memorials of the legislature by depositing with the legislative council service the amount of three hundred seventy-five dollars (\$375), which deposit shall be paid to the state treasurer to the credit of the legislative expense fund. Additional single copies of items of legislation shall be sold for two dollars (\$2.00) unless the director of the legislative council service shall, because of its length, assign a higher price not to exceed ten cents (\$.10) per page. Copies of a daily bill locator, other than those copies furnished each member of the respective houses, shall be supplied by the legislative council service at a charge of one hundred twenty-five dollars (\$125) for the entire session.

Chapter 1 Section 3 Laws 2014

SECTION 3. LEGISLATIVE COUNCIL SERVICE.--There is appropriated from the general fund to the legislative council service for fiscal year 2015 unless otherwise indicated, to be disbursed on vouchers signed by the director of the legislative council service, the following:

A. Personal Services & Employee Benefits	\$4,415,300
Contractual Services	237,500
Other Costs	1,168,200
Total	\$5,821,000;

B. for travel expenses of legislators other than New Mexico legislative council members, on legislative council business, for committee travel, staff and other necessary expenses for other interim committees and for other necessary legislative

expenses for fiscal year 2015, eight hundred sixty-one thousand two hundred dollars (\$861,200); provided that the New Mexico legislative council may transfer amounts from the appropriation in this subsection, during the fiscal year for which appropriated, to any other legislative appropriation where they may be needed;

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

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

Chapter 1 Section 4 Laws 2014

SECTION 4. LEGISLATIVE FINANCE COMMITTEE.--There is appropriated from the general fund to the legislative finance committee for fiscal year 2015, to be disbursed on vouchers signed by the chair of the committee or the chair's designated representative, the following:

Personal Services & Employee Benefits	\$3,680,000
Contractual Services	244,600
Other Costs	292,100
Total	\$4,216,700.

Chapter 1 Section 5 Laws 2014

SECTION 5. LEGISLATIVE EDUCATION STUDY COMMITTEE.--There is appropriated from the general fund to the legislative education study committee for fiscal year 2015, to be disbursed on vouchers signed by the chair of the committee or the chair's designated representative, the following:

Personal Services & Employee Benefits	\$1,150,200
Contractual Services	16,500
Other Costs	104,300
Total	\$1,271,000.

Chapter 1 Section 6 Laws 2014

SECTION 6. SENATE RULES COMMITTEE.--There is appropriated from the general fund to the legislative council service for the interim duties of the senate rules committee, twenty thousand five hundred dollars (\$20,500) for fiscal year 2015.

Chapter 1 Section 7 Laws 2014

SECTION 7. HOUSE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2015 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	\$954,600
Contractual Services	127,800
Other Costs	72,600
Total	\$1,155,000.

Chapter 1 Section 8 Laws 2014

SECTION 8. SENATE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2015 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	\$973,400
Contractual Services	154,600
Other Costs	60,800
Total	\$1,188,800.

Chapter 1 Section 9 Laws 2014

SECTION 9. LEGISLATIVE INFORMATION SYSTEM.--There is appropriated from the general fund to the legislative council service for the legislative information system seven hundred thirty-one thousand nine hundred dollars (\$731,900) for expenditure during fiscal years 2014 and 2015.

Chapter 1 Section 10 Laws 2014

SECTION 10. EXTENSIBLE MARKUP LANGUAGE DATABASE--SELF-PUBLICATION.--There is appropriated from the legislative cash balances to the legislative council service for the legislative share of the continued development required for the extensible markup language database, extensible markup language tagging and its use for legislative document systems and an integrated tagged database of the session laws and for the costs associated in collaborating with the New Mexico compilation commission on the ongoing development and expanding partnership role with the New Mexico compilation commission in the self-publication of the New Mexico Statutes Annotated 1978, four hundred thousand dollars (\$400,000) for expenditure during fiscal years 2014 and 2015.

Chapter 1 Section 11 Laws 2014

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

Chapter 1 Section 12 Laws 2014

SECTION 12. PERFORMANCE MEASURES.--Each legislative agency shall adhere to the performance measures specified in its strategic plan and shall make reports as required in that plan.

Chapter 1 Section 13 Laws 2014

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

House Bill 1, aa, w/ec, partial veto

Approved January 27, 2014

LAWS 2014, CHAPTER 2

AN ACT

RELATING TO TAXATION; ELIMINATING A DISTRIBUTION FROM THE INSURANCE PREMIUM TAX TO THE PUBLIC REGULATION COMMISSION ELECTIONS SUBACCOUNT IN THE PUBLIC ELECTION FUND.

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

Chapter 2 Section 1 Laws 2014

SECTION 1. Section 1-19A-10 NMSA 1978 (being Laws 2003, Chapter 14, Section 10, as amended) is amended to read:

"1-19A-10. PUBLIC ELECTION FUND--CREATION--USE.--

A. There is created in the state treasury the "public election fund" solely for the purposes of:

(1) financing the election campaigns of certified candidates for covered offices;

Act; and (2) paying administrative and enforcement costs of the Voter Action

Act. (3) carrying out all other specified provisions of the Voter Action

B. The state treasurer shall invest the funds as other state funds are invested, and all income derived from the fund shall be credited directly to the fund. Remaining balances at the end of a fiscal year shall remain in the election fund and not revert to the general fund.

C. Money received from the following sources shall be deposited directly into the fund:

(1) qualifying contributions that have been submitted to the secretary;

(2) any recurring balance of unspent fund money distributed to a certified candidate who does not remain a candidate through the primary or general election period for which the money was distributed;

(3) money that remains unspent or unencumbered by a certified candidate following the date of the primary election;

(4) money that remains unspent or unencumbered by a certified candidate following the date of the general election;

(5) unspent seed money that cannot be used for any other purpose;

(6) money distributed to the fund from funds received pursuant to the Uniform Unclaimed Property Act (1995); and

(7) money appropriated by the legislature.

D. A subaccount shall be established in the fund, and money in the subaccount shall only be used to pay the costs of carrying out the provisions of the Voter Action Act related to public regulation commission elections.

E. Two hundred thousand dollars (\$200,000) per year shall be collected and deposited in the subaccount for public regulation commission elections as follows:

(1) one hundred thousand dollars (\$100,000) from inspection and supervision fees collected pursuant to Section 62-8-8 NMSA 1978; and

(2) one hundred thousand dollars (\$100,000) from utility and carrier inspection fees collected pursuant to Section 63-7-20 NMSA 1978."

Chapter 2 Section 2 Laws 2014

SECTION 2. Section 59A-6-5 NMSA 1978 (being Laws 1984, Chapter 127, Section 105, as amended) is amended to read:

"59A-6-5. DISTRIBUTION OF DIVISION COLLECTIONS.--

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

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

B. The superintendent may authorize refund of money erroneously paid as fees, licenses, penalties or taxes from the insurance department suspense fund under request for refund made within three years after the erroneous payment. In the case of premium taxes erroneously paid or overpaid in accordance with law, refund may also be requested as a credit against premium taxes due in any annual or quarterly premium tax return filed within three years of the erroneous or excess payment.

C. If required by a compact to which New Mexico has joined pursuant to law, the superintendent shall authorize the allocation of premiums collected pursuant to Section 59A-14-12 NMSA 1978 to other states that have joined the compact pursuant to an allocation formula agreed upon by the compacting states.

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

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

(1) to the "fire protection fund", that part of the balance derived from property and vehicle insurance business;

(2) to the insurance operations fund, that part of the balance derived from the fees imposed pursuant to Subsections A and E of Section 59A-6-1 NMSA 1978 other than fees derived from property and vehicle insurance business; and

(3) to the general fund, the balance remaining in the insurance department suspense fund derived from all other kinds of insurance business."

Chapter 2 Section 3 Laws 2014

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

House Bill 144

Approved February 28, 2014

LAWS 2014, CHAPTER 3

AN ACT

RELATING TO LICENSURE; PROVIDING FOR EXPEDITED LICENSURE FOR NURSES LICENSED IN OTHER STATES.

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

Chapter 3 Section 1 Laws 2014

SECTION 1. 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--EXPEDITED LICENSURE.-

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A. Applicants for licensure by examination shall be required to pass the national licensing examination for registered nurses. The applicant who successfully passes the examination may be issued by the board a license to practice as a registered nurse.

B. The board may issue a license to practice professional registered nursing without an examination to an applicant who has been duly licensed by taking the national licensing examination for registered nurses under the laws of another state if the applicant meets the qualifications required of registered nurses in this state. From July 1, 2014 through June 30, 2019, upon a determination by the board that an application is complete and approved, the board shall expedite the issuance of a license pursuant to this subsection within five business days.

C. The board may issue a license to practice as a registered nurse to an applicant licensed under the laws of another territory or foreign country if the applicant

meets the qualifications required of registered nurses in this state, is proficient in English and passes the national licensing examination for registered nurses."

Chapter 3 Section 2 Laws 2014

SECTION 2. 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--EXPEDITED LICENSURE.--

A. Applicants for licensure by examination shall be required to pass the national licensing examination for licensed practical nurses. The applicant who passes the examination may be issued by the board a license to practice as a licensed practical nurse.

B. The board may issue a license as a licensed practical nurse without an examination to an applicant who has been duly licensed by passing the national licensing examination for licensed practical nurses under the laws of another state if the applicant meets the qualifications required of licensed practical nurses in this state. From July 1, 2014 through June 30, 2019, upon a determination by the board that an application is complete and approved, the board shall expedite the issuance of a license pursuant to this subsection within five business days.

C. The board may issue a license to practice as a licensed practical nurse to an applicant licensed under the laws of another territory or foreign country if the applicant meets the qualifications required of licensed practical nurses in this state, is proficient in English and successfully passes the national licensing examination for licensed practical nurses."

Chapter 3 Section 3 Laws 2014

SECTION 3. Section 61-3-23.2 NMSA 1978 (being Laws 1991, Chapter 190, Section 14, as amended) is amended to read:

"61-3-23.2. CERTIFIED NURSE PRACTITIONER--QUALIFICATIONS--PRACTICE--EXAMINATION--ENDORSEMENT--EXPEDITED LICENSURE.--

A. The board may license for advanced practice as a certified nurse practitioner an applicant who furnishes evidence satisfactory to the board that the applicant:

(1) is a registered nurse;

(2) has successfully completed a program for the education and preparation of nurse practitioners; provided that, if the applicant is initially licensed by

the board or a board in another jurisdiction after January 1, 2001, the program shall be at the master's level or higher;

(3) has successfully completed the national certifying examination in the applicant's specialty area; and

(4) is certified by a national nursing organization.

B. Certified nurse practitioners may:

(1) perform an advanced practice that is beyond the scope of practice of professional registered nursing;

(2) practice independently and make decisions regarding health care needs of the individual, family or community and carry out health regimens, including the prescription and distribution of dangerous drugs and controlled substances included in Schedules II through V of the Controlled Substances Act; and

(3) serve as a primary acute, chronic long-term and end-of-life health care provider and as necessary collaborate with licensed medical doctors, osteopathic physicians or podiatrists.

C. Certified nurse practitioners who have fulfilled requirements for prescriptive authority may prescribe in accordance with rules, regulations, guidelines and formularies for individual certified nurse practitioners promulgated by the board.

D. Certified nurse practitioners who have fulfilled requirements for prescriptive authority may distribute to their patients dangerous drugs and controlled substances included in Schedules II through V of the Controlled Substances Act that have been prepared, packaged or fabricated by a registered pharmacist or doses of drugs that have been prepackaged by a pharmaceutical manufacturer in accordance with the Pharmacy Act and the New Mexico Drug, Device and Cosmetic Act.

E. Certified nurse practitioners licensed by the board on and after December 2, 1985 shall successfully complete a national certifying examination and shall maintain national professional certification in their specialty area. Certified nurse practitioners licensed by a board prior to December 2, 1985 are not required to sit for a national certification examination or be certified by a national organization.

F. From July 1, 2014 through June 30, 2019, upon a determination by the board that an application is complete and approved, the board shall issue a license to a certified nurse practitioner licensed in another state if the applicant meets the qualifications required of certified nurse practitioners in this state. The board shall expedite the issuance of the license within five business days."

Chapter 3 Section 4 Laws 2014

SECTION 4. 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 education programs; 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 a master's level or higher; and

(3) is certified by the council on certification of nurse anesthetists.

B. A certified registered nurse anesthetist may provide preoperative, intraoperative and postoperative anesthesia care and related services, including ordering of diagnostic tests, in accordance with the current American association of nurse anesthetists' guidelines for nurse anesthesia practice.

C. Certified registered nurse anesthetists shall function in an interdependent role as a member of a health care team in which the medical care of the patient is directed by a licensed physician, osteopathic physician, dentist or podiatrist licensed in New Mexico pursuant to Chapter 61, Article 5A, 6, 8 or 10 NMSA 1978. The certified registered nurse anesthetist shall collaborate with the licensed physician, osteopathic physician, dentist or podiatrist concerning the anesthesia care of the patient. As used in this subsection, "collaboration" means the process in which each health care provider contributes the health care provider's respective expertise. Collaboration includes systematic formal planning and evaluation between the health care professionals involved in the collaborative practice arrangement.

D. A certified registered nurse anesthetist who has fulfilled the requirements for prescriptive authority in the area of anesthesia practice is authorized to prescribe and administer therapeutic measures, including dangerous drugs and controlled substances included in Schedules II through V of the Controlled Substances Act within the emergency procedures, perioperative care or perinatal care environments. Dangerous drugs and controlled substances, pursuant to the Controlled Substances Act, that have been prepared, packaged or fabricated by a registered pharmacist or doses of drugs that have been prepackaged by a pharmaceutical

manufacturer in accordance with the Pharmacy Act and the New Mexico Drug, Device and Cosmetic Act may be prescribed and administered.

E. A certified registered nurse anesthetist who has fulfilled the requirements for prescriptive authority in the area of anesthesia practice may prescribe in accordance with rules, regulations and guidelines. 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. From July 1, 2014 through June 30, 2019, upon a determination by the board that an application is complete and approved, the board shall issue a license to a certified registered nurse anesthetist licensed in another state if the applicant meets the qualifications required of certified registered nurse anesthetists in this state. The board shall expedite the issuance of the license within five business days.

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 American association of nurse anesthetists' council on certification."

Chapter 3 Section 5 Laws 2014

SECTION 5. Section 61-3-23.4 NMSA 1978 (being Laws 1991, Chapter 190, Section 16, as amended) is amended to read:

"61-3-23.4. CLINICAL NURSE SPECIALIST--QUALIFICATIONS--
ENDORSEMENT--EXPEDITED LICENSURE.--

A. The board may license for advanced practice as a clinical nurse specialist an applicant who furnishes evidence satisfactory to the board that the applicant:

- (1) is a registered nurse;
- (2) has a master's degree or doctoral degree in a defined clinical nursing specialty;
- (3) has successfully completed a national certifying examination in the applicant's area of specialty; and
- (4) is certified by a national nursing organization.

B. Clinical nurse specialists may:

(1) perform an advanced practice that is beyond the scope of practice of professional registered nursing;

(2) make independent decisions in a specialized area of nursing practice using expert knowledge regarding the health care needs of the individual, family and community, collaborating as necessary with other members of the health care team when the health care need is beyond the scope of practice of the clinical nurse specialist; and

(3) carry out therapeutic regimens in the area of specialty practice, including the prescription and distribution of dangerous drugs.

C. A clinical nurse specialist who has fulfilled the requirements for prescriptive authority in the area of specialty practice is authorized to prescribe, administer and distribute therapeutic measures, including dangerous drugs and controlled substances included in Schedules II through V of the Controlled Substances Act within the scope of specialty practice, including controlled substances pursuant to the Controlled Substances Act that have been prepared, packaged or fabricated by a registered pharmacist or doses of drugs that have been prepackaged by a pharmaceutical manufacturer in accordance with the Pharmacy Act and the New Mexico Drug, Device and Cosmetic Act.

D. Clinical nurse specialists who have fulfilled the requirements for prescriptive authority in the area of specialty practice may prescribe in accordance with rules, regulations, guidelines and formularies based on scope of practice and clinical setting for individual clinical nurse specialists promulgated by the board.

E. Clinical nurse specialists licensed by the board shall maintain certification in their specialty area.

F. From July 1, 2014 through June 30, 2019, upon a determination by the board that an application is complete and approved, the board shall issue a license to a clinical nurse specialist licensed in another state if the applicant meets the qualifications required of a clinical nurse specialist in this state. The board shall expedite the issuance of the license within five business days."

Chapter 3 Section 6 Laws 2014

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

Approved February 28, 2014

LAWS 2014, CHAPTER 4

AN ACT

RELATING TO DOMESTIC RELATIONS; ENACTING THE DEPLOYED PARENTS CUSTODY AND VISITATION ACT; ESTABLISHING PROCEDURES FOR MODIFYING EXISTING CUSTODY, TIME-SHARING OR VISITATION ORDERS FOR CHILDREN OF SERVICE MEMBERS; PROHIBITING ENTRY OF FINAL ORDERS MODIFYING EXISTING CHILD CUSTODY, TIME-SHARING OR VISITATION ORDERS WHILE A SERVICE MEMBER IS UNAVAILABLE PURSUANT TO MILITARY ORDERS; PROHIBITING THE MODIFICATION OF EXISTING CHILD CUSTODY, TIME-SHARING OR VISITATION ORDERS SOLELY BECAUSE A SERVICE MEMBER IS ABSENT OR MIGHT BE ABSENT PURSUANT TO MILITARY ORDERS.

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

Chapter 4 Section 1 Laws 2014

SECTION 1. SHORT TITLE.--This act may be cited as the "Deployed Parents Custody and Visitation Act".

Chapter 4 Section 2 Laws 2014

SECTION 2. DEFINITIONS.--As used in the Deployed Parents Custody and Visitation Act:

A. "adult" means an individual who has attained eighteen years of age or is an emancipated minor;

B. "caretaking authority" means the right to live with and care for a child on a day-to-day basis. "Caretaking authority" includes physical custody, parenting time, right to access and visitation;

C. "child" means:

(1) an unemancipated individual who has not attained eighteen years of age; or

(2) an adult son or daughter by birth or adoption, or under law of this state other than the Deployed Parents Custody and Visitation Act, who is the subject of a court order concerning custodial responsibility;

D. "court" means a tribunal, including an administrative agency, authorized under law of this state other than the Deployed Parents Custody and Visitation Act, to make, enforce or modify a decision regarding custodial responsibility;

E. "custodial responsibility" includes all powers and duties relating to caretaking authority and decision-making authority for a child. "Custodial responsibility" includes physical custody, legal custody, parenting time, right to access, visitation and authority to grant limited contact with a child;

F. "decision-making authority" means the power to make important decisions regarding a child, including decisions regarding the child's education, religious training, health care, extracurricular activities and travel. "Decision-making authority" does not include the power to make decisions that necessarily accompany a grant of caretaking authority;

G. "deploying parent" means a service member who is deployed or has been notified of impending deployment and is:

(1) a parent of a child under law of this state other than the Deployed Parents Custody and Visitation Act; or

(2) an individual who has custodial responsibility for a child under law of this state other than the Deployed Parents Custody and Visitation Act;

H. "deployment" means the movement or mobilization of a service member for more than ninety days but less than eighteen months pursuant to uniformed service orders that:

(1) are designated as unaccompanied;

(2) do not authorize dependent travel; or

(3) otherwise do not permit the movement of family members to the location to which the service member is deployed;

I. "family member" means a sibling, aunt, uncle, cousin, stepparent or grandparent of a child or an individual recognized to be in a familial relationship with a child under law of this state other than the Deployed Parents Custody and Visitation Act;

J. "limited contact" means the authority of a nonparent to visit a child for a limited time. "Limited contact" includes authority to take the child to a place other than the residence of the child;

K. "nonparent" means an individual other than a deploying parent or other parent;

L. "other parent" means an individual who, in common with a deploying parent, is:

(1) a parent of a child under law of this state other than the Deployed Parents Custody and Visitation Act; or

(2) an individual who has custodial responsibility for a child under law of this state other than the Deployed Parents Custody and Visitation Act;

M. "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

N. "return from deployment" means the conclusion of a service member's deployment as specified in uniformed service orders;

O. "service member" means a member of a uniformed service;

P. "sign" means with present intent to authenticate or adopt a record to:

(1) execute or adopt a tangible symbol; or

(2) attach to or logically associate with the record an electronic symbol, sound or process;

Q. "state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States; and

R. "uniformed service" means:

(1) active and reserve components of the army, navy, air force, marine corps or coast guard of the United States;

(2) the United States merchant marine;

(3) the commissioned corps of the United States public health service;

(4) the commissioned corps of the national oceanic and atmospheric administration of the United States; or

(5) the national guard of a state.

Chapter 4 Section 3 Laws 2014

SECTION 3. RESIDENCE UNCHANGED BY DEPLOYMENT.--

A. If a court has issued a temporary order regarding custodial responsibility pursuant to the Deployed Parents Custody and Visitation Act, the residence of the deploying parent is not considered to be changed by reason of the deployment for the purposes of the Uniform Child-Custody Jurisdiction and Enforcement Act during the deployment.

B. If a court has issued a permanent order regarding custodial responsibility before notice of deployment and the parents modify that order temporarily by agreement pursuant to the Deployed Parents Custody and Visitation Act, the residence of the deploying parent is not considered to be changed by reason of the deployment for the purposes of the Uniform Child-Custody Jurisdiction and Enforcement Act.

C. If a court in another state has issued a temporary order regarding custodial responsibility as a result of impending or current deployment, the residence of the deploying parent is not considered to be changed by reason of the deployment for the purposes of the Uniform Child-Custody Jurisdiction and Enforcement Act.

Chapter 4 Section 4 Laws 2014

SECTION 4. NOTIFICATION REQUIRED OF DEPLOYING PARENT.--

A. Except as otherwise provided in Subsection D of this section and subject to Subsection C of this section, a deploying parent shall notify in a record the other parent of a pending deployment not later than seven days after receiving notice of deployment unless reasonably prevented from doing so by the circumstances of service.

B. Except as otherwise provided in Subsection D of this section and subject to Subsection C of this section, each parent shall provide in a record the other parent with a plan for fulfilling that parent's share of custodial responsibility during deployment. Each parent shall provide the plan as soon as reasonably possible after notification of deployment.

C. If a court order currently in effect prohibits disclosure of the address or contact information of the other parent, notification of deployment pursuant to Subsection A of this section or notification of a plan for custodial responsibility during deployment pursuant to Subsection B of this section may be made only to the issuing court. If the address of the other parent is available to the issuing court, the court shall forward the notification to the other parent. The court shall keep confidential the address or contact information of the other parent.

D. Notification in a record under Subsection A or B of this section is not required if the parents are living in the same residence and both parents have actual notice of the deployment or plan.

Chapter 4 Section 5 Laws 2014

SECTION 5. DUTY TO NOTIFY OF CHANGE OF ADDRESS.--

A. Except as otherwise provided in Subsection B of this section, an individual to whom custodial responsibility has been granted during deployment pursuant to the Deployed Parents Custody and Visitation Act shall notify the deploying parent and any other individual with custodial responsibility of a child of any change of the individual's mailing address or residence until the custodial responsibility is terminated.

B. If a court order currently in effect prohibits disclosure of the address or contact information of an individual to whom custodial responsibility has been granted, a notification pursuant to Subsection A of this section may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the individual to whom custodial responsibility has been granted.

Chapter 4 Section 6 Laws 2014

SECTION 6. GENERAL CONSIDERATION IN CUSTODY PROCEEDING OF PARENT'S MILITARY SERVICE.--In a proceeding for custodial responsibility of a child of a service member, a court shall not consider a parent's past deployment or possible future deployment in itself in determining the best interest of the child.

Chapter 4 Section 7 Laws 2014

SECTION 7. AGREEMENT ADDRESSING CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT--FORM OF AGREEMENT.--

A. The parents of a child may enter into a temporary agreement granting custodial responsibility during deployment under the Deployed Parents Custody and Visitation Act.

B. A temporary agreement pursuant to Subsection A of this section shall be:

(1) in writing; and

(2) signed by both parents and any nonparent to whom custodial responsibility is granted.

Chapter 4 Section 8 Laws 2014

SECTION 8. NATURE OF AUTHORITY CREATED BY AGREEMENT.--

A. An agreement under the Deployed Parents Custody and Visitation Act is temporary and terminates pursuant to that act after the deploying parent returns from deployment, unless the agreement has been terminated before that time by court order. The agreement does not create an independent, continuing right to caretaking authority, decision-making authority or limited contact in an individual to whom custodial responsibility is given.

B. A nonparent who has caretaking authority, decision-making authority or limited contact by an agreement pursuant to the Deployed Parents Custody and Visitation Act has standing to enforce the agreement until it has been terminated by court order.

Chapter 4 Section 9 Laws 2014

SECTION 9. EXPEDITED HEARING.--If a motion to grant custodial responsibility is filed pursuant to the Deployed Parents Custody and Visitation Act before a deploying parent deploys, the court shall conduct an expedited hearing.

Chapter 4 Section 10 Laws 2014

SECTION 10. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

SJC/Senate Bill 130

Approved March 1, 2014

LAWS 2014, CHAPTER 5

AN ACT

RELATING TO MOTOR VEHICLES; PROHIBITING TEXTING WHILE DRIVING;
PROVIDING EXCEPTIONS; PROVIDING PENALTIES.

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

Chapter 5 Section 1 Laws 2014

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

"TEXTING WHILE DRIVING.--

A. A person shall not read or view a text message or manually type on a handheld mobile communication device for any purpose while driving a motor vehicle, except to summon medical or other emergency help or unless that device is an amateur radio and the driver holds a valid amateur radio operator license issued by the federal communications commission.

B. The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a handheld mobile communication device. Unless otherwise provided by law, the handheld mobile communication device used in the violation of the provisions of this section is not subject to search by a law enforcement officer during a traffic stop made pursuant to the provisions of this section.

C. As used in this section:

(1) "driving" means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a traffic light or stop sign or otherwise, but "driving" excludes operating a motor vehicle when the vehicle has pulled over to the side of or off of an active roadway and has stopped at a location in which it can safely remain stationary;

(2) "handheld mobile communication device" means a wireless communication device that is designed to receive and transmit text or image messages, but "handheld mobile communication device" excludes global positioning or navigation systems, devices that are physically or electronically integrated into a motor vehicle and voice-operated or hands-free devices that allow the user to compose, send or read a text message without the use of a hand except to activate, deactivate or initiate a feature or function; and

(3) "text message" means a digital communication transmitted or intended to be transmitted between communication devices and includes electronic mail, an instant message, a text or image communication and a command or request to an internet site; but "text message" excludes communications through the use of a computer-aided dispatch service by law enforcement or rescue personnel."

Chapter 5 Section 2 Laws 2014

SECTION 2. Section 66-8-116 NMSA 1978 (being Laws 1978, Chapter 35, Section 524, as amended) is amended to read:

"66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--
SCHEDULE OF ASSESSMENTS.--

A. As used in the Motor Vehicle Code, "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which, except as provided in Subsections D and E of this section, the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Improper display of registration plate	66-3-18	\$ 25.00
Failure to notify of change of name or address	66-3-23	25.00
Lost or damaged registration,	66-3-24	20.00
Permitting unauthorized minor to drive	66-5-40	50.00
Permitting unauthorized person to drive	66-5-41	25.00
Failure to obey sign	66-7-104	10.00
to obey signal	66-7-105	10.00
Speeding	66-7-301	
(1) up to and including ten miles an hour over the speed limit		15.00
(2) from eleven up to and including fifteen miles an hour over the speed limit		30.00
(3) from sixteen up to and including twenty		

miles an hour over the
speed limit 65.00

(4) from twenty-one up to
and including twenty-five
miles an hour

over the speed limit 100.00

(5) from twenty-six up to
and including thirty

miles an hour over the
speed limit 125.00

(6) from thirty-one up to
and including thirty-five

miles an hour over the
speed limit 150.00

(7) more than thirty-five
miles an hour over the

speed limit 200.00

Unfastened safety belt 66-7-372 25.00

Child not in restraint device
66-7-369 25.00

Minimum speed 66-7-305 10.00

66-7-306 15.00

er starting 6-7-324 10.00

er backing	66-7-354	10.00
	66-7-308	10.00
	66-7-313	10.00
	66-7-316	10.00
	66-7-317	10.00
	66-7-319	10.00
Improper passing	66-7-309 through 66-7-312	10.00
er passing	66-7-315	10.00
	Controlled access	
	66-7-320	10.00
	Controlled access	
	66-7-321	10.00
er turning	66-7-322	10.00
er turning	66-7-323	10.00
er turning	66-7-325	10.00
Following too closely	66-7-318	10.00
Failure to yield	66-7-328 through 66-7-331	10.00
	66-7-332	50.00
	66-7-332.1	25.00
rian violation	66-7-333	10.00
rian violation	66-7-340	10.00
Failure to stop	66-7-342 and 66-7-344	
	through 66-7-346	10.00

	Railroad-highway grade		
ing violation	66-7-341 and 66-7-343	150.00	
ing school bus	66-7-347	100.00	
Failure to signal	66-7-325 through 66-7-327	10.00	
to secure load	66-7-407	100.00	
	Operation without oversize-		
ight permit	66-7-413	50.00	
	Transport of reducible		
	load with special		
	permit more than six miles		
ng	66-7-413	100.00	
er equipment	66-3-801		
	through 66-3-851	25.00	
er equipment	66-3-901	20.00	
	Improper emergency		
	66-3-853 through 66-3-857	10.00	
	Minor on motorcycle		
t helmet	66-7-356	300.00	
Operation interference	66-7-357	50.00	
	66-7-364	300.00	
Improper parking	66-7-349 through 66-7-352		
	and 66-7-353	5.00	
er parking	66-3-852	5.00	

to dim lights 66-3-831 10.00

Riding in or towing

occupied house trailer 66-7-366 5.00

Improper opening of doors 66-7-367 5.00

No slow-moving vehicle

emblem or flashing

66-3-887 5.00

Open container - first

66-8-138 25.00

Texting while driving - Section 1 of this

first violation 2014 act 25.00

Texting while driving - Section 1 of this

2014 act 50.00.

B. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of an accident resulting in injury or death to a person.

C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

D. The penalty assessment for speeding in violation of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978 is twice the penalty assessment established in Subsection A of this section for the equivalent miles per hour over the speed limit.

E. Upon a second conviction for operation without a permit for excessive size or weight pursuant to Section 66-7-413 NMSA 1978, the penalty assessment shall be two hundred fifty dollars (\$250). Upon a third or subsequent conviction, the penalty assessment shall be five hundred dollars (\$500).

F. Upon a second conviction for transport of a reducible load with a permit for excessive size or weight pursuant to Subsection N of Section 66-7-413 NMSA 1978 more than six miles from a port-of-entry facility on the border with Mexico, the penalty assessment shall be five hundred dollars (\$500). Upon a third or subsequent conviction, the penalty assessment shall be one thousand dollars (\$1,000)."

Chapter 5 Section 3 Laws 2014

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

Senate Bill 19, aa

Approved March 2, 2014

LAWS 2014, CHAPTER 6

AN ACT

RELATING TO HORSE RACING; PERMITTING RACETRACK LICENSEES TO EJECT OR EXCLUDE FROM THEIR LICENSED PREMISES ANY PERSON WHO ADMINISTERS A PERFORMANCE-ALTERING SUBSTANCE TO A RACEHORSE; DECLARING AN EMERGENCY.

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

Chapter 6 Section 1 Laws 2014

SECTION 1. A new section of the Horse Racing Act is enacted to read:

"RACETRACK LICENSEES--POWER TO EJECT OR EXCLUDE.--

A. A racetrack licensee may eject or exclude from the association grounds any person whose occupational license has been suspended or revoked by the commission for administering a performance-altering substance as provided in Subsection A of Section 60-1A-28 NMSA 1978.

B. Nothing in this section shall be construed to limit a racetrack licensee's power to eject or exclude a person from the association grounds for any other lawful reason.

C. For the purposes of this section, "association grounds" means all real property used during a race meeting by a person holding a license from the commission

to conduct racing with pari-mutuel wagering, including the racetrack, grandstand, casino, concession stands, offices, barns, stable area, employee housing facilities and parking lots."

Chapter 6 Section 2 Laws 2014

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

Senate Bill 116, aa, w/ec

Approved March 3, 2014

LAWS 2014, CHAPTER 7

AN ACT

RELATING TO HEALTH CARE; AMENDING A SECTION OF THE PUBLIC HEALTH ACT TO REQUIRE TESTING FOR CRITICAL CONGENITAL HEART DISEASE IN NEWBORN INFANTS.

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

Chapter 7 Section 1 Laws 2014

SECTION 1. Section 24-1-6 NMSA 1978 (being Laws 1973, Chapter 359, Section 6, as amended) is amended to read:

"24-1-6. TESTS REQUIRED FOR NEWBORN INFANTS.--

A. The department shall adopt screening tests for the detection of congenital diseases that shall be given to every newborn infant, except that, after being informed of the reasons for the tests, the parents or guardians of the newborn child may waive the requirements for the tests in writing. The screening tests shall include at a minimum:

- (1) 3-methylcrotonyl-CoA deficiency;
- (2) 3-OH 3-CH₃ glutaric aciduria;
- (3) argininosuccinic acidemia;
- (4) mitochondrial acetoacetyl-CoA thiolase deficiency;

- (5) biotinidase deficiency;
- (6) carnitine uptake defect;
- (7) citrullinemia;
- (8) congenital adrenal hyperplasia;
- (9) congenital hypothyroidism;
- (10) cystic fibrosis;
- (11) galactosemia;
- (12) glutaric acidemia type I;
- (13) Hb S/beta-thalassemia;
- (14) hearing deficiency;
- (15) homocystinuria;
- (16) isovaleric acidemia;
- (17) long-chain L-3-OH acyl-CoA dehydrogenase deficiency;
- (18) maple syrup urine disease;
- (19) medium chain acyl-CoA dehydrogenase deficiency;
- (20) methylmalonic acidemia;
- (21) multiple carboxylase deficiency;
- (22) phenylketonuria;
- (23) propanoic acidemia;
- (24) sickle cell anemia;
- (25) trifunctional protein deficiency;
- (26) tyrosinemia type I;
- (27) very long-chain acyl-CoA dehydrogenase deficiency; and

(28) critical congenital heart disease by means of a test performed using a pulse oximeter before the newborn infant is discharged from the hospital or birthing facility where the newborn infant was born. For the purposes of this paragraph, "pulse oximeter" means a device that measures the oxygen saturation of arterial blood.

B. Upon the later of either January 1, 2011 or when the secretary finds that these screening tests are reasonably available, the department shall adopt screening tests for the detection of the following genetic diseases that shall be given to every newborn infant; except that, after being informed of the reasons for the tests, the parents or guardians of the newborn child may waive the requirements of the tests in writing. The screening tests shall include:

- (1) acid maltase deficiency or glycogen storage disease type II;
- (2) globoid cell leukodystrophy;
- (3) Gaucher's disease;
- (4) Niemann-Pick disease; and
- (5) Fabry disease.

C. In determining which other congenital diseases to screen for, the secretary shall consider the recommendations of the New Mexico pediatric society of the American academy of pediatrics.

D. The department shall institute and carry on such laboratory services or may contract with another agency or entity to provide such services as are necessary to detect the presence of congenital diseases.

E. The department shall, as necessary, carry on an educational program among physicians, hospitals, public health nurses and the public concerning congenital diseases.

F. The department shall require that all hospitals or institutions having facilities for childbirth perform or have performed screening tests for congenital diseases on all newborn infants except if the parents or guardians of a child object to the tests in writing."

House Bill 9

Approved March 3, 2014

LAWS 2014, CHAPTER 8

AN ACT

RELATING TO TAXATION; PROVIDING FOR A DEDUCTION FROM GROSS RECEIPTS FOR SALES OF CERTAIN COMMERCIAL OR MILITARY CARRIERS.

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

Chapter 8 Section 1 Laws 2014

SECTION 1. 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 department shall compile an annual report on the deduction provided by this section that shall include the number of taxpayers approved by the department to receive the deduction, the aggregate amount of deductions approved and any other information necessary to evaluate the effectiveness of the deduction. Beginning in 2019 and every five years thereafter that the deduction is in effect, the department shall compile and present the annual reports to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the deduction."

Chapter 8 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

House Bill 24, aa, w/coc

Approved March 3, 2014

LAWS 2014, CHAPTER 9

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING ALL LICENSED SCHOOL EMPLOYEES TO BE TRAINED IN DETECTING AND REPORTING CHILD SEXUAL ABUSE AND ASSAULT AND IN ASSISTING IN AWARENESS AND PREVENTION; REQUIRING HEALTH EDUCATION INSTRUCTION TO INCLUDE AGE-APPROPRIATE SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION TRAINING.

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

Chapter 9 Section 1 Laws 2014

SECTION 1. Section 22-10A-32 NMSA 1978 (being Laws 1988, Chapter 48, Section 1, as amended) is amended to read:

"22-10A-32. LICENSED SCHOOL EMPLOYEES--REQUIRED TRAINING PROGRAM.--

A. All licensed school employees shall be required to complete training in the detection and reporting of child abuse and neglect, including sexual abuse and assault, and substance abuse. Except as otherwise provided in this subsection, this requirement shall be completed within the licensed school employee's first year of employment by a school district. Licensed school employees hired prior to the 2014-2015 school year shall complete the sexual abuse and assault component of the required training during the 2014-2015 school year.

B. The department shall develop a training program, including training materials and necessary training staff, to meet the requirement of Subsection A of this section to make the training available in every school district. The department shall coordinate the development of the program with appropriate staff in school districts and at the human services department, the department of health and the children, youth and families department. The department shall consult with the federal centers for disease control and prevention when developing the evidence-based training component on child sexual abuse and assault to include methods and materials that have proven to be effective.

C. The training program developed pursuant to this section shall be made available by the department to the deans of every college of education in NewMexico for use in providing such training to students seeking elementary and secondary education licensure."

Chapter 9 Section 2 Laws 2014

SECTION 2. Section 22-13-1 NMSA 1978 (being Laws 2003, Chapter 153, Section 57, as amended) is amended to read:

"22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS REQUIRED--
ACCREDITATION.--

A. The department shall require public schools to address department-approved academic content and performance standards when instructing in specific department-required subject areas as provided in this section. A public school or school district failing to meet these minimum requirements shall not be accredited by the department.

B. All kindergarten through third grade classes shall provide daily instruction in reading and language arts skills, including phonemic awareness, phonics and comprehension, and in mathematics. Students in kindergarten and first grades shall be screened and monitored for progress in reading and language arts skills, and students in second grade shall take diagnostic tests on reading and language arts skills.

C. All first, second and third grade classes shall provide instruction in art, music and a language other than English, and instruction that meets content and performance standards shall be provided in science, social studies, physical education and health education.

D. In fourth through eighth grades, instruction that meets academic content and performance standards shall be provided in the following subject areas:

(1) reading and language arts skills, with an emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year;

(2) mathematics;

(3) language other than English;

(4) communication skills;

(5) science;

(6) art;

(7) music;

(8) social studies;

(9) New Mexico history;

(10) United States history;

(11) geography;

(12) physical education; and

(13) health education.

E. Beginning with the 2008-2009 school year, in eighth grade, algebra 1 shall be offered in regular classroom settings or through online courses or agreements with high schools.

F. In fourth through eighth grades, school districts shall offer electives that contribute to academic growth and skill development and provide career and technical education. In sixth through eighth grades, media literacy may be offered as an elective.

G. In ninth through twelfth grades, instruction that meets academic content and performance standards shall be provided in health education.

H. All health education courses shall include age-appropriate sexual abuse and assault awareness and prevention training that meets department standards developed in consultation with the federal centers for disease control and prevention that are based on evidence-based methods that have proven to be effective."

Chapter 9 Section 3 Laws 2014

SECTION 3. Section 22-13-1.1 NMSA 1978 (being Laws 1986, Chapter 33, Section 5, as amended by Laws 2010, Chapter 25, Section 1 and by Laws 2010, Chapter 110, Section 1) is amended to read:

"22-13-1.1. GRADUATION REQUIREMENTS.--

A. At the end of grades eight through eleven, each student shall prepare an interim next-step plan that sets forth the coursework for the grades remaining until high school graduation. Each year's plan shall explain any differences from previous interim next-step plans, shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent and the student's guidance counselor or other school official charged with coursework planning for the student.

B. Each student must complete a final next-step plan during the senior year and prior to graduation. The plan shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent and the student's guidance counselor or other school official charged with coursework planning for the student.

C. An individualized education program that meets the requirements of Subsections A and B of this section and that meets all applicable transition and procedural requirements of the federal Individuals with Disabilities Education Act for a student with a disability shall satisfy the next-step plan requirements of this section for that student.

D. A local school board shall ensure that each high school student has the opportunity to develop a next-step plan based on reports of college and workplace readiness assessments, as available, and other factors and is reasonably informed about:

(1) curricular and course options, including honors or advanced placement courses, dual-credit courses, distance learning courses, career clusters, pre-apprenticeship programs or remediation programs that the college and workplace readiness assessments indicate to be appropriate;

(2) opportunities available that lead to different post-high-school options; and

(3) alternative opportunities available if the student does not finish a planned curriculum.

E. The secretary shall:

(1) establish specific accountability standards for administrators, counselors, teachers and school district staff to ensure that every student has the opportunity to develop a next-step plan;

(2) promulgate rules for accredited private schools in order to ensure substantial compliance with the provisions of this section;

(3) monitor compliance with the requirements of this section; and

(4) compile such information as is necessary to evaluate the success of next-step plans and report annually, by December 15, to the legislative education study committee and the governor.

F. Successful completion of a minimum of twenty-three units aligned to the state academic content and performance standards shall be required for graduation. These units shall be as follows:

(1) four units in English, with major emphasis on grammar and literature;

(2) three units in mathematics, at least one of which is equivalent to the algebra 1 level or higher;

(3) two units in science, one of which shall have a laboratory component; provided, however, that with students entering the ninth grade beginning in the 2005-2006 school year, three units in science shall be required, one of which shall have a laboratory component;

(4) three units in social science, which shall include United States history and geography, world history and geography and government and economics;

(5) one unit in physical education;

(6) one unit in communication skills or business education, with a major emphasis on writing and speaking and that may include a language other than English;

(7) one-half unit in New Mexico history for students entering the ninth grade beginning in the 2005-2006 school year; and

(8) nine elective units and seven and one-half elective units for students entering the ninth grade in the 2005-2006 school year that meet department content and performance standards. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Pre-apprenticeship programs may be offered as electives. Media literacy may be offered as an elective.

G. For students entering the ninth grade beginning in the 2009-2010 school year, at least one of the units required for graduation shall be earned as an advanced placement or honors course, a dual-credit course offered in cooperation with an institution of higher education or a distance learning course.

H. The department shall establish a procedure for students to be awarded credit through completion of specified career technical education courses for certain graduation requirements.

I. Successful completion of the requirements of the New Mexico diploma of excellence shall be required for graduation for students entering the ninth grade beginning in the 2009-2010 school year. Successful completion of a minimum of twenty-four units aligned to the state academic content and performance standards shall be required to earn a New Mexico diploma of excellence. These units shall be as follows:

(1) four units in English, with major emphasis on grammar, nonfiction writing and literature;

(2) four units in mathematics, of which one shall be the equivalent to or higher than the level of algebra 2, unless the parent submitted written, signed permission for the student to complete a lesser mathematics unit; and provided that a financial literacy course that meets state mathematics academic content and performance standards shall qualify as one of the four required mathematics units;

(3) three units in science, two of which shall have a laboratory component;

(4) three and one-half units in social science, which shall include United States history and geography, world history and geography, government and economics and one-half unit of New Mexico history;

(5) one unit in physical education;

(6) one unit in one of the following: a career cluster course, workplace readiness or a language other than English; and

(7) seven and one-half elective units that meet department content and performance standards. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Pre-apprenticeship programs may be offered as electives. Media literacy may be offered as an elective.

J. For students entering the eighth grade in the 2012-2013 school year, a course in health education is required prior to graduation. Health education may be required in either middle school or high school, as determined by the school district. Each school district shall submit to the department by the beginning of the 2011-2012 school year a health education implementation plan for the 2012-2013 and subsequent school years, including in which grade health education will be required and how the course aligns with department content and performance standards. Health education shall include age-appropriate sexual abuse and assault awareness and prevention training that meets department standards developed in consultation with the federal centers for disease control and prevention that are based on evidence-based methods that have proven to be effective.

K. Final examinations shall be administered to all students in all classes offered for credit.

L. Until July 1, 2010, a student who has not passed a state graduation examination in the subject areas of reading, English, mathematics, writing, science and social science shall not receive a high school diploma. The state graduation examination on social science shall include a section on the constitution of the United States and the constitution of New Mexico. If a student exits from the school system at the end of grade twelve without having passed a state graduation examination, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system the student takes and passes the state graduation examination, the student may receive a high school diploma. Any student passing the state graduation examination and completing all other requirements within five years of entering ninth grade, including a final summer session if completed by August 1, may be counted by the school system in which the student is enrolled as a high school graduate for the year in which completion and examination occur.

M. Beginning with the 2010-2011 school year, a student shall not receive a New Mexico diploma of excellence if the student has not demonstrated competence in

the subject areas of mathematics, reading and language arts, writing, social studies and science, including a section on the constitution of the United States and the constitution of New Mexico, based on a standards-based assessment or assessments or a portfolio of standards-based indicators established by the department by rule. The standards-based assessments required in Section 22-2C-4 NMSA 1978 may also serve as the assessment required for high school graduation. If a student exits from the school system at the end of grade twelve without having satisfied the requirements of this subsection, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system the student satisfies the requirement of this subsection, the student may receive a New Mexico diploma of excellence. Any student satisfying the requirements of this subsection and completing all other requirements within five years of entering ninth grade, including a final summer session if completed by August 1, may be counted by the school system in which the student is enrolled as a high school graduate for the year in which all requirements are satisfied.

N. As used in this section:

(1) "final next-step plan" means a next-step plan that shows that the student has committed or intends to commit in the near future to a four-year college or university, a two-year college, a trade or vocational program, an internship or apprenticeship, military service or a job;

(2) "interim next-step plan" means an annual next-step plan in which the student specifies post-high-school goals and sets forth the coursework that will allow the student to achieve those goals; and

(3) "next-step plan" means an annual personal written plan of studies developed by a student in a public school or other state-supported school or institution in consultation with the student's parent and school counselor or other school official charged with coursework planning for the student that includes one or more of the following:

(a) advanced placement or honors courses;

(b) dual-credit courses offered in cooperation with an institution of higher education;

(c) distance learning courses;

(d) career-technical courses; and

(e) pre-apprenticeship programs.

O. The secretary may establish a policy to provide for administrative interpretations to clarify curricular and testing provisions of the Public School Code."

Chapter 9 Section 4 Laws 2014

SECTION 4. APPLICABILITY.--The provisions of this act apply to the 2014-2015 school year and subsequent school years.

HJC/House Bills 92 & 101

Approved March 4, 2014

LAWS 2014, CHAPTER 10

AN ACT

CORRECTING AN OUTDATED REFERENCE IN THE NMSA 1978.

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

Chapter 10 Section 1 Laws 2014

SECTION 1. Section 30-6-4 NMSA 1978 (being Laws 1989, Chapter 287, Section 1) is amended to read:

"30-6-4. OBSTRUCTION OF REPORTING OR INVESTIGATION OF CHILD ABUSE OR NEGLECT.--Obstruction of reporting or investigation of child abuse or neglect consists of:

A. knowingly inhibiting, preventing, obstructing or intimidating another from reporting, pursuant to Section 32A-4-3 NMSA 1978, child abuse or neglect, including child sexual abuse; or

B. knowingly obstructing, delaying, interfering with or denying access to a law enforcement officer or child protective services social worker in the investigation of a report of child abuse or sexual abuse.

Whoever commits obstruction of reporting or investigation of child abuse or neglect is guilty of a misdemeanor."

Senate Bill 136

Approved March 5, 2014

LAWS 2014, CHAPTER 11

AN ACT

RELATING TO TAX INCREMENT DEVELOPMENT DISTRICTS; ESTABLISHING REQUIREMENTS FOR REVISING THE BASE YEAR USED TO DETERMINE A GROSS RECEIPTS TAX INCREMENT; REQUIRING THE RETURN OF CERTAIN GROSS RECEIPTS TAX INCREMENT REVENUE UPON A BASE YEAR REVISION; DECLARING AN EMERGENCY.

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

Chapter 11 Section 1 Laws 2014

SECTION 1. A new section of the Tax Increment for Development Act is enacted to read:

"BASE YEAR REVISION--RESOLUTION--COMMENT PERIOD--SUBMISSION OF MATERIALS.--

A. A district may revise the base year that the district uses to determine its gross receipts tax increment. To initiate the process of revising its base year, 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 year 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 year 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.

D. As used in this section, "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."

Chapter 11 Section 2 Laws 2014

SECTION 2. A new section of the Tax Increment for Development Act is enacted to read:

"BASE YEAR REVISION--APPROVAL.--

A. The state board of finance may approve the revision of the base year used to determine a district's gross receipts tax increment:

(1) once during the lifetime of the district;

(2) if the revised year is a calendar year that is completed;

(3) if no gross receipts tax increment bonds attributable to the district have been issued;

(4) 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

(5) 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 year 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.

C. As used in this section, "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."

Chapter 11 Section 3 Laws 2014

SECTION 3. A new section of the Tax Increment for Development Act is enacted to read:

"BASE YEAR REVISION--EFFECT.--

A. Upon notice of the approval of a revision of the base year 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 year 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 11 Section 4 Laws 2014

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

SCORC/Senate Bill 140, aa, w/ec

Approved March 5, 2014

LAWS 2014, CHAPTER 12

AN ACT

RELATING TO EDUCATION; PROVIDING DUAL CREDIT PROGRAM PARITY FOR ALL HIGH SCHOOL STUDENTS; CLARIFYING LANGUAGE; UPDATING HOME SCHOOL REGISTRATION REQUIREMENTS.

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

Chapter 12 Section 1 Laws 2014

SECTION 1. Section 21-1-1.2 NMSA 1978 (being Laws 2007, Chapter 227, Section 1, as amended) is amended to read:

"21-1-1.2. DUAL CREDIT FOR HIGH SCHOOL AND POST-SECONDARY CLASSES.--

A. As used in this section:

(1) "bureau of Indian education school" means a school located in New Mexico that is under the control of the bureau of Indian education of the United States department of the interior;

(2) "dual credit course" means a post-secondary course that may be academic or career-technical but not remedial or developmental and specified in a rule promulgated pursuant to Paragraph (1) of Subsection G of this section for which a student simultaneously earns credit toward high school graduation and a post-secondary degree or certificate;

(3) "dual credit program" means a program offered by a public post-secondary educational institution or tribal college that allows high school students to enroll in dual credit courses;

(4) "high school" means a school offering one or more of grades nine through twelve or their equivalent and that is a school district, charter school, state-supported school, bureau of Indian education school, private school or home school; and

(5) "tribal college" means a tribally, federally or congressionally chartered post-secondary educational institution located in New Mexico that is accredited by the north central association of colleges and schools.

B. To be eligible to participate in a dual credit program, the student shall be a school-age person as that term is defined in the Public School Code and:

(1) except as provided in Subsection C of this section, be enrolled in a school district, charter school or state-supported school in one-half or more of the minimum course requirements approved by the public education department for public school students or, if a student in a bureau of Indian education school, private school or home school, be receiving at least one-half of the student's instruction at the student's high school; and

(2) obtain permission from the student's school counselor, school principal or head administrator of the high school that the student primarily attends prior to enrolling in a dual credit course.

C. A student who has met the eligibility criteria provided for in Subsection B of this section in a fall or winter semester and who has not graduated or earned a general educational development certificate may take courses for dual credit during the immediately succeeding summer semester.

D. The high school that the student primarily attends shall pay the cost of the required textbooks and other course supplies for the post-secondary course the student is enrolled in through purchase arrangements with the bookstore at the public post-secondary educational institution or tribal college or through other cost-efficient methods. The student shall return the textbooks and unused course supplies to the high school when the student completes the course or withdraws from the course.

E. A public post-secondary educational institution or tribal college that participates in a dual credit program shall waive all general fees for dual credit courses.

F. The higher education department shall revise procedures in the higher education funding formula to address enrollments in dual credit courses and to encourage institutions to waive tuition for high school students taking those courses.

G. The higher education department and the public education department shall adopt and promulgate rules to implement a dual credit program that specify:

(1) post-secondary courses that are eligible for dual credit;

(2) conditions that apply, including:

(a) the required academic standing and conduct of students enrolled in dual credit courses;

(b) the semesters in which dual credit courses may be taken;

(c) the nature of high school credit earned;

(d) any caps on the number of courses, location of courses and provision of transcripts; and

(e) an appeals process for a student who is denied permission to enroll in a dual credit course;

(3) accommodations or other arrangements applicable to special education students;

(4) the contents of the uniform master agreement that govern the roles, responsibilities and liabilities of the high school, the public post-secondary educational institution or tribal college and the student and the student's family;

(5) provisions for expanding dual credit opportunities through distance learning and other methods;

(6) the means by which school districts, charter schools and state-supported schools are required to inform students and parents about opportunities to participate in dual credit programs during student advisement, academic support and formulation of annual next step plans, as well as other methods; and

(7) provisions for collecting and disseminating annual data, including:

(a) the number of students taking dual credit courses;

(b) the participating high schools, public post-secondary educational institutions and tribal colleges;

(c) the courses taken and grades earned;

(d) the high school graduation rates for participating school districts, charter schools and state-supported schools;

(e) the public post-secondary educational institutions and tribal colleges that participating students ultimately attend; and

(f) the cost of providing dual credit courses.

H. The higher education department and the public education department shall evaluate the dual credit program in terms of its accessibility to students statewide and its effect on:

(1) student achievement in secondary education;

(2) student enrollment and completion of higher education; and

(3) high schools, public post-secondary educational institutions and tribal colleges.

I. The departments shall make an annual report, including recommendations, to the governor and the legislative education study committee.

J. The provisions of this section do not apply to the New Mexico military institute."

Chapter 12 Section 2 Laws 2014

SECTION 2. Section 21-13-19 NMSA 1978 (being Laws 1968, Chapter 70, Section 2, as amended) is amended to read:

"21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

A. For those students in community colleges taking college-level courses, full-time-equivalent students shall be defined and computed by the higher education department in the same manner in which it defines and computes full-time-equivalent students for all other college-level programs within its jurisdiction.

B. No student shall be included in any calculations made under the provisions of this section if the student is enrolled in a course the cost of which is totally reimbursed from federal, state or private sources.

C. The higher education department shall not recommend an appropriation greater than three hundred twenty-five dollars (\$325) for each full-time-equivalent student for any community college that levies a tax at a rate less than two dollars (\$2.00), unless a lower amount is required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon a rate of at least two dollars (\$2.00) on each one thousand dollars (\$1,000) of net taxable value, as that term is defined in the Property Tax Code, or any community college that reduces a previously authorized tax levy, except as required by the operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978.

D. The higher education department shall require from the community college such reports as the department deems necessary for the purpose of determining the number of full-time-equivalent students at the community college eligible to receive support under this section.

E. A community college board shall establish tuition and fee rates for its respective institutions for full-time, part-time, resident and nonresident students, as defined by the higher education department.

F. A community college board may establish and grant gratis scholarships to students who are residents of New Mexico in an amount not to exceed the matriculation fee or tuition and fees, or both. The gratis scholarships are in addition to the lottery tuition scholarships authorized in Section 21-13-10 NMSA 1978 and shall be granted to the full extent of available funds before lottery tuition scholarships are granted. The number of scholarships established and granted pursuant to this subsection shall not exceed three percent of the preceding fall semester enrollment in each institution and shall not be established and granted for summer sessions. The president of each institution shall select and recommend to the community college board of the president's institution, as recipients of scholarships, students who possess good moral character and satisfactory initiative, scholastic standing and personality. All

of the gratis scholarships established and granted by each community college board each year shall be granted on the basis of financial need."

Chapter 12 Section 3 Laws 2014

SECTION 3. Section 22-1-2.1 NMSA 1978 (being Laws 1985, Chapter 21, Section 2, as amended) is amended to read:

"22-1-2.1. HOME SCHOOL--REQUIREMENTS.--Any person operating or intending to operate a home school shall:

A. submit a home school registration form made available by the department and posted on the department's web site to notify the department within thirty days of the establishment of the home school and to notify the department on or before August 1 of each subsequent year of operation of the home school;

B. maintain records of student disease immunization or a waiver of that requirement; and

C. provide instruction by a person possessing at least a high school diploma or its equivalent."

Chapter 12 Section 4 Laws 2014

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

Senate Bill 158, aa, w/coc

Approved March 5, 2014

LAWS 2014, CHAPTER 13

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 13 Section 1 Laws 2014

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

1. the Agua Fria mutual domestic water consumers association in Santa Fe county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

2. the Alamogordo public school district in Otero county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

3. the city of Alamogordo in Otero county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights, special assessment district and solid waste projects;

4. the Arroyo de Agua water association in Rio Arriba county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

5. the Artesia public school district in Eddy and Chaves counties for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

6. the city of Bayard in Grant county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

7. the Bernalillo county metropolitan court in Bernalillo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

8. the Bernalillo public school district in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

9. the Bluewater water and sanitation district in Cibola county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

10. the village of Bosque Farms in Valencia county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

11. the Camino Real regional utility authority in Dona Ana county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

12. the Capitan municipal school district in Lincoln county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

13. the village of Capitan in Lincoln county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

14. the Carlsbad municipal school district in Eddy county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

15. the city of Carlsbad in Eddy county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

16. the village of Chama in Rio Arriba county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

17. Chaves county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

18. Cibola general hospital in Cibola county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

19. the village of Cimarron in Colfax county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

20. the Clayton municipal school district in Union county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

21. the Cloudcroft municipal school district in Otero county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

22. the village of Cloudcroft in Otero county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

23. the Clovis municipal school district in Curry county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

24. the city of Clovis in Curry county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

25. Clovis community college in Curry county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

26. the village of Columbus in Luna county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

27. the village of Corrales in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

28. the Cuba soil and water conservation district in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

29. the city of Deming in Luna county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

30. the Des Moines municipal school district in Union county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

31. the town of Dexter in Chaves county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

32. the village of Eagle Nest in Colfax county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

33. the east Rio Arriba soil and water conservation district in Rio Arriba county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

34. El Camino Real academy charter school in Bernalillo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

35. El Rito mutual domestic water consumers association in Rio Arriba and Taos counties for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

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

37. the Eldorado area water and sanitation district in Santa Fe county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

38. the city of Elephant Butte in Sierra county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

39. the town of Elida in Roosevelt county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

40. the Espanola public school district in Rio Arriba county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

41. the city of Farmington in San Juan county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

42. the village of Fort Sumner in De Baca county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

43. the Gadsden independent school district in Dona Ana and Otero counties for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

44. Gila regional medical center in Grant county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

45. Grant county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights, special assessment district and solid waste projects;

46. the Greater Chimayo mutual domestic water consumers association in Rio Arriba and Santa Fe counties for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

47. the town of Hagerman in Chaves county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

48. Hidalgo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

49. the Hidden Valley mutual domestic water consumers association in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

50. the city of Hobbs in Lea county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

51. the Hobbs municipal school district in Lea county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

52. the Hondo Valley public school district in Lincoln county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

53. the village of Hope in Eddy county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

54. the village of House in Quay county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

55. the Jemez Valley public school district in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

56. the village of Jemez Springs in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

57. the Jicarilla Apache Nation in Rio Arriba county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

58. La Union mutual domestic water consumers association in Dona Ana county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

59. the Lake Arthur municipal school district in Chaves county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

60. the town of Lake Arthur in Chaves county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

61. Las Cruces public school district in Dona Ana county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

62. Lincoln county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights, special assessment district, public improvement district and solid waste projects;

63. Los Alamos public school district in Los Alamos county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

64. Los Lunas public school district in Valencia county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

65. the village of Los Ranchos de Albuquerque in Bernalillo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

66. Luna county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights, special assessment district and solid waste projects;

67. the Magdalena municipal school district in Socorro county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

68. McKinley county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights, special assessment district, public improvement district and solid waste projects;

69. the Melrose public school district in Curry, Roosevelt and Quay counties for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

70. Mesalands community college in Quay county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

71. the Mesquite mutual domestic water consumers and mutual sewage works association in Dona Ana county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

72. the town of Mountainair in Torrance county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

73. the Native American community academy charter school in Bernalillo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

74. the Navajo Nation in San Juan and McKinley counties for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

75. the Ramah chapter of the Navajo Nation in Cibola county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

76. the New Mexico building and education congress for ACE leadership charter school in Bernalillo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

77. New Mexico junior college in Lea county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

78. New Mexico military institute in Chaves county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

79. the North Central solid waste authority in Rio Arriba and Santa Fe counties for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

80. the Pecos independent school district in San Miguel county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

81. the Penasco independent school district in Taos county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

82. the Pojoaque Valley public school district in Santa Fe county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

83. the Pueblo of Acoma in Cibola county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

84. the Pueblo of Isleta in Bernalillo and Valencia counties for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

85. the Pueblo of Jemez in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

86. the Pueblo of Picuris in Taos county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

87. the Pueblo of San Felipe in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

88. the Pueblo of San Ildefonso in Rio Arriba county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

89. the Pueblo of Santa Clara in Rio Arriba county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

90. the Pueblo of Santo Domingo in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

91. the Pueblo of Taos in Taos county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

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

93. the Pueblo of Zia in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

94. the village of Questa in Taos county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

95. the Raton public school district in Colfax county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

96. the town of Red River in Taos county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

97. the Rehoboth McKinley Christian hospital in McKinley county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

98. the village of Reserve in Catron county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

99. the Rio Rancho public school district in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

100. the city of Rio Rancho in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights, special assessment district and solid waste projects;

101. the Roosevelt county hospital district in Roosevelt county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

102. the Roswell independent school district in Chaves county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

103. the city of Roswell in Chaves county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

104. San Juan regional medical center in San Juan county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

105. Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

106. the village of Santa Clara in Grant county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

107. Santa Fe county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights, special assessment district, public improvement district and solid waste projects;

108. the Santa Fe public school district in Santa Fe county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

109. the Santa Fe solid waste management agency in Santa Fe county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

110. the city of Santa Fe in Santa Fe county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights, special assessment district, public improvement district and solid waste projects;

111. the city of Santa Rosa in Guadalupe county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

112. the village of San Ysidro in Sandoval county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

113. the Silver consolidated school district in Grant county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

114. the South Central solid waste authority in Dona Ana county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

115. the town of Springer in Colfax county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

116. the Taos municipal landfill in Taos county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

117. the Texico municipal school district in Curry and Roosevelt counties for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

118. the Tierra y Montes soil and water conservation district in San Miguel county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

119. the Timberon water and sanitation district in Otero county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

120. the city of Truth or Consequences in Sierra county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

121. the village of Tularosa in Otero county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

122. the village of Virden in Hidalgo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

123. the West Las Vegas public school district in San Miguel county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

124. the village of Willard in Torrance county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

125. the village of Williamsburg in Sierra county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

126. Nuestros Valores charter high school in Bernalillo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

127. the association for charter educational services for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects; and

128. Cien Aguas international school in Bernalillo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects.

Chapter 13 Section 2 Laws 2014

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 2017 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 13 Section 3 Laws 2014

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

Approved March 5, 2014

LAWS 2014, CHAPTER 14

AN ACT

RELATING TO HEALTH CARE; ENACTING THE PHARMACY BENEFITS MANAGER REGULATION ACT; PROVIDING PENALTIES; AMENDING AND ENACTING SECTIONS OF THE NEW MEXICO INSURANCE CODE; REQUIRING LICENSURE OF PHARMACY BENEFITS MANAGERS; ESTABLISHING GUIDELINES AND NOTICE PROVISIONS FOR MAXIMUM ALLOWABLE COST FOR DRUGS AND FOR CHALLENGING MAXIMUM ALLOWABLE COST PRICING.

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

Chapter 14 Section 1 Laws 2014

SECTION 1. A new section of the New Mexico Insurance Code is enacted to read:

"SHORT TITLE.--Sections 1 through 6 of this act may be cited as the "Pharmacy Benefits Manager Regulation Act"."

Chapter 14 Section 2 Laws 2014

SECTION 2. A new section of the New Mexico Insurance Code is enacted to read:

"DEFINITIONS.--As used in the Pharmacy Benefits Manager Regulation Act:

A. "covered entity" means a nonprofit hospital or medical service corporation, health insurer, health benefit plan or health maintenance organization; a health program administered by the state as a provider of health coverage; any type of group health care coverage, including any form of self-insurance offered, issued or renewed pursuant to the Health Care Purchasing Act; or an employer, labor union or other group of persons organized in the state that provides health coverage to covered individuals who are employed or reside in the state. "Covered entity" does not include a self-funded plan that is exempt from state regulation pursuant to the federal Employee Retirement Income Security Act of 1974; a plan issued for coverage for federal employees; or a health plan that provides coverage only for accidental injury, specified disease, hospital indemnity, medicare supplement, disability income, long-term care or other limited benefit health insurance policies and contracts;

B. "covered individual" means a member, participant, enrollee, contract holder, policy holder or beneficiary of a covered entity who is provided health coverage

by the covered entity and includes a dependent or other person provided health coverage through a policy, contract or plan for a covered individual;

C. "medicare advantage plan" or "MA-PD" means a prescription drug program authorized pursuant to Part C of Title 18 of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 that provides qualified prescription drug coverage;

D. "pharmacist" means an individual licensed as a pharmacist by the board of pharmacy;

E. "pharmacy" means a licensed place of business where drugs are compounded or dispensed and pharmacist services are provided;

F. "pharmacy benefits management" means the service provided to a health benefit plan or health insurer, directly or through another person, including the procurement of prescription drugs to be dispensed to patients, or the administration or management of prescription drug benefits, including:

(1) mail service pharmacies; and

(2) claims processing, retail network management or payment of claims to pharmacies for dispensing dangerous drugs, as those drugs are defined in the New Mexico Drug, Device and Cosmetic Act;

G. "pharmacy benefits manager" means a person or a wholly or partially owned or controlled subsidiary of a person that provides claims administration, benefit design and management, pharmacy network management, negotiation and administration of product discounts, rebates and other benefits accruing to the pharmacy benefits manager or other prescription drug or device services to third parties, but "pharmacy benefits manager" does not include licensed health care facilities, pharmacies, licensed health care professionals, health insurers, unions, health maintenance organizations, medicare advantage plans or prescription drug plans when providing formulary services to their own patients, employees, members or beneficiaries;

H. "prescription drug plan" or "PDP" means prescription drug coverage that is offered pursuant to a policy, contract or plan that has been approved as specified in 42 CFR Part 423 and that is offered by a prescription drug plan sponsor that has a contract with the federal centers for medicare and medicaid services of the United States department of health and human services; and

I. "superintendent" means the superintendent of insurance."

Chapter 14 Section 3 Laws 2014

SECTION 3. A new section of the New Mexico Insurance Code is enacted to read:

"LICENSE.--

A. A person shall not operate as a pharmacy benefits manager unless licensed by the superintendent in accordance with the Pharmacy Benefits Manager Regulation Act and applicable federal and state laws.

B. An application for licensure as a pharmacy benefits manager shall require only the following information:

(1) the identity of the pharmacy benefits manager;

(2) the name and business address of the contact person for the pharmacy benefits manager; and

(3) where applicable, the federal employer identification number for the pharmacy benefits manager.

C. The superintendent shall enforce the provisions of the Pharmacy Benefits Manager Regulation Act and may suspend or revoke a license issued to a pharmacy benefits manager or deny an application for a license or renewal of a license if:

(1) the pharmacy benefits manager is operating materially in contravention of its application;

(2) the pharmacy benefits manager has failed to continuously meet or substantially comply with the requirements for issuance of a license;

(3) the pharmacy benefits manager has failed to substantially comply with applicable state or federal laws or rules; or

(4) the pharmacy benefits manager has transacted insurance in the state without authorization or has transacted insurance for a product that is not issued by an authorized insurer.

D. If the license of a pharmacy benefits manager is revoked, the manager shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and conduct no further business except as may be essential to the orderly conclusion of its affairs. The superintendent may permit further operation of the pharmacy benefits manager if the superintendent finds it to be in the best interest of patients to obtain pharmacist services.

E. A person whose pharmacy benefits manager license has been denied, suspended or revoked may seek review of the denial, suspension or revocation pursuant to the provisions of Chapter 59A, Article 4 NMSA 1978."

Chapter 14 Section 4 Laws 2014

SECTION 4. A new section of the New Mexico Insurance Code is enacted to read:

"MAXIMUM ALLOWABLE COST PRICING REQUIREMENTS.--

A. A pharmacy benefits manager using maximum allowable cost pricing shall:

(1) to place a drug on a maximum allowable cost list, ensure that the drug:

(a) is listed as "A" or "B" rated in the most recent version of the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, also known as the "orange book";

(b) has an "NR" or "NA" rating or a similar rating by a nationally recognized reference; and

(c) is generally available for purchase by pharmacies in the state from national or regional wholesalers and is not obsolete;

(2) provide to a network pharmacy provider, at the time a contract is entered into or renewed with the network pharmacy provider, the sources used to determine the maximum allowable cost pricing for the maximum allowable cost list specific to that provider;

(3) review and update maximum allowable cost price information at least once every seven business days to reflect any modification of maximum allowable cost pricing;

(4) establish a process for eliminating products from the maximum allowable cost list or modifying maximum allowable cost prices in a timely manner to remain consistent with pricing changes and product availability in the marketplace;

(5) provide a procedure under which a network pharmacy provider may challenge a listed maximum allowable cost price for a drug and respond to a challenge not later than the fifteenth day after the date the challenge is made. If the challenge is successful, a pharmacy benefits manager using maximum allowable cost pricing shall make an adjustment in the drug price effective one day after the challenge is resolved, and make the adjustment applicable to all similarly situated network

pharmacy providers, as determined by the managed care organization or pharmacy benefits manager, as appropriate. If the challenge is denied, the pharmacy benefits manager using maximum allowable cost pricing shall provide the reason for the denial; and

(6) provide a process for each of its network pharmacy providers to readily access the maximum allowable cost list specific to that provider.

B. A maximum allowable cost list specific to a provider and maintained by a managed care organization or pharmacy benefits manager is confidential.

C. As used in this section, "maximum allowable cost" means the maximum amount that a pharmacy benefits manager will reimburse a pharmacy for the cost of a generic drug."

Chapter 14 Section 5 Laws 2014

SECTION 5. A new section of the New Mexico Insurance Code is enacted to read:

"PHARMACY BENEFITS MANAGER CONTRACTS.--

A. A pharmacy benefits manager shall not require that a pharmacy participate in one contract in order to participate in another contract.

B. Each pharmacy benefits manager shall provide to the pharmacies, at least thirty days prior to its execution, a contract written in plain English.

C. A contract between a pharmacy benefits manager and a pharmacy shall provide specific time limits for the pharmacy benefits manager to pay the pharmacy for services rendered."

Chapter 14 Section 6 Laws 2014

SECTION 6. A new section of the New Mexico Insurance Code is enacted to read:

"AUDIT--PHARMACY BENEFITS MANAGER.--A pharmacy benefits manager, whether licensed pursuant to the Pharmacy Benefits Manager Regulation Act or exempt from licensure pursuant to that act, shall be subject to Section 61-11-18.2 NMSA 1978."

Chapter 14 Section 7 Laws 2014

SECTION 7. Section 59A-6-1 NMSA 1978 (being Laws 1984, Chapter 127, Section 101, as amended) is amended to read:

"59A-6-1. FEE SCHEDULE.--The superintendent shall collect the following fees:

A. insurer's certificate of authority -

(1) filing application for certificate of authority, and issuance of certificate of authority, if issued, including filing of all charter documents, financial statements, service of process, power of attorney, examination reports and other documents included with and part of the application \$1,000.00

(2) annual continuation of certificate of authority, per kind of insurance
200.00

(3) reinstatement of certificate of authority (Section 59A-5-23 NMSA 1978)
150.00

(4) amendment to certificate of authority 200.00

B. charter documents - filing amendment to any charter document (as defined in Section 59A-5-3 NMSA 1978) 10.00

C. annual statement of insurer, filing 200.00

D. service of process, acceptance by superintendent and issuance of certificate of service, where issued 10.00

E. agents' licenses and appointments -

(1) filing application for original agent license and issuance of license, if issued
30.00

(2) appointment of agent -

(a) filing appointment, per kind of insurance, each insurer 20.00

(b) annual continuation of appointment, each insurer 20.00

(3) variable annuity agent's license -

(a) filing application for license and issuance of license, if issued . 30.00

(b) annual continuation of appointment 20.00

(4) temporary license -

(a) as to life and health insurance or both 30.00

(b) as to property insurance 30.00

(c) as to casualty/surety insurance 30.00

(d) as to vehicle insurance 30.00

F. agency license and affiliations -

(1) filing application for original agency business entity license and issuance of license,

if issued 30.00

(2) filing of individual affiliation, per kind of insurance 20.00

(3) annual continuation of individual affiliation 20.00

G. solicitor license -

(1) filing application for original license and issuance of license, if issued 30.00

(2) annual continuation of appointment, per kind of insurance 20.00

H. broker license -

(1) filing application for license and issuance of original license, if issued 30.00

(2) annual continuation of license 30.00

I. insurance vending machine license -

(1) filing application for original license and issuance of license, if issued, each machine 25.00

(2) annual continuation of license, each machine 25.00

J. examination for license, application for examination conducted directly by superintendent, each grouping of kinds of insurance to be covered by the examination as provided by the superintendent's rules, and payable as to

each instance of examination 50.00

K. surplus lines insurer - filing application for qualification as eligible surplus lines

insurer 1,000.00

L. surplus lines broker license -

(1) filing application for original license and issuance of license, if issued 100.00

(2) annual continuation of license 100.00

M. surplus lines broker license and affiliations -

(1) filing application for original surplus lines brokerage business entity license and issuance of license, if issued 100.00

(2) filing of individual affiliation per kind of insurance 20.00

(3) annual continuation of individual affiliation 20.00

N. adjuster license -

(1) filing application for original license and issuance of license, if issued 30.00

(2) annual continuation of license 30.00

O. insurance consultant license -

(1) filing application for original license and issuance of license, if issued 50.00

(2) application examination 10.00

(3) biennial continuation of license 100.00

P. viatical settlements license -

(1) providers -

(a) filing application for original license and issuance of license, if issued 1,000.00

(b) annual continuation of license 200.00

(2) brokers -

(a) filing application for original license and issuance of license, if issued
100.00

(b) annual continuation of license 100.00

(3) brokerages -

(a) filing application for original license and issuance of license, if issued
100.00

(b) annual continuation of license 20.00

(c) filing of individual affiliation, per kind of insurance 20.00

(d) annual continuation of individual affiliation 20.00

Q. rating organization or rating advisory organization license -

(1) filing application for license and issuance of license, if issued 100.00

(2) annual continuation of license 100.00

R. nonprofit health care plans -

(1) filing application for preliminary permit and issuance of permit, if issued
100.00

(2) certificate of authority, application, issuance, continuation, reinstatement,
charter documents - same as for insurers

(3) annual statement, filing 200.00

(4) agents and solicitors -

(a) filing application for original license and issuance of license, if issued 30.00

(b) examination for license conducted directly by superintendent, each

instance of examination 50.00

(c) annual continuation of appointment 20.00

S. prepaid dental plans -

(1) certificate of authority, application, issuance, continuation,
reinstatement, charter documents - same as for insurers

(2) annual report, filing 200.00

(3) agents and solicitors -

(a) filing application for original license and issuance of license, if issued 30.00

(b) examination for license conducted directly by superintendent, each instance
of examination 50.00

(c) annual continuation of license 20.00

T. prearranged funeral insurance - application for certificate of authority,
issuance, continuation, reinstatement, charter documents, filing annual statement,
licensing of sales representatives - same as for insurers

U. premium finance companies -

(1) filing application for original license and issuance of license, if issued
100.00

(2) annual renewal of license 100.00

V. motor clubs -

(1) certificate of authority -

(a) filing application for original certificate of authority and issuance of certificate
of authority, if issued 200.00

(b) annual continuation of certificate of authority 100.00

(2) sales representatives -

(a) filing application for registration or license and issuance of registration
or license, if issued, each representative 20.00

(b) annual continuation of registration or license, each representative 20.00

W. bail bondsmen -

(1) filing application for original license as bail bondsman or solicitor, and
issuance of
license, if issued 30.00

of (2) examination for license conducted directly by superintendent, each instance

examination 50.00

(3) annual continuation of appointment 20.00

X. securities salesperson license -

(1) filing application for license and issuance of license, if issued 25.00

(2) annual renewal of license 25.00

Y. required filing of forms or rates - by all lines of business other than property or casualty -

(1) rates 50.00

(2) major form - each new policy and each package submission, which can include

multiple policy forms, application forms, rider forms, endorsement forms or amendment forms 30.00

(3) incidental forms and rates - forms filed for informational purposes; riders, applications,

endorsements and amendments filed individually; rate service organization reference filings; rates filed for

informational purposes 15.00

Z. health maintenance organizations -

(1) filing an application for a certificate of authority 1,000.00

(2) annual continuation of certificate of authority 200.00

(3) filing each annual report 200.00

(4) filing an amendment to organizational documents requiring approval 200.00

(5) filing informational amendments 50.00

(6) agents and solicitors -

- (a) filing application for original license and issuance of license, if issued 30.00
- (b) examination for license, each instance of examination 50.00
- (c) annual continuation of appointment 20.00
- AA. purchasing groups and foreign risk retention groups -
 - (1) original registration 500.00
 - (2) annual continuation of registration 200.00
 - (3) agent or broker fees - same as for authorized insurers
- BB. third party administrators -
 - (1) filing application for original individual insurance administrator license 30.00
 - (2) filing application for original officer, manager or partner insurance administrator license 30.00
 - (3) annual continuation or renewal of license 30.00
 - (4) examination for license conducted directly by the superintendent, each examination 75.00
 - (5) filing of annual report 50.00
- CC. miscellaneous fees -
 - (1) duplicate license 30.00
 - (2) name change 30.00
 - (3) for each signature and seal of superintendent affixed to any instrument 10.00
- DD. pharmacy benefits managers -
 - (1) filing an application for a license 1,000.00
 - (2) annual continuation of license, each year continued 500.00
 - (3) filing each annual report 200.00

(4) filing an amendment to organizational documents requiring approval
200.00

(5) filing informational amendments 100.00

(6) agents -

(a) filing application for original license and issuance of license, if issued
100.00

(b) annual continuation of license 100.00.

An insurer shall be subject to additional fees or charges, termed retaliatory or reciprocal requirements, whenever form or rate-filing fees in excess of those imposed by state law are charged to insurers in New Mexico doing business in another state or whenever a condition precedent to the right to issue policies in another state is imposed by the laws of that state over and above the conditions imposed upon insurers by the laws of New Mexico; in those cases, the same form or rate-filing fees may be imposed upon an insurer from another state transacting or applying to transact business in New Mexico so long as the higher fees remain in force in the other state. If an insurer does not comply with the additional retaliatory or reciprocal requirement charges imposed under this subsection, the superintendent may refuse to grant or may withdraw approval of the tendered form or rate filing.

All fees are earned when paid and are not refundable."

HJC/HHGIC/House Bill 126

Approved March 5, 2014

LAWS 2014, CHAPTER 15

AN ACT

RELATING TO LOCAL GOVERNMENTS; CHANGING THE DEFINITION OF
"CONVENTION CENTER" IN THE CONVENTION CENTER FINANCING ACT.

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

Chapter 15 Section 1 Laws 2014

SECTION 1. Section 5-13-1 NMSA 1978 (being Laws 2003, Chapter 87, Section 1) is amended to read:

"5-13-1. SHORT TITLE.--Chapter 5, Article 13 NMSA 1978 may be cited as the "Convention Center Financing Act"."

Chapter 15 Section 2 Laws 2014

SECTION 2. Section 5-13-2 NMSA 1978 (being Laws 2003, Chapter 87, Section 2, as amended) is amended to read:

"5-13-2. DEFINITIONS.--As used in the Convention Center Financing Act:

A. "convention center" includes a civic center or convention center that includes space for rent by the public for the primary purpose of increasing tourism;

B. "convention center fee" means the fee imposed by a local governmental entity pursuant to the Convention Center Financing Act on vendees for the use of lodging facilities;

C. "local governmental entity" means a qualified municipality or a county authorized by the Convention Center Financing Act to impose convention center fees;

D. "lodging facility" means a hotel, motel or motor hotel, a bed and breakfast facility, an inn, a resort or other facility offering rooms for payment of rent or other consideration;

E. "qualified municipality" means an incorporated municipality or an H class county;

F. "room" means a unit of a lodging facility, such as a hotel room;

G. "vendee" means a person who rents or pays consideration to a vendor for use of a room; and

H. "vendor" means a person or the person's agent who furnishes rooms for occupancy for consideration."

House Bill 223

Approved March 5, 2014

LAWS 2014, CHAPTER 16

AN ACT

RELATING TO PUBLIC EDUCATION; PROVIDING FOR BREAKFAST AFTER THE BELL PROGRAMS FOR STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE.

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

Chapter 16 Section 1 Laws 2014

SECTION 1. Section 22-13-13.2 NMSA 1978 (being Laws 2011, Chapter 35, Section 5) is amended to read:

"22-13-13.2. BREAKFAST PROGRAM REQUIRED--WAIVER--DISTRIBUTION OF FUNDS.--

A. School districts and charter schools shall establish a "breakfast after the bell program" to provide free breakfast, after the instructional day has begun, to all students attending a public school in which eighty-five percent or more of the enrolled students were eligible for free or reduced-price lunch under the National School Lunch Act during the prior school year.

B. A school district or charter school that includes a public school in which fewer than eighty-five percent of the enrolled students were eligible for free or reduced-price lunch during the prior school year under the National School Lunch Act may establish a breakfast after the bell program to provide free breakfast, after the instructional day has begun, to all students attending that public school; provided that the program complies with all applicable department rules relating to the breakfast after the bell program authorized by this section.

C. The school district or charter school may apply to the department for a waiver of the breakfast after the bell program required under the provisions of Subsection A of this section if the school district or charter school can demonstrate that providing the program will result in undue financial hardship for the school district or charter school.

D. The department shall award funding to each school district or charter school that establishes a breakfast after the bell program under the provisions of this section for providing free breakfast to students on a per-meal basis at the federal maximum rate of reimbursement as set forth annually by the federal secretary of agriculture for educational grants awarded under the authority of the secretary. School districts and charter schools do not need to demonstrate their expenses to receive funding pursuant to this section.

E. Disbursements for the breakfast after the bell program shall be paid in sequential order, until the state breakfast after the bell funds are exhausted. School districts and charter schools whose public schools have the highest percentage of enrolled students eligible for free or reduced-price lunch under the National School

Lunch Act shall be paid first. School districts and charter schools whose public schools have the lowest percentage of enrolled students eligible for free or reduced-price lunch under the National School Lunch Act shall be paid last.

F. By June 15 of each year, each school district and charter school seeking state breakfast after the bell funds shall submit to the department the following information:

(1) the number of breakfasts served at no charge by each of its public schools during the previous school year; and

(2) the federal reimbursement rate for each breakfast served.

G. When calculating the amount of breakfast after the bell program funding that is due a public school, the department shall assume that student participation will remain at the same level as the previous year. If a school district or charter school has not previously received state breakfast after the bell funding, the department shall assume that ninety percent of the student population of an eligible public school will participate in the breakfast after the bell program and shall fund the public school's program accordingly.

H. By August 1 of each year, the department shall inform eligible school districts and charter schools of the amount of breakfast after the bell funding they will receive during the upcoming school year.

I. The department shall promulgate rules necessary for implementation of this section, including:

(1) standards for breakfast after the bell programs that meet federal school breakfast program standards;

(2) procedures for waiver requests and the award of waivers as provided for in Subsection C of this section, including what constitutes financial hardship; and

(3) procedures for funding school districts and charter schools.

J. The provisions of this section apply to the 2014-2015 and succeeding school years; provided, however, that the breakfast after the bell for middle and high school students shall begin the first school year after the legislature provides funding for that portion of the program."

Approved March 5, 2014

LAWS 2014, CHAPTER 17

AN ACT

RELATING TO FIREFIGHTERS; INCREASING SUPPLEMENTAL BENEFITS FOR SURVIVORS OF FIREFIGHTERS.

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

Chapter 17 Section 1 Laws 2014

SECTION 1. Section 10-11B-5 NMSA 1978 (being Laws 2007, Chapter 149, Section 5) is amended to read:

"10-11B-5. FIREFIGHTERS' SURVIVORS SUPPLEMENTAL BENEFITS-- REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

A. There is created the "firefighters' survivors supplemental death benefits review committee". The committee shall consist of the attorney general, the president of the New Mexico fire chiefs association, the state president of the New Mexico professional fire fighters association and the president of the New Mexico state fire fighters' association or their designees.

B. The firefighters' survivors supplemental death benefits review committee shall determine whether a firefighter has been killed in the line of duty and advise the state fire marshal of that determination. In addition to any other death benefits provided by law, the surviving spouse or children shall be paid two hundred fifty thousand dollars (\$250,000) as supplemental death benefits whenever a firefighter is killed in the line of duty. The benefits shall be paid from the fund.

C. The benefits shall be paid entirely to the surviving spouse. If there is no surviving spouse, the benefits shall be distributed in pro rata shares to all surviving children. If there are no surviving children or spouse, benefits shall be distributed to the surviving parents of the firefighter."

Chapter 17 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

Approved March 5, 2014

LAWS 2014, CHAPTER 18

AN ACT

RELATING TO TAXATION; PROVIDING A DEDUCTION FOR CERTAIN BIODIESEL FOR SUBSEQUENT BLENDING OR RESALE BY A RACK OPERATOR.

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

Chapter 18 Section 1 Laws 2014

SECTION 1. Section 7-13A-5 NMSA 1978 (being Laws 1990, Chapter 124, Section 18) 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 provisions of regulations 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 department shall calculate the aggregate amount, in dollars, of the difference between the amount of the petroleum products loading fee that would have been collected in a fiscal year if not for the deduction allowed pursuant to Subsection B of this section and the amount of the petroleum products loading fee actually collected. The department shall compile an annual report that includes the aggregate amount, the number of taxpayers that deducted an amount of biodiesel pursuant to Subsection B of this section and any other information necessary to evaluate the deduction. Beginning in

2019 and every five years thereafter, the department shall compile and present the annual reports to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the costs and benefits to the state 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 18 Section 2 Laws 2014

SECTION 2. APPLICABILITY.--The provisions of this act apply to biodiesel loaded in or imported into New Mexico on or after July 1, 2014.

House Bill 288, aa

Approved March 5, 2014

LAWS 2014, CHAPTER 19

AN ACT

RELATING TO TAXATION; PROVIDING A DEDUCTION FROM GROSS RECEIPTS FOR SELLING AIRCRAFT PARTS OR MAINTENANCE SERVICES.

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

Chapter 19 Section 1 Laws 2014

SECTION 1. 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 department shall compile an annual report on the deductions provided by this section that shall include the number of taxpayers approved by the department to receive the deductions, the aggregate amount of deductions approved and any other information necessary to evaluate the effectiveness of the deductions. Beginning in 2019 and every five years thereafter that the deductions are in effect, the department shall compile and present the annual reports to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the deductions.

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 19 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

House Bill 14, aa

Approved March 6, 2014

LAWS 2014, CHAPTER 20

AN ACT

RELATING TO STATE GOVERNMENT; ENACTING THE ONE-STOP BUSINESS PORTAL ACT; PROVIDING FOR THE DEVELOPMENT, OPERATION AND MAINTENANCE OF A WEB-BASED PORTAL FOR CERTAIN BUSINESS TRANSACTIONS WITH THE STATE.

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

Chapter 20 Section 1 Laws 2014

SECTION 1. SHORT TITLE.--This act may be cited as the "One-Stop Business Portal Act".

Chapter 20 Section 2 Laws 2014

SECTION 2. DEFINITIONS.--As used in the One-Stop Business Portal Act:

A. "authorized representative" means a person authorized by a business to use the one-stop business portal to complete business transactions with state agencies on behalf of the business;

B. "department" means the department of information technology; and

C. "state agency" means the New Mexico state government or any department, division, institution, board, bureau, commission or committee of state government and includes any office or officer of any of the above.

Chapter 20 Section 3 Laws 2014

SECTION 3. ONE-STOP BUSINESS PORTAL--DUTIES.--

A. The department shall develop, operate and maintain a centralized web site that is free, user-friendly, searchable and accessible to the public that shall provide authorized representatives of businesses with access or the ability to electronically conduct certain business transactions with state agencies and that shall be known as the "one-stop business portal".

B. No later than January 1, 2017, the department shall provide the framework and define the information exchange process necessary for the one-stop business portal.

C. No later than July 1, 2017, the one-stop business portal shall be available for public access and use and shall include the information and capabilities required by Subsection D of this section.

D. The one-stop business portal shall provide authorized representatives with a single point of entry for conducting certain business transactions with state agencies and shall facilitate or provide the capability to:

(1) access taxation information, including filing and renewal deadlines;

(2) make taxation filings and payments;

(3) access workers' compensation information, including requirements and deadlines;

(4) access information related to business licensing requirements and associated filing and renewal deadlines;

(5) complete and submit applications for licenses, registrations and permits that are issued by state agencies and that are required for the transaction of business in New Mexico;

(6) complete and file documents that state agencies require for the transaction of business in New Mexico;

(7) make payments, including payments for application fees, license fees, registration fees, permit fees, filing fees and payments made pursuant to the Workers' Compensation Act that must be paid to state agencies;

(8) provide electronic communications with customer service representatives during regular business hours regarding the use of the one-stop business portal and the services offered through the one-stop business portal; and

(9) access the sunshine portal.

E. The department and state agencies shall share information received pursuant to or required for the operation or function of the one-stop business portal only for the purpose of implementing the provisions of the One-Stop Business Portal Act or rules promulgated by a state agency pursuant to that act.

Chapter 20 Section 4 Laws 2014

SECTION 4. RULES PROMULGATION--COMPLIANCE REQUIRED.--

A. Pursuant to the State Rules Act, the department shall promulgate rules necessary to support the framework, information exchange process and maintenance of the one-stop business portal pursuant to the One-Stop Business Portal Act.

B. Pursuant to the State Rules Act, the secretary of state, the taxation and revenue department, the workforce solutions department, the regulation and licensing department and the workers' compensation administration may promulgate rules to carry out the provisions of the One-Stop Business Portal Act.

Senate Bill 9, aa

Approved March 6, 2014

LAWS 2014, CHAPTER 21

AN ACT

RELATING TO BAIL BONDSMEN; AMENDING, REPEALING AND ENACTING SECTIONS OF THE BAIL BONDSMEN LICENSING LAW TO PROVIDE FOR QUALIFICATIONS AND EDUCATIONAL REQUIREMENTS FOR LICENSURE.

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

Chapter 21 Section 1 Laws 2014

SECTION 1. Section 59A-51-2 NMSA 1978 (being Laws 1984, Chapter 127, Section 929) is amended to read:

"59A-51-2. DEFINITIONS.--As used in the Bail Bondsmen Licensing Law:

A. "bail bondsman" means a limited surety agent or a property bondsman as hereafter defined;

B. "insurer" means any surety insurer that is authorized to transact surety business in this state;

C. "limited surety agent" means any individual appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings and receives or is promised money or other things of value therefor;

D. "property bondsman" means any person who pledges United States currency, United States postal money orders or cashier's checks or other property as security or surety for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value; and

E. "solicitor" means a person employed by a bail bondsman for the purpose of assisting the bail bondsman in presenting the defendant in court when required, or to assist in the apprehension and surrender of the defendant to the court or in keeping the defendant under necessary surveillance, and to solicit bail bond business, to sign property bonds and to assist in other conduct of the business all as authorized by the employer bail bondsman. This does not affect the right of a bail bondsman to hire counsel or to ask assistance of law enforcement officers. A bail bondsman shall register a solicitor with the superintendent within seven days of employment."

Chapter 21 Section 2 Laws 2014

SECTION 2. Section 59A-51-4 NMSA 1978 (being Laws 1984, Chapter 127, Section 931, as amended) is amended to read:

"59A-51-4. QUALIFICATIONS FOR LICENSE.--Applicants for license as bail bondsman or solicitor pursuant to the provisions of the Bail Bondsmen Licensing Law shall:

- A. be an individual not less than eighteen years of age;
- B. be a citizen of the United States;
- C. be a high school graduate or have passed a high school equivalency examination;
- D. not be a law enforcement, adjudication, jail, court or prosecution official or an employee thereof or an attorney, official authorized to admit to bail or state or county officer;
- E. if for license as bondsman, pass a written examination testing the applicant's knowledge and competence to engage in the bail bondsman business;
- F. be of good personal and business reputation;
- G. if to act as a property bondsman, be financially responsible and provide the surety bond or deposit in lieu thereof as required in accordance with Section 59A-51-8 NMSA 1978;
- H. if to act as a limited surety agent, be appointed by an authorized surety insurer; and
- I. if for license as a solicitor, have been so appointed by a licensed bail bondsman subject to issuance of the solicitor license."

Chapter 21 Section 3 Laws 2014

SECTION 3. Section 59A-51-4.1 NMSA 1978 (being Laws 1999, Chapter 296, Section 1) is amended to read:

"59A-51-4.1. EDUCATIONAL REQUIREMENTS.--

A. In order to be eligible to take the examination required to be licensed as a bail bondsman or solicitor, the applicant shall complete pre-licensing requirements as prescribed by rule. Pre-licensing requirements shall include formal classroom education, the form and content of which shall be subject to approval by the superintendent. In addition, the applicant shall complete thirty hours of on-the-job training under the direct supervision of a licensed bail bondsman who shall certify in writing that the applicant has been taught the subjects pertinent to the duties and responsibilities of a bail bondsman, including ethics and all laws and rules related to the bail bond business, and that the applicant is prepared to take the examination.

B. Prior to renewal of a bail bondsman's or solicitor's license, a licensee shall complete annually continuing education requirements as prescribed by rule.

C. It is a violation of the New Mexico Insurance Code for a person to falsely represent to the superintendent that the education requirements of this section have been complied with or to fail to register with the superintendent.

D. The superintendent shall adopt and promulgate such rules as are necessary for the effective administration of this section."

Chapter 21 Section 4 Laws 2014

SECTION 4. Section 59A-51-5 NMSA 1978 (being Laws 1984, Chapter 127, Section 932, as amended by Laws 1999, Chapter 272, Section 26 and also by Laws 1999, Chapter 289, Section 39) is amended to read:

"59A-51-5. APPLICATION FOR LICENSE.--

A. An individual desiring to be licensed as bail bondsman or solicitor under the Bail Bondsmen Licensing Law shall file with the superintendent a written application on a form as prescribed and furnished by the superintendent, together with an application for a qualifying examination.

B. With application for license to act as property bondsman the applicant shall file with the superintendent a detailed financial statement under oath.

C. Application for a solicitor's license must be endorsed by the appointing bail bondsman, who shall therein be obligated to supervise the solicitor's activities in the bondsman's behalf.

D. The application shall be accompanied by a recent credential-sized full-face photograph of the applicant together with such additional proof of identity as the superintendent may reasonably require.

E. As part of an application for a license, a nonresident applicant shall appoint the superintendent, on a form prescribed and furnished by the superintendent, as agent on whom may be served all legal process issued by a court in this state in any action involving the nonresident licensee. The appointment is irrevocable and continues for so long as an action involving the nonresident licensee could arise. Duplicate copies of process shall be served upon the superintendent or other person in apparent charge of the office of superintendent of insurance during the superintendent's absence, accompanied by payment of the process service fee specified in Section 59A-6-1 NMSA 1978. Upon service, the superintendent shall promptly forward a copy by certified mail, return receipt requested, to the nonresident licensee at the nonresident licensee's last address of record with the superintendent. Process served and copy forward as so provided constitutes personal service upon the nonresident licensee.

F. A nonresident licensee shall also file with the superintendent a written agreement to appear before the superintendent pursuant to a notice of hearing, show

cause order or subpoena issued by the superintendent and deposited, postage paid, by certified mail in a letter depository of the United States post office, addressed to the nonresident licensee at the nonresident licensee's last address of record with the superintendent, and that upon failure of the nonresident licensee to appear, the nonresident licensee consents to subsequent suspension, revocation or refusal of the superintendent to continue the license."

Chapter 21 Section 5 Laws 2014

SECTION 5. Section 59A-51-8 NMSA 1978 (being Laws 1984, Chapter 127, Section 935) is amended to read:

"59A-51-8. BONDING REQUIREMENTS, PROPERTY BONDSMEN.--

A. Prior to the issuance of a license to act as property bondsman, the applicant therefor shall deposit with the superintendent a surety bond in favor of the superintendent, or in lieu thereof a certificate of deposit, securities or a letter of credit issued by an institution, acceptable to the superintendent, and which letter is irrevocable for the term of the license, in a total aggregate amount of not less than twenty-five thousand dollars (\$25,000), conditioned to pay the actual damages resulting to the state or to any member of the public from any violation by the property bondsman of the provisions of the Bail Bondsmen Licensing Law or any other insurance laws. Surety bonds shall be executed by a surety insurer authorized to do business in this state.

B. The bond or deposit shall be maintained for the duration of the license, or, in the case of a surety bond, until the surety is released from liability by the superintendent or until the bond is canceled by the surety. In addition, the bond or deposit shall be maintained until all bonds that have been posted with all courts become exonerated. Without prejudice to any liability incurred prior to expiration or cancellation, the bond may expire, or the surety may cancel a bond by giving written notice to the superintendent at least thirty days prior to the effective date of the cancellation. The licensee shall immediately replace a bond expired or so canceled or make the required deposit in lieu thereof."

Chapter 21 Section 6 Laws 2014

SECTION 6. Section 59A-51-13 NMSA 1978 (being Laws 1984, Chapter 127, Section 940, as amended) is amended to read:

"59A-51-13. PRACTICES.--

A. A bail bondsman or solicitor shall not:

(1) suggest or advise the employment of or name for employment any particular attorney to represent the bail bondsman's or solicitor's principal;

(2) pay a fee or rebate or give or promise anything of value to a jailer, policeman, peace officer, committing magistrate or any other person who has power to arrest or to hold in custody or to any public official or public employee in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or estreatment thereof or to secure delay or other advantage;

(3) pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(4) pay a fee or rebate or offer a reduction in rates, charges or premiums or give or promise anything of value to the principal or anyone on behalf of the principal;

(5) participate in the capacity of an attorney at a trial or hearing of one on whose bond the bail bondsman or solicitor is surety;

(6) except for the premium received for the bond, fail to return any collateral security within a reasonable time after the termination of liability on the bond; or

(7) charge or accept anything of value except the premium on the bond and any extraterritorial recovery expenses, but the bondsman may accept collateral security or other indemnity if:

(a) such collateral security or other indemnity is reasonable in relation to the amount of the bond;

(b) no collateral or security in tangible property is taken by pledge or debt instrument that allows retention, sale or other disposition of such property upon default of premium payment;

(c) no collateral or security interest in real property is taken by deed or any other instrument unless the bail bondsman's interest in the property is limited to one hundred percent of the amount of the bond;

(d) the collateral or security taken by the bondsman is not pledged directly to any court as security for an appearance bond; and

(e) the person from whom the collateral or security is taken is given a receipt describing the condition of the collateral or security at the time it is taken into the custody of the bondsman.

B. When a bail bondsman accepts cash as collateral, the bondsman shall deposit the cash in the bondsman's trust account and give a written receipt for same, and this receipt shall give in detail a full account of the collateral received.

C. Law enforcement, adjudication and prosecution officials and their employees, attorneys-at-law, officials authorized to admit to bail and state and county officers shall not directly or indirectly receive any benefits from the execution of any bail bond.

D. A bail bondsman shall not sign nor countersign in blank any bond, nor shall the bondsman give a power of attorney to or otherwise authorize anyone to countersign the bondsman's name to bonds unless the person so authorized is a licensed bondsman directly employed by the bondsman giving such power of attorney.

E. No bail bond agency shall advertise as or hold itself out to be a surety insurer.

F. Every bail bondsman shall have a permanent street address, and all bail bond business shall be conducted from that address.

G. Every bail bondsman shall transact all bail bond business, surety or property, in the bondsman's proper individual name or one agency name as stated on the application for license and on the license as issued by the superintendent."

Chapter 21 Section 7 Laws 2014

SECTION 7. Section 59A-51-14 NMSA 1978 (being Laws 1984, Chapter 127, Section 941, as amended) is amended to read:

"59A-51-14. DENIAL, SUSPENSION, REVOCATION OR REFUSAL TO CONTINUE LICENSE.--

A. The superintendent may deny, suspend, revoke or refuse to continue any license issued under the Bail Bondsmen Licensing Law for any of the following reasons:

(1) any cause for which issuance of the license could have been refused had it then existed and been known to the superintendent;

(2) a material misstatement, misrepresentation or fraud in obtaining the license;

(3) any violation of the laws of this state relating to bail or the bail bond business;

(4) misappropriation, conversion or unlawful withholding of money belonging to insurers or others and received in the conduct of business under the license;

(5) fraudulent or dishonest practices in the conduct of business under the license;

(6) failure to comply with, or willful violation of, any provision of the Bail Bondsmen Licensing Law or proper order, rule or regulation of the superintendent or any court of this state;

(7) any activity prohibited in Section 59A-51-13 NMSA 1978;

(8) failure or refusal, upon demand, to pay over to any insurer that the licensee represented, any money coming into the licensee's hands belonging to the insurer;

(9) failure to preserve without use and retain separately or to return collateral taken as security on any bond to the principal, indemnitor or depositor of collateral when the principal, indemnitor or depositor is entitled to such collateral;

(10) for knowingly having in the bail bondsman's employ a person whose bail bond business license has been revoked, suspended or denied in this or any other state; or

(11) failure, neglect or refusal to supervise a solicitor's activities on the bail bondsman's behalf.

B. When, in the judgment of the superintendent, the licensee in the conduct of affairs under the license has demonstrated incompetency, untrustworthiness, conduct or practices rendering the licensee unfit to engage in the bail bond business, or making the licensee's continuance in such business detrimental to the public interest, or that the licensee is no longer in good faith engaged in the bail bond business, or that the licensee is guilty of rebating, or offering to rebate the licensee's commissions in the case of limited surety agents or premiums in the case of property bondsmen, and for such reasons is found by the superintendent to be a source of detriment, injury or loss to the public, the superintendent shall revoke or suspend the license.

C. In case of the suspension or revocation of license of any bail bondsman, the license of any or all other bail bondsmen who are members of the same agency and any or all solicitors employed by such agency, who knowingly were parties to the act that formed the ground for the suspension or revocation shall likewise be suspended or revoked, except for the purpose of completing pending matters, and those persons who knowingly were parties to the act are prohibited from being licensed as a member of or bail bondsman or solicitor for some other agency.

D. No license under the Bail Bondsmen Licensing Law shall be issued, renewed or permitted to exist when the same is used directly or indirectly to circumvent the provisions of the Bail Bondsmen Licensing Law."

Chapter 21 Section 8 Laws 2014

SECTION 8. Section 59A-51-16 NMSA 1978 (being Laws 1984, Chapter 127, Section 943) is amended to read:

"59A-51-16. ADMINISTRATIVE FINE IN LIEU.--

A. The superintendent may, in the superintendent's discretion, in lieu of license suspension, revocation or refusal, and except on a second offense, impose upon the licensee an administrative penalty of one hundred dollars (\$100), or, if the superintendent has found wilful misconduct or wilful violation on the part of the licensee, an administrative penalty not to exceed one thousand dollars (\$1,000).

B. The superintendent may allow the licensee a reasonable period, not to exceed thirty days, within which to pay to superintendent the amount of the penalty so imposed. If the licensee fails to pay the penalty in its entirety to the superintendent within the period so allowed, the license of the licensee shall stand suspended or revoked, or continuation refused, as the case may be, upon expiration of such period and without any further proceedings."

Chapter 21 Section 9 Laws 2014

SECTION 9. A new section of the Bail Bondsmen Licensing Law is enacted to read:

"PREMIUM RATES.--The superintendent shall conduct public hearings for the purpose of promulgating the premium rates, schedule of charges and rating plan to be charged and used by bail bondsmen. No premium rate that has not been promulgated or otherwise approved by the superintendent shall be charged for any bail bond. Premium rates promulgated by the superintendent shall not be excessive, inadequate or unfairly discriminatory."

Chapter 21 Section 10 Laws 2014

SECTION 10. TEMPORARY PROVISION.--The supreme court shall by rule determine the conditions under which a bail bondsman or solicitor may appear in court without the assistance of an attorney and without constituting the practice of law.

Chapter 21 Section 11 Laws 2014

SECTION 11. REPEAL.--Section 59A-51-18 NMSA 1978 (being Laws 1984, Chapter 127, Section 945) is repealed.

House Bill 50, aa

Approved March 6, 2014

LAWS 2014, CHAPTER 22

AN ACT

RELATING TO AGRICULTURE; AMENDING THE RIGHT TO FARM ACT TO PREVENT CERTAIN AGRICULTURAL OPERATIONS OR AGRICULTURAL FACILITIES FROM BEING FOUND TO BE A NUISANCE.

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

Chapter 22 Section 1 Laws 2014

SECTION 1. Section 47-9-3 NMSA 1978 (being Laws 1981, Chapter 287, Section 3, as amended) is amended to read:

"47-9-3. AGRICULTURAL OPERATIONS DEEMED NOT A NUISANCE.--

A. Any agricultural operation or agricultural facility is not, nor shall it become, a private or public nuisance by any changed condition in or about the locality of the agricultural operation or agricultural facility if the operation was not a nuisance at the time the operation began and has been in existence for more than one year; except that the provisions of this section shall not apply whenever an agricultural operation or agricultural facility is operated negligently or illegally such that the operation or facility is a nuisance.

B. Any ordinance or resolution of any unit of local government that makes the operation of any agricultural operation or agricultural facility a nuisance or provides for abatement of it as a nuisance under the circumstances set forth in this section shall not apply when an agricultural operation is located within the corporate limits of any municipality as of April 8, 1981.

C. The established date of operation is the date on which an agricultural operation commenced or an agricultural facility was originally constructed. If an agricultural operation or agricultural facility is subsequently expanded or a new technology is adopted, the established date of operation does not change."

House Bill 51

Approved March 6, 2014

LAWS 2014, CHAPTER 23

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; ALLOWING FUEL PRICE INCREASES TO BE CONSIDERED A TRANSPORTATION EMERGENCY.

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

Chapter 23 Section 1 Laws 2014

SECTION 1. Section 22-8-29.6 NMSA 1978 (being Laws 1995, Chapter 208, Section 15) is amended to read:

"22-8-29.6. TRANSPORTATION EMERGENCY FUND.--

A. The "transportation emergency fund" is created in the state treasury. Money in the fund shall not revert to the general fund at the end of any fiscal year. Money in the fund is appropriated to the department for the purpose of funding transportation emergencies, including fuel price increases. The secretary shall make distributions to ensure the safety of students receiving to-and-from transportation services.

B. The secretary shall account for all transportation emergency distributions and shall make full reports to the governor, the legislative education study committee and the legislative finance committee of payments made."

House Bill 156

Approved March 6, 2014

LAWS 2014, CHAPTER 24

AN ACT

RELATING TO UTILITIES; CHANGING THE REPORTING DATE ON PURCHASES AND GENERATION OF RENEWABLE ENERGY FOR DISTRIBUTION COOPERATIVES; DECLARING AN EMERGENCY.

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

Chapter 24 Section 1 Laws 2014

SECTION 1. Section 62-15-34 NMSA 1978 (being Laws 2007, Chapter 4, Section 1) is amended to read:

"62-15-34. RENEWABLE PORTFOLIO STANDARD.--

A. Each distribution cooperative organized under the Rural Electric Cooperative Act shall meet the renewable portfolio standard requirements, as provided in this section, to include renewable energy in its electric energy supply portfolio. Requirements of the renewable portfolio standard are:

(1) no later than January 1, 2015, renewable energy shall comprise no less than five percent of each distribution cooperative's total retail sales to New Mexico customers;

(2) the renewable portfolio standard shall increase by one percent per year thereafter until January 1, 2020, at which time the renewable portfolio standard shall be ten percent of the distribution cooperative's total retail sales to New Mexico customers;

(3) the renewable portfolio standard of each distribution cooperative shall be diversified as to the type of renewable energy resource, taking into consideration the overall reliability, availability and dispatch flexibility and the cost of the various renewable energy resources made available to the distribution cooperative by its suppliers of electric power; and

(4) renewable energy resources that are in a distribution cooperative's energy supply portfolio on January 1, 2008 shall be counted in determining compliance with this section.

B. If a distribution cooperative determines that, in any given year, the cost of renewable energy that would need to be procured or generated for purposes of compliance with the renewable portfolio standard would be greater than the reasonable cost threshold, the distribution cooperative shall not be required to incur that cost; provided that the existence of this condition excusing performance in any given year shall not operate to delay any renewable portfolio standard in subsequent years. For purposes of the Rural Electric Cooperative Act, "reasonable cost threshold" means an amount that shall be no greater than one percent of the distribution cooperative's gross receipts from business transacted in New Mexico for the preceding calendar year.

C. By April 30 of each year, a distribution cooperative shall file with the public regulation commission a report on its purchases and generation of renewable energy during the preceding calendar year. The report shall include the cost of the renewable energy resources purchased and generated by the distribution cooperative to meet the renewable portfolio standard.

D. A distribution cooperative shall report to its membership a summary of its purchases and generation of renewable energy during the preceding calendar year."

Chapter 24 Section 2 Laws 2014

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

House Bill 232, w/ec

Approved March 6, 2014

LAWS 2014, CHAPTER 25

AN ACT

RELATING TO UTILITIES; CHANGING THE REPORTING DATE ON PURCHASES AND GENERATION OF RENEWABLE ENERGY FOR DISTRIBUTION COOPERATIVES; DECLARING AN EMERGENCY.

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

Chapter 25 Section 1 Laws 2014

SECTION 1. Section 62-15-34 NMSA 1978 (being Laws 2007, Chapter 4, Section 1) is amended to read:

"62-15-34. RENEWABLE PORTFOLIO STANDARD.--

A. Each distribution cooperative organized under the Rural Electric Cooperative Act shall meet the renewable portfolio standard requirements, as provided in this section, to include renewable energy in its electric energy supply portfolio. Requirements of the renewable portfolio standard are:

(1) no later than January 1, 2015, renewable energy shall comprise no less than five percent of each distribution cooperative's total retail sales to New Mexico customers;

(2) the renewable portfolio standard shall increase by one percent per year thereafter until January 1, 2020, at which time the renewable portfolio standard shall be ten percent of the distribution cooperative's total retail sales to New Mexico customers;

(3) the renewable portfolio standard of each distribution cooperative shall be diversified as to the type of renewable energy resource, taking into consideration the overall reliability, availability and dispatch flexibility and the cost of the various renewable energy resources made available to the distribution cooperative by its suppliers of electric power; and

(4) renewable energy resources that are in a distribution cooperative's energy supply portfolio on January 1, 2008, shall be counted in determining compliance with this section.

B. If a distribution cooperative determines that, in any given year, the cost of renewable energy that would need to be procured or generated for purposes of compliance with the renewable portfolio standard would be greater than the reasonable cost threshold, the distribution cooperative shall not be required to incur that cost; provided that the existence of this condition excusing performance in any given year shall not operate to delay any renewable portfolio standard in subsequent years. For purposes of the Rural Electric Cooperative Act, "reasonable cost threshold" means an amount that shall be no greater than one percent of the distribution cooperative's gross receipts from business transacted in New Mexico for the preceding calendar year.

C. By April 30 of each year, a distribution cooperative shall file with the public regulation commission a report on its purchases and generation of renewable energy during the preceding calendar year. The report shall include the cost of the renewable energy resources purchased and generated by the distribution cooperative to meet the renewable portfolio standard.

D. A distribution cooperative shall report to its membership a summary of its purchases and generation of renewable energy during the preceding calendar year."

Chapter 25 Section 2 Laws 2014

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

Senate Bill 49, w/ec

Approved March 6, 2014

LAWS 2014, CHAPTER 26

AN ACT

RELATING TO TAXATION; PROVIDING A DEDUCTION FROM GROSS RECEIPTS AND GOVERNMENTAL GROSS RECEIPTS FOR SALES OR RENTALS OF DURABLE MEDICAL EQUIPMENT AND MEDICAL SUPPLIES.

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

Chapter 26 Section 1 Laws 2014

SECTION 1. A new section of Chapter 7, Article 9 NMSA 1978 is enacted to read:

"DEDUCTION--GROSS RECEIPTS TAX AND GOVERNMENTAL GROSS RECEIPTS TAX--DURABLE MEDICAL EQUIPMENT--MEDICAL SUPPLIES.--

A. Receipts from transactions occurring prior to July 1, 2020 that are 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. Acceptance of a deduction provided by this section is authorization by the taxpayer receiving the deduction for the department to reveal information to the revenue stabilization and tax policy committee and the legislative finance committee necessary to analyze the effectiveness and cost of the deduction and whether the deduction is performing the purpose for which it was created.

F. The department shall compile an annual report on the deduction provided by this section that shall include the number of taxpayers approved by the department to receive the deduction, the aggregate amount of deductions approved and any other information necessary to evaluate the effectiveness of the deduction. Beginning in 2019 and every five years thereafter, the department shall compile and present the annual reports to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the deduction and whether the deduction is performing the purpose for which it was created.

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 26 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

Senate Bill 88, aa

Approved March 6, 2014

LAWS 2014, CHAPTER 27

AN ACT

RELATING TO PROFESSIONAL LICENSES; AMENDING AND ENACTING SECTIONS OF CHAPTER 61, ARTICLE 29 NMSA 1978 TO PROVIDE FOR FOREIGN BROKERS ACTING AS QUALIFYING OR ASSOCIATE BROKERS WITH RESPECT TO COMMERCIAL REAL ESTATE IN NEW MEXICO.

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

Chapter 27 Section 1 Laws 2014

SECTION 1. Section 61-29-2 NMSA 1978 (being Laws 1999, Chapter 127, Section 1, as amended) is amended to read:

"61-29-2. DEFINITIONS AND EXCEPTIONS.--

A. As used in Chapter 61, Article 29 NMSA 1978:

(1) "agency relationship" means the fiduciary relationship created solely by an express written agency agreement between a person and a brokerage, authorizing the brokerage to act as an agent for the person according to the scope of authority granted in that express written agreement for real estate services subject to the jurisdiction of the commission;

(2) "agent" means the brokerage authorized, solely by means of an express written agreement, to act as a fiduciary for a person and to provide real estate services that are subject to the jurisdiction of the commission; in the case of an associate broker, "agent" means the person who has been authorized to act by that associate broker's qualifying broker;

(3) "associate broker" means a person who, for compensation or other valuable consideration, is associated with or engaged under contract by a qualifying broker to carry on the qualifying broker's business as a whole or partial vocation, and:

(a) lists, sells or offers to sell real estate; buys or offers to buy real estate; or negotiates the purchase, sale or exchange of real estate or options on real estate;

(b) is engaged in managing property for others;

(c) leases, rents or auctions or offers to lease, rent or auction real estate;

(d) advertises or makes any representation as being engaged in the business of buying, selling, exchanging, renting, leasing, auctioning or dealing with options on real estate for others as a whole or partial vocation; or

(e) engages in the business of charging an advance fee or contracting for collection of a fee in connection with a contract under which the qualifying broker undertakes primarily to promote the sale of real estate through its listing in a publication issued primarily for that purpose or for the purpose of referral of information concerning real estate to other qualifying brokers or associate brokers;

(4) "brokerage" means a licensed qualifying broker and the licensed real estate business represented by the qualifying broker and its affiliated licensees;

(5) "brokerage relationship" means the legal or contractual relationship between a person and a brokerage in a real estate transaction subject to the jurisdiction of the commission;

(6) "client" means a person who has entered into an express written agreement with a brokerage for real estate services subject to the jurisdiction of the commission;

(7) "commercial real estate" means real estate that is zoned:

(a) for business or commercial use by a city or county; or

(b) by a city or county to allow five or more multifamily units; provided that all units are located on a single parcel of land with a single legal description;

(8) "commission" means the New Mexico real estate commission;

(9) "customer" means a person who uses real estate services without entering into an express written agreement with a brokerage subject to the jurisdiction of the commission;

(10) "foreign broker" means a real estate broker who does not hold a real estate license issued by the commission, but who holds a current and valid real estate broker's license issued by another state in the United States, a province of Canada or any other sovereign nation;

(11) "license" means a qualifying broker's license or an associate broker's license issued by the commission;

(12) "licensee" means a person holding a valid qualifying broker's license or an associate broker's license subject to the jurisdiction of the commission;

(13) "nonresident licensee" means an associate or qualifying broker holding a real estate license issued by the commission and whose license application address is not within the state of New Mexico;

(14) "qualifying broker" means a licensed real estate broker who has qualified a proprietorship, corporation, partnership or association to do business as a real estate brokerage in the state of New Mexico, who discharges the responsibilities specific to a qualifying broker as defined by the commission and who for compensation or other consideration from another:

(a) lists, sells or offers to sell real estate; buys or offers to buy real estate; or negotiates the purchase, sale or exchange of real estate or options on real estate;

(b) is engaged in managing property for others;

(c) leases, rents or auctions or offers to lease, rent or auction real estate;

(d) advertises or makes any representation as being engaged in the business of buying, selling, exchanging, renting, leasing, auctioning or dealing with options on real estate for others as a whole or partial vocation; or

(e) engages in the business of charging an advance fee or contracting for collection of a fee in connection with a contract under which the qualifying broker undertakes primarily to promote the sale of real estate through its listing in a publication issued primarily for that purpose or for the purpose of referral of information concerning real estate to other qualifying brokers or associate brokers;

(15) "real estate" means land, improvements, leaseholds and other interests in real property that are less than a fee simple ownership interest, whether tangible or intangible; and

(16) "transaction broker" means a qualifying broker, associate broker or brokerage that provides real estate services without entering into an agency relationship.

B. A single act of a person in performing or attempting to perform an activity described in Paragraph (14) of Subsection A of this section makes the person a qualifying broker. A single act of a person in performing or attempting to perform an activity described in Paragraph (3) of Subsection A of this section makes the person an associate broker.

C. The provisions of Chapter 61, Article 29 NMSA 1978 do not apply to:

(1) a person who as owner performs any of the activities included in this section with reference to property owned by the person, except when the sale or offering for sale of the property constitutes a subdivision containing one hundred or more parcels;

(2) the employees of the owner or the employees of a qualifying broker acting on behalf of the owner, with respect to the property owned, if the acts are performed in the regular course of or incident to the management of the property and the investments;

(3) isolated or sporadic transactions not exceeding two transactions annually in which a person acts as attorney-in-fact under a duly executed power of attorney delivered by an owner authorizing the person to finally consummate and to perform under any contract the sale, leasing or exchange of real estate on behalf of the owner; and the owner or attorney-in-fact has not used a power of attorney for the purpose of evading the provisions of Chapter 61, Article 29 NMSA 1978;

(4) transactions in which a person acts as attorney-in-fact under a duly executed power of attorney delivered by an owner related to the attorney-in-fact within the fourth degree of consanguinity or closer, authorizing the person to finally consummate and to perform under any contract for the sale, leasing or exchange of real estate on behalf of the owner;

(5) the services rendered by an attorney at law in the performance of the attorney's duties as an attorney at law;

(6) a person acting in the capacity of a receiver, trustee in bankruptcy, administrator or executor, a person selling real estate pursuant to an order of any court or a trustee acting under a trust agreement, deed of trust or will or the regular salaried employee of a trustee;

(7) the activities of a salaried employee of a governmental agency acting within the scope of employment; or

(8) persons who deal exclusively in mineral leases or the sale or purchase of mineral rights or royalties in any case in which the fee to the land or the surface rights are in no way involved in the transaction."

Chapter 27 Section 2 Laws 2014

SECTION 2. Section 61-29-16.1 NMSA 1978 (being Laws 2005, Chapter 35, Section 15, as amended) is amended to read:

"61-29-16.1. FOREIGN BROKERS--CONSENT TO SERVICE--REFERRAL FEES.--

A. A foreign broker may act in the capacity of a qualifying or associate broker with respect to commercial real estate located in New Mexico; provided that prior to performing any of the real estate activities of a qualifying or associate broker, the foreign broker enters into a transaction-specific written agreement with a New Mexico qualifying broker that includes, at a minimum:

(1) a description of the parties, the commercial real estate and any additional information necessary to identify the specific transaction governed by the agreement;

(2) the terms of compensation between the foreign broker and the New Mexico qualifying broker;

(3) the effective date and definitive termination date of the agreement; and

(4) a statement that the foreign broker agrees to:

(a) cooperate fully with the New Mexico qualifying broker and all associate brokers designated by the New Mexico qualifying broker;

(b) except for the foreign broker's interaction with the foreign broker's client, conduct all contact with parties, including the general public and other brokers, in association with the New Mexico qualifying broker or associate broker designated by the New Mexico qualifying broker;

(c) conduct all marketing and solicitations for business in the name of the New Mexico qualifying broker;

(d) timely furnish to the New Mexico qualifying broker copies of all documents related to the transaction that are required by the laws of New Mexico to be retained by its licensees, including without limitation, agency disclosure, offers, counteroffers, purchase and sale contracts, leases and closing statements;

(e) comply with and be bound by and subject to New Mexico law and the regulations of the commission; and

(f) submit to the jurisdiction of the courts of New Mexico with respect to the transaction and any and all claims related thereto by service of process upon the secretary of state of New Mexico and upon the appropriate official of the state, province or nation of the foreign broker's real estate licensure.

B. When a New Mexico associate broker or qualifying broker makes a referral to or receives a referral from a foreign broker for the purpose of receiving a fee, commission or any other consideration, the qualifying broker of the New Mexico

brokerage and the foreign broker shall execute a written, transaction-specific referral agreement at the time of the referral."

Chapter 27 Section 3 Laws 2014

SECTION 3. Section 61-29-17 NMSA 1978 (being Laws 1965, Chapter 304, Section 8, as amended) is amended to read:

"61-29-17. PENALTY--INJUNCTIVE RELIEF.--

A. Any person who engages in the business or acts in the capacity of an associate broker or a qualifying broker within New Mexico without a license issued by the commission or pursuant to Section 61-29-16.1 NMSA 1978 is guilty of a fourth degree felony. Any person who violates any other provision of Chapter 61, Article 29 NMSA 1978 is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than six months, or both.

B. In the event any person has engaged or proposes to engage in any act or practice violative of a provision of Chapter 61, Article 29 NMSA 1978, the attorney general or the district attorney of the judicial district in which the person resides or the judicial district in which the violation has occurred or will occur may, upon application of the commission, maintain an action in the name of the state to prosecute the violation or to enjoin the proposed act or practice.

C. In any action brought under Subsection B of this section, if the court finds that a person is engaged or has willfully engaged in any act or practice violative of a provision of Sections 61-29-1 through 61-29-18 NMSA 1978, the attorney general or the district attorney of the judicial district in which the person resides or the judicial district in which the violation has occurred or is occurring may, upon petition to the court, recover on behalf of the state a civil penalty not exceeding five thousand dollars (\$5,000) per violation and attorney fees and costs."

Chapter 27 Section 4 Laws 2014

SECTION 4. A new section of Chapter 61, Article 29 NMSA 1978 is enacted to read:

"NONRESIDENT LICENSEES--CONSENT TO SERVICE.--

A. A nonresident licensee shall file with the commission an irrevocable consent that lawsuits and actions may be commenced against the associate broker or qualifying broker in the proper court of any county of New Mexico in which a cause of action may arise or in which the plaintiff may reside, by service on the commission of any process or pleadings authorized by the laws of New Mexico, the consent stipulating and agreeing that such service of process or pleadings on the commission is as valid

and binding as if personal service had been made upon the associate broker or qualifying broker in New Mexico.

B. Service of process or pleadings shall be served in duplicate upon the commission; one shall be filed in the office of the commission and the other immediately forwarded by certified mail to the main office of the associate broker or qualifying broker against whom the process or pleadings are directed."

Senate Bill 124

Approved March 6, 2014

LAWS 2014, CHAPTER 28

AN ACT

RELATING TO PUBLIC SCHOOLS; DEFINING "EDUCATION TECHNOLOGY INFRASTRUCTURE"; PROVIDING FOR ALLOCATIONS FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND FOR EDUCATION TECHNOLOGY INFRASTRUCTURE; ESTABLISHING AN EDUCATION TECHNOLOGY INFRASTRUCTURE DEFICIENCY CORRECTIONS INITIATIVE; ALLOWING FOR ADJUSTMENTS FOR THE LOCAL SCHOOL DISTRICT SHARE OF PROGRAM COST; DECLARING AN EMERGENCY.

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

Chapter 28 Section 1 Laws 2014

SECTION 1. Section 22-24-3 NMSA 1978 (being Laws 1975, Chapter 235, Section 3, as amended) is amended to read:

"22-24-3. DEFINITIONS.--As used in the Public School Capital Outlay Act:

A. "constitutional special schools" means the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf;

B. "constitutional special schools support spaces" means all facilities necessary to support the constitutional special schools' educational mission that are not included in the constitutional special schools' educational adequacy standards, including, but not limited to, performing arts centers, facilities for athletic competition, school district administration and facility and vehicle maintenance;

C. "council" means the public school capital outlay council;

D. "education technology infrastructure" means the physical hardware used to interconnect education technology equipment for school districts and school buildings necessary to support broadband connectivity as determined by the council;

E. "fund" means the public school capital outlay fund; and

F. "school district" includes state-chartered charter schools and the constitutional special schools."

Chapter 28 Section 2 Laws 2014

SECTION 2. 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 M 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 public school facilities authority of portable classrooms to be loaned to school districts to meet a temporary requirement. Payment for these purchases shall be made from the fund. Title to and custody of the portable classrooms shall rest in the public school facilities authority. The council shall authorize the lending of the portable classrooms to school districts upon request and upon finding that sufficient need exists. Application for use or return of state-owned portable classroom buildings shall be submitted by school districts to the council. Expenses of maintenance of the portable classrooms while in the custody of the public school facilities authority shall be paid from the fund; expenses of maintenance and insurance of the portable classrooms while in the custody of a school district shall be the responsibility of the school district. The council may authorize the permanent disposition of the portable classrooms by the public school facilities authority with prior approval of the state board of finance.

D. Applications for assistance from the fund shall be made by school districts to the council in accordance with requirements of the council. Except as provided in Subsection K of this section, the council shall require as a condition of application that a school district have a current five-year facilities plan, which shall include a current preventive maintenance plan to which the school adheres for each public school in the school district.

E. The council shall review all requests for assistance from the fund and shall allocate funds only for those capital outlay projects that meet the criteria of the Public School Capital Outlay Act.

F. Money in the fund shall be disbursed by warrant of the department of finance and administration on vouchers signed by the secretary of finance and administration following certification by the council that an application has been approved or an expenditure has been ordered by a court pursuant to Section 22-24-5.4 NMSA 1978. At the discretion of the council, money for a project shall be distributed as follows:

(1) up to ten percent of the portion of the project cost funded with distributions from the fund or five percent of the total project cost, whichever is greater, may be paid to the school district before work commences with the balance of the grant award made on a cost-reimbursement basis; or

(2) the council may authorize payments directly to the contractor.

G. Balances in the fund may be annually appropriated for the core administrative functions of the public school facilities authority pursuant to the Public School Capital Outlay Act, and, in addition, balances in the fund may be expended by the public school facilities authority, upon approval of the council, for project management expenses; provided that:

(1) the total annual expenditures from the fund for the core administrative functions pursuant to this subsection shall not exceed five percent of the average annual grant assistance authorized from the fund during the three previous fiscal years; and

(2) any unexpended or unencumbered balance remaining at the end of a fiscal year from the expenditures authorized in this subsection shall revert to the fund.

H. Up to ten million dollars (\$10,000,000) of the fund may be allocated annually by the council for expenditure in fiscal years 2010 through 2015 for a roof repair and replacement initiative with projects to be identified by the council pursuant to Section 22-24-4.3 NMSA 1978; provided that money allocated pursuant to this subsection shall be expended within two years of the allocation.

I. The fund may be expended annually by the council for grants to school districts for the purpose of making lease payments for classroom facilities, including facilities leased by charter schools. The grants shall be made upon application by the school districts and pursuant to rules adopted by the council; provided that an application on behalf of a charter school shall be made by the school district, but, if the school district fails to make an application on behalf of a charter school, the charter school may submit its own application. The following criteria shall apply to the grants:

(1) the amount of a grant to a school district shall not exceed:

(a) the actual annual lease payments owed for leasing classroom space for schools, including charter schools, in the district; or

(b) seven hundred dollars (\$700) multiplied by the number of MEM using the leased classroom 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 No Child Left Behind Act of 2001;

(3) at the end of each fiscal year, any unexpended or unencumbered balance of the appropriation shall revert to the fund;

(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 classroom facilities on the eightieth and one hundred twentieth days 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 classroom facilities in the first year of instruction, as shown in the approved charter school application; provided that, after the eightieth day of the school year, the MEM shall be adjusted to reflect the full-time-equivalent enrollment on that date; and

(b) "classroom facilities" or "classroom space" includes the space needed, as determined by the minimum required under the statewide adequacy standards, for the direct administration of 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 public school facilities 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 public school facilities 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 Paragraph (5) of Subsection B of Section 22-24-5 NMSA 1978; or

(2) the allocation from the fund may be used to pay the total cost of developing or updating the plan if:

(a) the school district has fewer than an average of six hundred full-time-equivalent students on the eightieth and one hundred twentieth days of the prior school year; or

(b) the school district meets all of the following requirements: 1) the school district has fewer than an average of one thousand full-time-equivalent students on the eightieth and one hundred twentieth days of the prior school year; 2) the school district has at least seventy percent of its students eligible for free or reduced-fee lunch; 3) the state share of the total cost, if calculated pursuant to the methodology in Paragraph (5) of Subsection B of Section 22-24-5 NMSA 1978, would be less than fifty percent; and 4) for all educational purposes, the school district has a residential

property tax rate of at least seven dollars (\$7.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds.

L. Upon application by a school district, allocations from the fund may be made by the council for the purpose of demolishing abandoned school district facilities, provided that:

(1) the costs of continuing to insure an abandoned facility outweigh any potential benefit when and if a new facility is needed by the school district;

(2) there is no practical use for the abandoned facility without the expenditure of substantial renovation costs; and

(3) the council may enter into an agreement with the school district under which an amount equal to the savings to the district in lower insurance premiums are used to reimburse the fund fully or partially for the demolition costs allocated to the district.

M. Up to ten million dollars (\$10,000,000) of the fund may be expended each year in fiscal years 2014 through 2019 for an education technology infrastructure deficiency corrections initiative pursuant to Section 4 of this 2014 act; provided that funding allocated pursuant to this section shall be expended within three years of its allocation."

Chapter 28 Section 3 Laws 2014

SECTION 3. Section 22-24-5 NMSA 1978 (being Laws 1975, Chapter 235, Section 5, as amended) is amended to read:

"22-24-5. PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS--APPLICATION--GRANT ASSISTANCE.--

A. Applications for grant assistance, approval of applications, prioritization of projects and grant awards shall be conducted pursuant to the provisions of this section.

B. Except as provided in Sections 22-24-4.3, 22-24-5.4 and 22-24-5.6 NMSA 1978, the following provisions govern grant assistance from the fund for a public school capital outlay project not wholly funded pursuant to Section 22-24-4.1 NMSA 1978:

(1) all school districts are eligible to apply for funding from the fund, regardless of percentage of indebtedness;

(2) priorities for funding shall be determined by using the statewide adequacy standards developed pursuant to Subsection C of this section; provided that:

(a) the council shall apply the standards to charter schools to the same extent that they are applied to other public schools;

(b) the council shall adopt and apply adequacy standards appropriate to the unique needs of the constitutional special schools; and

(c) in an emergency in which the health or safety of students or school personnel is at immediate risk or in which there is a threat of significant property damage, the council may award grant assistance for a project using criteria other than the statewide adequacy standards;

(3) the council shall establish criteria to be used in public school capital outlay projects that receive grant assistance pursuant to the Public School Capital Outlay Act. In establishing the criteria, the council shall consider:

(a) the feasibility of using design, build and finance arrangements for public school capital outlay projects;

(b) the potential use of more durable construction materials that may reduce long-term operating costs;

(c) concepts that promote efficient but flexible utilization of space; and

(d) any other financing or construction concept that may maximize the dollar effect of the state grant assistance;

(4) no more than ten percent of the combined total of grants in a funding cycle shall be used for retrofitting existing facilities for technology infrastructure;

(5) except as provided in Paragraph (6), (8), (9) or (10) of this subsection, the state share of a project approved and ranked by the council shall be funded within available resources pursuant to the provisions of this paragraph. No later than May 1 of each calendar year, a value shall be calculated for each school district in accordance with the following procedure:

(a) the final prior year net taxable value for a school district divided by the MEM for that school district is calculated for each school district;

(b) the final prior year net taxable value for the whole state divided by the MEM for the state is calculated;

(c) excluding any school district for which the result calculated pursuant to Subparagraph (a) of this paragraph is more than twice the result calculated pursuant to Subparagraph (b) of this paragraph, the results calculated pursuant to Subparagraph (a) of this paragraph are listed from highest to lowest;

(d) the lowest value listed pursuant to Subparagraph (c) of this paragraph is subtracted from the highest value listed pursuant to that subparagraph;

(e) the value calculated pursuant to Subparagraph (a) of this paragraph for the subject school district is subtracted from the highest value listed in Subparagraph (c) of this paragraph;

(f) the result calculated pursuant to Subparagraph (e) of this paragraph is divided by the result calculated pursuant to Subparagraph (d) of this paragraph;

(g) the sum of the property tax mill levies for the prior tax year imposed by each school district on residential property pursuant to Chapter 22, Article 18 NMSA 1978, the Public School Capital Improvements Act, the Public School Buildings Act, the Education Technology Equipment Act and Paragraph (2) of Subsection B of Section 7-37-7 NMSA 1978 is calculated for each school district;

(h) the lowest value calculated pursuant to Subparagraph (g) of this paragraph is subtracted from the highest value calculated pursuant to that subparagraph;

(i) the lowest value calculated pursuant to Subparagraph (g) of this paragraph is subtracted from the value calculated pursuant to that subparagraph for the subject school district;

(j) the value calculated pursuant to Subparagraph (i) of this paragraph is divided by the value calculated pursuant to Subparagraph (h) of this paragraph;

(k) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is less than five-tenths, then, except as provided in Subparagraph (n) or (o) of this paragraph, the value for that school district equals the value calculated pursuant to Subparagraph (f) of this paragraph;

(l) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is five-tenths or greater, then that value is multiplied by five-hundredths;

(m) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is five-tenths or greater, then the value

calculated pursuant to Subparagraph (l) of this paragraph is added to the value calculated pursuant to Subparagraph (f) of this paragraph. Except as provided in Subparagraph (n) or (o) of this paragraph, the sum equals the value for that school district;

(n) in those instances in which the calculation pursuant to Subparagraph (k) or (m) of this paragraph yields a value less than one-tenth, one-tenth shall be used as the value for the subject school district;

(o) in those instances in which the calculation pursuant to Subparagraph (k) or (m) of this paragraph yields a value greater than one, one shall be used as the value for the subject school district;

(p) except as provided in Section 22-24-5.7 NMSA 1978 and except as adjusted pursuant to Paragraph (6), (8), (9) or (10) of this subsection, the amount to be distributed from the fund for an approved project shall equal the total project cost multiplied by a fraction the numerator of which is the value calculated for the subject school district in the current year plus the value calculated for that school district in each of the two preceding years and the denominator of which is three; and

(q) as used in this paragraph: 1) "MEM" means the average full-time-equivalent enrollment of students attending public school in a school district on the eightieth and one hundred twentieth days of the prior school year; 2) "total project cost" means the total amount necessary to complete the public school capital outlay project less any insurance reimbursement received by the school district for the project; and 3) in the case of a state-chartered charter school that has submitted an application for grant assistance pursuant to this section, the "value calculated for the subject school district" means the value calculated for the school district in which the state-chartered charter school is physically located;

(6) the amount calculated pursuant to Subparagraph (p) of Paragraph (5) of this subsection shall be reduced by the following procedure:

(a) the total of all legislative appropriations made after January 1, 2003 for nonoperating purposes either directly to the subject school district or to another governmental entity for the purpose of passing the money through directly to the subject school district, and not rejected by the subject school district, is calculated; provided that: 1) an appropriation made in a fiscal year shall be deemed to be accepted by a school district unless, prior to June 1 of that fiscal year, the school district notifies the department of finance and administration and the public education department that the district is rejecting the appropriation; 2) the total shall exclude any education technology appropriation made prior to January 1, 2005 unless the appropriation was on or after January 1, 2003 and not previously used to offset distributions pursuant to the Technology for Education Act; 3) the total shall exclude any appropriation previously made to the subject school district that is reauthorized for expenditure by another recipient; 4) the total shall exclude one-half of the amount of any

appropriation made or reauthorized after January 1, 2007 if the purpose of the appropriation or reauthorization is to fund, in whole or in part, a capital outlay project that, when prioritized by the council pursuant to this section either in the immediately preceding funding cycle or in the current funding cycle, ranked in the top one hundred fifty projects statewide; 5) the total shall exclude the proportionate share of any appropriation made or reauthorized after January 1, 2008 for a capital project that will be jointly used by a governmental entity other than the subject school district. Pursuant to criteria adopted by rule of the council and based upon the proposed use of the capital project, the council shall determine the proportionate share to be used by the governmental entity and excluded from the total; and 6) unless the grant award is made to the state-chartered charter school or unless the appropriation was previously used to calculate a reduction pursuant to this paragraph, the total shall exclude appropriations made after January 1, 2007 for nonoperating purposes of a specific state-chartered charter school, regardless of whether the charter school is a state-chartered charter school at the time of the appropriation or later opts to become a state-chartered charter school;

(b) the applicable fraction used for the subject school district and the current calendar year for the calculation in Subparagraph (p) of Paragraph (5) of this subsection is subtracted from one;

(c) the value calculated pursuant to Subparagraph (a) of this paragraph for the subject school district is multiplied by the amount calculated pursuant to Subparagraph (b) of this paragraph for that school district;

(d) the total amount of reductions for the subject school district previously made pursuant to Subparagraph (e) of this paragraph for other approved public school capital outlay projects is subtracted from the amount calculated pursuant to Subparagraph (c) of this paragraph; and

(e) the amount calculated pursuant to Subparagraph (p) of Paragraph (5) of this subsection shall be reduced by the amount calculated pursuant to Subparagraph (d) of this paragraph;

(7) as used in this subsection:

(a) "governmental entity" includes an Indian nation, tribe or pueblo; and

(b) "subject school district" means the school district that has submitted the application for funding and in which the approved public school capital outlay project will be located;

(8) the amount calculated pursuant to Subparagraph (p) of Paragraph (5) of this subsection, after any reduction pursuant to Paragraph (6) of this subsection, may be increased by an additional five percent if the council finds that the

subject school district has been exemplary in implementing and maintaining a preventive maintenance program. The council shall adopt such rules as are necessary to implement the provisions of this paragraph;

(9) the council may adjust the amount of local share otherwise required if it determines that a school district has 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 eightieth and one hundred twentieth days of the prior school year; 2) has at least seventy percent of its students eligible for free or reduced-fee lunch; 3) has a share of the total project cost, as calculated pursuant to provisions of this section, that would be greater than fifty percent; and 4) for all educational purposes, has a residential property tax rate of at least seven dollars (\$7.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds; or

(c) the school district: 1) has an enrollment growth rate over the previous school year of at least two and one-half percent; 2) pursuant to its five-year facilities plan, will be building a new school within the next two years; and 3) for all educational purposes, has a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds;

(10) the local match for the constitutional special schools shall be set at fifty percent for projects that qualify under the educational adequacy category and one hundred percent for projects that qualify in the support spaces category; provided that the council may adjust or waive the amount of any direct appropriation offset to or local share required for the constitutional special schools if an applicant constitutional special school has insufficient or no local resources available; and

(11) no application for grant assistance from the fund shall be approved unless the council determines that:

(a) the public school capital outlay project is needed and included in the school district's five-year facilities plan among its top priorities;

(b) the school district has used its capital resources in a prudent manner;

(c) the school district has provided insurance for buildings of the school district in accordance with the provisions of Section 13-5-3 NMSA 1978;

(d) the school district has submitted a five-year facilities plan that includes: 1) enrollment projections; 2) a current preventive maintenance plan that has been approved by the council pursuant to Section 22-24-5.3 NMSA 1978 and that is followed by each public school in the district; 3) the capital needs of charter schools located in the school district; and 4) projections for the facilities needed in order to maintain a full-day kindergarten program;

(e) the school district is willing and able to pay any portion of the total cost of the public school capital outlay project that, according to Paragraph (5), (6), (8) or (9) of this subsection, is not funded with grant assistance from the fund; provided that school district funds used for a project that was initiated after September 1, 2002 when the statewide adequacy standards were adopted, but before September 1, 2004 when the standards were first used as the basis for determining the state and school district share of a project, may be applied to the school district portion required for that project;

(f) the application includes the capital needs of any charter school located in the school district or the school district has shown that the facilities of the charter school have a smaller deviation from the statewide adequacy standards than other district facilities included in the application; and

(g) the school district has agreed, in writing, to comply with any reporting requirements or conditions imposed by the council pursuant to Section 22-24-5.1 NMSA 1978.

C. After consulting with the public school capital outlay oversight task force and other experts, the council shall regularly review and update statewide adequacy standards applicable to all school districts. The standards shall establish the acceptable level for the physical condition and capacity of buildings, the educational suitability of facilities and the need for 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 public school facilities authority, the council shall develop building standards for public school facilities and shall promulgate other such rules as are necessary to carry out the provisions of the Public School Capital Outlay Act.

J. No later than December 15 of each year, the council shall prepare a report summarizing its activities during the previous fiscal year. The report shall describe in detail all projects funded, the progress of projects previously funded but not completed, the criteria used to prioritize and fund projects and all other council actions. The report shall be submitted to the public education commission, the governor, the legislative finance committee, the legislative education study committee and the legislature."

Chapter 28 Section 4 Laws 2014

SECTION 4. A new section of the Public School Capital Outlay Act is enacted to read:

"EDUCATION TECHNOLOGY INFRASTRUCTURE DEFICIENCY CORRECTIONS.--

A. No later than September 1, 2014, the council, with the advice of the public education department and the department of information technology, shall define and develop:

(1) minimum adequacy standards for an education technology infrastructure deficiency corrections initiative to identify and determine reasonable costs for correcting education technology infrastructure deficiencies in or affecting school districts;

(2) a methodology for prioritizing projects to correct education technology infrastructure deficiencies in or affecting school districts; and

(3) a methodology for determining a school district's share of the project costs.

B. The council may approve allocations from the fund pursuant to Subsection M of Section 22-24-4 NMSA 1978 and this section for projects in or affecting a school district committing to pay its share of the project costs. The council may adjust the school district's share of the project costs in accordance with Paragraph (9) of Subsection B of Section 22-24-5 NMSA 1978 or the methodology for determining the school district's share of the project costs."

Chapter 28 Section 5 Laws 2014

SECTION 5. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Senate Bill 159, aa, w/ec

Approved March 6, 2014

LAWS 2014, CHAPTER 29

AN ACT

RELATING TO CORRECTIONS; ALLOWING THE CORRECTIONS INDUSTRIES DIVISION OF THE CORRECTIONS DEPARTMENT TO SELL PRODUCTS VALUED UNDER THREE HUNDRED DOLLARS (\$300) TWICE A YEAR; MAKING AN APPROPRIATION.

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

Chapter 29 Section 1 Laws 2014

SECTION 1. Section 33-8-12 NMSA 1978 (being Laws 1981, Chapter 127, Section 12, as amended) is amended to read:

"33-8-12. PRODUCTS--SALE--LABELING REQUIREMENT--PENALTY--EXCEPTIONS.--

A. Except as otherwise provided in this section, no product or service manufactured or provided in whole or in part by inmate labor shall be sold or furnished

except to a qualified purchaser; provided that such products may be resold by the user for purposes of salvage. As used in this subsection, "qualified purchaser" means:

- (1) a state agency;
- (2) local public bodies;
- (3) the state agencies of other states and their local public bodies;
- (4) agencies of the federal government;
- (5) tribal and pueblo governments;
- (6) nonprofit organizations properly registered under state law and supported wholly or in part by funds derived from public taxation;
- (7) persons, partnerships, corporations or associations that provide public school transportation services to a state agency or local public body pursuant to contract;
- (8) any business engaged primarily in the manufacture or resale of the same type of product;
- (9) a person, partnership, corporation or association that provides correctional services to the department pursuant to a contract; and
- (10) a person, partnership, corporation or association that houses inmates on behalf of the department.

B. Every product manufactured pursuant to the provisions of the Corrections Industries Act shall be distinctively identified as inmate-made by brand, label or mark consistent with the type and character of the product. Every product manufactured pursuant to the provisions of the Corrections Industries Act may be certified pursuant to the federal private sector prison industry enhancement certification program.

C. A person who violates the provisions of Subsection A of this section is guilty of a misdemeanor and upon conviction shall be sentenced to imprisonment in the county jail for a definite term not to exceed six months or to the payment of a fine of not more than one thousand dollars (\$1,000) or to both imprisonment and fine in the discretion of the judge.

D. The provisions of this section shall not apply to products produced pursuant to Section 33-8-13 NMSA 1978.

E. Notwithstanding the provisions of Subsection A of this section, to assure the most effective use of state-owned land, produce from agricultural and animal husbandry enterprises may be sold to commercial sources upon review and recommendation of the commission and pursuant to procedures, including audit, established by the secretary of finance and administration.

F. The corrections industries division of the department may sell products manufactured pursuant to the provisions of the Corrections Industries Act valued at a prevailing market price of three hundred dollars (\$300) or less to the general public twice a year. Proceeds from the sales shall be placed into the corrections industries revolving fund; a portion of the proceeds placed into the corrections industries revolving fund pursuant to this subsection shall be placed into the crime victims reparation fund."

Chapter 29 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

Senate Bill 182

Approved March 6, 2014

LAWS 2014, CHAPTER 30

AN ACT

RELATING TO CRIMINAL LAW; ENACTING A NEW SECTION OF THE CRIMINAL CODE TO MAKE IT A CRIME TO DISRUPT COMMUNICATIONS AND UTILITIES SERVICES BY THEFT OR INTENTIONAL DAMAGE OR TO CREATE A SAFETY HAZARD THROUGH THEFT OR INTENTIONAL DAMAGE TO CUSTOMER- OR UTILITY-OWNED EQUIPMENT; PROVIDING PENALTIES.

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

Chapter 30 Section 1 Laws 2014

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

"CREATION OF A SAFETY HAZARD OR DISRUPTION OF COMMUNICATIONS AND UTILITIES SERVICES BY THEFT OR INTENTIONAL DAMAGE.--

A. Any person who by the theft of, or by intentionally damaging, communications or public utility equipment, whether customer- or utility-owned, creates a public safety hazard or causes a disruption of communications services or public utility services to ten or more households, customers or subscribers or causes monetary damage equal to or greater than one thousand dollars (\$1,000) in value of equipment shall be guilty of a:

(1) misdemeanor for a first and second offense, punishable pursuant to Section 31-19-1 NMSA 1978; or

(2) fourth degree felony for third and subsequent offenses, punishable pursuant to Section 31-18-15 NMSA 1978.

B. As used in this section, "equipment" means utility system materials, including communications towers and associated material, telephone lines, railroad and other industrial safety communication devices or systems, electric towers, electric transformers, metering equipment, electric grounding wires and electric and natural gas transmission and distribution facilities."

SPAC/Senate Bill 21, aa

Approved March 7, 2014

LAWS 2014, CHAPTER 31

AN ACT

RELATING TO PUBLIC EDUCATION; CONFORMING MULTIPLE VARYING TERMS IN STATUTE TO THE TERM "HIGH SCHOOL EQUIVALENCY CREDENTIAL"; DECLARING AN EMERGENCY.

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

Chapter 31 Section 1 Laws 2014

SECTION 1. Section 22-2-8.8 NMSA 1978 (being Laws 1999, Chapter 193, Section 1) is amended to read:

"22-2-8.8. HIGH SCHOOL EQUIVALENCY CREDENTIAL.--The department shall issue a high school equivalency credential to any candidate who is at least sixteen years of age and who has successfully completed the high school equivalency tests."

Chapter 31 Section 2 Laws 2014

SECTION 2. TEMPORARY PROVISION--STATUTORY REFERENCES.--

A. All references in law to a "general education diploma", a "general equivalency diploma", a "general education development certificate", a "certificate of general equivalency", a "graduate equivalent diploma", a "GED certificate", a "high school equivalency diploma", a "certificate of equivalency" and an "equivalency diploma" shall be deemed to be references to a "high school equivalency credential".

