

Chapter 1 Section 1

Section 1. INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED--LICENSURE MORATORIUM.--

A. The department of health shall not issue a license to any new intermediate care facility for the mentally retarded, and the department shall not issue a license for an increase beyond the intermediate care bed capacity for the mentally retarded that existed on January 1, 1998. No intermediate care facility shall apply for a license except as provided in Subsection B of this section.

B. Except as provided in Subsection C of this section for transfers, the department may accept applications for and issue licenses to intermediate care facilities for the mentally retarded on and after the earliest of the following dates:

(1) July 1, 1999, provided that the secretary of human services certifies to the secretary of health that the human services department and the department of health have approved and presented to the first session of the forty-fourth legislature a plan to control the growth of intermediate care facilities for the mentally retarded and to establish the future role of intermediate care facilities for the mentally retarded in the developmental disabilities service system; or

(2) the date the secretary of health certifies to the department of finance and administration that an emergency exists that threatens the health and safety of persons with developmental disabilities, but licenses issued pursuant to this paragraph shall not exceed the total statewide bed capacity in intermediate care facilities for the mentally retarded that existed on January 1, 1998.

C. Upon application, the department shall license no more than eighty beds beyond the total of licensed and operating intermediate care facilities for the mentally retarded as of January 1, 1998 to currently licensed intermediate care facilities for the mentally retarded for the purposes of this subsection, provided that:

(1) the facilities are licensed to provide sufficient beds and care for no more than four mentally retarded persons per residence;

(2) the facilities include fiscal, geographic, service and access criteria pursuant to rules adopted by the department of health necessary to provide for the needs of persons in need of those facilities;

(3) the facilities are in accordance with the freedom of choice provisions of Title 19 of the Social Security Act;

(4) the facilities are located no closer than one hundred fifty feet from an existing intermediate care facility for the mentally retarded, home for persons with developmental disabilities or a nursing home; and

(5) eight of the eighty beds shall be exempt from the provisions of Paragraphs (1) through (4) of this subsection and are transferred to the Las Vegas medical center by the department of health for the purposes of programs for persons with developmental disabilities.

D. As used in this section, "intermediate care facility for the mentally retarded" means any intermediate care facility eligible for certification as an intermediate care facility for the mentally retarded.

Chapter 1 Section 2

Section 2. DELAYED REPEAL.--Section 1 of this act is repealed on July 1, 2000.

Chapter 1 Section 3

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

SENATE BILL 254, AS AMENDED,

WITH EMERGENCY CLAUSE

VETOED BY GOVERNOR MARCH 11, 1998

VETO OVERRIDEN MAY 2, 1998

CHAPTER 2

AN ACT

RELATING TO LEGISLATIVE EXPENDITURES; MAKING AN
APPROPRIATION FOR THE PAYMENT OF PER DIEM AND MILEAGE FOR
THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF
EMPLOYEES OF THE LEGISLATURE, FOR THE LEGISLATIVE EXPENSE OF
SUPPLIES, EQUIPMENT AND SERVICES AND FOR THE LEGISLATIVE
COUNCIL SERVICE FOR THE FIRST SPECIAL SESSION OF THE FORTY-

THIRD LEGISLATURE, FOR PRE-SESSION EXPENSES AND FOR THE INTERIM EXPENSES OF THE SENATE RULES COMMITTEE; DECLARING AN EMERGENCY.

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

Chapter 2 Section 1

Section 1. SPECIAL SESSION--APPROPRIATION.--

A. The following amounts are appropriated from the legislative council service cash balances for expenditure in fiscal year 1998 for the following expenses of the first special session of the forty-third legislature:

(1) for the expense of the house of representatives, two hundred thirty-three thousand four hundred dollars (\$233,400) to be disbursed on vouchers signed by the speaker and the chief clerk of the house of representatives;

(2) for the expense of the senate, two hundred thousand dollars (\$200,000) to be disbursed on vouchers signed by the chairman of the committees' committee and the chief clerk of the senate; and

(3) for the expense of the legislative council service, the joint billroom and the legislative switchboard, ninety thousand dollars (\$90,000) to be disbursed on vouchers signed by the director of the legislative council service or his authorized representative.

B. Following adjournment of the first special session of the forty-third legislature, expenditures authorized in this section shall be disbursed on

vouchers signed by the director of the legislative council service or his authorized representative.

Chapter 2 Section 2

Section 2. LEGISLATIVE PRE-SESSION EXPENSES--SENATE RULES COMMITTEE--APPROPRIATIONS.--

A. The following amounts are appropriated from the general fund to the legislative council service for expenditure in fiscal year 1999 for the following purposes:

(1) three hundred fifty-two thousand three hundred dollars (\$352,300) for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation; and

(2) twenty-one thousand six hundred dollars (\$21,600) for the interim expenses of the senate rules committee.

Chapter 2 Section 3

Section 3. LEGISLATIVE INTERIM EXPENSES.--Eight hundred eighty-six thousand dollars (\$886,000) from the general fund and two hundred seventy-four thousand dollars (\$274,000) from legislative council service cash balances are appropriated to the legislative council service for expenditure in fiscal year 1999 for interim expenses, including a leadership staff pilot project conducted under the aegis of the legislative council service. Any unexpended or unencumbered balance remaining at the end of fiscal year 1999 shall not revert to the general fund.

Chapter 2 Section 4

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

HOUSE BILL 1, AS AMENDED

WITH EMERGENCY CLAUSE

EFFECTIVE MAY 2, 1998

CHAPTER 3

AN ACT

EXCEPTING FROM THE REQUIREMENTS OF THE INSPECTION OF PUBLIC RECORDS ACT A PUBLIC RECORD CONTAINING THE IDENTITY OF OR IDENTIFYING INFORMATION RELATING TO AN APPLICANT OR NOMINEE FOR PRESIDENT OF A PUBLIC INSTITUTION OF HIGHER EDUCATION; DECLARING AN EMERGENCY.

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

Chapter 3 Section 1

Section 1. Section 14-2-1 NMSA 1978 (being Laws 1947, Chapter 130, Section 1, as amended) is amended to read:

"14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--

A. Every person has a right to inspect any public records of this state except:

(1) records pertaining to physical or mental examinations and medical treatment of persons confined to any institution;

(2) letters of reference concerning employment, licensing or permits;

(3) letters or memorandums which are matters of opinion in personnel files or students' cumulative files;

(4) law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime. Law enforcement records include evidence in any form received or compiled in connection with any criminal investigation or prosecution by any law enforcement or prosecuting agency, including inactive matters or closed investigations to the extent that they contain the information listed above;

(5) as provided by the Confidential Materials Act;

(6) public records containing the identity of or identifying information relating to an applicant or nominee for the position of president of a public institution of higher education; and

(7) as otherwise provided by law.

