



# **Laws 2011 (1st S.S.) CHAPTER 1**

## **AN ACT**

RELATING TO LEGISLATIVE EXPENDITURES; MAKING APPROPRIATIONS FROM THE GENERAL FUND FOR NECESSARY EXPENSES OF THE FIRST SPECIAL SESSION OF THE FIFTIETH LEGISLATURE AND EXPENSES RELATED TO PRE-SESSION; MAKING AN APPROPRIATION FROM LEGISLATIVE CASH BALANCES FOR EXPENSES RELATED TO AN IMPEACHMENT INVESTIGATION; DECLARING AN EMERGENCY.

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

### **Chapter 1 Section 1 Laws 2011 (1st S.S.)**

#### **SECTION 1. SPECIAL SESSION--APPROPRIATION.--**

A. The following amounts are appropriated from the general fund for expenditure in fiscal year 2012 for the following expenses of the first special session of the fiftieth legislature:

(1) for the expense of the house of representatives, five hundred twenty-seven thousand eight hundred dollars (\$527,800) to be disbursed on vouchers signed by the speaker and the chief clerk of the house of representatives or the chief clerk's designee;

(2) for the expense of the senate, four hundred seventy-two thousand three hundred sixty dollars (\$472,360) to 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; and

(3) for the expense of the legislative council service, the joint bill room and the legislative switchboard, two hundred ten thousand dollars (\$210,000) to be disbursed on vouchers signed by the director of the legislative council service or the director's designee.

B. Following adjournment of the first special session of the fiftieth legislature, expenditures authorized in this section shall be disbursed on vouchers signed by the director of the legislative council service or the director's designee.

### **Chapter 1 Section 2 Laws 2011 (1st S.S.)**

**SECTION 2. IMPEACHMENT INVESTIGATION.--**One million dollars (\$1,000,000) is appropriated from legislative cash balances to the legislative council service for the purpose of providing for the necessary expenditures incurred by the

legislature in the event that there are impeachment proceedings regarding the public regulation commissioner from district 3.

### **Chapter 1 Section 3 Laws 2011 (1st S.S.)**

**SECTION 3. PRE-SESSION MEETINGS.**--Standing committees necessary for the development of the state budget are authorized to meet the week before the 2012 legislative session.

### **Chapter 1 Section 4 Laws 2011 (1st S.S.)**

**SECTION 4. PRE-SESSION EXPENSES.**--Fifty thousand dollars (\$50,000) is appropriated from the general fund to the legislative council service for certain standing committees to meet the week before the 2012 legislative session pursuant to Section 3 of this act.

### **Chapter 1 Section 5 Laws 2011 (1st S.S.)**

**SECTION 5. EMERGENCY.**--It is necessary for the public peace, health and safety that this act take effect immediately.

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House Bill 1, w/ec

Approved September 13, 2011

## **Laws 2011 (1st S.S.) CHAPTER 2**

AN ACT

RELATING TO PUBLIC FINANCE; MAKING AN APPROPRIATION FROM THE NEW MEXICO RECOVERY AND REINVESTMENT FUND TO THE HUMAN SERVICES DEPARTMENT FOR MEDICAID EXPENSES IN THE FIRST QUARTER OF FISCAL YEAR 2012; MAKING AN APPROPRIATION TO PROVIDE ADDITIONAL FUNDS FOR THE FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM; DECLARING AN EMERGENCY.

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

### **Chapter 2 Section 1 Laws 2011 (1st S.S.)**

**SECTION 1. APPROPRIATION FOR MEDICAID.**--The entire balance of the New Mexico recovery and reinvestment fund, and all other money subsequently credited to

that fund, is appropriated to the human services department for medicaid expenses incurred in the first quarter of fiscal year 2012.

## **Chapter 2 Section 2 Laws 2011 (1st S.S.)**

**SECTION 2. APPROPRIATION ADJUSTMENT--GENERAL APPROPRIATION ACT OF 2011.--**The general fund appropriation in the "other" category for the medical assistance program of the human services department includes an amount equal to the transfers from the New Mexico recovery and reinvestment fund received after September 1, 2011 that shall be used to address shortfalls of the human services department in fiscal year 2011 and prior fiscal years.

## **Chapter 2 Section 3 Laws 2011 (1st S.S.)**

**SECTION 3. APPROPRIATION FOR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.--**Four hundred fifty thousand dollars (\$450,000) is appropriated from the general fund to the human services department for expenditure in fiscal year 2012 to provide additional funds for the federal supplemental nutrition assistance program. Any unexpended or unencumbered balance remaining at the end of fiscal year 2012 shall revert to the general fund.

## **Chapter 2 Section 4 Laws 2011 (1st S.S.)**

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

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Senate Bill 3, aa, w/ec

Approved September 29, 2011

# **Laws 2011 (1st S.S.) CHAPTER 3**

## **AN ACT**

RELATING TO PROCUREMENT; MODIFYING THE PREFERENCE ADVANTAGE FOR IN- STATE BUSINESS; CHANGING THE DEFINITIONS OF "RESIDENT BUSINESS" AND "RESIDENT CONTRACTOR"; CHANGING THE PROCESS FOR OBTAINING CERTIFICATION AS A RESIDENT BUSINESS OR RESIDENT CONTRACTOR; ELIMINATING PREFERENCES FOR RESIDENT MANUFACTURERS AND NEW YORK STATE BUSINESSES; PROVIDING PENALTIES; REPEALING SECTION 13-1-21.2 NMSA 1978 (BEING LAWS 1997, CHAPTER 1, SECTION 1 AND LAWS 1997, CHAPTER 2, SECTION 1); DECLARING AN EMERGENCY.