B. All references in law to a "high school diploma or equivalent" shall be deemed to be references to a "high school diploma or high school equivalency credential".

C. All references in law to a "high school equivalency education" shall be deemed to be references to a "high school equivalency credential education".

D. All references in law to a "general educational development test" shall be deemed to be references to a "high school equivalency credential test".

Chapter 31 Section 3 Laws 2014

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

Senate Bill 44, aa, w/ec

Approved March 7, 2014

LAWS 2014, CHAPTER 32

AN ACT

RELATING TO MINING; PROVIDING FOR FINANCIAL ASSURANCES; DECLARING AN EMERGENCY.

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

Chapter 32 Section 1 Laws 2014

SECTION 1. Section 69-36-1 NMSA 1978 (being Laws 1993, Chapter 315, Section 1) is amended to read:

"69-36-1. SHORT TITLE.--Chapter 69, Article 36 NMSA 1978 may be cited as the "New Mexico Mining Act"."

Chapter 32 Section 2 Laws 2014

SECTION 2. Section 69-36-7 NMSA 1978 (being Laws 1993, Chapter 315, Section 7, as amended) is amended to read:

"69-36-7. COMMISSION--DUTIES.--The commission shall:

A. before June 18, 1994, adopt and file reasonable regulations consistent with the purposes and intent of the New Mexico Mining Act necessary to implement the provisions of the New Mexico Mining Act, including regulations that:

(1) consider the economic and environmental effects of their implementation;

(2) require permitting of all new and existing mining operations and exploration; and

(3) require annual reporting of production information to the commission, which shall be kept confidential if otherwise required by law;

B. adopt regulations for new mining operations that allow the director to select a qualified expert who may:

(1) review and comment to the director on the adequacy of baseline data gathered prior to submission of the permit application for use in the permit application process;

(2) recommend to the director additional baseline data that may be necessary in the review of the proposed mining activity;

(3) recommend to the director methodology guidelines to be followed in the collection of all baseline data; and

(4) review and comment on the permit application;

C. adopt regulations that require and provide for the issuance and renewal of permits for new and existing mining operations and exploration and that establish schedules to bring existing mining operations into compliance with the requirements of the New Mexico Mining Act; provided that the term of a permit for a new mining operation shall not exceed twenty years and the term of renewals of permits for new mining operations shall not exceed ten years;

D. adopt regulations that provide for permit modifications. The commission shall establish criteria to determine which permit modifications may have significant environmental impact. Modifications that the director determines will have significant environmental impact shall require public notice and an opportunity for public hearing

pursuant to Subsection K of this section. A permit modification to the permit for an existing mining operation shall be obtained for each new discrete processing, leaching, excavation, storage or stockpile unit located within the permit area of an existing mining operation and not identified in the permit of an existing mining operation and for each expansion of such a unit identified in the permit for an existing mining operation that exceeds the design limits specified in the permit. The regulations shall require that permit modifications for such units be approved if the director determines that the unit will:

(1) comply with the regulations regarding permit modifications;

(2) incorporate the requirements of Paragraphs (1), (2), (4), (5) and (6) of Subsection H of this section; and

(3) be sited and constructed in a manner that facilitates, to the maximum extent practicable, contemporaneous reclamation consistent with the closeout plan;

E. adopt regulations that require new and existing mining operations to obtain and maintain permits for standby status. A permit for standby status shall be issued for a maximum term of five years; provided that, upon application, the director may renew a permit for standby status for no more than three additional five-year terms. The regulations shall require that, before a permit for standby status is issued or renewed, an owner or operator shall:

(1) identify the projected term of standby status for each unit of the new or existing mining operation;

(2) take measures that reduce, to the extent practicable, the formation of acid and other toxic drainage to prevent releases that cause federal or state environmental standards to be exceeded;

(3) meet applicable federal and state environmental standards and regulations during the period of standby status;

(4) stabilize waste and storage units, leach piles, impoundments and pits during the term of standby status;

(5) comply with applicable requirements of the New Mexico Mining Act and the regulations adopted pursuant to that act; and

(6) provide an analysis of the economic viability of each unit proposed for standby status;

F. establish by regulation closeout plan requirements for existing mining operations that incorporate site-specific characteristics, including consideration of

disturbances from previous mining operations, and that take into account the mining method utilized;

G. establish by regulation a procedure for the issuance of a permit for an existing mining operation and for modifications of that permit to incorporate approved closeout plans or portions of closeout plans and financial assurance requirements for performance of the closeout plans. The permit shall describe the permit area of the existing mining operation and the design limits of units of the existing mining operation based upon the site assessment submitted by the operator. The permit shall contain a schedule for completion of a closeout plan. The permit shall thereafter be modified to incorporate the approved closeout plan or portions of the closeout plan once financial assurance has been provided for completion of the closeout plan or the approved portions of the closeout plan. The permit may be modified for new mining units, expansions beyond the design limits of a unit at an existing mining operation or standby status;

H. establish by regulation permit and reclamation requirements for new mining operations that incorporate site-specific characteristics. These requirements shall, at a minimum:

(1) require that new mining operations be designed and operated using the most appropriate technology and the best management practices;

(2) ensure protection of human health and safety, the environment, wildlife and domestic animals;

(3) include backfilling or partial backfilling only when necessary to achieve reclamation objectives that cannot be accomplished through other mitigation measures;

(4) require approval by the director that the permit area will achieve a self-sustaining ecosystem appropriate for the life zone of the surrounding areas following closure unless conflicting with the approved post-mining land use;

(5) require that new mining operations be designed in a manner that incorporates measures to reduce, to the extent practicable, the formation of acid and other toxic drainage that may otherwise occur following closure to prevent releases that cause federal or state standards to be exceeded;

(6) require that nonpoint source surface releases of acid or other toxic substances shall be contained within the permit area;

(7) require that all waste, waste management units, pits, heaps, pads and any other storage piles are designed, sited and constructed in a manner that facilitates, to the maximum extent practicable, contemporaneous reclamation and are consistent with the new mining operation's approved reclamation plan; and

(8) where sufficient topsoil is present, take measures to preserve it from erosion or contamination and ensure that it is in a usable condition for sustaining vegetation when needed;

I. adopt regulations that establish a permit application process for new mining operations that includes:

(1) disclosure of ownership and controlling interests in the new mining operation or submission of the applicant's most recent form 10K required by the federal securities and exchange commission;

(2) a statement of all mining operations within the United States owned, operated or directly controlled by the applicant, owner or operator and by persons or entities that directly control the applicant and the names and the addresses of regulatory agencies with jurisdiction over the environmental aspects of those operations and that could provide a compliance history for those operations over the preceding ten years. The operator shall assist the applicant in obtaining compliance history information;

(3) a description of the type and method of mining and the engineering techniques proposed;

(4) the anticipated starting and termination dates of each phase of the new mining operation and the number of acres of land to be affected;

(5) the names of all affected watersheds, the location of any perennial, ephemeral or intermittent surface stream or tributary into which surface or pit drainage will be discharged or may possibly be expected to reach and the location of any spring within the permit area and the affected area;

(6) a determination of the probable hydrologic consequences of the new mining operation and reclamation, both on and off the permit area, with respect to the hydrologic regime, quantity and quality of surface and ground water systems, including the dissolved and suspended solids under seasonal flow conditions;

(7) cross-sections or plans of the permit area depicting:

(a) the nature and depth of the various formations of overburden;

(b) the location of subsurface water, if encountered, and its quality;

(c) the nature and location of any ore body to be mined;

(d) the location of aquifers and springs;

(e) the estimated position and flow of the water table;

(f) the proposed location of waste rock, tailings, stockpiles, heaps, pads and topsoil preservation areas; and

(g) pre-mining vegetation and wildlife habitat features present at the site;

(8) the potential for geochemical alteration of overburden, the ore body and other materials present within the permit area;

(9) a reclamation plan that includes a detailed description of the proposed post-mining land use and how that use is to be achieved; and

(10) pre-mining baseline data as required by regulations adopted by the commission;

J. adopt regulations to coordinate the roles of permitting agencies involved in regulating activities related to new and existing mining operations and exploration, including regulatory requirements, to avoid duplicative and conflicting administration of the permitting process and other requirements;

K. except for regulations enacted pursuant to Subsection L of this section, adopt regulations that ensure that the public and permitting agencies receive notice of each application for issuance, renewal or revision of a permit for a new or existing mining operation, for standby status, or exploration, a variance or an application for release of financial assurance and any inspection prior to the release of financial assurance, including a provision that no action shall be taken on any application until an opportunity for a public hearing, held in the locality of the operation, is provided and that all interested persons shall be given a reasonable chance to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing. An additional opportunity for a public hearing may be provided if the applicant makes substantial changes in the proposed action, if there are significant new circumstances or information bearing on the proposed action or if the applicant proposes to substantially increase the scale or substantially change the nature of the proposed action and there is public interest and a request for a public hearing. These regulations shall require at a minimum that the applicant for issuance, renewal or revisions of a permit or a variance or an application for release of financial assurance and any inspection prior to release of financial assurance shall provide to the director at the time of filing the application with the director proof that notice of the application and of the procedure for requesting a public hearing has been:

(1) provided by certified mail to the owners of record, as shown by the most recent property tax schedule, of all properties within one-half mile of the property on which the mining operation is located or is proposed to be located;

(2) provided by certified mail to all municipalities and counties within a ten-mile radius of the property on which the mining operation is or will be located;

(3) published once in a newspaper of general circulation in each county in which the property on which the mining operation is or will be located; provided that this notice shall appear in either the classified or legal advertisements section of the newspaper and at one other place in the newspaper calculated to give the general public the most effective notice and, when appropriate, shall be printed in both English and Spanish;

(4) posted in at least four publicly accessible and conspicuous places, including the entrance to the new or existing mining operation if that entrance is publicly accessible and conspicuous;

(5) mailed to all persons who have made a written request to the director for notice of this application; and

(6) mailed by certified mail to all persons on a list maintained by the director of individuals and organizations who have requested notice of applications under the New Mexico Mining Act. If the application is determined to be administratively complete by the director, the applicant shall provide to the director timely proof that notice of that determination has been provided by first class mail to everyone who has indicated to the applicant in writing that they desire information regarding the application and to a list maintained by the director of individuals and organizations who have requested notice of applications under the New Mexico Mining Act;

L. adopt regulations to provide for permits, without notice and hearing, to address mining operations that have minimal impact on the environment; provided that such permits shall require general plans and shall otherwise reduce the permitting requirements of the New Mexico Mining Act;

M. establish by regulation a schedule of annual administrative and permit fees, which shall equal and not exceed the estimated costs of administration, implementation, enforcement, investigation and permitting pursuant to the provisions of the New Mexico Mining Act. The size of the operation, anticipated inspection frequency and other factors deemed relevant by the commission shall be considered in the determination of the fees. The fees established pursuant to this subsection shall be deposited in the mining act fund;

N. establish by regulation a continuing process of review of mining and reclamation practices in New Mexico that provides for periodic review and amendment of regulations and procedures to provide for the protection of the environment and consider the economic effects of the regulations;

O. adopt regulations governing the provision of variances issued by the director, stating the procedures for seeking a variance, including provisions for public notice and an opportunity for a hearing in the locality where the variance will be operative, the limitations on provision of variances, requiring the petitioner to present sufficient evidence to prove that failure to grant a variance will impose an undue economic burden and that granting the variance will not result in a significant threat to human health, safety or the environment;

P. provide by regulation that, prior to the issuance of any permit for a new mining operation pursuant to the provisions of the New Mexico Mining Act, the permit applicant or operator:

(1) shall provide evidence to the director that other applicable state and federal permits required to be obtained by the new or existing mining operation either have been or will be issued before the activities subject to those permits begin; and

(2) shall provide to the director a written determination from the secretary of environment stating that the permit applicant has demonstrated that the activities to be permitted or authorized will be expected to achieve compliance with all applicable air and water quality and other environmental standards if carried out as described;

Q. require by regulation that the applicant file with the director, prior to the issuance of a permit, financial assurance. The amount of the financial assurance shall be sufficient to assure the completion of the performance requirements of the permit, including closure and reclamation, if the work has to be performed by the director or a third-party contractor and shall include periodic review to account for any inflationary increases and anticipated changes in reclamation or closure costs. The regulations shall specify that financial requirements shall neither duplicate nor be less comprehensive than the federal financial requirements. The form and amount of the financial assurance shall be subject to the approval of the director as part of the permit application; provided that financial assurance does not include any type or variety of self-guarantee or self-insurance;

R. require by regulation that the permittee may file an application with the director for the release of all or part of the permittee's financial assurance. The application shall describe the reclamation measures completed and shall contain an estimate of the costs of reclamation measures that have not been completed. Prior to release of any portion of the permittee's financial assurance, the director shall conduct an inspection and evaluation of the reclamation work involved. The director shall notify persons who have requested advance notice of the inspection. Interested members of the public shall be allowed to be present at the inspection of the reclamation work by the director.

(1) The director may release in whole or in part the financial assurance if the reclamation covered by the financial assurance has been accomplished as required by the New Mexico Mining Act; provided that the director shall retain financial assurance at least equal to the approved estimated costs of completing reclamation measures that have not been completed; and provided further that for revegetated areas, the director shall retain the amount of financial assurance necessary for a third party to reestablish vegetation for a period of twelve years after the last year of augmented seeding, fertilizing, irrigation or other work, unless a post-mining land use is achieved that is inconsistent with the further need for revegetation. For new mining operations only, no part of the financial assurance necessary for a third party to reestablish vegetation shall be released so long as the lands to which the release would be applicable are contributing suspended solids above background levels to streamflow of intermittent and perennial streams.

(2) A person with an interest that is or will be adversely affected by release of the financial assurance may file, with the director within thirty days of the date of the inspection, written objections to the proposed release from financial assurance. If written objections are filed and a hearing is requested, the director shall inform all the interested parties of the time and place of the hearing at least thirty days in advance of the public hearing, and hold a public hearing in the locality of the new or existing mining operation or exploration operation proposed for release from financial assurance. The date, time and location of the public hearing shall be advertised by the director in a newspaper of general circulation in the locality for two consecutive weeks, and all persons who have submitted a written request in advance to the director to receive notices of hearings shall be provided notice at least thirty days prior to the hearing;

S. establish coordinated procedures that avoid duplication for the inspection, monitoring and sampling of air, soil and water and enforcement of applicable requirements of the New Mexico Mining Act, regulations adopted pursuant to that act and permit conditions for new and existing mining operations and exploration. The regulations shall require, at a minimum:

(1) inspections by the director occurring on an irregular basis according to the following schedule:

(a) at least one inspection per month when the mining operation is conducting significant reclamation activities;

(b) at least two inspections per year for active mining operations;

(c) at least one inspection per year on inactive sites;

(d) at least one inspection per year following completion of all significant reclamation activities, but prior to release of financial assurance; and

(e) mining operations having a minimal impact on the environment and exploration operations will be inspected on a schedule to be established by the commission;

(2) that inspections shall occur without prior notice to the permittee or the permittee's agents or employees except for necessary on-site meetings with the permittee;

(3) when the director determines that a condition or practice exists that violates a requirement of the New Mexico Mining Act, a regulation adopted pursuant to that act or a permit issued under that act, which condition, practice or violation also creates an imminent danger to the health or safety of the public or will cause significant imminent environmental harm, that the director shall immediately order a cessation of the new or existing mining operation or the exploration operation or the portion of that operation relevant to the condition, practice or violation. The cessation order shall remain in effect until the director determines that the condition, practice or violation has been abated or until modified, vacated or terminated by the director or the commission;

(4) when the director determines that an owner or operator is in violation of a requirement of the New Mexico Mining Act, a regulation adopted pursuant to that act or a permit issued pursuant to that act but the violation does not create an imminent danger to the health or safety of the public or will not cause significant imminent environmental harm, that the director shall issue a notice to the owner or operator fixing a reasonable time, not to exceed sixty days, for the abatement of the violation. If, upon expiration of the period of time as originally fixed or subsequently extended for good cause shown, the director finds that the violation has not been abated, the director shall immediately order a cessation of new or existing mining operations or exploration operations or the portion thereof relevant to the violation. The cessation order shall remain in effect until the director determines that the violation has been abated; and

(5) when the director determines that a pattern of violations of the requirements of the New Mexico Mining Act or of the regulations adopted pursuant to that act or the permit required by that act exists or has existed and, if the director also finds that such violations are caused by the unwarranted failure of the owner or operator to comply with the requirements of that act, regulation or permit or that such violations are willfully caused by the owner or operator, that the director shall immediately issue an order to the owner or operator to show cause as to why the permit should not be suspended or revoked;

T. provide for the transfer of a permit to a successor operator, providing for release of the first operator from obligations under the permit, including financial assurance, following the approved assumption of such obligations and financial assurance by the successor operator;

U. adopt regulations providing that the owner or operator of an existing mining operation or a new mining operation who has completed some reclamation measures prior to the effective date of the regulations adopted pursuant to the New Mexico Mining Act may apply for an inspection of those reclamation measures and a release from further requirements pursuant to that act for the reclaimed areas if, after an inspection, the director determines that the reclamation measures satisfy the requirements of that act and the substantive requirements for reclamation pursuant to the applicable regulatory standards; and

V. develop and adopt other regulations necessary and appropriate to carry out the purposes and provisions of the New Mexico Mining Act."

Chapter 32 Section 3 Laws 2014

SECTION 3. TEMPORARY PROVISION--RULEMAKING.--On or before January 13, 2015, the director of the mining and minerals division of the energy, minerals and natural resources department shall propose amendments to the New Mexico Mining Act rules to address the frequency for the intervals at which permittees under that act can request release of their financial assurances.

Chapter 32 Section 4 Laws 2014

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

SCONC/Senate Bills 80 & 95, w/ec

Approved March 7, 2014

LAWS 2014, CHAPTER 33

AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING AND ENACTING SECTIONS OF THE REAL ESTATE APPRAISERS ACT; PROVIDING FOR COMPLIANCE WITH FEDERAL LAW; PROVIDING FOR APPRAISAL MANAGEMENT COMPANIES; PROVIDING FOR TRAINEES; PROVIDING FOR AN APPRAISAL SUBCOMMITTEE; PROVIDING FOR UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE; PROVIDING FOR CRIMINAL BACKGROUND CHECKS.

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

Chapter 33 Section 1 Laws 2014

SECTION 1. Section 61-30-3 NMSA 1978 (being Laws 1990, Chapter 75, Section 3, as amended) is amended to read:

"61-30-3. DEFINITIONS.--As used in the Real Estate Appraisers Act:

A. "appraisal" or "real estate appraisal" means an analysis, opinion or conclusion prepared by a real estate appraiser relating to the nature, quality, value or utility of specified interests in or aspects of identified real estate or real property, for or in expectation of compensation, and shall include the following:

(1) a valuation, analysis, opinion or conclusion prepared by a real estate appraiser that estimates the value of identified real estate or real property;

(2) an analysis or study of real estate or real property other than estimating value; and

(3) written or oral appraisals that are subject to appropriate review for compliance with the uniform standards of professional appraisal practice. The work file for an oral appraisal report shall be subject to appropriate review for compliance with the uniform standards of professional appraisal practice;

B. "appraisal assignment" means an engagement for which an appraiser is employed or retained to act or would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased appraisal;

C. "appraisal foundation" means the appraisal foundation incorporated as an Illinois not-for-profit corporation on November 30, 1987 and to which reference is made in the federal real estate appraisal reform amendments;

D. "appraisal management company" means any external third party that oversees a network or panel of certified or licensed appraisers to:

(1) recruit, select and retain appraisers;

(2) contract with appraisers to perform appraisal assignments;

(3) manage the process of having an appraisal performed; or

(4) review and verify the work of appraisers;

E. "appraisal report" means any communication, written or oral, of an appraisal regardless of title or designation and all other reports communicating an appraisal;

F. "appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work;

G. "appraisal subcommittee" means the entity within the federal financial institutions examination council that monitors the requirements established by the states for appraisers and appraisal management companies;

H. "board" means the real estate appraisers board;

I. "certified appraisal" or "certified appraisal report" means an appraisal or appraisal report given or signed and certified as such by a state certified real estate appraiser and shall include an indication of which type of certification is held and shall be deemed to represent to the public that it meets the appraisal standards defined in the Real Estate Appraisers Act;

J. "federal real estate appraisal reform amendments" means the Federal Financial Institutions Examination Council Act of 1978, as amended by Title 11, Real Estate Appraisal Reform Amendments;

K. "general certificate" or "general certification" means a certificate or certification for appraisals of all types of real estate issued pursuant to the provisions of the Real Estate Appraisers Act and the federal real estate appraisal reform amendments;

L. "real estate" or "real property" means a leasehold or other estate or interest in, over or under land, including structures, fixtures and other improvements and interests that by custom, usage or law pass with a conveyance of land, though not described in a contract of sale or instrument of conveyance, and includes parcels with or without upper and lower boundaries and spaces that may be filled with air;

M. "real estate appraiser" means any person who engages in real estate appraisal activity in expectation of compensation;

N. "real estate appraiser trainee" means a registered real estate appraiser who meets or exceeds the minimum qualification requirements of the appraiser qualifications board of the appraisal foundation for real estate appraisal trainees and as defined by board rule and who are subject to direct supervision by a supervisory appraiser;

O. "residential certificate" or "residential certification" means a certificate or certification, limited to appraisals of residential real estate or residential real property without regard to the complexity of the transaction, issued pursuant to the provisions of the Real Estate Appraisers Act and as provided under the terms of the federal real estate appraisal reform amendments;

P. "residential real estate" or "residential real property" means real estate designed and suited or intended for use and occupancy by one to four families, including use and occupancy of manufactured housing;

Q. "specialized services" means those services that do not fall within the definition of an appraisal assignment and may include specialized financing or market analyses and feasibility studies that may incorporate estimates of value or analyses, opinions or conclusions given in connection with activities such as real estate brokerage, mortgage banking, real estate counseling and real estate tax counseling; provided that the person rendering such services would not be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased appraisal or real estate appraisal, regardless of the intention of the client and that person;

R. "state certified appraisal" means any appraisal that is identified as a state certified appraisal report or is in any way described as being prepared by a state certified real estate appraiser;

S. "state certified real estate appraiser" means a person who has satisfied the requirements for state licensing in New Mexico pursuant to the minimum criteria established by the appraiser qualifications board of the appraisal foundation for licensing of real estate appraisers;

T. "state licensed residential real estate appraiser" means a person who has satisfied the requirements for state licensing in New Mexico pursuant to the minimum criteria established by the appraiser qualifications board of the appraisal foundation and the New Mexico real estate appraisers board for licensing of real estate appraisers;

U. "supervisory appraiser" means a state certified real estate appraiser responsible for the direct supervision of real estate appraiser trainees who have satisfied the requirements for supervisory appraiser pursuant to the minimum criteria established by the appraiser qualifications board of the appraisal foundation; and

V. "uniform standards of professional appraisal practice" means the uniform standards of professional appraisal practice promulgated by the appraisal standards board of the appraisal foundation and adopted by rule pursuant to the Real Estate Appraisers Act."

Chapter 33 Section 2 Laws 2014

SECTION 2. Section 61-30-4 NMSA 1978 (being Laws 1990, Chapter 75, Section 4, as amended) is amended to read:

"61-30-4. ADMINISTRATION--ENFORCEMENT.--

A. The board shall administer and enforce the Real Estate Appraisers Act.

B. It is unlawful for a person to engage in the business, act in the capacity of, advertise or display in any manner or otherwise assume to engage in the business

of, or act as, a real estate appraiser trainee, a state licensed residential real estate appraiser or a state certified real estate appraiser without a license issued by the board. A person who engages in the business or acts in the capacity of a real estate appraiser trainee, a state licensed residential real estate appraiser or a state certified real estate appraiser has submitted to the jurisdiction of the state and to the administrative jurisdiction of the board, notwithstanding any other provisions or statutes governing all professional and occupational licenses."

Chapter 33 Section 3 Laws 2014

SECTION 3. Section 61-30-5 NMSA 1978 (being Laws 1990, Chapter 75, Section 5, as amended) is amended to read:

"61-30-5. REAL ESTATE APPRAISERS BOARD CREATED.--

A. There is created a "real estate appraisers board" consisting of seven members appointed by the governor. The board is administratively attached to the regulation and licensing department.

B. There shall be four real estate appraiser members of the board who shall be licensed or certified. Membership in a professional appraisal organization or association shall not be a prerequisite to serve on the board. No more than two real estate appraiser members shall be from any one licensed or certified category.

C. Board members shall be appointed to five-year terms and shall serve until a successor is appointed and qualified. Real estate appraiser members may be appointed for no more than two consecutive five-year terms.

D. No more than two members shall be from any one county within New Mexico, and at least one real estate appraiser member shall be from each congressional district.

E. One member of the board shall represent lenders or their assignees engaged in the business of lending funds secured by mortgages or in the business of appraisal management. Two members shall be appointed to represent the public. The public members shall not have been real estate appraisers or engaged in the business of real estate appraisals or have any financial interest, direct or indirect, in real estate appraisal or any real-estate-related business.

F. Vacancies on the board shall be filled by appointment by the governor for the unexpired term within sixty days of the vacancy.

G. The board is administratively attached to the regulation and licensing department, and, pursuant to Title 11 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as amended by the Dodd-Frank Wall Street Reform and

Consumer Protection Act, the appraisal subcommittee may monitor the board for the purposes of determining whether the board:

(1) has policies, practices, funding, staffing and procedures that are consistent with the requirements of the appraisal subcommittee and pursuant to Title 11 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

(2) processes complaints and completes investigations in a reasonable time period;

(3) appropriately disciplines sanctioned appraisers and appraisal management companies;

(4) maintains an effective regulatory program; and

(5) reports complaints and disciplinary actions on a timely basis to the national registries on appraisers and appraisal management companies maintained by the appraisal subcommittee.

H. The appraisal subcommittee may impose sanctions against the board if it fails to have an effective appraiser regulatory program."

Chapter 33 Section 4 Laws 2014

SECTION 4. Section 61-30-7 NMSA 1978 (being Laws 1990, Chapter 75, Section 7, as amended) is amended to read:

"61-30-7. BOARD--POWERS--DUTIES.--The board shall:

A. adopt rules necessary to implement the provisions of the Real Estate Appraisers Act;

B. establish educational programs and research projects related to the appraisal of real estate;

C. establish the administrative procedures for processing applications and issuing registrations, licenses and certificates to persons who qualify to be real estate appraiser trainees, state licensed residential real estate appraisers or state certified real estate appraisers;

D. receive, review and approve applications for real estate appraiser trainees, state licensed residential real estate appraisers and each category of state certified real estate appraisers;

E. define the extent and type of educational experience, appraisal experience and equivalent experience that will meet the requirements for registration,

licensing and certification pursuant to the Real Estate Appraisers Act after considering generally recognized appraisal practices and set minimum requirements for education and experience;

F. provide for continuing education programs for the renewal of registrations, licenses and certification that will meet the requirements provided in the Real Estate Appraisers Act and set minimum requirements;

G. adopt standards to define the education programs that will meet the requirements of the Real Estate Appraisers Act and that will encourage conducting programs at various locations throughout the state;

H. adopt standards for the development and communication of real estate appraisals provided in the Real Estate Appraisers Act and adopt rules explaining and interpreting the standards after considering generally recognized appraisal practices;

I. adopt a code of professional responsibility for real estate appraiser trainees, state licensed residential real estate appraisers and state certified real estate appraisers;

J. comply with annual reporting requirements and other requirements set forth in the federal real estate appraisal reform amendments;

K. collect and transmit annual registry fees from individuals who perform or seek to perform appraisals in federally related transactions and from an appraisal management company that either has registered with the board or operates as a subsidiary of a federally regulated financial institution;

L. maintain a registry of the names and addresses of the persons who hold current registrations, licenses and certificates issued under the Real Estate Appraisers Act;

M. establish procedures for disciplinary action in accordance with the Uniform Licensing Act against any applicant or holder of a registration, license or certificate for violations of the Real Estate Appraisers Act and any rules adopted pursuant to provisions of that act;

N. register and supervise appraisal management companies and submit additional information about the appraisal management company to the appraisal subcommittee's national registry;

O. recognize appraiser certifications and licenses from states whose appraisal program is found to be consistent with Title 11 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as determined by the appraisal subcommittee; and

P. perform such other functions and duties as may be necessary to carry out the provisions of the Real Estate Appraisers Act."

Chapter 33 Section 5 Laws 2014

SECTION 5. Section 61-30-8 NMSA 1978 (being Laws 1990, Chapter 75, Section 8, as amended) is amended to read:

"61-30-8. BOARD--ORGANIZATION--MEETINGS.--

A. The board shall organize by electing a chair and vice chair from among its members annually. A majority of the board shall constitute a quorum and may exercise all powers and duties established by the provisions of the Real Estate Appraisers Act.

B. The board shall keep a record of its proceedings, a register of persons registered, licensed or certified as real estate appraiser trainees, state licensed residential real estate appraisers or state certified real estate appraisers, showing the name and places of business of each, and shall retain all records and applications submitted to the board pursuant to the Real Estate Appraisers Act.

C. The board shall meet not less frequently than once each calendar quarter at such place as may be designated by the board, and special meetings may be held on five days' written notice to each of the members by the chair. At least annually, the board shall meet in each of the congressional districts."

Chapter 33 Section 6 Laws 2014

SECTION 6. Section 61-30-10 NMSA 1978 (being Laws 1990, Chapter 75, Section 10, as amended) is amended to read:

"61-30-10. REGISTRATION, LICENSE OR CERTIFICATION REQUIRED--EXCEPTIONS.--

A. It is unlawful for any person in this state to engage or attempt to engage in the business of developing or communicating real estate appraisals or appraisal reports without first registering as a real estate appraiser trainee or obtaining a license or certificate from the board under the provisions of the Real Estate Appraisers Act.

B. No person, unless certified by the board as a state certified real estate appraiser under a general certification or residential certification, shall:

(1) assume or use any title, designation or abbreviation likely to create the impression of a state certified real estate appraiser;

(2) use the term "state certified" to describe or refer to any appraisal or evaluation of real estate prepared by the person;

(3) assume or use any title, designation or abbreviation likely to create the impression of certification as a state certified real estate appraiser firm, partnership, corporation or group; or

(4) assume or use any title, designation or abbreviation likely to create the impression of certification under a general certificate or describe or refer to any appraisal or evaluation of nonresidential real estate by the term "state certified" if the preparer's certification is limited to residential real estate.

C. A real estate appraiser trainee is only authorized to prepare appraisals of all types of real estate or real property under direct supervision of the supervisory appraiser holding a residential or general certificate; provided that such person does not assume or use any title, designation or abbreviation likely to create the impression of certification as a state certified real estate appraiser or licensure as a state licensed residential real estate appraiser.

D. The scope of practice for:

(1) a real estate appraiser trainee is appraisal of those properties that the supervisory appraiser is permitted by the supervisory appraiser's current credential and that the supervisory appraiser is qualified to appraise. All real estate appraiser trainees must comply with the competency rule of the uniform standards of professional appraisal practice;

(2) a state licensed residential real estate appraiser is appraisal of non-complex, one-to-four residential units having a transaction value of less than one million dollars (\$1,000,000) and complex one-to-four residential units having a transaction value less than two hundred fifty thousand dollars (\$250,000). "Complex one-to-four family residential property appraisal" means one in which the property to be appraised, the form of ownership or the market conditions are typical. The state licensed residential real estate appraiser must comply with the competency rule of the uniform standards of professional appraisal practice;

(3) a state certified residential real estate appraiser is appraisal of one-to-four residential units without regard to value or complexity. This classification includes the appraisal of vacant or unimproved land that is utilized for one-to-four family purposes or for which the highest and best use is for one-to-four family purposes, and the classification does not include the appraisal of subdivisions for which a development analysis or appraisal is necessary. All state certified residential real estate appraisers must comply with the competency rule of the uniform standards of professional appraisal practice; and

(4) a state certified general real estate appraiser is appraisal of all types of property. All state certified general real estate appraisers must comply with the competency rule of the uniform standards of professional appraisal practice.

E. The requirement of registration, licensing or certification shall not apply to a qualifying or associate broker, as defined under the provisions of Chapter 61, Article 29 NMSA 1978, who gives an opinion of the price of real estate for the purpose of marketing, selling, purchasing, leasing or exchanging such real estate or any interest therein or for the purpose of providing a financial institution with a collateral assessment of any real estate in which the financial institution has an existing or potential security interest. The opinion of the price shall not be referred to or construed as an appraisal or appraisal report and shall not be used as the primary basis to determine the value of real estate for the purpose of loan origination.

F. The requirement of registration, licensing or certification shall not apply to real estate appraisers of the property tax division of the taxation and revenue department, to a county assessor or to the county assessor's employees, who as part of their duties are required to engage in real estate appraisal activity as a county assessor or on behalf of the county assessor and no additional compensation fee or other consideration is expected or charged for such appraisal activity, other than such compensation as is provided by law.

G. The prohibition of Subsection A of this section does not apply to persons whose real estate appraisal activities are limited to the appraisal of interests in minerals, including oil, natural gas, liquid hydrocarbons or carbon dioxide, and property held or used in connection with mineral property, if that person is authorized in the person's state of residence to practice and is actually engaged in the practice of the profession of engineering or geology.

H. The process of analyzing, without altering, an appraisal report, except appraisal reviews as defined by the uniform standards of professional appraisal practice, that is part of a request for mortgage credit is considered a specialized service as defined in Subsection S of Section 61-30-3 NMSA 1978 and is exempt from the requirements of registration, licensing or certification."

Chapter 33 Section 7 Laws 2014

SECTION 7. Section 61-30-10.1 NMSA 1978 (being Laws 1992, Chapter 54, Section 8, as amended) is amended to read:

"61-30-10.1. QUALIFICATION FOR REAL ESTATE APPRAISER TRAINEE.--

A. Registration as a real estate appraiser trainee shall be granted only to persons who are deemed by the board to be of good repute and competent to render appraisals.

B. Each applicant for registration as a real estate appraiser trainee shall be a legal resident of the United States, except as otherwise provided in Section 61-30-20 NMSA 1978, and have reached the age of majority.

C. Each applicant for registration as a real estate appraiser trainee shall meet the education requirements as established for the real estate appraiser trainee classification issued by the appraiser qualifications board of the appraisal foundation and adopted by rule pursuant to the Real Estate Appraisers Act.

D. The board shall require such information as it deems necessary from every applicant to determine the applicant's honesty, trustworthiness and competency."

Chapter 33 Section 8 Laws 2014

SECTION 8. Section 61-30-11 NMSA 1978 (being Laws 1990, Chapter 75, Section 11, as amended) is amended to read:

"61-30-11. QUALIFICATIONS FOR LICENSE.--

A. Licenses shall be granted only to persons who are deemed by the board to be of good repute and competent to render appraisals.

B. Each applicant for a license as a state licensed residential real estate appraiser shall be a legal resident of the United States, except as otherwise provided in Section 61-30-20 NMSA 1978, and have reached the age of majority.

C. Each applicant for a license as a state licensed residential real estate appraiser shall have additional experience and education requirements as established for the licensed classification issued by the appraiser qualifications board of the appraisal foundation and adopted by rule pursuant to the Real Estate Appraisers Act.

D. The board shall require such information as it deems necessary from every applicant to determine the applicant's honesty, trustworthiness and competency.

E. Persons who do not meet the qualifications for licensure are not qualified for appraisal assignments involving federally related transactions."

Chapter 33 Section 9 Laws 2014

SECTION 9. Section 61-30-12 NMSA 1978 (being Laws 1990, Chapter 75, Section 12, as amended) is amended to read:

"61-30-12. QUALIFICATIONS FOR CERTIFIED RESIDENTIAL AND GENERAL REAL ESTATE APPRAISERS.--

A. Certified classification shall be granted only to persons who are deemed by the board to be of good repute and competent to render appraisals.

B. Each applicant for a state certified residential or general real estate appraiser classification shall be a legal resident of the United States, except as otherwise provided in Section 61-30-20 NMSA 1978, and have reached the age of majority.

C. Each applicant for a residential certificate as a state certified real estate appraiser shall have performed actively as a real estate appraiser and shall have additional experience and education requirements as established for the residential certification classification issued by the appraiser qualifications board of the appraisal foundation and adopted by rule pursuant to the Real Estate Appraisers Act.

D. Each applicant for a general certificate as a state certified real estate appraiser shall have performed actively as a real estate appraiser and have additional experience and education requirements as established for the general certification classification issued by the appraiser qualifications board of the appraisal foundation and adopted pursuant to the Real Estate Appraisers Act.

E. The board shall require such information as it deems necessary from every applicant to determine the applicant's honesty, trustworthiness and competency."

Chapter 33 Section 10 Laws 2014

SECTION 10. Section 61-30-13 NMSA 1978 (being Laws 1990, Chapter 75, Section 13, as amended) is amended to read:

"61-30-13. APPLICATION FOR REGISTRATION, LICENSE OR CERTIFICATE--
EXAMINATION.--

A. All applications for registrations, licenses or certificates shall be made to the board in writing, either in person or electronically, shall specify whether registration or a license or a certificate is being applied for by the applicant and, if a certificate, the classification of the certificate being applied for by the applicant and shall contain such data and information as may be required by the board.

B. Each applicant for a license or a certificate shall demonstrate, by successfully passing a written examination, prepared by or under the supervision of the board, that the applicant possesses, consistent with licensure or the certification sought, the following:

(1) an appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing and economic concepts applicable to real estate;

- (2) a basic understanding of real estate law;
- (3) an adequate knowledge of theory and techniques of real estate appraisal;
- (4) an understanding of the principles of land economics, real estate appraisal processes and problems likely to be encountered in the gathering, interpreting and processing of data in carrying out appraisal disciplines;
- (5) an understanding of the standards for the development and communication of real estate appraisals as provided in the Real Estate Appraisers Act;
- (6) knowledge of theories of depreciation, cost estimating, methods of capitalization and the mathematics of real estate appraisal that are appropriate for the classification of a certificate applied for by the applicant;
- (7) knowledge of other principles and procedures as may be appropriate for the respective classification; and
- (8) an understanding of the types of misconduct for which disciplinary proceedings may be initiated against a real estate appraiser trainee, a state licensed residential real estate appraiser or a state certified real estate appraiser as set forth in the Real Estate Appraisers Act.

C. An applicant for a license or a certificate who fails to successfully complete the written examination may apply for a reexamination for a license or certificate upon compliance with such conditions as set forth in the rules adopted by the board pursuant to the provisions of the Real Estate Appraisers Act."

Chapter 33 Section 11 Laws 2014

SECTION 11. Section 61-30-14 NMSA 1978 (being Laws 1990, Chapter 75, Section 14, as amended) is amended to read:

"61-30-14. ISSUANCE AND RENEWAL OF REGISTRATION, LICENSES AND CERTIFICATES.--

A. The board shall issue to each qualified applicant evidence of registration, a license or a certificate in a form and size prescribed by the board.

B. The board in its discretion may renew registrations, licenses or certificates for periods of one, two or three years for the purpose of coordinating continuing education requirements with registration, license or certificate renewal requirements.

C. Each registration, license or certificate holder shall submit proof of compliance with continuing education requirements and the renewal fee.

D. Each application for renewal shall include payment of a registry fee set by the federal financial institutions examination council. The registry fee shall be transmitted by the board to the federal financial institutions examination council.

E. The board shall certify renewal of each registration, license or certificate in the absence of any reason or condition that might warrant the refusal of the renewal of a registration, license or certificate.

F. In the event that a registration, license or certificate holder fails to properly apply for renewal of the registration, license or certificate within the thirty days immediately following the registration, license or certificate renewal date of any given year, the registration, license or certificate shall expire thirty days following the renewal date.

G. The board may renew an expired registration upon application, payment of the current annual renewal fee, submission of proof of compliance with continuing education requirements and payment of a reinstatement fee in the amount not to exceed two hundred dollars (\$200), in addition to any other fee permitted under the Real Estate Appraisers Act.

H. The board may renew an expired license or certificate upon application, payment of the current annual renewal fee, submission of proof of compliance with continuing education requirements and payment of the reinstatement fee, in addition to any other fee permitted under the Real Estate Appraisers Act; provided that the board may, in the board's discretion, treat the former certificate holder as a new applicant and further may require reexamination as a condition to reissuance of a certificate.

I. If during a period of one year from the date a registration, license or certificate expires, the registration, license or certificate holder is either absent from this state on active duty military service or is suffering from an illness or injury of such severity that the person is physically or mentally incapable of renewal of the registration, license or certificate, payment of the reinstatement fee and, in the case of a license or certificate holder, reexamination shall not be required by the board if, within three months of the person's permanent return to this state or sufficient recovery from illness or injury to allow the person to make an application, the person makes application to the board for renewal. A copy of the person's military orders or a certificate of the applicant's physician shall accompany the application.

J. The board may adopt additional requirements by-rule for the issuance or renewal of registrations, licenses or certificates to maintain or upgrade real estate appraiser qualifications at a level no less than the recommendations of the appraiser qualifications board of the appraisal foundation or the requirements of the appraisal subcommittee."

Chapter 33 Section 12 Laws 2014

SECTION 12. Section 61-30-15 NMSA 1978 (being Laws 1990, Chapter 75, Section 15, as amended) is amended to read:

"61-30-15. REFUSAL, SUSPENSION OR REVOCATION OF REGISTRATION, LICENSE OR CERTIFICATE.--

A. The board, consistent with Section 61-30-7 NMSA 1978, shall refuse to issue or renew a registration, license or certificate or shall suspend or revoke a registration, license or certificate at any time when the applicant, real estate appraiser trainee, state licensed residential real estate appraiser or state certified real estate appraiser, in performing or attempting to perform any of the actions set forth in the Real Estate Appraisers Act, is determined by the board to have:

(1) procured or attempted to procure a registration, license or certificate by knowingly making a false statement or submitting false information or through any form of fraud or misrepresentation;

(2) refused to provide complete information in response to a question in an application for registration, a license or certificate or failed to meet the minimum qualifications established by the Real Estate Appraisers Act;

(3) paid money, other than as provided for in the Real Estate Appraisers Act, to any member or employee of the board to procure registration, a license or a certificate;

(4) been convicted of a crime that is substantially related to the qualifications, functions and duties of the person developing real estate appraisals and communicating real estate appraisals to others;

(5) committed an act involving dishonesty, fraud or misrepresentation or by omission engaged in a dishonest or fraudulent act or misrepresentation with the intent to substantially benefit the registration, license or certificate holder or another person or with the intent to substantially injure another person;

(6) willfully disregarded or violated any of the provisions of the Real Estate Appraisers Act or the rules of the board adopted pursuant to that act;

(7) accepted an appraisal assignment when the employment itself is contingent upon the real estate appraiser reporting a predetermined analysis or opinion or where the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion or valuation reached or upon the consequences resulting from the appraisal assignment; provided that a contingent fee agreement is permitted for the rendering of special services not constituting an appraisal assignment

and the acceptance of a contingent fee is clearly and prominently stated on the written appraisal report;

(8) suffered the entry of a final civil judgment on the grounds of fraud, misrepresentation or deceit in the making of an appraisal; provided that the real estate appraiser trainee, state licensed residential real estate appraiser or state certified real estate appraiser shall be afforded an opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgment; or

(9) committed any other conduct that is related to dealings as a real estate appraiser trainee, a state licensed residential real estate appraiser or a state certified real estate appraiser and that constitutes or demonstrates bad faith, untrustworthiness, impropriety, fraud, dishonesty or any unlawful act.

B. The board, consistent with Section 61-30-7 NMSA 1978, shall refuse to issue or renew a registration, license or certificate and shall suspend or revoke a registration, license or certificate at any time when the board determines that the applicant or real estate appraiser trainee, state licensed residential real estate appraiser or state certified real estate appraiser, in the performance of real estate appraisal work, has:

(1) repeatedly failed to observe one or more of the standards for the development or communication of real estate appraisals set forth in the rules adopted pursuant to the Real Estate Appraisers Act;

(2) repeatedly failed or refused, without good cause, to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

(3) repeatedly been negligent or incompetent in developing an appraisal, in preparing an appraisal report or in communicating an appraisal; or

(4) violated the confidential nature of records to which the real estate appraiser trainee, state licensed residential real estate appraiser or state certified real estate appraiser gained access through employment or engagement as such an appraiser.

C. The action of the board relating to the issuance, suspension or revocation of any registration, license or certificate shall be governed by the provisions of the Uniform Licensing Act; provided that the time limitations set forth in the Uniform Licensing Act shall not apply to the processing of administrative complaints filed with the board, which shall be governed by federal statute, regulation or policy. The board shall participate in any hearings required or conducted by the board pursuant to the provisions of the Uniform Licensing Act.

D. The provisions of the Criminal Offender Employment Act shall govern any consideration of criminal records required or permitted under the Real Estate Appraisers Act.

E. Nothing in the Real Estate Appraisers Act shall be construed to preclude any other remedies otherwise available under common law or statutes of this state."

Chapter 33 Section 13 Laws 2014

SECTION 13. Section 61-30-16 NMSA 1978 (being Laws 1990, Chapter 75, Section 16, as amended) is amended to read:

"61-30-16. STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE--
CERTIFICATE OF GOOD STANDING.--

A. Each real estate appraiser trainee, state licensed residential real estate appraiser or state certified real estate appraiser shall comply with the generally accepted standards of professional appraisal practice and the generally accepted ethical rules to be observed by a real estate appraiser. The generally accepted standards of professional appraisal practice and professional ethics are currently evidenced by the uniform standards of professional appraisal practice. Real estate appraisals shall be written or oral appraisals and subject to appropriate review for compliance with the uniform standards of professional appraisal practice. The work file for an oral appraisal report shall be subject to appropriate review for compliance with the uniform standards of professional appraisal practice.

B. The board, upon payment of a fee in an amount specified in its regulations, may issue a certificate of good standing to any state registered, licensed or certified real estate appraiser who is in good standing under the Real Estate Appraisers Act."

Chapter 33 Section 14 Laws 2014

SECTION 14. Section 61-30-17 NMSA 1978 (being Laws 1990, Chapter 75, Section 17, as amended) is amended to read:

"61-30-17. FEES.--

A. The board shall charge and collect the following fees not to exceed:

(1) an application fee for real estate appraiser trainee registration, two hundred dollars (\$200);

(2) an application fee for a license or residential certification, four hundred dollars (\$400);

(3) an application fee for general certification, five hundred dollars (\$500);

(4) an examination fee for general and residential certification or license, two hundred dollars (\$200);

(5) a registration renewal fee for a real estate appraiser trainee, two hundred fifty dollars (\$250);

(6) a certificate renewal fee for residential certification, or license renewal, four hundred fifty dollars (\$450);

(7) a certificate renewal fee for general certification, five hundred dollars (\$500);

(8) the registry fee as required by the federal real estate appraisal reform amendments;

(9) for registration for temporary practice, two hundred dollars (\$200), and an additional extension fee may be applied;

(10) for each duplicate registration, license or certificate issued because a registration, license or certificate is lost or destroyed and an affidavit as to its loss or destruction is made and filed, fifty dollars (\$50.00); and

(11) fees to cover reasonable and necessary administrative expenses.

B. The board shall establish the fee for appraisal management company registration by rule to cover the cost of the administration of the Appraisal Management Company Registration Act, but in no case shall the fee be more than two thousand dollars (\$2,000). Registration fees shall be credited to the appraiser fund pursuant to Section 61-30-18 NMSA 1978."

Chapter 33 Section 15 Laws 2014

SECTION 15. Section 61-30-18 NMSA 1978 (being Laws 1990, Chapter 75, Section 18, as amended) is amended to read:

"61-30-18. APPRAISER FUND CREATED--DISPOSITION--METHOD OF PAYMENT.--

A. There is created in the state treasury the "appraiser fund" to be administered by the board. All fees received by the board pursuant to the Real Estate Appraisers Act and the Appraisal Management Company Registration Act shall be

deposited with the state treasurer to the credit of the appraiser fund. Income earned on investment of the fund shall be credited to the fund.

B. Money in the appraiser fund shall be used by the board to meet necessary expenses incurred in the enforcement of the provisions of the Real Estate Appraisers Act and the Appraisal Management Company Registration Act, in carrying out the duties imposed by the Real Estate Appraisers Act and the Appraisal Management Company Registration Act and for the promotion of education and standards for real estate appraisers in this state. Payments out of the appraiser fund shall be on vouchers issued and signed by the person designated by the board upon warrants drawn by the department of finance and administration.

C. All unexpended or unencumbered balances remaining at the end of each fiscal year shall remain in the appraiser fund for use in accordance with the provisions of the Real Estate Appraisers Act and the Appraisal Management Company Registration Act. Money in the fund shall be used by the board to support efforts to comply with the rules of the appraisal subcommittee, including the complaint process, complaint investigations and appraiser enforcement activities."

Chapter 33 Section 16 Laws 2014

SECTION 16. Section 61-30-19 NMSA 1978 (being Laws 1990, Chapter 75, Section 19, as amended) is amended to read:

"61-30-19. CONTINUING EDUCATION.--

A. The board shall adopt rules providing for continuing education programs that offer courses in real property appraisal, practices and techniques, including basic real estate law and practice. The rules shall require that every real estate appraiser trainee, state licensed residential real estate appraiser or state certified real estate appraiser, as a condition to renewal, shall successfully complete the continuing education requirements approved by the board.

B. The rules shall prescribe areas of specialty or expertise relating to registration, licenses and the type of certificate held and may require that a certain part of continuing education be devoted to courses in the area of the real estate appraiser trainee's, state licensed residential real estate appraiser's or state certified real estate appraiser's specialty or expertise. The rules shall also permit real estate appraiser trainees, state licensed residential real estate appraisers or state certified real estate appraisers to meet the continuing education requirements by participation other than as a student in educational processes and programs in real property appraisal theory, practices and techniques by instructing or preparing educational materials."

Chapter 33 Section 17 Laws 2014

SECTION 17. Section 61-30-20 NMSA 1978 (being Laws 1990, Chapter 75, Section 20, as amended) is amended to read:

"61-30-20. NONRESIDENT APPLICANTS--RECIPROCITY.--

A. Pursuant to Title 11 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act, the board shall issue a registration, license or certificate to a nonresident if the applicant's home state complies with Title 11 as determined by the appraisal subcommittee.

B. The registration, license or certificate shall be issued upon payment of the application fee, verification that the applicant has complied with the applicant's resident state's current education requirements and the filing with the board of a license history and verification of good standing issued by the licensing board of the other state.

C. The applicant shall file an irrevocable consent that suits and actions may be commenced against the applicant in the proper court of any county of this state in which a cause of action may arise from the applicant's actions as a real estate appraiser trainee, state licensed residential real estate appraiser or state certified real estate appraiser or in which the plaintiff may reside, by the service of any processes or pleadings authorized by the laws of this state on the board, the consent stipulating and agreeing that such service of processes or pleadings on the board shall be taken and held in all courts to be as valid and binding as if personal service has been made upon the applicant in New Mexico. In case any process or pleading mentioned in the case is served upon the board, it shall be by duplicate copies, one of which shall be filed in the office of the board and the other immediately forwarded by registered mail to the nonresident real estate appraiser trainee, state licensed residential real estate appraiser or state certified real estate appraiser to whom the processes or pleadings are directed."

Chapter 33 Section 18 Laws 2014

SECTION 18. Section 61-30-21 NMSA 1978 (being Laws 1990, Chapter 75, Section 21, as amended) is amended to read:

"61-30-21. TEMPORARY PRACTICE.--

A. Pursuant to Title 11 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act, the board shall recognize, on a temporary basis, the registration, certification or license of a real estate appraiser issued by another state if:

(1) the real estate appraiser's business is of a temporary nature and certified by the real estate appraiser not to exceed six months, with no more than one extension allowed; and

(2) the real estate appraiser registers the temporary practice with the board.

B. The applicant or any person registering with the board for temporary practice shall file an irrevocable consent that suits and actions may be commenced against the applicant in the proper court of any county of this state in which a cause of action may arise from the applicant's actions as a real estate appraiser trainee, a state licensed residential real estate appraiser or a state certified real estate appraiser or in which the plaintiff may reside, by the service of any processes or pleadings authorized by the laws of this state on the board, the consent stipulating and agreeing that such service of processes or pleadings on the board shall be taken and held in all courts to be as valid and binding as if personal service had been made upon the applicant in New Mexico. If a process or pleading mentioned in the case is served upon the board, it shall be by duplicate copies, one of which shall be filed in the office of the board and the other immediately forwarded by registered mail to the nonresident real estate appraiser trainee, state licensed residential real estate appraiser or state certified real estate appraiser to whom the processes or pleadings are directed."

Chapter 33 Section 19 Laws 2014

SECTION 19. Section 61-30-22 NMSA 1978 (being Laws 1990, Chapter 75, Section 22, as amended) is amended to read:

"61-30-22. CIVIL AND CRIMINAL PENALTIES--INJUNCTIVE RELIEF.--

A. Any person who violates any provision of the Real Estate Appraisers Act is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six months or both.

B. In the event any person has engaged in or proposes to engage in any act or practice violating a provision of the Real Estate Appraisers Act, the attorney general or the district attorney of the judicial district in which the person resides or the judicial district in which the violation has occurred or will occur shall, upon application of the board, maintain an action in the name of the state to prosecute the violation or to enjoin the proposed act or practice.

C. The board may impose a civil penalty in an amount not to exceed one thousand dollars (\$1,000) for each violation of the Real Estate Appraisers Act and assess administrative costs for any investigation and administrative or other proceedings against a real estate appraiser trainee, a state licensed residential real estate appraiser or a state certified real estate appraiser or against any person who is found, through an administrative proceeding, to have acted without a license. Appeals from decisions of the board shall be taken as provided in Section 39-3-1.1 NMSA 1978."

Chapter 33 Section 20 Laws 2014

SECTION 20. A new section of the Real Estate Appraisers Act is enacted to read:

"CRIMINAL BACKGROUND CHECKS.--

A. The board may adopt rules that provide for criminal background checks for all registrants, certified licensees and licensees to include:

(1) requiring criminal history background checks of applicants for registration, certified licensure or licensure pursuant to the Real Estate Appraisers Act;

(2) requiring applicants for registration, or certified licensure or licensure to be fingerprinted;

(3) providing for an applicant who has been denied registration or certified licensure or licensure to inspect or challenge the validity of the background check record;

(4) establishing a fingerprint and background check fee not to exceed fees as determined by the department of public safety to be paid by the applicant; and

(5) providing for submission of an applicant's fingerprint cards to the federal bureau of investigation to conduct a national criminal history background check and to the department of public safety to conduct a state criminal history check.

B. Arrest record information received from the department of public safety and the federal bureau of investigation shall be privileged and shall not be disclosed to persons not directly involved in the decision affecting the applicant.

C. Electronic live fingerprint scans may be used when conducting criminal history background checks."

Senate Bill 110, aa

Approved March 7, 2014

LAWS 2014, CHAPTER 34

AN ACT

RELATING TO TAXATION; CHANGING THE DEFINITION OF "ALTERNATIVE FUEL" IN THE ALTERNATIVE FUEL TAX ACT TO INCLUDE AN ENERGY EQUIVALENCE FORMULA FOR COMPRESSED AND LIQUEFIED NATURAL GAS; ELIMINATING

THE OPTION TO PAY THE ALTERNATIVE FUEL EXCISE TAX ON AN ANNUAL BASIS; AMENDING SECTIONS OF THE ALTERNATIVE FUEL TAX ACT.

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

Chapter 34 Section 1 Laws 2014

SECTION 1. Section 7-16B-1 NMSA 1978 (being Laws 1995, Chapter 16, Section 1) is amended to read:

"7-16B-1. SHORT TITLE.--Chapter 7, Article 16B NMSA 1978 may be cited as the "Alternative Fuel Tax Act"."

Chapter 34 Section 2 Laws 2014

SECTION 2. Section 7-16B-3 NMSA 1978 (being Laws 1995, Chapter 16, Section 3, as amended) is amended to read:

"7-16B-3. DEFINITIONS.--As used in the Alternative Fuel Tax Act:

A. "alternative fuel" means liquefied petroleum gas, compressed natural gas, liquefied natural gas or a water-phased hydrocarbon fuel emulsion consisting of a hydrocarbon base and water in an amount not less than twenty percent by volume of the total water-phased fuel emulsion, all of which may be used for the generation of power to propel a motor vehicle on the highways;

B. "alternative fuel user" means any user who is a registrant, owner or operator of a motor vehicle propelled by alternative fuel;

C. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

D. "distributor" means any person who delivers or dispenses alternative fuel into the supply tank of a motor vehicle;

E. "gallon" means:

(1) for liquid alternative fuel, the quantity of liquid necessary to fill a standard United States gallon liquid measure, which is approximately 3.785 liters; provided that:

(a) in the case of a water-phased hydrocarbon fuel emulsion, a gallon shall be measured only with respect to the hydrocarbon base portion of the emulsion and not to the water base portion; and

(b) in the case of liquefied natural gas, a gallon shall be 6.06 pounds of liquefied natural gas; or

(2) for nonliquid alternative fuel, one hundred fourteen cubic feet; provided that in the case of compressed natural gas, a gallon shall be 5.66 pounds or 126.67 standard cubic feet of compressed natural gas;

F. "gross vehicle weight" means the weight of a motor vehicle or a combination motor vehicle without load, plus the weight of any load on the motor vehicle;

G. "highway" means every road, highway, thoroughfare, street or way, including toll roads, generally open to the use of the public as a matter of right for the purpose of motor vehicle travel and notwithstanding that the same may be temporarily closed for the purpose of construction, reconstruction, maintenance or repair;

H. "motor vehicle" means any self-propelled vehicle or device subject to registration under Section 66-3-1 NMSA 1978 that is used or may be used on the public highways in whole or in part for the purpose of transporting persons or property and includes any connected trailer or semitrailer;

I. "person" means an individual or any other legal entity; "person" also means, to the extent permitted by law, any federal, state or other government or any department, agency or instrumentality of the state, county, municipality or any political subdivision thereof;

J. "registrant" means any person who has registered a motor vehicle pursuant to the laws of this state or of another state;

K. "sale" means any delivery, exchange, gift or other disposition;

L. "secretary" means the secretary of taxation and revenue or the secretary's delegate;

M. "supply tank" means any tank or other receptacle in which or by which fuel may be carried and supplied to the fuel-furnishing device or apparatus of the propulsion mechanism of a motor vehicle when the tank or receptacle either contains alternative fuel or alternative fuel is delivered into it;

N. "use" means:

(1) the receipt or placing of alternative fuel by an alternative fuel user into the fuel supply tank of any motor vehicle registered, owned or operated by the alternative fuel user;

(2) the consumption by an alternative fuel user of alternative fuel in the propulsion of a motor vehicle on the highways of this state and any activity ancillary to that propulsion; or

(3) the importation of alternative fuel in the fuel supply tank of any motor vehicle as fuel for the propulsion of the motor vehicle on the highways;

O. "user" means any person other than the United States government or any of its agencies or instrumentalities; the state of New Mexico or any of its political subdivisions, agencies or instrumentalities; or an Indian nation, tribe or pueblo or any agency or instrumentality of an Indian nation, tribe or pueblo who uses alternative fuel to propel a motor vehicle on the highways; and

P. the definitions of "alternative fuel user" and "distributor" shall be construed so that a person may at the same time be an alternative fuel user and a distributor."

Chapter 34 Section 3 Laws 2014

SECTION 3. Section 7-16B-4 NMSA 1978 (being Laws 1995, Chapter 16, Section 4) 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 the period beginning January 1, 1996 and ending December 31, 1997, three cents (\$0.03) per gallon;

(2) for the period beginning January 1, 1998 and ending December 31, 1999, six cents (\$0.06) per gallon;

(3) for the period beginning January 1, 2000 and ending December 31, 2001, nine cents (\$0.09) per gallon;

(4) for the period beginning January 1, 2002 and ending June 30, 2014, twelve cents (\$0.12) per gallon; and

(5) for the period beginning July 1, 2014 and thereafter:

(a) for alternative fuel that is compressed natural gas, thirteen and three-tenths cents (\$.133) per gallon;

(b) for alternative fuel that is liquefied natural gas, twenty and six-tenths cents (\$.206) per gallon; and

(c) for alternative fuel not described in Subparagraph (a) or (b) of this paragraph, 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 34 Section 4 Laws 2014

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this section is July 1, 2014.

House Bill 30, aa

Approved March 7, 2014

LAWS 2014, CHAPTER 35

AN ACT

RELATING TO PENSIONS; AMENDING JUDICIAL RETIREMENT ACT PROVISIONS APPLICABLE TO CERTAIN MEMBERS BY CHANGING THE AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT, DECREASING THE PENSION MULTIPLIER FOR SERVICE CREDIT EARNED AFTER JUNE 30, 2014 AND INCREASING THE NUMBER OF YEARS USED TO CALCULATE THE FINAL AVERAGE SALARY; PROVIDING A TEMPORARY SUSPENSION OF AND DECREASE AND DELAY OF THE COST-OF-LIVING ADJUSTMENT; INCREASING THE MAXIMUM PENSION BENEFIT; INCREASING CONTRIBUTION RATES; REQUIRING MEMBERSHIP; CHANGING THE PENSION FORM OF PAYMENT AND SURVIVOR BENEFICIARY PROVISIONS FOR NEW JUDGES AND JUSTICES WHOSE TERMS OF OFFICE BEGIN ON OR AFTER JULY 1, 2014; PROVIDING FOR THE SUSPENSION OF THE COST-OF-LIVING ADJUSTMENT FOR RETURN-TO-WORK JUDGES, JUSTICES AND MAGISTRATES.

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

Chapter 35 Section 1 Laws 2014

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 Subsection E 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 G 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. Notwithstanding the provisions of Subsection B of Section 10-11-118 NMSA 1978, on and after July 1, 2013, if a retired member becomes employed with an employer pursuant to the Educational Retirement Act, and effective July 1, 2014, if a retired member who, subsequent to retirement, is employed and covered pursuant to the Magistrate Retirement Act:

(1) the retired member's cost-of-living pension adjustment shall be suspended upon commencement of the employment; and

(2) upon termination of the employment, the retired member's suspended cost-of-living pension adjustment shall be reinstated as provided under Subsection B of Section 10-11-118 NMSA 1978.

E. The provisions of Subsections C, H and I 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.

F. A retired member who returns to employment during retirement pursuant to Subsection E 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.

G. 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.

H. 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:

(1) 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;

(2) notwithstanding the provisions of Subsection B of Section 10-11-118 NMSA 1978, on and after July 1, 2013, the retired member's cost-of-living pension adjustment shall be suspended; and

(3) upon termination of the subsequent employment with the affiliated public employer, the retired member's cost-of-living pension adjustment shall be reinstated as provided in Subsection B of Section 10-11-118 NMSA 1978.

I. Effective July 1, 2014, if a retired member who, subsequent to retirement, is employed and covered pursuant to the provisions of the 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 Subsection B of Section 10-11-118 NMSA 1978.

J. 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."

Chapter 35 Section 2 Laws 2014

SECTION 2. Section 10-12B-2 NMSA 1978 (being Laws 1992, Chapter 111, Section 2, as amended) is amended to read:

"10-12B-2. DEFINITIONS.--As used in the Judicial Retirement Act:

A. "association" means the public employees retirement association provided for in the Public Employees Retirement Act;

B. "board" means the retirement board provided for in the Public Employees Retirement Act;

C. "dependent child" means a natural or adopted child who is physically or mentally incapable of financial self-support, regardless of age;

D. "educational retirement system" means the retirement system provided for in the Educational Retirement Act;

E. "effective date of retirement" means the first day of the month following the month in which the member met all requirements for retirement;

F. "final average salary" means the amount that is one-sixtieth of the greatest aggregate amount of salary paid a member for sixty consecutive, but not necessarily continuous, months of service credit;

G. "former member" means a person no longer in office who was previously covered pursuant to the provisions of Sections 10-12-1 through 10-12-18 NMSA 1978, but who has not retired pursuant to the provisions of the Judicial Retirement Act and who has received a refund of member contributions pursuant to the provisions of Sections 10-12B-1 through 10-12B-19 NMSA 1978;

H. "fund" means the judicial retirement fund;

I. "judge" means a judge of the metropolitan court, district court or court of appeals of New Mexico;

J. "justice" means a justice of the supreme court of New Mexico;

K. "member" means any judge or justice who is in office and covered pursuant to the provisions of the Judicial Retirement Act, or any person no longer in office who was previously a judge or justice covered pursuant to the provisions of the

Judicial Retirement Act, who has not retired and who has not received a refund of member contributions from the fund;

L. "member contributions" means the amounts deducted from the salary of a member and credited to the member's individual account, together with interest, if any, credited thereto;

M. "minor child" means a natural or adopted child who has not reached his eighteenth birthday and who has not been emancipated by marriage or otherwise;

N. "pension" means a series of monthly payments to a retired member or survivor beneficiary pursuant to the provisions of the Judicial Retirement Act;

O. "refund beneficiary" means a person designated by the member, in writing in the form prescribed by the association, as the person who would be refunded the member's accumulated member contributions payable if the member dies and no survivor pension is payable, or who would receive the difference between pension paid and accumulated member contributions if the retired member dies before receiving in pension payments the amount of the accumulated member contributions;

P. "retire" means to:

(1) terminate employment with all employers covered by any state system or the educational retirement system; and

(2) receive a pension from one state system or the educational retirement system;

Q. "retired member" means a person who has met all requirements for retirement and who is receiving a pension from the fund;

R. "salary" means the base salary or wages paid a member, including longevity pay, for personal services rendered; provided that salary does not include overtime pay; allowances for housing, clothing, equipment or travel; payments for unused sick leave, unless the unused sick leave payment is made through continuation of the member on the regular payroll for the period represented by that payment; and any other form of remuneration not specifically designated by law as included in salary pursuant to the provisions of the Judicial Retirement Act;

S. "state system" means the retirement programs provided pursuant to the provisions of the Public Employees Retirement Act, the Magistrate Retirement Act and the Judicial Retirement Act;

T. "surviving spouse" means the spouse to whom the member was married at the time of the member's death;

U. "survivor beneficiary" means a person who receives a pension or who has been designated to be paid a pension as a result of the death of a member or retired member; and

V. "years of service" means a period of time beginning on the date a person commences to hold office as a judge or justice because of appointment or election and ending on the date a person ceases to hold office as a judge or justice because of expiration of the judge's or justice's term, voluntary resignation, death or disability and shall include any fractions of years of service."

Chapter 35 Section 3 Laws 2014

SECTION 3. Section 10-12B-4 NMSA 1978 (being Laws 1992, Chapter 111, Section 4) is amended to read:

"10-12B-4. MEMBERSHIP.--Effective July 1, 2014, every judge or justice while in office shall become a member and shall be subject to the provisions of the Judicial Retirement Act; provided, however, that a judge or justice who, prior to July 1, 2014, applied for and received an exemption from membership, shall not become a member until such exemption ends. A judge or justice who is retired under any state system or the educational retirement system shall:

A. pay the applicable member contributions, and the state, through the member's court, shall pay the applicable employer contributions as provided pursuant to the Judicial Retirement Act; and

B. not accrue service credit, and shall not be eligible to purchase service credit nor to retire pursuant to the Judicial Retirement Act."

Chapter 35 Section 4 Laws 2014

SECTION 4. Section 10-12B-5 NMSA 1978 (being Laws 1992, Chapter 111, Section 5, as amended) is amended to read:

"10-12B-5. SERVICE CREDIT--REINSTATEMENT OF FORFEITED SERVICE--PRIOR SERVICE--MILITARY SERVICE.--

A. Personal service rendered by a member shall be credited to the member's service credit account in accordance with board rules and regulations. Service shall be credited to the nearest month. In no case shall any member be credited with a year of service for less than twelve months of service in any calendar year or more than a month of service for all service in any calendar month or more than a year of service for all service in any calendar year.

B. Service credit shall be forfeited if a member leaves office and withdraws the member's accumulated member contributions. A member or former member who is

a member of a state system or the educational retirement system who has forfeited service credit by withdrawal of member contributions may reinstate the forfeited service credit by repaying the amount withdrawn plus compound interest from the date of withdrawal to the date of repayment at a rate set by the board. Withdrawn member contributions may be repaid in increments of one year in accordance with procedures established by the board. Full payment of each one-year increment shall be made in a single lump-sum amount in accordance with procedures established by the board.

C. Service credit that a member would have earned if the member had not elected to be excluded from membership may be purchased if the member pays the purchase cost determined pursuant to the provisions of Subsection F of this section.

D. A member who during a term of office enters a uniformed service of the United States shall be given service credit for periods of service in the uniformed services subject to the following conditions:

(1) the member returns to office within ninety days following termination of the period of intervening service in the uniformed services or the affiliated employer certifies in writing to the association that the member is entitled to reemployment rights under the federal Uniformed Services Employment and Reemployment Rights Act of 1994;

(2) the member retains membership in the association during the period of service in the uniformed services;

(3) free service credit shall not be given for periods of intervening service in the uniformed services following voluntary reenlistment. Service credit for such periods shall only be given after the member pays the association the sum of the contributions that the person would have been required to contribute had the person remained continuously employed throughout the period of intervening service following voluntary reenlistment, which payment shall be made during the period beginning with the date of reemployment and whose duration is three times the period of the person's intervening service in the uniformed services following voluntary reenlistment, not to exceed five years;

(4) service credit shall not be given for periods of intervening service in the uniformed services that are used to obtain or increase a benefit from another state system or the retirement program provided under the Educational Retirement Act; and

(5) the member must not have received a discharge or separation from uniformed service under other than honorable conditions.

Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Section 414(u) of the Internal Revenue Code of 1986, as amended.

E. A member who entered uniformed service of the United States may purchase service credit for periods of active duty in the uniformed services, subject to the following conditions:

(1) the member pays the purchase cost determined pursuant to the provisions of Subsection F of this section;

(2) the member has the applicable minimum number of years of service credit accrued according to the provisions of the Judicial Retirement Act;

(3) the aggregate amount of service credit purchased pursuant to the provisions of this subsection does not exceed five years, reduced by any period of service credit acquired for military service under any other provision of the Judicial Retirement Act;

(4) service credit may not be purchased for periods of service in the uniformed services that are used to obtain or increase a benefit from another retirement program; and

(5) the member must not have received a discharge or separation from uniformed service under other than honorable conditions.

F. The purchase cost for each year of service credit purchased pursuant to the provisions of this section shall be the increase in the actuarial present value of the pension of the member under the Judicial Retirement Act as a consequence of the purchase, as determined by the association. Full payment shall be made in a single lump-sum amount in accordance with procedures established by the board. Except as provided in Subsection G of this section, seventy-five percent of the purchase cost shall be considered to be employer contributions and shall not be refunded to the member in the event of cessation of membership.

G. A member shall be refunded, after retirement and upon written request filed with the association, the portion of the purchase cost of service credit purchased pursuant to the provisions of this section that the association determines to have been unnecessary to provide the member with the maximum pension applicable to the member. The association shall not pay interest on the portion of the purchase cost refunded to the member.

H. At any time prior to retirement, a member may purchase service credit in monthly increments, subject to the following conditions:

(1) the member has the applicable minimum number of years of service credit acquired as a result of personal service rendered under the Judicial Retirement Act;

(2) the aggregate amount of service credit purchased pursuant to this subsection does not exceed one year;

(3) the member pays full actuarial present value of the amount of the increase in the member's pension as a consequence of the purchase, as determined by the association;

(4) the member pays the full cost of the purchase within sixty days of the date the member is informed of the amount of the payment; and

(5) the purchase of service credit under this subsection cannot be used to exceed the pension maximum."

Chapter 35 Section 5 Laws 2014

SECTION 5. Section 10-12B-8 NMSA 1978 (being Laws 1992, Chapter 111, Section 8, as amended) is amended to read:

"10-12B-8. AGE AND SERVICE CREDIT REQUIREMENTS FOR NORMAL RETIREMENT.--

A. For an individual who initially became a member prior to July 1, 2005, the age and service credit requirements for retirement provided for in the Judicial Retirement Act are:

(1) age sixty-five years or older and five or more years of service credit; or

(2) age sixty years or older and fifteen or more years of service credit.

B. For an individual who initially became a member after June 30, 2005 but on or before June 30, 2014, the age and service credit requirements for retirement provided for in the Judicial Retirement Act are:

(1) age sixty-five years or older and five or more years of service credit; or

(2) age fifty-five years or older and sixteen or more years of service credit.

C. For an individual who initially became a member on or after July 1, 2014, the age and service requirements provided for in the Judicial Retirement Act are:

(1) age sixty-five years and eight or more years of service credit; or

(2) age sixty years and fifteen or more years of service credit.

D. Except for a member who is retired under any state system or the educational retirement system, if a member leaves office for any reason, other than removal pursuant to Article 6, Section 32 of the constitution of New Mexico, before meeting the age and service credit requirements for retirement pursuant to the provisions of this section and if that member leaves the member contributions on deposit in the fund, that member may apply for retirement when that member meets the age and service credit requirements for retirement pursuant to the provisions of the Judicial Retirement Act or provisions of the Public Employees Retirement Reciprocity Act.

E. No member shall be eligible to receive a pension pursuant to the provisions of the Judicial Retirement Act while still in office."

Chapter 35 Section 6 Laws 2014

SECTION 6. Section 10-12B-9 NMSA 1978 (being Laws 1992, Chapter 111, Section 9, as amended) is amended to read:

"10-12B-9. AMOUNT OF PENSION.--

A. For a judge or justice who occupied such an office prior to July 1, 1980, but who had ceased to hold such an office prior to that date and who elected to be excluded from the provisions of the Judicial Retirement Act; or a judge or justice who occupied such an office on July 1, 1980, but who elected to be covered under the provisions of the retirement plan in effect at that time, the amount of monthly pension is an amount equal to one-twelfth of:

seventy-five percent

of salary received X number of years of
during last year in service, not exceeding
office prior to ten years, divided
retirement by ten.

B. For a judge or justice who initially became a member before July 1, 2005 and who initially occupied such an office after July 1, 1980; or a judge or justice who occupied such an office on or before July 1, 1980 and who has elected to be covered pursuant to the provisions of the Judicial Retirement Act, the amount of monthly pension is an amount equal to the sum of:

(1) for service credit earned on or before June 30, 2014, an amount equal to one-twelfth of:

seventy-five		(number of years of
percent of salary		service
received during	X .05 X	not exceeding fifteen
last year in office		years, plus five
prior to retirement		years); and

(2) for service credit earned on and after July 1, 2014, an amount equal to one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months in office multiplied by the product of three and one-half percent times the number of years of service credit.

C. For a judge or justice who initially became a member after June 30, 2005 but on or before June 30, 2014, the amount of monthly pension is an amount equal to the sum of:

(1) for service credit earned on or before June 30, 2014, an amount equal to one-twelfth of the salary received during the last year in office prior to retirement multiplied by the product of three and seventy-five hundredths percent times the sum of the number of years of service; and

(2) for service credit earned on and after July 1, 2014, an amount equal to one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months in office multiplied by the product of three and one-half percent times the number of years of service credit.

D. For a judge or justice who initially became a member on or after July 1, 2014, the amount of monthly pension under form of payment A is an amount equal to one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months in office multiplied by the product of three and one-fourth percent times the number of years of service.

E. The amount of pension under form of payment A for a pension calculated pursuant to Subsection D of this section shall not exceed eighty-five percent of one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months prior to the member leaving office.

F. The amount of pension payable for a pension calculated pursuant to Subsection A, B or C of this section shall not exceed eighty-five percent of one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not

necessarily continuous, months prior to the member leaving office. A pension benefit determined pursuant to this subsection shall not be less than the benefit earned as of June 30, 2014."

Chapter 35 Section 7 Laws 2014

SECTION 7. Section 10-12B-10 NMSA 1978 (being Laws 1992, Chapter 111, Section 10, as amended) is amended to read:

"10-12B-10. MEMBER CONTRIBUTIONS--TAX TREATMENT.--

A. On and after July 1, 2014, members, while in office, shall contribute ten and one-half percent of salary to the member contribution fund.

B. Upon implementation, the state, acting as employer of members covered pursuant to the provisions of the Judicial Retirement Act, shall, solely for the purpose of compliance with Section 414(h) of the Internal Revenue Code of 1986, pick up, for the purposes specified in that section, member contributions required by this section for all annual salary earned by the member. Member contributions picked up pursuant to the provisions of this section shall be treated as employer contributions for purposes of determining income tax obligations under the Internal Revenue Code of 1986; however, such picked-up member contributions shall be included in the determination of the member's gross annual salary for all other purposes under federal and state laws. Member contributions picked up pursuant to the provisions of this section shall continue to be designated member contributions for all purposes of the Judicial Retirement Act and shall be considered as part of the member's annual salary for purposes of determining the amount of the member's contribution. The provisions of this section are mandatory, and the member shall have no option concerning the pickup or concerning the receipt of the contributed amounts directly instead of having the amounts paid by the employer to the retirement system. Implementation occurs upon authorization by the board. In no event may implementation occur other than at the beginning of a pay period applicable to the member."

Chapter 35 Section 8 Laws 2014

SECTION 8. Section 10-12B-11 NMSA 1978 (being Laws 1992, Chapter 111, Section 11, as amended) is amended to read:

"10-12B-11. EMPLOYER CONTRIBUTIONS.--

A. The member's court shall contribute fifteen percent of salary to the fund for each member in office.

B. Thirty-eight dollars (\$38.00) from each civil case docket fee paid in the district court, twenty-five dollars (\$25.00) from each civil docket fee paid in metropolitan

court and ten dollars (\$10.00) from each jury fee paid in metropolitan court shall be paid by the court clerk to the employer's accumulation fund."

Chapter 35 Section 9 Laws 2014

SECTION 9. Section 10-12B-13 NMSA 1978 (being Laws 1992, Chapter 111, Section 13) is amended to read:

"10-12B-13. DISABILITY RETIREMENT PENSION.--

A. A judge or justice with the applicable minimum number of years of service credit accrued pursuant to the provisions of the Judicial Retirement Act who becomes unable to carry out the duties of that office due to physical or mental disability shall, upon determination of the disability and relinquishment of office, receive a pension from the fund so long as the disability continues. Determination of disability shall be made by the board in accordance with the provisions of the Public Employees Retirement Act and rules promulgated pursuant to that act.

B. The amount of the pension shall be calculated using the formula for normal retirement set out in Section 10-12B-9 NMSA 1978.

C. The applicable service credit requirement shall be waived if the board finds the disability to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty as a judge or justice, and the amount of pension shall be computed as if the member had the applicable minimum number of years of service credit as a judge or justice."

Chapter 35 Section 10 Laws 2014

SECTION 10. Section 10-12B-14 NMSA 1978 (being Laws 1992, Chapter 111, Section 14) is amended to read:

"10-12B-14. SURVIVOR'S PENSION.--For a member whose initial term of office began prior to July 1, 2014:

A. unless that member has designated a survivor beneficiary in accordance with Subsection B of this section, a survivor pension shall be paid for life to a member's or retired member's surviving spouse;

B. the member may designate, in writing in a form prescribed by the association, a survivor beneficiary to receive the survivor's pension described in this section. If the member is married, a designation of survivor beneficiary other than the member's spouse may only be made with the written consent of the member's spouse. Marriage subsequent to a designation of survivor beneficiary shall automatically revoke the designation of survivor beneficiary. A designation of survivor beneficiary made pursuant to a court order issued under Section 10-12B-7 NMSA 1978 shall not require

the consent of the member's spouse, if any, and shall not be revoked by the subsequent remarriage of the member. A designation of survivor beneficiary may be revoked by the member at any time prior to the member's retirement. If the member is married, a revocation of designation of survivor beneficiary may only be made with the written consent of the member's spouse;

C. if there is no surviving spouse and no designated survivor beneficiary or if the surviving spouse dies while there are still minor and dependent children of the member, the survivor's pension shall be paid to all minor and dependent children, if any, of the member, in equal shares, so long as each child remains a minor or dependent child. As each child ceases to be a minor or dependent child, the number of shares shall be reduced and the amount payable to each remaining child increased proportionately so that the total survivor's pension remains unchanged as long as there is any such child;

D. the survivor's pension is equal to seventy-five percent of the member's pension;

E. survivor beneficiaries shall be eligible for other benefits provided pursuant to the provisions of the Judicial Retirement Act, including cost-of-living adjustments and continuation of group insurance benefits; and

F. if the member dies while receiving a disability retirement pension, the survivor beneficiary shall receive the survivor pension provided pursuant to the provisions of the Judicial Retirement Act."

Chapter 35 Section 11 Laws 2014

SECTION 11. A new section of the Judicial Retirement Act, Section 10-12B-14.1 NMSA 1978, is enacted to read:

"10-12B-14.1. ELECTION FORM OF PENSION.--For a member whose initial term in office begins on or after July 1, 2014, except as otherwise provided in Section 10-12B-7 NMSA 1978:

A. the member may elect to have pension payments made under any one of the forms of payment provided in Section 10-12B-14.2 NMSA 1978. The election of form of payment and naming of survivor pension beneficiary shall be made on a form furnished by and filed with the association prior to the date the first pension payment is made. An election of form of payment may not be changed after the date the first pension payment is made. If the member is married, the association shall require the consent of the member's spouse to the election of the form of payment and any designation of survivor pension beneficiary before the election or designation is effective. Except as provided in Subsection C, D or E of this section, a named survivor pension beneficiary may not be changed after the date the first pension payment is

made if form of payment B or C is elected. Except as otherwise provided in Section 10-12B-7 NMSA 1978, payment shall be made:

(1) under form of payment A if the member is not married at the time of retirement and if there is not a timely election of another form of payment; or

(2) under form of payment C with the member's spouse as survivor pension beneficiary if the member is married at the time of retirement and there is not a timely election of another form of payment;

B. the amount of pension under forms of payment B, C and D shall have the same actuarial present value, computed as of the effective date of the pension, as the amount of pension under form of payment A;

C. if the member is a retired member who is being paid a pension under form of payment B or C with the member's spouse as the designated survivor pension beneficiary, the retired member may, upon becoming divorced from the named spouse and subject to an order of a court as provided for in Section 10-12B-7 NMSA 1978, elect to have future payments made under form of payment A;

D. if the member is retired and was previously being paid a pension under form of payment B or C but, because of the death of the designated survivor pension beneficiary, is currently receiving a pension under form of payment A, the retired member may exercise a one-time irrevocable option to designate another individual as the survivor pension beneficiary and may select either form of payment B or form of payment C; provided that:

(1) the amount of the pension under the form of payment selected shall be recalculated and have the same actuarial present value, computed on the effective date of the designation, as the amount of pension under form of payment A;

(2) the designation and the amount of the pension shall be subject to a court order as provided for in Section 10-12B-7 NMSA 1978; and

(3) the retired member shall pay one hundred dollars (\$100) to the board to defray the cost of determining the new pension amount; and

E. if the member is a retired member who is being paid a pension under form of payment B or C with a living designated survivor pension beneficiary other than the retired member's spouse or former spouse, the retired member may exercise a one-time irrevocable option to deselect the designated beneficiary and elect to:

(1) designate another survivor pension 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 pension 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 pension under form of payment A; and

(c) the retired member shall pay one hundred dollars (\$100) to the board to defray the cost of determining the new pension amount; or

(2) have future payments made under form of payment A."

Chapter 35 Section 12 Laws 2014

SECTION 12. A new section of the Judicial Retirement Act, Section 10-12B-14.2 NMSA 1978, is enacted to read:

"10-12B-14.2. FORM OF PENSION PAYMENT.--

A. Straight life pension is form of payment A. The retired member is paid the pension for life under form of payment A. All payments stop upon the death of the retired member, except as provided in Subsection E of this section. The amount of pension is determined in accordance with the Judicial Retirement Act.

B. Life payments with full continuation to one survivor beneficiary is form of payment B. The retired member is paid a reduced pension for life under form of payment B. When the retired member dies, the designated survivor beneficiary is paid the full amount of the reduced pension until death. If the designated survivor beneficiary predeceases the retired member, the amount of pension shall be changed to the amount that would have been payable had the retired member elected form of payment A.

C. Life payment with one-half continuation to one survivor beneficiary is form of payment C. The retired member is paid a reduced pension for life under form of payment C. When the retired member dies, the designated survivor beneficiary is paid one-half the amount of the reduced pension until death. If the designated survivor beneficiary predeceases the retired member, the amount of pension shall be changed to the amount that would have been payable had the retired member elected form of payment A.

D. Life payments with temporary survivor benefits for children is form of payment D. The retired member is paid a reduced pension for life under form of payment D. When the retired member dies, each declared eligible child is paid a share of the reduced pension until death or age twenty-five years, whichever occurs first. The share is the share specified in writing and filed with the association by the retired member. If shares are not specified in writing and filed with the association, each declared eligible child is paid an equal share of the reduced pension. A redetermination of shares shall be made when the pension of any child terminates. An eligible child is a

natural or adopted child of the retired member who is under age twenty-five years. A declared eligible child is an eligible child whose name has been declared in writing and filed with the association by the retired member at the time of election of form of payment D. The amount of pension shall be changed to the amount of pension that would have been payable had the retired member elected form of payment A upon there ceasing to be a declared eligible child during the lifetime of the retired member.

E. If all pension payments permanently terminate before there is paid an aggregate amount equal to the retired member's accumulated member contributions at the time of retirement, the difference between the amount of accumulated member contributions and the aggregate amount of pension paid shall be paid to the retired member's refund beneficiary. If no refund beneficiary survives the retired member, the difference shall be paid to the estate of the retired member."

Chapter 35 Section 13 Laws 2014

SECTION 13. A new section of the Judicial Retirement Act, Section 10-12B-14.3 NMSA 1978, is enacted to read:

"10-12B-14.3. DEATH BEFORE RETIREMENT--SURVIVOR PENSION.--For a member whose initial term in office begins on or after July 1, 2014:

A. a survivor pension may be paid to certain persons related to or designated by a member who dies before normal or disability retirement if a written application for the pension, in the form prescribed by the association, is filed with the association by the potential survivor beneficiary or beneficiaries within one year of the death of the member. Applications may be filed on behalf of the potential survivor beneficiary or beneficiaries or by a person legally authorized to represent them;

B. if there is no designated survivor beneficiary and the board finds the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office, a survivor pension shall be payable to the eligible surviving spouse. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated pursuant to the Judicial Retirement Act and applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the actual amount of service credit attributable to the deceased member at the time of death; or

(2) fifty percent of the deceased member's final average salary;

C. a survivor pension shall also be payable to eligible surviving children if there is no designated survivor beneficiary and the retirement board finds the death to have been the natural and proximate result of causes arising solely and exclusively out

of and in the course of the member's performance of duty while in office. The total amount of survivor pension payable for all eligible surviving children shall be either:

(1) fifty percent of the deceased member's final average salary if an eligible surviving spouse is not paid a pension; or

(2) twenty-five percent of the deceased member's final average salary if an eligible surviving spouse is paid a pension.

The total amount of survivor pension shall be divided equally among all eligible surviving children. If there is only one eligible child, the amount of pension shall be twenty-five percent of the deceased member's final average salary;

D. if the member had the applicable minimum number of years of service credit required for normal retirement, but the retirement board did not find the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office and there is no designated survivor beneficiary, a survivor pension shall be payable to the eligible surviving spouse. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated under the Judicial Retirement Act applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the total amount of actual service credit attributable to the deceased member at the time of death; or

(2) thirty percent of the deceased member's final average salary;

E. if the member had the applicable minimum number of years of service credit required for normal retirement, but the retirement board did not find the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office and there is no designated survivor beneficiary, and if there is no eligible surviving spouse at the time of death, a survivor pension shall be payable to and divided equally among all eligible surviving children, if any. The total amount of survivor pension payable for all eligible surviving children shall be the greater of:

(1) the amount as calculated under the Judicial Retirement Act applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B with the oldest eligible surviving child as the survivor beneficiary using the total amount of actual service credit attributable to the deceased member at the time of death; or

(2) thirty percent of the deceased member's final average salary;

F. an eligible surviving spouse is the spouse to whom the deceased member was married at the time of death. An eligible surviving child is a child under the age of eighteen years and who is an unmarried, natural or adopted child of the deceased member;

G. an eligible surviving spouse's pension shall terminate upon death. An eligible surviving child's pension shall terminate upon death or marriage or reaching age eighteen years, whichever comes first;

H. if there is no designated survivor beneficiary and there is no eligible surviving child, the eligible surviving spouse may elect to be refunded the deceased member's accumulated member contributions instead of receiving a survivor pension;

I. a member may designate a survivor beneficiary to receive a pre-retirement survivor pension, subject to the following conditions:

(1) a written designation, in the form prescribed by the association, is filed by the member with the association;

(2) if the member is married at the time of designation, the designation shall only be made with the consent of the member's spouse, in the form prescribed by the association;

(3) if the member is married subsequent to the time of designation, any prior designations shall automatically be revoked upon the date of the marriage;

(4) if the member is divorced subsequent to the time of designation, any prior designation of the former spouse as survivor beneficiary shall automatically be revoked upon the date of divorce; and

(5) a designation of survivor beneficiary may be changed, with the member's spouse's consent if the member is married, by the member at any time prior to the member's death;

J. if there is a designated survivor beneficiary and the board finds the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office, a survivor pension shall be payable to the designated survivor beneficiary. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated under the Judicial Retirement Act applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the actual amount of service credit attributable to the member at the time of death; or

(2) fifty percent of the deceased member's final average salary;

K. if there is a designated survivor beneficiary, if the member had the applicable minimum number of years of service credit required for normal retirement and if the retirement board did not find the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office, a survivor pension shall be payable to the designated survivor beneficiary. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated under the Judicial Retirement Act applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the actual amount of service credit attributable to the member at the time of death; or

(2) thirty percent of the deceased member's final average salary;

L. if all pension payments permanently terminate before there is paid an aggregate amount equal to the deceased member's accumulated member contributions at time of death, the difference between the amount of accumulated member contributions and the aggregate amount of pension paid shall be paid to the deceased member's refund beneficiary. If no refund beneficiary survives the survivor beneficiary, the difference shall be paid to the estate of the deceased member; and

M. for purposes of this section, "service credit" means only the service credit earned by a member during periods in office as a judge or justice."

Chapter 35 Section 14 Laws 2014

SECTION 14. Section 10-12B-15 NMSA 1978 (being Laws 1992, Chapter 111, Section 15) is amended to read:

"10-12B-15. COST-OF-LIVING ADJUSTMENT.--A qualified pension recipient is eligible for a cost-of-living adjustment payable pursuant to the provisions of the Judicial Retirement Act as follows:

A. beginning July 1, 2014 and continuing through June 30, 2016, there shall not be a cost-of-living adjustment applied to a pension payable pursuant to the Judicial Retirement Act; and

B. beginning on May 1, 2016 and no later than each May 1 thereafter:

(1) the board shall certify to the association the actuarial funded ratio of the fund as of June 30 of the preceding calendar year;

(2) if, pursuant to Paragraph (1) of this subsection, the certified funded ratio is greater than or equal to one hundred percent, the board shall next certify the projected funded ratio of the fund on July 1 of the next succeeding calendar year if,

effective July 1 of the current calendar year, a cost-of-living increase of two percent is applied to all payable pensions; and

(3) on each July 1 following the board's certification of the funded ratio, the cost-of-living adjustment, if any, applied to a pension payable pursuant to the Judicial Retirement Act shall be determined as follows:

(a) if, pursuant to Paragraph (1) of this subsection, the funded ratio of the fund is greater than or equal to one hundred percent, and if, pursuant to Paragraph (2) of this subsection, the projected funded ratio is greater than or equal to one hundred percent, the amount of pension payable beginning July 1 of the next fiscal year shall be increased two percent. The amount of the increase shall be determined by multiplying the amount of the pension inclusive of all prior adjustments by two percent; and

(b) if the funded ratio of the fund, as certified pursuant to Paragraph (1) or (2) of this subsection, is less than one hundred percent, the amount of pension payable shall not include a cost-of-living adjustment; provided, however, that, if, pursuant to the provisions of this subsection, the cost-of-living adjustment is suspended for the two consecutive fiscal years immediately prior to the most recent certification of the funded ratio by the board: 1) the amount of pension payable in the fiscal year immediately following the two-year suspension shall be increased two percent regardless of the certified funded ratio; and 2) thereafter, if, pursuant to the provisions of Paragraph (1) of this subsection, the certified funded ratio is less than one hundred percent, the provisions of this subsection shall apply without exception in the next succeeding fiscal year."

Chapter 35 Section 15 Laws 2014

SECTION 15. A new section of the Judicial Retirement Act, Section 10-12B-15.1 NMSA 1978, is enacted to read:

"10-12B-15.1. QUALIFIED PENSION RECIPIENT--COST-OF-LIVING ADJUSTMENT WAIT PERIOD--DECLINING INCREASE.--

A. Pursuant to the Judicial Retirement Act, a qualified pension recipient is a:

(1) normal retired member who retires:

(a) on or before June 30, 2014 and has been retired for at least two full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(b) between July 1, 2014 and June 30, 2015 and has been retired for at least three full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(c) between July 1, 2015 and June 30, 2016 and has been retired for at least four full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted; or

(d) on or after July 1, 2016 and has been retired for at least seven full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(2) normal retired member who is at least sixty-five years of age and has been retired for at least one full calendar year from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(3) disability retired member who has been retired for at least one full calendar year from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(4) survivor beneficiary who has received a survivor pension for at least two full calendar years; or

(5) survivor beneficiary of a deceased retired member who otherwise would have been retired at least two full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted.

B. A qualified pension recipient may decline an increase in a pension by giving the association written notice of the decision to decline the increase at least thirty days prior to the date the increase would take effect."

Chapter 35 Section 16 Laws 2014

SECTION 16. SEVERABILITY.--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Chapter 35 Section 17 Laws 2014

SECTION 17. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

Approved March 7, 2014

LAWS 2014, CHAPTER 36

AN ACT

RELATING TO HUMAN SERVICES; AMENDING A SECTION OF CHAPTER 27, ARTICLE 1 NMSA 1978 TO REMOVE THE WORD "TRAUMATIC" FROM THAT SECTION AND ADD A NEW DEFINITION OF "BRAIN INJURY".

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

Chapter 36 Section 1 Laws 2014

SECTION 1. Section 27-1-16 NMSA 1978 (being Laws 2013, Chapter 44, Section 1) is amended to read:

"27-1-16. BRAIN INJURY SERVICES FUND CREATED.--

A. There is created in the state treasury the "brain injury services fund". The fund shall be invested in accordance with the provisions of Section 6-10-10 NMSA 1978, and all income earned on the fund shall be credited to the fund.

B. The brain injury services fund shall be used to institute and maintain a statewide brain injury services program designed to increase the independence of persons with brain injuries.

C. The human services department shall adopt all rules, regulations and policies necessary to administer a statewide brain injury services program. The human services department shall coordinate with and seek advice from the brain injury advisory council to ensure that the statewide brain injury services program is appropriate for persons with brain injuries.

D. All money credited to the brain injury services fund shall be appropriated to the human services department for the purpose of carrying out the provisions of this section and shall not revert to the general fund.

E. Disbursements from the brain injury services fund shall be made upon warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of human services.

F. For the purposes of this section, "brain injury":

(1) means an injury to the brain of traumatic or acquired origin, including an open or closed head injury caused by:

- (a) an insult to the brain from an outside physical force;
- (b) anoxia;
- (c) electrical shock;
- (d) shaken baby syndrome;
- (e) a toxic or chemical substance;
- (f) near-drowning;
- (g) infection;
- (h) a tumor;
- (i) a vascular lesion; or
- (j) an event that results in either temporary or permanent, partial or total impairments in one or more areas of the brain that results in total or partial functional disability, including: 1) cognition; 2) language; 3) memory; 4) attention; 5) reasoning; 6) abstract thinking; 7) judgment; 8) problem solving; 9) sensory perception and motor abilities; 10) psychosocial behavior; 11) physical functions; 12) information processing; or 13) speech; and

(2) does not apply to an injury that is:

- (a) congenital;
- (b) degenerative;
- (c) induced by birth trauma;
- (d) induced by a neurological disorder related to the aging process; or
- (e) a chemically caused brain injury that is a result of habitual substance abuse."

House Bill 58, aa

Approved March 7, 2014

LAWS 2014, CHAPTER 37

AN ACT

RELATING TO PUBLIC HEALTH; ESTABLISHING A STATEWIDE COMMUNITY-BASED ADULT FALL RISK AWARENESS AND PREVENTION PROGRAM; DECLARING AN EMERGENCY.

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

Chapter 37 Section 1 Laws 2014

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

"STATEWIDE COMMUNITY-BASED ADULT FALL RISK AWARENESS AND PREVENTION PROGRAM.--

A. By January 1, 2015, the department of health shall establish a statewide community-based adult fall risk awareness and prevention program.

B. In implementing the statewide community-based adult fall risk awareness and prevention program, the department of health shall:

(1) contract for the development of a culturally competent and literacy level-appropriate statewide community-based adult fall risk awareness and prevention media campaign, to include a web page, a referral clearinghouse and statewide media placement of print, radio and television messages;

(2) conduct program outreach to the public, to groups or to organizations that advocate for adult fall risk awareness and prevention and to health care providers;

(3) arrange for and coordinate adult fall risk awareness and prevention training and workshops;

(4) serve as a resource for information and written materials on adult fall risk awareness and prevention;

(5) act as a liaison between the New Mexico healthy aging collaborative, the New Mexico older adult falls prevention coalition, groups or organizations that advocate for adult fall risk awareness and prevention and sources of funding for adult fall risk awareness and prevention programming and activities;

(6) contract with one or more universities, colleges or other institutions of higher learning to provide educational programming in evidence-based fall risk assessment and fall prevention strategies;

(7) contract with one or more area agencies on aging, community hospitals, the federal Indian health service, tribally operated 638 health programs or urban Indian health programs to provide fall risk awareness and prevention programming and literature to the public;

(8) conduct trainer instructional workshops and booster training for evidence-based fall risk awareness and prevention programs; and

(9) contract with one or more senior centers, community centers, parks and recreation departments or other local, county, municipal or tribal organizations providing services to senior citizens to implement evidence-based interventions for adult fall prevention."

Chapter 37 Section 2 Laws 2014

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

House Bill 99, aa, w/ec

Approved March 7, 2014

LAWS 2014, CHAPTER 38

AN ACT

RELATING TO COMMERCIAL REAL ESTATE; ENACTING THE COMMERCIAL REAL ESTATE BROKER LIEN ACT; REQUIRING NOTICE; LIMITING TIME TO FILE SUIT TO ENFORCE LIEN; PROVIDING FOR AWARD OF ATTORNEY FEES.

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

Chapter 38 Section 1 Laws 2014

SECTION 1. SHORT TITLE.--This act may be cited as the "Commercial Real Estate Broker Lien Act".

Chapter 38 Section 2 Laws 2014

SECTION 2. DEFINITIONS.--As used in the Commercial Real Estate Broker Lien Act:

A. "broker" means a person licensed as a qualifying broker under the provisions of Chapter 61, Article 29 NMSA 1978; and

B. "commercial real estate" means any real estate other than:

(1) real estate on which no buildings or structures are located and that is zoned for single-family residential use; or

(2) real estate containing one or more single-family residential units, including apartments, condominiums, town houses or homes in a subdivision when sold, leased or otherwise conveyed on a unit-by-unit basis.

Chapter 38 Section 3 Laws 2014

SECTION 3. BROKER'S LIEN FOR COMPENSATION FOR SERVICES--REQUIREMENTS.--A broker shall have a lien upon commercial real estate or any interest in commercial real estate in the amount that the broker is due for licensed services connected with the leasing of the commercial real estate, if the broker:

A. is entitled to a stated fee or commission provided in a written instrument that:

(1) identifies the commercial real estate;

(2) sets forth the fee or commission due and the date or dates or the circumstances under which the fee or commission is due; and

(3) is signed by the owner of the commercial real estate or the owner's authorized agent; and

B. records a notice of lien on the commercial real estate pursuant to Section 4 of the Commercial Real Estate Broker Lien Act. Such lien shall only be valid against the commercial real estate identified in the written instrument described in Subsection A of this section and in the amount due for the fee or commission stated therein.

Chapter 38 Section 4 Laws 2014

SECTION 4. NOTICE OF LIEN--ATTACHMENT REQUIREMENTS--RECORDING--CONTENTS--MAILING.--

A. A broker shall record a notice of lien within ninety days following the date on which payment is due as set forth in a written instrument as required by Section 3 of the Commercial Real Estate Broker Lien Act. If compensation is to be paid in installments, a broker may elect to file a single claim of lien within ninety days following the date the first installment is due for all installments due under the written instrument

or to file a lien for future installments within ninety days following the date the future installments are due. In the event a broker is due additional commission as a result of future actions related to a lease, including the exercise of an option to expand leased commercial real estate or to renew or extend a lease, the broker shall record a notice of lien no earlier than the occurrence of the act or event for which the broker's additional commission is earned and not later than ninety days after the occurrence of the act or event for which the broker's additional commission is earned.

B. A lien shall attach as of the date of the recording of the notice of lien pursuant to Subsection A of this section.

C. Nothing in the Commercial Real Estate Broker Lien Act shall limit or otherwise affect claims, defenses or other remedies that a broker, owner or any other party may have in law or equity.

D. A notice of lien shall be recorded in the county clerk's office of the county in which the commercial real estate is located and shall include:

(1) the name, address and license number of the broker;

(2) the amount for which the lien is claimed;

(3) a legal description of the commercial real estate or a description sufficient to identify the commercial real estate; and

(4) the name and last known address of the owner of the commercial real estate.

E. Within ten days of recording the notice of lien, the broker shall mail a copy of the notice of lien by certified mail, return receipt requested, to the last known address of the owner of the commercial real estate or the owner's authorized agent.

Chapter 38 Section 5 Laws 2014

SECTION 5. COMMENCEMENT OF ACTION--RECORDING SATISFACTION OF LIEN.--

A. A broker claiming a lien under the Commercial Real Estate Broker Lien Act shall, within two years after recording the notice of lien, bring suit to enforce the lien in the district court in the county where the commercial real estate is located. Failure to commence proceedings pursuant to this subsection shall extinguish the lien.

B. If a broker's lien has been recorded pursuant to Section 4 of the Commercial Real Estate Broker Lien Act and the indebtedness has been paid in full or the lien has been extinguished or is otherwise not enforceable pursuant to law, within

ten days after the indebtedness has been paid in full, the lien has been extinguished or becomes unenforceable pursuant to law, the broker shall:

(1) record a written release or satisfaction of the lien in the county clerk's office of the county in which the commercial real estate is located; and

(2) mail a copy of the recorded release or satisfaction by certified mail, return receipt requested, to the last known address of the owner of the commercial real estate or the owner's authorized agent.

Chapter 38 Section 6 Laws 2014

SECTION 6. PETITION TO CANCEL LIEN--SECURITY.--

A. The owner of any commercial real estate upon which a lien has been filed pursuant to the Commercial Real Estate Broker Lien Act may petition the district court for the county in which the commercial real estate is located for an order canceling the lien.

B. Upon the filing of the petition, the district court judge shall examine the broker's recorded demands and determine an amount sufficient to satisfy the recorded demands and any other damages, court costs or attorney fees that may be recovered by the broker. Security, in the amount set by the judge and of a type approved by the judge, shall be deposited by the owner of the commercial real estate with the district court conditioned on the payment of any sum found to be validly due to the broker.

C. When the security is deposited under this section, the judge of the district court shall immediately issue an order canceling the lien and shall notify the county clerk with whom the lien was filed. Upon the recording of the order, the county clerk shall mark the filed lien as canceled. When an order is issued under this subsection, the broker's lien attaches to the security and is enforceable as to the security in the district court in which it is deposited.

Chapter 38 Section 7 Laws 2014

SECTION 7. ATTORNEY FEES.--The cost of proceedings, including trial and appellate court proceedings, brought pursuant to the Commercial Real Estate Broker Lien Act, including reasonable attorney fees, expenses of litigation and prejudgment interest, shall be awarded to the prevailing party or parties. When more than one party is responsible for costs, fees and prejudgment interest, the costs, fees and prejudgment interest shall be equitably apportioned by the court or tribunal among those responsible parties.

Chapter 38 Section 8 Laws 2014

SECTION 8. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

House Bill 185

Approved March 7, 2014

LAWS 2014, CHAPTER 39

AN ACT

RELATING TO PENSIONS; AMENDING MAGISTRATE RETIREMENT ACT PROVISIONS APPLICABLE TO CERTAIN MEMBERS BY CHANGING THE AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT, DECREASING THE PENSION MULTIPLIER FOR SERVICE CREDIT EARNED AFTER JUNE 30, 2014 AND INCREASING THE NUMBER OF YEARS USED TO CALCULATE THE FINAL AVERAGE SALARY; PROVIDING A TEMPORARY SUSPENSION OF AND DECREASE AND DELAY OF THE COST-OF-LIVING ADJUSTMENT; INCREASING THE MAXIMUM PENSION BENEFIT; INCREASING CONTRIBUTION RATES; REQUIRING MEMBERSHIP; CHANGING THE PENSION FORM OF PAYMENT AND SURVIVOR BENEFICIARY PROVISIONS FOR NEW MAGISTRATES AND MAGISTRATES WHOSE TERMS OF OFFICE BEGIN ON OR AFTER JULY 1, 2014; PROVIDING FOR THE SUSPENSION OF THE COST-OF-LIVING ADJUSTMENT FOR RETURN-TO-WORK JUDGES, JUSTICES AND MAGISTRATES.

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

Chapter 39 Section 1 Laws 2014

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 Subsection E 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 G 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. Notwithstanding the provisions of Subsection B of Section 10-11-118 NMSA 1978, on and after July 1, 2013, if a retired member becomes employed with an employer pursuant to the Educational Retirement Act, and effective July 1, 2014, if a retired member who, subsequent to retirement, is employed and covered pursuant to the Judicial Retirement Act:

(1) the retired member's cost-of-living pension adjustment shall be suspended upon commencement of the employment; and

(2) upon termination of the employment, the retired member's suspended cost-of-living pension adjustment shall be reinstated as provided under Subsection B of

Section 10-11-118 NMSA 1978.

E. The provisions of Subsections C, H and I 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.

F. A retired member who returns to employment during retirement pursuant to Subsection E 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.

G. 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.

H. 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:

(1) 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;

(2) notwithstanding the provisions of Subsection B of Section 10-11-118 NMSA 1978, on and after July 1, 2013, the retired member's cost-of-living pension adjustment shall be suspended; and

(3) upon termination of the subsequent employment with the affiliated public employer, the retired member's cost-of-living pension adjustment shall be reinstated as provided in Subsection B of Section 10-11-118 NMSA 1978.

I. 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, 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 Subsection B of Section 10-11-118 NMSA 1978.

J. 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."

Chapter 39 Section 2 Laws 2014

SECTION 2. Section 10-12C-2 NMSA 1978 (being Laws 1992, Chapter 118, Section 2, as amended) is amended to read:

"10-12C-2. DEFINITIONS.--As used in the Magistrate Retirement Act:

A. "association" means the public employees retirement association provided for in the Public Employees Retirement Act;

B. "board" means the retirement board provided for in the Public Employees Retirement Act;

C. "dependent child" means a natural or adopted child who is physically or mentally incapable of financial self-support, regardless of age;

D. "educational retirement system" means the retirement system provided for in the Educational Retirement Act;

E. "effective date of retirement" means the first day of the month following the month in which the member met all requirements for retirement;

F. "final average salary" means the amount that is one-sixtieth of the greatest aggregate amount of salary paid a member for sixty consecutive, but not necessarily continuous, months of service credit;

G. "former member" means a person no longer in office who was previously covered pursuant to the provisions of Sections 10-12A-1 through 10-12A-13 NMSA 1978, but who has not retired pursuant to the provisions of the Magistrate Retirement Act and who has received a refund of member contributions pursuant to the provisions of Sections 10-12C-1 through 10-12C-18 NMSA 1978;

H. "fund" means the magistrate retirement fund;

I. "magistrate" means a magistrate judge;

J. "member" means any magistrate who is in office and covered pursuant to the provisions of the Magistrate Retirement Act, or any person no longer in office who was previously a magistrate covered pursuant to the provisions of the Magistrate Retirement Act, who has not retired and who has not received a refund of member contributions from the fund;

K. "member contributions" means the amounts deducted from the salary of a member and credited to the member's individual account, together with interest, if any, credited thereto;

L. "minor child" means a natural or adopted child who has not reached his eighteenth birthday and who has not been emancipated by marriage or otherwise;

M. "pension" means a series of monthly payments to a retired member or survivor beneficiary pursuant to the provisions of the Magistrate Retirement Act;

N. "refund beneficiary" means a person designated by the member, in writing in the form prescribed by the association, as the person who would be refunded the member's accumulated member contributions payable if the member dies and no survivor pension is payable, or as the person who would receive the difference between pension paid and accumulated member contributions if the retired member dies before receiving in pension payments the amount of the accumulated member contributions;

O. "retire" means to:

(1) terminate employment with all employers covered by any state system or the educational retirement system; and

(2) receive a pension from one state system or the educational retirement system;

P. "retired member" means a person who has met all requirements for retirement and who is receiving a pension from the fund;

Q. "salary" means the base salary or wages paid a member, including longevity pay, for personal services rendered; provided that salary does not include overtime pay; allowances for housing, clothing, equipment or travel; payments for unused sick leave, unless the unused sick leave payment is made through continuation of the member on the regular payroll for the period represented by that payment; and any other form of remuneration not specifically designated by law as included in salary pursuant to the provisions of the Magistrate Retirement Act;

R. "state system" means the retirement programs provided pursuant to the provisions of the Public Employees Retirement Act, the Magistrate Retirement Act and the Judicial Retirement Act;

S. "surviving spouse" means the spouse to whom the member was married at the time of the member's death;

T. "survivor beneficiary" means a person who receives a pension or who has been designated to be paid a pension as a result of the death of a member or retired member; and

U. "years of service" means a period of time beginning on the date a person commences to hold office as a magistrate because of appointment or election and ending on the date a person ceases to hold office as a magistrate because of expiration of the magistrate's term, voluntary resignation, death or disability and shall include any fractions of years of service."

Chapter 39 Section 3 Laws 2014

SECTION 3. Section 10-12C-4 NMSA 1978 (being Laws 1992, Chapter 118, Section 4) is amended to read:

"10-12C-4. MEMBERSHIP.--Every magistrate while in office shall become a member and shall be subject to the provisions of the Magistrate Retirement Act; provided, however, that a magistrate who, prior to July 1, 2014, applied for and received an exemption from membership shall not become a member until such exemption ends.

A magistrate who is retired under any state system or the educational retirement system shall:

A. pay the applicable member contributions and the state, through the administrative office of the courts, shall pay the applicable employer contributions as provided pursuant to the Magistrate Retirement Act; and

B. not accrue service credit and shall not be eligible to purchase service credit nor to retire pursuant to the Magistrate Retirement Act."

Chapter 39 Section 4 Laws 2014

SECTION 4. Section 10-12C-5 NMSA 1978 (being Laws 1992, Chapter 118, Section 5, as amended) is amended to read:

"10-12C-5. SERVICE CREDIT--REINSTATEMENT OF FORFEITED SERVICE--PRIOR SERVICE--MILITARY SERVICE.--

A. Personal service rendered by a member shall be credited to the member's service credit account in accordance with board rules and regulations. Service shall be credited to the nearest month. In no case shall any member be credited with a year of service for less than twelve months of service in any calendar year or more than a month of service for all service in any calendar month or more than a year of service for all service in any calendar year.

B. Service credit shall be forfeited if a member leaves office and withdraws the member's accumulated member contributions. A member or former member who is a member of another state system or the educational retirement system who has forfeited service credit by withdrawal of member contributions may reinstate the forfeited service credit by repaying the amount withdrawn plus compound interest from the date of withdrawal to the date of repayment at a rate set by the board. Withdrawn member contributions may be repaid in increments of one year in accordance with procedures established by the board. Full payment of each one-year increment shall be made in a single lump-sum amount in accordance with procedures established by the board.

C. Service credit that a member would have earned if the member had not elected to be excluded from membership may be purchased if the member pays the purchase cost determined pursuant to the provisions of Subsection F of this section.

D. A member who during a term of office enters a uniformed service of the United States shall be given service credit for periods of service in the uniformed services subject to the following conditions:

(1) the member returns to office within ninety days following termination of the period of intervening service in the uniformed services or the affiliated employer certifies in writing to the association that the member is entitled to

reemployment rights under the federal Uniformed Services Employment and Reemployment Rights Act of 1994;

(2) the member retains membership in the association during the period of service in the uniformed services;

(3) free service credit shall not be given for periods of intervening service in the uniformed services following voluntary reenlistment. Service credit for such periods shall only be given after the member pays the association the sum of the contributions that the person would have been required to contribute had the person remained continuously employed throughout the period of intervening service following voluntary reenlistment, which payment shall be made during the period beginning with the date of reemployment and whose duration is three times the period of the person's intervening service in the uniformed services following voluntary reenlistment, not to exceed five years;

(4) service credit shall not be given for periods of intervening service in the uniformed services that are used to obtain or increase a benefit from another state system or the retirement program provided under the Educational Retirement Act; and

(5) the member must not have received a discharge or separation from uniformed service under other than honorable conditions.

Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Section 414(u) of the Internal Revenue Code of 1986, as amended.

E. A member who entered a uniformed service of the United States may purchase service credit for periods of active duty in the uniformed services, subject to the following conditions:

(1) the member pays the purchase cost determined pursuant to the provisions of Subsection F of this section;

(2) the member has the applicable minimum number of years of service credit accrued according to the provisions of the Magistrate Retirement Act;

(3) the aggregate amount of service credit purchased pursuant to the provisions of this subsection does not exceed five years, reduced by any period of service credit acquired for military service under any other provision of the Magistrate Retirement Act;

(4) service credit may not be purchased for periods of service in the uniformed services that are used to obtain or increase a benefit from another retirement program; and

(5) the member must not have received a discharge or separation from uniformed service under other than honorable conditions.

F. The purchase cost for each year of service credit purchased pursuant to the provisions of this section shall be the increase in the actuarial present value of the pension of the member under the Magistrate Retirement Act as a consequence of the purchase, as determined by the association. Full payment shall be made in a single lump-sum amount in accordance with procedures established by the board. Except as provided in Subsection G of this section, seventy-five percent of the purchase cost shall be considered to be employer contributions and shall not be refunded to the member in the event of cessation of membership.

G. A member shall be refunded, after retirement and upon written request filed with the association, the portion of the purchase cost of service credit purchased pursuant to the provisions of this section that the association determines to have been unnecessary to provide the member with the maximum pension applicable to the member. The association shall not pay interest on the portion of the purchase cost refunded to the member.

H. At any time prior to retirement, a member may purchase service credit in monthly increments, subject to the following conditions:

(1) the member has the applicable minimum number of years of service credit acquired as a result of personal service rendered under the Magistrate Retirement Act;

(2) the aggregate amount of service credit purchased pursuant to this subsection does not exceed one year;

(3) the member pays full actuarial present value of the amount of the increase in the member's pension as a consequence of the purchase, as determined by the association;

(4) the member pays the full cost of the purchase within sixty days of the date the member is informed of the amount of the payment; and

(5) the purchase of service credit under this subsection cannot be used to exceed the pension maximum."

Chapter 39 Section 5 Laws 2014

SECTION 5. Section 10-12C-8 NMSA 1978 (being Laws 1992, Chapter 118, Section 8) is amended to read:

"10-12C-8. AGE AND SERVICE CREDIT REQUIREMENTS FOR NORMAL RETIREMENT.--

A. For a magistrate who was a member on June 30, 2014, the age and service credit requirements for retirement provided for in the Magistrate Retirement Act are:

credit; (1) age sixty-five years or older and five or more years of service

credit; or (2) age sixty years or older and fifteen or more years of service

(3) any age and twenty-four or more years of service credit.

B. For a magistrate who initially became a member on or after July 1, 2014, the age and service requirements for normal retirement provided for in the Magistrate Retirement Act are:

credit; (1) age sixty-five years or older and eight or more years of service

credit; or (2) age sixty years or older and fifteen or more years of service

(3) any age and twenty-four or more years of service credit.

C. Except for a member who is retired under any state system or the educational retirement system, if a member leaves office for any reason, other than removal pursuant to Article 6, Section 32 of the constitution of New Mexico before meeting the age and service credit requirements for retirement pursuant to the provisions of this section and if that member leaves the member contributions on deposit in the fund, that member may apply for retirement when that member meets the age and service credit requirements for retirement pursuant to the provisions of the Magistrate Retirement Act or provisions of the Public Employees Retirement Reciprocity Act.

D. No member shall be eligible to receive a pension pursuant to the provisions of the Magistrate Retirement Act while still in office."

Chapter 39 Section 6 Laws 2014

SECTION 6. Section 10-12C-9 NMSA 1978 (being Laws 1992, Chapter 118, Section 9) is amended to read:

"10-12C-9. AMOUNT OF PENSION.--

A. For a magistrate who was a member on June 30, 2014, the monthly pension is an amount equal to the sum of:

(1) for service credit earned on or before June 30, 2014, the amount is equal to one-twelfth of:

seventy-five percent
of salary received (number of years of
during last year in X .05 X service, not exceeding
office prior to fifteen years,
retirement plus five years); and

(2) for service credit earned on and after July 1, 2014, an amount equal to one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months in office multiplied by the product of three and one-half percent times the sum of the number of years of service.

B. For a magistrate who initially became a member on or after July 1, 2014, the amount of monthly pension is equal to one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months in office multiplied by the product of three percent times the sum of the number of years of service.

C. The amount of monthly pension under form of payment A for a pension calculated pursuant to Subsection B of this section shall not exceed eighty-five percent of one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months prior to the member leaving office.

D. The amount of monthly pension payable for a pension calculated pursuant to Subsection A of this section shall not exceed eighty-five percent of one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months prior to the member leaving office. A pension benefit determined pursuant to this subsection shall not be less than the benefit earned as of June 30, 2014."

Chapter 39 Section 7 Laws 2014

SECTION 7. Section 10-12C-10 NMSA 1978 (being Laws 1992, Chapter 118, Section 10, as amended) is amended to read:

"10-12C-10. MEMBER CONTRIBUTIONS--TAX TREATMENT.--

A. On and after July 1, 2014, members, while in office, shall contribute ten and one-half percent of salary to the member contribution fund.

B. Upon implementation, the state, acting as employer of members covered pursuant to the provisions of the Magistrate Retirement Act, shall, solely for the purpose of compliance with Section 414(h) of the Internal Revenue Code of 1986, pick up, for the purposes specified in that section, member contributions required by this section for all annual salary earned by the member. Member contributions picked up pursuant to the provisions of this section shall be treated as employer contributions for purposes of determining income tax obligations under the Internal Revenue Code of 1986; however, such picked-up member contributions shall be included in the determination of the member's gross annual salary for all other purposes under federal and state laws. Member contributions picked up pursuant to the provisions of this section shall continue to be designated member contributions for all purposes of the Magistrate Retirement Act and shall be considered as part of the member's annual salary for purposes of determining the amount of the member's contribution. The provisions of this section are mandatory, and the member shall have no option concerning the pick up or concerning the receipt of the contributed amounts directly instead of having the amounts paid by the employer to the retirement system. Implementation occurs upon authorization by the board. In no event may implementation occur other than at the beginning of a pay period applicable to the member."

Chapter 39 Section 8 Laws 2014

SECTION 8. Section 10-12C-11 NMSA 1978 (being Laws 1992, Chapter 118, Section 11, as amended) is amended to read:

"10-12C-11. EMPLOYER CONTRIBUTIONS.--

A. The state, through the administrative office of the courts, shall contribute to the fund fifteen percent of salary for each member in office, except that, from July 1, 2014 through June 30, 2015, the state contribution rate shall be eleven percent of salary for each member in office.

B. Twenty-five dollars (\$25.00) from each civil case docket fee paid in magistrate court and ten dollars (\$10.00) from each civil jury fee paid in magistrate court shall be paid by the court clerk to the employer's accumulation fund."

Chapter 39 Section 9 Laws 2014

SECTION 9. Section 10-12C-12 NMSA 1978 (being Laws 1992, Chapter 118, Section 12) is amended to read:

"10-12C-12. DISABILITY RETIREMENT PENSION.--

A. A magistrate with the applicable minimum number of years of service credit accrued pursuant to the provisions of the Magistrate Retirement Act who becomes unable to carry out the duties of that office due to physical or mental disability

shall, upon determination of the disability and relinquishment of office, receive a pension from the fund so long as the disability continues. Determination of disability shall be made by the board in accordance with the provisions of the Public Employees Retirement Act and rules promulgated pursuant to that act.

B. The amount of the pension shall be calculated using the formula for normal retirement set out in Section 10-12C-9 NMSA 1978.

C. The applicable service credit requirement shall be waived if the board finds the disability to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty as a magistrate, and the amount of pension shall be computed as if the member had the applicable minimum number of years of service credit as a magistrate."

Chapter 39 Section 10 Laws 2014

SECTION 10. Section 10-12C-13 NMSA 1978 (being Laws 1992, Chapter 118, Section 13) is amended to read:

"10-12C-13. SURVIVOR'S PENSION.--For a member whose initial term in office began prior to July 1, 2014:

A. unless the member has designated a survivor beneficiary in accordance with Subsection B of this section, a survivor pension shall be paid for life to a member's or retired member's surviving spouse;

B. the member may designate, in writing in a form prescribed by the association, a survivor beneficiary to receive the survivor's pension described in this section. If the member is married, a designation of survivor beneficiary other than the member's spouse may only be made with the written consent of the member's spouse. Marriage subsequent to a designation of survivor beneficiary shall automatically revoke the designation of survivor beneficiary. A designation of survivor beneficiary made pursuant to a court order issued under Section 10-12C-7 NMSA 1978 shall not require the consent of the member's spouse, if any, and shall not be revoked by the subsequent remarriage of the member. A designation of survivor beneficiary may be revoked by the member at any time prior to the member's retirement. If the member is married, a revocation of designation of survivor beneficiary may only be made with the written consent of the member's spouse;

C. if there is no surviving spouse and no designated survivor beneficiary or if the surviving spouse dies while there are still minor and dependent children of the member, the survivor's pension shall be paid to all minor and dependent children, if any, of the member, in equal shares, so long as each child remains a minor or dependent child. As each child ceases to be a minor or dependent child, the number of shares shall be reduced and the amount payable to each remaining child increased proportionately

so that the total survivor's pension remains unchanged as long as there is any such child;

D. the survivor's pension is equal to seventy-five percent of the member's pension;

E. survivor beneficiaries shall be eligible for other benefits provided pursuant to the provisions of the Magistrate Retirement Act, including cost-of-living adjustments and continuation of group insurance benefits; and

F. if a member dies while receiving a disability retirement pension, the survivor beneficiary shall receive the survivor pension provided pursuant to the provisions of the Magistrate Retirement Act."

Chapter 39 Section 11 Laws 2014

SECTION 11. A new section of the Magistrate Retirement Act, Section 10-12C-13.1 NMSA 1978, is enacted to read:

"10-12C-13.1. ELECTION FORM OF PENSION.--For a member whose initial term in office begins on or after July 1, 2014, except as otherwise provided in Section 10-12C-7 NMSA 1978:

A. the member may elect to have pension payments made under any one of the forms of payment provided in Section 10-12C-13.2 NMSA 1978. The election of form of payment and naming of survivor pension beneficiary shall be made on a form furnished by and filed with the association prior to the date the first pension payment is made. An election of form of payment may not be changed after the date the first pension payment is made. If the member is married, the association shall require the consent of the member's spouse to the election of the form of payment and any designation of survivor pension beneficiary before the election or designation is effective. Except as provided in Subsection C, D or E of this section, a named survivor pension beneficiary may not be changed after the date the first pension payment is made if form of payment B or C is elected. Except as otherwise provided in Section 10-12C-7 NMSA 1978, payment shall be made:

(1) under form of payment A if the member is not married at the time of retirement and if there is not a timely election of another form of payment; or

(2) under form of payment C with the member's spouse as survivor pension beneficiary if the member is married at the time of retirement and there is not a timely election of another form of payment;

B. the amount of pension under forms of payment B, C and D shall have the same actuarial present value, computed as of the effective date of the pension, as the amount of pension under form of payment A;

C. if the member is a retired member who is being paid a pension under form of payment B or C with the member's spouse as the designated survivor pension beneficiary, the retired member may, upon becoming divorced from the named spouse and subject to an order of a court as provided for in Section 10-12C-7 NMSA 1978, elect to have future payments made under form of payment A;

D. if the member is retired and was previously being paid a pension under form of payment B or C but, because of the death of the designated survivor pension beneficiary, is currently receiving a pension under form of payment A, the retired member may exercise a one-time irrevocable option to designate another individual as the survivor pension beneficiary and may select either form of payment B or form of payment C; provided that:

(1) the amount of the pension under the form of payment selected shall be recalculated and have the same actuarial present value, computed on the effective date of the designation, as the amount of pension under form of payment A;

(2) the designation and the amount of the pension shall be subject to a court order as provided for in Section 10-12C-7 NMSA 1978; and

(3) the retired member shall pay one hundred dollars (\$100) to the board to defray the cost of determining the new pension amount; and

E. if the member is a retired member who is being paid a pension under form of payment B or C with a living designated survivor pension beneficiary other than the retired member's spouse or former spouse, the retired member may exercise a one-time irrevocable option to deselect the designated beneficiary and elect to:

(1) designate another survivor pension 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 pension 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 pension under form of payment A; and

(c) the retired member shall pay one hundred dollars (\$100) to the board to defray the cost of determining the new pension amount; or

(2) have future payments made under form of payment A."

Chapter 39 Section 12 Laws 2014

SECTION 12. A new section of the Magistrate Retirement Act, Section 10-12C-13.2 NMSA 1978, is enacted to read:

"10-12C-13.2. FORM OF PENSION PAYMENT.--

A. Straight life pension is form of payment A. The retired member is paid the pension for life under form of payment A. All payments stop upon the death of the retired member, except as provided by Subsection E of this section. The amount of pension is determined in accordance with the coverage plan applicable to the retired member.

B. Life payments with full continuation to one survivor beneficiary is form of payment B. The retired member is paid a reduced pension for life under form of payment B. When the retired member dies, the designated survivor beneficiary is paid the full amount of the reduced pension until death. If the designated survivor beneficiary predeceases the retired member, the amount of pension shall be changed to the amount that would have been payable had the retired member elected form of payment A.

C. Life payment with one-half continuation to one survivor beneficiary is form of payment C. The retired member is paid a reduced pension for life under form of payment C. When the retired member dies, the designated survivor beneficiary is paid one-half the amount of the reduced pension until death. If the designated survivor beneficiary predeceases the retired member, the amount of pension shall be changed to the amount that would have been payable had the retired member elected form of payment A.

D. Life payments with temporary survivor benefits for children is form of payment D. The retired member is paid a reduced pension for life under form of payment D. When the retired member dies, each declared eligible child is paid a share of the reduced pension until death or age twenty-five years, whichever occurs first. The share is the share specified in writing and filed with the association by the retired member. If shares are not specified in writing and filed with the association, each declared eligible child is paid an equal share of the reduced pension. A redetermination of shares shall be made when the pension of any child terminates. An eligible child is a natural or adopted child of the retired member who is under age twenty-five years. A declared eligible child is an eligible child whose name has been declared in writing and filed with the association by the retired member at the time of election of form of payment D. The amount of pension shall be changed to the amount of pension that would have been payable had the retired member elected form of payment A upon there ceasing to be a declared eligible child during the lifetime of the retired member.

E. If all pension payments permanently terminate before there is paid an aggregate amount equal to the retired member's accumulated member contributions at the time of retirement, the difference between the amount of accumulated member contributions and the aggregate amount of pension paid shall be paid to the retired

member's refund beneficiary. If no refund beneficiary survives the retired member, the difference shall be paid to the estate of the retired member."

Chapter 39 Section 13 Laws 2014

SECTION 13. A new section of the Magistrate Retirement Act, Section 10-12C-13.3 NMSA 1978, is enacted to read:

"10-12C-13.3. DEATH BEFORE RETIREMENT--SURVIVOR PENSION.--For a member whose initial term in office begins on or after July 1, 2014:

A. a survivor pension may be paid to certain persons related to or designated by a member who dies before normal or disability retirement if a written application for the pension, in the form prescribed by the association, is filed with the association by the potential survivor beneficiary or beneficiaries within one year of the death of the member. Applications may be filed on behalf of the potential survivor beneficiary or beneficiaries or by a person legally authorized to represent them;

B. if there is no designated survivor beneficiary and the board finds the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office, a survivor pension shall be payable to the eligible surviving spouse. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated pursuant to the Magistrate Retirement Act and applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the actual amount of service credit attributable to the deceased member at the time of death; or

(2) fifty percent of the deceased member's final average salary;

C. a survivor pension shall also be payable to eligible surviving children if there is no designated survivor beneficiary and the board finds the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office. The total amount of survivor pension payable for all eligible surviving children shall be either:

(1) fifty percent of the deceased member's final average salary if an eligible surviving spouse is not paid a pension; or

(2) twenty-five percent of the deceased member's final average salary if an eligible surviving spouse is paid a pension.

The total amount of survivor pension shall be divided equally among all eligible surviving children. If there is only one eligible child, the amount of pension shall be twenty-five percent of the deceased member's final average salary;

D. if the member had the applicable minimum number of years of service credit required for normal retirement but the board did not find the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office and there is no designated survivor beneficiary, a survivor pension shall be payable to the eligible surviving spouse. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated under the coverage plan applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the total amount of actual service credit attributable to the deceased member at the time of death; or

(2) thirty percent of the deceased member's final average salary;

E. if the member had the applicable minimum number of years of service credit required for normal retirement but the board did not find the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office and there is no designated survivor beneficiary, and if there is no eligible surviving spouse at the time of death, a survivor pension shall be payable to and divided equally among all eligible surviving children, if any. The total amount of survivor pension payable for all eligible surviving children shall be the greater of:

(1) the amount as calculated under the coverage plan applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B with the oldest eligible surviving child as the survivor beneficiary using the total amount of actual service credit attributable to the deceased member at the time of death; or

(2) thirty percent of the deceased member's final average salary;

F. an eligible surviving spouse is the spouse to whom the deceased member was married at the time of death. An eligible surviving child is a child under the age of eighteen years and who is an unmarried, natural or adopted child of the deceased member;

G. an eligible surviving spouse's pension shall terminate upon death. An eligible surviving child's pension shall terminate upon death or marriage or reaching age eighteen years, whichever comes first;

H. if there is no designated survivor beneficiary and there is no eligible surviving child, the eligible surviving spouse may elect to be refunded the deceased member's accumulated member contributions instead of receiving a survivor pension;

I. a member may designate a survivor beneficiary to receive a pre-retirement survivor pension, subject to the following conditions:

(1) a written designation, in the form prescribed by the association, is filed by the member with the association;

(2) if the member is married at the time of designation, the designation shall only be made with the consent of the member's spouse, in the form prescribed by the association;

(3) if the member is married subsequent to the time of designation, any prior designations shall automatically be revoked upon the date of the marriage;

(4) if the member is divorced subsequent to the time of designation, any prior designation of the former spouse as survivor beneficiary shall automatically be revoked upon the date of divorce; and

(5) a designation of survivor beneficiary may be changed, with the member's spouse's consent if the member is married, by the member at any time prior to the member's death;

J. if there is a designated survivor beneficiary and the board finds the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office, a survivor pension shall be payable to the designated survivor beneficiary. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated under the coverage plan applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the actual amount of service credit attributable to the member at the time of death; or

(2) fifty percent of the deceased member's final average salary;

K. if there is a designated survivor beneficiary, if the member had the applicable minimum number of years of service credit required for normal retirement and if the board did not find the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office, a survivor pension shall be payable to the designated survivor beneficiary. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated under the coverage plan applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the actual amount of service credit attributable to the member at the time of death; or

(2) thirty percent of the deceased member's final average salary;

L. if all pension payments permanently terminate before there is paid an aggregate amount equal to the deceased member's accumulated member contributions at time of death, the difference between the amount of accumulated member contributions and the aggregate amount of pension paid shall be paid to the deceased member's refund beneficiary. If no refund beneficiary survives the survivor beneficiary, the difference shall be paid to the estate of the deceased member; and

M. for purposes of this section, "service credit" means only the service credit earned by a member during periods in office as a magistrate."

Chapter 39 Section 14 Laws 2014

SECTION 14. Section 10-12C-14 NMSA 1978 (being Laws 1992, Chapter 118, Section 14) is amended to read:

"10-12C-14. COST-OF-LIVING ADJUSTMENT.--A qualified pension recipient is eligible for a cost-of-living adjustment payable pursuant to the provisions of the Magistrate Retirement Act as follows:

A. beginning July 1, 2014 and continuing through June 30, 2016, there shall not be a cost-of-living adjustment applied to a pension payable pursuant to the Magistrate Retirement Act; and

B. beginning on May 1, 2016 and no later than each May 1 thereafter:

(1) the board shall certify to the association the actuarial funded ratio of the fund as of June 30 of the preceding calendar year;

(2) if, pursuant to Paragraph (1) of this subsection, the certified funded ratio is greater than or equal to one hundred percent, the board shall next certify the projected funded ratio of the fund on July 1 of the next succeeding calendar year if, effective July 1 of the current calendar year, a cost-of-living increase of two percent is applied to all payable pensions; and

(3) on each July 1 following the board's certification of the funded ratio, the cost-of-living adjustment, if any, applied to a pension payable pursuant to the Magistrate Retirement Act shall be determined as follows:

(a) if, pursuant to Paragraph (1) of this subsection, the funded ratio of the fund is greater than or equal to one hundred percent, and if, pursuant to Paragraph (2) of this subsection, the projected funded ratio is greater than or equal to one hundred percent, the amount of pension payable beginning July 1 of the next fiscal year shall be increased two percent. The amount of the increase shall be determined by multiplying the amount of the pension inclusive of all prior adjustments by two percent; and

(b) if the funded ratio of the fund, as certified pursuant to Paragraph (1) or (2) of this subsection, is less than one hundred percent, the amount of pension payable shall not include a cost-of-living increase; provided, however, that, if, pursuant to the provisions of this subparagraph, the cost-of-living adjustment is suspended for the two consecutive fiscal years immediately prior to the most recent certification by the board of the funded ratio: 1) the amount of pension payable in the fiscal year immediately following the two-year suspension shall be increased two percent regardless of the certified funded ratio; and 2) thereafter, if, pursuant to the provisions of Paragraph (1) of this subsection, the certified funded ratio is less than one hundred percent, the provisions of this subsection shall apply without exception in the next succeeding fiscal year."

Chapter 39 Section 15 Laws 2014

SECTION 15. A new section of the Magistrate Retirement Act, Section 10-12C-14.1 NMSA 1978, is enacted to read:

"10-12C-14.1. QUALIFIED PENSION RECIPIENT--COST-OF-LIVING ADJUSTMENT WAIT PERIOD--DECLINING INCREASE.--

A. Pursuant to the Magistrate Retirement Act, a qualified pension recipient is a:

(1) normal retired member who retires:

(a) on or before June 30, 2014 and has been retired for at least two full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(b) between July 1, 2014 and June 30, 2015 and has been retired for at least three full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(c) between July 1, 2015 and June 30, 2016 and has been retired for at least four full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted; or

(d) on or after July 1, 2016 and has been retired for at least seven full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(2) normal retired member who is at least sixty-five years of age and has been retired for at least one full calendar year from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(3) disability retired member who has been retired for at least one full calendar year from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(4) survivor beneficiary who has received a survivor pension for at least two full calendar years; or

(5) survivor beneficiary of a deceased retired member who otherwise would have been retired at least two full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted.

B. A qualified pension recipient may decline an increase in a pension by giving the association written notice of the decision to decline the increase at least thirty days prior to the date the increase would take effect."

Chapter 39 Section 16 Laws 2014

SECTION 16. SEVERABILITY.--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Chapter 39 Section 17 Laws 2014

SECTION 17. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

HJC/House Bill 216, w/coc

Approved March 7, 2014

LAWS 2014, CHAPTER 40

AN ACT

RELATING TO MINOR POLITICAL PARTIES; PROVIDING PROCEDURES AND FILING REQUIREMENTS FOR THE NOMINATION OF CANDIDATES BY MINOR POLITICAL PARTIES IN GENERAL ELECTIONS; STANDARDIZING FILING DATES FOR CANDIDATES IN GENERAL ELECTIONS; DECLARING AN EMERGENCY.

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

Chapter 40 Section 1 Laws 2014

SECTION 1. Section 1-7-4 NMSA 1978 (being Laws 1969, Chapter 240, Section 147, as amended) is amended to read:

"1-7-4. RULES AND REGULATIONS--FILING--FEE.--

A. Each political party shall file its rules and regulations, along with petitions containing the required number of signatures, if the signature provision is applicable to the party, within thirty days after its organization and no later than twenty-three days after the primary election before any general election in which it is authorized to participate.

B. Within seven days after the filing of the political party's rules and qualifying petitions, the secretary of state shall notify the political party whether the rules and qualifying petitions are in proper order and that the party has qualified. The secretary of state shall notify all county clerks in the state of the qualification of that political party and post notice of qualification on the secretary of state's web site.

C. Political parties filing rules and regulations with the county clerk shall pay the standard filing fee."

Chapter 40 Section 2 Laws 2014

SECTION 2. Section 1-8-1 NMSA 1978 (being Laws 1969, Chapter 240, Section 151, as amended) is amended to read:

"1-8-1. NOMINATING PROCEDURES--MAJOR POLITICAL PARTIES--MINOR POLITICAL PARTIES.--

A. Any major political party in New Mexico, as defined in Section 1-7-7 NMSA 1978, shall nominate its candidates, other than its presidential candidates, by secret ballot at the next succeeding primary election as prescribed in the Primary Election Law.

B. Any minor political party in New Mexico, as defined in Section 1-7-7 NMSA 1978, shall nominate candidates for public office in the manner prescribed in its party rules and regulations and according to the provisions of the Election Code."

Chapter 40 Section 3 Laws 2014

SECTION 3. Section 1-8-2 NMSA 1978 (being Laws 1969, Chapter 240, Section 152, as amended) is amended to read:

"1-8-2. NOMINATION BY MINOR POLITICAL PARTY--CONVENTION--
DESIGNATED NOMINEES.--

A. If the rules of a minor political party require nomination by political convention:

(1) the chair and secretary of the state political convention shall certify to the secretary of state the names of their party's nominees for United States senator, United States representative, all elective state offices, legislative offices elected from multicounty districts, the public regulation commission, all elective judicial officers in the judicial department and all offices representing a district composed of more than one county; and

(2) the chair and secretary of the county political convention shall certify to the county clerk the names of their party's nominees for elected county offices and for legislative offices elected from a district located wholly within one county or that is composed of only one county.

B. The names certified to the secretary of state shall be filed on the twenty-third day following the primary election in the year of the general election and shall be accompanied by nominating petitions containing the signatures of voters totaling not less than one percent of the total number of votes cast for governor at the last preceding general election at which a governor was elected:

(1) in the state for statewide offices; and

(2) in the district for offices other than statewide offices.

The petition shall contain a statement that the voters signing the petition are residents of the area to be represented by the office for which the person being nominated is a candidate.

C. The names certified to the county clerk shall be filed on the twenty-third day following the primary election in the year of the general election and shall be accompanied by a nominating petition containing the signatures of voters totaling not less than one percent of the total number of votes cast for governor at the last preceding general election at which a governor was elected:

(1) in the county for countywide offices; and

(2) in the district for offices other than countywide offices.

The petition shall contain a statement that the voters signing the petition are residents of the area to be represented by the office for which the person being nominated is a candidate.

D. Except in the case of a political party certified in the year of the election, persons certified as candidates shall be members of that party on the day the governor issues the primary election proclamation.

E. When a political party is certified in the year of the general election, and after the day the governor issues the primary election proclamation, a person certified as a candidate shall be:

(1) a member of that party not later than the date the political party filed its rules and qualifying petitions pursuant to Sections 1-7-2 and 1-7-4 NMSA 1978; and

(2) a resident in the district of the office for which the person is a candidate on the date of the governor's proclamation for the primary election or in the case of a person seeking the office of United States senator or United States representative, a resident within New Mexico on the date of the governor's proclamation for the primary election. No person who is a candidate for a party in a primary election may be certified as a candidate for a different party in the general election in the same election cycle.

F. No voter shall sign a petition prescribed by this section for more persons than the number of candidates necessary to fill the office at the next ensuing general election."

Chapter 40 Section 4 Laws 2014

SECTION 4. Section 1-8-4 NMSA 1978 (being Laws 1969, Chapter 240, Section 154, as amended) is amended to read:

"1-8-4. SECRETARY OF STATE--CERTIFICATION OF NOMINEES--MINOR POLITICAL PARTY.--

A. Upon receipt of certificates of nomination of any minor political party and nominating petitions, and no later than 5:00 p.m. on the first Tuesday following the filing date, the proper filing officer shall:

(1) determine whether the method of nomination used by the certifying political party complies with the current rules of that party on file in the secretary of state's office;

(2) determine whether the number of signatures required have been submitted and all the requirements of Sections 1-8-1 through 1-8-3 NMSA 1978 have been complied with; and

(3) if such determinations are answered in the affirmative, mail notice to the certifying party and the candidate no later than 5:00 p.m. on the Tuesday following the filing date that the certificates of nomination and nominating petitions are in proper order and that the candidate, based on those documents, is qualified to have the candidate's name placed on the ballot.

B. If a minor political party candidate is notified by the proper filing officer that the candidate is not qualified to have the candidate's name appear on the ballot, the candidate may challenge the decision by filing a petition with the district court within ten days of the notification. The district court shall hear and render a decision on the matter within ten days after the petition is filed. The decision of the district court may be appealed to the supreme court within five days after the decision is rendered. The supreme court shall hear and render a decision no later than fifty-six days prior to the general election.

C. Any voter may file a court action challenging a minor political party candidate's nominating petitions pursuant to the provisions of Section 1-8-35 NMSA 1978."

Chapter 40 Section 5 Laws 2014

SECTION 5. Section 1-8-26 NMSA 1978 (being Laws 1975, Chapter 295, Section 12, as amended) is amended to read:

"1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--DOCUMENTS NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

A. Declarations of candidacy by preprimary convention designation for any statewide office or for the office of United States representative shall be filed with the proper filing officer on the first Tuesday in February of each even-numbered year between the hours of 9:00 a.m. and 5:00 p.m.

B. Declarations of candidacy for any other office to be nominated in the primary election shall be filed with the proper filing officer on the second Tuesday of March of each even-numbered year between the hours of 9:00 a.m. and 5:00 p.m.

C. Certificates of designation shall be submitted to the secretary of state on the first Tuesday following the preprimary convention at which the candidate's designation took place between the hours of 9:00 a.m. and 5:00 p.m.

D. Declarations of candidacy for retention for all affected judicial offices shall be filed with the proper filing officer between the hours of 9:00 a.m. and 5:00 p.m. on the second Tuesday in March of each even-numbered year.

E. No candidate's name shall be placed on the ballot until the candidate has been notified in writing by the proper filing officer that the declaration of candidacy, the petition, if required, and the certificate of registration of the candidate on file are in proper order and that the candidate, based on those documents, is qualified to have the candidate's name placed on the ballot. The proper filing officer shall mail the notice no later than 5:00 p.m. on the Tuesday following the filing date.

F. If a candidate is notified by the proper filing officer that the candidate is not qualified to have the candidate's name appear on the ballot, the candidate may challenge that decision by filing a petition with the district court within ten days of the notification. The district court shall hear and render a decision on the matter within ten days after the petition is filed. The decision of the district court may be appealed to the supreme court within five days after the decision is rendered. The supreme court shall hear and render a decision on the appeal forthwith."

Chapter 40 Section 6 Laws 2014

SECTION 6. A new section of the Election Code is enacted to read:

"NOMINATING PETITION FOR CANDIDATE OF AN UNQUALIFIED STATE POLITICAL PARTY--QUALIFICATION AS AN INDEPENDENT CANDIDATE.--The declaration of candidacy and petition signatures submitted to the proper filing officer by a candidate for nomination as a minor party candidate shall be counted toward the requirements for qualification as an independent candidate for the same office in the same election if the candidate's party files for, but does not obtain status as, a qualified political party in that election cycle. To qualify as an independent candidate, the candidate must meet all requirements for an independent candidate in Section 1-8-45 NMSA 1978 and submit the required number of petition signatures for an independent candidate as prescribed in Section 1-8-51 NMSA 1978. No candidate may circulate petitions for candidacy for more than one political party in an election cycle."

Chapter 40 Section 7 Laws 2014

SECTION 7. A new section of the Election Code is enacted to read:

"MINOR POLITICAL PARTY CANDIDATES FOR GENERAL OR UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITION FORM.--

A. As used in Sections 1-8-2 through 1-8-4 NMSA 1978, "nominating petition" means the authorized form used for obtaining the required number of signatures of voters that is signed on behalf of the person wishing to become a minor

political party candidate for a political office in a general or United States representative special election requiring a nominating petition.

B. In making a declaration of candidacy, the candidate shall file a nominating petition at the same time, which shall be on forms prescribed by law.

C. The nominating petition for a minor political party candidate for any office requiring a nominating petition shall be on paper approximately eight and one-half inches wide and eleven inches long with numbered lines for signatures approximately three-eighths inch apart and shall be in the following form:

"NOMINATING PETITION FOR MINOR POLITICAL PARTY CANDIDACY
(GENERAL ELECTION)

I, the undersigned, a registered voter of New Mexico, hereby nominate _____, who resides at _____ in the county of _____, New Mexico, for the _____ party nomination for the office of _____ to be voted for at the general election or United States representative special election to be held on _____, and I declare that I am a registered voter of the area to be represented by the office for which the person being nominated is a candidate. I also declare that I have not signed, and will not sign, any nominating petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election or at a United States representative special election. I understand that if the candidate's political party does not qualify as a minor political party, the candidate may run as an unaffiliated independent candidate.

_____	_____	_____	_____
(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)
_____	_____	_____	_____
(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)".

D. In March of even-numbered years, the secretary of state shall post on the secretary of state's web site and shall furnish to each county clerk a sample of a nominating petition form, a copy of which shall be made available by the county clerk upon request of any candidate.

E. When more than one sheet is required for a petition, each of the sheets shall be in the form prescribed by this section."

Chapter 40 Section 8 Laws 2014

SECTION 8. Section 1-8-52 NMSA 1978 (being Laws 1977, Chapter 322, Section 8, as amended) is amended to read:

"1-8-52. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITIONS--CIRCULATION--DATE OF FILING.--

A. Declarations of independent candidacy and nominating petitions shall be filed with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the twenty-third day following the primary election of each even-numbered year and between 9:00 a.m. and 5:00 p.m. on the fifty-sixth day preceding any United States representative special election.

B. Declarations of independent candidacy and nominating petitions for the office of president of the United States shall be filed with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the twenty-third day following the primary election."

Chapter 40 Section 9 Laws 2014

SECTION 9. Section 1-12-19.1 NMSA 1978 (being Laws 1981, Chapter 156, Section 2, as amended) is amended to read:

"1-12-19.1. GENERAL ELECTIONS--SPECIAL ELECTIONS--WRITE-IN CANDIDATES.--

A. A person desiring to be a write-in candidate in a general election shall file with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the twenty-third day after the primary election a declaration of intent to be a write-in candidate. A person desiring to be a write-in candidate in a special election for United States representative or a statewide special election shall file with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the sixty-third day immediately preceding the election a declaration of intent to be a write-in candidate.

B. The form of the declaration of intent shall be prescribed by the secretary of state and shall contain a sworn statement by the candidate that the candidate is qualified to be a candidate for and to hold the office for which the candidate is filing.

C. At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate shall be considered a candidate for all purposes and provisions relating to candidates in the Election Code, including the obligation to report under the Campaign Reporting Act, except that the candidate shall not be entitled to have the candidate's name printed on the ballot.

D. The secretary of state shall, not more than ten days after the filing date, certify the names of the declared write-in candidates to the county clerks of every county affected by such candidacy.

E. No person shall be a write-in candidate in the general election who was a candidate in the primary election immediately prior to the general election. A write-in candidate for governor or lieutenant governor in the general election shall have a companion write-in candidate, and they shall be candidates to be elected jointly by the casting by a voter of a single vote applicable to both offices.

F. A vote for a write-in candidate shall be counted and canvassed only if:

(1) the name written in is the name of a declared write-in candidate and shows two initials and last name; first name, middle initial or name and last name; first and last name; or the full name as it appears on the declaration of intent to be a write-in candidate and misspellings of the above combinations that can be reasonably determined by a majority of the members of the precinct board to identify a declared write-in candidate; and

(2) the name is written in the proper office on the proper line provided on the ballot for write-in votes for the office for which the candidate has filed a declaration of intent and the voter has followed the directions for casting a vote for the write-in candidate.