B. At least twenty-one days before the date of the meeting of the governing board of a public institution of higher education at which final action is taken on selection of the person for the position of president of the institution, the governing board shall give public notice of the names of the finalists being considered for the position. The board shall consider in the final selection process at least five finalists. The required notice shall be given by publication in a newspaper of statewide circulation and in a newspaper of county-wide circulation in the county in which the institution is located. Publication shall be

made once and shall occur at least twenty-one days and not more than thirty days before the described meeting.

C. Postponement of a meeting described in Subsection B of this section for which notice has been given does not relieve the governing body from the requirement of giving notice of a rescheduled meeting in accordance with the provisions of Subsection B of this section.

D. Action taken by a governing body without compliance with the notice requirements of Subsections B and C of this section is void.

E. Nothing in Subsections B through D of this section prohibits a governing body from identifying or otherwise disclosing the information described in this section."

Chapter 3 Section 2

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

HOUSE JUCICIARY COMMITTEE SUBSTITUTE

FOR HOUSE BILL 5, AS AMENDED

WITH EMERGENCY CLAUSE

EFFECTIVE MAY 11, 1998

CHAPTER 4

AN ACT

RENAMING THE LEGISLATOR SCHOLARSHIP PROGRAM AT THE NEW MEXICO MILITARY INSTITUTE THE "GENERAL RICHARD T. KNOWLES LEGISLATIVE SCHOLARSHIP PROGRAM".

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

Chapter 4 Section 1

Section 1. Section 21-12-11 NMSA 1978 (being Laws 1989, Chapter 44, Section 1 and Laws 1989, Chapter 45, Section 1) is amended to read:

"21-12-11. GENERAL RICHARD T. KNOWLES LEGISLATIVE SCHOLARSHIP PROGRAM CREATED--PURPOSE.--There is created the "General Richard T. Knowles legislative scholarship program" at the New Mexico military institute. The purpose of the program is to increase the number of New Mexico residents attending the New Mexico military institute and to increase the opportunity for promising young people who might not otherwise have the opportunity to participate in a military education and environment."

Chapter 4 Section 2

Section 2. Section 21-12-12 NMSA 1978 (being Laws 1989, Chapter 44, Section 2 and Laws 1989, Chapter 45, Section 2) is amended to read:

"21-12-12. PROGRAM ADMINISTRATION--CRITERIA.--

A. The General Richard T. Knowles legislative scholarship program shall be administered by the board of regents of the New Mexico military institute. The board of regents shall establish one hundred twelve scholarships available to New Mexico residents, one scholarship available for each state legislative district.

B. Annually, each state legislator may nominate four prospective scholarship recipients to the board of regents of the New Mexico military institute. If a legislator has no applicant from his or her district, that senator or representative may choose to nominate an applicant from a senate or representative district contiguous to his or her own, thus maintaining geographical diversity in the corps of cadets while affording a greater opportunity for more New Mexicans to receive a scholarship.

C. Scholarships shall be awarded to qualifying New Mexico residents for a term not to exceed four years.

D. The board of regents shall establish criteria for the awarding of scholarships. Criteria shall include scholastic ability, faculty recommendations, standardized test scores, letters of recommendation, school honors and extracurricular activities."

Chapter 4 Section 3

Section 3. Section 21-12-13 NMSA 1978 (being Laws 1990, Chapter 109, Section 1) is amended to read:

"21-12-13. FUND CREATED.--The "legislative scholarship fund" is created. No money appropriated to the fund or accruing to it through gifts, grants or bequests shall be transferred to another fund. The fund shall not revert at the end of any fiscal year. Any interest earned from investment of the fund shall be credited to the legislative scholarship fund for the purpose of implementing the General Richard T. Knowles legislative scholarship program. Money in the fund is appropriated to the New Mexico military institute."

HOUSE BILL 12

CHAPTER 5

AN ACT

RELATING TO CAPITAL EXPENDITURES; MAKING AN APPROPRIATION FOR CRITICAL OUTLAY NEEDS OF SCHOOL DISTRICTS PURSUANT TO THE PUBLIC SCHOOL CAPITAL OUTLAY ACT; GIVING PREFERENCE TO THE CAPITAL NEEDS OF THE ZUNI SCHOOL DISTRICT; DECLARING AN EMERGENCY.

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

Chapter 5 Section 1

Section 1. APPROPRIATION.--Five million dollars (\$5,000,000) is appropriated from the general fund to the public school capital outlay fund for expenditure in fiscal years 1998 through 2000 for allocation to public schools for critical capital outlay needs pursuant to the Public School Capital Outlay Act. The public school capital outlay council shall give preference to the capital needs of the Zuni school district in McKinley county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2000 shall revert to the general fund.

Chapter 5 Section 2

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

HOUSE BILL 26, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MAY 11, 1998

CHAPTER 6

AN ACT

RELATING TO FINANCING COURT FACILITIES; AUTHORIZING THE ISSUANCE OF NEW MEXICO FINANCE AUTHORITY REVENUE BONDS FOR A NEW COURT BUILDING FOR THE BERNALILLO COUNTY METROPOLITAN COURT; IMPOSING FEES; CREATING FUNDS; PROVIDING FOR THE USE OF CERTAIN FUNDS FOR MAGISTRATE COURT FACILITIES; AMENDING

AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Chapter 6 Section 1

Section 1. Section 34-2-5 NMSA 1978 (being Laws 1933, Chapter 81, Section 1, as amended) is amended to read:

"34-2-5. FEES--COLLECTION BY SUPREME COURT CLERK.--The clerk of the supreme court shall collect the following fees:

A. in all cases docketed in the court, except those in which statutory exemption exists and those in which the court on showing of poverty may, by order, waive the fee, one hundred twenty-five dollars (\$125), twenty-five dollars (\$25.00) of which shall be deposited in the court automation fund and ninety-six dollars (\$96.00) of which shall be deposited in the court facilities fund; provided that in cases in which a skeleton transcript may be filed for the purpose of a motion to docket and affirm, the fee shall be twenty dollars (\$20.00), ten dollars (\$10.00) of which shall be deposited in the court automation fund and ten dollars (\$10.00) of which shall be deposited in the court facilities fund;