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

### **Chapter 3 Section 1 Laws 2011 (1st S.S.)**

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

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

A. For the purposes of this section:

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

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

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

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

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

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

B. When a public body makes a purchase using a formal bid process, the public body shall deem a bid submitted by a resident business to be five percent lower than the bid actually submitted.

C. When a public body makes a purchase using a formal request for proposals process:

(1) five percent of the total weight of all the factors used in evaluating the proposals shall be awarded to a resident business based on the resident business possessing a valid resident business certificate; or

(2) if the contract is awarded based on a point-based system, a resident business shall be awarded the equivalent of five percent of the total possible points to be awarded based on the resident business possessing a valid resident business certificate.

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

E. When bids are received for both recycled content goods and nonrecycled content goods, the public body shall deem the bids submitted for recycled content goods of equal quality to be five percent lower than the bids actually submitted. A bid calculation pursuant to this subsection for a resident business shall not also receive the bid calculation preference pursuant to Subsection B of this section.

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

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

## **Chapter 3 Section 2 Laws 2011 (1st S.S.)**

**SECTION 2.** Section 13-1-22 NMSA 1978 (being Laws 1969, Chapter 184, Section 1, as amended) is amended to read:

"13-1-22. RESIDENT BUSINESS AND RESIDENT CONTRACTOR CERTIFICATION.--

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

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

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

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

(3) if the business is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were residents of the state and that, prior to the submission of the affidavit, the business either leased real property for ten years or purchased real property greater than one hundred thousand dollars (\$100,000) in value in the state; or

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

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

(1) the contractor has:

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

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

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

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

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

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

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

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

F. If, following a hearing and an opportunity to be heard, the taxation and revenue department finds that a business or contractor provided false information to the taxation and revenue department in order to obtain a certificate or that a business or contractor used a certificate to obtain a resident business or resident contractor preference for a bid or proposal and the resident business or contractor did not perform the percentage of the contract specified in the bid or proposal, the business or contractor:

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

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

G. In a decision issued pursuant to Subsection E or F of this section, the taxation and revenue department shall state the reasons for the action taken and inform an aggrieved business or contractor of the right



to judicial review of the determination pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

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

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

J. For purposes of this section:

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

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

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

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

### **Chapter 3 Section 3 Laws 2011 (1st S.S.)**

**SECTION 3.** Section 13-1-103 NMSA 1978 (being Laws 1984, Chapter 65, Section 76, as amended) is amended to read:

"13-1-103. INVITATION FOR BIDS.--

A. An invitation for bids shall be issued and shall include the specifications for the services, construction or items of tangible personal property to be procured, all contractual terms and conditions applicable to the procurement, the location where bids are to be received, the date, time and place of the bid opening and the requirements for complying with any applicable in-state preference provisions as provided by law.

B. If the procurement is to be by sealed bid without electronic submission, the invitation for bids shall include the location where bids are to be received and the date, time and place of the bid opening.

C. If the procurement is to be by sealed bid with part or all of the bid to be submitted electronically, the invitation for bids shall comply with the requirements of Section 13-1-95.1 NMSA 1978."

## **Chapter 3 Section 4 Laws 2011 (1st S.S.)**

**SECTION 4.** Section 13-1-112 NMSA 1978 (being Laws 1984, Chapter 65, Section 85, as amended) is amended to read:

"13-1-112. COMPETITIVE SEALED PROPOSALS--REQUEST FOR PROPOSALS.--

A. Competitive sealed proposals, including competitive sealed qualifications-based proposals, shall be solicited through a request for proposals that shall be issued and shall include:

(1) the specifications for the services or items of tangible personal property to be procured;

(2) all contractual terms and conditions applicable to the procurement;

(3) the form for disclosure of campaign contributions given by prospective contractors to applicable public officials pursuant to Section 13-1-191.1 NMSA 1978;

(4) the location where proposals are to be received and the date, time and place where proposals are to be received and reviewed; and

(5) the requirements for complying with any applicable in-state preference provisions as provided by law. B. A request for proposals may, pursuant to Section 13-1-95.1 NMSA 1978, require that all or a portion of a responsive proposal be submitted electronically.

C. In the case of requests for competitive qualifications-based proposals, price shall be determined by formal negotiations related to scope of work."

## **Chapter 3 Section 5 Laws 2011 (1st S.S.)**

**SECTION 5.** Section 13-4-2 NMSA 1978 (being Laws 1984, Chapter 66, Section 2, as amended) is amended to read:

"13-4-2. RESIDENT CONTRACTOR DEFINED--APPLICATION OF PREFERENCE.--

A. For the purposes of this section:

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

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

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

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

(5) "resident contractor" means a person that has a valid resident contractor certificate issued by the taxation and revenue department pursuant to Section

13-1-22 NMSA 1978.

B. For the purpose of awarding a public works contract using a formal bid process, a public body shall deem a bid submitted by a resident contractor to be five percent lower than the bid actually submitted.

C. When a public body awards a contract using a formal request for proposals process:

(1) five percent of the total weight of all the factors used in evaluating the proposals shall be awarded to a resident contractor based on the resident contractor possessing a valid resident contractor certificate; or

(2) if the contract is awarded based on a point-based system, a resident contractor shall be awarded the equivalent of five percent of the total possible points to be awarded based on the resident contractor possessing a valid resident contractor certificate.

