

Laws 2016 (2nd S.S.)
2nd Special Session, Fifty-Second Legislature

LAWS 2016 (2nd S.S.) CHAPTER 1

AN ACT

RELATING TO THE STATE FISC; TEMPORARILY SUSPENDING GROWTH OF CERTAIN DISTRIBUTIONS TO THE RETIREE HEALTH CARE FUND; REPEALING A MONTHLY DISTRIBUTION OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) TO THE RETIREE HEALTH CARE FUND PURSUANT TO SECTION 7-1-6.56 NMSA 1978 (BEING LAWS 2007, CHAPTER 168, SECTION 1, AS AMENDED); HALTING THE GRADUAL INCREASES IN THE TRANSFER FROM THE FIRE PROTECTION FUND TO THE FIRE PROTECTION GRANT FUND; DECLARING AN EMERGENCY.

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

Chapter 1 Section 1 Laws 2016 (2nd S.S.)

SECTION 1. Section 7-1-6.30 NMSA 1978 (being Laws 1990, Chapter 6, Section 20, as amended) is amended to read:

"7-1-6.30. DISTRIBUTION--RETIREE HEALTH CARE FUND.--

A. Beginning January 1, 2017 and prior to July 1, 2019, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the retiree health care fund in an amount equal to one-twelfth of the total amount distributed to the retiree health care fund beginning July 1, 2015 and prior to July 1, 2016.

B. Beginning July 1, 2019, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the retiree health care fund in an amount equal to one-twelfth of one hundred twelve percent of the total amount distributed to the retiree health care fund in the previous fiscal year."

Chapter 1 Section 2 Laws 2016 (2nd S.S.)

SECTION 2. Section 59A-53-5.2 NMSA 1978 (being Laws 2007, Chapter 152, Section 1, as amended) is amended to read:

"59A-53-5.2. APPROPRIATIONS AND TRANSFERS FROM THE FIRE PROTECTION FUND.--

A. For each fiscal year, the amount to be distributed by the marshal pursuant to Sections 59A-53-4, 59A-53-5 and 59A-53-5.1 NMSA 1978 is appropriated from the fire protection fund to the superintendent for the purpose of making the distributions.

B. For the purposes of Subsections C and D of this section, the "remaining balance in the fire protection fund" shall be calculated on June 30 of each year and shall equal the balance of the fund on that date less the sum of:

(1) the total amount to be distributed during the succeeding fiscal year pursuant to Sections 59A-53-4, 59A-53-5 and 59A-53-5.1 NMSA 1978; and

(2) the total amount of other appropriations from the fire protection fund for the succeeding fiscal year.

C. On the following dates, the following percentages of the remaining balance in the fire protection fund shall be transferred from the fire protection fund to the fire protection grant fund:

(1) on June 30, 2007, six and seven-tenths percent;

(2) on June 30, 2008, thirteen and four-tenths percent;

(3) on June 30, 2009, thirteen and four-tenths percent;

(4) on June 30, 2010, thirteen and four-tenths percent;

(5) on June 30, 2011, thirteen and four-tenths percent;

(6) on June 30, 2012, thirteen and four-tenths percent;

(7) on June 30, 2013, twenty and one-tenth percent;

(8) on June 30, 2014, twenty-six and eight-tenths percent;

(9) on June 30, 2015, thirty-three and five-tenths percent; and

(10) on June 30, 2016, and on each subsequent June 30, forty and two-tenths percent.

D. On June 30 of each year, the remaining balance in the fire protection fund, less the amount to be transferred on that date pursuant to Subsection C of this section, shall be transferred to the general fund."

Chapter 1 Section 3 Laws 2016 (2nd S.S.)

SECTION 3. REPEAL.--Section 7-1-6.56 NMSA 1978 (being Laws 2007, Chapter 168, Section 1, as amended) is repealed effective January 1, 2017.

Chapter 1 Section 4 Laws 2016 (2nd S.S.)

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2017.

Chapter 1 Section 5 Laws 2016 (2nd S.S.)

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

Senate Bill 7, w/ec

Approved October 7, 2016

LAWS 2016 (2nd S.S.) CHAPTER 2

AN ACT

RELATING TO STATE EXPENDITURES; REMOVING CERTAIN RESTRICTIONS ON EXPENDITURES FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND FOR BUILDING SYSTEM REPAIR, RENOVATION OR REPLACEMENT INITIATIVES; RESERVING AMOUNTS FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND FOR APPROPRIATION TO THE INSTRUCTIONAL MATERIAL FUND OR THE TRANSPORTATION DISTRIBUTION OF THE PUBLIC SCHOOL FUND; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Chapter 2 Section 1 Laws 2016 (2nd S.S.)

SECTION 1. Section 7-27-12.2 NMSA 1978 (being Laws 2001, Chapter 338, Section 2, as amended) is amended to read:

"7-27-12.2. SUPPLEMENTAL SEVERANCE TAX BONDS--PUBLIC SCHOOL CAPITAL OUTLAY AND OTHER PROJECTS.--

A. The public school capital outlay council is authorized to certify by resolution that proceeds of supplemental severance tax bonds are needed for expenditures relating to public school capital outlay projects pursuant to the Public School Capital Outlay Act or for the state distribution for public school capital

improvements pursuant to the Public School Capital Improvements Act. The resolution shall specify the total amount needed.

B. The state board of finance may issue and sell supplemental severance tax bonds in compliance with the Severance Tax Bonding Act when the public school capital outlay council certifies by resolution the need for the issuance of the bonds or when the secretary of public education certifies the need for the issuance of the bonds pursuant to Section 22-24-4 NMSA 1978 or Section 3 of this 2016 act. The amount of the bonds sold at each sale shall not exceed the lesser of:

(1) the total of the amounts certified by the council and the secretary of public education; or

(2) the amount that may be issued pursuant to the restrictions of Section 7-27-14 NMSA 1978.

C. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible.

D. The proceeds from the sale of the bonds are appropriated as follows:

(1) the amount certified by the secretary of public education as necessary to make the distribution pursuant to Section 22-25-9 NMSA 1978 is appropriated to the public school capital improvements fund for the purpose of carrying out the provisions of the Public School Capital Improvements Act; and

(2) the remainder of the proceeds is appropriated to the public school capital outlay fund for the purpose of carrying out the provisions of the Public School Capital Outlay Act."

Chapter 2 Section 2 Laws 2016 (2nd S.S.)

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 N of this section, money in the fund may be used only for capital expenditures deemed necessary by the council for an adequate educational program.

C. The council may authorize the purchase by the 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. The fund may be expended by the council for building system repair, renovation or replacement initiatives with projects to be identified by the council pursuant to Section 22-24-4.6 NMSA 1978; provided that money allocated pursuant to this subsection shall be expended within three years of the allocation.

I. The fund may be expended annually by the council for grants to school districts for the purpose of making lease payments for 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 school 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 22-24-4.5 NMSA 1978; provided that funding allocated pursuant to this section shall be expended within three years of its allocation.

N. For each fiscal year from 2018 through 2022, twenty-five million dollars (\$25,000,000) of the public school capital outlay fund is reserved for appropriation by the legislature to the instructional material fund or to the transportation distribution of the public school fund. The secretary shall certify the need for the issuance of supplemental severance tax bonds to meet an appropriation from the public school capital outlay fund to the instructional material fund or to the transportation distribution of the public school fund. Any portion of an amount of the public school capital outlay fund that is reserved for appropriation by the legislature for a fiscal year, but that is not appropriated before the first day of that fiscal year, may be expended by the council as provided in this section."

Chapter 2 Section 3 Laws 2016 (2nd S.S.)

SECTION 3. APPROPRIATION.--Twelve million five hundred thousand dollars (\$12,500,000) is appropriated from the public school capital outlay fund to the instructional material fund for expenditure in fiscal year 2017 and subsequent fiscal years for the purchase of instructional material pursuant to the Instructional Material Law; provided that the secretary of public education certifies the need for the issuance of supplemental severance tax bonds to meet that appropriation. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the public school capital outlay fund.

Chapter 2 Section 4 Laws 2016 (2nd S.S.)

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

Senate Bill 4, w/ec

Approved October 7, 2016

LAWS 2016 (2nd S.S.) CHAPTER 3

AN ACT

RELATING TO TAXATION; REDUCING A DISTRIBUTION TO THE LEGISLATIVE RETIREMENT FUND; PROVIDING A CIVIL PENALTY IF A TAXPAYER FAILS TO CORRECTLY FILE FOR A GROSS RECEIPTS DEDUCTION PURSUANT TO SECTION 7-9-92 NMSA 1978 (BEING LAWS 2004, CHAPTER 116, SECTION 5) OR SECTION 7-9-93 NMSA 1978 (BEING LAWS 2004, CHAPTER 116, SECTION 6, AS AMENDED); CLARIFYING THE TYPE OF HEALTH CARE PROVIDER THAT MAY TAKE CERTAIN GROSS RECEIPTS TAX DEDUCTIONS FOR MEDICAL AND HEALTH CARE SERVICES; PROVIDING ADDITIONAL REQUIREMENTS TO BE

ELIGIBLE TO CLAIM A HIGH-WAGE JOBS TAX CREDIT; EXCLUDING BENEFITS FROM CALCULATION OF THE CREDIT AMOUNT; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Chapter 3 Section 1 Laws 2016 (2nd S.S.)

SECTION 1. Section 7-1-6.43 NMSA 1978 (being Laws 2003, Chapter 86, Section 1) is amended to read:

"7-1-6.43. DISTRIBUTION TO LEGISLATIVE RETIREMENT FUND.--

A. A distribution pursuant to Section 7-1-6.1

NMSA 1978 shall be made to the legislative retirement fund in an amount equal to seventy-five thousand dollars (\$75,000) or, if larger, one-twelfth of the amount necessary to pay out the retirement benefits due under state legislator member coverage plan 2 and Paragraph (2) of Subsection C of Section 10-11-41 NMSA 1978 for the calendar year.

B. In December 2003 and in each December thereafter, the public employees retirement association, with the assistance of the legislative council service, shall determine the amount of those retirement benefits for the succeeding calendar year. If the monthly average exceeds seventy-five thousand dollars (\$75,000), the association shall notify immediately the department of the average amount. That average amount shall be the amount distributed pursuant to Subsection A of this section as of the end of each month of the twelve consecutive months beginning with the December in which the determination was made."

Chapter 3 Section 2 Laws 2016 (2nd S.S.)

SECTION 2. Section 7-1-68 NMSA 1978 (being Laws 1965, Chapter 248, Section 69, as amended) is amended to read:

"7-1-68. INTEREST ON OVERPAYMENTS.--

A. As provided in this section, interest shall be allowed and paid on the amount of tax overpaid by a person that is subsequently refunded or credited to that person.

B. Interest on overpayments of tax shall accrue and be paid at the underpayment rate established pursuant to Section 6621 of the Internal Revenue Code, computed on a daily basis; provided that if a different rate is specified by a compact or other interstate agreement to which New Mexico is a party, that rate shall apply to amounts due under the compact or other agreement.

C. Unless otherwise provided by this section, interest on an overpayment not arising from an assessment by the department shall be paid from the date of the claim for refund until a date preceding by not more than thirty days the date of the credit or refund to any person; and interest on an overpayment arising from an assessment by the department shall be paid from the date of overpayment until a date preceding by not more than thirty days the date of the credit or refund to any person.

D. No interest shall be allowed or paid with respect to an amount credited or refunded if:

(1) the amount of interest due is less than one dollar (\$1.00);

(2) the credit or refund is made within:

(a) fifty-five days of the date of the claim for refund of income tax, pursuant to either the Income Tax Act or the Corporate Income and Franchise Tax Act for the tax year immediately preceding the tax year in which the claim is made;

(b) sixty days of the date of the claim for refund of any tax not provided for in this paragraph;

(c) seventy-five days of the date of the claim for refund of gasoline tax to users of gasoline off the highways;

(d) one hundred twenty days of the date of the claim for refund of tax imposed pursuant to the Resources Excise Tax Act, the Severance Tax Act, the Oil and Gas Severance Tax Act, the Oil and Gas Conservation Tax Act, the Oil and Gas Emergency School Tax Act, the Oil and Gas Ad Valorem Production Tax Act, the Natural Gas Processors Tax Act or the Oil and Gas Production Equipment Ad Valorem Tax Act; or

(e) one hundred twenty days of the date of the claim for refund of income tax, pursuant to the Income Tax Act or the Corporate Income and Franchise Tax Act, for any tax year more than one year prior to the year in which the claim is made;

(3) Sections 6611(f) and 6611(g) of the Internal Revenue Code, as those sections may be amended or renumbered, prohibit payment of interest for federal income tax purposes;

(4) the credit results from overpayments found in an audit of multiple reporting periods and applied to underpayments found in that audit or refunded as a net overpayment to the taxpayer pursuant to Section 7-1-29 NMSA 1978;

(5) the department applies the credit or refund to an intercept program, to the taxpayer's estimated payment prior to the due date for the estimated

payment or to offset prior liabilities of the taxpayer pursuant to Subsection E of Section 7-1-29 NMSA 1978;

(6) the credit or refund results from overpayments the department finds pursuant to Subsection F of Section 7-1-29 NMSA 1978 that exceed the refund claimed by the taxpayer on the return; or

(7) the refund results from a tax credit pursuant to the Film Production Tax Credit Act or a high-wage jobs tax credit.