G. No unopposed write-in candidate shall have an election certified unless the candidate receives at least the number of write-in votes equal to two percent of the total vote in the state, district or county in which the candidate seeks election that were cast for governor in the last preceding general election in which a governor was elected.

H. A write-in vote shall be cast by writing in the name. As used in this section, "write-in" does not include the imprinting of any name by rubber stamp or similar device or the use of preprinted stickers or labels."

Chapter 40 Section 10 Laws 2014

SECTION 10. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HVEC/House Bill 328, w/ec

Approved March 7, 2014

LAWS 2014, CHAPTER 41

AN ACT

RELATING TO UTILITIES; AMENDING A SECTION OF THE RENEWABLE ENERGY ACT TO EXEMPT FROM CHARGES BY A UTILITY FOR RENEWABLE ENERGY PROCUREMENTS CERTAIN EDUCATIONAL INSTITUTIONS IN ARTICLE 12, SECTION 11 OF THE CONSTITUTION OF NEW MEXICO IF THE INSTITUTION HAS CONSUMPTION EXCEEDING TWENTY MILLION KILOWATT-HOURS PER YEAR AT ANY SINGLE LOCATION OR FACILITY AND OWNS RENEWABLE ENERGY GENERATION.

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

Chapter 41 Section 1 Laws 2014

SECTION 1. Section 62-16-4 NMSA 1978 (being Laws 2004, Chapter 65, Section 4, as amended) is amended to read:

"62-16-4. RENEWABLE PORTFOLIO STANDARD.--

A. A public utility shall meet the renewable portfolio standard requirements, as provided in this section, to include renewable energy in its electric energy supply portfolio. Requirements of the renewable portfolio standard are:

(1) for public utilities other than rural electric cooperatives and municipalities:

(a) no later than January 1, 2006, renewable energy shall comprise no less than five percent of each public utility's total retail sales to New Mexico customers;

(b) no later than January 1, 2011, renewable energy shall comprise no less than ten percent of each public utility's total retail sales to New Mexico customers;

(c) no later than January 1, 2015, renewable energy shall comprise no less than fifteen percent of each public utility's total retail sales to New Mexico customers; and

(d) no later than January 1, 2020, renewable energy shall comprise no less than twenty percent of each public utility's total retail sales to New Mexico customers;

(2) the renewable portfolio standard established by this section shall be reduced, as necessary, to provide for the following specific procurement requirements for nongovernmental customers at a single location or facility, regardless of the number of meters at that location or facility, with consumption exceeding ten

million kilowatt-hours per year. On and after January 1, 2006, the kilowatt-hours of renewable energy procured for these customers shall be limited so that the additional cost of the renewable portfolio standard to each customer does not exceed the lower of one percent of that customer's annual electric charges or forty-nine thousand dollars (\$49,000). This procurement limit criterion shall increase by one-fifth percent or ten thousand dollars (\$10,000) per year until January 1, 2011, when the procurement limit criterion shall remain fixed at the lower of two percent of that customer's annual electric charges or ninety-nine thousand dollars (\$99,000). After January 1, 2012, the commission may adjust the ninety-nine-thousand-dollar (\$99,000) limit for inflation. Nothing contained in this paragraph shall be construed as affecting a public utility's right to recover all reasonable costs of complying with the renewable portfolio standard, pursuant to Section 62-16-6 NMSA 1978. The commission may authorize deferred recovery of the costs of complying with the renewable portfolio standard, including carrying charges;

(3) any customer that is a political subdivision of the state or any educational institution designated in Article 12, Section 11 of the constitution of New Mexico, with an enrollment of twenty-four thousand students or more during the fall semester on its main campus, with consumption exceeding twenty million kilowatt-hours per year at any single location or facility, and that owns renewable energy generation is exempt from all charges by the utility for renewable energy procurements in a year, regardless of the number of customer locations or meters on the system, if that customer certifies to the state auditor and notifies the commission and its serving electric utility that it will expend two and one-half percent of that year's annual electricity charges to continue to develop within twenty-four months customer-owned renewable energy generation. That customer shall also certify that it will retire all renewable energy certificates associated with the energy produced from that expenditure;

(4) the renewable portfolio shall be diversified as to the type of renewable energy resource, taking into consideration the overall reliability, availability, dispatch flexibility and cost of the various renewable energy resources made available by suppliers and generators;

(5) upon a commission motion or application by a public utility, the commission shall open a docket to provide appropriate performance-based financial or other incentives to encourage public utilities to acquire renewable energy supplies that exceed the applicable annual renewable portfolio standard set forth in this section. The commission shall initiate rules by June 1, 2008 to implement this subsection; and

(6) renewable energy resources that are in a public utility's electric energy supply portfolio on July 1, 2004 shall be counted in determining compliance with this section.

B. If a public utility finds that, in any given year, the cost of renewable energy that would need to be procured or generated for purposes of compliance with the renewable portfolio standard would be greater than the reasonable cost threshold as

established by the commission pursuant to this section, the public utility shall not be required to incur that cost; provided that the existence of this condition excusing performance in any given year shall not operate to delay the annual increases in the renewable portfolio standard in subsequent years. When a public utility can generate or procure renewable energy at or below the reasonable cost threshold, it shall be required to add renewable energy resources to meet the renewable portfolio standard applicable in the year when the renewable energy resources are being added.

C. By December 31, 2004, the commission shall establish, after notice and hearing, the reasonable cost threshold above which level a public utility shall not be required to add renewable energy to its electric energy supply portfolio pursuant to the renewable portfolio standard. The commission may thereafter modify the reasonable cost threshold as changing circumstances warrant, after notice and hearing. In establishing and modifying the reasonable cost threshold, the commission shall take into account:

(1) the price of renewable energy at the point of sale to the public utility;

(2) the transmission and interconnection costs required for the delivery of renewable energy to retail customers;

(3) the impact of the cost for renewable energy on overall retail customer rates;

(4) the overall diversity, reliability, availability, dispatch flexibility, cost per kilowatt-hour and life-cycle cost on a net present value basis of renewable energy resources available from suppliers; and

(5) other factors, including public benefits, that the commission deems relevant; provided that nothing in the Renewable Energy Act shall be construed to permit regulation by the commission of the production or sale price at the point of production of the renewable energy.

D. By September 1, 2007 and July 1 of each year thereafter until 2022, and thereafter as determined necessary by the commission, a public utility shall file a report to the commission on its procurement and generation of renewable energy during the prior calendar year and a procurement plan that includes:

(1) the cost of procurement for any new renewable energy resource in the next calendar year required to comply with the renewable portfolio standard; and

(2) testimony and exhibits that demonstrate that the proposed procurement is reasonable as to its terms and conditions considering price, availability, dispatchability, any renewable energy certificate values and diversity of the renewable energy resource; or

(3) demonstration that the plan is otherwise in the public interest.

E. The commission shall approve or modify a public utility's procurement or transitional procurement plan within ninety days and may approve the plan without a hearing, unless a protest is filed that demonstrates to the commission's reasonable satisfaction that a hearing is necessary. The commission may modify a plan after notice and hearing. The commission may, for good cause, extend the time to approve a procurement plan for an additional ninety days. If the commission does not act within the ninety-day period, the procurement plan is deemed approved.

F. The commission may reject a procurement or transitional procurement plan if it finds that the plan does not contain the required information and, upon the rejection, may suspend the public utility's obligation to procure additional resources for the time necessary to file a revised plan; provided that the total amount of renewable energy to be procured by the public utility shall not change.

G. A public utility may file a transitional procurement plan requesting that the commission determine that the costs of renewable energy resources that the public utility has committed to, or may commit to, prior to the commission's establishing a reasonable cost threshold, are reasonable and recoverable pursuant to Section 62-16-6 NMSA 1978. The requirements of annual procurement plan filings shall be applicable to any transitional procurement plan filing pursuant to this section.

H. The commission shall determine if it is in the public interest for the commission to provide appropriate performance-based financial or other incentives to encourage public utilities to acquire renewable energy supplies in amounts that exceed the requirements of the renewable portfolio standard."

Senate Bill 81

Approved March 7, 2014

LAWS 2014, CHAPTER 42

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING THAT A RECIPIENT OF MORE THAN TWO PURPLE HEART MEDALS SHALL BE ENTITLED TO AN ADDITIONAL SPECIAL REGISTRATION PLATE FOR EACH AWARD OF THE PURPLE HEART MEDAL.

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

Chapter 42 Section 1 Laws 2014

SECTION 1. Section 66-3-414 NMSA 1978 (being Laws 1987, Chapter 23, Section 1, as amended) is amended to read:

"66-3-414. SPECIAL REGISTRATION PLATES FOR PURPLE HEART VETERANS.--

A. The division shall issue special registration plates for up to two vehicles to any person who is a veteran and a bona fide purple heart medal recipient and who submits proof satisfactory to the division that the person has been awarded that medal, except that if a veteran is the recipient of more than two purple heart medals, the veteran shall be entitled to an additional special registration plate for each additional award of the purple heart medal. The plates shall have a distinctive design, different from the plates issued pursuant to Section 66-3-419 NMSA 1978, that emphasizes that the veteran is a purple heart recipient. No fee, including the regular registration fee applicable to the passenger motor vehicle, if any, shall be collected for the issuance of the special registration plates pursuant to this section.

A person who is eligible for special registration plates pursuant to this section and also eligible for one or more special registration plates pursuant to Sections 66-3-406, 66-3-409, 66-3-411 and 66-3-412 NMSA 1978 shall be issued special registration plates pursuant to only one of those sections, the choice of which shall be made by the veteran.

B. No person shall falsely make any representation as being a purple heart veteran so as to be eligible to be issued special plates pursuant to this section when the person in fact is not a purple heart veteran.

C. Any person who violates the provisions of Subsection B of this section is guilty of a misdemeanor."

Senate Bill 154

Approved March 7, 2014

LAWS 2014, CHAPTER 43

AN ACT

RELATING TO PENSIONS; AMENDING MAGISTRATE RETIREMENT ACT PROVISIONS APPLICABLE TO CERTAIN MEMBERS BY CHANGING THE AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT, DECREASING THE PENSION MULTIPLIER FOR SERVICE CREDIT EARNED AFTER JUNE 30, 2014 AND INCREASING THE NUMBER OF YEARS USED TO CALCULATE THE FINAL AVERAGE SALARY; PROVIDING A TEMPORARY SUSPENSION OF AND

DECREASE AND DELAY OF THE COST-OF-LIVING ADJUSTMENT; INCREASING THE MAXIMUM PENSION BENEFIT; INCREASING CONTRIBUTION RATES; REQUIRING MEMBERSHIP; CHANGING THE PENSION FORM OF PAYMENT AND SURVIVOR BENEFICIARY PROVISIONS FOR NEW MAGISTRATES AND MAGISTRATES WHOSE TERMS OF OFFICE BEGIN ON OR AFTER JULY 1, 2014; PROVIDING FOR THE SUSPENSION OF THE COST-OF-LIVING ADJUSTMENT FOR RETURN-TO-WORK JUDGES, JUSTICES AND MAGISTRATES.

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

Chapter 43 Section 1 Laws 2014

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 Subsection E 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 G 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. Notwithstanding the provisions of Subsection B of Section 10-11-118 NMSA 1978, on and after July 1, 2013, if a retired member becomes employed with an employer pursuant to the Educational Retirement Act, and effective July 1, 2014, if a retired member who, subsequent to retirement, is employed and covered pursuant to the Judicial Retirement Act:

(1) the retired member's cost-of-living pension adjustment shall be suspended upon commencement of the employment; and

(2) upon termination of the employment, the retired member's suspended cost-of-living pension adjustment shall be reinstated as provided under Subsection B of Section 10-11-118 NMSA 1978.

E. The provisions of Subsections C, H and I 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.

F. A retired member who returns to employment during retirement pursuant to Subsection E 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.

G. 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.

H. 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:

(1) 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;

(2) notwithstanding the provisions of Subsection B of Section 10-11-118 NMSA 1978, on and after July 1, 2013, the retired member's cost-of-living pension adjustment shall be suspended; and

(3) upon termination of the subsequent employment with the affiliated public employer, the retired member's cost-of-living pension adjustment shall be reinstated as provided in Subsection B of Section 10-11-118 NMSA 1978.

I. 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, 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 Subsection B of Section 10-11-118 NMSA 1978.

J. 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."

Chapter 43 Section 2 Laws 2014

SECTION 2. Section 10-12C-2 NMSA 1978 (being Laws 1992, Chapter 118, Section 2, as amended) is amended to read:

"10-12C-2. DEFINITIONS.--As used in the Magistrate Retirement Act:

A. "association" means the public employees retirement association provided for in the Public Employees Retirement Act;

B. "board" means the retirement board provided for in the Public Employees Retirement Act;

C. "dependent child" means a natural or adopted child who is physically or mentally incapable of financial self-support, regardless of age;

D. "educational retirement system" means the retirement system provided for in the Educational Retirement Act;

E. "effective date of retirement" means the first day of the month following the month in which the member met all requirements for retirement;

F. "final average salary" means the amount that is one-sixtieth of the greatest aggregate amount of salary paid a member for sixty consecutive, but not necessarily continuous, months of service credit;

G. "former member" means a person no longer in office who was previously covered pursuant to the provisions of Sections 10-12A-1 through 10-12A-13 NMSA 1978, but who has not retired pursuant to the provisions of the Magistrate Retirement Act and who has received a refund of member contributions pursuant to the provisions of Sections 10-12C-1 through 10-12C-18 NMSA 1978;

H. "fund" means the magistrate retirement fund;

I. "magistrate" means a magistrate judge;

J. "member" means any magistrate who is in office and covered pursuant to the provisions of the Magistrate Retirement Act, or any person no longer in office who was previously a magistrate covered pursuant to the provisions of the Magistrate Retirement Act, who has not retired and who has not received a refund of member contributions from the fund;

K. "member contributions" means the amounts deducted from the salary of a member and credited to the member's individual account, together with interest, if any, credited thereto;

L. "minor child" means a natural or adopted child who has not reached his eighteenth birthday and who has not been emancipated by marriage or otherwise;

M. "pension" means a series of monthly payments to a retired member or survivor beneficiary pursuant to the provisions of the Magistrate Retirement Act;

N. "refund beneficiary" means a person designated by the member, in writing in the form prescribed by the association, as the person who would be refunded the member's accumulated member contributions payable if the member dies and no survivor pension is payable, or as the person who would receive the difference between pension paid and accumulated member contributions if the retired member dies before receiving in pension payments the amount of the accumulated member contributions;

O. "retire" means to:

(1) terminate employment with all employers covered by any state system or the educational retirement system; and

(2) receive a pension from one state system or the educational retirement system;

P. "retired member" means a person who has met all requirements for retirement and who is receiving a pension from the fund;

Q. "salary" means the base salary or wages paid a member, including longevity pay, for personal services rendered; provided that salary does not include overtime pay; allowances for housing, clothing, equipment or travel; payments for unused sick leave, unless the unused sick leave payment is made through continuation of the member on the regular payroll for the period represented by that payment; and any other form of remuneration not specifically designated by law as included in salary pursuant to the provisions of the Magistrate Retirement Act;

R. "state system" means the retirement programs provided pursuant to the provisions of the Public Employees Retirement Act, the Magistrate Retirement Act and the Judicial Retirement Act;

S. "surviving spouse" means the spouse to whom the member was married at the time of the member's death;

T. "survivor beneficiary" means a person who receives a pension or who has been designated to be paid a pension as a result of the death of a member or retired member; and

U. "years of service" means a period of time beginning on the date a person commences to hold office as a magistrate because of appointment or election and ending on the date a person ceases to hold office as a magistrate because of expiration of the magistrate's term, voluntary resignation, death or disability and shall include any fractions of years of service."

Chapter 43 Section 3 Laws 2014

SECTION 3. Section 10-12C-4 NMSA 1978 (being Laws 1992, Chapter 118, Section 4) is amended to read:

"10-12C-4. MEMBERSHIP.--Every magistrate while in office shall become a member and shall be subject to the provisions of the Magistrate Retirement Act; provided, however, that a magistrate who, prior to July 1, 2014, applied for and received an exemption from membership shall not become a member until such exemption ends. A magistrate who is retired under any state system or the educational retirement system shall:

A. pay the applicable member contributions and the state, through the administrative office of the courts, shall pay the applicable employer contributions as provided pursuant to the Magistrate Retirement Act; and

B. not accrue a service credit and shall not be eligible to purchase service credit nor to retire pursuant to the Magistrate Retirement Act."

Chapter 43 Section 4 Laws 2014

SECTION 4. Section 10-12C-5 NMSA 1978 (being Laws 1992, Chapter 118, Section 5, as amended) is amended to read:

"10-12C-5. SERVICE CREDIT--REINSTATEMENT OF FORFEITED SERVICE--PRIOR SERVICE--MILITARY SERVICE.--

A. Personal service rendered by a member shall be credited to the member's service credit account in accordance with board rules and regulations.

Service shall be credited to the nearest month. In no case shall any member be credited with a year of service for less than twelve months of service in any calendar year or more than a month of service for all service in any calendar month or more than a year of service for all service in any calendar year.

B. Service credit shall be forfeited if a member leaves office and withdraws the member's accumulated member contributions. A member or former member who is a member of another state system or the educational retirement system who has forfeited service credit by withdrawal of member contributions may reinstate the forfeited service credit by repaying the amount withdrawn plus compound interest from the date of withdrawal to the date of repayment at a rate set by the board. Withdrawn member contributions may be repaid in increments of one year in accordance with procedures established by the board. Full payment of each one-year increment shall be made in a single lump-sum amount in accordance with procedures established by the board.

C. Service credit that a member would have earned if the member had not elected to be excluded from membership may be purchased if the member pays the purchase cost determined pursuant to the provisions of Subsection F of this section.

D. A member who during a term of office enters a uniformed service of the United States shall be given service credit for periods of service in the uniformed services subject to the following conditions:

(1) the member returns to office within ninety days following termination of the period of intervening service in the uniformed services or the affiliated employer certifies in writing to the association that the member is entitled to reemployment rights under the federal Uniformed Services Employment and Reemployment Rights Act of 1994;

(2) the member retains membership in the association during the period of service in the uniformed services;

(3) free service credit shall not be given for periods of intervening service in the uniformed services following voluntary reenlistment. Service credit for such periods shall only be given after the member pays the association the sum of the contributions that the person would have been required to contribute had the person remained continuously employed throughout the period of intervening service following voluntary reenlistment, which payment shall be made during the period beginning with the date of reemployment and whose duration is three times the period of the person's intervening service in the uniformed services following voluntary reenlistment, not to exceed five years;

(4) service credit shall not be given for periods of intervening service in the uniformed services that are used to obtain or increase a benefit from another state system or the retirement program provided under the Educational Retirement Act; and

(5) the member must not have received a discharge or separation from uniformed service under other than honorable conditions.

Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Section 414(u) of the Internal Revenue Code of 1986, as amended.

E. A member who entered a uniformed service of the United States may purchase service credit for periods of active duty in the uniformed services, subject to the following conditions:

(1) the member pays the purchase cost determined pursuant to the provisions of Subsection F of this section;

(2) the member has the applicable minimum number of years of service credit accrued according to the provisions of the Magistrate Retirement Act;

(3) the aggregate amount of service credit purchased pursuant to the provisions of this subsection does not exceed five years, reduced by any period of service credit acquired for military service under any other provision of the Magistrate Retirement Act;

(4) service credit may not be purchased for periods of service in the uniformed services that are used to obtain or increase a benefit from another retirement program; and

(5) the member must not have received a discharge or separation from uniformed service under other than honorable conditions.

F. The purchase cost for each year of service credit purchased pursuant to the provisions of this section shall be the increase in the actuarial present value of the pension of the member under the Magistrate Retirement Act as a consequence of the purchase, as determined by the association. Full payment shall be made in a single lump-sum amount in accordance with procedures established by the board. Except as provided in Subsection G of this section, seventy-five percent of the purchase cost shall be considered to be employer contributions and shall not be refunded to the member in the event of cessation of membership.

G. A member shall be refunded, after retirement and upon written request filed with the association, the portion of the purchase cost of service credit purchased pursuant to the provisions of this section that the association determines to have been unnecessary to provide the member with the maximum pension applicable to the member. The association shall not pay interest on the portion of the purchase cost refunded to the member.

H. At any time prior to retirement, a member may purchase service credit in monthly increments, subject to the following conditions:

(1) the member has the applicable minimum number of years of service credit acquired as a result of personal service rendered under the Magistrate Retirement Act;

(2) the aggregate amount of service credit purchased pursuant to this subsection does not exceed one year;

(3) the member pays full actuarial present value of the amount of the increase in the member's pension as a consequence of the purchase, as determined by the association;

(4) the member pays the full cost of the purchase within sixty days of the date the member is informed of the amount of the payment; and

(5) the purchase of service credit under this subsection cannot be used to exceed the pension maximum."

Chapter 43 Section 5 Laws 2014

SECTION 5. Section 10-12C-8 NMSA 1978 (being Laws 1992, Chapter 118, Section 8) is amended to read:

"10-12C-8. AGE AND SERVICE CREDIT REQUIREMENTS FOR NORMAL RETIREMENT.--

A. For a magistrate who was a member on June 30, 2014, the age and service credit requirements for retirement provided for in the Magistrate Retirement Act are:

(1) age sixty-five years or older and five or more years of service credit;

(2) age sixty years or older and fifteen or more years of service credit; or

(3) any age and twenty-four or more years of service credit.

B. For a magistrate who initially became a member on or after July 1, 2014, the age and service requirements for normal retirement provided for in the Magistrate Retirement Act are:

(1) age sixty-five years or older and eight or more years of service credit;

(2) age sixty years or older and fifteen or more years of service credit; or

(3) any age and twenty-four or more years of service credit.

C. Except for a member who is retired under any state system or the educational retirement system, if a member leaves office for any reason, other than removal pursuant to Article 6, Section 32 of the constitution of New Mexico before meeting the age and service credit requirements for retirement pursuant to the provisions of this section and if that member leaves the member contributions on deposit in the fund, that member may apply for retirement when that member meets the age and service credit requirements for retirement pursuant to the provisions of the Magistrate Retirement Act or provisions of the Public Employees Retirement Reciprocity Act.

D. No member shall be eligible to receive a pension pursuant to the provisions of the Magistrate Retirement Act while still in office."

Chapter 43 Section 6 Laws 2014

SECTION 6. Section 10-12C-9 NMSA 1978 (being Laws 1992, Chapter 118, Section 9) is amended to read:

"10-12C-9. AMOUNT OF PENSION.--

A. For a magistrate who was a member on June 30, 2014, the monthly pension is an amount equal to the sum of:

(1) for service credit earned on or before June 30, 2014, the amount is equal to one-twelfth of:

seventy-five percent

of salary received

during last year in X .05 X

office prior to

retirement

(number of years of

service, not exceeding

fifteen years,

plus five years); and

(2) for service credit earned on and after July 1, 2014, an amount equal to one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months in office multiplied by the product of three and one-half percent times the sum of the number of years of service.

B. For a magistrate who initially became a member on or after July 1, 2014, the amount of monthly pension is equal to one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months in office multiplied by the product of three percent times the sum of the number of years of service.

C. The amount of monthly pension under form of payment A for a pension calculated pursuant to Subsection B of this section shall not exceed eighty-five percent of

one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months prior to the member leaving office.

D. The amount of monthly pension payable for a pension calculated pursuant to Subsection A of this section shall not exceed eighty-five percent of one-sixtieth of the greatest aggregate amount of salary received for sixty consecutive, but not necessarily continuous, months prior to the member leaving office. A pension benefit determined pursuant to this subsection shall not be less than the benefit earned as of June 30, 2014."

Chapter 43 Section 7 Laws 2014

SECTION 7. Section 10-12C-10 NMSA 1978 (being Laws 1992, Chapter 118, Section 10, as amended) is amended to read:

"10-12C-10. MEMBER CONTRIBUTIONS--TAX TREATMENT.--

A. On and after July 1, 2014, members, while in office, shall contribute ten and one-half percent of salary to the member contribution fund.

B. Upon implementation, the state, acting as employer of members covered pursuant to the provisions of the Magistrate Retirement Act, shall, solely for the purpose of compliance with Section 414(h) of the Internal Revenue Code of 1986, pick up, for the purposes specified in that section, member contributions required by this section for all annual salary earned by the member. Member contributions picked up pursuant to the provisions of this section shall be treated as employer contributions for purposes of determining income tax obligations under the Internal Revenue Code of 1986; however, such picked-up member contributions shall be included in the determination of the member's gross annual salary for all other purposes under federal and state laws. Member contributions picked up pursuant to the provisions of this section shall continue to be designated member contributions for all purposes of the Magistrate Retirement Act and shall be considered as part of the member's annual salary for purposes of determining the amount of the member's contribution. The provisions of this section are mandatory, and the member shall have no option concerning the pick up or concerning the receipt of the contributed amounts directly instead of having the amounts paid by the employer to the retirement system.

Implementation occurs upon authorization by the board. In no event may implementation occur other than at the beginning of a pay period applicable to the member."

Chapter 43 Section 8 Laws 2014

SECTION 8. Section 10-12C-11 NMSA 1978 (being Laws 1992, Chapter 118, Section 11, as amended) is amended to read:

"10-12C-11. EMPLOYER CONTRIBUTIONS.--

A. The state, through the administrative office of the courts, shall contribute to the fund fifteen percent of salary for each member in office, except that, from

July 1, 2014 through June 30, 2015, the state contribution rate shall be eleven percent of salary for each member in office.

B. Twenty-five dollars (\$25.00) from each civil case docket fee paid in magistrate court and ten dollars (\$10.00) from each civil jury fee paid in magistrate court shall be paid by the court clerk to the employer's accumulation fund."

Chapter 43 Section 9 Laws 2014

SECTION 9. Section 10-12C-12 NMSA 1978 (being Laws 1992, Chapter 118, Section 12) is amended to read:

"10-12C-12. DISABILITY RETIREMENT PENSION.--

A. A magistrate with the applicable minimum number of years of service credit accrued pursuant to the provisions of the Magistrate Retirement Act who becomes unable to carry out the duties of that office due to physical or mental disability shall, upon determination of the disability and relinquishment of office, receive a pension from the fund so long as the disability continues. Determination of disability shall be made by the board in accordance with the provisions of the Public Employees Retirement Act and rules promulgated pursuant to that act.

B. The amount of the pension shall be calculated using the formula for normal retirement set out in Section 10-12C-9 NMSA 1978.

C. The applicable service credit requirement shall be waived if the board finds the disability to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty as a magistrate, and the amount of pension shall be computed as if the member had the applicable minimum number of years of service credit as a magistrate."

Chapter 43 Section 10 Laws 2014

SECTION 10. Section 10-12C-13 NMSA 1978 (being Laws 1992, Chapter 118, Section 13) is amended to read:

"10-12C-13. SURVIVOR'S PENSION.--For a member whose initial term in office began prior to July 1, 2014:

A. unless the member has designated a survivor beneficiary in accordance with Subsection B of this section, a survivor pension shall be paid for life to a member's or retired member's surviving spouse;

B. the member may designate, in writing in a form prescribed by the association, a survivor beneficiary to receive the survivor's pension described in this section. If the member is married, a designation of survivor beneficiary other than the member's spouse may only be made with the written consent of the member's spouse. Marriage subsequent to a designation of survivor beneficiary shall automatically revoke the designation of survivor beneficiary. A designation of survivor beneficiary made pursuant to a court order issued under Section 10-12C-7 NMSA 1978 shall not require the consent of the member's spouse, if any, and shall not be revoked by the subsequent remarriage of the member. A designation of survivor beneficiary may be revoked by the member at any time prior to the member's retirement. If the member is married, a revocation of designation of survivor beneficiary may only be made with the written consent of the member's spouse;

C. if there is no surviving spouse and no designated survivor beneficiary or if the surviving spouse dies while there are still minor and dependent children of the member, the survivor's pension shall be paid to all minor and dependent children, if any, of the member, in equal shares, so long as each child remains a minor or dependent child. As each child ceases to be a minor or dependent child, the number of shares shall be reduced and the amount payable to each remaining child increased proportionately so that the total survivor's pension remains unchanged as long as there is any such child;

D. the survivor's pension is equal to seventy-five percent of the member's pension;

E. survivor beneficiaries shall be eligible for other benefits provided pursuant to the provisions of the Magistrate Retirement Act, including cost-of-living adjustments and continuation of group insurance benefits; and

F. if a member dies while receiving a disability retirement pension, the survivor beneficiary shall receive the survivor pension provided pursuant to the provisions of the Magistrate Retirement Act."

Chapter 43 Section 11 Laws 2014

SECTION 11. A new section of the Magistrate Retirement Act, Section 10-12C-13.1 NMSA 1978, is enacted to read:

"10-12C-13.1. ELECTION FORM OF PENSION.--For a member whose initial term in office begins on or after July 1, 2014, except as otherwise provided in Section 10-12C-7 NMSA 1978:

A. the member may elect to have pension payments made under any one of the forms of payment provided in Section 10-12C-13.2 NMSA 1978. The election of form of payment and naming of survivor pension beneficiary shall be made on a form furnished by and filed with the association prior to the date the first pension payment is made. An election of form of payment may not be changed after the date the first pension payment is made. If the member is married, the association shall require the consent of the member's spouse to the election of the form of payment and any designation of survivor pension beneficiary before the election or designation is effective. Except as provided in Subsection C, D or E of this section, a named survivor pension beneficiary may not be changed after the date the first pension payment is made if form of payment B or C is elected. Except as otherwise provided in Section 10-12C-7 NMSA 1978, payment shall be made:

(1) under form of payment A if the member is not married at the time of retirement and if there is not a timely election of another form of payment; or

(2) under form of payment C with the member's spouse as survivor pension beneficiary if the member is married at the time of retirement and there is not a timely election of another form of payment;

B. the amount of pension under forms of payment B, C and D shall have the same actuarial present value, computed as of the effective date of the pension, as the amount of pension under form of payment A;

C. if the member is a retired member who is being paid a pension under form of payment B or C with the member's spouse as the designated survivor pension beneficiary, the retired member may, upon becoming divorced from the named spouse and subject to an order of a court as provided for in Section 10-12C-7 NMSA 1978, elect to have future payments made under form of payment A;

D. if the member is retired and was previously being paid a pension under form of payment B or C but, because of the death of the designated survivor pension beneficiary, is currently receiving a pension under form of payment A, the retired member may exercise a one-time irrevocable option to designate another individual as the survivor pension beneficiary and may select either form of payment B or form of payment C; provided that:

(1) the amount of the pension under the form of payment selected shall be recalculated and have the same actuarial present value, computed on the effective date of the designation, as the amount of pension under form of payment A;

(2) the designation and the amount of the pension shall be subject to a court order as provided for in Section 10-12C-7 NMSA 1978; and

(3) the retired member shall pay one hundred dollars (\$100) to the board to defray the cost of determining the new pension amount; and

E. if the member is a retired member who is being paid a pension under form of payment B or C with a living designated survivor pension beneficiary other than the retired member's spouse or former spouse, the retired member may exercise a one-time irrevocable option to deselect the designated beneficiary and elect to:

(1) designate another survivor pension 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 pension 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 pension under form of payment A; and

(c) the retired member shall pay one hundred dollars (\$100) to the board to defray the cost of determining the new pension amount; or

(2) have future payments made under form of payment A."

Chapter 43 Section 12 Laws 2014

SECTION 12. A new section of the Magistrate Retirement Act, Section 10-12C-13.2 NMSA 1978, is enacted to read:

"10-12C-13.2. FORM OF PENSION PAYMENT.--

A. Straight life pension is form of payment A. The retired member is paid the pension for life under form of payment A. All payments stop upon the death of the retired member, except as provided by Subsection E of this section. The amount of pension is determined in accordance with the coverage plan applicable to the retired member.

B. Life payments with full continuation to one survivor beneficiary is form of payment B. The retired member is paid a reduced pension for life under form of payment B. When the retired member dies, the designated survivor beneficiary is paid

the full amount of the reduced pension until death. If the designated survivor beneficiary predeceases the retired member, the amount of pension shall be changed to the amount that would have been payable had the retired member elected form of payment A.

C. Life payment with one-half continuation to one survivor beneficiary is form of payment C. The retired member is paid a reduced pension for life under form of payment C. When the retired member dies, the designated survivor beneficiary is paid one-half the amount of the reduced pension until death. If the designated survivor beneficiary predeceases the retired member, the amount of pension shall be changed to the amount that would have been payable had the retired member elected form of payment A.

D. Life payments with temporary survivor benefits for children is form of payment D. The retired member is paid a reduced pension for life under form of payment D. When the retired member dies, each declared eligible child is paid a share of the reduced pension until death or age twenty-five years, whichever occurs first. The share is the share specified in writing and filed with the association by the retired member. If shares are not specified in writing and filed with the association, each declared eligible child is paid an equal share of the reduced pension. A redetermination of shares shall be made when the pension of any child terminates. An eligible child is a natural or adopted child of the retired member who is under age twenty-five years. A declared eligible child is an eligible child whose name has been declared in writing and filed with the association by the retired member at the time of election of form of payment D. The amount of pension shall be changed to the amount of pension that would have been payable had the retired member elected form of payment A upon there ceasing to be a declared eligible child during the lifetime of the retired member.

E. If all pension payments permanently terminate before there is paid an aggregate amount equal to the retired member's accumulated member contributions at the time of retirement, the difference between the amount of accumulated member contributions and the aggregate amount of pension paid shall be paid to the retired member's refund beneficiary. If no refund beneficiary survives the retired member, the difference shall be paid to the estate of the retired member."

Chapter 43 Section 13 Laws 2014

SECTION 13. A new section of the Magistrate Retirement Act, Section 10-12C-13.3 NMSA 1978, is enacted to read:

"10-12C-13.3. DEATH BEFORE RETIREMENT--SURVIVOR PENSION.--For a member whose initial term in office begins on or after July 1, 2014:

A. a survivor pension may be paid to certain persons related to or designated by a member who dies before normal or disability retirement if a written application for the pension, in the form prescribed by the association, is filed with the

association by the potential survivor beneficiary or beneficiaries within one year of the death of the member. Applications may be filed on behalf of the potential survivor beneficiary or beneficiaries or by a person legally authorized to represent them;

B. if there is no designated survivor beneficiary and the board finds the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office, a survivor pension shall be payable to the eligible surviving spouse. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated pursuant to the Magistrate Retirement Act and applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the actual amount of service credit attributable to the deceased member at the time of death; or

(2) fifty percent of the deceased member's final average salary;

C. a survivor pension shall also be payable to eligible surviving children if there is no designated survivor beneficiary and the board finds the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office. The total amount of survivor pension payable for all eligible surviving children shall be either:

(1) fifty percent of the deceased member's final average salary if an eligible surviving spouse is not paid a pension; or

(2) twenty-five percent of the deceased member's final average salary if an eligible surviving spouse is paid a pension.

The total amount of survivor pension shall be divided equally among all eligible surviving children. If there is only one eligible child, the amount of pension shall be twenty-five percent of the deceased member's final average salary;

D. if the member had the applicable minimum number of years of service credit required for normal retirement but the board did not find the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office and there is no designated survivor beneficiary, a survivor pension shall be payable to the eligible surviving spouse. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated under the coverage plan applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the total amount of actual service credit attributable to the deceased member at the time of death; or

(2) thirty percent of the deceased member's final average salary;

E. if the member had the applicable minimum number of years of service credit required for normal retirement but the board did not find the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office and there is no designated survivor beneficiary, and if there is no eligible surviving spouse at the time of death, a survivor pension shall be payable to and divided equally among all eligible surviving children, if any. The total amount of survivor pension payable for all eligible surviving children shall be the greater of:

(1) the amount as calculated under the coverage plan applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B with the oldest eligible surviving child as the survivor beneficiary using the total amount of actual service credit attributable to the deceased member at the time of death; or

(2) thirty percent of the deceased member's final average salary;

F. an eligible surviving spouse is the spouse to whom the deceased member was married at the time of death. An eligible surviving child is a child under the age of eighteen years and who is an unmarried, natural or adopted child of the deceased member;

G. an eligible surviving spouse's pension shall terminate upon death. An eligible surviving child's pension shall terminate upon death or marriage or reaching age eighteen years, whichever comes first;

H. if there is no designated survivor beneficiary and there is no eligible surviving child, the eligible surviving spouse may elect to be refunded the deceased member's accumulated member contributions instead of receiving a survivor pension;

I. a member may designate a survivor beneficiary to receive a pre-retirement survivor pension, subject to the following conditions:

(1) a written designation, in the form prescribed by the association, is filed by the member with the association;

(2) if the member is married at the time of designation, the designation shall only be made with the consent of the member's spouse, in the form prescribed by the association;

(3) if the member is married subsequent to the time of designation, any prior designations shall automatically be revoked upon the date of the marriage;

(4) if the member is divorced subsequent to the time of designation, any prior designation of the former spouse as survivor beneficiary shall automatically be revoked upon the date of divorce; and

(5) a designation of survivor beneficiary may be changed, with the member's spouse's consent if the member is married, by the member at any time prior to the member's death;

J. if there is a designated survivor beneficiary and the board finds the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office, a survivor pension shall be payable to the designated survivor beneficiary. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated under the coverage plan applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the actual amount of service credit attributable to the member at the time of death; or

(2) fifty percent of the deceased member's final average salary;

K. if there is a designated survivor beneficiary, if the member had the applicable minimum number of years of service credit required for normal retirement and if the board did not find the death to have been the natural and proximate result of causes arising solely and exclusively out of and in the course of the member's performance of duty while in office, a survivor pension shall be payable to the designated survivor beneficiary. The amount of the survivor pension shall be the greater of:

(1) the amount as calculated under the coverage plan applicable to the deceased member at the time of death as though the deceased member had retired the day preceding death under form of payment B using the actual amount of service credit attributable to the member at the time of death; or

(2) thirty percent of the deceased member's final average salary;

L. if all pension payments permanently terminate before there is paid an aggregate amount equal to the deceased member's accumulated member contributions at time of death, the difference between the amount of accumulated member contributions and the aggregate amount of pension paid shall be paid to the deceased member's refund beneficiary. If no refund beneficiary survives the survivor beneficiary, the difference shall be paid to the estate of the deceased member; and

M. and for purposes of this section, "service credit" means only the service credit earned by a member during periods in office as a magistrate."

Chapter 43 Section 14 Laws 2014

SECTION 14. Section 10-12C-14 NMSA 1978 (being Laws 1992, Chapter 118, Section 14) is amended to read:

"10-12C-14. COST-OF-LIVING ADJUSTMENT.--A qualified pension recipient is eligible for a cost-of-living adjustment payable pursuant to the provisions of the Magistrate Retirement Act as follows:

A. beginning July 1, 2014 and continuing through June 30, 2016, there shall not be a cost-of-living adjustment applied to a pension payable pursuant to the Magistrate Retirement Act; and

B. beginning on May 1, 2016 and no later than each May 1 thereafter:

(1) the board shall certify to the association the actuarial funded ratio of the fund as of June 30 of the preceding calendar year;

(2) if, pursuant to Paragraph (1) of this subsection, the certified funded ratio is greater than or equal to one hundred percent, the board shall next certify the projected funded ratio of the fund on July 1 of the next succeeding calendar year if, effective July 1 of the current calendar year, a cost-of-living increase of two percent is applied to all payable pensions; and

(3) on each July 1 following the board's certification of the funded ratio, the cost-of-living adjustment, if any, applied to a pension payable pursuant to the Magistrate Retirement Act shall be determined as follows:

(a) if, pursuant to Paragraph (1) of this subsection, the funded ratio of the fund is greater than or equal to one hundred percent, and if, pursuant to Paragraph (2) of this subsection, the projected funded ratio is greater than or equal to one hundred percent, the amount of pension payable beginning July 1 of the next fiscal year shall be increased two percent. The amount of the increase shall be determined by multiplying the amount of the pension inclusive of all prior adjustments by two percent; and

(b) if the funded ratio of the fund, as certified pursuant to Paragraph (1) or (2) of this subsection, is less than one hundred percent, the amount of pension payable shall not include a cost-of-living increase; provided, however, that, if, pursuant to the provisions of this subparagraph, the cost-of-living adjustment is suspended for the two consecutive fiscal years immediately prior to the most recent certification by the board of the funded ratio: 1) the amount of pension payable in the fiscal year immediately following the two-year suspension shall be increased two percent regardless of the certified funded ratio; and 2) thereafter, if, pursuant to the provisions of Paragraph (1) of this subsection, the certified

funded ratio is less than one hundred percent, the provisions of this subsection shall apply without exception in the next succeeding fiscal year."

Chapter 43 Section 15 Laws 2014

SECTION 15. A new section of the Magistrate Retirement Act, Section 10-12C-14.1 NMSA 1978, is enacted to read:

"10-12C-14.1. QUALIFIED PENSION RECIPIENT--COST-OF-LIVING ADJUSTMENT WAIT PERIOD--DECLINING INCREASE.--

A. Pursuant to the Magistrate Retirement Act, a qualified pension recipient is a:

(1) normal retired member who retires:

(a) on or before June 30, 2014 and has been retired for at least two full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(b) between July 1, 2014 and June 30, 2015 and has been retired for at least three full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(c) between July 1, 2015 and June 30, 2016 and has been retired for at least four full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted; or

(d) on or after July 1, 2016 and has been retired for at least seven full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(2) normal retired member who is at least sixty-five years of age and has been retired for at least one full calendar year from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(3) disability retired member who has been retired for at least one full calendar year from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(4) survivor beneficiary who has received a survivor pension for at least two full calendar years; or

(5) survivor beneficiary of a deceased retired member who otherwise would have been retired at least two full calendar years from the effective

date of the latest retirement prior to July 1 of the year in which the pension is being adjusted.

B. A qualified pension recipient may decline an increase in a pension by giving the association written notice of the decision to decline the increase at least thirty days prior to the date the increase would take effect."

Chapter 43 Section 16 Laws 2014

SECTION 16. SEVERABILITY.--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Chapter 43 Section 17 Laws 2014

SECTION 17. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

SJC/Senate Bill 160

Approved March 7, 2014

LAWS 2014, CHAPTER 44

AN ACT

REPEALING THE SUNSET SECTION OF THE MEDICAL PRACTICE ACT.

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

Chapter 44 Section 1 Laws 2014

SECTION 1. REPEAL.--Section 61-6-35 NMSA 1978 (being Laws 1979, Chapter 40, Section 2, as amended) is repealed.

House Bill 152

Approved March 8, 2014

LAWS 2014, CHAPTER 45

AN ACT

RELATING TO WATER; PROVIDING FOR PUEBLO LEASE OF ADJUDICATED WATER RIGHTS FOR A TERM AUTHORIZED BY FEDERAL STATUTE APPROVING A SETTLEMENT AGREEMENT.

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

Chapter 45 Section 1 Laws 2014

SECTION 1. Section 72-6-1 NMSA 1978 (being Laws 1967, Chapter 100, Section 1) is amended to read:

"72-6-1. SHORT TITLE.--Chapter 72, Article 6 NMSA 1978 may be cited as the "Water-Use Leasing Act"."

Chapter 45 Section 2 Laws 2014

SECTION 2. Section 72-6-3 NMSA 1978 (being Laws 1967, Chapter 100, Section 3, as amended) is amended to read:

"72-6-3. OWNER MAY LEASE USE OF WATER.--

A. An owner may lease to any person all or any part of the water use due the owner under the owner's water right, and the owner's water right shall not be affected by the lease of the use. The use to which the owner is entitled under the owner's right shall, during the exercise of the lease, be reduced by the amount of water so leased. Upon termination of the lease, the water use and location of use subject to the lease shall revert to the owner's original use and location of use.

B. The lease may be effective for immediate use of water or may be effective for future use of the water covered by the lease; however, the lease shall not be effective to cumulate water from year to year or to substantially enlarge the use of the water in such manner that it would injure other water users. The lease shall not toll any forfeiture of water rights for nonuse, and the owner shall not, by reason of the lease, escape the forfeiture for nonuse prescribed by law; provided, however, that the state engineer shall notify both the owner and the lessee of declaration of nonuser as provided in Sections 72-5-28 and 72-12-8 NMSA 1978. The initial or any renewal term of a lease of water use shall not exceed ten years, except as provided in Subsections C and D of this section.

C. A water use may be leased for forty years by municipalities, counties, state universities, special water users' associations, public utilities supplying water to municipalities or counties and member-owned community water systems as lessee and shall be entitled to the protection of the forty-year water use planning period as provided in Section 72-1-9 NMSA 1978. A water use deriving from an acequia or community ditch

organized pursuant to Chapter 73, Article 2 or 3 NMSA 1978, whether owned by a water right owner under the acequia or community ditch or by the acequia or community ditch, may be leased for a term not to exceed ten years.

D. A water use due under an adjudicated water right secured to a pueblo pursuant to the settlement agreements approved in Title 5 and Title 6 of the federal Claims Resolution Act of 2010, P.L. No. 111-291, Sections 501-626, or in the partial final judgments and decrees entered pursuant to those settlement agreements, may be leased for a term, including all renewals, not to exceed the term specifically authorized in that act; provided that this subsection shall not apply to any water use due under any state-law based water rights acquired by a pueblo or by the United States on behalf of a pueblo."

House Bill 222

Approved March 8, 2014

LAWS 2014, CHAPTER 46

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR A STATE SEAL OF BILINGUALISM-BILITERACY ON NEW MEXICO DIPLOMAS OF EXCELLENCE FOR GRADUATES WHO ARE PROFICIENT IN SPEAKING AND WRITING A LANGUAGE OTHER THAN ENGLISH.

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

Chapter 46 Section 1 Laws 2014

SECTION 1. A new section of the Public School Code is enacted to read:

"NEW MEXICO DIPLOMA OF EXCELLENCE--STATE SEAL FOR BILINGUAL AND BILITERATE GRADUATES.--

A. The state seal of bilingualism-biliteracy on a New Mexico diploma of excellence certifies that the recipient is proficient for meaningful use in college, a career or to meet a local community language need in a world language other than English. The graduate's high school transcript shall also indicate that the graduate received the state seal on the graduate's New Mexico diploma of excellence.

B. The department shall adopt rules to establish the criteria for students to earn a seal of bilingualism-biliteracy, to include:

(1) the number of units of credit in a language other than English, including content courses taught in a language other than English, English language arts or English as a second language for English language learners;

(2) passage of state assessments in a world language other than English or English language arts for English language learners;

(3) in the case of tribal languages, certification of tribal language proficiency in consultation with individual tribes and adherence to processes and criteria defined by that tribe as appropriate for determining proficiency in its language;

(4) demonstrated proficiency in one or more languages other than English through one of the following methods:

(a) score three or higher on an advanced placement examination for a language other than English;

(b) score four or higher on an international baccalaureate examination for a higher-level language other than English course;

(c) score proficient on a national assessment of language proficiency in a language other than English; or

(d) provide presentations, interviews, essays, portfolios and other alternative processes that demonstrate proficiency in a language other than English.

C. In establishing the criteria for awarding the state seal of bilingualism-biliteracy, the department shall establish and consult with a task force of stakeholders that represent language experts, including:

(1) Indian nations, tribes and pueblos;

(2) teachers of world languages;

(3) endorsed teachers of bilingual multicultural education;

(4) directors of bilingual education;

(5) statewide organizations representing language educators, bilingual education, dual language education and teachers of English as a second language;

(6) university professors of world languages, heritage languages, Indian languages and bilingual education; and

(7) representatives of the state bilingual advisory council, the Indian education advisory council and the Hispanic education advisory council."

House Bill 330

Approved March 8, 2014

LAWS 2014, CHAPTER 47

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSURE; AMENDING AND ENACTING SECTIONS OF THE EMERGENCY MEDICAL SERVICES ACT TO PROVIDE FOR CRIMINAL HISTORY BACKGROUND CHECKS OF PERSONS APPLYING FOR LICENSURE OR LICENSED TO PROVIDE EMERGENCY MEDICAL SERVICES.

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

Chapter 47 Section 1 Laws 2014

SECTION 1. Section 24-10B-1 NMSA 1978 (being Laws 1983, Chapter 190, Section 1) is amended to read:

"24-10B-1. SHORT TITLE.--Chapter 24, Article 10B NMSA 1978 may be cited as the "Emergency Medical Services Act"."

Chapter 47 Section 2 Laws 2014

SECTION 2. A new section of the Emergency Medical Services Act is enacted to read:

"CRIMINAL HISTORY BACKGROUND SCREENING.--

A. The department is authorized to obtain the criminal history records of applicants and licensees and to exchange fingerprint data directly with the federal bureau of investigation, the department of public safety and any other law enforcement agency or organization. The department shall require fingerprinting of applicants and licensees for the purposes of this section.

B. The secretary shall adopt and promulgate rules to:

(1) require criminal history background checks for applicants and licensees;

(2) identify the information from a criminal history background check that may form the basis of a denial, suspension or revocation of licensure or any other disciplinary action; and

(3) otherwise carry out the provisions of this section.

C. The department shall comply with applicable confidentiality requirements of the department of public safety and the federal bureau of investigation regarding the dissemination of criminal history background check information.

D. An applicant or licensee whose license is denied, suspended or revoked, or who is otherwise disciplined based on information obtained in a criminal history background check, shall be entitled to review the information obtained pursuant to this section and to appeal the decision pursuant to the Uniform Licensing Act.

E. The applicant or licensee shall bear any costs associated with ordering or conducting criminal history background checks.

F. The provisions of the Criminal Offender Employment Act shall govern any consideration of criminal history records required or permitted by the Emergency Medical Services Act.

G. As used in this section:

(1) "applicant" means a person applying for licensure to provide emergency medical services under the Emergency Medical Services Act; and

(2) "licensee" means a person that holds a license to provide emergency medical services pursuant to the Emergency Medical Services Act."

Chapter 47 Section 3 Laws 2014

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

SJC/Senate Bill 98

Approved March 8, 2014

LAWS 2014, CHAPTER 48

AN ACT

RELATING TO WATER; PROVIDING FOR PUEBLO LEASE OF ADJUDICATED WATER RIGHTS FOR A TERM AUTHORIZED BY FEDERAL STATUTE APPROVING A SETTLEMENT AGREEMENT.

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

Chapter 48 Section 1 Laws 2014

SECTION 1. Section 72-6-1 NMSA 1978 (being Laws 1967, Chapter 100, Section 1) is amended to read:

"72-6-1. SHORT TITLE.--Chapter 72, Article 6 NMSA 1978 may be cited as the "Water-Use Leasing Act"."

Chapter 48 Section 2 Laws 2014

SECTION 2. Section 72-6-3 NMSA 1978 (being Laws 1967, Chapter 100, Section 3, as amended) is amended to read:

"72-6-3. OWNER MAY LEASE USE OF WATER.--

A. An owner may lease to any person all or any part of the water use due the owner under the owner's water right, and the owner's water right shall not be affected by the lease of the use. The use to which the owner is entitled under the owner's right shall, during the exercise of the lease, be reduced by the amount of water so leased. Upon termination of the lease, the water use and location of use subject to the lease shall revert to the owner's original use and location of use.

B. The lease may be effective for immediate use of water or may be effective for future use of the water covered by the lease; however, the lease shall not be effective to cumulate water from year to year or to substantially enlarge the use of the water in such manner that it would injure other water users. The lease shall not toll any forfeiture of water rights for nonuse, and the owner shall not, by reason of the lease, escape the forfeiture for nonuse prescribed by law; provided, however, that the state engineer shall notify both the owner and the lessee of declaration of nonuser as provided in Sections 72-5-28 and 72-12-8 NMSA 1978. The initial or any renewal term of a lease of water use shall not exceed ten years, except as provided in Subsections C and D of this section.

C. A water use may be leased for forty years by municipalities, counties, state universities, special water users' associations, public utilities supplying water to municipalities or counties and member-owned community water systems as lessee and shall be entitled to the protection of the forty-year water use planning period as provided in Section 72-1-9 NMSA 1978. A water use deriving from an acequia or community ditch

organized pursuant to Chapter 73, Article 2 or 3 NMSA 1978, whether owned by a water right owner under the acequia or community ditch or by the acequia or community ditch, may be leased for a term not to exceed ten years.

D. A water use due under an adjudicated water right secured to a pueblo pursuant to the settlement agreements approved in Title 5 and Title 6 of the federal Claims Resolution Act of 2010, P.L. No. 111-291, Sections 501-626, or in the partial final judgments and decrees entered pursuant to those settlement agreements, may be leased for a term, including all renewals, not to exceed the term specifically authorized in that act; provided that this subsection shall not apply to any water use due under any state-law based water rights acquired by a pueblo or by the United States on behalf of a pueblo."

Senate Bill 164

Approved March 8, 2014

LAWS 2014, CHAPTER 49

AN ACT

RELATING TO HEALTH CARE; ENACTING THE COMMUNITY HEALTH WORKERS ACT; PROVIDING FOR DEPARTMENT OF HEALTH CERTIFICATION OF COMMUNITY HEALTH WORKERS; PROVIDING FOR RULEMAKING, FEES, CRIMINAL BACKGROUND SCREENING AND DISCIPLINE RELATING TO CERTIFIED COMMUNITY HEALTH WORKERS; CREATING A BOARD OF CERTIFICATION OF COMMUNITY HEALTH WORKERS.

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

Chapter 49 Section 1 Laws 2014

SECTION 1. SHORT TITLE.--This act may be cited as the "Community Health Workers Act".

Chapter 49 Section 2 Laws 2014

SECTION 2. DEFINITIONS.--As used in the Community Health Workers Act:

A. "applicant" means an individual applying to be certified or recertified as a community health worker;

B. "board" means the board of certification of community health workers;

C. "certificate" means the document issued by the department to qualified applicants for certification as community health workers;

D. "certification" means the voluntary process by which the department grants recognition and use of a credential to individuals who are eligible to practice as certified community health workers;

E. "certified community health worker" means a community health worker to whom the department has issued a certificate to practice as a certified community health worker;

F. "community health worker" means a public health worker who applies an understanding of the experience, language and culture of the populations that the individual serves and who provides direct services aimed at optimizing individual and family health outcomes, including:

- (1) informal and motivational counseling and education;
- (2) interventions to maximize social supports;
- (3) care coordination;
- (4) facilitation of access to health care and social services;
- (5) health screenings; and
- (6) other services that the secretary defines by rule;

G. "department" means the department of health;

H. "recertification" means a renewal of certification; and

I. "secretary" means the secretary of health.

Chapter 49 Section 3 Laws 2014

SECTION 3. RULEMAKING--COMMUNITY HEALTH WORKER CERTIFICATION--RECERTIFICATION--FEES.--

A. The secretary shall adopt and promulgate rules relating to the following:

(1) establishment and administration of a voluntary program for certification of community health workers, including criteria for:

- (a) minimum education;

(b) training;

(c) experience; and

(d) other qualifications that the secretary deems appropriate in accordance with the provisions of the Community Health Workers Act;

(2) forms and procedures for the receipt, review and action upon applications for initial community health worker certification and for biennial recertification;

(3) establishment of standards for continuing education and other requirements that the secretary deems appropriate for biennial recertification;

(4) procedures for disciplinary action relating to applicants or certified community health workers. Department rules shall include guidelines for:

(a) disciplinary action;

(b) reprimands;

(c) probation;

(d) the denial, suspension or revocation of certification or recertification; and

(e) applicants' appeal rights;

(5) the determination, assessment and collection of certification fees, recertification fees and disciplinary fines; and

(6) other matters that the secretary deems appropriate to carry out the provisions of the Community Health Workers Act.

B. The department shall apply any fee it collects pursuant to the Community Health Workers Act to cover the costs of administering the community health worker certification program established pursuant to that act.

Chapter 49 Section 4 Laws 2014

SECTION 4. BOARD OF CERTIFICATION OF COMMUNITY HEALTH WORKERS--CREATION--MEMBERSHIP--DUTIES.--

A. The "board of certification of community health workers" is created. The board is administratively attached to the department and shall meet at least once quarterly at the call of the chair.

B. The board shall consist of nine members who shall be:

- (1) residents of the state;
- (2) appointed by and serve at the pleasure of the secretary; and
- (3) composed of:

(a) the secretary or the secretary's designee, who shall serve as chair of the board; and

(b) eight additional members, at least three of whom shall be community health workers.

C. In determining the membership of the board, the secretary shall endeavor to appoint community health worker stakeholders such as health care providers, individuals from institutions of higher learning and members of the community from various geographic regions of the state.

D. The secretary shall adopt and promulgate rules that establish the board's membership, duties and the conduct of meetings. At a minimum, the board's duties shall include making recommendations to the secretary on the following matters:

(1) standards and requirements for the establishment of community health worker education and training programs in the state, the successful completion of which shall qualify an individual as eligible to apply to the department for certification as a certified community health worker;

(2) standards and requirements for approval or acceptance of continuing education courses and programs as the board may require for the biennial renewal of a community health worker certificate;

(3) minimum education, training, experience and other qualifications that a certified community health worker shall possess to qualify as a trainer in any education, training or continuing education program for community health workers;

(4) a means to acknowledge, document and assess relevant education, training and experience or other qualifications acquired by community health workers practicing in the state before the effective date of the Community Health Workers Act for purposes of certification while waiving minimum training and experience requirements established pursuant to Paragraph (1) of Subsection A of Section 3 of the Community Health Workers Act; and

(5) the type of certification examination or other means to assess community health worker competency in connection with certification that the

department shall require if the secretary determines that a certification examination would enhance the advancement of the practice and profession of community health workers.

Chapter 49 Section 5 Laws 2014

SECTION 5. REQUIREMENTS FOR CERTIFICATION--RECERTIFICATION.--

A. An applicant for certification or recertification shall submit an application for registration in accordance with department rules.

B. A certified community health worker shall carry the certified community health worker's certificate and present it upon request.

C. The department shall issue certificates that shall be valid for two years to certified community health workers. A certificate may be recertified in accordance with department rules.

Chapter 49 Section 6 Laws 2014

SECTION 6. USE OF CERTIFIED COMMUNITY HEALTH WORKER DESIGNATION--UNAUTHORIZED PRACTICE.--

A. In order to use the title "certified community health worker", the initials "CCHW" or other designation indicating that the individual is a certified community health worker, an individual shall be certified pursuant to the provisions of the Community Health Workers Act.

B. To ensure compliance with the provisions of the Community Health Workers 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 violating the provisions of the Community Health Workers Act.

C. A certified community health worker shall engage only in those activities authorized pursuant to the Community Health Workers Act and by rules adopted and promulgated pursuant to that act. While engaging in practice as a certified community health worker, 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 any individual simultaneously certified as a community health worker 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, the initials "CCHW" or other designation indicating that the individual is a certified community health worker.

Chapter 49 Section 7 Laws 2014

SECTION 7. CRIMINAL HISTORY SCREENING.--

A. The department is authorized to obtain the criminal history records of applicants and to exchange fingerprint data directly with the federal bureau of investigation, the department of public safety and any other law enforcement agency or organization. The department shall require fingerprinting of applicants for the purposes of this section.

B. The secretary shall adopt and promulgate rules to:

(1) require criminal background checks for applicants;

(2) identify the information from a criminal background check that may form the basis of a denial, suspension or revocation of certification or any other disciplinary action; and

(3) otherwise carry out the provisions of this section.

C. The department shall comply with applicable confidentiality requirements of the department of public safety and the federal bureau of investigation regarding the dissemination of criminal background check information.

D. An applicant whose certification or recertification is denied, suspended or revoked, or who is otherwise disciplined based on information obtained in a criminal history background check, shall be entitled to review the information obtained pursuant to this section and to appeal the decision pursuant to rules promulgated by the department.

E. The applicant shall bear any costs associated with ordering or conducting criminal background checks.

F. The provisions of the Criminal Offender Employment Act shall govern any consideration of criminal records required or permitted by the Community Health Workers Act.

SJC/Senate Bill 58

Approved March 9, 2014

LAWS 2014, CHAPTER 50

AN ACT

RELATING TO PUBLIC HEALTH; REQUIRING THE DEPARTMENT OF HEALTH TO PROMULGATE RULES REGARDING THE USE OF ALBUTEROL TO TREAT RESPIRATORY DISTRESS AND THE USE OF EPINEPHRINE TO TREAT ANAPHYLACTIC REACTIONS IN SCHOOLS; PROVIDING FOR THE STOCK SUPPLY OF ALBUTEROL AND EPINEPHRINE IN SCHOOLS; PROVIDING FOR SCHOOL POLICIES AND RELATED LAWS TO COMPORT WITH FEDERAL GRANT REQUIREMENTS REGARDING EMERGENCY MEDICATION IN SCHOOLS.

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

Chapter 50 Section 1 Laws 2014

SECTION 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE.--Sections 1 through 4 of this act may be cited as the "Emergency Medication in Schools Act"."

Chapter 50 Section 2 Laws 2014

SECTION 2. A new section of the Public School Code is enacted to read:

"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. "emergency medication" means albuterol or epinephrine;

E. "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;

F. "epinephrine auto-injector" means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine;

G. "governing body" includes a governing body of a private school;

H. "health care practitioner" means a person authorized by the state to prescribe emergency medication;

I. "respiratory distress" includes impaired oxygenation of the blood or impaired ventilation of the respiratory system;

J. "school" means a public school, charter school or private school;

K. "spacer" means a holding chamber that is used to optimize the delivery of albuterol to a person's lungs;

L. "stock supply" means an appropriate quantity of emergency medication, as recommended by the department of health; and

M. "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 50 Section 3 Laws 2014

SECTION 3. A new section of the Public School Code is enacted to read:

"EMERGENCY MEDICATION--ALBUTEROL--EPINEPHRINE--STOCK SUPPLY--STORAGE.--

A. Each local school board or governing body may obtain a standing order for and may provide to schools within its jurisdiction a stock supply of albuterol aerosol canisters and spacers prescribed in the name of the school or school district by a health care practitioner employed or authorized by the department of health. Each school that receives a stock supply of albuterol aerosol canisters and spacers pursuant to this subsection shall store them:

(1) in a secure location that is unlocked and readily accessible to a school nurse to administer albuterol;

(2) pursuant to board of pharmacy regulations; and

(3) within the manufacturer-recommended temperature range.

B. Each local school board or governing body may obtain a standing order for and may provide to schools within its jurisdiction a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors prescribed in the name of each school by a health care practitioner employed or authorized by the department of health. Each school that receives a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors pursuant to this subsection shall store them:

(1) in a secure location that is unlocked and readily accessible to trained personnel;

(2) pursuant to board of pharmacy regulations; and

(3) within the manufacturer-recommended temperature range.

C. Each local school board or governing body shall dispose of expired emergency medication pursuant to board of pharmacy regulations or department of health rules.

D. A local school board or governing body or a school within its jurisdiction may accept gifts, grants, bequests and donations from any source to carry out the provisions of the Emergency Medication in Schools Act, including the acceptance of albuterol aerosol canisters and spacers and epinephrine auto-injectors from a manufacturer or wholesaler."

Chapter 50 Section 4 Laws 2014

SECTION 4. A new section of the Public School Code is enacted to read:

"LOCAL SCHOOL BOARD OR GOVERNING BODY--EMERGENCY MEDICATION--PROTOCOLS AND POLICIES--TRAINING.--

A. Each local school board or governing body that provides to schools within its jurisdiction a stock supply of albuterol aerosol canisters and spacers shall develop policies, based on department of health rules and recommendations, for a school nurse to administer albuterol to a student who is perceived to be in respiratory distress, regardless of whether the student has been identified or documented as having asthma, has a prescription for albuterol or has supplied the school with albuterol. Such policies shall include procedures to:

(1) recognize the symptoms of respiratory distress;

(2) administer albuterol using a spacer;

(3) call 911 to initiate an emergency medical system;

(4) continue to monitor the student's condition and deliver any additional treatment indicated until an emergency medical system responder arrives;

(5) notify the parent, guardian or legal custodian of the student having respiratory distress; and

(6) take any other necessary actions based on training completed pursuant to the Emergency Medication in Schools Act.

B. Each local school board or governing body that provides to schools within its jurisdiction a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors shall develop policies based on the protocols in this section and department of health rules and recommendations, publish the policies on its web site and receive documentation that trained personnel have received training to:

(1) administer epinephrine to a student who is reasonably believed to be having an anaphylactic reaction, regardless of whether the student has been identified or documented as having a severe allergy, has a prescription for epinephrine or has supplied the school with epinephrine auto-injectors; and

(2) follow an anaphylaxis action protocol to:

(a) recognize symptoms of anaphylaxis;

(b) administer an epinephrine auto-injector to a student reasonably believed to be having an anaphylactic reaction;

(c) call 911 to initiate an emergency medical system;

(d) continue to monitor the student's condition and deliver any additional treatment indicated until an emergency medical system responder arrives;

(e) notify the parent, guardian or legal custodian of the student having an anaphylactic reaction; and

(f) take any other necessary actions based on training completed pursuant to the Emergency Medication in Schools Act.

C. Each school that receives a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors shall:

(1) develop and implement a plan to have one or more trained personnel on the school premises during operating hours; and

(2) follow an anaphylactic reaction prevention protocol, as recommended by the department of health, to minimize an allergic student's exposure to food allergies."

Chapter 50 Section 5 Laws 2014

SECTION 5. A new section of the Public Health Act is enacted to read:

"EMERGENCY MEDICATION IN SCHOOLS--ALBUTEROL--EPINEPHRINE--
RULES--RECOMMENDATIONS.--

A. By July 1, 2014, the department shall promulgate rules and make recommendations to each school district and governing body of a school for the prevention and treatment of respiratory distress and the administration of albuterol, or such other medication as the department deems appropriate, by a school nurse.

B. By July 1, 2014, the department shall promulgate rules and make recommendations to each school district and governing body of a school for the prevention and treatment of anaphylaxis occurring in schools and for the use of epinephrine, or such other medication as the department deems appropriate, by a person who has received training approved by the department and is authorized to administer epinephrine pursuant to the Emergency Medication in Schools Act. The rules shall address:

(1) the provision or administration of epinephrine, or such other medication as the department deems appropriate, to a person reasonably believed to be having an anaphylactic reaction;

(2) the requirement that one or more trained persons be available on school premises during operating hours to treat a person reasonably believed to be having an anaphylactic reaction;

(3) the maintenance of a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors, or such other medication as the department deems appropriate, pursuant to a standing order prescribed in the name of the school or school district by a health care practitioner employed or authorized by the department;

(4) the storage of a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors, or such other medication as the department deems appropriate, in a secure location that is unlocked and readily accessible to trained persons and stored pursuant to board of pharmacy regulations; and

(5) the disposal of expired emergency medication pursuant to board of pharmacy regulations or department rules.

C. A health care practitioner employed or authorized by the department may prescribe a stock supply of albuterol aerosol canisters and spacers or a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors in the name of a school or school district for use in accordance with the Emergency Medication in Schools Act.

D. A pharmacist may dispense a stock supply of albuterol aerosol canisters and spacers or a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors pursuant to a standing order prescribed in accordance with this section.

E. A school or school district may maintain a stock supply of albuterol aerosol canisters and spacers or a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors for use in accordance with this section.

F. The department may obtain and receive grants, appropriations, gifts and donations from any source, including the acceptance of epinephrine and albuterol, or such other medication as the department deems appropriate, and albuterol spacers from a manufacturer or wholesaler of such medication in accordance with this section."

SFL/SJC/Senate Bill 75 & Senate Bill 165

Approved March 9, 2014

LAWS 2014, CHAPTER 51

AN ACT

RELATING TO APPRENTICESHIPS; AMENDING THE APPRENTICESHIP ASSISTANCE ACT; MOVING THE FUNCTIONS, APPROPRIATIONS, MONEY, CONTRACTUAL OBLIGATIONS AND OTHER PROPERTY, POWERS AND DUTIES RELATED TO THE ADMINISTRATION AND OVERSIGHT OF THE APPRENTICESHIP ASSISTANCE ACT FROM THE INSTRUCTIONAL SUPPORT AND VOCATIONAL EDUCATION DIVISION OF THE PUBLIC EDUCATION DEPARTMENT TO THE WORKFORCE SOLUTIONS DEPARTMENT; CHANGING THE MEMBERSHIP OF THE APPRENTICESHIP AND TRAINING ADVISORY COMMITTEE.

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

Chapter 51 Section 1 Laws 2014

SECTION 1. Section 21-19A-1 NMSA 1978 (being Laws 1992, Chapter 93, Section 1) is amended to read:

"21-19A-1. SHORT TITLE.--Chapter 21, Article 19A NMSA 1978 may be cited as the "Apprenticeship Assistance Act"."

Chapter 51 Section 2 Laws 2014

SECTION 2. Section 21-19A-2 NMSA 1978 (being Laws 1992, Chapter 93, Section 2) is amended to read:

"21-19A-2. PURPOSE.--The purpose of the Apprenticeship Assistance Act is to assist apprenticeship programs that will develop skilled craftsmen in occupations

recognized by the office of apprenticeship and the state apprenticeship agency to accommodate the social and economic needs of the adult citizens of New Mexico and to enhance the economic development of the state."

Chapter 51 Section 3 Laws 2014

SECTION 3. Section 21-19A-3 NMSA 1978 (being Laws 1992, Chapter 93, Section 3) is amended to read:

"21-19A-3. DEFINITIONS.--As used in the Apprenticeship Assistance Act:

A. "advisory committee" means the apprenticeship and training advisory committee to the division;

B. "apprentice" means a person at least sixteen years of age who is approved by the council and is covered by a written agreement with an employer or with an association of employers or employees acting as agent for an employer, which written agreement provides for reasonably continuous employment of the person for not less than two thousand hours in the given trade in which that person is apprenticed in an approved schedule of work experience and for at least one hundred forty-four hours per year of related and supplemental instruction;

C. "apprenticeship committee" means the sponsoring committee of each apprenticeable craft that is responsible for that particular apprenticeship program;

D. "apprenticeship-related instruction" means skills taught off the job that are required by the particular apprenticeable craft and that the apprentice needs to complete the apprenticeship as required by the state apprenticeship agency and the office of apprenticeship;

E. "department" means the workforce solutions department;

F. "division" means the labor relations division of the department;

G. "office of apprenticeship" means the office of apprenticeship of the employment and training administration of the United States department of labor;

H. "related instruction" means organized, off-the-job instruction in theoretical or technical subjects required for the completion of an apprenticeship for a particular apprenticeable trade;

I. "state apprenticeship agency" means the state apprenticeship agency within the department; and

J. "supplementary instruction" means new or upgrading skill training for those already employed as journeymen craftsmen."

Chapter 51 Section 4 Laws 2014

SECTION 4. Section 21-19A-4 NMSA 1978 (being Laws 1992, Chapter 93, Section 4) is amended to read:

"21-19A-4. APPRENTICESHIP COMMITTEE--DUTIES.--The apprenticeship committee for each apprenticeship training program shall:

- A. establish standards and goals for related instruction for apprentices in the program and supplementary instruction for journeymen;
- B. establish rules governing on-the-job training and other instruction for apprentices in the program;
- C. plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices in the program;
- D. select qualified instructors for the program;
- E. monitor and evaluate the performance and progress of each apprentice in the program and the program as a whole;
- F. interview applicants and select those who meet the criteria developed by the apprenticeship committee;
- G. provide for the keeping and reporting of apprentice, program and fiscal data as required by the United States department of education; and
- H. perform any other duties that promote the goals of individual apprentices and of the program as a whole."

Chapter 51 Section 5 Laws 2014

SECTION 5. Section 21-19A-5 NMSA 1978 (being Laws 1992, Chapter 93, Section 5) is amended to read:

"21-19A-5. CRITERIA FOR APPRENTICESHIP PROGRAMS.--

- A. An apprenticeship program shall be registered by the state apprenticeship agency or the office of apprenticeship.
- B. An apprenticeship program shall be under the direction of an apprenticeship committee and structured according to Title 29, Part 29 of the Code of Federal Regulations. Committee members are appointed by one or more employers of apprentices, one or more employee representatives of an apprenticeable trade or a combination of the above. If an apprenticeship committee is composed of

representatives of one or more employers and one or more employee representatives, the number of committee members designated by the employers shall be equal to the number of committee members designated by the employee representatives.

C. Each apprentice participating in a program shall have signed a written apprenticeship agreement with the apprenticeship committee stating the standards and conditions of employment and training, which standards shall conform substantially with the standards of apprenticeship as registered by the state apprenticeship agency or the office of apprenticeship."

Chapter 51 Section 6 Laws 2014

SECTION 6. Section 21-19A-7 NMSA 1978 (being Laws 1992, Chapter 93, Section 7) is amended to read:

"21-19A-7. APPRENTICESHIP AND TRAINING ADVISORY COMMITTEE.--

A. The division shall appoint an apprenticeship and training advisory committee composed of nine voting members who shall be New Mexico residents. The members shall be as follows:

(1) two persons representing employers of members of apprenticeable trades;

(2) two persons representing organized labor for members of apprenticeable trades;

(3) two persons employed as full-time training directors or program administrators of apprenticeship committees;

(4) two persons employed by New Mexico educational entities who teach or immediately supervise preparatory instruction, supplementary instruction or related instruction courses; and

(5) the state apprenticeship director of the department, who shall serve as chair.

B. Members of the advisory committee shall serve terms of four years, except that the division shall designate one member from each of the groups referred to in Paragraphs (1) through (4) of Subsection A of this section to serve an initial term of two years. Thereafter, all members shall serve four-year terms.

C. Vacancies shall be filled for the unexpired portion of a term vacated.

D. Nonvoting members of the advisory committee shall include the following:

(1) two persons designated by and representing the New Mexico college and university system of vocational education;

(2) one person designated by and representing the office of apprenticeship; and

(3) one person representing the general public who is familiar with the goals and needs of technical-vocational education in New Mexico and who is not otherwise eligible for service on the advisory committee.

E. The member of the advisory committee representing the general public shall be appointed by the division for a term of four years. All other nonvoting members of the advisory committee shall serve at the pleasure of the agency or institution each respective member represents.

F. The advisory committee shall meet on an annual basis or at the call of the chair.

G. The members of the advisory committee shall be subject to such laws and practices as are applicable to the service and compensation of employees of the state. Members of the advisory committee not otherwise compensated by public funds shall be reimbursed for their official duties in accordance with the Per Diem and Mileage Act for attendance at not in excess of twelve meetings per year."

Chapter 51 Section 7 Laws 2014

SECTION 7. Section 21-19A-8 NMSA 1978 (being Laws 1992, Chapter 93, Section 8) is amended to read:

"21-19A-8. DUTIES OF ADVISORY COMMITTEE.--The advisory committee shall provide input into the development of a statewide plan for a comprehensive program of apprenticeship training, which shall include but not be limited to the following:

A. formulas and administrative procedures to be used in requesting appropriations of state funds for apprenticeship training;

B. forms, formulas and administrative procedures to be used in distributing available funds to apprenticeship training programs, with the formulas based on data contained in the update to the apprenticeship-related instruction cost study required by Section 21-19A-10 NMSA 1978, and the formulas shall be uniform in application to all program sponsors; and

C. the content and method of the public notice required by the Apprenticeship Assistance Act."

Chapter 51 Section 8 Laws 2014

SECTION 8. Section 21-19A-12 NMSA 1978 (being Laws 1992, Chapter 93, Section 12) is amended to read:

"21-19A-12. BUDGET--DISBURSEMENT AND APPROPRIATION.--

A. For the first two years after the effective date of the Apprenticeship Assistance Act, the division shall disburse funds for each apprenticeship committee, taking into account the number of total monthly contact hours and based on one dollar fifty cents (\$1.50) per participant contact hour of related instruction, not to exceed two hundred twenty hours per participant per year. Thereafter, funds shall be distributed in accordance with Section 21-19A-10 NMSA 1978.

B. The division shall require from the apprenticeship committees such reports as it deems necessary for the purpose of determining the number of total monthly contact hours.

C. Funds appropriated under the Apprenticeship Assistance Act shall be disbursed by the division, and the division shall have sole control over the disbursement of those funds; provided, however, that the division shall not fund any apprenticeship committee not certified by the state apprenticeship agency or the office of apprenticeship."

Chapter 51 Section 9 Laws 2014

SECTION 9. Section 21-19A-13 NMSA 1978 (being Laws 1992, Chapter 93, Section 13) is amended to read:

"21-19A-13. STATUS OF RECOMMENDATIONS.--

A. Recommendations of the advisory committee submitted to the division shall be acted on and either accepted or rejected.

B. A recommendation that is rejected shall be returned immediately to the advisory committee accompanied by written notice of the reasons for rejecting the recommendation. Upon such notice, the division and the advisory committee shall meet within fifteen days to resolve the issue, but if no resolution of the recommendation is made, then the secretary of workforce solutions shall decide the matter. The secretary's decision shall be final."

Chapter 51 Section 10 Laws 2014

SECTION 10. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, MONEY, PROPERTY AND CONTRACTS.--On July 1, 2014:

A. all functions, appropriations, money, files, records and other property for or used in the administration or oversight of provisions of the Apprenticeship

Assistance Act are transferred from the instructional support and vocational education division of the public education department to the workforce solutions department; and

B. all contractual obligations directly related to the administration or oversight of the provisions of the Apprenticeship Assistance Act and entered into by the instructional support and vocational education division of the public education department for that purpose are transferred to the workforce solutions department.

Chapter 51 Section 11 Laws 2014

SECTION 11. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

House Bill 182

Approved March 10, 2014

LAWS 2014, CHAPTER 52

AN ACT

MAKING AN APPROPRIATION TO THE LOCAL GOVERNMENT PLANNING FUND.

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

Chapter 52 Section 1 Laws 2014

SECTION 1. APPROPRIATION.--Two million dollars (\$2,000,000) is appropriated from the public project revolving fund to the local government planning fund administered by the New Mexico finance authority for expenditure in fiscal year 2015 and subsequent fiscal years to make grants to qualified entities to evaluate and estimate the costs of implementing the most feasible alternatives for infrastructure, water or wastewater public projects or to develop water conservation plans, long-term master plans, economic development plans or energy audits and to pay the administrative costs of the local government planning program. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the public project revolving fund.

Chapter 52 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

Senate Bill 31

Approved March 10, 2014

LAWS 2014, CHAPTER 53

AN ACT

RELATING TO TAXATION; EXCLUDING NET OPERATING LOSS CARRYOVER FROM NET INCOME IN THE INCOME TAX ACT AND THE CORPORATE INCOME AND FRANCHISE TAX ACT FOR TWENTY YEARS.

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

Chapter 53 Section 1 Laws 2014

SECTION 1. Section 7-2-2 NMSA 1978 (being Laws 1986, Chapter 20, Section 26, as amended) is amended to read:

"7-2-2. DEFINITIONS.--For the purpose of the Income Tax Act and unless the context requires otherwise:

A. "adjusted gross income" means adjusted gross income as defined in Section 62 of the Internal Revenue Code, as that section may be amended or renumbered;

B. "base income":

(1) means, for estates and trusts, that part of the estate's or trust's income defined as taxable income and upon which the federal income tax is calculated in the Internal Revenue Code for income tax purposes plus, for taxable years beginning on or after January 1, 1991, the amount of the net operating loss deduction allowed by Section 172(a) of the Internal Revenue Code, as that section may be amended or renumbered, and taken by the taxpayer for that year;

(2) means, for taxpayers other than estates or trusts, that part of the taxpayer's income defined as adjusted gross income plus, for taxable years beginning on or after January 1, 1991, the amount of the net operating loss deduction allowed by Section 172(a) of the Internal Revenue Code, as that section may be amended or renumbered, and taken by the taxpayer for that year;

(3) includes, for all taxpayers, any other income of the taxpayer not included in adjusted gross income but upon which a federal tax is calculated pursuant to the Internal Revenue Code for income tax purposes, except amounts for which a

calculation of tax is made pursuant to Section 55 of the Internal Revenue Code, as that section may be amended or renumbered; "base income" also includes interest received on a state or local bond; and

(4) includes, for all taxpayers, an amount deducted pursuant to Section 7-2-32 NMSA 1978 in a prior taxable year if:

(a) such amount is transferred to another qualified tuition program, as defined in Section 529 of the Internal Revenue Code, not authorized in the Education Trust Act; or

(b) a distribution or refund is made for any reason other than:
1) to pay for qualified higher education expenses, as defined pursuant to Section 529 of the Internal Revenue Code; or 2) upon the beneficiary's death, disability or receipt of a scholarship;

C. "compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services;

D. "department" means the taxation and revenue department, the secretary or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

E. "fiduciary" means a guardian, trustee, executor, administrator, committee, conservator, receiver, individual or corporation acting in any fiduciary capacity;

F. "filing status" means "married filing joint returns", "married filing separate returns", "head of household", "surviving spouse" and "single", as those terms are generally defined for federal tax purposes;

G. "fiscal year" means any accounting period of twelve months ending on the last day of any month other than December;

H. "head of household" means "head of household" as generally defined for federal income tax purposes;

I. "individual" means a natural person, an estate, a trust or a fiduciary acting for a natural person, trust or estate;

J. "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended;

K. "lump-sum amount" means, for the purpose of determining liability for federal income tax, an amount that was not included in adjusted gross income but upon which the five-year-averaging or the ten-year-averaging method of tax computation

provided in Section 402 of the Internal Revenue Code, as that section may be amended or renumbered, was applied;

L. "modified gross income" means all income of the taxpayer and, if any, the taxpayer's spouse and dependents, undiminished by losses and from whatever source, including:

- (1) compensation;
- (2) net profit from business;
- (3) gains from dealings in property;
- (4) interest;
- (5) net rents;
- (6) royalties;
- (7) dividends;
- (8) alimony and separate maintenance payments;
- (9) annuities;
- (10) income from life insurance and endowment contracts;
- (11) pensions;
- (12) discharge of indebtedness;
- (13) distributive share of partnership income;
- (14) income in respect of a decedent;
- (15) income from an interest in an estate or a trust;
- (16) social security benefits;
- (17) unemployment compensation benefits;
- (18) workers' compensation benefits;
- (19) public assistance and welfare benefits;
- (20) cost-of-living allowances; and

(21) gifts;

M. "modified gross income" excludes:

(1) payments for hospital, dental, medical or drug expenses to or on behalf of the taxpayer;

(2) the value of room and board provided by federal, state or local governments or by private individuals or agencies based upon financial need and not as a form of compensation;

(3) payments pursuant to a federal, state or local government program directly or indirectly to a third party on behalf of the taxpayer when identified to a particular use or invoice by the payer; or

(4) payments for credits and rebates pursuant to the Income Tax Act and made for a credit pursuant to Section 7-3-9 NMSA 1978;

N. "net income" means, for estates and trusts, base income adjusted to exclude amounts that the state is prohibited from taxing because of the laws or constitution of this state or the United States and means, for taxpayers other than estates or trusts, base income adjusted to exclude:

(1) an amount equal to the standard deduction allowed the taxpayer for the taxpayer's taxable year by Section 63 of the Internal Revenue Code, as that section may be amended or renumbered;

(2) an amount equal to the itemized deductions defined in Section 63 of the Internal Revenue Code, as that section may be amended or renumbered, allowed the taxpayer for the taxpayer's taxable year less the amount excluded pursuant to Paragraph (1) of this subsection and less the amount of state and local income and sales taxes included in the taxpayer's itemized deductions;

(3) an amount equal to the product of the exemption amount allowed for the taxpayer's taxable year by Section 151 of the Internal Revenue Code, as that section may be amended or renumbered, multiplied by the number of personal exemptions allowed for federal income tax purposes;

(4) income from obligations of the United States of America less expenses incurred to earn that income;

(5) other amounts that the state is prohibited from taxing because of the laws or constitution of this state or the United States;

(6) for taxable years that began prior to January 1, 1991, an amount equal to the sum of:

(a) net operating loss carryback deductions to that year from taxable years beginning prior to January 1, 1991 claimed and allowed, as provided by the Internal Revenue Code; and

(b) net operating loss carryover deductions to that year claimed and allowed;

(7) for taxable years beginning on or after January 1, 1991 and prior to January 1, 2013, an amount equal to the sum of any net operating loss carryover deductions to that year claimed and allowed, provided that the amount of any net operating loss carryover from a taxable year beginning on or after January 1, 1991 and prior to January 1, 2013 may be excluded only as follows:

(a) in the case of a timely filed return, in the taxable year immediately following the taxable year for which the return is filed; or

(b) in the case of amended returns or original returns not timely filed, in the first taxable year beginning after the date on which the return or amended return establishing the net operating loss is filed; and

(c) in either case, if the net operating loss carryover exceeds the amount of net income exclusive of the net operating loss carryover for the taxable year to which the exclusion first applies, in the next four succeeding taxable years in turn until the net operating loss carryover is exhausted for any net operating loss carryover from a taxable year prior to January 1, 2013; in no event shall a net operating loss carryover from a taxable year beginning prior to January 1, 2013 be excluded in any taxable year after the fourth taxable year beginning after the taxable year to which the exclusion first applies;

(8) for taxable years beginning on or after January 1, 2013, an amount equal to the sum of any net operating loss carryover deductions to that year claimed and allowed; provided that the amount of any net operating loss carryover may be excluded only as follows:

(a) in the case of a timely filed return, in the taxable year immediately following the taxable year for which the return is filed; or

(b) in the case of amended returns or original returns not timely filed, in the first taxable year beginning after the date on which the return or amended return establishing the net operating loss is filed; and

(c) in either case, if the net operating loss carryover exceeds the amount of net income exclusive of the net operating loss carryover for the taxable year to which the exclusion first applies, in the next nineteen succeeding taxable years in turn until the net operating loss carryover is exhausted for any net operating loss carryover from a taxable year beginning on or after January 1, 2013; in no event shall a

net operating loss carryover from a taxable year beginning: 1) prior to January 1, 2013 be excluded in any taxable year after the fourth taxable year beginning after the taxable year to which the exclusion first applies; and 2) on or after January 1, 2013 be excluded in any taxable year after the nineteenth taxable year beginning after the taxable year to which the exclusion first applies; and

(9) for taxable years beginning on or after January 1, 2011, an amount equal to the amount included in adjusted gross income that represents a refund of state and local income and sales taxes that were deducted for federal tax purposes in taxable years beginning on or after January 1, 2010;

O. "net operating loss" means any net operating loss, as defined by Section 172(c) of the Internal Revenue Code, as that section may be amended or renumbered, for a taxable year as further increased by the income, if any, from obligations of the United States for that year less related expenses;

P. "net operating loss carryover" means the amount, or any portion of the amount, of a net operating loss for any taxable year that, pursuant to Paragraph (6), (7) or (8) of Subsection N of this section, may be excluded from base income;

Q. "nonresident" means every individual not a resident of this state;

R. "person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, limited liability company, joint venture, syndicate or other association; "person" also means, to the extent permitted by law, any federal, state or other governmental unit or subdivision or agency, department or instrumentality thereof;

S. "resident" means an individual who is domiciled in this state during any part of the taxable year or an individual who is physically present in this state for one hundred eighty-five days or more during the taxable year; but any individual, other than someone who was physically present in the state for one hundred eighty-five days or more during the taxable year, who, on or before the last day of the taxable year, changed the individual's place of abode to a place without this state with the bona fide intention of continuing actually to abide permanently without this state is not a resident for the purposes of the Income Tax Act for periods after that change of abode;

T. "secretary" means the secretary of taxation and revenue or the secretary's delegate;

U. "state" means any state of the United States, the District of Columbia, the commonwealth of Puerto Rico, any territory or possession of the United States or any political subdivision of a foreign country;

V. "state or local bond" means a bond issued by a state other than New Mexico or by a local government other than one of New Mexico's political subdivisions,

the interest from which is excluded from income for federal income tax purposes under Section 103 of the Internal Revenue Code, as that section may be amended or renumbered;

W. "surviving spouse" means "surviving spouse" as generally defined for federal income tax purposes;

X. "taxable income" means net income less any lump-sum amount;

Y. "taxable year" means the calendar year or fiscal year upon the basis of which the net income is computed under the Income Tax Act and includes, in the case of the return made for a fractional part of a year under the provisions of the Income Tax Act, the period for which the return is made; and

Z. "taxpayer" means any individual subject to the tax imposed by the Income Tax Act."

Chapter 53 Section 2 Laws 2014

SECTION 2. Section 7-2A-2 NMSA 1978 (being Laws 1986, Chapter 20, Section 33, as amended) is amended to read:

"7-2A-2. DEFINITIONS.--For the purpose of the Corporate Income and Franchise Tax Act and unless the context requires otherwise:

A. "affiliated group" means that term as it is used in the Internal Revenue Code;

B. "bank" means any national bank, national banking association, state bank or bank holding company;

C. "base income" means that part of the taxpayer's income defined as taxable income and upon which the federal income tax is calculated in the Internal Revenue Code for income tax purposes plus, for taxable years beginning on or after January 1, 1991, the amount of the net operating loss deduction allowed by Section 172(a) of the Internal Revenue Code, as that section may be amended or renumbered, and claimed by the taxpayer for that year; "base income" also includes interest received on a state or local bond;

D. "corporation" means corporations, joint stock companies, real estate trusts organized and operated under the Real Estate Trust Act, financial corporations and banks, other business associations and, for corporate income tax purposes, partnerships and limited liability companies taxed as corporations under the Internal Revenue Code;

E. "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;

F. "fiscal year" means any accounting period of twelve months ending on the last day of any month other than December;

G. "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended;

H. "net income" means base income adjusted to exclude:

(1) income from obligations of the United States less expenses incurred to earn that income;

(2) other amounts that the state is prohibited from taxing because of the laws or constitution of this state or the United States;

(3) for taxable years that began prior to January 1, 1991, an amount equal to the sum of:

(a) net operating loss carryback deductions to that year from taxable years beginning prior to January 1, 1991 claimed and allowed, as provided by the Internal Revenue Code; and

(b) net operating loss carryover deductions to that year claimed and allowed;

(4) for taxable years beginning on or after January 1, 1991 and prior to January 1, 2013, an amount equal to the sum of any net operating loss carryover deductions to that year claimed and allowed; provided that the amount of any net operating loss carryover from a taxable year beginning on or after January 1, 1991 and prior to January 1, 2013 may be excluded only as follows:

(a) in the case of a timely filed return, in the taxable year immediately following the taxable year for which the return is filed; or

(b) in the case of amended returns or original returns not timely filed, in the first taxable year beginning after the date on which the return or amended return establishing the net operating loss is filed; and

(c) in either case, if the net operating loss carryover exceeds the amount of net income exclusive of the net operating loss carryover for the taxable year to which the exclusion first applies, in the next four succeeding taxable years in turn until the net operating loss carryover is exhausted for any net operating loss carryover from a taxable year prior to January 1, 2013; in no event may a net operating

loss carryover from a taxable year beginning prior to January 1, 2013 be excluded in any taxable year after the fourth taxable year beginning after the taxable year to which the exclusion first applies; and

(5) for taxable years beginning on or after January 1, 2013, an amount equal to the sum of any net operating loss carryover deductions to that year claimed and allowed; provided that the amount of any net operating loss carryover may be excluded only as follows:

(a) in the case of a timely filed return, in the taxable year immediately following the taxable year for which the return is filed; or

(b) in the case of amended returns or original returns not timely filed, in the first taxable year beginning after the date on which the return or amended return establishing the net operating loss is filed; and

(c) in either case, if the net operating loss carryover exceeds the amount of net income exclusive of the net operating loss carryover for the taxable year to which the exclusion first applies, in the next nineteen succeeding taxable years in turn until the net operating loss carryover is exhausted for any net operating loss carryover from a taxable year beginning on or after January 1, 2013; in no event shall a net operating loss carryover from a taxable year beginning: 1) prior to January 1, 2013 be excluded in any taxable year after the fourth taxable year beginning after the taxable year to which the exclusion first applies; and 2) on or after January 1, 2013 be excluded in any taxable year after the nineteenth taxable year beginning after the taxable year to which the exclusion first applies;

I. "net operating loss" means any net operating loss, as defined by Section 172(c) of the Internal Revenue Code, as that section may be amended or renumbered, for a taxable year as further increased by the income, if any, from obligations of the United States for that year less related expenses;

J. "net operating loss carryover" means the amount, or any portion of the amount, of a net operating loss for any taxable year that, pursuant to Paragraph (3), (4) or (5) of Subsection H of this section, may be excluded from base income;

K. "person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, limited liability company, joint venture, syndicate or other association; "person" also means, to the extent permitted by law, any federal, state or other governmental unit or subdivision or agency, department or instrumentality thereof;

L. "secretary" means the secretary of taxation and revenue or the secretary's delegate;

M. "state" means any state of the United States, the District of Columbia, the commonwealth of Puerto Rico, any territory or possession of the United States or political subdivision thereof or any political subdivision of a foreign country;

N. "state or local bond" means a bond issued by a state other than New Mexico or by a local government other than one of New Mexico's political subdivisions, the interest from which is excluded from income for federal income tax purposes under Section 103 of the Internal Revenue Code, as that section may be amended or renumbered;

O. "taxable year" means the calendar year or fiscal year upon the basis of which the net income is computed under the Corporate Income and Franchise Tax Act and includes, in the case of the return made for a fractional part of a year under the provisions of that act, the period for which the return is made;

P. "taxpayer" means any corporation subject to the taxes imposed by the Corporate Income and Franchise Tax Act; and

Q. "unitary corporations" means two or more integrated corporations, other than any foreign corporation incorporated in a foreign country and not engaged in trade or business in the United States during the taxable year, that are owned in the amount of more than fifty percent and controlled by the same person and for which at least one of the following conditions exists:

(1) there is a unity of operations evidenced by central purchasing, advertising, accounting or other centralized services;

(2) there is a centralized management or executive force and centralized system of operation; or

(3) the operations of the corporations are dependent upon or contribute property or services to one another individually or as a group."

Chapter 53 Section 3 Laws 2014

SECTION 3. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2013.

SCORC/Senate Bills 106 & 156

Approved March 10, 2014

LAWS 2014, CHAPTER 54

AN ACT

RELATING TO TAXATION; INCREASING THE PERCENTAGE OF THE LIQUOR EXCISE TAX DISTRIBUTED TO THE LOCAL DWI GRANT FUND.

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

Chapter 54 Section 1 Laws 2014

SECTION 1. Section 7-1-6.40 NMSA 1978 (being Laws 1997, Chapter 182, Section 1, as amended) is amended to read:

"7-1-6.40. DISTRIBUTION--LOCAL DWI GRANT FUND--MUNICIPALITIES.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the local DWI grant fund in an amount equal to forty-one and fifty hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the liquor excise tax.

B. For fiscal years 2016, 2017 and 2018, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the local DWI grant fund in an amount equal to forty-six percent of the net receipts, exclusive of penalties and interest, attributable to the liquor excise tax.

C. A distribution pursuant to Section 7-1-6.1 NMSA 1978 of twenty thousand seven hundred fifty dollars (\$20,750) monthly from the net receipts attributable to the liquor excise tax shall be made to a municipality that is located in a class A county and that has a population according to the most recent federal decennial census of more than thirty thousand but less than sixty thousand. The distribution pursuant to this subsection shall be used by the municipality only for the provision of alcohol treatment and rehabilitation services for street inebriates."

Chapter 54 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015.

HTRC/House Bill 16, aa, w/coc

Approved March 10, 2014

LAWS 2014, CHAPTER 55

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL FINANCE ACT TO MODIFY AND UPDATE THE AT-RISK INDEX.

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

Chapter 55 Section 1 Laws 2014

SECTION 1. 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 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 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 and individual 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 total rate in Subsection B of this section. The number of additional units to which a school district is entitled under this section is computed in the following manner:

At-Risk Index x MEM = Units

where MEM is equal to the total district 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:

Three-Year Average Total Rate x 0.106 = At-Risk Index.

B. To calculate the three-year average total rate, the department shall compute a three-year average of the school district's percentage of membership used to determine its Title I allocation, a three-year average of the percentage of membership classified as English language learners using criteria established by the federal office of civil rights and a three-year average of the percentage of student mobility. The department shall then add the three-year average rates. The number obtained from this calculation is the three-year average total rate.

C. The department shall recalculate the at-risk index for each school district every year.

Chapter 55 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of Section 1 of this act is July 1, 2015.

House Bill 19, aa

Approved March 10, 2014

LAWS 2014, CHAPTER 56

AN ACT

RELATING TO TAXATION; AMENDING A SECTION OF THE GROSS RECEIPTS AND COMPENSATING TAX ACT TO PROVIDE FOR A DEDUCTION FROM GROSS RECEIPTS OF PAYMENTS FOR SERVICES RENDERED BY DIALYSIS FACILITIES.

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

Chapter 56 Section 1 Laws 2014

SECTION 1. Section 7-9-77.1 NMSA 1978 (being Laws 1998, Chapter 96, Section 1, as amended) is amended to read:

"7-9-77.1. DEDUCTION--GROSS RECEIPTS TAX--CERTAIN MEDICAL AND HEALTH CARE SERVICES.--

A. Receipts from payments by the United States government or any agency thereof for provision of medical and other health services by medical doctors, osteopathic physicians, doctors of oriental medicine, athletic trainers, chiropractic physicians, counselor and therapist practitioners, dentists, massage therapists, naprapaths, nurses, nutritionists, dietitians, occupational therapists, optometrists, pharmacists, physical therapists, psychologists, radiologic technologists, respiratory care practitioners, audiologists, speech-language pathologists, social workers and podiatrists or of medical, other health and palliative services by hospices or nursing homes to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

B. Receipts from payments by a third-party administrator of the federal TRICARE program for provision of medical and other health services by medical doctors and osteopathic physicians to covered beneficiaries may be deducted from gross receipts.

C. Receipts from payments by or on behalf of the Indian health service of the United States department of health and human services for provision of medical and other health services by medical doctors and osteopathic physicians to covered beneficiaries may be deducted from gross receipts.

D. Receipts from payments by the United States government or any agency thereof for medical services provided by a clinical laboratory to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

E. Receipts from payments by the United States government or any agency thereof for medical, other health and palliative services provided by a home health agency to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

F. Prior to July 1, 2024, receipts from payments by the United States government or any agency thereof for medical and other health services provided by a dialysis facility to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts according to the following schedule:

(1) from July 1, 2014 through June 30, 2015, thirty-three and one-third percent of the receipts may be deducted;

(2) from July 1, 2015 through June 30, 2016, sixty-six and two-thirds percent of the receipts may be deducted; and

(3) after June 30, 2016, one hundred percent of the receipts may be deducted.

G. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department.

H. The department shall compile an annual report on the deductions created pursuant to this section that shall include the number of taxpayers approved by the department to receive each deduction, the aggregate amount of deductions approved and any other information necessary to evaluate the effectiveness of the deductions. Beginning in 2020 and every five years thereafter that this section is in effect, the department shall compile and present the annual reports to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the deductions and whether the deductions are providing a benefit to the state.

I. For the purposes of this section:

(1) "athletic trainer" means a person licensed as an athletic trainer pursuant to the provisions of Chapter 61, Article 14D NMSA 1978;

(2) "chiropractic physician" means a person who practices chiropractic as defined in the Chiropractic Physician Practice Act;

(3) "clinical laboratory" means a laboratory accredited pursuant to 42 USCA 263a;

(4) "counselor and therapist practitioner" means a person licensed to practice as a counselor or therapist pursuant to the provisions of Chapter 61, Article 9A NMSA 1978;

(5) "dentist" means a person licensed to practice as a dentist pursuant to the provisions of Chapter 61, Article 5A NMSA 1978;

(6) "dialysis facility" means an end-stage renal disease facility as defined pursuant to 42 C.F.R. 405.2102;

(7) "doctor of oriental medicine" means a person licensed as a physician to practice acupuncture or oriental medicine pursuant to the provisions of Chapter 61, Article 14A NMSA 1978;

(8) "home health agency" means a for-profit entity that is licensed by the department of health and certified by the federal centers for medicare and medicaid services as a home health agency and certified to provide medicare services;

(9) "hospice" means a for-profit entity licensed by the department of health as a hospice and certified to provide medicare services;

(10) "massage therapist" means a person licensed to practice massage therapy pursuant to the provisions of Chapter 61, Article 12C NMSA 1978;

(11) "medical doctor" means a person licensed as a physician to practice medicine pursuant to the provisions of the Medical Practice Act;

(12) "naprapath" means a person licensed as a naprapath pursuant to the provisions of Chapter 61, Article 12F NMSA 1978;

(13) "nurse" means a person licensed as a registered nurse pursuant to the provisions of Chapter 61, Article 3 NMSA 1978;

(14) "nursing home" means a for-profit entity licensed by the department of health as a nursing home and certified to provide medicare services;

(15) "nutritionist" or "dietitian" means a person licensed as a nutritionist or dietitian pursuant to the provisions of Chapter 61, Article 7A NMSA 1978;

(16) "occupational therapist" means a person licensed as an occupational therapist pursuant to the provisions of Chapter 61, Article 12A NMSA 1978;

(17) "osteopathic physician" means a person licensed as an osteopathic physician pursuant to the provisions of Chapter 61, Article 10 NMSA 1978;

(18) "optometrist" means a person licensed to practice optometry pursuant to the provisions of Chapter 61, Article 2 NMSA 1978;

(19) "pharmacist" means a person licensed as a pharmacist pursuant to the provisions of Chapter 61, Article 11 NMSA 1978;

(20) "physical therapist" means a person licensed as a physical therapist pursuant to the provisions of Chapter 61, Article 12D NMSA 1978;

(21) "podiatrist" means a person licensed as a podiatrist pursuant to the provisions of the Podiatry Act;

(22) "psychologist" means a person licensed as a psychologist pursuant to the provisions of Chapter 61, Article 9 NMSA 1978;

(23) "radiologic technologist" means a person licensed as a radiologic technologist pursuant to the provisions of Chapter 61, Article 14E NMSA 1978;

(24) "respiratory care practitioner" means a person licensed as a respiratory care practitioner pursuant to the provisions of Chapter 61, Article 12B NMSA 1978;

(25) "social worker" means a person licensed as an independent social worker pursuant to the provisions of Chapter 61, Article 31 NMSA 1978;

(26) "speech-language pathologist" means a person licensed as a speech-language pathologist pursuant to the provisions of Chapter 61, Article 14B NMSA 1978; and

(27) "TRICARE program" means the program defined in 10 U.S.C. 1072(7)."

Chapter 56 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

House Bill 32, aa

Approved March 10, 2014

LAWS 2014, CHAPTER 57

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; PROVIDING ADDITIONAL OPERATIONAL FUNDING FORMULA UNITS FOR SCHOOL DISTRICTS WITH A MEMBERSHIP OF LESS THAN TWO HUNDRED STUDENTS.

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

Chapter 57 Section 1 Laws 2014

SECTION 1. Section 22-8-23 NMSA 1978 (being Laws 1975, Chapter 119, Section 1, as amended) is amended to read:

"22-8-23. SIZE ADJUSTMENT PROGRAM UNITS.--

A. An approved public school with a MEM of less than 400, including early childhood education full-time-equivalent MEM but excluding membership in class C and class D programs and excluding full-time-equivalent membership in three- and four-year-old developmentally disabled programs, is eligible for additional program units. Separate schools established to provide special programs, including but not limited to vocational and alternative education, shall not be classified as public schools for purposes of generating size adjustment program units. The number of additional program units to which a school district is entitled under this subsection is the sum of elementary-junior high units and senior high units computed in the following manner:

Elementary-Junior High Units

200 - MEM

_____ x 1.0 x MEM = Units

200

where MEM is equal to the membership of an approved elementary or junior high school, including early childhood education full-time-equivalent membership but excluding membership in class C and class D programs and excluding full-time-equivalent membership in three- and four-year-old developmentally disabled programs;

Senior High Units

200 - MEM

_____ x 2.0 x MEM = Units

200

or,

Senior High Units

400 - MEM

_____ x 1.6 x MEM = Units

400

whichever calculation for senior high units is higher, where MEM is equal to the membership of an approved senior high school excluding membership in class C and class D programs.

B. A school district with total MEM of less than 4,000, including early childhood education full-time-equivalent MEM, is eligible for additional program units. The number of additional program units to which a school district is entitled under this subsection is the number of district units computed in the following manner:

District Units

4,000 - MEM

_____ x 0.15 x MEM = Units

4,000

where MEM is equal to the total district membership, including early childhood education full-time-equivalent membership.

C. A school district with over 10,000 MEM with a ratio of MEM to senior high schools less than 4,000:1 is eligible for additional program units based on the number of approved regular senior high schools that are not eligible for senior high units under Subsection A of this section. The number of additional program units to which an eligible school district is entitled under this subsection is the number of units computed in the following manner:

4,000 - MEM

_____ x 0.50 = Units

Senior High Schools

where MEM is equal to the total district membership, including early childhood education full-time-equivalent membership, and where senior high schools are equal to the number of approved regular senior high schools in the school district.

D. A school district, as defined in Subsection R of Section 22-1-2 NMSA 1978, with a MEM of less than 200, including early childhood education full-time-equivalent MEM, is eligible for additional program units, provided that the department certifies that the school district has implemented practices to reduce scale inefficiencies, including shared service agreements with regional education cooperatives or other school districts for noninstructional functions and distance education. The numbers of additional program units to which a school district is entitled under this subsection is the number of units computed in the following manner:

$200 - \text{MEM} = \text{Units}$

where MEM is equal to the total district MEM, including early childhood education full-time-equivalent MEM."

Chapter 57 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

House Bill 35, aa

Approved March 10, 2014

LAWS 2014, CHAPTER 58

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; CREATING THE ECONOMIC DEVELOPMENT GRANT PROGRAM; CREATING THE ECONOMIC DEVELOPMENT GRANT FUND; REVISING THE ECONOMIC DEVELOPMENT COMMISSION'S DUTIES; DECLARING AN EMERGENCY.

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

Chapter 58 Section 1 Laws 2014

SECTION 1. SHORT TITLE.--Sections 1 through 6 of this act may be cited as the "Economic Development Grant Act".

Chapter 58 Section 2 Laws 2014

SECTION 2. PURPOSE.--The purpose of the Economic Development Grant Act is to provide matching state grants to local and regional economic development agencies to expand the economic development and job-creation capacities of those agencies through employment of economic development professionals.

Chapter 58 Section 3 Laws 2014

SECTION 3. DEFINITIONS.--As used in the Economic Development Grant Act:

- A. "commission" means the economic development commission; and
- B. "department" means the economic development department.

Chapter 58 Section 4 Laws 2014

SECTION 4. ECONOMIC DEVELOPMENT GRANT PROGRAM--CREATED--OVERSIGHT.--

A. The "economic development grant program" is created in the department. The commission shall oversee the program, and the department shall provide administrative assistance to the commission as needed.

B. The commission shall:

- (1) establish and publish deadlines and guidelines for the submission of grant applications;
- (2) develop procedures for receipt, review and approval of grant applications;
- (3) receive, review and approve grant applications;
- (4) award grants to local and regional economic development agencies for up to fifty percent of the cost to the agencies to hire economic development professionals;
- (5) monitor local and regional economic development agencies' use of grant money by reviewing annual reports submitted by those agencies to the commission to ensure that grants are used consistently with the agencies' grant applications; and
- (6) perform other duties as necessary to carry out the provisions of the Economic Development Grant Act.

Chapter 58 Section 5 Laws 2014

SECTION 5. GRANT APPLICATIONS--GRANT RECIPIENTS--REQUIREMENTS.--

A. A local or regional economic development agency may submit an application to the commission for an economic development grant. An applying agency shall comply with deadlines and guidelines published by the commission. A grant application shall include a statement of:

(1) the amount of money that the local or regional economic development agency has allocated to employ economic development professionals;

(2) the amount of matching grant money that the local or regional economic development agency requests; and

(3) the ways that the local or regional economic development agency's employment of one or more economic development professionals will expand the agency's economic development or job-creation efforts in the agency's local area or region or in the state.

B. During the time that one or more economic development professionals are employed by a local or regional economic development agency using grant money, the agency shall report annually to the commission. A report shall include:

(1) the name, dates of employment and professional credentials of each economic development professional employed by the local or regional economic development agency using grant money; and

(2) detailed information about each economic development professional's role and contributions to the local or regional economic development agency, including:

(a) new jobs in the agency's local area or region or in the state that are attributable to the professional's efforts;

(b) the number of cases that the professional completed;

(c) the number of cases that the professional managed;

(d) the number of job-creation leads generated by the professional; and

(e) the number of job-creation projects sourced through the professional's marketing efforts.

Chapter 58 Section 6 Laws 2014

SECTION 6. ECONOMIC DEVELOPMENT GRANT FUND CREATED.--The "economic development grant fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations to the fund and income from investment of the fund. Money in the fund shall not revert to any other fund at the end of a fiscal year. The department shall administer the fund, and money in the fund is appropriated to the department to provide matching funds to local and regional development agencies as approved by the commission. 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 economic development or the secretary's authorized representative.

Chapter 58 Section 7 Laws 2014

SECTION 7. Section 9-15-11 NMSA 1978 (being Laws 1988, Chapter 81, Section 5, as amended) is amended to read:

"9-15-11. ECONOMIC DEVELOPMENT COMMISSION CREATED--MEMBERSHIP--DUTIES.--

A. The "economic development commission" is created. The commission shall be a planning commission administratively attached to the department.

B. The commission shall:

(1) provide advice to the department on policy matters;

(2) oversee the economic development grant program as provided in the Economic Development Grant Act;

(3) review and approve applications for matching grants and award grants pursuant to the Economic Development Grant Act; and

(4) be responsible for the annual approval and update of the state's five-year economic development plan.

C. The commission shall consist of nine members who shall be qualified electors of the state, no more than five of whom at the time of appointment are members of the same political party. Members shall be appointed by the governor and confirmed by the senate. Seven members shall be appointed from their respective planning districts, the eighth member shall be a Native American and represent the interests of the Indian tribes and pueblos and the ninth member shall represent the public at large.

D. Appointments shall be made for five-year terms expiring on January 1 of the appropriate year. Commission members shall serve staggered terms as

determined by the governor at the time of their initial appointment. Annually, the governor shall designate a chair of the commission from among the members.

E. The commission shall meet at the call of the chair, not less than once each quarter, and shall invite representatives of appropriate legislative committees, other state agencies and interested persons to its meetings for the purpose of information exchange and coordination.

F. Commission members shall not vote by proxy. A majority of the members constitutes a quorum for the conduct of business.

G. Members of the commission shall not be removed except for incompetence, neglect of duty or malfeasance in office; provided, however, no removal shall be made without notice of hearing and an opportunity to be heard having first been given the member being removed. The senate shall be given exclusive original jurisdiction over proceedings to remove members of the commission under such rules as the senate may promulgate. The senate's decision in connection with such matters shall be final. A vacancy in the membership of the commission occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

H. Commission members shall not be paid, but they are entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act."

Chapter 58 Section 8 Laws 2014

SECTION 8. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 273, aa, w/ec

Approved March 10, 2014

LAWS 2014, CHAPTER 59

AN ACT

RELATING TO INSURANCE; ENACTING A PRINCIPLE-BASED VERSION OF THE STANDARD VALUATION LAW; REVISING STANDARD NONFORFEITURE PROVISIONS TO COMPLY WITH THE PRINCIPLE-BASED VERSION OF THE STANDARD VALUATION LAW; CLARIFYING THE PROVISIONS OF THE RISK-BASED CAPITAL ACT AS THEY APPLY TO CERTAIN INSURERS; SUBJECTING HEALTH ORGANIZATIONS TO THE RISK-BASED CAPITAL ACT; INCORPORATING TREND TESTS FOR CERTAIN INSURERS IN THE RISK-BASED CAPITAL ACT;

REVISING CERTAIN TRIGGERS FOR REGULATORY INTERVENTION IN THE RISK-BASED CAPITAL ACT; CLARIFYING THAT FRATERNAL BENEFIT ORGANIZATIONS ARE SUBJECT TO THE RISK-BASED CAPITAL ACT; PROVIDING ADDITIONAL TERMS FOR THE ALLOWANCE OF CREDIT FOR REINSURANCE; CLARIFYING THE SUPERINTENDENT OF INSURANCE'S ROLE IN RELATIONSHIP WITH VARIOUS REGULATORY, ENFORCEMENT AND RELATED ENTITIES IN STATE, FEDERAL AND INTERNATIONAL JURISDICTIONS; CLARIFYING TERMS OF CONFIDENTIALITY OF CERTAIN INFORMATION UNDER THE CONTROL OF THE SUPERINTENDENT; INCLUDING ENTERPRISE RISK IN THE INSURANCE HOLDING COMPANY LAW; REMOVING RESTRICTIONS ON THE TYPE OF SUBSIDIARIES A DOMESTIC INSURER MAY ORGANIZE OR ACQUIRE; EXPANDING REGULATORY REQUIREMENTS INVOLVED IN HOLDING COMPANY TRANSACTIONS; PROVIDING STANDARDS FOR DETERMINING WHEN AN ACQUISITION WOULD LESSEN COMPETITION; EXPANDING FACTORS THAT THE SUPERINTENDENT MAY CONSIDER IN DETERMINING A HAZARDOUS FINANCIAL CONDITION; EXPANDING REQUIREMENTS THAT THE SUPERINTENDENT MAY PLACE ON AN INSURER IN A HAZARDOUS FINANCIAL CONDITION; REVISING THE DEFINITION OF "MEMBER INSURER" IN THE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT; CLARIFYING THE PROVISIONS OF REQUIRED PREMIUM TAX PAYMENTS; PROVIDING PENALTIES.

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

Chapter 59 Section 1 Laws 2014

SECTION 1. Section 59A-2-15 NMSA 1978 (being Laws 1984, Chapter 127, Section 34, as amended) is amended to read:

"59A-2-15. INTERSTATE, FEDERAL AND INTERNATIONAL COOPERATION.--

A. On request of the insurance supervisory official of any other state, province or country; of the national association of insurance commissioners or similar association of insurance regulatory officials; or of a federal agency, the superintendent shall communicate to the official, association or agency information that it is the superintendent's duty by law to ascertain respecting an insurer or other person transacting insurance in this state or otherwise subject to the superintendent's supervision.

B. The superintendent may be a member of the national association of insurance commissioners or any successor organization and may participate in and support cooperative activities of public agencies having supervision of the insurance business."

Chapter 59 Section 2 Laws 2014

SECTION 2. Section 59A-5A-2 NMSA 1978 (being Laws 1995, Chapter 149, Section 2) is amended to read:

"59A-5A-2. DEFINITIONS.--As used in the Risk-Based Capital Act:

A. "adjusted risk-based capital report" means a risk-based capital report adjusted in accordance with Subsection E of Section 59A-5A-3 NMSA 1978;

B. "authorized control level risk-based capital" means the number determined under the risk-based capital formula in accordance with the risk-based capital instructions bearing the same designation;

C. "company action level risk-based capital" means an amount equal to two hundred percent of an insurer's or health organization's authorized control level risk-based capital;

D. "corrective order" means an order issued by the superintendent specifying required corrective actions;

E. "domestic insurer or health organization" means an insurer, fraternal benefit society or health organization domiciled in New Mexico;

F. "foreign insurer or health organization" means an insurer, fraternal benefit society or health organization that is authorized to do business in New Mexico but is not domiciled in New Mexico;

G. "fraternal benefit society" means an incorporated society, order or supreme lodge, without capital stock, including one exempted pursuant to the provisions of Paragraph (2) of Subsection A of Section 59A-44-40 NMSA 1978, whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on a lodge system with ritualistic form of work, having a representative form of government and that provides benefits in accordance with Chapter 59A, Article 44 NMSA 1978;

H. "health organization" means a health maintenance organization; nonprofit health care plan; limited health service organization; dental or vision plan; hospital, medical and dental indemnity or service corporation; or other managed care organization, but does not mean an organization that is licensed as either a life or health insurer or as a property and casualty insurer and that is otherwise subject to either the life or property and casualty risk-based capital requirements;

I. "life or health insurer" means any authorized life insurer, health insurer or property and casualty insurer writing only health insurance;

J. "mandatory control level risk-based capital" means an amount equal to seventy percent of an insurer's or health organization's authorized control level risk-based capital;

K. "property and casualty insurer" means any insurer authorized to write property, marine and transportation, casualty, vehicle or surety insurance, but does not include any insurer writing only one of the following:

(1) mortgage guaranty insurance;

(2) financial guaranty insurance;

(3) title insurance; or

(4) health insurance;

L. "negative trend" means, with respect to a life or health insurer or a fraternal benefit society, a negative trend over a period of time, as determined in accordance with the trend test calculation included in the life or fraternal risk-based capital instructions;

M. "regulatory action level risk-based capital" means an amount equal to one hundred fifty percent of an insurer's or health organization's authorized control level risk-based capital;

N. "revised risk-based capital plan" means a risk-based capital plan that has been rejected by the superintendent and revised by the insurer or health organization, with or without the superintendent's recommendation;

O. "risk-based capital instructions" means the risk-based capital report, including risk-based capital instructions, adopted by the national association of insurance commissioners, as they may be amended by the national association of insurance commissioners from time to time, and not disapproved by the superintendent;

P. "risk-based capital level" means an insurer's or health organization's company action level risk-based capital, regulatory action level risk-based capital, authorized control level risk-based capital or mandatory control level risk-based capital;

Q. "risk-based capital plan" means a comprehensive financial plan as specified in Subsection B of Section 59A-5A-4 NMSA 1978;

R. "risk-based capital report" means the report specified in Section 59A-5A-3 NMSA 1978; and

S. "total adjusted capital" means the sum of:

(1) an insurer's or health organization's capital and surplus as determined in accordance with statutory accounting principles applicable to annual financial statements required to be filed under Section 59A-5-29 NMSA 1978; and

(2) such other items, if any, as the risk-based capital instructions may provide."

Chapter 59 Section 3 Laws 2014

SECTION 3. Section 59A-5A-3 NMSA 1978 (being Laws 1995, Chapter 149, Section 3) is amended to read:

"59A-5A-3. RISK-BASED CAPITAL REPORTS.--

A. On or before March 1 each year, every domestic insurer and health organization shall prepare and submit to the superintendent a report of its risk-based capital levels as of December 31 of the immediately preceding calendar year, in a form and containing such information as is required by the risk-based capital instructions. In addition, every domestic insurer and health organization shall file its risk-based capital report with:

(1) the national association of insurance commissioners in accordance with the risk-based capital instructions; and

(2) the insurance commissioner of each state in which the insurer or health organization is authorized to do business, if the insurance commissioner for that state has notified the insurer or health organization of the request in writing. The insurer or health organization shall file a copy of its risk-based capital report with each commissioner not later than March 1 each year or fifteen days from receipt of the notice, whichever is later.

B. A life or health insurer's or a fraternal benefit society's risk-based capital shall be determined in accordance with the formula in the risk-based capital instructions. The formula shall take into account and may adjust for the covariance among the following factors:

(1) asset risk;

(2) the risk of adverse insurance experience with respect to the insurer's liabilities and obligations;

(3) the interest rate risk with respect to the insurer's business; and

(4) all other business risks and other relevant risks set forth in the risk-based capital instructions.

C. A health organization's or property and casualty insurer's risk-based capital shall be determined in accordance with the appropriate formula in the risk-based capital instructions. The formula shall take into account and may adjust for the covariance among the following factors:

- (1) asset risk;
- (2) credit risk;
- (3) underwriting risk; and

(4) all other business risks and other relevant risks set forth in the risk-based capital instructions.

D. Capital in excess of the amount produced by the risk-based capital requirements contained in the Risk-Based Capital Act and formulas, schedules and instructions referenced in the Risk-Based Capital Act is desirable in the business of insurance. Additional capital is used and useful in the insurance business and helps to secure an insurer or health organization against various risks inherent in, or affecting, the business of insurance and not accounted for or only partially measured by the risk-based capital requirements contained in the Risk-Based Capital Act. Accordingly, insurers and health organizations should seek to maintain capital above the risk-based capital levels required by that act.

E. If a domestic insurer or health organization files a risk-based capital report that in the superintendent's judgment is inaccurate, then the superintendent shall adjust the risk-based capital report to correct the inaccuracy and shall notify the insurer or health organization of the adjustment. The notice shall contain a statement of the reason for the adjustment."

Chapter 59 Section 4 Laws 2014

SECTION 4. Section 59A-5A-4 NMSA 1978 (being Laws 1995, Chapter 149, Section 4) is amended to read:

"59A-5A-4. COMPANY ACTION LEVEL EVENT.--

A. As used in the Risk-Based Capital Act, a "company action level event" means any of the following events:

(1) the filing of a risk-based capital report by an insurer or health organization that indicates:

(a) that the insurer or health organization has total adjusted capital greater than or equal to its regulatory action level risk-based capital but less than its company action level risk-based capital;

(b) in the case of a life or health insurer or fraternal benefit society, that the insurer has total adjusted capital greater than or equal to its company action level risk-based capital but less than three hundred percent of its authorized control level risk-based capital and has a negative trend;

(c) in the case of a property and casualty insurer, that the insurer has total adjusted capital greater than or equal to its company action level risk-based capital but less than three hundred percent of its authorized control level risk-based capital and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty risk-based capital instructions; or

(d) in the case of a health organization, that the health organization has total adjusted capital greater than or equal to its company action level risk-based capital but less than three hundred percent of its authorized control level risk-based capital and triggers the trend test determined in accordance with the trend test calculation included in the health risk-based capital instructions;

(2) the superintendent's notification to an insurer or health organization that its adjusted risk-based capital report indicates the existence of an event described in Paragraph (1) of this subsection, unless the insurer or health organization challenges the adjusted report pursuant to Section 59A-5A-8 NMSA 1978; or

(3) if an insurer or health organization challenges the adjusted risk-based capital report, notification to the insurer or health organization that the superintendent has, after hearing, rejected the challenge.

B. In the event of a company action level event, the insurer or health organization shall prepare and submit to the superintendent a risk-based capital plan, which shall:

(1) identify the conditions that contribute to the company action level event;

(2) contain proposals of corrective actions that the insurer or health organization intends to take to eliminate the company action level event;

(3) provide projections of the insurer's or health organization's expected financial results in the current year and at least the four succeeding years, both in the absence of and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital and surplus. Projections for new and renewal business may, if appropriate, include separate projections for each major line of business and separately identify each significant income, expense and benefit component;

(4) identify the key assumptions impacting the insurer's or health organization's projections and the sensitivity of the projections to the assumptions; and

(5) identify the quality of, and problems associated with, the insurer's or health organization's business, including its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business and use of reinsurance, if any, in each case.

C. The risk-based capital plan shall be submitted on or before the later of the following dates:

(1) forty-five days after the company action level event; or

(2) if the insurer or health organization challenges the adjusted risk-based capital report pursuant to Section 59A-5A-8 NMSA 1978, forty-five days after the date of the notification to the insurer or health organization that the superintendent has, after hearing, rejected the insurer's or health organization's challenge.

D. Within sixty days after the submission of an insurer's or health organization's risk-based capital plan, the superintendent shall notify the insurer or health organization whether the plan shall be implemented or is, in the superintendent's judgment, unsatisfactory. If the superintendent determines that the risk-based capital plan is unsatisfactory, the notification to the insurer or health organization shall set forth the reasons for the determination and may set forth proposed revisions that will render the plan satisfactory. Upon notification, the insurer or health organization shall prepare a revised risk-based capital plan, which may incorporate by reference any revisions proposed by the superintendent, and shall submit the revised plan to the superintendent. The revised plan shall be submitted on or before the last of the following dates:

(1) forty-five days after the date of the superintendent's notification;

or

(2) if the insurer or health organization challenges the notification pursuant to Section 59A-5A-8 NMSA 1978, forty-five days after the date of the notification to the insurer or health organization that the superintendent has, after hearing, rejected the insurer's or health organization's challenge.

E. A notification that the insurer's or health organization's risk-based capital plan or revised risk-based capital plan is unsatisfactory may include a statement that the notification constitutes a regulatory action level event, subject to the insurer's or health organization's right to a hearing pursuant to Section 59A-5A-8 NMSA 1978.

F. Every domestic insurer or health organization that files a risk-based capital plan or revised risk-based capital plan with the superintendent shall file a copy of the risk-based capital plan and any revised risk-based capital plan with the insurance

commissioner of each state in which the insurer or health organization is authorized to do business if:

(1) the state has confidentiality provisions substantially similar to those in Subsection A of Section 59A-5A-9 NMSA 1978; and

(2) the insurance commissioner for that state has notified the insurer or health organization of the request in writing. The insurer or health organization shall file a copy of the risk-based capital plan or revised risk-based capital plan with each commissioner on or before the later of the following dates:

(a) fifteen days after the receipt of notice to file a copy of its risk-based capital plan or revised risk-based capital plan with the state; or

(b) the date that the risk-based capital plan or revised risk-based capital plan is filed under Subsections C and D of this section."

Chapter 59 Section 5 Laws 2014

SECTION 5. Section 59A-5A-5 NMSA 1978 (being Laws 1995, Chapter 149, Section 5) is amended to read:

"59A-5A-5. REGULATORY ACTION LEVEL EVENT.--

A. For purposes of the Risk-Based Capital Act, "regulatory action level event" means any of the following events:

(1) the filing of a risk-based capital report by an insurer or health organization that indicates that the insurer's or health organization's total adjusted capital is greater than or equal to its authorized control level risk-based capital but less than its regulatory action level risk-based capital;

(2) the superintendent's notification to an insurer or health organization that its adjusted risk-based capital report indicates the existence of an event described in Paragraph (1) of this subsection, unless the insurer or health organization challenges the adjusted report pursuant to Section 59A-5A-8 NMSA 1978;

(3) if an insurer or health organization challenges the adjusted risk-based capital report, notification to the insurer or health organization that the superintendent has, after hearing, rejected the challenge;

(4) an insurer's or health organization's failure to file a risk-based capital report by the filing date, unless the insurer or health organization has provided an explanation satisfactory to the superintendent and has cured the failure within ten days after the filing date;

(5) an insurer's or health organization's failure to submit a risk-based capital plan to the superintendent by the date specified in Subsection C of Section 59A-5A-4 NMSA 1978;

(6) the superintendent's notification to an insurer or health organization that:

(a) the risk-based capital plan or revised risk-based capital plan submitted by the insurer or health organization is, in the superintendent's judgment, unsatisfactory; and

(b) the notification constitutes a regulatory action level event with respect to the insurer or health organization, unless the insurer or health organization has challenged the determination pursuant to Section 59A-5A-8 NMSA 1978;

(7) if an insurer or health organization challenges the superintendent's determination made pursuant to Paragraph (6) of this subsection, notification to the insurer or health organization that the superintendent has, after hearing, rejected the challenge;

(8) the superintendent's notification to an insurer or health organization that the insurer or health organization has failed to adhere to its risk-based capital plan or revised risk-based capital plan and that the failure has had or will have a substantial adverse effect on the ability of the insurer or health organization to eliminate the company action level event, unless the insurer or health organization has challenged the determination pursuant to Section 59A-5A-8 NMSA 1978; or

(9) if an insurer or health organization challenges the superintendent's determination made pursuant to Paragraph (8) of this subsection, notification to the insurer or health organization that the superintendent has, after hearing, rejected the challenge.

B. In the event of a regulatory action level event, the superintendent shall:

(1) require the insurer or health organization to prepare and submit a risk-based capital plan or, if applicable, a revised risk-based capital plan;

(2) perform such examination or analysis as the superintendent deems necessary of the assets, liabilities and operations of the insurer or health organization, including a review of its risk-based capital plan or revised risk-based capital plan; and

(3) subsequent to the examination or analysis, issue an order specifying such corrective actions as the superintendent determines are required.

C. In determining corrective actions, the superintendent may take into account such factors as are deemed relevant based upon the superintendent's examination or analysis of the assets, liabilities and operations of the insurer or health organization, including the results of any sensitivity tests undertaken pursuant to the risk-based capital instructions. The risk-based capital plan or revised risk-based capital plan shall be submitted on or before the later of the following dates:

(1) forty-five days after the occurrence of the regulatory action level event; or

(2) if the insurer or health organization challenges an adjusted or revised risk-based capital report or plan pursuant to Section 59A-5A-8 NMSA 1978 and the challenge is not frivolous in the superintendent's judgment, forty-five days after notification to the insurer or health organization that the superintendent has, after hearing, rejected the insurer's or health organization's challenge.

D. The superintendent may retain actuaries and investment experts and other consultants as the superintendent deems necessary to review the insurer's or health organization's risk-based capital plan or revised risk-based capital plan, examine or analyze the assets, liabilities and operations of the insurer or health organization and formulate the corrective order with respect to the insurer or health organization. The fees, costs and expenses incurred by consultants shall be paid by the affected insurer or health organization or such other party as the superintendent directs."

Chapter 59 Section 6 Laws 2014

SECTION 6. Section 59A-5A-6 NMSA 1978 (being Laws 1995, Chapter 149, Section 6) is amended to read:

"59A-5A-6. AUTHORIZED CONTROL LEVEL EVENT.--

A. As used in the Risk-Based Capital Act, "authorized control level event" means any of the following events:

(1) the filing of a risk-based capital report by an insurer or health organization that indicates that the insurer's or health organization's total adjusted capital is greater than or equal to its mandatory control level risk-based capital but less than its authorized control level risk-based capital;

(2) the superintendent's notification to an insurer or health organization that its adjusted risk-based capital report indicates the existence of an event described in Paragraph (1) of this subsection, unless the insurer or health organization challenges the adjusted report pursuant to Section 59A-5A-8 NMSA 1978;

(3) if an insurer or health organization challenges the adjusted risk-based capital report, notification to the insurer or health organization that the superintendent has, after hearing, rejected the challenge;

(4) an insurer's or health organization's failure to respond, in a manner satisfactory to the superintendent, to a corrective order unless the insurer or health organization has challenged the order pursuant to Section 59A-5A-8 NMSA 1978; or

(5) if an insurer or health organization has challenged a corrective order and the superintendent has, after hearing, rejected the challenge or modified the corrective order, the failure of the insurer or health organization to respond, in a manner satisfactory to the superintendent, to the corrective order subsequent to rejection or modification.

B. In the event of an authorized control level event with respect to an insurer or health organization, the superintendent shall:

(1) take such actions as are required pursuant to Section 59A-5A-5 NMSA 1978 regarding an insurer or health organization with respect to which a regulatory action level event has occurred; or

(2) if the superintendent deems it to be in the best interests of the insurer's or health organization's policyholders and creditors and of the public, take such actions as are necessary to cause the insurer or health organization to be placed under regulatory control pursuant to Chapter 59A, Article 41 NMSA 1978. The authorized control level event constitutes sufficient grounds for the superintendent to take action pursuant to Chapter 59A, Article 41 NMSA 1978, and the superintendent has the rights, powers and duties with respect to the insurer or health organization set forth in Chapter 59A, Article 41 NMSA 1978."

Chapter 59 Section 7 Laws 2014

SECTION 7. Section 59A-5A-7 NMSA 1978 (being Laws 1995, Chapter 149, Section 7) is amended to read:

"59A-5A-7. MANDATORY CONTROL LEVEL EVENT.--

A. As used in the Risk-Based Capital Act, "mandatory control level event" means any of the following events:

(1) the filing of a risk-based capital report that indicates that an insurer's or health organization's total adjusted capital is less than its mandatory control level risk-based capital;

(2) the superintendent's notification to an insurer or health organization that its adjusted risk-based capital report indicates the existence of an event described in Paragraph (1) of this subsection, unless the insurer or health organization challenges the adjusted report pursuant to Section 59A-5A-8 NMSA 1978; or

(3) if the insurer or health organization challenges the adjusted risk-based capital report, notification to the insurer or health organization that the superintendent has, after hearing, rejected the insurer's or health organization's challenge.

B. In the event of a mandatory control level event, the superintendent shall:

(1) with respect to a life or health insurer, fraternal benefit society or health organization, take such actions as are necessary to place the life or health insurer, fraternal benefit society or health organization under regulatory control pursuant to Chapter 59A, Article 41 NMSA 1978. In that event, the mandatory control level event constitutes sufficient grounds for the superintendent to take action pursuant to Chapter 59A, Article 41 NMSA 1978, and the superintendent has the rights, powers and duties with respect to the insurer set forth in Chapter 59A, Article 41 NMSA 1978. Notwithstanding the foregoing provisions of this paragraph, the superintendent may forgo action for up to ninety days after the mandatory control level event if the superintendent finds that there is a reasonable expectation that the mandatory control level event can be eliminated within the ninety-day period; or

(2) with respect to a property and casualty insurer, take such actions as are necessary to place the insurer under regulatory control pursuant to Chapter 59A, Article 41 NMSA 1978, or, in the case of an insurer that is writing no business and that is running off its existing business, may allow the insurer to continue its run off under the superintendent's supervision. In either event, the mandatory control level event constitutes sufficient grounds for the superintendent to take action pursuant to Chapter 59A, Article 41 NMSA 1978, and the superintendent has the rights, powers and duties with respect to the insurer as are set forth in Chapter 59A, Article 41 NMSA 1978. Notwithstanding the foregoing provisions of this paragraph, the superintendent may forgo action for up to ninety days after the mandatory control level event if the superintendent finds that there is a reasonable expectation that the mandatory control level event can be eliminated within the ninety-day period."

Chapter 59 Section 8 Laws 2014

SECTION 8. Section 59A-5A-8 NMSA 1978 (being Laws 1995, Chapter 149, Section 8) is amended to read:

"59A-5A-8. CHALLENGE HEARINGS.--Any insurer or health organization has the right to a confidential administrative hearing of record in accordance with Chapter

59A, Article 4 NMSA 1978 at which the insurer or health organization may challenge any determination or action by the superintendent pursuant to the Risk-Based Capital Act.

A. The insurer or health organization shall file and serve on the superintendent its request for hearing within five days after any of the following events:

(1) the superintendent's notification to the insurer or health organization of an adjusted risk-based capital report;

(2) the superintendent's notification to the insurer or health organization that:

(a) the insurer's or health organization's risk-based capital plan or revised risk-based capital plan is unsatisfactory; and

(b) such notification constitutes a regulatory action level event with respect to the insurer or health organization;

(3) the superintendent's notification to the insurer or health organization that the insurer or health organization has failed to adhere to its risk-based capital plan or revised risk-based capital plan and that such failure has had or will have a substantial adverse effect on the ability of the insurer or health organization to eliminate the company action level event; or

(4) the superintendent's notification to an insurer or health organization of a corrective order with respect to the insurer or health organization.

B. Upon receipt of the insurer's or health organization's request for hearing, the superintendent shall set a hearing date, which shall be not less than ten nor more than thirty days after the date of the insurer's or health organization's request."

Chapter 59 Section 9 Laws 2014

SECTION 9. Section 59A-5A-9 NMSA 1978 (being Laws 1995, Chapter 149, Section 9) is amended to read:

"59A-5A-9. CONFIDENTIALITY--PROHIBITION ON ANNOUNCEMENTS--
PROHIBITION ON USE IN RATEMAKING.--

A. To the extent not set forth in any other form accessible to the public, all information in risk-based capital reports, risk-based capital plans, results or reports of any examination or analysis of an insurer or health organization performed exclusively for the purposes required by the Risk-Based Capital Act and all corrective orders issued by the superintendent pursuant to such examination or analysis are and shall be kept confidential by the superintendent and are not subject to the Inspection of Public

Records Act. Nothing in this section shall be construed as a grant of privilege or confidentiality or a bar to production of that information by an insurer in a civil suit, whether or not the office of superintendent of insurance is a party.

B. To assist in the performance of the superintendent's duties, the superintendent may:

(1) share documents, materials or other information, including the confidential and privileged documents, materials or information identified in Subsection A of this section, with other state, federal and international regulatory agencies, with the national association of insurance commissioners, its affiliates or its subsidiaries and with state, federal and international law enforcement authorities if the recipient agrees in writing to maintain the confidentiality and privilege of the documents, materials or other information;

(2) receive documents, materials or information, including otherwise confidential and privileged documents, materials or information, from the national association of insurance commissioners, its affiliates or its subsidiaries and from regulatory and law enforcement officials of foreign or domestic jurisdictions, except that the superintendent shall maintain as confidential or privileged documents, materials or other information received with notice or the understanding that the content is confidential or privileged pursuant to the laws of the jurisdiction from which the information originates; and

(3) enter into agreements governing the sharing and use of information that are consistent with this subsection.

C. The comparison of an insurer's or health organization's total adjusted capital to any of its risk-based capital levels is a regulatory tool that may indicate the need for possible corrective action by the superintendent with respect to the insurer or health organization and is not intended as a means to rank insurers or health organizations generally or to compare insurers or health organizations for marketing purposes. Use of such comparisons for such purposes is inherently misleading and deceptive. Except as otherwise required under the provisions of the Risk-Based Capital Act or applicable law, no insurer, health organization, agent, broker or other person engaged in any manner in the business of insurance shall make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing an assertion, representation or statement with regard to the risk-based capital levels of any insurer or health organization, or of any component derived in their calculation; provided, however, that if any materially false statement with respect to the comparison regarding an insurer's or health organization's total adjusted capital to its risk-based capital levels or an inappropriate comparison of any other amount to the insurer's or health organization's risk-based capital levels is

published in any written publication and the insurer or health organization is able to demonstrate to the superintendent's satisfaction the falsity or inappropriateness of the statement, then the insurer or health organization may publish an announcement approved in advance by the superintendent in a written publication whose sole purpose is to rebut the materially false statement.

D. The risk-based capital instructions, risk-based capital reports, adjusted risk-based capital reports, risk-based capital plans and revised risk-based capital plans are intended solely for use by the superintendent in monitoring the solvency of insurers and health organizations and the need for possible corrective action with respect to insurers and health organizations. They shall not be used by the superintendent for ratemaking, considered or introduced as evidence in any rate proceeding or used to calculate or derive any elements of an appropriate premium level or rate of return for any line of insurance that an insurer, health organization or any affiliate is authorized to write."

Chapter 59 Section 10 Laws 2014

SECTION 10. Section 59A-5A-11 NMSA 1978 (being Laws 1995, Chapter 149, Section 11) is amended to read:

"59A-5A-11. FOREIGN INSURERS.--

A. Any foreign insurer or health organization shall, upon the superintendent's written request, submit to the superintendent a risk-based capital report, as of the end of the most recent calendar year, on the same date risk-based capital reports are required to be filed by domestic insurers and health organizations under the Risk-Based Capital Act or fifteen days after the request is received by the foreign insurer or health organization, whichever is later. Any foreign insurer or health organization shall, upon the superintendent's written request, promptly submit to the superintendent a copy of any risk-based capital plan filed with the insurance commissioner of any other state.

B. In the event of a company action level event, regulatory action level event or authorized control level event with respect to any foreign insurer or health organization as determined pursuant to the risk-based capital statute applicable in an insurer's or health organization's state of domicile, or, if no risk-based capital requirements are in force in that state, under the provisions of the Risk-Based Capital Act, the superintendent may require the foreign insurer or health organization to file a risk-based capital plan with the superintendent unless the insurance commissioner of the insurer's or health organization's state of domicile has previously so required. The failure of the foreign insurer or health organization to timely file a risk-based capital plan with the superintendent shall be grounds to order the insurer or health organization to cease and desist from writing new insurance business in this state or to suspend or revoke its certificate of authority.

C. In the event of a mandatory control level event with respect to any foreign insurer or health organization, the superintendent may proceed in accordance with Subsection B of Section 59A-5A-7 NMSA 1978."

Chapter 59 Section 11 Laws 2014

SECTION 11. Section 59A-5A-13 NMSA 1978 (being Laws 1995, Chapter 149, Section 13) is amended to read:

"59A-5A-13. NOTICES.--The superintendent's notices to an insurer or health organization pursuant to the Risk-Based Capital Act shall be effective upon mailing by certified mail or, in the case of any other mode of transmission, shall be effective upon the insurer's or health organization's receipt."

Chapter 59 Section 12 Laws 2014

SECTION 12. A new section of the Risk-Based Capital Act is enacted to read:

"SEVERABILITY.--If any part or application of the Risk-Based Capital Act is held invalid, the remainder or its application to other situations or persons shall not be affected."

Chapter 59 Section 13 Laws 2014

SECTION 13. Section 59A-6-2 NMSA 1978 (being Laws 1984, Chapter 127, Section 102, as amended) is amended to read:

"59A-6-2. PREMIUM TAX--HEALTH INSURANCE PREMIUM SURTAX.--

A. The premium tax provided for in this section shall apply as to the following taxpayers:

- (1) each insurer authorized to transact insurance in New Mexico;
- (2) each insurer formerly authorized to transact insurance in New Mexico and receiving premiums on policies remaining in force in New Mexico, except that this provision shall not apply as to an insurer that withdrew from New Mexico prior to March 26, 1955;
- (3) each plan operating under provisions of Chapter 59A, Articles 46 through 49 NMSA 1978;
- (4) each property bondsman, as that person is defined in Section 59A-51-2 NMSA 1978, as to any consideration received as security or surety for a bail bond in connection with a judicial proceeding, which consideration shall be considered "gross premiums" for the purposes of this section; and

(5) each unauthorized insurer that has assumed a contract or policy of insurance directly or indirectly from an authorized or formerly authorized insurer and is receiving premiums on such policies remaining in force in New Mexico, except that this provision shall not apply if a ceding insurer continues to pay the tax provided in this section as to such policy or contract.

B. Each such taxpayer shall pay in accordance with this subsection a premium tax of three and three-thousandths percent of the gross premiums and membership and policy fees received or written by it, as reported in Schedule T and supporting schedules of its annual financial statement on insurance or contracts covering risks within this state during the preceding calendar year, less all return premiums, including dividends paid or credited to policyholders or contract holders and premiums received for reinsurance on New Mexico risks.

C. In addition to the premium tax imposed pursuant to Subsection B of this section, each taxpayer described in Subsection A of this section that transacts health insurance in New Mexico or is a plan described in Chapter 59A, Article 46 or 47 NMSA 1978 shall pay a health insurance premium surtax of one percent of the gross health insurance premiums and membership and policy fees received by it on hospital and medical expense incurred insurance or contracts; nonprofit health care service plan contracts, excluding dental or vision only contracts; and health maintenance organization subscriber contracts covering health risks within this state during the preceding calendar year, less all return health insurance premiums, including dividends paid or credited to policyholders or contract holders and health insurance premiums received for reinsurance on New Mexico risks. Except as provided in this section, all references in the Insurance Code to the premium tax shall include both the premium tax and the health insurance premium surtax.

D. For each calendar quarter, an estimated payment of the premium tax and the health insurance premium surtax shall be made on April 15, July 15, October 15 and the following January 15. The estimated payments shall be equal to at least one-fourth of the payment made during the previous calendar year or one-fifth of the actual payment due for the current calendar year, whichever is greater. The final adjustment for payments due for the prior year shall be made with the return, which shall be filed on April 15 of each year, at which time all taxes for that year are due. Dividends paid or credited to policyholders or contract holders and refunds, savings, savings coupons and similar returns or credits applied or credited to payment of premiums for existing, new or additional insurance shall, in the amount so used, constitute premiums subject to tax under this section for the year in which so applied or credited.

E. Exempted from the taxes imposed by this section are:

(1) premiums attributable to insurance or contracts purchased by the state or a political subdivision for the state's or political subdivision's active or retired employees; and

(2) payments received by a health maintenance organization from the federal secretary of health and human services pursuant to a contract issued under the provisions of 42 U.S.C. Section 1395 mm(g)."

Chapter 59 Section 14 Laws 2014

SECTION 14. Section 59A-7-11 NMSA 1978 (being Laws 1984, Chapter 127, Section 117, as amended) is amended to read:

"59A-7-11. REINSURANCE.--

A. An insurer may reinsure all or any part of a particular risk or of a particular class of risks in another insurer, or accept such reinsurance from another insurer. No domestic insurer shall so reinsure with an insurer not authorized to transact insurance in New Mexico unless the unauthorized insurer is authorized to transact insurance in another state and conforms to the same standards of solvency as would be required if at the time such reinsurance is effected the reinsurer was so authorized in New Mexico or unless, in the case of a group that includes incorporated and individual, unincorporated alien insurers, it has assets held in trust for the benefit of its United States policyholders in an amount not less than one hundred million dollars (\$100,000,000) and is authorized to transact insurance in at least one state or unless with the superintendent's approval in advance. With the superintendent's approval, a domestic insurer may reinsure all or substantially all of its risks in another insurer, or similarly reinsure the risks of another insurer, as provided in Section 59A-34-40 NMSA 1978.

B. Credit for reinsurance shall be allowed as an asset or as a deduction from liability to any ceding insurer for reinsurance lawfully ceded only when the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding insurer under the contracts reinsured without diminution because of the insolvency of the ceding insurer directly to the ceding insurer or to its domiciliary liquidator or receiver, except where the assuming insurer with the consent of the direct insured or insureds has assumed such policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under such policies and in substitution for the obligations of the ceding insurer to such payees, and the reinsurer meets the requirements of Paragraph (1), (2), (3), (4), (5) or (6) of this subsection. If meeting the requirements of Paragraph (3) or (4) of this subsection, the requirements of Paragraph (7) of this subsection shall also be met. Credit shall be allowed pursuant to Paragraph (1), (2) or (3) of this subsection only for cessions of those kinds or classes of business that the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance.

(1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer authorized to transact insurance or reinsurance in New Mexico.

(2) Credit shall be allowed when the reinsurance is ceded to an assuming insurer accredited as a reinsurer in New Mexico. An accredited reinsurer is one that:

(a) files with the superintendent evidence of its submission to New Mexico's jurisdiction;

(b) submits to New Mexico's authority to examine its books and records;

(c) is licensed to transact insurance or reinsurance in at least one state or, in the case of a United States branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one state; and

(d) files annually with the superintendent a copy of its annual statement filed with the insurance department of its state of domicile and a copy of its most recent audited financial statement and demonstrates to the satisfaction of the superintendent that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement at the time of its application if it maintains a surplus for policyholders in an amount not less than twenty million dollars (\$20,000,000) and its accreditation has not been denied by the superintendent within ninety days after the submission of its application.

(3) Credit shall be allowed when the reinsurance is ceded to an assuming insurer domiciled in or, in the case of a United States branch of an alien assuming insurer, is entered through, a state that employs standards for credit for reinsurance substantially similar to those provided in this section if the assuming insurer or United States branch of an alien assuming insurer:

(a) maintains a surplus as regards policyholders in an amount not less than twenty million dollars (\$20,000,000), unless the reinsurance is ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system; and

(b) submits to New Mexico's authority to examine the insurer's books and records.

(4) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust in a qualified United States financial institution, as defined in Paragraph (2) of Subsection D of this section, for the payment of the valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest. The assuming insurer shall report annually to the superintendent information substantially the same as that required to be reported on the national association of insurance commissioners annual statement form by licensed insurers to

enable the superintendent to determine the sufficiency of the trust and shall submit to and bear the expense of the examination of its books and records by the superintendent. Credit for reinsurance shall not be granted pursuant to this paragraph unless the trust and amendments to the trust have been approved by the insurance supervisory official of the state in which the trust is domiciled or the insurance supervisory official of another state who, pursuant to the terms of the trust, has accepted principal regulatory oversight of the trust. The trust and every trust amendment shall be filed with the superintendent and with the insurance supervisory official of every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust shall provide that contested claims be valid and enforceable upon the final order of a court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in its trustees for the benefit of the assuming insurer's United States ceding insurers, their assigns and successors in interest and shall remain in effect for as long as the assuming insurer has an outstanding obligation due pursuant to the reinsurance agreements subject to the trust. The superintendent may examine the trust and the assuming insurer. No later than February 28 of each year, the trustee of the trust shall report in writing to the superintendent the balance of the trust and a list of the trust's investments at the preceding year's end and certify the date of termination of the trust, if planned, or that the trust will not expire prior to the following December 31.

(a) For a single assuming insurer, the trust shall consist of a trusteed account representing the assuming insurer's liabilities attributable to business written in the United States, and, in addition, the assuming insurer shall maintain a trusteed surplus of not less than twenty million dollars (\$20,000,000).

(b) At any time after a single assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three years and after a finding based on an assessment of the risk that the new required surplus level, in light of reasonably foreseeable adverse loss development, is adequate for the protection of United States ceding insurers, policyholders and claimants, the insurance supervisory official with principal regulatory oversight of the trust may authorize a reduction in the required trusteed surplus. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including when applicable the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus shall not be reduced to less than thirty percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.

(c) For a group that includes incorporated and individual unincorporated underwriters, the trust shall consist of a trusteed account representing the group's liabilities attributable to business written in the United States and, in addition, the group shall maintain a trusteed surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group for all years of account; provided that the group

shall make available to the superintendent an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accounts; and provided further that the incorporated members of the group shall not engage in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members.

(d) A group of incorporated insurers under common administration shall: 1) have continuously transacted an insurance business outside the United States for at least three years immediately prior to making application for accreditation; 2) maintain aggregate policyholders' surplus of at least ten billion dollars (\$10,000,000,000); 3) maintain a trust fund in an amount not less than the group's several liabilities attributable to business ceded by United States ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of such group; and 4) maintain a joint trusteed surplus of which one hundred million dollars (\$100,000,000) is held jointly and exclusively for the benefit of the United States ceding insurers of any member of the group as additional security for any such liabilities. Each member of the group shall make available to the superintendent an annual certification of the member's solvency by the member's domiciliary regulator and its independent public accountant.