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

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

### **Chapter 3 Section 6 Laws 2011 (1st S.S.)**

**SECTION 6.** Section 13-4-5 NMSA 1978 (being Laws 1933, Chapter 19, Section 1, as amended by Laws 1997, Chapter 1, Section 4 and also by Laws 1997, Chapter 2, Section 4) is amended to read:

"13-4-5. USE OF NEW MEXICO MATERIALS.--In all public works within New Mexico, whether constructed or maintained by the state or by a department, board or commission of the state or by any political subdivision of the state, or in any construction or maintenance to which the state or any political subdivision of the state has granted aid, preference shall be given to materials produced, grown, processed or manufactured in New Mexico by citizens or residents of New Mexico. In any case where, in the judgment of the different officers, boards, commissions or other authorities in this state vested with the power of contracting for material used in the construction or maintenance of public works referred to in this section, it appears that an attempt is being made by producers, growers, processors or manufacturers in the state to form a trust or combination of any kind for the purpose of fixing or regulating the price of materials to be used in any public works to the detriment of or loss to the state, the provisions of this section shall not apply."

### **Chapter 3 Section 7 Laws 2011 (1st S.S.)**

**SECTION 7. TEMPORARY PROVISION.**--A certification as a resident business or resident manufacturer by the general services department that is in effect prior to passage of this 2011 act is valid until January 1, 2012 for the purpose of obtaining a resident business preference pursuant to Section 13-1-21 NMSA 1978. A certification as a resident contractor by the general services department that is in effect prior to passage of this 2011 act is valid until January 1, 2012 for the purpose of obtaining a resident contractor preference pursuant to Section 13-4-2 NMSA 1978. After January 1, 2012, a certification as a resident business or resident contractor by the taxation and revenue department for the purpose of obtaining a resident business preference or a resident contractor preference is required for all new bids and proposals.

### **Chapter 3 Section 8 Laws 2011 (1st S.S.)**

**SECTION 8. REPEAL.**--Section 13-1-21.2 NMSA 1978 (being Laws 1997, Chapter 1, Section 1 and Laws 1997, Chapter 2, Section 1) is repealed.

### **Chapter 3 Section 9 Laws 2011 (1st S.S.)**

**SECTION 9. EMERGENCY.**--It is necessary for the public peace, health and safety that this act take effect immediately.

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Senate Bill 1, aa, w/ec

Approved October 5, 2011

## **Laws 2011 (1st S.S.) CHAPTER 4**

### **AN ACT**

RELATING TO REDISTRICTING OF THE PUBLIC EDUCATION COMMISSION; ESTABLISHING PUBLIC EDUCATION COMMISSION DISTRICTS; PROVIDING FOR STAGGERED TERMS AND THE FILLING OF VACANCIES; SETTING PRECINCTS; SETTING RESIDENCY REQUIREMENTS; REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

### **Chapter 4 Section 1 Laws 2011 (1st S.S.)**

**SECTION 1. SHORT TITLE.**--This act may be cited as the "2011 Educational Redistricting Act".

### **Chapter 4 Section 2 Laws 2011 (1st S.S.)**

**SECTION 2. COMMISSION MEMBERS.**--The public education commission is composed of ten members to be elected from districts established by law.

### **Chapter 4 Section 3 Laws 2011 (1st S.S.)**

#### **SECTION 3. ELECTION FOR STAGGERED TERMS--VACANCIES.--**

A. Members of the public education commission shall be elected for staggered terms of four years.

B. Members shall be elected at the general election for terms commencing on January 1 next succeeding their election.

C. Members from districts one, four, eight, nine and ten shall be elected from the districts described in Sections 6, 9, 13, 14 and 15 of the 2011 Educational Redistricting Act at the 2012 and subsequent general elections.

D. Members from districts two, three, five, six and seven shall be elected from the districts described in Sections 7, 8, 10, 11 and 12 of the 2011 Educational Redistricting Act at the 2014 and subsequent general elections.

E. The governor shall by appointment fill a vacancy in the office of a member of the public education commission. An appointment to fill a vacancy on the public education commission shall be for a term ending on December 31 after the next general election, at which election a person shall be elected to fill any remainder of the unexpired term.

#### **Chapter 4 Section 4 Laws 2011 (1st S.S.)**

**SECTION 4. RESIDENCE.--**A candidate for the office of public education commissioner shall reside in the district for which the candidate files a declaration of candidacy at the time of such filing. A public education commissioner shall reside in the district from which the commissioner was elected or appointed and shall be deemed to have resigned if the commissioner changes residence to a place outside the district. Vacancies shall be filled as provided in Section 3 of the 2011 Educational Redistricting Act.

#### **Chapter 4 Section 5 Laws 2011 (1st S.S.)**

**SECTION 5. PRECINCTS.--**

A. Precinct designations and boundaries used in the 2011 Educational Redistricting Act are those precinct designations and boundaries established pursuant to the Precinct Boundary Adjustment Act as revised and approved pursuant to that act by the secretary of state as of August 31, 2011.

B. A board of county commissioners shall not create any precinct that lies in more than one public education commission district and shall not divide any precinct so that the divided parts of the precinct are situated in two or more public education commission districts. Votes cast in a public education commission election from precincts created or divided in violation of this subsection shall be invalid and shall not be counted or canvassed.