E. Nothing in this section shall be construed to require the payment of interest upon interest."

Chapter 3 Section 3 Laws 2016 (2nd S.S.)

SECTION 3. A new section of the Tax Administration Act is enacted to read:

"CIVIL PENALTY FOR FAILURE TO CORRECTLY FILE CERTAIN DEDUCTIONS.--In the case of a taxpayer that deducts gross receipts pursuant to Section 7-9-92 or 7-9-93 NMSA 1978 instead of deducting or exempting gross receipts pursuant to another applicable provision of the Gross Receipts and Compensating Tax Act as required by those sections, there shall be assessed a penalty on the taxpayer in an amount equal to twenty percent of the value of the hold harmless distribution resulting from the incorrect deduction."

Chapter 3 Section 4 Laws 2016 (2nd S.S.)

SECTION 4. 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 of a health care practitioner from payments by the United States government or any agency thereof for provision of medical and other health services by a health care practitioner or of medical or other health and palliative services by hospices or nursing homes to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

B. Receipts of a health care practitioner from payments by a third-party administrator of the federal TRICARE program for provision of medical and other health services by medical doctors and osteopathic physicians to covered beneficiaries may be deducted from gross receipts.

C. Receipts of a health care practitioner from payments by or on behalf of the Indian health service of the United States department of health and human services for provision of medical and other health services by medical doctors and osteopathic physicians to covered beneficiaries may be deducted from gross receipts.

D. Receipts of a clinical laboratory from payments by the United States government or any agency thereof for medical services provided by the clinical laboratory to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

E. Receipts of a home health agency from payments by the United States government or any agency thereof for medical, other health and palliative services provided by the home health agency to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

F. Prior to July 1, 2024, receipts of a dialysis facility from payments by the United States government or any agency thereof for medical and other health services provided by the dialysis facility to medicare beneficiaries pursuant to the provisions of Title 18 of the federal Social Security Act may be deducted from gross receipts.

G. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department. A taxpayer who has receipts that are deductible pursuant to this section and Section 7-9-93 NMSA 1978 shall deduct the receipts under this section prior to calculating the receipts that may be deducted pursuant to Section 7-9-93 NMSA 1978.

H. The department shall compile an annual report on the deductions created pursuant to this section that shall include the number of taxpayers approved by the department to receive each deduction, the aggregate amount of deductions approved and any other information necessary to evaluate the effectiveness of the deductions. The department shall compile and present the annual reports to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the deductions and whether the deductions are providing a benefit to the state.

I. For the purposes of this section:

(1) "clinical laboratory" means a laboratory accredited pursuant to 42 USCA 263a;

(2) "dialysis facility" means an end-stage renal disease facility as defined pursuant to 42 C.F.R. 405.2102;

(3) "health care practitioner" means:

- (a) an athletic trainer licensed pursuant to the Athletic Trainer Practice Act;
- (b) an audiologist licensed pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;
- (c) a chiropractic physician licensed pursuant to the Chiropractic Physician Practice Act;
- (d) a counselor or therapist practitioner licensed pursuant to the Counseling and Therapy Practice Act;
- (e) a dentist licensed pursuant to the Dental Health Care Act;
- (f) a doctor of oriental medicine licensed pursuant to the Acupuncture and Oriental Medicine Practice Act;
- (g) an independent social worker licensed pursuant to the Social Work Practice Act;
- (h) a massage therapist licensed pursuant to the Massage Therapy Practice Act;
- (i) a naprapath licensed pursuant to the Naprapathic Practice Act;
- (j) a nutritionist or dietitian licensed pursuant to the Nutrition and Dietetics Practice Act;
- (k) an occupational therapist licensed pursuant to the Occupational Therapy Act;
- (l) an optometrist licensed pursuant to the Optometry Act;
- (m) an osteopathic physician licensed pursuant to the Osteopathic Medicine Act;
- (n) a pharmacist licensed pursuant to the Pharmacy Act;
- (o) a physical therapist licensed pursuant to Physical Therapy Act;
- (p) a physician licensed pursuant to the Medical Practice Act;
- (q) a podiatrist licensed pursuant to the Podiatry Act;

(r) a psychologist licensed pursuant to the Professional Psychologist Act;

(s) a radiologic technologist licensed pursuant to the Medical Imaging and Radiation Therapy Health and Safety Act;

(t) a registered nurse licensed pursuant to the Nursing Practice Act;

(u) a respiratory care practitioner licensed pursuant to the Respiratory Care Act; and

(v) a speech-language pathologist licensed pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

(4) "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;

(5) "hospice" means a for-profit entity licensed by the department of health as a hospice and certified to provide medicare services;

(6) "nursing home" means a for-profit entity licensed by the department of health as a nursing home and certified to provide medicare services; and

(7) "TRICARE program" means the program defined in 10 U.S.C. 1072(7)."

Chapter 3 Section 5 Laws 2016 (2nd S.S.)

SECTION 5. Section 7-9-93 NMSA 1978 (being Laws 2004, Chapter 116, Section 6, as amended) is amended to read:

"7-9-93. DEDUCTION--GROSS RECEIPTS--CERTAIN RECEIPTS FOR SERVICES PROVIDED BY HEALTH CARE PRACTITIONER.--

A. Receipts of a health care practitioner for commercial contract services or medicare part C services paid by a managed health care provider or health care insurer may be deducted from gross receipts if the services are within the scope of practice of the health care practitioner providing the service. Receipts from fee-for-service payments by a health care insurer may not be deducted from gross receipts.

B. The deduction provided by this section shall be applied only to gross receipts remaining after all other allowable deductions available under the Gross Receipts and Compensating Tax Act have been taken and shall be separately stated by the taxpayer.

C. For the purposes of this section:

(1) "commercial contract services" means health care services performed by a health care practitioner pursuant to a contract with a managed health care provider or health care insurer other than those health care services provided for medicare patients pursuant to Title 18 of the federal Social Security Act or for medicaid patients pursuant to Title 19 or Title 21 of the federal Social Security Act;

(2) "health care insurer" means a person that:

(a) has a valid certificate of authority in good standing pursuant to the New Mexico Insurance Code to act as an insurer, health maintenance organization or nonprofit health care plan or prepaid dental plan; and

(b) contracts to reimburse licensed health care practitioners for providing basic health services to enrollees at negotiated fee rates;

(3) "health care practitioner" means:

(a) a chiropractic physician licensed pursuant to the provisions of the Chiropractic Physician Practice Act;

(b) a dentist or dental hygienist licensed pursuant to the Dental Health Care Act;

(c) a doctor of oriental medicine licensed pursuant to the provisions of the Acupuncture and Oriental Medicine Practice Act;

(d) an optometrist licensed pursuant to the provisions of the Optometry Act;

(e) an osteopathic physician or an osteopathic physician's assistant licensed pursuant to the provisions of the Osteopathic Medicine Act;

(f) a physical therapist licensed pursuant to the provisions of the Physical Therapy Act;

(g) a physician or physician assistant licensed pursuant to the provisions of the Medical Practice Act;

(h) a podiatrist licensed pursuant to the provisions of the Podiatry Act;

(i) a psychologist licensed pursuant to the provisions of the Professional Psychologist Act;

health;

(j) a registered lay midwife registered by the department of

(k) a registered nurse or licensed practical nurse licensed pursuant to the provisions of the Nursing Practice Act;

(l) a registered occupational therapist licensed pursuant to the provisions of the Occupational Therapy Act;

(m) a respiratory care practitioner licensed pursuant to the provisions of the Respiratory Care Act;

(n) a speech-language pathologist or audiologist licensed pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

(o) a professional clinical mental health counselor, marriage and family therapist or professional art therapist licensed pursuant to the provisions of the Counseling and Therapy Practice Act who has obtained a master's degree or a doctorate;

(p) an independent social worker licensed pursuant to the provisions of the Social Work Practice Act; and

(q) a clinical laboratory that is accredited pursuant to 42 U.S.C. Section 263a but that is not a laboratory in a physician's office or in a hospital defined pursuant to 42 U.S.C. Section 1395x;

(4) "managed health care provider" means a person that provides for the delivery of comprehensive basic health care services and medically necessary services to individuals enrolled in a plan through its own employed health care providers or by contracting with selected or participating health care providers. "Managed health care provider" includes only those persons that provide comprehensive basic health care services to enrollees on a contract basis, including the following:

(a) health maintenance organizations;

(b) preferred provider organizations;

(c) individual practice associations;

(d) competitive medical plans;

(e) exclusive provider organizations;

(f) integrated delivery systems;

(g) independent physician-provider organizations;

(h) physician hospital-provider organizations; and

(i) managed care services organizations; and

(5) "medicare part C services" means services performed pursuant to a contract with a managed health care provider for medicare patients pursuant to Title 18 of the federal Social Security Act."

Chapter 3 Section 6 Laws 2016 (2nd S.S.)

SECTION 6. Section 7-9G-1 NMSA 1978 (being Laws 2004, Chapter 15, Section 1, as amended) is amended to read:

"7-9G-1. HIGH-WAGE JOBS TAX CREDIT--QUALIFYING HIGH-WAGE JOBS.--

A. A taxpayer who is an eligible employer may apply for, and the department may allow, a tax credit for each new high-wage economic-based job. The credit provided in this section may be referred to as the "high-wage jobs tax credit".

B. The purpose of the high-wage jobs tax credit is to provide an incentive for urban and rural businesses to create and fill new high-wage economic-based jobs in New Mexico.

C. The high-wage jobs tax credit may be claimed and allowed in an amount equal to ten percent of the wages distributed to an eligible employee in a new high-wage economic-based job, but shall not exceed twelve thousand dollars (\$12,000) per job per qualifying period. The high-wage jobs tax credit may be claimed by an eligible employer for each new high-wage economic-based job performed for the year in which the new high-wage economic-based job is created and for the three consecutive qualifying periods as provided in this section.

D. To receive a high-wage jobs tax credit, a taxpayer shall file an application for approval of the credit with the department once per calendar year on forms and in the manner prescribed by the department. The annual application shall contain the certification required by Subsection K of this section and shall contain all qualifying periods that closed during the calendar year for which the application is made. Any qualifying period that did not close in the calendar year for which the application is made shall be denied by the department. The application for a calendar year shall be filed no later than December 31 of the following calendar year. If a taxpayer fails to file the annual application within the time limits provided in this section, the application shall be denied by the department. The department shall make a determination on the application within one hundred eighty days of the date on which the application was filed; provided that the one-hundred-eighty-day period shall not begin until the application is complete, as determined by the department.

E. A new high-wage economic-based job shall not be eligible for a credit pursuant to this section for the initial qualifying period unless the eligible employer's total number of employees with threshold jobs on the last day of the initial qualifying period at the location at which the job is performed or based is at least one more than the number of threshold jobs on the day prior to the date the new high-wage economic-based job was created. A new high-wage economic-based job shall not be eligible for a credit pursuant to this section for a consecutive qualifying period unless the total number of threshold jobs at a location at which the job is performed or based on the last day of that qualifying period is greater than or equal to the number of threshold jobs at that same location on the last day of the initial qualifying period for the new high-wage economic-based job.

F. Any consecutive qualifying period for a new high-wage economic-based job shall not be eligible for a credit pursuant to this section unless the wage, the forty-eight-week occupancy and the residency requirements for a new high-wage economic-based job are met for each consecutive qualifying period. If any consecutive qualifying period for a new high-wage economic-based job does not meet the wage, the forty-eight-week occupancy and the residency requirements, all subsequent qualifying periods are ineligible.