B. for one copy of files or a record, ten cents (\$.10) per folio and for additional copies ordered at the same time five cents (\$.05) per folio;

C. for comparing copies of files or records tendered to him, five cents (\$.05) per folio; and

D. for each certificate, one dollar (\$1.00)."

Chapter 6 Section 2

Section 2. Section 34-5-6 NMSA 1978 (being Laws 1966, Chapter 28, Section 6, as amended) is amended to read:

"34-5-6. COURT OF APPEALS--FEES AND COSTS.--

A. The clerk of the court of appeals shall collect the following fees:

docket fee, twenty-five dollars (\$25.00) of which shall be deposited in the court automation fund and one hundred dollars (\$100) of which shall be deposited in the court facilities fund \$125.00

docket fee for cases in which a skeleton transcript is filed for purpose of a motion to docket and affirm, ten dollars (\$10.00) of which shall be deposited in the court

automation fund and ten dollars (\$10.00) of which shall be deposited in the court facilities fund 20.00

single copy of records, per typewritten folio .10

each additional copy of records ordered at same time, per typewritten folio .05

copies of records reproduced by photographic process, per page .10

comparing copies of records tendered to him, per folio .05

each certificate 1.00.

B. No fees or costs shall be required in proceedings in forma pauperis, from state officers acting in their official capacity or in any other case where a statutory exemption exists.

C. Except as otherwise specifically provided by law, the clerk of the court of appeals shall pay all fees and costs to the state treasurer for credit to the state general fund."

Chapter 6 Section 3

Section 3. Section 35-6-1 NMSA 1978 (being Laws 1968, Chapter 62, Section 92, as amended by Laws 1997, Chapter 242, Section 3 and also by Laws 1997, Chapter 247, Section 1) is amended to read:

"35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF

"CONVICTED".--

A. Magistrate judges, including metropolitan court judges, shall assess and collect and shall not waive, defer or suspend the following costs:

docket fee, criminal actions under Section 29-5-1 NMSA 1978 \$ 1.00

docket fee, to be collected prior to docketing any other criminal action, except as provided in Subsection B of Section 35-6-3 NMSA 1978 20.00

Proceeds from this docket fee shall be transferred to the administrative office of the courts for deposit in the court facilities fund.

docket fee, ten dollars (\$10.00) of which shall be deposited in the court automation fund, to be collected prior to docketing any civil action, except as provided in Subsection A of Section 35-6-3 NMSA 1978 47.00

jury fee, to be collected from the party demanding trial by jury in any civil action at the time the demand is filed or made 25.00

copying fee, for making and certifying copies of any

records in the court, for each page copied by photographic process .50

Proceeds from this copying fee shall be transferred to the administrative office of the courts for deposit in the court facilities fund.

copying fee, for computer-generated or electronically transferred copies, per page 1.00.

Proceeds from this copying fee shall be transferred to the administrative office of the courts for deposit in the court automation fund. Except as otherwise specifically provided by law, docket fees shall be paid into the court facilities fund.

B. Except as otherwise provided by law, no other costs or fees shall be charged or collected in the magistrate or metropolitan court.

C. The magistrate or metropolitan court may grant free process to any party in any civil proceeding or special statutory proceeding upon a proper showing of indigency. The magistrate or metropolitan court may deny free process if it finds that the complaint on its face does not state a cause of action.

D. As used in this subsection, "convicted" means the defendant has been found guilty of a criminal charge by the magistrate or metropolitan judge, either after trial, a plea of guilty or a plea of nolo contendere. Magistrate judges, including metropolitan court judges, shall assess and collect and shall not waive, defer or suspend the following costs:

(1) corrections fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment \$10.00;

(2) court automation fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment

10.00;

(3) traffic safety fee, to be collected upon

conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle 3.00;

(4) judicial education fee, to be collected upon conviction from persons convicted of operating a motor vehicle in violation of the Motor Vehicle Code, convicted of a crime misdemeanor or a petty misdemeanor or convicted of violating any ordinance punishable by a term of

imprisonment 1.00;

(5) brain injury services fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle 5.00; and

(6) court facilities fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment as follows:

in a county with a metropolitan court 14.00

in any other county 10.00.

E. Metropolitan court judges shall assess and collect and shall not waive, defer or suspend as costs a mediation fee not to exceed five dollars (\$5.00) for the docketing of small claims and criminal actions specified by metropolitan court rule. Proceeds of the mediation fee shall be deposited into the metropolitan court mediation fund."

Chapter 6 Section 4

Section 4. Section 66-8-116.3 NMSA 1978 (being Laws 1989, Chapter 320, Section 5, as amended by Laws 1997, Chapter 242, Section 5 and also by Laws 1997, Chapter 247, Section 2) is amended to read:

"66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL FEES.--In addition to the penalty assessment established for each penalty assessment misdemeanor, there shall be assessed:

A. ten dollars (\$10.00) to help defray the costs of local government corrections;

B. a court automation fee of ten dollars (\$10.00);

C. a traffic safety fee of three dollars (\$3.00), which shall be credited to the traffic safety education and enforcement fund;

D. a judicial education fee of one dollar (\$1.00), which shall be credited to the judicial education fund;

E. a brain injury services fee of five dollars (\$5.00), which shall be credited to the brain injury services fund; and

F. a court facilities fee as follows:

in a county with a metropolitan court 14.00

in any other county 10.00."

Chapter 6 Section 5

Section 5. Section 66-8-119 NMSA 1978 (being Laws 1968, Chapter 62, Section 159, as amended by Laws 1997, Chapter 242, Section 6 and also by Laws 1997, Chapter 247, Section 3) is amended to read:

"66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

A. The division shall remit all penalty assessment receipts, except receipts collected pursuant to Subsections A through F of Section 66-8-116.3 NMSA 1978, to the state treasurer for credit to the general fund.

B. The division shall remit all penalty assessment fee receipts collected pursuant to:

(1) Subsection A of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the local government corrections fund;

(2) Subsection B of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the court automation fund;

(3) Subsection C of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the traffic safety education and enforcement fund;

(4) Subsection D of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the judicial education fund;

(5) Subsection E of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the brain injury services fund; and

(6) Subsection F of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the court facilities fund."

Chapter 6 Section 6

Section 6. MAGISTRATE AND METROPOLITAN COURT CAPITAL FUND CREATED--PURPOSE.--The "magistrate and metropolitan court capital fund" is created in the state treasury and shall be administered by the administrative office of the courts. The fund shall consist of money transferred to the fund by the New Mexico finance authority or from the court facilities fund. Money in the fund shall be available for appropriation by the legislature for leasing or purchasing, renovating, maintaining, securing, furnishing or equipping magistrate or metropolitan court facilities.