#### **Chapter 4 Section 6 Laws 2011 (1st S.S.)**

**SECTION 6. PUBLIC EDUCATION COMMISSION DISTRICT ONE.--** Public education commission district one is composed of Bernalillo county precincts 20 through 30, 32 through 67, 70 through 77, 81 through 83, 88, 90 through 92, 94 through 99, 109 through 114, 119, 120, 134, 136 through 144, 257 and 258.

#### **Chapter 4 Section 7 Laws 2011 (1st S.S.)**

**SECTION 7. PUBLIC EDUCATION COMMISSION DISTRICT TWO.--** Public education commission district two is composed of Bernalillo county precincts 289 through 302, 304 through 308, 316 through 318, 321 through 324, 328 through 333, 406 through 410, 413 through 430, 440, 447 through 454, 456, 461 through 466, 471 through 478, 480 through 500, 502 through 550, 560 through 569 and 601 through 603.

#### **Chapter 4 Section 8 Laws 2011 (1st S.S.)**

**SECTION 8. PUBLIC EDUCATION COMMISSION DISTRICT THREE.--**Public education commission district three is composed of Bernalillo county precincts 2 through 19, 68, 69, 78, 79, 84 through 86, 89, 101 through 108, 116, 121 through 125, 131 through 133, 135, 150 through 154, 161 through 166, 171, 180 through 187, 191 through 197, 211, 212, 214 through 217, 221, 223 through 226, 241 through 246, 251 through 256, 271 through 275, 278, 281 through 287, 311 through 315, 326, 327, 341 through 347, 351 through 358, 371 through 375, 381 through 387, 400 through 405, 411, 412, 431 through 439, 441 through 446 and 455.

#### **Chapter 4 Section 9 Laws 2011 (1st S.S.)**

**SECTION 9. PUBLIC EDUCATION COMMISSION DISTRICT FOUR.--** Public education commission district four is composed of Bernalillo county precincts 1, 80, 87, 115, 117, 118, 127 through 129, 170, 303, 553 through 559 and 570 through 573; Los Alamos county; Sandoval county precincts 1 through 23, 27 through 76 and 78 through 86; and Santa Fe county precincts 11, 12, 15 through 19, 63, 72, 73, 80, 82, 84 and 85.

#### **Chapter 4 Section 10 Laws 2011 (1st S.S.)**

**SECTION 10. PUBLIC EDUCATION COMMISSION DISTRICT FIVE.--**Public education commission district five is composed of McKinley county; Rio Arriba county precincts 24 and 29; San Juan county; and Sandoval county precincts 24 through 26.

#### **Chapter 4 Section 11 Laws 2011 (1st S.S.)**

**SECTION 11. PUBLIC EDUCATION COMMISSION DISTRICT SIX.--** Public education commission district six is composed of Bernalillo county precincts 31 and 93; Catron county; Cibola county; Dona Ana county precincts 1 through 3, 60 and 95; Grant county; Hidalgo county; Luna county; Sierra county; Socorro county precincts 1 through 11 and 13 through 26; and Valencia county.

#### **Chapter 4 Section 12 Laws 2011 (1st S.S.)**

**SECTION 12. PUBLIC EDUCATION COMMISSION DISTRICT SEVEN.--**Public education commission district seven is composed of Dona Ana county precincts 4 through 59, 61 through 94 and 96 through 120; and Otero county precincts 1 and 41.

## **Chapter 4 Section 13 Laws 2011 (1st S.S.)**

**SECTION 13.** PUBLIC EDUCATION COMMISSION DISTRICT EIGHT.--Public education commission district eight is composed of Bernalillo county precincts 551 and 552; Chaves county precincts 1 through 7, 9 through 16, 21 through 25, 31 through 36, 41 through 47, 51, 52, 61 through 63, 71 through 73, 81 through 85, 90 through 94 and 101 through 103; De Baca county; Guadalupe county; Lincoln county; Mora county; Otero county precincts 2 through 40; San Miguel county; Socorro county precinct 12; and Torrance county.

## **Chapter 4 Section 14 Laws 2011 (1st S.S.)**

**SECTION 14.** PUBLIC EDUCATION COMMISSION DISTRICT NINE.--Public education commission district nine is composed of Chaves county precinct 104; Curry county; Eddy county; Harding county; Lea county; Quay county; Roosevelt county; and Union county.

## **Chapter 4 Section 15 Laws 2011 (1st S.S.)**

**SECTION 15.** PUBLIC EDUCATION COMMISSION DISTRICT TEN.-- Public education commission district ten is composed of Colfax county; Rio Arriba county precincts 1 through 23, 25 through 28 and 30 through 42; Santa Fe county precincts 1 through 10, 13, 14, 20 through 62, 64 through 71, 74 through 79, 81, 83 and 86 through 88; and Taos county.

## **Chapter 4 Section 16 Laws 2011 (1st S.S.)**

### **SECTION 16.** CONTINUING TERMS--VACANCIES.--

A. A public education commissioner who is serving on the commission as of the effective date of this section shall serve the remainder of the term for which the commissioner was elected.

B. An appointment to fill a vacancy on the public education commission made before the general election of 2012 shall be made from the district as it existed on the effective date of this section. After the general election of 2012, a vacancy shall be filled by appointment from the district as set out in Sections 6 through 15 of the 2011 Educational Redistricting Act.