G. Except as provided in Subsection H of this section, a new high-wage economic-based job shall not be eligible for a credit pursuant to this section if:

(1) the new high-wage economic-based job is created due to a business merger or acquisition or other change in business organization;

(2) the eligible employee was terminated from employment in New Mexico by another employer involved in the business merger or acquisition or other change in business organization with the taxpayer; and

(3) the new high-wage economic-based job is performed by:

(a) the person who performed the job or its functional equivalent prior to the business merger or acquisition or other change in business organization; or

(b) a person replacing the person who performed the job or its functional equivalent prior to a business merger or acquisition or other change in business organization.

H. A new high-wage economic-based job that was created by another employer and for which an application for the high-wage jobs tax credit was received and is under review by the department prior to the time of the business merger or acquisition or other change in business organization shall remain eligible for the high-wage jobs tax credit for the balance of the consecutive qualifying periods. The new employer that results from a business merger or acquisition or other change in business

organization may only claim the high-wage jobs tax credit for the balance of the consecutive qualifying periods for which the new high-wage economic-based job is otherwise eligible.

I. A new high-wage economic-based job shall not be eligible for a credit pursuant to this section if the job is created due to an eligible employer entering into a contract or becoming a subcontractor to a contract with a governmental entity that replaces one or more entities performing functionally equivalent services for the governmental entity unless the job is a new high-wage economic-based job that was not being performed by an employee of the replaced entity.

J. A new high-wage economic-based job shall not be eligible for a credit pursuant to this section if the eligible employer has more than one business location in New Mexico from which it conducts business and the requirements of Subsection E of this section are satisfied solely by moving the job from one business location of the eligible employer in New Mexico to another business location of the eligible employer in New Mexico.

K. With respect to each annual application for a high-wage jobs tax credit, the employer shall certify and include:

(1) the amount of wages paid to each eligible employee in a new high-wage economic-based job during the qualifying period;

(2) the number of weeks each position was occupied during the qualifying period;

(3) whether the new high-wage economic-based job was in a municipality with a population of sixty thousand or more or with a population of less than sixty thousand according to the most recent federal decennial census and whether the job was in the unincorporated area of a county;

(4) whether the application pertains to the first, second, third or fourth qualifying period for each eligible employee;

(5) the total number of employees employed by the employer at the job location on the day prior to the qualifying period and on the last day of the qualifying period;

(6) the total number of threshold jobs performed or based at the eligible employer's location on the day prior to the qualifying period and on the last day of the qualifying period;

(7) for an eligible employer that has more than one business location in New Mexico from which it conducts business, the total number of threshold jobs performed or based at each business location of the eligible employer in New

Mexico on the day prior to the qualifying period and on the last day of the qualifying period;

(8) whether the eligible employer is receiving or is eligible to receive development training program assistance pursuant to Section 21-19-7 NMSA 1978;

(9) whether the eligible employer has ceased business operations at any of its business locations in New Mexico; and

(10) whether the application is precluded by Subsection O of this section.

L. Any person who willfully submits a false, incorrect or fraudulent certification required pursuant to Subsection K of this section shall be subject to all applicable penalties under the Tax Administration Act, except that the amount on which the penalty is based shall be the total amount of credit requested on the application for approval.

M. Except as provided in Subsection N of this section, an approved high-wage jobs tax credit shall be claimed against the taxpayer's modified combined tax liability and shall be filed with the return due immediately following the date of the credit approval. If the credit exceeds the taxpayer's modified combined tax liability, the excess shall be refunded to the taxpayer.

N. If the taxpayer ceases business operations in New Mexico while an application for credit approval is pending or after an application for credit has been approved for any qualifying period for a new high-wage economic-based job, the department shall not grant an additional high-wage jobs tax credit to that taxpayer, except as provided in Subsection O of this section, and shall extinguish any amount of credit approved for that taxpayer that has not already been claimed against the taxpayer's modified combined tax liability.

O. A taxpayer that has received a high-wage jobs tax credit shall not submit a new application for a credit for a minimum of five calendar years from the closing date of the last qualifying period for which the taxpayer received the credit if the taxpayer:

(1) lost eligibility to claim a tax credit from a previous application pursuant to Subsection E or N of this section; or

(2) reduces its total full-time employees in New Mexico by more than five percent after the date on which the last qualifying period on the taxpayer's previous application ends.

P. The economic development department and the taxation and revenue department shall report to the appropriate interim legislative committee each year the

cost of this tax credit to the state and its impact on company recruitment and job creation.

Q. As used in this section:

(1) "benefits" means all remuneration for work performed that is provided to an employee in whole or in part by the employer, other than wages, including the employer's contributions to insurance programs, health care, medical, dental and vision plans, life insurance, employer contributions to pensions, such as a 401(k), and employer-provided services, such as child care, offered by an employer to the employee;

(2) "consecutive qualifying periods" means the three qualifying periods successively following the qualifying period in which the new high-wage economic-based job was created;

(3) "department" means the taxation and revenue department;

(4) "domicile" means the sole place where an individual has a true, fixed, permanent home. It is the place where the individual has a voluntary, fixed habitation of self and family with the intention of making a permanent home;

(5) "eligible employee" means an individual who is employed in New Mexico by an eligible employer and who is a resident of New Mexico; "eligible employee" does not include an individual who:

(a) bears any of the relationships described in Paragraphs (1) through (8) of 26 U.S.C. Section 152(a) to the employer or, if the employer is a corporation, to an individual who owns, directly or indirectly, more than fifty percent in value of the outstanding stock of the corporation or, if the employer is an entity other than a corporation, to an individual who owns, directly or indirectly, more than fifty percent of the capital and profits interest in the entity;

(b) if the employer is an estate or trust, is a grantor, beneficiary or fiduciary of the estate or trust or is an individual who bears any of the relationships described in Paragraphs (1) through (8) of 26 U.S.C. Section 152(a) to a grantor, beneficiary or fiduciary of the estate or trust;

(c) is a dependent, as that term is described in 26 U.S.C. Section 152(a)(9), of the employer or, if the taxpayer is a corporation, of an individual who owns, directly or indirectly, more than fifty percent in value of the outstanding stock of the corporation or, if the employer is an entity other than a corporation, of an individual who owns, directly or indirectly, more than fifty percent of the capital and profits interest in the entity or, if the employer is an estate or trust, of a grantor, beneficiary or fiduciary of the estate or trust; or

(d) is working or has worked as an employee or as an independent contractor for an entity that, directly or indirectly, owns stock in a corporation of the eligible employer or other interest of the eligible employer that represents fifty percent or more of the total voting power of that entity or has a value equal to fifty percent or more of the capital and profits interest in the entity;

(6) "eligible employer" means an employer that:

(a) sold and delivered more than fifty percent of its goods produced in New Mexico or non-retail services performed in New Mexico to persons outside New Mexico for use or resale outside New Mexico during the applicable qualifying period; provided that the fifty percent of those goods or services is measured by the eligible employer's gross receipts;

(b) is receiving or is eligible to receive development training program assistance pursuant to Section 21-19-7 NMSA 1978 during the applicable qualifying period; and

(c) whose principal business activities at the location in New Mexico for which the high-wage jobs tax credit is being claimed consist of manufacturing or performing non-retail services during the applicable qualifying period;

(7) "for use or resale outside New Mexico" means that the person who purchases the eligible employer's goods or services uses or resells the goods or services outside New Mexico or makes initial use of the goods or services outside New Mexico. If the purchaser conducts business in multiple states, goods and services are deemed for use or resale outside New Mexico, unless New Mexico is the primary market for the purchaser's goods or services;

(8) "full-time employee" means an employee who works for the same employer an average of at least thirty-two hours per week for at least forty-eight weeks per year;

(9) "manufacturing" means "manufacturing" as that term is used in Section 7-9A-3 NMSA 1978;

(10) "modified combined tax liability" means the total liability for the reporting period for the gross receipts tax imposed by Section 7-9-4 NMSA 1978 together with any tax collected at the same time and in the same manner as the gross receipts tax, such as the compensating tax, the withholding tax, the interstate telecommunications gross receipts tax, the surcharges imposed by Section 63-9D-5 NMSA 1978 and the surcharge imposed by Section 63-9F-11 NMSA 1978, minus the amount of any credit other than the high-wage jobs tax credit applied against any or all of these taxes or surcharges; but "modified combined tax liability" excludes all amounts collected with respect to local option gross receipts taxes;

(11) "new high-wage economic-based job" means a new job created in New Mexico by an eligible employer on or after July 1, 2004 and prior to July 1, 2020 that is occupied for at least forty-eight weeks of a qualifying period by an eligible employee who is paid wages calculated for the qualifying period to be at least:

(a) for a new high-wage economic-based job created prior to July 1, 2015: 1) forty thousand dollars (\$40,000) if the job is performed or based in or within ten miles of the external boundaries of a municipality with a population of sixty thousand or more according to the most recent federal decennial census or in a class H county; and 2) twenty-eight thousand dollars (\$28,000) if the job is performed or based in a municipality with a population of less than sixty thousand according to the most recent federal decennial census or in the unincorporated area, that is not within ten miles of the external boundaries of a municipality with a population of sixty thousand or more, of a county other than a class H county; and

(b) for a new high-wage economic-based job created on or after July 1, 2015: 1) sixty thousand dollars (\$60,000) if the job is performed or based in or within ten miles of the external boundaries of a municipality with a population of sixty thousand or more according to the most recent federal decennial census or in a class H county; and 2) forty thousand dollars (\$40,000) if the job is performed or based in a municipality with a population of less than sixty thousand according to the most recent federal decennial census or in the unincorporated area, that is not within ten miles of the external boundaries of a municipality with a population of sixty thousand or more, of a county other than a class H county;

(12) "non-retail service" means a specialized service, excluding a construction service of any type, that is sold to another business or business entity and is used by the business or business entity to develop products for or deliver services to its customers. "Non-retail service" is not provided by direct individual-to-individual interaction and is not offered to the general public by the business or business entity. "Non-retail service" includes:

(a) research, development, engineering and testing services performed for a manufacturer that uses the product of the service to develop new or improve existing products;

(b) software and software application development services performed for a business;

(c) data processing and hosting services performed for a business that uses the service to deliver products or service to its own customers;

(d) digital film production services and post-film production services performed for a business that will market the digital product or film;

(e) customer or call center services performed for a business, if those services do not support retail activities of the eligible employer; and

(f) professional services, such as accounting, engineering, legal and information technology services, if the eligible employer does not offer those services for sale to the general public;

(13) "performed in New Mexico" means that the labor, activities, property and equipment necessary to complete, but not to deliver, a service all occur or are utilized within New Mexico;

(14) "produced in New Mexico" means the creation, bringing into existence or making available a good or product for commercial sale through the expense of labor or capital, or both, within New Mexico;

(15) "qualifying period" means the period of twelve months beginning on the day an eligible employee begins working in a new high-wage economic-based job or the period of twelve months beginning on the anniversary of the day an eligible employee began working in a new high-wage economic-based job;

(16) "resident" means a natural person whose domicile is in New Mexico at the time of hire or within one hundred eighty days of the date of hire;

(17) "threshold job" means a job that is occupied for at least forty-eight weeks of a calendar year by an eligible employee and that meets the wage requirements for a "new high-wage economic-based job"; and

(18) "wages" means all compensation paid by an eligible employer to an eligible employee through the employer's payroll system, including those wages that the employee elects to defer or redirect or the employee's contribution to a 401(k) or cafeteria plan program, but "wages" does not include benefits or the employer's share of payroll taxes, social security or medicare contributions, federal or state unemployment insurance contributions or workers' compensation."

Chapter 3 Section 7 Laws 2016 (2nd S.S.)

SECTION 7. APPROPRIATION.--One million five hundred thousand dollars (\$1,500,000) is appropriated from the general fund to the children, youth and families department for expenditure in fiscal year 2017 and subsequent fiscal years [~~to support home visiting services~~] for the prevention of child abuse. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund. *LINE-ITEM VETO*

Chapter 3 Section 8 Laws 2016 (2nd S.S.)

SECTION 8. APPLICABILITY.--The provisions of Section 6 of this act apply to applications for a high-wage jobs tax credit for a new high-wage economic-based job filed with the taxation and revenue department on or after January 1, 2017.

Chapter 3 Section 9 Laws 2016 (2nd S.S.)

SECTION 9. EFFECTIVE DATE.--

A. If this act takes effect on or before October 1, 2016, the effective date of the provisions of Sections 3 through 5 of this act is October 1, 2016.

B. If this act takes effect after October 1, 2016, the effective date of the provisions of Sections 3 through 5 of this act is the first day of the month following the date this act takes effect.

Chapter 3 Section 10 Laws 2016 (2nd S.S.)