Chapter 6 Section 7

Section 7. COURT FACILITIES FUND CREATED--ADMINISTRATION--DISTRIBUTION.--

A. The "court facilities fund" is created in the state treasury and shall be administered by the administrative office of the courts. The fund shall consist of court fees and lease and rental revenues transferred to or deposited in the fund.

B. All court facilities fees and other revenues deposited in the fund shall be distributed monthly to the New Mexico finance authority for deposit in a special bond fund or account of the authority. The New Mexico finance authority may pledge irrevocably all of these distributions to the authority for the payment of principal, interest and any other expenses or obligations related to the bonds issued by the authority for financing the acquisition of real property and for the design, construction, furnishing and equipping of a new court building for the Bernalillo county metropolitan court in Albuquerque.

C. Distributions from the court facilities fund to the New Mexico finance authority shall be made upon vouchers issued and signed by the director of the administrative office of the courts upon warrants drawn by the secretary of finance and administration.

Chapter 6 Section 8

Section 8. USE OF BERNALILLO COUNTY METROPOLITAN COURT FACILITIES.--The administrative office of the courts, as holder of record title to the existing Bernalillo county metropolitan court building located on the northwest corner of Fourth street and Roma avenue northwest in Albuquerque, shall administer and manage the building in accordance with the following provisions:

A. after completion of a new Bernalillo county metropolitan court facility with proceeds of bonds issued by the New Mexico finance authority, the entire operations, judges, staff and personnel associated with the Bernalillo county metropolitan court shall be relocated to the new facility and the existing facility shall be vacated;

B. the administrative office of the courts shall then make the vacated facility ready and available for lease or rent to public or private tenants;

C. rents charged by the administrative office of the courts to any public or private tenant for use of the facility shall be at rates comparable to rents charged in the downtown Albuquerque area for commercial office space;

D. after payment of any costs of operating and maintaining a commercial office facility typically paid by a commercial landlord, all lease and rental revenues collected by the administrative office of the courts for the facility shall be deposited in the court facilities fund;

E. the administrative office of the courts shall provide a certified tenant list and rent schedule for the facility to the New Mexico finance authority at the end of each fiscal year;

F. with the prior written consent of the New Mexico finance authority, the administrative office of the courts may mortgage or encumber the facility or sell or otherwise dispose of the facility; provided that no sale or disposition of the facility shall be for less than the fair market value of the facility as determined by an independent real estate appraiser; and

G. any money received from the sale or other disposition of the facility shall be deposited in the court facilities fund and used for the early redemption of any outstanding bonds issued by the New Mexico finance authority for financing a new court building for the Bernalillo county metropolitan court in Albuquerque.

Chapter 6 Section 9

Section 9. NEW MEXICO FINANCE AUTHORITY REVENUE BONDS-- PURPOSE--APPROPRIATION.--

A. If the fourteen dollar (\$14.00) metropolitan court facilities fees and the ten dollar (\$10.00) magistrate court facilities fees provided in Sections 3 and 4 of this act are imposed by law and all distributions to the court facilities fund provided in this act become law, the New Mexico finance authority may issue and sell revenue bonds in compliance with the New Mexico Finance Authority Act in installments or at one time in an amount not exceeding forty-six million five hundred thousand dollars (\$46,500,000) for the purpose of financing the acquisition of real property for and the design, construction, furnishing and

equipping of a new court building for the Bernalillo county metropolitan court in Albuquerque.

B. The New Mexico finance authority may issue and sell revenue bonds authorized by this section when the chief judge of the Bernalillo county metropolitan court and the court administrator of the Bernalillo county metropolitan court certify the need for issuance of the bonds. The net proceeds from the sale of the bonds are appropriated to the Bernalillo county metropolitan court for the purpose described in Subsection A of this section.

C. The money distributed from the court facilities fund to the New Mexico finance authority shall be pledged irrevocably for the payment of the principal, interest and other expenses or obligations related to the bonds.

D. At the end of each fiscal year, any money remaining in the special bond fund or account, after all principal, interest and other expenses or obligations related to the bonds in that fiscal year are fully paid and after an amount not to exceed six hundred thousand dollars (\$600,000) per year from the annual lease and rental revenues anticipated to be deposited in the court facilities fund is retained in that fund or account, shall be transferred to the magistrate and metropolitan court capital fund. Upon payment of all principal, interest and other expenses or obligations related to the bonds, the authority shall certify to the administrative office of the courts that all obligations for the bonds issued pursuant to this section have been fully discharged and direct the administrative office of the courts and the state treasurer to cease distributing money from the court facilities fund to the authority and to transfer the money from the court facilities fund to the magistrate and metropolitan court capital fund.

E. Any law imposing court facilities fees, authorizing the collection of court facilities fees or directing deposits into the court facilities fund or distribution of the money in the court facilities fund to the New Mexico finance authority shall not be amended, repealed or otherwise directly or indirectly modified so as to impair outstanding revenue bonds that may be secured by a pledge of the distributions from the court facilities fund to the New Mexico finance authority, unless the revenue bonds have been discharged in full or provisions have been made for a full discharge.

F. The New Mexico finance authority may additionally secure the revenue bonds issued pursuant to this section by a pledge of money in the public project revolving fund with a lien priority on the money in the public project revolving fund as determined by the authority.

Chapter 6 Section 10

Section 10. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1998; provided that if this bill is not enacted into law with an emergency clause, the effective date is September 1, 1998.

Chapter 6 Section 11

Section 11. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 27

WITH EMERGENCY CLAUSED

SIGNED MAY 11, 1998

CHAPTER 7

AN ACT

AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS FOR PUBLIC SCHOOL CRITICAL CAPITAL OUTLAY PROJECTS PURSUANT TO THE PUBLIC SCHOOL CAPITAL OUTLAY ACT; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Chapter 7 Section 1

Section 1. SEVERANCE TAX BONDS--PURPOSE FOR WHICH ISSUED-- APPROPRIATION OF PROCEEDS.--The state board of finance may issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act in an amount not exceeding four million four hundred thousand dollars (\$4,400,000) when the state department of public education certifies the need for the issuance of the bonds. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the board that the project has been developed sufficiently to justify the issuance and that the project can proceed to contract within a reasonable time. The state board of finance shall further take the appropriate steps necessary to comply with the Internal Revenue Code of 1986, as amended. The proceeds from the sale of the bonds are appropriated to the public school capital outlay fund for allocation to public schools for critical capital outlay projects pursuant to the Public School Capital Outlay Act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2001 shall revert to the severance tax bonding fund. If the state department of public education has not certified the need for the

issuance of the bonds by the end of fiscal year 2000, the authorization provided in this section shall be void.