## **Chapter 4 Section 17 Laws 2011 (1st S.S.)**

**SECTION 17.** REPEAL.--Sections 22-3-37 through 22-3-54 NMSA 1978 (being Laws 1991 (1st S.S.), Chapter 4, Sections 1 through 18) are repealed.

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HJC/HVEC/House Bill 16,

Approved October 5, 2011

## **Laws 2011 (1st S.S.) CHAPTER 5**

### **AN ACT**

RELATING TO CAPITAL EXPENDITURES; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS; AUTHORIZING EXPENDITURES FROM CERTAIN FUNDS AND BALANCES; CLARIFYING CONDITIONS FOR THE ISSUANCE OF BONDS; ESTABLISHING CONDITIONS FOR THE EXPENDITURE OF SEVERANCE TAX BOND PROCEEDS; ESTABLISHING CONDITIONS FOR THE REVERSION OF UNEXPENDED BALANCES; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

### **Chapter 5 Section 1 Laws 2011 (1st S.S.)**

#### **SECTION 1. SEVERANCE TAX BONDS--AUTHORIZATIONS-- APPROPRIATION OF PROCEEDS.--**

A. The state board of finance may issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act in an amount not to exceed the total of the amounts authorized for purposes specified in this act. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the board that the project has been developed sufficiently to justify the issuance and that the project can proceed to contract within a reasonable time. The state board of finance shall further take the appropriate steps necessary to comply with the Internal Revenue Code of 1986, as amended. Proceeds from the sale of the bonds are appropriated for the purposes specified in this act.

B. The agencies named in this act shall certify to the state board of finance when the money from the proceeds of the severance tax bonds appropriated in this section is needed for the purposes specified in the applicable section of this act. If an agency has not certified the need for severance tax bond proceeds for a particular project, including projects that have been reauthorized, by the end of fiscal year 2013, the authorization for that project is void.

C. Before an agency may certify for the need of severance tax bond proceeds, the project must be developed sufficiently so that the agency reasonably expects to:

(1) incur within six months after the applicable bond proceeds are available for the project a substantial binding obligation to a third party to expend at least five percent of the bond proceeds for the project; and

(2) spend at least eighty-five percent of the bond proceeds within three years after the applicable bond proceeds are available for the project.

D. Except as otherwise specifically provided by law:

(1) the unexpended balance from the proceeds of severance tax bonds appropriated in this act for a project shall revert to the severance tax bonding fund no later than the following dates:

(a) for a project for which severance tax bond proceeds were appropriated to match federal grants, six months after completion of the project;

(b) for a project for which severance tax bond proceeds were appropriated to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year two years following the fiscal year in which the severance tax bond proceeds were made available for the purchase; and

(c) for any other project for which severance tax bonds were appropriated, within six months of completion of the project, but no later than the end of fiscal year 2016; and

(2) all remaining balances from the proceeds of severance tax bonds appropriated for a project in this act shall revert to the severance tax bonding fund three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection.

E. Except for appropriations to the capital program fund, money from severance tax bond proceeds provided pursuant to this act shall not be used to pay indirect project costs.

F. 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 5 Section 2 Laws 2011 (1st S.S.)**

### **SECTION 2. 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 this 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 2016; and

(2) all remaining balances from an appropriation made in this act for a project shall revert three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection.

B. Except for appropriations to the capital program fund, money from appropriations made in this act shall not be used to pay indirect project costs.

C. 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 5 Section 3 Laws 2011 (1st S.S.)**

**SECTION 3. ADMINISTRATIVE OFFICE OF THE COURTS PROJECT-- SEVERANCE TAX BONDS.--**Pursuant to the provisions of Section 1 of this act, upon

certification by the administrative office of the courts that the need exists for the issuance of the bonds, one million thirty-two thousand dollars (\$1,032,000) is appropriated to the administrative office of the courts to purchase and install security equipment, including related infrastructure, at judicial district and magistrate courts statewide.

## **Chapter 5 Section 4 Laws 2011 (1st S.S.)**

**SECTION 4. AGING AND LONG-TERM SERVICES DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the aging and long-term services department that the need exists for the issuance of the bonds, the following amounts are appropriated to the aging and long-term services department for the following purposes:

1. four hundred seventy-five thousand dollars (\$475,000) to purchase and equip vehicles for senior centers countywide in Bernalillo county;
2. fifteen thousand dollars (\$15,000) to make improvements for building code compliance, including purchase and installation of equipment, at the Pajarito senior meal site in Bernalillo county;
3. one hundred thousand dollars (\$100,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Rio Bravo senior meal site in Bernalillo county;
4. forty-eight thousand dollars (\$48,000) to purchase and equip vehicles for the Pueblo of Isleta senior center in Bernalillo county;
5. thirty-eight thousand dollars (\$38,000) to purchase and equip vehicles for senior centers countywide in Chaves county;
6. forty-two thousand dollars (\$42,000) to purchase and equip vehicles for the Roswell Joy senior center in Chaves county;
7. sixty thousand dollars (\$60,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Ramah chapter senior center on the Navajo Nation in Cibola county;
8. ninety-three thousand dollars (\$93,000) to purchase and equip vehicles for senior centers countywide in Colfax county;
9. one hundred forty thousand dollars (\$140,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Raton senior center in Colfax county;

10. five thousand dollars (\$5,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Springer senior center in Colfax county;

11. sixty thousand dollars (\$60,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Alice Converse senior center in Curry county;

12. two hundred fifty thousand dollars (\$250,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Robert Munson senior center in Las Cruces in Dona Ana county;