SECTION 10. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Senate Bill 6, aa, w/ec, partial veto

Approved October 19, 2016

LAWS 2016 (2nd S.S.) CHAPTER 4

AN ACT

RELATING TO STATE EXPENDITURES; TRANSFERRING MONEY FROM THE TOBACCO SETTLEMENT PERMANENT FUND TO THE FISCAL YEAR 2016 AND FISCAL YEAR 2017 APPROPRIATION ACCOUNTS OF THE GENERAL FUND; PROVIDING FOR CERTAIN DISTRIBUTIONS, TRANSFERS AND REVERSIONS TO THE FISCAL YEAR 2017 APPROPRIATION ACCOUNT OF THE GENERAL FUND FROM OTHER FUNDS AND ACCOUNTS; MAKING APPROPRIATIONS.

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

Chapter 4 Section 1 Laws 2016 (2nd S.S.)

SECTION 1. Section 6-4-9 NMSA 1978 (being Laws 1999, Chapter 207, Section 1, as amended) is amended to read:

"6-4-9. TOBACCO SETTLEMENT PERMANENT FUND--INVESTMENT--
DISTRIBUTION.--

A. The "tobacco settlement permanent fund" is created in the state treasury. The fund shall consist of money distributed to the state pursuant to the master settlement agreement entered into between tobacco product manufacturers and various states, including New Mexico, and executed November 23, 1998 or any money released to the state from a qualified escrow fund or otherwise paid to the state as authorized by Sections 6-4-12 and 6-4-13 NMSA 1978, enacted pursuant to the master settlement agreement or as otherwise authorized by law. Money in the fund shall be invested by the state investment officer in accordance with the limitations in Article 12, Section 7 of the constitution of New Mexico. Income from investment of the fund shall be credited to the fund. Money in the fund shall not be expended for any purpose, except as provided in this section.

B. In fiscal year 2007 and in each fiscal year thereafter, an annual distribution shall be made from the tobacco settlement permanent fund to the tobacco settlement program fund of an amount equal to fifty percent of the total amount of money distributed to the tobacco settlement permanent fund in that fiscal year until that amount is less than an amount equal to four and seven-tenths percent of the average of the year-end market values of the tobacco settlement permanent fund for the immediately preceding five calendar years. Thereafter, the amount of the annual distribution shall be four and seven-tenths percent of the average of the year-end market values of the tobacco settlement permanent fund for the immediately preceding five calendar years. In the event that the actual amount distributed to the tobacco settlement program fund in a fiscal year is insufficient to meet appropriations from that fund for that fiscal year, the secretary of finance and administration shall proportionately reduce each appropriation accordingly.

C. In addition to the distribution made pursuant to Subsection B of this section, in fiscal years 2009 through 2013 and 2016, the remaining fifty percent of the total amount of money distributed to the tobacco settlement permanent fund in that fiscal year shall be distributed from the tobacco settlement permanent fund to the tobacco settlement program fund.

D. In addition to the distribution made pursuant to Subsections B and E of this section, in fiscal year 2014, twenty-five percent of the total amount of money distributed pursuant to the master settlement agreement to the tobacco settlement permanent fund in that fiscal year shall be distributed from the tobacco settlement permanent fund to the lottery tuition fund.

E. In addition to the distribution made pursuant to Subsections B and D of this section, in fiscal year 2014, twenty-five percent of the total amount of money distributed to the tobacco settlement permanent fund in that fiscal year shall be distributed from the tobacco settlement permanent fund to the tobacco settlement

program fund for appropriation for direct services provided by early childhood care and education programs administered by the children, youth and families department.

F. The tobacco settlement permanent fund is a reserve fund of the state. Money in the tobacco settlement permanent fund may be expended:

(1) in the event that general fund balances, including all authorized revenues and transfers to the general fund and balances in the general fund operating reserve, the appropriation contingency fund and the tax stabilization reserve, will not meet the level of appropriations authorized from the general fund for a fiscal year. In that event, in order to avoid an unconstitutional deficit, the legislature may authorize a transfer from the tobacco settlement permanent fund to the general fund but only in an amount necessary to meet general fund appropriations; or

(2) as provided in Section 2 of this 2016 act."

Chapter 4 Section 2 Laws 2016 (2nd S.S.)

SECTION 2. TOBACCO SETTLEMENT PERMANENT FUND TRANSFER TO THE GENERAL FUND--FISCAL YEARS 2016 AND 2017.--The governor, with state board of finance approval, may transfer from the tobacco settlement permanent fund:

A. to the fiscal year 2016 appropriation account of the general fund, the amount necessary to meet the appropriations authorized by law from the general fund for fiscal year 2016, but not exceeding two hundred nineteen million four hundred thousand dollars (\$219,400,000); and

B. to the fiscal year 2017 appropriation account of the general fund, the amount necessary to meet the appropriations authorized by law from the general fund for fiscal year 2017, but not exceeding two hundred nineteen million four hundred thousand dollars (\$219,400,000) less the amount transferred pursuant to Subsection A of this section.

Chapter 4 Section 3 Laws 2016 (2nd S.S.)

SECTION 3. FUND AND OTHER ACCOUNT TRANSFERS AND REVERSIONS TO GENERAL FUND--FISCAL YEAR 2017.--

A. Notwithstanding any restriction on the use of money in the funds or accounts, the following amounts from the following funds or accounts are transferred to the fiscal year 2017 appropriation account of the general fund:

(1) two million dollars (\$2,000,000) is transferred from the legislative cash balances;

(2) one hundred thousand dollars (\$100,000) is transferred from the municipal court automation fund;

(3) one hundred thousand dollars (\$100,000) is transferred from the water rights adjudication fund of the administrative office of the courts;

(4) three million six hundred forty-five thousand dollars (\$3,645,000) is transferred from the local DWI grant fund;

(5) six million dollars (\$6,000,000) is transferred from the enhanced 911 fund;

(6) six million dollars (\$6,000,000) is transferred from the public school insurance fund; provided that the amount transferred shall not include money:

(a) identified by the board of directors of the public school insurance authority as long-term reserves of the authority; or

(b) reserved for group health insurance or due process reimbursement;

(7) two million six hundred thousand dollars (\$2,600,000) is transferred from the state purchasing enterprise fund of the general services department;

(8) one million dollars (\$1,000,000) is transferred from the public property reserve fund;

(9) seven million five hundred thousand dollars (\$7,500,000) is transferred from the public liability fund;

(10) three million dollars (\$3,000,000) is transferred from the workers' compensation retention fund;

(11) six hundred forty-eight thousand one hundred dollars (\$648,100) is transferred from the public accountancy fund;

(12) two hundred forty-nine thousand five hundred dollars (\$249,500) is transferred from the board of acupuncture and oriental medicine fund;

(13) one hundred seventy-two thousand seven hundred dollars (\$172,700) is transferred from the athletic commission fund;

(14) thirty-two thousand five hundred dollars (\$32,500) is transferred from the athletic trainer practice board fund;

(15) nine hundred thirty-five thousand seven hundred dollars (\$935,700) is transferred from the barbers and cosmetologists fund;

(16) two hundred forty-nine thousand five hundred dollars (\$249,500) is transferred from the body art practitioners fund;

(17) one hundred eighty-one thousand five hundred dollars (\$181,500) is transferred from the chiropractic fund;

(18) five hundred sixty-three thousand two hundred dollars (\$563,200) is transferred from the counseling and therapy practice board fund;

(19) eighteen thousand nine hundred dollars (\$18,900) is transferred from the landscape architects fund;

(20) three hundred twenty-seven thousand one hundred dollars (\$327,100) is transferred from the massage therapy fund;

(21) fifty-six thousand three hundred dollars (\$56,300) is transferred from the nursing home administrators fund;

(22) sixty thousand five hundred dollars (\$60,500) is transferred from the nutrition and dietetics fund;

(23) one hundred sixty-one thousand five hundred dollars (\$161,500) is transferred from the board of examiners for occupational therapy fund;

(24) thirty-five thousand eight hundred dollars (\$35,800) is transferred from the optometry fund;

(25) fifty-seven thousand two hundred dollars (\$57,200) is transferred from the osteopathic medical examiners fund;

(26) three hundred twenty-nine thousand seven hundred dollars (\$329,700) is transferred from the physical therapy fund;

(27) one hundred fifty-seven thousand eight hundred dollars (\$157,800) is transferred from the psychology fund;

(28) four hundred seventeen thousand six hundred dollars (\$417,600) is transferred from the appraiser fund;

(29) six hundred twenty-one thousand four hundred dollars (\$621,400) is transferred from the real estate commission fund;

(30) one hundred fourteen thousand five hundred dollars (\$114,500) is transferred from the respiratory care fund;

(31) three hundred four thousand dollars (\$304,000) is transferred from the board of social work examiners fund;

(32) two hundred eighty-three thousand four hundred dollars (\$283,400) is transferred from the speech-language pathology, audiology and hearing aid dispensing practices board fund;

(33) one hundred four thousand one hundred dollars (\$104,100) is transferred from the funeral services fund;

(34) five hundred ninety-eight thousand eight hundred dollars (\$598,800) is transferred from the board of dental health care fund;

(35) one million four hundred sixty-five thousand nine hundred dollars (\$1,465,900) is transferred from the pharmacy fund;

(36) five hundred thousand dollars (\$500,000) is transferred from the New Mexico medical board fund;

(37) two million nine hundred forty-four thousand eight hundred dollars (\$2,944,800) is transferred from the professional engineers' and surveyors' fund;

(38) five hundred thousand dollars (\$500,000) is transferred from the interim receipts and disbursements fund;

(39) eight hundred thousand dollars (\$800,000) is transferred from the trauma system fund;

(40) one million dollars (\$1,000,000) is transferred from the rural infrastructure revolving loan fund;

(41) three million dollars (\$3,000,000) is transferred from the state air quality permit fund;

(42) five million dollars (\$5,000,000) is transferred from the college affordability endowment fund;

(43) three million dollars (\$3,000,000) is transferred from the post-secondary educational institution fund;

(44) six hundred thirty-two thousand six hundred dollars (\$632,600) is transferred from the capital projects fund;

(45) two million five hundred thousand dollars (\$2,500,000) is transferred from the art in public places fund;

(46) one million dollars (\$1,000,000) is transferred from the workers' compensation administration fund;

(47) three hundred thousand dollars (\$300,000) is transferred from the trail safety fund;

(48) one million dollars (\$1,000,000) is transferred from the public buildings repair fund;

(49) five hundred thousand dollars (\$500,000) is transferred from the state transportation pool account of the general services department;

(50) three hundred thousand dollars (\$300,000) is transferred from the litter control and beautification fund;

(51) eight hundred thousand dollars (\$800,000) is transferred from the corrective action fund; and

(52) one million dollars (\$1,000,000) is transferred from the concealed handgun carry fund.

B. The following appropriations to the public education department to meet special education maintenance of effort requirements pursuant to the federal Individuals with Disabilities Education Act shall be disencumbered and transferred to the fiscal year 2017 appropriation account of the general fund:

(1) the total general fund appropriation of ten million dollars (\$10,000,000) in Laws 2013, Chapter 227, Section 4;

(2) three million one hundred thousand dollars (\$3,100,000) of the total general fund appropriation in Item (73) of Section 5 of Chapter 227 of Laws 2013; and

(3) the total general fund appropriation of three million dollars (\$3,000,000) in Item (75) of Section 5 of Chapter 63 of Laws 2014.

C. Notwithstanding provisions in Sections 6-21-6, 6-21-6.1 and 6-21-6.2 NMSA 1978 to the contrary, fifteen million five hundred thousand dollars (\$15,500,000) shall be transferred from the public project revolving fund to the fiscal year 2017 appropriation account of the general fund; provided that, except as otherwise provided in the Tax Administration Act, the amount transferred is from the fiscal year 2017 portion of the governmental gross receipts tax distributed to the public project revolving fund

pursuant to Section 7-1-6.38 NMSA 1978 and that is not otherwise pledged for payment of obligations of the New Mexico finance authority.

Senate Bill 2, aa, w/o ec

Approved October 19, 2016

LAWS 2016 (2nd S.S.) CHAPTER 5

AN ACT

RELATING TO CAPITAL EXPENDITURES; REVERTING OR DISENCUMBERING BALANCES OF APPROPRIATIONS MADE FOR CERTAIN CAPITAL PROJECTS; CHANGING PURPOSES AND AUTHORIZATIONS FOR THE EXPENDITURE OF SEVERANCE TAX BOND PROCEEDS OR CERTAIN OTHER FUNDS; VOIDING APPROPRIATIONS MADE FOR CERTAIN CAPITAL PROJECTS; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS; REDUCING THE PERCENTAGES OF ESTIMATED SEVERANCE TAX BONDING CAPACITY ALLOCATED TO WATER, TRIBAL AND COLONIAS INFRASTRUCTURE PROJECTS; PROVIDING FOR A TEMPORARY CHANGE IN THE DETERMINATION OF ESTIMATED SEVERANCE TAX BONDING CAPACITY ALLOCATED TO THOSE PROJECTS; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Chapter 5 Section 1 Laws 2016 (2nd S.S.)