Chapter 7 Section 2

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

HOUSE BILL 29, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MAY 11, 1998

CHAPTER 8

AN ACT

MAKING AN APPROPRIATION FOR OPERATIONS OF THE PENITENTIARY OF NEW MEXICO; DECLARING AN EMERGENCY.

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

Chapter 8 Section 1

Section 1. APPROPRIATION.--Four million four hundred thousand dollars (\$4,400,000) of the distribution of the land grant permanent funds of which the penitentiary of New Mexico is the beneficiary is appropriated to the corrections department for expenditure in fiscal year 1999 for operations of the penitentiary of New Mexico, contingent upon the corrections department negotiating and entering into a contract or an amendment to the contract with Wackenhut, whereby the parties agree that in addition to programs already contracted for, a prison industries program, a three hundred-bed therapeutic substance abuse program and family visitation as provided statutorily shall be provided.

Chapter 8 Section 2

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

SENATE BILL 17, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MAY 11, 1998

CHAPTER 9

AN ACT

MAKING AN APPROPRIATION TO CARRY OUT THE PURPOSES OF THE NOXIOUS WEED MANAGEMENT ACT; DECLARING AN EMERGENCY.

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

Chapter 9 Section 1

Section 1. APPROPRIATION.--Eighty-five thousand dollars (\$85,000) is appropriated from the general fund to the board of regents of New Mexico state university for expenditure in fiscal year 1999 to carry out the provisions of the Noxious Weed Management Act. Any unexpended or unencumbered balance remaining at the end of fiscal year 1999 shall revert to the general fund.

Chapter 9 Section 2

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

SENATE BILL 24

WITH EMERGENCY CLAUSE

SIGNED MAY 11, 1998

CHAPTER 10

AN ACT

RELATING TO MOTOR TRANSPORTATION; ELIMINATING THE TAXATION AND REVENUE DEPARTMENT'S LAW ENFORCEMENT POWERS RELATING TO MOTOR CARRIERS; TRANSFERRING THE MOTOR TRANSPORTATION DIVISION, INCLUDING THE POWERS AND PERSONNEL TO ADMINISTER AND ENFORCE THE MOTOR TRANSPORTATION ACT AND CERTAIN PROVISIONS OF LAW RELATING TO MOTOR CARRIERS, FROM THE TAXATION AND REVENUE DEPARTMENT TO THE DEPARTMENT OF PUBLIC SAFETY; AMENDING, ENACTING AND RECOMPILING SECTIONS OF THE NMSA 1978; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Chapter 10 Section 1

Section 1. Section 7-15-2.1 NMSA 1978 (being Laws 1988, Chapter 73, Section 23) is amended to read:

"7-15-2.1. DEFINITIONS.--As used in the Trip Tax Act:

A. "combination gross vehicle weight" means the sum total of the gross vehicle weights of all units of a combination;

B. "commercial motor carrier vehicle" means any motor vehicle with a gross weight of twelve thousand pounds or more used or reserved for use in the transportation of persons, property or merchandise for hire, compensation or profit or in the furtherance of a commercial enterprise or any vehicle used or maintained primarily for the transportation of property or merchandise or for drawing other vehicles so used or maintained;

C. "department" means the department of public safety, the secretary of public safety and any employee of that department exercising authority lawfully delegated to that employee by the secretary;

D. "gross vehicle weight" means the weight of a vehicle without load, plus the weight of any load thereon;

E. "motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from batteries or from overhead trolley wires, but not operated upon rails;

F. "registrant" means the person who has registered the vehicle pursuant to the laws of this state or another state;

G. "trip tax" means the use fee imposed under the Trip Tax Act; and

H. "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including any frame, chassis or body of any vehicle or motor vehicle, except devices moved by human power or used exclusively upon stationary rails or tracks."

Chapter 10 Section 2

Section 2. Section 9-11-4 NMSA 1978 (being Laws 1977, Chapter 249, Section 4, as amended) is amended to read:

"9-11-4. DEPARTMENT ESTABLISHED.--There is created in the executive branch the "taxation and revenue department". The department shall be a

cabinet department and shall consist of, but not be limited to, an administrative services division and four program divisions as follows:

- A. the audit and compliance division;
- B. the property tax division;
- C. the revenue processing division; and
- D. the motor vehicle division."

Chapter 10 Section 3

Section 3. Section 9-19-4 NMSA 1978 (being Laws 1987, Chapter 254, Section 4, as amended) is amended to read:

"9-19-4. DEPARTMENT ESTABLISHED.--There is created in the executive branch the "department of public safety". The department shall be a cabinet department and shall consist of, but not be limited to, five program divisions and one administrative division, as follows:

- A. the New Mexico state police division;
- B. the special investigations division;
- C. the training and recruiting division;
- D. the technical and emergency support division;
- E. the administrative services division; and
- F. the motor transportation division."

Chapter 10 Section 4

Section 4. Section 65-1-2 NMSA 1978 (being Laws 1978, Chapter 19, Section 1, as amended) is amended to read:

"65-1-2. DEFINITIONS.--As used in the Motor Transportation Act:

A. "combination" means any connected assemblage of a motor vehicle and one or more semitrailers, trailers or semitrailers converted to trailers by means of a converter gear;

B. "combination gross vehicle weight" means the sum total of the gross vehicle weights of all units of a combination;

C. "commercial motor carrier vehicle" means any motor vehicle with a gross vehicle weight of twelve thousand pounds or more used or reserved for use in the transportation of persons or property for hire, compensation or profit or in the furtherance of a commercial enterprise or any vehicle designed, used or maintained primarily for the transportation of property or for drawing other vehicles so designed, used or maintained;

D. "converter gear" means any assemblage of one or more axles with a fifth wheel mounted thereon designed for use in a combination to support the front end of a semitrailer, but not permanently attached thereto. A "converter gear" shall not be considered a vehicle as that term is used in Chapter 66 NMSA 1978, but weight attributable thereto shall be included in declared gross weight;

E. "declared gross weight" means maximum gross vehicle weight or combination gross vehicle weight at which a vehicle or combination will be operated during the registration period as declared by the registrant for registration and fee purposes. The vehicle or combination shall have only one "declared gross weight" for all operating considerations;