13. eight thousand five hundred dollars (\$8,500) to make improvements for building code compliance, including purchase and installation of equipment, to the Artesia senior center in Eddy county;

14. forty-eight thousand dollars (\$48,000) to purchase and equip vehicles for the Artesia senior center in Eddy county;

15. sixty-two thousand dollars (\$62,000) to make improvements for building code compliance, including purchase and installation of equipment, to senior centers countywide in Grant county;

16. seventy-eight thousand dollars (\$78,000) to purchase and equip vehicles for the Mimbres and Silver City senior centers in Grant county;

17. twenty-five thousand dollars (\$25,000) to purchase and equip vehicles for the Santa Rosa senior center in Guadalupe county;

18. six thousand dollars (\$6,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Eunice senior center in Lea county;

19. twenty-five thousand dollars (\$25,000) to purchase and equip vehicles for the Tatum senior center in Lea county;

20. eighteen thousand five hundred dollars (\$18,500) to make improvements for building code compliance, including purchase and installation of equipment, to the Baca chapter senior center on the Navajo Nation in McKinley county;

21. one hundred thousand dollars (\$100,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Thoreau chapter senior center on the Navajo Nation in McKinley county;

22. two hundred thirty thousand dollars (\$230,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Zuni senior center in McKinley county;

23. eighteen thousand dollars (\$18,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Isleta senior center in Bernalillo county;

24. ninety thousand dollars (\$90,000) to purchase and equip vehicles for the Cloudcroft/High Rolls senior center in Otero county;

25. ten thousand dollars (\$10,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Beatrice Martinez senior center in Espanola in Rio Arriba county;

26. fifty-five thousand dollars (\$55,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Espanola senior center in Rio Arriba county;

27. one hundred seven thousand dollars (\$107,000) to purchase and equip vehicles for senior centers countywide in San Juan county;

28. twenty-five thousand dollars (\$25,000) to purchase and equip vehicles for the Bloomfield senior center in San Juan county;

29. sixty thousand dollars (\$60,000) to make improvements, including purchase and installation of equipment, to the Nageezi chapter senior center on the Navajo Nation in San Juan county;

30. two hundred fifty thousand dollars (\$250,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Sanostee chapter senior center on the Navajo Nation in San Juan county;

31. thirty-one thousand dollars (\$31,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Tse'Daa'Kaan chapter senior center on the Navajo Nation in San Juan county;

32. fifty thousand dollars (\$50,000) to purchase and equip vehicles for senior centers in Las Vegas and Pecos in San Miguel county;

33. one hundred twenty-nine thousand dollars (\$129,000) to purchase and equip vehicles for senior centers at the Pueblo of Sandia in Bernalillo and Sandoval counties and the Pueblo of Santa Ana and Pueblo of Zia in Sandoval county;

34. eight thousand five hundred dollars (\$8,500) to make improvements for building code compliance, including purchase and installation of equipment, to the Corrales senior center in Sandoval county;

35. forty thousand dollars (\$40,000) to purchase and equip vehicles for the Cuba senior center in Sandoval county;

36. eleven thousand dollars (\$11,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Jemez senior center in Sandoval county;

37. one hundred seventy-seven thousand dollars (\$177,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Sandia senior center in Bernalillo county;

38. two hundred seventy-four thousand dollars (\$274,000) to purchase and equip vehicles for senior centers countywide in Santa Fe county;

39. seven thousand one hundred fifty dollars (\$7,150) to make improvements for building code compliance, including purchase and installation of equipment, to the Edgewood senior center in Santa Fe county;

40. one hundred seventy-eight thousand dollars (\$178,000) to purchase and equip vehicles for senior centers citywide in Santa Fe in Santa Fe county;

41. one hundred twenty-eight thousand four hundred sixty- seven dollars (\$128,467) 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;

42. fifty-two thousand twenty-two dollars (\$52,022) to make improvements for building code compliance, including purchase and installation of equipment, to the Truth or Consequences senior center in Sierra county;

43. thirteen thousand dollars (\$13,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Socorro senior center in Socorro county;

44. three thousand eight hundred sixty-six dollars (\$3,866) to make improvements for building code compliance, including purchase and installation of equipment, to the Chamisal senior center in Taos county;

45. thirty-five thousand dollars (\$35,000) to purchase and equip vehicles for the Chamisal senior center in Taos county;

46. three thousand eight hundred sixty-six dollars (\$3,866) to make improvements for building code compliance, including purchase and installation of equipment, to the Questa senior center in Taos county;

47. sixteen thousand one hundred twenty-nine dollars (\$16,129) to make improvements for building code compliance, including purchase and installation of equipment, to the Des Moines senior center in Union county; and

48. one hundred sixty-one thousand dollars (\$161,000) to purchase and equip vehicles for senior centers countywide in Valencia county.