SECTION 1. GENERAL FUND BALANCES REVERTED.--The following appropriations from the general fund shall not be expended, and the unexpended balances up to the amount specified shall revert to the general fund:

A. to the administrative office of the courts, five hundred thirty-four thousand five hundred sixty-one dollars (\$534,561) in Item (4) of Section 5 of Chapter 11 of Laws 2016 to address court priorities, including funding for vehicles, furniture and equipment, at courts statewide;

B. to the corrections department, two million four hundred thousand dollars (\$2,400,000) in Item (19) of Section 7 of Chapter 11 of Laws 2016 to purchase a commercial off-the-shelf offender management information system;

C. to the cultural affairs department, three hundred thousand dollars (\$300,000) in Item (13) of Section 7 of Chapter 11 of Laws 2016 to modernize the cultural resources information system;

D. to the economic development department, twenty-one million five hundred fifty thousand dollars (\$21,550,000) in Item (21) of Section 5 of Chapter 101 of Laws 2015 for local economic development projects statewide;

E. to the department of public safety, three million two hundred eighteen thousand dollars (\$3,218,000) in the other category of appropriations to that department in Laws 2016, Chapter 11, Section 4;

F. to the Indian water rights settlement fund, five hundred thousand dollars (\$500,000) in Laws 2015 (1st S.S.), Chapter 3, Section 49;

G. to the office of the state engineer, five hundred thousand dollars (\$500,000) in Laws 2015 (1st S.S.), Chapter 3, Section 48 to plan, design and construct repairs, including purchase and installation of a liner to address the abutment and seepage mitigation, at Cabresto dam in Taos county and to design and construct outlet structures and other site improvements at Morphy Lake dam in Mora county; and

H. to the department of transportation:

(1) twenty-two million five hundred thousand dollars (\$22,500,000) to the state road fund in Laws 2015 (1st S.S.), Chapter 3, Section 44 for expenditure in fiscal years 2016 through 2018 for road improvements statewide;

(2) four million dollars (\$4,000,000) in Subsection 1 of Section 45 of Chapter 3 of Laws 2015 (1st S.S.) to plan, conduct environmental clearances, design, acquire rights of way, construct and reconstruct New Mexico highway 136, Airport road and Industrial road in the Santa Teresa area of Dona Ana county; and

(3) six hundred fifty thousand dollars (\$650,000) in Subsection 2 of Section 45 of Chapter 3 of Laws 2015 (1st S.S.) to acquire rights of way and to plan, design and construct a bridge across the Puerco river on Allison road in Gallup in McKinley county.

Chapter 5 Section 2 Laws 2016 (2nd S.S.)

SECTION 2. SEVERANCE TAX BONDS--CHANGE PURPOSES--CHANGE AUTHORIZATIONS AND PROVIDE FOR EXPENDITURES.--

A. Notwithstanding the requirements for reversion in Laws 2013, Chapter 226, the unexpended or unencumbered balances remaining up to the amount specified of severance tax bond proceeds authorized or appropriated in Laws 2013, Chapter 226 for the following described projects under the control of the following agencies shall not be expended for the original purposes but may be expended as provided in Section 3 of this 2016 act:

(1) to the aging and long-term services department:

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

2. five thousand dollars (\$5,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Santa Ana senior center in Sandoval county;

(2) to the department of environment, ten thousand dollars (\$10,000) to plan, design and construct water system improvements, including a water storage tank, for the Sena mutual domestic water consumers association in San Miguel county;

(3) to the department of transportation:

1. fifteen thousand dollars (\$15,000) to plan, design and construct a mid-block pedestrian safety crossing with pedestrian signal on Zuni road near Pennsylvania street in the international district in southeast Albuquerque in Bernalillo county;

2. four hundred thirty thousand dollars (\$430,000) to plan, design and construct improvements to Zuni road in Albuquerque in Bernalillo county;

3. two hundred ninety-nine thousand dollars (\$299,000) to plan, design and construct improvements, including curbs, gutters and drainage, to Corona road in the east mesa area of Dona Ana county; and

4. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements to Navajo route 7054 in the Pinedale chapter of the Navajo Nation in McKinley county;

(4) to the interstate stream commission:

1. thirty thousand dollars (\$30,000) to plan, design and construct improvements to acequias Anton Chico, La Loma and Tecolotito in Guadalupe county;

2. one hundred thousand dollars (\$100,000) to purchase water rights and storage space at the reservoirs in northern New Mexico for use by the memberships of acequias nortenas and the Rio de Chama acequias on the Rio Chama in Rio Arriba county;

3. fifteen thousand dollars (\$15,000) to plan, design and construct ditch improvements, including a concrete-capped gabion and irrigation pipeline water control system, for the Gallina east and west community ditch in Rio Arriba county and to pay off an interstate stream commission loan; and

4. nine thousand five hundred dollars (\$9,500) to construct improvements to the acequia de Morada in Santa Fe in Santa Fe county;

(5) to the local government division of the department of finance and administration:

1. ten thousand dollars (\$10,000) to plan, design, construct and equip outdoor lighting at the Anthony ballpark in Chaparral in Dona Ana county;

2. two hundred sixteen thousand dollars (\$216,000) to plan, design, repair, renovate and equip the sexual assault service provider and trauma treatment center and site, including purchasing and installing information technology and related infrastructure, in Santa Fe in Santa Fe county;

3. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements, including renovation of the parking area and installation of surrounding fencing, at the Talpa community center in Taos county; and

4. twenty-five thousand dollars (\$25,000) for renovations to the plaza in the arts and cultural district in Taos in Taos county;

(6) to the office of the state engineer:

1. twenty thousand dollars (\$20,000) for a hydrologic study of the upper Rio Hondo basin, including purchase and installation of well-monitoring equipment, in Lincoln county;

2. fifty thousand dollars (\$50,000) to plan, design, renovate and construct improvements, including dredging, to the Nambe dam in Santa Fe county; and

3. four hundred twenty-five thousand dollars (\$425,000) to construct a flood control facility and infrastructure downstream of interstate 25 in Belen in Valencia county; and

(7) to the public education department:

1. fifty thousand dollars (\$50,000) to purchase, repair, replace and install perimeter fencing for the playground at El Dorado elementary school in the Santa Fe public school district in Santa Fe county; and

2. one hundred thousand dollars (\$100,000) to plan, design, renovate and construct roofs at El Dorado elementary school in the Santa Fe public school district in Santa Fe county.

B. Notwithstanding the requirements for reversion in Laws 2014, Chapters 64 and 66, the unexpended or unencumbered balances remaining up to the amount specified of severance tax bond proceeds authorized, appropriated or reauthorized in Laws 2014, Chapters 64 and 66 for the following described projects under the control of the following agencies shall not be expended for the original or reauthorized purposes but may be expended as provided in Section 3 of this 2016 act:

(1) to the aging and long-term services department, 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;

(2) to the board of regents of New Mexico state university, 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) to the cultural affairs department, 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;] *LINE-ITEM VETO*~~

(4) to the department of environment:

1. forty thousand dollars (\$40,000) for property acquisition, and to construct and equip a zero discharge wastewater treatment facility, in Cimarron in Colfax county;

2. 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;

3. 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;

4. 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;

5. 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;

6. 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;

7. fifty-five thousand dollars (\$55,000) to plan, design and construct a well and rehabilitate pumps in the Pueblo of Jemez in Sandoval county;

8. 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; and

9. 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;

(5) to the department of transportation:

1. 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;

2. one hundred thousand dollars (\$100,000) for a center lane road median in the 100 block of Louisiana boulevard northeast in Albuquerque in Bernalillo county;

3. 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;

4. 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;

5. 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;

~~[6. one hundred thousand dollars (\$100,000) to purchase and install street lights along Trumbull avenue southeast and San Pedro drive southeast in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

7. two hundred twenty-five thousand dollars (\$225,000) to design and construct infrastructure improvements on Second street in Grants in Cibola county;

8. 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;

9. four hundred twenty-five thousand dollars (\$425,000) to plan, design, construct and equip a terminal at the regional airport in Lea county;

10. 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;

11. 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;

12. 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;

13. one hundred thousand dollars (\$100,000) to plan, design, construct and equip quiet railroad crossings south of Algodones in Sandoval county;

~~[14. 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 county arroyo flood control authority in Rio Rancho in Sandoval county;] LINE-ITEM VETO~~

15. 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; and

16. two hundred fifteen thousand dollars (\$215,000) to plan, design and construct phase 2 improvements to Christopher road in Belen in Valencia county;

(6) to the Indian affairs department:

~~[1. five hundred eighty-seven thousand five hundred dollars (\$587,500) reauthorized to plan, design, renovate, construct, equip and furnish the permanent museum at the Indian pueblo cultural center;] LINE-ITEM VETO~~

2. 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;

3. 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;

4. 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;

5. 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;

6. 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; and

7. 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;

(7) to the interstate stream commission:

1. sixty thousand dollars (\$60,000) to plan, design and construct improvements for acequia de las Canovas in Servilleta Plaza in Rio Arriba county;

2. twenty thousand dollars (\$20,000) to plan, design, construct and equip improvements to the Tecolote acequia system and infrastructure in San Miguel county;

3. eighty thousand dollars (\$80,000) to plan, design and construct improvements to acequia Agua Fria in Santa Fe county; and

4. twenty thousand dollars (\$20,000) to construct improvements to La Bajada community ditch in Santa Fe county;

(8) to the local government division of the department of finance and administration:

1. 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;

2. 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; and

3. one hundred thousand dollars (\$100,000) to construct phase 3 improvements to the community center and commercial kitchen in Sabinal in Socorro county;

(9) to the office of the state engineer:

1. four hundred thousand dollars (\$400,000) to plan, design, renovate and construct improvements to the San Mateo dam in Cibola county; and

2. three hundred thousand dollars (\$300,000) to plan, design, renovate and construct improvements to the Cimarroncito dam in Colfax county; and

(10) to the public education department:

1. 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;

2. 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;

3. 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;

4. 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;

5. thirteen thousand five hundred dollars (\$13,500) reauthorized to design, construct, equip and furnish improvements to the playground areas at Nye early childhood center at Wood Gormley elementary school in the Santa Fe public school district in Santa Fe county; and

6. thirty-five thousand dollars (\$35,000) reauthorized to plan, design, construct and equip drainage improvements at the SER career academy in the Santa Fe public school district in Santa Fe county.

Chapter 5 Section 3 Laws 2016 (2nd S.S.)

SECTION 3. SEVERANCE TAX BONDS--APPROPRIATIONS OF PROCEEDS.-

-The proceeds from severance tax bonds issued pursuant to Section 8 of this 2016 act or authorized as indicated in Section 2 of this 2016 act may be expended in the following amounts by the following agencies for the following purposes:

A. to the administrative office of the courts, five hundred thirty-four thousand five hundred sixty-one dollars (\$534,561) to address court priorities, including funding for vehicles, furniture and equipment, at courts statewide;

B. to the corrections department, two million four hundred thousand dollars (\$2,400,000) to purchase and implement a commercial off-the-shelf offender management information system;

C. to the cultural affairs department, three hundred thousand dollars (\$300,000) to modernize the cultural resources information system;

D. to the economic development department, twenty-one million five hundred fifty thousand dollars (\$21,550,000) for local economic development projects statewide;

E. to the department of public safety, three million two hundred eighteen thousand dollars (\$3,218,000) to purchase and equip law enforcement vehicles;

F. to the Indian water rights settlement fund, five hundred thousand dollars (\$500,000); 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 settlements in the Navajo Nation, Taos and Aamodt cases, the money may be expended by the interstate stream commission in fiscal year 2017 and subsequent fiscal years to implement the state's portion of the settlements, and any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert;

G. to the office of the state engineer, five hundred thousand dollars (\$500,000) to plan, design and construct repairs, including purchase and installation of a liner to address the abutment and seepage mitigation, at Cabresto dam in Taos county and to design and construct outlet structures and other site improvements at Morphy Lake dam in Mora county; and

H. to the department of transportation:

(1) twenty-two million five hundred thousand dollars (\$22,500,000) to the state road fund for expenditure in fiscal years 2017 through 2020 for road improvements statewide; notwithstanding the provisions of Subsection A of Section 13-1-119.1 NMSA 1978, the department may use a design and build delivery system for all projects funded through this appropriation;

(2) four million dollars (\$4,000,000) to plan, conduct environmental clearances, design, acquire rights of way, construct and reconstruct New Mexico highway 136, Airport road and Industrial road in the Santa Teresa area of Dona Ana county; notwithstanding the provisions of Subsection A of Section 13-1-119.1 NMSA

1978, the department may use a design and build delivery system for all projects funded through this appropriation; and

(3) six hundred fifty thousand dollars (\$650,000) to acquire rights of way and to plan, design and construct a bridge across the Puerco river on Allison road in Gallup in McKinley county; notwithstanding the provisions of Subsection A of Section 13-1-119.1 NMSA 1978, the department may use a design and build delivery system for the project funded through this appropriation.