(5) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the superintendent as a reinsurer in New Mexico and that secures its obligations in accordance with the requirements of this paragraph.

(a) To be eligible for certification, an assuming insurer shall: 1) be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, pursuant to Subparagraph (c) of this paragraph; 2) maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the superintendent pursuant to rule; 3) maintain financial strength ratings from two or more rating agencies deemed acceptable by the superintendent pursuant to rule; 4) agree to submit to the jurisdiction of New Mexico, appoint the superintendent as its agent for service of process in New Mexico and agree to provide security for one hundred percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment; 5) in an initial application for certification and on an ongoing basis, agree to meet applicable information-filing requirements, as determined by the superintendent; and 6) satisfy other requirements for certification that the superintendent deems relevant.

(b) To be eligible for certification, an association that includes incorporated and individual unincorporated underwriters shall: 1) satisfy the requirements of Subparagraph (a) of this paragraph; 2) satisfy its minimum capital and surplus requirements through the capital and surplus equivalents, net of liabilities, of the association and its members, which shall include a joint central fund that may be applied to an unsatisfied obligation of the association or any of its members, in an

amount determined by the superintendent to provide adequate protection; 3) not have incorporated members who engage in a business other than underwriting as a member of the association and who are subject to the same level of regulation and solvency control by the association's domiciliary regulator as the unincorporated members; and 4) within ninety days after its financial statements must be filed with the association's domiciliary regulator, provide to the superintendent an annual certification by the association's domiciliary regulator of the solvency of each underwriter member or if a certification is unavailable, provide to the superintendent financial statements, prepared by independent public accountants, of each underwriter member of the association.

(c) The superintendent shall create and publish a list of qualified jurisdictions in which an assuming insurer licensed and domiciled in the jurisdiction is eligible to be considered by the superintendent for certification as a reinsurer. 1) In creating the list of qualified jurisdictions, the superintendent shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, initially and on an ongoing basis, and the rights, benefits and extent of reciprocal recognition afforded by the alien jurisdiction to reinsurers licensed and domiciled in the United States. The superintendent may consider additional factors. A jurisdiction shall not be recognized as a qualified jurisdiction if it does not agree to share information and cooperate with the superintendent with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction shall not be recognized as a qualified jurisdiction if the superintendent has determined that a jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. 2) The superintendent shall consider the list of qualified jurisdictions published through the national association of insurance commissioners' committee process in determining qualified jurisdictions. If the superintendent recognizes as qualified a jurisdiction that does not appear on the list of qualified jurisdictions, the superintendent shall provide thoroughly documented justification in accordance with criteria developed by rule. 3) United States jurisdictions that meet the requirement for accreditation pursuant to the national association of insurance commissioners' financial standards and accreditation program shall be recognized as qualified jurisdictions. 4) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the superintendent may suspend the reinsurer's certification indefinitely in lieu of revocation.

(d) The superintendent shall consider the financial strength ratings that have been assigned by rating agencies deemed acceptable to the superintendent pursuant to rule and assign a rating to each certified reinsurer. The superintendent shall publish a list of all certified reinsurers and their ratings.

(e) A certified reinsurer shall secure obligations assumed from United States ceding insurers pursuant to this subsection at a level consistent with its rating, as specified in rules promulgated by the superintendent. 1) In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the superintendent and consistent with the provisions of Subsection C of this section, or in a multi-beneficiary trust in accordance with Paragraph (4) of this

subsection, except as otherwise provided in this subsection. 2) If a certified reinsurer maintains a trust to fully secure its obligations pursuant to Paragraph (4) of this subsection and secures its obligations incurred as a certified reinsurer in the form of a multi-beneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred pursuant to reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this subsection or comparable laws of other United States jurisdictions and for its obligations pursuant to Paragraph (4) of this subsection. To be certified pursuant to Paragraph (5) of this subsection, a certified reinsurer shall have bound itself, by the language of the trust and by agreement with the insurance supervisory official with principal regulatory oversight of each such trust account, to fund, upon termination of that trust account, out of the remaining surplus of the trust any deficiency of any other such trust account. 3) The minimum trustee surplus requirements provided in Paragraph (4) of this subsection do not apply to a multi-beneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred pursuant to this subsection if that multi-beneficiary trust maintains a minimum trustee surplus of ten million dollars (\$10,000,000). 4) If the security for obligations incurred by a certified reinsurer pursuant to this subsection is insufficient, the superintendent shall reduce the allowable credit by an amount proportionate to the deficiency and may, upon a finding of material risk that the certified reinsurer's obligations will not be paid in full when due, impose further reductions in allowable credit. 5) For the purposes of this paragraph, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure one hundred percent of its obligations. If the superintendent continues to assign a higher rating as permitted by other provisions of this section, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended. As used in this subparagraph, "terminated" means revocation, suspension, voluntary surrender or inactive status.

(f) If an applicant for certification has been certified as a reinsurer in a jurisdiction accredited by the national association of insurance commissioners, the superintendent may defer to that jurisdiction's certification and to the rating assigned by that jurisdiction, and the assuming insurer shall be considered a certified reinsurer in New Mexico.

(g) To continue to qualify for a reduction in security for its in-force business, a certified reinsurer that ceases to assume new business in New Mexico may request that it maintain its certification in inactive status. An inactive, certified reinsurer shall comply with all applicable requirements of this subsection, and the superintendent shall assign a rating that reflects, if relevant, the reason that the reinsurer is not assuming new business.

(6) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of Paragraph (1), (2), (3), (4) or (5) of this subsection but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or regulation of that jurisdiction.

(7) If the assuming insurer is not licensed, accredited or certified to transact insurance or reinsurance in New Mexico, the credit permitted by Paragraphs (3) and (4) of this subsection shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(a) that in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give such court jurisdiction and will abide by the final decision of such court or of any appellate court in the event of an appeal; and

(b) to designate the superintendent or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on behalf of the ceding company. This provision is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if such an obligation is created in the agreement.

(8) If an assuming insurer does not meet the requirements of Paragraph (1), (2) or (3) of this subsection, the insurer shall not receive the credit permitted by Paragraph (4) or (5) of this subsection unless the assuming insurer agrees in the trust to the following conditions:

(a) notwithstanding any other provision in the trust, if the trust is inadequate because it contains an amount less than the amount required by Paragraph (4) of this subsection, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation or similar proceeding pursuant to the laws of its state or country of domicile, the trustee shall comply with an order of either the superintendent or the insurance supervisory official with regulatory oversight over the trust or of a court of competent jurisdiction directing the trustee to transfer to the superintendent or the insurance supervisory official with regulatory oversight all of the assets of the trust fund;

(b) in accordance with the laws of the state in which the trust is domiciled that apply to the liquidation of domestic insurance companies, claims are filed with the superintendent or the insurance supervisory official with regulatory oversight, who will value the claim and distribute the assets;

(c) if the superintendent or the insurance supervisory official with regulatory oversight determines that the assets of the trust fund or any part of the trust fund are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or a part thereof will be returned by the superintendent or the insurance supervisory official with regulatory oversight to the trustee for distribution in accordance with the trust; and

(d) the grantor will waive any right otherwise available to it pursuant to federal law that is inconsistent with the provisions of this paragraph.

(9) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the superintendent may suspend or revoke the reinsurer's accreditation or certification.

(a) The superintendent shall give the reinsurer notice and the opportunity for a hearing. The suspension or revocation shall not take effect until after the superintendent delivers an order on the hearing, unless: 1) the reinsurer waives its right to a hearing; 2) the superintendent's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer pursuant to Subparagraph (f) of Paragraph (5) of this subsection; or 3) the superintendent finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the superintendent's action.

(b) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension shall qualify for credit except to the extent that the reinsurer's obligations pursuant to the contract are secured in accordance with Subsection C of this section. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance shall be granted after the effective date of the revocation except to the extent that the reinsurer's obligations pursuant to the contract are secured in accordance with either Subparagraph (e) of Paragraph (5) of this subsection or Subsection C of this section.

(10) A ceding insurer shall attempt to manage its reinsurance recoverables in proportion to its book of business. Within thirty days after one of the following events, a domestic ceding insurer shall notify the superintendent of the event and, in the notification, demonstrate that the domestic ceding insurer is safely managing the exposure:

(a) reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers exceed fifty percent of the domestic ceding insurer's last reported surplus to policyholders; or

(b) reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, are likely to exceed fifty percent of the domestic ceding insurer's last reported surplus to policyholders.

(11) A ceding insurer shall attempt to diversify its reinsurance program. Within thirty days after one of the following events, a domestic ceding insurer shall notify the superintendent of the event and, in the notification, demonstrate that the domestic ceding insurer is safely managing the exposure:

(a) ceding to any single assuming insurer or group of affiliated assuming insurers more than twenty percent of the ceding insurer's gross written premium in the prior calendar year; or

(b) reinsurance ceded to a single assuming insurer or group of affiliated assuming insurers is likely to exceed twenty percent of the ceding insurer's gross written premium in the prior calendar year.

C. An asset or a reduction from liability for the reinsurance ceded by an insurer to an assuming insurer not meeting the requirements of Subsection B of this section shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer and such reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder, if such security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution, as defined in Paragraph (2) of Subsection D of this section. This security may be in the form of:

(1) cash;

(2) securities listed by the securities valuation office of the national association of insurance commissioners, including those deemed exempt from filing as defined by the purposes and procedures manual of the securities valuation office, and qualifying as admitted assets;

(3) clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified United States financial institution, as defined in Paragraph (1) of Subsection D of this section, no later than December 31 in respect of the year for which filing is being made, and in the possession of the ceding company on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs; or

(4) any other form of security acceptable to the superintendent.

D. A "qualified United States financial institution" means:

(1) for purposes of Paragraph (3) of Subsection C of this section, an institution that:

(a) is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof;

(b) is regulated, supervised and examined by United States federal or state authorities having regulatory authority over banks and trust companies; and

(c) has been determined by either the superintendent or the securities valuation office of the national association of insurance commissioners to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit are acceptable to the superintendent; and

(2) for purposes of those provisions of this section specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:

(a) is organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

(b) is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.

E. No insurer shall accept reinsurance of risk of any kind of insurance that it is not authorized to transact directly in New Mexico, if an authorized insurer, or in another state if the insurer does not hold a certificate of authority in New Mexico.

F. Upon the superintendent's request, an insurer shall furnish the superintendent with copies of its reinsurance treaties then in effect and promptly inform the superintendent in writing of cancellation or other material change in its reinsurance treaties or arrangements.

G. No person shall have any rights against the reinsurer that are not expressly stated in the reinsurance contract or in a written agreement between such person and the reinsurer.

H. This section does not apply to wet marine and transportation insurance."

Chapter 59 Section 15 Laws 2014

SECTION 15. A new Section 59A-8A-1 NMSA 1978 is enacted to read:

"59A-8A-1. SHORT TITLE.--Chapter 59A, Article 8A NMSA 1978 may be cited as the "Standard Valuation Law"."

Chapter 59 Section 16 Laws 2014

SECTION 16. A new Section 59A-8A-2 NMSA 1978 is enacted to read:

"59A-8A-2. DEFINITIONS.--As used in the Standard Valuation Law:

A. "accident and health insurance" means a policy that reflects morbidity risk and provides protection against economic loss resulting from an accident, a sickness or a medical condition and includes policies identified by the valuation manual as accident and health insurance;

B. "appointed actuary" means a qualified actuary who is appointed pursuant to the valuation manual to prepare the actuarial opinion required by Section 59A-8A-5 NMSA 1978;

C. "company" means an entity that has written, issued or reinsured life insurance contracts, accident and health insurance contracts or deposit-type contracts in New Mexico and has at least one contract for a life insurance, accident and health insurance or deposit-type policy in force or on claim or an entity that has written, issued or reinsured life insurance contracts, accident and health insurance contracts or deposit-type contracts in any state and is required to hold a certificate of authority to write life insurance, accident and health insurance or deposit-type contracts in New Mexico;

D. "deposit-type contract" means a contract that does not reflect mortality or morbidity risks and includes contracts identified by the valuation manual as deposit-type contracts;

E. "life insurance" means a policy that reflects mortality risk and includes annuity policies, pure endowment policies and policies identified by the valuation manual as life insurance;

F. "operative date of the valuation manual" means the January 1 of the first calendar year following the first July 1 after which the following have occurred:

(1) the valuation manual has been adopted by the national association of insurance commissioners by an affirmative vote of at least forty-two members or three-fourths of the members voting, whichever is greater;

(2) the Standard Valuation Law of the national association of insurance commissioners, as amended in 2009, or legislation including substantially similar terms and provisions, has been enacted by states that collectively represent more than seventy-five percent of written direct premiums, as reported in the life,

accident and health annual statements, the health annual statements and the fraternal annual statements submitted for 2008; and

(3) the Standard Valuation Law of the national association of insurance commissioners, as amended in 2009, or legislation including substantially similar terms and provisions, has been enacted by at least forty-two of the following fifty-five jurisdictions:

- (a) the fifty states of the United States;
- (b) American Samoa;
- (c) the Virgin Islands of the United States;
- (d) the District of Columbia;
- (e) Guam; and
- (f) Puerto Rico;

G. "policyholder behavior" means an action that a policyholder, a contract holder or a person who has the right to elect options, such as a certificate holder, may take pursuant to a policy or contract that is subject to the Standard Valuation Law and, if allowed pursuant to the policy or contract, includes lapses, withdrawals, transfers, deposits, premium payments, loans and annuitization and benefit elections, but excludes events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract;

H. "principle-based valuation" means a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer and that is required to comply with Section 59A-8A-9 NMSA 1978;

I. "qualified actuary" means, on or after the operative date of the valuation manual, an individual who, according to the applicable qualification standards of the American academy of actuaries, is qualified to sign the applicable statement of actuarial opinion and who meets the applicable requirements indicated by the valuation manual;

J. "tail risk" means a risk that occurs either when the frequency of low-probability events is higher than expected under a normal probability distribution or when events of very significant magnitude are observed; and

K. "valuation manual" means the most recent version of the manual of valuation instructions adopted by the national association of insurance commissioners."

Chapter 59 Section 17 Laws 2014

SECTION 17. Section 59A-8-6 NMSA 1978 (being Laws 1984, Chapter 127, Section 123, as amended) is recompiled as Section 59A-8A-3 NMSA 1978 and is amended to read:

"59A-8A-3. RESERVE VALUATION.--

A. For policies and contracts issued prior to the operative date of the valuation manual:

(1) the superintendent shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer authorized to do business in New Mexico and that are issued on or after the operative date of Section 59A-20-31 NMSA 1978, except that, for an alien insurer, the value is limited to the alien insurer's United States business. In calculating such reserves the superintendent may use group methods and approximate averages for fractions of a year or otherwise. In lieu of valuation of reserves herein required of a foreign or alien insurer, the superintendent may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard provided by the Standard Valuation Law;

(2) the provisions of Sections 59A-8A-6 and 59A-8A-7 NMSA 1978 apply, as appropriate, to a policy or contract that is subject to the provisions of the Standard Valuation Law and that is issued on or after the operative date of Section 59A-20-31 NMSA 1978 but prior to the operative date of the valuation manual. The provisions of Sections 59A-8A-8 and 59A-8A-9 NMSA 1978 do not apply to a policy or contract that is subject to the provisions of the Standard Valuation Law and that is issued on or after the operative date of Section 59A-20-31 NMSA 1978 but prior to the operative date of the valuation manual; and

(3) the minimum standard for the valuation of a policy or contract that is issued prior to the operative date of Section 59A-20-31 NMSA 1978 is the minimum standard provided in the laws in effect immediately prior to that date.

B. For a policy or contract that is issued on or after the operative date of the valuation manual:

(1) the superintendent shall annually value, or cause to be valued, the reserve liabilities, hereinafter called reserves, of all outstanding life insurance, annuity and pure endowment, accident and health and deposit-type contracts of a life insurer authorized to do business in New Mexico that are issued on or after the operative date of the valuation manual. In the case of a foreign or alien insurer, the superintendent may, in the alternative, accept a valuation made, or caused to be made, by the insurance supervisory official of a state or other jurisdiction if that valuation complies with the minimum standard provided in the Standard Valuation Law; and

(2) the provisions of Sections 59A-8A-8 and 59A-8A-9 NMSA 1978 apply to all policies and contracts issued on or after the operative date of the valuation manual.

C. In no event shall the aggregate reserves for all policies, contracts and benefits issued prior to the operative date of the valuation manual be less than the aggregate reserves determined by the qualified actuary to be necessary to render the opinion required by Section 59A-8A-4 NMSA 1978."

Chapter 59 Section 18 Laws 2014

SECTION 18. Section 59A-8-7 NMSA 1978 (being Laws 1993, Chapter 320, Section 22) is recompiled as Section 59A-8A-4 NMSA 1978 and is amended to read:

"59A-8A-4. ACTUARIAL OPINION PRIOR TO OPERATIVE DATE OF VALUATION MANUAL.--

A. This section applies to actuarial opinions issued prior to the operative date of the valuation manual.

B. Every life insurer doing business in New Mexico shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the superintendent by regulation are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts and comply with applicable laws of New Mexico. The superintendent by regulation shall define the specifics of this opinion and add any other items deemed to be necessary to its scope.

C. Every life insurer, except as exempted by or pursuant to regulation, shall also annually include in the opinion required by Subsection B of this section, an opinion of the same qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the superintendent by regulation, when considered in light of the assets held by the insurer with respect to the reserves and related actuarial items, including but not limited to the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the insurer's obligations under the policies and contracts, including but not limited to the benefits under and expenses associated with the policies and contracts. The superintendent may provide by regulation for a transition period for establishing any higher reserves that the qualified actuary may deem necessary in order to render the opinion required by this section.

D. Every opinion required by Subsection C of this section shall be governed by the following provisions:

(1) a memorandum, in form and substance acceptable to the superintendent as specified by regulation, shall be prepared to support each actuarial opinion; and

(2) if the insurer fails to provide a supporting memorandum at the request of the superintendent within a period specified by rule or if the superintendent determines that the supporting memorandum provided by the insurer fails to meet the standards prescribed by the regulations or is otherwise unacceptable to the superintendent, the superintendent may engage a qualified actuary at the expense of the insurer to review the opinion and the basis for the opinion and prepare such supporting memorandum as is required by the superintendent.

E. Every opinion required by this section shall be governed by the following provisions:

(1) the opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after December 31, 1994;

(2) the opinion shall apply to all business in force, including individual and group health insurance plans in form and substance acceptable to the superintendent as specified by regulation;

(3) the opinion shall be based on standards adopted from time to time by the actuarial standards board and on such additional standards as the superintendent may by regulation prescribe;

(4) in the case of an opinion required to be submitted by a foreign or alien insurer, the superintendent may accept the opinion filed by that insurer with the insurance supervisory official of another state if the superintendent determines that the opinion reasonably meets the requirements applicable to an insurer domiciled in

New Mexico;

(5) for the purposes of this section, "qualified actuary" means a member in good standing of the American academy of actuaries who meets the requirements set forth in such regulations;

(6) except in cases of fraud or willful misconduct, the qualified actuary shall not be liable for damages to any person, other than the insurer and the superintendent, for any act, error, omission, decision or conduct with respect to the actuary's opinion;

(7) disciplinary action by the superintendent against the insurer or the qualified actuary shall be defined in regulations by the superintendent;

(8) except as provided in Paragraph (12) of this subsection, the documents, materials and other information that constitute a memorandum in support of the opinion and that are in the possession or control of the office of superintendent of insurance, and other materials provided by the company to the superintendent in connection with the memorandum, are confidential and are not subject to the Inspection of Public Records Act. Nothing in this section shall be construed as a grant of privilege or confidentiality or a bar to production of that information by an insurer in a civil suit, whether or not the office of superintendent of insurance is a party; provided that the superintendent may use the documents, materials or other information in the furtherance of a regulatory or legal action brought in the course of the superintendent's official duties;

(9) neither the superintendent nor any person who receives documents, materials or other information while acting pursuant to the authority of the superintendent shall be permitted or required in a private civil action to testify on the confidential documents, materials or information subject to Paragraph (8) of this subsection;

(10) to assist in the performance of the superintendent's duties, the superintendent may:

(a) if the recipient agrees to maintain the confidentiality and privilege of the document, material or other information, share documents, materials or other information, including the confidential and privileged documents, with a state, federal or international regulatory agency, with the national association of insurance commissioners, its affiliates or its subsidiaries and with state, federal and international law enforcement authorities;

(b) receive documents, materials or information, including that which is otherwise confidential and privileged, from the national association of insurance commissioners, its affiliates or its subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions if the superintendent maintains as confidential or privileged a document, material or other information received with notice or the understanding that the content is confidential or privileged pursuant to the laws of the jurisdiction from which the information originates; and

(c) consistent with Paragraphs (8) through (10) of this subsection, enter into agreements governing sharing and the use of information;

(11) a disclosure to or a sharing by the superintendent pursuant to this section does not constitute a waiver of an applicable privilege or claim of confidentiality in the documents, materials or information; and

(12) a memorandum in support of the opinion and any other material provided by the insurer to the superintendent in connection therewith may be subject to subpoena for the purpose of defending an action seeking damages from the

actuary who submitted the memorandum by reason of any action required by this section or by regulations promulgated hereunder; provided, however, that the memorandum or other material may otherwise be released by the superintendent, with the written consent of the insurer, or to the American academy of actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the superintendent for preserving the confidentiality of the memorandum or other material. Once any portion of the confidential memorandum is cited by the insurer in its marketing or is cited before any governmental agency other than a state insurance department or is released by the insurer to the news media, all portions of the confidential memorandum shall be no longer confidential."

Chapter 59 Section 19 Laws 2014

SECTION 19. A new Section 59A-8A-5 NMSA 1978 is enacted to read:

"59A-8A-5. ACTUARIAL OPINION AFTER OPERATIVE DATE OF VALUATION MANUAL.--

A. This section applies to actuarial opinions issued after the operative date of the valuation manual.

B. A company with outstanding life insurance, accident and health insurance or deposit-type contracts in

New Mexico and that is subject to regulation by the superintendent shall annually submit the opinion of the appointed actuary on whether the reserves and related actuarial items held in support of the policies and contracts are computed appropriately, based on assumptions that satisfy contractual provisions, consistent with prior reported amounts and comply with the laws of New Mexico. The opinion shall comport with related provisions of the valuation manual.

C. Except as excluded by the provisions of the valuation manual, a company with outstanding life insurance, accident and health insurance or deposit-type contracts in New Mexico and that is subject to regulation by the superintendent shall include in the opinion required by Subsection B of this section an assessment of whether, when considering the assets held by the company with respect to the reserves and related actuarial items, including the investment earnings on the assets and the anticipated considerations to be received and retained pursuant to the policies and contracts, the reserves and related actuarial items that are held in support of the policies and contracts that are specified in the valuation manual make adequate provision for the company's obligations pursuant to the policies and contracts, including the benefits pursuant to and expenses associated with the policies and contracts.

D. An opinion required by Subsection B of this section shall be accompanied by a memorandum of support, whose form and substance comply with the

provisions of the valuation manual and are acceptable to the superintendent. If, within a period of time specified by the provisions of the valuation manual and upon the request of the superintendent, an insurance company fails to provide a memorandum of support, the superintendent may engage, at the insurance company's expense, a qualified actuary to review the opinion and the basis for it and prepare a memorandum of support. If the superintendent determines that an insurance company's memorandum of support fails to meet the standards provided in the valuation manual or is otherwise unacceptable, the superintendent may engage the services of a qualified actuary to review the opinion and the basis for it and prepare a memorandum of support.

E. An opinion required by this section shall:

(1) conform in form and substance to the provisions of the valuation manual and be acceptable to the superintendent;

(2) accompany an annual statement that indicates the valuation of reserve liabilities for each year ending on or after the operative date of the valuation manual;

(3) apply to all policies and contracts subject to Subsection B of this section and other actuarial liabilities specified by the provisions of the valuation manual; and

(4) meet the standards adopted by the actuarial standards board or its successor and the relevant standards provided in the valuation manual.

F. In the case of a foreign or alien company, the superintendent may accept, instead of an opinion filed pursuant to Subsection B of this section, an opinion filed by the company with the insurance supervisory official of another state if the superintendent determines that the opinion reasonably meets the requirements applicable to a company domiciled in New Mexico.

G. Except in cases of fraud or willful misconduct, an appointed actuary is not liable for damages to a person, except the insurance company that appointed the actuary or the superintendent, resulting from an act, error, omission, decision or conduct related to the appointed actuary's opinion.

H. Disciplinary action by the superintendent against a company or its appointed actuary shall be defined by rules promulgated by the superintendent."

Chapter 59 Section 20 Laws 2014

SECTION 20. Section 59A-8-5 NMSA 1978 (being Laws 1984, Chapter 127, Section 122, as amended) is recompiled as Section 59A-8A-6 NMSA 1978 and is amended to read:

"59A-8A-6. RULE-BASED RESERVE VALUATION METHODS.--

A. This subsection shall apply to only those policies and contracts issued prior to the operative date of Section 59A-20-31 NMSA 1978.

The legal minimum standard for valuation of life insurance contracts issued before the first day of January 1926 shall be the method and basis of valuation heretofore applied by the insurer in the valuation of such contracts, and for life insurance contracts issued on or after this date shall be the American experience table of mortality, with interest at the rate of three and one-half percent a year; or any other basis not producing a lower net value; provided, however, that the insurer may provide for not more than one-year preliminary term insurance by incorporating in the contracts a clause plainly showing that the first year's insurance under such policies is term insurance.

Except as otherwise provided in Paragraphs (2), (3), (4) and (5) of Subsection B of this section and in Subsections C, D and E of this section for group annuity and pure endowment contracts, the legal minimum standard for the valuation of annuities shall be the American experience table of mortality, with interest at the rate of five percent a year for group annuity and pure endowment contracts and four percent a year for other annuities.

B. Subsections B, C, D and E of this section shall apply to only those policies and contracts issued on and after the operative date of Section 59A-20-31 NMSA 1978, except as otherwise provided in Paragraphs (2), (3), (4) and (5) of this subsection and in Subsections C, D and E of this section for group annuity and pure endowment contracts issued prior to such operative date.

(1) Except as otherwise provided in Paragraphs (2), (3), (4) and (5) of this subsection and Subsections C, D and E of this section, the minimum standard for the valuation of all such policies and contracts shall be the commissioners reserve valuation methods defined in Paragraphs (1) and (2) of Subsection E of this section, five percent interest for group annuity and pure endowment contracts and three and one-half percent interest for all other such policies and contracts, or in the case of life insurance policies and contracts, other than annuity and pure endowment contracts, issued on or after July 1, 1973, four percent interest for such policies issued prior to July 1, 1977, five and one-half percent interest for single premium life insurance policies and four and one-half percent interest for all other such policies issued on or after July 1, 1977, and the following tables:

(a) for ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the commissioners 1941 standard ordinary mortality table for such policies issued prior to the operative date of Paragraph (1) of Subsection D of Section 59A-20-31 NMSA 1978 and the commissioners 1958 standard ordinary mortality table for such policies issued on or after the operative date of Paragraph (1) of Subsection D of Section 59A-

20-31 NMSA 1978 and prior to the operative date of Subsection F of Section 59A-20-31 NMSA 1978, provided that for any category of such policies issued on female risks, all modified net premiums and present values referred to in Subsections B, C, D and E of this section may be calculated according to an age not more than six years younger than the actual age of the insured; and for such policies issued on or after the operative date of Subsection F of Section 59A-20-31 NMSA 1978: 1) the commissioners 1980 standard ordinary mortality table; or 2) at the election of the insurer for any one or more specified plans of life insurance, the commissioners 1980 standard ordinary mortality table with ten-year select mortality factors; or 3) any ordinary mortality table, adopted after 1980 by the national association of insurance commissioners, that is approved by regulation promulgated by the superintendent for use in determining the minimum standard of valuation for such policies;

(b) for industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the 1941 standard industrial mortality table for such policies issued prior to the operative date of Subsection E of Section 59A-20-31 NMSA 1978, and for such policies issued on or after such operative date, the commissioners 1961 standard industrial mortality table or any industrial mortality table, adopted after 1980 by the national association of insurance commissioners, that is approved by regulation promulgated by the superintendent for use in determining the minimum standard of valuation for such policies;

(c) for individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 standard annuity mortality table or, at the option of the insurer, the annuity mortality table for 1949, ultimate, or any modification of either of these tables approved by the superintendent;

(d) for group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the group annuity mortality table for 1951, any modification of such table approved by the superintendent, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts;

(e) for total and permanent disability benefits in or supplementary to ordinary policies or contracts: 1) for policies or contracts issued on or after January 1, 1966, the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the society of actuaries, with due regard to the type of benefit or any tables of disablement rates and termination rates, adopted after 1980 by the national association of insurance commissioners, that are approved by regulation promulgated by the superintendent for use in determining the minimum standard of valuation for such policies; 2) for policies or contracts issued on or after January 1, 1961 and prior to January 1, 1966, either such tables or, at the option of the insurer, the class (3) disability table (1926); and 3) for policies issued prior to January 1, 1961, the class (3) disability table (1926). Any such table shall, for active lives, be

combined with a mortality table permitted for calculating the reserves for life insurance policies;

(f) for accidental death benefits in or supplementary to policies: 1) for policies issued on or after January 1, 1966, the 1959 accidental death benefits table or any accidental death benefits table, adopted after 1980 by the national association of insurance commissioners, that is approved by regulation promulgated by the superintendent for use in determining the minimum standard of valuation for such policies; 2) for policies issued on or after January 1, 1961 and prior to January 1, 1966, either such table or, at the option of the insurer, the intercompany double indemnity mortality table; and 3) for policies issued prior to January 1, 1961, the intercompany double indemnity mortality table. 4) Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies; and

(g) for group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the superintendent.

(2) Except as provided in Paragraphs (3), (4) and (5) of this subsection and in Subsections C, D and E of this section, the minimum standard of valuation for individual annuity and pure endowment contracts issued on or after the operative date of this paragraph, as defined herein, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, shall be the commissioners reserve valuation methods defined in Paragraphs (1) and (2) of Subsection E of this section and the following tables and interest rates:

(a) for individual annuity and pure endowment contracts issued prior to July 1, 1977, excluding any disability and accidental death benefits in such contracts, the 1971 individual annuity mortality table, or any modification of this table approved by the superintendent, and six percent interest for single premium immediate annuity contracts, and four percent interest for all other individual annuity and pure endowment contracts;

(b) for individual single premium immediate annuity contracts issued on or after July 1, 1977, excluding any disability and accidental death benefits in such contracts, the 1971 individual annuity mortality table, or any individual annuity mortality table, adopted after 1980 by the national association of insurance commissioners, that is approved by regulation promulgated by the superintendent for use in determining the minimum standard of valuation for such contracts, or any modification of these tables approved by the superintendent, and seven and one-half percent interest;

(c) for individual annuity and pure endowment contracts issued on or after July 1, 1977, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, the 1971

individual annuity mortality table, or any individual annuity mortality table, adopted after 1980 by the national association of insurance commissioners, that is approved by regulation promulgated by the superintendent for use in determining the minimum standard of valuation for such contracts, or any modification of these tables approved by the superintendent, and five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other such individual annuity and pure endowment contracts;

(d) for annuities and pure endowments purchased prior to July 1, 1977, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 group annuity mortality table, or any modification of this table approved by the superintendent, and six percent interest; and

(e) for annuities and pure endowments purchased on or after July 1, 1977, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 group annuity mortality table, or any group annuity mortality table, adopted after 1980 by the national association of insurance commissioners, that is approved by regulation promulgated by the superintendent for use in determining the minimum standard of valuation for such annuities and pure endowments, or any modification of this table approved by the superintendent, and seven and one-half percent interest.

(f) After July 1, 1973, any insurer may file with the superintendent a written notice of its election to comply with the provisions of this paragraph after a specified date before January 1, 1979, which shall be the operative date of this paragraph for such insurer, provided that an insurer may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the operative date of this paragraph for such insurer shall be January 1, 1979.

(3) The interest rates used in determining the minimum standard for the valuation of:

(a) life insurance policies issued in a particular calendar year, on or after the operative date of Subsection F of Section 59A-20-31 NMSA 1978;

(b) individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1982;

(c) annuities and pure endowments purchased in a particular calendar year on or after January 1, 1982 under group annuity and pure endowment contracts; and

(d) the net increase, if any, in a particular calendar year after January 1, 1982, in amounts held under guaranteed interest contracts shall be the

calendar year statutory valuation interest rates as defined in Paragraph (4) of this subsection.

(4) The calendar year statutory valuation interest rates, I , shall be determined as follows and the results rounded to the nearest one-quarter of one percent:

(a) for life insurance,

$$I = .03 + W (R1 - .03) + W/2 (R2 - .09);$$

(b) for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options,

$$I = .03 + W (R - .03)$$

where $R1$ is the lesser of R and $.09$, $R2$ is the greater of R and $.09$, R is the reference interest rate defined in Subsection D of this section, and W is the weighting factor defined in Subsection C of this section;

(c) for other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue year basis, except as stated in Subparagraph (b) of this paragraph, the formula for life insurance stated in Subparagraph (a) of this paragraph shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of ten years and the formula for single premium immediate annuities stated in Subparagraph (b) of this paragraph shall apply to annuities and guaranteed interest contracts with guarantee duration of ten years or less;

(d) for other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in Subparagraph (b) of this paragraph shall apply; and

(e) for other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single premium immediate annuities stated in Subparagraph (b) of this paragraph shall apply.

(5) However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of one percent, the calendar year statutory valuation interest rate for such life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of

applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1980 (using the reference interest rate defined for 1979) and shall be determined for each subsequent calendar year regardless of when Subsection F of Section 59A-20-31 NMSA 1978 becomes operative.

C. The weighting factors referred to in the formulas stated above are given in the following tables:

(1) Weighting Factors for Life Insurance:

Guarantee Duration (Years)	Weighting Factors
_____	_____
10 or less	.50
More than 10, but not more than 20	.45
More than 20	.35

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both that are guaranteed in the original policy;

(2) Weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options:

.80

(3) Weighting factors for other annuities and for guaranteed interest contracts, except as stated in Paragraph (2) of this subsection, shall be as specified in the tables set forth in Subparagraphs (a), (b) and (c) of this paragraph, according to the rules and definitions set forth in Subparagraphs (d), (e) and (f) of this paragraph:

(a) For annuities and guaranteed interest contracts valued on an issue year basis:

Guarantee Duration (Years)	Weighting Factor for Plan Type A B C
_____	_____
5 or less:	.80 .60 .50
More than 5, but not more than 10:	.75 .60 .50
More than 10, but not more than 20:	.65 .50 .45
More than 20:	.45 .35 .35

(b) For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in the table set forth in Subparagraph (a) of this paragraph increased by:

Plan Type A B C

.15 .25 .05

(c) For annuities and guaranteed interest contracts valued on an issue year basis (other than those with no cash settlement options) that do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change in fund basis that do not guarantee interest rates on considerations received more than twelve months beyond the valuation date, the factors shown in the table set forth in Subparagraph (a) of this paragraph or derived as required in the table set forth in Subparagraph (b) of this paragraph increased by:

Plan Type A B C

.05 .05 .05

(d) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee duration in excess of twenty years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

(e) Plan type as used in the above tables is defined as follows:

Plan Type A: At any time, policyholder may withdraw funds only: with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer; or without such adjustment but in installments over five years or more; or as an immediate life annuity; or no withdrawal permitted.

Plan Type B: Before expiration of the interest rate guarantee, policyholder may withdraw funds only: with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer; or without such adjustment but in installments over five years or more; or no withdrawal permitted. At the end of interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than five years.

Plan Type C: Policyholder may withdraw funds before expiration of interest rate guarantee in a single sum or installments over less than five years either: without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer; or subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

(f) An insurer may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue year basis or on a change in fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must be valued on an issue year basis. As used in Subsections B, C and D of this section, an issue year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract, and the change in fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

D. The reference interest rate referred to in Paragraph (4) of Subsection B of this section shall be defined as follows:

(1) for life insurance, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June 30 of the calendar year next preceding the year of issue, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's investors service, incorporated;

(2) for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of twelve months, ending on June 30 of the calendar year of issue or year of purchase, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's investors service, incorporated;

(3) for other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in Paragraph (2) of this subsection, with guarantee duration in excess of ten years, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's investors service, incorporated;

(4) for other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in Paragraph (2) of this subsection, with guarantee duration of ten years or less, the average over a period of twelve months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's investors service, incorporated;

(5) for other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of twelve months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's investors service, incorporated;

(6) for other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, except as stated in Paragraph (2) of this subsection, the average over a period of twelve months, ending on June 30 of the calendar year of the change in the fund, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's investors service, incorporated; and

(7) in the event that the national association of insurance commissioners determines that the monthly average of the composite yield on

seasoned corporate bonds, as published by Moody's investors service, incorporated, is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest rate that is adopted by the national association of insurance commissioners and approved by regulation promulgated by the superintendent may be substituted.

E. The reserve valuation method shall be defined as follows:

(1) Except as otherwise provided in this paragraph and Paragraph (2) of this subsection, reserves according to the national association of insurance commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of Subparagraph (a) over Subparagraph (b) of this paragraph, as follows:

(a) a net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age of one year higher than the age at issue of such policy; and

(b) a net one-year term premium for such benefits provided for in the first policy year.

Provided that for any life insurance policy issued on or after January 1, 1985 for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and that provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the reserve according to the commissioners reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium shall, except as otherwise provided in Subparagraph (f) of this paragraph, be the greater of the reserve as of such policy anniversary calculated as described previously in this paragraph and the reserve as of such policy anniversary calculated as previously described in this paragraph, but with: the value defined in Subparagraph (a) of this paragraph being reduced by fifteen percent of the amount of such excess first year premium; all present values of benefits and premiums

being determined without reference to premiums or benefits provided for by the policy after the assumed ending date; the policy being assumed to mature on such date as an endowment; and the cash surrender value provided on such date being considered as an endowment benefit. In making the above comparison the mortality and interest bases stated in Paragraphs (1), (3), (4) and (5) of Subsection B of this section and in Subsections C and D of this section shall be used.

Reserves according to the commissioners reserve valuation method for: 1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums; 2) group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended; 3) disability and accidental death benefits in all policies and contracts; and 4) all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of this paragraph;

(c) in no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, be less than the aggregate reserves calculated in accordance with the methods set forth in this paragraph and Paragraph (2) of this subsection and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies;

(d) at the option of the insurer, reserves for policies and contracts issued prior to the operative date of Section 59A-20-31 NMSA 1978 may be calculated according to a standard that produces greater aggregate reserves for the policies and contracts than the minimum required by the laws in effect immediately prior to that date;

(e) reserves for any category of policies, contracts or benefits as established by the superintendent that are issued on or after the operative date of Section 59A-20-31 NMSA 1978 may be calculated, at the option of the insurer, according to any standards that produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be greater than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for in the policies or contracts.

Any such insurer that at any time adopts any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard provided by the Standard Valuation Law may, with the approval of the superintendent, adopt any lower standard of valuation, but not lower than the minimum herein provided;

but, for the purpose of this section, the holding of additional reserves previously determined by a qualified actuary to be necessary to render the opinion required by Section 59A-8A-4 NMSA 1978 shall not be deemed to be the adoption of a higher standard of valuation;

(f) if in any contract year the gross premium charged by any insurer on any policy or contract is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. The minimum valuation standards of mortality and rate of interest referred to in this paragraph are those standards stated in Paragraphs (1), (3), (4) and (5) of Subsection B of this section.

Provided that for any life insurance policy issued on or after January 1, 1985 for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and that provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the foregoing provisions of Subparagraph (f) of this paragraph shall be applied as if the method actually used in calculating the reserve for such policy were the method previously described in this paragraph ignoring the unnumbered paragraph immediately following Subparagraph (b) of this paragraph. The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated in accordance with the method previously described in this paragraph, including the unnumbered paragraph immediately following Subparagraph (b), and the minimum reserve calculated in accordance with Subparagraph (f) of this paragraph; and

(g) in the case of any plan of life insurance that provides for future premium determination, the amounts of which are to be determined by the insurer based on then estimates of future experience, or in the case of any plan of life insurance or annuity that is of such a nature that the minimum reserves cannot be determined by the methods described in Paragraphs (1) and (2) of this subsection, the reserves that are held under any such plan must: 1) be appropriate in relation to the benefits and the pattern of premiums for that plan; and 2) be computed by a method that is consistent with the principles of this standard valuation law, as determined by regulations promulgated by the superintendent.

(2) This paragraph shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an

employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended.

Reserves according to the commissioners annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values."

Chapter 59 Section 21 Laws 2014

SECTION 21. A new Section 59A-8A-7 NMSA 1978 is enacted to read:

"59A-8A-7. MINIMUM STANDARDS FOR ACCIDENT AND HEALTH INSURANCE CONTRACTS.--For an accident and health insurance contract issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required by Subsection B of Section 59A-8A-3 NMSA 1978. For an accident and health insurance contract issued on or after the operative date of Section 59A-20-31 NMSA 1978 and prior to the operative date of the valuation manual, the minimum standard of valuation is the standard adopted by the superintendent by rule."

Chapter 59 Section 22 Laws 2014

SECTION 22. A new Section 59A-8A-8 NMSA 1978 is enacted to read:

"59A-8A-8. VALUATION MANUAL FOR POLICIES ISSUED ON OR AFTER OPERATIVE DATE OF VALUATION MANUAL.--

A. For a policy issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required by Subsection B of Section 59A-8A-3 NMSA 1978, except as provided in Subsection D or F of this section.

B. Unless an amendment to the valuation manual provides for a later effective date, an amendment to the valuation manual takes effect on the January 1

after the date that the amendment was adopted by the national association of insurance commissioners by an affirmative vote of:

(1) at least three-fourths of the members of the national association of insurance commissioners voting, but not less than a majority of the total membership; and

(2) members representing jurisdictions that collectively represent more than seventy-five percent of written direct premiums, as reported in the life, accident and health annual statements, the health annual statements and the fraternal annual statements most recently available before the time of the vote referred to in Paragraph (1) of this subsection.

C. The valuation manual shall indicate:

(1) minimum valuation standards for and definitions of the policies or contracts subject to Subsection B of Section 59A-8A-3 NMSA 1978, including:

(a) the superintendent's reserve valuation method for life insurance contracts, other than annuity contracts, subject to that subsection;

(b) the superintendent's annuity reserve valuation method for annuity contracts subject to that subsection; and

(c) minimum reserves for all other policies or contracts subject to that subsection;

(2) which policies and contracts or types of policies and contracts are subject to the requirements of a principle-based valuation in Subsection A of Section 59A-8A-9 NMSA 1978 and the minimum standards of valuation consistent with those requirements;

(3) for policies and contracts subject to a principle-based valuation pursuant to Section 59A-8A-9 NMSA 1978:

(a) requirements for the format of reports filed with the superintendent pursuant to Paragraph (4) of Subsection B of Section 59A-8A-9 NMSA 1978, which shall include information necessary to determine if the valuation is appropriate and complies with the Standard Valuation Law;

(b) prescribed assumptions for risks over which the company has no significant control or influence; and

(c) procedures for, and a process for appropriate waiver or modification of, corporate governance and oversight of the actuarial function;

(4) for policies not subject to a principle-based valuation pursuant to Section 59A-8A-9 NMSA 1978, the minimum standard of valuation shall either:

(a) be consistent with the minimum standard of valuation in effect prior to the operative date of the valuation manual; or

(b) provide for reserves that quantify the benefits and guarantees and the funding associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events with a reasonable probability of occurring;

(5) other requirements, including those related to reserve methods, models for measuring risk, generation of economic scenarios, assumptions, margins, use of company experience, risk measurement, disclosure, certifications, reports, actuarial opinions and memoranda, transition rules and internal controls; and

(6) the data and form of the data required by Section 59A-8A-10 NMSA 1978, the person with whom the data must be submitted and, if appropriate, data analyses and reporting of analyses.

D. In the absence of a specific valuation requirement or if a specific valuation requirement in the valuation manual does not, in the opinion of the superintendent, comply with the Standard Valuation Law, then a company shall comply with the minimum valuation standards promulgated by rule by the superintendent.

E. The superintendent may engage, at the company's expense, a qualified actuary to conduct an actuarial examination of a company and issue an opinion on the appropriateness of the company's reserve assumption or method, or to review and issue an opinion on the company's compliance with a requirement of the Standard Valuation Law. The superintendent may rely upon the opinion of a qualified actuary engaged by the insurance supervisory official of another state, district or territory of the United States if that opinion relates to the provisions of the Standard Valuation Law. As used in this subsection, "engage" includes employment and contract employment.

F. The superintendent may require a company to change an assumption or method if the superintendent believes that the change is necessary to comply with the requirements of the valuation manual or the Standard Valuation Law. The company shall adjust its reserves to comply with the superintendent's requirement."

Chapter 59 Section 23 Laws 2014

SECTION 23. A new Section 59A-8A-9 NMSA 1978 is enacted to read:

"59A-8A-9. REQUIREMENTS OF A PRINCIPLE-BASED VALUATION.--

A. For policies and contracts that the valuation manual indicates are subject to this section, a company shall establish reserves using a principle-based valuation that:

(1) quantifies the benefits and guarantees and the funding associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events with a reasonable probability of occurring during the lifetime of the contracts and, for a policy or contract with significant tail risk, reflects conditions appropriately adverse to quantify the tail risk;

(2) incorporates assumptions, risk analysis methods, financial models and management techniques that are consistent with, but not necessarily identical to, those used in the company's overall risk assessment process and that recognize potential differences in financial reporting structures and prescribed assumptions or methods;

(3) incorporates assumptions that:

(a) derive from the valuation manual; or

(b) do not derive from the valuation manual, but: 1) are established using the company's available experience and are relevant and statistically credible; or 2) if company data is not available, relevant or statistically credible, are established utilizing other relevant, statistically credible experience; and

(4) provides margins for uncertainty, including adverse deviation and estimation error, whose sizes vary in proportion to the margin and resulting reserve.

B. A company using a principle-based valuation for policies and contracts that the valuation manual indicates are subject to this section shall:

(1) establish procedures for corporate governance and oversight of the actuarial valuation function that are consistent with those provided for in the valuation manual;

(2) design its internal controls of principle-based valuation to ensure that all material risks inherent in the liabilities and associated assets subject to the valuation are included in the valuation and that valuations are made in accordance with the valuation manual;

(3) each year, provide to the superintendent and to the company's board of directors a certification of effectiveness of the internal controls of the company's principle-based valuation that are in place at the end of the preceding calendar year; and

(4) develop and, upon the request of the superintendent, file a principle-based valuation report that complies with the standards prescribed in the valuation manual.

C. A principle-based valuation may include a prescribed formulaic reserve component."

Chapter 59 Section 24 Laws 2014

SECTION 24. A new Section 59A-8A-10 NMSA 1978 is enacted to read:

"59A-8A-10. EXPERIENCE REPORTING FOR POLICIES IN FORCE ON OR AFTER OPERATIVE DATE OF VALUATION MANUAL.--For policies in force on or after the operative date of the valuation manual, a company shall submit mortality, morbidity, policyholder behavior or expense experience and other data as prescribed in the valuation manual."

Chapter 59 Section 25 Laws 2014

SECTION 25. A new Section 59A-8A-11 NMSA 1978 is enacted to read:

"59A-8A-11. CONFIDENTIALITY.--

A. As used in this section, "confidential information" includes:

(1) memoranda in support of opinions submitted pursuant to Sections 59A-8A-4 and 59A-8A-5 NMSA 1978 and other documents, materials and information, including all working papers and copies of those papers, that are produced or obtained by or disclosed to the superintendent or another person in connection with those memoranda;

(2) documents, materials and other information, including all working papers and copies of those papers, that are produced or obtained by or disclosed to the superintendent or another person in the course of an examination conducted pursuant to Subsection E of Section 59A-8A-8 NMSA 1978; provided, however, that if an examination report or other material prepared in connection with an examination pursuant to Sections 59A-4-5 through 59A-4-13 NMSA 1978 is not held as private and confidential information pursuant to Sections 59A-4-5 through 59A-4-13 NMSA 1978, an examination report made under Subsection E of Section 59A-8A-8 NMSA 1978 shall not be confidential information to the same extent as if the examination report or other material had been prepared pursuant to Sections 59A-4-5 through 59A-4-13 NMSA 1978;

(3) reports, documents, materials and other information that are developed by a company in support of or in connection with an annual certification by a company pursuant to Paragraph (3) of Subsection B of Section 59A-8A-9 NMSA 1978

and that evaluate the effectiveness of the company's internal controls with respect to a principle-based valuation and any other documents, materials and other information, including working papers and copies of those papers that are produced by, obtained by or disclosed to the superintendent or another person in connection with those reports, documents, materials or other information;

(4) principle-based valuation reports developed pursuant to Paragraph (4) of Subsection B of Section 59A-8A-9 NMSA 1978 and other documents, materials and other information, including all working papers and copies of those papers that are produced or obtained by or disclosed to the superintendent or another person in connection with those reports; and

(5) documents, materials, data and other information that are submitted by a company pursuant to Section 59A-8A-10 NMSA 1978 and all other documents, materials, data and other information, including all working papers and copies of those papers, that are created or produced in connection with experience data that include any potentially company- or person-identifying information and that is provided to or obtained by the superintendent or another person in connection with the submissions required by Section 59A-8A-10 NMSA 1978.

B. Except as provided in this section, a company's confidential information is confidential and is not subject to the Inspection of Public Records Act. Nothing in this section shall be construed as a grant of privilege or confidentiality or a bar to production of that information by an insurer in a civil suit, whether or not the office of superintendent of insurance is a party; provided that the superintendent may use the documents, materials or other information in the furtherance of a regulatory or legal action brought as a part of the superintendent's official duties. Neither the superintendent nor another person who received documents, materials or other information while acting pursuant to the authority of the superintendent shall be permitted or required in a private civil action to testify on the confidential documents, materials or information subject to this subsection.

C. In order to assist in the performance of the superintendent's duties, the superintendent may share confidential information:

(1) with another state, federal or international regulatory agency and with the national association of insurance commissioners, its affiliates or its subsidiaries; and

(2) in the case of confidential information specified in Paragraphs (1) and (4) of Subsection A of this section:

(a) with the actuarial board for counseling and discipline or its successor if the actuarial board for counseling and discipline or its successor requests the confidential information and states that it is required for a professional disciplinary proceeding; and

(b) with a state, federal or international law enforcement official if that official has the legal authority to agree and does agree to maintain the confidentiality and privilege of the documents, materials, data and other information in the same manner and to the same extent as the superintendent.

D. The superintendent may receive documents, materials, data and other information, including otherwise confidential and privileged documents, materials, data and other information, from the national association of insurance commissioners, its affiliates or its subsidiaries, from regulatory or law enforcement officials of foreign or domestic jurisdictions and from the actuarial board for counseling and discipline or its successor. The superintendent shall maintain as confidential or privileged a document, materials, data or other information received with notice or the understanding that the content is confidential or privileged pursuant to the laws of the jurisdiction from which the information originates.

E. The superintendent may enter into agreements governing the sharing and use of information that are consistent with Subsections B through H of this section.

F. No waiver of an applicable privilege or claim of confidentiality in confidential information results from a disclosure to the superintendent pursuant to the provisions of this section or as a result of the sharing authorized by Subsection C of this section.

G. A privilege established by the laws of a state or jurisdiction that is substantially similar to the privilege established by Subsections B through H of this section shall be available and enforced in any official proceeding in, and in any court of, New Mexico.

H. For the purposes of this section, "regulatory agency", "law enforcement agency" and "national association of insurance commissioners" include the employees, agents, consultants and contractors of the entity.

I. Notwithstanding Subsections B through H of this section, the confidential information specified in Paragraphs (1) and (4) of Subsection A of this section:

(1) may be subject to subpoena for the purpose of defending an action seeking damages from an appointed actuary who submits a related memorandum in support of an opinion pursuant to Sections 59A-8A-4 and 59A-8A-5 NMSA 1978 or who submits a principle-based valuation report developed pursuant to Paragraph (4) of Subsection B of Section 59A-8A-9 NMSA 1978 if the submission is required by the Standard Valuation Law or the rules promulgated in furtherance of that law;

(2) may, with the written consent of the company, be released by the superintendent; and

(3) ceases to be confidential once a portion of a memorandum in support of an opinion submitted pursuant to Sections 59A-8A-4 and 59A-8A-5 NMSA 1978 or a principle-based valuation report developed pursuant to Paragraph (4) of Subsection B of Section 59A-8A-9 NMSA 1978 is cited by the company in its marketing, publicly volunteered to a governmental agency other than a state insurance department or released by the company to the news media."

Chapter 59 Section 26 Laws 2014

SECTION 26. A new Section 59A-8A-12 NMSA 1978 is enacted to read:

"59A-8A-12. SINGLE STATE EXEMPTION.--

A. The superintendent may exempt from the requirements of Section 59A-8A-8 NMSA 1978 the specific product forms or product lines of a domestic company that is licensed and doing business only in New Mexico if:

(1) the superintendent has issued a written exemption to the company and has not subsequently revoked the exemption in writing; and

(2) the company computes reserves using the assumptions and methods used prior to the operative date of the valuation manual and using any requirements established by the superintendent and promulgated by rule.

B. For a company granted an exemption pursuant to this section, Sections 59A-8A-4, 59A-8A-6 and 59A-8A-7 NMSA 1978 apply. For a company that applies this exemption, a reference to Section 59A-8A-8 NMSA 1978 that is found in Sections 59A-8A-4, 59A-8A-6 and 59A-8A-7 NMSA 1978 does not apply."

Chapter 59 Section 27 Laws 2014

SECTION 27. Section 59A-20-31 NMSA 1978 (being Laws 1984, Chapter 127, Section 396) is amended to read:

"59A-20-31. STANDARD NONFORFEITURE LAW--LIFE INSURANCE.--

A. In the case of policies issued on and after the operative date of this section, as defined in Subsection K of this section, no policy of life insurance, except as stated in Subsection J of this section, shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions that in the opinion of the superintendent are at least as favorable to the defaulting or surrendering policyholder as are the minimum requirements hereinafter specified and are essentially in compliance with Subsection I of this section:

(1) that, in the event of default in any premium payment the insurer will grant, upon proper request not later than sixty days after the due date of the

premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such amount as may be hereinafter specified. In lieu of such stipulated paid-up nonforfeiture benefit, the insurer may substitute, upon proper request not later than sixty days after the due date of the premium in default, an actuarially equivalent alternative paid-up nonforfeiture benefit that provides a greater amount or longer period of death benefits or, if applicable, a greater amount or earlier payment of endowment benefits;

(2) that, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance or five full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified;

(3) that a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty days after the due date of the premium in default;

(4) that, if the policy shall have become paid-up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefit that became effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified;

(5) in the case of policies that cause on a basis guaranteed in the policy unscheduled changes in benefits or premiums, or that provide an option for changes in benefits or premiums other than a change to a new policy, a statement of the mortality table, interest rate and method used in calculating cash surrender values and the paid-up nonforfeiture benefits available under the policy. In the case of all other policies, a statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy; and

(6) a statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of the state in which the policy is delivered; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed

statement of the method of computation of the values and benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

Any of the provisions in this subsection or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

B. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by Subsection A of this section, shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits that would have been provided for by the policy, including any existing paid-up additions, if there had been no default, over the sum of:

(1) the then present value of the adjusted premiums as defined in Subsections D, E and F of this section, corresponding to premiums that would have fallen due on or after such anniversary; and

(2) the amount of any indebtedness to the insurer on the policy.

Provided, however, that for any policy issued on or after the operative date of Subsection F of this section, as defined therein, which provides supplemental life insurance or annuity benefits at the option of the insured and for an identifiable additional premium by rider or supplemental policy provision, the cash surrender value referred to in Paragraph (1) of this subsection shall be an amount not less than the sum of the cash surrender value as defined in such paragraph for an otherwise similar policy issued at the same age without such rider or supplemental policy provision and the cash surrender value as defined in such paragraph for a policy that provides only the benefits otherwise provided by such rider or supplemental policy provision.

Provided, further, that for any family policy issued on or after the operative date of Subsection F of this section as defined therein, which defines a primary insured and provides term insurance on the life of the spouse of the primary insured expiring before the spouse's age of seventy-one, the cash surrender value referred to in Paragraph (1) of this subsection shall be an amount not less than the sum of the cash surrender value as defined in such paragraph for an otherwise similar policy issued at the same age without such term insurance on the life of the spouse and the cash surrender value as defined in such paragraph for a policy that provides only the benefits otherwise provided

by such term insurance on the life of the spouse. Any cash surrender value available within thirty days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefit, whether or not required by Subsection A of this section, shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the insurer on the policy.

C. Any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value that would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

D. This subsection shall not apply to policies issued on or after the operative date of Subsection F of this section. Except as provided in Paragraph (2) of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding any extra premiums charged because of impairments or special hazards, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of: (a) the then present value of the future guaranteed benefits provided for by the policy; (b) two percent of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (c) forty percent of the adjusted premium for the first policy year; (d) twenty-five percent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less. Provided, however, that in applying the percentages specified in (c) and (d), no adjusted premium shall be deemed to exceed four percent of the amount of insurance or uniform amount equivalent thereto. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

(1) In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this subsection shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy; provided, however, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten.

(2) The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to: (1) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable by (2) the adjusted premiums for such term insurance, the foregoing items (1) and (2) being calculated separately and as specified in the first two paragraphs (the first paragraphs and Paragraph (1)) of this subsection except that, for the purposes of (b), (c) and (d) of the first such paragraph, the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (2) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (1).

(3) Except as otherwise provided in Paragraph (4) of this subsection and Subsection E of this section, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the national association of insurance commissioners 1941 standard ordinary mortality table, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured, and such calculations for all policies of industrial insurance shall be made on the basis of the 1941 standard industrial mortality table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred thirty percent of the rates of mortality according to such applicable table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the superintendent.

(4) This paragraph shall not apply to ordinary policies issued on or after the operative date of Subsection F of this section. In the case of ordinary policies issued on or after the operative date of this paragraph as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the commissioners 1958 standard ordinary mortality table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided that such rate of interest shall not exceed three and one-half percent a year, except that a rate of interest not exceeding four percent a year may be used for policies issued on or after July 1, 1973 and prior to July 1, 1977 and a rate of interest not exceeding five and one-half percent per annum may be used for policies issued on or after July 1, 1977, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding six and one-half percent per annum may be used, and provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not

more than six years younger than the actual age of the insured. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the commissioners 1958 extended term insurance table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the superintendent.

After June 9, 1961, any insurer may file with the superintendent a written notice of its election to comply with the provisions of Paragraph (4) of this subsection after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection for such insurer), this subsection shall become operative with respect to the ordinary policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1966.

E. This subsection shall not apply to industrial policies issued on or after the operative date of Subsection F of this section.

In the case of industrial policies issued on or after the operative date of this subsection as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the bases of the commissioners 1961 standard industrial mortality table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided that such rate of interest shall not exceed three and one-half percent a year except that a rate of interest not exceeding four percent a year may be used for policies issued on or after July 1, 1973 and prior to July 1, 1977 and a rate of interest not exceeding five and one-half percent per annum may be used for policies issued on or after July 1, 1977, except that, for any single premium whole life or endowment insurance policy, a rate of interest not exceeding six and one-half percent per annum may be used. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the commissioners 1961 industrial extended term insurance table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the superintendent.

After June 7, 1963, any insurer may file with the superintendent a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection for such insurer), this subsection shall become operative with respect to the industrial policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1968.

F. This subsection shall apply to all policies issued on or after the operative date of this subsection. Except as provided in Paragraph (6) of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairment or special hazards and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the date of issue of the policy, of all adjusted premiums shall be equal to the sum of the then present value of the future guaranteed benefits provided for by the policy; one percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years; and one hundred twenty-five percent of the nonforfeiture net level premium as hereinafter defined. Provided, however, that, in applying the last percentage specified above, no nonforfeiture net level premium shall be deemed to exceed four percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined; and

(1) the nonforfeiture net level premium shall be equal to the present value, at the date of issue of the policy, of the guaranteed benefits provided for by the policy divided by the present value, at the date of issue of the policy, of an annuity of one per annum payable on the date of issue of the policy and on each anniversary of such policy on which a premium falls due;

(2) in the case of policies that cause on a basis guaranteed in the policy unscheduled changes in benefits or premiums, or that provide an option for changes in benefits or premiums other than a change to a new policy, the adjusted premiums and present values shall initially be calculated on the assumption that future benefits and premiums do not change from those stipulated at the date of issue of the policy. At the time of any such change in the benefits or premiums, the future adjusted premiums, nonforfeiture net level premiums and present values shall be recalculated on the assumption that future benefits and premiums do not change from those stipulated by the policy immediately after the change;

(3) except as otherwise provided in Paragraph (6) of this subsection, the recalculated future adjusted premiums for any such policy shall be such uniform percentage of the respective future premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments and special hazards, and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the time of change to the newly defined benefits or premiums, of all such future adjusted premiums shall be equal to the excess of the sum of the then present value of the then future guaranteed benefits provided for by the policy and the additional expense

allowance, if any, over the then cash surrender value, if any, or present value of any paid-up nonforfeiture benefit under the policy;

(4) the additional expense allowance, at the time of the change to the newly defined benefits or premiums, shall be the sum of one percent of the excess, if positive, of the average amount of insurance at the beginning of each of the first ten policy years subsequent to the change over the average amount of insurance prior to the change at the beginning of each of the first ten policy years subsequent to the time of the most recent previous change, or, if there has been no previous change, the date of issue of the policy; and one hundred twenty-five percent of the increase, if positive, in the nonforfeiture net level premium;

(5) the recalculated nonforfeiture net level premium shall be equal to the result obtained by dividing (a) by (b) where:

(a) equals the sum of: (1) the nonforfeiture net level premium applicable prior to the change times the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the date of the change on which a premium would have fallen due had the change not occurred; and (2) the present value of the increase in future guaranteed benefits provided for by the policy; and

(b) equals the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the date of change on which a premium falls due;

(6) notwithstanding any other provisions of this subsection to the contrary, in the case of a policy issued on a substandard basis that provides reduced graded amounts of insurance so that, in each policy year, such policy has the same tabular mortality cost as an otherwise similar policy issued on the standard basis that provides higher uniform amounts of insurance, adjusted premiums and present values for such substandard policy may be calculated as if it were issued to provide such higher uniform amounts of insurance on the standard basis;

(7) all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the commissioners 1980 standard ordinary mortality table or, at the election of the insurer for any one or more specified plans of life insurance, the commissioners 1980 standard ordinary mortality table with ten-year select mortality factors; shall for all policies of industrial insurance be calculated on the basis of the commissioners 1961 standard industrial mortality table; and shall for all policies issued in a particular calendar year be calculated on the basis of a rate of interest not exceeding the nonforfeiture interest rate as defined in this subsection, for policies issued in that calendar year. Provided, however, that:

(a) at the option of the insurer, calculations for all policies issued in a particular calendar year may be made on the basis of a rate of interest not exceeding the nonforfeiture interest rate, as defined in this subsection, for policies issued in the immediately preceding calendar year;

(b) under any paid-up nonforfeiture benefit, including any paid-up dividend additions, any cash surrender value available, whether or not required by Subsection A of this section, shall be calculated on the basis of the mortality table and rate of interest used in determining the amount of such paid-up nonforfeiture benefit and paid-up dividend additions, if any;

(c) an insurer may calculate the amount of any guaranteed paid-up nonforfeiture benefit, including any paid-up additions under the policy, on the basis of an interest rate no lower than that specified in the policy for calculating cash surrender values;

(d) in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the commissioners 1980 extended term insurance table for policies of ordinary insurance and not more than the commissioners 1961 industrial extended term insurance table for policies of industrial insurance;

(e) for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on appropriate modifications of the aforementioned tables;

(f) for a policy issued prior to the operative date of the valuation manual, any commissioners standard ordinary mortality tables, adopted after 1980 by the national association of insurance commissioners, that are approved by regulation promulgated by the superintendent for use in determining the minimum nonforfeiture standard may be substituted for the commissioners 1980 standard ordinary mortality table with or without ten-year select mortality factors or for the commissioners 1980 extended term insurance table;

(g) for a policy issued on or after the operative date of the valuation manual, the commissioners standard mortality table in the valuation manual shall be used to determine the minimum nonforfeiture standard that may be substituted for the commissioners 1980 standard ordinary mortality table, either with or without ten-year select mortality factors, or for the commissioners 1980 extended term insurance table. If the superintendent adopts through rulemaking a commissioners standard ordinary mortality table that was adopted by the national association of insurance commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual, then that minimum nonforfeiture standard shall substitute for the minimum nonforfeiture standard provided in the valuation manual;

(h) for a policy issued prior to the operative date of the valuation manual, any commissioners standard industrial mortality tables, adopted after 1980 by the national association of insurance commissioners, that are approved by regulation promulgated by the superintendent for use in determining the minimum nonforfeiture standard may be substituted for the commissioners 1961 standard industrial mortality table or the commissioners 1961 industrial extended term insurance table; and

(i) for a policy issued on or after the operative date of the valuation manual, the commissioners standard mortality table in the valuation manual shall be used to determine the minimum nonforfeiture standard that may be substituted for the commissioners 1961 standard industrial mortality table or the commissioners 1961 industrial extended term insurance table. If the superintendent adopts through rulemaking a commissioners standard industrial mortality table that was adopted by the national association of insurance commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual, then that minimum nonforfeiture standard shall substitute for the minimum nonforfeiture standard provided in the valuation manual;

(8) the nonforfeiture interest rate per annum for a policy issued in a calendar year:

(a) prior to the operative date of the valuation manual shall be equal to one hundred twenty-five percent of the calendar year statutory valuation interest rate for such policy as defined in the Standard Valuation Law, rounded to the nearest one-fourth of one percent; provided, however, that the nonforfeiture interest rate per annum shall not be less than four percent; and

(b) on or after the operative date of the valuation manual shall be determined by the valuation manual;

(9) notwithstanding any other provision in the laws relating to insurance to the contrary, any refiling of nonforfeiture values or their methods of computation for any previously approved policy form that involves only a change in the interest rate or mortality table used to compute nonforfeiture values shall not require refiling of any other provisions of that policy form; and

(10) after the effective date of this subsection, any insurer may file with the superintendent a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1989, which shall be the operative date of this subsection for such insurer. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1989.

G. In the case of any plan of life insurance that provides for future premium determination, the amounts of which are to be determined by the insurer based on the then estimates of future experience, or in the case of any plan of life

insurance that is of such a nature that minimum values cannot be determined by the methods described in Subsection A, B, C, D, E or F of this section, then:

(1) the superintendent must be satisfied that the benefits provided under the plan are substantially as favorable to policyholders and insureds as the minimum benefits otherwise required by Subsection A, B, C, D, E or F of this section;

(2) the superintendent must be satisfied that the benefits and the pattern of premiums of that plan are not such as to mislead prospective policyholders or insureds; and

(3) the cash surrender values and paid-up nonforfeiture benefits provided by such plan must not be less than the minimum values and benefits required for the plan computed by a method consistent with the principles of this section, as determined by regulations promulgated by the superintendent.

H. Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in Subsections B, C, D, E and F of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the amounts used to provide such additions. Notwithstanding the provisions of Subsection B of this section, additional benefits payable (a) in the event of death or dismemberment by accident or accidental means; (b) in the event of total and permanent disability; (c) as reversionary annuity or deferred reversionary annuity benefits; (d) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply; (e) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six, is uniform in amount after the child's age is one and has not become paid up by reason of the death of a parent of the child; and (f) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

I. This subsection, in addition to all other applicable sections of this law, shall apply to all policies issued on or after January 1, 1985. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary shall be in an amount that does not differ by more than two-tenths of one percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years, from the sum of (a) the greater of zero and the basic cash value hereinafter specified;

and (b) the present value of any existing paid-up additions less the amount of any indebtedness to the insurer under the policy.

The basic cash value shall be equal to the present value, on such anniversary, of the future guaranteed benefits that would have been provided for by the policy, excluding any existing paid-up additions and before deduction of any indebtedness to the insurer, if there had been no default, less the then present value of the nonforfeiture factors, as hereinafter defined, corresponding to premiums that would have fallen due on and after such anniversary. Provided, however, that the effects on the basic cash value of supplemental life insurance or annuity benefits or of family coverage, as described in Subsection B or D of this section, whichever is applicable, shall be the same as are the effects specified therein.

The nonforfeiture factor for each policy year shall be an amount equal to a percentage of the adjusted premium for the policy year, as defined in Subsection D or F of this section, whichever is applicable. Except as is required by the next succeeding sentence of this paragraph, such percentage:

(1) must be the same percentage for each policy year between the second policy anniversary and the later of the fifth policy anniversary and the first policy anniversary at which there is available under the policy a cash surrender value in an amount, before including any paid-up additions and before deducting any indebtedness, of at least two-tenths of one percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years; and

(2) must be such that no percentage after the later of the two policy anniversaries specified in Paragraph (1) of this subsection may apply to fewer than five consecutive policy years.

Provided that no basic cash value may be less than the value that would be obtained if the adjusted premiums for the policy, as defined in Subsection D or F of this section, whichever is applicable, were substituted for the nonforfeiture factors in the calculation of the basic cash value.

All adjusted premiums and present values referred to in this subsection shall for a particular policy be calculated on the same mortality and interest bases as are used in demonstrating the policy's compliance with the other subsections of this section. The cash surrender values referred to in this subsection shall include any endowment benefits provided for by the policy.

Any cash surrender value available other than in the event of default in a premium payment due on a policy anniversary, and the amount of any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment shall be determined in manners consistent with the manners specified for determining the analogous minimum amounts in Subsections A, B, C, F and H of this

section. The amounts of any cash surrender values and of any paid-up nonforfeiture benefits granted in connection with additional benefits such as those listed as items (a) through (d) in Subsection H of this section shall conform with the principles of this subsection.

J. This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount that provides no guaranteed nonforfeiture or endowment benefits, or renewal thereof, of twenty years or less expiring before age seventy-one for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount, that provides no guaranteed nonforfeiture or endowment benefits, on which each adjusted premium, calculated as specified in Subsections D, E and F of this section, is less than the adjusted premium so calculated, on a term policy of uniform amount, or renewal thereof, that provides no guaranteed nonforfeiture or endowment benefits, issued at the same age and for the same initial amount of insurance and for a term of twenty years or less expiring before age seventy-one, for which uniform premiums are payable during the entire term of the policy, nor to any policy, that provides no guaranteed nonforfeiture or endowment benefits, for which no cash surrender value, if any, or present value of any paid-up nonforfeiture benefit, at the beginning of any policy year, calculated as specified in Subsections B, C, D, E and F of this section, exceeds two and one-half percent of the amount of insurance at the beginning of the same policy year; nor to any policy that shall be delivered outside this state through an agent or other representative of the insurer issuing the policy.

For purposes of determining the applicability of this section, the age at expiry for a joint term life insurance policy shall be the age of expiry of the oldest life.

K. After the effective date of this act, any insurer may file with the superintendent a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1952. After the filing of such notice, then upon such specified date (which shall be the operative date for such insurer), this section shall become operative with respect to policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be January 1, 1952.

L. As used in this section:

(1) "operative date of the valuation manual" means the January 1 of the first calendar year following the first July 1 after which the following have occurred:

(a) the valuation manual has been adopted by the national association of insurance commissioners by an affirmative vote of at least forty-two members or three-fourths of the members voting, whichever is greater;

(b) the Standard Valuation Law of the national association of insurance commissioners, as amended in 2009, or legislation including substantially

similar terms and provisions, has been enacted by states that collectively represent more than seventy-five percent of written direct premiums, as reported in the life, accident and health annual statements, the health annual statements and the fraternal annual statements submitted for 2008; and

(c) the Standard Valuation Law of the national association of insurance commissioners, as amended in 2009, or legislation including substantially similar terms and provisions, has been enacted by at least forty-two of the following fifty-five jurisdictions: 1) the fifty states of the United States; 2) American Samoa; 3) the Virgin Islands of the United States; 4) the District of Columbia; 5) Guam; and 6) Puerto Rico; and

(2) "valuation manual" means the most recent version of the manual of valuation instructions adopted by the national association of insurance commissioners."

Chapter 59 Section 28 Laws 2014

SECTION 28. Section 59A-37-1 NMSA 1978 (being Laws 1984, Chapter 127, Section 616) is amended to read:

"59A-37-1. SHORT TITLE.--Chapter 59A, Article 37 NMSA 1978 may be cited as the "Insurance Holding Company Law"."

Chapter 59 Section 29 Laws 2014

SECTION 29. 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. "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 the determination is based on specific findings of fact in its support;

D. "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;

E. "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;

F. "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;

G. "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;

H. "person" means an individual, corporation, association, partnership, joint stock company, trust, unincorporated organization or any similar entity or combination of entities;

I. "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;

J. "subsidiary" means an affiliate of a person controlled by the person either directly or indirectly through one or more intermediaries; and

K. "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 59 Section 30 Laws 2014

SECTION 30. Section 59A-37-3 NMSA 1978 (being Laws 1993, Chapter 320, Section 72, as amended) is amended to read:

"59A-37-3. SUBSIDIARIES OF INSURERS.--

A. Any domestic insurer, either by itself or in cooperation with one or more persons, may organize or acquire one or more subsidiaries. A subsidiary may conduct any kind of business. Its authority to conduct one or more businesses shall not be limited by its status as a subsidiary of a domestic insurer.

B. In addition to investments in common stock, preferred stock, debt obligations and other securities permitted pursuant to the Insurance Holding Company Law, a domestic insurer may also invest:

(1) in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries, amounts that do not exceed the lesser of ten percent of the insurer's assets or fifty percent of the insurer's surplus as regards policyholders; provided that after the investments, the insurer's surplus as regards policyholders shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs. In calculating the amount of the investments, investments in domestic or foreign insurance subsidiaries and health maintenance organizations shall be excluded, and there shall be included:

(a) total net money or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary, including all organizational expenses and contributions to capital and surplus of the subsidiary whether or not represented by the purchase of capital stock or issuance of other securities; and

(b) all amounts expended in acquiring additional common stock, preferred stock, debt obligations and other securities and all contributions to the capital or surplus of a subsidiary subsequent to its acquisition or formation;

(2) any amount in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries engaged or organized to engage exclusively in the ownership and management of assets authorized as investments for the insurer; provided that each subsidiary agrees to limit its investments in any asset so that the investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations specified in Paragraph (1) of this subsection or in Chapter 59A, Article 9 NMSA 1978 applicable to the insurer. For the purpose of this paragraph, "the total investment of the insurer" includes:

(a) any direct investment by the insurer in an asset; and

(b) the insurer's proportionate share of any investment in an asset by any subsidiary of the insurer, which shall be calculated by multiplying the amount of the subsidiary's investment by the percentage of the ownership of the subsidiary; or

(3) with the approval of the superintendent, any greater amount in common stock, preferred stock, debt obligations or other securities of one or more subsidiaries; provided that after the investment, the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

C. Investments in common stock, preferred stock, debt obligations or other securities of subsidiaries made pursuant to Subsection B of this section shall not be subject to any of the otherwise applicable restrictions or prohibitions contained in the Insurance Code applicable to the investments of the insurer.

D. Whether any investment pursuant to Subsection B of this section meets the applicable requirements of that subsection shall be determined before the investment is made by calculating the applicable investment limitations as though the investment had already been made, taking into account the then outstanding principal balance on all previous investments in debt obligations and the value of all previous investments in equity securities as of the day they were made, net of any return of capital invested and not including dividends.

E. If an insurer ceases to control a subsidiary, it shall dispose of any investment made in it pursuant to this section within three years from the time of the cessation of control or within such further time as the superintendent may prescribe, unless at any time after the investment is made, the investment meets the requirements for investment under any other section of the Insurance Code and the insurer has so notified the superintendent."

Chapter 59 Section 31 Laws 2014

SECTION 31. Section 59A-37-4 NMSA 1978 (being Laws 1984, Chapter 127, Section 619, as amended) is amended to read:

"59A-37-4. ACQUISITION OF CONTROL OF OR MERGER WITH DOMESTIC INSURER.--

A. No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into an agreement to exchange securities for, acquire, seek to acquire, in the open market or otherwise, a voting security of a domestic insurer if, after the consummation of it, the person would, directly or indirectly or by conversion or by exercise of any right to acquire, be in control of the insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer unless, at the time any such offer, request or invitation is made or an

agreement is entered into, or prior to the acquisition of the securities if no offer or agreement is involved, the person has filed with the superintendent and has sent to the insurer, and the insurer has sent to its shareholders, a statement containing the information required by Section 59A-37-5 NMSA 1978 and the offer, request, invitation, agreement or acquisition has been approved by the superintendent in the manner hereinafter prescribed.

B. For the purposes of Sections 59A-37-4 through 59A-37-10 NMSA 1978, the superintendent shall identify the circumstances in which a person seeking to divest or acquire an interest of control of a domestic insurer is required to obtain the superintendent's approval for the transaction. A person who controls a domestic insurer and seeks to divest its interest of control of the domestic insurer shall, at least thirty days prior to the cessation of control, file with the superintendent confidential notice of the proposed divestiture and give a copy of that notice to the insurer. Information contained in the notice shall remain confidential until the conclusion of the transaction if the superintendent has not determined that treating the information as confidential will interfere with the provisions of this section. This subsection does not apply to a statement filed pursuant to Subsection A of this section.

C. For a transaction subject to Sections 59A-37-4 through 59A-37-10 NMSA 1978, the acquiring person shall file with the superintendent a pre-acquisition notice, which shall contain the information set forth in Paragraph (1) of Subsection C of 59A-37-29 NMSA 1978. The superintendent may subject a person who fails to file the notice required by this subsection to a fine of not more than fifty thousand dollars (\$50,000).

D. For the purposes of this section and Sections 59A-37-5 through 59A-37-10 NMSA 1978:

(1) "domestic insurer" includes any other person controlling a domestic insurer unless the other person, as determined by the superintendent, is either directly or through its affiliates primarily engaged in business other than the business of insurance; and

(2) "person" shall not include any securities broker holding, while in the performance of the broker's usual and customary broker's function, less than twenty percent of the voting securities of an insurer, or of any person that controls an insurer."

Chapter 59 Section 32 Laws 2014

SECTION 32. Section 59A-37-5 NMSA 1978 (being Laws 1984, Chapter 127, Section 620, as amended) is amended to read:

"59A-37-5. CONTENTS OF STATEMENT.--

A. The statement to be filed with the superintendent under Section 59A-37-4 NMSA 1978 shall be made under oath or affirmation and shall contain the following information:

(1) the name and address of each person, hereinafter called "acquiring party", by whom or on whose behalf the merger or other acquisition of control referred to in Section 59A-37-4 NMSA 1978 is to be effected and:

(a) if the acquiring party is an individual, the individual's principal occupation and all offices and positions held by the individual during the past five years and any conviction of crime other than minor traffic violations during the past ten years; or

(b) if the acquiring party is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as it and any of its predecessors shall have been in existence; an informative description of the business intended to be done by it and its subsidiaries; and a list of all individuals who are or who have been selected to become its directors or executive officers or who perform or will perform functions appropriate to such positions. The list shall include for each individual the information required by Subparagraph (a) of this paragraph;

(2) the source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction where funds were or are to be obtained for any such purpose, including any pledge of the insurer's stock or the stock of any of its subsidiaries or controlling affiliates and the identity of persons furnishing such consideration. However, where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential if the person filing the statement so requests;

(3) fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each acquiring party, or for such lesser period that the acquiring party and any of its predecessors shall have been in existence if less than five years, and similar unaudited information as of a date not earlier than ninety days prior to the date of the filing of the statement;

(4) any plans or proposals that each acquiring party may have to liquidate the insurer, to sell its assets or merge or consolidate it with any other person, or to make any other material change in its business or corporate structure or management;

(5) the number of shares of any security that each acquiring party proposes to acquire, the terms of the offer, request, invitation, agreement or acquisition and a statement as to the method by which the fairness of the proposal was determined;

(6) the amount of each class of any security referred to in Section 59A-37-4 NMSA 1978 that is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party;

(7) a full description of any contracts, arrangements or understandings with respect to any security referred to in Section 59A-37-4 NMSA 1978 in which any acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits or the giving or withholding of proxies. The description shall identify the persons with whom the contracts, arrangements or understandings have been entered into;

(8) a description of the purchase of any security referred to in Section 59A-37-4 NMSA 1978 during the twelve calendar months preceding the filing of the statement by any acquiring party, including the dates of purchase, names of the purchasers and consideration paid or agreed to be paid;

(9) a description of any recommendations to purchase any security referred to in Section 59A-37-4 NMSA 1978 made during the twelve calendar months preceding the filing of the statement by any acquiring party or by anyone based upon interviews or at the suggestion of any acquiring party;

(10) copies of all tender offers for, requests or invitations for tenders of exchange offers for and agreements to acquire or exchange any securities referred to in Section 59A-37-4 NMSA 1978 and, if distributed, of additional soliciting material relating thereto;

(11) the terms of any agreement, contract or understanding made with or proposed to be made with any broker-dealer as to solicitation of securities referred to in Section 59A-37-4 NMSA 1978 for tender and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto;

(12) an agreement by the person required to file the statement that the person will provide, for as long as the person has control, an annual report pursuant to Section 59A-37-30 NMSA 1978;

(13) acknowledgment by the person required to file the statement that the person and all subsidiaries within the person's control in the insurance holding company system will provide information to the superintendent upon request and as necessary to evaluate the enterprise risk to the insurer; and

(14) such additional information as the superintendent may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders and securityholders of the insurer or in the public interest.

B. If the person required to file the statement referred to in Section 59A-37-4 NMSA 1978 is a partnership, limited partnership, syndicate or other group, the superintendent may require that the information called for by Subsection A of this section shall be given with respect to each partner of the partnership or limited partnership, each member of the syndicate or group and each person who controls the partner or member. If any partner, member or person is a corporation or the person required to file the statement referred to in Section 59A-37-4 NMSA 1978 is a corporation, the superintendent may require that the information called for by Subsection A of this section shall be given with respect to the corporation, each officer and director of the corporation and each person who is directly or indirectly the beneficial owner of more than ten percent of the outstanding voting securities of the corporation.

C. If any material change occurs in the facts set forth in the statement filed with the superintendent and sent to the insurer pursuant to Section 59A-37-4 NMSA 1978, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, shall be filed with the superintendent and sent to the insurer within two business days after the person learns of the change, and the insurer shall send the amendment to its shareholders without delay.

D. If any offer, request, invitation, agreement or acquisition referred to in Section 59A-37-4 NMSA 1978 is proposed to be made by means of a registration statement under the federal Securities Act of 1933, as amended, or in circumstances requiring the disclosure of similar information under the federal Securities Exchange Act of 1934, as amended, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in Section 59A-37-4 NMSA 1978 may utilize such documents in furnishing the information called for by that statement."

Chapter 59 Section 33 Laws 2014

SECTION 33. Section 59A-37-6 NMSA 1978 (being Laws 1984, Chapter 127, Section 621, as amended) is amended to read:

"59A-37-6. APPROVAL BY SUPERINTENDENT--REVIEW.--

A. The superintendent shall approve any merger or other acquisition of control referred to in Section 59A-37-4 NMSA 1978 unless, after a public hearing on it, the superintendent finds that:

(1) after the change of control, the domestic insurer would not be able to satisfy the requirements for the issuance of a certificate of authority to write the line or lines of insurance for which it is presently authorized;

(2) the effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in New Mexico or tend to create a monopoly in insurance. In applying this paragraph:

(a) the informational requirements of Paragraph (1) of Subsection C of Section 59A-37-29 NMSA 1978 and the standards of Paragraph (1) of Subsection D of Section 59A-37-29 NMSA 1978 apply;

(b) the superintendent shall approve the merger or acquisition if the superintendent finds that any of the situations meeting the criteria provided in Paragraph (2) of Subsection D of Section 59A-37-29 NMSA 1978 exists; and

(c) the superintendent may condition the approval of the merger or acquisition on the removal, to take place within a specified period of time, of the circumstances that formed the basis for disapproval;

(3) the financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer or prejudice the interests of its policyholders or the interests of any remaining security holders who are unaffiliated with the acquiring party;

(4) the plans or proposals that the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any other person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest;

(5) the competence, experience and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control;

(6) the applicable provisions of Chapter 59A, Article 34 NMSA 1978 would be violated; or

(7) the acquisition is likely to be hazardous or prejudicial to the insurance-buying public.

B. The superintendent may retain at the acquiring party's expense any attorneys, actuaries, accountants and other experts not otherwise a part of the superintendent's staff that are reasonably necessary to assist the superintendent to review the proposed acquisition of control.

C. The superintendent shall ensure, by imposition of conditions, if necessary, that New Mexico charitable assets are protected and preserved for the benefit of the people of New Mexico.

D. The public hearing held pursuant to Subsection A of this section shall be held within thirty days after the statement required by Section 59A-37-4 NMSA 1978 is filed, and the superintendent shall notify the person filing the statement at least twenty

days before the hearing. The person filing the statement shall notify the insurer, and other persons whom the superintendent designates, no fewer than seven days before the hearing. The superintendent shall make a determination within the sixty days before the effective date of the proposed transaction. At the hearing, the person filing the statement, the insurer, a person to whom notice of hearing was sent and any other person whose interests may be affected shall be entitled to present evidence, examine and cross-examine witnesses, offer oral and written arguments and conduct discovery proceedings according to the Rules of Civil Procedure for the District Courts. All discovery proceedings shall conclude no later than three days before the public hearing.

E. If the proposed acquisition of control requires the approval of one or more insurance supervisory officials in other states, and if requested by the person filing the statement required by Section 59A-37-4 NMSA 1978, the public hearing held pursuant to Subsection A of this section may be conducted as a consolidated hearing. Within five days of a person's request for a consolidated hearing, that person shall file the statement referred to in Section 59A-37-4 NMSA 1978 with the national association of insurance commissioners. If the superintendent or an insurance supervisory official of another state elects not to participate in a consolidated hearing, then within ten days of receipt of the statement required by Section 59A-37-4

NMSA 1978, the superintendent or insurance supervisory official shall provide notice to the applicant of that person's election not to participate. A consolidated hearing shall be public and held within the United States before the insurance supervisory officials of the states in which the insurers are domiciled. Participating insurance supervisory officials shall hear and receive evidence. The superintendent may attend the hearing in person or by telecommunication.

F. For the change of control of a domestic insurer, a determination by the superintendent that the person acquiring control of the insurer must maintain or restore the capital of the insurer to the level required by the laws and rules of New Mexico shall be made no later than sixty days after the date of notice of the change of control submitted pursuant to Subsection A of Section 59A-37-4 NMSA 1978."

Chapter 59 Section 34 Laws 2014

SECTION 34. Section 59A-37-9 NMSA 1978 (being Laws 1984, Chapter 127, Section 624) is amended to read:

"59A-37-9. VIOLATIONS.--

A. The following acts shall be violations of Sections 59A-37-4 through 59A-37-6 NMSA 1978:

(1) the failure to file any statement, amendment or other material required to be filed pursuant to Section 59A-37-4 or 59A-37-5 NMSA 1978; or

(2) the effectuation or any attempt to effectuate an acquisition of control of a domestic insurer unless the superintendent has given approval to it.

B. The failure to timely file a registration statement, a summary of the registration statement or an enterprise risk filing required by Sections 59A-37-11 through 59A-37-19.2 NMSA 1978 and Section 59A-37-30 NMSA 1978 is a violation of Sections 59A-37-11 through 59A-37-19.2 NMSA 1978 and Section 59A-37-30 NMSA 1978."

Chapter 59 Section 35 Laws 2014

SECTION 35. Section 59A-37-12 NMSA 1978 (being Laws 1984, Chapter 127, Section 627, as amended) is amended to read:

"59A-37-12. REGISTRATION--INFORMATION--FORM.--Every insurer subject to registration shall file a registration statement on a form and in a format prescribed by the national association of insurance commissioners, which shall include:

A. information about the current capital structure, general financing condition, ownership and management of the insurer and any person controlling the insurer;

B. the identity of every current member of the insurance holding company system;

C. the following agreements in force, relationships subsisting and transactions currently outstanding between such insurer and its affiliates:

(1) loans, other investments or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(2) purchases, sales or exchanges of assets;

(3) transactions not in the ordinary course of business;

(4) guarantees or undertakings for the benefit of an affiliate that result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(5) all management and service contracts and all cost-sharing arrangements;

(6) reinsurance agreements;

(7) dividends and other distributions to shareholders; and

(8) consolidated tax allocation agreements;

D. information about any existing pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system;

E. if requested by the superintendent, financial statements of or within an insurance holding company system and its affiliates. Financial statements may include existing annual audited financial statements filed with the federal securities and exchange commission pursuant to the federal Securities Act of 1933, as amended, or the federal Securities Exchange Act of 1934, as amended. An insurer may satisfy the requirement to file financial statements pursuant to this subsection by providing the superintendent with the most recent parent corporation financial statements that have been filed with the securities and exchange commission;

F. other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the superintendent;

G. statements that the insurer's board of directors oversees corporate governance and internal controls and that the insurer's officers or senior management have approved, implemented and continue to maintain and monitor corporate governance and internal control procedures; and

H. other information required by a rule that was promulgated by the superintendent."

Chapter 59 Section 36 Laws 2014

SECTION 36. Section 59A-37-13 NMSA 1978 (being Laws 1984, Chapter 127, Section 628) is amended to read:

"59A-37-13. MATERIALITY.--No information need be disclosed on the registration statement filed pursuant to Sections 59A-37-4 and 59A-37-5 NMSA 1978 if such information is not material for the purposes of Sections 59A-37-11 through 59A-37-19 NMSA 1978. Unless the superintendent by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments or guarantees involving one-half of one percent or less of an insurer's admitted assets as of the most recent December 31 shall not be deemed material for the purposes of such section."

Chapter 59 Section 37 Laws 2014

SECTION 37. Section 59A-37-19 NMSA 1978 (being Laws 1984, Chapter 127, Section 634) is amended to read:

"59A-37-19. DISCLAIMER.--Any person may file with the superintendent a disclaimer of affiliation with any authorized insurer or a disclaimer may be filed by the authorized insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between the person and the insurer as well as the basis for disclaiming an affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report that may arise out of the insurer's relationship with the person unless and until the superintendent, within thirty days after the receipt of a complete disclaimer, disallows the disclaimer. The superintendent shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support the disallowance."

Chapter 59 Section 38 Laws 2014

SECTION 38. Section 59A-37-20 NMSA 1978 (being Laws 1993, Chapter 320, Section 83) is amended to read:

"59A-37-20. TRANSACTIONS WITH AFFILIATES.--

A. Transactions within a holding company system to which an insurer subject to registration is a party shall be subject to the following standards:

- (1) the terms shall be fair and reasonable;
- (2) agreements for cost-sharing services and management shall include the provisions required by rule promulgated by the superintendent;
- (3) charges or fees for services performed shall be reasonable;
- (4) expenses incurred and payment received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;
- (5) the books, accounts and records of each party to all such transactions shall be so maintained as to clearly and accurately disclose the nature and details of the transactions, including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties; and
- (6) the insurer's surplus as regards policyholders following any dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

B. The following transactions involving a domestic insurer and any person in its holding company system, including amendments and modifications of affiliate agreements previously filed pursuant to this section that are subject to the materiality standards of this subsection, may not be entered into unless the insurer has notified the

superintendent in writing of its intention to enter into such transactions at least thirty days prior thereto, or such shorter period as the superintendent may permit, and the superintendent has not disapproved it within that period:

(1) sales, purchases, exchanges, loans or extensions of credit, guarantees or investments, provided the transactions are equal to or exceed:

(a) with respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders as of the most recent December 31; or

(b) with respect to life insurers, three percent of the insurer's admitted assets as of the most recent December 31;

(2) loans or extensions of credit to any person who is not an affiliate, where the insurer makes loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer making the loans or extensions of credit, provided the transactions are equal to or exceed:

(a) with respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders as of the most recent December 31; or

(b) with respect to life insurers, three percent of the insurer's admitted assets as of December 31 next preceding;

(3) reinsurance agreements or modifications to those agreements, including reinsurance pooling agreements or agreements in which the reinsurance premium or a change in the insurer's liabilities, or projected reinsurance premium or a change in the insurer's liabilities in any of the next three years, equals or exceeds five percent of the insurer's surplus as regards policyholders, as of the most recent December 31, including those agreements that may require as consideration the transfer of assets from an insurer to a non-affiliate, if an agreement or understanding exists between the insurer and non-affiliate that any portion of such assets will be transferred to one or more affiliates of the insurer;

(4) all management agreements, service contracts, tax allocation agreements, guarantees and cost-sharing arrangements;

(5) guarantees made by a domestic insurer if the amount of the guarantee can be quantified and is greater than one-half of one percent of the insurer's admitted assets or ten percent of surplus as regards policyholders as of the most recent December 31, whichever is less. A guarantee whose amount cannot be quantified is subject to the notice requirements of this subsection;

(6) direct or indirect acquisitions or investments in a person who controls the insurer or in an affiliate of the insurer in an amount that, together with its present holdings in the investments, exceeds two and one-half percent of the insurer's surplus as regards policyholders. Direct or indirect acquisitions or investments in subsidiaries acquired pursuant to Section 59A-37-3 NMSA 1978 or that are authorized pursuant to another section of the Insurance Code or in nonsubsidiary insurance affiliates that are subject to the provisions of the Insurance Holding Company Law are exempt from this requirement; and

(7) any material transactions specified by regulation that the superintendent determines may adversely affect the interests of the insurer's policyholders.

Notice to the superintendent for amendments or modifications shall provide the reasons for the change and a description of the change's financial impact on the domestic insurer. Within thirty days after the termination of a previously filed agreement, a person shall notify the superintendent of that event. The superintendent shall respond by indicating the type of filing, if any, that the person must file.

Nothing contained in this subsection shall be deemed to authorize or permit any transactions that, in the case of an insurer not a member of the same holding company system, would be otherwise contrary to law.

C. A domestic insurer may not enter into transactions that are part of a plan or series of like transactions with persons within the holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the superintendent determines that such separate transactions were entered into over any twelve-month period for that purpose, the superintendent may exercise authority under Section 59A-37-26 NMSA 1978.

D. The superintendent, in reviewing transactions pursuant to Subsection B of this section, shall consider whether the transactions comply with the standards set forth in Subsection A of this section and whether they may adversely affect the interests of policyholders.

E. The superintendent shall be notified within thirty days of any investment of the domestic insurer in any one corporation if the total investment in the corporation by the insurance holding company system exceeds ten percent of the corporation's voting securities."

Chapter 59 Section 39 Laws 2014

SECTION 39. Section 59A-37-22 NMSA 1978 (being Laws 1984, Chapter 127, Section 637, as amended) is amended to read:

"59A-37-22. DIVIDENDS AND OTHER DISTRIBUTIONS.--

A. No domestic stock insurer shall declare or distribute any dividend to shareholders, other than a pro rata distribution of any class of the insurer's own securities, except out of earned surplus. For purposes of this section, "earned surplus" means the portion of the surplus that represents the net earnings, gains or profits, after deduction of all losses, that have not been distributed to the shareholders as dividends or transferred to stated capital or capital surplus or applied to other purposes permitted by law, but does not include twenty-five percent of the unrealized appreciation of assets.

B. No domestic insurer shall pay an extraordinary dividend or make any other extraordinary distribution to its shareholders until:

(1) thirty days after the superintendent has received notice of the declaration thereof and has not within such period disapproved such payment; or

(2) the superintendent shall have approved such payment within the thirty-day period.

C. For the purposes of Sections 59A-37-20 through 59A-37-22 NMSA 1978, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding twelve months exceeds the lesser of ten percent of the insurer's surplus as regards policyholders as of the most recent December 31 or the net gain from operations of the insurer after dividends to policyholders and federal income taxes and before realized capital gains and losses, if the insurer is either a life insurer or a health maintenance organization, or the net income, if the insurer is not a life insurer or a health maintenance organization, not including realized capital gains, for the twelve-month period ending December 31 next preceding, but shall not include pro rata distributions of any class of the insurer's own securities.

D. In determining whether a dividend or distribution is extraordinary:

(1) an insurer other than a life insurer or a health maintenance organization may carry forward net income from the previous two calendar years that has not already been paid out as dividends, which carry-forward shall be computed by taking the net income from the second and third preceding calendar years, not including realized capital gains, less dividends paid in the second and immediate preceding calendar years; and

(2) a life insurer or a health maintenance organization may carry forward net gains from operations, not including realized capital gains from the previous two calendar years, that have not already been paid out as dividends, which carry-forward shall be computed by taking the net gain from the second and third preceding calendar years, not including realized capital gains, less dividends paid in the second and immediate preceding calendar years.

E. Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution that is conditioned upon the superintendent's approval thereof, and such a declaration shall confer no rights upon shareholders until the superintendent has:

(1) approved the payment of the dividend or distribution; or

(2) not disapproved the payment within thirty days after the superintendent has received notice of the declaration."

Chapter 59 Section 40 Laws 2014

SECTION 40. Section 59A-37-23 NMSA 1978 (being Laws 1984, Chapter 127, Section 638, as amended) is amended to read:

"59A-37-23. EXAMINATIONS.--

A. Pursuant to general powers of investigation and examination vested in the superintendent under Chapter 59A, Article 4 NMSA 1978, the superintendent may order an insurer registered under Section 59A-37-11 NMSA 1978 to produce such records, books or other information papers in the possession of the insurer or its affiliates as are necessary to ascertain the insurer's financial condition, including the enterprise risk to the insurer by the ultimate controlling party, or by any entity or combination of entities within the insurance holding company system, or by the insurance holding company system on a consolidated basis or the insurer's compliance with the Insurance Company Holding Law. If the insurer fails to comply with the order, the superintendent may examine its affiliates to obtain the information.

B. The examination shall be conducted and otherwise be subject to applicable provisions of Chapter 59A, Article 4 NMSA 1978.

C. To determine compliance with the Insurance Holding Company Law, the superintendent may require that an insurer registered pursuant to Section 59A-37-11 NMSA 1978 produce information not possessed by the insurer if the insurer can access that information through a contractual relationship, statutory obligation or other valid method. If the insurer cannot obtain the information that the superintendent requests, the insurer shall provide the superintendent with a detailed explanation of the reasons for that inability and the identity of the holder of information. If the superintendent believes that the explanation lacks merit, the superintendent may require, after notice and a hearing, that the insurer pay a penalty of five hundred dollars (\$500) for each day that the production of information is delayed, or the superintendent may suspend or revoke the insurer's license."

Chapter 59 Section 41 Laws 2014

SECTION 41. Section 59A-37-24 NMSA 1978 (being Laws 1984, Chapter 127, Section 639) is amended to read:

"59A-37-24. CONFIDENTIAL TREATMENT.--

A. All documents, materials or other information in the possession or control of the office of superintendent of insurance that are obtained by or disclosed to the superintendent or any other person in the course of an examination or investigation made pursuant to Sections 59A-37-20 through 59A-37-22 NMSA 1978, and all information reported pursuant to Section 59A-37-4 NMSA 1978, shall be confidential and shall not be subject to the Inspection of Public Records Act. Nothing in this section shall be construed as a grant of privilege or confidentiality or a bar to production of that information by an insurer in a civil suit, whether or not the office of superintendent of insurance is a party; provided that the superintendent may use the documents, materials or other information in a regulatory or legal action brought in the course of the superintendent's official duties. The documents, materials or other information shall not be made public by the superintendent or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the superintendent, after giving the insurer and its affiliates that would be affected by them, notice and an opportunity to be heard, determines that the interests of the policyholders, shareholders or the public will be served by the publication of them, in which case the superintendent may publish all or any part of them in the manner the superintendent deems appropriate.

B. Neither the superintendent nor a person who receives documents, materials or other information while acting pursuant to the authority of the superintendent or with whom such documents, materials or other information are shared pursuant to the Insurance Holding Company Law shall be permitted or required in a private civil action to testify on the confidential documents, materials or information identified in Subsection A of this section.

C. To assist in the performance of the superintendent's duties, the superintendent:

(1) may share documents, materials or other information, including the confidential and privileged documents, materials or information subject to Subsection A of this section, with other state, federal and international regulatory agencies, with the national association of insurance commissioners, its affiliates or its subsidiaries and with state, federal and international law enforcement authorities, including members of a supervisory college described in Section 59A-37-32 NMSA 1978, if the recipient agrees in writing to maintain the confidentiality and privilege of the document, materials or other information and has cited in writing the legal authority to maintain the confidentiality;

(2) in the case of confidential and privileged documents, materials or information reported pursuant to Section 59A-37-30 NMSA 1978, and

notwithstanding Paragraph (1) of this subsection, may share that information only with insurance supervisory officials of states that have statutes or regulations substantially similar to Subsection A of this section and that have agreed in writing not to disclose that information;

(3) may receive documents, materials or information, including otherwise confidential and privileged documents, materials or information, from the national association of insurance commissioners, its affiliates or its subsidiaries and from regulatory and law enforcement officials of foreign or domestic jurisdictions but shall maintain as confidential or privileged documents, materials or other information received with notice or the understanding that the content is confidential or privileged pursuant to the laws of the jurisdiction from which the information originates; and

(4) shall, pursuant to the Insurance Holding Company Law, enter into written agreements with the national association of insurance commissioners that govern the sharing and use of information, that are consistent with this subsection and that:

(a) specify procedures and protocols for maintaining the confidentiality and security of information shared with the national association of insurance commissioners, its affiliates or its subsidiaries, including procedures and protocols for the sharing between the national association of insurance commissioners and other state, federal or international regulators;

(b) provide that the superintendent retains ownership and governs the use of information shared with the national association of insurance commissioners, its affiliates or its subsidiaries;

(c) require that the national association of insurance commissioners promptly notify an insurer whose confidential information it possesses when that information is the subject of a request or subpoena for disclosure or production; and

(d) require that, in a judicial or administrative action in which the national association of insurance commissioners, its affiliates or its subsidiaries may be required to disclose shared confidential information about the insurer, the national association of insurance commissioners, its affiliates or its subsidiaries consent to intervention by the insurer.

D. The sharing of information by the superintendent pursuant to the Insurance Holding Company Law is not a delegation of regulatory authority or rulemaking. The superintendent alone is responsible for the administration, execution and enforcement of the provisions of the Insurance Holding Company Law.

E. The disclosure of documents, materials or information to the superintendent pursuant to this section or the sharing authorized by Subsection C of

this section does not constitute a waiver of an applicable privilege or a claim of confidentiality."

Chapter 59 Section 42 Laws 2014

SECTION 42. Section 59A-37-26 NMSA 1978 (being Laws 1984, Chapter 127, Section 641, as amended) is amended to read:

"59A-37-26. ENFORCEMENT, CRIMINAL PROCEEDINGS--PENALTY.--

A. Any insurer failing, without just cause, to file any registration statement as required in the Insurance Holding Company Law shall be required, after notice and hearing, to pay a penalty of fifty dollars (\$50.00) for each day's delay, not to exceed a total penalty of ten thousand dollars (\$10,000). The superintendent may reduce the penalty if the insurer demonstrates to the superintendent that the imposition of the penalty would constitute a financial hardship to the insurer.

B. Every director or officer of an insurance holding company system who knowingly violates, participates in, or assents to, or who knowingly permits any officer or agent of the insurer to engage in transactions or make investments that have not been properly reported or submitted pursuant to Section 59A-37-11 NMSA 1978, Subsection B of Section 59A-37-20 NMSA 1978 or Section 59A-37-22 NMSA 1978, or that violate the Insurance Company Holding Law, shall pay, in their individual capacity, a penalty of not more than ten thousand dollars (\$10,000) per violation, after notice and hearing before the superintendent. In determining the amount of the penalty, the superintendent shall take into account the appropriateness of the penalty with respect to the gravity of the violation, the history of previous violations and such other matters as justice may require.

C. Whenever it appears to the superintendent that any insurer subject to the provisions of the Insurance Holding Company Law or any director, officer, employee or agent thereof has engaged in any transaction or entered into a contract that is subject to the provisions of Sections 59A-37-20 through 59A-37-22 NMSA 1978 and that would not have been approved had the approval been requested, the superintendent may order the insurer to cease and desist immediately any further activity under that transaction or contract. After notice and hearing, the superintendent may also order the insurer to void any contracts and restore the status quo if the action is in the best interest of the policyholders, creditors or the public.

D. Whenever it appears to the superintendent that an insurer or any director, officer, employee or agent thereof has committed a willful violation of the Insurance Holding Company Law, the superintendent may cause criminal proceedings to be instituted in the district court for the county in which the principal office of the insurer is located or, if the insurer has no such office in the state, then in the district court for Santa Fe county against the insurer or the responsible director, officer, employee or agent thereof. Any insurer that willfully violates that law may be fined not

more than twenty thousand dollars (\$20,000). Any individual who willfully violates that law may be fined not more than ten thousand dollars (\$10,000).

E. Any officer, director or employee of an insurance holding company system who willfully and knowingly subscribes to or makes or causes to be made any false statements or false reports or false filings with the intent to deceive the superintendent in the performance of the superintendent's duties under the Insurance Holding Company Law, upon conviction thereof, shall be imprisoned for not more than twenty years or fined not more than one million dollars (\$1,000,000), or both. Any fines imposed shall be paid by the officer, director or employee in the officer's, director's or employee's individual capacity.

F. If the superintendent suspects that a person has violated a provision of Sections 59A-37-4 through 59A-37-10 NMSA 1978, and if that violation prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation alone may provide the basis for disapproving dividends or distributions and for placing the insurer under an order of supervision in accordance with the Insurers Conservation, Rehabilitation and Liquidation Law."

Chapter 59 Section 43 Laws 2014

SECTION 43. A new Section 59A-37-29 NMSA 1978 is enacted to read:

"59A-37-29. ACQUISITIONS THAT WOULD LESSEN COMPETITION.--

A. As used in this section:

(1) "acquisition" means an agreement, arrangement or activity whose consummation results in a person directly or indirectly acquiring the control of another person and includes the acquisition of voting securities, the acquisition of assets, bulk reinsurance and mergers; and

(2) "involved insurer" includes an insurer that acquires or is acquired, is affiliated with an acquirer or acquired or is the result of a merger.

B. Except as provided in this subsection, this section applies to an acquisition in which there is a change of control of an insurer authorized to do business in New Mexico. This section does not apply to:

(1) a purchase of securities made solely for investment purposes if the securities are not used by voting or otherwise to cause or attempt to cause the substantial lessening of competition in an insurance market in New Mexico. If a purchase of securities results in a presumption of control as provided in Subsection C of Section 59A-37-2 NMSA 1978, this section applies to the purchase unless the insurance supervisory official of the insurer's state of domicile accepts a disclaimer of control or affirmatively finds that control does not exist and the domiciliary insurance

supervisory official communicates that disclaimer action or affirmative finding to the superintendent;

(2) the acquisition of a person by another person when both persons are neither directly nor through affiliates primarily engaged in the business of insurance, if the acquisition would otherwise not be excluded from this section by the provisions of another paragraph of this subsection and if the acquiring party to the acquisition files with the superintendent a notification in accordance with Paragraph (1) of Subsection C of this section at least thirty days prior to the proposed effective date of the acquisition;

(3) the acquisition of an already affiliated person;

(4) where "market" means the direct written insurance premium in New Mexico for a line of business contained in the annual statement required to be filed by an insurer licensed to do business in New Mexico, an acquisition if, as an immediate result of the acquisition:

(a) the combined market share of the involved insurers would not exceed five percent of the total market in any market;

(b) no market share would increase; or

(c) the combined market share of the involved insurers would not exceed twelve percent, and the market share would not increase by more than two percent, of the total market in any market;

(5) an acquisition for which a pre-acquisition notification would be required by the provisions of this section solely because of its effect on the ocean marine insurance line of business; and

(6) an acquisition of an insurer whose domiciliary insurance supervisory official finds that the insurer is in failing condition, that there is no feasible way to improve the condition and that the benefit to the public of improving the insurer's condition through the acquisition exceeds the benefit to the public that would arise from not lessening competition; provided that the findings are communicated to the superintendent by the domiciliary insurance supervisory official.

C. An acquisition identified in Subsection B of this section may be subject to an order pursuant to Subsection E of this section, unless the acquiring person files a pre-acquisition notification and the waiting period has expired. The acquired person may file a pre-acquisition notification. The superintendent shall treat as confidential information submitted pursuant to this subsection in the same manner as provided in Section 59A-37-24 NMSA 1978.

(1) Pre-acquisition notification shall contain the information and be in the form prescribed by the national association of insurance commissioners relating to the markets that, pursuant to Paragraph (4) of Subsection B of this section, subject the acquisition to the provisions of this section. The superintendent may require the submission of additional materials and information that the superintendent deems necessary to determine whether the proposed acquisition, if consummated, would violate the competitive standard identified in Subsection D of this section. Among other materials, the superintendent may require the submission of an economist's opinion relating to the competitive impact of the acquisition in New Mexico along with an addendum addressing the economist's educational background, experience and ability to render an informed opinion.

(2) A waiting period shall begin on the date that the superintendent receives a pre-acquisition notification and shall end on the thirtieth day after the date of receipt or upon the superintendent's termination of the waiting period, whichever is earlier. Prior to the end of the waiting period, the superintendent, through one request, may require the submission of additional information relevant to the proposed acquisition. A request for the submission of additional information shall trigger a new waiting period that begins on the date of receipt of the additional information and ends on the thirtieth day after that receipt or upon the superintendent's termination of the waiting period, whichever is earlier.

D. The superintendent may enter an order pursuant to Subsection E of this section if there is substantial evidence that the acquisition may substantially lessen competition in a line of insurance in New Mexico or that the acquisition would tend to create a monopoly or if the insurer fails to file adequate information in compliance with Subsection C of this section.

(1) In determining whether a proposed acquisition would violate the competitive standard identified in this subsection, the superintendent shall consider that:

(a) an acquisition identified in Subsection B of this section that involves two or more insurers competing in the same market is prima facie evidence of a violation of the competitive standard: 1) if the market is highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	Insurer B
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4%	4% or more
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10%	2% or more
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15%	1% or more; or
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2) if the market is not highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	Insurer B
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5%	5% or more
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10%	4% or more
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15%	3% or more
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19%	1% or more;
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(b) for the purposes of Subparagraph (a) of this paragraph, a highly concentrated market is one in which the share of the four largest insurers is seventy-five percent or more of the market; the insurer with the largest share of the market shall be deemed to be Insurer A; a percentage not shown in a table is interpolated in proportion to the percentages shown; and if more than two insurers are involved in the acquisition, exceeding the total of the two columns in the table is prima facie evidence of a violation of the competitive standard of this subsection;

(c) there is a significant trend toward increased concentration when the aggregate market share of a grouping of the largest insurers in the market, from the two largest to the eight largest, has increased by seven or more percent of the market over a period of time extending from any base year five to ten years prior to the acquisition up to the time of the acquisition. An acquisition or a merger identified in Subsection B of this section that involves two or more insurers competing in the same market is prima facie evidence of a violation of the competitive standard of this subsection if: 1) there is a significant trend toward increased concentration in the market; 2) an involved insurer is in a grouping of large insurers showing the requisite increase in the market share; and 3) another involved insurer's market is two percent or more;

(d) for the purposes of this subsection: 1) "insurer" includes a company and a group of companies under common management, ownership or control; 2) "market" means the relevant product and geographical markets. In determining the relevant product and geographical markets, the superintendent shall give due consideration to, among other things, existing definitions or guidelines promulgated by the national association of insurance commissioners and information submitted by the parties to the acquisition. In the absence of sufficient information to the contrary, the relevant product market is assumed to be the direct written insurance premium for a line of business, such line being that used in the annual statement required to be filed by insurers doing business in New Mexico, and the relevant geographical market is assumed to be New Mexico; and 3) the superintendent bears

the burden of showing prima facie evidence of a violation of the competitive standard;
and

(e) an acquisition that is not prima facie evidence of a violation of the competitive standard pursuant to Subparagraphs (a) and (b) of this paragraph may establish the requisite anti-competitive effect based on other substantial evidence. Using other substantial evidence, a party may establish the absence of the requisite anti-competitive effect for an acquisition that violates the competitive standard pursuant to Subparagraphs (a) and (b) of Paragraph (2) of this subsection. In making a determination pursuant to this subparagraph, the superintendent shall consider relevant factors, including: 1) market shares; 2) volatility of the ranking of market leaders; 3) the number of competitors; 4) concentration; 5) the trend of concentration in the industry; and 6) the ease of entry and exit into the market.

(2) An order shall not be entered pursuant to Subsection E of this section if:

(a) the acquisition would yield substantial economies of scale or economies in resource utilization that cannot be feasibly achieved in another way and the benefit to the public that would arise from those economies would exceed the benefits to the public that would arise from not lessening competition; or

(b) the acquisition would substantially increase the availability of insurance and the benefits to the public of the increase would exceed the benefits to the public that would arise from not lessening competition.

E. If an acquisition violates the standards of this section, the superintendent may enter an order requiring an involved insurer to cease and desist from doing business in New Mexico with respect to the line or lines of insurance involved in the violation or an order denying the application of an acquired or acquiring insurer for a license to do business in New Mexico. The superintendent shall only enter an order if notice of a hearing was issued before the end of the waiting period, but not less than fifteen days prior to the hearing, and the hearing has concluded. The superintendent shall not enter an order more than sixty days after the insurer filed with the superintendent pre-acquisition notification. A written decision by the superintendent that sets forth findings of fact and conclusions of law shall accompany an order. An order is void if the acquisition is not consummated. After notice and a hearing, the superintendent may fine a person that violates a valid cease-and-desist order no more than ten thousand dollars (\$10,000) per day of the violation or suspend or revoke the person's license, or both. The superintendent may fine an insurer or other person that fails to make a filing required by this section and fails to demonstrate a good faith effort to comply with a filing requirement no more than fifty thousand dollars (\$50,000).

F. Subsections B and C of Section 59A-37-25 NMSA 1978 and Subsection A of Section 59A-37-27 NMSA 1978 do not apply to an acquisition identified in Subsection B of this section."

Chapter 59 Section 44 Laws 2014

SECTION 44. A new Section 59A-37-30 NMSA 1978 is enacted to read:

"59A-37-30. ENTERPRISE RISK FILING.--The person who predominantly controls an 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 national association of insurance commissioners."

Chapter 59 Section 45 Laws 2014

SECTION 45. A new Section 59A-37-31 NMSA 1978 is enacted to read:

"59A-37-31. MANAGEMENT OF DOMESTIC INSURERS SUBJECT TO REGISTRATION.--

A. The control of a domestic insurer by a person does not relieve the insurer's officers and directors of an obligation or a liability to which they are otherwise subject by law. An insurer shall be managed so that its separate operating identity is consistent with the Insurance Holding Company Law.

B. Nothing in this section precludes a domestic insurer from participating in a common management function, a cooperative or the joint use of personnel if that participation meets the standards of Subsection A of Section 59A-37-20 NMSA 1978.

C. At least two-thirds of the directors and two-thirds of the members of each committee of the board of directors of a domestic insurer shall not be officers or employees of the insurer or of an entity that controls, is controlled by or is under common control with the insurer and shall not be beneficial owners of a controlling interest in the voting stock of the insurer or entity. At least one person in that group of two-thirds of the directors shall be present prior to the transaction of business at a meeting of the board of directors or a committee of the board of directors.

D. The board of directors of a domestic insurer shall establish at least one committee composed solely of directors who are not officers or employees of the insurer or of an entity that controls, is controlled by or is under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or entity. The committee or committees shall:

(1) nominate the candidates for director, who shall be elected by the shareholders or policyholders;

(2) evaluate the performance of officers deemed to be principal officers of the insurer; and

(3) recommend to the board of directors the selection and compensation of the principal officers.

E. The provisions of Subsections C and D of this section do not apply to a domestic insurer if the person controlling the insurer, such as an insurer, a mutual insurance holding company or a publicly held corporation, has a board of directors and committees of the board of directors that meet the requirements of Subsections C and D of this section.

F. An insurer whose annual direct written and assumed premium, excluding premiums reinsured with the federal crop insurance corporation and the national flood insurance program, is less than three hundred million dollars (\$300,000,000) may apply to the superintendent for a waiver from the requirements of this section. An insurer whose circumstances are unusual may apply to the superintendent for a waiver from the requirements of this section. In determining whether the insurer qualifies for a waiver, the superintendent may consider, among other factors, the insurer's type of business entity, the volume of its business written, the availability of qualified board members and its ownership or organizational structure."

Chapter 59 Section 46 Laws 2014

SECTION 46. A new Section 59A-37-32 NMSA 1978 is enacted 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."

Chapter 59 Section 47 Laws 2014

SECTION 47. Section 59A-41-24 NMSA 1978 (being Laws 1984, Chapter 127, Section 716, as amended) is amended to read:

"59A-41-24. HAZARDOUS FINANCIAL CONDITION--DETERMINATION.--

A. For the purposes of Sections 59A-41-25 and 59A-41-26 NMSA 1978, an insurer may be deemed to be in a hazardous financial condition when the superintendent has determined, after notice and hearing, that the loss experience of the insurer, when reviewed in conjunction with the kinds and characteristics of risks insured, or the insurer's financial condition, or its ownership, or the ratio of its annual premium volume in relation to its policyholders' surplus, would make further assumption of risks by the insurer hazardous to those persons doing business with the insurer or to the general public.

B. The following items may be considered by the superintendent to determine whether the continued operation of an insurer transacting an insurance business in New Mexico is hazardous to the policyholders, the creditors or the general public:

(1) adverse findings reported in financial condition and market conduct examination reports, audit reports and actuarial opinions, reports or summaries;

(2) the national association of insurance commissioners insurance regulatory information system and its other financial analysis solvency tools and reports;

(3) ratios of commission expense, general insurance expense, policy benefits and reserve increases to annual premium and net investment income;

(4) whether, according to currently accepted actuarial standards of practice, the insurer has made adequate provision for the anticipated cash flows required by the insurer's contractual obligations and related expenses, when considered in light of the insurer's assets and investment earnings on assets held for reserves and related actuarial items and the considerations anticipated to be received and retained through the insurer's policies and contracts;

(5) the ability of an assuming reinsurer to perform and whether the insurer's reinsurance program provides sufficient protection for the insurer's remaining surplus after taking into account the insurer's cash flow and the classes of business written as well as the financial condition of the assuming reinsurer;

(6) whether the insurer's operating loss in the last twelve-month period or any shorter period of time, including net capital gain or loss, change in non-admitted assets and cash dividends paid to shareholders is greater than fifty percent of the insurer's remaining surplus as regards policyholders in excess of the minimum required;

(7) whether the insurer's operating loss, excluding net capital gains, in the last twelve months or a shorter period of time is greater than twenty percent of the insurer's remaining surplus as regards policyholders in excess of the minimum required;

(8) whether a reinsurer, an obligor or an entity within the insurer's insurance holding company system is insolvent, threatened with insolvency or delinquent in payment of its monetary or other obligations and that, in the superintendent's opinion, might affect the solvency of the insurer;

(9) contingent liabilities, pledges or guaranties that individually or collectively involve a total amount that, in the superintendent's opinion, may affect the solvency of the insurer;

(10) whether any person having control of an insurer is delinquent in transmitting or paying net premiums to the insurer;

(11) the age and collectibility of receivables;

(12) whether the management of an insurer, including officers, directors or any other person who directly or indirectly controls the operation of the insurer, fails to possess and demonstrate the competence, fitness and reputation deemed necessary to serve the insurer in such position;

(13) whether management of an insurer has failed to respond to inquiries relative to the condition of the insurer or has furnished false or misleading information concerning an inquiry;

(14) whether the insurer, for a reason not satisfactory to the superintendent, has failed to meet financial and holding company filing requirements;

(15) whether management of an insurer has filed with any regulatory authority or released to lending institutions or to the general public any false or misleading financial statements or has made a false or misleading entry or has omitted an entry of material amount in the books of the insurer;

(16) whether the insurer has grown so rapidly and to such an extent that it lacks adequate financial and administrative capacity to meet its obligations in a timely manner;

(17) whether the insurer has experienced or will experience in the foreseeable future cash flow or liquidity problems;

(18) whether management of the insurer has established reserves that do not meet the minimum standards established by New Mexico's insurance laws and rules and by statutory accounting standards, sound actuarial principles and standards of practice;

(19) whether management of the insurer persistently engages in material under-reserving that results in adverse development;

(20) whether transactions among affiliates, subsidiaries or controlling persons for which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity or diversity to ensure that the insurer can meet its outstanding obligations as they mature;

(21) risk-based capital reports and other information obtained pursuant to the Risk-Based Capital Act; or

(22) such other material information and data as the superintendent may deem relevant.

C. For the purposes of making a determination of an insurer's financial condition under this section, the superintendent may:

(1) disregard any credit or amount receivable resulting from transactions with a reinsurer that is insolvent, impaired or otherwise subject to a delinquency proceeding;

(2) make appropriate adjustments, including disallowance, to asset values attributable to investments in or transactions with parents, subsidiaries or affiliates that are consistent with the national association of insurance commissioners' accounting practices and procedures manual and with state laws and rules;

(3) refuse to recognize the stated value of accounts receivable if the ability to collect receivables is highly speculative in view of the age of the account or the financial condition of the debtor; or

(4) increase the insurer's liability in an amount equal to any contingent liability, pledge or guarantee not otherwise included if there is a substantial risk that the insurer will be called upon to meet the obligation undertaken within the next twelve-month period."

Chapter 59 Section 48 Laws 2014

SECTION 48. Section 59A-41-25 NMSA 1978 (being Laws 1984, Chapter 127, Section 717, as amended) is amended to read:

"59A-41-25. REQUIREMENTS OF INSURER IN HAZARDOUS FINANCIAL CONDITION.--

A. Whenever the superintendent finds an insurer authorized to transact insurance in New Mexico to be in hazardous financial condition, as referred to in Section 59A-41-24 NMSA 1978, the superintendent may order the insurer to take such action as the superintendent deems reasonably necessary to rectify the hazardous condition, including requiring the insurer to:

(1) reduce, suspend or limit the volume of business being accepted or renewed;

(2) submit its reinsurance contracts for approval and make such further requirements as to the insurer's reinsurance arrangements as the superintendent deems necessary;

(3) bulk-reinsure all or any part of its New Mexico business with another insurer authorized to transact such business in New Mexico;

(4) increase the insurer's capital and surplus on such terms, in such amount and in such manner as the superintendent deems necessary;

(5) maintain with the superintendent a special deposit in cash or securities eligible for investment of funds of a like domestic insurer under Chapter 59A, Article 9 NMSA 1978 and in amount not less than the lesser of:

(a) the amounts required to be maintained as: 1) reserves for losses and loss adjustment expenses on New Mexico business; and 2) reserves for unearned premiums on New Mexico business. In determining the amount of deposit required, the reserves for losses, loss adjustment expenses and unearned premiums shall be reduced only for reinsurance ceded to authorized or accredited reinsurers that maintain with an independent custodian cash or marketable securities in amount not less than the sum of the reinsurer's reserves for losses, loss adjustment expenses and unearned premiums as to reinsurance assumed; or

(b) five hundred thousand dollars (\$500,000).

Any deposit required by this paragraph shall be for the protection and benefit only of New Mexico policyholders or claimants, or both, and shall not be withdrawn until the superintendent terminates the requirement of the deposit. This paragraph shall not apply as to any domestic insurer, and Subparagraph (b) of this paragraph shall not apply as to any life insurer;

(6) reduce general insurance and commission expenses by specified methods;

(7) suspend or limit the declaration and payment of dividends to its stockholders or to its policyholders;

(8) file reports in a form acceptable to the superintendent concerning the market value of an insurer's assets;

(9) limit or withdraw from certain investments or discontinue certain investment practices to the extent the superintendent deems necessary;

(10) document the adequacy of premium rates in relation to the risks insured;

(11) file, in addition to regular annual statements, interim financial reports on the form adopted by the national association of insurance commissioners or on such format as required by the superintendent;

(12) correct corporate governance practice deficiencies and adopt and use governance practices acceptable to the superintendent;

(13) provide to the superintendent a business plan in order to continue to transact business in the state; or

(14) notwithstanding another provision of law limiting the frequency or amount of premium rate adjustments, adjust rates for a non-life insurance product written by the insurer that the superintendent considers necessary to improve the financial condition of the insurer.

B. The insurer may request a hearing to review the order in accordance with Chapter 59A, Article 4 NMSA 1978; however, the superintendent shall give written notice of the hearing not less than ten days in advance of the hearing, and the hearing shall be held privately unless the insurer requests a public hearing, in which case the hearing shall be public."

Chapter 59 Section 49 Laws 2014

SECTION 49. Section 59A-42-3 NMSA 1978 (being Laws 2012, Chapter 9, Section 6) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O. "owner" of a policy or contract, "policy owner" and "contract owner" means the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the insurer. The terms "owner", "policy owner" and "contract owner" do not include persons with a mere beneficial interest in a policy or contract;

P. "plan sponsor" means:

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

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

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

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

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

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

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

these policies or contracts, regardless of the number of policies or contracts held by the owner;

R. "principal place of business" means:

(1) in the case of a plan sponsor or a person other than a natural person, the single state in which the natural person who establishes a policy for the direction, control and coordination of the operations of the entity as a whole primarily exercises that function, as determined by the association in its reasonable judgment by considering the following factors:

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

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

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

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

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

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

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

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

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

T. "resident" means a person to whom a contractual obligation is owed and who resides in this state on the date of entry of a court order that determines a member insurer to be an impaired insurer or a court order that determines a member insurer to be an insolvent insurer. A person may be a resident of only one state, which, in the case of a person other than a natural person, shall be its principal place of business. Citizens of the United States that are either residents of foreign countries or residents of United States possessions, territories or protectorates that do not have an association similar to the association created by the Life and Health Insurance Guaranty Association Act shall be deemed residents of the state of domicile of the insurer that issued the policies or contracts;

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

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

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

Chapter 59 Section 50 Laws 2014

SECTION 50. Section 59A-42A-7 NMSA 1978 (being Laws 1997, Chapter 107, Section 7) is amended to read:

"59A-42A-7. EXAMINATION--ANNUAL STATEMENT.--

A. The association is subject to and responsible to pay the cost of examination by the superintendent on a periodic basis, pursuant to Chapter 59A, Article 4 NMSA 1978.

B. Not later than March 1 of each year, the board shall submit to the superintendent an annual statement in accordance with the requirements of Section 59A-5-29 NMSA 1978 and a risk-based capital report in accordance with the requirements of Section 59A-5A-3 NMSA 1978."

Chapter 59 Section 51 Laws 2014

SECTION 51. Section 59A-46-9 NMSA 1978 (being Laws 1993, Chapter 266, Section 9) is amended to read:

"59A-46-9. ANNUAL REPORT.--

A. Every health maintenance organization shall annually, on or before the first day of March, file a report, verified by at least two principal officers, with the superintendent covering the preceding calendar year.

B. The report shall be on forms prescribed by the superintendent and shall include:

(1) a financial statement of the organization prepared pursuant to forms prescribed by the superintendent, including its balance sheet and receipts and disbursements for the preceding year;

(2) any material changes in the information submitted pursuant to Subsection C of Section 59A-46-3 NMSA 1978;

(3) the number of persons enrolled during the year and the number of enrollees as of the end of the year; and

(4) such other reasonable information materially relating to the performance of the health maintenance organization as is necessary to enable the superintendent to carry out the superintendent's duties under the Insurance Code.

C. In addition, the health maintenance organization shall file by the dates indicated:

(1) on or before March 1, an annual statement in accordance with the requirements of Section 59A-5-29 NMSA 1978 and a risk-based capital report in accordance with the requirements of Section 59A-5A-3

NMSA 1978;

(2) a list of the providers who have executed a contract that complies with Subsection E of Section 59A-46-13 NMSA 1978 on or before March 1; and

(3) a description of the grievance procedures and the total number of grievances handled through such procedures, a compilation of the causes underlying those grievances and a summary of the final disposition of those grievances, on or before March 1.

D. The superintendent may require such additional reports as are deemed necessary and appropriate to enable the superintendent to carry out the superintendent's duties under the Health Maintenance Organization Law."

Chapter 59 Section 52 Laws 2014

SECTION 52. Section 59A-47-14 NMSA 1978 (being Laws 1984, Chapter 127, Section 879.12) is amended to read:

"59A-47-14. ANNUAL STATEMENT.--As prerequisite to continuance of its certificate of authority, each health care plan shall on or before March 1 each year file with the superintendent and with the national association of insurance commissioners an annual statement in accordance with the requirements of Section 59A-5-29 NMSA 1978 and a risk-based capital report in accordance with the requirements of Section 59A-5A-3 NMSA 1978."

Chapter 59 Section 53 Laws 2014

SECTION 53. Section 59A-48-10 NMSA 1978 (being Laws 1984, Chapter 127, Section 889) is amended to read:

"59A-48-10. ANNUAL REPORT TO SUPERINTENDENT.--

A. Every prepaid dental plan organization annually on or before the first day of March shall file with the superintendent a report covering its activities for the preceding calendar year in form as prescribed by the superintendent, verified by at least two principal officers of the corporation. A copy of the report shall be sent by the prepaid dental plan organization to the department of health.

B. Such reports shall be on forms prescribed by the superintendent and shall include:

(1) an annual statement in accordance with the requirements of Section 59A-5-29 NMSA 1978 and a risk-based capital report in accordance with the requirements of Section 59A-5A-3 NMSA 1978;

(2) any material changes in the information;

(3) the number of persons who become members during the year, the number of members as of the end of the year and the number of memberships terminated during the year;

(4) the costs of all care provided and the number of units of care provided; and

(5) such other information relating to the performance of the prepaid dental plan organization as is necessary to enable the superintendent to carry out the duties prescribed by The Prepaid Dental Plan Law.

C. The fee for filing the annual report shall be as specified in Section 59A-6-1 NMSA 1978."

Chapter 59 Section 54 Laws 2014

SECTION 54. SEVERABILITY.--If any part or application of the provisions of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Chapter 59 Section 55 Laws 2014

SECTION 55. EFFECTIVE DATE--CONTINGENCIES--NOTIFICATION.--

A. The effective date of the provisions of Sections 15 through 27 of this act is the January 1 of the first calendar year following the first July 1 after which the superintendent of insurance certifies to the New Mexico compilation commission and the director of the legislative council service that:

(1) the most recent version of the manual of valuation instructions adopted by the national association of insurance commissioners has been adopted by the national association of insurance commissioners by an affirmative vote of at least forty-two members or three-fourths of the members voting, whichever is greater;

(2) the Standard Valuation Law of the national association of insurance commissioners, as amended in 2009, or legislation including substantially similar terms and provisions, has been enacted by states that collectively represent more than seventy-five percent of written direct premiums, as reported in the life, accident and health annual statements, the health annual statements and the fraternal annual statements submitted for 2008; and

(3) the Standard Valuation Law of the national association of insurance commissioners, as amended in 2009, or legislation including substantially similar terms and provisions, has been enacted by at least forty-two of the following fifty-five jurisdictions:

- (a) the fifty states of the United States;
- (b) American Samoa;
- (c) the Virgin Islands of the United States;
- (d) the District of Columbia;

(e) Guam; and

(f) Puerto Rico.

B. If the requirements of Subsection A of this section have not been met by January 1, 2020, then Sections 15 through 27 of this act shall not take effect.

C. The effective date of the provisions of Sections 1 through 14 and 28 through 54 of this act is July 1, 2014.

Senate Bill 56, aa

Approved March 10, 2014

LAWS 2014, CHAPTER 60

AN ACT

RELATING TO HOUSING; AMENDING THE MUNICIPAL HOUSING LAW BY CLARIFYING PROVISIONS AND DEFINITIONS AND PROVIDING OPTIONS FOR THE APPOINTMENT OF COMMISSIONERS.

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

Chapter 60 Section 1 Laws 2014

SECTION 1. Section 3-45-3 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-46-3, as amended) is amended to read:

"3-45-3. DEFINITIONS.--The following terms, wherever used or referred to in the Municipal Housing Law, shall have the following respective meanings:

A. "city" means any municipality and, unless the context otherwise clearly indicates, any county. "The city" means the particular city or county for which a particular housing authority is created. "County" means any county;

B. "governing body" means, in the case of a city, the council or board of commissioners and, in the case of other state public bodies, the council, commissioners, board or other body having charge of the fiscal affairs of the state public body;

C. "mayor" means the mayor of the city or the officer charged with the duties customarily imposed on the mayor or executive head of a city. In the case of a county, the term "mayor" means the board of county commissioners;

D. "clerk" means the city recorder, the county clerk or the officer charged with the duties customarily imposed on the clerk;

E. "area of operation" includes all of the city or, in the case of a county, includes all of the county, except the area shall not include any area that lies within the boundaries of any city that has an established housing authority or housing agency without the consent of the city. Upon approval by the governing bodies of the cities involved, the area of operation of one city pursuant to the Municipal Housing Law may be enlarged to include the area within the boundaries of any other city. Any subsequent withdrawal of consent of a city for operation within its boundaries by another city shall not prohibit the development and operation of any housing projects initiated in the city by another city prior to the date of withdrawal;

F. "authority" or "housing authority" means any agency or other instrumentality of a city or a separate public body politic and corporate created pursuant to the Municipal Housing Law;

G. "state public body" means any county, municipal corporation, commission, district, authority, including a housing authority that is a separate body politic, other subdivision or public body of the state;

H. "federal government" includes the United States of America, the federal department of housing and urban development or any other agency or instrumentality, corporate or otherwise, of the United States of America;

I. "slum" means any area where dwellings predominate that by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to the safety, health or well-being of the occupants or to surrounding properties;

J. "housing project" means any work or undertaking of the city:

(1) to demolish, clear or remove buildings from any slum area. The work or undertaking may embrace the adaptation of the area to public purposes, including parks or other recreational or community purposes;

(2) to provide decent, safe and sanitary dwellings, apartments, single-family dwellings or other affordable living accommodations for persons of low and moderate income. The work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or

(3) to accomplish a combination of the foregoing.

The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property or existing structures, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith;

K. "low-income person" means any individual, couple or family whose gross income does not exceed eighty percent of that person's particular area median income and who cannot afford to pay more than thirty-five percent of gross annual income for housing rent or mortgage payments or a "low-income person" as defined by the federal government;

L. "bonds" means any bonds, notes, interim certificates, debentures or other obligations issued pursuant to the Municipal Housing Law;

M. "real property" includes all lands, including improvements and fixtures on the lands and property of any nature appurtenant to the lands or used in connection with the lands, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens;

N. "obligee" includes any holder of bonds issued pursuant to the Municipal Housing Law, trustees for any such bondholders, or lessor demising to a city property used in connection with a housing project, or any assignee or assignees of the lessor's interest or any part of the lessor's interest and the federal government when it is a party to any contract with a city in regard to a housing project;

O. "affordable housing" means any housing accommodations that serve the needs of low- and moderate-income persons;

P. "affordable housing program" means an ongoing delivery system of affordable housing services that assists persons of low and moderate income;

Q. "moderate-income person" means any individual, couple or family whose gross annual income is not less than eighty percent of that person's particular area median income and does not exceed one hundred twenty percent of that area median income;

R. "multi-jurisdictional housing authority" means two or more housing authorities joined or cooperating for the purposes of consolidating administrative duties and obligations and providing more effective and efficient housing projects and programs within their jurisdictions; and

S. "immediate family member" means:

(1) a spouse, including a former spouse, a de facto spouse or a former de facto spouse;

(2) a child or an adult child, including an adopted child, a step-child or an ex-nuptial child;

(3) a parent or a step-parent;

(4) a grandparent;

(5) a grandchild;

(6) a sibling or a step-sibling;

(7) a first cousin;

(8) an aunt or an uncle;

(9) a father-in-law or a mother-in-law;

(10) a sister-in-law or a brother-in-law; and

(11) any other relative who is financially supported."

Chapter 60 Section 2 Laws 2014

SECTION 2. Section 3-45-5 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-46-5, as amended) is amended to read:

"3-45-5. CREATION OF AUTHORITY.--

A. Every city, in addition to other powers conferred by the Municipal Housing Law, shall have power and is authorized, by proper resolution of its governing body, to create an authority to be known as the "housing authority" of the city as a public body politic and corporate separate from the city. The city may delegate to the authority the power to construct, maintain, operate and manage any housing project or affordable housing programs of the city and may delegate to the authority any or all of the powers conferred on the city by the Municipal Housing Law.

B. When the governing body of a city adopts a resolution pursuant to Subsection A of this section:

(1) the mayor shall appoint three, five or seven persons as commissioners of the authority as follows:

(a) at least three commissioners if the municipality is a village, town or county that does not contain a metropolitan statistical area as defined by the United States census; or

(b) at least five but no more than seven commissioners if the municipality is a city or a county that contains a metropolitan statistical area as defined by the United States census; and

(2) the commissioners who are first appointed shall be designated to serve staggered terms of one to five years from the date of their appointment, depending on the size of the authority. Thereafter, commissioners shall be appointed for a term of office of five years, except that all vacancies shall be filled for the unexpired term. A commissioner of an authority shall not hold any other office or employment of the city for which the authority is created. A commissioner shall hold office until a successor has been appointed and has qualified, unless sooner removed according to law. A commissioner may serve two or more successive terms of office. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk, and the certificate shall be conclusive evidence of the due and proper appointment of the commissioner. A commissioner shall receive no compensation for services for the authority in any capacity, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of duties.

C. Two or more cities joined together pursuant to Subsection B of Section 3-45-4 NMSA 1978 shall establish their commissioners in accordance with Subsection B of this section, except that each city shall have equitable representation on the commission. The commissioners representing each city shall be appointed by the mayor of the city.

D. Any powers delegated by a city to an authority shall be vested in the commissioners of the authority in office from time to time. A majority of commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present. The commission shall organize itself at its annual meeting each even-numbered year. Any city creating a housing authority may authorize the authority to employ a secretary, who shall be executive director and who shall be removable only for cause. With the delegated authority from the commission, the executive director may hire or terminate, according to the procurement and personnel policies and procedures of the authority, technical experts and such other officers, attorneys, agents and employees, permanent and temporary, as the authority may require; determine their qualifications, duties and compensation; and delegate to one or more of them such powers or duties as the authority may deem proper."

Chapter 60 Section 3 Laws 2014

SECTION 3. Section 3-45-12 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-46-12, as amended) is amended to read:

"3-45-12. FORM AND SALE OF BONDS--INTEREST ON CERTAIN OBLIGATIONS.--

A. Bonds of a city issued under the Municipal Housing Law shall be authorized by its resolution and may be issued in any one or more series and shall bear such date, mature at such time, bear interest at such rate, be in such denomination, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place and be subject to such terms of redemption, with or without premium, as the resolution, its trust indenture or the bond so issued may provide.

B. Obligations issued by a city that are true loan obligations made to the farm service agency of the United States department of agriculture or the department of housing and urban development may bear interest at a rate of interest not exceeding par.

C. The bonds shall be sold at not less than par at public sale held after notice published once at least five days prior to the sale in a newspaper having a general circulation in the city jurisdiction and in a financial newspaper published in the city of San Francisco, California, or in the city of New York, New York; provided that the bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the bonds authorized in connection with any housing project are sold to the federal government, the balance of the bonds may be sold at private sale at not less than par at an interest cost to the city not to exceed the interest cost to the city of the portion of the bonds sold to the federal government.

D. In case any of the officers of the city, the authority or any of its instrumentalities whose signatures appear on any bonds or coupons cease to be officers before the delivery of the bonds, the signatures shall, nevertheless, be valid and sufficient for all purposes the same as if the officers had remained in office until delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to the Municipal Housing Law shall be fully negotiable.

E. In any suit, action or proceedings involving the validity or enforceability of any bond of a city or the security for the bond, any such bond reciting in substance that it has been issued by the city to aid in financing a housing project to provide dwelling accommodations for persons of low and moderate income shall be conclusively deemed to have been issued for a housing project of that character, and the housing project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of the Municipal Housing Law."

Chapter 60 Section 4 Laws 2014

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

Senate Bill 71, aa

Approved March 10, 2014

LAWS 2014, CHAPTER 61

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; INCORPORATING THE HOME SCHOOL STUDENT PROGRAM UNIT PROVISION IN THE PROGRAM COST CALCULATION PROVISIONS OF THE PUBLIC SCHOOL FINANCE ACT; CHANGING THE TERM "HOME SCHOOLED" TO "HOME SCHOOL".

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

Chapter 61 Section 1 Laws 2014

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) through (6) in this subsection by the instructional staff training and experience index and adding the program units itemized as Paragraphs (7) through (14) 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 program;

(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 program unit;

(13) home school student activities; and

(14) charter school student activities.

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 if a public school has been rated D or F for two consecutive years, 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 until the public school earns a C or better for two consecutive years."

Chapter 61 Section 2 Laws 2014

SECTION 2. Section 22-8-23.9 NMSA 1978 (being Laws 2013, Chapter 113, Section 1) is amended to read:

"22-8-23.9. HOME SCHOOL STUDENT PROGRAM UNITS.--Notwithstanding the provision in Section 22-8-2 NMSA 1978 defining a qualified student as one who is regularly enrolled in one-half or more of the minimum course requirements approved by the department for public school students, home school students may take one or more classes at public schools and, if so, shall generate program units as provided in this section. The home school student program unit for a school district is determined by multiplying the number of home school students who are enrolled in one or more classes by the cost differential factor 0.25 per class per home school student up to the enrollment required for the home school student to meet the definition of "qualified student". The home school student program units shall be paid to the school district in which they are generated. A home school student is eligible to enroll in a public school in the attendance zone in which the student resides or in another public school outside the attendance zone as provided in Section 22-1-4 NMSA 1978. The school district shall verify each home school student's academic and other eligibility to enroll in the class."

Senate Bill 153

Approved March 10, 2014

LAWS 2014, CHAPTER 62

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING FOR THE WAIVER OF TUITION AND FEES AT PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS FOR STUDENTS WHO HAVE BEEN IN THE FOSTER CARE SYSTEM.

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

Chapter 62 Section 1 Laws 2014

SECTION 1. A new section of Chapter 21 NMSA 1978 is enacted to read:

"FOSTER CHILD TUITION AND FEE WAIVER ELIGIBILITY--NOTIFICATION.--

A. The state educational institutions set forth in Article 12, Section 11 of the constitution of New Mexico and their branches, community colleges as provided in Chapter 21, Article 13 NMSA 1978 and technical and vocational institutes as provided in Chapter 21, Article 16 NMSA 1978 shall not charge tuition or fees pursuant to Section 21-1-4 NMSA 1978 to a student:

(1) for whom the children, youth and families department provides certification that the student was in the legal custody of the children, youth and families department pursuant to the Children's Code or for whom a New Mexico Indian nation, tribe, or pueblo or the United States department of the interior bureau of Indian affairs division of human services provides certification that the student was in the legal custody of a New Mexico Indian nation, tribe or pueblo or the United States department of the interior bureau of Indian affairs division of human services:

(a) on the day preceding the student's eighteenth birthday;

(b) on or after the day of the student's fourteenth birthday and the student's parents' rights were relinquished or terminated at that time; or

(c) on the day the student graduated from a high school in the state or received a high school equivalency certificate in the state; and

(2) who enrolls in one of the state educational institutions set forth in Article 12, Section 11 of the constitution of New Mexico and their branches,

community colleges as provided in Chapter 21, Article 13 NMSA 1978 and technical and vocational institutes as provided in Chapter 21, Article 16 NMSA 1978 no later than the day of the student's twenty-fifth birthday.

B. The higher education department shall collaborate with the children, youth and families department, the New Mexico Indian nations, tribes or pueblos and the United States department of the interior bureau of Indian affairs division of human services to ensure that middle school and high school students who are or have been in the legal custody of the children, youth and families department, a New Mexico Indian nation, tribe or pueblo or the United States department of the interior bureau of Indian affairs division of human services learn about the provisions of this section."

SEC/Senate Bill 206

Approved March 10, 2014

LAWS 2014, CHAPTER 63

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 63 Section 1 Laws 2014

Section 1. **SHORT TITLE.**--This act may be cited as the "General Appropriation Act of 2014".

Chapter 63 Section 2 Laws 2014

Section 2. **DEFINITIONS.**--As used in the General Appropriation Act of 2014:

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” or “FTE” means one or more authorized positions that alone or together receives or receive compensation for not more than two thousand eighty-eight hours worked in fiscal year 2015. The calculation of hours worked includes compensated absences but does not include overtime, compensatory time or sick leave paid pursuant to Section 10-7-10 NMSA 1978;

F. “general fund” means that fund created by Section 6-4-2 NMSA 1978 and includes federal Mineral Leasing Act receipts and those payments made in accordance with the federal block grant and the federal Workforce Investment Act but excludes the general fund operating reserve, the appropriation contingency fund, the tax stabilization reserve and any other fund, reserve or account from which general appropriations are restricted by law;

G. “interagency transfers” means revenue, other than internal service funds, legally transferred from one agency to another;

H. “internal service funds” means:

(1) revenue transferred to an agency for the financing of goods or services to another agency on a cost-reimbursement basis; and

(2) balances in agency internal service fund accounts appropriated by the General Appropriation Act of 2014;

I. “other state funds” means:

(1) nonreverting balances in agency accounts, other than in internal service funds accounts, appropriated by the General Appropriation Act of 2014;

(2) all revenue available to agencies from sources other than the general fund, internal service funds, interagency transfers and federal funds; and

(3) all revenue, the use of which is restricted by statute or agreement;

J. “outcome” means the measure of the actual impact or public benefit of a program;

K. “output” means the measure of the volume of work completed or the level of actual services or products delivered by a program;

L. “performance measure” means a quantitative or qualitative indicator used to assess a program;

M. “quality” means the measure of the quality of a good or service produced and is often an indicator of the timeliness, reliability or safety of services or products produced by a program;

N. “revenue” means all money received by an agency from sources external to that agency, net of refunds and other correcting transactions, other than from issue of debt, liquidation of investments or as agent or trustee for other governmental entities or private persons; and

O. “target” means the expected level of performance of a program’s performance measures.

Chapter 63 Section 3 Laws 2014

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 2014, or so much as may be necessary, are appropriated from the indicated source for expenditure in fiscal year 2015 for the objects expressed.

D. Unexpended balances in agency accounts remaining at the end of fiscal year 2014 shall revert to the general fund by October 1, 2014, unless otherwise indicated in the General Appropriation Act of 2014 or otherwise provided by law.

E. Unexpended balances in agency accounts remaining at the end of fiscal year 2015 shall revert to the general fund by October 1, 2015, unless otherwise indicated in the General Appropriation Act of 2014 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 2014, appropriations are made in that act for the expenditures of agencies and for other purposes as required by existing law for fiscal year 2015. If any other act of the second session of the fifty-first legislature changes existing law with regard to the name or responsibilities of an agency or the name or purpose of a fund or distribution, the appropriation made in the General Appropriation Act of 2014 shall be transferred from the agency, fund or distribution to which an appropriation has been made as required by existing law to the appropriate agency, fund or distribution provided by the new law.

~~[H. The department of finance and administration will regularly consult with the legislative finance committee staff to compare fiscal year 2015 revenue collections with the revenue estimate. If the analyses indicate that revenues and transfers to the general fund are not expected to meet appropriations, then the department shall present a plan to the legislative finance committee that outlines the methods by which the administration proposes to address the deficit.]~~ *LINE-ITEM VETO*

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 2014 may be expended for payment of agency-issued credit card invoices.

K. To prevent unnecessary spending, expenditures from the General Appropriation Act of 2014 for gasoline for state-owned vehicles at public gasoline service stations shall be made only for self-service gasoline provided that a state agency head may provide exceptions from the requirement to accommodate disabled persons or for other reasons the public interest may require.

L. For the purpose of administering the General Appropriation Act of 2014, the state of New Mexico shall follow the modified accrual basis of accounting for governmental funds in accordance with the manual of model accounting practices issued by the department of finance and administration.

Chapter 63 Section 4 Laws 2014

Section 4. **FISCAL YEAR 2015 APPROPRIATIONS.--**

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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A. LEGISLATIVE

LEGISLATIVE COUNCIL SERVICE:

(1) Legislative building services:

Appropriations:

(a) Personal services and employee benefits	2,835.1				2,835.1
(b) Contractual services			97.7		97.7
(c) Other	1,364.5				1,364.5

(2) Energy council dues:

Appropriations:	38.4				38.4
Subtotal				4,335.7	
TOTAL LEGISLATIVE		4,335.7			4,335.7

B. JUDICIAL

SUPREME COURT LAW LIBRARY:

The purpose of the supreme court law library is to provide and produce legal information for the judicial, legislative and executive branches of state government, the legal community and the public at large so they may have equal access to the law, effectively address the courts, make laws and write regulations, better understand the legal system and conduct their affairs in accordance with the principles of law.