F. "department", without modification, means the department of public safety, the secretary of public safety or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

G. "director" means the secretary;

H. "division" means the motor transportation division of the department;

I. "evidence of registration" means any documentation issued by the taxation and revenue department identifying a motor carrier vehicle as being registered with New Mexico or documentation issued by another state pursuant to the terms of a multistate agreement on registration of vehicles to which this state is a party identifying a motor carrier vehicle as being registered with that state; provided that evidence of payment of the weight distance tax and permits obtained under either the Special Fuels Supplier Tax Act or Trip Tax Act are not "evidence of registration";

J. "field enforcement" or "in the field" means patrolling of the highway, stopping of commercial motor carrier vehicles or establishing ports of entry and roadblocks for the purpose of checking motor carriers and includes similar activities;

K. "freight trailer" means any trailer, semitrailer or pole trailer drawn by a truck tractor or road tractor and any trailer, semitrailer or pole trailer drawn by a truck that has a gross vehicle weight of more than twenty-six thousand pounds, but the term does not include house trailers, trailers of less than one-ton carrying

capacity used to transport animals or fertilizer trailers of less than three thousand five hundred pounds empty weight;

L. "gross vehicle weight" means the weight of a vehicle without load plus the weight of any load thereon;

M. "motor carrier" means any person or firm that owns, controls, operates or manages any motor vehicle with gross vehicle weight of twelve thousand pounds or more that is used to transport persons or property on the public highways of this state;

N. "motor vehicle" means any vehicle or device that is propelled by an internal combustion engine or electric motor power that is used or may be used on the public highways for the purpose of transporting persons or property and includes any connected trailer or semitrailer;

O. "one-way rental fleet" means two or more vehicles each having a gross vehicle weight of under twenty-six thousand one pounds and rented to the public without a driver;

P. "person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other association; "person" also means, to the extent permitted by law, any federal, state or other governmental unit or subdivision or an agency, department or instrumentality thereof; "person" also includes an officer or employee of a corporation, a member or employee of a partnership or any individual who, as such, is under a duty to perform any act in respect of which a violation occurs;

Q. "properly registered" means bearing the lawfully issued and currently valid evidence of registration of this or another jurisdiction, regardless of the owner's residence, except in those cases where the evidence has been procured by misrepresentation or fraud;

R. "public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction;

S. "secretary" means the secretary of public safety and, except for the purposes of 65-1-33 NMSA 1978, also includes the deputy secretary and any division director delegated by the secretary;

T. "state" or "jurisdiction" means a state, territory or possession of the United States, the District of Columbia, the commonwealth of Puerto Rico, a foreign country or a state or province of a foreign country; and

U. "utility trailer" means any trailer, semitrailer or pole trailer and includes house trailers that exceed neither eight feet in width nor forty feet in length, but does not include freight trailers, trailers of less than one-ton carrying capacity used to transport animals or fertilizer trailers of less than three thousand five hundred pounds empty weight."

Chapter 10 Section 5

Section 5. Section 65-1-6 NMSA 1978 (being Laws 1967, Chapter 97, Section 8, as amended) is amended to read:

"65-1-6. FIELD ENFORCEMENT OF MOTOR CARRIER ACT AND

REGULATIONS.--The department has the authority to:

A. enforce in the field the provisions of the Motor Carrier Act and the regulations promulgated by the state corporation commission or the public regulation commission pursuant to that act; and

B. maintain sufficient personnel in the field to enforce the provisions of the Motor Carrier Act and the regulations promulgated by the state corporation commission or the public regulation commission pursuant to that act."

Chapter 10 Section 6

Section 6. Section 65-1-7 NMSA 1978 (being Laws 1967, Chapter 97, Section 9, as amended) is repealed and a new Section 65-1-7 NMSA 1978 is enacted to read:

"65-1-7. ENFORCEMENT EMPLOYEES OF DIVISION ARE POLICE OFFICERS.--The enforcement employees of the division designated by the director of the division are police officers as defined in Section 29-7-7 NMSA 1978."

Chapter 10 Section 7

Section 7. Section 65-1-9 NMSA 1978 (being Laws 1967, Chapter 97, Section 11, as amended) is amended to read:

"65-1-9. DEPARTMENT TO ENFORCE LAWS.--The department shall enforce and collect all excise taxes, license fees and other fees and charges of every nature and perform all inspections and collect all information considered necessary to enforce the laws of all departments, commissions and other agencies of state government, in addition to those specifically assigned to the department, whenever the department is so requested and agrees and the agreement is in writing containing all reasonable detail concerning the

responsibilities of the parties to the agreement. The department shall also assist, as far as practicable and in accordance with a proper written agreement, in the enforcement of statutory, administrative and judicial provisions of the federal Motor Carrier Act."

Chapter 10 Section 8

Section 8. A new section of the Motor Transportation Act is enacted to read:

"RECEIPTS--DISBURSEMENTS.--Money collected under the Motor Transportation Act shall be paid to the state treasurer for the credit of the motor vehicle suspense fund not later than the close of the second business day after their receipt. At the same time, the department shall deliver to the taxation and revenue department documentation sufficient to make refunds, distributions and other disbursements of the money paid into the fund by the department."

Chapter 10 Section 9

Section 9. A new section of the Motor Vehicle Code, Section 66-1-4.21 NMSA 1978, is enacted to read:

"66-1-4.21. ADDITIONAL DEFINITIONS.--As used in the Motor Vehicle Code:

A. "evidence of registration" means any documentation issued by the department identifying a motor carrier vehicle as being registered with New Mexico or documentation issued by another state pursuant to the terms of a multistate agreement on registration of vehicles to which this state is a party identifying a motor carrier vehicle as being registered with that state; provided that evidence of payment of the weight distance tax and permits obtained under either the Special Fuels Supplier Tax Act or Trip Tax Act are not "evidence of registration";

B. "fleet" means one or more motor carrier vehicles, either commercial or noncommercial but not mixed, that are operated in this and at least one other jurisdiction;

C. "motor carrier" means any person or firm that owns, controls, operates or manages any motor vehicle with gross vehicle weight of twelve thousand pounds or more that is used to transport persons or property on the public highways of this state;

D. "one-way rental fleet" means two or more vehicles each having a gross vehicle weight of under twenty-six thousand one pounds and rented to the public without a driver;

E. "preceding year" means a period of twelve consecutive months fixed by the department, which period is within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought. The department, in fixing that period, shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles;

F. "properly registered" means bearing the lawfully issued and currently valid evidence of registration of this or another jurisdiction, regardless of the owner's residence, except in those cases where the evidence has been procured by misrepresentation or fraud; and

G. "public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction."

Chapter 10 Section 10

Section 10. TEMPORARY PROVISION--RECOMPILATION.--Sections 65-1-12 through 65-1-22, 65-1-24, 65-1-25.2, 65-1-37 and 65-5-4 NMSA 1978 (being Laws 1978, Chapter 18, Section 1, Laws 1992, Chapter 106, Section 7, Laws 1978, Chapter 17, Section 1, Laws 1972, Chapter 7, Sections 34 through 42, Laws 1978, Chapter 75, Section 1, Laws 1979, Chapter 283, Section 1, Laws 1972, Chapter 7, Section 50, and Laws 1983, Chapter 142, Section 3, as amended) shall be recompiled in Chapter 66, Article 3 NMSA 1978.