Chapter 5 Section 4 Laws 2016 (2nd S.S.)

SECTION 4. SEVERANCE TAX BONDS--CHANGE AUTHORIZATIONS TO RESTORE GENERAL FUND ALLOTMENTS.--

A. Notwithstanding the requirements for reversion in Laws 2013, Chapter 226, the unexpended or unencumbered balances remaining up to the amount specified of severance tax bond proceeds authorized or appropriated in Laws 2013, Chapter 226 for the following described projects under the control of the following agencies shall not be expended for the original purposes but may be expended as provided in Subsection C of this section:

(1) to the aging and long-term services department:

1. seventy-five thousand dollars (\$75,000) to construct and renovate the senior center in the Manuelito chapter of the Navajo Nation in McKinley county; and

2. fifty thousand dollars (\$50,000) to plan and design the renovation and conversion of a senior center to a group home in the Two Grey Hills chapter of the Navajo Nation in San Juan county;

(2) to the department of environment:

1. fifty thousand dollars (\$50,000) to plan, design, renovate, construct and equip water and wastewater system improvements in Cimarron in Colfax county;

2. fifty-one thousand dollars (\$51,000) to plan, design and construct wastewater system improvements, including a collection system, for the Desert Aire mutual domestic water and sewer works association in Dona Ana county;

3. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements, including a well and water lines, for the Desert Aire mutual domestic water and sewer works association in Dona Ana county;

4. one hundred thousand dollars (\$100,000) to construct phase 3 water system improvements in the Alamo chapter of the Navajo Nation in Socorro county; and

5. fifteen thousand dollars (\$15,000) to plan, design and construct water system improvements, including a well for fire suppression, in Bartola canyon in Valencia county;

(3) to the department of game and fish, one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and landscape a cold water fish production facility in Santa Rosa in Guadalupe county;

(4) to the department of transportation:

1. three hundred three thousand dollars (\$303,000) to plan, design and construct improvements, including environmental remediation, to the Albuquerque railyards in Bernalillo county;

2. three hundred twenty-five thousand dollars (\$325,000) to plan, design and construct improvements to streets in Roswell in Chaves county;

3. twenty-five thousand dollars (\$25,000) to design and construct Sky City road in the Manuelito chapter of the Navajo Nation in McKinley county;

4. twenty thousand dollars (\$20,000) to plan, design and construct improvements to roads in the Red Lake chapter of the Navajo Nation in McKinley county;

5. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to Johnson road in the Twin Lakes chapter of the Navajo Nation in McKinley county; and

6. one hundred thousand dollars (\$100,000) to design and construct improvements to the north Belen interchange in Valencia county;

(5) to the interstate stream commission:

1. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to acequia del Molino in east Pecos in San Miguel county;

2. forty-six thousand seven hundred fifty dollars (\$46,750) to plan, design and construct system improvements, including providing connections to acequia water sources and purchasing rights of way, for the acequia Agua Fria in Santa Fe county; and

3. fifty thousand three hundred eighty-six dollars (\$50,386) to improve the electrical system to convey water from the well to the acequia for the acequia de la Cienega in La Cienega in Santa Fe county;

(6) to the local government division of the department of finance and administration, fifty thousand dollars (\$50,000) to plan, design, construct and equip a shooting range in northern Eddy county; and

(7) to the office of the state engineer, fifty thousand dollars (\$50,000) to plan and purchase water rights for Questa in Taos county.

B. Notwithstanding the requirements for reversion in Laws 2014, Chapters 64 and 66, the unexpended or unencumbered balances remaining up to the amount specified of severance tax bond proceeds authorized, appropriated or reauthorized in Laws 2014, Chapters 64 and 66 for the following described projects under the control of the following agencies shall not be expended for the original or reauthorized purposes but may be expended as provided in Subsection C of this section:

(1) to the aging and long-term services department, 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;

(2) to the department of environment:

1. 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;

2. 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;

3. fifty thousand dollars (\$50,000) to plan, design, construct and equip a potable water fill station in Carrizozo in Lincoln county;

4. 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;

5. 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;

6. 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;

7. 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;

8. 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; and

9. forty thousand dollars (\$40,000) to plan, design and construct improvements to the water well, distribution and storage systems in Questa in Taos county;

(3) to the department of finance and administration, 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;

(4) to the department of transportation:

1. seventy thousand dollars (\$70,000) to design and construct street and drainage improvements in Angel Fire in Colfax county;

2. 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; and

3. 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;

(5) to the Indian affairs department:

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. fifty thousand dollars (\$50,000) reauthorized to plan, design and construct a multipurpose building in the Manuelito chapter of the Navajo Nation in McKinley county;

3. 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; and

4. 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;

(6) to the interstate stream commission:

1. 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;

2. 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; and

3. 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;

(7) to the local government division of the department of finance and administration:

1. twenty thousand dollars (\$20,000) reauthorized to plan, design and construct improvements to the Little Gardens lateral of Los Ranchos de Atrisco acequia in the middle Rio Grande conservancy district;

2. 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;

3. 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 northwest in the west Central metropolitan redevelopment district in Albuquerque in Bernalillo county;

4. 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;

5. seventy thousand dollars (\$70,000) to purchase and equip passenger vans for the crossroads program in Eddy county;

6. 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; and

7. seventy thousand dollars (\$70,000) to plan, design and construct a playground in the town of Tajique land grant in Torrance county; and

(8) to the public education department:

1. 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; and

2. one hundred ten thousand dollars (\$110,000) reauthorized to purchase property for and to design and construct a facility, including 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, for Cien Aguas international school in Albuquerque in Bernalillo county.

C. Upon certification by the secretary of finance and administration of the need to use proceeds from severance tax bonds authorized in Subsections A and B of this section to restore the allotments from the general fund for capital project appropriations whose expenditure periods ended on or before June 30, 2016, the board of finance division of the department of finance and administration shall transfer those proceeds to the general fund for that use by the department in fiscal year 2017.

Chapter 5 Section 5 Laws 2016 (2nd S.S.)

SECTION 5. PUBLIC SCHOOL CAPITAL OUTLAY FUND APPROPRIATIONS DISENCUMBERED--TRANSFER TO DEPARTMENT OF FINANCE AND ADMINISTRATION TO RESTORE ALLOTMENTS FROM THE GENERAL FUND.--

A. Notwithstanding provisions of Section 7-27-12, 7-27-12.2 or 22-24-4 NMSA 1978 or any other law to the contrary, the unexpended balance of the appropriation from the public school capital outlay fund in Laws 2013, Chapter 226 to the board of regents of the New Mexico school for the deaf to purchase, install, plan, design, renovate and construct improvements to infrastructure throughout the campus of the New Mexico school for the deaf in Santa Fe in Santa Fe county shall not be expended for the original purpose, but shall be disencumbered and may be expended as provided in Subsection C of this section.

B. Notwithstanding provisions of Section 7-27-12, 7-27-12.2 or 22-24-4 NMSA 1978 or any other law to the contrary, the unexpended balance of the

appropriation from the public school capital outlay fund in Laws 2015 (1st S.S.), Chapter 3, Section 75 to renovate and construct public school pre-kindergarten classrooms statewide shall not be expended for the original purpose, but shall be disencumbered and may be expended as provided in Subsection C of this section.

C. Upon certification by the secretary of finance and administration of the need to use the amount disencumbered pursuant to Subsections A and B of this section to restore the allotments from the general fund for capital project appropriations whose expenditure periods ended on or before June 30, 2016, the board of finance division of the department of finance and administration shall transfer the disencumbered amount to the general fund for that use by the department in fiscal year 2017.

Chapter 5 Section 6 Laws 2016 (2nd S.S.)

SECTION 6. APPROPRIATION FROM PUBLIC SCHOOL CAPITAL OUTLAY FUND--TRANSFER TO DEPARTMENT OF FINANCE AND ADMINISTRATION TO RESTORE ALLOTMENTS FROM THE GENERAL FUND.--

A. The following appropriation is from the unexpended proceeds of supplemental severance tax bonds that are no longer needed for the projects for which bonds were issued. Notwithstanding the provisions of Section 7-27-12, 7-27-12.2 or 22-24-4 NMSA 1978 or any other law to the contrary, an amount not to exceed twelve million three hundred sixty-eight thousand six hundred twenty-nine dollars (\$12,368,629) is appropriated from the public school capital outlay fund, contingent upon approval of the public school capital outlay council, for expenditure as provided in Subsection B of this section.

B. Upon certification by the secretary of finance and administration of the need to use an amount from the public school capital outlay fund as specified in Subsection A of this section to restore the allotments from the general fund for capital project appropriations whose expenditure periods ended on or before June 30, 2016, the board of finance division of the department of finance and administration shall transfer that amount to the general fund for that use by the department in fiscal year 2017.

Chapter 5 Section 7 Laws 2016 (2nd S.S.)

SECTION 7. AUTHORIZATION TO ISSUE ADDITIONAL SHORT-TERM SEVERANCE TAX BONDS.--

A. In fiscal year 2017, in addition to the bonds issued in accordance with Section 7-27-14 NMSA 1978 and notwithstanding the limitations of that section, the state board of finance may, in accordance with the Severance Tax Bonding Act, issue and sell severance tax bonds whose terms end on or before June 30, 2017 when the secretary of finance and administration certifies the need for the bonds.

B. The secretary of finance and administration shall certify the need for bonds only if the balance in the severance tax bonding fund as of the date that the bonds are issued exceeds the sum of:

(1) the debt service on the severance tax bonds issued in accordance with this section and Section 8 of this 2016 act;

(2) the debt service scheduled to be paid during the remainder of the fiscal year on all outstanding severance tax bonds and supplemental severance tax bonds; and

(3) the amount necessary to meet all principal and interest payments on outstanding bonds payable from the severance tax bonding fund on the next two ensuing semiannual payment dates.

C. The state board of finance shall schedule the issuance and sale of the bonds as expeditiously and economically as possible. The board shall further take the appropriate steps necessary to comply with the Internal Revenue Code of 1986, as amended.

D. Proceeds from the sale of the bonds are appropriated to the general fund. The board of finance division of the department of finance and administration shall transfer the proceeds to the general fund for use by the department in fiscal year 2017 to restore the allotments from the general fund for capital project appropriations whose expenditure periods ended on or before June 30, 2016.

Chapter 5 Section 8 Laws 2016 (2nd S.S.)

SECTION 8. 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 Section 3 of this 2016 act and for which severance tax bond proceeds authorized pursuant to Section 2 of this 2016 act are not otherwise used. 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 issued pursuant to this section or authorized as provided in Section 2 of this 2016 act are appropriated for the purposes specified in Section 3 of this 2016 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 or authorized as provided in Section 2 of this 2016 act is needed for the purposes specified in Section 3 of this 2016 act. If an agency has not certified the need for severance tax bond proceeds for a particular project by the end of fiscal year 2019, the authorization for that project is void.

C. Before an agency may certify for the need of severance tax bond proceeds issued pursuant to this section or authorized as provided in Section 2 of this 2016 act, 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 section or authorized as provided in Section 2 of this 2016 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 2021; and

(2) all remaining balances from the proceeds of severance tax bonds appropriated for a project pursuant to this section 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 section 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.

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 5 Section 9 Laws 2016 (2nd S.S.)

SECTION 9. Section 7-27-10.1 NMSA 1978 (being Laws 2003, Chapter 134, Section 1, as amended) is amended to read:

"7-27-10.1. BONDING CAPACITY--AUTHORIZATION FOR SEVERANCE TAX BONDS--PRIORITY FOR WATER PROJECTS AND TRIBAL INFRASTRUCTURE PROJECTS.--

A. By January 15 of each year, the division shall estimate the amount of bonding capacity available for severance tax bonds to be authorized by the legislature.