Appropriations:

(a) Personal services and employee benefits	634.5				634.5
(b) Contractual services			380.5	1.8	382.3
(c) Other	521.1				521.1

Performance measures:

(a) Output: Number of research requests 8,500

Subtotal 1,537.9

NEW MEXICO COMPILATION COMMISSION:

The purpose of the New Mexico compilation commission is to publish in print and electronic format, distribute and sell (1) laws enacted by the legislature, (2) opinions of the supreme court and court of appeals, (3) rules approved by the supreme court, (4) attorney general opinions and (5) other state and federal rules and opinions. The commission ensures the accuracy and reliability of its publications.

Appropriations:

(a) Personal services and

employee benefits 519.4 519.4

(b) Contractual services 714.8 400.0 1,114.8

(c) Other 149.4 149.4

Subtotal 1,783.6

JUDICIAL STANDARDS COMMISSION:

The purpose of the judicial standards commission program is to provide a public review process addressing complaints involving judicial misconduct to preserve the integrity and impartiality of the judicial process.

Appropriations:

(a) Personal services and

employee benefits 692.6 692.6

(b) Contractual services 28.3 28.3

(c) Other 120.5 10.0 130.5

Any unexpended balances in the judicial standards commission remaining at the end of fiscal year 2015 in other state funds from funds received from investigation and trial cost reimbursements from respondents shall not revert to the general fund.

Subtotal 851.4

COURT OF APPEALS:

The purpose of the court of appeals program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and employee benefits	5,366.6	5,366.6
(b)	Contractual services	34.0	34.0
(c)	Other	469.4 1.0	470.4

Performance measures:

(a) Explanatory:	Cases disposed as a percent of cases filed	100%
Subtotal		5,871.0

SUPREME COURT:

The purpose of the supreme court program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and employee benefits	3,111.5	3,111.5
(b)	Contractual services	14.3	14.3
(c)	Other	91.7	91.7

Notwithstanding the provisions of Sections 35-8-7 and 38-5-15 NMSA 1978 or other substantive law, the supreme court has the authority to reduce juror pay as needed to stay within the appropriation for the jury and witness fund.

Performance measures:

(a) Explanatory:	Cases disposed as a percent of cases filed	98%
Subtotal		3,217.5

ADMINISTRATIVE OFFICE OF THE COURTS:

(1) Administrative support:

The purpose of the administrative support program is to provide administrative support to the chief justice, all judicial branch units and the administrative office of the courts so that they can effectively administer the New Mexico court system.

Appropriations:

(a)	Personal services and				
	employee benefits	3,316.9	213.9		3,530.8
(b)	Contractual services	458.6	226.0	390.1	701.6
					1,776.3
(c)	Other	4,249.6	2,218.0	264.5	6,732.1

Performance measures:

(a) Output: Average cost per juror \$50

(2) Statewide judiciary automation:

The purpose of the statewide judicial automation program is to provide development, enhancement, maintenance and support for core court automation and usage skills for appellate, district, magistrate and municipal courts and ancillary judicial agencies.

Appropriations:

(a)	Personal services and				
	employee benefits	2,758.3	2,429.3		5,187.6
(b)	Contractual services		1,427.2		1,427.2
(c)	Other	644.0	2,207.2	2,851.2	

Performance measures:

(a) Quality: Percent of accurate driving-while-intoxicated court reports 98%

(3) Magistrate court:

The purpose of the magistrate court and warrant enforcement program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and employee benefits	17,871.9	2,533.3	20,405.2	
(b)	Contractual services	110.0	324.3	150.0	584.3
(c)	Other	7,478.4	1,916.8	9,395.2	

The general fund appropriation to the magistrate court program of the administrative office of the courts in the contractual services category includes fifty thousand dollars (\$50,000) for security services at the Santa Fe magistrate court.

Performance measures:

- (a) Outcome: Bench warrant revenue collected annually, in millions \$3.3
- (b) Explanatory: Cases disposed as a percent of cases filed 95%

(4) Special court services:

The purpose of the special court services program is to provide court advocates, legal counsel and safe exchanges for children and families; to provide judges pro tem; and to adjudicate water rights disputes so the constitutional rights and safety of citizens, especially children and families, are protected.

Appropriations:

(a)	Personal services and employee benefits	322.7	76.4	36.7	435.8
(b)	Contractual services	5,896.0	318.8	6,214.8	
(c)	Other	42.3	3.0	45.3	
(d)	Other financing uses	3,306.2	751.5	4,057.7	

Notwithstanding the provisions of Section 11-6A-3 NMSA 1978 or other substantive law, the internal service funds/interagency transfers appropriation to the special court services program of the administrative office of the courts in the other financing uses category includes five hundred thousand dollars (\$500,000) from the local DWI grant fund for drug courts. Any unexpended balances from appropriations made from the local DWI grant fund remaining at the end of fiscal year 2015 shall revert to the local DWI grant fund.

The general fund appropriation to the special courts services program of the administrative office of the courts in the other financing uses category includes an additional two hundred fifty thousand dollars (\$250,000) for the court-appointed special advocate program, including one hundred fifty thousand dollars

(\$150,000) for programs [~~in southeast New Mexico~~] and twenty-five thousand dollars (\$25,000) for programs [~~in the fourth judicial district~~]. *LINE-ITEM VETO*

Performance measures:

- (a) Output: Number of required events attended by attorneys in abuse and neglect cases 8,000

Subtotal 62,643.5

SUPREME COURT BUILDING COMMISSION:

The purpose of the supreme court building commission is to retain custody and control of the supreme court building and its grounds, to provide care, preservation, repair, cleaning, heating and lighting and to hire necessary employees for these purposes.

Appropriations:

- (a) Personal services and employee benefits 713.3 713.3
- (b) Contractual services 7.2 7.2
- (c) Other 187.2 187.2
- Subtotal 907.7

DISTRICT COURTS:

(1) First judicial district:

The purpose of the first judicial district court program, statutorily created in Santa Fe, Rio Arriba and Los Alamos counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

- (a) Personal services and employee benefits 6,471.2 275.6 302.8 7,049.6
- (b) Contractual services 62.2 35.0 262.6 359.8
- (c) Other 244.0 154.1 41.6 439.7

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 100%

(2) Second judicial district:

The purpose of the second judicial district court program, statutorily created in Bernalillo county, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and

employee benefits 21,080.3 2,714.7 1,103.6
24,898.6

(b) Contractual services 362.1 362.1

(c) Other 1,261.0 308.4 18.2 1,587.6

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

(3) Third judicial district:

The purpose of the third judicial district court program, statutorily created in Dona Ana county, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and

employee benefits 5,761.4 85.6 519.0 6,366.0

(b) Contractual services 501.2 132.0 142.8 776.0

(c) Other 231.3 8.6 67.1 307.0

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

(4) Fourth judicial district:

The purpose of the fourth judicial district court program, statutorily created in Mora, San Miguel and Guadalupe counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	2,050.7			2,050.7
(b)	Contractual services	20.1	7.0	161.2	188.3
(c)	Other	149.3	20.0	169.3	

Performance measures:

(a) Explanatory:	Cases disposed as a percent of cases filed	95%
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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 proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	5,985.4		59.4	6,044.8
(b)	Contractual services	297.5	65.0	335.0	697.5
(c)	Other	238.9	65.0	12.9	316.8

Performance measures:

(a) Explanatory:	Cases disposed as a percent of cases filed	95%
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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)	Personal services and				
	employee benefits	2,510.5		39.0	2,549.5
(b)	Contractual services	563.7	14.0	124.1	701.8
(c)	Other	142.0	17.0		159.0

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

(7) Seventh judicial district:

The purpose of the seventh judicial district court program, statutorily created in Torrance, Socorro, Catron and Sierra counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	1,983.8		272.7	2,256.5
(b)	Contractual services	238.0	27.0	108.9	373.9
(c)	Other	135.5	5.0	24.7	165.2

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

(8) Eighth judicial district:

The purpose of the eighth judicial district court program, statutorily created in Taos, Colfax and Union counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	2,177.8			2,177.8
(b)	Contractual services	620.9	55.0	143.9	819.8

(c) Other 79.0 26.0 105.0

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

(9) Ninth judicial district:

The purpose of the ninth judicial district court program, statutorily created in Curry and Roosevelt counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and
employee benefits 3,191.7 521.3 3,713.0

(b) Contractual services 29.2 16.5 103.4 149.1

(c) Other 133.7 51.5 44.6 229.8

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

(10) Tenth judicial district:

The purpose of the tenth judicial district court program, statutorily created in Quay, De Baca and Harding counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and
employee benefits 731.9 731.9

(b) Contractual services 61.8 27.8 89.6

(c) Other 83.3 8.0 91.3

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

(11) Eleventh judicial district:

The purpose of the eleventh judicial district court program, statutorily created in San Juan and McKinley counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	5,573.7		377.1	5,950.8
(b)	Contractual services	420.0	100.1	167.6	687.7
(c)	Other	232.1	48.9	41.5	322.5

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

(12) Twelfth judicial district:

The purpose of the twelfth judicial district court program, statutorily created in Otero and Lincoln counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	2,858.3		71.3	2,929.6
(b)	Contractual services	143.2	10.0	102.1	255.3
(c)	Other	228.1	49.0		277.1

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

(13) Thirteenth judicial district:

The purpose of the thirteenth judicial district court program, statutorily created in Valencia, Sandoval and Cibola counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	5,890.6	50.0	279.0	6,219.6
(b)	Contractual services	639.4	240.9	323.0	1,203.3
(c)	Other	478.2	56.0	25.0	559.2

Performance measures:

(a) Explanatory:	Cases disposed as a percent of cases filed	95%
Subtotal		84,332.1

BERNALILLO COUNTY METROPOLITAN COURT:

The purpose of the Bernalillo county metropolitan court program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a)	Personal services and				
	employee benefits	18,636.0	1,672.6	125.8	20,434.4
(b)	Contractual services	2,280.2	581.6	310.0	3,171.8
(c)	Other	2,561.6	335.9		2,897.5
(d)	Other financing uses		15.0		15.0

Performance measures:

(a) Explanatory:	Cases disposed as a percent of cases filed	95%
Subtotal		26,518.7

DISTRICT ATTORNEYS:

(1) First judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and

ensure the protection, safety, welfare and health of the citizens within Santa Fe, Rio Arriba and Los Alamos counties.

Appropriations:

(a)	Personal services and				
	employee benefits	4,799.0		163.5	4,962.5
(b)	Contractual services		21.0		21.0
(c)	Other	345.8		345.8	

Performance measures:

(a) Efficiency:	Average time from filing of petition to final disposition,	
	in months	6

(2) Second judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Bernalillo county.

Appropriations:

(a)	Personal services and					
	employee benefits	17,132.6	414.1	86.7	201.9	17,835.3
(b)	Contractual services		96.0			96.0
(c)	Other	821.9	170.4	1.3		993.6

Performance measures:

(a) Efficiency:	Average time from filing of petition to final disposition,	
	in months	9

(3) Third judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Dona Ana county.

Appropriations:

(a)	Personal services and employee benefits	4,360.8	290.1	129.8	521.6	5,302.3
(b)	Contractual services	19.0				19.0
(c)	Other	257.2		257.2		

Performance measures:

(a) Efficiency:	Average time from filing of petition to final disposition,
	in months 6

(4) Fourth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Mora, San Miguel and Guadalupe counties.

Appropriations:

(a)	Personal services and employee benefits	2,943.9				2,943.9
(b)	Contractual services	30.0				30.0
(c)	Other	157.1		157.1		

Performance measures:

(a) Efficiency:	Average time from filing of petition to final disposition,
	in months 6

(5) Fifth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Eddy, Lea and Chaves counties.

Appropriations:

(a)	Personal services and employee benefits	4,588.5				4,588.5
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(b)	Contractual services	16.5	16.5
(c)	Other	173.4	173.4

Performance measures:

(a) Efficiency: Average time from filing of petition to final disposition,
in months 6

(6) Sixth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Grant, Hidalgo and Luna counties.

Appropriations:

(a)	Personal services and employee benefits	2,527.7	44.5	136.5	2,708.7
(b)	Contractual services	19.0			19.0
(c)	Other	194.0			194.0

Performance measures:

(a) Efficiency: Average time from filing of petition to final disposition,
in months 5

(7) Seventh judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Catron, Sierra, Socorro and Torrance counties.

Appropriations:

(a)	Personal services and employee benefits	2,308.9			2,308.9
(b)	Contractual services	13.8			13.8
(c)	Other	143.5			143.5

Performance measures:

(a) Efficiency: Average time from filing of petition to final disposition,
in months 5.5

(8) Eighth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Taos, Colfax and Union counties.

Appropriations:

(a)	Personal services and employee benefits	2,477.2	2,477.2
(b)	Contractual services	14.8	14.8
(c)	Other	140.5	140.5

Performance measures:

(a) Efficiency: Average time from filing of petition to final disposition,
in months 6

(9) Ninth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Curry and Roosevelt counties.

Appropriations:

(a)	Personal services and employee benefits	2,671.1	2,671.1
(b)	Contractual services	18.6	18.6
(c)	Other	117.1	117.1

Performance measures:

(a) Efficiency: Average time from filing of petition to final disposition,

in months 6

(10) Tenth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Quay, Harding and De Baca counties.

Appropriations:

(a) Personal services and		
employee benefits	1,054.4	1,054.4
(b) Contractual services	11.2	11.2
(c) Other	101.2	101.2

Performance measures:

(a) Efficiency: Average time from filing of petition to final disposition,
in months 5

(11) Eleventh judicial district, division I:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within San Juan county.

Appropriations:

(a) Personal services and					
employee benefits	3,248.4	506.4	117.0	86.0	3,957.8
(b) Contractual services	26.6				26.6
(c) Other	200.6				200.6

Performance measures:

(a) Efficiency: Average time from filing of petition to final disposition,
in months <6

(12) Eleventh judicial district, division II:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within McKinley county.

Appropriations:

(a)	Personal services and			
	employee benefits	2,065.5	167.4	2,232.9
(b)	Contractual services	13.5		13.5
(c)	Other	94.0	94.0	

Performance measures:

(a) Output: Average time from filing complaint to final disposition, in
months 3

(13) Twelfth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Lincoln and Otero counties.

Appropriations:

(a)	Personal services and			
	employee benefits	2,515.5	53.6 247.9	2,817.0
(b)	Contractual services	29.2		29.2
(c)	Other	164.1 0.7	164.8	

Performance measures:

(a) Efficiency: Average time from filing of petition to final disposition,
in months 6

(14) Thirteenth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Cibola, Sandoval and Valencia counties.

Appropriations:

(a)	Personal services and employee benefits	4,608.5	137.5	4,746.0
(b)	Contractual services	22.4		22.4
(c)	Other	334.7	10.2	344.9

Performance measures:

(a) Efficiency: Average time from filing of petition to final disposition,
in months 6

Subtotal 64,385.8

ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS:

(1) Administrative support:

The purpose of the administrative support program is to provide fiscal, human resource, staff development, automation, victim program services and support to all district attorneys' offices in New Mexico and to members of the New Mexico children's safehouse network so that they may obtain and access the necessary resources to effectively and efficiently carry out their prosecutorial, investigative and programmatic functions.

Appropriations:

(a)	Personal services and employee benefits	1,183.6	102.5	1,286.1
(b)	Contractual services	227.2		227.2
(c)	Other	768.8	150.4	919.2

Subtotal 2,432.5

TOTAL JUDICIAL 219,246.7 23,886.6 9,024.9 2,323.5 254,481.7

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	8,448.7	5,623.6	14,072.3
(b)	Contractual services	469.0	303.8	772.8
(c)	Other	1,350.6	838.6	2,189.2
(d)	Other financing uses		6,766.0	6,766.0

The other state funds appropriation to the legal services program of the attorney general in the other financing uses category includes six million seven hundred sixty-six thousand dollars (\$6,766,000) from the consumer settlement fund of the office of the attorney general.

The appropriations to the legal services program of the attorney general include sufficient funds to pay settlement charges awarded to plaintiffs in litigation against the secretary of state.

Performance measures:

- (a) Outcome: Percent of inquiries resolved within sixty days of complaint or referral receipt 40%

(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	456.9	3.0	1,371.0
				1,830.9
(b)	Contractual services	2.2		6.5
				8.7
(c)	Other	69.3	207.8	277.1
(d)	Other financing uses		3.0	3.0

Performance measures:

(a) Explanatory: Total medicaid fraud recoveries identified, in thousands
\$3,000

Subtotal 25,920.0

STATE AUDITOR:

The purpose of the state auditor program is to audit the financial affairs of every agency annually so they can improve accountability and performance and to assure New Mexico citizens that funds are expended properly.

Appropriations:

(a)	Personal services and				
	employee benefits	2,464.5	190.0	386.0	3,040.5
(b)	Contractual services	250.3			250.3
(c)	Other	428.5	10.0	44.0	482.5

The general fund appropriation to the state auditor in the contractual services category includes one hundred sixty thousand dollars (\$160,000) for small political subdivision audits.

Performance measures:

(a) Explanatory: Percent of audits completed by regulatory due date 80%

Subtotal 3,773.3

TAXATION AND REVENUE DEPARTMENT:

(1) Tax administration:

The purpose of the tax administration program is to provide registration and licensure requirements for tax programs and to ensure the administration, collection and compliance of state taxes and fees that provide funding for support services for the general public through appropriations.

Appropriations:

(a)	Personal services and				
	employee benefits	16,242.6	7,033.6		1,298.3
		24,574.5			
(b)	Contractual services	49.4	48.3	13.0	110.7
(c)	Other	5,788.2	507.0	195.5	6,490.7

Performance measures:

- (a) Output: Percent of electronically filed returns for personal income tax and combined reporting system 90%
- (b) Outcome: Collections as a percent of collectible audit assessments generated in the current fiscal year 65%
- (c) Outcome: Collections as a percent of collectible outstanding balances from the end of the prior fiscal year 18%

(2) Motor vehicle:

The purpose of the motor vehicle program is to register, title and license vehicles, boats and motor vehicle dealers and to enforce operator compliance with the Motor Vehicle Code and federal regulations by conducting tests, investigations and audits.

Appropriations:

- (a) Personal services and employee benefits 6,961.9 9,078.9 16,040.8
- (b) Contractual services 1,576.8 2,697.5 4,274.3
- (c) Other 3,904.5 2,173.1 6,077.6
- (d) Other financing uses 1,265.9 1,265.9

Performance measures:

- (a) Outcome: Percent of registered vehicles with liability insurance 92%
- (b) Efficiency: Average call center wait time to reach an agent, in minutes
- (c) Efficiency: Average wait time in qmatic-equipped offices, in minutes 20
- (d) Quality: Percent of customers rating customer service as good or higher 85%

(3) Property tax:

The purpose of the property tax program is to administer the Property Tax Code, to ensure the fair appraisal of property and to assess property taxes within the state.

Appropriations:

(a)	Personal services and		
	employee benefits	2,537.2	2,537.2
(b)	Contractual services	194.0	194.0
(c)	Other	647.7	647.7

Performance measures:

- (a) Outcome: Percent of counties in compliance with sales ratio standard
of eighty-five percent assessed value-to-market value 95%

(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	1,656.6	263.9	1,920.5
(b)	Contractual services	24.1		24.1
(c)	Other	319.4	319.4	

Performance measures:

- (a) Outcome: Number of tax investigations referred to prosecutors as a
percent of total investigations assigned during the year 50%

(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	13,348.5	823.6	394.1	14,566.2
(b)	Contractual services	3,657.7	81.2	31.5	3,770.4
(c)	Other	3,646.2	0.4	195.0	3,841.6

Notwithstanding the provisions of the Tax Administration Act or other substantive law, the department shall withhold an administrative fee in the amount of three and twenty-five hundredths percent of the distributions specified in Sections 7-1-6.46, 7-1-6.47, and Subsection E of Section 7-1-6.41 NMSA 1978.

Notwithstanding the provisions of the Tax Administration Act or other substantive law, of the amounts withheld, an amount equal to three percent of the distributions specified in Subsection E of Section 7-1-6.41 NMSA 1978 shall be deposited into the general fund and the remainder of the amounts withheld shall be retained by the department and is included in the other state funds appropriations to the department.

Subtotal	86,655.6
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STATE INVESTMENT COUNCIL:

(1) State investment:

The purpose of the state investment program is to provide investment management of the state's permanent funds for the citizens of New Mexico to maximize distributions to the state's operating budget while preserving the real value of the funds for future generations of New Mexicans.

Appropriations:

(a)	Personal services and		
	employee benefits	4,416.1	4,416.1
(b)	Contractual services	44,840.4	44,840.4
(c)	Other	862.8	862.8

Performance measures:

(a) Outcome: Five-year annualized investment returns to exceed internal benchmarks, in basis points >25

(b) Outcome: Five-year annualized percentile performance ranking in
 endowment investment peer universe <49

Subtotal 50,119.3

DEPARTMENT OF FINANCE AND ADMINISTRATION:

(1) Policy development, fiscal analysis, budget oversight and education accountability:

The purpose of the policy development, fiscal analysis, budget oversight and education accountability program is to provide professional and coordinated policy development and analysis and oversight to the governor, the legislature and state agencies so they can advance the state's policies and initiatives using appropriate and accurate data to make informed decisions for the prudent use of the public's tax dollars.

Appropriations:

(a)	Personal services and		
	employee benefits	3,152.6	3,152.6
(b)	Contractual services	85.9	85.9
(c)	Other	169.6	169.6

Performance measures:

(a) Outcome: General fund reserves as a percent of recurring
 appropriations 10%

(2) Community development, local government assistance and fiscal oversight:

The purpose of the community development, local government assistance and fiscal oversight program is to help counties, municipalities and special districts maintain strong communities through sound fiscal advice and oversight, technical assistance, monitoring of project and program progress and timely processing of payments, grant agreements and contracts.

Appropriations:

(a)	Personal services and			
	employee benefits	1,814.8	977.2	404.9 3,196.9
(b)	Contractual services	2,209.7	1,716.2	12.6
		3,938.5		
(c)	Other	94.2	29,123.7	10,522.5 39,740.4

(d)	Other financing uses	800.0	800.0
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Notwithstanding the provisions of Section 11-6A-3 NMSA 1978 or other substantive law, the other state funds appropriation to the county development, local government assistance and fiscal oversight program of the department of finance and administration in the other financing uses category includes five hundred thousand dollars (\$500,000) from the local DWI grant fund, including local DWI grant program distributions, to be transferred to the administrative office of the courts for drug courts.

The other state funds appropriations to the community development, local government assistance and fiscal oversight program of the department of finance and administration include twelve million fifty thousand dollars (\$12,050,000) from the enhanced 911 fund, eighteen million nine hundred thousand dollars (\$18,900,000) from the local DWI grant fund, and one million six hundred sixty-seven thousand one hundred sixty dollars (\$1,667,160) from the civil legal services fund.

The general fund appropriation to the community development, local government assistance and fiscal oversight program of the department of finance and administration includes an additional two hundred sixty thousand dollars (\$260,000) for the civil legal services fund, which includes fifty thousand dollars (\$50,000) for services for qualified low-income veterans of the armed forces.

Performance measures:

(a) Output: Percent of county and municipality budgets approved by the

local government division (of budgets submitted timely) 90%

(b) Outcome: Number of counties and municipalities operating under a

conditional certification during the fiscal year 5

(3) Fiscal management and oversight:

The purpose of the fiscal management and oversight program is to provide for and promote financial accountability for public funds throughout state government by providing state agencies and the citizens of New Mexico with timely, accurate and comprehensive information on the financial status and expenditures of the state.

Appropriations:

(a) Personal services and

employee benefits 4,562.5 4,562.5

(b) Contractual services 895.5 500.0 1,395.5

(c) Other 553.1 553.1

(d) Other financing uses 27,890.9 27,890.9

Performance measures:

(a) Efficiency: Percent of vendor and employee payment vouchers processed

within five working days 95%

(b) Output: Percent of bank accounts reconciled 100%

(4) Program support:

The purpose of program support is to provide other department of finance and administration programs with central direction to agency management processes to ensure consistency, legal compliance and financial integrity, to administer the executive's exempt salary plan and to review and approve all state professional service contracts.

Appropriations:

(a) Personal services and

employee benefits 1,180.0 1,180.0

(b) Contractual services 75.2 75.2

(c) Other 41.2 41.2

(5) Dues and membership fees/special appropriations:

Appropriations:

(a) Council of state governments 107.5 107.5

(b) Western interstate commission

for higher education 137.0 137.0

(c) Education commission of the

states 60.5 60.5

(d) National association of

state budget officers 18.0 18.0

(e) National conference of state

legislatures 139.0 139.0

(f) Western governors'

	association	36.0		36.0
(g)	National center for state courts	110.2		110.2
(h)	National conference of insurance legislators	10.0		10.0
(i)	National council of legislators from gaming states	3.0		3.0
(j)	National governors' association	88.0		88.0
(k)	Citizen substitute care review	405.7	174.3	580.0
(l)	Emergency water supply fund		118.4	118.4
(m)	Fiscal agent contract		1,320.8	1,320.8
(n)	State planning districts	670.2		670.2
(o)	Statewide teen court	20.0	190.0	210.0
(p)	Law enforcement protection fund	7,809.4		7,809.4
(q)	Leasehold community assistance	128.9		128.9
(r)	County detention of prisoners	3,300.0		3,300.0
(s)	Acequia and community ditch education program	425.0		425.0

(t)	New Mexico acequia commission	49.4	49.4
(u)	Food banks	524.4	524.4
(v)	Regional housing authority oversight	200.0	200.0
[(w)	Southwest regional transit district transportation pilot project	175.0	175.0]
(x)	Land grant council	100.0	100.0
(y)	One-on-one youth mentoring	2,334.7	2,334.7
(z)	Domestic violence prevention shelter [in western San Juan county]	80.0	80.0
[(aa)	R.G. Sanchez senior community center in Bernalillo county	150.0	150.0
(bb)	Art, education and theater youth programs in Bernalillo county	50.0	50.0
(cc)	Volunteer center in Grant county	50.0	50.0
(dd)	Emergency medical technician and ambulance services in Mora county	85.0	85.0
(ee)	Affordable housing program		

	in San Miguel county	20.0	20.0
(ff)	City of Santa Fe law enforcement assisted diversion program	140.0	140.0]
(gg)	Industry-developed curriculum in city of Albuquerque high schools	50.0	50.0
(hh)	[Valencia] county food infrastructure	100.0	100.0
(ii)	Children's interactive science museum in Bernalillo county	100.0	100.0
(jj)	Group youth mentoring	702.0	702.0
(kk)	Southwest regional health and diabetes education	15.0	15.0]
(ll)	Bernalillo county active shooter training	50.0	50.0

On certification by the state board of finance pursuant to Section 6-1-2 NMSA 1978 that a critical emergency exists that cannot be addressed by disaster declaration or other emergency or contingency funds, the secretary of the department of finance and administration is authorized to transfer from the general fund operating reserve to the state board of finance emergency fund the amount necessary to meet the emergency. Such transfers shall not exceed an aggregate amount of two million dollars (\$2,000,000) in fiscal year 2015. 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.

The department of finance and administration shall not distribute a general fund appropriation made in items (k) through (ll) to a New Mexico agency or local public body that is not current on its audit or financial reporting or otherwise in compliance with the Audit Act.

The general fund appropriation to the dues and membership fees/special appropriations program of the department of finance and administration for one-on-one youth mentoring is for qualified ~~[nonprofit]~~ organizations ~~[affiliated and in good standing with a nationally recognized organization]~~ dedicated ~~[solely or primarily]~~ to one-on-one youth mentoring ~~[for youth five through eighteen years of age by volunteers who have been fingerprinted and subjected to security clearance]~~ and includes one hundred fifty thousand dollars (\$150,000) ~~[for southeast New Mexico programs]~~. *LINE-ITEM VETO*

The general fund appropriation to the dues and membership fees/special appropriations program of the department of finance and administration for group youth mentoring is for qualified ~~[nonprofit]~~ organizations ~~[affiliated and in good standing with a national congressionally chartered organization and]~~ that provide group youth mentoring activities ~~[designed for educational and character building purposes for youth five through eighteen years of age]~~. *LINE-ITEM VETO*

The general fund appropriation to the dues and membership fees/special appropriations program of the department of finance and administration for food banks includes thirty-five thousand dollars (\$35,000) for food banks ~~[in southern New Mexico serving the Albuquerque metro area and Las Cruces]~~. *LINE-ITEM VETO*

The general fund appropriation to the dues and membership fees/special appropriations program of the department of finance and administration for the children's interactive science museum in Bernalillo county includes fifty thousand dollars (\$50,000) for science, technology, engineering and mathematics educational outreach and fifty thousand dollars (\$50,000) for low income family memberships.

The other state funds appropriation to the dues and membership fees/special appropriations program of the department of finance and administration for the Bernalillo county active shooter training program is from the fire protection fund.

Subtotal 107,029.7

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	305,931.4	305,931.4
(b)	Other financing uses	643.2	643.2

Performance measures:

(a) Outcome: Percent change in per-member health claims costs as compared with the prior fiscal year 7%

(b) Outcome: Percent change in medical premium as compared with industry average 3%

(2) Risk:

The purpose of the risk program is to provide economical and comprehensive property, liability and workers' compensation programs to educational entities so they are protected against injury and loss.

Appropriations:

(a)	Contractual services	68,543.6	68,543.6
(b)	Other financing uses	643.2	643.2

Performance measures:

(a) Outcome: Average cost per claim for current fiscal year as compared with prior fiscal year \$3,800

(b) Outcome: Total claims count for current fiscal year as compared with prior fiscal year 1,525

(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	924.1	924.1
(b)	Contractual services	166.0	166.0
(c)	Other	232.9	232.9
	Subtotal	377,084.4	

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	272,122.0	272,122.0
(b)	Other financing uses	2,889.7	2,889.7

Performance measures:

(a) Output: Minimum number of years of solvency 20

(b) Efficiency: Total revenue increase to the reserve fund, in millions \$25

(2) Program support:

The purpose of program support is to provide administrative support for the healthcare benefits administration program to assist the agency in delivering its services to its constituents.

Appropriations:

(a)	Personal services and employee benefits	1,866.8	1,866.8
(b)	Contractual services	467.4	467.4
(c)	Other	555.5	555.5

Any unexpended balance in program support of the retiree health care authority remaining at the end of fiscal year 2015 shall revert to the healthcare benefits administration program.

Subtotal 277,901.4

GENERAL SERVICES DEPARTMENT:

(1) Employee group health benefits:

The purpose of the employee group health benefits program is to effectively administer comprehensive health-benefit plans to state and local government employees.

Appropriations:

(a)	Contractual services	20,562.8	20,562.8
(b)	Other	353,660.1	353,660.1
(c)	Other financing uses	1,067.1	1,067.1

Performance measures:

(a) Efficiency: Percent change in state employee medical premium compared

with industry average 7%

(b) Outcome: Percent reduction in claims costs for the top three

diagnostic causes 3%

(c) Output: Average monthly per-participant claim cost \$350

(2) Risk management:

The purpose of the risk management program is to protect the state's assets against property, public liability, workers' compensation, state unemployment compensation, local public bodies unemployment compensation and surety bond losses so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a) Personal services and employee benefits	4,197.4	4,197.4
(b) Contractual services	169.3	169.3
(c) Other	522.9	522.9
(d) Other financing uses	3,242.0	3,242.0

Performance measures:

(a) Outcome: Percent decrease in overall legal counsel dollars spent 10%

(b) Outcome: Number of state employees trained on loss control and
prevention 500

(3) Risk management funds:

Appropriations:

(a) Public liability	46,601.6	46,601.6
(b) Surety bond	576.4	576.4
(c) Public property reserve	10,462.1	10,462.1
(d) Local public body unemployment compensation reserve	2,244.0	2,244.0

(e)	Workers' compensation		
	retention	22,514.4	22,514.4
(f)	State unemployment		
	compensation	14,582.0	14,582.0

Performance measures:

- (a) Explanatory: Projected financial position of the public property fund 50%
- (b) Explanatory: Projected financial position of the workers' compensation fund 50%
- (c) Explanatory: Projected financial position of the public liability fund 50%

(4) State printing services:

The purpose of the state printing services program is to provide cost-effective printing and publishing services for governmental agencies.

Appropriations:

(a)	Personal services and		
	employee benefits	897.5	897.5
(b)	Contractual services	12.0	12.0
(c)	Other	683.1	683.1
(d)	Other financing uses	59.7	59.7

Performance measures:

- (a) Outcome: Sales growth in state printing revenue compared with previous fiscal year 5%

(5) Facilities management division:

The purpose of the facilities management division program is to provide employees and the public with effective property management so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a)	Personal services and employee benefits	6,371.1		6,371.1
(b)	Contractual services	333.8	24.4	358.2
(c)	Other	5,552.4	78.1	5,630.5
(d)	Other financing uses	114.4		114.4

The internal service funds/interagency transfers appropriations to the facilities management division of the general services department in the contractual services and other categories include a transfer of one hundred two thousand five hundred dollars (\$102,500) from the department of energy federal grant from the energy, minerals and natural resources department for the whole building investment in sustainable energy projects ending fiscal year 2015.

Performance measures:

- (a) Efficiency: Percent of facilities management division capital projects on schedule and within approved budget 94%
- (b) Outcome: Percent decrease in lease costs from previous year 3%
- (c) Outcome: Percent decrease in leased space compared with the previous fiscal year 5%

(6) Transportation services:

The purpose of the transportation services program is to provide centralized and effective administration of the state's motor pool and aircraft transportation services so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a)	Personal services and employee benefits	299.0	2,047.0	2,346.0
(b)	Contractual services	3.0	124.0	127.0
(c)	Other	341.5	8,286.0	8,627.5
(d)	Other financing uses		417.8	417.8

Performance measures:

- (a) Explanatory: Percent increase in short-term vehicle use 5%
- (b) Efficiency: Percent of passenger vehicle lease revenues to expenses
90%

(7) Procurement services:

The purpose of the procurement services program is to provide a procurement process for tangible property for government entities to ensure compliance with the Procurement Code so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

- (a) Personal services and
 employee benefits 1,055.4 877.6 1,933.0
- (b) Contractual services 25.0 10.0 35.0
- (c) Other 89.0 150.7 239.7
- (d) Other financing uses 92.0 24.1 116.1

Performance measures:

- (a) Output: Percent reduction in procurement code violations compared
 with the previous fiscal year 5%
- (b) Outcome: Percent increase in awards to companies receiving a New
 Mexico preference 5%
- (c) Outcome: Percent decrease in sole source procurements 3%

(8) Program support:

The purpose of program support is to manage the program performance process to demonstrate success.

Appropriations:

- (a) Personal services and
 employee benefits 3,206.9 3,206.9

(b)	Contractual services		303.2	303.2
(c)	Other	439.9	439.9	

Any unexpended balances in program support of the general services department remaining at the end of fiscal year 2015 shall revert to the procurement services, state printing services, risk management, employee group health benefits, facilities management and transportation services programs based on the proportion of each individual program's assessment for program support.

Performance measures:

- (a) Outcome: Percent of audit findings resolved from prior fiscal year,
excluding findings related to fund solvency 65%

Subtotal 512,320.7

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		5,503.8	5,503.8
(b)	Contractual services		23,548.2	23,548.2
(c)	Other	911.7	911.7	

Performance measures:

- (a) Outcome: Average rate of return over a cumulative five-year period 7.75%
- (b) Outcome: Funding period of unfunded actuarial accrued liability, in
years 30

Subtotal 29,963.7

NEW MEXICO SENTENCING COMMISSION:

The purpose of the New Mexico sentencing commission is to provide information, analysis, recommendations and assistance from a coordinated cross-agency perspective to the three branches of

government and interested citizens so they have the resources they need to make policy decisions that benefit the criminal and juvenile justice systems.

Appropriations:

(a)	Contractual services	574.5	30.0	604.5
(b)	Other	5.3		5.3
	Subtotal		609.8	

PUBLIC DEFENDER DEPARTMENT:

(1) Criminal legal services:

The purpose of the criminal legal services program is to provide effective legal representation and advocacy for eligible clients so their liberty and constitutional rights are protected and to serve the community as a partner in assuring a fair and efficient criminal justice system that sustains New Mexico's statutory and constitutional mandate to adequately fund a statewide indigent defense system.

Appropriations:

(a)	Personal services and employee benefits	28,020.6		28,020.6
(b)	Contractual services	10,603.6	50.0	10,653.6
(c)	Other	5,395.9	220.0	5,615.9

Performance measures:

- (a) Output: Number of alternative sentencing treatment placements for
felony and juvenile clients 10,000
 - (b) Efficiency: Percent of cases in which application fees were collected
45%
 - (c) Quality: Percent of felony cases resulting in a reduction of
original formally filed charges 65%
- | | |
|----------|----------|
| Subtotal | 44,290.1 |
|----------|----------|

GOVERNOR:

(1) Executive management and leadership:

The purpose of the executive management and leadership program is to provide appropriate management and leadership to the executive branch of government to allow for a more efficient and effective operation of the agencies within that branch of government on behalf of the citizens of the state.

Appropriations:

(a)	Personal services and		
	employee benefits	2,991.8	2,991.8
(b)	Contractual services	100.8	100.8
(c)	Other	516.4	516.4
	Subtotal	3,609.0	

LIEUTENANT GOVERNOR:

(1) State ombudsman:

The purpose of the state ombudsman program is to facilitate and promote cooperation and understanding between the citizens of New Mexico and the agencies of state government, refer any complaints or special problems citizens may have to the proper entities, keep records of activities and submit an annual report to the governor.

Appropriations:

(a)	Personal services and		
	employee benefits	501.1	501.1
(b)	Contractual services	44.8	44.8
(c)	Other	43.9	43.9
	Subtotal	589.8	

DEPARTMENT OF INFORMATION TECHNOLOGY:

(1) Compliance and project management:

The purpose of the compliance and project management program is to provide information technology strategic planning, oversight and consulting services to New Mexico government agencies so they can improve services provided to New Mexico citizens.

Appropriations:

(a)	Personal services and employee benefits	706.2	706.2
(b)	Contractual services	32.4	32.4
(c)	Other	42.2	42.2
(d)	Other financing uses	84.7	84.7

(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	14,857.1	14,857.1
(b)	Contractual services	6,836.0	6,836.0
(c)	Other	20,142.1	20,142.1
(d)	Other financing uses	10,134.9	10,134.9

Performance measures:

(a) Output: Queue-time to reach a customer service representative at the help desk, in seconds <0:16

(b) Output: Percent of service desk incidents resolved within the timeframe specified for their priority level 90%

(3) Equipment replacement revolving funds:

Appropriations:

(a)	Contractual services	3,749.0	3,749.0
(b)	Other	3,300.0	3,300.0

(4) Program support:

The purpose of program support is to provide management and ensure cost recovery and allocation services through leadership, policies, procedures and administrative support for the department.

Appropriations:

(a)	Personal services and employee benefits	2,876.9	2,876.9
(b)	Contractual services	40.0	40.0
(c)	Other	253.7	253.7

Performance measures:

(a) Outcome: Dollar amount of account receivables over sixty days old
\$5,500,000

Subtotal 63,055.2

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION:

(1) Pension administration:

The purpose of the pension administration program is to provide information, retirement benefits and an actuarially sound fund to association members so they can receive the defined benefit they are entitled to when they retire from public service.

Appropriations:

(a)	Personal services and employee benefits	5,858.1	5,858.1
(b)	Contractual services	33,317.5	33,317.5
(c)	Other	1,073.6	1,073.6

Performance measures:

(a) Quality: Percent of accurately computed retirements 99%

(b) Outcome: Funding period of unfunded actuarial accrued liability, in
years 30

(c) Outcome: Average rate of return on investments over a cumulative

five-year period 7.75%

Subtotal 40,249.2

STATE COMMISSION OF PUBLIC RECORDS:

(1) Records, information and archival management:

The purpose of the records, information and archival management program is to develop, implement and provide tools, methodologies and services for use by, and for the benefit of, government agencies, historical record repositories and the public so the state can effectively create, preserve, protect and properly dispose of records, facilitate their use and understanding and protect the interests of the citizens of New Mexico.

Appropriations:

(a) Personal services and				
employee benefits	2,469.5	55.8		2,525.3
(b) Contractual services	45.7	7.3	7.5	60.5
(c) Other	239.2	155.3	18.7	413.2

Performance measures:

(a) Outcome: Percent of total records items scheduled, reviewed, amended
or replaced within a five-year period 40%

Subtotal 2,999.0

SECRETARY OF STATE:

(1) Administration and operations:

The purpose of the administration and operations program is to provide operational services to commercial and business entities and citizens, including administration of notary public commissions, uniform commercial code filings, trademark registrations and partnerships, and to provide administrative services needed to carry out elections.

Appropriations:

(a) Personal services and				
employee benefits	4,095.7			4,095.7
(b) Contractual services	204.1			204.1

(c) Other 491.7 491.7

Performance measures:

(a) Output: Average number of days to issue charter documents 10

(2) Elections:

The purpose of the elections program is to provide voter education and information on election law and government ethics to citizens, public officials and candidates so they can comply with state law.

Appropriations:

(a) Contractual services 859.4 859.4

(b) Other 1,759.9 1,950.0 3,709.9

Notwithstanding the provisions of Section 1-19A-10 NMSA 1978 or other substantive law, the other state funds appropriation to the elections program of the secretary of state in the other category includes one million nine hundred fifty thousand dollars (\$1,950,000) from the public elections fund.

Any unexpended balances in the elections program of the secretary of state remaining at the end of fiscal year 2015 from appropriations made from the public elections fund shall revert to the public elections fund.

Performance measures:

(a) Outcome: Percent of eligible voters who are registered to vote 80%

(b) Output: Percent of laws in the Election Code that require rules for
which rules have been promulgated 100%

(c) Efficiency: Percent of public requests and complaints responded to
within the three-day statutory deadline 95%

(d) Outcome: Percent of eligible Native American voters who are
registered to vote 60%

Subtotal 9,360.8

PERSONNEL BOARD:

(1) Human resource management:

The purpose of the human resource management program is to provide a flexible system of merit-based opportunity, appropriate compensation, human resource accountability and employee development that meets the evolving needs of the agencies, employees, applicants and the public so economy and efficiency in the management of state affairs may be provided while protecting the interest of the public.

Appropriations:

(a)	Personal services and employee benefits	3,892.1	280.9	4,173.0
(b)	Contractual services	50.6		50.6
(c)	Other	290.5	290.5	

Performance measures:

(a)	Outcome: Average number of days to fill a vacant position from the date of posting	45		
(b)	Explanatory: Percent of new employees who successfully complete their probationary period	75%		
(c)	Explanatory: Percent of classified employees voluntarily leaving state service	14%		
(d)	Explanatory: Percent of classified employees involuntarily leaving state service	4%		
(e)	Explanatory: Statewide classified service vacancy rate		10%	
(f)	Efficiency: Average state classified employee compa-ratio	95%		
(g)	Output: Percent of eligible employees with a completed performance appraisal on record at the close of the fiscal year		95%	
	Subtotal		4,514.1	

PUBLIC EMPLOYEES LABOR RELATIONS BOARD:

The purpose of the public employee labor relations board is to assure all state and local public body employees have the right to organize and bargain collectively with their employers or to refrain from such.

Appropriations:

(a)	Personal services and employee benefits	164.2		164.2
(b)	Contractual services	8.5		8.5
(c)	Other	59.1	59.1	
	Subtotal		231.8	

STATE TREASURER:

The purpose of the state treasurer program is to provide a financial environment that maintains maximum accountability for receipt, investment and disbursement of public funds to protect the financial interests of New Mexico citizens.

Appropriations:

(a)	Personal services and employee benefits	3,126.9		3,126.9	
(b)	Contractual services	207.0		207.0	
(c)	Other	405.7	122.3	4.0	532.0

Performance measures:

(a)	Outcome: One-year annualized investment return on general fund core portfolio to exceed internal benchmarks, in basis points	5
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Subtotal	3,865.9
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TOTAL GENERAL CONTROL	180,284.5	1,414,404.8	35,391.2	14,062.3
	1,644,142.8			

D. COMMERCE AND INDUSTRY

BOARD OF EXAMINERS FOR ARCHITECTS:

(1) Architectural registration:

The purpose of the architectural registration program is to provide architectural registration to approved applicants so they can practice architecture.

Appropriations:

(a)	Personal services and employee benefits	253.7	253.7
(b)	Contractual services	13.9	13.9
(c)	Other	95.3	95.3
	Subtotal	362.9	

BORDER AUTHORITY:

(1) Border development:

The purpose of the border development program is to encourage and foster trade development in the state by developing port facilities and infrastructure at international ports of entry to attract new industries and business to the New Mexico border and to assist industries, businesses and the traveling public in their efficient and effective use of ports and related facilities.

Appropriations:

(a)	Personal services and employee benefits	313.8	313.8
(b)	Contractual services	82.3	82.3
(c)	Other	16.3 78.6	94.9

Performance measures:

(a) Outcome: Annual trade share of New Mexico ports within the west

Texas and New Mexico region 21%

(b) Outcome: Commercial and noncommercial vehicular port traffic at New

Mexico ports 830,000

Subtotal 491.0

TOURISM DEPARTMENT:

(1) Marketing and promotion:

The purpose of the marketing and promotion program is to produce and provide collateral and editorial materials and special events for the consumer and trade industry so they may increase their awareness of New Mexico as a premier tourist destination.

Appropriations:

(a)	Personal services and			
	employee benefits	1,606.6		1,606.6
(b)	Contractual services	352.7		352.7
(c)	Other	7,757.3	30.0	7,787.3

The general fund appropriation to the marketing and promotion program of the tourism department in the other category includes ~~[thirty thousand dollars (\$30,000) for the Santa Fe fiesta council,]~~ twenty-five thousand dollars (\$25,000) for advertising ~~[the Santa Fe Indian market]~~ and twenty-five thousand dollars (\$25,000) for advertising ~~[the Santa Fe Spanish market]~~. *LINE-ITEM VETO*

Performance measures:

- (a) Outcome: New Mexico's domestic overnight visitor market share 1.1%
- (b) Outcome: Percent increase of gross receipts tax revenue from accommodations revenue 2.5%

(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	157.7	150.0	307.7
(b)	Contractual services	2.3	151.5	153.8
(c)	Other	914.2	728.1	1,642.3

Performance measures:

- (a) Output: Number of entities participating in collaborative applications for the cooperative advertising program 150

(b) Outcome: Combined advertising spending of communities and entities
 using the tourism department's current approved brand, in
 thousands \$1,600

(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	912.8	912.8
(b)	Contractual services	956.4	956.4
(c)	Other	1,496.4	1,496.4

Performance measures:

(a) Output:	Advertising revenue per issue, in thousands	\$72
(b) Outcome:	Annual circulation rate	95,000

(4) Program support:

The purpose of program support is to provide administrative assistance to support the department's programs and personnel so they may be successful in implementing and reaching their strategic initiatives and maintaining full compliance with state rules and regulations.

Appropriations:

(a)	Personal services and employee benefits	1,096.4	1,096.4
(b)	Contractual services	42.0	42.0
(c)	Other	422.9	422.9
	Subtotal	16,777.3	

ECONOMIC DEVELOPMENT DEPARTMENT:

(1) Economic development:

The purpose of the economic development program is to assist communities in preparing for their role in the new economy, focusing on high-quality job creation and improved infrastructure so New Mexicans can increase their wealth and improve their quality of life.

Appropriations:

(a)	Personal services and employee benefits	1,664.8	1,664.8
(b)	Contractual services	2,125.8	2,125.8
(c)	Other	832.8	832.8

The general fund appropriation to the economic development program of the economic development department in the contractual services category includes nine hundred thirty thousand dollars (\$930,000) for the New Mexico economic development corporation and one hundred thirty thousand dollars (\$130,000) for certified business incubators.

The general fund appropriation to the economic development program of the economic development department in the other category includes five hundred thousand dollars (\$500,000) for the job training incentive program and one hundred thousand dollars (\$100,000) for the technology research collaborative established in Section 21-11-8.6 NMSA 1978.

Performance measures:

- (a) Outcome: Number of workers trained by the job training incentive program 1,000
- (b) Outcome: Total number of jobs created due to economic development department efforts 3,000
- (c) Outcome: Number of rural jobs created 1,400
- (d) Outcome: Number of jobs created through business relocations and competitive expansions facilitated by the economic development partnership 1,500

(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	552.2	552.2
(b)	Contractual services	97.8	97.8
(c)	Other	107.4	107.4

Performance measures:

(a)	Output: Number of film and media worker days	200,000	
(b)	Outcome: Direct spending by film industry productions, in millions		\$225

(3) Program support:

The purpose of program support is to provide central direction to agency management processes and fiscal support to agency programs to ensure consistency, continuity and legal compliance.

Appropriations:

(a)	Personal services and employee benefits	1,569.0	1,569.0
(b)	Contractual services	206.9	206.9
(c)	Other	201.2	201.2
	Subtotal		7,357.9

REGULATION AND LICENSING DEPARTMENT:

(1) Construction industries and manufactured housing:

The purpose of the construction industries and manufactured housing program is to provide code compliance oversight; issue licenses, permits and citations; perform inspections; administer exams; process complaints; and enforce laws, rules and regulations relating to general construction and manufactured housing standards to industry professionals.

Appropriations:

(a)	Personal services and employee benefits	7,221.4	65.0	7,286.4
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(b)	Contractual services	234.7			234.7	
(c)	Other	1,090.4	51.3	250.0	5.9	1,397.6
(d)	Other financing uses			16.2		16.2

The general fund appropriations to the construction industries and manufactured housing program of the regulation and licensing department include one hundred fifty thousand dollars (\$150,000) in the personal services and employee benefits category, thirty five thousand dollars (\$35,000) in the contractual services category and fifteen thousand dollars (\$15,000) in the other category to fund two additional positions to enforce the Sale of Recycled Metals Act.

Performance measures:

(a) Output: Percent of consumer complaints against licensed contractors and investigations involving unlicensed contracting resolved out of the total number of complaints filed 95%

(b) Efficiency: Percent of all construction inspections performed within three days of inspection request 92%

(2) Financial institutions and securities:

The purpose of the financial institutions and securities program is to issue charters and licenses; perform examinations; investigate complaints; enforce laws, rules and regulations; and promote investor protection and confidence so that capital formation is maximized and a secure financial infrastructure is available to support economic development.

Appropriations:

(a)	Personal services and employee benefits	2,272.7	1,039.1	350.0	3,661.8
(b)	Contractual services	18.5	189.5		208.0
(c)	Other	234.9	296.4	531.3	
(d)	Other financing uses			476.4	476.4

Performance measures:

(a) Outcome: Percent of statutorily complete applications processed within a standard number of days by type of application 95%

(b) Outcome: Percent of examination reports mailed to a depository institution within thirty days of exit from the institution

or the exit conference meeting 95%

(3) Alcohol and gaming:

The purpose of the alcohol and gaming program is to regulate the sale, service and public consumption of alcoholic beverages and, in cooperation with the department of public safety, enforce the Liquor Control Act to protect the health, safety and welfare of the citizens of and visitors to New Mexico.

Appropriations:

(a)	Personal services and		
	employee benefits	851.0	851.0
(b)	Contractual services	22.7	22.7
(c)	Other	44.9	44.9

Performance measures:

(a) Output: Number of days to resolve an administrative citation that does not require a hearing 60

(b) Outcome: Number of days to issue a restaurant (beer and wine) liquor license 75

(4) Program support:

The purpose of program support is to provide leadership and centralized direction, financial management, information systems support and human resources support for all agency organizations in compliance with governing regulations, statutes and procedures so they can license qualified applicants, verify compliance with statutes and resolve or mediate consumer complaints.

Appropriations:

(a)	Personal services and			
	employee benefits	1,235.5	1,255.5	2,491.0
(b)	Contractual services	93.8	254.1	347.9
(c)	Other	177.1	288.0	465.1

(5) New Mexico public accountancy board:

The purpose of the public accountancy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	275.9	275.9
(b)	Contractual services	16.6	16.6
(c)	Other	125.8	125.8
(d)	Other financing uses	79.4	79.4

(6) Board of acupuncture and oriental medicine:

The purpose of the acupuncture and oriental medicine board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	145.5	145.5
(b)	Contractual services	24.3	24.3
(c)	Other	21.6	21.6
(d)	Other financing uses	36.8	36.8

(7) New Mexico athletic commission:

The purpose of the New Mexico athletic commission program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	74.1	74.1
(b)	Contractual services	15.0	15.0

(c)	Other	37.3	37.3	
(d)	Other financing uses		26.4	26.4

(8) Athletic trainer practice board:

The purpose of the athletic trainer practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		14.9	14.9
(b)	Contractual services		0.5	0.5
(c)	Other	5.8	5.8	
(d)	Other financing uses		4.5	4.5

(9) Board of barbers and cosmetologists:

The purpose of the barbers and cosmetologists board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		592.3	592.3
(b)	Contractual services		45.0	45.0
(c)	Other	83.7	83.7	
(d)	Other financing uses		272.3	272.3

(10) Chiropractic board:

The purpose of the chiropractic board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and			
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	employee benefits	97.3	97.3
(b)	Contractual services	4.1	4.1
(c)	Other	18.8	18.8
(d)	Other financing uses	26.9	26.9

(11) Counseling and therapy practice board:

The purpose of the counseling and therapy practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	305.6	305.6
(b)	Contractual services	10.5	10.5
(c)	Other	57.8	57.8
(d)	Other financing uses	97.6	97.6

(12) New Mexico board of dental health care:

The purpose of the dental health care board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	229.3	229.3
(b)	Contractual services	10.0	10.0
(c)	Other	74.8	74.8
(d)	Other financing uses	91.9	91.9

(13) Interior design board:

The purpose of the interior design board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	7.6	7.6
(b)	Other	9.5	9.5
(c)	Other financing uses	2.6	2.6

(14) Board of landscape architects:

The purpose of the landscape architects board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	5.2	5.2
(b)	Contractual services	0.5	0.5
(c)	Other	13.5	13.5
(d)	Other financing uses	4.3	4.3

(15) Massage therapy board:

The purpose of the massage therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	155.2	155.2
(b)	Contractual services	5.0	5.0
(c)	Other	25.9	25.9
(d)	Other financing uses	61.2	61.2

(16) Board of nursing home administrators:

The purpose of the nursing home administrators board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	14.2	14.2
(b)	Contractual services	1.0	1.0
(c)	Other 10.0	10.0	
(d)	Other financing uses	6.5	6.5

(17) Nutrition and dietetics practice board:

The purpose of the nutrition and dietetics practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	9.6	9.6
(b)	Contractual services	1.0	1.0
(c)	Other 14.1	14.1	
(d)	Other financing uses	7.5	7.5

(18) Board of examiners for occupational therapy:

The purpose of the examiners for occupational therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	54.1	54.1
(b)	Contractual services	3.0	3.0

(c)	Other	20.2	20.2	
(d)	Other financing uses		22.5	22.5

(19) Board of optometry:

The purpose of the optometry board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		50.6	50.6
(b)	Contractual services		10.6	10.6
(c)	Other	15.9	15.9	
(d)	Other financing uses		13.7	13.7

(20) Board of osteopathic medical examiners:

The purpose of the osteopathic medical examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		91.0	91.0
(b)	Contractual services		10.0	10.0
(c)	Other	32.4	32.4	
(d)	Other financing uses		23.4	23.4

(21) Board of pharmacy:

The purpose of the pharmacy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and			
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	employee benefits	1,345.4	1,345.4
(b)	Contractual services	68.7	68.7
(c)	Other	333.6	333.6
(d)	Other financing uses	260.6	260.6

(22) Physical therapy board:

The purpose of the physical therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	70.8	70.8
(b)	Contractual services	10.0	10.0
(c)	Other	50.0	50.0
(d)	Other financing uses	35.3	35.3

(23) Board of podiatry:

The purpose of the podiatry board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and		
	employee benefits	20.9	20.9
(b)	Contractual services	1.0	1.0
(c)	Other	10.9	10.9
(d)	Other financing uses	6.4	6.4

(24) Private investigations advisory board:

The purpose of the private investigations advisory board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	219.8	219.8
(b)	Contractual services	5.0	5.0
(c)	Other	39.2	39.2
(d)	Other financing uses	100.5	100.5

(25) New Mexico state board of psychologist examiners:

The purpose of the psychologist examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	140.3	140.3
(b)	Contractual services	13.4	13.4
(c)	Other	29.3	29.3
(d)	Other financing uses	34.4	34.4

(26) Real estate appraisers board:

The purpose of the real estate appraisers board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	207.3	207.3
(b)	Contractual services	22.5	22.5
(c)	Other	44.2	44.2
(d)	Other financing uses	50.0	50.0

(27) New Mexico real estate commission:

The purpose of the real estate commission program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	595.6	595.6
(b)	Contractual services	8.0	8.0
(c)	Other	139.8	139.8
(d)	Other financing uses	165.8	165.8

(28) Advisory board of respiratory care practitioners:

The purpose of the respiratory care practitioners advisory board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	57.1	57.1
(b)	Contractual services	1.5	1.5
(c)	Other	6.9	6.9
(d)	Other financing uses	18.3	18.3

(29) Board of social work examiners:

The purpose of the social work examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	199.1	199.1
(b)	Contractual services	9.0	9.0

(c)	Other	38.7	38.7	
(d)	Other financing uses		70.9	70.9

(30) Speech language pathology, audiology and hearing aid dispensing practices board:

The purpose of the speech language pathology, audiology and hearing aid dispensing practices board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	96.4	96.4	
(b)	Contractual services	7.7	7.7	
(c)	Other	26.2	26.2	
(d)	Other financing uses	34.2	34.2	

(31) Board of funeral services:

The purpose of the funeral services board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	80.5	80.5	
(b)	Contractual services	5.7	5.7	
(c)	Other	23.3	23.3	
(d)	Other financing uses	25.0	25.0	

(32) Animal sheltering services board:

The purpose of the animal sheltering services board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and			
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	employee benefits	42.6		42.6
(b)	Contractual services	21.5	1.7	23.2
(c)	Other 7.3		7.3	
(d)	Other financing uses		13.9	13.9

(33) Signed language interpreting practices board:

The purpose of the signed language interpreting practices board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and			
	employee benefits	66.2		66.2
(b)	Contractual services		11.0	11.0
(c)	Other 8.4 25.0		33.4	
(d)	Other financing uses		17.2	17.2
	Subtotal		26,603.1	

PUBLIC REGULATION COMMISSION:

(1) Policy and regulation:

The purpose of the policy and regulation program is to fulfill the constitutional and legislative mandates regarding regulated industries through rulemaking, adjudications and policy initiatives to ensure the provision of adequate and reliable services at fair, just and reasonable rates so the interests of the consumers and regulated industries are balanced to promote and protect the public interest.

Appropriations:

(a)	Personal services and			
	employee benefits 5,769.2		569.5	6,338.7
(b)	Contractual services	105.0		105.0
(c)	Other 568.1		568.1	

Performance measures:

(a) Efficiency: Average number of days for a rate case to reach final order <250

(b) Outcome: Comparison of average commercial electric rates between major New Mexico utilities and selected utilities in regional western states +/-4%

(c) Explanatory: Percent of kilowatt hours of renewable energy provided annually by New Mexico's electric utilities, measured as a percent of total retail kilowatt hours sold by New Mexico's electric utilities to New Mexico's retail electric utility customers 11%

(d) Explanatory: Comparison of average residential electric rates between major New Mexico utilities and selected utilities in regional western states +/-3%

(2) Public safety:

The purpose of the public safety program is to provide services and resources to the appropriate entities to enhance their ability to protect the public from fire and pipeline hazards and other risk as assigned to the public regulation commission.

Appropriations:

(a) Personal services and employee benefits	3,218.5	573.6	3,792.1
(b) Contractual services	402.4	60.2	462.6
(c) Other	1,236.1	179.7	1,415.8

Performance measures:

(a) Output: Number of personnel completing training through the state firefighter training academy 4,000

(b) Outcome: Percent of statewide fire districts with insurance office

ratings of eight or better 66%

(3) Program support:

The purpose of program support is to provide administrative support and direction to ensure consistency, compliance, financial integrity and fulfillment of the agency mission.

Appropriations:

(a) Personal services and employee benefits	1,078.3	432.5	1,510.8
(b) Contractual services	76.0		76.0
(c) Other	151.9	151.9	

(4) Special revenues:

Appropriations:

(a) Other financing uses	5,654.1	5,654.1
Subtotal	20,075.1	

OFFICE OF SUPERINTENDENT OF INSURANCE:

(1) Special revenues:

Appropriations:

(a) Other financing uses	7,092.9	7,092.9
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(2) Insurance policy:

The purpose of the insurance policy program is to ensure easy public access to reliable insurance products that meet consumers' needs and are underwritten by dependable, reputable, financially sound companies that charge fair rates and are represented by trustworthy, qualified agents, while promoting a positive competitive business climate.

Appropriations:

(a) Personal services and employee benefits	6,450.8	6,450.8
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(b)	Contractual services	[50.0]	579.0	629.0
(c)	Other	728.2	728.2	

The internal service funds/interagency transfer appropriation to the insurance policy program of the office of superintendent of insurance in the personal services and employee benefits category includes one hundred fourteen thousand dollars (\$114,000) for the salary of the superintendent.

~~[The general fund appropriation to the insurance policy program of the office of superintendent of insurance includes fifty thousand dollars (\$50,000) to study the impact of a basic health plan in New Mexico.]~~ *LINE-ITEM VETO*

Performance measures:

(a) Output: Percent of internal and external insurance-related grievances closed within one hundred eighty days of filing 98%

(b) Efficiency: Percent of insurance fraud bureau complaints processed and recommended for either further administrative action or closure within sixty days 88%

(3) Patient's compensation fund:

Appropriations:

(a)	Personal services and employee benefits	59.3	59.3
(b)	Contractual services	466.4	466.4
(c)	Other	15,310.9	15,310.9
(d)	Other financing uses	665.1	665.1
	Subtotal	31,402.6	

MEDICAL BOARD:

(1) Licensing and certification:

The purpose of the licensing and certification program is to provide regulation and licensure to healthcare providers regulated by the New Mexico medical board and to ensure competent and ethical medical care to consumers.

Appropriations:

(a)	Personal services and employee benefits	1,224.3	1,224.3
(b)	Contractual services	241.9	241.9
(c)	Other	419.8	419.8

Performance measures:

(a) Output:	Number of triennial physician licenses issued or renewed	3,600
(b) Output:	Number of biennial physician assistant licenses issued or renewed	375

Subtotal 1,886.0

BOARD OF NURSING:

(1) Licensing and certification:

The purpose of the licensing and certification program is to provide regulations to nurses, hemodialysis technicians, medication aides and their education and training programs so they provide competent and professional healthcare services to consumers.

Appropriations:

(a)	Personal services and employee benefits	1,466.3	1,466.3
(b)	Contractual services	172.1	172.1
(c)	Other	425.4 200.0	625.4
(d)	Other financing uses	200.0	200.0

Performance measures:

(a) Output:	Number of licensed practical nurse, registered nurse, advanced practice nurse licenses and unlicensed assistive personnel certificates issued	15,000
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Subtotal 2,463.8

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	5,507.4	5,507.4
(b)	Contractual services	2,857.7	2,857.7
(c)	Other [75.0]	3,428.4	381.2
			3,884.6

~~[The general fund appropriation to the New Mexico state fair includes seventy-five thousand dollars (\$75,000) for the African American performing arts center and exhibit hall for operations, administration, programs and services.]~~

~~_____The other state funds appropriations to the New Mexico state fair are contingent on the state fair commission meeting monthly.] LINE-ITEM VETO~~

The internal service funds/interagency transfers appropriation to the New Mexico state fair in the other category includes three hundred eighty-one thousand two hundred dollars (\$381,200) from parimutuel revenues for debt service and debt service interest on negotiable bonds issued for capital improvements.

Performance measures:

(a) Output: Number of paid attendees at annual state fair event 400,000

Subtotal 12,249.7

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	555.3	555.3

(b)	Contractual services	73.5	73.5
(c)	Other	164.7	164.7

Performance measures:

(a) Output:	Number of licenses or certifications issued	675
Subtotal		793.5

GAMING CONTROL BOARD:

(1) Gaming control:

The purpose of the gaming control board is to provide strictly regulated gaming activities and to promote responsible gaming to the citizens of New Mexico so they can attain a strong level of confidence in the board's administration of gambling laws and assurance the state has competitive gaming free from criminal and corruptive elements and influences.

Appropriations:

(a)	Personal services and employee benefits	3,897.4	3,897.4
(b)	Contractual services	773.9	773.9
(c)	Other	994.3	994.3

Performance measures:

(a) Output: Percent of all tribal inspection reports completed and mailed within thirty days of field work completion 94%

(b) Output: Percent of racetrack audit reports completed and mailed within thirty days of field work completion 93%

Subtotal		5,665.6
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STATE RACING COMMISSION:

(1) Horse racing regulation:

The purpose of the horse racing regulation program is to provide regulation in an equitable manner to New Mexico's parimutuel horse racing industry and to protect the interest of wagering patrons and the

state of New Mexico in a manner that promotes a climate of economic prosperity for horsemen, horse owners and racetrack management.

Appropriations:

(a)	Personal services and employee benefits	1,381.5		1,381.5
(b)	Contractual services	923.9	350.0	1,273.9
(c)	Other	116.9	116.9	
(d)	Other financing uses		350.0	350.0

Performance measures:

(a)	Outcome: Percent of equine samples testing positive for illegal substances	0.03%		
(b)	Output: Total amount collected from parimutuel revenues, in millions	\$1		
	Subtotal		3,122.3	

BOARD OF VETERINARY MEDICINE:

(1) Veterinary licensing and regulatory:

The purpose of the veterinary licensing and regulatory program is to regulate the profession of veterinary medicine in accordance with the Veterinary Practice Act and to promote continuous improvement in veterinary practices and management to protect the public.

Appropriations:

(a)	Personal services and employee benefits	154.0		154.0
(b)	Contractual services	119.9		119.9
(c)	Other	57.2	57.2	

Performance measures:

(a)	Output: Number of veterinarian licenses issued annually	1,000		
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Subtotal 331.1

CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION:

The purpose of the Cumbres and Toltec scenic railroad commission is to provide railroad excursions through, into and over the scenic San Juan mountains.

Appropriations:

(a)	Personal services and			
	employee benefits	127.2		127.2
(b)	Contractual services	123.5	3,338.1	3,461.6
(c)	Other	226.2	226.2	

Performance measures:

(a) Output:	Revenue generated from ticket sales, in millions	\$3.5
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Subtotal 3,815.0

OFFICE OF MILITARY BASE PLANNING AND SUPPORT:

The purpose of the office of military base planning and support is to provide advice to the governor and lieutenant governor on New Mexico's four military installations, to work with community support groups, to ensure that state initiatives are complementary of community actions and to identify and address appropriate state-level issues that will contribute to the long-term viability of New Mexico military installations.

Appropriations:

(a)	Personal services and			
	employee benefits	112.7		112.7
(b)	Contractual services	74.6		74.6
(c)	Other	13.7	13.7	

Subtotal 201.0

SPACEPORT AUTHORITY:

The purpose of the spaceport authority is to finance, design, develop, construct, equip and safely operate spaceport America and thereby generate significant high technology economic development throughout the state.

Appropriations:

(a)	Personal services and employee benefits	459.9	1,001.3		1,461.2
(b)	Contractual services		3,265.0		3,265.0
(c)	Other	1,317.8		1,317.8	

Performance measures:

(a)	Outcome: Annual number of jobs created due to New Mexico spaceport authority efforts	285			
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Subtotal 6,044.0

TOTAL COMMERCE AND INDUSTRY 50,312.3 71,539.4 16,970.8 819.4
139,641.9

E. AGRICULTURE, ENERGY AND NATURAL RESOURCES

CULTURAL AFFAIRS DEPARTMENT:

(1) Museums and monuments:

The purpose of the museums and monuments program is to develop and enhance the quality of state museums and monuments by providing the highest standards in exhibitions, performances and programs showcasing the arts, history and science of New Mexico and cultural traditions worldwide.

Appropriations:

(a)	Personal services and employee benefits	14,860.8	2,977.5	108.0	122.7	18,069.0
(b)	Contractual services	726.1	458.8			1,184.9
(c)	Other	4,146.6	1,709.0	0.3		5,855.9

The general fund appropriations to the museum and monuments program of the cultural affairs department include an additional fifty thousand dollars (\$50,000) for operational expenses at the Taylor Reynolds Barela Mesilla historic site.

Performance measures:

(a) Output: Attendance to museum and monument exhibitions,
performances, films and other presenting programs 825,000

(2) Preservation:

The purpose of the preservation program is to identify, study and protect New Mexico's unique cultural resources, including its archaeological sites, architectural and engineering achievements, cultural landscapes and diverse heritage.

Appropriations:

(a)	Personal services and employee benefits	526.0	2,298.2	882.5	3,706.7
(b)	Contractual services		787.9	655.1	1,443.0
(c)	Other	88.6	416.2	618.9	1,123.7

The other state funds appropriations to the preservation program of the cultural affairs department include one million dollars (\$1,000,000) from the department of transportation for archaeological studies as needed for highway projects.

Performance measures:

(a) Output: Number of participants in educational, outreach and special
events related to preservation mission 22,000

(b) Outcome: Percent of grant funds from recurring appropriations
distributed to communities outside of Santa Fe, Albuquerque
and Las Cruces 75%

(3) Library services:

The purpose of the library services program is to empower libraries to support the educational, economic and health goals of their communities and to deliver direct library and information services to those who need them.

Appropriations:

(a)	Personal services and employee benefits	1,866.8	152.1	753.8	2,772.7
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(b)	Contractual services	1,108.1		11.7	1,119.8
(c)	Other	1,304.4	35.0	607.7	1,947.1

The general fund appropriations to the library services program of the cultural affairs department include two hundred fifty thousand dollars (\$250,000) for adult literacy programs and twenty thousand dollars (\$20,000) for the bookmobile program.

Performance measures:

(a) Outcome: Percent of grant funds from recurring appropriations distributed to communities outside of Santa Fe, Albuquerque and Las Cruces 88%

(b) Output: Number of participants in educational, outreach and special events related to library mission 23,000

(4) Arts:

The purpose of the arts program is to preserve, enhance and develop the arts in New Mexico through partnerships, public awareness and education.

Appropriations:

(a)	Personal services and employee benefits	701.1	63.6	145.0	909.7
(b)	Contractual services	614.5		424.7	1,039.2
(c)	Other	160.8	3.9	164.7	

~~[The general fund appropriations to the arts program of the cultural affairs department include fifty thousand dollars (\$50,000) for performance art programs in public schools designed to improve academic outcomes.]~~ *LINE-ITEM VETO*

Performance measures:

(a) Outcome: Percent of grant funds from recurring appropriations distributed to communities outside of Santa Fe, Albuquerque and Las Cruces 35%

(b) Output: Number of participants in educational and outreach programs

and workshops, including participants from rural areas 4,000

(5) Program support:

The purpose of program support is to deliver effective, efficient, high-quality services in concert with the core agenda of the governor.

Appropriations:

(a) Personal services and			
employee benefits	3,665.3	281.1	3,946.4
(b) Contractual services	171.3		171.3
(c) Other	164.6	81.1	245.7

Performance measures:

- (a) Outcome: Percent of material weaknesses noted in next-to-last completed external audit that are resolved or eliminated in the last completed external audit 100%

Subtotal 43,699.8

NEW MEXICO LIVESTOCK BOARD:

(1) Livestock inspection:

The purpose of the livestock inspection program is to protect the livestock industry from loss of livestock by theft or straying and to help control the spread of dangerous livestock diseases.

Appropriations:

(a) Personal services and			
employee benefits	1,380.0	3,123.2	4,503.2
(b) Contractual services		283.1	283.1
(c) Other	1,110.4		1,110.4

Performance measures:

- (a) Output: Number of road stops per month 75

(b) Outcome: Number of livestock thefts reported per one thousand head inspected 0.01

(c) Outcome: Number of disease cases per one thousand head inspected 0.10

Subtotal 5,896.7

DEPARTMENT OF GAME AND FISH:

(1) Field operations:

The purpose of the field operations program is to promote and assist the implementation of law enforcement, habitat and public outreach programs throughout the state.

Appropriations:

(a) Personal services and employee benefits	6,144.5	213.1	6,357.6
(b) Contractual services	72.8		72.8
(c) Other	1,701.0	1,701.0	

Performance measures:

(a) Output: Number of conservation officer hours spent in the field checking for compliance 31,000

(b) Output: Number of hunter and conservation education programs delivered by field staff 350

(c) Output: Number of special field operations to deter, detect and apprehend off-highway vehicle and game and fish violators 130

(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	3,663.2	5,963.5	9,626.7
(b)	Contractual services	1,300.6	1,857.2	
		3,157.8		
(c)	Other	4,455.8	3,826.8	8,282.6
(d)	Other financing uses	124.4	372.9	497.3

Performance measures:

- (a) Outcome: Number of days of elk hunting opportunity provided to New Mexico resident hunters on an annual basis 200,000
- (b) Outcome: Percent of public hunting licenses drawn by New Mexico resident hunters 86%
- (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	282.2	282.2	
(b)	Contractual services	125.7	125.7	
(c)	Other	634.3	634.3	

Performance measures:

- (a) Outcome: Percent of depredation complaints resolved within the mandated one-year timeframe 95%

(4) Program support:

The purpose of program support is to provide an adequate and flexible system of direction, oversight, accountability and support to all divisions so they may successfully attain planned outcomes for all department programs.

Appropriations:

(a)	Personal services and			
	employee benefits	3,695.8	322.4	4,018.2
(b)	Contractual services	623.4		623.4
(c)	Other	3,251.2	3,251.2	
	Subtotal	38,630.8		

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, utilize New Mexico's substantial renewable energy resources, minimize local, regional and global air emissions, lessen dependence on foreign oil and reduce in-state water demands associated with fossil-fueled electrical generation.

Appropriations:

(a)	Personal services and			
	employee benefits	571.6	453.3	1,024.9
(b)	Contractual services	3.5	684.9	688.4
(c)	Other	22.2	105.1	127.3
(d)	Other financing uses	6.7	1,240.4	1,247.1

(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			
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	employee benefits	3,363.2	139.9	1,553.2	5,056.3
(b)	Contractual services	73.6	1.0	384.8	459.4
(c)	Other	448.3	309.0	2,276.3	3,033.6
(d)	Other financing uses	42.5	33.1		75.6

Performance measures:

- (a) Output: Number of nonfederal wildland firefighters provided
professional and technical incident command system training 1,700
- (b) Output: Number of acres treated in New Mexico's forest and
watersheds 20,000

(3) State parks:

The purpose of the state parks program is to create the best recreational opportunities possible in state parks by preserving cultural and natural resources, continuously improving facilities and providing quality, fun activities and to do it all efficiently.

Appropriations:

(a)	Personal services and				
	employee benefits	9,630.8	1,894.8	96.4	327.3
(b)	Contractual services	106.7	479.2		585.9
(c)	Other	1,185.9	5,458.1	2,634.1	2,117.6
(d)	Other financing uses			3,129.7	3,129.7

Notwithstanding the provisions of Section 9-5B-10 NMSA 1978 or other substantive law, the other state funds appropriations to the state parks program of the energy, minerals and natural resources department include one hundred thousand dollars (\$100,000) from the youth conservation corps fund for state parks operations.

Performance measures:

- (a) Explanatory: Number of visitors to state parks 3,800,000
- (b) Explanatory: Self-generated revenue per visitor, in dollars \$0.97

(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	377.0	574.1	65.7	1,834.3		2,851.1
(b)	Contractual services			55.9	1.2	4,716.4	4,773.5
(c)	Other	10.0	87.1	14.0	232.3	343.4	
(d)	Other financing uses			115.4	19.1		134.5

(5) Oil and gas conservation:

The purpose of the oil and gas conservation program is to assure the conservation and responsible development of oil and gas resources through professional, dynamic regulation.

Appropriations:

(a)	Personal services and						
	employee benefits	2,913.2		1,419.6		206.4	4,539.2
(b)	Contractual services		98.9	4,142.8			4,241.7
(c)	Other	575.4	111.6	18.0	705.0		
(d)	Other financing uses		31.3	336.3		115.0	482.6

Performance measures:

(a)	Output:	Number of inspections of oil and gas wells and associated
	facilities	37,500

(6) Program leadership and support:

The purpose of program leadership and support is to provide leadership, set policy and provide support for every division in achieving their goals.

Appropriations:

(a)	Personal services and
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employee benefits	2,556.2	1,097.7	851.6	4,505.5
(b) Contractual services	100.0	56.9	156.9	
(c) Other	110.7	269.0	25.0	404.7
Subtotal		61,911.3		

YOUTH CONSERVATION CORPS:

The purpose of the youth conservation program is to provide funding for the employment of New Mexicans between the ages of fourteen and twenty-five to work on projects that will improve New Mexico's natural, cultural, historical and agricultural resources.

Appropriations:

(a) Personal services and				
employee benefits	164.0	164.0		
(b) Contractual services		4,142.0		4,142.0
(c) Other	94.0	94.0		
(d) Other financing uses		250.0		250.0

Performance measures:

(a) Output: Number of youth employed annually	800
Subtotal	4,650.0

INTERTRIBAL CEREMONIAL OFFICE:

The purpose of the intertribal ceremonial office is to aid in the planning, coordination and development of a successful intertribal ceremonial event in coordination with the Native American population.

Appropriations:

(a) Contractual services	105.0	105.0
Subtotal	105.0	

COMMISSIONER OF PUBLIC LANDS:

(1) Land trust stewardship:

The purpose of the land trust stewardship program is to generate sustainable revenue from state trust lands to support public education and other beneficiary institutions and to build partnerships with all New Mexicans to conserve, protect and maintain the highest level of stewardship for these lands so that they may be a significant legacy for generations to come.

Appropriations:

(a)	Personal services and employee benefits	11,186.7	11,186.7
(b)	Contractual services	884.8	884.8
(c)	Other	1,820.5	1,820.5
(d)	Other financing uses	620.6	620.6

The commissioner of public lands is authorized to hold in suspense amounts received pursuant to agreements entered into for the sale of state royalty interests that, as a result of the sale, became eligible for tax credits under Section 29 of the federal Internal Revenue Code, above those amounts required by law to be transferred to the land grant permanent fund. The commissioner may expend as much of the money so held in suspense, as well as additional money held in escrow accounts resulting from the sales and money held in fund balance, as is necessary to repurchase the royalty interests pursuant to the agreements.

Performance measures:

(a) Outcome: Bonus income per leased acre from oil and gas activities,

in dollars \$500

(b) Outcome: Dollars generated through oil, natural gas and mineral

audit activities, in millions \$1.5

(c) Output: Average income per acre from oil, natural gas and mineral

activities, in dollars \$189

Subtotal 14,512.6

STATE ENGINEER:

(1) Water resource allocation:

The purpose of the water resource allocation program is to provide for efficient use of the available surface and underground waters of the state to any person so they can maintain their quality of life and to provide safety inspections of all nonfederal dams within the state for owners and operators of such dams so they can operate the dam safely.

Appropriations:

(a)	Personal services and employee benefits	11,433.4	505.4	358.2	12,297.0
(b)	Contractual services			624.7	624.7
(c)	Other	320.1	119.2	1,001.8	1,441.1

The internal service funds/interagency transfers appropriations to the water resource allocation program of the state engineer include one hundred forty-seven thousand six hundred dollars (\$147,600) from the improvement of Rio Grande income fund and one million eight hundred thirty-seven thousand one hundred dollars (\$1,837,100) from the New Mexico irrigation works construction fund.

Performance measures:

- (a) Output: Average number of unprotested new and pending applications processed per month 65
- (b) Explanatory: Number of unprotested and unaggrieved water right applications backlogged 650
- (c) Outcome: Number of dams inspected per year and notices delivered to owners notifying them of potential problems 100
- (d) Outcome: Number of transactions abstracted annually into the water administration technical engineering resource system database 23,000

(2) Interstate stream compact compliance and water development:

The purpose of the interstate stream compact compliance and water development program is to provide resolution of federal and interstate water issues and to develop water resources and stream systems for the people of New Mexico so they can have maximum sustained beneficial use of available water resources.

Appropriations:

(a)	Personal services and employee benefits	2,051.0	75.3	1,901.5	4,027.8
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(b)	Contractual services	150.0	35.0	5,302.0	16.0	5,503.0
(c)	Other	9.7	3,314.8	107.5	3,432.0	
(d)	Other financing uses			647.4		647.4

The general fund appropriation to the interstate stream compact compliance and water development program of the state engineer in the contractual services category includes an additional one hundred thousand dollars (\$100,000) to update state and regional water plans.

The internal service funds/interagency transfers appropriations to the interstate stream compact compliance and water development program of the state engineer include one million eight hundred nine thousand dollars (\$1,809,000) from the improvement of Rio Grande income fund and seven million eight hundred seventy-nine thousand six hundred dollars (\$7,879,600) from the irrigation works construction fund.

Revenue from the sale of water to United States government agencies by New Mexico for the emergency drought water agreement and from contractual reimbursements associated with state engineer use of the revenue is appropriated to the interstate stream commission for the conservation and recovery of the listed species in the middle Rio Grande basin, including optimizing middle Rio Grande conservancy district operations.

The internal service funds/interagency transfers appropriations to the interstate stream compact compliance and water development program of the state engineer include one hundred thousand dollars (\$100,000) from the game protection fund for Ute dam operations. Any unexpended balances remaining at the end of fiscal year 2015 from this appropriation shall revert to the game protection fund.

The internal service funds/interagency transfers appropriation to the interstate stream compact compliance and water development program of the state engineer in the other category includes eighty-two thousand three hundred dollars (\$82,300) from the game protection fund for Eagle Nest dam operations. Any unexpended balances remaining at the end of fiscal year 2015 from this appropriation shall revert to the game protection fund.

The appropriations to the interstate stream compact compliance and water development program of the state engineer include one million nine hundred thousand dollars (\$1,900,000) for the construction, restoration, repair and protection of dams, reservoirs, ditches, diversions, flumes and appurtenances of acequias and community ditches in the state. The one million nine hundred thousand dollar (\$1,900,000) appropriation is authorized for acequia and community ditch projects through the interstate stream commission as a 90/10 match program, provided that: a) not more than one hundred fifty thousand dollars (\$150,000) of this appropriation shall be used as the state share for any one acequia or community ditch, and b) state money shall not be used to meet the acequia's or community ditch's ten percent share of project costs. Any unexpended amount reverts to the irrigation works construction fund for use for acequia and community ditch projects in subsequent years. ~~The interstate stream commission shall report twice a year to the legislative finance committee on expenditures of funds for acequia and community ditch projects.~~ The internal service funds/interagency transfers appropriation to the interstate stream compact compliance and water development program of the state engineer in the contractual services category includes up to three hundred thousand dollars (\$300,000) for engineering services for approved acequia or community ditch projects. *LINE-ITEM VETO*

The interstate stream commission's authority to make loans for irrigation improvements includes five hundred thousand dollars (\$500,000) for loans to acequia, irrigation and conservancy districts. The interstate stream commission's authority also includes five hundred thousand dollars (\$500,000) for loans

to irrigation districts, conservancy districts and soil and water conservation districts to re-loan to farmers for implementation of water conservation improvements.

The interstate stream commission's authority to make loans from the irrigation works construction fund includes two million dollars (\$2,000,000) for irrigation districts, acequias, conservancy districts and soil and water conservation districts for purchase and installation of meters and measuring equipment. The maximum loan term is five years.

Performance measures:

(a) Outcome: Cumulative state-line delivery credit per the Pecos river

compact and amended decree at the end of calendar year, in

acre-feet 0

(b) Outcome: Rio Grande river compact accumulated delivery credit or

deficit at end of calendar year, in acre-feet 0

(3) Litigation and adjudication:

The purpose of the litigation and adjudication program is to obtain a judicial determination and definition of water rights within each stream system and underground basin to effectively perform water rights administration and meet interstate stream obligations.

Appropriations:

(a) Personal services and

employee benefits	1,319.3	2,466.8	1,569.1
5,355.2			

(b) Contractual services		1,435.8	1,435.8
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(c) Other	335.4	335.4	
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(d) Other financing uses		610.0	610.0
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~~[Contingent on the office of the state engineer submitting quarterly reports to the department of finance and administration and the legislative finance committee on the progress of water adjudications,] the general fund appropriation to the litigation and adjudication program of the office of the state engineer in the personal services and employee benefits category includes an additional six hundred thousand dollars (\$600,000) to hire additional hydrographic survey staff dedicated to pending water adjudications.~~
LINE-ITEM VETO

The internal service funds/interagency transfers appropriations to the litigation and adjudication program of the state engineer include three million three hundred forty thousand three hundred dollars (\$3,340,300) from the New Mexico irrigation works construction fund. The other state funds appropriations to the litigation and adjudication program of the state engineer include two million four

hundred sixty-six thousand eight hundred dollars (\$2,466,800) from the water project fund pursuant to Section 72-4A-9 NMSA 1978.

Performance measures:

(a) Outcome: Number of offers to defendants in adjudications 600

(b) Outcome: Percent of all water rights with judicial determinations 54%

(4) Program support:

The purpose of program support is to provide necessary administrative support to the agency programs so they may be successful in reaching their goals and objectives.

Appropriations:

(a)	Personal services and employee benefits	3,024.7	355.9	3,380.6
(b)	Contractual services	52.0	198.2	250.2
(c)	Other	578.5	578.5	

The internal service funds/interagency transfers appropriations to program support of the state engineer include one million one hundred thirty-two thousand six hundred dollars (\$1,132,600) from the New Mexico irrigation works construction fund.

(5) New Mexico irrigation works construction fund:

Appropriations:

(a)	Other financing uses	14,189.6	14,189.6
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(6) Improvement of Rio Grande income fund:

Appropriations:

(a)	Other financing uses	1,956.6	1,956.6
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	Subtotal	56,064.9	
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TOTAL AGRICULTURE, ENERGY AND NATURAL RESOURCES	72,168.2	97,917.3	21,338.0	34,047.6
	225,471.1			

F. HEALTH, HOSPITALS AND HUMAN SERVICES

OFFICE OF AFRICAN AMERICAN AFFAIRS:

(1) Public awareness:

The purpose of the public awareness program is to provide information and advocacy services to all New Mexicans and to empower African Americans of New Mexico to improve their quality of life.

Appropriations:

(a)	Personal services and employee benefits	458.3		458.3
(b)	Contractual services	208.0		208.0
(c)	Other	140.8	140.8	

The general fund appropriation to the office of African American affairs in the contractual services category includes an additional fifty thousand dollars (\$50,000) for a pilot program to address African American infant mortality and maternal health.

Subtotal			807.1	
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COMMISSION FOR DEAF AND HARD-OF-HEARING PERSONS:

(1) Deaf and hard-of-hearing:

The purpose of the deaf and hard-of-hearing program is to serve as a dynamic resource that will enhance the quality of life for deaf and hard-of-hearing citizens of New Mexico by being the recognized advocate on important issues impacting the deaf and hard-of-hearing community, the proactive provider of innovative programs and services and the statewide umbrella and information clearinghouse for interested individuals, organizations, agencies and institutions.

Appropriations:

(a)	Personal services and employee benefits		1,021.2		1,021.2
(b)	Contractual services	300.0	450.0	1,099.7	1,849.7
(c)	Other	50.0	340.7	390.7	
(d)	Other financing uses			491.0	491.0

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 four hundred sixty-six thousand dollars (\$466,000) to transfer to the rehabilitation services program of the

division of vocational rehabilitation to match with federal funds to provide deaf and hard-of-hearing rehabilitation services.

The internal service funds/interagency transfers appropriation to the deaf and hard-of-hearing program of the commission for deaf and hard-of-hearing persons in the other financing uses category includes twenty-five thousand dollars (\$25,000) to transfer to the signed language interpreting practices board of the regulation and licensing department for interpreter licensure services.

The general fund appropriation to the deaf and hard-of-hearing program of the commission for deaf and hard-of-hearing persons in the contractual services category includes three hundred thousand dollars (\$300,000) for deaf and deaf-blind support service provider programs.

Performance measures:

(a) Output: Number of accessible technology equipment distributions 1,000

(b) Output: Number of clients provided assistance to reduce or eliminate communication barriers 800

Subtotal 3,752.6

MARTIN LUTHER KING, JR. COMMISSION:

The purpose of the Martin Luther King, Jr. commission is to promote Martin Luther King, Jr.'s nonviolent principles and philosophy to the people of New Mexico through remembrance, celebration and action so that everyone gets involved in making a difference toward the improvement of interracial cooperation and reduction of youth violence in our communities.

Appropriations:

(a) Personal services and employee benefits	176.9	176.9
(b) Contractual services	12.7	12.7
(c) Other	147.9	147.9
Subtotal		337.5

COMMISSION FOR THE BLIND:

(1) Blind services:

The purpose of the blind services program is to assist blind or visually impaired citizens of New Mexico to achieve economic and social equality so they can have independence based on their personal interests and abilities.

Appropriations:

(a)	Personal services and employee benefits	1,078.6	100.0	3,690.4	4,869.0	
(b)	Contractual services	20.7	20.0	117.5	158.2	
(c)	Other	979.2	4,890.1	80.0	1,861.0	7,810.3

Any unexpended balances in the blind services program of the commission for the blind remaining at the end of fiscal year 2015 from appropriations made from the general fund shall not revert.

Performance measures:

(a) Outcome: Average hourly wage for the blind or visually impaired

person \$13.50

(b) Output: Number of quality employment opportunities obtained for

agency's blind or visually impaired clients 25

(c) Output: Number of blind or visually impaired clients trained in the

skills of blindness to enable them to live independently in

their homes and communities 600

Subtotal 12,837.5

INDIAN AFFAIRS DEPARTMENT:

(1) Indian affairs:

The purpose of the Indian affairs program is to coordinate intergovernmental and interagency programs concerning tribal governments and the state.

Appropriations:

(a)	Personal services and employee benefits	1,210.7		1,210.7
(b)	Contractual services	516.7	249.3	766.0
(c)	Other	965.8	965.8	

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.

Performance measures:

(a) Outcome: Percent of capital and tribal infrastructure fund projects
 over fifty thousand dollars (\$50,000) completed and closed 75%

Subtotal 2,942.5

AGING AND LONG-TERM SERVICES DEPARTMENT:

(1) Consumer and elder rights:

The purpose of the consumer and elder rights program is to provide current information, assistance, counseling, education and support to older individuals and persons with disabilities, residents of long-term care facilities and their families and caregivers that allow them to protect their rights and make informed choices about quality services.

Appropriations:

(a)	Personal services and				
	employee benefits	2,009.8	427.4	823.5	3,260.7
(b)	Contractual services	15.2	170.8	11.0	197.0
(c)	Other	102.5	31.5	238.9	372.9

Performance measures:

(a) Outcome: Percent of resident-requested transitions from nursing
 homes to home- and community-based services completed to
 the satisfaction of the resident within nine months from
 the request 90%

(b) Outcome: Percent of ombudsman complaints resolved within sixty days 90%

(2) Aging network:

The purpose of the aging network program is to provide supportive social and nutrition services for older individuals and persons with disabilities so they can remain independent and involved in their

communities and to provide training, education and work experience to older individuals so they can enter or re-enter the workforce and receive appropriate income and benefits.

Appropriations:

(a)	Personal services and			
	employee benefits	87.1	39.0	126.1
(b)	Contractual services		78.0 10.0	88.0
(c)	Other	30,091.2	80.0	8,832.6 39,003.8

The general fund appropriation to the aging network program of the aging and long-term services department in the other category to supplement the federal Older Americans Act shall be contracted to the designated area agencies on aging and includes fifty thousand dollars (\$50,000) for home-delivered meals [at the Manuelito senior center], forty-one thousand dollars (\$41,000) for evidence-based health promotion and fitness-based initiatives, one hundred thousand dollars (\$100,000) for a train-the-trainer program to assist family caregivers of people with dementia and Alzheimer's disease and an additional one hundred thousand dollars (\$100,000) for the operation and maintenance of a [regional] adult daycare center [at the Pueblo of Santa Clara]. *LINE-ITEM VETO*

Any unexpended balances in the aging network program of the aging and long-term services department remaining at the end of fiscal year 2015 from appropriations made from the other state funds from conference registration fees shall not revert to the general fund.

Performance measures:

- (a) Outcome: Percent of individuals exiting the federal older worker program who obtain unsubsidized employment 33%
- (b) Output: Number of persons receiving aging network community services 95,000
- (c) Outcome: Percent of older New Mexicans whose food insecurity is alleviated by meals received through the aging network 62%

(3) Adult protective services:

The purpose of the adult protective services program is to investigate allegations of abuse, neglect and exploitation of seniors and adults with disabilities and provide in-home support services to adults at high risk of repeat neglect.

Appropriations:

- (a) Personal services and

	employee benefits	7,888.4	7,888.4
(b)	Contractual services	1,551.4	2,498.6
		4,050.0	
(c)	Other	1,594.1	1,594.1

Performance measures:

- (a) Output: Number of adults who receive in-home services or adult day services as a result of an investigation of abuse, neglect or exploitation 1,250
- (b) 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 98%
- (c) Output: Number of adult protective services' investigations of abuse, neglect or exploitation 6,000

(4) Program support:

The purpose of program support is to provide clerical, record-keeping and administrative support in the areas of personnel, budget, procurement and contracting to agency staff, outside contractors and external control agencies to implement and manage programs.

Appropriations:

(a)	Personal services and		
	employee benefits	3,591.7	442.1 4,033.8
(b)	Contractual services	128.7	128.7
(c)	Other	157.0	182.7 339.7
	Subtotal		61,083.2

HUMAN SERVICES DEPARTMENT:

(1) Medical assistance:

The purpose of the medical assistance program is to provide the necessary resources and information to enable low-income individuals to obtain either free or low-cost health care.

Appropriations:

(a) Personal services and

employee benefits	5,150.8		7,726.1	12,876.9
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(b) Contractual services	10,006.9	3,021.3	1,205.5	
	38,106.8	52,340.5		

(c) Other	795,207.1	80,715.0	143,088.1	3,212,366.9	4,231,377.1
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(d) Other financing uses	2,978.6	438.4	493.3	29,411.3	
	33,321.6				

The internal service funds/interagency transfers appropriations to the medical assistance program of the human services department include one million three hundred twelve thousand four hundred dollars (\$1,312,400) from the tobacco settlement program fund for the breast and cervical cancer treatment program and seven million nine hundred seven thousand three hundred dollars (\$7,907,300) from the tobacco settlement program fund for medicaid programs.

~~[The general fund appropriation to the medical assistance program of the human services department in the other category includes five hundred thousand dollars (\$500,000) for a centennial care or other managed care waiver to include evidence-based home visiting services for pregnant women and families of children under two years of age identified as high-risk by the department.]~~ *LINE-ITEM VETO*

Contingent on enactment of legislation during the second session of the fifty-first legislature establishing a matching contribution from the counties, the general fund appropriation to the medical assistance program of the human services department in the other category includes nine million dollars (\$9,000,000) for safety net care pool payments for hospitals.

The appropriations to the medical assistance program of the human services department assume the state will receive a federal medical assistance percentage (FMAP) rate of 100 percent for those enrolled in the new adult category, including those currently enrolled in the state coverage insurance program, beginning January 1, 2014, 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 FMAP rates established by the Patient Protection and Affordable Care Act, the human services department shall reduce or rescind eligibility for the new adult category.

The general fund appropriation to the medical assistance program of the human services department in the contractual services category includes one hundred thousand dollars (\$100,000) to contract with a consortium of primary care training programs.

The general fund appropriation to the medical assistance program of the human services department in the other category includes five million dollars (\$5,000,000) for a rate increase for personal care option and nursing homes providers.

The general fund appropriation to the medical assistance program of the human services department in the other category includes two hundred thousand dollars (\$200,000) to match federal

funds to create primary care residency slots through the federally qualified health centers teaching health center program.

Performance measures:

- (a) Outcome: Percent of children ages two to twenty-one years enrolled in medicaid managed care who had at least one dental visit during the measurement year 72%
- (b) Outcome: Percent of infants in medicaid managed care who had six or more well-child visits with a primary care physician before the age of fifteen months 72%
- (c) Outcome: Average percent of children and youth ages twelve months to nineteen years in medicaid managed care who visited a primary care physician during the measurement year 92%
- (d) Outcome: Percent of children in medicaid managed care ages five to eleven years who are identified as having persistent asthma and who were appropriately prescribed medication during the measurement year 94%
- (e) Outcome: Number of emergency room visits per one thousand medicaid member months 50
- (f) Outcome: Percent hospital readmissions for adults eighteen and over, within thirty days of discharge 10%

(2) Medicaid behavioral health:

The purpose of the medicaid behavioral health program is to provide the necessary resources and information to enable low-income individuals to obtain either free or low-cost health care.

Appropriations:

- (a) Other 94,189.0 299,907.0 394,096.0

Performance measures:

(a) Outcome: Percent of readmissions to same level of care or higher for

children or youth discharged from residential treatment

centers and inpatient care 7%

(b) Output: Number of individuals served annually in substance abuse or

mental health programs administered through the behavioral

health collaborative statewide entity contract 103,000

(3) Income support:

The purpose of the income support program is to provide cash assistance and supportive services to eligible low-income families so they can achieve self-sufficiency. Eligibility requirements are established by state law within broad federal statutory guidelines.

Appropriations:

(a) Personal services and

employee benefits	22,555.3	471.5	31,510.4	54,537.2
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(b) Contractual services	5,438.4	72.0	23,135.1	
	28,645.5			

(c) Other	17,397.9	2,967.3	790,418.0	810,783.2
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(d) Other financing uses	65.3	1.4	38,915.8	38,982.5
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~~[No less than fifteen percent and no more than twenty-five percent of the federal funds for the low-income home-energy assistance program shall be used for weatherization programs.] LINE-ITEM VETO~~

The federal funds appropriations to the income support program of the human services department include eleven million five hundred seven thousand seven hundred dollars (\$11,507,700) from the federal temporary assistance for needy families block grant for administration of the New Mexico Works Act.

The appropriations to the income support program of the human services department include eighty-seven thousand one hundred dollars (\$87,100) from the general fund and fifty-six million six hundred forty-three thousand nine hundred dollars (\$56,643,900) 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, clothing allowances, diversion payments and state-funded payments to aliens.

The federal funds appropriations to the income support program of the human services department include nine million seven hundred thousand dollars (\$9,700,000) from the federal temporary assistance for needy families block grant for job training and placement and job-related transportation services, seven hundred thousand dollars (\$700,000) for employment-related costs, one million seven hundred fifty thousand dollars (\$1,750,000) for a substance abuse treatment program and one million seven hundred thousand dollars (\$1,700,000) for a transitional employment program.

The federal funds appropriations to the income support program of the human services department include thirty million five hundred twenty-seven thousand five hundred dollars (\$30,527,500) from the federal temporary assistance for needy families block grant for transfer to the children, youth and families department for childcare programs, two million dollars (\$2,000,000) for home visiting, six million one hundred thousand dollars (\$6,100,000) for prekindergarten and two hundred thousand dollars (\$200,000) for a supportive housing pilot project to provide permanent housing and supportive services for families that lack adequate housing or struggle with substance abuse or mental health issues and have children who have been identified as victims of child abuse or neglect.

The appropriations to the income support program of the human services department include seven million one hundred twenty-seven thousand three hundred dollars (\$7,127,300) from the general fund and two million eight hundred fifteen thousand three hundred dollars (\$2,815,300) from other state funds for general assistance. Any unexpended balances remaining at the end of fiscal year 2015 from the other state funds appropriation derived from reimbursements received from the social security administration for the general assistance program shall not revert.

The general fund appropriations to the income support program of the human services department include two hundred ten thousand nine hundred dollars (\$210,900) for the Navajo sovereign temporary assistance for needy families program.

The general fund appropriations to the income support program of the human services department include thirty-one thousand dollars (\$31,000) for the Zuni sovereign temporary assistance for needy families program.

The general fund appropriation to the income support program of the human services department in the contractual services category includes two hundred ninety thousand dollars (\$290,000) for the mortgage finance authority for homeless services including supportive housing.

~~[The human services department shall provide the department of finance and administration and the legislative finance committee quarterly reports on the expenditures of the federal temporary assistance for needy families block grant and state maintenance-of-effort expenditures.]~~ *LINE-ITEM VETO*

Performance measures:

- (a) Outcome: Percent of parent participants who meet temporary assistance for needy families federal work participation requirements 55%
- (b) Outcome: Percent of temporary assistance for needy families two-parent recipients meeting federal work participation

requirements 60%

(c) Outcome: Percent of eligible children in families with incomes of one hundred thirty percent of the federal poverty level participating in the supplemental nutrition assistance program 88%

(d) Outcome: Percent of adult temporary assistance for needy families recipients who become newly employed during the report year 52%

(4) Behavioral health services:

The purpose of the behavioral health services program is to lead and oversee the provision of an integrated and comprehensive behavioral health prevention and treatment system so that the program fosters recovery and supports the health and resilience of all New Mexicans.

Appropriations:

(a) Personal services and			
employee benefits	2,143.3	918.5	3,061.8
(b) Contractual services	36,302.8		20,997.7
	57,300.5		
(c) Other	119.1	21.0	415.7
			555.8

The general fund appropriation to the behavioral health services program of the human services department in the contractual services category includes seven hundred fifty thousand dollars (\$750,000) for operational expenses of the Los Lunas substance abuse treatment center.

The general fund appropriation to the behavioral health services program of the human services department in the contractual services category includes two hundred fifty thousand dollars (\$250,000) for non-medicaid ~~[in-patient]~~ psychiatric services ~~[in southern New Mexico]~~. *LINE-ITEM VETO*

The general fund appropriation to the behavioral health services program of the human services department in the contractual services category includes one hundred fifty thousand dollars (\$150,000) for ~~[residential]~~ substance abuse treatment for women ~~[in northern New Mexico]~~, one hundred thousand dollars (\$100,000) for substance abuse and case management services ~~[in Rio Arriba county]~~ and three hundred fifty thousand dollars (\$350,000) for post-traumatic stress disorder treatment services ~~[in northern New Mexico]~~ for veterans and their families. *LINE-ITEM VETO*

The general fund appropriation to the behavioral health services program of the human services department in the contractual services category includes one hundred thousand dollars (\$100,000) to create an autism oversight team to develop and implement a system-of-care approach to services for individuals with autism spectrum disorders.

~~[The behavioral health services program of the human services department shall not use funding in the contractual services category or other category to enter into a contract with a managed care company for management of non-medicaid behavioral health funds.] LINE-ITEM VETO~~

Performance measures:

- (a) Outcome: Percent of people receiving substance abuse treatments who demonstrate improvement in the alcohol domain 90%
- (b) Outcome: Percent of people receiving substance abuse treatments who demonstrate improvement in the drug domain 80%
- (c) Outcome: Number of suicides among those ages fifteen to nineteen years served by the statewide entity 3
- (d) Outcome: Percent of individuals discharged from inpatient facilities who receive follow-up services at thirty days 65%
- (e) Outcome: Percent of people with a diagnosis of alcohol or drug dependency who initiated treatment and received two or more additional services within thirty days of the initial visit 60%

(5) Child support enforcement:

The purpose of the child support enforcement program is to provide location, establishment and collection services for custodial parents and their children; to ensure that all court orders for support payments are being met to maximize child support collections; and to reduce public assistance rolls.

Appropriations:

(a)	Personal services and			
	employee benefits	4,835.3	3,230.3	12,251.0
	20,316.6			
(b)	Contractual services	1,745.5	1,166.1	4,422.5
	7,334.1			
(c)	Other	1,254.2	833.2	3,133.9
				5,221.3

Performance measures:

(a) Outcome: Percent of cases having current support due and for which support is collected 60%

(b) Outcome: Amount of child support collected, in millions \$136

(c) Outcome: Percent of cases with support orders 84%

(d) Outcome: Percent of children born out of wedlock with paternity establishment in child support cases 100%

(6) Program support:

The purpose of program support is to provide overall leadership, direction and administrative support to each agency program and to assist it in achieving its programmatic goals.

Appropriations:

(a) Personal services and

employee benefits	4,196.7	3,177.1	10,754.6
18,128.4			

(b) Contractual services	5,953.7	131.3	9,746.1
15,831.1			

(c) Other	5,838.0	722.6	10,572.6	17,133.2
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Performance measures:

(a) Efficiency: Percent compliance with internal schedule for turnaround time associated with the expenditure of federal funds and the request for reimbursement for expenditures from federal treasury 100%

Subtotal	5,801,843.3
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WORKFORCE SOLUTIONS DEPARTMENT:

(1) Workforce transition services:

The purpose of the workforce transition services 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	1,260.3	2,026.6	13,358.9	
		16,645.8			
(b)	Contractual services		442.4	871.0	1,313.4
(c)	Other	135.0	2,096.9	1,397.4	3,629.3
(d)	Other financing uses		4,565.9		4,565.9

The general fund appropriations to the workforce transition services program of the workforce solutions department in the other category include thirty-five thousand dollars (\$35,000) for a national workforce assessment system and one hundred thousand dollars (\$100,000) for individual development accounts.

Performance measures:

- (a) Outcome: Percent of youth who entered employment or are enrolled in postsecondary education or advanced training after receiving Workforce Investment Act services 57%
- (b) Output: Percent of eligible unemployment insurance claims issued a determination within twenty-one days from the date of claim 75%
- (c) Output: Average time to complete a transaction with the unemployment insurance call center, in minutes 15
- (d) Outcome: Percent of those who received Wagner-Peyser employment services retaining employment after six months 70%
- (e) Outcome: Percent of individuals who enter employment after receiving Workforce Investment Act services 65%
- (f) Output: Percent of individuals who receive Workforce Investment Act services that retain employment 85%

(2) Labor relations division:

The purpose of the labor relations program is to provide employment rights information and other work-site-based assistance to employers and employees.

Appropriations:

(a)	Personal services and employee benefits	1,062.1	768.9	148.4	1,979.4
(b)	Contractual services	39.6	25.4	65.0	
(c)	Other	449.3	1,354.7	30.6	1,834.6
(d)	Other financing uses		1,249.0		1,249.0

The internal service funds/interagency transfers appropriations to the labor relations program of the workforce solutions department include nine hundred thousand dollars (\$900,000) from the workers' compensation administration fund.

(3) Workforce technology division:

The purpose of the workforce technology program is to provide and maintain customer-focused, effective and innovative information technology services for the department and its service providers.

Appropriations:

(a)	Personal services and employee benefits	913.4	2,227.0	3,140.4	
(b)	Contractual services	5,852.9	800.0	6,652.9	
(c)	Other	1,220.6	1,800.0	892.0	3,912.6
(d)	Other financing uses		1,800.0		1,800.0

Performance measures:

(a) Outcome: Percent of time unemployment insurance benefits are paid within two business days of claimant certification	100%
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(4) Business services division:

The purpose of the business services program is to provide standardized business solution strategies and labor market information through the New Mexico public workforce system that is responsive to the needs of New Mexico businesses.

Appropriations:

(a)	Personal services and employee benefits	46.3	30.0	1,876.7	1,953.0
(b)	Contractual services	216.4		3,087.0	3,303.4
(c)	Other	48.0	5,104.1	5,152.1	
(d)	Other financing uses		30.0		30.0

The general fund appropriation to the business services program of the workforce solutions department in the contractual services category includes an additional one hundred thousand dollars (\$100,000) for a business performance excellence program.

Performance measures:

- (a) Output: Number of personal contacts made by field office personnel
with New Mexico businesses to inform them of available
services 75,000

(5) Program support:

The purpose of program support is to provide overall leadership, direction and administrative support to each agency program to achieve organizational goals and objectives.

Appropriations:

(a)	Personal services and employee benefits		1,470.9	5,696.3	7,167.2
(b)	Contractual services	114.5	313.6	310.7	738.8
(c)	Other	740.8	13,677.6	14,418.4	
(d)	Other financing uses		2,336.1		2,336.1

~~[Notwithstanding the provisions of Sections 9-27-20 and 9-27-25 NMSA 1978 or other substantive law, the workforce solutions department shall award a contract for the operation of the toll-free phone number for unemployment insurance claims through a competitive sealed bid or competitive sealed proposal process pursuant to the Procurement Code.]~~ *LINE-ITEM VETO*

Subtotal 81,887.3

WORKERS' COMPENSATION ADMINISTRATION:

(1) Workers' compensation administration:

The purpose of the workers' compensation administration program is to assure the quick and efficient delivery of indemnity and medical benefits to injured and disabled workers at a reasonable cost to employers.

Appropriations:

(a)	Personal services and employee benefits	7,690.9	7,690.9
(b)	Contractual services	360.0	360.0
(c)	Other	1,581.0	1,581.0
(d)	Other financing uses	900.0	900.0

Performance measures:

(a)	Outcome: Rate of serious injuries and illnesses caused by workplace conditions per one hundred workers	0.60
(b)	Outcome: Percent of employers referred for investigation that are determined to be in compliance with insurance requirements of the Workers' Compensation Act	85%
(c)	Output: Number of first reports of injury processed	37,200

(2) Uninsured employers' fund:

Appropriations:

(a)	Personal services and employee benefits	308.0	308.0
(b)	Contractual services	50.0	50.0
(c)	Other	852.7	852.7
	Subtotal	11,742.6	

DIVISION OF VOCATIONAL REHABILITATION:

(1) Rehabilitation services:

The purpose of the rehabilitation services program is to promote opportunities for people with disabilities to become more independent and productive by empowering individuals with disabilities so they may maximize their employment, economic self-sufficiency, independence and inclusion and integration into society.

Appropriations:

(a)	Personal services and				
	employee benefits	2,663.8		9,842.3	12,506.1
(b)	Contractual services	165.0		612.0	777.0
(c)	Other	1,650.6	200.0	466.0	12,929.4
					15,246.0

The internal service funds/interagency transfers appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other category includes four hundred sixty-six thousand dollars (\$466,000) to match with federal funds to support and enhance deaf and hard-of-hearing rehabilitation services.

Any unexpended or unencumbered balance in the division of vocational rehabilitation remaining at the end of fiscal year 2015 from appropriations made from the general fund shall not revert to the general fund.

Performance measures:

- (a) Outcome: Number of clients achieving suitable employment for a
minimum of ninety days 850
- (b) Outcome: Percent of clients achieving suitable employment outcomes
of all cases closed after receiving planned services 56%

(2) Independent living services:

The purpose of the independent living services program is to increase access for individuals with disabilities to technologies and services needed for various applications in learning, working and home management.

Appropriations:

(a)	Personal services and				
	employee benefits	35.1		35.1	

(b) Other 1,251.3 256.1 1,507.4

Performance measures:

(a) Output: Number of independent living plans developed 875

(b) Output: Number of individuals served for independent living 1,000

(3) Disability determination:

The purpose of the disability determination program is to produce accurate and timely eligibility determinations to social security disability applicants so they may receive benefits.

Appropriations:

(a) Personal services and employee benefits	6,337.8	6,337.8
(b) Contractual services	402.4	402.4
(c) Other	10,204.9	10,204.9

Performance measures:

(a) Efficiency: Average number of days for completing an initial disability claim 90

(b) Quality: Percent of initial disability determinations completed accurately 98.8%

Subtotal 47,016.7

GOVERNOR'S COMMISSION ON DISABILITY:

(1) Governor's commission on disability:

The purpose of the governor's commission on disability is to promote policies and programs that focus on common issues faced by New Mexicans with disabilities, regardless of type of disability, age or other factors. The commission educates state administrators, legislators and the general public on the issues facing New Mexicans with disabilities, especially as they relate to Americans with Disabilities Act directives, building codes, disability technologies and disability culture so they can improve the quality of life of New Mexicans with disabilities.

Appropriations:

(a)	Personal services and employee benefits	675.3	222.4	897.7
(b)	Contractual services	138.6	110.2	248.8
(c)	Other	282.4	100.0	482.4

Performance measures:

- (a) Output: Number of meetings held to develop collaborative partnerships with other state agencies and private disability agencies to ensure that quality of life issues for New Mexicans with disabilities are being addressed 500
- (b) Outcome: Percent of requested architectural plan reviews and site inspections completed 80%

(2) Brain injury advisory council:

The purpose of the brain injury advisory council program is to provide guidance on the use and implementation of programs provided through the human services department's brain injury services fund so the department may align service delivery with needs identified by the brain injury community.

Appropriations:

(a)	Personal services and employee benefits	67.8	67.8
(b)	Contractual services	134.2	134.2
(c)	Other	18.9	18.9

The general fund appropriation to the brain injury advisory council program of the governor's commission on disability in the contractual services category includes fifty thousand dollars (\$50,000) for a statewide concussion needs assessment and fifty thousand dollars (\$50,000) for the helmet distribution and safety program.

Subtotal 1,849.8

DEVELOPMENTAL DISABILITIES PLANNING COUNCIL:

(1) Developmental disabilities planning council:

The purpose of the developmental disabilities planning council program is to provide and produce opportunities for persons with disabilities so they may realize their dreams and potential and become integrated members of society.

Appropriations:

(a)	Personal services and			
	employee benefits	444.5	156.4	600.9
(b)	Contractual services	56.7	273.0	329.7
(c)	Other	264.0	75.0	50.0
			389.0	

(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:

(a)	Personal services and			
	employee benefits	363.7	363.7	
(b)	Contractual services	3,994.7	550.0	4,544.7
(c)	Other	88.3	88.3	

Any unexpended balances in the office of guardianship of the developmental disabilities planning council remaining at the end of fiscal year 2015 from appropriations made from the general fund and internal service funds/interagency transfers shall not revert to the general fund.

Performance measures:

- (a) Outcome: Percent of protected persons properly served with the least restrictive means, as evidenced by an annual technical compliance audit 98%

Subtotal 6,316.3

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	12,340.4	144.5	12,484.9	
(b)	Contractual services	3,828.0	98.0	3,926.0	
(c)	Other	5,721.6	81.5	5,803.1	
(d)	Other financing uses		5,800.0	5,800.0	

The internal service funds/interagency transfers appropriation to the healthcare program of miners' hospital of New Mexico in the other financing uses category includes five million eight hundred thousand dollars (\$5,800,000) from the miners' trust fund.

Performance measures:

- (a) Outcome: Annual percent of healthcare-associated infections <1.5%
- (b) Outcome: Rate of unassisted patient falls per one thousand patient days in the long-term care facility <5%
- (c) Quality: Percent of patients readmitted to the hospital within thirty days with the same or similar diagnosis <5%

Subtotal 28,014.0

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 health care.

Appropriations:

(a)	Personal services and				
	employee benefits	25,315.6	1,736.0	2,279.5	21,293.7
		50,624.8			

(b)	Contractual services	22,500.1	4,099.0	10,474.4
	10,388.6	47,462.1		
(c)	Other	16,695.7	26,486.2	248.6
			43,224.7	86,655.2
(d)	Other financing uses	551.2		551.2

Any unexpended balances in the public health program of the department of health in the contractual services category from appropriations made from the county-supported medicaid fund for the support of primary healthcare services related to the Rural Primary Health Care Act remaining at the end of fiscal year 2015 shall not revert.

The internal service funds/interagency transfers appropriations to the public health program of the department of health include five million six hundred eighty-two thousand dollars (\$5,682,000) from the tobacco settlement program fund for smoking cessation and prevention programs, seven hundred forty-eight thousand dollars (\$748,000) from the tobacco settlement program fund for diabetes prevention and control services, two hundred ninety-three thousand dollars (\$293,000) from the tobacco settlement program fund for human immunodeficiency virus/acquired immune deficiency syndrome prevention, services and medicine and one hundred twenty-eight thousand six hundred dollars (\$128,600) from the tobacco settlement program fund for breast and cervical cancer screening.

The general fund appropriation to the public health program of the department of health in the contractual services category includes an additional five hundred thousand dollars (\$500,000) for school-based health centers, forty thousand dollars (\$40,000) for cancer aid and education community services, twenty-five thousand dollars (\$25,000) for coordinated cancer prevention, research and education services, including access to clinical trials in rural areas, one hundred fifty thousand dollars (\$150,000) for fetal alcohol syndrome prevention, ~~[one hundred thousand dollars (\$100,000) for community health needs assessments performed by county and tribal health councils,]~~ fifty thousand dollars (\$50,000) to provide low-income, at-risk children access to a youth dance program in partnership with school districts and sufficient funding to develop a statewide program for the management of chronic obstructive pulmonary disease. *LINE-ITEM VETO*

Performance measures:

~~[(a) Output: Percent of preschoolers (ages nineteen to thirty five ————— months) fully immunized —85%]~~

(b) Quality: Percent of students using school-based health centers who receive a comprehensive well exam 35%

(c) Outcome: Percent of teens participating in pregnancy prevention programs who report not being pregnant, or being responsible for getting someone pregnant, during the school year following participation at the end of the school year 100%

(2) Epidemiology and response:

The purpose of the epidemiology and response program is to monitor health, provide health information, prevent disease and injury, promote health and healthy behaviors, respond to public health events, prepare for health emergencies and provide emergency medical and vital registration services to New Mexicans.

Appropriations:

(a)	Personal services and					
	employee benefits	4,237.1	945.6	261.8	6,970.0	12,414.5
(b)	Contractual services	682.9	207.5	119.1	3,217.6	4,227.1
(c)	Other	3,532.6	349.1	58.9	2,559.7	6,500.3

The general fund appropriations to the epidemiology and response program of the department of health include one hundred thousand dollars (\$100,000) for a statewide community-based adult fall risk awareness and prevention program.

Performance measures:

(a)	Outcome: Ratio of infant pertussis cases to total pertussis cases of	
	all ages	1:15

(3) Laboratory services:

The purpose of the laboratory services program is to provide laboratory analysis and scientific expertise for policy development for tax-supported public health, environment and toxicology programs in the state of New Mexico to provide timely identification of threats to the health of New Mexicans.

Appropriations:

(a)	Personal services and				
	employee benefits	5,651.6	1,300.0		1,122.7
		8,074.3			
(b)	Contractual services	135.9	37.2	17.7	190.8
(c)	Other	2,601.2	1,194.1	998.3	4,793.6

Performance measures:

(a)	Efficiency:	Percent of blood alcohol tests from
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driving-while-intoxicated cases completed and reported to

law enforcement within fifteen business days 90%

(b) Efficiency: Percent of office of medical investigator cause-of-death

toxicology cases that are completed and reported to the

office of medical investigator within sixty business days 90%

(4) Facilities management:

The purpose of the facilities management program is to provide oversight for department of health facilities that provide health and behavioral healthcare services, including mental health, substance abuse, nursing home and rehabilitation programs in both facility- and community-based settings, and serve as the safety net for the citizens of New Mexico.

Appropriations:

(a) Personal services and

employee benefits	43,251.7	58,603.3	716.0	102,571.0
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(b) Contractual services	4,690.3	6,001.6		
	10,691.9			

(c) Other	11,038.1	11,955.6	22,993.7	
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Performance measures:

(a) Output: Percent of staffed beds filled at all agency facilities 90%

(b) Explanatory: Percent of uncompensated care at all agency facilities 25%

(c) Outcome: Percent of long-term care patients experiencing one or more

falls with injury 3.3%

(5) Developmental disabilities support:

The purpose of the developmental disabilities support program is to administer a statewide system of community-based services and support to improve the quality of life and increase the independence and interdependence of individuals with developmental disabilities and children with or at risk for developmental delay or disability and their families.

Appropriations:

(a) Personal services and

	employee benefits	5,650.9	5,732.9	466.4	11,850.2
(b)	Contractual services	11,581.5	1,200.0	2,864.7	
		1,261.2	16,907.4		
(c)	Other	20,226.9	1,315.8	1,080.7	22,623.4
(d)	Other financing uses		111,742.0		111,742.0

The general fund appropriation to the developmental disabilities support program of the department of health in the other financing uses category includes five hundred thousand dollars (\$500,000) for developmental disabilities medicaid waiver program provider rate increases, five hundred thousand dollars (\$500,000) for family, infant, toddler program provider rate increases, one hundred three million six hundred thousand dollars (\$103,600,000) for medicaid waiver services in local communities: one million two hundred sixty-one thousand five hundred dollars (\$1,261,500) for medically fragile services and one hundred two million three hundred thirty-eight thousand five hundred dollars (\$102,338,500) for services to the developmentally disabled.

The general fund appropriation to the developmental disabilities support program of the department of health in the contractual services category includes an additional one hundred fifty thousand dollars (\$150,000) for evidence-based treatment practices for children with autism spectrum disorders and significant problem behaviors.

Performance measures:

(a) Outcome: Percent of adults receiving developmental disabilities day

services who are engaged in community-integrated employment 35%

(b) Efficiency: Percent of developmental disabilities waiver applicants who

have a service plan in place within ninety days of income

and clinical eligibility determination 95%

(c) Explanatory: Number of individuals on the developmental disabilities

waiver receiving services 4,725

(d) Explanatory: Number of individuals on the developmental disabilities

waiver waiting list 6,100

(6) Health certification, licensing and oversight:

The purpose of the health certification, licensing and oversight program is to provide health facility licensing and certification surveys, community-based oversight and contract compliance surveys and a statewide incident management system so that people in New Mexico have access to quality health care and that vulnerable populations are safe from abuse, neglect and exploitation.

Appropriations:

(a) Personal services and

employee benefits	3,729.7	1,171.3	3,126.9	1,968.1
	9,996.0			

(b) Contractual services	434.8	131.4	12.6	8.4	587.2
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(c) Other	547.7	1,023.8	454.5	410.6	2,436.6
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[The general fund appropriation to the health certification, licensing and oversight program of the department of health in the contractual services category includes one hundred thousand dollars (\$100,000) to post consumer information reports on the department's website regarding safe staffing levels within hospitals' nursing units and to collaborate with hospitals regarding safe staffing within hospitals' nursing units.] *LINE-ITEM VETO*

Performance measures:

(a) Output: Percent of abuse, neglect and exploitation incidents for

community-based programs investigated within forty-five days	96%
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(7) 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	591.4	591.4
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(b) Contractual services	90.1	90.1
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(c) Other	83.5	83.5
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(8) Administration:

The purpose of the administration program is to provide leadership, policy development, information technology, administrative and legal support to the department of health so it achieves a high level of accountability and excellence in services provided to the people of New Mexico.

Appropriations:

(a) Personal services and

	employee benefits	5,170.4		444.5	4,281.9	9,896.8
(b)	Contractual services	2,859.9		50.6	134.4	1,294.6
		4,339.5				
(c)	Other	4,263.5	5.5	24.6	684.0	4,977.6

The general fund appropriation to the administration program of the department of health in the contractual services category includes an additional eighty thousand dollars (\$80,000) for sexual assault prevention and treatment services.

Subtotal 553,872.2

DEPARTMENT OF ENVIRONMENT:

(1) Environmental health:

The purpose of the environmental health program is to protect public health and the environment through specific programs that provide regulatory oversight over food service and food processing facilities, compliance with the Safe Drinking Water Act, regulation of on-site treatment and disposal of liquid wastes, regulation of public swimming pools and baths, application of the mosquito abatement regulation and oversight of the waste isolation pilot plant transportation.

Appropriations:

(a)	Personal services and					
	employee benefits	4,379.9		11,033.3	1,880.0	
		17,293.2				
(b)	Contractual services	277.9		3,359.8	35.6	3,673.3
(c)	Other	763.7	1,617.4	166.5	2,547.6	

Performance measures:

(a) Outcome: Percent of high-risk food-related violations corrected

within the timeframes noted on the inspection report issued

to permitted commercial food establishments 100%

(b) Output: Percent of public water systems surveyed to ensure

compliance with drinking water regulations 96%

(c) Efficiency: Percent of public drinking water systems inspected within

one week of confirmation of system problems that might
acutely impact public health 100%

(d) Output: Percent of large quantity hazardous waste generators
inspected 24%

(2) Resource protection:

The purpose of the resource protection program is to protect the quality of New Mexico's ground- and surface-water resources to ensure clean and safe water supplies are available now and in the future to support domestic, agricultural, economic and recreational activities and provide healthy habitat for fish, plants and wildlife and to ensure that hazardous waste generation, storage, treatment and disposal are conducted in a manner protective of public health and environmental quality.

Appropriations:

(a) Personal services and				
employee benefits	1,803.1	4,981.4	6,077.8	
	12,862.3			
(b) Contractual services	650.0	266.7	3,811.1	4,727.8
(c) Other	137.5	827.4	1,134.9	2,099.8
(d) Other financing uses			100.0	100.0

Performance measures:

(a) Output: Percent of groundwater discharge permitted facilities
receiving annual field inspections and compliance
evaluations 52%

(b) Outcome: Percent of permitted facilities where monitoring results
demonstrate compliance with groundwater standards 72%

(c) Outcome: Percent of underground storage tank facilities in
significant operational compliance with release prevention
and release detection requirements of the petroleum storage

tanks regulations 70%

(3) Environmental protection:

The purpose of the environmental protection program is to regulate medical radiation and radiological technologist certification, provide public outreach about radon in homes and public buildings, ensure solid waste is handled and disposed without harming natural resources, ensure New Mexicans breathe healthy air and ensure every employee has safe and healthful working conditions.

Appropriations:

(a) Personal services and

employee benefits	1,690.8	8,186.1	1,774.3
	11,651.2		

(b) Contractual services 38.1 557.4 430.8 1,026.3

(c) Other 285.7 1,264.9 375.0 1,925.6

Performance measures:

(a) Outcome: Annual statewide greenhouse gas emissions 48.6MMt

(b) Outcome: Percent of permitted active solid waste facilities and infectious waste generators inspected that were found to be in substantial compliance with the New Mexico solid waste rules 85%

(c) Output: Percent of radiation-producing machine inspections completed within the timeframes identified in radiation control bureau policies 100%

(4) Resource management:

The purpose of the resource management program is to provide overall leadership, administrative, legal and information management support to programs to operate in the most knowledgeable, efficient and cost-effective manner so the public can receive the information it needs to hold the department accountable.

Appropriations:

(a) Personal services and

employee benefits	1,912.5	27.5	2,832.7	1,685.6
6,458.3				

(b) Contractual services	224.7	69.6	191.7	317.8	803.8
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(c) Other	421.3	2.9	248.2	180.6	853.0
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Performance measures:

(a) Output: Percent of enforcement actions brought within one year of inspection or documentation of violation 96%

(5) Special revenue funds:

Appropriations:

(a) Contractual services		3,000.0		3,000.0
(b) Other	16,646.5		16,646.5	
(c) Other financing uses		31,707.0		31,707.0
Subtotal		117,375.7		

OFFICE OF THE NATURAL RESOURCES TRUSTEE:

(1) Natural resource damage assessment and restoration:

The purpose of the natural resource damage assessment and restoration program is to restore or replace natural resources injured or lost due to releases of hazardous substances or oil into the environment.

Appropriations:

(a) Personal services and				
employee benefits	219.5	40.0		259.5
(b) Contractual services	7.9		1,984.3	1,992.2
(c) Other	44.6		44.6	

Performance measures:

(a) Outcome: Number of acres of habitat restoration 750

(b) Outcome: Number of acre-feet of water conserved through restoration 750

Subtotal 2,296.3

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	2,065.5	249.7	2,315.2
(b)	Contractual services	982.7	11.5	994.2
(c)	Other	280.7 71.9	56.8	409.4

The general fund appropriation to the veterans' services program of the veterans' services department in the contractual services category includes fifty thousand dollars (\$50,000) for services for low-income women veterans with children and an additional fifty thousand dollars (\$50,000) to provide military honors at the funerals of veterans.

The general fund appropriation to the veterans' services program of the veterans' services department in the other category includes thirty thousand dollars (\$30,000) for a combat veterans' scholarship program.

Performance measures:

- (a) Output: Number of veterans served by veterans' services department
field offices 36,000
- (b) Output: Number of homeless veterans provided overnight shelter for
a period of two weeks or more 160
- (c) Output: Compensation received by New Mexico veterans as a result of
the department's contracts with veterans' organizations, in
millions \$140
- (d) Output: Number of property tax waiver and exemption certificates
issued to New Mexico veterans 8,000

Subtotal 3,718.8

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	51,098.7	2,764.3	565.6	34.2	54,462.8
(b)	Contractual services	10,036.8		509.4	1,000.4	11,546.6
(c)	Other	6,320.2	316.1	25.8		6,662.1

The general fund appropriation to the juvenile justice facilities program of the children, youth and families department in the personal services and employee benefits category includes nine hundred sixty-nine thousand dollars (\$969,000) to continue the three percent salary increase for designated frontline employees initiated in fiscal year 2014 from vacancy savings.

Performance measures:

(a) Outcome: Percent of clients who successfully complete formal probation 70%

(b) Outcome: Percent of incidents in juvenile justice services facilities requiring use of force resulting in injury 1.5%

(c) Outcome: Percent of clients recommitted to a children, youth and families department facility within two years of discharge from facilities 9%

(d) Outcome: Percent of juvenile justice division facility clients age eighteen and older who enter adult corrections within two years after discharge from a juvenile justice facility 6%

(e) Output: Number of physical assaults in juvenile justice facilities <260

(2) Protective services:

The purpose of the protective services program is to receive and investigate referrals of child abuse and neglect and provide family preservation and treatment and legal services to vulnerable children and their families to ensure their safety and well-being.

Appropriations:

(a) Personal services and

employee benefits	39,587.4	1,200.0	10,745.5
	51,532.9		

(b) Contractual services	12,073.1	822.4	79.4	9,726.4
	22,701.3			

(c) Other	25,072.2	1,950.0	200.0	27,621.6	54,843.8
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(d) Other financing uses			2,738.5	2,738.5
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The general fund appropriation to the protective services program of the children, youth and families department in the personal services and employee benefits category includes six hundred thirty-six thousand nine hundred dollars (\$636,900) to continue the three percent salary increase for designated frontline employees initiated in fiscal year 2014 from vacancy savings.

The general fund appropriation to the protective services program of the children, youth and families department in the contractual services category includes one hundred thousand dollars (\$100,000) for child advocacy services [in ~~Curry county~~], and an additional one hundred thousand dollars (\$100,000) for supportive housing and behavioral health services for pregnant and parenting teens [in ~~Lea county~~]. *LINE-ITEM VETO*

The general fund appropriations to the protective services program of the children, youth and families department include an additional five hundred thousand dollars (\$500,000) for domestic violence programs [and include sufficient funding to assess the feasibility of providing mental health services billed through medicaid and to develop the billing infrastructure if medicaid billing for mental health services is found feasible]. *LINE-ITEM VETO*

The internal service funds/interagency transfers appropriations to the protective services program of the children, youth and families department include two hundred thousand dollars (\$200,000) from the federal temporary assistance for needy families block grant for a pilot supportive housing project to provide permanent housing and supportive services for families that lack adequate housing or struggle with substance abuse or mental health issues and have children who have been identified as victims of child abuse or neglect.

Performance measures:

(a) Outcome: Percent of adult victims or survivors receiving domestic

violence services who have an individualized safety plan 93%

(b) Outcome: Percent of children who are not the subject of substantiated maltreatment within six months of a prior determination of substantiated maltreatment 93%

(c) Output: Percent of children who are not the subject of substantiated maltreatment while in foster care 99.7%

(3) Early childhood services:

The purpose of the early childhood services program is to provide quality childcare, nutrition services, early childhood education and training to enhance the physical, social and emotional growth and development of children.

Appropriations:

(a) Personal services and				
employee benefits	3,199.8		4,922.3	8,122.1
(b) Contractual services	22,660.6		13,313.5	4,701.1
	40,675.2			
(c) Other	34,832.2	750.0	32,729.4	75,822.7
				144,134.3

The internal service funds/interagency transfers appropriations to the early childhood services program of the children, youth and families department include thirty million five hundred twenty-seven thousand five hundred dollars (\$30,527,500) from the federal temporary assistance for needy families block grant for childcare programs, two million dollars (\$2,000,000) for home visiting and six million one hundred thousand dollars (\$6,100,000) for prekindergarten.

The general fund appropriations to the early childhood services program of the children, youth and families department include two million dollars (\$2,000,000) to pilot extended-day prekindergarten, an additional six hundred thousand dollars (\$600,000), including three hundred thousand dollars (\$300,000) for training, technical assistance and professional development for childcare assistance programs and three hundred thousand dollars (\$300,000) for statewide childcare teacher education, retention and compensation, four hundred fifty thousand dollars (\$450,000) for high-quality early childhood development center planning grants and an additional two million five hundred thousand dollars (\$2,500,000) for home-visiting programs.

The general fund appropriation to the early childhood services program of the children, youth and families department in the contractual services category includes twenty-five thousand dollars (\$25,000) for evidence-based home visiting services [in northern New Mexico] and fifty thousand dollars (\$50,000) to improve and expand early childhood education programs [in Anton Chico in Guadalupe county]. *LINE-ITEM VETO*

Performance measures:

- (a) Outcome: Percent of children receiving state subsidy in stars/aim high programs level three through five or with national accreditation 35%
- (b) Outcome: Percent of licensed childcare providers participating in stars/aim high levels three through five or with national accreditations 30%
- (c) Outcome: Percent of children in state-funded prekindergarten showing measurable progress on the preschool readiness kindergarten tool 92%

(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 8,831.7 3,168.3 12,000.0
- (b) Contractual services 1,548.1 71.5 314.1 1,933.7
- (c) Other 2,738.8 2,063.6 4,802.4

Performance measures:

- (a) Outcome: Turnover rate for youth care specialists 15%
- (b) Efficiency: Average number of days to fill positions from the advertisement close date to candidate start date 65

(5) 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	2,166.3	285.7	2,452.0
(b)	Contractual services	10,156.3	426.3	10,582.6
(c)	Other	557.3	557.3	

The general fund appropriation to the behavioral health services program of the children, youth and families department in the contractual services category includes ten thousand dollars (\$10,000) for equine-assisted therapy services for children of [San Miguel county] armed services veterans. *LINE-ITEM VETO*

Performance measures:

(a) Outcome: Percent of youth hospitalized for treatment of selected mental health disorders who receive a follow-up with a mental health practitioner within seven calendar days after discharge 50%

(b) Outcome: Percent of youth who show improvement in the substance disorder domain of the global assessment of individual need short screen 50%

Subtotal 429,747.6

TOTAL HEALTH, HOSPITALS AND HUMAN 1,646,699.5 323,620.4 282,491.4
 4,914,629.7 7,167,441.0

SERVICES

G. PUBLIC SAFETY

DEPARTMENT OF MILITARY AFFAIRS:

(1) National guard support:

The purpose of the national guard support program is to provide administrative, fiscal, personnel, facility construction and maintenance support to the New Mexico national guard in maintaining a high degree of readiness to respond to state and federal missions and to supply an experienced force to protect the public, provide direction for youth and improve the quality of life for New Mexicans.

Appropriations:

(a)	Personal services and				
	employee benefits	3,246.2		4,757.9	8,004.1
(b)	Contractual services	509.3		3,577.3	4,086.6
(c)	Other	3,288.2	81.4	3,663.2	7,032.8

Performance measures:

- (a) Outcome: Rate of attrition of the New Mexico army national guard 14%
- (b) Output: Number of New Mexico youth challenge academy cadets who earn their high school equivalency annually 110

Subtotal 19,123.5

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	347.6		347.6
(b)	Contractual services	7.7		7.7
(c)	Other	134.5	134.5	

Performance measures:

- (a) Efficiency: Percent of revocation hearings held within thirty days of a parolee's return to the corrections department 95%

(b) Outcome: Percent of parole certificates issued within ten days of hearing or ten days of receiving all relevant information needed 95%

Subtotal 489.8

JUVENILE PUBLIC SAFETY ADVISORY BOARD:

The purpose of the juvenile public safety advisory board is to monitor each youth's rehabilitative process through therapy and support services to assure a low risk for reoffending or re-victimizing the community.

Appropriations:

(a)	Contractual services	5.0	5.0
(b)	Other	10.0	10.0
	Subtotal	15.0	

CORRECTIONS DEPARTMENT:

(1) Inmate management and control:

The purpose of the inmate management and control program is to incarcerate in a humane, professionally sound manner offenders sentenced to prison and to provide safe and secure prison operations. This includes quality hiring and in-service training of correctional officers, protecting the public from escape risks and protecting prison staff, contractors and inmates from violence exposure to the extent possible within budgetary resources.

Appropriations:

(a)	Personal services and employee benefits	91,906.4	12,525.7	113.7	143.5	104,689.3
(b)	Contractual services	44,379.9		36.0		44,415.9
(c)	Other	98,514.2	1,105.2	83.4	27.7	99,730.5

The general fund appropriations to the inmate management and control program of the corrections department [~~in the contractual services and other categories~~] include [~~an additional~~] one million five hundred seven thousand dollars (\$1,507,000) to [~~expand~~] education services for inmates in prison.

The general fund appropriation to the inmate management and control program of the New Mexico corrections department in the personal services and employee benefits category includes two million one hundred three thousand eight hundred dollars (\$2,103,800) to continue the three percent

salary increase for correctional officers initiated in fiscal year 2014 from vacancy savings. *LINE-ITEM VETO*

Performance measures:

- (a) Outcome: Percent of prisoners reincarcerated back into the corrections department within thirty-six months due to technical parole violations 20%
- (b) Output: Percent of eligible inmates who earn a general equivalency diploma 95%
- (c) Outcome: Percent of prisoners reincarcerated back into the corrections department system within thirty-six months due to new charges or pending charges 20%
- (d) Output: Percent of inmates testing positive for drug use or refusing to be tested in a random monthly drug test 2%
- (e) Output: Number of inmate-on-inmate assaults with serious injury 15
- (f) Output: Number of inmate-on-staff assaults with serious injury 4
- (g) Outcome: Percent of sex offenders reincarcerated back into the corrections department within thirty-six months 25%

(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 [~~150.0~~] 1,573.7 1,723.7
- (b) Contractual services 25.4 25.4

(c)	Other	2,405.7	2,405.7
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(3) Community offender management:

The purpose of the community offender management program is to provide programming and supervision to offenders on probation and parole, with emphasis on high-risk offenders, to better ensure the probability 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	18,568.7	1,074.8	19,643.5
(b)	Contractual services	59.4		59.4
(c)	Other	11,700.2	1,575.7	13,275.9

The general fund appropriations to the community offender management program of the corrections department [~~in the contractual services and other categories~~] include [~~an additional~~] one million five hundred thousand dollars (\$1,500,000) to [~~expand~~] community-based employment, training and educational services; [~~for~~] evidence-based community behavioral health services and wrap-around services [~~and to expand drug court services in the second judicial district court~~]. *LINE-ITEM VETO*

The general fund appropriation to the community offender management program of the New Mexico corrections department in the personal services and employee benefits category includes six hundred sixty-seven thousand six hundred dollars (\$667,600) to continue the three percent salary increases for probation and parole officers initiated in fiscal year 2014 from vacancy savings.

Performance measures:

(a)	Outcome: Percent of out-of-office contacts per month with offenders	
	on high and extreme supervision on standard caseloads	92%
(b)	Output: Percent of male offenders who complete the residential	
	treatment center program	80%

(4) 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	10,203.2	184.0	10,387.2
(b)	Contractual services	652.6	412.1	1,064.7
(c)	Other	2,166.0	170.5	2,586.3

Performance measures:

- (a) Outcome: Percent turnover of probation and parole officers 10%
- (b) Outcome: Percent turnover of correctional officers in public facilities 10%

Subtotal 300,007.5

CRIME VICTIMS REPARATION COMMISSION:

(1) Victim compensation:

The purpose of the victim compensation program is to provide financial assistance and information to victims of violent crime in New Mexico so they can receive services to restore their lives.

Appropriations:

(a)	Personal services and employee benefits	947.1	947.1
(b)	Contractual services	214.4	214.4
(c)	Other	707.2	579.5
			1,286.7

Performance measures:

- (a) Efficiency: Average number of days to process applications <105
- (b) Outcome: Percent of victims receiving direct advocacy 90%

(2) Federal grant administration:

The purpose of the federal grant administration program is to provide funding and training to nonprofit providers and public agencies so they can provide services to victims of crime.

Appropriations:

(a)	Personal services and employee benefits		255.2	255.2
(b)	Contractual services		28.0	28.0
(c)	Other	4,192.7		4,192.7
(d)	Other financing uses		800.0	800.0

Performance measures:

(a) Efficiency: Percent of sub-grantees that receive compliance monitoring
via desk audits 85%

(b) Outcome: Percent increase in the number of services provided to
victims of crime by grant sub-recipients 2%

Subtotal 7,724.1

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	56,583.8	3,368.1	1,049.9
		61,001.8		
(b)	Contractual services	1,494.5	597.2	530.0 2,621.7
(c)	Other	17,203.0	5,838.6	589.4 23,631.0
(d)	Other financing uses		4,805.0	4,805.0

The general fund appropriation to the law enforcement program of the department of public safety in the other category includes an additional ten thousand dollars (\$10,000) to purchase gun locks for the safe storage of guns.

Performance measures:

- (a) Output: Number of licensed alcohol premises inspections conducted
per agent assigned to alcohol enforcement duties 150
- (b) Output: Number of driving-while-intoxicated checkpoints and
saturation patrols conducted 1,175
- (c) Outcome: Number of data-driven crime and traffic initiatives
conducted 500

(2) Motor transportation:

The purpose of the motor transportation program is to provide the highest quality of commercial motor vehicle enforcement services to the public and ensure a safer state.

Appropriations:

- (a) Personal services and
employee benefits 11,821.3 890.3 1,219.3 2,999.4
16,930.3
- (b) Contractual services 562.7 300.0 1,383.0 2,245.7
- (c) Other 3,886.6 189.2 46.6 647.1 4,769.5

The internal service funds/interagency transfers appropriations to the motor transportation program of the department of public safety include one million two hundred sixty-five thousand nine hundred dollars (\$1,265,900) from the weight distance tax identification permit fund.

Any unexpended balances in the motor transportation program of the department of public safety remaining at the end of fiscal year 2015 from appropriations made from the weight distance tax identification permit fund shall revert to the weight distance tax identification permit fund.

Performance measures:

- (a) Output: Number of commercial motor vehicle citations issued 30,000
- (b) Output: Number of commercial motor vehicle safety inspections
90,000

(3) Statewide law enforcement support program:

The purpose of the statewide law enforcement support program is to promote a safe and secure environment for the state of New Mexico through intelligently led policing practices, vital scientific and technical support, current and relevant training and innovative leadership for the law enforcement community.

Appropriations:

(a)	Personal services and				
	employee benefits	6,260.3	1,542.2	563.1	8,365.6
(b)	Contractual services	417.8	616.5	300.0	1,334.3
(c)	Other	1,983.8	1,397.5	525.7	3,907.0
(d)	Other financing uses		2,000.0		2,000.0

The general fund appropriation to the statewide law enforcement support program of the department of public safety in the other costs category includes two hundred fifty thousand dollars (\$250,000) for the DNA crime lab in Albuquerque.

(4) Program support:

The purpose of program support is to manage the agency's financial resources, assist in attracting and retaining a quality workforce and provide sound legal advice and a clean pleasant working environment.

Appropriations:

(a)	Personal services and				
	employee benefits	3,554.2	96.8	431.3	4,082.3
(b)	Contractual services	134.8	5.0		139.8
(c)	Other	1,016.9	6.6	2,573.5	3,597.0
	Subtotal		139,431.0		

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT:

(1) Homeland security and emergency management program:

The purpose of the homeland security and emergency management program is to provide for and coordinate an integrated, statewide, comprehensive emergency management system for New Mexico, including all agencies, branches and levels of government for the citizens of New Mexico.

Appropriations:

(a)	Personal services and				
	employee benefits	1,647.4	77.1	2,984.4	4,708.9
(b)	Contractual services	78.8		1,338.6	1,417.4

(c) Other 775.4 110.0 80.0 34,095.6 35,061.0

Performance measures:

(a) Output: Number of working days between expenditure of federal funds
and request for reimbursement from federal treasury 15

~~[(b) Output: Number of prior year audit findings resolved — 2]~~

Subtotal 41,187.3

TOTAL PUBLIC SAFETY 395,139.1 36,563.3 8,819.3 67,456.5
507,978.2

H. TRANSPORTATION

DEPARTMENT OF TRANSPORTATION:

(1) Programs and infrastructure:

The purpose of the programs and infrastructure program is to provide improvements and additions to the state's highway infrastructure to serve the interest of the general public. These improvements include those activities directly related to highway planning, design and construction necessary for a complete system of highways in the state.

Appropriations:

(a) Personal services and employee benefits	22,646.7	3,715.6	26,362.3
(b) Contractual services 332,508.1	83,460.2	249,047.9	
(c) Other	82,140.7	152,849.0	234,989.7

The other state funds appropriations to the programs and infrastructure program of the department of transportation include five million dollars (\$5,000,000) for maintenance, reconstruction and related construction costs of state-managed highways.

Notwithstanding the provisions of Paragraph (1) of Subsection B of Section 6-21-6.8 NMSA 1978 or other substantive law, any funds received by the New Mexico finance authority from the department of transportation in fiscal year 2015 as an annual administrative fee for issuing state transportation bonds pursuant to Sections 67-3-59.3 and 67-3-59.4 NMSA 1978 shall not be deposited into the local transportation infrastructure fund.

~~[The state transportation commission shall report to the legislature and the legislative finance committee the progress of publishing a fee schedule to reflect fair market value and charging and~~

~~collecting fees pursuant to the fee schedule from a utility that places equipment along, across, over or under public highways over which the state transportation commission or department controls the rights-of-way.] LINE-ITEM VETO~~

Performance measures:

- (a) Explanatory: Annual number of riders on park and ride >300,000
- (b) Explanatory: Annual number of riders on the rail runner, in millions >1.2
- (c) Outcome: Number of traffic fatalities <345
- (d) Outcome: Number of alcohol-related traffic fatalities <130
- (e) Outcome: Number of non-alcohol-related traffic fatalities <215
- (f) Outcome: Number of crashes in established safety corridors <600
- (g) Outcome: Percent of projects in production let as scheduled >73%
- (h) Quality: Percent of final cost-over-bid amount (less gross receipts tax) on highway construction projects <3%
- (i) Outcome: Percent of bridges in fair condition or better (based on deck area) >75%

(2) Transportation and highway operations:

The purpose of the transportation and highway operations program is to maintain and provide improvements to the state's highway infrastructure to serve the interest of the general public. These improvements include those activities directly related to preserving roadway integrity and maintaining open highway access throughout the state system.

Appropriations:

(a)	Personal services and			
	employee benefits	93,123.9	3,000.0	96,123.9
(b)	Contractual services	52,603.6		52,603.6
(c)	Other	76,710.7	76,710.7	

Performance measures:

- (a) Output: Number of statewide pavement preservation lane miles >2,750
- (b) Outcome: Percent of non-interstate lane miles rated good >85%
- (c) Output: Number of damage claims submitted each year <20
- (d) Outcome: Percent of non-national highway system lane miles rated good >80%
- (e) Outcome: Number of combined systemwide non-interstate miles in deficient condition <3,000

(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	26,499.1	26,499.1
(b) Contractual services	4,035.4	4,035.4
(c) Other	12,241.6	12,241.6

Performance measures:

- (a) Quality: Number of external audit findings <6
- (b) Quality: Percent of prior-year audit findings resolved >80%
- (c) Outcome: Vacancy rate in all programs <11%

Subtotal 862,074.4

TOTAL TRANSPORTATION 453,461.9 408,612.5 862,074.4

I. OTHER EDUCATION

PUBLIC EDUCATION DEPARTMENT:

The purpose of the public education department is to provide a public education to all students. The secretary of public education is responsible to the governor for the operation of the department. It is the secretary's duty to manage all operations of the department and to administer and enforce the laws with which the secretary or the department is charged. To do this, the department is focusing on leadership and support, productivity, building capacity, accountability, communication and fiscal responsibility.