## **Chapter 5 Section 5 Laws 2011 (1st S.S.)**

**SECTION 5. CAPITAL PROGRAM FUND PROJECTS--SEVERANCE TAX BONDS.**-- Pursuant to the provisions of Section 1 of this act, upon certification by the property control division of the general services department that the need exists for the issuance of the bonds, the following amounts are appropriated to the capital program fund for the following purposes:

1. one million two hundred thousand dollars (\$1,200,000) to construct a water and wastewater system to meet environmental standards and regulations at the Roswell correctional facility in Chaves county;

2. five hundred thousand dollars (\$500,000) to plan and design water, wastewater and erosion control improvements at the western New Mexico correctional facility in Cibola county;

3. two million nine hundred thousand dollars (\$2,900,000) to renovate and equip the kitchens at the southern New Mexico correctional facility in Dona Ana county and the central New Mexico correctional facility in Valencia county;

4. ten million dollars (\$10,000,000) to upgrade the heating, ventilation and air conditioning systems and infrastructure at the southern New Mexico correctional facility in Dona Ana county, the central New Mexico correctional facility in Valencia county and the western New Mexico correctional facility in Cibola county;

5. four million dollars (\$4,000,000) for infrastructure upgrades, renovations and construction, which includes two million dollars (\$2,000,000) for the youth diagnostic and development center campus in Albuquerque in Bernalillo county and the John Paul Taylor center in Las Cruces in Dona Ana county and two million dollars (\$2,000,000) to plan, design and construct dormitory facilities for an at-risk youth program administered by the New Mexico national guard in Roswell in Chaves county;

6. three million dollars (\$3,000,000) for infrastructure and security improvements at the New Mexico behavioral health institute in Las Vegas in San Miguel county;



7. four million three hundred thousand dollars (\$4,300,000) for construction of the New Meadows buildings at the New Mexico behavioral health institute in Las Vegas in San Miguel county;

8. five hundred thousand dollars (\$500,000) for infrastructure improvements at the New Mexico state veterans' home in Truth or Consequences in Sierra county;

9. five million dollars (\$5,000,000) for construction of the Alzheimer's skilled nursing unit at the New Mexico state veterans' home in Truth or Consequences in Sierra county;

10. two million dollars (\$2,000,000) to upgrade, repair and equip correctional facilities statewide; and

11. four million dollars (\$4,000,000) for repairs, renovations, deferred maintenance, restoration infrastructure improvements and construction at state buildings statewide.

### **Chapter 5 Section 6 Laws 2011 (1st S.S.)**

**SECTION 6. CULTURAL AFFAIRS DEPARTMENT PROJECT--SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the cultural affairs department that the need exists for the issuance of the bonds, one million dollars (\$1,000,000) is appropriated to the cultural affairs department for repairs, upgrades and renovations at state museums and monuments statewide, including planning, designing and constructing the education center at the New Mexico museum of natural history and science in Albuquerque in Bernalillo county.

### **Chapter 5 Section 7 Laws 2011 (1st S.S.)**

**SECTION 7. CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION PROJECTS--SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the Cumbres and Toltec scenic railroad commission that the need exists for the issuance of the bonds, the following amounts are appropriated to the Cumbres and Toltec scenic railroad commission for the following purposes:

1. one million dollars (\$1,000,000) for track rehabilitation and improvements to the Cumbres and Toltec scenic railroad in Rio Arriba county; and

2. five hundred thousand dollars (\$500,000) to rehabilitate the boiler system and make other improvements to comply with federal standards.

### **Chapter 5 Section 8 Laws 2011 (1st S.S.)**

**SECTION 8. ECONOMIC DEVELOPMENT DEPARTMENT PROJECT--SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the economic development department that the need exists for the issuance of the bonds, one million dollars (\$1,000,000) is appropriated to the economic development department for mainstreet infrastructure and renovation projects statewide.

### **Chapter 5 Section 9 Laws 2011 (1st S.S.)**

**SECTION 9. ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT PROJECT--SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the energy, minerals and natural resources department that the need exists for the issuance of the bonds, five hundred thousand dollars (\$500,000) is appropriated to the energy, minerals and natural resources department to purchase and equip fire engines and conduct wildfire mitigation and forest restoration projects statewide.

### **Chapter 5 Section 10 Laws 2011 (1st S.S.)**

**SECTION 10. DEPARTMENT OF ENVIRONMENT PROJECTS--SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the department of environment that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of environment for the following purposes:

1. one million two hundred fifty thousand dollars (\$1,250,000) to plan, design and construct improvements to the water supply and distribution system, including replacing wells and fire pumps, serving Santa Teresa and surrounding areas of Dona Ana county; and
2. six hundred thousand dollars (\$600,000) to plan, design, construct and equip a wastewater treatment facility serving the Santa Teresa port of entry, industrial areas and surrounding communities in Dona Ana county.

### **Chapter 5 Section 11 Laws 2011 (1st S.S.)**

**SECTION 11. HUMAN SERVICES DEPARTMENT PROJECT--SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the human services department that the need exists for the issuance of the bonds, thirteen million six hundred thousand dollars (\$13,600,000) is appropriated to the human services department to plan, design, purchase and install information technology, including related infrastructure; provided that the human services department submit quarterly reports to the department of finance and administration and the legislative finance committee on the department's oversight of the project.

## **Chapter 5 Section 12 Laws 2011 (1st S.S.)**

**SECTION 12. DEPARTMENT OF MILITARY AFFAIRS PROJECT--SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the department of military affairs that the need exists for the issuance of the bonds, one million six hundred thousand dollars (\$1,600,000) is appropriated to the department of military affairs to design and construct a readiness center in Farmington in San Juan county.

## **Chapter 5 Section 13 Laws 2011 (1st S.S.)**

**SECTION 13. SECRETARY OF STATE PROJECT--SEVERANCE TAX BONDS.**-- Pursuant to the provisions of Section 1 of this act, upon certification by the secretary of state that the need exists for the issuance of the bonds, five hundred thousand dollars (\$500,000) is appropriated to the secretary of state for information technology upgrades, including computers, servers and disaster recovery upgrades, at the secretary of state's office in Santa Fe in Santa Fe county.