B. The division shall allocate nine percent of the estimated bonding capacity each year for water projects, and the legislature authorizes the state board of finance to issue severance tax bonds in the annually allocated amount for use by the water trust board to fund water projects statewide. The water trust board shall certify to the state board of finance the need for issuance of bonds for water projects. The state board of finance may issue and sell the bonds in the same manner as other severance tax bonds in an amount not to exceed the authorized amount provided for in this subsection. If necessary, the state board of finance shall take the appropriate steps to comply with the federal Internal Revenue Code of 1986, as amended. Proceeds from the sale of the bonds are appropriated to the water project fund in the New Mexico finance authority for the purposes certified by the water trust board to the state board of finance.

C. The division shall allocate the following percentages of the estimated bonding capacity for tribal infrastructure projects:

(1) in 2016, six and one-half percent; and

(2) in 2017 and each subsequent year, four and one-half percent.

D. The legislature authorizes the state board of finance to issue severance tax bonds in the amount allocated pursuant to this section for use by the tribal infrastructure board to fund tribal infrastructure projects. The tribal infrastructure board shall certify to the state board of finance the need for issuance of bonds for tribal infrastructure projects. The state board of finance may issue and sell the bonds in the same manner as other severance tax bonds in an amount not to exceed the authorized

amount provided for in this subsection. If necessary, the state board of finance shall take the appropriate steps to comply with the federal Internal Revenue Code of 1986, as amended. Proceeds from the sale of the bonds are appropriated to the tribal infrastructure project fund for the purposes certified by the tribal infrastructure board to the state board of finance.

E. Money from the severance tax bonds provided for in this section shall not be used to pay indirect project costs. Any unexpended balance from proceeds of severance tax bonds issued for a water project or a tribal infrastructure project shall revert to the severance tax bonding fund within six months of completion of the project. The New Mexico finance authority shall monitor and ensure proper reversions of the bond proceeds appropriated for water projects, and the department of finance and administration shall monitor and ensure proper reversions of the bond proceeds appropriated for tribal infrastructure projects.

F. As used in this section:

(1) "division" means the board of finance division of the department of finance and administration;

(2) "tribal infrastructure project" means a qualified project under the Tribal Infrastructure Act; and

(3) "water project" means a capital outlay project for:

(a) the storage, conveyance or delivery of water to end users;

(b) the implementation of federal Endangered Species Act of 1973 collaborative programs;

(c) the restoration and management of watersheds;

(d) flood prevention; or

(e) conservation, recycling, treatment or reuse of water."

Chapter 5 Section 10 Laws 2016 (2nd S.S.)

SECTION 10. Section 7-27-12.5 NMSA 1978 (being Laws 2010, Chapter 10, Section 9, as amended) is amended to read:

"7-27-12.5. AUTHORIZATION FOR SEVERANCE TAX BONDS--PRIORITY FOR INFRASTRUCTURE PROJECTS FOR COLONIAS.--

A. After the annual estimate of severance tax bonding capacity pursuant to Subsection A of Section 7-27-10.1 NMSA 1978, the board of finance division of the department of finance and administration shall allocate the following percentages of the estimated bonding capacity for colonias infrastructure projects:

(1) in 2016, six and one-half percent; and

(2) in 2017 and each subsequent year, four and one-half percent.

B. The legislature authorizes the state board of finance to issue severance tax bonds in the amount allocated pursuant to this section for use by the colonias infrastructure board to fund the projects. The colonias infrastructure board shall certify to the state board of finance the need for issuance of bonds for colonias infrastructure projects. The state board of finance may issue and sell the bonds in the same manner as other severance tax bonds in an amount not to exceed the authorized amount provided for in this subsection. If necessary, the state board of finance shall take the appropriate steps to comply with the federal Internal Revenue Code of 1986, as amended. Proceeds from the sale of the bonds are appropriated to the colonias infrastructure project fund for the purposes certified by the colonias infrastructure board to the state board of finance.

C. Money from the severance tax bonds provided for in this section shall not be used to pay indirect project costs. Any unexpended balance from proceeds of severance tax bonds issued for a colonias infrastructure project shall revert to the severance tax bonding fund within six months of completion of the project. The colonias infrastructure board shall monitor and ensure proper reversions of the bond proceeds appropriated for the projects.

D. As used in this section, "colonias infrastructure project" means a qualified project under the Colonias Infrastructure Act."

Chapter 5 Section 11 Laws 2016 (2nd S.S.)

SECTION 11. SEVERANCE TAX BONDING CAPACITY ESTIMATE--FISCAL YEAR 2017.--The board of finance division of the department of finance and administration shall subtract the amount of severance tax bonds issued in fiscal year 2017 pursuant to this 2016 act when it estimates the amount of severance tax bonding capacity available in fiscal year 2017 for severance tax bonds to be allocated for water projects and tribal infrastructure projects pursuant to Section 7-27-10.1 NMSA 1978 and for colonias infrastructure projects pursuant to Section 7-27-12.5 NMSA 1978.

Chapter 5 Section 12 Laws 2016 (2nd S.S.)

SECTION 12. SEVERABILITY.--If, in this 2016 act, a specific reversion, a voided authorization, a change in the use of severance tax bond proceeds or an authorization to expend severance tax bond proceeds is held invalid or otherwise cannot be

effectuated, the remainder of the act and any other reversion, voided authorization, change in the use of severance tax bond proceeds or authorization to expend severance tax bond proceeds shall not be affected.

Chapter 5 Section 13 Laws 2016 (2nd S.S.)

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

Senate Bill 8, w/ec, partial veto

Approved October 21, 2016

LAWS 2016 (2nd S.S.) CHAPTER 6

AN ACT

RELATING TO STATE EXPENDITURES; REDUCING LEGISLATIVE APPROPRIATIONS IN LAWS 2016, CHAPTER 1; ENACTING A NEW SECTION OF THE GENERAL APPROPRIATION ACT OF 2016 TO REDUCE CERTAIN GENERAL FUND APPROPRIATIONS FOR FISCAL YEAR 2017; MAKING AN APPROPRIATION.

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

Chapter 6 Section 1 Laws 2016 (2nd S.S.)

SECTION 1. LEGISLATIVE BRANCH APPROPRIATION REDUCTIONS.--The appropriations made from the general fund in Laws 2016, Chapter 1, Sections 3 through 8 are reduced by three percent rounded to the nearest one hundred dollars (\$100). To meet the reductions required by this section and maintain government efficiency, the New Mexico legislative council shall determine the amount of reduction applied to each legislative agency and purpose and may transfer amounts from any of the appropriations in Laws 2016, Chapter 1 to any other legislative appropriation where they may be amended.

Chapter 6 Section 2 Laws 2016 (2nd S.S.)

SECTION 2. A new section of the General Appropriation Act of 2016 is enacted to read:

"APPROPRIATION REDUCTIONS.--

A. Except as provided in Subsections B through J of this section, all amounts set out under the general fund column in Section 4 of the General Appropriation Act of 2016 are reduced by five and one-half percent rounded to the nearest one hundred dollars (\$100).

B. The general fund appropriations in Section 4 of the General Appropriation Act of 2016 for the university of New Mexico, New Mexico state university, New Mexico highlands university, western New Mexico university, eastern New Mexico university, New Mexico institute of mining and technology, northern New Mexico college, Santa Fe community college, central New Mexico community college, Luna community college, Mesalands community college, New Mexico junior college, San Juan college, Clovis community college, New Mexico military institute, New Mexico school for the blind and visually impaired and New Mexico school for the deaf are reduced by five percent rounded to the nearest one hundred dollars (\$100). [~~The reductions provided for in this subsection shall be prioritized to the non-instructional expenditures of the educational institutions.~~] *LINE-ITEM VETO*

C. The general fund appropriations in Section 4 of the General Appropriation Act of 2016 to the supreme court law library, judicial standards commission, court of appeals, supreme court, administrative office of the courts, supreme court building commission, district courts, Bernalillo county metropolitan court, district attorneys, administrative office of the district attorneys and public defender department are reduced by three percent rounded to the nearest one hundred dollars (\$100).

D. The general fund appropriations in Section 4 of the General Appropriation Act of 2016 to the following are reduced by two and one-half percent rounded to the nearest one hundred dollars (\$100):

(1) legislative building services; and

(2) for the human services department:

(a) program support;

(b) the child support enforcement program;

(c) the income support program; and

(d) the behavioral health services program.

E. The general fund appropriations in Section 4 of the General Appropriation Act of 2016 to the following programs of the corrections department are reduced by one and one-half percent rounded to the nearest one hundred dollars (\$100):

- (1) the inmate management and control program;
- (2) the community offender management program; and
- (3) program support.

F. The general fund appropriations in Section 4 of the General Appropriation Act of 2016 to the following are not reduced:

- (1) for the human services department:
 - (a) the medical assistance program; and
 - (b) medicaid behavioral health program;
- (2) for the department of health:
 - (a) the facilities management program;
 - (b) the developmental disabilities support program; and
 - (c) contracts for sexual assault services and prevention in the epidemiology and response program;
- (3) the veterans' services department;
- (4) the children, youth and families department;
- (5) the department of public safety;
- (6) for the legislative council service, the energy council dues; and
- (7) for the public education department, the special appropriations made in Subparagraphs (e), (j) and (k).

G. The general fund appropriations in Section 4 of the General Appropriation Act of 2016 to the following are reduced as follows:

~~[(1) public education department special appropriations made in Subparagraphs (a) through (d), (f) through (i) and (l) through (t) are reduced by twenty-two million dollars (\$22,000,000) in the aggregate;] *LINE-ITEM VETO*~~

(2) the state equalization guarantee distribution for public school support is reduced by thirty-seven million eight hundred thousand dollars (\$37,800,000); provided that the secretary of public education shall set the final unit value one and one-half percent lower than the preliminary unit value by December 15, 2016 to account for

the reduction provided for in this paragraph, and the reduction shall be prioritized to the non-instructional expenditures of the school districts and charter schools, and for fiscal year 2017, if the program cost made available is insufficient to meet the level of state support required by the special education maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act, the public education department may reduce the state equalization guarantee distribution in an amount that equals the projected shortfall and distribute that amount to school districts and charter schools in the same manner and on the same basis as the state equalization guarantee distribution to meet the level of support required by Part B of the federal Individuals with Disabilities Education Act for fiscal year 2017; and

(3) the transportation distribution, supplemental distribution, instructional material fund, dual-credit instructional materials, Indian education fund and standards-based assessments are reduced by thirty million dollars (\$30,000,000) in the aggregate.

H. Notwithstanding the provisions of the Public School Finance Act and the Instructional Material Law, the use of cash balances derived from general fund appropriations for instructional materials and school transportation made in fiscal year 2016 and previous fiscal years shall not be restricted in fiscal year 2017 and may be transferred to the operational fund. ~~[The public education department shall provide the legislative finance committee and the legislative education study committee with a report on the amount spent and transferred from the cash balances.]~~ *LINE-ITEM VETO*

I. Notwithstanding the provisions of the Public School Capital Improvements Act and the Public School Buildings Act, property tax revenue generated from an election pursuant to these acts in fiscal year 2017 or previous fiscal years or cash balances derived from property taxes imposed pursuant to these acts in previous fiscal years may be used for any purpose; provided that, if a new purpose is designated that does not conform with the original resolution, a new resolution shall be submitted to the qualified electors prior to repurposing any property tax revenue imposed pursuant to the acts.

J. Notwithstanding the provisions of the Instructional Material Law, a school district or charter school may use up to one hundred percent of its 2017 instructional material allocation or cash balances derived from prior allocations for instructional materials and other classroom materials without restrictions on the use of funds established in Subsection C of Section 22-15-9 NMSA 1978; provided that the funds are used for instructional materials and other classroom materials as defined in Section 22-15-2 NMSA 1978."

Chapter 6 Section 3 Laws 2016 (2nd S.S.)

SECTION 3. A new section of the General Appropriation Act of 2016 is enacted to read:

"OPERATING BUDGETS AND ALLOTMENTS REDUCED TO COMPLY--
DEPARTMENT OF FINANCE AND ADMINISTRATION.--The department of finance and administration and, for legislative branch reductions, the New Mexico legislative council shall reduce fiscal year 2017 operating budgets and adjust allotments to comply with the provisions of this 2016 act and may reduce appropriations from other state funds, internal service/interagency transfers and federal funds as necessary to match the general fund reductions in the fiscal year 2017 operating budgets. The legislative finance committee shall review the adjusted operating budgets in a timely manner."