Appropriations:

(a) Personal services and

employee benefits	9,857.6	2,323.4	36.0	7,008.9
	19,225.9			

(b) Contractual services	1,100.2	828.3		19,993.5
	21,922.0			

(c) Other	862.0	656.3	992.1	2,510.4
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The general fund appropriations to the public education department include seven hundred fifty thousand dollars (\$750,000) for operating and maintaining the operating budget management system and student teacher accountability reporting system [~~contingent on the public education department granting access to these systems to the legislative finance committee and the legislative education study committee~~].
LINE-ITEM VETO

Performance measures:

(a) Outcome: Average processing time for school district federal budget

adjustment requests processed, in days 14

(b) Outcome: Percent change from the preliminary unit value to the final

unit value <2%

(c) Explanatory: Number of eligible children served in state-funded

prekindergarten TBD

(d) Explanatory: Number of elementary schools participating in the

state-funded elementary school breakfast program TBD

Subtotal		43,658.3		
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REGIONAL EDUCATION COOPERATIVES:

Appropriations:

(a)	Northwest:	670.0	670.0	
(b)	Northeast:	400.0	1,410.0	1,810.0
(c)	Lea county:	530.0	360.0	890.0
(d)	Pecos valley:	1,500.0	590.0	2,090.0
(e)	Southwest:	1,270.0		1,270.0
(f)	Central:	2,230.0	410.0	2,640.0
(g)	High plains:	2,660.0	350.0	3,010.0
(h)	Clovis:	1,160.0	28.0	1,188.0
(i)	Ruidoso:	3,430.0	1,180.0	4,610.0
	Subtotal		18,178.0	

PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:

Appropriations:

(a)	Teacher mentorship	25.0	25.0	
(b)	Breakfast for elementary students	1,924.6		1,924.6
(c)	After school and summer enrichment programs	1,100.0		1,100.0
(d)	Regional education cooperatives operations	938.2		938.2
(e)	Prekindergarten program	19,289.6		19,289.6
(f)	Graduation, reality and dual -role skills program	200.0		200.0
(g)	New Mexico cyber academy	890.0		890.0

(h)	Mock trials program	112.1	112.1
(i)	New Mexico grown fresh fruits and vegetables	240.0	240.0
(j)	K-3 plus	21,281.5	21,281.5
(k)	Advanced placement	750.0	750.0
(l)	Early reading initiative	14,500.0	14,500.0
(m)	Teaching support for low-income students	500.0	500.0
(n)	Science, technology, engineering and math initiative	2,000.0	2,000.0
(o)	School leader preparation	3,000.0	3,000.0
(p)	Teacher and administrator evaluation system	5,000.0	5,000.0
(q)	Parent advocacy project	100.0	100.0
(r)	Tibbetts middle school,		
	Farmington municipal schools	100.0	100.0
(s)	Reading support in [Dona Ana county]	25.0	25.0
(t)	School teacher preparation	1,650.0	
(u)	Parent portal	1,200.0	1,200.0
(v)	Teacher and school leader programs and supports for		

	training, preparation,		
	recruitment and retention	7,250.0	7,250.0
(w)	College preparation, career		
	readiness and dropout		
	prevention	2,909.0	2,909.0
(x)	Interventions and support		
	for students, struggling		
	schools and parents	10,500.0	10,500.0

The general fund appropriation to the public education department includes twenty-five thousand dollars (\$25,000) for a nonprofit organization to operate and manage a program that matches master teachers in mentorship relationships with students in teacher preparation programs and with teachers in their first three years of teaching, offers meaningful teaching experiences for students in teacher preparation programs and provides for professional development opportunities.

The general fund appropriation to the public education department includes one hundred thousand dollars (\$100,000) for after school programs [~~at central consolidated school district~~]. *LINE-ITEM VETO*

A regional education cooperative may submit an application to the public education department for an allocation from the nine hundred thirty-eight thousand two hundred dollar (\$938,200) appropriation.

The public education department may allocate amounts to a regional education cooperative provided the regional education cooperative's application adequately justified a need for the allocation and the department finds the regional education cooperative submitted timely quarterly financial reports, is in compliance with state and federal financial reporting requirements, including annual audit requirements pursuant to the Audit Act, and is otherwise financially stable. An allocation made to a regional education cooperative may only be used for current-year operating expenses.

Notwithstanding the provisions of Section 32A-23-9 NMSA 1978 or other substantive law, the general fund appropriation to the public education department for the prekindergarten program includes no more than one million five hundred thousand dollars (\$1,500,000) for administrative and program support and no less than seventeen million seven hundred eighty-nine thousand six hundred dollars (\$17,789,600) to fund direct student participation. Of the seventeen million seven hundred eighty-nine thousand six hundred dollars (\$17,789,600) for direct student participation, the public education department shall establish an extended-day prekindergarten pilot program during the 2014-2015 school year and may allocate up to one million five hundred thousand dollars (\$1,500,000) of the appropriation for this purpose.

The general fund appropriation to the k-3 plus fund of the public education department includes twenty-one million two hundred eighty-one thousand five hundred dollars (\$21,281,500) for the k-3 plus program. In setting the reimbursement amount for the summer 2014 k-3 plus program, the secretary of public education shall use the final unit value set for school year 2013-2014 as the basis for funding June, July and August 2014 k-3 plus programs.

The general fund appropriation to the public school reading proficiency fund of the public education department includes fourteen million five hundred thousand dollars (\$14,500,000) for the early reading initiative. Notwithstanding the provisions of Section 22-8-43 NMSA 1978 or other substantive law, the general fund appropriation may be used to support reading intervention for kindergarten through third-grade students, including funding reading coaches, interventionists, statewide professional development, the purchase of evidence-based reading material and the purchase of a formative reading assessment for kindergarten through third-grade students.

The general fund appropriation to the public education department includes five hundred thousand dollars (\$500,000) for a nonprofit organization with the primary purpose of recruiting recent college graduates and professionals who have a record of demonstrated achievement to teach in low-income urban and rural public schools to provide teaching support in schools with at least sixty percent of the enrolled students eligible for free or reduced-fee lunch, with a priority for schools with eighty-five percent or more of the students enrolled in the school eligible for free or reduced-fee lunch. The public education department shall enter into a contract with a nonprofit organization no later than September 1, 2014.

The general fund appropriation to the public education department of two million dollars (\$2,000,000) for the science, technology, engineering and mathematics initiative includes five hundred thousand dollars (\$500,000) for professional development for mathematics and science teachers statewide.

The general fund appropriation to the public education department includes one hundred thousand dollars (\$100,000) to establish a parent advocacy project to enhance parent support of failing students ~~[in Albuquerque public schools].~~ *LINE-ITEM VETO*

~~[The general fund appropriation to the public education department includes one hundred thousand dollars (\$100,000) for Tibbetts middle school in Farmington, including fifty thousand dollars (\$50,000) for the Tibbetts middle school library and fifty thousand dollars (\$50,000) for programs for Native American students at Tibbetts middle school.]~~ *LINE-ITEM VETO*

The general fund appropriation to the public education department includes twenty-five thousand dollars (\$25,000) ~~[for a nonprofit corporation in Dona Ana county]~~ to provide reading support ~~[that focuses its efforts on building self-reliance for low-income New Mexicans through reading support to low-income, bilingual and Spanish speaking families with children between the ages of three and five].~~ *LINE-ITEM VETO*

Except for money in the appropriations in Subparagraphs (v) through (x) that is for use by the public education department to provide services or support, the general fund appropriations in Subparagraphs (v) through (x) are contingent on the appropriations being distributed by the department to school districts and charter schools based on proposals submitted by the school districts and charter schools and approved by the department. The department shall report to the department of finance and administration, ~~[the legislative education study committee and the legislative finance committee]~~ by July 1, 2014 on a plan for proposed funding for various programs contained in those subparagraphs and shall provide a final report of proposals funded, distributions and outcomes by September 1, 2015. *LINE-ITEM VETO*

The appropriation in Subparagraph (v) is contingent on the public education department using the appropriation for the following (1) teacher and school leader preparation programs and (2) supports for teacher and school administrator training, preparation, recruitment and retention. School districts with established collective bargaining units may utilize the appropriation in any compensation initiative implemented by the department, subject to collective bargaining. School districts that do not have established collective bargaining units shall not be required to collectively bargain in order to participate in any compensation initiative implemented by the department with this appropriation. Awards made for any

individual initiative pursuant to this appropriation shall not exceed seventy-five percent of the total appropriation.

The general fund appropriation to the public education department in Subparagraph (w) includes one hundred thousand dollars (\$100,000) for the early college high school program [~~at Mesa Vista consolidated school district and Penasco independent school district~~]. *LINE-ITEM VETO*

Any unexpended balances in the special appropriations to the public education department remaining at the end of fiscal year 2015 from appropriations made from the general fund shall revert to the general fund.

Subtotal	95,485.0
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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 to ensure correct and prudent planning, building and maintenance using state funds and to ensure adequacy of all facilities in accordance with public education department approved educational programs.

Appropriations:

(a)	Personal services and employee benefits	4,394.5	4,394.5
(b)	Contractual services	179.5	179.5
(c)	Other	1,231.4	1,231.4

Performance measures:

- (a) Outcome: Percent of projects meeting all contingencies completed
within the specified period of awards 95%
- (b) Explanatory: Statewide public school facility maintenance assessment
report score measured at December 31 of prior calendar year TBD
- (c) Explanatory: Statewide public school facility condition index measured
at December 31 of prior calendar year TBD

Subtotal	5,805.4
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TOTAL OTHER EDUCATION	107,304.8	23,463.4	36.0	32,322.5
	163,126.7			

J. HIGHER EDUCATION

On approval of the higher education department, the state budget division of the department of finance and administration may approve increases in budgets of agencies, in this section, with the exception of the policy development and institutional financial oversight program of the higher education department, whose other state funds exceed amounts specified. In approving budget increases, the director of the state budget division shall advise the legislature through its officers and appropriate committees, in writing, of the justification for the approval.

Except as otherwise provided, any unexpended balances remaining at the end of fiscal year 2015 shall not revert to the general fund.

The general fund appropriation to all institutional instruction and general purpose appropriations in this subsection includes sufficient funding to reward programs and faculty and staff efforts resulting in improved student performance.

HIGHER EDUCATION DEPARTMENT:

(1) Policy development and institutional financial oversight:

The purpose of the policy development and institutional financial oversight program is to provide a continuous process of statewide planning and oversight within the department's statutory authority for the state higher education system and to ensure both the efficient use of state resources and progress in implementing a statewide agenda.

Appropriations:

(a)	Personal services and					
	employee benefits	2,784.2	262.0	1,142.0	4,188.2	
(b)	Contractual services	305.3	40.0	1,776.0	2,121.3	
(c)	Other	8,827.6	16.6	277.3	7,629.2	16,750.7
(d)	Other financing uses			138.6	138.6	

Any unexpended balances in the policy development and institutional financial oversight program of the higher education department remaining at the end of fiscal year 2015 from appropriations made from the general fund shall revert to the general fund.

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other category includes an additional five hundred thousand one hundred dollars (\$500,100) for the high skills program.

~~[The higher education department shall work with the department of finance and administration, the legislative finance committee and institutions to recommend revisions to the instruction and general purpose funding formula authorized in Section 21-2-5.1 NMSA 1978, including methods for calculating compensation and retirement fund contributions, evaluating the state and local government revenues credit and values of statewide and mission-specific performance measures. The department shall submit these recommendations to the legislature no later than September 1, 2014.]~~ *LINE-ITEM VETO*

Performance measures:

- (a) Efficiency: Percent of properly completed capital infrastructure draws released to the state board of finance within thirty days of receipt from the institutions 100%
- (b) Output: Percent of capital projects evaluations and audits performed to ensure institutional accountability and responsibility 25%

(2) Student financial aid:

The purpose of the student financial aid program is to provide access, affordability and opportunities for success in higher education to students and their families so that all New Mexicans may benefit from postsecondary education and training beyond high school.

Appropriations:

(a)	Contractual services	53.5	53.5			
(b)	Other	23,368.3	4,559.3	49,872.2	250.0	78,049.8
(c)	Other financing uses	7,322.1	7,322.1			

Performance measures:

- (a) Outcome: Percent of first-time freshman lottery recipients graduated from college after the ninth semester 75%
- (b) Outcome: Percent of students who received state loan-for-service funding who provided service after graduation 92%

Subtotal 108,624.2

UNIVERSITY OF NEW MEXICO:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	187,498.7	192,514.0	5,202.0	385,214.7
(b)	Other	181,295.0	150,503.0	331,798.0	
(c)	Athletics	2,844.6	31,960.0	31.0	34,835.6
(d)	Educational television	8,093.3	1,172.3	6,868.0	53.0

Performance measures:

- (a) Outcome: Percent of first-time, full-time, degree-seeking freshmen completing an academic program within six years 49%
- (b) Output: Total number of baccalaureate degrees 3,450

(2) Gallup branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	9,208.7	6,277.4	684.3	16,170.4
(b)	Other	1,631.9	22.1	1,654.0	
(c)	Nurse expansion	209.8		209.8	

Performance measures:

- (a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 10%

(b) Output: Number of students enrolled in the adult basic education program 386

(3) Los Alamos branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes 1,888.6 1,811.5 132.6 3,832.7

(b) Other 570.2 245.8 816.0

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or

certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 60%

(b) Output: Number of students enrolled in the adult basic education program 415

(4) Valencia branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes 5,492.8 5,215.8 2,197.8 12,906.4

(b) Other 1,648.1 890.8 2,538.9

(c)	Nurse expansion	170.3	170.3
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The general fund appropriation to the nurse expansion program of the Valencia branch of the university of New Mexico includes sufficient funding to expand program capacity by an additional sixteen students in fiscal year 2015.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 10%

(b) Output: Number of students enrolled in the adult basic education program 1,300

(5) Taos branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	3,468.0	4,068.3	428.4	7,964.7
(b)	Other	920.9	920.9		
(c)	Nurse expansion	244.6		244.6	

The general fund appropriation to the nurse expansion program of the Taos branch of the university of New Mexico includes sufficient funding to expand program capacity by an additional sixteen students in fiscal year 2015.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time

to completion 20%

(b) Output: Number of students enrolled in the adult basic education program 275

(6) Research and public service projects:

Appropriations:

~~[(a) High school debate~~

~~preparations 50.0 50.0~~

(b) Design planning assistance
community collaborative/Native

~~American engagement 150.0 150.0]~~

(c) Judicial selection 22.9 22.9

(d) Southwest research center 1,128.3 1,128.3

(e) Substance abuse program 137.1 137.1

(f) Resource geographic
information system 65.7 65.7

(g) Southwest Indian law
clinic 208.2 208.2

(h) Geospatial and population
studies/bureau of business
and economic research 380.4 380.4

(i) New Mexico historical
review 47.7 47.7

(j) Ibero-American education 90.0 90.0

(k)	Manufacturing engineering program	558.8	558.8
(l)	Wildlife law education	95.8	95.8
(m)	Morrissey hall programs	47.6	47.6
(n)	Disabled student services	192.4	192.4
(o)	Minority student services	966.0	966.0
(p)	Community-based education	515.4	515.4
(q)	Corrine Wolfe children's law center	170.9	170.9
(r)	Utton transboundary resources center	343.8	343.8
(s)	Drought study consortium	100.0	100.0
(t)	International studies institute	50.0	50.0]
(u)	Student mentoring program	289.3	289.3
(v)	Land grant studies	131.9	131.9
(w)	Small business innovation and research outreach program	225.0	225.0
(x)	College degree mapping	100.0	100.0]

(7) Health sciences center:

The purpose of the instruction and general program at the university of New Mexico health sciences center is to provide educational, clinical and research support for the advancement of health of all New Mexicans.

Appropriations:

- (a) Instruction and general

	purposes	61,788.3	58,776.7	5,295.4	125,860.4
(b)	Other	286,448.3	79,438.9	365,887.2	

Performance measures:

- (a) Output: Number of post-baccalaureate degrees awarded 320
- (b) Output: Number of university of New Mexico cancer research and treatment center clinical trials 400

(8) Health sciences center research and public service projects:

Appropriations:

[(a)	Institute for indigenous	_____	_____	_____	_____
	knowledge and development	150.0	_____	_____	150.0]
(b)	Native American suicide prevention	100.0	6.2	106.2	
(c)	Office of medical investigator	4,974.4	2,770.9	3.1	7,748.4
(d)	Children's psychiatric hospital	7,073.2	13,176.3		20,249.5
(e)	Carrie Tingley hospital	18,676.6	5,133.2	13,543.4	
(f)	Out-of-county indigent fund	664.4	664.4		
(g)	Newborn intensive care	5,568.4	3,305.5	2,105.7	157.2
(h)	Pediatric oncology	1,289.4	331.3		1,620.7
(i)	Internal medicine				

	residencies	535.0		535.0	
(j)	Poison and drug information				
	center	1,534.8	602.1	31.9	2,168.8
(k)	Cancer center	2,673.9		4,627.9	10,869.4
		18,171.2			
(l)	Genomics, biocomputing and				
	environmental health research			999.4	999.4
(m)	Trauma specialty education			261.4	261.4
(n)	Pediatrics specialty				
	education	261.4		261.4	
(o)	Native American health				
	center	272.7	23.4	296.1	
(p)	Hepatitis community health				
	outcomes	1,987.5	165.0		2,152.5
(q)	Nurse expansion	1,106.3			1,106.3
(r)	Graduate nurse education	1,655.3			1,655.3
(s)	Psychiatry residencies	202.0			202.0
(t)	General surgery/family				
	community medicine residencies	168.0			168.0

The general fund appropriation to the nurse expansion program of the health sciences center of the university of New Mexico includes sufficient funding to expand program capacity by an additional sixteen students in fiscal year 2015.

The other state funds appropriations to the health sciences center of the university of New Mexico for research and public service projects include two million nine hundred sixty-two thousand one hundred dollars (\$2,962,100) from the tobacco settlement program fund.

Subtotal				1,387,946.7	
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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)	Instruction and general purposes	117,071.8	108,898.4	7,142.9	233,113.1
(b)	Other	83,523.5	112,066.1	195,589.6	
(c)	Athletics	3,387.2	9,919.4	27.2	13,333.8
(d)	Educational television	1,088.2	929.0		2,017.2

Performance measures:

- (a) Outcome: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 47%
- (b) Output: Total number of baccalaureate degrees awarded 2,550

(2) Alamogordo branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	7,836.5	5,426.8	1,419.2	14,682.5
(b)	Other	847.3	4,803.4	5,650.7	
(c)	Nurse expansion	65.5		65.5	

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 14%

(b) Output: Number of students enrolled in the adult basic education program 550

(3) Carlsbad branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	4,226.2	7,477.4	1,094.4	12,798.0
(b)	Other	710.1	2,554.2	3,264.3	
(c)	Carlsbad manufacturing sector development program		234.2		234.2
(d)	Nurse expansion	119.0		119.0	

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 10%

(b) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following

spring term 70%

(4) Dona Ana branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	22,993.8	16,034.1	1,127.6	40,155.5
(b)	Other	4,128.3	23,299.5	27,427.8	
(c)	Dental hygiene program	225.0		225.0	
(d)	Nurse expansion	211.5		211.5	

The general fund appropriation to the nurse expansion program of the Dona Ana branch of New Mexico state university includes sufficient funding to expand program capacity by an additional sixteen students in fiscal year 2015.

Performance measures:

- (a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 15%
- (b) Output: Number of students enrolled in the adult basic education program 5,000

(5) Grants branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	3,597.8	1,571.1	1,274.3	6,443.2
(b)	Other	549.9	1,812.7	2,362.6	

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 22%

(b) Output: Number of students enrolled in the adult basic education program 400

(6) Department of agriculture:

Appropriations:	11,404.4	4,051.7	1,680.2	17,136.3
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The general fund appropriations to the New Mexico department of agriculture at the New Mexico state university include an additional one hundred fifty thousand dollars (\$150,000) for the acequia community ditch fund, an additional one hundred thousand dollars (\$100,000) for soil and water conservation districts, an additional sixty thousand dollars (\$60,000) for the [statewide] future farmers [of America] program and fifty thousand dollars (\$50,000) for the [La Semilla] community farming program. *LINE-ITEM VETO*

(7) Agricultural experiment station:

Appropriations:	14,532.3	3,450.0	9,500.0	27,482.3
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(8) Cooperative extension service:

Appropriations:	13,436.9	3,800.0	8,100.0	25,336.9
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The general fund appropriation to the cooperative extension service of the New Mexico state university includes funding to provide statewide support for the 4-H program, adult leader training, home economics and shooting sports.

(9) Research and public service projects:

Appropriations:

(a) Science, technology, engineering

	and mathematics alliance				
	for minority participation	327.4	12.5	224.5	564.4
(b)	Water resource research	317.2	1,062.0		1,539.1
		2,918.3			
(c)	Indian resources development		298.0		298.0
(d)	Manufacturing sector				
	development program	548.3		1,599.4	2,147.7
(e)	Arrowhead center for				
	business development	232.1	175.3	951.6	1,359.0
(f)	Nurse expansion	699.7		699.7	
(g)	Mental health nurse				
	practitioner	402.8		402.8	
(h)	International studies				
	institute	50.0		50.0]	
(i)	Economic development				
	doctorate	100.0		100.0	
(j)	Alliance teaching and				
	learning advancement	150.7		150.7	
(k)	College assistance migrant				
	program	217.4	200.0	417.4	

The general fund appropriation to the nurse expansion program of New Mexico state university includes sufficient funding to expand program capacity by an additional sixteen students in fiscal year 2015.

The general fund appropriation to the Indian resource development program of the New Mexico state university includes an additional seventy-five thousand dollars (\$75,000) to provide services and scholarships to Native American students throughout the state.

The other state funds appropriations to the water resources research institute of the New Mexico state university include five hundred thousand dollars (\$500,000) from the corrective action fund, created in Section 74-6B-7 NMSA 1978 and five hundred thousand dollars (\$500,000) from the consumer settlement fund of the office of the attorney general.

Subtotal 636,757.0

NEW MEXICO HIGHLANDS UNIVERSITY:

(1) Main:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	27,990.8	12,533.7	430.9	40,955.4
(b)	Other	13,187.0	11,002.0		24,189.0
(c)	Athletics	2,136.6	454.0	0.6	2,591.2

Performance measures:

- (a) Output: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 20%
- (b) Output: Total number of baccalaureate degrees awarded 370

(2) Research and public service projects:

Appropriations:

(a)	Minority student services	557.8	555.9		1,113.7
(b)	Advanced placement	281.3	230.9		512.2
(c)	Forest and watershed institute	313.6	312.3		625.9

~~[(d) Oil and gas management]~~

program	100.0	100.0]
(e) Nurse expansion	66.1	66.1
Subtotal		70,153.5

WESTERN NEW MEXICO UNIVERSITY:

(1) Main:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Instruction and general purposes	16,968.0	10,806.2	346.5	28,120.7
(b) Other	3,393.5		9,226.8	12,620.3
(c) Athletics	1,894.8	418.2		2,313.0

Performance measures:

(a) Output:	Total number of baccalaureate degrees awarded	200
(b) Output:	Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years	23%

(2) Research and public service projects:

Appropriations:

(a) Child development center	211.7	532.4	744.1
(b) Instructional television	78.4	96.7	175.1
(c) Web-based teacher licensure	141.4	174.5	315.9
(d) Nurse expansion	884.3	1,091.2	1,975.5
(e) Pharmacy and phlebotomy			

programs	125.0	125.0
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(f) Service learning program	50.0 61.7	111.7
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The general fund appropriation to the pharmacy and phlebotomy programs at western New Mexico university shall be used to deliver programming at the Deming Mimbres Valley learning center.

Subtotal	46,501.3
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EASTERN NEW MEXICO UNIVERSITY:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Instruction and general purposes	27,343.4	18,114.0	4,362.2	49,819.6
(b) Other	15,212.8	35,196.1	50,408.9	
(c) Athletics	2,139.3	1,615.3	22.0	3,776.6
(d) Educational television	2,555.2	1,103.5	1,411.7	40.0

Performance measures:

(a) Output:	Total number of baccalaureate degrees awarded	650
(b) Output:	Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years	30%

(2) Roswell branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	11,907.4	8,747.8	837.9	21,493.1
(b)	Other	7,173.2	14,642.6	21,815.8	
(c)	Airframe mechanics	60.4		60.4	
(d)	Dental hygiene program	100.0		100.0	
(e)	Nurse expansion	74.8		74.8	
(f)	Special services program expansion	61.9	61.9		

Performance measures:

(a) Outcome: Percent of students who complete a program within one hundred fifty percent of time 17%

(b) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 76.2%

(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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	2,113.3	3,051.0	408.5	5,572.8
(b)	Other	654.6	3,284.5	3,939.1	

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or

certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 20%

(b) Output: Number of students enrolled in adult basic education 450

(4) Research and public service projects:

Appropriations:

(a)	Youth robotic competition	100.0		100.0
(b)	Blackwater draw site and museum	95.0	34.6	129.6
(c)	Student success programs	455.8		455.8
(d)	Nurse expansion	258.1		258.1
(e)	At-risk student tutoring	245.5		245.5
(f)	Allied health	155.6		155.6
(g)	Career and technical education programs	250.0		250.0]
	Subtotal			161,272.8

NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY:

(1) Main:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the work force, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	27,302.2	13,000.0	40,302.2
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(b)	Other	12,718.2		12,718.2
(c)	Athletics	210.0	10.0	220.0

Performance measures:

- (a) Output: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 48%
- (b) Output: Total number of degrees awarded 310

(2) Bureau of mine safety:

Appropriations:	338.4		134.5	472.9
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(3) Bureau of geology and mineral resources:

Appropriations:	4,122.0	400.0	633.0	5,155.0
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The general fund appropriation to the bureau of geology and mineral resources of the New Mexico institute of mining and technology includes one hundred thousand dollars (\$100,000) from federal Mineral Leasing Act receipts.

(4) Petroleum recovery research center:

Appropriations:	1,996.0		1,913.3	3,909.3
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(5) Geophysical research center:

Appropriations:	1,161.0		3,085.0	4,246.0
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(6) Research and public service projects:

Appropriations:

- (a) Energetic materials research center 849.8 7,500.0 35,000.0 43,349.8
- (b) Science and engineering fair 212.4 212.4
- (c) Institute for complex additive systems analysis 857.0 1,665.9 2,522.9
- (d) Cave and karst research 384.6 384.6

(e)	Homeland security center	554.2		1,500.0	2,054.2
(f)	Supercomputing challenge				
	program	60.0		60.0	
	Subtotal			115,607.5	

NORTHERN NEW MEXICO COLLEGE:

(1) Main:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general				
	purposes	10,752.1	6,974.4	6,651.3	24,377.8
(b)	Other	2,892.5	6,154.5	9,047.0	
(c)	Athletics	264.3		264.3	
(d)	Instructional equipment	85.0		85.0	
(e)	Nurse expansion	254.5		254.5	
(f)	Science, technology,				
	engineering and math	150.0		150.0	
(g)	Veterans center	125.0		125.0	

The general fund appropriation to the nurse expansion program of northern New Mexico college includes sufficient funding to expand program capacity by an additional sixteen students in fiscal year 2015.

Performance measures:

- (a) Output: Percent of first-time, full-time freshmen completing an academic program within six years 25%
- (b) Output: Total number of baccalaureate degrees awarded 70

Subtotal 34,303.6

SANTA FE COMMUNITY COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general				
	purposes	9,735.3	27,909.4	3,598.3	41,243.0
(b)	Other	7,062.2	8,396.1	15,458.3	
(c)	Microgrid project	100.0		100.0	
(d)	Small business development				
	centers	4,425.0		1,975.6	6,400.6
(e)	Nurse expansion	277.5		277.5	
(f)	Integrated basic education				
	and skills training program	161.9		161.9	

The general fund appropriation to the nurse expansion program of Santa Fe community college includes sufficient funding to expand program capacity by an additional sixteen students in fiscal year 2015.

Performance measures:

- (a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 11%
- (b) Output: Number of students enrolled in the adult basic education program 2,200

Subtotal 63,641.3

CENTRAL NEW MEXICO COMMUNITY COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	55,067.1	94,295.1	5,434.8	154,797.0
(b)	Other	9,715.0	49,834.0	59,549.0	
(c)	Nurse expansion	196.4		196.4	

The general fund appropriation to the nurse expansion program of central New Mexico community college includes sufficient funding to expand program capacity by an additional sixteen students in fiscal year 2015.

Performance measures:

- (a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 11%
- (b) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 83%

Subtotal	214,542.4
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LUNA COMMUNITY COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general				
	purposes	7,396.4	90.0	1,380.0	8,866.4
(b)	Athletics	416.7		416.7	
(c)	Nurse expansion	291.2		291.2	
(d)	Student retention and				
	completion	579.6		579.6	

The general fund appropriation to the nurse expansion program of Luna community college includes sufficient funding to expand program capacity by an additional sixteen students in fiscal year 2015.

Performance measures:

- (a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 20%
- (b) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 70%

Subtotal				10,153.9	
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MESALANDS COMMUNITY COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general				
	purposes	4,224.1	1,233.6	372.0	5,829.7
(b)	Other	1,440.0		1,172.0	2,612.0

(c)	Athletics	144.9	144.9
(d)	Wind training center	121.0	121.0

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 45%

(b) Output: Number of students enrolled in the adult basic education program 400

Subtotal 8,707.6

NEW MEXICO JUNIOR COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	5,485.4	17,179.7	878.5	23,543.6
(b)	Other	3,092.4	4,827.5	7,919.9	
(c)	Athletics	482.0		482.0	
(d)	Oil and gas management program	176.7		176.7	
(e)	Nurse expansion	309.1		309.1	
(f)	Lea county distance education consortium		30.0		30.0

The general fund appropriation to the nurse expansion program of New Mexico junior college includes sufficient funding to expand program capacity by an additional sixteen students in fiscal year 2015.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 33%

(b) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 80%

Subtotal 32,461.3

SAN JUAN COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	24,618.8	35,249.2	1,806.6	61,674.6
(b)	Other	8,978.6	13,475.3	22,453.9	
(c)	Dental hygiene program	168.0		168.0	
(d)	Nurse expansion	216.8		216.8	

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time

to completion 15%

- (b) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 83%

Subtotal 84,513.3

CLOVIS COMMUNITY COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

- | | | | | | |
|-----|----------------------------------|---------|----------|----------|----------|
| (a) | Instruction and general purposes | 9,831.5 | 4,696.6 | 765.1 | 15,293.2 |
| (b) | Other | 4,530.0 | 12,517.7 | 17,047.7 | |
| (c) | Nurse expansion | 298.2 | | 298.2 | |

The general fund appropriation to the nurse expansion program of Clovis community college includes sufficient funding to expand program capacity by an additional sixteen students in fiscal year 2015.

Performance measures:

- (a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program within one hundred fifty percent of normal time to completion 14%
- (b) Outcome: Percent of first-time, full-time, degree-seeking students enrolled in a given fall term who persist to the following spring term 74%

Subtotal 32,639.1

NEW MEXICO MILITARY INSTITUTE:

The purpose of the New Mexico military institute is to provide college-preparatory instruction for students in a residential, military environment culminating in a high school diploma or associates degree.

Appropriations:

(a)	Instruction and general purposes	1,256.8	22,834.4	116.5	24,207.7
(b)	Athletics	279.5	53.7	333.2	
(c)	Knowles legislative scholarship program		1,362.8		1,362.8

Performance measures:

(a) Outcome: American college testing composite scores for graduating high school seniors 22

Subtotal 25,903.7

NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED:

The purpose of the New Mexico school for the blind and visually impaired program is to provide the training, support and resources necessary to prepare blind and visually impaired children of New Mexico to participate fully in their families, communities and workforce and to lead independent, productive lives.

Appropriations:

(a)	Instruction and general purposes	776.2	11,377.0	792.9	12,946.1
(b)	Early childhood center		373.4		373.4
(c)	Low vision clinic programs	117.8			117.8

Performance measures:

(a) Outcome: Number of school districts that have established a memorandum of understanding requesting mentorship support

services for visually impaired professionals entering the
field 40

(b) Quality: Number of school districts (over baseline year) that use
the school's internet database to follow visually impaired
students 5

Subtotal 13,437.3

NEW MEXICO SCHOOL FOR THE DEAF:

The purpose of the New Mexico school for the deaf program is to provide a school-based comprehensive, fully accessible and language-rich learning environment for its students who are deaf and hard-of-hearing and to work collaboratively with families, agencies and communities throughout the state to meet the unique communication, language and learning needs of children and youth who are deaf and hard-of-hearing.

Appropriations:

(a)	Instruction and general				
	purposes	3,942.7	11,700.5	399.2	16,042.4
(b)	Statewide outreach services		240.8		240.8

Performance measures:

(a) Outcome: Percent of students in kindergarten through twelfth grade
demonstrating academic improvement across curriculum domains 80%

(b) Outcome: Rate of transition to postsecondary education,
vocational-technical training schools, junior colleges,
work training or employment for graduates based on a
three-year rolling average 100%

(c) Outcome: Percent of students in grades three to twelve who are late
language learners who demonstrate significant gains in
language and communication as demonstrated by pre- and

post-test results 80%

Subtotal 16,283.2

TOTAL HIGHER EDUCATION 833,038.2 1,488,130.7 50,288.1 691,992.7
3,063,449.7

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 2015.

PUBLIC SCHOOL SUPPORT:

(1) State equalization guarantee distribution:

The purpose of public school support is to carry out the mandate to establish and maintain a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state.

Appropriations: 2,503,525.4 1,500.0 2,505,025.4

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 2014-2015 school year and then, on verification of the number of units statewide for fiscal year 2015 but no later than January 31, 2015, may adjust the program unit value once.

The general fund appropriation to the state equalization guarantee distribution includes sufficient funds to provide a three percent average salary increase for all teachers, other instructional staff and other licensed and unlicensed staff effective the first full pay period after July 1, 2014. This amount does not include and is in addition to salary increases due to licensure advancement pursuant to the School Personnel Act. Prior to the approval of each school district's or charter school's budget, the secretary of public education shall verify that the school district or charter school is providing a three percent average salary increase for all teachers and other licensed school employees and a three percent average salary increase for all unlicensed school employees.

The general fund appropriation to the state equalization guarantee distribution includes sufficient funds to provide an additional three percent average salary increase for all licensed education assistants effective the first full pay period after July 1, 2014. Prior to the approval of a school district's or charter school's budget, the secretary of public education shall verify each school district or charter school is providing an additional three percent average salary increase for all education assistants.

The general fund appropriation to the state equalization guarantee distribution includes sufficient funds to increase the minimum salary of level one teachers from thirty thousand dollars (\$30,000) to thirty-two thousand dollars (\$32,000), ~~of level two teachers from forty thousand dollars (\$40,000) to forty-two thousand dollars (\$42,000) and of level three teachers and administrators from fifty thousand dollars (\$50,000) to fifty-two thousand dollars (\$52,000)].~~ Notwithstanding the provisions of the School Personnel Act or other substantive law, the secretary of public education shall ensure that no full-time level one teacher receives a base salary less than thirty-two thousand dollars (\$32,000), ~~[that no full-time level two teacher receives a base salary less than forty-two thousand dollars (\$42,000) and that no full-time level~~

~~three teacher or administrator receives a base salary less than fifty-two thousand dollars (\$52,000)] during fiscal year 2015. *LINE-ITEM VETO*~~

~~[The general fund appropriation to the state equalization guarantee distribution includes fifteen million two hundred twenty-two thousand dollars (\$15,222,000) to provide specific services to improve educational outcomes of at-risk students.] *LINE-ITEM VETO*~~

The general fund appropriation to the state equalization guarantee distribution includes five million seven hundred sixty-one thousand six hundred dollars (\$5,761,600) to create a factor in the public education funding formula for school districts with fewer than two hundred students contingent on enactment of House Bill 35 or similar legislation during the second session of the fifty-first legislature.

The general fund appropriation to the state equalization guarantee distribution includes one hundred fifty thousand dollars (\$150,000) for licensed school counselors to generate program units for being certified by the national board for professional teaching standards contingent on enactment of House Bill 122 or similar legislation during the second session of the fifty-first legislature.

The general fund appropriation to the state equalization guarantee distribution includes six million dollars (\$6,000,000) for reinstating requirements of the Public School Code pertaining to individual class load and teaching load. During the 2014-2015 school year, each school district shall develop and submit a plan to the public education department for complying with class load and teaching load requirements.

After considering those elementary physical education programs eligible for state financial support and the amount of state funding available for elementary physical education, the secretary of public education shall annually determine the programs and the consequent numbers of students in elementary physical education that will be used to calculate the number of elementary physical education program units.

For the 2014-2015 school year, the state equalization guarantee distribution includes sufficient funding for school districts and charter schools to implement a new formula-based program. Those districts and charter schools shall use current-year membership in the calculation of program units for the new formula-based program.

The general fund appropriation to the state equalization guarantee distribution reflects the deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 that includes payments commonly known as "impact aid funds" pursuant to 20 U.S.C. 7701 et seq., and formerly known as "PL874 funds".

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.

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2015 from appropriations made from the general fund shall revert to the general fund.

Performance measures:

(a) Outcome: Percent of fourth-grade students who achieve proficiency or above on the standards-based assessment in reading 52%

(b) Outcome: Percent of fourth-grade students who achieve proficiency or

above on the standards-based assessment in mathematics 50%

(c) Outcome: Percent of eighth-grade students who achieve proficiency or

above on the standards-based assessment in reading 63%

(d) Outcome: Percent of eighth-grade students who achieve proficiency or

above on the standards-based assessment in mathematics 50%

(e) Outcome: Percent of recent New Mexico high school graduates who take

remedial courses in higher education at two-year and

four-year schools <40%

(2) Transportation distribution:

Appropriations:	102,070.8	102,070.8
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The general fund appropriation to the transportation distribution includes sufficient funds to provide a three percent average salary increase for transportation employees effective the first full pay period after July 1, 2014. Prior to the approval of each school district's or charter school's budget, the secretary of public education shall verify that the school district or charter school is providing a three percent average salary increase for all transportation employees.

(3) Supplemental distribution:

Appropriations:

(a) Out-of-state tuition	300.0	300.0
(b) Emergency supplemental	2,000.0	2,000.0

The secretary of public education shall not distribute any emergency supplemental funds to a school district or charter school that is not in compliance with the Audit Act. Emergency supplemental funds shall not be distributed to any school district or charter school having cash and invested reserves, or other resources or any combination thereof, equaling five percent or more of their operating budget.

Any unexpended balances in the supplemental distribution of the public education department remaining at the end of fiscal year 2015 from appropriations made from the general fund shall revert to the general fund.

Subtotal	2,609,396.2
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FEDERAL FLOW THROUGH:

Appropriations:	414,202.3	414,202.3
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Subtotal 414,202.3

INSTRUCTIONAL MATERIALS:

(1) Instructional material fund:

Appropriations: 20,364.6 20,364.6

The appropriation to the instructional material fund is made from federal Mineral Leasing Act (30 U.S.C. 181, et seq.) receipts.

(2) Dual credit instructional materials:

Appropriations: 857.0 857.0

The general fund appropriation to the public education department for dual-credit instructional materials shall be used by the department to reimburse school districts, charter schools, state-supported schools and bureau of Indian education high schools in New Mexico for the cost of required textbooks and other course supplies for students enrolled in the dual-credit program to the extent of the available funds.

Subtotal 21,221.6

INDIAN EDUCATION FUND:

Appropriations: 1,824.6 675.4 2,500.0

The other state funds appropriation is from the Indian education fund.

The general fund appropriation to the public education department for the Indian Education Act includes four hundred thousand dollars (\$400,000) for a national nonprofit organization with the primary purpose of recruiting recent college graduates and professionals who have a record of demonstrated achievement to teach in low-income urban and rural public schools to provide teaching support in schools with a high proportion of Native American students. The public education department shall enter into a contract with a nonprofit organization no later than September 1, 2014.

The general fund appropriation to the public education department for the Indian Education Act includes three hundred thousand dollars (\$300,000) to provide a rural literacy initiative to support after-school and summer literacy block programs for students in kindergarten through eighth grade in schools with a high proportion of Native American students contingent on receipt of three hundred thousand dollars (\$300,000) in matching funds from other than state sources no later than September 30, 2014.

Subtotal 2,500.0

TOTAL PUBLIC SCHOOL SUPPORT 2,630,942.4 2,175.4 414,202.3
3,047,320.1

GRAND TOTAL FISCAL YEAR 2015

APPROPRIATIONS 6,139,471.4 3,935,163.2 424,359.7 6,580,469.0 17,079,463.3

Chapter 63 Section 5 Laws 2014

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 2014 and 2015. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2015 shall revert to the appropriate fund.

(1) LEGISLATIVE COUNCIL SERVICE 2,500.0
2,500.0

For capitol repairs and upgrades. The appropriation is from cash balances.

(2) LEGISLATIVE COUNCIL SERVICE 50.0 50.0

For an analysis of statutory requirements of the southwest chief train service investment agreements. The appropriation includes thirty thousand dollars (\$30,000) for a contract [with the bureau of business and economic research at the university of New Mexico]. *LINE-ITEM VETO*

~~[(3) LEGISLATIVE COUNCIL SERVICE 200.0 200.0]~~

~~For a state tax structure study.~~

~~(4) LEGISLATIVE EDUCATION~~

~~STUDY COMMITTEE 97.9 97.9~~

~~For expenditure in fiscal year 2015 for two full-time equivalent positions.] *LINE-ITEM VETO*~~

(5) ADMINISTRATIVE OFFICE
OF THE COURTS 140.0 140.0

For desktop scanners. The appropriation is from the magistrate court warrant enforcement fund.

(6) ADMINISTRATIVE OFFICE
OF THE COURTS 116.0 116.0

For information technology equipment, security equipment and vehicles for the administrative office of the courts and district courts statewide.

~~[(7) ADMINISTRATIVE OFFICE~~

~~OF THE COURTS 650.0 650.0]~~

~~For lease costs and security enhancements in magistrate courts statewide. The appropriation is from the metropolitan court bond guarantee fund.~~

~~(8)~~ ADMINISTRATIVE OFFICE

~~OF THE COURTS 350.0 350.0~~

~~For vehicles for district and magistrate courts statewide.~~

~~(9)~~ ADMINISTRATIVE OFFICE

~~OF THE COURTS 461.0 461.0~~

~~For expenditure in fiscal year 2015 for the employer share of the increased cost of judicial pensions contingent on enactment of judicial pension reform legislation during the second session of the fifty-first legislature to improve the funded ratio of the judicial retirement fund.] LINE-ITEM VETO~~

(10) SECOND JUDICIAL DISTRICT COURT

Any unexpended balances remaining at the end of fiscal years 2014 and 2015 from revenues received in fiscal years 2014 and 2015 by the second judicial district court from the New Mexico attorney general's office pursuant to the residential mortgage foreclosure settlement facilitation pilot project fund shall not revert but shall remain with the recipient court.

(11) THIRTEENTH JUDICIAL DISTRICT COURT

Any unexpended balances remaining at the end of fiscal years 2014 and 2015 from revenues received in fiscal years 2014 and 2015 by the thirteenth judicial district court from the New Mexico attorney general's office pursuant to the residential mortgage foreclosure settlement facilitation pilot project fund shall not revert but shall remain with the recipient court.

(12) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS

Any unexpended balances remaining at the end of fiscal year 2014 from revenues received in fiscal year 2014 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 attorneys' office. The administrative office of the district attorneys shall provide to the department of finance and administration and the legislative finance committee prior to November 1, 2014, a detailed report documenting the amount of all southwest border prosecution initiative funds that do not revert at the end of fiscal year 2014 for each of the district attorneys and the administrative office of the district attorneys.

~~(13)~~ ADMINISTRATIVE OFFICE

~~OF THE DISTRICT ATTORNEYS 100.0 100.0~~

~~For information technology equipment.] LINE-ITEM VETO~~

(14) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS

Any unexpended balances remaining at the end of fiscal year 2014 from revenues received in fiscal year 2014 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 attorneys' office. The administrative office of the district attorneys shall provide the department of finance and administration and the legislative finance committee

prior to November 1, 2014 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 2014 for each of the district attorneys and the administrative office of the district attorneys.

~~(15) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS~~

~~Notwithstanding the provisions of the District Attorney Personnel and Compensation Act or other substantive law, the administrative office of the district attorneys and individual district attorneys may provide out-of-cycle salary increases to more than twenty percent of all eligible employees per office during fiscal years 2014 and 2015 provided adequate funds exist.~~

~~(16) ADMINISTRATIVE OFFICE~~

~~OF THE DISTRICT ATTORNEYS 350.0 350.0~~

~~For vehicles for district attorneys' offices statewide.] LINE-ITEM VETO~~

(17) ATTORNEY GENERAL

Up to two million seven hundred twenty thousand dollars (\$2,720,000) of the general fund appropriation transferred from the state engineer for water litigation on interstate streams and their tributaries shall not revert at the end of fiscal year 2014 and may be expended in fiscal year 2015.

(18) ATTORNEY GENERAL 3,783.0 3,783.0

For housing counseling and litigation and foreclosure mediation. The appropriation is from the mortgage settlement fund.

(19) TAXATION AND REVENUE

DEPARTMENT 50.0 50.0

For Native American veterans' income tax settlement fund payments and program outreach.

(20) DEPARTMENT OF FINANCE

AND ADMINISTRATION 500.0 500.0

For the New Mexico mortgage finance authority to carry out the provisions of the Housing Trust Fund Act.

(21) DEPARTMENT OF FINANCE

AND ADMINISTRATION 250.0 250.0

For oversight of the Affordable Housing Act by the New Mexico mortgage finance authority in fiscal years 2014 and 2015.

(22) DEPARTMENT OF FINANCE

AND ADMINISTRATION 350.0 350.0

For disbursement to the renewable energy transmission authority for operating costs in fiscal year 2015. The renewable energy transmission authority shall report to the interim New Mexico finance authority oversight committee on the status of the agency's operating budget.

(23) DEPARTMENT OF FINANCE

AND ADMINISTRATION	1,000.0	1,000.0
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For a review and reconciliation of bank versus book transactions from the period commencing with the implementation of the statewide human resource, accounting and management reporting system through January 31, 2013.

(24) DEPARTMENT OF FINANCE

AND ADMINISTRATION	2,700.0	2,700.0
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For back pay to eligible employees as required by the arbitration awards confirmed in State of New Mexico, Movant v. American Federation of State, County and Municipal Employees, Council 18, AFL-CIO, CLC, Respondent, State of New Mexico, District Court, Second Judicial District, No. D-202-CV-2009-09756, the consolidated action which confirmed both the June 15, 2009, Arbitration Award regarding the AFSCME grievance (District Court Nos. D-202-CV-2009-09756 and D-202-CV-2009-09933), and the September 25, 2009, Arbitration Award regarding the Communications Workers of America grievance (District Court No. D-202-2009-11860) challenging the state's implementation of the compensation appropriation made in the General Appropriation Act of 2008, Section 8(A)(5) as well as the employer's share of applicable taxes and retirement benefits associated with such back pay. The department of finance and administration shall not distribute funds to an agency unless the agency certifies, and the department finds, that the agency does not have other funds available to satisfy its obligations with respect to back pay.

(25) GENERAL SERVICES DEPARTMENT	98.8	98.8
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For the depreciation portion of rate development costs for the state airplane. The appropriation is from the aviation services fund.

(26) GENERAL SERVICES DEPARTMENT

The period of time for expending the four hundred fifty-eight thousand five hundred dollar (\$458,500) appropriation from the purchasing enterprise fund contained in Subsection 10 of Section 5 of Chapter 19 of Laws 2012 to implement an electronic bid and contracts management web-based system is extended through fiscal year 2015.

(27) GENERAL SERVICES DEPARTMENT

The period of time for expending the one million four hundred thousand dollar (\$1,400,000) appropriation from the public buildings repair fund in Subsection 23 of Section 5 of Chapter 227 of Laws 2013 to the property control division of the general services department to conduct facility condition assessments of all state facilities under the jurisdiction of the property control division of the general services department is re-appropriated to the facilities management division for the same purpose and is extended through fiscal year 2015.

(28) GENERAL SERVICES DEPARTMENT

The period of time for expending the nine hundred thousand dollar (\$900,000) appropriation from the public buildings repair fund in Subsection 20 of Section 5 of Chapter 227 of Laws 2013 to the property control division of the general services department for buildings outside Santa Fe under the jurisdiction of the division is re-appropriated to the facilities management division of the general services department for the same purpose and is extended through fiscal year 2015.

(29) GENERAL SERVICES DEPARTMENT 350.0 350.0

For a shortfall in utility and maintenance costs for the facilities management division.

(30) SECRETARY OF STATE 700.0 700.0

For election expenses.

(31) SECRETARY OF STATE 200.0 200.0

For election expenses in fiscal year 2015.

(32) TOURISM DEPARTMENT 500.0 500.0

For expenditure in fiscal year 2015 for the cooperative advertising program.

(33) ECONOMIC DEVELOPMENT
DEPARTMENT 10,000.0 10,000.0

For economic development projects pursuant to the Local Economic Development Act.

(34) ECONOMIC DEVELOPMENT
DEPARTMENT 500.0 500.0

For the mainstreet program, including sufficient funding for frontier areas of the state.

(35) ECONOMIC DEVELOPMENT
DEPARTMENT 300.0 300.0

For a feasibility study for a rail line from Farmington to Thoreau and for an inland port feasibility study for the Manuelito, Tsayatoh and Rock Springs chapters in McKinley county.

(36) ECONOMIC DEVELOPMENT
DEPARTMENT 1,000.0 1,000.0

For expenditure in fiscal year 2015 for the job training incentive program.

(37) REGULATION AND LICENSING
DEPARTMENT 150.0 150.0

For the securities education, training and enforcement division to deploy a mass media public service campaign alerting investors of fraud risk. The appropriation is from the securities enforcement and investor education fund.

(38) REGULATION AND LICENSING

DEPARTMENT	100.0	100.0
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For the animal sheltering board for spay and neutering services for dogs and cats. The appropriation is from the animal care and facility fund.

(39) OFFICE OF SUPERINTENDENT

OF INSURANCE	100.0	100.0
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For an audit of premium tax collections.

(40) GAMING CONTROL BOARD

The period of time for expending the two hundred thousand dollar (\$200,000) appropriation from the general fund in Subsection 14 of Section 5 of Chapter 19 of Laws 2012 and extended pursuant to Subsection 32 of Section 5 of Chapter 227 of Laws 2013 is extended through fiscal year 2015 for arbitration and litigation expenses related to tribal gaming.

(41) OFFICE OF MILITARY BASE

PLANNING AND SUPPORT	500.0	500.0
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For expenditures in fiscal years 2014 through 2016 associated with the preservation of United States military bases in New Mexico contingent on the federal government announcing the commencement of a military base realignment and closure initiative. The appropriation is from the appropriation contingency fund.

(42) CULTURAL AFFAIRS DEPARTMENT	500.0	500.0
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For planning and implementation of cultural resource projects. The appropriation is from fund balances.

~~[(43) CULTURAL AFFAIRS DEPARTMENT 100.0 100.0]~~

~~For landscaping for the national hispanic cultural center, contingent on repayment of one hundred thousand dollars (\$100,000) of capital outlay proceeds by the national hispanic cultural center foundation.] LINE-ITEM VETO~~

(44) CULTURAL AFFAIRS DEPARTMENT	[400.0] 100.0	200.0
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For operating costs and to employ youth conservation corps youth at Los Luceros. The other state funds appropriation is from the New Mexico youth conservation corps fund.

(45) CULTURAL AFFAIRS DEPARTMENT	300.0	300.0
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For improvements to programs and properties at state historic sites.

(46) NEW MEXICO LIVESTOCK BOARD 250.0 250.0

For transfer to the horse shelter rescue fund to support horse rescues and homeless horses [in northwest New Mexico]. *LINE-ITEM VETO*

(47) NEW MEXICO LIVESTOCK BOARD 90.0 90.0

To train and equip livestock inspectors.

(48) NEW MEXICO LIVESTOCK BOARD 150.0 150.0

To purchase vehicles.

(49) DEPARTMENT OF GAME AND FISH 250.0 250.0

For legal expenses. The appropriation is from the game protection fund.

(50) DEPARTMENT OF GAME AND FISH 460.0 460.0

For vehicle and equipment replacement. The appropriation is from the game protection fund.

(51) DEPARTMENT OF GAME AND FISH 150.0 150.0

To contract for expertise to develop and implement internal processes for the grant module in the statewide human resource, accounting and management reporting system. The appropriation is from the game protection fund.

(52) ENERGY, MINERALS AND

NATURAL RESOURCES DEPARTMENT 194.0 194.0

For network hardware and software in the oil and gas conservation division. The appropriation is from the oil and gas reclamation fund.

(53) ENERGY, MINERALS AND

NATURAL RESOURCES DEPARTMENT 150.0 150.0

For operating costs associated with establishing the veterans fire crew program.

(54) INTERTRIBAL CEREMONIAL

OFFICE 65.0 65.0

To promote the Gallup intertribal ceremonial event.

~~(55) COMMISSIONER OF~~

~~PUBLIC LANDS 250.0 250.0~~

~~For a study to assess the feasibility of acquiring lands identified by the federal bureau of land management as subject to disposal. The state land office shall report the findings and recommendations of the study to the governor and the legislature.] LINE-ITEM VETO~~

(56) COMMISSIONER OF
PUBLIC LANDS 250.0 250.0

To convert historical right-of-way parcel location information into a geographic information system framework. The appropriation is from the state lands maintenance fund.

(57) STATE ENGINEER 250.0 250.0

For planning, design and flood hazard studies to renovate Morphy Lake dam.

(58) STATE ENGINEER

The period of time for expending the six million five hundred thousand dollar (\$6,500,000) appropriation from the general fund contained in Subsection 44 of Section 5 of Chapter 227 of Laws 2013 for water litigation on interstate streams and their tributaries is extended through fiscal year 2015.

(59) STATE ENGINEER 75.0 75.0

To update regional and state water plans. The interstate stream commission shall report to the interim water and natural resources committee on the progress and content of the water plans.

(60) COMMISSION FOR THE BLIND 75.0 75.0

To purchase magnification devices for visually impaired persons.

(61) AGING AND LONG-TERM
SERVICES DEPARTMENT 175.0 175.0

To purchase items for use in senior centers for food delivery, transportation, social interactions and fitness and to establish capital asset management best practice models, including training components for senior center staff.

(62) HUMAN SERVICES DEPARTMENT

Any unexpended balances remaining at the end of fiscal year 2014 from reimbursements received from the social security administration to support the general assistance program shall not revert and shall be expended by the human services department in fiscal year 2015 for payments to recipients in the general assistance program.

(63) GOVERNOR'S COMMISSION
ON DISABILITY 50.0 50.0

For a statewide concussion needs assessment.

(64) DEPARTMENT OF HEALTH 25.0 25.0

For coordinated cancer prevention, research and education services, including access to clinical trials in rural areas.

(65) DEPARTMENT OF ENVIRONMENT 1,500.0 1,500.0

For environmental litigation, administrative hearings and regulatory matters. The appropriation is from the consumer settlement fund of the office of the attorney general. Any unexpended balances of the appropriation remaining at the end of any fiscal year shall not revert to the general fund and may be expended in subsequent fiscal years.

(66) CHILDREN, YOUTH AND
FAMILIES DEPARTMENT 50.0 50.0

For temporary care and housing of animals of victims of domestic violence.

(67) CORRECTIONS DEPARTMENT 2,000.0 2,000.0

For deferred maintenance at corrections facilities statewide. The appropriation is from fund balances.

(68) CORRECTIONS DEPARTMENT

Any unexpended balance remaining at the end of fiscal year 2014 from revenues received from the United States department of justice to house undocumented foreign nationals in New Mexico corrections department prison facilities shall not revert and shall remain with the corrections department for expenditure in fiscal year 2015. The New Mexico corrections department shall provide to the department of finance and administration [~~and the legislative finance committee~~] by November 1, 2014, a detailed report documenting the amount of all funds received from the United States department of justice for housing undocumented foreign nationals that do not revert at the end of fiscal year 2014 and also ensure proper reporting in the department's fiscal year 2014 audit. *LINE-ITEM VETO*

(69) DEPARTMENT OF PUBLIC SAFETY 400.0 400.0

For vehicle replacement in the law enforcement program.

(70) DEPARTMENT OF TRANSPORTATION

The period of time for expending up to four hundred million dollars (\$400,000,000) of other state funds and federal funds appropriations to the programs and infrastructure program of the department of transportation pertaining to prior fiscal years is extended through fiscal year 2015.

(71) DEPARTMENT OF TRANSPORTATION

The period of time for expending up to eighty million dollars (\$80,000,000) of other state funds and federal funds appropriations to the transportation and highway operations program of the department of transportation pertaining to prior fiscal years is extended through fiscal year 2015.

(72) PUBLIC EDUCATION
DEPARTMENT 2,500.0 2,500.0

To the teacher professional development fund for professional development and training on implementation of common core state standards. [~~Prior to expenditure of funds, the public education department shall submit to the legislative finance committee and the legislative education study committee a report on planned expenditure of funds, and by January 1, 2015 progress made as a result of the appropriation.~~] The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. *LINE-ITEM VETO*

(73) PUBLIC EDUCATION

DEPARTMENT 1,000.0 2,000.0 3,000.0

For emergency support to school districts experiencing shortfalls. All requirements for distribution of funds shall be in accordance with Section 22-8-30 NMSA 1978. Notwithstanding the provisions of Section 66-5-44 NMSA 1978 or other substantive law, the other state funds appropriation is from balances received by the public education department pursuant to Section 66-5-44 NMSA 1978.

(74) PUBLIC EDUCATION

DEPARTMENT 3,500.0 1,500.0 5,000.0

To the instructional material fund. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 144 of Laws 2004. The other state funds appropriation includes ninety-seven thousand four hundred fifteen dollars (\$97,415) from the educational technology deficiency correction fund, six hundred seventy-eight thousand seven hundred five dollars (\$678,705) from the educational technology fund and seven hundred twenty-three thousand eight hundred eighty dollars (\$723,880) from the schools in need of improvement fund.

(75) PUBLIC EDUCATION

DEPARTMENT 3,000.0 3,000.0

To ensure the state makes sufficient funds available in fiscal years 2014 and 2015 to meet the special education maintenance-of-effort requirements pursuant to the federal Individuals with Disabilities Education Act. For fiscal year 2014, if the appropriations contained in Subsection K of Section 4 of Chapter 227 of Laws 2013, the twenty million dollar (\$20,000,000) appropriation contained in Paragraph 73 of Section 5 of Chapter 227 of Laws 2013, the sixteen million dollar (\$16,000,000) transfer authorized in Subsection K of Section 4 of Chapter 227 of Laws 2013 and the sixteen million dollar (\$16,000,000) appropriation made pursuant to Chapter 191 of Laws 2013 are insufficient to meet the level of state support, the public education department may distribute to school districts and charter schools the amount of this appropriation necessary to meet maintenance-of-effort requirements in fiscal year 2014. For fiscal year 2015, if the appropriation to the state equalization guarantee distribution contained in Subsection K of Section 4 of the General Appropriation Act of 2014 is insufficient to meet the level of state support required, the public education department may distribute to school districts and charter schools the amount of this appropriation necessary to meet maintenance-of-effort requirements in fiscal year 2015. Any distribution made from this appropriation shall be made in the same manner and on the same basis as the state equalization guarantee distribution.

(76) PUBLIC EDUCATION

DEPARTMENT 100.0 100.0

For a nonprofit educational association whose principal purpose is the regulation, direction, administration and supervision of interscholastic activities in New Mexico to increase participation in student activities and athletics statewide and study how athletics and activities affect student academic performance.

(77) HIGHER EDUCATION

DEPARTMENT 2,900.0 2,900.0

To the lottery tuition fund for expenditure in fiscal year 2014, if necessary to address cash management issues with the lottery tuition fund, and in fiscal year 2015 to ensure eligible students who have received three or more semesters of the legislative lottery scholarship by the end of fiscal year 2014, receive scholarship awards for full tuition costs for fiscal year 2015.

(78) HIGHER EDUCATION

DEPARTMENT 11,500.0 11,500.0

To the lottery tuition fund for legislative lottery scholarship program expenditures in fiscal year 2015 contingent on legislation addressing solvency of the lottery tuition fund being enacted in the second session of the fifty-first legislature.

~~(79) HIGHER EDUCATION~~

~~DEPARTMENT 500.0 500.0~~

~~For colleges and universities that failed to achieve positive student performance outcomes in the instructional and general expenditure funding formula for fiscal year 2015. Funding shall be available to improve performance on submission of an action plan that proposes strategies and measures for improving student performance and is approved by the higher education department.~~

~~(80) HIGHER EDUCATION~~

~~DEPARTMENT 4,000.0 4,000.0~~

~~To replenish the higher education endowment fund.~~

~~(81) UNIVERSITY OF NEW MEXICO 100.0 100.0~~

~~For academic programming and planning to improve student success.] LINE-ITEM VETO~~

(82) NEW MEXICO STATE UNIVERSITY 148.0 148.0

To the Grants branch of New Mexico state university to match a federal grant awarded pursuant to Title V of the federal Higher Education Act, as amended, for scholarships and educational programming for hispanic, low-income and under-represented student populations.

(83) EASTERN NEW MEXICO

UNIVERSITY 150.0 150.0

To manage a year-long program to prepare teams of New Mexico students in grades three through twelve and their teachers to design, build, program and test robots and to allow students to compete in an

international robot competition for student teams to demonstrate their skills and knowledge as academic athletes.

~~[(84) SANTA FE COMMUNITY COLLEGE 50.0 50.0]~~

~~To design and develop a smart grid workforce training program and a microgrid innovation laboratory, research park and testing center.] LINE-ITEM VETO~~

(85) COMPUTER SYSTEMS

ENHANCEMENT FUND 7,650.7 7,650.7

For transfer to the computer systems enhancement fund for system replacements or enhancements.

TOTAL SPECIAL APPROPRIATIONS 60,278.6 16,325.8 100.0 76,704.4

Chapter 63 Section 6 Laws 2014

Section 6. **SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS.**--The following amounts are appropriated from the general fund, or other funds as indicated, for expenditure in fiscal year 2014 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 2014 for the purpose specified and approval by the department of finance and administration. Any unexpended balances remaining at the end of fiscal year 2014 shall revert to the appropriate fund.

(1) LEGISLATIVE COUNCIL SERVICE 6.4 6.4

For energy council dues.

(2) ADMINISTRATIVE OFFICE

OF THE COURTS 150.0 150.0

For the court-appointed attorney program.

(3) ADMINISTRATIVE OFFICE

OF THE COURTS 20.0 20.0

For judges pro-tempore.

(4) ADMINISTRATIVE OFFICE

OF THE COURTS 600.0 600.0

For juror and interpreter costs.

(5) GENERAL SERVICES DEPARTMENT 822.7 822.7

For 2013 state unemployment claims reimbursements to be paid from the local public body unemployment compensation reserve fund.

(6)	GENERAL SERVICES DEPARTMENT	2,540.6	2,540.6
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For 2013 state unemployment claims reimbursements to be paid from the state government unemployment compensation reserve fund.

(7)	DEPARTMENT OF INFORMATION TECHNOLOGY	3,913.4	3,913.4
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For transfer to the central telephone services fund to satisfy the outstanding obligations of the department of workforce solutions to the department of information technology for toll-free unemployment insurance phone services during the period of fiscal year 2012 through 2014. Any unexpended balances of the appropriation remaining at the end of any fiscal year shall not revert to the general fund and may be expended in subsequent fiscal years for toll-free phone expenses.

(8)	PUBLIC EMPLOYEE LABOR RELATIONS BOARD	2.7	2.7
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For information technology expenses.

(9)	PUBLIC EMPLOYEE LABOR RELATIONS BOARD	2.8	2.8
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For a shortfall in the personal services and employee benefits appropriation in fiscal year 2013.

(10)	PUBLIC REGULATION COMMISSION	498.5	498.5
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For a shortfall in personal services and employee benefits appropriations in the policy and regulation program in fiscal year 2014.

(11)	NEW MEXICO STATE FAIR	500.0	500.0
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For repayment of long-term debt owed to the risk management division of the general services department. The appropriation is from fund balances.

(12)	WORKFORCE SOLUTIONS DEPARTMENT	221.0	221.0
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For development, testing and implementation changes to the unemployment insurance system due to sequestration.

(13)	DEVELOPMENTAL DISABILITIES PLANNING COUNCIL	164.0	164.0
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For guardianship services.

(14) DEVELOPMENTAL DISABILITIES

PLANNING COUNCIL

Any unexpended balances remaining at the end of fiscal year 2014 from the office of guardianship of the developmental disabilities planning council shall not revert to the general fund and shall be expended in fiscal year 2015 to support the office of guardianship of the developmental disabilities planning council.

(15) CHILDREN, YOUTH AND

FAMILIES DEPARTMENT	9,750.0	9,750.0
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An amount equal to the difference between nine million seven hundred fifty thousand dollars (\$9,750,000) and the amount transferred to the children, youth and families department from the tobacco settlement program fund pursuant to Section 2 of Chapter 228 of Laws 2013 from the federal temporary assistance for needy families block grant to the children, youth and families department in fiscal year 2014 to fully fund appropriations made from the tobacco settlement program fund contained in Section 2 of Chapter 228 of Laws 2013.

(16) HOMELAND SECURITY AND

EMERGENCY MANAGEMENT	812.7	812.7
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For federal funds that expired before reimbursement.

~~[(17) PUBLIC EDUCATION DEPARTMENT]~~

~~The contingent provisions for the supplemental special education maintenance of effort distribution in Subsection K of Section 4 of Chapter 227 of Laws 2013 and the contingent provisions of this section notwithstanding, the public education department shall distribute the ten million dollar (\$10,000,000) appropriation for the supplemental special education maintenance of effort distribution provided in Subsection K of Section 4 of Chapter 227 of Laws 2013 to school districts and charter schools for special education purposes in fiscal year 2014. The distribution shall be in the same manner and on the same basis as the state equalization guarantee distribution.]~~ *LINE-ITEM VETO*

(18) HIGHER EDUCATION DEPARTMENT	11,000.0	11,000.0
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From the student financial aid special programs fund to the lottery tuition fund to supplement the legislative lottery scholarship program.

TOTAL SUPPLEMENTAL AND

DEFICIENCY APPROPRIATIONS	6,391.5	14,863.3	9,750.0	31,004.8
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Chapter 63 Section 7 Laws 2014

Section 7. **DATA PROCESSING APPROPRIATIONS.**--The following amounts are appropriated from the computer systems enhancement fund, or other funds as indicated, for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal years 2014, 2015 and 2016. Unless otherwise indicated, any unexpended balances remaining at the end of fiscal year 2016 shall revert to the computer systems enhancement fund or other funds as indicated. For executive branch

agencies, the department of finance and administration shall allocate seven million four hundred fifty-five thousand seven hundred dollars (\$7,455,700) from the funds for the purposes specified upon receiving certification and supporting documentation [~~from the information technology commission~~] that indicates compliance with the project certification process. The judicial information systems council shall certify compliance to the department of finance and administration for judicial branch projects. For executive branch agencies, all hardware and software purchases funded through appropriations made in Sections 4, 5, 6 and 7 of the General Appropriation Act of 2014 shall be procured using consolidated purchasing led by the state chief information officer and state purchasing division to achieve economies of scale and to provide the state with the best unit price.

(1) ADMINISTRATIVE OFFICE

OF THE COURTS	195.0	195.0
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To create a one-stop online portal to provide improved user access to all court services.

(2) TAXATION AND REVENUE DEPARTMENT
12,897.1

To implement the motor vehicle division system modernization project. Eight million six thousand eight hundred dollars (\$8,006,800) of the other state funds appropriation is from cash balances.

(3) TAXATION AND REVENUE DEPARTMENT

The period of time for expending the six million dollar (\$6,000,000) appropriation contained in Subsection 5 of Section 7 of Chapter 19 of Laws 2012 to stabilize the existing system and begin modernizing the oil and natural gas administration and revenue database is extended through fiscal year 2016. Before implementation, the taxation and revenue department, the energy, minerals and natural resources department and the commissioner of public lands shall certify in writing that the oil and natural gas administration and revenue database can be migrated to the new platform and the migration will not negatively impair their day-to-day operations or collection of revenue. The department of information technology will work with the three agencies on a detailed migration and testing plan that includes estimated costs for stabilizing the system. The plan shall be fully executed before migrating the system to the new platform. On completion of the stabilization of the existing system, the oil and natural gas administration and revenue database service center, with approval of the three agencies, shall develop a five-year action plan that includes distinct phases and estimated costs for the replacement system and shall jointly produce a request for proposals to commence the replacement of the oil and natural gas administration and revenue database. The appropriation is contingent on the oil and natural gas administration and revenue database service center project manager providing timely monthly status and independent validation and verification reports to the governor, the department of finance and administration and the legislative finance committee on the platform migration and replacement system and written verification from the three agencies of the need for the appropriation. Four million dollars (\$4,000,000) is appropriated from the computer systems enhancement fund and two million dollars (\$2,000,000) is appropriated from the state lands maintenance fund.

(4) TAXATION AND REVENUE DEPARTMENT

The period of time for expending the eight million three hundred thousand dollar (\$8,300,000) appropriation from cash balances and revenues contained in Subsection 3 of Section 7 of Chapter 6 of Laws 2010 (2nd S.S.) as extended in Subsection 3 of Section 7 of Chapter 19 of Laws 2012 to replace the thirty-year-old common business oriented language-based driver and vehicle systems is extended through fiscal year 2015.

(5) DEPARTMENT OF FINANCE

AND ADMINISTRATION	500.0	500.0
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To implement an automated financial reporting software package to integrate existing data sources residing in the statewide human resources, accounting and management system into a single, secure financial reporting system.

(6) RETIREE HEALTH CARE AUTHORITY

The period of time for expending the one million nine hundred forty-six thousand three hundred dollar (\$1,946,300) appropriation from the retiree health care fund contained in Subsection 6 of Section 7 of Chapter 19 of Laws 2012 to replace the retiree benefits system is extended through fiscal year 2016.

(7) GENERAL SERVICES DEPARTMENT	1,500.0	1,500.0
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To implement the risk management information system. The appropriation is from the workers' compensation retention fund, the public property reserve fund and the public liability fund.

(8) STATE COMMISSION OF PUBLIC RECORDS

The period of time for expending the four hundred fifty thousand dollar (\$450,000) appropriation from the computer systems enhancement fund contained in Subsection 9 of Section 7 of Chapter 19 of Laws 2012 to provide a centralized electronic records repository is extended through fiscal year 2016.

(9) PERSONNEL BOARD	450.0	450.0
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To conduct a requirements assessment to consolidate and digitize personnel records contingent on an inspection or survey of state personnel board records by the state commission of public records to ensure compliance with the New Mexico Public Records Act.

(10) OFFICE OF SUPERINTENDENT OF INSURANCE

The period of time for expending the five hundred ninety thousand dollar (\$590,000) appropriation from the computer systems enhancement fund contained in Subsection 11 of Section 7 of Chapter 19 of Laws 2012 to migrate the insurance system and processes towards a paperless, web-based environment is extended through fiscal year 2016.

(11) GAMING CONTROL BOARD

The period of time for expending the two million five hundred thousand dollar (\$2,500,000) appropriation from the computer systems enhancement fund contained in Subsection 14 of Section 7 of Chapter 227 of Laws 2013 to modernize or replace the central gaming monitoring system is extended through fiscal year 2015 and the board shall implement the new system no later than June 30, 2015.

(12) CULTURAL AFFAIRS DEPARTMENT	128.1	128.1
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To develop and implement a map-based mobile application to facilitate public awareness and enjoyment of state cultural resources contingent on the department of cultural affairs issuing a request for proposals and submitting a project plan to the department of information technology, the department of finance and administration ~~[and the legislative finance committee]~~ that includes an estimated completion date, estimated total cost and expected deliverables.

(13) COMMISSIONER OF PUBLIC LANDS

The period of time for expending the one million three hundred thirty-five thousand dollar (\$1,335,000) appropriation from the state lands maintenance fund contained in Subsection 10 of Section 7 of Chapter 6 of Laws 2010 (2nd S.S.) as extended in Subsection 13 of Section 7 of Chapter 19 of Laws 2012 to implement a land information management system is granted a final extension through fiscal year 2015.

(14) COMMISSIONER OF PUBLIC LANDS

The period of time for expending the two million three hundred thirty-two thousand dollar (\$2,332,000) appropriation from the state lands maintenance fund contained in Subsection 12 of Section 7 of Chapter 19 of Laws 2012 to complete the implementation of the land information management system is extended through fiscal year 2016.

(15)	COMMISSIONER OF PUBLIC LANDS	2,800.0	2,800.0
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To continue implementation of the land information management system. The appropriation is from the state lands maintenance fund.

(16)	STATE ENGINEER	100.0	100.0
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To develop a plan for modernizing the litigation and adjudication business systems.

(17)	HUMAN SERVICES DEPARTMENT	527.3	1,023.7 1,551.0
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To implement the child support enforcement replacement system.

(18)	CHILDREN, YOUTH AND FAMILIES DEPARTMENT	150.0	150.0
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To implement the statewide human resources, accounting and management assets module.

(19)	DEPARTMENT OF PUBLIC SAFETY	160.0	160.0
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For hardware or software to support the automated fingerprint identification system.

(20)	DEPARTMENT OF PUBLIC SAFETY	550.0	550.0
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To complete the implementation of an automated fingerprint identification system as part of the western identification network.

TOTAL DATA PROCESSING APPROPRIATIONS	19,957.5	1,023.7
20,981.2		

Chapter 63 Section 8 Laws 2014

Section 8. COMPENSATION APPROPRIATIONS.--

A. Nineteen million seven hundred ninety-one thousand six hundred dollars (\$19,791,600) is appropriated from the general fund to the department of finance and

administration for expenditure in fiscal year 2015 to provide salary increases of three 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, 2014, and distributed as follows:

(1) three hundred fifty-six thousand six hundred dollars (\$356,600) to provide permanent legislative employees, including permanent employees of the legislative council service, legislative finance committee, legislative education study committee, legislative building services, the house and senate, house and senate chief clerks' offices and house and senate leadership, with a salary increase of three percent;

~~[(2) five hundred seventy-nine thousand nine hundred thirty-seven dollars (\$579,937) to provide the justices of the supreme court a salary increase to one hundred thirty-four thousand nine hundred twenty-two dollars (\$134,922) and to provide the chief justice of the supreme court, the chief judge of the court of appeals, and judges of the court of appeals, district courts, metropolitan courts and magistrate courts a salary increase pursuant to the provisions of Section 34-1-9 NMSA 1978;~~

~~_____ (3) forty-four thousand one hundred forty-eight dollars (\$44,148) to provide district attorneys who serve in a district that does not include a class A county with a salary increase to one hundred twelve thousand four hundred fifty-four dollars (\$112,454) and district attorneys who serve in a district that includes a class A county with a salary increase to one hundred eighteen thousand three hundred seventy-two dollars (\$118,372);] *LINE-ITEM VETO*~~

(4) three million sixty-one thousand five hundred fifteen dollars (\$3,061,515) to provide child support hearing officers, special commissioners, all judicial permanent employees and all district attorney permanent employees other than elected district attorneys and other employees whose salaries are set by statute with a salary increase of three percent; and

(5) fifteen million seven hundred forty-nine thousand four hundred dollars (\$15,749,400) sufficient to provide incumbents in agencies governed by the State Personnel Act, the New Mexico state police career pay system~~[-, attorney general employees, workers' compensation judges and executive exempt employees]~~ with a salary increase of three percent as follows: *LINE-ITEM VETO*

(a) seven million three hundred eighty-four thousand four hundred twenty dollars (\$7,384,420) for classified employees not represented by a collective bargaining agreement;

(b) six million five hundred eighty-nine thousand five hundred forty-eight dollars (\$6,589,548) for classified employees represented by a collective bargaining agreement in effect on July 1, 2014~~[-; and~~

~~_____ (c) one million seven hundred seventy-five thousand four hundred thirty-two dollars (\$1,775,432) for executive exempt employees, including attorney general employees and workers' compensation judges]. LINE-ITEM VETO~~

B. Five million dollars (\$5,000,000) is appropriated from the general fund to the department of finance and administration to provide salary increases as follows:

(1) three million dollars (\$3,000,000) is appropriated from the general fund to the department of finance and administration for expenditure in fiscal year 2015 to begin implementation of the law enforcement pay plan for all commissioned officers in the department of public safety in accordance with the specific structure of the department of public safety's law enforcement pay plan based on years of service and officer rank. The department of finance and administration shall allocate the distribution such that commissioned officers receive an average five percent increase. The department of public safety shall present the next phase of implementation of the law enforcement pay plan to the legislature before September 1, 2014; and

(2) two million dollars (\$2,000,000) is appropriated from the general fund to the department of finance and administration for expenditure in fiscal year 2015 to provide:

(a) salary adjustments in specific job classifications in the classified service identified by the department of finance and administration and the state personnel office as having specific problems affecting recruitment and retention, including but not limited to compensation relative to market salaries, high agency vacancy and turnover rates resulting from inadequate salaries compared with market salaries, salary compaction internal to agencies, internal agency pay equity and difficult-to-fill positions. Employees receiving these adjustments will be in budgeted positions and will have completed their probationary period subject to satisfactory job performance. The department of finance and administration shall allocate the distribution such that no employee receives more than a five percent increase under this subsection; and

(b) prospective salary increases required to partially implement the arbitration awards confirmed in State of New Mexico, Movant v. American Federation of State, County and Municipal Employees, Council 18, AFL-CIO, CLC, Respondent, State of New Mexico, District Court, Second Judicial District, No. D-202-CV-2009-09756, the consolidated action which confirmed both the June 15, 2009, Arbitration Award regarding the AFSCME grievance (District Court Nos. D-202-CV-2009-09756 and D-202-CV-2009-09933), and the September 25, 2009, Arbitration Award regarding the Communications Workers of America grievance (District Court No. D-202-2009-11860) challenging the state's implementation of the compensation appropriation made in the General Appropriation Act of 2008, Section 8(A)(5). The department of finance and administration shall not distribute funds to an agency pursuant to this subparagraph unless the agency certifies, and the department finds, that the agency does not have

other funds available to satisfy its obligations with respect to prospective salary increases.

C. Nine million one hundred thirty-six thousand two hundred dollars (\$9,136,200) is appropriated from the general fund to the higher education department for expenditure in fiscal year 2015 to provide faculty and staff of two-year and four-year public post-secondary educational institutions with an annual average salary increase of one and one-half percent the first full pay period after July 1, 2014.

D. The department of finance and administration shall distribute a sufficient amount to each agency to provide the appropriate increase for those employees whose salaries are received as a result of the general fund appropriations in the General Appropriation Act of 2014. Any unexpended or unencumbered balances remaining at the end of fiscal year 2015 shall revert to the general fund.

E. For those state employees whose salaries are referenced in or received as a result of non-general fund appropriations in the General Appropriations Act of 2014, the department of finance and administration shall transfer from the appropriate fund to the appropriate agency the amount required for the salary increases equivalent to those provided for in this section, and such amounts are appropriated for expenditure in fiscal year 2015. Any unexpended or unencumbered balance remaining at the end of fiscal year 2015 shall revert to the appropriate fund.

Chapter 63 Section 9 Laws 2014

Section 9. ADDITIONAL FISCAL YEAR 2014 BUDGET ADJUSTMENT

AUTHORITY.--During fiscal year 2014, 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 2013:

A. all agencies may request program transfers into the personal services and employee benefits category for prospective salary increases, back pay, and the employer's share of applicable taxes and retirement benefits associated with back pay as required by the arbitration awards confirmed in State of New Mexico, Movant v. American Federation of State, County and Municipal Employees, Council 18, AFL-CIO, CLC, Respondent, State of New Mexico, District Court, Second Judicial District, No. D-202-CV-2009-09756, the consolidated action which confirmed both the June 15, 2009, Arbitration Award regarding the AFSCME grievance (District Court Nos. D-202-CV-2009-09756 and D-202-CV-2009-09933), and the September 25, 2009, Arbitration Award regarding the Communications Workers of America grievance (District Court No. D-202-2009-11860) challenging the state's implementation of the compensation appropriation made in the General Appropriation Act of 2008, Section 8(A)(5);

B. the administrative office of the courts may request budget increases up to one hundred seventy-six thousand dollars (\$176,000) from other state funds and

program fees to oversee and conduct language access training, may request budget increases up to forty-seven thousand one hundred dollars (\$47,100) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state to reimburse magistrate courts for services provided, may request budget increases up to sixty thousand dollars (\$60,000) from other state funds from magistrate drug court fund balances to fund driving-while-intoxicated program managers due to lapsing federal funds, may request budget increases up to two hundred fifty thousand dollars (\$250,000) from other state funds from the warrant enforcement fund to pay for magistrate lease payment shortfalls due to revenue shortfalls in other fee revenue and may request category transfers up to twenty thousand dollars (\$20,000) from the contractual services category to the other financing uses category in the court-appointed attorney fund to assist the courts with efforts to improve representation for children and their parents in the thirteenth judicial district court;

C. the second judicial district court may request budget increases up to three hundred fifty thousand dollars (\$350,000) from internal service funds/interagency transfers and other state funds received from the attorney general's office for the foreclosure facilitation pilot project, may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds received from Bernalillo county and may request budget increases up to fifty thousand dollars (\$50,000) from other state funds from other program revenue received from the collection of adult drug court fees;

D. the tenth judicial district court may request budget increases in excess of the five percent limitation but not to exceed ten thousand dollars (\$10,000) from other state funds from duplication fees;

E. the eleventh judicial district court may request budget increases up to twenty thousand dollars (\$20,000) from fund balances for adult drug court treatment costs, may request budget increases up to ten thousand dollars (\$10,000) from internal service funds/interagency transfers for copy fee costs and may request budget increases up to twelve thousand seven hundred fifty dollars (\$12,750) from internal service funds/interagency transfers for pretrial services;

F. the thirteenth judicial district court may request budget increases up to three hundred fifty thousand dollars (\$350,000) from internal service funds/interagency transfers and other state funds received from the attorney general's office for the foreclosure facilitation pilot project, may request budget increases up to one hundred thirty thousand dollars (\$130,000) from other state funds provided by counties and nongovernmental entities and fund balances for the operation of the pre-trial service program and may request budget increases up to twenty thousand dollars (\$20,000) from other state funds for the operation of the social worker program;

G. the ninth judicial district attorney may request budget increases up to one hundred thousand dollars (\$100,000) from internal service funds/interagency transfers and other state funds pursuant to the Forfeiture Act for prosecution of cases;

H. the educational retirement board may request budget increases from other state funds for investment-related asset management fees and to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

I. the public employees retirement association may request budget increases from other state funds for investment-related asset management fees and to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

J. the secretary of state may request budget increases up to twenty thousand dollars (\$20,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state to conduct seminars on the administration of the Election Code before each statewide election;

K. the cultural affairs department may request program transfers up to five hundred thousand dollars (\$500,000) between programs;

L. the department of game and fish may request program transfers up to two hundred fifty thousand dollars (\$250,000) between programs, may request budget adjustments specific to capital projects, may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds from the game protection fund for emergencies and may request budget increases as a result of revenue received from other agencies;

M. the commissioner of public lands may request budget increases up to fifty thousand dollars (\$50,000) from the state lands maintenance fund for travel expenses incurred while performing audits of companies who pay royalties to the state;

N. the human services department may request program transfers between the medical assistance program and the medicaid behavioral health program and the income support program may request budget increases up to nine million seven hundred fifty thousand dollars (\$9,750,000) from the temporary assistance for needy families block grant for transfer to the children, youth and families department for allocations consistent with the provision of Section 2 of Chapter 228 of Laws 2013;

O. the office of guardianship of the developmental disabilities planning council may request budget increases up to two hundred thousand dollars (\$200,000) from internal service funds/interagency transfers and other state funds;

P. the department of health may request program transfers up to four million dollars (\$4,000,000) from the public health program to the developmental disabilities support program for the family, infant, toddler program and the epidemiology and response program may request budget increases from internal service funds/interagency transfers and other state funds related to payments for conducting health-related surveys and analyzing data;

Q. the children, youth and families department may request program transfers up to one million five hundred thousand dollars (\$1,500,000) between programs and the juvenile justice facilities program may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from other state funds from distributions from the land grant permanent and land income funds;

R. the corrections department may request program transfers up to three million dollars (\$3,000,000) between programs, the community offender management program and corrections industries program may request budget increases up to two million dollars (\$2,000,000) from internal service funds/interagency transfers and other state funds from program fees, cash balances from probation and parole fees and the community corrections grant fund, program support may request budget increases up to one million dollars (\$1,000,000) from internal service funds/interagency transfers and other state funds from social security administration incentive payments and additional payments received for international cadet training classes and the inmate management and control program may request budget increases up to three million dollars (\$3,000,000) from internal service funds/interagency transfers and other state funds from land grant permanent and land income funds, inmate work crew income and phone card reimbursements;

S. the statewide law enforcement support program of the department of public safety may request budget increases up to four hundred thousand dollars (\$400,000) from other state funds from international training fees, may request budget increases up to fifty thousand dollars (\$50,000) from internal service funds/interagency transfers and other state funds for costs associated with administering the federal Prison Rape Elimination Act grant and the motor transportation program may request budget increases up to two hundred fifty thousand dollars (\$250,000) from other state funds for operational expenses associated with a memorandum of understanding with Hidalgo county and the stonegarden grant;

T. the department of transportation may request budget increases up to forty-five million dollars (\$45,000,000) from other state funds and fund balances to meet federal match requirements for debt service and related costs, intergovernmental agreements, lawsuit and construction- and maintenance-related costs and may request program transfers between the transportation and highway operations program and the programs and infrastructure program for costs related to engineering, construction and maintenance activities; and

U. the policy development and institutional financial oversight program of the higher education department may request budget increases up to fifty-five thousand dollars (\$55,000) from other state funds for the private and proprietary schools division's operations and for reviewing the division's regulations and conducting program enforcement and the student financial aid program may request budget increases up to one million six hundred thousand dollars (\$1,600,000) from fund balances from the student financial aid special programs fund to support student financial aid programs, excluding the legislative lottery scholarship program.

Chapter 63 Section 10 Laws 2014

Section 10. CERTAIN FISCAL YEAR 2015 BUDGET ADJUSTMENTS AUTHORIZED.--

A. As used in this section and Section 9 of the General Appropriation Act of 2014:

(1) "budget category" means an item or an aggregation of related items that represents the object of an appropriation. Budget categories include personal services and employee benefits, contractual services, other and other financing uses;

(2) "budget increase" means an approved increase in expenditures by an agency from a specific source;

(3) "category transfer" means an approved transfer of funds from one budget category to another budget category, provided that a category transfer does not include a transfer of funds between divisions; and

(4) "program transfer" means an approved transfer of funds from one program of an agency to another program of that agency.

B. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, those budget adjustments specified in this section are authorized for fiscal year 2015.

C. In addition to the specific category transfers authorized in Subsection E of this section and unless a conflicting category transfer is authorized in Subsection E of this section, all agencies, including legislative agencies, may request category transfers among personal services and employee benefits, contractual services and other.

D. Unless a conflicting budget increase is authorized in Subsection E of this section, a program with internal service funds/interagency transfers appropriations or other state funds appropriations that collects money in excess of those appropriated may request budget increases in an amount not to exceed five percent of its internal service funds/interagency transfers or other state funds appropriation contained in Section 4 of the General Appropriation Act of 2014. To track the five percent transfer limitation, agencies shall report cumulative budget adjustment request totals on each budget request submitted. The department of finance and administration shall certify agency reporting of these cumulative totals.

E. In addition to the budget authority otherwise provided in the General Appropriation Act of 2014, the following agencies may request specified budget adjustments:

(1) the New Mexico compilation commission may request budget increases from internal service funds/interagency transfers and other state funds for costs associated with subscriptions, supreme court opinions and other publications;

(2) the judicial standards commission may request budget increases up to thirty thousand dollars (\$30,000) from other state funds from investigation and trial cost reimbursements;

(3) the administrative office of the courts may request category transfers up to fifty thousand dollars (\$50,000) from the contractual services category to the other financing uses category in the court-appointed attorney fund to assist courts statewide with efforts to improve representation for children and their parents;

(4) the second judicial district court may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds received from Bernalillo county and may request budget increases up to fifty thousand dollars (\$50,000) from other state funds for other program revenue received from the collection of adult drug court fees;

(5) the eleventh judicial district court may request budget increases up to forty thousand dollars (\$40,000) from internal service funds/interagency transfers for pretrial services;

(6) the first judicial district attorney may request budget increases from internal service funds/interagency transfers and other state funds received from any political subdivision of the state or from Native American tribes and may request budget increases up to one hundred twenty-five thousand dollars (\$125,000) from internal service funds/interagency transfers to prosecute white collar and/or public integrity crimes statewide;

(7) the second judicial district attorney may request budget increases up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers from the attorney general to support the joint powers agreement for the prosecution of certain cases and may request budget increases up to one hundred ninety thousand dollars (\$190,000) from internal service funds/interagency transfers and other state funds;

(8) the eighth judicial district attorney may request budget increases up to two hundred fifty thousand dollars (\$250,000) from internal service funds/interagency transfers and other state funds pursuant to the Forfeiture Act for prosecution of cases;

(9) the ninth judicial district attorney may request budget increases up to one hundred thousand dollars (\$100,000) from internal service funds/interagency transfers and other state funds pursuant to the Forfeiture Act for prosecution of cases;

(10) the eleventh judicial district attorney-division II may request budget increases up to fifty thousand dollars (\$50,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state or from Native American tribes to assist in the prosecution of crimes within McKinley county and may request budget increases up to seventy-five thousand dollars (\$75,000) from internal service funds/interagency transfers and other state funds received from forfeiture revenues pursuant to Section 31-27-1 NMSA 1978 for prosecution of cases;

(11) the twelfth judicial district attorney may request budget increases up to one hundred thousand dollars (\$100,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state or from Native American tribes to assist in the prosecution of crimes within Otero and Lincoln counties;

(12) the thirteenth judicial district attorney may request budget increases up to one hundred thousand dollars (\$100,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state or from Native American tribes to assist in the prosecution of cases;

(13) the legal services program of the attorney general may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds for unexpected litigation costs related to both civil and criminal prosecutions, utility rate cases and consumer protection cases provided that the revenue expended shall be solely from settlements from consumer-related issues;

(14) the state investment council may request budget increases from other state funds up to five million dollars (\$5,000,000) for investment-related management fees;

(15) the benefits and risk program and program support of the public school insurance authority may request budget increases from internal service funds/interagency transfers, other state funds and fund balances;

(16) the healthcare benefits administration program of the retiree health care authority may request budget increases from other state funds for the benefits program;

(17) the facilities management program of the general services department may request category transfers up to one hundred fourteen thousand four hundred dollars (\$114,400) to and from the other financing uses category, the procurement services program may request category transfers up to one hundred sixteen thousand one hundred dollars (\$116,100) to and from the other financing uses category, the procurement services program may request budget increases up to one hundred fifty thousand dollars (\$150,000) from other state funds for operating expenses and the risk management program may request budget increases up to three hundred

thousand dollars (\$300,000) from internal services funds/interagency transfers in the risk management operating fund for operating expenses;

(18) the educational retirement board may request budget increases from other state funds for investment-related asset management fees and to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

(19) the department of information technology may request budget increases up to two million dollars (\$2,000,000) 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 appropriated in Section 4 of the General Appropriation Act of 2014 to support existing or new services and may request budget increases from fund balances up to the amount of depreciation expense, as reported in the notes to the financial statements of the agency's independent audit of the fiscal year ended June 30, 2014, for the purpose of acquiring and replacing capital equipment and associated software used to provide enterprise services;

(20) the public employees retirement association may request budget increases from other state funds for investment-related asset management fees and to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

(21) the elections program of the secretary of state may request budget increases up to twenty thousand dollars (\$20,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state to conduct seminars on the administration of the Election Code before each statewide election and may request transfers up to four hundred thousand dollars (\$400,000) between programs to address costs related to the 2014 elections;

(22) within the regulation and licensing department, the osteopath examiners board may request budget increases up to fifty thousand dollars (\$50,000) from other state funds for costs associated with the disciplinary process, the real estate appraisers board may request budget increases up to thirty thousand dollars (\$30,000) from other state funds for costs associated with the disciplinary process, the real estate commission may request budget increases up to ninety-nine thousand eight hundred dollars (\$99,800) from other state funds for costs associated with updating educational materials and the barbers and cosmetology board may request budget increases up to fifty thousand dollars (\$50,000) from other state funds for the development and airing of public awareness campaigns;

(23) the public regulation commission may request program transfers up to four hundred thousand dollars (\$400,000) between programs to cover any personal services and employee benefits shortfall and the public safety program

may request budget increases up to one hundred thousand dollars (\$100,000) for the state fire marshal's office fire training academy from the firefighter training use fee fund;

(24) the office of superintendent of insurance may request budget increases up to six percent from other state funds for any projected budget shortfall and the patient's compensation program may request budget increases up to two million dollars (\$2,000,000) from fund balances for patient's compensation expenses;

(25) the New Mexico medical board may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds for the administrative hearing and litigation process;

(26) the preservation program of the department of cultural affairs may request budget increases from other state funds for archaeological services;

(27) the energy, minerals and natural resources department may request category transfers to and from other financing uses from federal funds to allow programs to maximize the use of federal grants, the oil conservation program may request budget increases from internal service funds/interagency transfers from funds received from the department of environment for the water quality program, the healthy forests program may request budget increases from internal service funds/interagency transfers from the New Mexico youth conservation corps fund for projects approved by the New Mexico youth conservation corps commission, the healthy forests program may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds for costs associated with the conservation planting revolving fund and the renewable energy and energy efficiency program may request budget increases from internal service funds/interagency transfers and other state funds for implementing energy conservation and management program projects;

(28) the youth conservation corps may request category transfers to and from the other financing uses category for awards issued to other state agencies and operational costs;

(29) the commissioner of public lands may request budget increases up to fifty thousand dollars (\$50,000) from the state lands maintenance fund to cover additional litigation expenses and may request budget increases up to fifty thousand dollars (\$50,000) from the state lands maintenance fund for travel expenses incurred while performing audits of companies who pay royalties to the state;

(30) the interstate stream commission of the office of the state engineer may request budget increases up to four hundred thousand dollars (\$400,000) from other state funds from the Ute dam construction fund to remove boat docks, modify the outlet works, repair the spillway or other operational requirements needed at Ute reservoir, may request budget increases up to three hundred thousand dollars (\$300,000) from the irrigation works construction fund for any additional operation and maintenance costs associated with the Pecos settlement compliance, may request

budget increases up to fifty thousand dollars (\$50,000) from other state funds from boat dock revenue deposited into the Ute dam construction fund to transfer to the state parks division of the energy, minerals and natural resources department for inspection, enforcement and administration of boat docks at Ute reservoir per the memorandum of understanding between the two agencies, may request budget increases up to one hundred fifty thousand dollars (\$150,000) from the federal bureau of reclamation for reimbursement for the operation and maintenance costs of the Vaughn pipeline and may request budget increases up to forty thousand dollars (\$40,000) from contractual services reimbursements for water modeling supply studies;

(31) the commission for the blind may request budget increases from other state funds for contracts for the employment of blind or visually impaired persons, provided employment is pursuant to the federal Randolph-Sheppard Act, the federal Javits-Wagner-O'Day Act or the federal abilityone program;

(32) the workforce solutions department may request program transfers up to five hundred thousand dollars (\$500,000) between programs and the labor relations program may request budget increases up to one hundred twenty thousand dollars (\$120,000) from internal service funds/interagency transfers and other state funds from the public works apprenticeship fund to pay participants who successfully complete the public works apprenticeship program;

(33) the miners' hospital of New Mexico may request budget increases from other state funds;

(34) the department of health may request budget increases from other state funds from health facility license and certification fees pursuant to Subsection G of Section 24-1-5 NMSA 1978, the public health and family, infant, toddler programs may request budget increases from other state funds related to private insurer payments, the epidemiology and response program may request budget increases from internal service funds/interagency transfers and other state funds related to payments for conducting health-related surveys and analyzing data and the medical cannabis program may request budget increases from other state funds from medical cannabis program revenue;

(35) the department of environment may request program transfers up to five hundred thousand dollars (\$500,000) between programs, the resource protection program may request budget increases from other state funds from the corrective action fund for claims, may request budget increases from other state funds and internal service funds/interagency transfers for responsible party payments, may request budget increases up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers to coordinate multi-state Rio Grande salinity management programs and provide technical support for potential litigation on interstate streams and water issues and the environmental health program may request budget increases from other state funds and internal service funds/interagency transfers from the hazardous waste emergency fund for emergencies;

(36) the children, youth and families department may request program transfers up to one million five hundred thousand dollars (\$1,500,000) between programs and the juvenile justice facilities program may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from other state funds from distributions from the land grant permanent and land income funds;

(37) the corrections department may request program transfers up to one million dollars (\$1,000,000) between programs, the community offender management program and the corrections industries program may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from internal service funds/interagency transfers and other state funds from program fees, cash balances from probation and parole fees and the community corrections grant fund, program support may request budget increases up to one million dollars (\$1,000,000) from internal service funds/interagency transfers and other state funds from social security administration incentive payments and additional payments for international cadet training classes, and the inmate management and control program may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from internal service funds/interagency transfers and other state funds from permanent and land grant funds, inmate work crew income and phone card reimbursements;

(38) the department of public safety may request budget increases up to one million dollars (\$1,000,000) from other state funds for costs of the weight distance permit fee fund to include the oversize and overweight permitting system, may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from internal service funds/interagency transfers and other state funds for public safety special projects and activities with other state agencies, local governments and other law enforcement entities, may request budget increases up to three hundred fifty thousand dollars (\$350,000) from concealed handgun carry fund balances to support the enforcement of the Concealed Handgun Carry Act and may request budget increases up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers and other state funds for costs to support the state chemistry laboratories;

(39) the department of transportation may request budget increases up to thirty million dollars (\$30,000,000) from other state funds and fund balances to meet federal match requirements and for debt service and related costs, intergovernmental agreements, lawsuit and construction- and maintenance-related costs and may request program transfers between the transportation and highway operations program and the infrastructure program for costs related to engineering, construction and maintenance activities;

(40) the policy development and institutional financial oversight program of the higher education department may request budget increases up to fifty thousand dollars (\$50,000) from other state funds for the private and proprietary schools division to review regulations and conduct program enforcement;

F. The department of military affairs, the homeland security and emergency management department, the department of public safety and the energy, minerals and natural resources department may request budget increases from the general fund as required by an executive order declaring a disaster or emergency.

Chapter 63 Section 11 Laws 2014

Section 11. **APPROPRIATION ADJUSTMENT.**--All general fund appropriations in Sections 4 and 8 of the General Appropriation Act of 2014 shall be reduced by two hundred seventy-five thousandths of one percent rounded to the nearest tenth of one hundred dollars (\$100). Where required as part of the operating budget approval process, the state budget division of the department of finance and administration shall reduce all appropriations set out under the other state funds, internal service funds/interagency transfers and federal funds columns to reflect the revised general fund appropriations.

Chapter 63 Section 12 Laws 2014

Section 12. FUND TRANSFERS.--

A. Notwithstanding the provisions of Sections 6-4-9, 6-4-10 and 6-4-11 NMSA 1978 or other substantive law, the department of finance and administration shall transfer an amount from the tobacco settlement permanent fund to the tobacco settlement program fund equal to the difference between nineteen million two hundred eighty-two thousand seven hundred dollars (\$19,282,700) and the amount transferred to the tobacco settlement program fund pursuant to Paragraph B of Section 6-4-9 NMSA 1978 in fiscal year 2014 to fully fund appropriations made from the tobacco settlement program fund contained in Section 4 of Chapter 227 of Laws 2013.

B. Notwithstanding the provisions of Sections 6-4-9, 6-4-10 and 6-4-11 NMSA 1978 or other substantive law, the department of finance and administration shall transfer an amount from the tobacco settlement permanent fund to the tobacco settlement program fund equal to the difference between appropriations contained in Section 4 of the General Appropriation Act of 2014 made from the tobacco settlement program fund and the amount transferred to the tobacco settlement program fund pursuant to Paragraph B of Section 6-4-9 NMSA 1978 in fiscal year 2015 to fully fund appropriations made from the tobacco settlement program fund contained in Section 4 of the General Appropriation Act of 2014.

~~[C. Notwithstanding the provisions of Section 6-4-23 NMSA 1978 or other substantive law, the higher education department shall transfer from the lottery tuition fund to the tobacco settlement permanent fund an amount equal to the amount transferred from the tobacco settlement permanent fund to the lottery tuition fund pursuant to paragraph D of Section 6-4-9 NMSA 1978 in fiscal year 2014.]~~ **LINE-ITEM VETO**

D. Fifteen million dollars (\$15,000,000) is transferred in fiscal year 2015 from the operating reserve to the appropriation contingency fund.

Chapter 63 Section 13 Laws 2014

Section 13. TRANSFER AUTHORITY.--

A. If revenue and transfers to the general fund at the end of fiscal year 2014 are not sufficient to meet appropriations, the governor, with state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the operating reserve, provided that the total transferred pursuant to this subsection shall not

exceed eighty million dollars (\$80,000,000). This transfer is in addition to the transfer provided in Section 12 of Chapter 227 of Laws 2013.

B. If, after the total amount authorized in Subsection A of this section has been transferred, revenue and transfers to the general fund at the end of fiscal year 2015 are not sufficient to meet appropriations, the governor, with state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the operating reserve; provided that the total transferred pursuant to this subsection shall not exceed sixty million dollars (\$60,000,000).

Chapter 63 Section 14 Laws 2014

Section 14. **SEVERABILITY.**--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

SFC/Senate Bill 313, aa, w/coc, partial veto

Approved March 11, 2014

LAWS 2014, CHAPTER 64

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 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 64 Section 1 Laws 2014

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 64 Section 2 Laws 2014

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 64 Section 3 Laws 2014

SECTION 3. LOS RANCHOS DE ATRISCO ACEQUIA LITTLE GARDENS LATERAL--CHANGE AGENCY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the interstate stream commission in Subsection 1 of Section 29 of Chapter 226 of Laws 2013 to plan, design and construct improvements to the Little Gardens lateral of Los Ranchos de Atrisco acequia in Bernalillo county is appropriated to the local government division for the middle Rio Grande conservancy district for that purpose.

Chapter 64 Section 4 Laws 2014

SECTION 4. SOUTH VALLEY COMMUNITY ACEQUIA IMPROVEMENTS--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the interstate stream commission in Subparagraph (I) of Paragraph (10) of Subsection A of Section 18 of Chapter 105 of Laws 2010 to plan, design and construct improvements to community acequias in the south valley of Bernalillo county is appropriated to the local government division for the middle Rio Grande conservancy district to plan, design and construct improvements to community ditches and acequias in the south valley of Bernalillo county. The time of expenditure is extended through fiscal year 2016.

Chapter 64 Section 5 Laws 2014

SECTION 5. AFRICAN AMERICAN PERFORMING ARTS CENTER EXHIBITS, DISPLAYS AND EQUIPMENT--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The state fair commission project originally authorized in Subsection 1 of Section 16 of Chapter 92 of Laws 2008 and reauthorized in Laws 2012, Chapter 63, Section 16 for exhibits, displays and equipment at the African American performing arts

center at the New Mexico state fairgrounds in Albuquerque in Bernalillo county may also be expended to purchase and install audiovisual and digital equipment and information technology, including related equipment, furniture and infrastructure, and the time of expenditure is extended through fiscal year 2016.

Chapter 64 Section 6 Laws 2014

SECTION 6. AFRICAN AMERICAN PERFORMING ARTS CENTER--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The state fair commission project in Subsection 2 of Section 24 of Chapter 226 of Laws 2013 to make infrastructure improvements and to purchase and install equipment at the African American performing arts center at the New Mexico state fairgrounds in Albuquerque in Bernalillo county may include planning, designing and constructing improvements.

Chapter 64 Section 7 Laws 2014

SECTION 7. ALBUQUERQUE SOUTHEAST HEIGHTS LIBRARY--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The local government division project in Subsection 25 of Section 31 of Chapter 226 of Laws 2013 to design a library in the southeast heights in Albuquerque in Bernalillo county may include the purchase of land and planning and construction of the library in the area bounded by Washington street, Tramway boulevard, Lomas boulevard and Gibson boulevard in Albuquerque.

Chapter 64 Section 8 Laws 2014

SECTION 8. ALICE FAYE HOPPE'S PAVILION STAGE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the state fair commission project originally authorized in Subsection 1 of Section 16 of Chapter 92 of Laws 2008 and reauthorized in Laws 2012, Chapter 63, Section 14 to design and construct a stage at the Alice Faye Hoppes pavilion at the New Mexico state fairgrounds in Albuquerque in Bernalillo county is extended through fiscal year 2016.

Chapter 64 Section 9 Laws 2014

SECTION 9. SOUTH VALLEY MULTIPURPOSE FAMILY SERVICES CENTER--CHANGE TO ATRISCO COMMUNITY ADULT DAYCARE AND RESPITE FACILITY--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subparagraph (a) of Paragraph (8) of Subsection A of Section 18 of Chapter 105 of Laws 2010 for a multipurpose family services center in the south valley in Bernalillo county shall not be expended for the original purpose but is appropriated to the aging and long-term services department to purchase land and a building and to plan, design, renovate, construct, furnish and equip an adult daycare and respite facility in the Atrisco community within the city of Albuquerque in Bernalillo county. The time of expenditure is extended through fiscal year 2016.

Chapter 64 Section 10 Laws 2014

SECTION 10. CIEN AGUAS INTERNATIONAL SCHOOL FACILITY CONSTRUCTION--CHANGE PURPOSE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the public education department in Subsection 7 of Section 8 of Chapter 64 of Laws 2012 to plan, design and construct a permanent facility for Cien Aguas international school in southeast Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to purchase a building, to plan, renovate and equip facilities and classrooms and to purchase and install information technology, including related furniture, equipment and infrastructure, for Cien Aguas international school in Albuquerque.

Chapter 64 Section 11 Laws 2014

SECTION 11. CIEN AGUAS INTERNATIONAL SCHOOL FACILITY--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The public education department project in Subsection 6 of Section 18 of Chapter 226 of Laws 2013 to purchase property for and to design and construct a facility for Cien Aguas international school in Albuquerque in Bernalillo county may include the purchase of a building and planning, renovating and equipping facilities and classrooms and the purchase and installation of information technology, including related furniture, equipment and infrastructure.

Chapter 64 Section 12 Laws 2014

SECTION 12. DEAF CULTURE MULTIPURPOSE CENTER AND APARTMENT COMPLEX--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the commission for deaf and hard-of-hearing persons project originally authorized in Subsection 26 of Section 24 of Chapter 92 of Laws 2008 and reauthorized in Laws 2012, Chapter 63, Section 5 for a deaf culture multipurpose center and apartment complex for the deaf and deaf-blind in Albuquerque in Bernalillo county is extended through fiscal year 2016.

Chapter 64 Section 13 Laws 2014

SECTION 13. INDIAN PUEBLO CULTURAL CENTER LAND AND BUILDINGS--CHANGE TO MUSEUM AT THAT CENTER--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 1 of Section 28 of Chapter 226 of Laws 2013 to purchase land and buildings to expand the Indian pueblo cultural center in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, renovate, construct, equip and furnish the permanent museum at the Indian pueblo cultural center.

Chapter 64 Section 14 Laws 2014

~~[SECTION 14. ALBUQUERQUE PARKS INCLUSIVE PLAYGROUND EQUIPMENT--CHANGE TO MANZANO MESA ELEMENTARY SCHOOL SHADE STRUCTURE--CHANGE AGENCY--SEVERANCE TAX BONDS.--Twenty thousand dollars (\$20,000) of the unexpended balance of the appropriation to the local government division in Subsection 48 of Section 31 of Chapter 226 of Laws 2013 to purchase and install playground equipment inclusive of children with special needs in parks in Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to the public education department to plan, design, construct, purchase and install a playground shade structure at Manzano Mesa elementary school in the Albuquerque public school district in Bernalillo county.] LINE-ITEM VETO~~

Chapter 64 Section 15 Laws 2014

SECTION 15. NATIONAL HISPANIC CULTURAL CENTER TORREON BUILDING--CHANGE TO INCLUDE LANDSCAPE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the cultural affairs department originally authorized in Subsection 4 of Section 7 of Chapter 92 of Laws 2008 and reauthorized in Laws 2012, Chapter 63, Section 19 to construct the Torreon building and fresco project at the national Hispanic cultural center in Albuquerque in Bernalillo county shall not be expended for the original or reauthorized purpose but is changed to complete the Torreon building and surrounding landscape at that location. The time of expenditure is extended through fiscal year 2016.

Chapter 64 Section 16 Laws 2014

SECTION 16. NEW MEXICO STATE FAIRGROUNDS IMPROVE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the state fair commission project originally authorized in Subsection 1 of Section 16 of Chapter 92 of Laws 2008 and reauthorized in Laws 2012, Chapter 63, Section 15 and further reauthorized in Laws 2013, Chapter 202, Section 5 to make infrastructure and other improvements at the New Mexico state fairgrounds in Albuquerque in Bernalillo county is extended through fiscal year 2016.

Chapter 64 Section 17 Laws 2014

SECTION 17. NEW MEXICO DEPARTMENT OF AGRICULTURE TISSUE DIGESTER PURCHASE--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the capital program fund in Subsection 2 of Section 9 of Chapter 226 of Laws 2013 to remove a tissue digester and to purchase and install a new tissue digester in the veterinary diagnostic services division's facility of the New Mexico department of agriculture in Albuquerque in Bernalillo county may be used to plan, design and construct the new tissue digester at that facility.

Chapter 64 Section 18 Laws 2014

SECTION 18. YOUTH DIAGNOSTIC AND DEVELOPMENT CENTER WATER LINES--CHANGE TO INFRASTRUCTURE IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the capital program fund originally authorized in Subsection 2 of Section 5 of Chapter 92 of Laws 2008 and reauthorized in Laws 2012, Chapter 63, Section 21 for water line repairs and replacement at the youth diagnostic and development center in Albuquerque in Bernalillo county shall not be expended for the original or reauthorized purpose but is changed for infrastructure improvements at that campus to include Loma cottage renovations and resurfacing of the main parking lot. The time of expenditure is extended through fiscal year 2016.

Chapter 64 Section 19 Laws 2014

SECTION 19. MINERS' COLFAX MEDICAL CENTER OUTPATIENT CLINIC CONSTRUCTION--CHANGE TO RENOVATION FOR BEHAVIORAL HEALTH FACILITY--MINERS' TRUST FUND.--The unexpended balance of the appropriation to the miners' Colfax medical center in Laws 2013, Chapter 226, Section 49 for an outpatient clinic to serve residents of Colfax county shall not be expended for the original purpose but is changed to renovate the old miners' Colfax hospital, including planning, design, construction, equipping and furnishing the building as a behavioral health facility, in Colfax county.

Chapter 64 Section 20 Laws 2014

SECTION 20. CANNON AIR FORCE BASE IMPROVEMENTS--CHANGE TO LAND AND WATER RIGHTS ADJACENT TO BASE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation originally authorized in Subsection 2 of Section 15 of Chapter 111 of Laws 2006 and reauthorized in Laws 2007, Chapter 341, Section 98 and further reauthorized to the office of military base planning and support in Laws 2010 (2nd S.S.), Chapter 4, Section 22 for land, water rights, infrastructure, expansion and renovation of Cannon air force base shall not be expended for the original or reauthorized purposes but is changed to acquire land and associated water rights for land adjacent to Cannon air force base in Curry county. Expenditure of this appropriation shall be made in conjunction with Curry county. The time of expenditure is extended through fiscal year 2016.

Chapter 64 Section 21 Laws 2014

SECTION 21. MELROSE PUBLIC SCHOOL DISTRICT VOCATIONAL EQUIPMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 61 of Section 8 of Chapter 64 of Laws 2012 for vocational equipment for the Melrose public school district in Curry county is extended through fiscal year 2016.

Chapter 64 Section 22 Laws 2014

SECTION 22. FORT SUMNER MUNICIPAL SCHOOL DISTRICT VOCATIONAL EQUIPMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 62 of Section 8 of Chapter 64 of Laws 2012 for vocational equipment for the Fort Sumner municipal school district in Curry county is extended through fiscal year 2016.

Chapter 64 Section 23 Laws 2014

SECTION 23. ANTHONY MULTIPURPOSE MUNICIPAL BUILDING CONSTRUCTION--EXPAND TO INCLUDE ACQUISITION AND RENOVATION--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 82 of Section 31 of Chapter 226 of Laws 2013 to plan, design and construct a multipurpose municipal building in Anthony in Dona Ana county may also be expended to acquire and renovate a multipurpose building in Anthony.

Chapter 64 Section 24 Laws 2014

SECTION 24. J. PAUL TAYLOR CENTER CONSTRUCTION AND IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project originally authorized in Subsection 4 of Section 5 of Chapter 92 of Laws 2008 and reauthorized in 2011, Chapter 183, Section 45 for construction, furniture and equipment at the J. Paul Taylor center in Las Cruces in Dona Ana county and further reauthorized in Laws 2012, Chapter 63, Section 35 to extend the time is extended through fiscal year 2015.

Chapter 64 Section 25 Laws 2014

SECTION 25. LAS CRUCES CHILD HEALTH FACILITY--CHANGE TO HEALTH FACILITY AT MESILLA VALLEY COMMUNITY OF HOPE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 89 of Section 31 of Chapter 226 of Laws 2013 for a child crisis health facility in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, equip and furnish a health facility in the Mesilla Valley community of hope in Las Cruces.

Chapter 64 Section 26 Laws 2014

SECTION 26. SANTA TERESA PORT OF ENTRY CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project in Subsection 6 of Section 4 of Chapter 4 of Laws 2010 (2nd S.S.) to complete construction of the Santa Teresa port of entry in Dona Ana county is extended through fiscal year 2016.

Chapter 64 Section 27 Laws 2014

SECTION 27. SANTA TERESA SAFETY INSPECTION STATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project originally authorized in Paragraph (6) of Subsection B of Section 25 of Chapter 429 of Laws 2003 and reauthorized in Laws 2008, Chapter 83, Section 398 and further reauthorized in Laws 2010 (2nd S.S.), Chapter 4, Section 25 and reauthorized again in Laws 2012, Chapter 63, Section 51 for a safety inspection station in Santa Teresa in Dona Ana county is extended through fiscal year 2015.

Chapter 64 Section 28 Laws 2014

SECTION 28. SANTA TERESA SAFETY INSPECTION STATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project originally authorized in Paragraph (10) of Subsection B of Section 25 of Chapter 429 of Laws 2003 and reauthorized in Laws 2005, Chapter 347, Section 181 and in Laws 2008, Chapter 83, Section 397 and in Laws 2010 (2nd S.S.), Chapter 4, Section 30 and in Laws 2012, Chapter 63, Section 53 to plan, design, construct, equip and furnish a safety inspection station in Santa Teresa in Dona Ana county is extended through fiscal year 2015.

Chapter 64 Section 29 Laws 2014

SECTION 29. SANTA TERESA SAFETY INSPECTION STATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project originally authorized in Subsection 9 of Section 21 of Chapter 92 of Laws 2008 and reauthorized in Laws 2010 (2nd S.S.), Chapter 4, Section 27 to plan, design, construct, equip and furnish a safety inspection station in Santa Teresa in Dona Ana county is extended through fiscal year 2015.

Chapter 64 Section 30 Laws 2014

SECTION 30. SANTA TERESA SAFETY INSPECTION STATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project originally authorized in Paragraph (3) of Subsection B of Section 25 of Chapter 429 of Laws 2003 and reauthorized in Laws 2008, Chapter 83, Section 208 and reauthorized for a second time in Laws 2010 (2nd S.S.), Chapter 4, Section 28 and reauthorized for a third time in Laws 2012, Chapter 63, Section 52 for a safety inspection station in Santa Teresa in Dona Ana county is extended through fiscal year 2015.

Chapter 64 Section 31 Laws 2014

SECTION 31. FORT BAYARD MEDICAL CENTER SEWER--CHANGE TO GRANT COUNTY ADMINISTRATION AND SHERIFF'S OFFICES--CHANGE AGENCY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 16 of Section 11 of Chapter 64 of Laws 2012 for the Fort Bayard medical center sewer system in Santa Clara in Grant county

shall not be expended for the original purpose but is appropriated to the local government division for improvements to the county administration office and sheriff's office in Grant county.

Chapter 64 Section 32 Laws 2014

SECTION 32. CARRIZOZO ASPHALT ZIPPER PURCHASE--CHANGE TO EQUIPMENT FOR ASPHALT ZIPPER--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 71 of Section 16 of Chapter 64 of Laws 2012 to purchase an asphalt zipper for Carrizozo in Lincoln county shall not be expended for the original purpose but is changed to purchase replacement and maintenance parts and equipment for an asphalt zipper in Carrizozo.

Chapter 64 Section 33 Laws 2014

SECTION 33. CARRIZOZO DUMP TRUCK--CHANGE TO TRACTOR--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 129 of Section 31 of Chapter 226 of Laws 2013 to purchase and equip a dump truck in Carrizozo in Lincoln county is changed to purchase and equip a tractor with canopy, lights and rotary cutter in Carrizozo.

Chapter 64 Section 34 Laws 2014

SECTION 34. LOS ALAMOS MIDDLE SCHOOL LOCKER ROOM GYMNASIUM ROOF--CHANGE TO INTERIOR IMPROVEMENTS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the public education department in Subsection 154 of Section 18 of Chapter 226 of Laws 2013 to replace the roof over the locker room in the gymnasium at Los Alamos middle school in the Los Alamos public school district in Los Alamos county shall not be expended for the original purpose but is changed to renovate the interior of that school's locker rooms, including flooring, lighting, fixtures and partitions.

Chapter 64 Section 35 Laws 2014

SECTION 35. MANUELITO CHAPTER SENIOR CENTER--CHANGE TO MULTIPURPOSE BUILDING--CHANGE AGENCY--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the aging and long-term services department in Subsection 19 of Section 5 of Chapter 226 of Laws 2013 to plan, design and construct a senior center in the Manuelito chapter of the Navajo Nation in McKinley county shall not be expended for the original purpose but is appropriated to the Indian affairs department to plan, design and construct a multipurpose building in the Manuelito chapter.

Chapter 64 Section 36 Laws 2014

SECTION 36. PUEBLO OF ZUNI SENIOR CENTER CODE COMPLIANCE IMPROVEMENTS--CHANGE TO NEW SENIOR CENTER--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the aging and long-term services department in Subsection 22 of Section 4 of Chapter 5 of Laws 2011 (S.S.) for building code compliance improvements and equipment for the Pueblo of Zuni senior center in McKinley county shall not be expended for the original purpose but is changed to plan and design a new senior center facility in the Pueblo of Zuni.

Chapter 64 Section 37 Laws 2014

SECTION 37. SPACEPORT TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS--EXTEND TIME--SHORT-TERM SEVERANCE TAX BONDS.--The time of expenditure for the spaceport authority project originally authorized in Subsection C of Section 76 of Chapter 92 of Laws 2008 and reauthorized in Laws 2012, Chapter 63, Section 62 for rights of way, drainage and paving improvements and transportation infrastructure improvements in Sierra county and Dona Ana county related to the spaceport is extended through fiscal year 2016.

Chapter 64 Section 38 Laws 2014

SECTION 38. OHKAY OWINGEH JUDICIAL, POLICE, FIRE, COURT AND JAIL COMPLEX--CHANGE TO OHKAY OWINGEH JUDICIAL COMPLEX IMPROVE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 25 of Section 28 of Chapter 226 of Laws 2013 to plan and design a judicial complex that includes police and fire departments, a courthouse and a jail, in Ohkay Owingeh in Rio Arriba county is changed to design, renovate and equip a judicial complex.

Chapter 64 Section 39 Laws 2014

SECTION 39. ROOSEVELT ROAD A NORTH RECONSTRUCTION--CHANGE TO ROOSEVELT COUNTY ROADS RESTORATION AND RESURFACING--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation in Subsection 56 of Section 36 of Chapter 226 of Laws 2013 to plan, design and construct improvements, including shoulder rehabilitation, drainage and chip sealing, and to reconstruct north Roosevelt road A in Roosevelt county shall not be expended for the original purpose but is changed to plan, design and construct chip seal restoration and resurfacing on Roosevelt county roads.

Chapter 64 Section 40 Laws 2014

SECTION 40. BLANCO SENIOR CENTER MEALS EQUIPMENT--CHANGE TO LOWER VALLEY SENIOR CENTER MEALS EQUIPMENT--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the aging and long-term services department in Subsection 37 of Section 5 of Chapter 226 of Laws 2013 to purchase and install meals equipment in the Blanco senior center in San Juan county

shall not be expended for the original purpose but is changed to purchase and install meals equipment in the Lower Valley senior center in San Juan county.

Chapter 64 Section 41 Laws 2014

SECTION 41. SANOSTEE CHAPTER SAFETY EASEMENT--CHANGE TO UNITED STATES HIGHWAY 491 AND NAVAJO ROUTE 34 JUNCTION SAFETY IMPROVEMENTS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation in Subsection 57 of Section 36 of Chapter 226 of Laws 2013 to plan, design and construct a safety easement off of United States highway 491 to the Sanostee 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 safety improvements at the junction of United States highway 491 and Navajo service route 34 in the Sanostee chapter.

Chapter 64 Section 42 Laws 2014

SECTION 42. SAN JUAN COUNTY HOME FOR WOMEN AND CHILDREN--CHANGE TO TSE'DAA'KAAN CHAPTER IRRIGATION SYSTEM IMPROVEMENTS--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the Indian affairs department appropriation originally authorized in Subparagraph (c) of Paragraph (7) of Subsection A of Section 18 of Chapter 105 of Laws 2010 and reauthorized to the local government division in Laws 2012, Chapter 63, Section 70 for the home for women and children on the west side of San Juan county shall not be expended for the original or reauthorized purpose but is appropriated to the Indian affairs department for irrigation system improvements, including rebuilding the pump house and replacing pumps, for the Hogback irrigation project in the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county. The time of expenditure is extended through fiscal year 2016.

Chapter 64 Section 43 Laws 2014

SECTION 43. SAN JUAN COUNTY HOME FOR WOMEN AND CHILDREN--CHANGE TO TSE'DAA'KAAN CHAPTER IRRIGATION SYSTEM IMPROVEMENTS--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department originally authorized in Subsection 40 of Section 15 of Chapter 126 of Laws 2004 and reauthorized in Laws 2009, Chapter 128, Section 394 and further reauthorized in Laws 2011, Chapter 183, Section 87 and reauthorized to the local government division in Laws 2012, Chapter 63, Section 73 for the home for women and children on the west side of San Juan county shall not be expended for the original or reauthorized purposes but is appropriated to the Indian affairs department for irrigation system improvements, including rebuilding the pump house and replacing pumps, for the Hogback irrigation project in the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county. The time of expenditure is extended through fiscal year 2016.

Chapter 64 Section 44 Laws 2014

SECTION 44. WEST LAS VEGAS PUBLIC SCHOOL DISTRICT BUILDING RENOVATION--CHANGE PURPOSE TO MULTIPURPOSE ROOM RENOVATION--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the public education department in Subsection 81 of Section 8 of Chapter 64 of Laws 2012 to plan and design renovations for a building in the west Las Vegas public school district in San Miguel county shall not be expended for the original purpose but is changed to renovate a multipurpose room in that school district.

Chapter 64 Section 45 Laws 2014

SECTION 45. NEW MEADOWS AND PONDEROSA BUILDINGS AT NEW MEXICO BEHAVIORAL HEALTH INSTITUTE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project in Subsection 8 of Section 4 of Chapter 4 of Laws 2010 (2nd S.S.) to plan, design and construct the New Meadows and Ponderosa buildings at the New Mexico behavioral health institute in Las Vegas in San Miguel county is extended through fiscal year 2015.

Chapter 64 Section 46 Laws 2014

SECTION 46. CAPITOL AND CAPITOL NORTH RENOVATIONS AND LEGISLATIVE AND EXECUTIVE AGENCY SPACE PLANNING AND DESIGN--EXTEND TIME--CAPITOL BUILDINGS REPAIR FUND AND LEGISLATIVE CASH BALANCES.--

A. The time of expenditure for the unexpended balance of the appropriations to the legislative council service originally appropriated in Subsections A, B and C of Section 1 of Chapter 192 of Laws 2007 and reappropriated in Laws 2008, Chapter 83, Section 381 to include renovations for legislative space and long-range facility space plans and further reappropriated in Subsection A of Section 102 of Chapter 63 of Laws 2012 to extend the expenditure period is extended through fiscal year 2016.

B. The time of expenditure for the unexpended balance of the one million dollars (\$1,000,000) taken from the appropriations in Subsection A of this section by Laws 2009, Chapter 114, Section 7 for the capitol buildings planning commission master planning process for statewide state facilities and reappropriated in Subsection B of Section 102 of Chapter 63 of Laws 2012 to extend the expenditure period is extended through fiscal year 2016.

Chapter 64 Section 47 Laws 2014

SECTION 47. WOOD GORMLEY ELEMENTARY SCHOOL FIRE SECURITY SYSTEM--CHANGE TO DE VARGAS MIDDLE SCHOOL SECURITY CAMERAS--

SEVERANCE TAX BONDS.--Eight thousand five hundred dollars (\$8,500) of the unexpended balance of the appropriation to the public education department in Subsection 172 of Section 18 of Chapter 226 of Laws 2013 for a fire security system at Wood Gormley elementary school in the Santa Fe public school district in Santa Fe county shall not be expended for the original purpose but is changed to purchase and install security cameras in De Vargas middle school in that school district.

Chapter 64 Section 48 Laws 2014

SECTION 48. WOOD GORMLEY ELEMENTARY SCHOOL FIRE SECURITY SYSTEM--CHANGE TO NYE EARLY CHILDHOOD CENTER PLAYGROUND IMPROVEMENTS--SEVERANCE TAX BONDS.--Thirteen thousand five hundred dollars (\$13,500) of the unexpended balance of the appropriation to the public education department in Subsection 172 of Section 18 of Chapter 226 of Laws 2013 for a fire security system at Wood Gormley elementary school in the Santa Fe public school district in Santa Fe county shall not be expended for the original purpose but is changed to design, construct, equip and furnish improvements to the playground areas at Nye early childhood center in that school district.

Chapter 64 Section 49 Laws 2014

SECTION 49. WOOD GORMLEY ELEMENTARY SCHOOL FIRE SECURITY SYSTEM--CHANGE TO DRAINAGE IMPROVEMENTS AT SER CAREER ACADEMY--SEVERANCE TAX BONDS.--Thirty-five thousand dollars (\$35,000) of the unexpended balance of the appropriation to the public education department in Subsection 172 of Section 18 of Chapter 226 of Laws 2013 for a fire security system at Wood Gormley elementary school in the Santa Fe public school district in Santa Fe county shall not be expended for the original purpose but is changed to plan, design, construct and equip drainage improvements at the SER career academy in that school district.

Chapter 64 Section 50 Laws 2014

SECTION 50. FIRST JUDICIAL DISTRICT COURTHOUSE INFORMATION TECHNOLOGY WIRING--EXPAND TO INCLUDE WI-FI SYSTEM--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 178 of Section 31 of Chapter 226 of Laws 2013 for information technology wiring in the first judicial district courthouse in Santa Fe in Santa Fe county may also be expended to plan, design, equip and install a wi-fi system and wiring in the first judicial district courthouse.

Chapter 64 Section 51 Laws 2014

SECTION 51. TAXATION AND REVENUE DEPARTMENT EQUIPMENT PURCHASE--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the taxation and revenue department in Laws 2013, Chapter 226, Section 35 to purchase and install equipment in Santa Fe in Santa Fe

county may include purchase and installation of remittance units, mail inserters and a motor vehicle division mobile unit.

Chapter 64 Section 52 Laws 2014

SECTION 52. SOUTHWEST REGIONAL SPACEPORT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the spaceport authority project originally authorized in Laws 2006, Chapter 111, Section 68 and amended in Laws 2007, Chapter 42, Section 100 for the southwest regional spaceport in Sierra county and reauthorized in Laws 2012, Chapter 63, Section 98 to extend the time is extended through fiscal year 2016.

Chapter 64 Section 53 Laws 2014

SECTION 53. SIERRA COUNTY HOSPITAL--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 85 of Section 21 of Chapter 92 of Laws 2008 and reauthorized in Laws 2012, Chapter 63, Section 89 and further reauthorized in Laws 2013, Chapter 202, Section 45 to plan, design, construct and equip a hospital in Truth or Consequences in Sierra county is extended through fiscal year 2016.

Chapter 64 Section 54 Laws 2014

SECTION 54. NEW MEXICO STATE VETERANS' HOME ALZHEIMER'S UNIT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project originally authorized in Subsection 14 of Section 5 of Chapter 92 of Laws 2008 for construction of the Alzheimer's unit and skilled nursing facility at the New Mexico state veterans' home in Truth or Consequences in Sierra county and reauthorized in Laws 2012, Chapter 63, Section 99 to include planning, designing, equipping, furnishing and landscaping is extended through fiscal year 2016.

Chapter 64 Section 55 Laws 2014

SECTION 55. DEPARTMENT OF HEALTH FACILITIES HEALTH AND SAFETY IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project authorized in Subsection 10 of Section 4 of Chapter 4 of Laws 2010 (2nd S.S.) for patient health and safety improvements at department of health facilities statewide is extended through fiscal year 2015.

Chapter 64 Section 56 Laws 2014

SECTION 56. RESTORATION PROJECTS AND CONSERVATION EASEMENT PURCHASES STATEWIDE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Paragraph (15) of Subsection B of Section 2 of Chapter 5 of Laws 2009 and reauthorized to the

energy, minerals and natural resources department in Laws 2010 (2nd S.S.), Chapter 4, Section 36 for restoration projects and the purchase of conservation easements statewide is extended through fiscal year 2016.

Chapter 64 Section 57 Laws 2014

SECTION 57. STATE BUILDINGS DEMOLITION, DECOMMISSIONING AND ASBESTOS ABATEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project in Subsection 11 of Section 4 of Chapter 4 of Laws 2010 (2nd S.S.) for demolition, decommissioning and asbestos abatement of state buildings is extended through fiscal year 2015.

Chapter 64 Section 58 Laws 2014

~~[SECTION 58. QUESTA WATERSHED AND RIVER RESTORATION--CHANGE TO COMMUNITY CENTER--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division in Subsection 140 of Section 16 of Chapter 64 of Laws 2012 for watershed and river restoration in Questa in Taos county shall not be expended for the original purpose but is changed for Taos county to plan, design, construct, equip and furnish a community center in Questa.] LINE-ITEM VETO~~

Chapter 64 Section 59 Laws 2014

SECTION 59. ACEQUIA DEL MONTE DEL RIO CHIQUITO LOAN PAYOFF--CHANGE TO TALPA IRRIGATION RESERVOIR FENCE--SEVERANCE TAX BONDS.-
-The unexpended balance of the appropriation to the interstate stream commission in Subsection 39 of Section 29 of Chapter 226 of Laws 2013 to pay back a water project fund loan for improvements to the Talpa reservoir inlet acequia for the acequia del Monte del Rio Chiquito in Taos county shall not be expended for the original purpose but is changed to plan, design and construct a fence at the Talpa irrigation reservoir in Taos county.

Chapter 64 Section 60 Laws 2014

SECTION 60. HUMAN SERVICES DEPARTMENT DRUG AND SUBSTANCE ABUSE TREATMENT FACILITY IN LOS LUNAS--EXTEND CERTIFICATION PERIOD AND EXPENDITURE PERIOD--SEVERANCE TAX BONDS.--The time for the agency to certify to the state board of finance when the money from the proceeds of severance tax bonds appropriated is needed for the purpose specified for the capital program fund project in Subsection 10 of Section 5 of Chapter 64 of Laws 2012 for the human services department drug and substance abuse treatment facility in Los Lunas in Valencia county is extended through fiscal year 2016. The time of expenditure is extended through fiscal year 2018.

Chapter 64 Section 61 Laws 2014

SECTION 61. FRED LUNA SENIOR CENTER--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The aging and long-term services department project in Subsection 64 of Section 5 of Chapter 226 of Laws 2013 to make improvements for building code compliance, including purchase and installation of equipment, to the Fred Luna senior center in Valencia county may include planning and design.

Chapter 64 Section 62 Laws 2014

SECTION 62. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SFC/Senate Bill 163, w/ec, partial veto

Approved March 11, 2014

LAWS 2014, CHAPTER 65

AN ACT

AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL PROJECTS GENERAL OBLIGATION BONDS TO MAKE CAPITAL EXPENDITURES FOR SENIOR CITIZEN FACILITY IMPROVEMENTS AND ACQUISITIONS, FOR LIBRARY ACQUISITIONS AND FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS AT INSTITUTIONS OF HIGHER EDUCATION, STATE SPECIAL SCHOOLS AND TRIBAL SCHOOLS; PROVIDING FOR A TAX LEVY FOR PAYMENT OF PRINCIPAL OF, INTEREST ON AND CERTAIN COSTS RELATED TO THE BONDS; REQUIRING APPROVAL OF THE REGISTERED VOTERS AT THE 2014 GENERAL ELECTION OF THE STATE; DECLARING AN EMERGENCY.

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

Chapter 65 Section 1 Laws 2014

SECTION 1. SHORT TITLE.--This act may be cited as the "2014 Capital Projects General Obligation Bond Act".

Chapter 65 Section 2 Laws 2014

SECTION 2. PURPOSE.--For the purpose of providing funds for capital expenditures as authorized in the 2014 Capital Projects General Obligation Bond Act, general obligation indebtedness of the state is authorized for the purposes and in the amounts set forth in Section 10 of that act.

Chapter 65 Section 3 Laws 2014

SECTION 3. BOND TERMS.--

A. The state board of finance, except as limited by the 2014 Capital Projects General Obligation Bond Act, shall determine the terms, covenants and conditions of bonds issued pursuant to that act, including but not limited to:

(1) date or dates of issue, denominations and maturities;

(2) principal amounts;

(3) rate or rates of interest; and

(4) provisions for redemption, including premiums, registration and refundability, whether the bonds are issued in one or more series and other covenants relating to the bonds and the issuance thereof.

B. The bonds shall be in such form as the state board of finance determines with an appropriate series designation and shall bear interest payable as set forth in the resolution of the state board of finance.

C. Payment of the principal of the bonds shall begin not more than two years after the date of their issuance, and the bonds shall mature not later than ten years after the date of their issuance. Both principal and interest shall be payable in lawful money of the United States at the office of the paying agent within or without the state as the state board of finance may direct.

D. The bonds shall be executed with the manual or facsimile signature of the governor or the state treasurer, and the seal or a facsimile of the seal of the state shall be placed on each bond, except for any series of bonds issued in book entry or similar form without the delivery of physical securities.

E. The bonds shall be issued in accordance with the provisions of the 2014 Capital Projects General Obligation Bond Act, the Supplemental Public Securities Act and the Uniform Facsimile Signature of Public Officials Act and may be issued in accordance with the Public Securities Short-Term Interest Rate Act.

F. The full faith and credit of the state is pledged for the prompt payment when due of the principal of and interest on all bonds issued and sold pursuant to the 2014 Capital Projects General Obligation Bond Act.

Chapter 65 Section 4 Laws 2014

SECTION 4. EXPENDITURES.--The proceeds from the sale of the bonds shall be expended solely for providing money to be distributed for the purposes and in

amounts not to exceed the amounts set forth in Section 10 of the 2014 Capital Projects General Obligation Bond Act and to pay expenses incurred under Section 6 of that act. Any proceeds from the sale of the bonds that are not required for the purposes set forth in Sections 6 and 10 of that act shall be used for the purpose of paying the principal of and interest on the bonds.

Chapter 65 Section 5 Laws 2014

SECTION 5. SALE.--The bonds authorized under the 2014 Capital Projects General Obligation Bond Act shall be sold by the state board of finance at such time and in such manner and amounts as the board may elect. The bonds may be sold at private sale or at public sale, in either case at not less than par plus accrued interest to the date of delivery. If sold at public sale, the state board of finance shall publish a notice of the time and place of sale in a newspaper of general circulation in the state and may also publish the notice in a recognized financial journal outside the state. The required publications shall be made once each week for two consecutive weeks prior to the date fixed for the sale, the last publication thereof to be at least five days prior to the date of the sale. The notice shall specify the amount, denomination, maturity and description of the bonds to be offered for sale and the place, date and hour at which the sealed bids shall be received. At the time and place specified in the notice, the state board of finance shall open the bids in public and shall award the bonds to the bidder or bidders offering the best price for the bonds. The state board of finance may reject any or all bids and readvertise and may waive any irregularity in a bid. All bids, except that of the state, shall be accompanied by a deposit of two percent of the principal amount of the bonds in a form acceptable to the state board of finance. The deposit of an unsuccessful bidder shall be returned upon rejection of the bid. The state board of finance may also sell the bonds or any part of the bonds to the state treasurer or state investment officer. The state treasurer or state investment officer is authorized to purchase any of the bonds for investment. The bonds are legal investments for any person or board charged with the investment of any public funds and may be accepted as security for any deposit of public money.

Chapter 65 Section 6 Laws 2014

SECTION 6. EXPENSES.--The expenses incurred by the state board of finance in or relating to the preparation and sale of the bonds shall be paid out of the proceeds from the sale of the bonds, and all rebate, penalty, interest and other obligations of the state relating to the bonds and bond proceeds under the Internal Revenue Code of 1986, as amended, shall be paid from earnings on bond proceeds or other money of the state, legally available for such payments.

Chapter 65 Section 7 Laws 2014

SECTION 7. TAX LEVY.--To provide for the payment of the principal of and interest on the bonds issued and sold pursuant to the provisions of the 2014 Capital Projects General Obligation Bond Act, there shall be and there is hereby imposed and

levied during each year in which any of the bonds are outstanding an ad valorem tax on all property in the state subject to property taxation for state purposes sufficient to pay the interest as it becomes due on the bonds, together with an amount sufficient to provide a sinking fund to pay the principal of the bonds as it becomes due, and, if permitted by law, ad valorem taxes may be collected to pay administrative costs incident to the collection of such taxes. The taxes shall be imposed, levied, assessed and collected at the times and in the manner that other property taxes for state purposes are imposed, levied, assessed and collected. It is the duty of all tax officials and authorities to cause these taxes to be imposed, levied, assessed and collected.

Chapter 65 Section 8 Laws 2014

SECTION 8. TREASURER--DUTIES.--The state treasurer shall keep separate accounts of all money collected pursuant to the taxes imposed and levied pursuant to the provisions of the 2014 Capital Projects General Obligation Bond Act and shall use this money only for the purposes of paying the principal of and interest on the bonds as they become due and any expenses relating thereto.

Chapter 65 Section 9 Laws 2014

SECTION 9. IRREPEALABLE CONTRACT--AUTHORITY FOR ISSUANCE.--An owner of bonds issued pursuant to the provisions of the 2014 Capital Projects General Obligation Bond Act may, either at law or in equity, by suit, action or mandamus, enforce and compel the performance of the duties required by that act of any officer or entity mentioned in that act. The provisions of that act constitute an irrepealable contract with the owners of any of the bonds issued pursuant to that act for the faithful performance of which the full faith and credit of the state is pledged. Without reference to any other act of the legislature, the 2014 Capital Projects General Obligation Bond Act is full authority for the issuance and sale of the bonds authorized in that act, and such bonds shall have all the qualities of investment securities under the Uniform Commercial Code, shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale of the bonds and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. All bonds issued under the provisions of that act, and the interest thereon, are exempt from taxation by the state and any subdivision or public body thereof.