## **Chapter 5 Section 14 Laws 2011 (1st S.S.)**

**SECTION 14. SUPREME COURT BUILDING COMMISSION PROJECT--SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the supreme court building commission that the need exists for the issuance of the bonds, seven hundred thousand dollars (\$700,000) is appropriated to the supreme court building commission to replace or upgrade the roof at the supreme court building in Santa Fe in Santa Fe county.

## **Chapter 5 Section 15 Laws 2011 (1st S.S.)**

**SECTION 15. WASTEWATER FACILITY CONSTRUCTION LOAN FUND PROJECT-- SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the department of environment that the need exists for the issuance of the bonds, one million four hundred forty- four thousand four hundred dollars (\$1,444,400) is appropriated to the wastewater facility construction loan fund 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 federal Clean Water Act of 1977.

## **Chapter 5 Section 16 Laws 2011 (1st S.S.)**

**SECTION 16. INDIAN WATER RIGHTS SETTLEMENT--SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the office of the state engineer that the need exists for the issuance of the bonds, fifteen million dollars (\$15,000,000) is appropriated to the Indian water rights settlement fund. Notwithstanding the requirement for a joint resolution of the legislature in Subsection A

of Section 72-1-11 NMSA 1978, if corresponding commitments have been made for the federal portion of the settlement in the *Navajo Nation*, *Taos* and *Aamodt* cases, the money may be expended by the interstate stream commission in fiscal year 2012 and subsequent fiscal years to implement the state's portion of the settlement, and any unexpended balances shall not revert at the end of a fiscal year.

## **Chapter 5 Section 17 Laws 2011 (1st S.S.)**

**SECTION 17.** DEPARTMENT OF PUBLIC SAFETY PROJECT--GENERAL FUND.-- Four million dollars (\$4,000,000), of which two million two hundred thousand dollars (\$2,200,000) is from proceeds from the sale of the state aircraft, is appropriated from the general fund to the department of public safety for expenditure in fiscal years 2012 through 2016, unless otherwise provided in Section 2 of this act, to purchase and equip vehicles; provided that three million dollars (\$3,000,000) of this appropriation is expended for state police vehicles and one million dollars (\$1,000,000) of this appropriation is expended for motor transportation vehicles.

## **Chapter 5 Section 18 Laws 2011 (1st S.S.)**

**SECTION 18.** DEPARTMENT OF GAME AND FISH PROJECTS-- APPROPRIATIONS FROM THE GAME AND FISH BOND RETIREMENT FUND.--The following amounts are appropriated from the game and fish bond retirement fund to the department of game and fish for expenditure in fiscal years 2012 through 2016, unless otherwise provided for in Section 2 of this act, for the following purposes:

1. two hundred fifty thousand dollars (\$250,000) for wildlife management area facility improvements statewide; and
2. three hundred thousand dollars (\$300,000) to replace water pipelines at the hatchery in Red River in Taos county.

## **Chapter 5 Section 19 Laws 2011 (1st S.S.)**

**SECTION 19.** 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 2012 through 2016, unless otherwise provided for in Section 2 of this act, for the following purposes:

1. one hundred twenty-five thousand dollars (\$125,000) for improvements related to safety compliance at the Clayton, Snow, Quemado and Hopewell lake fisheries and their associated dams and spillways; and
2. two hundred thousand dollars (\$200,000) to replace water pipelines at the hatchery in Red River in Taos county.

## **Chapter 5 Section 20 Laws 2011 (1st S.S.)**

**SECTION 20. DEPARTMENT OF GAME AND FISH PROJECT--**  
APPROPRIATION FROM THE HABITAT MANAGEMENT FUND.--Two hundred fifty thousand dollars (\$250,000) is appropriated from the habitat management fund to the department of game and fish for expenditure in fiscal years 2012 through 2016, unless otherwise provided for in Section 2 of this act, for improvements related to safety compliance at the Clayton, Snow, Quemado and Hopewell lake fisheries and their associated dams and spillways.

## **Chapter 5 Section 21 Laws 2011 (1st S.S.)**

**SECTION 21. DEPARTMENT OF TRANSPORTATION PROJECT--**  
APPROPRIATION FROM THE STATE ROAD FUND.--Three hundred fifty thousand dollars (\$350,000) is appropriated from the state road fund to the department of transportation for expenditure in fiscal years 2012 through 2016, unless otherwise provided for in Section 2 of this act, for purchase, installation and construction of salt storage facilities statewide.

## **Chapter 5 Section 22 Laws 2011 (1st S.S.)**

**SECTION 22. PROJECT SCOPE--EXPENDITURES.**--If an appropriation for a project authorized in this act is not sufficient to complete all the purposes specified, the appropriation may be expended for any portion of the purposes specified in the appropriation. Expenditures shall not be made for purposes other than those specified in the appropriation.

## **Chapter 5 Section 23 Laws 2011 (1st S.S.)**

**SECTION 23. ART IN PUBLIC PLACES.**--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in this act include one percent for the art in public places fund.

## **Chapter 5 Section 24 Laws 2011 (1st S.S.)**

**SECTION 24. EMERGENCY.**--It is necessary for the public peace, health and safety that this act take effect immediately.

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SFC/Senate Bill 10, w/ec

Approved October 7, 2011