Chapter 6 Section 4 Laws 2016 (2nd S.S.)

~~[SECTION 4. TEMPORARY PROVISION--REPORTS.--The department of finance and administration, the higher education department for public post-secondary educational institutions and special schools and the public education department for public schools shall report the new operating budgets, including allotment adjustments, to the New Mexico legislative council, the legislative finance committee and the legislative education study committee on the implementation of this act for state government, public post-secondary educational institutions and public schools. Reports, including new operating budgets, shall be published on the departments' websites.]~~

LINE-ITEM VETO

Chapter 6 Section 5 Laws 2016 (2nd S.S.)

SECTION 5. TEMPORARY PROVISION--FISCAL YEAR 2017--BUDGET ADJUSTMENT REQUESTS--PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS.--

A. For fiscal year 2017, upon approval of the higher education department and review of the legislative finance committee, the state budget division of the department of finance and administration may approve a budget adjustment request to transfer money to the category of instruction and general purposes of up to twenty-five percent of the following appropriations made pursuant to the General Appropriation Act of 2016:

(1) from an appropriation to a university, community college, branch campus or other institution identified in Subsection C of this section, in the category of appropriations classified as other;

(2) from an appropriation to a university, community college, branch campus or other institution identified in Subsection C of this section, for research and public service projects or athletics;

(3) from an appropriation to a university identified in Paragraphs (1) through (5) of Subsection C of this section, for instructional television; and

(4) from an appropriation to a branch campus of a university identified in Paragraphs (1) through (4) of Subsection C of this section or to an institution identified in Paragraphs (6) through (13) of Subsection C of this section, for any purpose excluding instructional and general purposes.

~~[B. The higher education department shall not approve a budget adjustment request to transfer money from an appropriation for a state agency or program administered by a university identified in Paragraphs (1) through (5) of Subsection C of this section.]~~ *LINE-ITEM VETO*

C. The provisions of this section apply to the following post-secondary educational institutions:

- campuses; (1) the university of New Mexico, including each of its branch
- campuses; (2) New Mexico state university, including each of its branch
- campuses; (3) New Mexico highlands university, including each of its branch
- campuses; (4) eastern New Mexico university, including each of its branch
- (5) the New Mexico institute of mining and technology;
- (6) northern New Mexico college;
- (7) Santa Fe community college;
- (8) central New Mexico community college;
- (9) Luna community college;
- (10) Mesalands community college;
- (11) New Mexico junior college;
- (12) San Juan college;
- (13) Clovis community college; and
- (14) the New Mexico military institute.

Chapter 6 Section 6 Laws 2016 (2nd S.S.)

SECTION 6. APPROPRIATION.--One million dollars (\$1,000,000) is appropriated from the general fund to the department of finance and administration for expenditure in fiscal year 2017 for distribution with approval of the state board of finance to agencies experiencing hardships in fiscal year 2017 resulting from reductions made in this act. [~~The department of finance and administration shall report to the legislative finance committee and the legislative education study committee on expenditures made from this appropriation.~~] Any unexpended or unencumbered balance remaining at the end of fiscal year 2017 shall revert to the general fund. *LINE-ITEM VETO*

Senate Bill 9, aa, w/o ec

Approved October 24, 2016

LAWS 2016 (2nd S.S.) CHAPTER 7

AN ACT

RELATING TO CERTAIN GOVERNMENT FUNCTIONS; APPROPRIATING FUNDS FOR THE EXPENSE OF THE FIFTY-SECOND LEGISLATURE, SECOND SPECIAL SESSION, 2016; DECLARING AN EMERGENCY.

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

Chapter 7 Section 1 Laws 2016 (2nd S.S.)

SECTION 1. SPECIAL SESSION--APPROPRIATION.--

A. The following amounts are appropriated from the legislative cash balances for expenditure in fiscal year 2017 for the following expenses of the second special session of the fifty-second legislature:

(1) for the expense of the house of representatives, one hundred seventy-three thousand dollars (\$173,000) 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, fifty-three thousand four hundred dollars (\$53,400) 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 and the joint bill room, thirty-eight thousand dollars (\$38,000) to be disbursed on vouchers signed by the director of the legislative council service or the director's designee.

B. Following adjournment of the second special session of the fifty-second 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 7 Section 2 Laws 2016 (2nd S.S.)

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

Senate Bill 12, aa, w/ec

Approved October 24, 2016

2016 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
Brad Winter, Republican	Secretary of State
Timothy M. Keller, Democrat	State Auditor
Tim Eichenberg, Democrat	State Treasurer
Hector H. Balderas, Democrat	Attorney General
Aubrey Dunn, Republican	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
Lynda M. Lovejoy, Democrat	Public Regulation Commissioner, District 4
Sandy R. Jones, Democrat	Public Regulation Commissioner, District 5

JUSTICES OF THE SUPREME COURT

Charles W. Daniels, Chief Justice
Edward L. Chavez
Petra Jimenez Maes
Judith Nakamura
Barbara J. Vigil

JUDGES OF THE COURT OF APPEALS

Michael E. Vigil, Chief Judge
Roderick T. Kennedy
James J. Wechsler
Michael D. Bustamante
Jonathan B. Sutin
Stephen French
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 F. LaMar	Santa Fe
Division	V	Jennifer L. Attrep	Santa Fe
Division	VI	David K. Thomson	Santa Fe
Division	VII	T. Glenn Ellington	Santa Fe
Division	VIII	Mary L. Marlowe Sommer	Santa Fe
Division	IX	Matthew J. Wilson	Santa Fe

**SECOND JUDICIAL DISTRICT
Bernalillo County**

Division	I	William Parnall	Albuquerque
Division	II	Stan Whitaker	Albuquerque
Division	III	Brett Loveless	Albuquerque
Division	IV	Beatrice Brickhouse	Albuquerque
Division	V	Nancy J. Franchini	Albuquerque
Division	VI	Briana Zamora	Albuquerque
Division	VII	John J. Romero	Albuquerque
Division	VIII	Cristina T. Jaramillo	Albuquerque
Division	IX	David Williams	Albuquerque
Division	X	Christina P. Argyres	Albuquerque
Division	XI	Gerard Lavelle	Albuquerque
Division	XII	Clay Campbell	Albuquerque
Division	XIII	Valerie A. Huling	Albuquerque
Division	XIV	Marie Ward	Albuquerque
Division	XV	Alan Malott	Albuquerque
Division	XVI	Carl 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 Hadfield	Albuquerque
Division	XXII	Deborah Davis Walker	Albuquerque
Division	XXIII	Shannon Bacon	Albuquerque
Division	XXIV	Debra Ramirez	Albuquerque
Division	XXV	Elizabeth Whitefield	Albuquerque
Division	XXVI	Charles W. Brown	Albuquerque
Division	XXVII	Victor S. Lopez	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. Macías	Las Cruces

FOURTH JUDICIAL DISTRICT
Guadalupe, Mora & San Miguel Counties

Division	I	Gerald Baca	Las Vegas
Division	II	Abigail P. Aragon	Las Vegas
Division	III	Matthew J. Sandoval	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	Kea W. Riggs	Roswell
Division	IX	Lisa Riley	Carlsbad
Division	X	Steven L. Bell	Chaves
Division	XI	Lee A. Kirksey	Lea

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	Mercedes C. Murphy	Socorro
Division	II	Matthew G. Reynolds	Socorro
Division	III	Kevin R. Sweazea	Estancia

EIGHTH JUDICIAL DISTRICT
Colfax, Union & Taos Counties

Division	I	Emilio Chavez	Raton
Division	II	Sarah C. Backus	Taos
Division	III	Jeff F. McElroy	Taos

NINTH JUDICIAL DISTRICT
Curry & Roosevelt Counties

Division	I	Matthew E. Chandler	Clovis
Division	II	Drew D. Tatum	Clovis
Division	III	Fred Van Soelen	Clovis, Portales
Division	IV	Donna J. Mowrer	Clovis, Portales
Division	V	David P. Reeb	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	Bradford J. Dalley	Farmington
Division	II	Louis E. DePauli, Jr.	Gallup
Division	III	Sandra A. Price	Farmington
Division	IV	John Arthur Dean, Jr.	Farmington
Division	V	Lyndy D. Bennett	Gallup
Division	VI	Daylene A. 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	Daniel A. Bryant	Carrizozo
Division	IV	Angie K. Schneider	Alamogordo

**THIRTEENTH JUDICIAL DISTRICT
Cibola, Sandoval & Valencia Counties**

Division	I	James Lawrence Sanchez	Los Lunas
Division	II	George P. Eichwald	Bernalillo
Division	III	Allen R. Smith	Los Lunas
Division	IV	Pedro Rael	Grants
Division	V	Louis P. McDonald	Bernalillo
Division	VI	Cindy M. Mercer	Los Lunas
Division	VII	John F. Davis	Bernalillo
Division	VII	Cheryl H. Johnston	Bernalillo

DISTRICT ATTORNEYS

First Judicial District	Jennifer Padgett	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	Dianna Luce	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	Andrea R. Reeb	Curry & Roosevelt
Tenth Judicial District	Timothy L. Rose	Quay, Harding & DeBaca
Eleventh Judicial District	Robert "Rick" P. Tedrow	Division 1: San Juan
	Karl R. Gillson	Division 2: McKinley
Twelfth Judicial District	David Ceballes	Otero & Lincoln
Thirteenth Judicial District	Lemuel L. Martinez	Sandoval, Valencia & Cibola

**STATE SENATORS SERVING IN THE FIFTY-SECOND LEGISLATURE
STATE OF NEW MEXICO
SECOND SPECIAL SESSION
CONVENED SEPTEMBER 30th, 2016**

<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. Muñoz	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	Mimi Stewart	Albuquerque
18	Bernalillo	Lisa A. Torrace	Albuquerque
19	Bernalillo, Sandoval, Santa Fe & Tarrant	James P. White	Sandia Park
20	Bernalillo	William H. Payne	Albuquerque
21	Bernalillo	Mark Moores	Albuquerque
22	Bernalillo, McKinley, Rio Arriba, San Juan, & Sandoval	Benny Shendo, Jr.	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, Tarrant & Valencia	Ted Barela	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-SECOND LEGISLATURE
STATE OF NEW MEXICO
SECOND SPECIAL SESSION
CONVENED SEPTEMBER 30th, 2016**

<u>District</u>	<u>County</u>	<u>Name</u>	<u>City</u>
1	San Juan	Rodney D. Montoya	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	D. Wonda Johnson	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	G. Andres Romero	Albuquerque
11	Bernalillo	Javier. I. Martinez	Albuquerque
12	Bernalillo	Patricio R. Ruiloba	Albuquerque
13	Bernalillo	Patricia A. Roybal Caballero	Albuquerque
14	Bernalillo	Miguel P. Garcia	Albuquerque
15	Bernalillo	Sarah Maestas Barnes	Albuquerque
16	Bernalillo	Antonio "Moe" Maestas	Albuquerque
17	Bernalillo	Deborah A. Armstrong	Albuquerque
18	Bernalillo	Gail Chasey	Albuquerque
19	Bernalillo	Sheryl Williams Stapleton	Albuquerque
20	Bernalillo	Jim Dines	Albuquerque
21	Bernalillo	Idalia Lechuga-Tena	Albuquerque
22	Bernalillo, Sandoval & Santa Fe	James E. Smith	Sandia Park
23	Bernalillo & Sandoval	Paul A. Pacheco	Albuquerque
24	Bernalillo	Conrad D. James	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	David Edward Adkins	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	Bealquin Bill Gomez	Las Cruces
35	Doña Ana	Jeff Steinborn	Las Cruces
36	Doña Ana	Andrew "Andy" Nuñez	Las Cruces
37	Doña Ana	Terry H. McMillan	Las Cruces
38	Grant, Hidalgo & Sierra	Dianne Miller Hamilton	Silver City
39	Doña Ana, Grant & Sierra	John L. Zimmerman	Las Cruces
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, Jr.	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	Matthew McQueen	Galisteo
51	Otero	Yvette Herrell	Alamogordo
52	Doña Ana	Doreen Y. Gallegos	Las Cruces
53	Doña Ana & Otero	Rick Little	Chaparral
54	Chaves, Eddy & Otero	James G. Townsend	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	Larry R. Scott	Hobbs
63	Curry, DeBaca, Guadalupe, Roosevelt & San Miguel	George Dodge, Jr.	Santa Rosa
64	Curry	Randal S. Crowder	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	Harry Garcia	Grants
70	San Miguel, Santa Fe & Tarrant	Tomás E. Salazar	Las Vegas