Chapter 65 Section 10 Laws 2014

SECTION 10. PROJECTS.--The proceeds from the sale of bonds issued under the provisions of the 2014 Capital Projects General Obligation Bond Act shall be distributed as follows for the purposes and in the amounts specified:

A. for senior citizen facility improvement, construction and equipment acquisition projects, to the aging and long-term services department:

(1) two hundred thousand dollars (\$200,000) to make improvements for building code compliance, including purchase and installation of equipment, to Los Volcanes senior center in Albuquerque in Bernalillo county;

(2) three hundred sixty-five thousand dollars (\$365,000) to make improvements for building code compliance, including purchase and installation of equipment, to the North Valley senior center in Albuquerque in Bernalillo county;

(3) one hundred seventy-seven thousand dollars (\$177,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Palo Duro senior center in Albuquerque in Bernalillo county;

(4) forty-six thousand dollars (\$46,000) to purchase and install equipment in senior centers countywide in Bernalillo county;

(5) one hundred eighty-three thousand four hundred dollars (\$183,400) to purchase and install meals equipment for senior centers countywide in Bernalillo county;

(6) two thousand dollars (\$2,000) to purchase and install equipment in the Tijeras senior center in Bernalillo county;

(7) one hundred twenty-three thousand dollars (\$123,000) to plan, design, renovate and equip the Tijeras senior center in Bernalillo county;

(8) one hundred twenty-five thousand dollars (\$125,000) to purchase and equip vehicles for senior centers countywide in Catron county;

(9) four thousand ten dollars (\$4,010) to purchase and install equipment in the Roswell Joy center in Chaves county;

(10) sixty-seven thousand two hundred forty dollars (\$67,240) to make improvements for building code compliance, including purchase and installation of equipment, to the Roswell Joy center in Chaves county;

(11) eleven thousand two hundred dollars (\$11,200) to purchase and install meals equipment in the Roswell Joy center in Chaves county;

(12) seventeen thousand dollars (\$17,000) to make improvements for building code compliance, including purchase and installation of equipment, to the senior center in the Pueblo of Acoma in Cibola county;

(13) fifty-two thousand dollars (\$52,000) to purchase and install meals equipment in the senior center in the Pueblo of Acoma in Cibola county;

(14) forty-five thousand dollars (\$45,000) to purchase and equip vehicles for Pueblo of Acoma senior centers in Cibola county;

(15) two thousand seven hundred thirty dollars (\$2,730) to purchase and install equipment in the Cibola senior center in Grants in Cibola county;

(16) nineteen thousand eight hundred dollars (\$19,800) to purchase and install meals equipment in the Cibola senior center in Grants in Cibola county;

(17) two hundred seventy thousand dollars (\$270,000) to purchase and equip vehicles for the Cibola senior center in Grants in Cibola county;

(18) seventy-five thousand dollars (\$75,000) to purchase and equip vehicles for the senior center in the Pueblo of Laguna in Cibola county;

(19) eighty thousand dollars (\$80,000) to purchase and equip vehicles for senior centers countywide in Colfax county;

(20) twenty-six thousand two hundred fifty dollars (\$26,250) to make improvements for building code compliance, including purchase and installation of equipment, to the Eagle Nest senior center in Colfax county;

(21) eleven thousand one hundred eighty dollars (\$11,180) to purchase and install meals equipment in the Eagle Nest senior center in Colfax county;

(22) six thousand five hundred dollars (\$6,500) to purchase and install meals equipment in the Raton senior center in Colfax county;

(23) seventy-nine thousand two hundred dollars (\$79,200) to plan, design, renovate and equip the Raton senior center in Colfax county;

(24) ten thousand dollars (\$10,000) to plan, design, renovate and equip the Springer senior center in Colfax county;

(25) one thousand three hundred twenty dollars (\$1,320) to purchase and install equipment in Clovis senior centers citywide in Curry county;

(26) forty-eight thousand four hundred ten dollars (\$48,410) to make improvements for building code compliance, including purchase and installation of equipment, to Clovis senior centers citywide in Curry county;

(27) ten thousand three hundred eighty dollars (\$10,380) to purchase and install meals equipment for Clovis senior centers citywide in Curry county;

(28) eighty-six thousand dollars (\$86,000) to purchase and equip vehicles for Clovis senior centers citywide in Curry county;

(29) nine hundred dollars (\$900) to purchase and install meals equipment in the Melrose senior center in Curry county;

(30) one hundred twenty thousand dollars (\$120,000) to plan, design, renovate and equip the Melrose senior center in Curry county;

(31) thirty-four thousand dollars (\$34,000) to purchase and equip vehicles for the Melrose senior center in Curry county;

(32) thirteen thousand nine hundred seventy dollars (\$13,970) to purchase and install meals equipment in the Fort Sumner senior center in De Baca county;

(33) seventy-two thousand dollars (\$72,000) to purchase and equip vehicles for the Fort Sumner senior center in De Baca county;

(34) twenty thousand seven hundred sixty dollars (\$20,760) to purchase and install meals equipment in senior centers countywide in Dona Ana county;

(35) one hundred twenty thousand dollars (\$120,000) to purchase and equip vehicles for senior centers countywide in Dona Ana county;

(36) two thousand thirty dollars (\$2,030) to purchase and install equipment in the Dona Ana senior services site in Mesilla in Dona Ana county;

(37) one hundred sixty thousand dollars (\$160,000) to purchase and equip vehicles for the Eastside community center and meals on wheels in Las Cruces in Dona Ana county;

(38) one hundred forty-one thousand dollars (\$141,000) to plan, design, renovate and equip the Munson senior center in Las Cruces in Dona Ana county;

(39) one hundred fifty-five thousand dollars (\$155,000) to purchase and equip vehicles for senior centers countywide in Eddy county;

(40) eight thousand seven hundred dollars (\$8,700) to make improvements for building code compliance, including purchase and installation of equipment, to the Gila senior center in Grant county;

(41) thirty-three thousand six hundred seventy dollars (\$33,670) to purchase and install meals equipment in senior centers countywide in Grant county;

(42) seventy-five thousand dollars (\$75,000) to purchase and equip vehicles for senior centers countywide in Grant county;

(43) seventy-two thousand five hundred dollars (\$72,500) to plan, design, renovate and equip the Silver City senior center in Grant county;

(44) ninety-three thousand five hundred fifty dollars (\$93,550) to plan, design, renovate and equip La Loma senior center in Guadalupe county;

(45) seven thousand nine hundred twenty dollars (\$7,920) to plan, design, renovate and equip the Campos senior center in Santa Rosa in Guadalupe county;

(46) fifty thousand four hundred fifty dollars (\$50,450) to plan, design, renovate and equip the Puerto de Luna senior center in Santa Rosa in Guadalupe county;

(47) forty-eight thousand dollars (\$48,000) to purchase and equip vehicles for the Puerto de Luna senior center in Santa Rosa in Guadalupe county;

(48) five hundred seventy dollars (\$570) to purchase and install meals equipment in the Vaughn senior center in Guadalupe county;

(49) one hundred sixty-three thousand six hundred dollars (\$163,600) to plan, design, renovate and equip the Vaughn senior center in Guadalupe county;

(50) five hundred dollars (\$500) to purchase and install equipment in the Ena Mitchell senior and wellness center in Lordsburg in Hidalgo county;

(51) three thousand dollars (\$3,000) to plan, design, renovate and equip the Ena Mitchell senior and wellness center in Lordsburg in Hidalgo county;

(52) one hundred thirty-eight thousand dollars (\$138,000) to purchase and equip vehicles for the Ena Mitchell senior and wellness center in Lordsburg in Hidalgo county;

(53) five thousand nine hundred ninety dollars (\$5,990) to purchase and install equipment in the Eunice senior center in Lea county;

(54) six thousand dollars (\$6,000) to purchase and install meals equipment in the Eunice senior center in Lea county;

(55) fifty thousand dollars (\$50,000) to purchase and equip vehicles for the Eunice senior center in Lea county;

(56) four thousand five hundred dollars (\$4,500) to purchase and install meals equipment in the Jal senior center in Lea county;

(57) twenty-nine thousand dollars (\$29,000) to purchase and equip vehicles for the Bill McKibben senior center in Lovington in Lea county;

(58) fifty-nine thousand dollars (\$59,000) to purchase and equip vehicles for the Tatum senior center in Lea county;

(59) thirty-one thousand eight hundred twenty dollars (\$31,820) to plan, design, renovate and equip the Hondo Valley senior site in Hondo in Lincoln county;

(60) one thousand three hundred ninety dollars (\$1,390) to purchase and install equipment in senior centers countywide in Lincoln county;

(61) forty-two thousand dollars (\$42,000) to purchase and equip vehicles for the Zia senior center in Ruidoso Downs in Lincoln county;

(62) one hundred twenty-five thousand dollars (\$125,000) to purchase and equip vehicles for the Deming Luna county commission on aging in Luna county;

(63) two hundred fifty thousand dollars (\$250,000) to construct, renovate and improve infrastructure at the senior center in the Chichiltah chapter of the Navajo Nation in McKinley county;

(64) seventeen thousand eight hundred dollars (\$17,800) to purchase and install equipment in the senior center in the Chichiltah chapter of the Navajo Nation in McKinley county;

(65) seven thousand two hundred ninety dollars (\$7,290) to purchase and install meals equipment in the senior center in the Chichiltah chapter of the Navajo Nation in McKinley county;

(66) one million eight hundred fifty thousand dollars (\$1,850,000) to construct, renovate and improve infrastructure at the senior center in the Church Rock chapter of the Navajo Nation in McKinley county;

(67) seven thousand eight hundred thirty dollars (\$7,830) to purchase and install equipment in the senior center in the Church Rock chapter of the Navajo Nation in McKinley county;

(68) twenty-nine thousand dollars (\$29,000) to purchase and install meals equipment in the senior center in the Church Rock chapter of the Navajo Nation in McKinley county;

(69) forty thousand dollars (\$40,000) to plan, design, renovate and equip the Ford Canyon senior center in Gallup in McKinley county;

(70) thirteen thousand four hundred ten dollars (\$13,410) to purchase and install equipment in the Neighborhood senior center in Gallup in McKinley county;

(71) ninety thousand dollars (\$90,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Neighborhood senior center in Gallup in McKinley county;

(72) thirty-five thousand dollars (\$35,000) to plan, design, renovate and equip the Neighborhood senior center in Gallup in McKinley county;

(73) one hundred sixty thousand dollars (\$160,000) to purchase and equip vehicles for the Neighborhood and Ford Canyon senior centers in Gallup in McKinley county;

(74) sixteen thousand four hundred dollars (\$16,400) to purchase and install meals equipment in the Neighborhood senior center and the Ford Canyon senior center in Gallup in McKinley county;

(75) one thousand one hundred forty dollars (\$1,140) to purchase and install equipment in the Ramah and Thoreau senior centers in McKinley county;

(76) nine thousand ten dollars (\$9,010) to purchase and install meals equipment in the Ramah and Thoreau senior centers in McKinley county;

(77) sixty-five thousand dollars (\$65,000) to purchase and equip vehicles for the Ramah and Thoreau senior centers in McKinley county;

(78) twenty-eight thousand eighty dollars (\$28,080) to plan, design, renovate and equip the Ramah senior center in McKinley county;

(79) forty-two thousand one hundred twenty dollars (\$42,120) to plan, design, renovate and equip the Thoreau senior center in McKinley county;

(80) eight hundred forty dollars (\$840) to purchase and install equipment in the Mora senior center in Mora county;

(81) two hundred ninety thousand dollars (\$290,000) to construct, renovate and improve infrastructure at the Wagon Mound senior center in Mora county;

(82) forty-six thousand dollars (\$46,000) to purchase and equip vehicles for Sacramento Mountain senior services in Cloudcroft in Otero county;

(83) seventy-five thousand dollars (\$75,000) to purchase and equip vehicles for the Mescalero Apache senior center in Mescalero in Otero county;

(84) three thousand five hundred dollars (\$3,500) to purchase and install meals equipment in the Mayhill community center in Otero county;

(85) three hundred seventy-five thousand dollars (\$375,000) to construct, renovate and improve infrastructure at the Tularosa senior center in Otero county;

(86) two hundred eighty-seven thousand one hundred thirty dollars (\$287,130) to plan, design, renovate and equip the Tularosa senior center in Otero county;

(87) one thousand three hundred dollars (\$1,300) to purchase and install equipment in the Logan senior center in Quay county;

(88) five thousand seven hundred dollars (\$5,700) to purchase and install meals equipment in the Logan senior center in Quay county;

(89) three thousand four hundred ninety dollars (\$3,490) to purchase and install meals equipment in senior centers countywide in Quay county;

(90) one hundred ninety thousand dollars (\$190,000) to purchase and equip vehicles for senior centers countywide in Quay county;

(91) one hundred eight thousand nine hundred dollars (\$108,900) to make improvements for building code compliance, including purchase and installation of equipment, to the Tucumcari senior center in Quay county;

(92) twenty-two thousand dollars (\$22,000) to purchase and equip vehicles for the eight northern Indian pueblos council in Ohkay Owingeh in Rio Arriba county;

(93) thirty-four thousand nine hundred dollars (\$34,900) to make improvements for building code compliance, including purchase and installation of equipment, to the Espanola senior center in Rio Arriba county;

(94) fifty-four thousand dollars (\$54,000) to purchase and equip vehicles for the Jicarilla Apache senior center in Dulce in Rio Arriba county;

(95) thirty-four thousand dollars (\$34,000) to purchase and equip vehicles for the Ohkay Owingeh senior center in Rio Arriba county;

(96) twelve thousand one hundred dollars (\$12,100) to plan, design, renovate and equip the Coyote senior center in Rio Arriba county;

(97) sixty-one thousand seven hundred dollars (\$61,700) to plan, design, renovate and equip El Rito community center serving seniors in Rio Arriba county;

(98) two thousand eight hundred dollars (\$2,800) to purchase and install equipment in senior centers countywide in Rio Arriba county;

(99) four hundred thousand dollars (\$400,000) to purchase and equip vehicles for senior centers countywide in Rio Arriba county;

(100) ten thousand nine hundred thirty dollars (\$10,930) to make improvements for building code compliance, including purchase and installation of equipment, to the adult daycare facility in the Pueblo of Santa Clara in Rio Arriba county;

(101) seventy-four thousand five hundred thirty dollars (\$74,530) to make improvements for building code compliance, including purchase and installation of equipment, to the senior center in the Pueblo of Santa Clara in Rio Arriba county;

(102) twenty-one thousand one hundred twenty dollars (\$21,120) to purchase and install meals equipment in the senior center in the Pueblo of Santa Clara in Rio Arriba county;

(103) five thousand dollars (\$5,000) to plan, design, renovate and equip the senior center in the Pueblo of Santa Clara in Rio Arriba county;

(104) ninety thousand dollars (\$90,000) to purchase and equip vehicles for the senior center in the Pueblo of Santa Clara in Rio Arriba county;

(105) one hundred twenty-five thousand dollars (\$125,000) to purchase and equip vehicles for senior centers in Portales in Roosevelt county;

(106) seven thousand seven hundred dollars (\$7,700) to purchase and install equipment in the Aztec senior center in San Juan county;

(107) sixteen thousand nine hundred dollars (\$16,900) to make improvements for building code compliance, including purchase and installation of equipment, to the Aztec senior center in San Juan county;

(108) sixteen thousand dollars (\$16,000) to plan, design, renovate and equip the Aztec senior center in San Juan county;

(109) fifty-four thousand dollars (\$54,000) to purchase and equip vehicles for the Aztec senior center in San Juan county;

(110) forty-eight thousand dollars (\$48,000) to purchase and equip vehicles for the Bloomfield senior center in San Juan county;

(111) twenty-three thousand dollars (\$23,000) to purchase and install equipment in the Bonnie Dallas senior center in Farmington in San Juan county;

(112) fourteen thousand six hundred forty dollars (\$14,640) to purchase and install meals equipment in the Bonnie Dallas senior center in Farmington in San Juan county;

(113) one hundred sixty-eight thousand six hundred dollars (\$168,600) to plan, design, renovate and equip the Bonnie Dallas senior center in Farmington in San Juan county;

(114) seventy thousand dollars (\$70,000) to purchase and equip vehicles for the Bonnie Dallas senior center in Farmington in San Juan county;

(115) twenty thousand dollars (\$20,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Bonnie Dallas senior center in Farmington in San Juan county;

(116) thirteen thousand two hundred ten dollars (\$13,210) to purchase and install meals equipment in the Hogback senior center in the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county;

(117) thirty-four thousand dollars (\$34,000) to purchase and equip vehicles for the Hogback senior center in the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county;

(118) one hundred eighty thousand dollars (\$180,000) to make improvements for building code compliance, including purchase and installation of equipment, to the senior center in the Newcomb chapter of the Navajo Nation in San Juan county;

(119) twelve thousand five hundred dollars (\$12,500) to purchase and install meals equipment in the senior center in the Newcomb chapter of the Navajo Nation in San Juan county;

(120) one thousand dollars (\$1,000) to purchase and install equipment in the Mitten Rock senior center in the Red Valley chapter of the Navajo Nation in San Juan county;

(121) nine thousand three hundred fifty dollars (\$9,350) to purchase and install meals equipment in the Mitten Rock senior center in the Red Valley chapter of the Navajo Nation in San Juan county;

(122) four thousand six hundred dollars (\$4,600) to make improvements for building code compliance, including purchase and installation of equipment, to the Blanco senior center in San Juan county;

(123) seventy-eight thousand dollars (\$78,000) to purchase and equip vehicles for the Blanco senior center in San Juan county;

(124) two thousand five hundred ten dollars (\$2,510) to purchase and install equipment in the senior center in the Sheepsprings chapter of the Navajo Nation in San Juan county;

(125) seven thousand three hundred eighty dollars (\$7,380) to purchase and install meals equipment in the Sheepsprings chapter of the Navajo Nation in San Juan county;

(126) twelve thousand eight hundred dollars (\$12,800) to purchase and install meals equipment in the Lower Valley senior center in the Upper Fruitland chapter of the Navajo Nation in San Juan county;

(127) eleven thousand dollars (\$11,000) to plan, design, renovate and equip the Lower Valley senior center in the Upper Fruitland chapter of the Navajo Nation in San Juan county;

(128) twenty-seven thousand dollars (\$27,000) to purchase and equip vehicles for the Lower Valley senior center in the Upper Fruitland chapter of the Navajo Nation in San Juan county;

(129) sixty thousand dollars (\$60,000) to plan, design, renovate and equip Las Vegas senior center in San Miguel county;

(130) thirty-three thousand five hundred dollars (\$33,500) to purchase and install meals equipment in the Las Vegas, Pecos and San Miguel senior centers in San Miguel county;

(131) four hundred twenty-five thousand dollars (\$425,000) to purchase and equip vehicles for the Las Vegas, Pecos and San Miguel senior centers in San Miguel county;

(132) one million eight hundred fifty thousand dollars (\$1,850,000) to construct, renovate and improve infrastructure at the Bernalillo senior center in Sandoval county;

(133) three thousand five hundred dollars (\$3,500) to purchase and install equipment in the senior center in the Pueblo of Cochiti in Sandoval county;

(134) six thousand seven hundred dollars (\$6,700) to make improvements for building code compliance, including purchase and installation of equipment, to the senior center in the Pueblo of Cochiti in Sandoval county;

(135) seventy-nine thousand dollars (\$79,000) to purchase and equip vehicles for the senior center in the Pueblo of Cochiti in Sandoval county;

(136) twenty-one thousand five hundred ninety dollars (\$21,590) to purchase and install meals equipment in the senior center in the Pueblo of Cochiti in Sandoval county;

(137) three thousand eighty dollars (\$3,080) to plan, design, renovate and equip the Cuba senior center in Sandoval county;

(138) two thousand eight hundred ninety dollars (\$2,890) to purchase and install meals equipment in the senior center in the Pueblo of Jemez in Sandoval county;

(139) one hundred thousand dollars (\$100,000) to purchase and equip vehicles for the senior center in the Pueblo of Jemez in Sandoval county;

(140) fifty-five thousand six hundred dollars (\$55,600) to purchase and install equipment in the Meadowlark senior center in Rio Rancho in Sandoval county;

(141) seventy-five thousand dollars (\$75,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Meadowlark senior center in Rio Rancho in Sandoval county;

(142) forty-six thousand eight hundred seventy dollars (\$46,870) to purchase and install meals equipment in the Meadowlark senior center in Rio Rancho in Sandoval county;

(143) forty-six thousand two hundred dollars (\$46,200) to plan, design, renovate and equip the Meadowlark senior center in Rio Rancho in Sandoval county;

(144) ninety thousand dollars (\$90,000) to purchase and equip vehicles for the senior center in the Pueblo of San Felipe in Sandoval county;

(145) five thousand nine hundred dollars (\$5,900) to purchase and install equipment in senior centers countywide in Sandoval county;

(146) three thousand three hundred thirty dollars (\$3,330) to purchase and install meals equipment in senior centers countywide in Sandoval county;

(147) two hundred fifteen thousand dollars (\$215,000) to purchase and equip vehicles for senior centers countywide in Sandoval county;

(148) six thousand six hundred dollars (\$6,600) to plan, design, renovate and equip the senior center in the Pueblo of Santo Domingo in Sandoval county;

(149) four hundred forty thousand dollars (\$440,000) to construct, renovate and improve infrastructure at the senior center in the Torreon chapter of the Navajo Nation in Sandoval county;

(150) two thousand nine hundred ninety dollars (\$2,990) to purchase and install equipment in the senior center in the Pueblo of Nambe in Santa Fe county;

(151) nine thousand nine hundred seventy dollars (\$9,970) to plan, design, renovate and equip the senior center in the Pueblo of Nambe in Santa Fe county;

(152) twelve thousand ten dollars (\$12,010) to purchase and install equipment in the senior center in the Pueblo of Pojoaque in Santa Fe county;

(153) twenty-seven thousand dollars (\$27,000) to make improvements for building code compliance, including purchase and installation of equipment, to the senior center in the Pueblo of Pojoaque in Santa Fe county;

(154) twenty thousand seven hundred thirty dollars (\$20,730) to purchase and install meals equipment in the senior center in the Pueblo of Pojoaque in Santa Fe county;

(155) forty-two thousand dollars (\$42,000) to purchase and equip vehicles for the senior center in the Pueblo of Pojoaque in Santa Fe county;

(156) two thousand nine hundred ninety dollars (\$2,990) to purchase and install equipment in the senior center in the Pueblo of San Ildefonso in Santa Fe county;

(157) five hundred thousand dollars (\$500,000) to purchase and equip vehicles for senior centers citywide in Santa Fe in Santa Fe county;

(158) seventy-six thousand dollars (\$76,000) to purchase and equip vehicles for senior centers countywide in Santa Fe county;

(159) one hundred seventy-eight thousand one hundred dollars (\$178,100) to make improvements for building code compliance, including purchase

and installation of equipment, to the Mary Esther Gonzales senior center in Santa Fe in Santa Fe county;

(160) seventy-seven thousand three hundred eighty dollars (\$77,380) to purchase and install equipment in the Mary Esther Gonzales and Villa Consuelo senior centers in Santa Fe in Santa Fe county;

(161) one hundred seventy-five thousand dollars (\$175,000) to purchase and install meals equipment in the Mary Esther Gonzales and Villa Consuelo senior centers in Santa Fe in Santa Fe county;

(162) one hundred forty-seven thousand nine hundred dollars (\$147,900) to make improvements for building code compliance, including purchase and installation of equipment, to the Villa Consuelo senior center in Santa Fe in Santa Fe county;

(163) three thousand seventy dollars (\$3,070) to purchase and install meals equipment in the Arrey community center in Sierra county;

(164) fifty-four thousand dollars (\$54,000) to purchase and equip vehicles for the Sierra joint office on aging in Truth or Consequences in Sierra county;

(165) one thousand five hundred ninety dollars (\$1,590) to purchase and install meals equipment in the Hacienda Orgullo meal site in Truth or Consequences in Sierra county;

(166) twenty-five thousand dollars (\$25,000) to purchase and install equipment in senior centers countywide in Socorro county;

(167) eight thousand two hundred fifty dollars (\$8,250) to purchase and install meals equipment in senior centers countywide in Socorro county;

(168) fifty-four thousand dollars (\$54,000) to purchase and equip vehicles for senior centers countywide in Socorro county;

(169) twenty-six thousand dollars (\$26,000) to plan, design, renovate and equip the Chamisal senior center in Taos county;

(170) two thousand nine hundred ninety dollars (\$2,990) to purchase and install equipment in the senior center in the Pueblo of Picuris in Taos county;

(171) seven thousand dollars (\$7,000) to make improvements for building code compliance, including purchase and installation of equipment, to the senior center in the Pueblo of Picuris in Taos county;

(172) nine thousand eight hundred seventy dollars (\$9,870) to purchase and install meals equipment in the senior center in the Pueblo of Picuris in Taos county;

(173) sixty-three thousand dollars (\$63,000) to purchase and equip vehicles for the senior center in the Pueblo of Picuris in Taos county;

(174) fifty-two thousand five hundred forty dollars (\$52,540) to purchase and install meals equipment in senior centers countywide in Taos county;

(175) two hundred ninety-five thousand dollars (\$295,000) to purchase and equip vehicles for senior centers countywide in Taos county;

(176) nineteen thousand eight hundred forty dollars (\$19,840) to purchase and install equipment in the Phil Lovato senior center in Taos in Taos county;

(177) one hundred sixty-two thousand five hundred dollars (\$162,500) to make improvements for building code compliance, including purchase and installation of equipment, to the Phil Lovato senior center in Taos in Taos county;

(178) twenty thousand dollars (\$20,000) to plan, design, renovate and equip the Phil Lovato senior center in Taos in Taos county;

(179) seven thousand six hundred dollars (\$7,600) to plan, design, renovate and equip the senior center in the Pueblo of Taos in Taos county;

(180) two thousand dollars (\$2,000) to purchase and install equipment in the Estancia senior center in Torrance county;

(181) nine thousand nine hundred sixty dollars (\$9,960) to purchase and install meals equipment in the Mountainair, Estancia and Moriarty senior centers in Torrance county;

(182) sixty-eight thousand one hundred dollars (\$68,100) to plan, design, renovate and equip the Clayton senior center in Union county;

(183) twenty-seven thousand dollars (\$27,000) to purchase and equip vehicles for the Clayton senior center in Union county;

(184) fifteen thousand dollars (\$15,000) to purchase and install equipment in the Belen senior center in Valencia county;

(185) twenty thousand dollars (\$20,000) to purchase and install meals equipment in the Belen senior center in Valencia county;

(186) one hundred fifty-four thousand dollars (\$154,000) to plan, design, renovate and equip the Belen senior center in Valencia county;

(187) three hundred thousand dollars (\$300,000) to construct, renovate and improve infrastructure at the Fred Luna senior center in Los Lunas in Valencia county;

(188) fifty thousand dollars (\$50,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Meadowlake senior center in Los Lunas in Valencia county; and

(189) two hundred eighty thousand dollars (\$280,000) to purchase and equip vehicles for senior centers countywide in Valencia county;

B. for library acquisitions at public libraries, public school libraries, academic libraries and tribal libraries statewide:

(1) to the cultural affairs department:

(a) three million dollars (\$3,000,000) for equipment and supplemental library resource acquisitions, including print, non-print and electronic resources, for non-tribal public libraries statewide; and

(b) eight hundred thousand dollars (\$800,000) for equipment and supplemental library resource acquisitions, including print, non-print and electronic resources, at tribal libraries statewide;

(2) to the higher education department, three million five hundred thousand dollars (\$3,500,000) for supplemental library resource acquisitions, including books, equipment, electronic resources and collaborative library resources and information technology projects, for academic libraries statewide; and

(3) to the public education department, three million five hundred thousand dollars (\$3,500,000) for library resource acquisitions, including library books, at public school libraries statewide; and

C. for capital improvements at institutions of higher education, special schools and tribal schools statewide:

(1) to the board of regents of eastern New Mexico university:

(a) three million dollars (\$3,000,000) for critical health and safety infrastructure improvements campuswide, including demolition, at the Roswell branch campus of eastern New Mexico university in Chaves county;

(b) three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct, renovate, equip and furnish the main entrance at the Ruidoso branch community college of eastern New Mexico university in Lincoln county; and

(c) eleven million dollars (\$11,000,000) to plan, design, construct, renovate, equip and furnish the Golden library, including renovating additional space to be part of the Golden student success center, at eastern New Mexico university in Portales in Roosevelt county;

(2) to the higher education department:

(a) ten million dollars (\$10,000,000) to plan, design, construct, renovate, equip and furnish Smith Brasher hall at central New Mexico community college in Albuquerque in Bernalillo county;

(b) five hundred thousand dollars (\$500,000) for roof repairs and replacement campuswide at Clovis community college in Curry county;

(c) five million dollars (\$5,000,000) to plan, design, construct, equip and furnish a health and wellness learning center for New Mexico junior college in Hobbs in Lea county;

(d) one million three hundred eighty thousand dollars (\$1,380,000) to plan, design, construct, renovate, equip and furnish improvements at the satellite campuses of Luna community college in Santa Rosa in Guadalupe county and Springer in Colfax county;

(e) six hundred fifty thousand dollars (\$650,000) for roof renovations and replacement of buildings A, C and D and for critical infrastructure improvements, including heating, ventilation and air conditioning systems, at Mesalands community college in Tucumcari in Quay county;

(f) four million dollars (\$4,000,000) to plan, design, construct, renovate, equip and furnish the school of science, math and engineering, including improvements to erosion control, at San Juan college in Farmington in San Juan county; and

(g) two million dollars (\$2,000,000) for critical health and safety infrastructure improvements campuswide at Santa Fe community college in Santa Fe county;

(3) to the board of regents of New Mexico highlands university, five million dollars (\$5,000,000) for critical health and safety infrastructure improvements, including electrical distribution and fire systems, campuswide at New Mexico highlands university in Las Vegas in San Miguel county;

(4) to the board of regents of New Mexico institute of mining and technology, fifteen million dollars (\$15,000,000) to plan, design, construct, equip and furnish a facility to house the chemistry department at the New Mexico institute of mining and technology in Socorro in Socorro county;

(5) to the board of regents of New Mexico military institute, four million eight hundred thousand dollars (\$4,800,000) to plan, design, construct, renovate, equip and furnish Marshall hall at the New Mexico military institute in Roswell in Chaves county;

(6) to the board of regents of New Mexico state university:

(a) one million three hundred thousand dollars (\$1,300,000) to plan, design, construct and renovate critical health and safety infrastructure improvements to Martinez hall and for other infrastructure improvements campuswide at the Grants campus of New Mexico state university in Cibola county;

(b) nineteen million two hundred thousand dollars (\$19,200,000) to plan, design, construct, renovate, equip, furnish and make additions to Jett hall, Jett annex, Rentfrow hall and surrounding areas, including additions and improvements to utilities infrastructure, at New Mexico state university in Las Cruces in Dona Ana county;

(c) two million dollars (\$2,000,000) to plan, design, construct, renovate and equip critical health and safety infrastructure improvements campuswide at the Dona Ana community college branch of New Mexico state university in Dona Ana county;

(d) one million six hundred thousand dollars (\$1,600,000) to plan, design, construct, renovate and equip health and safety infrastructure improvements campuswide at the Carlsbad campus of New Mexico state university in Eddy county; and

(e) one million dollars (\$1,000,000) to plan, design, construct, renovate and equip infrastructure upgrades and replacement at the Alamogordo campus of New Mexico state university in Otero county;

(7) to the board of regents of northern New Mexico state school, two million dollars (\$2,000,000) for land acquisition and critical health and safety infrastructure improvements at the El Rito and Espanola campuses of northern New Mexico state school in Rio Arriba county;

(8) to the board of regents of the university of New Mexico:

(a) twenty million five hundred thousand dollars (\$20,500,000) to design, construct, renovate, equip and furnish the Farris engineering

building to house the chemical and nuclear engineering and computer science programs in the school of engineering at the university of New Mexico in Albuquerque in Bernalillo county;

(b) twelve million dollars (\$12,000,000) to plan, design, construct, renovate, equip and furnish a health education building, including laboratories, study space and classrooms, at the health sciences center at the university of New Mexico in Albuquerque in Bernalillo county;

(c) five hundred thousand dollars (\$500,000) to plan, design, construct, renovate, equip and furnish the emergency medical services classroom laboratory and training area at the Los Alamos branch campus of the university of New Mexico in Los Alamos county;

(d) one million dollars (\$1,000,000) to plan, design, renovate, construct, equip and furnish the Zollinger library and lower shell space at the Gallup branch campus of the university of New Mexico in McKinley county;

(e) four million dollars (\$4,000,000) to design, construct, renovate, equip and furnish the health career training center for the Taos branch campus of the university of New Mexico in Taos county; and

(f) one million dollars (\$1,000,000) for critical health and safety infrastructure improvements campuswide at the Valencia branch campus of the university of New Mexico in Los Lunas in Valencia county;

(9) to the board of regents of western New Mexico university, six million dollars (\$6,000,000) to plan, design, construct, renovate, equip and furnish Light and Harlan halls and to plan, design, construct and renovate, including utility infrastructure, Fleming hall at western New Mexico university in Silver City in Grant county; and

(10) to the Indian affairs department:

(a) two million dollars (\$2,000,000) to plan, design, construct, equip and furnish the multipurpose wellness and education center at Navajo technical university in Crownpoint in McKinley county;

(b) five hundred thousand dollars (\$500,000) to plan and design a math and science building at Dine college in Shiprock in San Juan county;

(c) two million dollars (\$2,000,000) to plan, design, construct, equip and furnish a multipurpose fitness and performing arts center at the institute of American Indian arts in Santa Fe county; and

(d) five hundred thousand dollars (\$500,000) for upgrades to the youth activity complex, including improvements to the grounds and site, security lighting and drainage, at Santa Fe Indian school in Santa Fe in Santa Fe county.

Chapter 65 Section 11 Laws 2014

SECTION 11. ELECTION.--

A. Bonds issued pursuant to the 2014 Capital Projects General Obligation Bond Act shall be submitted to the registered voters of the state at the general election to be held in November 2014, and, if they receive a majority of all the votes cast thereon at such election, shall take effect upon certification of the state canvassing board announcing the results of the election. No bonds shall be issued or sold under that act until the registered voters of this state have voted upon and approved the bonds and property tax as provided in this section. Any bonds issued under that act shall be issued within thirty months from the date of such election.

B. The ballots used at the 2014 general election shall contain substantially the following language:

(1) "The 2014 Capital Projects General Obligation Bond Act authorizes the issuance and sale of senior citizen facility improvement, construction and equipment acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed seventeen million dollars (\$17,000,000) to make capital expenditures for certain senior citizen facility improvement, construction and equipment acquisition projects and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____";

(2) "The 2014 Capital Projects General Obligation Bond Act authorizes the issuance and sale of library acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed eleven million dollars (\$11,000,000) to make capital expenditures for academic, public school, tribal and public library resource acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____"; and

(3) "The 2014 Capital Projects General Obligation Bond Act authorizes the issuance and sale of higher education, special schools and tribal schools capital improvement and acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed one hundred forty-one million dollars (\$141,000,000) to make capital expenditures for certain higher education,

special schools and tribal schools capital improvements and acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____".

C. Each question set forth in this section includes a specific work or object to be financed by the bonds. If any such question is not approved by a majority vote of the electorate at the state's 2014 general election, the issuance of bonds for the work or object specified by the question shall be excluded from and shall not be part of the 2014 Capital Projects General Obligation Bond Act. The failure of a question to be approved by the electorate at the 2014 general election shall not affect those questions that are approved at the election.

D. The secretary of state shall include the submission of the capital projects general obligation bonds to the people at the 2014 general election, and it shall be included in the general election proclamation of each of the county clerks. The secretary of state shall cause the 2014 Capital Projects General Obligation Bond Act to be published in full in at least one newspaper in each county of the state if one be published therein, once each week, for four successive weeks next preceding the general election as required by the constitution of New Mexico.

Chapter 65 Section 12 Laws 2014

SECTION 12. ART IN PUBLIC PLACES.--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in the 2014 Capital Projects General Obligation Bond Act include money for the art in public places fund.

Chapter 65 Section 13 Laws 2014

SECTION 13. PROJECT SCOPE--EXPENDITURES--REVERSION.--

A. If an appropriation for a project authorized in the 2014 Capital Projects General Obligation Bond Act is not sufficient to complete all the purposes specified, the appropriation may be expended for any portion of the purposes specified in the appropriation. Expenditures shall not be made for purposes other than those specified in the appropriation.

B. The state agencies and state institutions to which money has been appropriated in the 2014 Capital Projects General Obligation Bond Act shall be responsible for monitoring the projects funded in that act to ensure compliance with the constitution and laws of New Mexico and shall cause to be reverted any unexpended or unencumbered balance remaining at the earlier of the third full fiscal year after issuance of the bonds or the termination or completion of the specific project. Reverted funds

shall be deposited in the debt service fund established by the state treasurer for the purpose of paying the principal of and interest on the state's general obligation bonds.

Chapter 65 Section 14 Laws 2014

SECTION 14. SEVERABILITY.--If any part or application of the 2014 Capital Projects General Obligation Bond Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Chapter 65 Section 15 Laws 2014

SECTION 15. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SFC/Senate Bill 53, w/ec

Approved March 11, 2014

LAWS 2014, CHAPTER 66

AN ACT

RELATING TO CAPITAL EXPENDITURES; ENACTING THE 2014 WORK NEW MEXICO ACT; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS; AUTHORIZING EXPENDITURES FROM CERTAIN FUNDS AND BALANCES; CLARIFYING CONDITIONS FOR THE ISSUANCE OF BONDS; ESTABLISHING CONDITIONS FOR THE EXPENDITURE OF SEVERANCE TAX BOND PROCEEDS; ESTABLISHING CONDITIONS FOR THE REVERSION OF UNEXPENDED BALANCES; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Chapter 66 Section 1 Laws 2014

SECTION 1. SHORT TITLE.--This act may be cited as the "2014 Work New Mexico Act".

Chapter 66 Section 2 Laws 2014

SECTION 2. 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 the 2014 Work New Mexico 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 the 2014 Work New Mexico Act.

B. The agencies named in the 2014 Work New Mexico 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 that act. If an agency has not certified the need for severance tax bond proceeds for a particular project, including projects that have been reauthorized, by the end of fiscal year 2016, 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 the 2014 Work New Mexico 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 2018; and

(2) all remaining balances from the proceeds of severance tax bonds appropriated for a project in the 2014 Work New Mexico 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 the 2014 Work New Mexico Act shall not be used to pay indirect project costs.

F. Except for a project that was originally funded using a tax-exempt loan or bond issue, a project involving repayment of debt previously incurred shall be funded through the issuance of taxable severance tax bonds with a term that does not extend beyond the fiscal year in which they are issued.

G. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

Chapter 66 Section 3 Laws 2014

SECTION 3. GENERAL FUND AND OTHER FUND APPROPRIATIONS--LIMITATIONS--REVERSIONS.--

A. Except as otherwise specifically provided by law:

(1) the unexpended balance of an appropriation made in the 2014 Work New Mexico Act from the general fund or other state funds shall revert no later than the following dates:

(a) for a project for which an appropriation was made to match federal grants, six months after completion of the project;

(b) for a project for which an appropriation was made to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year two years following the fiscal year in which the appropriation was made for the purchase; and

(c) for any other project for which an appropriation was made, within six months of completion of the project, but no later than the end of fiscal year 2018; and

(2) all remaining balances from an appropriation made in the 2014 Work New Mexico 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 the 2014 Work New Mexico Act shall not be used to pay indirect project costs.

C. Except as provided in Subsection E of this section, the balance of an appropriation made from the general fund shall revert in the time frame set forth in Subsection A of this section to the capital projects fund.

D. Except as provided in Subsection E of this section, the balance of an appropriation made from other state funds shall revert in the time frame set forth in Subsection A of this section to the originating fund.

E. The balance of an appropriation made from the general fund or other state fund to the Indian affairs department or the aging and long-term services department for a project located on lands of an Indian nation, tribe or pueblo shall revert in the time frame set forth in Subsection A of this section to the tribal infrastructure project fund.

F. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

Chapter 66 Section 4 Laws 2014

SECTION 4. AGING AND LONG-TERM SERVICES DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the aging and long-term services department that the need exists for the issuance of the bonds, the following amounts are appropriated to the aging and long-term services department for the following purposes:

~~[1. five thousand dollars (\$5,000) to purchase, plan, design, construct, renovate, equip and furnish the department of senior affairs home service facility in Albuquerque in Bernalillo county;]~~ *LINE-ITEM VETO*

2. one hundred seven thousand five hundred dollars (\$107,500) to plan, design, renovate and improve the North Domingo Baca multigenerational center in Albuquerque in Bernalillo county;

3. one hundred twenty thousand dollars (\$120,000) to plan, design, construct, renovate, equip and furnish the North Valley senior center in Albuquerque in Bernalillo county;

~~[4. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip an exercise center and to purchase a van for the senior center in the Pueblo of Acoma in Cibola county;] *LINE-ITEM VETO*~~

5. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a parking lot, including lighting, at the senior center in the Chichiltah chapter of the Navajo Nation in McKinley county; and

6. fifty thousand dollars (\$50,000) to design and construct an addition to the senior center in the Two Grey Hills chapter of the Navajo Nation in San Juan county.

Chapter 66 Section 5 Laws 2014

SECTION 5. STATE ARMORY BOARD PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the state armory board that the need exists for the issuance of the bonds, five hundred thousand dollars (\$500,000) is appropriated to the state armory board for improvements, repairs and demolition, including energy-efficient systems, to correct infrastructure deficiencies and staging areas at facilities statewide.

Chapter 66 Section 6 Laws 2014

SECTION 6. CAPITAL PROGRAM FUND PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the facilities management division of the general services department that the need exists for the issuance of the bonds, the following amounts are appropriated to the capital program fund for the following purposes:

1. one hundred sixty thousand dollars (\$160,000) to plan, design and construct offices, a civil rights museum and library for the Martin Luther King, Jr. commission in Bernalillo or Sandoval county; and

2. two million dollars (\$2,000,000) to plan, design, repair and renovate correctional facilities statewide to address security and safety hazards, operational interruptions and facility deterioration.

Chapter 66 Section 7 Laws 2014

SECTION 7. CULTURAL AFFAIRS DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the cultural affairs department that the need exists for the issuance of the bonds, the following amounts are appropriated to the cultural affairs department for the following purposes:

1. one hundred ten thousand dollars (\$110,000) to replace the planetarium projection system at the New Mexico museum of natural history and science in Albuquerque in Bernalillo county;

2. one hundred thirty-five thousand dollars (\$135,000) to purchase and install dividers in classrooms and the multipurpose hall of the education building at the national Hispanic cultural center in Albuquerque in Bernalillo county;

3. five hundred sixty-four thousand dollars (\$564,000) to plan, design, construct, equip and furnish an information and welcome center at the entrance of the national Hispanic cultural center in Albuquerque in Bernalillo county;

4. ninety-six thousand five hundred dollars (\$96,500) to plan, design and construct improvements and repairs to the center for contemporary arts in Santa Fe in Santa Fe county; and

~~5. twenty-five thousand dollars (\$25,000) to purchase, design and construct a bookmobile vehicle for the New Mexico state library.]~~ *LINE-ITEM VETO*

Chapter 66 Section 8 Laws 2014

SECTION 8. CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the Cumbres and Toltec scenic railroad commission that the need exists for the issuance of the bonds, the following amounts are appropriated to the Cumbres and Toltec scenic railroad commission for the following purposes:

1. one hundred thousand dollars (\$100,000) for land acquisition and extension of track for the Cumbres and Toltec scenic railroad that operates between New Mexico and Colorado; and

2. eighty-five thousand dollars (\$85,000) to purchase and upgrade narrow gauge diesel locomotive number 15 for the Cumbres and Toltec scenic railroad that operates between New Mexico and Colorado.

Chapter 66 Section 9 Laws 2014

SECTION 9. DISTRICT ATTORNEY OF THE TENTH JUDICIAL DISTRICT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the district attorney of the tenth judicial district that the need exists for the issuance of the bonds, the following amounts are appropriated to the district attorney of the tenth judicial district for the following purposes:

1. twenty-four thousand dollars (\$24,000) to furnish and equip an office in the county courthouse for the tenth judicial district attorney in Fort Sumner in De Baca county; and

2. fifteen thousand dollars (\$15,000) to replace a computer server for the tenth judicial district attorney's office in Tucumcari in Quay county.

Chapter 66 Section 10 Laws 2014

SECTION 10. FIRST JUDICIAL DISTRICT COURT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the first judicial district court that the need exists for the issuance of the bonds, the following amounts are appropriated to the first judicial district court for the following purposes:

1. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, for the first judicial district courthouse in Santa Fe in Santa Fe county; [and

~~2. twenty-five thousand dollars (\$25,000) to purchase and install outdoor public seating at the first judicial district courthouse in Santa Fe in Santa Fe county.]~~
LINE-ITEM VETO

Chapter 66 Section 11 Laws 2014

SECTION 11. SECOND JUDICIAL DISTRICT COURT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the second judicial district court that the need exists for the issuance of the bonds, the following amounts are appropriated to the second judicial district court for the following purposes:

1. ninety thousand dollars (\$90,000) to purchase and install a court reporting system in courtrooms in the second judicial district court in Albuquerque in Bernalillo county[;

~~2. one hundred fifty-five thousand dollars (\$155,000) to purchase and install evidence presentation systems in courtrooms in the second judicial district court in Albuquerque in Bernalillo county; and~~

~~3. seventy thousand dollars (\$70,000) to purchase and install a telephone system in the second judicial district court facilities in Bernalillo county].~~ *LINE-ITEM VETO*

Chapter 66 Section 12 Laws 2014

SECTION 12. ECONOMIC DEVELOPMENT DEPARTMENT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the economic development department that the need exists for the issuance of the bonds, five million dollars (\$5,000,000) is appropriated to the economic development department for economic development projects statewide pursuant to the Local Economic Development Act.

Chapter 66 Section 13 Laws 2014

SECTION 13. PUBLIC EDUCATION DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the public education department that the need exists for the issuance of the bonds, the following amounts are appropriated to the public education department for the following purposes:

~~[1. fifty thousand dollars (\$50,000) to plan, design, construct, purchase and install infrastructure improvements and bleachers in the gymnasium at Eldorado high school in the Albuquerque public school district in Bernalillo county;]~~ *LINE-ITEM VETO*

2. twenty-five thousand dollars (\$25,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and drainage, at Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;

3. four thousand dollars (\$4,000) to plan, design, equip and furnish Alameda elementary school in the Albuquerque public school district in Bernalillo county;

4. forty thousand dollars (\$40,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and drainage, at Alameda elementary school in the Albuquerque public school district in Bernalillo county;

5. seventy-five thousand dollars (\$75,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Alamosa elementary school in the Albuquerque public school district in Bernalillo county;

6. fifty thousand dollars (\$50,000) to construct an expansion at the Albuquerque institute for mathematics and science in Albuquerque in Bernalillo county;

7. two hundred eighty thousand dollars (\$280,000) to plan, design, construct, equip and renovate the grounds and playgrounds, including fencing, drainage and landscaping improvements, at the autism center in the Albuquerque public school district in Bernalillo county;

8. thirty-five thousand dollars (\$35,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at the autism center in the Albuquerque public school district in Bernalillo county;

9. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, for special education transition services in the Albuquerque public school district in Bernalillo county;

~~[10. fifty thousand dollars (\$50,000) to purchase and install a scoreboard and athletic equipment for the Albuquerque high school baseball program in the Albuquerque public school district in Bernalillo county;]~~ *LINE-ITEM VETO*

11. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Albuquerque high school in the Albuquerque public school district in Bernalillo county;

12. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Alvarado elementary school in the Albuquerque public school district in Bernalillo county;

13. five thousand dollars (\$5,000) to design, construct and equip a building security system at Amy Biehl high school in Albuquerque in Bernalillo county;

14. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and furnish renovations to the front offices, interior walls and heating, ventilation and air conditioning system at Amy Biehl high school in Albuquerque in Bernalillo county;

15. thirteen thousand seven hundred fifty dollars (\$13,750) to purchase and install a security fence and gate for the back dock and alley area with security cameras and lighting at Amy Biehl high school in Albuquerque in Bernalillo county;

16. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Apache elementary school in the Albuquerque public school district in Bernalillo county;

17. seventy-five thousand dollars (\$75,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Apache elementary school in the Albuquerque public school district in Bernalillo county;

18. one hundred thousand dollars (\$100,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Del Norte and Valley high schools, Garfield middle school, the juvenile detention center

educational unit and Griegos, La Luz, Los Ranchos, MacArthur and Mission Avenue elementary schools in the Albuquerque public school district in Bernalillo county;

19. eighty-seven thousand dollars (\$87,000) to purchase a transportation trailer and to equip the junior reserves officers training corps program in the Albuquerque public school district in Bernalillo county;

20. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Armijo elementary school in the Albuquerque public school district in Bernalillo county;

21. one hundred thousand dollars (\$100,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Arroyo del Oso elementary school in the Albuquerque public school district in Bernalillo county;

22. seventy-five thousand dollars (\$75,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Atrisco elementary school in the Albuquerque public school district in Bernalillo county;

23. thirty-five thousand dollars (\$35,000) to purchase and install information technology, including related furniture, equipment and infrastructure, at Atrisco Heritage high school in the Albuquerque public school district in Bernalillo county;

24. twenty-five thousand dollars (\$25,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and drainage, at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

25. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

26. twenty thousand dollars (\$20,000) to purchase and install library equipment, furniture, information technology and infrastructure at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

27. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Bel-Air elementary school in the Albuquerque public school district in Bernalillo county;

28. twenty-five thousand dollars (\$25,000) to purchase and install information technology, a sound system, projectors and digital audio production equipment, including related equipment, furniture and infrastructure, at the career enrichment center in the Albuquerque public school district in Bernalillo county;

29. fifty-five thousand dollars (\$55,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and drainage, at Carlos Rey elementary school in the Albuquerque public school district in Bernalillo county;

30. forty thousand dollars (\$40,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Carlos Rey elementary school in the Albuquerque public school district in Bernalillo county;

31. seventy thousand dollars (\$70,000) to purchase and install security cameras and information technology, including related furniture, equipment and infrastructure, at Carlos Rey elementary school in the Albuquerque public school district in Bernalillo county;

32. eighty thousand dollars (\$80,000) to purchase and install information technology, including related equipment, furniture and infrastructure, and an awning at Cesar Chavez community school in Albuquerque in Bernalillo county;

33. six thousand dollars (\$6,000) to plan, design, equip and furnish Chamiza elementary school in the Albuquerque public school district in Bernalillo county;

34. two thousand five hundred dollars (\$2,500) to purchase and install library equipment, furniture, information technology and infrastructure at Chamiza elementary school in the Albuquerque public school district in Bernalillo county;

35. seventy-five thousand dollars (\$75,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;

36. twenty-five thousand dollars (\$25,000) to plan, design, construct, renovate, improve and equip the grounds and playgrounds, including fencing, drainage and landscaping, at Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

37. twenty-five thousand dollars (\$25,000) to purchase and install library equipment, furniture, information technology and infrastructure at Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

38. seventy-five thousand dollars (\$75,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

39. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, equip and improve the grounds and fields, including fencing, drainage and landscaping, at Cibola high school in the Albuquerque public school district in Bernalillo county;

40. one hundred twenty-five thousand dollars (\$125,000) to purchase and install library equipment, furniture, information technology and infrastructure at Cibola high school in the Albuquerque public school district in Bernalillo county;

41. one hundred five thousand dollars (\$105,000) to purchase land and a building, to plan, design, construct, renovate and equip facilities and to purchase and install information technology, including related equipment, furniture and infrastructure, for Cien Aguas international school in Albuquerque in Bernalillo county;

42. forty-three thousand dollars (\$43,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Cleveland middle school in the Albuquerque public school district in Bernalillo county;

43. twenty thousand dollars (\$20,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Cochiti elementary school in the Albuquerque public school district in Bernalillo county;

44. twenty-five thousand dollars (\$25,000) to purchase and install information technology, a sound system and projectors, including related equipment, furniture and infrastructure, at Cochiti elementary school in the Albuquerque public school district in Bernalillo county;

45. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at College and Career high school in the Albuquerque public school district in Bernalillo county;

46. twenty thousand dollars (\$20,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Collet Park elementary school in the Albuquerque public school district in Bernalillo county;

47. fifty thousand dollars (\$50,000) to plan, design, construct, renovate and equip improvements to the grounds and playgrounds, including drainage and landscaping, at Corrales elementary school in the Albuquerque public school district in Bernalillo county;

48. seventy thousand dollars (\$70,000) for robotics and biomedical equipment for the lead-the-way project at Corrales international school in the Albuquerque public school district in Bernalillo county;

49. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Corrales international school in the Albuquerque public school district in Bernalillo county;

50. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Del Norte high school in the Albuquerque public school district in Bernalillo county;

51. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, equip and furnish improvements to facilities and grounds, including a gymnasium floor, at Desert Ridge middle school in the Albuquerque public school district in Bernalillo county;

52. forty thousand dollars (\$40,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at the Digital Arts and Technology academy in the Albuquerque public school district in Bernalillo county;

53. forty-nine thousand dollars (\$49,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Dolores Gonzales elementary school in the Albuquerque public school district in Bernalillo county;

54. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Double Eagle elementary school in the Albuquerque public school district in Bernalillo county;

55. twenty thousand dollars (\$20,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Duranes elementary school in the Albuquerque public school district in Bernalillo county;

56. fifteen thousand dollars (\$15,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Ecademy high school in the Albuquerque public school district in Bernalillo county;

57. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Edmund G. Ross elementary school in the Albuquerque public school district in Bernalillo county;

58. sixty-five thousand dollars (\$65,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Edward Gonzales elementary school in the Albuquerque public school district in Bernalillo county;

59. fifty thousand dollars (\$50,000) to purchase and install security cameras and information technology, including related equipment, furniture and

infrastructure, at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;

60. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Eldorado high school in the Albuquerque public school district in Bernalillo county;

61. fifty thousand dollars (\$50,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and drainage, at Emerson elementary school in the Albuquerque public school district in Bernalillo county;

62. twenty-five thousand dollars (\$25,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Emerson elementary school in the Albuquerque public school district in Bernalillo county;

63. ninety-five thousand dollars (\$95,000) to purchase and install library equipment, furniture, information technology and infrastructure at Ernie Pyle middle school in the Albuquerque public school district in Bernalillo county;

64. forty-eight thousand five hundred dollars (\$48,500) to design, equip and improve, including signage, the Eubank academy of literacy and fine arts in the Albuquerque public school district in Bernalillo county;

65. twenty-five thousand dollars (\$25,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Eubank elementary school in the Albuquerque public school district in Bernalillo county;

66. seventy-five thousand dollars (\$75,000) to plan, design, construct, improve, renovate and equip the grounds and fields, including landscaping and fencing, at Eugene Field elementary school in the Albuquerque public school district in Bernalillo county;

67. five thousand dollars (\$5,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Freedom high school in the Albuquerque public school district in Bernalillo county;

68. ten thousand dollars (\$10,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Freedom high school in the Albuquerque public school district in Bernalillo county;

69. twenty thousand dollars (\$20,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Garfield middle school in the Albuquerque public school district in Bernalillo county;

70. one hundred ten thousand dollars (\$110,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Gilbert L. Sena charter high school in Albuquerque in Bernalillo county;

71. fifty thousand dollars (\$50,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Governor Bent elementary school in the Albuquerque public school district in Bernalillo county;

72. thirty-eight thousand dollars (\$38,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Grant middle school in the Albuquerque public school district in Bernalillo county;

73. forty-five thousand dollars (\$45,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Grant middle school in the Albuquerque public school district in Bernalillo county;

74. fifty-one thousand dollars (\$51,000) to plan, design, construct, renovate and equip the grounds and playgrounds, including fencing, drainage and landscaping, at Griegos elementary school in the Albuquerque public school district in Bernalillo county;

75. twenty-five thousand dollars (\$25,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Harrison middle school in the Albuquerque public school district in Bernalillo county;

76. thirty-five thousand dollars (\$35,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Harrison middle school in the Albuquerque public school district in Bernalillo county;

77. fifty thousand dollars (\$50,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and drainage, at Hawthorne elementary school in the Albuquerque public school district in Bernalillo county;

78. sixty-seven thousand five hundred dollars (\$67,500) to purchase and install information technology, including related equipment, furniture and infrastructure, at Hayes middle school in the Albuquerque public school district in Bernalillo county;

79. one hundred fifteen thousand dollars (\$115,000) to purchase school and classroom technology, furniture and a simulation laboratory for the Health Leadership charter high school in Albuquerque in Bernalillo county;

80. ninety-five thousand dollars (\$95,000) to plan, design, construct, renovate, equip and furnish improvements to the facilities, fields and grounds at Highland high school in the Albuquerque public school district in Bernalillo county;

81. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Highland high school in the Albuquerque public school district in Bernalillo county;

82. ninety-eight thousand eight hundred dollars (\$98,800) to plan, design, construct, improve, renovate and equip the facilities and grounds, including block walls, at Hodgkin elementary school in the Albuquerque public school district in Bernalillo county;

83. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Hoover middle school in the Albuquerque public school district in Bernalillo county;

84. one hundred thousand dollars (\$100,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Hubert Humphrey elementary school in the Albuquerque public school district in Bernalillo county;

85. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Inez elementary school in the Albuquerque public school district in Bernalillo county;

86. eighty-five thousand dollars (\$85,000) to purchase and install library equipment, furniture, information technology and infrastructure at Inez elementary school in the Albuquerque public school district in Bernalillo county;

87. fifty thousand dollars (\$50,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Inez elementary school in the Albuquerque public school district in Bernalillo county;

88. thirty-seven thousand five hundred dollars (\$37,500) to purchase and install information technology, including related equipment, furniture and infrastructure, at Jackson middle school in the Albuquerque public school district in Bernalillo county;

89. one hundred five thousand dollars (\$105,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Jackson middle school in the Albuquerque public school district in Bernalillo county;

90. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, improve and equip the grounds, fields and facilities, including fencing,

drainage and landscaping, at James Monroe middle school in the Albuquerque public school district in Bernalillo county;

91. seventy-five thousand dollars (\$75,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at James Monroe middle school in the Albuquerque public school district in Bernalillo county;

92. twenty thousand dollars (\$20,000) to purchase and install library equipment, furniture, information technology and infrastructure at James Monroe middle school in the Albuquerque public school district in Bernalillo county;

93. one hundred twenty thousand dollars (\$120,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at James Monroe middle school in the Albuquerque public school district in Bernalillo county;

94. sixty-five thousand dollars (\$65,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Jefferson middle school in the Albuquerque public school district in Bernalillo county;

95. two hundred ten thousand dollars (\$210,000) to plan, design, construct and renovate grounds and facilities, including purchase and installation of related equipment and furnishings, at John Adams middle school in the Albuquerque public school district in Bernalillo county;

96. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at John Baker elementary school in the Albuquerque public school district in Bernalillo county;

97. seventy-five thousand dollars (\$75,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Kennedy middle school in the Albuquerque public school district in Bernalillo county;

98. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Kirtland elementary school in the Albuquerque public school district in Bernalillo county;

99. ninety-five thousand dollars (\$95,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping and fencing, at Kit Carson elementary school in the Albuquerque public school district in Bernalillo county;

~~[100. fifteen thousand dollars (\$15,000) to purchase, install and construct a greenhouse for La Academia de Esperanza in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETO~~

101. fifty-five thousand dollars (\$55,000) to purchase and install a collaborative workshop for La Academia de Esperanza in the Albuquerque public school district in Bernalillo county;

102. twenty-five thousand dollars (\$25,000) to purchase and install fixtures, furniture and equipment at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

103. fifty thousand dollars (\$50,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and drainage, at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

104. twenty thousand dollars (\$20,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

105. thirty thousand dollars (\$30,000) to purchase land for and to plan and design an outdoor classroom at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

106. fifteen thousand dollars (\$15,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

107. fifty thousand dollars (\$50,000) to furnish La Promesa early learning center charter school in Albuquerque in Bernalillo county;

108. one hundred sixty thousand dollars (\$160,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at La Promesa early learning center charter school in Albuquerque in Bernalillo county;

109. fifty-five thousand dollars (\$55,000) to renovate, equip and furnish facilities at La Promesa early learning center charter school in Albuquerque in Bernalillo county;

110. one hundred twenty-three thousand nine hundred twenty-seven dollars (\$123,927) to remove old equipment and purchase and install new playground equipment at Lavaland elementary school in the Albuquerque public school district in Bernalillo county;

111. eighty-five thousand dollars (\$85,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Longfellow elementary school in the Albuquerque public school district in Bernalillo county;

112. one hundred thirty thousand dollars (\$130,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and drainage, at Los Padillas elementary school in the Albuquerque public school district in Bernalillo county;

113. fifty-five thousand dollars (\$55,000) to plan, design and construct improvements to the grounds and amphitheater at Lowell elementary school in the Albuquerque public school district in Bernalillo county;

114. seven thousand dollars (\$7,000) to equip and furnish the Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;

115. nineteen thousand dollars (\$19,000) to plan, design, construct, improve, renovate and equip the grounds, courtyard and facilities, including landscaping, fencing and drainage, at Madison middle school in the Albuquerque public school district in Bernalillo county;

116. sixty-two thousand dollars (\$62,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Madison middle school in the Albuquerque public school district in Bernalillo county;

117. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Manzano high school in the Albuquerque public school district in Bernalillo county;

118. sixty thousand dollars (\$60,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

119. twenty-five thousand dollars (\$25,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

120. sixty-five thousand dollars (\$65,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Mary Ann Binford elementary school in the Albuquerque public school district in Bernalillo county;

121. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Matheson Park elementary school in the Albuquerque public school district in Bernalillo county;

122. thirty thousand dollars (\$30,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and

drainage, at McCollum elementary school in the Albuquerque public school district in Bernalillo county;

123. one hundred thousand dollars (\$100,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at McKinley middle school in the Albuquerque public school district in Bernalillo county;

124. one hundred sixty thousand dollars (\$160,000) to acquire, plan, design, construct and equip facilities for the Media Arts collaborative charter school in Albuquerque in Bernalillo county;

125. ninety-five thousand dollars (\$95,000) to design and construct an emergency communications system integrated into the existing information technology and communications system, including related equipment, furniture and infrastructure, at Mission Achievement and Success charter school in Albuquerque in Bernalillo county;

126. twenty thousand dollars (\$20,000) to plan, design, construct, renovate, equip and furnish improvements to facilities and grounds, including parking lot and drop-off area improvements, at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;

127. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Mitchell elementary school in the Albuquerque public school district in Bernalillo county;

128. sixty-three thousand dollars (\$63,000) to plan, design, renovate and equip the grounds and playgrounds, including fencing, drainage and landscaping, at Monte Vista elementary school in the Albuquerque public school district in Bernalillo county;

129. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Monte Vista elementary school in the Albuquerque public school district in Bernalillo county;

130. eighty thousand dollars (\$80,000) to purchase and equip a bus for the Montessori elementary school in Albuquerque in Bernalillo county;

131. thirty-five thousand dollars (\$35,000) to purchase and install playground equipment at the Montessori elementary school in Albuquerque in Bernalillo county;

132. fifty thousand dollars (\$50,000) to plan, design, renovate, improve and equip the grounds and facilities, including fencing, drainage and landscaping, in the kindergarten area at Montezuma elementary school in the Albuquerque public school district in Bernalillo county;

133. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Montezuma elementary school in the Albuquerque public school district in Bernalillo county;

134. ten thousand dollars (\$10,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Mountain Mahogany community school in the Albuquerque public school district in Bernalillo county;

135. seventy thousand dollars (\$70,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Mountain View elementary school in the Albuquerque public school district in Bernalillo county;

136. twenty thousand dollars (\$20,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Navajo elementary school in the Albuquerque public school district in Bernalillo county;

137. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Nex+Gen Academy high school in the Albuquerque public school district in Bernalillo county;

138. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at North Star elementary school in the Albuquerque public school district in Bernalillo county;

139. ninety thousand dollars (\$90,000) to purchase land and a building and to plan, design, construct, renovate and equip facilities for the Nuestros Valores charter school in the Albuquerque public school district in Bernalillo county;

140. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Painted Sky elementary school in the Albuquerque public school district in Bernalillo county;

141. eighty-five thousand dollars (\$85,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Pajarito elementary school in the Albuquerque public school district in Bernalillo county;

142. twenty-five thousand dollars (\$25,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;

143. forty-five thousand dollars (\$45,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Polk middle school in the Albuquerque public school district in Bernalillo county;

144. eighteen thousand dollars (\$18,000) to equip and furnish the Reginald Chavez elementary school in the Albuquerque public school district in Bernalillo county;

145. twenty thousand dollars (\$20,000) to purchase and install equipment, furniture and information technology, including related infrastructure, at the library in the Reginald Chavez elementary school in the Albuquerque public school district in Bernalillo county;

~~[146. forty thousand dollars (\$40,000) to plan, design and construct a baseball field at Rio Grande high school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETO~~

147. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

148. forty-five thousand dollars (\$45,000) to purchase land and a building and to plan, design, construct, renovate and equip facilities for the Robert F. Kennedy charter high school in the Albuquerque public school district in Bernalillo county;

149. one hundred thirty-five thousand dollars (\$135,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Robert F. Kennedy charter high school in the Albuquerque public school district in Bernalillo county;

150. thirty thousand dollars (\$30,000) to purchase media production equipment for the media center at Robert F. Kennedy charter high school in the Albuquerque public school district in Bernalillo county;

151. twenty-five thousand dollars (\$25,000) to plan, design, construct, renovate, equip and furnish improvements to facilities and grounds and to upgrade lighting and parking lot areas at Robert F. Kennedy charter high school in the Albuquerque public school district in Bernalillo county;

152. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at S.Y. Jackson elementary school in the Albuquerque public school district in Bernalillo county;

~~[153. thirty-three thousand dollars (\$33,000) to design and construct permanent exterior signage for S.Y. Jackson elementary school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETO~~

154. forty thousand dollars (\$40,000) to plan, design, renovate and equip the grounds and playgrounds, including fencing, drainage and landscaping, at S.Y. Jackson elementary school in the Albuquerque public school district in Bernalillo county;

155. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Sandia Base elementary school in the Albuquerque public school district in Bernalillo county;

~~156. fifty thousand dollars (\$50,000) to design and construct improvements to the wading pool and plumbing at Sandia high school in the Albuquerque public school district in Bernalillo county;~~ *LINE-ITEM VETO*

157. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Seven Bar elementary school in the Albuquerque public school district in Bernalillo county;

158. one hundred ten thousand dollars (\$110,000) to plan, design, construct, renovate, improve and equip the grounds, fields and facilities, including fencing, drainage and landscaping, at Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;

159. eighty-three thousand dollars (\$83,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and drainage, at Sombra del Monte elementary school in the Albuquerque public school district in Bernalillo county;

160. forty-nine thousand dollars (\$49,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at South Valley academy in the Albuquerque public school district in Bernalillo county;

161. ninety thousand dollars (\$90,000) to plan, design and construct a hangar and tarmac for the Southwest Aeronautics, Mathematics and Science Academy charter school in Albuquerque in Bernalillo county;

162. twenty thousand dollars (\$20,000) to purchase and install security fencing around the campus of the Southwest Aeronautics, Mathematics and Science Academy charter school in Albuquerque in Bernalillo county;

163. twenty-five thousand dollars (\$25,000) to purchase and install smart labs, a partnership for assessment of readiness for college and careers testing server and information technology, including related equipment, furniture and infrastructure, for the Southwest Aeronautics, Mathematics and Science Academy charter school in Albuquerque in Bernalillo county;

164. two hundred twenty-six thousand dollars (\$226,000) to purchase and install smart boards, cameras, classroom testing technology, smart lab upgrades, a

partnership for assessment of readiness for college and careers testing server and information technology, including related equipment, furniture and infrastructure, for the Southwest Intermediate Learning Center charter school in Albuquerque in Bernalillo county;

165. twenty thousand dollars (\$20,000) to plan, design, purchase and install playground equipment and surfacing material for the Southwest Primary Learning Center charter school in Albuquerque in Bernalillo county;

166. one hundred thirty thousand dollars (\$130,000) to purchase and install information technology, including related equipment, furniture and infrastructure and upgrades to the smart lab and partnership for assessment of readiness for college and careers testing server, at Southwest Secondary learning center in Albuquerque in Bernalillo county;

167. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Taft middle school in the Albuquerque public school district in Bernalillo county;

168. twenty thousand dollars (\$20,000) to purchase and install library equipment, furniture, information technology and infrastructure at Taft middle school in the Albuquerque public school district in Bernalillo county;

169. fifty-five thousand dollars (\$55,000) to purchase and install equipment and information technology and related infrastructure for classrooms at Tierra Adentro charter school in Albuquerque in Bernalillo county;

170. forty thousand dollars (\$40,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and drainage, at Tierra Antigua elementary school in the Albuquerque public school district in Bernalillo county;

171. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Tierra Antigua elementary school in the Albuquerque public school district in Bernalillo county;

172. twenty thousand dollars (\$20,000) to plan, design, construct, improve, renovate and equip the grounds and playgrounds, including landscaping, fencing and drainage, at Tomasita elementary school in the Albuquerque public school district in Bernalillo county;

173. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Tomasita elementary school in the Albuquerque public school district in Bernalillo county;

174. seventy-five thousand dollars (\$75,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Truman middle school in the Albuquerque public school district in Bernalillo county;

175. twenty-six thousand dollars (\$26,000) to purchase and install library equipment, furniture, information technology and infrastructure at Truman middle school in the Albuquerque public school district in Bernalillo county;

176. forty thousand dollars (\$40,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Truman middle school in the Albuquerque public school district in Bernalillo county;

177. seventeen thousand dollars (\$17,000) to purchase and install a safety fence around the baseball field at Valley high school in the Albuquerque public school district in Bernalillo county;

~~[178. seventy-five thousand dollars (\$75,000) to plan, design, refurbish, purchase and install lockers in the football locker room at Valley high school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETO~~

179. fifty thousand dollars (\$50,000) to plan, design and construct landscaping improvements at Valley high school in the Albuquerque public school district in Bernalillo county;

180. thirty thousand dollars (\$30,000) to plan, design, purchase and install a roof and outdoor seating for the baseball facility at Valley high school in the Albuquerque public school district in Bernalillo county;

181. thirty thousand dollars (\$30,000) to purchase and install library equipment, furniture, information technology and infrastructure at Van Buren middle school in the Albuquerque public school district in Bernalillo county;

182. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Ventana Ranch elementary school in the Albuquerque public school district in Bernalillo county;

183. ten thousand dollars (\$10,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Vision Quest alternative school in the Albuquerque public school district in Bernalillo county;

184. one hundred thirty-two thousand dollars (\$132,000) to plan, design, construct, landscape and renovate the grounds, fields, facilities and drainage, including purchase and installation of equipment, bleachers and fencing, at West Mesa high school in the Albuquerque public school district in Bernalillo county;

185. fifty-six thousand dollars (\$56,000) to purchase and install library equipment, furniture, information technology and infrastructure at West Mesa high school in the Albuquerque public school district in Bernalillo county;

186. one hundred eleven thousand dollars (\$111,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at West Mesa high school in the Albuquerque public school district in Bernalillo county;

187. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Wherry elementary school in the Albuquerque public school district in Bernalillo county;

188. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Whittier elementary school in the Albuquerque public school district in Bernalillo county;

189. twenty-five thousand dollars (\$25,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Whittier elementary school in the Albuquerque public school district in Bernalillo county;

190. thirty thousand dollars (\$30,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Wilson middle school in the Albuquerque public school district in Bernalillo county;

~~191. twenty thousand dollars (\$20,000) to plan, design, construct, improve, equip and furnish improvements to the grounds and an electronic message board at Zia elementary school in the Albuquerque public school district in Bernalillo county;]~~ *LINE-ITEM VETO*

192. fifty-five thousand dollars (\$55,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Zia elementary school in the Albuquerque public school district in Bernalillo county;

193. twenty-five thousand dollars (\$25,000) to plan, design, construct, improve, renovate and equip the grounds, courtyard and facilities, including landscaping, fencing and drainage, at Zuni elementary school in the Albuquerque public school district in Bernalillo county;

194. twenty-five thousand dollars (\$25,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Zuni elementary school in the Albuquerque public school district in Bernalillo county;

195. thirty thousand dollars (\$30,000) to purchase and install security cameras and information technology, including related equipment, furniture and

infrastructure, at Zuni elementary school in the Albuquerque public school district in Bernalillo county;

196. fifty thousand dollars (\$50,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;

197. one hundred thousand dollars (\$100,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Barcelona elementary school in the Albuquerque public school district in Bernalillo county;

198. seventy-five thousand dollars (\$75,000) to purchase and install security cameras and information technology, including related equipment, furniture and infrastructure, at Navajo elementary school in the Albuquerque public school district in Bernalillo county;

199. sixty-eight thousand dollars (\$68,000) to plan and design a facility for the Nuestros Valores charter school in the Albuquerque public school district in Bernalillo county;

200. twenty thousand dollars (\$20,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Rudolfo Anaya elementary school in the Albuquerque public school district in Bernalillo county;

201. twenty-five thousand dollars (\$25,000) for an air conditioning system in the library at East Mountain high school in Sandia Park in Bernalillo county;

202. one hundred thousand dollars (\$100,000) to purchase a bus for the Grady municipal school district in Curry county;

203. one hundred thirty-three thousand dollars (\$133,000) to design and construct electrical infrastructure and to equip the laboratories at the Health Sciences academy in Santa Teresa in Dona Ana county;

204. ninety-six thousand six hundred dollars (\$96,600) to plan, design, purchase and install bleachers in the gymnasium at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

205. sixty-five thousand dollars (\$65,000) to plan, design, purchase and install ceilings and light fixtures at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

206. one hundred thirty-four thousand two hundred dollars (\$134,200) to plan, design, purchase and install ceilings, light fixtures and heating, ventilation and air

conditioning systems at Monterrey elementary school in the Carlsbad municipal school district in Eddy county;

207. three hundred thousand dollars (\$300,000) to plan, design, construct, renovate and improve office facilities, including site preparation and landscaping, at Artesia Park junior high school in the Artesia public school district in Eddy county;

208. twenty-eight thousand dollars (\$28,000) for asbestos abatement, related improvements and the purchase and installation of carpet at Alta Vista sixth grade academy at the middle school in the Carlsbad municipal school district in Eddy county;

209. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, in the central office in the Carlsbad municipal school district in Eddy county;

210. eighty thousand dollars (\$80,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at the Early College high school in the Carlsbad municipal school district in Eddy county;

211. twenty-five thousand dollars (\$25,000) to purchase and install vocational equipment and tools for the career readiness program in the Santa Rosa consolidated school district in Guadalupe county;

212. sixty thousand dollars (\$60,000) to construct and equip a playground for pre-kindergarten students at the Llano kindergarten school in the Lovington municipal school district in Lea county;

213. twenty thousand dollars (\$20,000) to construct and equip a playground for the autism center for educational services program in the Lovington municipal school district in Lea county;

214. one hundred thousand dollars (\$100,000) to repave parking lots and roads in the Mora independent school district in Mora county;

215. twenty thousand dollars (\$20,000) for a security camera system that extends inside and outside facilities throughout the Wagon Mound public school district in Mora county;

216. one hundred twenty-five thousand dollars (\$125,000) to purchase and equip a student activity bus for the Cloudcroft municipal school district in Otero county;

~~[217. thirty thousand dollars (\$30,000) to purchase weight-lifting equipment for the Espanola public school district in Rio Arriba county;]~~ *LINE-ITEM VETO*

218. one hundred thousand dollars (\$100,000) to plan, design, construct and install improvements to the agriculture shop building in the Dora consolidated school district in Roosevelt county;

219. thirty thousand dollars (\$30,000) to plan, design and construct an exhaust system for the shop building at Elida high school in the Elida municipal school district in Roosevelt county;

220. seventy-five thousand dollars (\$75,000) to plan, design, construct and install a security system and related improvements and to purchase and install related information technology on the campus of the Floyd municipal school district in Roosevelt county;

221. fifteen thousand dollars (\$15,000) to design, construct, install and make improvements in the vocational welding and agriculture building and to purchase welding equipment in the Portales municipal school district in Roosevelt county;

222. thirty-three thousand dollars (\$33,000) [~~for band instruments and~~] improvements to the band recording studio in the Las Vegas City public school district in San Miguel county; *LINE-ITEM VETO*

~~[223. fifty thousand dollars (\$50,000) to plan, design and construct lighting for the baseball and softball fields in the Pecos independent school district in San Miguel county;~~

~~————— 224. twenty-five thousand dollars (\$25,000) to purchase band equipment and instruments for schools in the West Las Vegas public school district in San Miguel county;] *LINE-ITEM VETO*~~

225. forty-five thousand dollars (\$45,000) to purchase and install fencing in the West Las Vegas public school district in San Miguel county;

~~[226. twenty-five thousand dollars (\$25,000) to purchase mariachi instruments for schools in the West Las Vegas public school district in San Miguel county;] *LINE-ITEM VETO*~~

227. twenty thousand dollars (\$20,000) to purchase and install playground equipment in the West Las Vegas public school district in San Miguel county;

~~[228. five thousand dollars (\$5,000) to purchase and install an emergency generator in the West Las Vegas public school district in San Miguel county;] *LINE-ITEM VETO*~~

229. six hundred eighty thousand dollars (\$680,000) to design and construct visitor-related improvements at elementary schools in the Rio Rancho public school district in Sandoval county;

230. two hundred eighty thousand dollars (\$280,000) to acquire land for and plan, design and construct phases 1 and 2 of the New Mexico learning and development center in the Rio Rancho public school district in Sandoval county;

231. eighty-five thousand dollars (\$85,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at the ASK academy charter school in Rio Rancho in Sandoval county;

232. one hundred twenty-five thousand dollars (\$125,000) to purchase and install science, engineering and microbiology laboratory equipment at the ASK academy charter school in Rio Rancho in Sandoval county;

233. twenty thousand dollars (\$20,000) to purchase land and a building and to plan, design, construct, renovate and equip facilities for the ASK academy charter school in Rio Rancho in Sandoval county;

234. three hundred thirty-five thousand dollars (\$335,000) to prepare the site for and to plan, design and construct an early learning center at Agua Fria elementary school in the Santa Fe public school district in Santa Fe county;

235. forty thousand dollars (\$40,000) to plan, design and construct a rainwater catchment and distribution system at the El Dorado community school in the Santa Fe public school district in Santa Fe county;

236. fifteen thousand dollars (\$15,000) to design, construct, equip and furnish improvements to the playground areas at Nye early childhood center in the Santa Fe public school district in Santa Fe county;

237. thirty-eight thousand dollars (\$38,000) to equip and improve the playground at the early head start site at Santa Fe high school in the Santa Fe public school district in Santa Fe county;

238. three thousand five hundred dollars (\$3,500) to purchase and install digital encoders to upgrade the security camera system at Tesuque elementary school in the Santa Fe public school district in Santa Fe county;

239. three thousand five hundred dollars (\$3,500) to purchase and install digital encoders to upgrade the security camera system at Wood Gormley elementary school in the Santa Fe public school district in Santa Fe county;

240. one hundred twenty thousand dollars (\$120,000) to plan, design and construct a rainwater catchment system for irrigation at Atalaya elementary school in the Santa Fe public school district in Santa Fe county;

241. two hundred ten thousand dollars (\$210,000) to purchase a portion of the department of transportation's real property located on Alta Vista street to provide a

permanent campus for the New Mexico school for the arts, contingent upon an equal match from private donations, in Santa Fe in Santa Fe county;

242. one hundred thousand dollars (\$100,000) to purchase and equip an activity bus for the Socorro consolidated school district in Socorro county;

243. one hundred sixty-nine thousand dollars (\$169,000) for robots and related equipment for robot education programs in public schools statewide that are participating in the annual international robot competition in Albuquerque in Bernalillo county;

244. two hundred thousand dollars (\$200,000) to purchase buses for extracurricular events transportation in the Belen consolidated school district in Valencia county;

245. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish improvements to the performing arts center at Los Lunas high school in Valencia county; and

246. one hundred fifty thousand dollars (\$150,000) to plan and design the performing arts center at Valencia high school in the Los Lunas public school district in Valencia county.

Chapter 66 Section 14 Laws 2014

SECTION 14. ENERGY, MINERALS AND NATURAL RESOURCES
DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the energy, minerals and natural resources department that the need exists for the issuance of the bonds, the following amounts are appropriated to the energy, minerals and natural resources department for the following purposes:

1. two hundred thirty-five thousand five hundred dollars (\$235,500) for land acquisition and to plan, design and construct a slash pit for safe disposal of vegetative material in Otero county;

2. four hundred thousand dollars (\$400,000) for wildfire mitigation at urban forest interfaces for communities at risk statewide;

3. one million seven hundred thousand dollars (\$1,700,000) to purchase and equip firefighting crew carriers and vehicles and for facility improvements statewide; and

4. six million two hundred thousand dollars (\$6,200,000) to plan, design and construct watershed restoration improvements, including forest thinning, statewide.

Chapter 66 Section 15 Laws 2014

SECTION 15. OFFICE OF THE STATE ENGINEER PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the office of the state engineer that the need exists for the issuance of the bonds, the following amounts are appropriated to the office of the state engineer for the following purposes:

1. thirty thousand dollars (\$30,000) to acquire easements for and to plan, design and construct the rehabilitation of Morphy Lake dam for the acequia de San Jose and acequia de la Isla in Mora county;
2. fifty thousand dollars (\$50,000) to update a firm yield study to ensure water supplies are sufficient to meet the demands of the intake structure under construction at Ute reservoir in Quay county;
3. six million dollars (\$6,000,000) to plan, design, construct and expand Bradner dam in Las Vegas in San Miguel county;
4. two million one hundred thousand dollars (\$2,100,000) to purchase and install surface and ground water meters to assess water use, water supply and impairment and to ensure public welfare, conservation and water accountability statewide;
5. one million dollars (\$1,000,000) to plan, design and construct an engineered levee to replace the non-engineered levee in San Acacia in Socorro county;
6. eight hundred thousand dollars (\$800,000) to plan, design, renovate and construct improvements to the Power Lake dam in Guadalupe county;
7. four hundred thousand dollars (\$400,000) to plan, design, renovate and construct improvements to the San Mateo Lake dam in Cibola county;
8. three hundred thousand dollars (\$300,000) to plan, design, renovate and construct improvements to the Cimarroncito reservoir dam in Colfax county;
9. three hundred thousand dollars (\$300,000) to plan, design, renovate and construct improvements to the Alto Lake dam in Lincoln county; and
10. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to the outlet piping and manifold assembly at Lake Maloya dam in Raton in Colfax county.

Chapter 66 Section 16 Laws 2014

SECTION 16. DEPARTMENT OF ENVIRONMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the department of environment that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of environment for the following purposes:

1. two hundred thousand dollars (\$200,000) to plan, design and construct water system improvements for the Quail Hollow mutual domestic water users association in Bernalillo county;

2. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, equip and furnish water and wastewater system improvements at the Carlito Springs open space in Bernalillo county;

3. one hundred sixty-five thousand dollars (\$165,000) to plan, design, construct and equip water system improvements for the Cedar Crest mutual domestic water consumers and sewage works association in Bernalillo county;

4. one hundred ninety thousand dollars (\$190,000) to design and construct a water system for the Green Ridge mutual domestic water consumers association in Bernalillo county;

5. one hundred forty-five thousand dollars (\$145,000) to plan, design and construct a water filtration system to mitigate excess uranium content in the drinking water for the Tierra Monte water users association in Bernalillo county;

6. two million fifty thousand dollars (\$2,050,000) to plan, design and construct [~~phase 1 of the sanitary sewer collection~~] system for the Albuquerque Bernalillo county water utility authority in Carnuel in Bernalillo county; *LINE-ITEM VETO*

7. two hundred thirty thousand dollars (\$230,000) to plan, design and construct sewer system improvements in the Pueblo of Isleta in Bernalillo county;

8. one hundred one thousand dollars (\$101,000) to plan, design, purchase, install and construct compactors in Chaves county;

9. eighty-four thousand dollars (\$84,000) to plan, design, construct and equip water system improvements for the Fambrough mutual domestic water consumers association in Chaves county;

10. one hundred thousand dollars (\$100,000) to renovate a water storage tank in Hagerman in Chaves county;

11. two hundred eighteen thousand dollars (\$218,000) to design and construct a sewer main extension and wastewater system improvements to connect the

housing and governmental buildings to the north Acoma wastewater treatment facility at the Pueblo of Acoma in Cibola county;

12. one hundred fifty thousand dollars (\$150,000) to design and construct wastewater system improvements for the Cebolleta land grant in Cibola county;

13. five hundred thousand dollars (\$500,000) to design and construct improvements and extend the Mountain View water system in the Ramah chapter of the Navajo Nation in Cibola county;

14. forty thousand dollars (\$40,000) for property acquisition, and to construct and equip a zero discharge wastewater treatment facility, in Cimarron in Colfax county;

15. eighty thousand dollars (\$80,000) to plan, design and construct phase 2 water system improvements in Eagle Nest in Colfax county;

16. one million dollars (\$1,000,000) to plan, design and construct a water well for Maxwell in Colfax county;

17. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements to sewer lagoons and the wastewater system in Springer in Colfax county;

18. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and install an ionization and disinfectant system for the water treatment plant in Springer in Colfax county;

19. three hundred twenty thousand dollars (\$320,000) to construct an effluent reuse system in Clovis in Curry county;

20. one hundred thousand dollars (\$100,000) for acquisition of land and easements to improve the rural water system for the eastern New Mexico water utility authority in Clovis in Curry county;

21. one hundred eighty thousand dollars (\$180,000) to purchase and equip a refuse collection truck and waste bins for De Baca county;

22. one hundred thirty thousand dollars (\$130,000) to design, purchase and install information technology and a global positioning system, including related equipment, furniture and infrastructure, and to replace water meters for the lower Rio Grande public water works authority in Dona Ana county;

23. thirty thousand dollars (\$30,000) to design a wastewater system and lift station in the Mesquite and Brazito areas for the lower Rio Grande public water works authority in Dona Ana county;

24. fifty thousand dollars (\$50,000) to plan, design and construct phase 3 water system improvements for the Desert Aire mutual domestic water and sewage works association in Dona Ana county;

~~[25. eighteen thousand dollars (\$18,000) to plan, design and construct water distribution line extensions in the Anthony water and sanitation district in Dona Ana county;]~~ *LINE-ITEM VETO*

26. one hundred fifty-two thousand one hundred fifty dollars (\$152,150) to design, construct, purchase and equip water system improvements in the Berino area for the lower Rio Grande public water works authority in Dona Ana county;

27. one hundred thousand dollars (\$100,000) to purchase property and plan, design and construct water system improvements and a well for the Chamberino mutual domestic water consumers and sewer association in Dona Ana county;

28. fifty thousand dollars (\$50,000) to acquire easements and rights of way for and to plan, design, construct, purchase and install a storage tank for La Union mutual domestic sewer and water association in Dona Ana county;

29. one hundred fifty thousand dollars (\$150,000) to acquire easements and rights of way for and to plan, design, construct, purchase and equip water system improvements for La Union mutual domestic sewer and water association in Dona Ana county;

30. fifty thousand dollars (\$50,000) to plan and design water system improvements for La Union mutual domestic sewer and water association in Dona Ana county;

31. two million two hundred fifty thousand dollars (\$2,250,000) to plan, design and construct septic system remediation in high-risk areas in Las Cruces in Dona Ana county;

32. two hundred thousand dollars (\$200,000) to plan, design and construct phase 6 improvements to the water system for the Otis mutual domestic water consumers and sewage works association in Eddy county;

33. two hundred eighty-seven thousand five hundred dollars (\$287,500) for phase 2 purchase and installation of a water meter system and improvements in Artesia in Eddy county;

34. three hundred sixty-six thousand dollars (\$366,000) to plan, design, purchase, construct and equip water system improvements and a building for the Cottonwood rural water association in Eddy county;

35. two hundred thousand dollars (\$200,000) to plan, design and construct water system improvements in Loving in Eddy county;

36. two hundred thirty-four thousand dollars (\$234,000) to plan, design and construct water system improvements in Bayard in Grant county;

37. one hundred thousand dollars (\$100,000) to acquire land for and to plan, design and construct a well and well improvements for the Hanover mutual domestic water consumers association in Grant county;

38. one hundred seventy-four thousand dollars (\$174,000) to plan, design, construct, equip and furnish water system improvements in Santa Clara in Grant county;

39. one hundred thousand dollars (\$100,000) to plan, design and construct water system improvements for the Colonias mutual domestic water consumers association in Las Colonias in Guadalupe county;

40. one hundred thousand dollars (\$100,000) to purchase a trash truck and equipment for Guadalupe county;

41. thirty thousand dollars (\$30,000) to purchase and equip a water hauling truck and tractor for the Pastura mutual domestic water consumers association in Guadalupe county;

42. twenty-five thousand dollars (\$25,000) to replace a damaged water line in Santa Rosa in Guadalupe county;

43. thirty thousand dollars (\$30,000) to design, construct and equip wastewater system improvements and monitoring wells in Mosquero in Harding county;

44. forty thousand dollars (\$40,000) to plan, design and construct water system improvements in Roy in Harding county;

45. six hundred fifty thousand dollars (\$650,000) to design and construct a sewer trunk line and system in Hobbs in Lea county;

46. two hundred thirty-eight thousand dollars (\$238,000) to design and construct the water distribution system and utility extensions in Hobbs in Lea county;

47. twenty-five thousand dollars (\$25,000) to purchase and install information technology and upgrades to the supervisory control and data acquisition system, including related furniture, equipment and infrastructure, in Jal in Lea county;

48. one hundred seventy-eight thousand dollars (\$178,000) to plan, design and construct a well and water system improvements in Jal in Lea county;

49. one hundred twenty-five thousand dollars (\$125,000) to purchase and install water meters and related equipment in Lovington in Lea county;

50. one hundred thousand dollars (\$100,000) to acquire land for and plan, design and construct wells and water system improvements for a well field north of Lovington in Lea county;

51. twenty thousand dollars (\$20,000) to purchase and install water meters for the Sun Valley water and sanitation district in Lincoln county;

52. fifty thousand dollars (\$50,000) to purchase and install water meters and an electronic meter reading system in Capitan in Lincoln county;

53. fifty thousand dollars (\$50,000) to plan, design, construct and equip a potable water fill station in Carrizozo in Lincoln county;

54. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements along Aspen street in Carrizozo in Lincoln county;

55. ninety thousand dollars (\$90,000) to plan, design and construct water system improvements in Corona in Lincoln county;

56. one hundred fifty thousand dollars (\$150,000) to acquire rights of way for and to plan, design, construct and equip sewer system improvements in Ruidoso in Lincoln county;

57. fifty thousand dollars (\$50,000) to purchase and equip a solid waste collection truck for the Greentree solid waste authority in Lincoln county;

58. one hundred fifty thousand dollars (\$150,000) to plan, design and construct phase 1 water system improvements in the Agua Fria subdivision of Ruidoso Downs in Lincoln county;

59. four hundred forty-three thousand dollars (\$443,000) to construct and equip a lined solid waste cell at the Butterfield Trail regional landfill in Deming in Luna county;

60. thirty thousand dollars (\$30,000) to plan, design and construct a bathroom addition and cistern system for the Baahaali-Chichiltah regional solid waste transfer station office in McKinley county;

61. one hundred fifty thousand dollars (\$150,000) to plan, design and construct water system improvements in the Becenti chapter of the Navajo Nation in McKinley county;

62. twenty-five thousand dollars (\$25,000) for site improvements and remediation for a community water tank in the Red Lake chapter of the Navajo Nation in McKinley county;

63. three hundred seventy thousand dollars (\$370,000) to construct the Zuni commercial development area, including water system and utilities infrastructure, in the Pueblo of Zuni in McKinley county;

64. fifty thousand dollars (\$50,000) to plan, design, construct and equip water and wastewater system improvements in Wagon Mound in Mora county;

65. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements in Vaughn and in Negra in Guadalupe and Torrance counties;

~~66. sixty thousand dollars (\$60,000) to plan, design and construct an expansion, to make improvements and to purchase and install equipment for the north central solid waste authority in Santa Fe and Rio Arriba counties;~~ *LINE-ITEM VETO*

67. three hundred thousand dollars (\$300,000) to design and construct a storage pond for reclaimed water at the Desert Lakes golf course in Alamogordo in Otero county;

68. twenty-seven thousand dollars (\$27,000) to purchase and install filters in the filtration plant in the Timberon water and sanitation district in Otero county;

69. forty-five thousand dollars (\$45,000) to purchase a truck for the water department in the Timberon water and sanitation district in Otero county;

70. three hundred sixty thousand dollars (\$360,000) to plan, design and construct improvements to the sewer system in Tularosa in Otero county;

71. one hundred twenty thousand dollars (\$120,000) to plan, design, construct and install improvements to the Tularosa water plant in Otero county;

72. three hundred thousand dollars (\$300,000) to purchase, install and equip a trash compactor for the municipal landfill in Tucumcari in Quay county;

73. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements for the Arroyo del Agua mutual domestic water association in Rio Arriba county;

74. thirty thousand dollars (\$30,000) to plan, design and construct water system improvements for La Asociacion de Agua de los Brazos in Los Brazos in Rio Arriba county;

75. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and expand the wastewater treatment system and plant at the county detention center in Tierra Amarilla in Rio Arriba county;

76. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the domestic drinking water system for the Abiquiu mutual domestic water consumers association and mutual sewage works association in Rio Arriba county;

77. one hundred twenty-five thousand dollars (\$125,000) to design and construct a water well for the Alcalde mutual domestic water consumers and sewage works association in Rio Arriba county;

78. thirty-six thousand five hundred dollars (\$36,500) to design and construct water system improvements for the Canjilon mutual domestic water consumers and mutual sewage works association in Rio Arriba county;

79. sixty thousand two hundred dollars (\$60,200) to plan, design and construct phase two water system improvements for the Canones mutual domestic water consumers and mutual sewage works association in Rio Arriba county;

80. fifty thousand dollars (\$50,000) to plan, design, purchase and install water system improvements for the Gallina mutual domestic water consumers and mutual sewage works association in Rio Arriba county;

81. eighty-seven thousand nine hundred dollars (\$87,900) to design and construct a pump house for the Ancones mutual domestic water and wastewater consumers association in La Madera in Rio Arriba county;

82. fifteen thousand dollars (\$15,000) to plan, purchase and install valves for the Chamita mutual domestic water consumers and sewage works association in Ohkay Owingeh in Rio Arriba county;

83. one hundred five thousand dollars (\$105,000) to plan, design and construct a wastewater treatment plant in Ohkay Owingeh in Rio Arriba county;

84. thirty thousand dollars (\$30,000) to plan, design and construct improvements to the water system for the Ojo Sarco mutual domestic water consumers and mutual sewage works association in Rio Arriba county;

85. one hundred thousand dollars (\$100,000) to plan, design and construct water system improvements in Causey in Roosevelt county;

86. ninety-five thousand dollars (\$95,000) to plan, design and construct improvements to the well field in Portales in Roosevelt county;

87. twenty-three thousand five hundred dollars (\$23,500) to design, construct and equip water system improvements, including security fencing and road base, for the east Culpepper Flats domestic water consumers association in San Juan county;

88. nine hundred ninety-six thousand dollars (\$996,000) to plan, design and construct improvements [~~and to repay a wastewater facility construction loan fund project for improvements~~] to the Valley Acres wastewater system in Kirtland in San Juan county; *LINE-ITEM VETO*

89. one hundred thousand dollars (\$100,000) to plan, design and construct water lines in the Naschitti chapter of the Navajo Nation in San Juan county;

90. eighty thousand dollars (\$80,000) to construct water system improvements, including water distribution lines and a storage tank, for El Valle water alliance in San Juan and La Sacatosa in San Miguel county;

91. twenty thousand dollars (\$20,000) to plan and construct water system improvements, including a pump house and installation of radio read meters, for the Tecolotito mutual domestic water consumers association in San Miguel county;

92. sixty-two thousand dollars (\$62,000) to design and construct a water distribution system for El Creston mutual domestic water consumers association in Las Vegas in San Miguel county;

93. one million nine hundred ninety-five thousand dollars (\$1,995,000) to design and construct wastewater system improvements, a lift station and extension of the sewer system along Rincon road and New Mexico highway 63 in Pecos in San Miguel county;

94. fifty-five thousand dollars (\$55,000) to design and construct a water distribution system for the Rowe mutual domestic water consumers association in San Miguel county;

95. thirty thousand dollars (\$30,000) to plan, design and construct a water storage tank and booster station for the Chapelle mutual domestic consumers association in Serafina in San Miguel county;

96. fifty thousand dollars (\$50,000) to plan and design a water storage tank for the Chapelle mutual domestic consumers association in Serafina in San Miguel county;

97. one hundred ninety-five thousand dollars (\$195,000) to plan, design and construct improvements to the water system, including rehabilitating wells, in Bernalillo in Sandoval county;

98. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements for the fire department in Corrales in Sandoval county;

99. thirty-five thousand dollars (\$35,000) to plan, design and construct improvements to the water system in Cuba in Sandoval county;

100. fifty thousand dollars (\$50,000) to purchase sewer jettors to clean out sewer lines in the wastewater system in the Pueblo of Jemez in Sandoval county;

101. fifty-five thousand dollars (\$55,000) to plan, design and construct a well and rehabilitate pumps in the Pueblo of Jemez in Sandoval county;

102. one hundred fifty-five thousand dollars (\$155,000) to design and construct water system improvements in the Pena Blanca water and sanitation district in Sandoval county;

103. one hundred forty-seven thousand dollars (\$147,000) to plan, design and construct phase 1 water system improvements for the Eldorado area water and sanitation district in Santa Fe county;

104. one hundred thirty-five thousand dollars (\$135,000) to plan, design and construct phase 2 water system improvements for the Eldorado area water and sanitation district in Santa Fe county;

105. eighty thousand dollars (\$80,000) to plan and design a utilities corridor for the Agua Fria area of Santa Fe county;

106. one hundred thirty thousand dollars (\$130,000) to purchase water rights and plan, design and construct improvements to the water distribution system and wells for Agua Fria in Santa Fe county;

107. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the water system in Chupadero in Santa Fe county;

108. four hundred forty thousand dollars (\$440,000) to plan, design, construct and equip wastewater collection, treatment and reuse system improvements in Edgewood in Santa Fe county;

109. five hundred thousand dollars (\$500,000) to plan, design and construct water and sewer system improvements and to purchase a water tank for the Pueblo of Nambe in Santa Fe county;

~~[110. five thousand dollars (\$5,000) to plan, design and construct a wastewater treatment facility at the Pueblo of San Ildefonso in Santa Fe county;] LINE-ITEM VETO~~

111. seventy thousand dollars (\$70,000) to plan, design and construct improvements, including replacement of the lift station facility, for the Vista Aurora sewer system in Santa Fe in Santa Fe county;

112. two hundred eighty-five thousand dollars (\$285,000) to construct sewer lines in Elephant Butte in Sierra county;

113. one hundred thousand dollars (\$100,000) to design and construct improvements to the water lines and system and to install fire hydrants in Elephant Butte in Sierra county;

114. one hundred thirty-five thousand dollars (\$135,000) for improvements to the wastewater treatment plant, buildings and infrastructure in Truth or Consequences in Sierra county;

115. two million three hundred thousand dollars (\$2,300,000) to design and construct projects that improve surface water quality or river habitat statewide and to provide state matching funds required by the terms of any federal grant under the Clean Water Act;

116. twenty-six thousand dollars (\$26,000) to plan, design, construct and equip a well and water system improvements for La Lama mutual domestic water consumers association in Taos county;

117. fifty thousand dollars (\$50,000) to design and construct water system improvements for the Cerro regional mutual domestic water consumers and sewage works association in Cerro in Taos county;

118. eighty thousand dollars (\$80,000) to plan, design and construct well, water and sewer system improvements for El Prado water and sanitation district in Taos county;

119. fifty thousand dollars (\$50,000) to design and construct a uranium treatment facility for the Ojo Caliente mutual domestic water consumers association in Taos county;

120. fifty thousand dollars (\$50,000) to plan, design and construct sewer system improvements and extensions in Questa in Taos county;

121. one hundred thousand dollars (\$100,000) to purchase water rights for Questa in Taos county;

122. forty thousand dollars (\$40,000) to plan, design and construct improvements to the water well, distribution and storage systems in Questa in Taos county;

123. eighty thousand dollars (\$80,000) to plan, design and construct phase 2C-3/5 wastewater system improvements for El Valle de Los Ranchos water and sanitation district in Ranchos de Taos in Taos county;

124. eighty thousand dollars (\$80,000) to plan, design and construct water system improvements in Red River in Taos county;

125. forty-five thousand dollars (\$45,000) to plan, design and construct water system improvements in Encino in Torrance county;

126. two hundred ten thousand dollars (\$210,000) to construct cell four at the regional landfill for the Estancia Valley solid waste authority in Torrance county;

127. seventy thousand dollars (\$70,000) to plan, design, construct and equip a water booster pump station in Estancia in Torrance county;

128. fifteen thousand dollars (\$15,000) to plan, design and construct a well for Estancia in Torrance county;

129. three hundred forty thousand dollars (\$340,000) to plan, design and construct improvements to the Mountain View water system in Moriarty in Torrance county;

130. three hundred thousand dollars (\$300,000) to construct a water tank in Belen in Valencia county;

131. two hundred eighty-six thousand dollars (\$286,000) to plan, design, improve and rehabilitate the water storage tanks and water system in Bosque Farms in Valencia county;

132. one million nine hundred thousand dollars (\$1,900,000) to construct and install improvements to expand the wastewater treatment capacity in Los Lunas in Valencia county;

133. seven million dollars (\$7,000,000) to plan, design and construct a wastewater treatment plant in Chama in Rio Arriba county;

134. thirty thousand dollars (\$30,000) to plan, design and construct water system improvements in Vaughn in Guadalupe county;

135. four million dollars (\$4,000,000) to plan, design and construct phase 1 of a brackish water supply well, storage tank, booster station and evaporation ponds in Alamogordo in Otero county;

136. three million seven hundred thousand dollars (\$3,700,000) to plan, design, construct and improve the north wastewater treatment system for the Camino Real regional utility authority in Dona Ana county;

137. one million seven hundred fifty thousand dollars (\$1,750,000) to plan, design and construct well replacements for the Camino Real regional utility authority in Dona Ana county;

138. six hundred fifty thousand dollars (\$650,000) to plan, design, construct and install an arsenic treatment system in Algodones in Sandoval county;

139. four hundred thousand dollars (\$400,000) to plan, design, construct, expand and equip the wastewater treatment plant and wastewater collection system in Socorro in Socorro county;

140. fifty thousand dollars (\$50,000) to plan, design and construct improvements and repairs to water infrastructure and acequias for the Rio Arriba regional association of water users in Rio Arriba county;

141. one million four hundred thousand dollars (\$1,400,000) to plan, design and construct water system improvements in Rio Rancho in Sandoval county;

142. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a well in Rio Rancho in Sandoval county;

143. eight hundred forty thousand dollars (\$840,000) to repair the sewer collection system and sewer service connections in Willard in Torrance county;

144. one hundred thirty thousand dollars (\$130,000) to plan, design and construct water system improvements, including water supply wells and a treatment facility, for the Ojo Caliente mutual domestic water consumers association in Rio Arriba and Taos counties;

145. sixty thousand dollars (\$60,000) to construct a well and well connections in Hatch in Dona Ana county;

146. two million dollars (\$2,000,000) to plan, design and construct improvements to the water system and wells in Las Cruces in Dona Ana county;

147. seven hundred fifty thousand dollars (\$750,000) to plan, design and construct water system improvements, including a water supply well and treatment facility, for the Gabaldon mutual domestic water consumers association in Gabaldon in San Miguel county;

148. seven hundred one thousand nine hundred eighty-seven dollars (\$701,987) to plan, design and construct a fluoride treatment facility for the upper

Holman community mutual domestic water consumers and mutual sewage works association in Holman in Mora county;

149. two hundred twenty-five thousand dollars (\$225,000) to plan, design and construct a uranium treatment system and water system improvements for the Upper Arroyo Hondo mutual domestic water consumers association in Arroyo Hondo in Taos county;

150. one hundred fifty thousand dollars (\$150,000) to connect distribution lines and a tank and to purchase and install meters for the Canones mutual domestic water consumers and mutual sewage works association in Rio Arriba county;

151. one hundred thousand dollars (\$100,000) to plan, design and construct supplemental well and water system improvements in Magdalena in Socorro county; and

152. one million six hundred thousand dollars (\$1,600,000) to design and construct water system improvements for the Santa Cruz regional water association in Rio Arriba and Santa Fe counties.

Chapter 66 Section 17 Laws 2014

SECTION 17. STATE FAIR COMMISSION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the state fair commission that the need exists for the issuance of the bonds, the following amounts are appropriated to the state fair commission for the following purposes:

1. eighty-three thousand dollars (\$83,000) to plan, design and construct a stage for the African American pavilion at the New Mexico state fairgrounds in Albuquerque in Bernalillo county;

2. eighty thousand dollars (\$80,000) to design, construct, purchase and install exhibits and to acquire art, artifacts and equipment for the New Mexico state fair African American performing arts center in Albuquerque in Bernalillo county; and

3. one million dollars (\$1,000,000) to plan, design and upgrade sewer and electrical infrastructure and to make roof repairs and replacements at the New Mexico state fairgrounds in Albuquerque in Bernalillo county.

Chapter 66 Section 18 Laws 2014

SECTION 18. DEPARTMENT OF FINANCE AND ADMINISTRATION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the department of finance and administration that the need exists for the issuance of the bonds, the following amounts

are appropriated to the department of finance and administration for the following purposes:

~~[1. twenty five thousand dollars (\$25,000) for the New Mexico mortgage finance authority to plan, design and construct a mixed-income affordable housing project in the Stagecoach neighborhood of Gallup in McKinley county pursuant to the provisions of the Affordable Housing Act; and] *LINE-ITEM VETO*~~

2. one hundred thousand dollars (\$100,000) to purchase an incomplete subdivision and plan, design and construct infrastructure improvements to provide green-built affordable housing for veterans, the elderly and low- to moderate-income families in Santa Fe in Santa Fe county pursuant to the provisions of the Affordable Housing Act.

Chapter 66 Section 19 Laws 2014

SECTION 19. INDIAN AFFAIRS DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the Indian affairs department that the need exists for the issuance of the bonds, the following amounts are appropriated to the Indian affairs department for the following purposes:

1. twenty thousand dollars (\$20,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at the Albuquerque Indian center in Albuquerque in Bernalillo county;

2. one hundred ninety thousand three hundred eighty-six dollars (\$190,386) to plan, design, construct, renovate, furnish and equip the museum at the Indian pueblo cultural center in Albuquerque in Bernalillo county;

3. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish an emergency medical services building in the To'hajiilee chapter of the Navajo Nation in Bernalillo county;

~~[4. twenty five thousand dollars (\$25,000) to repair and reconstruct the traditional irrigation system at the Pueblo of Acoma in Cibola county;] *LINE-ITEM VETO*~~

5. eighty thousand dollars (\$80,000) to plan, design and construct a parking lot and facility improvements at the veterans center in the Pueblo of Acoma in Cibola county;

6. ninety-five thousand dollars (\$95,000) to plan, design, construct and replace the roof systems on the fire substation and natural resources building at the Pueblo of Laguna in Cibola county;

7. one hundred thousand dollars (\$100,000) to plan, design, construct and equip the K'awaika community campus infrastructure at the Pueblo of Laguna in Cibola county;

8. one hundred thousand dollars (\$100,000) to design and construct improvements to the chapter house in the Baahaali chapter of the Navajo Nation in McKinley county;

9. one hundred thousand dollars (\$100,000) to plan, design and construct power line extensions in the Casamero Lake chapter of the Navajo Nation in McKinley county;

10. one hundred fifty thousand dollars (\$150,000) to construct, renovate, equip and furnish the chapter house and administrative office in the Chichiltah chapter of the Navajo Nation in McKinley county;

~~[11. thirty thousand dollars (\$30,000) to plan, design and construct a parking lot for the chapter house and senior center in the Coyote Canyon chapter of the Navajo Nation in McKinley county;] *LINE-ITEM VETO*~~

12. ninety-five thousand dollars (\$95,000) to plan, design and construct power lines in the Coyote Canyon chapter of the Navajo Nation in McKinley county;

13. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish the multipurpose wellness and education center at Navajo technical university in Crownpoint in McKinley county;

14. one hundred seventy thousand dollars (\$170,000) to purchase a motor grader for the Iyanbito chapter of the Navajo Nation in McKinley county;

15. one hundred thousand dollars (\$100,000) to construct a power line extension in the Little Water chapter of the Navajo Nation in McKinley county;

16. five thousand dollars (\$5,000) to plan, design, purchase and install heaters and make related improvements in the chapter house in the Mariano Lake chapter of the Navajo Nation in McKinley county;

~~[17. twenty thousand dollars (\$20,000) to plan, design and construct power line extensions in the Mariano Lake chapter of the Navajo Nation in McKinley county;] *LINE-ITEM VETO*~~

18. ninety thousand dollars (\$90,000) to construct a modular building for the emergency response team in the Red Rock chapter of the Navajo Nation in McKinley county;

19. twenty-five thousand dollars (\$25,000) to plan and design an activity building for the Smith Lake chapter of the Navajo Nation in McKinley county;
20. two hundred ninety-five thousand dollars (\$295,000) to plan, design and construct a veterans service center in the Thoreau chapter of the Navajo Nation in McKinley county;
21. four hundred thousand dollars (\$400,000) to plan, design and construct a veterans building in the Tohatchi chapter of the Navajo Nation in McKinley county;
22. eighty thousand dollars (\$80,000) to purchase and equip a backhoe for the Tsa-Ya-Toh chapter of the Navajo Nation in McKinley county;
23. fifty thousand dollars (\$50,000) to plan, design and construct a railway industrial park in the Tsa-Ya-Toh chapter of the Navajo Nation in McKinley county;
24. fifty thousand dollars (\$50,000) to plan, design and construct phase 2 of a roads maintenance yard for the Navajo department of transportation in the Whitehorse Lake chapter of the Navajo Nation in McKinley county;
25. three hundred sixty-five thousand dollars (\$365,000) to plan, design and construct a multipurpose building in the Rock Springs chapter of the Navajo Nation in McKinley and San Juan counties;
26. one hundred thousand dollars (\$100,000) to purchase buses for the Pueblo of Sandia in Sandoval county;
27. seventy-five thousand dollars (\$75,000) to plan, design, construct, equip and furnish the renovation and expansion of the medical and dental clinic serving the Torreon-Star Lake chapter of the Navajo Nation in Sandoval and McKinley counties;
28. twenty-five thousand dollars (\$25,000) to design and construct utilities and infrastructure for the education complex at Ohkay Owingeh in Rio Arriba county;
29. one hundred seventy-five thousand dollars (\$175,000) to plan and design gabion structures in Santa Clara creek in the Pueblo of Santa Clara in Rio Arriba county;
30. eighty thousand dollars (\$80,000) to plan, design and construct improvements to irrigation systems for the San Juan river Dineh water users, incorporated, on the Navajo Nation in San Juan county;
31. one hundred forty-five thousand dollars (\$145,000) to purchase a road grader for the Beclabito chapter of the Navajo Nation in San Juan county;

32. one hundred forty-two thousand seven hundred twenty-five dollars (\$142,725) to design, construct and install phase 4 of the irrigation system in the Gadii'ahi chapter of the Navajo Nation in San Juan county;

33. twenty-five thousand dollars (\$25,000) to plan, design and construct a solar project for the chapter house in the Lake Valley chapter of the Navajo Nation in San Juan county;

34. forty-five thousand dollars (\$45,000) to construct and equip the Captain Tom irrigation canal system in the Newcomb chapter of the Navajo Nation in San Juan county;

35. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the parking area on the chapter tract for the senior center, the chapter house and the head start building in the Newcomb chapter of the Navajo Nation in San Juan county;

36. fifty thousand dollars (\$50,000) to renovate and equip the Cochiti library and cultural building at the Pueblo of Cochiti in Sandoval county;

37. one hundred sixty thousand two hundred dollars (\$160,200) to plan, design, construct, renovate and equip the multi-use facility in the Pueblo of Cochiti in Sandoval county;

38. one hundred ten thousand dollars (\$110,000) for planning and purchase of an earth block machine and equipment for the Pueblo of Jemez in Sandoval county;

39. one hundred thousand dollars (\$100,000) to plan, design and construct the renovation of the library building, including an addition, in the Pueblo of Jemez in Sandoval county;

~~40. ten thousand dollars (\$10,000) to plan, design and construct facilities and improvements to the farm services yard in the Pueblo of San Felipe in Sandoval county;]~~ *LINE-ITEM VETO*

41. seventy-five thousand dollars (\$75,000) to construct, equip and furnish the multipurpose wellness and education facility in the Pueblo of Santa Ana in Sandoval county;

42. one hundred forty thousand dollars (\$140,000) to construct, equip and furnish a regional police substation and holding facility at the Pueblo of Santa Ana in Sandoval county;

43. one hundred fifty thousand dollars (\$150,000) to purchase and equip an ambulance for the Pueblo of Santo Domingo in Sandoval county;

44. one hundred sixty-five thousand dollars (\$165,000) to purchase and equip a loader and motor grader for the Pueblo of Zia in Sandoval county;

~~[45. one hundred thousand dollars (\$100,000) to plan, design, construct and equip additions and improvements to the wellness center and parking lot at the Pueblo of Pojoaque in Santa Fe county;] *LINE-ITEM VETO*~~

46. one hundred fifty thousand dollars (\$150,000) to plan and design entrance lanes into the Santa Fe Indian school in Santa Fe in Santa Fe county;

47. one hundred thirty thousand one hundred dollars (\$130,100) to plan, design, construct and stabilize the police building at the Pueblo of Tesuque in Santa Fe county[; and

~~48. twenty five thousand dollars (\$25,000) to plan, design and construct a veterans center in the Pueblo of Isleta in Valencia county]. *LINE-ITEM VETO*~~

Chapter 66 Section 20 Laws 2014

SECTION 20. DEPARTMENT OF INFORMATION TECHNOLOGY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the department of information technology that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of information technology for the following purposes:

1. fifty thousand dollars (\$50,000) to plan, design and construct a high-speed broadband infrastructure network into Bernalillo and Sandoval counties and rural northern New Mexico to integrate with the existing regional economic development initiative net open access network in north central New Mexico; and

2. five million dollars (\$5,000,000) to plan, design, acquire, purchase and implement infrastructure for public safety communications statewide for improved communication equipment affecting all emergency responders.

Chapter 66 Section 21 Laws 2014

SECTION 21. INTERSTATE STREAM COMMISSION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the interstate stream commission that the need exists for the issuance of the bonds, the following amounts are appropriated to the interstate stream commission for the following purposes:

1. forty thousand dollars (\$40,000) for acequia improvements in Anton Chico, La Loma and Tecolotito in Guadalupe county;

2. forty-five thousand dollars (\$45,000) for acequia improvements [~~and to pay off a loan~~] for the east Puerto de Luna acequia in Guadalupe county; *LINE-ITEM VETO*

3. twenty-five thousand dollars (\$25,000) [~~to pay off a loan and~~] to construct a pipeline for the west Puerto de Luna acequia in Santa Rosa in Guadalupe county; *LINE-ITEM VETO*

4. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, purchase and install improvements to the dam, spillway, low-water crossing and head gate for the Storm ditch in Hondo in Lincoln county;

5. fifty-three thousand dollars (\$53,000) to plan, design and construct improvements to the Rainsville acequia del sur in Mora county;

6. one hundred thousand dollars (\$100,000) to design, construct and install improvements to the Tularosa community acequia in Otero county;

7. sixty thousand dollars (\$60,000) to plan, design, construct and install phase 1 improvements and erosion control structures for the acequia Mesa del Medio in Rio Arriba county;

8. sixty thousand dollars (\$60,000) to plan, design and construct improvements for acequia de las Canovas in Servilleta Plaza in Rio Arriba county;

9. thirty-five thousand dollars (\$35,000) to plan, design and construct improvements to the acequia San Rafael del Guique in Rio Arriba county;

10. twenty-five thousand dollars (\$25,000) to design and construct improvements to increase water flow in the acequia de Chamita in Rio Arriba county;

11. fifteen thousand dollars (\$15,000) to plan, design and construct improvements [~~and~~] to [~~pay off a loan for~~] acequia de la Posecion in Truchas in Rio Arriba county; *LINE-ITEM VETO*

12. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to acequia Madre de Las Vegas in San Miguel county;

13. forty-five thousand dollars (\$45,000) to plan, design and construct improvements and an arroyo crossing for Los Trigos ditch in El Pueblo in San Miguel county;

14. twenty thousand dollars (\$20,000) to plan, design, construct and equip improvements to the Tecolote acequia system and infrastructure in San Miguel county;

15. twenty-five thousand dollars (\$25,000) to plan and design a dam for the northside acequia madre de Villanueva in San Miguel county;
16. twenty thousand dollars (\$20,000) for improvements to acequias for the Jemez River basin coalition of acequias from Jemez Springs to San Ysidro in Sandoval county;
17. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the acequia de los Pinos in Sandoval county;
18. thirty-four thousand dollars (\$34,000) to plan, design and construct phase 1 improvements to the acequia del Rancho in El Rancho in Santa Fe county;
19. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the Fresquez ditch in Cuarteles in Santa Fe county;
20. eighty thousand dollars (\$80,000) to plan, design and construct improvements to acequia Agua Fria in Santa Fe county;
21. twenty-five thousand dollars (\$25,000) to construct, purchase and install improvements, including the installation of head gates and ditch liners, to the acequia de los Chupaderos in Santa Fe county;
22. thirty thousand dollars (\$30,000) to plan, design and construct improvements to the acequia de los Trujillos in Santa Fe county;
23. seventy-one thousand dollars (\$71,000) to plan, design and construct improvements, including an infiltration gallery, to the acequia del Barranco Blanco in the Pueblo of Pojoaque in Santa Fe county;
24. twenty thousand dollars (\$20,000) to construct improvements to La Bajada community ditch in Santa Fe county;
25. seventy-five thousand dollars (\$75,000) to design and construct the acequia de los Ranchos embankment structure and improvements in Chimayo in Santa Fe county;
26. twenty-five thousand dollars (\$25,000) to construct, equip and install piping and spillway modifications, make related improvements and replace the gate valve connecting the acequia to the pond for the acequia de la Cienega in Santa Fe county;
27. seventy-five thousand dollars (\$75,000) to construct, equip and install an electrical pump system and well and make related improvements for the acequia de la Cienega in Santa Fe county;

28. sixty-seven thousand dollars (\$67,000) for improvements to the acequia del Rincon in Pojoaque in Santa Fe county;
29. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the Cuarteles ditch in Santa Cruz in Santa Fe county;
30. fifteen thousand dollars (\$15,000) to construct and install a compuerta at the acequia de las Jollas and Rio Chiquito in Taos county;
31. fifteen thousand dollars (\$15,000) to design and construct erosion control structures on acequia del Canon for the acequias de Chamisal y Ojito in Llano de San Juan in Taos county;
32. twenty-five thousand dollars (\$25,000) for improvements to the acequia del Monte in Llano de San Juan Nepumuceno in Taos county;
33. fifty thousand dollars (\$50,000) to plan, design and construct a lining for the acequia del Monte in Talpa in Taos county;
34. nine hundred thousand dollars (\$900,000) to plan, design, remodel, rebuild, construct and equip conservation rearing ponds and hatcheries for a silvery minnow refugium production facility in Los Lunas in Valencia county; and
35. four hundred fifty thousand dollars (\$450,000) to plan, design and construct habitat restoration projects in the middle Rio Grande conservancy district.

Chapter 66 Section 22 Laws 2014

SECTION 22. LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION PROJECTS--SEVERANCE TAX BONDS.-- Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the local government division of the department of finance and administration that the need exists for the issuance of the bonds, the following amounts are appropriated to the local government division of the department of finance and administration for the following purposes:

1. one hundred fifty thousand dollars (\$150,000) to purchase and equip head start program buses in Bernalillo county;
2. ninety thousand dollars (\$90,000) to plan, design, construct and equip improvements to parking areas, lighting, fields, batting cages and landscaping at the Atrisco little league park in Bernalillo county;
- ~~3. twenty thousand dollars (\$20,000) to purchase land, develop the site for and construct a park and outdoor facilities along the bluff area of the Arenal drain from west Central avenue to Bridge street in Albuquerque in Bernalillo county;~~

~~4. twenty-five thousand dollars (\$25,000) to purchase and install athletic equipment in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

5. one hundred forty-three thousand dollars (\$143,000) to plan, design, construct, equip and furnish phase 2 improvements at Carlito Springs in Bernalillo county;

6. twenty thousand dollars (\$20,000) to plan, design, equip and furnish improvements and to purchase and install information technology, including related equipment, furniture and infrastructure, for an education and workforce training center in Albuquerque in Bernalillo county;

7. thirty-three thousand dollars (\$33,000) to upgrade communication equipment for the fire department in Bernalillo county;

8. forty thousand dollars (\$40,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at the North Valley library in Bernalillo county;

9. seven hundred sixty-five thousand dollars (\$765,000) to purchase land and to plan, design, construct and equip ball fields, parking lots and facilities for North Valley little league in Bernalillo county;

10. ninety-three thousand seven hundred ninety dollars (\$93,790) to purchase and install hardwood flooring in the Paradise Hills community center gymnasium in Bernalillo county;

11. eight hundred twenty-five thousand dollars (\$825,000) to plan, design and construct improvements, additions and landscaping at the Paradise Hills community center and annex and adjacent parks and recreation facilities in Bernalillo county;

12. two hundred five thousand dollars (\$205,000) to plan, design, renovate, furnish and equip the Rio Grande high school pool in Albuquerque in Bernalillo county;

13. three hundred ninety-seven thousand eight hundred eighty-nine dollars (\$397,889) to purchase and equip a mobile crime lab for the sheriff's department in Bernalillo county;

14. one hundred thousand dollars (\$100,000) to purchase property for and to plan, design, construct and equip a Route 66 story plaza in and around Louisiana boulevard and Central avenue in Bernalillo county;

15. three hundred twenty-two thousand dollars (\$322,000) to purchase, plan, design and renovate facilities for a transitional living and substance abuse recovery center for adolescents and young adults in Albuquerque in Bernalillo county;

16. eighty thousand dollars (\$80,000) to purchase equipment and a van for a transitional home for lesbian and gay homeless youth in Albuquerque in Bernalillo county;

17. forty thousand dollars (\$40,000) to purchase, plan, construct, furnish and equip a Route 66 visitors center on west Central avenue in Bernalillo county;

18. one hundred fifty-seven thousand dollars (\$157,000) to plan, design, construct, equip and furnish improvements and additions to the South Valley economic development center in Bernalillo county;

19. two hundred fourteen thousand dollars (\$214,000) to plan, design, construct, purchase and install improvements to the Alameda little league field and facilities in Albuquerque in Bernalillo county;

~~20. five thousand dollars (\$5,000) to plan, design, purchase, construct, furnish and equip a community development project in the Alamosa neighborhood of Albuquerque in Bernalillo county;~~

~~21. five thousand dollars (\$5,000) to plan, design, construct and equip facility and information technology improvements to the Alamosa neighborhood center in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

22. two hundred seventy-seven thousand one hundred eleven dollars (\$277,111) to plan, design, construct, purchase and install artifact preservation systems, which include window tinting and a heating, ventilation and air conditioning system, at the Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county;

23. sixty-five thousand dollars (\$65,000) to plan, design and construct infrastructure and safety improvements to the Atrisco little league park in Albuquerque in Bernalillo county;

24. three hundred thirty-five thousand dollars (\$335,000) to acquire rights of way for and to plan, design, construct, furnish and equip a library serving southwest and northwest areas of Albuquerque in Bernalillo county;

25. two hundred thirty thousand five hundred dollars (\$230,500) to design and construct a jaguar exhibit at the biopark in Albuquerque in Bernalillo county;

~~26. five thousand dollars (\$5,000) to purchase and install a digital security camera at the Cherry Hills library in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

27. two hundred thirty-five thousand dollars (\$235,000) to plan, design, construct, equip and furnish improvements to Dale Bellamah park in Albuquerque in Bernalillo county;

28. sixty-five thousand dollars (\$65,000) to purchase and install security equipment for the De Anza property in Albuquerque in Bernalillo county;

29. fifty thousand dollars (\$50,000) to purchase and equip a passenger van with a wheelchair lift for acquired immunodeficiency syndrome patient services for the Albuquerque department of family and community services in Bernalillo county;

30. one hundred ten thousand dollars (\$110,000) to design and construct kennels at the east side animal shelter in Albuquerque in Bernalillo county;

31. two hundred sixty thousand dollars (\$260,000) to plan, design, construct and equip infrastructure improvements and sheds and to purchase maintenance and landscaping equipment and vehicles for the Eastdale little league complex in Albuquerque in Bernalillo county;

32. forty-five thousand dollars (\$45,000) to repair and replace furniture at the Erna Fergusson library in Albuquerque in Bernalillo county;

33. thirty-eight thousand dollars (\$38,000) to purchase and install digital cameras, security and fire system upgrades at the Erna Fergusson library in Albuquerque in Bernalillo county;

34. seventy thousand dollars (\$70,000) for renovation and improvements at the Ernie Pyle library building in Albuquerque in Bernalillo county;

35. five hundred ninety-six thousand dollars (\$596,000) to plan, design, construct, equip and furnish phase 2b of a building expansion and to design, construct, purchase and install exhibits, furniture, equipment and outreach vehicles for the Explora science center and children's museum in Albuquerque in Bernalillo county;

36. sixty-six thousand dollars (\$66,000) to upgrade communication equipment for the fire department in Albuquerque in Bernalillo county;

37. eight hundred seventy-four thousand four hundred dollars (\$874,400) to purchase and equip a ladder truck for the fire department in Albuquerque in Bernalillo county;

38. one hundred thousand dollars (\$100,000) to purchase and equip a fire engine for west side fire department operations in Albuquerque in Bernalillo county;

39. one hundred sixty thousand dollars (\$160,000) to purchase and equip a harm-reduction health outreach van in Albuquerque in Bernalillo county;

40. thirty-five thousand dollars (\$35,000) to design and construct improvements to meet the requirements of the Americans with Disabilities Act of 1990 at the Juan Tabo library in Albuquerque in Bernalillo county;

41. seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate, expand, landscape and furnish the Juan Tabo library in Albuquerque in Bernalillo county;

42. one hundred thousand dollars (\$100,000) to plan, design, purchase and install a retractable band shell in the Kimo theater in Albuquerque in Bernalillo county;

43. forty thousand dollars (\$40,000) to renovate the exterior program area and install turf at the Lomas Tramway library in Albuquerque in Bernalillo county;

44. eighty-eight thousand dollars (\$88,000) for improvements and repairs at the Lomas Tramway library in Albuquerque in Bernalillo county;

45. ninety thousand dollars (\$90,000) to plan, design, construct and equip improvements and renovations to Mary Fox park in Albuquerque in Bernalillo county;

46. three hundred forty-nine thousand dollars (\$349,000) for improvements, renovation and exhibits at the Albuquerque museum of art and history in Albuquerque in Bernalillo county;

47. forty-four thousand dollars (\$44,000) to purchase and equip police cars for the police department in Albuquerque in Bernalillo county;

48. one hundred thirty thousand dollars (\$130,000) to plan, design and construct infrastructure improvements, including turf replacement, at the Roadrunner little league baseball fields in Albuquerque in Bernalillo county;

49. one hundred thousand dollars (\$100,000) to purchase property for and to plan, design, construct and equip a Route 66 story plaza between Wyoming and San Mateo boulevards in Albuquerque in Bernalillo county;

~~[50. fifty thousand dollars (\$50,000) to acquire land for and to plan, design and construct a library facility to replace the San Pedro branch library in Albuquerque in Bernalillo county;]~~ *LINE-ITEM VETO*

51. one hundred ten thousand dollars (\$110,000) to plan, design, construct and equip improvements and renovations to Santa Barbara park in Albuquerque in Bernalillo county;

52. one hundred twenty-five thousand dollars (\$125,000) to construct phase 3 of the street and gateway park project in south Martineztown in Albuquerque in Bernalillo county;

~~[53. twenty thousand dollars (\$20,000) to resurface the tennis courts at Stardust Skies park in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

54. fifteen thousand six hundred dollars (\$15,600) to replace blinds in the children's area at Taylor Ranch library in Albuquerque in Bernalillo county;

55. forty-three thousand dollars (\$43,000) to resurface and make related improvements to the parking lot at Taylor Ranch library in Albuquerque in Bernalillo county;

56. fifty thousand dollars (\$50,000) to purchase and install recreation equipment and information technology, including related furniture, equipment and infrastructure, at the Thomas Bell community center in Albuquerque in Bernalillo county;

57. twenty-five thousand dollars (\$25,000) to plan, design and construct heating, ventilation and air conditioning improvements at the Tony Hillerman library in Albuquerque in Bernalillo county;

58. forty-nine thousand dollars (\$49,000) to purchase and install digital cameras, a security system and a fire suppression system at the Tony Hillerman library in Albuquerque in Bernalillo county;

~~[59. twenty thousand dollars (\$20,000) to plan, purchase, construct, equip and furnish a community development project in the west Central metropolitan redevelopment district in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

60. one hundred fifteen thousand dollars (\$115,000) to plan, design and construct phase 2 of the economic development project at fifty-seventh street and Central avenue NW in the west Central metropolitan redevelopment district in Albuquerque in Bernalillo county;

~~[61. ten thousand dollars (\$10,000) to plan, design and construct infrastructure improvements for the economic development project in the Stinson Tower area in the west central metropolitan redevelopment district in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

62. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct and equip, including the purchase and installation of information technology and related infrastructure for, a community center in the Westgate community in Albuquerque in Bernalillo county;

63. one hundred thousand dollars (\$100,000) to plan, design, construct and equip improvements, including the purchase and installation of information technology and related infrastructure, for the public library in the Westgate community of Albuquerque in Bernalillo county;

64. forty-five thousand dollars (\$45,000) to plan, design and construct infrastructure and safety improvements to Westgate little league park in Albuquerque in Bernalillo county;

~~[65. fifty thousand dollars (\$50,000) to plan, design and construct renovations to the Wheels museum in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

66. one hundred sixty-five thousand dollars (\$165,000) to plan, design and construct improvements to the fields and infrastructure for Altamont little league in Albuquerque in Bernalillo county;

67. one hundred thousand dollars (\$100,000) for health clinic signage and a telephone and communications system in Albuquerque in Bernalillo county;

~~[68. two hundred thirty thousand dollars (\$230,000) to purchase, install and construct signs along the Nob Hill corridor in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

69. seventy-five thousand dollars (\$75,000) to purchase, plan, design and construct a multipurpose room for the youth crisis shelter in the south valley in Albuquerque in Bernalillo county;

70. forty-three thousand eight hundred dollars (\$43,800) to furnish the South Valley economic development center in Albuquerque in Bernalillo county;

~~[71. thirty-five thousand dollars (\$35,000) to purchase a building for an education center in the Atrisco land grant in Bernalillo county;] LINE-ITEM VETO~~

72. forty-five thousand dollars (\$45,000) to plan, design and renovate a facility for an education center in the Atrisco land grant in Bernalillo county;

~~[73. five thousand dollars (\$5,000) to purchase and install books and information technology, including related equipment, furniture and infrastructure, for environmental programs of the Atrisco land grant in Albuquerque in Bernalillo county;]~~

~~_____ 74. one thousand six hundred dollars (\$1,600) to purchase and install signage for the Atrisco land grant in Bernalillo county;] LINE-ITEM VETO~~

75. thirty-five thousand dollars (\$35,000) to plan and design a fire department building for La Merced del Pueblo de Chilili in the Chilili land grant in Bernalillo county;

76. one hundred forty-three thousand dollars (\$143,000) to plan, design and construct an emergency management facility and county fair building in Reserve in Catron county;

77. one hundred twenty thousand dollars (\$120,000) to purchase, install and equip rescue tools for the East Grand Plains volunteer fire department in Chaves county;

78. seventy-five thousand dollars (\$75,000) to purchase and equip incident command units for the Midway volunteer fire department in Chaves county;

79. fifty thousand dollars (\$50,000) for building demolition and disposal in Hagerman in Chaves county;

80. one hundred ninety-nine thousand dollars (\$199,000) to purchase and equip vans for veterans' transportation in Roswell in Chaves county;

81. seventy-five thousand dollars (\$75,000) to plan, design and renovate bathroom and concession facilities at the Eastside little league baseball complex in Roswell in Chaves county;

82. seventy-five thousand dollars (\$75,000) to plan, design and renovate bathrooms and to repair the roof at the Joe Bauman baseball stadium in Roswell in Chaves county;

83. twenty-five thousand dollars (\$25,000) to purchase and install playground equipment in parks in Roswell in Chaves county;

84. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, purchase, equip and furnish a veterans' cemetery in Roswell in Chaves county;

85. five hundred thousand dollars (\$500,000) to plan, design, renovate and replace the roof and heating, ventilation and air conditioning system at the Yucca recreation center in Roswell in Chaves county;

86. two hundred thirty thousand dollars (\$230,000) to plan, design, demolish, construct, furnish and equip phase 2 renovation and relocation of the thirteenth judicial district court complex in Grants in Cibola county;

~~[87. sixty-eight thousand dollars (\$68,000) to construct and furnish a health care facility for the south central Colfax county special hospital district in Cimarron in Colfax county;] *LINE-ITEM VETO*~~

88. one hundred seventy-five thousand dollars (\$175,000) to renovate the mainstreet program's Levine building and Lyceum theater in Clovis in Curry county;

89. fifty thousand dollars (\$50,000) to plan, design and construct a parking lot for Potter park in Clovis in Curry county;

90. fifty thousand dollars (\$50,000) for emergency sirens in Melrose in Curry county;

91. sixty thousand dollars (\$60,000) for phase 1 planning, design and construction of a law enforcement training academy in Las Cruces in Dona Ana county;

92. two hundred eighteen thousand dollars (\$218,000) to plan, design and construct improvements to the facilities, grounds and infrastructure at the southern New Mexico fairgrounds in Dona Ana county;

93. fifty thousand dollars (\$50,000) to plan, design and construct flood control facilities in Anthony in Dona Ana county;

94. one hundred forty thousand dollars (\$140,000) for site development and to plan, design and construct farmers' market and youth recreation center facilities in the Anthony water and sanitation district in Dona Ana county;

95. ninety thousand dollars (\$90,000) to plan, design, construct, equip and install lighting improvements to the Dona Ana ballpark in Dona Ana county;

96. five hundred thousand dollars (\$500,000) to acquire rights of way for and to design and construct improvements to the Placitas arroyo in Hatch in Dona Ana county;

97. one hundred twenty-two thousand dollars (\$122,000) to purchase and equip a fire prevention training trailer in Las Cruces in Dona Ana county;

98. fifty thousand dollars (\$50,000) to plan, design, renovate and equip a child crisis health facility in Las Cruces in Dona Ana county;

99. one hundred forty-one thousand dollars (\$141,000) to plan, design and construct improvements and facility restoration at Klein park in Las Cruces in Dona Ana county;

100. forty-five thousand dollars (\$45,000) to plan, design and construct fencing and an irrigation system at the Mesilla Valley community of hope in Las Cruces in Dona Ana county;

101. two hundred ninety-five thousand eight hundred fifty dollars (\$295,850) to plan, design, construct, renovate, equip and furnish a health facility at the Mesilla Valley community of hope building in Las Cruces in Dona Ana county;

102. seven hundred twenty-five thousand dollars (\$725,000) to plan, design and construct a traffic safety management control center in Las Cruces in Dona Ana county;

103. four hundred six thousand five hundred dollars (\$406,500) to construct a women veterans monument at Veterans Memorial park in Las Cruces in Dona Ana county;

104. five hundred fifty-five thousand dollars (\$555,000) to plan, design and construct portable cinematic infrastructure owned by the city of Las Cruces in Dona Ana county;

105. four hundred forty-five thousand dollars (\$445,000) to plan, design and construct phase 2 improvements to the public safety building in Mesilla in Dona Ana county;

106. sixty thousand dollars (\$60,000) to plan, design and construct improvements, including shading and fencing, to the public park in Rincon in Dona Ana county;

107. one hundred fifty-five thousand dollars (\$155,000) to plan, design, construct and equip an information technology system that includes optic connectivity in the municipal complex and throughout Sunland Park in Dona Ana county;

108. seventy thousand dollars (\$70,000) to purchase and equip passenger vans for the crossroads program in Eddy county;

109. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements and renovation, including parking, lighting and sidewalks, to Guadalupe park in Artesia in Eddy county;

110. seventy-five thousand dollars (\$75,000) to construct, equip and furnish phase 3 improvements to the Halagueno art park in Carlsbad in Eddy county;

111. two hundred twenty thousand dollars (\$220,000) to design, construct, renovate, equip and furnish improvements to the Pecos River Village conference center and bumper car pavilion in Carlsbad in Eddy county;

112. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip improvements, including irrigation and landscaping, to San Jose plaza in Carlsbad in Eddy county;

113. fifty thousand dollars (\$50,000) to design, construct, equip and furnish a fire substation in south Carlsbad in Eddy county;

114. two hundred twenty-five thousand dollars (\$225,000) to design, construct, renovate and equip improvements to the Grant county administration building, including an evidence vault for the county sheriff's office and a facade and entrance compliant with the Americans with Disabilities Act of 1990, in Silver City in Grant county;

115. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish improvements to the Forgotten Veterans memorial at Bataan park in Fort Bayard in Grant county;

116. one hundred thousand dollars (\$100,000) to purchase property for and to plan, design, construct, equip and furnish improvements to the cemetery in Hurley in Grant county;

117. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, equip and furnish improvements to the swimming pool in Hurley in Grant county;

118. one hundred twenty-five thousand dollars (\$125,000) to construct and equip concession stands, lighting and restrooms at the baseball and soccer fields in Silver City in Grant county;

119. one hundred five thousand dollars (\$105,000) to purchase and equip an ambulance for the fire department in Silver City in Grant county;

120. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip a building and to purchase equipment for the Newkirk fire department in Santa Rosa in Guadalupe county;

121. twenty thousand dollars (\$20,000) to purchase equipment and vehicles for the sheriff's office in Guadalupe county;

122. forty thousand dollars (\$40,000) to purchase and equip an ambulance in Vaughn in Guadalupe county;

123. one hundred twenty thousand dollars (\$120,000) for asbestos abatement at the Hidalgo complex in Lordsburg in Hidalgo county;

124. four hundred thousand dollars (\$400,000) to plan, design and construct a medical clinic in Rodeo in Hidalgo county;

125. seventy-nine thousand dollars (\$79,000) to plan, design, construct, equip and furnish a park in Virden in Hidalgo county;

126. fifty thousand dollars (\$50,000) for an irrigation system for Chaparral park in Lovington in Lea county;

127. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, equip and furnish an expansion to the Nor-Lea special hospital district's inpatient wing in Lovington in Lea county;

128. one hundred eighty thousand dollars (\$180,000) to plan, design, purchase and equip an ambulance for Tatum in Lea county;

129. twenty-five thousand dollars (\$25,000) to plan, design, replace and relocate the county communications tower in Carrizozo in Lincoln county;

130. one hundred sixty-three thousand dollars (\$163,000) to plan, design, construct and furnish an expansion to the detention center in Carrizozo in Lincoln county;

131. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and furnish a fire station in Hondo in Lincoln county;

132. twenty thousand dollars (\$20,000) to design, construct and furnish an expansion of the White Oaks fire station in Lincoln county;

133. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, landscape, equip and furnish the community center in Capitan in Lincoln county;

134. ninety thousand dollars (\$90,000) to purchase and equip trucks for Capitan in Lincoln county;

135. two hundred thirteen thousand dollars (\$213,000) to plan, design, construct, renovate, equip and furnish the community center, including improvements for a library, in Carrizozo in Lincoln county;

136. forty thousand dollars (\$40,000) to design, purchase and install playground equipment, including site preparation and safety improvements, at Sloan-Simpson community park in Corona in Lincoln county;

137. thirty-eight thousand dollars (\$38,000) to purchase and equip video systems for police vehicles in Ruidoso in Lincoln county;

138. thirty-five thousand dollars (\$35,000) for construction and removal of dead trees in Ruidoso in Lincoln county;

139. three hundred seventy-five thousand dollars (\$375,000) to plan, design and construct phase 2 of the fire suppression water system for the Jemez mountains regional fire protection project in Los Alamos county;

140. seventy thousand dollars (\$70,000) to plan, design, construct, renovate and equip improvements to the Columbus park gazebo, restrooms and lighting on north Boundary road and New Mexico highway 11 in Columbus in Luna county;

141. four hundred fifty thousand dollars (\$450,000) to construct, renovate, equip and furnish a regional law enforcement complex in Deming in Luna county;

142. forty thousand dollars (\$40,000) to purchase vehicles for transportation of persons with disabilities in McKinley county;

143. forty thousand dollars (\$40,000) to plan, design and construct a veterans memorial and cemetery at the Hillcrest cemetery in Gallup in McKinley county;

144. forty thousand dollars (\$40,000) to plan, design and construct a north side skate park in Gallup in McKinley county;

145. twenty thousand dollars (\$20,000) to purchase and install a pillar at the veterans memorial in Gallup in McKinley county;

146. two hundred forty-five thousand dollars (\$245,000) to plan, design, construct and furnish phase 2 of the county complex in Mora in Mora county;

147. twenty-five thousand dollars (\$25,000) to plan, design, purchase and install heating, ventilation and air conditioning systems at the domestic violence shelter in Alamogordo in Otero county;

148. one hundred thousand dollars (\$100,000) to plan, design and construct restrooms compliant with the Americans with Disabilities Act of 1990 at the family recreation center in Alamogordo in Otero county;

149. two hundred thousand dollars (\$200,000) to purchase and equip vehicles for the police department in Alamogordo in Otero county;

150. seventy-seven thousand five hundred dollars (\$77,500) to plan, design, renovate and improve, including additions, the twelfth judicial district courthouse in Alamogordo in Otero county;

151. five hundred thousand dollars (\$500,000) to plan, design and construct phase 2 renovations for a child development center in Alamogordo in Otero county;

152. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip a community center and library in Cloudcroft in Otero county;

153. thirty-five thousand dollars (\$35,000) to replace the roof on the safety complex in Tularosa in Otero county;

154. one hundred eighty-six thousand dollars (\$186,000) to replace the roof and make related renovations to the county detention center in Tucumcari in Quay county;

155. one hundred fifty thousand dollars (\$150,000) to purchase and equip an ambulance for San Jon in Quay county;

156. sixty-four thousand four hundred dollars (\$64,400) to purchase and equip an early childhood student transportation bus in Canones in Rio Arriba county;

~~[157. fifty thousand dollars (\$50,000) to construct, equip and furnish the county archive center facility in Rio Arriba county;]~~ *LINE-ITEM VETO*

158. two hundred ninety thousand dollars (\$290,000) to remodel and equip the Hunter Ford building in Espanola to accommodate a northern New Mexico food hub economic development initiative, to construct greenhouses at the county detention center complex and to purchase and install information technology upgrades in county community centers in Rio Arriba county;

159. one hundred thousand dollars (\$100,000) to renovate, furnish and expand the Sala Filantropica building into a multipurpose community facility in the Embudo valley in Rio Arriba county;

~~[160. twenty-five thousand dollars (\$25,000) to purchase a snowmobile and all-terrain and utility vehicles for search and rescue and emergency medical services incidents in Rio Arriba county;~~

~~_____ 161. one hundred ninety thousand dollars (\$190,000) to purchase and equip a crime scene processing vehicle for the sheriff's department in Rio Arriba county;~~

~~_____ 162. one hundred twenty-five thousand dollars (\$125,000) to purchase and equip police vehicles for the sheriff's department in Rio Arriba county;]~~ *LINE-ITEM VETO*

163. fifty thousand dollars (\$50,000) to plan, design and construct a county substance abuse therapeutic facility in Espanola in Rio Arriba county;

164. fifty thousand dollars (\$50,000) to construct recreational softball fields and walking trails on Industrial Park road in Espanola in Rio Arriba county;

165. sixty-five thousand dollars (\$65,000) to plan, design and construct a bay addition to the Truchas fire station in Rio Arriba county;

166. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip a fire department substation, including utility connections, in Portales in Roosevelt county;

167. one hundred seventy-three thousand dollars (\$173,000) to plan, design, construct and equip a radiology room at Roosevelt general hospital in the Roosevelt county special hospital district in Roosevelt county;

168. one hundred thousand dollars (\$100,000) to plan, design, construct and replace the roof on the Roosevelt general hospital in the Roosevelt county special hospital district in Roosevelt county;

169. thirty thousand dollars (\$30,000) to purchase and equip a fire truck for the Pecos Canyon volunteer fire and rescue department in San Miguel county;

170. twenty-five thousand dollars (\$25,000) to design and construct a workshop and maintenance building at the detention center in San Miguel county;

171. twenty-five thousand dollars (\$25,000) to plan, design and construct additional vehicle bays, a multipurpose community room and living-sleeping quarters and to make improvements to the existing building for the Sheridan volunteer fire department in San Miguel county;

172. fifty thousand dollars (\$50,000) to purchase and equip a fire truck for El Pueblo volunteer fire department in San Miguel county;

~~[173. twenty five thousand dollars (\$25,000) to construct an addition and purchase a fire truck for the Tecolote fire department in San Miguel county;~~

~~_____ 174. five thousand dollars (\$5,000) to design and build a barn and stable in Cuba in Sandoval county;] *LINE-ITEM VETO*~~

175. one hundred twenty-five thousand dollars (\$125,000) to renovate a building as a business innovation center in Bernalillo in Sandoval county;

176. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the facilities and fields for Coronado little league in Bernalillo in Sandoval county;

177. sixty-five thousand dollars (\$65,000) to design, construct and equip improvements to Rotary park in Bernalillo in Sandoval county;

178. one hundred thirty-two thousand dollars (\$132,000) to plan, design and construct the replacement of the roof and related improvements on the magistrate court building in Bernalillo in Sandoval county;

~~[179. fifty thousand dollars (\$50,000) to replace the roof on the old county courthouse in Bernalillo in Sandoval county;]~~ *LINE-ITEM VETO*

180. one hundred thousand dollars (\$100,000) to plan, design and construct fire suppression improvements and wastewater infrastructure expansion to the Casa San Ysidro museum in Corrales in Sandoval county;

181. seventy-five thousand five hundred dollars (\$75,500) to design and construct irrigation and utility infrastructure improvements and equip park and library facilities at La Entrada park in Corrales in Sandoval county;

182. eighty thousand dollars (\$80,000) to plan, design, construct, equip and furnish the juvenile parks and recreation center in Cuba in Sandoval county;

183. eighty thousand dollars (\$80,000) to construct the police and court building, including asbestos abatement and demolition, in Jemez Springs in Sandoval county;

184. ten thousand dollars (\$10,000) to purchase and install lights ~~and signage~~ at the Pena Blanca community center in Sandoval county; *LINE-ITEM VETO*

185. sixty thousand dollars (\$60,000) to design and construct an all-inclusive park in Rio Rancho in Sandoval county;

186. two hundred thousand dollars (\$200,000) to plan, design, construct and equip improvements to the Cibola little league facilities in Rio Rancho in Sandoval county;

187. three hundred thirty-seven thousand dollars (\$337,000) to purchase and equip police vehicles for Rio Rancho in Sandoval county;

188. one hundred sixty thousand dollars (\$160,000) to plan, design and construct improvements to the fairgrounds in Santa Fe county;

189. one hundred eighty-two thousand dollars (\$182,000) to plan, design, construct and equip solar energy improvements to fire stations in Santa Fe county;

~~[190. forty thousand dollars (\$40,000) to plan, design, construct and equip the south New Mexico highway 14 senior and community center in Santa Fe county;]~~
LINE-ITEM VETO

191. seventy-five thousand dollars (\$75,000) to plan, design, construct, equip and furnish the urban adventure and training center in Santa Fe county;

192. one hundred fourteen thousand four hundred dollars (\$114,400) to design and construct renovations to the women's health building in Santa Fe county;

193. ten thousand dollars (\$10,000) for improvements, equipment and infrastructure related to the expansion of the Vista Grande library in Eldorado in Santa Fe county;

194. one hundred twenty-eight thousand eight hundred dollars (\$128,800) to plan, design, construct and equip improvements to the Pojoaque sports fields in Santa Fe county;

195. eight hundred ninety thousand dollars (\$890,000) to plan, design, construct and equip the Santa Fe airport building expansion in Santa Fe county;

196. ten thousand dollars (\$10,000) to plan, design and construct the replacement of the roof on La Familia medical center's southside clinic building in Santa Fe in Santa Fe county;

197. thirty thousand dollars (\$30,000) to plan, design and construct interior and exterior renovations to El Museo cultural facility in Santa Fe in Santa Fe county;

198. twenty-five thousand dollars (\$25,000) to design and construct improvements to the Genoveva Chavez recreational center in Santa Fe in Santa Fe county;

199. two hundred eighty thousand dollars (\$280,000) to purchase and install information technology and related infrastructure and to plan, design, construct, renovate, expand, furnish and equip a city-owned building that houses a meal program serving a low-income, homebound, chronically or terminally ill population in Santa Fe in Santa Fe county;

200. forty-five thousand dollars (\$45,000) to plan, design, construct and repair the heating, ventilation and air conditioning system at the medical center's Alto clinic in Santa Fe in Santa Fe county;

201. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, equip, furnish, renovate and expand the soccer fields and facilities at the municipal recreation complex in Santa Fe in Santa Fe county;

202. three hundred twenty thousand dollars (\$320,000) to design, construct and equip shade structures in parks in Santa Fe in Santa Fe county;

203. twenty thousand dollars (\$20,000) to design and construct interior and exterior improvements to the recreation center at Salvador Perez park in Santa Fe in Santa Fe county;

204. one hundred thousand dollars (\$100,000) for phase 3 improvements and construction of the community center and commercial kitchen in Sabinal in Socorro county;

205. three hundred thousand dollars (\$300,000) to design, construct and equip a covered rodeo arena, rodeo facilities and soccer fields facility in Socorro in Socorro county;

~~206. fifty thousand dollars (\$50,000) to purchase land, lineas, a building, equipment and furnishings for a land grant and acequia archival collection community center in la merced de Cristobal de la Serna in Taos county;] *LINE-ITEM VETO*~~

207. fifty-three thousand dollars (\$53,000) to plan, design, construct and equip improvements to the roof and windows and install air conditioning in the community center in Talpa in Taos county;

208. one hundred thousand dollars (\$100,000) to plan, design and construct a veterans cemetery in Llano Quemado in Taos county;

209. fifty thousand dollars (\$50,000) to purchase vehicles and equipment for the sheriff's department in Taos county;

210. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip improvements to the ambulance building in Red River in Taos county;

211. two hundred thousand dollars (\$200,000) to purchase and install a computer-aided dispatch and records management system for the sheriff's and dispatch departments in Estancia in Torrance county;

212. forty thousand dollars (\$40,000) to purchase phase 1 radio equipment for KXNM public radio station in McIntosh in Torrance county;

213. thirty thousand dollars (\$30,000) for a metal building for public use in Mountainair in Torrance county;

214. seventy thousand dollars (\$70,000) to plan, design and construct a playground in the town of Tajique land grant in Torrance county;

215. fifty-seven thousand dollars (\$57,000) to plan, design and construct renovations and roof replacement in the civic center in Clayton in Union county;

216. fifty-five thousand dollars (\$55,000) to plan, design, construct and equip a multipurpose event center in Clayton in Union county;

217. one hundred fifteen thousand dollars (\$115,000) to plan, design and construct renovations and roof replacement at the town hall in Clayton in Union county;

218. one hundred seventy-five thousand four hundred dollars (\$175,400) to purchase heavy equipment for Valencia county;

219. seventy-five thousand dollars (\$75,000) to plan, design and renovate the village office in Bosque Farms in Valencia county;

220. one hundred twenty-five thousand dollars (\$125,000) for information technology upgrades, including related equipment and infrastructure, to increase connectivity in Los Lunas in Valencia county;

221. two hundred thirty-five thousand dollars (\$235,000) to design and construct a sports complex, including parking, fencing and landscaping, in Los Lunas in Valencia county;

222. one hundred fifty thousand dollars (\$150,000) to design and construct improvements and replace the roof of the administration building and to design and construct a public works department building in Peralta in Valencia county;

223. two hundred thousand dollars (\$200,000) for phase 1 planning, design and purchase of land and a building for a multipurpose government complex in Rio Communities in Valencia county; and

224. five hundred four thousand dollars (\$504,000) to plan, design and construct the Porter arroyo retention facility in Farmington in San Juan county.

Chapter 66 Section 23 Laws 2014

SECTION 23. SECRETARY OF STATE PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the secretary of state that the need exists for the issuance of the bonds, six million dollars (\$6,000,000) is appropriated to the secretary of state to purchase and install voting tabulator systems, including related information technology, statewide.

Chapter 66 Section 24 Laws 2014

SECTION 24. SPACEPORT AUTHORITY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the spaceport authority that the need exists for the issuance of the bonds, the following amounts are appropriated to the spaceport authority for the following purposes:

1. six million four hundred thousand dollars (\$6,400,000) to plan, design and construct, including rights of way, easements and archaeological studies, the southern access road to Spaceport America in Dona Ana and Sierra counties; and
2. one hundred fourteen thousand dollars (\$114,000) to plan, design and construct a hangar at Spaceport America in Sierra county.

Chapter 66 Section 25 Laws 2014

SECTION 25. DEPARTMENT OF TRANSPORTATION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the department of transportation that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of transportation for the following purposes:

1. two hundred thousand dollars (\$200,000) to design and construct the master-planned roadway and drainage infrastructure in North Albuquerque Acres, including Browning street, Holbrook street and other roadways, in Bernalillo county;
2. twenty-five thousand dollars (\$25,000) to plan, design, construct and install pedestrian safety improvements incorporating public art at Isleta boulevard and Raymac road in Bernalillo county;
3. two hundred eighty-one thousand eight hundred dollars (\$281,800) to plan, design and construct improvements, including an underground storm drain, storm drainage retention pond, curbs, sidewalk and asphalt replacement, to Sunset road from the post office south of Bridge boulevard to Gatewood avenue in Los Ranchos de Atrisco community of Bernalillo county;
4. twenty-five thousand dollars (\$25,000) to plan, design and construct an urban street tree project in the Huning Highland neighborhood in public rights of way in Albuquerque in Bernalillo county;
5. one hundred five thousand dollars (\$105,000) to plan, design and construct phase 2 improvements to the intersection of Carlisle boulevard and Constitution avenue in Albuquerque in Bernalillo county;

6. one hundred thousand dollars (\$100,000) for improvements, including landscaping and public art, on medians and rights of way along Central avenue from San Mateo boulevard to Wyoming boulevard in Albuquerque in Bernalillo county;

7. twenty thousand dollars (\$20,000) for healthy trails improvements on Copper avenue NE between Louisiana boulevard and Wyoming boulevard in Albuquerque in Bernalillo county;

8. twenty thousand dollars (\$20,000) for healthy trails improvements on Kathryn avenue SE between San Mateo boulevard and San Pedro drive in Albuquerque in Bernalillo county;

9. four hundred eighty thousand dollars (\$480,000) to acquire rights of way for and to plan, design and construct road and median improvements to Ladera drive NW in Albuquerque in Bernalillo county;

10. one hundred thousand dollars (\$100,000) for a center lane road median in the 100 block of Louisiana boulevard NE in Albuquerque in Bernalillo county;

11. one hundred five thousand dollars (\$105,000) to design and construct irrigation renovation and landscape improvements on medians on Menaul boulevard west from San Pedro drive in Albuquerque in Bernalillo county;

12. twenty-five thousand dollars (\$25,000) for healthy trails improvements on Pennsylvania street NE between Marquette avenue and Southern avenue in Albuquerque in Bernalillo county;

13. seventy thousand dollars (\$70,000) to plan, design and construct improvements and rehabilitation of Rio Grande boulevard from Candelaria road to Griegos road, including signage and bicycle and pedestrian lanes, in Albuquerque in Bernalillo county;

14. one hundred thousand dollars (\$100,000) for pedestrian safety, traffic calming and public art improvements on San Mateo boulevard, Gibson boulevard, Tramway boulevard and Lomas boulevard in Albuquerque in Bernalillo county;

15. one hundred thousand dollars (\$100,000) to plan, design and construct improvements on San Pedro drive between Lomas boulevard NE and interstate 40 in Albuquerque in Bernalillo county;

16. one hundred fifty thousand dollars (\$150,000) to plan, design and construct pedestrian safety, traffic calming and public art improvements on south Fourth street in Albuquerque in Bernalillo county;

17. one hundred thousand dollars (\$100,000) to purchase and install street lights along Trumbull avenue SE and San Pedro drive SE in Albuquerque in Bernalillo county;

18. two hundred thousand dollars (\$200,000) to plan, design, construct and repair Hobson road in Roswell in Chaves county;

19. two hundred twenty-five thousand dollars (\$225,000) to design and construct infrastructure improvements on Second street in Grants in Cibola county;

20. one hundred thousand dollars (\$100,000) to acquire rights of way and design and construct phase 5 of the Motel drive infrastructure project in Milan in Cibola county;

21. seventy thousand dollars (\$70,000) to design and construct street and drainage improvements in Angel Fire in Colfax county;

22. two hundred thousand dollars (\$200,000) to plan, design, repair and construct drainage structures and storm drain systems and appurtenant street repairs in Raton in Colfax county;

23. four hundred eighty-five thousand dollars (\$485,000) to plan, design and construct improvements to county road G, county road 5 and county road 19 in Curry county;

24. two hundred thousand dollars (\$200,000) to plan and design phase 1 improvements to Seventh street in Clovis in Curry county;

25. eight hundred twenty-eight thousand dollars (\$828,000) to plan, design and construct road and drainage improvements to Baylor Canyon and Dripping Springs roads in Dona Ana county;

26. thirty-five thousand dollars (\$35,000) to plan, design, construct and install improvements and a traffic control safety island at the intersection of Northwind road and Wildwind road in Dona Ana county;

27. one hundred seventy thousand dollars (\$170,000) to plan, design and construct improvements to Prescott Anthony drive in Chaparral in Dona Ana county;

28. three hundred thousand dollars (\$300,000) to plan, design and construct road and drainage improvements on Fourth street in Anthony in Dona Ana county;

29. one hundred sixty-eight thousand dollars (\$168,000) to plan, design and construct road and drainage improvements to Cynthia lane in Chaparral in Dona Ana county;

30. one hundred fifty-three thousand dollars (\$153,000) to plan, design and construct improvements to Katydid lane in Chaparral in Dona Ana county;

31. sixty-five thousand seven hundred dollars (\$65,700) to plan, design and construct improvements to the roads at the intersection of McCombs road and Hermosa drive in Chaparral in Dona Ana county;

32. sixty-seven thousand dollars (\$67,000) to plan, design and construct improvements to Old Sequoia road in Chaparral in Dona Ana county;

33. one hundred thousand dollars (\$100,000) to construct street lighting and lighting improvements in the Alameda Depot neighborhood in Las Cruces in Dona Ana county;

34. one hundred fifty thousand dollars (\$150,000) to construct street lighting and lighting improvements in the Mesquite historic district of Las Cruces in Dona Ana county;

35. one million thirty-six thousand dollars (\$1,036,000) to plan, design and construct street improvements in Las Cruces in Dona Ana county;

36. fifty thousand dollars (\$50,000) to plan, design and install transit system bus shelters and acquire rights of way in central Las Cruces in Dona Ana county;

37. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including sidewalks and drainage, to Trujillo street in Placitas in Dona Ana county;

~~38. fifty thousand dollars (\$50,000) to plan, design and construct bicycle lanes and pedestrian trails in Sunland Park in Dona Ana county;~~ *LINE-ITEM VETO*

39. one hundred thousand dollars (\$100,000) to plan, design and construct street and drainage improvements in Sunland Park in Dona Ana county;

40. three hundred thousand dollars (\$300,000) to plan, design and construct road and drainage improvements in Tortugas in Dona Ana county;

41. fifty thousand dollars (\$50,000) to plan, design and construct improvements and chip sealing to Box Canyon road in Eddy county;

42. two hundred eighty thousand dollars (\$280,000) to plan, design and construct a south loop bypass road around Carlsbad in Eddy county;

43. two hundred eighty-seven thousand five hundred dollars (\$287,500) to plan and design drainage improvements and a bridge at Boyd drive and Radio

boulevard and at Dark Canyon arroyo on San Jose boulevard in Carlsbad in Eddy county;

44. four hundred twenty-five thousand dollars (\$425,000) to plan, design, construct and equip a terminal at the regional airport in Lea county;

45. seventy-five thousand dollars (\$75,000) to design, construct and equip improvements to downtown Main street, including curbs and gutters, sidewalks, irrigation, lighting and drainage, in Eunice in Lea county;

46. two hundred thousand dollars (\$200,000) to design and construct road, drainage and sidewalk improvements on streets in Eunice in Lea county;

47. twenty-five thousand dollars (\$25,000) to plan, design and construct sidewalk improvements to comply with the Americans with Disabilities Act of 1990 on Main street, United States highway 54, in Corona in Lincoln county;

48. one hundred thousand dollars (\$100,000) to design and construct phase 1 road improvements to Blue Medicine Well road in the Baahaali chapter of the Navajo Nation in McKinley county;

~~[49. twenty five thousand dollars (\$25,000) to acquire rights of way and to plan, design and construct bridges on Manuelito Canyon drive in the Manuelito chapter of the Navajo Nation in McKinley county;~~

~~_____ 50. fifty thousand dollars (\$50,000) to acquire rights of way for and to plan and design improvements to Manuelito Canyon drive in the Manuelito chapter of the Navajo Nation in McKinley county;~~

~~_____ 51. fifteen thousand dollars (\$15,000) to plan drainage improvements for major road corridors in McKinley county;] LINE-ITEM VETO~~

52. one hundred fifty thousand dollars (\$150,000) to acquire rights of way and plan, design and construct a bridge across the Puerco river on Allison road in Gallup in McKinley county;

53. five hundred twenty-three thousand dollars (\$523,000) to acquire rights of way and plan, design and reconstruct Hospital drive and College drive in Gallup in McKinley county;

54. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the McKinley county road 120 system in the Manuelito chapter of the Navajo Nation in McKinley county;

55. fifty thousand dollars (\$50,000) to plan, design and construct improvements to Deersprings road in the Mexican Springs chapter of the Navajo Nation in McKinley county;

56. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to Johnson road in the Twin Lakes chapter and surrounding area of the Navajo Nation in McKinley county;

57. three hundred forty-four thousand dollars (\$344,000) to acquire rights of way for and to plan, design and construct paseo del Volcan loop bypass road from Unser boulevard to interstate 40 in Bernalillo and Sandoval counties;

58. one hundred thousand dollars (\$100,000) to plan, design, construct and equip quiet railroad crossings south of Algodones in Sandoval county;

59. one hundred eighty thousand three hundred eighty-seven dollars (\$180,387) to plan, design, construct and equip quiet railroad crossings in the south valley of Bernalillo county;

60. one hundred seventy-five thousand dollars (\$175,000) to purchase buses for the north central regional transit district in Espanola in Rio Arriba county;

61. one hundred eleven thousand dollars (\$111,000) to plan, design and construct improvements to roads countywide in Roosevelt county;

62. one hundred ten thousand dollars (\$110,000) to plan, design, construct and equip phase 1 improvements to the intersection of New Mexico highway 371 and Navajo route 36 in San Juan county;

63. three million eight hundred nineteen thousand seven hundred seventy-five dollars (\$3,819,775) to construct the east Aztec arterial route in Aztec in San Juan county;

64. one hundred thousand dollars (\$100,000) to plan, design and construct an access road to the multipurpose facility in the Crystal chapter of the Navajo Nation in San Juan county;

65. fifty thousand dollars (\$50,000) to plan, design and construct safety improvements at the junction of United States highway 491 and Navajo service route 34 in the Sanostee chapter of the Navajo Nation in San Juan county;

66. thirty thousand dollars (\$30,000) to plan, design and construct improvements to county roads in Gonzales Ranch in San Miguel county;

67. fifty thousand dollars (\$50,000) to plan, design and construct improvements to county roads in Pendaries in San Miguel county;

68. thirty thousand dollars (\$30,000) to plan, design and construct improvements to county roads in San Jose in San Miguel county;

69. one hundred seventy-five thousand dollars (\$175,000) to plan, design and construct improvements to county roads in San Miguel county;

70. three hundred fifty-three thousand dollars (\$353,000) to plan, design and construct improvements to streets in Bernalillo in Sandoval county;

71. fifty thousand dollars (\$50,000) to plan, design and construct road access to the regional communications tower in Corrales in Sandoval county;

72. four hundred thousand dollars (\$400,000) to plan, design and construct phase 2 drainage improvements for flood control on Alberta road for the southern Sandoval arroyo flood control authority in Rio Rancho in Sandoval county;

73. nine hundred sixty-five thousand dollars (\$965,000) to plan, design and construct improvements to Westside boulevard, construct a bridge and approaches for the eastbound lanes and improve the road between Unser boulevard and Golf Course road in Rio Rancho in Sandoval county;

74. one hundred seventy-five thousand dollars (\$175,000) to design a south bridge over the Rio Grande in the Pueblo of San Felipe in Sandoval county;

75. twenty thousand dollars (\$20,000) to plan, design, construct and equip improvements to Alamo lane in the Agua Fria area of Santa Fe county;

76. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to roads in Eldorado in Santa Fe county;

77. one hundred thousand dollars (\$100,000) to design and construct road improvements to Enterprise road and Grefco road to improve access to the county detention center and to design and construct a parking lot at the detention center in Socorro in Socorro county;

78. one hundred thirty thousand dollars (\$130,000) to plan, design and construct improvements to Camino del Medio in Taos county;

79. one hundred eighty thousand dollars (\$180,000) to acquire easements for and to plan, design and construct road, drainage and utility improvements to Camino del Medio in Taos in Taos county;

80. fifty thousand dollars (\$50,000) to prepare the site for and to plan, design and construct a hangar facility at Taos regional airport in Taos county;

~~[81. twenty-five thousand dollars (\$25,000) to plan, design and construct Alan Ayers road in Estancia in Torrance county;] LINE-ITEM VETO~~

82. one hundred seventy-two thousand dollars (\$172,000) to plan, design, construct and install improvements, including lighting, to the Manzano expressway from Van Camp boulevard to south Rio del Oro in Valencia county;

83. three hundred fifty thousand dollars (\$350,000) to plan, design, construct and install improvements, including lighting, to Meadowlake road in Valencia county;

84. two hundred fifteen thousand dollars (\$215,000) to plan, design and construct phase 2 improvements to Christopher road in Belen in Valencia county;

85. one hundred fifty thousand dollars (\$150,000) to construct improvements to the streets in Peralta in Valencia county; and

86. four hundred forty thousand dollars (\$440,000) to purchase buses for the south central regional transit district in Dona Ana and Sierra counties.

Chapter 66 Section 26 Laws 2014

SECTION 26. HIGHER EDUCATION DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the higher education department that the need exists for the issuance of the bonds, the following amounts are appropriated to the higher education department for the following purposes:

1. four hundred twenty-five thousand dollars (\$425,000) to purchase and install information technology for an energy technician training program, including related equipment, furniture and infrastructure, at New Mexico junior college in Hobbs in Lea county;

2. one hundred forty thousand dollars (\$140,000) to design and construct roofing and heating, ventilation and air conditioning systems at Mesalands community college in Tucumcari in Quay county;

3. fifteen thousand dollars (\$15,000) to purchase, construct and install signage for the west campus of San Juan college in Kirtland in San Juan county;

4. forty thousand dollars (\$40,000) to plan, design and construct the re-roofing of buildings at Luna community college in Las Vegas in San Miguel county;

5. two hundred forty thousand dollars (\$240,000) to plan, design, construct, renovate, expand and equip classroom and laboratory space for training in

alternative and renewable energy and microgrids at Santa Fe community college in Santa Fe county; and

6. seventy-five thousand dollars (\$75,000) to purchase, upgrade, install and equip improvements for media, television and film technology training and services at Santa Fe community college in Santa Fe county.

Chapter 66 Section 27 Laws 2014

SECTION 27. EASTERN NEW MEXICO UNIVERSITY PROJECTS-- SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the board of regents of eastern New Mexico university that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of eastern New Mexico university for the following purposes:

1. one hundred forty-six thousand dollars (\$146,000) to design, purchase, install and equip SimMan3G and SimJunior simulators in the health science center at the Roswell branch campus of eastern New Mexico university in Chaves county;

2. one hundred fifty thousand dollars (\$150,000) to purchase and install equipment and virtual reality arc welding trainers in the welding and auto mechanics instructional areas at the Roswell branch campus of eastern New Mexico university in Chaves county; and

3. six hundred six thousand dollars (\$606,000) to plan, design, construct and equip a multipurpose stadium at eastern New Mexico university in Portales in Roosevelt county.

Chapter 66 Section 28 Laws 2014

SECTION 28. NEW MEXICO HIGHLANDS UNIVERSITY PROJECT-- SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the board of regents of New Mexico highlands university that the need exists for the issuance of the bonds, two hundred sixty-five thousand dollars (\$265,000) is appropriated to the board of regents of New Mexico highlands university to plan, design, construct, renovate, landscape, improve the site, furnish and equip the athletic department and facilities at New Mexico highlands university in Las Vegas in San Miguel county.

Chapter 66 Section 29 Laws 2014

SECTION 29. NEW MEXICO MILITARY INSTITUTE PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the board of regents of New Mexico military institute that the need exists for the issuance of the bonds, one hundred fifty-three thousand two hundred

dollars (\$153,200) is appropriated to the board of regents of New Mexico military institute to design, construct and install artificial turf in the infield of the baseball field at New Mexico military institute in Roswell in Chaves county.

Chapter 66 Section 30 Laws 2014

SECTION 30. NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the board of regents of New Mexico institute of mining and technology that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of New Mexico institute of mining and technology for the following purposes:

1. ninety thousand dollars (\$90,000) to plan and design a telescope enclosure for the Magdalena Ridge observatory at New Mexico institute of mining and technology in Socorro county;
2. seventy-five thousand dollars (\$75,000) to plan, design and construct a parking lot at the north end of campus at New Mexico institute of mining and technology in Socorro in Socorro county; and
3. twenty-five thousand dollars (\$25,000) to plan, design and construct a parking lot at the south end of campus at New Mexico institute of mining and technology in Socorro in Socorro county.

Chapter 66 Section 31 Laws 2014

SECTION 31. NEW MEXICO STATE UNIVERSITY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico 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. fifty thousand dollars (\$50,000) to plan and design the child development education center at the Grants campus of New Mexico state university in Cibola county;
2. one hundred twenty-five thousand dollars (\$125,000) to construct the rehabilitation of the Garfield watershed structure for the Caballo soil and water conservation district in Dona Ana county;
3. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, furnish and equip improvements to the American Indian student center at New Mexico state university in Las Cruces in Dona Ana county;

4. seventy thousand dollars (\$70,000) to furnish and equip aquaculture research facilities at New Mexico state university in Las Cruces in Dona Ana county;

5. seventy-five thousand dollars (\$75,000) to design and construct an irrigation system for the golf course at New Mexico state university in Las Cruces in Dona Ana county;

6. seventy-five thousand dollars (\$75,000) to equip and furnish a nursing simulation laboratory at New Mexico state university in Las Cruces in Dona Ana county;

7. seventy-two thousand dollars (\$72,000) to furnish and equip a speech and hearing clinic, including purchase and installation of audiology equipment and related equipment, furniture and infrastructure, at New Mexico state university in Las Cruces in Dona Ana county;

8. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, equip and furnish a therapeutic riding arena at New Mexico state university in Dona Ana county;

9. fifty thousand dollars (\$50,000) to plan, design, construct, renovate and relocate the computer and electronics building, including utility, power distribution, monitoring, climate control and fire suppression systems, at the Carlsbad campus of New Mexico state university in Eddy county;

~~[10. forty three thousand dollars (\$43,000) to purchase tree and brush mulching equipment for the McKinley soil and water conservation district in McKinley county;] LINE-ITEM VETO~~

11. thirty-five thousand dollars (\$35,000) to purchase and install electronic well monitoring equipment in the east Torrance soil and water conservation district in Torrance county;

12. seventy-five thousand dollars (\$75,000) to purchase equipment for New Mexico state university's agricultural science center in Tucumcari in Quay county;

13. fifty thousand dollars (\$50,000) for parking, lighting and sidewalk improvements and to equip and furnish the Claunch-Pinto soil and water conservation district natural resource center in Mountainair in Torrance county; and

14. one million dollars (\$1,000,000) to plan, design and construct safety improvements and dam rehabilitation, including inundation mapping, for soil and water conservation district dams statewide.

Chapter 66 Section 32 Laws 2014

SECTION 32. UNIVERSITY OF NEW MEXICO PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico 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. seven hundred twenty-one thousand five hundred dollars (\$721,500) to plan and design an Anderson school of management building at the university of New Mexico in Albuquerque in Bernalillo county;

2. two hundred sixty-five thousand dollars (\$265,000) to plan, design, construct, equip and furnish restrooms for the baseball facility at the university of New Mexico in Albuquerque in Bernalillo county;

3. one hundred ten thousand dollars (\$110,000) to purchase and install equipment at the Craig Robertson soccer complex at the university of New Mexico in Albuquerque in Bernalillo county;

4. three hundred twenty thousand dollars (\$320,000) to plan, design and construct a pipeline for water reuse at the north golf course at the university of New Mexico in Albuquerque in Bernalillo county;

5. one hundred sixty thousand dollars (\$160,000) to improve and equip Johnson field, including safety lighting, at the university of New Mexico in Albuquerque in Bernalillo county;

~~[6. seventy-five thousand dollars (\$75,000) to purchase and install information technology, including related equipment, furniture and infrastructure, for the Julian Samora legacy project of the southwest Hispanic research institute at the university of New Mexico in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

7. sixty-five thousand dollars (\$65,000) to design, construct, purchase and equip improvements to the cleanroom for the manufacturing engineering program at the university of New Mexico in Albuquerque in Bernalillo county;

8. fifty thousand dollars (\$50,000) to design, renovate and equip the Meteorite museum and institute of meteoritics in Northrup hall at the university of New Mexico in Albuquerque in Bernalillo county;

9. seven hundred forty-six thousand seven hundred ten dollars (\$746,710) to plan and design a physics and astronomy building at the university of New Mexico in Albuquerque in Bernalillo county;

~~[10. one hundred thousand dollars (\$100,000) to plan and design space at the school of law in Bratton Hall for the law and indigenous peoples program at the university of New Mexico in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

11. one hundred seventy-five thousand dollars (\$175,000) to construct improvements, expand and equip the practice facility on the south campus at the university of New Mexico in Albuquerque in Bernalillo county;

12. eight hundred twenty-four thousand four hundred fifty dollars (\$824,450) to design, renovate, construct and equip the Tow Diehm facility at the university of New Mexico in Albuquerque in Bernalillo county;

13. sixty thousand dollars (\$60,000) to purchase and equip vehicles for the university of New Mexico in Albuquerque in Bernalillo county;

14. thirty thousand dollars (\$30,000) to design, construct and furnish improvements at the school of law at the university of New Mexico in Albuquerque in Bernalillo county; and

15. fifty thousand dollars (\$50,000) to plan, design and construct repairs to the Harwood museum of art in Taos in Taos county.

Chapter 66 Section 33 Laws 2014

SECTION 33. WESTERN NEW MEXICO UNIVERSITY PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the board of regents of western New Mexico university that the need exists for the issuance of the bonds, one hundred thousand dollars (\$100,000) is appropriated to the board of regents of western New Mexico university to purchase and install information technology, including related furniture, equipment and infrastructure, at western New Mexico university in Silver City in Grant county.

Chapter 66 Section 34 Laws 2014

SECTION 34. VETERANS' SERVICES DEPARTMENT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the veterans' services department that the need exists for the issuance of the bonds, six hundred thousand dollars (\$600,000) is appropriated to the veterans' services department to match federal funding to plan, design and construct ~~[columbaria, including furnishings and site improvements, at]~~ regional veterans cemeteries statewide. *LINE-ITEM VETO*

Chapter 66 Section 35 Laws 2014

SECTION 35. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 2 of the 2014 Work New Mexico Act, upon certification by the homeland security and emergency management department that the need exists for the issuance of the bonds, one million dollars (\$1,000,000) is appropriated to the homeland security

and emergency management department to match a federal emergency management agency hazardous mitigation grant.

Chapter 66 Section 36 Laws 2014

SECTION 36. DEPARTMENT OF ENVIRONMENT PROJECT--
APPROPRIATION FROM THE ATTORNEY GENERAL SETTLEMENT FUND.--One million dollars (\$1,000,000) is appropriated from the attorney general settlement fund to the department of environment for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, to plan, design and construct a wastewater treatment plant in Chama in Rio Arriba county.

Chapter 66 Section 37 Laws 2014

SECTION 37. INTERSTATE STREAM COMMISSION PROJECTS--
APPROPRIATIONS FROM THE ATTORNEY GENERAL SETTLEMENT FUND.--The following amounts are appropriated from the attorney general settlement fund to the interstate stream commission for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, for the following purposes:

1. one million dollars (\$1,000,000) to purchase land and water rights within the interstate stream commission's existing pricing guidelines and for the development of augmentation well fields and pipelines and related professional services for the Pecos River Compact settlement;
2. two million dollars (\$2,000,000) to plan, design, renovate, construct and equip improvements to acequias statewide; and
3. two million dollars (\$2,000,000) for purchasing water rights to maintain in-channel and off-channel habitats for habitat restoration projects statewide.

Chapter 66 Section 38 Laws 2014

SECTION 38. OFFICE OF THE STATE ENGINEER PROJECT--
APPROPRIATION FROM THE ATTORNEY GENERAL SETTLEMENT FUND.--Four million dollars (\$4,000,000) is appropriated from the attorney general settlement fund to the office of the state engineer for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, to plan, design, construct and expand Bradner dam in Las Vegas in San Miguel county.

Chapter 66 Section 39 Laws 2014

SECTION 39. DEPARTMENT OF GAME AND FISH PROJECT--
APPROPRIATION FROM THE BIG GAME ENHANCEMENT ACCOUNT OF THE

GAME PROTECTION FUND.--Four hundred thousand dollars (\$400,000) is appropriated from the big game enhancement account of the game protection fund to the department of game and fish for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, to restore degraded landscapes and wildlife habitats with multiple partners and across jurisdictional boundaries statewide.

Chapter 66 Section 40 Laws 2014

SECTION 40. DEPARTMENT OF GAME AND FISH PROJECT--
APPROPRIATION FROM THE GAME AND FISH BOND RETIREMENT FUND.--One hundred fifty thousand dollars (\$150,000) is appropriated from the game and fish bond retirement fund to the department of game and fish for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, for design and improvements related to safety rules compliance at Laguna del Campo Lake dam in Rio Arriba county.

Chapter 66 Section 41 Laws 2014

SECTION 41. DEPARTMENT OF GAME AND FISH PROJECTS--
APPROPRIATIONS FROM THE GAME PROTECTION FUND.--The following amounts are appropriated from the game protection fund to the department of game and fish for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, for the following purposes:

1. two hundred fifty thousand dollars (\$250,000) to replace the irrigation ditch with a new pipeline at the Rock Lake warm water hatchery in Santa Rosa in Guadalupe county;
2. three hundred fifty thousand dollars (\$350,000) for design and improvements related to safety rules compliance at Laguna del Campo Lake dam in Rio Arriba county;
3. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a watershed education center in the Pecos watershed in San Miguel county;
4. one hundred thousand dollars (\$100,000) for demolition of condemned buildings, silos and a clarifier at the Seven Springs hatchery in Sandoval county;
5. one hundred twenty-five thousand dollars (\$125,000) to purchase and install alternative energy systems on state game commission-owned properties, including farms, hatcheries and other facilities, statewide;
6. two hundred fifty thousand dollars (\$250,000) to improve existing shooting ranges and to plan, design and construct new shooting ranges statewide; and

7. three hundred thousand dollars (\$300,000) for design and installation of a fish migration barrier at Costilla creek located within the Valle Vidal unit of the Carson national forest in Taos county to protect Rio Grande cutthroat trout.

Chapter 66 Section 42 Laws 2014

SECTION 42. DEPARTMENT OF GAME AND FISH PROJECT-- APPROPRIATION FROM THE HABITAT MANAGEMENT FUND.--Two hundred thousand dollars (\$200,000) is appropriated from the habitat management fund to the department of game and fish for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, for design and installation of a fish migration barrier at Costilla creek located within the Valle Vidal unit of the Carson national forest in Taos county to protect Rio Grande cutthroat trout.

Chapter 66 Section 43 Laws 2014

SECTION 43. MINERS' COLFAX MEDICAL CENTER PROJECTS-- APPROPRIATION FROM THE MINERS' TRUST FUND.--The following amounts are appropriated from the miners' trust fund to the miners' Colfax medical center for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, for the following purposes:

1. two hundred thousand dollars (\$200,000) to purchase and install operating room equipment at the miners' Colfax medical center in Colfax county; and

2. one million two hundred thousand dollars (\$1,200,000) to purchase and install radiology equipment and to renovate existing space to accommodate it at the miners' Colfax medical center in Colfax county.

Chapter 66 Section 44 Laws 2014

SECTION 44. WASTEWATER FACILITY CONSTRUCTION LOAN FUND PROJECT-- APPROPRIATION FROM THE PUBLIC PROJECT REVOLVING

FUND.--One million three hundred thousand dollars (\$1,300,000) is appropriated from the public project revolving fund to the wastewater facility construction loan fund for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, to implement the provisions of the Wastewater Facility Construction Loan Act or to provide state matching funds required by the terms of any federal grant under the Clean Water Act. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert.

Chapter 66 Section 45 Laws 2014

SECTION 45. NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED PROJECTS--APPROPRIATIONS FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--The following appropriations are from the unexpended proceeds of taxable supplemental severance tax bonds that are no longer needed for the projects for which the bonds were issued. Notwithstanding the provisions of Subsection E of Section 7-27-12, Section 7-27-12.2 and Section 22-24-4 NMSA 1978 or any other law, the following amounts are appropriated from the public school capital outlay fund, contingent upon approval of the public school capital outlay council, to the board of regents of the New Mexico school for the blind and visually impaired for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, for the following purposes:

1. four million one hundred sixteen thousand nine hundred ninety-three dollars (\$4,116,993) to plan, design, construct, renovate, equip and furnish the Ditzler auditorium and recreation center and the library building, including demolition of the Bert Reeves learning center, and to make other infrastructure improvements campuswide at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county;

2. one million eight hundred forty-four thousand fifteen dollars (\$1,844,015) to plan, design, construct, renovate, equip and furnish the Quimby gymnasium and natatorium and to make other infrastructure improvements campuswide at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county; and

3. two million two hundred ninety-four thousand four hundred eleven dollars (\$2,294,411) to plan, design, construct, renovate, equip and furnish residential cottages, including the demolition of Sacramento dormitory, and to make other infrastructure improvements campuswide at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county.

Chapter 66 Section 46 Laws 2014

SECTION 46. NEW MEXICO SCHOOL FOR THE DEAF PROJECT-- APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--The following appropriation is from the unexpended proceeds of taxable supplemental severance tax bonds that are no longer needed for the projects for which the bonds were issued. Notwithstanding the provisions of Subsection E of Section 7-27-12, Section 7-27-12.2 and Section 22-24-4 NMSA 1978 or any other law, seven million thirty-eight thousand three hundred sixty-five dollars (\$7,038,365) is appropriated from the public school capital outlay fund, contingent upon approval of the public school capital outlay council, to the board of regents of the New Mexico school for the deaf for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, to plan, design, construct, renovate, equip and furnish Cartwright hall at the New Mexico school for the deaf in Santa Fe in Santa Fe county.

Chapter 66 Section 47 Laws 2014

SECTION 47. PUBLIC EDUCATION DEPARTMENT PROJECTS-- APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--The following appropriations are from the unexpended proceeds of taxable supplemental severance tax bonds that are no longer needed for the projects for which the bonds were issued. Notwithstanding the provisions of Subsection E of Section 7-27-12, Section 7-27-12.2 and Section 22-24-4 NMSA 1978 or any other law, the following amounts are appropriated from the public school capital outlay fund, contingent upon approval of the public school capital outlay council, to the public education department for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, for the following purposes:

1. two million five hundred thousand dollars (\$2,500,000) to renovate and construct pre-kindergarten classrooms statewide;
2. seven million three hundred ninety-five thousand dollars (\$7,395,000) to purchase school buses statewide; and
3. five million dollars (\$5,000,000) for educational technology infrastructure at public schools that have a minimum network speed of less than five kilobytes per second per student to ensure these schools are able to administer computer-based assessments by the 2014-2015 school year.

Chapter 66 Section 48 Laws 2014

SECTION 48. STATE LAND OFFICE PROJECTS--APPROPRIATIONS FROM THE STATE LANDS MAINTENANCE FUND.--The following amounts are appropriated from the state lands maintenance fund to the state land office for expenditure in fiscal years 2014 through 2018, unless otherwise provided for in Section 3 of the 2014 Work New Mexico Act, for the following purposes:

1. seven hundred twenty thousand dollars (\$720,000) to plan, design and renovate Morgan hall at the state land office in Santa Fe in Santa Fe county;
2. three hundred sixty thousand dollars (\$360,000) to replace the ceiling and sprinkler system at the state land office in Santa Fe in Santa Fe county; and
3. two hundred thirty thousand dollars (\$230,000) to upgrade wiring infrastructure at the state land office in Santa Fe in Santa Fe county.

Chapter 66 Section 49 Laws 2014

SECTION 49. PROJECT SCOPE--EXPENDITURES.--If an appropriation for a project authorized in the 2014 Work New Mexico 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 66 Section 50 Laws 2014

SECTION 50. ART IN PUBLIC PLACES.--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in the 2014 Work New Mexico Act include one percent for the art in public places fund.

Chapter 66 Section 51 Laws 2014

SECTION 51. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HTRC/House Bill 55, aa, w/ec, partial veto

Approved March 11, 2014

LAWS 2014, CHAPTER 67

AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSES; AMENDING THE NEW MEXICO COMMERCIAL DRIVER'S LICENSE ACT; PROVIDING FOR RETESTING OF THE KNOWLEDGE AND SKILLS TESTS.

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

Chapter 67 Section 1 Laws 2014

SECTION 1. Section 66-5-60 NMSA 1978 (being Laws 1989, Chapter 14, Section 9, as amended) is amended to read:

"66-5-60. COMMERCIAL DRIVER'S LICENSE--QUALIFICATIONS--STANDARDS.--

A. The division shall not issue a commercial driver's license to a person unless that person can establish that New Mexico is the person's state of domicile and has passed a knowledge test and a skills test for driving a commercial motor vehicle and, for related endorsements, has passed a medical fitness test and has satisfied any other requirements of the New Mexico Commercial Driver's License Act.

B. The division may authorize a person, including an agency of this or another state, an employer, a private driver-training facility or other private institution or a department, agency or instrumentality of local government to administer the skills test or knowledge test specified by this section.

C. A commercial driver's license applicant who does not pass the skills test or knowledge test may repeat the:

(1) knowledge test no more than twice a week; and

(2) skills test no more than three times a year.

D. If the department determines that a commercial driver's license applicant has committed an offense in taking a test specified in this section, the division shall not issue a commercial driver's license to that applicant within one year of the department's determination."

SJC/Senate Bill 41

Approved March 12, 2014

LAWS 2014, CHAPTER 68

AN ACT

RELATING TO HEALTH CARE; DIRECTING THE OFFICE ON AFRICAN AMERICAN AFFAIRS TO CREATE A PILOT PROGRAM IN BERNALILLO COUNTY TO ADDRESS AFRICAN AMERICAN INFANT MORTALITY AND MATERNAL HEALTH.

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

Chapter 68 Section 1 Laws 2014

SECTION 1. TEMPORARY PROVISION--PILOT PROGRAM--INFANT MORTALITY--MATERNAL HEALTH.--

A. By July 1, 2014, the director of the office on African American affairs shall create and implement a one-year pilot program in Bernalillo county. The pilot program shall seek to reduce infant mortality and enhance maternal health among African American residents.

B. The office on African American affairs shall partner with competent direct service providers to employ and track implementation of a prenatal health care

model known as "centering" among pregnant African American women that has been proven nationally to reduce infant mortality and premature birth rates.

C. The office on African American affairs shall design and implement a culturally competent tool for providing health care education and outreach to pregnant African American women living in Bernalillo county. Women participating in the pilot program shall be offered solutions for enhancing their health during pregnancy and reducing the risk of infant mortality.

D. The office on African American affairs shall establish benchmarks for the pilot program. It shall collect and analyze qualitative data about the pilot program's outcomes and compare these outcomes to the benchmarks.

E. By November 1, 2015, the director of the office on African American affairs shall report the findings and recommendations arising from the pilot program to the governor, the secretary of health and the legislative health and human services committee.

Senate Bill 69, aa

Approved March 12, 2014

LAWS 2014, CHAPTER 69

AN ACT

RELATING TO THE ABUSE AND NEGLECT ACT; PROVIDING A RIGHT OF IMMEDIATE APPEAL FROM THE CHILDREN'S COURT FOR CERTAIN ORDERS.

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

Chapter 69 Section 1 Laws 2014

SECTION 1. Section 32A-4-18 NMSA 1978 (being Laws 1993, Chapter 77, Section 112, as amended) is amended to read:

"32A-4-18. CUSTODY HEARINGS--TIME LIMITATIONS--NOTICE--PROBABLE CAUSE.--

A. When a child alleged to be neglected or abused has been placed in the legal custody of the department or the department has petitioned the court for temporary custody, a custody hearing shall be held within ten days from the date the petition is filed to determine if the child should remain in or be placed in the department's custody pending adjudication. Upon written request of the respondent, the

hearing may be held earlier, but in no event shall the hearing be held sooner than two days after the date the petition was filed.

B. The parent, guardian or custodian of the child alleged to be abused or neglected shall be given reasonable notice of the time and place of the custody hearing.

C. At the custody hearing, the court shall return legal custody of the child to the child's parent, guardian or custodian unless probable cause exists to believe that:

(1) the child is suffering from an illness or injury, and the parent, guardian or custodian is not providing adequate care for the child;

(2) the child is in immediate danger from the child's surroundings, and removal from those surroundings is necessary for the child's safety or well-being;

(3) the child will be subject to injury by others if not placed in the custody of the department;

(4) there has been an abandonment of the child by the child's parent, guardian or custodian; or

(5) the parent, guardian or custodian is not able or willing to provide adequate supervision and care for the child.

D. At the conclusion of the custody hearing, if the court determines that probable cause exists pursuant to Subsection C of this section, the court may:

(1) return legal custody of the child to the child's parent, guardian or custodian upon such conditions as will reasonably ensure the safety and well-being of the child, including protective supervision by the department; or

(2) award legal custody of the child to the department.

E. Reasonable efforts shall be made to preserve and reunify the family, with the paramount concern being the child's health and safety.

F. At the conclusion of the custody hearing, if the court determines that probable cause does not exist pursuant to Subsection C of this section, the court shall:

(1) retain jurisdiction and, unless the court permits otherwise, order that the respondent and child remain in the jurisdiction of the court pending the adjudication;

(2) return legal custody of the child to the child's parent, guardian or custodian with conditions to provide for the safety and well-being of the child; and

(3) order that the child's parent, guardian or custodian allow the child necessary contact with the child's guardian ad litem or attorney.

G. At the conclusion of the custody hearing, the court may order the respondent or the child alleged to be neglected or abused, or both, to undergo appropriate diagnostic examinations or evaluations. If the court determines that probable cause does not exist, the court may order the respondent or the child alleged to be neglected or abused, or both, to undergo appropriate diagnostic examinations or evaluations as necessary to protect the child's best interests, based upon the allegations in the petition and the evidence presented at the custody hearing. Copies of any diagnostic or evaluation reports ordered by the court shall be provided to the parties at least five days before the adjudicatory hearing is scheduled. The reports shall not be sent to the court.

H. The Rules of Evidence shall not apply to custody hearings.

I. Notwithstanding any other provision of law, a party aggrieved by an order entered pursuant to this section shall be permitted to file an immediate appeal as a matter of right. If the order appealed from grants the legal custody of the child to or withholds it from one or more of the parties to the appeal, the appeal shall be expedited and shall be heard at the earliest practicable time. While an appeal pursuant to this section is pending, the court shall have jurisdiction to take further action in the case pursuant to Subsection B of Section 32A-1-17 NMSA 1978.

J. Nothing in this section shall be construed to abridge the rights of Indian children pursuant to the federal Indian Child Welfare Act of 1978."

Chapter 69 Section 2 Laws 2014

SECTION 2. Section 32A-4-20 NMSA 1978 (being Laws 1993, Chapter 77, Section 114, as amended) is amended to read:

"32A-4-20. CONDUCT OF HEARINGS--FINDINGS--DISMISSAL--
DISPOSITIONAL MATTERS--PENALTY.--

A. The proceedings shall be recorded by stenographic notes or by electronic, mechanical or other appropriate means.

B. All abuse and neglect hearings shall be closed to the general public.

C. Only the parties, their counsel, witnesses and other persons approved by the court may be present at a closed hearing. The foster parent, preadoptive parent or relative providing care for the child shall be given notice and an opportunity to be heard at the dispositional phase. Those other persons the court finds to have a proper interest in the case or in the work of the court may be admitted by the court to closed

hearings on the condition that they refrain from divulging any information that would identify the child or family involved in the proceedings.

D. Accredited representatives of the news media shall be allowed to be present at closed hearings, subject to the condition that they refrain from divulging information that would identify any child involved in the proceedings or the parent, guardian or custodian of that child and subject to enabling regulations as the court finds necessary for the maintenance of order and decorum and for the furtherance of the purposes of the Children's Code. A child who is the subject of an abuse and neglect proceeding and is present at a hearing may object to the presence of the media. The court may exclude the media if it finds that the presence of the media is contrary to the best interests of the child.

E. If the court finds that it is in the best interest of a child under fourteen years of age, the child may be excluded from a hearing under the Abuse and Neglect Act. A child fourteen years of age or older may be excluded from a hearing only if the court makes a finding that there is a compelling reason to exclude the child and states the factual basis for the finding.

F. Those persons or parties granted admission to a closed hearing who intentionally divulge information in violation of this section are guilty of a petty misdemeanor.

G. The court shall determine if the allegations of the petition are admitted or denied. If the allegations are denied, the court shall proceed to hear evidence on the petition. The court, after hearing all of the evidence bearing on the allegations of neglect or abuse, shall make and record its findings on whether the child is a neglected child, an abused child or both. If the petition alleges that the parent, guardian or custodian has subjected the child to aggravated circumstances, then the court shall also make and record its findings on whether the aggravated circumstances have been proven.

H. If the court finds on the basis of a valid admission of the allegations of the petition or on the basis of clear and convincing evidence, competent, material and relevant in nature, that the child is neglected or abused, the court shall enter an order finding that the child is neglected or abused and may proceed immediately or at a postponed hearing to make disposition of the case. If the court does not find that the child is neglected or abused, the court shall dismiss the petition and may refer the family to the department for appropriate services.

I. A party aggrieved by an order entered pursuant to Subsection H of this section may file an immediate appeal to the court of appeals.

J. In that part of the hearings held under the Children's Code on dispositional issues, all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be received by the court

and may be relied upon to the extent of its probative value even though not competent had it been offered during the part of the hearings on adjudicatory issues.

K. On the court's motion or that of a party, the court may continue the hearing on the petition for a period not to exceed thirty days to receive reports and other evidence in connection with disposition. The court shall continue the hearing pending the receipt of the predisposition study and report if that document has not been prepared and received. During any continuances under this subsection, the court shall make an appropriate order for legal custody."

Chapter 69 Section 3 Laws 2014

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

SJC/Senate Bill 183, aa

Approved March 12, 2014

LAWS 2014, CHAPTER 70

AN ACT

RELATING TO PUBLIC EDUCATION; PROVIDING SCHOOL DISTRICT-DETERMINED WAYS FOR STUDENTS TO MEET THE PHYSICAL EDUCATION UNIT REQUIREMENT FOR GRADUATION; LIMITING CHANGES TO GRADUATION REQUIREMENTS AFTER STUDENTS ENTER NINTH GRADE; DECLARING AN EMERGENCY.

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

Chapter 70 Section 1 Laws 2014

SECTION 1. Section 22-13-1.1 NMSA 1978 (being Laws 1986, Chapter 33, Section 5, as amended by Laws 2010, Chapter 25, Section 1 and by Laws 2010, Chapter 110, Section 1) is amended to read:

"22-13-1.1. GRADUATION REQUIREMENTS.--

A. At the end of grades eight through eleven, each student shall prepare an interim next-step plan that sets forth the coursework for the grades remaining until high school graduation. Each year's plan shall explain any differences from previous interim next-step plans, shall be filed with the principal of the student's high school and

shall be signed by the student, the student's parent and the student's guidance counselor or other school official charged with coursework planning for the student.

B. Each student must complete a final next-step plan during the senior year and prior to graduation. The plan shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent and the student's guidance counselor or other school official charged with coursework planning for the student.

C. An individualized education program that meets the requirements of Subsections A and B of this section and that meets all applicable transition and procedural requirements of the federal Individuals with Disabilities Education Act for a student with a disability shall satisfy the next-step plan requirements of this section for that student.

D. A local school board shall ensure that each high school student has the opportunity to develop a next-step plan based on reports of college and workplace readiness assessments, as available, and other factors and is reasonably informed about:

(1) curricular and course options, including honors or advanced placement courses, dual-credit courses, distance learning courses, career clusters, pre-apprenticeship programs or remediation programs that the college and workplace readiness assessments indicate to be appropriate;

(2) opportunities available that lead to different post-high-school options; and

(3) alternative opportunities available if the student does not finish a planned curriculum.

E. The secretary shall:

(1) establish specific accountability standards for administrators, counselors, teachers and school district staff to ensure that every student has the opportunity to develop a next-step plan;

(2) promulgate rules for accredited private schools in order to ensure substantial compliance with the provisions of this section;

(3) monitor compliance with the requirements of this section; and

(4) compile such information as is necessary to evaluate the success of next-step plans and report annually, by December 15, to the legislative education study committee and the governor.

F. Once a student has entered ninth grade, the graduation requirements shall not be changed for that student from the requirements specified in the law at the time the student entered ninth grade.

G. Successful completion of a minimum of twenty-three units aligned to the state academic content and performance standards shall be required for graduation. These units shall be as follows:

(1) four units in English, with major emphasis on grammar and literature;

(2) three units in mathematics, at least one of which is equivalent to the algebra 1 level or higher;

(3) two units in science, one of which shall have a laboratory component; provided, however, that with students entering the ninth grade beginning in the 2005-2006 school year, three units in science shall be required, one of which shall have a laboratory component;

(4) three units in social science, which shall include United States history and geography, world history and geography and government and economics;

(5) one unit in physical education;

(6) one unit in communication skills or business education, with a major emphasis on writing and speaking and that may include a language other than English;

(7) one-half unit in New Mexico history for students entering the ninth grade beginning in the 2005-2006 school year; and

(8) nine elective units and seven and one-half elective units for students entering the ninth grade in the 2005-2006 school year that meet department content and performance standards. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Pre-apprenticeship programs may be offered as electives. Media literacy may be offered as an elective.

H. For students entering the ninth grade beginning in the 2009-2010 school year, at least one of the units required for graduation shall be earned as an advanced placement or honors course, a dual-credit course offered in cooperation with an institution of higher education or a distance learning course.

I. The department shall establish a procedure for students to be awarded credit through completion of specified career technical education courses for certain graduation requirements.

J. Successful completion of the requirements of the New Mexico diploma of excellence shall be required for graduation for students entering the ninth grade beginning in the 2009-2010 school year. Successful completion of a minimum of twenty-four units aligned to the state academic content and performance standards shall be required to earn a New Mexico diploma of excellence. These units shall be as follows:

(1) four units in English, with major emphasis on grammar, nonfiction writing and literature;

(2) four units in mathematics, of which one shall be the equivalent to or higher than the level of algebra 2, unless the parent submitted written, signed permission for the student to complete a lesser mathematics unit; and provided that a financial literacy course that meets state mathematics academic content and performance standards shall qualify as one of the four required mathematics units;

(3) three units in science, two of which shall have a laboratory component;

(4) three and one-half units in social science, which shall include United States history and geography, world history and geography, government and economics and one-half unit of New Mexico history;

(5) one unit in physical education, as determined by each school district, which may include a physical education program that meets state content and performance standards or participation in marching band, junior reserve officers' training corps or any other co-curricular physical activity;

(6) one unit in one of the following: a career cluster course, workplace readiness or a language other than English; and

(7) seven and one-half elective units that meet department content and performance standards. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Pre-apprenticeship programs may be offered as electives. Media literacy may be offered as an elective.

K. For students entering the eighth grade in the 2012-2013 school year, a course in health education is required prior to graduation. Health education may be required in either middle school or high school, as determined by the school district. Each school district shall submit to the department by the beginning of the 2011-2012 school year a health education implementation plan for the 2012-2013 and subsequent school years, including in which grade health education will be required and how the course aligns with department content and performance standards.

L. Final examinations shall be administered to all students in all classes offered for credit.

M. Until July 1, 2010, a student who has not passed a state graduation examination in the subject areas of reading, English, mathematics, writing, science and social science shall not receive a high school diploma. The state graduation examination on social science shall include a section on the constitution of the United States and the constitution of New Mexico. If a student exits from the school system at the end of grade twelve without having passed a state graduation examination, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system the student takes and passes the state graduation examination, the student may receive a high school diploma. Any student passing the state graduation examination and completing all other requirements within five years of entering ninth grade, including a final summer session if completed by August 1, may be counted by the school system in which the student is enrolled as a high school graduate for the year in which completion and examination occur.

N. Beginning with the 2010-2011 school year, a student shall not receive a New Mexico diploma of excellence if the student has not demonstrated competence in the subject areas of mathematics, reading and language arts, writing, social studies and science, including a section on the constitution of the United States and the constitution of New Mexico, based on a standards-based assessment or assessments or a portfolio of standards-based indicators established by the department by rule. The standards-based assessments required in Section 22-2C-4 NMSA 1978 may also serve as the assessment required for high school graduation. If a student exits from the school system at the end of grade twelve without having satisfied the requirements of this subsection, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system the student satisfies the requirement of this subsection, the student may receive a New Mexico diploma of excellence. Any student satisfying the requirements of this subsection and completing all other requirements within five years of entering ninth grade, including a final summer session if completed by August 1, may be counted by the school system in which the student is enrolled as a high school graduate for the year in which all requirements are satisfied.

O. As used in this section:

(1) "final next-step plan" means a next-step plan that shows that the student has committed or intends to commit in the near future to a four-year college or university, a two-year college, a trade or vocational program, an internship or apprenticeship, military service or a job;

(2) "interim next-step plan" means an annual next-step plan in which the student specifies post-high-school goals and sets forth the coursework that will allow the student to achieve those goals; and

(3) "next-step plan" means an annual personal written plan of studies developed by a student in a public school or other state-supported school or

institution in consultation with the student's parent and school counselor or other school official charged with coursework planning for the student that includes one or more of the following:

- (a) advanced placement or honors courses;
- (b) dual-credit courses offered in cooperation with an institution of higher education;
- (c) distance learning courses;
- (d) career-technical courses; and
- (e) pre-apprenticeship programs.

P. The secretary may establish a policy to provide for administrative interpretations to clarify curricular and testing provisions of the Public School Code."

Chapter 70 Section 2 Laws 2014

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

Senate Bill 307, aa, w/ec

Approved March 12, 2014

LAWS 2014, CHAPTER 71

AN ACT

RELATING TO PUBLIC EDUCATION; PROVIDING SCHOOL DISTRICT-DETERMINED WAYS FOR STUDENTS TO MEET THE PHYSICAL EDUCATION UNIT REQUIREMENT FOR GRADUATION; LIMITING CHANGES TO GRADUATION REQUIREMENTS AFTER STUDENTS ENTER NINTH GRADE; DECLARING AN EMERGENCY.

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

Chapter 71 Section 1 Laws 2014

SECTION 1. Section 22-13-1.1 NMSA 1978 (being Laws 1986, Chapter 33, Section 5, as amended by Laws 2010, Chapter 25, Section 1 and by Laws 2010, Chapter 110, Section 1) is amended to read:

"22-13-1.1. GRADUATION REQUIREMENTS.--

A. At the end of grades eight through eleven, each student shall prepare an interim next-step plan that sets forth the coursework for the grades remaining until high school graduation. Each year's plan shall explain any differences from previous interim next-step plans, shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent and the student's guidance counselor or other school official charged with coursework planning for the student.

B. Each student must complete a final next-step plan during the senior year and prior to graduation. The plan shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent and the student's guidance counselor or other school official charged with coursework planning for the student.

C. An individualized education program that meets the requirements of Subsections A and B of this section and that meets all applicable transition and procedural requirements of the federal Individuals with Disabilities Education Act for a student with a disability shall satisfy the next-step plan requirements of this section for that student.

D. A local school board shall ensure that each high school student has the opportunity to develop a next-step plan based on reports of college and workplace readiness assessments, as available, and other factors and is reasonably informed about:

(1) curricular and course options, including honors or advanced placement courses, dual-credit courses, distance learning courses, career clusters, pre-apprenticeship programs or remediation programs that the college and workplace readiness assessments indicate to be appropriate;

(2) opportunities available that lead to different post-high-school options; and

(3) alternative opportunities available if the student does not finish a planned curriculum.

E. The secretary shall:

(1) establish specific accountability standards for administrators, counselors, teachers and school district staff to ensure that every student has the opportunity to develop a next-step plan;

(2) promulgate rules for accredited private schools in order to ensure substantial compliance with the provisions of this section;

(3) monitor compliance with the requirements of this section; and

(4) compile such information as is necessary to evaluate the success of next-step plans and report annually, by December 15, to the legislative education study committee and the governor.

F. Once a student has entered ninth grade, the graduation requirements shall not be changed for that student from the requirements specified in the law at the time the student entered ninth grade.

G. Successful completion of a minimum of twenty-three units aligned to the state academic content and performance standards shall be required for graduation. These units shall be as follows:

(1) four units in English, with major emphasis on grammar and literature;

(2) three units in mathematics, at least one of which is equivalent to the algebra 1 level or higher;

(3) two units in science, one of which shall have a laboratory component; provided, however, that with students entering the ninth grade beginning in the 2005-2006 school year, three units in science shall be required, one of which shall have a laboratory component;

(4) three units in social science, which shall include United States history and geography, world history and geography and government and economics;

(5) one unit in physical education;

(6) one unit in communication skills or business education, with a major emphasis on writing and speaking and that may include a language other than English;

(7) one-half unit in New Mexico history for students entering the ninth grade beginning in the 2005-2006 school year; and

(8) nine elective units and seven and one-half elective units for students entering the ninth grade in the 2005-2006 school year that meet department content and performance standards. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Pre-apprenticeship programs may be offered as electives. Media literacy may be offered as an elective.

H. For students entering the ninth grade beginning in the 2009-2010 school year, at least one of the units required for graduation shall be earned as an advanced placement or honors course, a dual-credit course offered in cooperation with an institution of higher education or a distance learning course.

I. The department shall establish a procedure for students to be awarded credit through completion of specified career technical education courses for certain graduation requirements.

J. Successful completion of the requirements of the New Mexico diploma of excellence shall be required for graduation for students entering the ninth grade beginning in the 2009-2010 school year. Successful completion of a minimum of twenty-four units aligned to the state academic content and performance standards shall be required to earn a New Mexico diploma of excellence. These units shall be as follows:

(1) four units in English, with major emphasis on grammar, nonfiction writing and literature;

(2) four units in mathematics, of which one shall be the equivalent to or higher than the level of algebra 2, unless the parent submitted written, signed permission for the student to complete a lesser mathematics unit; and provided that a financial literacy course that meets state mathematics academic content and performance standards shall qualify as one of the four required mathematics units;

(3) three units in science, two of which shall have a laboratory component;

(4) three and one-half units in social science, which shall include United States history and geography, world history and geography, government and economics and one-half unit of New Mexico history;

(5) one unit in physical education, as determined by each school district, which may include a physical education program that meets state content and performance standards or participation in marching band, junior reserve officers' training corps or interscholastic sports sanctioned by the New Mexico activities association;

(6) one unit in one of the following: a career cluster course, workplace readiness or a language other than English; and

(7) seven and one-half elective units that meet department content and performance standards. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Pre-apprenticeship programs may be offered as electives. Media literacy may be offered as an elective.

K. For students entering the eighth grade in the 2012-2013 school year, a course in health education is required prior to graduation. Health education may be

required in either middle school or high school, as determined by the school district. Each school district shall submit to the department by the beginning of the 2011-2012 school year a health education implementation plan for the 2012-2013 and subsequent school years, including in which grade health education will be required and how the course aligns with department content and performance standards.

L. Final examinations shall be administered to all students in all classes offered for credit.

M. Until July 1, 2010, a student who has not passed a state graduation examination in the subject areas of reading, English, mathematics, writing, science and social science shall not receive a high school diploma. The state graduation examination on social science shall include a section on the constitution of the United States and the constitution of New Mexico. If a student exits from the school system at the end of grade twelve without having passed a state graduation examination, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system the student takes and passes the state graduation examination, the student may receive a high school diploma. Any student passing the state graduation examination and completing all other requirements within five years of entering ninth grade, including a final summer session if completed by August 1, may be counted by the school system in which the student is enrolled as a high school graduate for the year in which completion and examination occur.

N. Beginning with the 2010-2011 school year, a student shall not receive a New Mexico diploma of excellence if the student has not demonstrated competence in the subject areas of mathematics, reading and language arts, writing, social studies and science, including a section on the constitution of the United States and the constitution of New Mexico, based on a standards-based assessment or assessments or a portfolio of standards-based indicators established by the department by rule. The standards-based assessments required in Section 22-2C-4 NMSA 1978 may also serve as the assessment required for high school graduation. If a student exits from the school system at the end of grade twelve without having satisfied the requirements of this subsection, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system the student satisfies the requirement of this subsection, the student may receive a New Mexico diploma of excellence. Any student satisfying the requirements of this subsection and completing all other requirements within five years of entering ninth grade, including a final summer session if completed by August 1, may be counted by the school system in which the student is enrolled as a high school graduate for the year in which all requirements are satisfied.

O. As used in this section:

(1) "final next-step plan" means a next-step plan that shows that the student has committed or intends to commit in the near future to a four-year college or

university, a two-year college, a trade or vocational program, an internship or apprenticeship, military service or a job;

(2) "interim next-step plan" means an annual next-step plan in which the student specifies post-high-school goals and sets forth the coursework that will allow the student to achieve those goals; and

(3) "next-step plan" means an annual personal written plan of studies developed by a student in a public school or other state-supported school or institution in consultation with the student's parent and school counselor or other school official charged with coursework planning for the student that includes one or more of the following:

(a) advanced placement or honors courses;

(b) dual-credit courses offered in cooperation with an institution of higher education;

(c) distance learning courses;

(d) career-technical courses; and

(e) pre-apprenticeship programs.

P. The secretary may establish a policy to provide for administrative interpretations to clarify curricular and testing provisions of the Public School Code."

Chapter 71 Section 2 Laws 2014

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

Senate Bill 122, aa, w/ec

Approved March 12, 2014

LAWS 2014, CHAPTER 72

AN ACT

RELATING TO LAND GRANTS; ALLOWING LAND GRANT-MERCED BOARD OF TRUSTEES ANNUAL REPORTS TO BE FILED WITH THE NEW MEXICO COMMUNITY LAND GRANT REGISTRY.

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

Chapter 72 Section 1 Laws 2014

SECTION 1. Section 49-1-12 NMSA 1978 (being Laws 1907, Chapter 42, Section 12, as amended) is amended to read:

"49-1-12. MEETINGS TO BE PUBLIC--ANNUAL REPORT.--

A. All meetings of the board of trustees shall be held in accordance with the Open Meetings Act. Executive sessions shall not be held except in accordance with the Open Meetings Act. All heirs of the land grant-merced shall have the right to be present at all times when the board is in session and to be heard on all matters in which they may be interested.

B. The board of trustees shall annually make public a report of all its transactions for that year. The report shall include agendas, minutes, actions taken and all financial transactions. The report shall be maintained in a public place and available for public review; for the purposes of this subsection, filing the report with the land grant council to be kept with the New Mexico community land grant registry shall be considered filing the report in a public place.

C. The secretary of the board shall reduce to writing, in a book kept for that purpose, minutes of the business transacted at each meeting of the board."

Chapter 72 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

House Bill 42

Approved March 12, 2014

LAWS 2014, CHAPTER 73

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE FIRST, SECOND, FIFTH AND THIRTEENTH JUDICIAL DISTRICTS; CREATING AN ADDITIONAL MAGISTRATE IN THE DONA ANA DISTRICT.

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

Chapter 73 Section 1 Laws 2014

SECTION 1. Section 34-6-4 NMSA 1978 (being Laws 1968, Chapter 69, Section 7, as amended) is amended to read:

"34-6-4. JUDGES--FIRST JUDICIAL DISTRICT.--There shall be nine district judges in the first judicial district."

Chapter 73 Section 2 Laws 2014

SECTION 2. Section 34-6-5 NMSA 1978 (being Laws 1968, Chapter 69, Section 8, as amended) is amended to read:

"34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall be twenty-seven district judges in the second judicial district."

Chapter 73 Section 3 Laws 2014

SECTION 3. Section 34-6-8 NMSA 1978 (being Laws 1968, Chapter 69, Section 11, as amended) is amended to read:

"34-6-8. JUDGES--FIFTH JUDICIAL DISTRICT.--There shall be eleven district judges in the fifth judicial district."

Chapter 73 Section 4 Laws 2014

SECTION 4. Section 34-6-16 NMSA 1978 (being Laws 1971, Chapter 52, Section 3, as amended) is amended to read:

"34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There shall be eight district judges in the thirteenth judicial district. The judges of divisions one, three and six shall reside and maintain their principal offices in Valencia county. The judges of divisions two, five, seven and eight shall reside and maintain their principal offices in Sandoval county. The judge of division four shall reside and maintain the judge's principal offices in Cibola county."

Chapter 73 Section 5 Laws 2014

SECTION 5. 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 and Hatch on a regularly scheduled basis."

Chapter 73 Section 6 Laws 2014

SECTION 6. TEMPORARY PROVISION--DISTRICT AND METROPOLITAN JUDGES--APPOINTMENTS.--The additional district judgeships provided for in this act shall be filled by appointment by the governor pursuant to the provisions of Article 6 of the constitution of New Mexico.

Chapter 73 Section 7 Laws 2014

SECTION 7. TEMPORARY PROVISION--MAGISTRATE--APPOINTMENT AND ELECTION.--The office of magistrate in Dona Ana district, division 7, shall be filled by appointment by the governor. The appointed magistrate shall begin serving on July 1, 2014 and shall serve until succeeded by a magistrate elected at the general election in 2014. The first full term of office of the elected magistrate shall begin on January 1, 2015.

House Bill 141, aa

Approved March 12, 2014

LAWS 2014, CHAPTER 74

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; CREATING THE SCHOOL TRANSPORTATION TRAINING FUND; MAKING AN APPROPRIATION.

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

Chapter 74 Section 1 Laws 2014

SECTION 1. SCHOOL TRANSPORTATION TRAINING FUND--CREATED.--The "school transportation training fund" is created in the state treasury. The fund consists of payments from school districts and charter schools for school transportation training workshops and other types of school transportation training described in rule provided by the public education department, income from investment of the fund and money otherwise accruing to the fund. Money in the fund shall not revert to any other fund at the end of a fiscal year. The public education department shall administer the fund, and money in the fund is subject to appropriation by the legislature to the public education department to provide public school transportation workshops and training services to school districts and charter schools, including supplies and professional development for public education department staff. Money in the fund shall be disbursed on warrants

signed by the secretary of finance and administration pursuant to vouchers signed by the secretary of public education or the secretary's authorized representative.

Chapter 74 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

House Bill 157, aa

Approved March 12, 2014

LAWS 2014, CHAPTER 75

AN ACT

RELATING TO HUMAN TRAFFICKING; PROVIDING FOR THE POSTING OF A NOTICE CONTAINING INFORMATION ABOUT THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE.

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

Chapter 75 Section 1 Laws 2014

SECTION 1. POSTING INFORMATION ABOUT THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE.--

A. An employer subject to the Minimum Wage Act, a person licensed pursuant to Sections 60-6A-2 through 60-6A-5 NMSA 1978, a health facility licensed pursuant to the Public Health Act and a state or local government agency that manages a transportation facility, including a highway rest area, shall post a sign containing the following notice in English and in Spanish and in any other written language where ten percent or more of the workers or users of a covered facility speak that language:

"NOTICE ON HUMAN TRAFFICKING: OBTAINING FORCED LABOR OR SERVICES IS A CRIME UNDER NEW MEXICO AND FEDERAL LAW. IF YOU OR SOMEONE YOU KNOW IS A VICTIM OF THIS CRIME, CONTACT THE FOLLOWING: IN NEW MEXICO, CALL OR TEXT 505-GET-FREE (505-438-3733); OR CALL THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE TOLL-FREE AT 1-888-373-7888 FOR HELP. YOU MAY ALSO SEND THE TEXT "HELP" OR "INFO" TO BEFREE ("233733"). YOU MAY REMAIN ANONYMOUS, AND YOUR CALL OR TEXT IS CONFIDENTIAL."

B. The sign shall be at least eight and one-half inches high and eleven inches wide. It shall be displayed in a conspicuous manner in the employer's business facility, in the licensees' licensed facilities or in the transportation facility clearly visible to the public and employees of the employer or licensees. The English language and Spanish language portions and any other written language portions of the sign shall be equal in size.

C. The director of the labor relations division of the workforce solutions department shall provide employers under the Minimum Wage Act with information about the notice required by this section and shall provide a version of the notice on its public access internet web site for employers to download or print.

D. The regulation and licensing department; the children, youth and families department; and the department of health shall each provide their respective licensees with information about the notice required by this section and shall provide a version of the notice on their respective public access internet web sites for licensees to download or print.

E. When necessary, a department shall update the relevant telephone and texting numbers provided in the version of the notice posted on its public access internet web site.

Chapter 75 Section 2 Laws 2014

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

House Bill 181, aa

Approved March 12, 2014

LAWS 2014, CHAPTER 76

AN ACT

RELATING TO HIGHER EDUCATION; CHANGING THE MEMBERSHIP OF THE EDUCATION TRUST BOARD; PRESCRIBING POWERS AND DUTIES; PROVIDING FOR THIRD-PARTY MANAGERS; GRANTING IMMUNITY; CLARIFYING THAT LIABILITIES AND CONTRACTUAL OBLIGATIONS ARE NOT OBLIGATIONS OF THE STATE OR ANY OF ITS FUNDS; CREATING FUNDS; EXEMPTING FUNDS FROM CLAIMS OF CREDITORS; CHANGING REPORT REQUIREMENTS; ABOLISHING PREPAID TUITION CONTRACTS; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Chapter 76 Section 1 Laws 2014

SECTION 1. Section 21-21K-1 NMSA 1978 (being Laws 1997, Chapter 259, Section 1) is amended to read:

"21-21K-1. SHORT TITLE.--Chapter 21, Article 21K NMSA 1978 may be cited as the "Education Trust Act"."

Chapter 76 Section 2 Laws 2014

SECTION 2. Section 21-21K-2 NMSA 1978 (being Laws 1997, Chapter 259, Section 2, as amended) is repealed and a new Section 21-21K-2 NMSA 1978 is enacted to read:

"21-21K-2. DEFINITIONS.--As used in the Education Trust Act:

A. "account" means an individual trust account pursuant to a college investment agreement entered into pursuant to the college savings program;

B. "account owner" means the person who has entered into a college investment agreement with the board and is designated as having the right to withdraw money from the account before the account is disbursed to or for the benefit of the beneficiary;

C. "beneficiary" means the person who is designated at the time the account is opened, or the person who replaces a designated beneficiary, as the person whose education expenses are expected to be paid from the account;

D. "board" means the education trust board;

E. "college investment agreement" means an agreement entered into by the board and an account owner to participate in the college savings program and establish an account to be used for the qualified higher education expenses of a beneficiary at an eligible institution of higher education;

F. "department" means the higher education department;

G. "financial institution" means a bank, broker-dealer, insurance company, mutual fund, savings and loan association or other financial entity;

H. "institution of higher education" means a post-secondary educational institution eligible to participate in student financial aid programs administered by the United States department of education;

I. "Internal Revenue Code" means the federal Internal Revenue Code of 1986, as amended; and

J. "manager" means a financial institution under contract with the board to serve as manager of a college savings plan in the college savings program and receive contributions on behalf of the program."

Chapter 76 Section 3 Laws 2014

SECTION 3. Section 21-21K-3 NMSA 1978 (being Laws 1997, Chapter 259, Section 3, as amended) is repealed and a new Section 21-21K-3 NMSA 1978 is enacted to read:

"21-21K-3. COLLEGE SAVINGS PROGRAM CREATED--EDUCATION TRUST FUND CREATED--PURPOSE--INVESTMENT OF ACCOUNTS BY THIRD PARTIES--BOARD REVIEW--PROGRAM ADMINISTRATION FUND CREATED--PURPOSE.--

A. The "college savings program" is created to allow interested persons to enter into college investment agreements with the board as a means to save money to pay a beneficiary's eligible expenses for a college education. The college savings program may consist of one or more college savings plans. The board shall administer the college savings program through accounts established in the education trust fund pursuant to college investment agreements. Money in an account may be used by the beneficiary at any eligible institution of higher education in New Mexico or any other state.

B. The board shall develop and administer the college savings program in a manner that allows account owners and beneficiaries to obtain and maintain federal income tax benefits or treatment provided by the Internal Revenue Code for qualified state tuition programs and exemptions under the federal securities laws.

C. The "education trust fund" is created as a nonreverting fund in the state treasury. The fund shall be administered by the board to carry out the college savings program. The fund consists of separate trust accounts held in the name of account owners. Income from investment of the fund shall be credited to the separate accounts.

D. The board may contract with one or more managers to invest the contributions deposited to the education trust fund. The board and the managers shall account for each contribution by an account owner.

E. Amounts may be withdrawn or transferred from trust accounts in the education trust fund only as provided in the related college investment agreements. All money contributed to accounts established in the fund are held in trust by the board and the respective managers for the sole benefit of the respective account owners and beneficiaries.

F. The "program administration fund" is created as a nonreverting fund in the state treasury. The fund consists of all administrative and other fees received by the board pursuant to college investment agreements and contracts with managers and any other money credited to the fund. The state treasurer shall invest the fund, and the investment income shall be credited to the fund. Money in the fund may be used to pay costs of establishing, marketing and otherwise administering the college savings program in accordance with the Education Trust Act. Disbursements from the fund shall be by warrants of the secretary of finance and administration on vouchers signed by the director of the board or the director's authorized representative."

Chapter 76 Section 4 Laws 2014

SECTION 4. Section 21-21K-4 NMSA 1978 (being Laws 1997, Chapter 259, Section 4, as amended) is amended to read:

"21-21K-4. BOARD CREATED--MEMBERS--APPOINTMENT--TERMS OF OFFICE.--

A. The "education trust board" is created. The board is administratively attached to the department, and the department shall provide administrative support for the board in carrying out its duties pursuant to the Education Trust Act. The board shall consist of the following voting members:

(1) the secretary of higher education or the secretary's designee, who shall be the ex-officio chair of the board;

(2) two members appointed by the governor;

(3) one member representing institutions of higher education appointed by the speaker of the house of representatives; and

(4) one member representing students at institutions of higher education, appointed by the president pro tempore of the senate.

B. The appointed members must possess knowledge, skill and experience in higher education, business or finance.

C. The appointed members shall serve six-year terms, with the exception of the member representing students, who shall be appointed for a two-year term. Vacancies on the board shall be filled by the respective appointing authority for the remainder of the vacating member's term.

D. Three members of the board constitute a quorum. Action may be taken by the board upon an affirmative vote of the majority of members present at the meeting at which a quorum is present. A vacancy in the membership of the board does not impair the right of a quorum to exercise the powers and duties of the board.

E. Members of the board shall be subject to the provisions of the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance for their service on the board."

Chapter 76 Section 5 Laws 2014

SECTION 5. A new section of the Education Trust Act is enacted to read:

"BOARD--POWERS AND DUTIES.--

A. The board may:

(1) adopt, amend or repeal and promulgate rules necessary to carry out the provisions of the Education Trust Act;

(2) sue and be sued;

(3) enter into contracts;

(4) employ or contract for professional, technical and clerical staff and independent counsel;

(5) contract with one or more financial institutions to manage the education trust fund and the separate trust accounts;

(6) enter into college investment agreements with interested persons to participate in the college savings program;

(7) charge, impose and collect administrative fees as provided in a college investment agreement or other contract relating to the college savings program in amounts not exceeding the reasonable costs of establishing, marketing and otherwise administering the program; and

(8) do those things necessary or convenient in accordance with the Education Trust Act to carry out the provisions of that act.

B. The board shall adopt and promulgate education trust fund investment guidelines and otherwise administer the college savings program in compliance with the Uniform Prudent Investor Act."

Chapter 76 Section 6 Laws 2014

SECTION 6. Section 21-21K-5 NMSA 1978 (being Laws 1997, Chapter 259, Section 5, as amended) is repealed and a new Section 21-21K-5 NMSA 1978 is enacted to read:

"21-21K-5. COLLEGE INVESTMENT AGREEMENTS--ACCOUNTS.--

A. An account owner may enter into a college investment agreement with the board under which an account in the education trust fund is established and contributions may be made to the account from time to time, consistent with the terms of the agreement, to defray the cost of eligible higher education expenses at institutions of higher education. Each account shall be accounted for separately from all other accounts in the education trust fund. An account owner may enter into a college investment agreement on behalf of any beneficiary.

B. Gifts and bequests by persons other than the account owner may be made to an account in the education trust fund for the benefit of the beneficiary in accordance with the terms of the college investment agreement.

C. The board shall set forth procedures relating to the withdrawal of money from an account established in the education trust fund pursuant to a college investment agreement.

D. A college investment agreement may be terminated by the account owner at any time. The board shall specify by rule appropriate provisions for the term and termination of college investment agreements.

E. Contributions made to an account in the education trust fund, together with accrued investment earnings and capital appreciation in such account, shall be excluded from any calculation of the respective beneficiary's student financial aid eligibility in New Mexico.

F. The board shall notify each account owner annually about the status of the account owner's account in the education trust fund."

Chapter 76 Section 7 Laws 2014

SECTION 7. Section 21-21K-6 NMSA 1978 (being Laws 1997, Chapter 259, Section 6, as amended) is repealed and a new Section 21-21K-6 NMSA 1978 is enacted to read:

"21-21K-6. CLAIMS OF CREDITORS--EXEMPTION--LIABILITY IMMUNITY--STATE NOT LIABLE.--

A. Money credited to or expended from any account in the education trust fund by or on behalf of an account owner or beneficiary is exempt from all claims of creditors of the account owner, the beneficiary or the board.

B. If the board carries out its review responsibility of the manager's investment decisions consistent with the Uniform Prudent Investor Act, the board or an employee shall not be liable to anyone for any losses sustained as a result of

investment decisions. A member of the board, while acting within the scope of the member's authority or while acting as a trustee of the education trust fund or any separate trust fund or account of the board, shall not be subject to any personal liability for any action taken or omitted within that scope of authority.

C. In no event shall any liability of or contractual obligation incurred by the college savings program obligate or encumber any of the state's funds or treasury, including but not limited to the state's general fund, land grant permanent funds, the severance tax permanent fund or any other permanent fund or any money that is a part of a state-funded financial aid program. Nothing in the Education Trust Act creates any obligation, legal, moral or otherwise, to fulfill the terms of any college investment agreement or any other obligation or liability out of any source other than the education trust fund or the program administration fund."

Chapter 76 Section 8 Laws 2014

SECTION 8. Section 21-21K-7 NMSA 1978 (being Laws 1997, Chapter 259, Section 7, as amended) is amended to read:

"21-21K-7. REPORTS.--

A. The board shall annually submit to the governor and to the appropriate interim legislative committee a report including:

- (1) the board's fiscal transactions during the preceding fiscal year;
- (2) the market value of the education trust fund as of the end of the preceding fiscal year;
- (3) the asset allocations of the education trust fund expressed in percentages of stocks, fixed income securities, cash or other financial assets; and
- (4) the rate of return on the investment of the education trust fund's assets during the preceding fiscal year.

B. The board shall make the report described by Subsection A of this section available to account owners."

House Bill 215

Approved March 12, 2014

LAWS 2014, CHAPTER 77

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; RETURNING TO STATUTORY INDIVIDUAL CLASS LOADS AND TEACHING LOADS OVER A THREE-YEAR PERIOD.

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

Chapter 77 Section 1 Laws 2014

SECTION 1. A new section of the School Personnel Act is enacted to read:

"INDIVIDUAL CLASS LOAD AND TEACHING LOAD--THREE-YEAR PHASE-IN.--Now that the emergency economic need to grant fiscal solvency waivers for mandatory individual class loads and teaching loads established in Section 22-10A-20 NMSA 1978 and waived pursuant to Section 22-1-10 NMSA 1978 has lessened, these requirements shall be reinstated. The return to statutory mandatory individual class loads and teaching loads shall be phased in over a three-year period. During the 2014-2015 school year, each school district shall develop a plan for implementing the requirements of this section and Section 22-10A-20 NMSA 1978, including the cost of complying with Section 22-10A-20 NMSA 1978. This section does not affect the ability of a school district to apply for and the department to grant a waiver pursuant to Section 22-10A-20 NMSA 1978."

House Bill 280, aa

Approved March 12, 2014

LAWS 2014, CHAPTER 78

AN ACT

RELATING TO THE PUBLIC DEFENDER DEPARTMENT; ALLOWING THE PUBLIC DEFENDER COMMISSION TO ADOPT PERSONNEL POLICIES FOR THE PUBLIC DEFENDER DEPARTMENT AND EXEMPT DEPARTMENT EMPLOYEES FROM THE PERSONNEL ACT; MANDATING THAT THE PERSONNEL ACT IS THE MINIMUM STANDARD FOR DEPARTMENT EMPLOYEES; REQUIRING THE APPELLATE DIVISION TO BE HEADED BY THE APPELLATE DEFENDER.

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

Chapter 78 Section 1 Laws 2014

SECTION 1. Section 10-9-4 NMSA 1978 (being Laws 1961, Chapter 240, Section 4, as amended) is amended to read:

"10-9-4. COVERAGE OF SERVICE.--The Personnel Act and the service cover all state positions except:

A. officials elected by popular vote or appointed to fill vacancies to elective offices;

B. members of boards and commissions and heads of agencies appointed by the governor;

C. heads of agencies appointed by boards or commissions;

D. directors of department divisions;

E. those in educational institutions and in public schools;

F. those employed by state institutions and by state agencies providing educational programs and who are required to hold valid certificates as certified school instructors as defined in Section 22-1-2 NMSA 1978 issued by the public education department;

G. those in the governor's office;

H. those in the state militia or the commissioned officers of the New Mexico state police division of the department of public safety;

I. those in the judicial branch of government;

J. those in the public defender department, upon implementation of personnel policies and rules by the public defender commission;

K. those in the legislative branch of government;

L. not more than two assistants and one secretary in the office of each official listed in Subsections A, B and C of this section, excluding members of boards and commissions in Subsection B of this section;

M. those of a professional or scientific nature that are temporary in nature;

N. those filled by patients or inmates in charitable, penal or correctional institutions;

O. state employees if the board in its discretion decides that the position is one of policymaking; and

P. disadvantaged youth under twenty-two years of age regularly enrolled or to be enrolled in a secondary educational institution approved by the public education department or in an accredited state institution of advanced learning or vocational training and who are to be employed for not more than seven hundred twenty hours during any calendar year:

(1) the term "disadvantaged youth" shall be defined for purposes of this exemption by regulation duly promulgated by the board; and

(2) the board shall:

(a) require that all the criteria of this subsection have been met;

(b) establish employment lists for the certification of the highest-standing candidates to the prospective employers; and

(c) establish the pay rates for such employees."

Chapter 78 Section 2 Laws 2014

SECTION 2. Section 31-15-2.4 NMSA 1978 (being Laws 2013, Chapter 195, Section 7) is amended to read:

"31-15-2.4. PUBLIC DEFENDER COMMISSION--POWERS AND DUTIES--RESTRICTION ON INDIVIDUAL MEMBER.--

A. The commission shall exercise independent oversight of the department, set representation standards for the department and provide guidance and support to the chief in the administration of the department and the representation of indigent persons pursuant to the Public Defender Act.

B. The commission shall develop fair and consistent standards for the operation of the department and the provision of services pursuant to the Public Defender Act, including standards relating to:

(1) the minimum experience, training and qualifications for appointed, contract and staff attorneys in both adult and juvenile cases in coordination with the state personnel office;

(2) monitoring and evaluating appointed, contract and staff attorneys;

(3) ethically responsible caseload and workload levels and workload monitoring protocols for staff attorneys, contract attorneys and district defender offices;

(4) the competent and efficient representation of clients whose cases present conflicts of interest;

(5) qualifications and performance of appointed, contract and staff attorneys in capital cases at the trial, appellate and post-conviction levels; and

(6) personnel policies and procedures, including the development of public defender personnel rules, to establish an independent system of personnel administration for the department; provided that no employee of the department, except the chief, assistant chief public defenders, appellate defender and district public defenders, shall have fewer rights than under the Personnel Act and under administrative rules applicable to state employees on the effective date of this 2014 act.

C. An individual member of the commission shall not interfere with the discretion, professional judgment or advocacy of a public defender, a public defender office, a public defender contractor or an assigned counsel in the representation of a public defender client."

Chapter 78 Section 3 Laws 2014

SECTION 3. Section 31-15-7 NMSA 1978 (being Laws 1973, Chapter 156, Section 7, as amended) is amended to read:

"31-15-7. CHIEF PUBLIC DEFENDER--GENERAL DUTIES AND POWERS.--

A. The chief is responsible to the commission for the operation of the department. It is the chief's duty to manage all operations of the department and to:

(1) administer and carry out the provisions of the Public Defender Act with which the chief is charged;

(2) exercise authority over and provide general supervision of employees of the department; and

(3) represent and advocate for the department and its clients.

B. To perform the chief's duties, the chief has every power implied as necessary for that purpose, those powers expressly enumerated in the Public Defender Act or other laws and full power and authority to:

(1) exercise general supervisory authority over all employees of the department;

(2) delegate authority to subordinates as the chief deems necessary and appropriate;

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

(4) organize the department into those units the chief deems necessary and appropriate to carry out the chief's duties;

(5) conduct research and studies that will improve the operation of the department and the administration of the Public Defender Act;

(6) provide courses of instruction and practical training for employees of the department that will improve the operation of the department and the administration of the Public Defender Act;

(7) purchase or lease personal property and lease real property for the use of the department;

(8) maintain records and statistical data that reflect the operation and administration of the department;

(9) submit an annual report and budget covering the operation of the department together with appropriate recommendations to the commission and, upon approval by the commission, to the legislature and the governor;

(10) serve as defense counsel under the Public Defender Act as necessary and appropriate;

(11) formulate a fee schedule for attorneys who are not employees of the department who serve as counsel for indigent persons under the Public Defender Act;

(12) adopt a standard to determine indigency;

(13) provide for the collection of reimbursement from each person who has received legal representation or another benefit under the Public Defender Act after a determination is made that the person was not indigent according to the standard for indigency adopted by the department. Any amounts recovered shall be paid to the state treasurer for credit to the general fund;

(14) require each person who desires legal representation or another benefit under the Public Defender Act to enter into a contract with the department agreeing to reimburse the department if a determination is made that the person was not indigent according to the standard for indigency adopted by the department; and

(15) certify contracts and expenditures for litigation expenses, including contracts and expenditures for professional and nonprofessional experts, investigators and witness fees, but not including attorney contracts, pursuant to the provisions of the Procurement Code."

Chapter 78 Section 4 Laws 2014

SECTION 4. Section 31-15-8 NMSA 1978 (being Laws 1973, Chapter 156, Section 8) is amended to read:

"31-15-8. DUTY OF CHIEF PUBLIC DEFENDER TO ESTABLISH APPELLATE DIVISION--DUTY OF APPELLATE DIVISION.--

A. The chief shall establish within the department an appellate division. The appellate division shall be headed by the appellate defender.

B. The appellate division shall assist the chief and district public defenders by providing representation before the court of appeals and the supreme court in appellate, review and postconviction proceedings involving persons represented under the Public Defender Act.

C. The appellate division shall assist private counsel not employed under the Public Defender Act in any appellate, review or postconviction remedy proceeding by providing representation for persons entitled to representation under the Indigent Defense Act."

Chapter 78 Section 5 Laws 2014

SECTION 5. Section 31-15-11 NMSA 1978 (being Laws 1973, Chapter 156, Section 11, as amended) is amended to read:

"31-15-11. COMPENSATION--PRIVATE PRACTICE OF LAW BY ATTORNEYS EMPLOYED BY THE DEPARTMENT PROHIBITED.--

A. For the purposes of the exempt salaries plan prepared pursuant to Section 10-9-5 NMSA 1978, each district public defender shall be considered an assistant in the offices of the chief.

B. All employees of the department other than the chief, assistant chief public defenders, appellate defender and district public defenders shall be subject to the provisions of the Personnel Act, unless the employees are exempted from the Personnel Act by the commission.

C. Before the commission may exempt the department from the Personnel Act, the commission shall develop and adopt personnel policies for the department; provided that no employee of the department, except the chief, assistant chief public

defenders, appellate defender and district public defenders, shall have fewer rights under these policies than under the Personnel Act and under administrative rules applicable to state employees on the effective date of this 2014 act.

D. No chief, assistant chief public defender, appellate defender, district public defender or attorney hired on a full-time basis as an assistant to the chief or to a district public defender, while holding that office or employed in that capacity, shall engage in the private practice of law. Attorneys who serve as counsel for indigent persons under contract with the department may engage in the private practice of law."

HJC/House Bill 338, aa

Approved March 12, 2014

LAWS 2014, CHAPTER 79

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978 TO COMPLY WITH CHANGES IN FEDERAL REGULATIONS REGARDING THE REPLACEMENT OF SOLE COMMUNITY PROVIDERS WITH QUALIFYING HOSPITALS; ALLOWING CERTAIN COUNTIES TO IMPOSE AN ADDITIONAL INCREMENT OF THE COUNTY GROSS RECEIPTS TAX FOR THREE YEARS TO SUPPORT CERTAIN HOSPITALS THAT PROVIDE INDIGENT CARE; REQUIRING CERTAIN COUNTIES TO DEDICATE AND TRANSFER CERTAIN FUNDS TO THE SAFETY NET CARE POOL FUND [~~FOR THREE YEARS~~]; DECLARING AN EMERGENCY. *LINE-ITEM VETO*

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

Chapter 79 Section 1 Laws 2014

SECTION 1. Section 7-1-6.13 NMSA 1978 (being Laws 1983, Chapter 211, Section 18, as amended) is amended to read:

"7-1-6.13. TRANSFER--REVENUES FROM COUNTY LOCAL OPTION GROSS RECEIPTS TAXES.--

A. Except as provided in Subsection B of this section, a transfer pursuant to Section 7-1-6.1 NMSA 1978 shall be made to each county for which the department is collecting a local option gross receipts tax imposed by that county in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the net receipts attributable to the local option gross receipts tax imposed by

that county, less any deduction for administrative cost determined and made by the department pursuant to the provisions of the act authorizing imposition by that county of the local option gross receipts tax and any additional administrative fee withheld pursuant to Subsection C of Section 7-1-6.41 NMSA 1978.

B. A transfer pursuant to this section may be adjusted for a distribution made to a tax increment development district with respect to a portion of a gross receipts tax increment dedicated by a county pursuant to the Tax Increment for Development Act."

Chapter 79 Section 2 Laws 2014

SECTION 2. Section 7-20E-7 NMSA 1978 (being Laws 1993, Chapter 354, Section 7, as amended) is amended to read:

"7-20E-7. COLLECTION BY DEPARTMENT--TRANSFER OF PROCEEDS--DEDUCTIONS.--

A. The department shall collect each tax imposed pursuant to the provisions of the County Local Option Gross Receipts Taxes Act in the same manner and at the same time it collects the state gross receipts tax.

B. The department shall withhold an administrative fee pursuant to Section 7-1-6.41 NMSA 1978. The department shall transfer to each county for which it is collecting a tax pursuant to the provisions of the County Local Option Gross Receipts Taxes Act the amount of each tax collected for that county, less the administrative fee withheld and less any disbursements for tax credits, refunds and the payment of interest applicable to the tax. The transfer to the county shall be made within the month following the month in which the tax is collected."

Chapter 79 Section 3 Laws 2014

SECTION 3. Section 7-20E-9 NMSA 1978 (being Laws 1983, Chapter 213, Section 30, as amended) is amended to read:

"7-20E-9. COUNTY GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE RATE--COUNTY HEALTH CARE ASSISTANCE FUND REQUIREMENTS.--

A. Except as provided in Subsection E of this section, a majority of the members of the governing body of a county may enact an ordinance imposing an excise tax not to exceed a rate of seven-sixteenths percent of the gross receipts of any person engaging in business in the county for the privilege of engaging in business in the county. An ordinance imposing an excise tax pursuant to this subsection shall impose the tax in three independent increments of

one-eighth percent and one independent increment of one-sixteenth percent, which shall be separately denominated as "the first one-eighth increment", "the second one-eighth increment", "the third one-eighth increment" and "the one-sixteenth increment", respectively, not to exceed an aggregate amount of seven-sixteenths percent.

B. The tax authorized by this section is to be referred to as the "county gross receipts tax".

C. A class A county with a county hospital operated and maintained pursuant to a lease or operating agreement with a state educational institution named in Article 12, Section 11 of the constitution of New Mexico enacting the second one-eighth increment of county gross receipts tax shall provide, each year that the tax is in effect, not less than one million dollars (\$1,000,000) in funds, and that amount shall be dedicated to the support of indigent patients who are residents of that county. Funds for indigent care shall be made available each month of each year the tax is in effect in an amount not less than eighty-three thousand three hundred thirty-three dollars thirty-three cents (\$83,333.33). The interest from the investment of county funds for indigent care may be used for other assistance to indigent persons, not to exceed twenty thousand dollars (\$20,000) for all other assistance in any year.

D. A county, except a class A county with a county hospital operated and maintained pursuant to a lease or operating agreement with a state educational institution named in Article 12, Section 11 of the constitution of New Mexico, imposing the second one-eighth increment of county gross receipts tax shall be required to dedicate the entire amount of revenue produced by the imposition of the second one-eighth increment for the support of indigent patients who are residents of that county. The revenue produced by the imposition of the third one-eighth increment and the one-sixteenth increment may be used for general purposes. Any county that has imposed the second one-eighth increment or the third one-eighth increment, or both, on January 1, 1996 for support of indigent patients in the county or, after January 1, 1996, imposes the second one-eighth increment or imposes the third one-eighth increment and dedicates one-half of that increment for county indigent patient purposes shall deposit the revenue dedicated for county indigent purposes that is transferred to the county in the county health care assistance fund, and such revenues shall be expended pursuant to the Indigent Hospital and County Health Care Act.

E. Until June 30, 2017, in addition to the increments authorized pursuant to Subsection A of this section, the majority of the members of the governing body of a county, except a class A county with a hospital that is operated and maintained pursuant to a lease or operating agreement with a state educational institution named in Article 12, Section 11 of the constitution of New Mexico, may enact an ordinance imposing an excise tax of one-sixteenth percent or one-twelfth percent of the gross receipts of any person engaging in business in the county for the privilege of engaging in business in the county."

Chapter 79 Section 4 Laws 2014

SECTION 4. Section 27-5-2 NMSA 1978 (being Laws 1965, Chapter 234, Section 2, as amended) is amended to read:

"27-5-2. PURPOSE OF INDIGENT HOSPITAL AND COUNTY HEALTH CARE ACT.--The purpose of the Indigent Hospital and County Health Care Act is:

A. to recognize that each individual county of this state is the responsible agency for ambulance transportation, hospital care or the provision of health care to indigent patients domiciled in that county, as determined by resolution of the board of county commissioners, in addition to providing support for the state's medicaid program;

B. to recognize that the counties of the state are responsible for supporting indigent patients by providing local revenues to match federal funds for the state medicaid program pursuant to Section 7-20E-9 NMSA 1978 and the transfer of funds to the county-supported medicaid fund pursuant to the Statewide Health Care Act; and

C. to recognize that the counties of the state can improve the provision of health care to indigent patients by providing local revenues for countywide or multicounty health planning."

Chapter 79 Section 5 Laws 2014

SECTION 5. Section 27-5-3 NMSA 1978 (being Laws 1965, Chapter 234, Section 3, as amended) is amended to read:

"27-5-3. PUBLIC ASSISTANCE PROVISIONS.--

A. A hospital shall not be paid from the fund under the Indigent Hospital and County Health Care Act for costs of an indigent patient for services that have been determined by the department to be eligible for medicaid reimbursement.

B. No action for collection of claims under the Indigent Hospital and County Health Care Act shall be allowed against an indigent patient who is medicaid eligible for medicaid covered services, nor shall action be allowed against the person who is legally responsible for the care of the indigent patient during the time that person is medicaid eligible."

Chapter 79 Section 6 Laws 2014

SECTION 6. Section 27-5-4 NMSA 1978 (being Laws 1965, Chapter 234, Section 4, as amended) is amended to read:

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

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

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

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

D. "department" means the human services department;

E. "fund" means a county health care assistance fund;

F. "health care services" means treatment and services designed to promote improved health in the county indigent population, including primary care, prenatal care, dental care, behavioral health care, alcohol or drug detoxification and rehabilitation, hospital care, provision of prescription drugs, preventive care or health outreach services, to the extent determined by resolution of the county;

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

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

I. "planning" means the development of a countywide or multicounty health plan to improve and fund health services in the county based on the county's needs assessment and inventory of existing services and resources and that demonstrates coordination between the county and state and local health planning efforts;

J. "public entity" means a state, local or tribal government or other political subdivision or agency of that government; and

K. "qualifying hospital" means an acute care general hospital licensed by the department of health that is qualified to receive payments from the safety net care pool pursuant to an agreement with the federal centers for medicare and medicaid services."

Chapter 79 Section 7 Laws 2014

SECTION 7. Section 27-5-6 NMSA 1978 (being Laws 1965, Chapter 234, Section 6, as amended) is amended to read:

"27-5-6. POWERS AND DUTIES OF COUNTIES RELATING TO INDIGENT CARE.--A county:

A. may budget for expenditure on ambulance services, burial expenses, hospital or medical expenses for indigent residents of that county and for costs of development of a countywide or multi county health plan. The combined costs of administration and planning shall not exceed the following percentages of revenues based on the previous fiscal year revenues for a fund that has existed for at least one fiscal year or based on projected revenues for the year being budgeted for a fund that has existed for less than one fiscal year. The percentage of the revenues in the fund that may be used for such combined administrative and planning costs is equal to the sum of the following:

(1) ten percent of the amount of the revenues in the fund not over five hundred thousand dollars (\$500,000);

(2) eight percent of the amount of the revenues in the fund over five hundred thousand dollars (\$500,000) but not over one million dollars (\$1,000,000); and

(3) four and one-half percent of the amount of the revenues in the fund over one million dollars (\$1,000,000);

B. may accept contributions of public funds for county health care services, which shall be deposited in the fund;

C. may hire personnel to carry out the provisions of the Indigent Hospital and County Health Care Act;

D. shall transfer to the state by the last day of March, June, September and December of each year an amount equal to one-fourth of the county's payment pursuant to Section 16 of this 2014 act. This money shall be deposited in the safety net care pool fund;

E. shall, in carrying out the provisions of the Indigent Hospital and County Health Care Act, comply with the standards of the federal Health Insurance Portability and Accountability Act of 1996;

F. may provide for the transfer of money from the fund to the county-supported medicaid fund to meet the requirements of the Statewide Health Care Act; and

G. may contract with ambulance providers, hospitals or health care providers for the provision of services for indigent patients domiciled within the county."

Chapter 79 Section 8 Laws 2014

SECTION 8. Section 27-5-6.1 NMSA 1978 (being Laws 1993, Chapter 321, Section 18, as amended) is amended to read:

"27-5-6.1. SAFETY NET CARE POOL FUND CREATED.--

A. The "safety net care pool fund" is created in the state treasury. The safety net care pool fund, which shall be administered by the department, shall consist of public funds provided through intergovernmental transfers from counties or other public entities and transferred from counties pursuant to Section 16 of this 2014 act. Money in the fund shall be invested by the state treasurer as other state funds are invested. Any unexpended or unencumbered balance remaining in the fund at the end of any fiscal year shall not revert.

B. Money in the safety net care pool fund is appropriated to the department to make payments to qualifying hospitals. No safety net care pool fund payments or money in the safety net care pool fund shall be used to supplant any general fund support for the state medicaid program."

Chapter 79 Section 9 Laws 2014

SECTION 9. Section 27-5-7 NMSA 1978 (being Laws 1965, Chapter 234, Section 7, as amended) is amended to read:

"27-5-7. HEALTH CARE ASSISTANCE FUND.--

A. There is created in the county treasury of each county a "health care assistance fund".

B. Collections under the levy made pursuant to the Indigent Hospital and County Health Care Act and all payments shall be placed into the fund, and the amount placed in the fund shall be budgeted and expended only for the purposes specified in the Indigent Hospital and County Health Care Act, by warrant upon vouchers approved by the county. Payments for indigent hospitalizations shall not be made from any other county fund.

C. The fund shall be audited in the manner that other state and county funds are audited, and all records of payments and verified statements of qualification upon which payments were made from the fund shall be open to the public.

D. Any balance remaining in the fund at the end of the fiscal year shall carry over into the ensuing year, and that balance shall be taken into consideration in the determination of the ensuing year's budget and certification of need for purposes of making a tax levy.

E. Money may be transferred to the fund from other sources, but no transfers may be made from the fund for any purpose other than those specified in the Indigent Hospital and County Health Care Act."

Chapter 79 Section 10 Laws 2014

SECTION 10. 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 monthly premiums of health insurance policies for indigent patients;~~

~~_____ (4) all or a portion of the out-of-pocket costs, including copayments and deductibles, incurred by indigent patient insureds pursuant to the terms of a health insurance policy;] or LINE-ITEM VETO~~

(5) county administrative expenses associated with fund expenditures authorized in Paragraphs [~~(1)~~ through ~~(4)~~] of this subsection. *LINE-ITEM VETO*

B. The fund may be used to meet a county's obligation under Section 27-10-4 NMSA 1978."

Chapter 79 Section 11 Laws 2014

SECTION 11. Section 27-5-9 NMSA 1978 (being Laws 1965, Chapter 234, Section 9, as amended) is amended to read:

"27-5-9. TAX LEVIES AUTHORIZED.--

A. Subject to the provisions of Subsection B of this section, the board of county commissioners, upon the certification of the county as to the amount needed to provide health care to indigent residents of the county or to support the state's medicaid program, shall impose a levy against the net taxable value, as that term is defined in the Property Tax Code, of the property in the county sufficient to raise the amount certified by the county.

B. The question of imposing an indigent and medicaid health care levy for the purpose of the Indigent Hospital and County Health Care Act shall be submitted to the electors and voted upon as a separate question at the next subsequent general election or any special election called prior thereto for such purpose.

C. Upon finding by the board of county commissioners that an election will be necessary, the board of county commissioners shall meet and order an election to be held at a designated time in the county upon the question of imposing an indigent and medicaid health care levy for the purpose of the Indigent Hospital and County Health Care Act in the county. If the question is to be voted upon at a special election, the election shall be held not less than thirty nor more than fifty days after the finding, but in no event shall the election be held within five days preceding or succeeding any general election held in the county. The order for the election shall be made a part of the official minutes of the board of county commissioners. A copy of the order shall be published in a newspaper of general circulation in the county at least fifteen days before the date set for the election, and an affidavit of publication shall be obtained. At least five days prior to the date for holding the election, the board of county commissioners shall publish in a newspaper of general circulation in the county and post in five conspicuous places in the county a notice of election, which shall be in substantially the following form:

"NOTICE OF ELECTION ON SPECIAL INDIGENT
AND MEDICAID HEALTH CARE LEVY

Notice is given on the _____ day of _____, 20_____, there will be held in _____ county of New Mexico an election on the question of imposing an indigent and medicaid health care levy to provide health care to indigent residents of the county or to support the state's medicaid program, such levy to be made annually against the taxable value of the property in the county and limited to an amount sufficient to provide funds necessary to support the state's medicaid program or to provide health care to indigent residents of the county who do not qualify for medicaid.

Official Title of the Authority".

The election shall be held on the date specified in the notice and shall be, if a special election, conducted and canvassed in substantially the same manner as general elections are conducted and canvassed in the county; provided that the ballot used in any election shall be a special and separate ballot and shall be in substantially the following form:

"BALLOT

On the question of imposing an indigent and medicaid health care levy for the purposes of the Indigent Hospital and County Health Care Act, such levy to be made annually against the taxable value of the property in _____ county of New Mexico, and limited to an amount sufficient to provide funds budgeted and certified as necessary for health care for indigent residents of the county in addition to those services provided by the state or to support the state's medicaid program:

FOR THE LEVY..... AGAINST THE LEVY.....".

D. If the electors vote in favor of an indigent and medicaid health care levy, the levy shall become effective in the same manner prescribed by law for all levies upon property within that county, and a levy for those purposes in such an amount as will provide sufficient money for the fund shall be made for each year thereafter.

E. Any board of county commissioners that has, prior to the effective date of this section, made a valid imposition of a property tax for the purpose of the Indigent Hospital and County Health Care Act shall not be required to hold an election on the existing tax, and that tax may be imposed and continue to be imposed in accordance with the provisions of law existing at the time of its imposition. However, if any such tax is not imposed in a given property tax year or if the authorization for its imposition terminates or expires, the election requirements of Subsections B and C of this section shall apply to any subsequent proposed imposition of a property tax for indigent health care for county residents or to support the state's medicaid program."

Chapter 79 Section 12 Laws 2014

SECTION 12. Section 27-5-11 NMSA 1978 (being Laws 1965, Chapter 234, Section 12, as amended) is amended to read:

"27-5-11. QUALIFYING HOSPITAL DUTIES AND REPORTING.--

A. A qualifying hospital shall accept every indigent patient who seeks health care services from the qualifying hospital.

B. Qualifying hospitals shall:

~~_____ (1) provide financial counseling to patients about their hospital bills;~~

~~_____ (2) have written financial assistance policies [consistent with this section] that are publicized [and consistently applied; and~~

~~_____ (3) make reasonable efforts to determine whether patients are eligible for financial assistance before initiating collections actions.~~

~~_____ C. No action for collection of claims shall be allowed against an indigent patient with a household income under two hundred percent of the federal poverty level]. *LINE-ITEM VETO*~~

D. Within thirty days of receiving a payment from the safety net care pool ~~[fund]~~, a qualifying hospital shall report the amount of such payment to the county within which it is located. *LINE-ITEM VETO*

E. In addition to the report required in Subsection D of this section, a qualifying hospital shall annually report to the county within which it is located the total costs of health care services provided in the previous calendar year."

Chapter 79 Section 13 Laws 2014

SECTION 13. Section 27-5-12 NMSA 1978 (being Laws 1965, Chapter 234, Section 13, as amended) is amended to read:

"27-5-12. PAYMENT OF CLAIMS.--

A. A hospital, ambulance service or health care provider filing a claim with the county shall:

(1) file the claim with the county in which the indigent patient is domiciled;

(2) file the claim for each patient separately, with an itemized detail of the total cost; and

(3) file with the claim a verified statement of qualification for ambulance service, indigent hospital care or care from a health care provider signed by the patient or by the parent or person having custody of the patient to the effect that the patient qualifies under the provisions of the Indigent Hospital and County Health Care Act as an indigent patient and is unable to pay the cost for the care administered and listing all assets owned by the patient or any person legally responsible for the patient's care. The statement shall constitute an oath of the person signing it, and any false statements in the statement made knowingly constitute a felony.

B. A hospital, ambulance service or health care provider that has contracted with a county for provision of health care services shall provide evidence of health care services rendered for payment for services in accordance with the procedures specified in the contract."

Chapter 79 Section 14 Laws 2014

SECTION 14. Section 27-5-12.1 NMSA 1978 (being Laws 1979, Chapter 146, Section 3, as amended) is amended to read:

"27-5-12.1. APPEAL.--Any hospital or ambulance service aggrieved by any decision of the county may appeal to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978."

Chapter 79 Section 15 Laws 2014

SECTION 15. Section 27-5-16 NMSA 1978 (being Laws 1965, Chapter 234, Section 16, as amended) is amended to read:

"27-5-16. DEPARTMENT--PAYMENTS--COOPERATION--REPORTING.--

A. The department shall not decrease the amount of any assistance payments made to the hospitals or health care providers of this state pursuant to law because of any financial reimbursement made to ambulance services, hospitals or health care providers for indigent or medicaid eligible patients as provided in the Indigent Hospital and County Health Care Act.

B. The department shall cooperate with each county in furnishing information or assisting in the investigation of any person to determine whether the person meets the qualifications of an indigent patient as defined in the Indigent Hospital and County Health Care Act.

C. The department shall provide an annual report to each county and each qualifying hospital on the previous calendar year's payments from the safety net care pool [fund] for uncompensated care to qualifying hospitals and estimated payments of enhanced medicaid base rates. The annual report for the previous year shall be provided by July 1 of the succeeding year." *LINE-ITEM VETO*

Chapter 79 Section 16 Laws 2014

SECTION 16. A new section of the Indigent Hospital and County Health Care Act is enacted to read:

"TRANSFER TO SAFETY NET CARE POOL FUND.--

A. A county shall, by ordinance to be effective July 1, 2014 [~~through June 30, 2017~~], dedicate to the safety net care pool fund an amount equal to a gross receipts tax rate of one-twelfth percent applied to the taxable gross receipts reported during the prior fiscal year by persons engaging in business in the county. For purposes of this subsection, a county may use public funds from any existing authorized revenue source of the county. *LINE-ITEM VETO*

B. A county enacting an ordinance pursuant to Subsection A of this section shall transfer to the safety net care pool fund by the last day of March, June, September and December of each year an amount equal to one-fourth of the county's payment to the safety net care pool fund."

Chapter 79 Section 17 Laws 2014

SECTION 17. Section 27-10-3 NMSA 1978 (being Laws 1991, Chapter 212, Section 3, as amended) is amended to read:

"27-10-3. COUNTY-SUPPORTED MEDICAID FUND CREATED--USE--
APPROPRIATION BY THE LEGISLATURE.--

A. There is created in the state treasury the "county-supported medicaid fund". The fund shall be invested by the state treasurer as other state funds are invested. Income earned from investment of the fund shall be credited to the county-supported medicaid fund. The fund shall not revert in any fiscal year.

B. Money in the county-supported medicaid fund is subject to appropriation by the legislature to support the state medicaid program and to institute or support primary care health care services pursuant to Subsections D and E of Section 24-1A-3.1 NMSA 1978. Of the amount appropriated each year, nine percent shall be appropriated to the department of health to institute or support primary care health care services pursuant to Subsections D and E of Section 24-1A-3.1 NMSA 1978.

C. Up to three percent of the county-supported medicaid fund each year may be expended for administrative costs related to medicaid or developing new primary care health care centers or facilities.

D. In the event federal funds for medicaid are not received by New Mexico for any eighteen-month period, the unencumbered balance remaining in the county-supported medicaid fund and the safety net care pool fund at the end of the fiscal year

following the end of any eighteen-month period shall be paid within a reasonable time to each county for deposit in the county health care assistance fund in proportion to the payments made by each county through tax revenues or transfers in the previous fiscal year as certified by the local government division of the department of finance and administration. The department will provide for budgeting and accounting of payments to the fund."

Chapter 79 Section 18 Laws 2014

SECTION 18. TEMPORARY PROVISION--TRANSFER OF REFERENCES OF LAW.--

A. [~~On and after July 1, 2014,~~] references in law to a sole community provider hospital shall be deemed to be references to a qualifying hospital pursuant to the Indigent Hospital and County Health Care Act. *LINE-ITEM VETO*

B. [~~On and after July 1, 2014,~~] references in law to a county indigent hospital claims fund shall be deemed to be references to a county health care assistance fund. *LINE-ITEM VETO*

Chapter 79 Section 19 Laws 2014

SECTION 19. TEMPORARY PROVISION--TRANSFER OF MONEY.--

A. On the effective date of this act, all money in the sole community provider fund shall be transferred to the safety net care pool fund.

B. On the effective date of this act, all money in a county's indigent hospital claims fund shall be transferred to the county's health care assistance fund.

Chapter 79 Section 20 Laws 2014

SECTION 20. TEMPORARY PROVISION--TAX LEVIED PURSUANT TO SECTION 27-5-9 NMSA 1978 PRIOR TO EFFECTIVE DATE OF ACT.--A tax levied pursuant to Section 27-5-9 NMSA 1978 prior to January 1, 2014 shall remain in effect until the tax expires or is terminated.

Chapter 79 Section 21 Laws 2014

Section 21. TEMPORARY PROVISION.--The Human Services department is directed to seek funds [~~and use its BAR authority~~] to fully fund the safety net care pool fund. *LINE-ITEM VETO*

Chapter 79 Section 22 Laws 2014

SECTION 22. REPEAL.--Sections 27-5-5, 27-5-8, 27-5-10, 27-5-12.2, 27-5-13, 27-5-14, 27-5-15 and 27-5-18 NMSA 1978 (being Laws 1965, Chapter 234, Sections 5, 8 and 11, Laws 1993, Chapter 321, Section 15, Laws 1965, Chapter 234, Sections 14 and 15, Laws 1971, Chapter 72, Section 2 and Laws 1965, Chapter 234, Section 20, as amended) are repealed.

Chapter 79 Section 23 Laws 2014

SECTION 23. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SPAC/Senate Bills 268 & 314 and SFC/SB 368, aa, w/ec, w/coc, partial veto

Approved March 12, 2014

LAWS 2014, CHAPTER 80

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE; MAKING CHANGES TO THE LEGISLATIVE LOTTERY SCHOLARSHIP PROGRAM TO EXTEND ITS FINANCIAL SOLVENCY; CHANGING THE AMOUNT OF AWARDS; REQUIRING A MINIMUM BALANCE IN THE LOTTERY TUITION FUND; DISTRIBUTING MONEY FROM THE LIQUOR EXCISE TAX TO THE LOTTERY TUITION FUND; AMENDING, REPEALING, RECOMPILING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Chapter 80 Section 1 Laws 2014

SECTION 1. SHORT TITLE.--Sections 1 through 6 of this act may be cited as the "Legislative Lottery Tuition Scholarship Act".

Chapter 80 Section 2 Laws 2014

SECTION 2. DEFINITIONS.--As used in the Legislative Lottery Tuition Scholarship Act:

A. "community college" means a branch community college of a state educational institution or a community college or technical and vocational institute established pursuant to Chapter 21, Article 13 or 16 NMSA 1978, respectively;

B. "comprehensive institution" means eastern New Mexico university, western New Mexico university, New Mexico highlands university or northern New Mexico college;

C. "department" means the higher education department;

D. "full time" means fifteen or more credit hours each semester of the regular academic year in state educational institutions and twelve or more credit hours each semester of the regular academic year in community colleges or for legacy students in any program semester;

E. "fund" means the lottery tuition fund;

F. "legacy student" means a full-time resident student who has received for three or more program semesters by the end of fiscal year 2014 the legislative lottery scholarship awarded pursuant to the former provisions of Sections 21-1-4.3, 21-13-10 and 21-16-10.1 NMSA 1978 prior to the enactment of the Legislative Lottery Tuition Scholarship Act;

G. "program semesters" means those semesters for which a legacy or qualified student may receive a tuition scholarship and excludes the first semester of attendance at a public post-secondary educational institution;

H. "public post-secondary educational institution" means a community college, comprehensive institution, research institution or state educational institution;

I. "qualified student" means a full-time student who graduated from a public or accredited private New Mexico high school or who received a high school equivalency credential while maintaining residency in New Mexico and who:

(1) either:

(a) immediately upon graduation or receipt of a credential was accepted for entrance to and attended a public post-secondary educational institution; or

(b) within one hundred twenty days of completion of a high school curriculum or receipt of a high school equivalency credential began service in the United States armed forces and within one year of completion of honorable service or medical discharge from the service, attended a public post-secondary educational institution; and

(2) successfully completed the first semester at a public post-secondary educational institution with a grade point average of 2.5 or higher on a 4.0 scale during the first semester of full-time enrollment;

J. "research institution" means the university of New Mexico, New Mexico state university or New Mexico institute of mining and technology;

K. "state educational institution" means an institution of higher education enumerated in Article 12, Section 11 of the constitution of New Mexico and excludes a research institution; and

L. "tuition scholarship" means the scholarship that provides tuition assistance per semester for a qualified student or legacy student attending a public post-secondary educational institution.

Chapter 80 Section 3 Laws 2014

SECTION 3. TUITION SCHOLARSHIPS AUTHORIZED--QUALIFIED STUDENTS.--

A. To the extent that funds are made available by the legislature from the fund, the boards of regents or governing bodies of public post-secondary educational institutions shall award tuition scholarships in department-approved amounts to qualified students and legacy students attending their respective public post-secondary educational institutions.

B. Beginning in fiscal year 2015:

(1) a legacy student is eligible to receive a tuition scholarship until the total number of semesters for which the legislative lottery scholarship was received pursuant to the former provisions of Sections 21-1-4.3, 21-13-10 and 21-16-10.1 NMSA 1978 or the Legislative Lottery Tuition Scholarship Act reaches eight; provided that the legacy student maintains residency in New Mexico, maintains a grade point average of 2.5 or higher on a 4.0 scale and completes twelve or more credit hours per semester; and

(2) a qualified student who is not a legacy student is eligible to receive the tuition scholarship for a maximum of seven program semesters [~~starting in the second program semester~~], and in an amount determined pursuant to the provisions of Section 4 of the Legislative Lottery Tuition Scholarship Act. *LINE-ITEM VETO*

C. Except as otherwise provided in this section, a tuition scholarship may be awarded to a qualified student who:

(1) maintains residency in New Mexico;

(2) maintains a grade point average of 2.5 or higher on a 4.0 scale;
and

(3) completes:

(a) for a student attending a four-year public post-secondary educational institution, fifteen or more credit hours per semester; and

(b) for a student attending a two-year public post-secondary educational institution, twelve or more credit hours per semester.

D. For students with disabilities who may require accommodations, the department, in consultation with the student and the office at the public post-secondary educational institution that serves students with disabilities, shall review both the definition of "full time" and the maximum number of consecutive semesters of eligibility and adjust either or both as deemed reasonable and appropriate, based on the student's disability needs. In no case, however, shall "full time" mean fewer than six credit hours per semester, and in no case shall eligibility extend beyond fourteen consecutive semesters.

Chapter 80 Section 4 Laws 2014

SECTION 4. TUITION SCHOLARSHIP AMOUNT--FUND.--

A. Prior to June 1 of each year, based on the amount appropriated by the legislature from the fund and on the projected enrollment at all public post-secondary educational institutions, the department shall:

(1) determine the total amount of money available for all tuition scholarships for qualified students;

(2) determine the uniform percentage by which to calculate tuition scholarships for qualified students attending any public post-secondary educational institution; and

(3) notify all public post-secondary educational institutions of the determinations made pursuant to Paragraphs (1) and (2) of this subsection.

B. In determining distribution and award amounts for the tuition scholarship program, the department shall:

(1) maintain the minimum fund balance pursuant to Section 5 of the Legislative Lottery Tuition Scholarship Act;

(2) distribute to all public post-secondary educational institutions an amount not to exceed the remaining balance in the fund; and

(3) subject to the provisions of Paragraphs (1) and (2) of this subsection, distribute to each public post-secondary educational institution an amount based on:

(a) the projected enrollment at each comprehensive institution, research institution and state educational institution of qualified students in their second through eighth [program] semesters, including qualified students in their fifth through eighth [program] semesters who transferred from community colleges;
LINE-ITEM VETO

(b) the projected enrollment at each community college of qualified students in their second through fourth [program] semesters; and *LINE-ITEM VETO*

(c) a uniform percentage of the average of in-state tuition costs charged by: 1) research institutions for each research institution; 2) comprehensive institutions for each comprehensive institution; and 3) community colleges for each community college.

Chapter 80 Section 5 Laws 2014

SECTION 5. Section 6-24-23 NMSA 1978 (being Laws 1995, Chapter 155, Section 23, as amended) is recompiled in the Legislative Lottery Tuition Scholarship Act and is amended to read:

"LOTTERY TUITION FUND CREATED--PURPOSE.--

A. The "lottery tuition fund" is created in the state treasury. The fund shall be administered by the department. Earnings from investment of the fund shall accrue to the credit of the fund. The fund shall maintain an annual average balance of two million dollars (\$2,000,000), and any balance in the fund at the end of any fiscal year shall remain in the fund for appropriation by the legislature as provided in this section.

B. Money in the fund shall be appropriated by the legislature to the department for distribution to New Mexico's public post-secondary educational institutions to provide tuition assistance for qualified students and legacy students as provided in the Legislative Lottery Tuition Scholarship Act."

Chapter 80 Section 6 Laws 2014

SECTION 6. DEPARTMENT RULEMAKING AND REPORTING.--

A. The department shall promulgate rules setting forth explicit criteria in accordance with the Legislative Lottery Tuition Scholarship Act for:

(1) student qualification and continuing eligibility; and

(2) calculating the tuition scholarship award amount pursuant to Section 4 of the Legislative Lottery Tuition Scholarship Act and guidelines for the administration of the tuition scholarship program.

B. The department shall report by November 1 of each year to the legislative finance committee and the department of finance and administration on:

(1) the status of the fund;

(2) tuition scholarship program

participation data aggregated for each public post-secondary educational institution to show:

(a) the number of qualified students and the number of legacy students who received tuition scholarships in the prior twelve-month period;

(b) the total number of students, including qualified students and legacy students, enrolled in the prior twelve-month period;

(c) for each semester, the amount of tuition scholarships funded and the amount of tuition costs that were not offset by the tuition scholarship; and

(d) the number of qualified students and the number of legacy students who graduated with a degree and, for each qualified student, the number of consecutive semesters and nonconsecutive semesters attended prior to graduation; and

(3) any additional information required or requested by the legislative finance committee or the department of finance and administration.

Chapter 80 Section 7 Laws 2014

SECTION 7. Section 7-1-6.40 NMSA 1978 (being Laws 1997, Chapter 182, Section 1, as amended) is amended to read:

"7-1-6.40. DISTRIBUTION--LOCAL DWI GRANT FUND--MUNICIPALITIES--LOTTERY TUITION FUND.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the local DWI grant fund in an amount equal to forty-one and fifty hundredths percent of the net receipts attributable to the liquor excise tax.

B. A distribution pursuant to Section 7-1-6.1 NMSA 1978 of twenty thousand seven hundred fifty dollars (\$20,750) monthly from the net receipts attributable to the liquor excise tax shall be made to a municipality that is located in a class A county and that has a population according to the most recent federal decennial census of more than thirty thousand but less than sixty thousand. The distribution

pursuant to this subsection shall be used by the municipality only for the provision of alcohol treatment and rehabilitation services for street inebriates.

C. From July 1, 2015 to July 1, 2017, a distribution pursuant to Section 7-1-6.1 NMSA 1978 of thirty-nine percent of the net receipts attributable to the liquor excise tax shall be made to the lottery tuition fund."

Chapter 80 Section 8 Laws 2014

SECTION 8. Section 21-13-10 NMSA 1978 (being Laws 1963, Chapter 17, Section 9, as amended) is amended to read:

"21-13-10. BOARD DUTIES.--

A. It is the duty of the community college board to determine financial and educational policies of the community college. The community college board shall provide for the management of the community college and execution of these policies by selecting a competent president for the community college, and, upon the president's recommendation, the board shall employ other administrative personnel, instructional staff or other personnel as may be needed for the operation, maintenance and administration of the community college.

B. The community college board shall have the power to fix tuition and fee rates for resident and nonresident students of the community college district, to accept gifts, to accept federal aid, to purchase, hold, sell and rent property and equipment and to promote the general welfare of the institution for the best interest of educational service to the people of the community college district."

Chapter 80 Section 9 Laws 2014

SECTION 9. APPROPRIATION.--Eleven million dollars (\$11,000,000) is appropriated from the student financial aid fund of the higher education department to the lottery tuition fund for expenditure in fiscal year 2014 and subsequent fiscal years to supplement the lottery tuition fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert.

Chapter 80 Section 10 Laws 2014

SECTION 10. REPEAL.--Sections 21-1-4.3, 21-1-4.4 and 21-16-10.1 NMSA 1978 (being Laws 1996, Chapter 71, Sections 3, 4 and 6, as amended) are repealed.

Chapter 80 Section 11 Laws 2014

SECTION 11. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SFC/Senate Bill 347, aa, w/ec, partial veto

Approved March 12, 2014

LAWS 2014, CHAPTER 81

AN ACT

RELATING TO MINOR POLITICAL PARTIES; PROVIDING PROCEDURES AND FILING REQUIREMENTS FOR THE NOMINATION OF CANDIDATES BY MINOR POLITICAL PARTIES IN GENERAL ELECTIONS; STANDARDIZING FILING DATES FOR CANDIDATES IN GENERAL ELECTIONS; DECLARING AN EMERGENCY.

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

Chapter 81 Section 1 Laws 2014

SECTION 1. Section 1-7-4 NMSA 1978 (being Laws 1969, Chapter 240, Section 147, as amended) is amended to read:

"1-7-4. RULES AND REGULATIONS--FILING--FEE.--

A. Each political party shall file its rules and regulations, along with petitions containing the required number of signatures, if the signature provision is applicable to the party, within thirty days after its organization and no later than twenty-three days after the primary election before any general election in which it is authorized to participate.

B. Within seven days after the filing of the political party's rules and qualifying petitions, the secretary of state shall notify the political party whether the rules and qualifying petitions are in proper order and that the party has qualified. The secretary of state shall notify all county clerks in the state of the qualification of that political party and post notice of qualification on the secretary of state's web site.

C. Political parties filing rules and regulations with the county clerk shall pay the standard filing fee."

Chapter 81 Section 2 Laws 2014

SECTION 2. Section 1-8-1 NMSA 1978 (being Laws 1969, Chapter 240, Section 151, as amended) is amended to read:

"1-8-1. NOMINATING PROCEDURES--MAJOR POLITICAL PARTIES--MINOR POLITICAL PARTIES.--

A. Any major political party in New Mexico, as defined in Section 1-7-7 NMSA 1978, shall nominate its candidates, other than its presidential candidates, by secret ballot at the next succeeding primary election as prescribed in the Primary Election Law.

B. Any minor political party in New Mexico, as defined in Section 1-7-7 NMSA 1978, shall nominate candidates for public office in the manner prescribed in its party rules and regulations and according to the provisions of the Election Code."

Chapter 81 Section 3 Laws 2014

SECTION 3. Section 1-8-2 NMSA 1978 (being Laws 1969, Chapter 240, Section 152, as amended) is amended to read:

"1-8-2. NOMINATION BY MINOR POLITICAL PARTY--CONVENTION-- DESIGNATED NOMINEES.--

A. If the rules of a minor political party require nomination by political convention:

(1) the chair and secretary of the state political convention shall certify to the secretary of state the names of their party's nominees for United States senator, United States representative, all elective state offices, legislative offices elected from multicounty districts, the public regulation commission, all elective judicial officers in the judicial department and all offices representing a district composed of more than one county; and

(2) the chair and secretary of the county political convention shall certify to the county clerk the names of their party's nominees for elected county offices and for legislative offices elected from a district located wholly within one county or that is composed of only one county.

B. The names certified to the secretary of state shall be filed on the twenty-third day following the primary election in the year of the general election and shall be accompanied by nominating petitions containing the signatures of voters totaling not less than one percent of the total number of votes cast for governor at the last preceding general election at which a governor was elected:

(1) in the state for statewide offices; and

(2) in the district for offices other than statewide offices.

The petition shall contain a statement that the voters signing the petition are residents of the area to be represented by the office for which the person being nominated is a candidate.

C. The names certified to the county clerk shall be filed on the twenty-third day following the primary election in the year of the general election and shall be accompanied by a nominating petition containing the signatures of voters totaling not less than one percent of the total number of votes cast for governor at the last preceding general election at which a governor was elected:

(1) in the county for countywide offices; and

(2) in the district for offices other than countywide offices.

The petition shall contain a statement that the voters signing the petition are residents of the area to be represented by the office for which the person being nominated is a candidate.

D. Except in the case of a political party certified in the year of the election, persons certified as candidates shall be members of that party on the day the governor issues the primary election proclamation.

E. When a political party is certified in the year of the general election, and after the day the governor issues the primary election proclamation, a person certified as a candidate shall be:

(1) a member of that party not later than the date the political party filed its rules and qualifying petitions pursuant to Sections 1-7-2 and 1-7-4 NMSA 1978; and

(2) a resident in the district of the office for which the person is a candidate on the date of the governor's proclamation for the primary election or in the case of a person seeking the office of United States senator or United States representative, a resident within New Mexico on the date of the governor's proclamation for the primary election. No person who is a candidate for a party in a primary election may be certified as a candidate for a different party in the general election in the same election cycle.

F. No voter shall sign a petition prescribed by this section for more persons than the number of candidates necessary to fill the office at the next ensuing general election."

Chapter 81 Section 4 Laws 2014

SECTION 4. Section 1-8-4 NMSA 1978 (being Laws 1969, Chapter 240, Section 154, as amended) is amended to read:

"1-8-4. SECRETARY OF STATE--CERTIFICATION OF NOMINEES--MINOR POLITICAL PARTY.--

A. Upon receipt of certificates of nomination of any minor political party and nominating petitions, and no later than 5:00 p.m. on the first Tuesday following the filing date, the proper filing officer shall:

(1) determine whether the method of nomination used by the certifying political party complies with the current rules of that party on file in the secretary of state's office;

(2) determine whether the number of signatures required have been submitted and all the requirements of Sections 1-8-1 through 1-8-3 NMSA 1978 have been complied with; and

(3) if such determinations are answered in the affirmative, mail notice to the certifying party and the candidate no later than 5:00 p.m. on the Tuesday following the filing date that the certificates of nomination and nominating petitions are in proper order and that the candidate, based on those documents, is qualified to have the candidate's name placed on the ballot.

B. If a minor political party candidate is notified by the proper filing officer that the candidate is not qualified to have the candidate's name appear on the ballot, the candidate may challenge the decision by filing a petition with the district court within ten days of the notification. The district court shall hear and render a decision on the matter within ten days after the petition is filed. The decision of the district court may be appealed to the supreme court within five days after the decision is rendered. The supreme court shall hear and render a decision no later than fifty-six days prior to the general election.

C. Any voter may file a court action challenging a minor political party candidate's nominating petitions pursuant to the provisions of Section 1-8-35 NMSA 1978."

Chapter 81 Section 5 Laws 2014

SECTION 5. Section 1-8-26 NMSA 1978 (being Laws 1975, Chapter 295, Section 12, as amended) is amended to read:

"1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--DOCUMENTS NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

A. Declarations of candidacy by preprimary convention designation for any statewide office or for the office of United States representative shall be filed with the proper filing officer on the first Tuesday in February of each even-numbered year between the hours of 9:00 a.m. and 5:00 p.m.

B. Declarations of candidacy for any other office to be nominated in the primary election shall be filed with the proper filing officer on the second Tuesday of March of each even-numbered year between the hours of 9:00 a.m. and 5:00 p.m.

C. Certificates of designation shall be submitted to the secretary of state on the first Tuesday following the preprimary convention at which the candidate's designation took place between the hours of 9:00 a.m. and 5:00 p.m.

D. Declarations of candidacy for retention for all affected judicial offices shall be filed with the proper filing officer between the hours of 9:00 a.m. and 5:00 p.m. on the second Tuesday in March of each even-numbered year.

E. No candidate's name shall be placed on the ballot until the candidate has been notified in writing by the proper filing officer that the declaration of candidacy, the petition, if required, and the certificate of registration of the candidate on file are in proper order and that the candidate, based on those documents, is qualified to have the candidate's name placed on the ballot. The proper filing officer shall mail the notice no later than 5:00 p.m. on the Tuesday following the filing date.

F. If a candidate is notified by the proper filing officer that the candidate is not qualified to have the candidate's name appear on the ballot, the candidate may challenge that decision by filing a petition with the district court within ten days of the notification. The district court shall hear and render a decision on the matter within ten days after the petition is filed. The decision of the district court may be appealed to the supreme court within five days after the decision is rendered. The supreme court shall hear and render a decision on the appeal forthwith."

Chapter 81 Section 6 Laws 2014

SECTION 6. A new section of the Election Code is enacted to read:

"NOMINATING PETITION FOR CANDIDATE OF AN UNQUALIFIED STATE POLITICAL PARTY--QUALIFICATION AS AN INDEPENDENT CANDIDATE.--The declaration of candidacy and petition signatures submitted to the proper filing officer by a candidate for nomination as a minor party candidate shall be counted toward the requirements for qualification as an independent candidate for the same office in the same election if the candidate's party files for, but does not obtain status as, a qualified political party in that election cycle. To qualify as an independent candidate, the candidate must meet all requirements for an independent candidate in Section 1-8-45 NMSA 1978 and submit the required number of petition signatures for an independent candidate as prescribed in Section 1-8-51 NMSA 1978. No candidate may circulate petitions for candidacy for more than one political party in an election cycle."

Chapter 81 Section 7 Laws 2014

SECTION 7. A new section of the Election Code is enacted to read:

"MINOR POLITICAL PARTY CANDIDATES FOR GENERAL OR UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITION FORM.--

A. As used in Sections 1-8-2 through 1-8-4 NMSA 1978, "nominating petition" means the authorized form used for obtaining the required number of signatures of voters that is signed on behalf of the person wishing to become a minor political party candidate for a political office in a general or United States representative special election requiring a nominating petition.

B. In making a declaration of candidacy, the candidate shall file a nominating petition at the same time, which shall be on forms prescribed by law.

C. The nominating petition for a minor political party candidate for any office requiring a nominating petition shall be on paper approximately eight and one-half inches wide and eleven inches long with numbered lines for signatures approximately three-eighths inch apart and shall be in the following form:

"NOMINATING PETITION FOR MINOR POLITICAL PARTY CANDIDACY (GENERAL ELECTION)

I, the undersigned, a registered voter of New Mexico, hereby nominate _____, who resides at _____ in the county of _____, New Mexico, for the _____ party nomination for the office of _____ to be voted for at the general election or United States representative special election to be held on _____, and I declare that I am a registered voter of the area to be represented by the office for which the person being nominated is a candidate. I also declare that I have not signed, and will not sign, any nominating petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election or at a United States representative special election. I understand that if the candidate's political party does not qualify as a minor political party, the candidate may run as an unaffiliated independent candidate.

(usual signature) (name printed
as registered) (address as
registered) (city or zip
code)

(usual signature) (name printed
as registered) (address as
registered) (city or zip
code)".

D. In March of even-numbered years, the secretary of state shall post on the secretary of state's web site and shall furnish to each county clerk a sample of a nominating petition form, a copy of which shall be made available by the county clerk upon request of any candidate.

E. When more than one sheet is required for a petition, each of the sheets shall be in the form prescribed by this section."

Chapter 81 Section 8 Laws 2014

SECTION 8. Section 1-8-52 NMSA 1978 (being Laws 1977, Chapter 322, Section 8, as amended) is amended to read:

"1-8-52. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITIONS--CIRCULATION--DATE OF FILING.--

A. Declarations of independent candidacy and nominating petitions shall be filed with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the twenty-third day following the primary election of each even-numbered year and between 9:00 a.m. and 5:00 p.m. on the fifty-sixth day preceding any United States representative special election.

B. Declarations of independent candidacy and nominating petitions for the office of president of the United States shall be filed with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the twenty-third day following the primary election."

Chapter 81 Section 9 Laws 2014

SECTION 9. Section 1-12-19.1 NMSA 1978 (being Laws 1981, Chapter 156, Section 2, as amended) is amended to read:

"1-12-19.1. GENERAL ELECTIONS--SPECIAL ELECTIONS--WRITE-IN CANDIDATES.--

A. A person desiring to be a write-in candidate in a general election shall file with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the twenty-third day after the primary election a declaration of intent to be a write-in candidate. A person desiring to be a write-in candidate in a special election for United States representative or a statewide special election shall file with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the sixty-third day immediately preceding the election a declaration of intent to be a write-in candidate.

B. The form of the declaration of intent shall be prescribed by the secretary of state and shall contain a sworn statement by the candidate that the

candidate is qualified to be a candidate for and to hold the office for which the candidate is filing.

C. At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate shall be considered a candidate for all purposes and provisions relating to candidates in the Election Code, including the obligation to report under the Campaign Reporting Act, except that the candidate shall not be entitled to have the candidate's name printed on the ballot.

D. The secretary of state shall, not more than ten days after the filing date, certify the names of the declared write-in candidates to the county clerks of every county affected by such candidacy.

E. No person shall be a write-in candidate in the general election who was a candidate in the primary election immediately prior to the general election. A write-in candidate for governor or lieutenant governor in the general election shall have a companion write-in candidate, and they shall be candidates to be elected jointly by the casting by a voter of a single vote applicable to both offices.

F. A vote for a write-in candidate shall be counted and canvassed only if:

(1) the name written in is the name of a declared write-in candidate and shows two initials and last name; first name, middle initial or name and last name; first and last name; or the full name as it appears on the declaration of intent to be a write-in candidate and misspellings of the above combinations that can be reasonably determined by a majority of the members of the precinct board to identify a declared write-in candidate; and

(2) the name is written in the proper office on the proper line provided on the ballot for write-in votes for the office for which the candidate has filed a declaration of intent and the voter has followed the directions for casting a vote for the write-in candidate.

G. No unopposed write-in candidate shall have an election certified unless the candidate receives at least the number of write-in votes equal to two percent of the total vote in the state, district or county in which the candidate seeks election that were cast for governor in the last preceding general election in which a governor was elected.

H. A write-in vote shall be cast by writing in the name. As used in this section, "write-in" does not include the imprinting of any name by rubber stamp or similar device or the use of preprinted stickers or labels."

Chapter 81 Section 10 Laws 2014

SECTION 10. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SRC/Senate Bill 125, aa, w/ec

Approved March 12, 2014

LAWS 2014, HOUSE JOINT RESOLUTION 8

A JOINT RESOLUTION

AUTHORIZING DISPOSAL OF SURPLUS LAND IN SANTA FE BY THE STATE PARKS DIVISION OF THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT.

WHEREAS, Section 13-6-3 NMSA 1978 requires the ratification and approval of the legislature of any sale, trade or lease of real property belonging to a state agency that involves a consideration of one hundred thousand dollars (\$100,000) or more; and

WHEREAS, the state park commission, in 1960, purchased for use as administrative offices certain real property in the county of Santa Fe, state of New Mexico, described as Lots 5 and 6, Block 53 of the King's Map of the City of Santa Fe and being more particularly described as follows:

"COMMENCING at a point upon the East boundary line of Lot 9, Block 53, and the West boundary line of Lot 8, Block 53, of King's Map of the City of Santa Fe, from which point the center of the sewer manhole cover located in East DeVargas Street bears S. 14° 05' W. 22.5 feet; thence S. 16° 06' W. 50.5 feet;

THENCE N. 80° 00' W. 31.93 feet and from said point of beginning N. 14° 05' E. 1.46 feet to a ½ inch iron rod;

THENCE S. 74° 03' E. 75.45 feet to the Northeast Corner of the tract herein described;

THENCE S. 13° 48' W. 76.59 feet to a point on the North side of East DeVargas Street, said point being the Southeast corner of this tract;

THENCE N. 72° 57' W. 77.63 feet along East DeVargas Street to a point;

THENCE continuing along East DeVargas N. 65° 00' W. 66 feet to a point being the Southwest corner of this tract;

THENCE N. 23° 00' E. 39 feet to a point;

THENCE S. 67° 00' E. 8.5 feet to a point; thence N. 23° 00' E. to a point located at the South edge of a rock retaining wall;

THENCE along the South side of the said rock retaining wall in an Easterly direction to the point and place of beginning"; and

WHEREAS, the state parks division of the energy, minerals and natural resources department has consolidated its administrative offices and no longer needs the DeVargas property;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the energy, minerals and natural resources department be authorized to sell the described land at a value not less than the appraised market value and that the sale is hereby ratified and approved pursuant to the provisions of Section 13-6-3 NMSA 1978 and that any proceeds from the sale are appropriated to the energy, minerals and natural resources department for state park and recreation purposes and shall be maintained as provided in Section

16-2-19 NMSA 1978; and

BE IT FURTHER RESOLVED that, if the property is sold, the property shall be appraised by a licensed appraiser approved by the property tax division of the taxation and revenue department; and

BE IT FURTHER RESOLVED that, if the facilities management division of the general services department determines that a land grant has the right of first refusal to purchase the property pursuant to Section 13-6-5 NMSA 1978, no sale or trade of the property shall be made until the division complies with the requirements of that section; and

BE IT FURTHER RESOLVED that the property shall not be sold until the sale has been reviewed by the capitol buildings planning commission; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the secretary of energy, minerals and natural resources, the facilities management division of the general services department, the property tax division of the taxation and revenue department and the capitol buildings planning commission.

House Joint Resolution 8

2014 OFFICIAL ROSTER OF THE STATE OF NEW MEXICO

**OFFICIAL ROSTER
OF THE
STATE OF NEW MEXICO**

UNITED STATES SENATORS

Martin Heinrich, Democrat, Albuquerque
Tom Udall, Democrat, Santa Fe

UNITED STATES REPRESENTATIVES

Michelle Lujan Grisham, Democrat, 1st Congressional District - Albuquerque
Steve Pearce, Republican, 2nd Congressional District - Hobbs
Ben R. Lujan, Democrat, 3rd Congressional District - Santa Fe

STATE OFFICIALS

Susana Martinez, Republican	Governor
John A. Sanchez, Republican	Lieutenant Governor
Dianna J. Duran, Republican	Secretary of State
Hector H. Balderas, Democrat	State Auditor
James B. Lewis, Democrat	State Treasurer
Gary K. King, Democrat	Attorney General
Ray Bennett Powell, Democrat	Commissioner of Public Lands
Karen Louise Montoya, Democrat	Public Regulation Commissioner, District 1
Patrick H. Lyons, Republican	Public Regulation Commissioner, District 2
Valerie L. Espinoza, Democrat	Public Regulation Commissioner, District 3
Theresa Becenti-Aguilar, Democrat	Public Regulation Commissioner, District 4
Ben L. Hall, Republican	Public Regulation Commissioner, District 5

JUSTICES OF THE SUPREME COURT

Petra Jimenez Maes, Chief Justice
Richard C. Bosson
Edward L. Chavez
Charles W. Daniels
Barbara J. Vigil

JUDGES OF THE COURT OF APPEALS

Roderick T. Kennedy, Chief Judge
James J. Wechsler
Michael D. Bustamante
Jonathan B. Sutin
Cynthia A. Fry
Michael E. Vigil
Linda M. Vanzi
Timothy L. Garcia
M. Monica Zamora
J. Miles Hanisee

**DISTRICT COURTS
DISTRICT JUDGES**

**FIRST JUDICIAL DISTRICT
Santa Fe, Los Alamos & Rio Arriba Counties**

Division	I	Francis J. Mathew	Santa Fe
Division	II	Sarah M. Singleton	Santa Fe
Division	III	Raymond Z. Ortiz	Santa Fe
Division	IV	Sylvia LaMar	Santa Fe
Division	V	Sheri A. Raphaelson	Santa Fe
Division	VI	Matthew Justin Wilson	Santa Fe
Division	VII	T. Glenn Ellington	Santa Fe
Division	VIII	Mary L. Marlowe Sommer	Santa Fe

**SECOND JUDICIAL DISTRICT
Bernalillo County**

Division	I	William E. Parnall	Albuquerque
Division	II	Stan Whitaker	Albuquerque
Division	III	Brett Roger Loveless	Albuquerque
Division	IV	Beatrice Brickhouse	Albuquerque
Division	V	Ted C. Baca	Albuquerque
Division	VI	Briana H. Zamora	Albuquerque
Division	VII	John J. Romero	Albuquerque
Division	VIII	Ross C. Sanchez	Albuquerque
Division	IX	Judith K Nakamura	Albuquerque
Division	X	Christina P. Argyres	Albuquerque
Division	XI	Gerard J. Lavelle	Albuquerque
Division	XII	Clay Pace Campbell	Albuquerque
Division	XIII	Valerie A. Huling	Albuquerque
Division	XIV	Reed S. Sheppard	Albuquerque
Division	XV	Alan M. Malott	Albuquerque
Division	XVI	Carl J. Butkus	Albuquerque
Division	XVII	Nan G. Nash	Albuquerque
Division	XVIII	Denise Barela-Shepherd	Albuquerque
Division	XIX	Benjamin Chavez	Albuquerque
Division	XX	Jacqueline D. Flores	Albuquerque
Division	XXI	Alisa Ann Hadfield	Albuquerque
Division	XXII	Deborah Davis Walker	Albuquerque
Division	XXIII	Shannon Bacon	Albuquerque
Division	XXIV	Kenneth H. Martinez	Albuquerque
Division	XXV	Elizabeth Whitefield	Albuquerque
Division	XXVI	Charles W. Brown	Albuquerque

**THIRD JUDICIAL DISTRICT
Doña Ana County**

Division	I	Manuel I. Arrieta	Las Cruces
Division	II	Marci E. Beyer	Las Cruces
Division	III	Darren Murray Kugler	Las Cruces
Division	IV	Mary W. Rosner	Las Cruces
Division	V	Lisa C. Schultz	Las Cruces
Division	VI	James T. Martin	Las Cruces
Division	VII	Douglas R. Driggers	Las Cruces
Division	VIII	Fernando R. Macias	Las Cruces

FOURTH JUDICIAL DISTRICT
Guadalupe, Mora & San Miguel Counties

Division	I	Vacant	Las Vegas
Division	II	Abigail Aragon	Las Vegas
Division	III	Gerald Baca	Las Vegas

FIFTH JUDICIAL DISTRICT
Lea, Eddy & Chaves Counties

Division	I	Raymond L. Romero	Carlsbad
Division	II	Freddie J. Romero	Roswell
Division	III	William G.W. Shoobridge	Lovington
Division	IV	Mark T. Sanchez	Lovington
Division	V	Jane Shuler Gray	Carlsbad
Division	VI	James M Hudson	Roswell
Division	VII	Gary L. Clingman	Lovington
Division	VIII	Charles C. Currier, III	Roswell
Division	IX	Lisa B. Riley	Carlsbad
Division	X	Steven L. Bell	Chaves

SIXTH JUDICIAL DISTRICT
Grant, Hidalgo & Luna Counties

Division	I	Henry R. Quintero	Silver City
Division	II	Jennifer Ellen DeLaney	Deming
Division	III	J. C. Robinson	Silver City
Division	IV	Daniel Viramontes	Deming

SEVENTH JUDICIAL DISTRICT
Catron, Sierra, Socorro & Torrance Counties

Division	I	Edmund H. Kase, III	Socorro
Division	II	Matthew G. Reynolds	Socorro
Division	III	Kevin R. Sweazea	Estancia

EIGHTH JUDICIAL DISTRICT
Colfax, Union & Taos Counties

Division	I	John M. Paternoster	Raton
Division	II	Sarah C. Backus	Taos
Division	III	Jeff F. McElroy	Taos

NINTH JUDICIAL DISTRICT
Curry & Roosevelt Counties

Division	I	Stephen K. Quinn	Clovis
Division	II	Drew Tatum	Clovis
Division	III	Fred Van Soelen	Clovis, Portales
Division	IV	Donna J. Mowrer	Clovis, Portales
Division	V	David P. Reeb, Jr.	Portales

TENTH JUDICIAL DISTRICT
Quay, DeBaca, & Harding Counties

Division	I	Albert J. Mitchell, Jr.	Tucumcari
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**ELEVENTH JUDICIAL DISTRICT
McKinley & San Juan Counties**

Division	I	William C. Birdsall	Farmington
Division	II	Louis E. DePauli, Jr.	Gallup
Division	III	Sandra A. Price	Farmington
Division	IV	John Arthur Dean, Jr.	Farmington
Division	V	Grant L. Foutz	Gallup
Division	VI	Daylene Marsh	Aztec
Division	VII	Robert A. Aragon	Gallup
Division	VIII	Karen L. Townsend	Aztec

**TWELFTH JUDICIAL DISTRICT
Lincoln & Otero Counties**

Division	I	Jerry H. Ritter, Jr.	Alamogordo
Division	II	James Waylon Counts	Alamogordo
Division	III	Karen L. Parsons	Carrizozo
Division	IV	Angie Schneider	Alamogordo

**THIRTEENTH JUDICIAL DISTRICT
Cibola, Sandoval & Valencia Counties**

Division	I	James Lawrence Sanchez	Los Lunas
Division	II	George P. Eichwald	Bernalillo
Division	III	William "Bill" Sanchez	Los Lunas
Division	IV	Camille Martinez Olguin	Grants
Division	V	Louis P. McDonald	Bernalillo
Division	VI	Violet C. Otero	Los Lunas
Division	VII	John F. Davis	Bernalillo

DISTRICT ATTORNEYS

First Judicial District	Angela "Spence" R. Pacheco	Santa Fe, Rio Arriba & Los Alamos
Second Judicial District	Kari E. Brandenburg	Bernalillo
Third Judicial District	Mark D'Antonio	Doña Ana
Fourth Judicial District	Richard D. Flores	San Miguel, Guadalupe & Mora
Fifth Judicial District	Janetta B. Hicks	Chaves, Eddy & Lea
Sixth Judicial District	Francesca Martinez-Estevez	Grant, Luna & Hidalgo
Seventh Judicial District	Clint H. Wellborn	Catron, Sierra, Socorro & Torrance
Eighth Judicial District	Donald A. Gallegos	Taos, Colfax & Union
Ninth Judicial District	Matthew E. Chandler	Curry & Roosevelt
Tenth Judicial District	Timothy Lee Rose	Quay, Harding & DeBaca
Eleventh Judicial District	Robert "Rick" P. Tedrow	Division 1: San Juan
	Karl R. Gillson	Division 2: McKinley
Twelfth Judicial District	Diana A. Martwick	Otero & Lincoln
Thirteenth Judicial District	Lemuel L. Martinez	Sandoval, Valencia & Cibola

STATE SENATORS SERVING IN THE FIFTY-FIRST LEGISLATURE
STATE OF NEW MEXICO
SECOND SESSION
CONVENED JANUARY 21st, 2014

<u>District</u>	<u>County</u>	<u>Name</u>	<u>City</u>
1	San Juan	William E. Sharer	Farmington
2	San Juan	Steven P. Neville	Aztec
3	McKinley & San Juan	John Pinto	Tohatchi
4	Cibola, McKinley & San Juan	George K. Munoz	Gallup
5	Los Alamos, Rio Arriba, Sandoval & Santa Fe	Richard C. Martinez	Española
6	Los Alamos, Rio Arriba, Santa Fe & Taos	Carlos R. Cisneros	Questa
7	Curry, Quay & Union	Pat Woods	Broadview
8	Colfax, Guadalupe, Harding, Mora, Quay, San Miguel & Taos	Pete Campos	Las Vegas
9	Bernalillo & Sandoval	John M. Sapien	Corrales
10	Bernalillo & Sandoval	John C. Ryan	Albuquerque
11	Bernalillo	Linda M. Lopez	Albuquerque
12	Bernalillo	Gerald Ortiz y Pino	Albuquerque
13	Bernalillo	Bill B. O'Neill	Albuquerque
14	Bernalillo	Michael Padilla	Albuquerque
15	Bernalillo	Daniel A. Ivey-Soto	Albuquerque
16	Bernalillo	Cisco McSorley	Albuquerque
17	Bernalillo	Timothy M. Keller	Albuquerque
18	Bernalillo	Lisa A. Torracco	Albuquerque
19	Bernalillo, Sandoval, Santa Fe & Torrance	Sue Wilson Beffort	Sandia Park
20	Bernalillo	William H. Payne	Albuquerque
21	Bernalillo	Mark Moores	Albuquerque
22	Bernalillo, McKinley, Rio Arriba, San Juan, & Sandoval	Benny Shendo	Jemez Pueblo
23	Bernalillo	Sander Rue	Albuquerque
24	Santa Fe	Nancy Rodriguez	Santa Fe
25	Santa Fe	Peter Wirth	Santa Fe
26	Bernalillo	Jacob R. Candelaria	Albuquerque
27	Chaves, Curry, DeBaca, Lea & Roosevelt	Stuart Ingle	Portales
28	Catron, Grant & Socorro	Howie C. Morales	Silver City
29	Bernalillo & Valencia	Michael S. Sanchez	Belen
30	Cibola, McKinley, Socorro & Valencia	Clemente Sanchez	Grants
31	Doña Ana	Joseph Cervantes	Las Cruces
32	Chaves, Eddy & Otero	Cliff R. Pirtle	Roswell
33	Chaves, Lincoln & Otero	William F. Burt	Alamogordo
34	Doña Ana, Eddy & Otero	Ron Griggs	Alamogordo
35	Doña Ana, Hidalgo, Luna & Sierra	John Arthur Smith	Deming
36	Doña Ana	Lee S. Cotter	Las Cruces
37	Doña Ana	William P. Soules	Las Cruces
38	Doña Ana	Mary Kay Papen	Las Cruces
39	Bernalillo, Lincoln, San Miguel, Santa Fe, Torrance & Valencia	Phil A. Griego	San Jose
40	Sandoval	Craig W. Brandt	Rio Rancho
41	Eddy & Lea	Carroll H. Leavell	Jal
42	Chaves, Eddy & Lea	Gay G. Kernan	Hobbs

**STATE REPRESENTATIVES SERVING IN THE FIFTY-FIRST LEGISLATURE
STATE OF NEW MEXICO
SECOND SESSION
CONVENED JANUARY 21st, 2014**

<u>District</u>	<u>County</u>	<u>Name</u>	<u>City</u>
1	San Juan	Thomas C. Taylor	Farmington
2	San Juan	James R.J. Strickler	Farmington
3	San Juan	Paul C. Bandy	Aztec
4	San Juan	Sharon Clahchischilliage	Kirtland
5	McKinley & San Juan	Sandra D. Jeff	Crownpoint
6	Cibola & McKinley	Eliseo Lee Alcon	Milan
7	Valencia	Kelly K. Fajardo	Belen
8	Valencia	Alonzo Baldonado	Los Lunas
9	McKinley & San Juan	Patricia A. Lundstrom	Gallup
10	Bernalillo	Henry "Kiki" Saavedra	Albuquerque
11	Bernalillo	Rick Miera	Albuquerque
12	Bernalillo	Ernest H. Chavez	Albuquerque
13	Bernalillo	Patricia A. Roybal Caballero	Albuquerque
14	Bernalillo	Miguel P. Garcia	Albuquerque
15	Bernalillo	Emily Kane	Albuquerque
16	Bernalillo	Antonio "Moe" Maestas	Albuquerque
17	Bernalillo	Edward C. Sandoval	Albuquerque
18	Bernalillo	Gail Chasey	Albuquerque
19	Bernalillo	Sheryl Williams Stapleton	Albuquerque
20	Bernalillo	James P. White	Albuquerque
21	Bernalillo	Mimi Stewart	Albuquerque
22	Bernalillo, Sandoval & Santa Fe	James E. Smith	Sandia Park
23	Bernalillo & Sandoval	Paul A. Pacheco	Albuquerque
24	Bernalillo	Elizabeth "Liz" Thomson	Albuquerque
25	Bernalillo	Christine Trujillo	Albuquerque
26	Bernalillo	Georgene Louis	Albuquerque
27	Bernalillo	Larry A. Larrañaga	Albuquerque
28	Bernalillo	Jimmie C. Hall	Albuquerque
29	Bernalillo	Thomas A. Anderson	Albuquerque
30	Bernalillo	Nate Gentry	Albuquerque
31	Bernalillo	William "Bill" R. Rehm	Albuquerque
32	Grant, Hildago & Luna	Dona G. Irwin	Deming
33	Doña Ana	Bill McCamley	Mesilla Park
34	Doña Ana	Mary Helen Garcia	Las Cruces
35	Doña Ana	Jeff Steinborn	Las Cruces
36	Doña Ana	Phillip M. Archuleta	Las Cruces
37	Doña Ana	Terry H. McMillan	Las Cruces
38	Grant, Hidalgo & Sierra	Dianne Miller Hamilton	Silver City
39	Doña Ana, Grant & Sierra	Rodolpho "Rudy" S. Martinez	Bayard
40	Colfax, Mora, Rio Arriba & San Miguel	Nick L. Salazar	Ohkay Owingeh
41	Rio Arriba, Santa Fe & Taos	Debbie A. Rodella	Española
42	Taos	Roberto "Bobby" J. Gonzales	Taos
43	Los Alamos, Rio Arriba, Sandoval & Santa Fe	Stephanie Garcia Richard	Los Alamos
44	Sandoval	Jane E. Powdrell-Culbert	Corrales
45	Santa Fe	Jim R. Trujillo	Santa Fe
46	Santa Fe	Carl Trujillo	Santa Fe
47	Santa Fe	Brian F. Egolf	Santa Fe
48	Santa Fe	Luciano "Lucky" Varela	Santa Fe

STATE REPRESENTATIVES (continued)

<u>District</u>	<u>County</u>	<u>Name</u>	<u>City</u>
49	Catron, Socorro & Valencia	Don L. Tripp	Socorro
50	Bernalillo, Santa Fe, Tarrant & Valencia	Vickie Perea	Belen
51	Otero	Yvette Herrell	Alamogordo
52	Doña Ana	Doreen Y. Gallegos	Las Cruces
53	Doña Ana & Otero	Nathan "Nate" Cote	Las Cruces
54	Chaves, Eddy & Otero	William "Bill" J. Gray	Artesia
55	Eddy	Cathryn N. Brown	Carlsbad
56	Lincoln & Otero	Zachary J. Cook	Ruidoso
57	Sandoval	Jason C. Harper	Rio Rancho
58	Chaves	Candy Spence Ezzell	Roswell
59	Chaves & Lincoln	Nora Espinoza	Roswell
60	Sandoval	Tim D. Lewis	Rio Rancho
61	Lea	David M. Gallegos	Eunice
62	Lea	Donald E. Bratton	Hobbs
63	Curry, DeBaca, Guadalupe, Roosevelt & San Miguel	George Dodge	Santa Rosa
64	Curry	Anna M. Crook	Clovis
65	Rio Arriba, San Juan & Sandoval	James Roger Madalena	Jemez Pueblo
66	Chaves, Lea & Roosevelt	Bob Wooley	Roswell
67	Colfax, Curry, Harding, Quay, Roosevelt, San Miguel & Union	Dennis J. Roch	Texico
68	Bernalillo	Monica Youngblood	Albuquerque
69	Bernalillo, Cibola, McKinley, San Juan Socorro & Valencia	W. Ken Martinez	Grants
70	San Miguel, Santa Fe & Tarrant	Tomás E. Salazar	Las Vegas