Chapter 10 Section 11

Section 11. TEMPORARY PROVISION--TRANSFER OF PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On the effective date of this act:

A. all personnel of the motor transportation division of the taxation and revenue department are transferred to the department of public safety;

B. all appropriations, money, records, property, equipment and supplies of the motor transportation division of the taxation and revenue department are transferred to the department of public safety; and

C. all contracts, grants and agreements of the taxation and revenue department relating to the motor transportation division are transferred to the department of public safety.

Chapter 10 Section 12

Section 12. APPROPRIATIONS.--

A. One million two hundred thousand dollars (\$1,200,000) is appropriated from the general fund to the department of public safety for expenditure in fiscal year 1999 to carry out the provisions of this act. Any unexpended or unencumbered balance remaining at the end of fiscal year 1999 shall revert to the general fund.

B. Two million seventy thousand dollars (\$2,070,000) is appropriated from the state road fund to the department of public safety for expenditure in fiscal year 1999 to carry out the provisions of this act. Any unexpended or unencumbered balance remaining at the end of fiscal year 1999 shall revert to the state road fund.

Chapter 10 Section 13

Section 13. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1998; provided that if this bill is enacted into law without the emergency clause, the effective date is October 1, 1998.

Chapter 10 Section 14

Section 14. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SENATE BILL 87

WITH EMERGENCY CLAUSE

SIGNED MAY 11, 1998

CHAPTER 11

AN ACT

MAKING APPROPRIATIONS TO THE SPACE COMMERCIALIZATION DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT TO DEVELOP A PROPOSAL AND PROVIDE MATCHING FUNDS FOR CONSTRUCTION OF A SPACEPORT SITE FOR REUSABLE LAUNCH VEHICLES; DECLARING AN EMERGENCY.

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

Chapter 11 Section 1

Section 1. APPROPRIATION--CONTINGENCY.--Eight million six hundred thousand dollars (\$8,600,000) is appropriated from the general fund operating reserve to the space commercialization division of the economic development department for expenditure in fiscal year 1999 or in any succeeding fiscal year to provide matching funds not to exceed ten percent of the costs of designing and constructing roads, runways and other infrastructure for a spaceport site contingent upon receipt of the remaining funds for such design and construction from private or federal sources, and upon selection of New Mexico for development of a spaceport site for reusable aerospace launch vehicles. The disbursement of any amount of the appropriation is contingent upon certification by the secretary of finance and administration and notification of the legislative finance committee that the disbursement represents not more than ten percent of the proposed expenditure; that a matching amount of private or federal funds equal to at least ninety percent of the proposed expenditure is available within twelve months of the disbursement; and that the contracts for the proposed design or construction are pending and can be executed upon receipt of the money. Any unexpended or unencumbered balance remaining from this appropriation on July 1, 2005 shall remain in the general fund operating reserve.

Chapter 11 Section 2

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

SENATE BILL 1, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MAY 11, 1998

CHAPTER 12

AN ACT

AMENDING LAWS 1998, CHAPTER 116, SECTION 6; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Chapter 12 Section 1

Section 1. Laws 1998, Chapter 116, Section 6 is amended to read:

"Section 6. ADDITIONAL NEW MEXICO WORKS ACT AND WELFARE-TO-WORK APPROPRIATIONS.--The following amounts are appropriated from the

funds as indicated for the purposes specified. Unless otherwise indicated, the appropriations are for expenditure in fiscal year 1999. Any unexpended or unencumbered balances of the general fund appropriation remaining at the end of fiscal year 1999 shall revert to the general fund.

A. Five million dollars (\$5,000,000) is appropriated from the general fund to the children, youth and families department to expand the headstart program to serve participants as defined in the New Mexico Works Act. Expenditure of any of the appropriation is contingent upon certification by the secretary of human services to the secretary of finance and administration that the children, youth and families department has entered into an agreement with the human services department that provides for appropriate administrative and accounting procedures and oversight by the human services department to ensure that expenditures will meet all federal and state requirements for maintenance of effort; and monthly reports of all expenditures by the children, youth and families department to the department of finance and administration, the welfare reform oversight committee and the legislative finance committee. The appropriation shall not be expended for the purpose of matching federal funds or for any other purpose that may jeopardize its classification as maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort and included in the state plan for the temporary assistance for needy families block grant.

B. Two hundred thousand dollars (\$200,000) is appropriated from the general fund to the human services department to develop programs in cooperation with the Martin Luther King, Jr. commission to provide services for participants as defined in the New Mexico Works Act. The programs developed shall maintain a work-first concept, contain measurable performance standards, identify the number of target clients and provide a tracking and reporting element. The appropriation shall not be expended for any purpose that may jeopardize its classification as maintenance of effort. The human services department shall ensure that expenditures meet all federal and state requirements for maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort. The human services department shall report quarterly to the welfare reform oversight committee on the programs developed.

C. Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the commission on the status of women to develop, establish and operate job placement programs for participants as defined in the New Mexico Works Act that are referred to the commission by the department. In developing, establishing and operating these job placement programs, the commission shall cooperate and coordinate with the human services department. Prior to the expenditure of any of the appropriation, the commission shall seek the approval of each program it develops from the department. Expenditure of any of the appropriation is contingent upon certification by the secretary of human services

to the department of finance and administration that the commission has entered into an agreement with the human services department that provides for programs that maintain a work-first concept; programs that contain measurable performance standards; programs that identify the number of target clients; programs that provide a tracking and reporting element; and appropriate administrative and accounting procedures and oversight by the human services department to ensure that expenditures shall meet all federal and state requirements for maintenance of effort, including adherence to the cap on administrative costs. Additionally, the commission shall provide quarterly reports of all its expenditures to the human services department, the welfare reform oversight committee and the legislative finance committee. The appropriation shall not be expended for any purpose that may jeopardize its classification as maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort.

D. Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the regents of western New Mexico university to provide job training and placement for participants as defined in the New Mexico Works Act that are referred to western New Mexico university by the department. In providing job training and placement for participants, western New Mexico university shall coordinate and cooperate with the human services department. Prior to the expenditure of any of the appropriation, western New Mexico university shall seek the approval of each program it develops from the human services department. Expenditure of any of the appropriation is contingent upon certification by the secretary of human services to the department of finance and administration that western New Mexico university has entered into an agreement with the human services department that provides for programs that maintain a work-first concept; programs that contain measurable performance standards; programs that identify the number of target clients; programs that provide a tracking and reporting element; and appropriate administrative and accounting procedures and oversight by the human services department to ensure that expenditures shall meet all federal and state requirements for maintenance of effort, including adherence to the cap on administrative costs. Additionally, western New Mexico university shall provide quarterly reports of all the expenditures in these job training and placement programs to the human services department, the welfare reform oversight committee and the legislative finance committee. The appropriation shall not be expended for any purpose that may jeopardize its classification as maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort. An additional three hundred fifty thousand dollars (\$350,000) is appropriated from the general fund to the regents of western New Mexico university to continue the child development center.

E. One million dollars (\$1,000,000) is appropriated from the general fund to the department of health to provide a one-time expenditure for substance abuse counseling for participants as defined pursuant to the New Mexico Works Act.

The appropriation shall be reported by the labor department as a match for the federal welfare-to-work grant. Expenditure of any of the appropriation is contingent upon certification by the secretary of labor to the secretary of finance and administration that the department of health has entered into an agreement with the labor department that provides for appropriate administrative and accounting procedures and oversight by the labor department to ensure that the expenditure meets all federal and state requirements for the match for the federal welfare-to-work grant. The appropriation shall not be expended for any purpose that may jeopardize its classification as match for the federal welfare-to-work grant.

F. Two million dollars (\$2,000,000) is appropriated from the general fund to the human services department to provide job training and placement services to participants as defined in the New Mexico Works Act that include programs that maintain a work-first concept; programs that contain measurable performance standards; programs that identify the number of target clients; and programs that provide a tracking and reporting element. The appropriation shall not be expended for any purpose that may jeopardize its classification as maintenance of effort. The human services department shall ensure that expenditures meet all federal and state requirements for maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort.

G. Two million four hundred eighty-two thousand five hundred dollars (\$2,482,500) is appropriated from the general fund to the human services department to develop early childhood-family support and education training programs with the state department of public education to provide before- and after-school programs to students who are ages five through eight who are participants as defined in the New Mexico Works Act. The human services department shall also develop job skills and leadership development programs for the parents who are participants as defined in the New Mexico Works Act. The human services department shall make referrals of eligible families. The early childhood-family support and education training programs shall be directed to areas lacking certified childcare services as determined by the children, youth and families department. The programs developed shall contain measurable performance standards, identify the number of target clients and provide a tracking and reporting element. The appropriation shall not be expended for any purpose that may jeopardize its classification as maintenance of effort. The human services department shall ensure that expenditures meet all federal and state requirements for maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort. The human services department shall report to the welfare reform oversight committee on the programs developed.

H. Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the department of health to provide a one-time expenditure for substance abuse counseling for Native Americans who are participants as defined in the

New Mexico Works Act. The appropriation shall be reported by the labor department as a match for the federal welfare-to-work grant. Expenditure of any of the appropriation is contingent upon certification by the secretary of labor to the secretary of finance and administration that the department of health has entered into an agreement with the labor department that provides for appropriate administrative and accounting procedures and oversight by the labor department to ensure that the expenditure meets all federal and state requirements for the match for the federal welfare-to-work grant. The appropriation shall not be expended for any purpose that may jeopardize its classification as match for the federal welfare-to-work grant.

I. Thirteen million eight hundred thirty-eight thousand dollars (\$13,838,000) is appropriated from the temporary assistance for needy families block grant to the human services department for training participants to become licensed daycare providers and for other services as defined in the New Mexico Works Act.

J. Of the general fund appropriations made to the human services department in Section 4 of the General Appropriation Act of 1998, the human services department shall report six hundred thousand dollars (\$600,000) in the department's child support enforcement division for child support enforcement pass-throughs to participants as defined in the New Mexico Works Act as maintenance of effort for the temporary assistance for needy families block grant.

K. Of the general fund appropriation made to the state department of public education in Section 4 of the General Appropriation Act of 1998, the labor department shall report six hundred thousand dollars (\$600,000) for the adult basic education match as a match for the federal welfare-to-work grant. The state department of public education shall enter into an agreement with the labor department that provides for appropriate administrative and accounting procedures and oversight by the labor department to ensure that the expenditure meets all federal and state requirements for the match for the federal welfare-to-work grant. The appropriation shall not be expended for any purpose that may jeopardize its classification as match for the federal welfare-to-work grant.

L. Of the general fund appropriation made to children, youth and families department in Section 4 of the General Appropriation Act of 1998 for the child care development block grant in the children, youth and families department, up to two million eight hundred thousand dollars (\$2,800,000) and not less than two million dollars (\$2,000,000) shall be counted as maintenance of effort for the temporary assistance for needy families block grant.

M. The human services department shall report any amount of general assistance payments made to lawfully admitted immigrant families as maintenance of effort and include the payments in the state plan for the temporary assistance for needy families block grant.

N. Four million dollars (\$4,000,000) is appropriated from the general fund operating reserve to the department of finance and administration. Any unexpended or unencumbered balance remaining at the end of fiscal year 1999 shall revert to the general fund operating reserve. The appropriation, or so much thereof as is necessary, shall be distributed to the human services department for the purpose of meeting the state and federal requirements for maintenance of effort. No distribution shall be made until the distribution has been approved by the secretary of finance and administration.

O. Upon certification by the secretary of human services that a budget adjustment is essential to meet the state and federal maintenance of effort and the purpose of the budget adjustment is not contrary to legislative intent, the human services department may request a budget adjustment as necessary to ensure that all federal and state requirements for maintenance of effort are met. The department of finance and administration shall certify that the request meets the conditions specified in this subsection before approving the request. The procedures delineated in Section 6-3-25 NMSA 1978 shall be followed in approving a request."

Chapter 12 Section 2

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

HOUSE BILL 28, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MAY 11, 1998

CHAPTER 13

AN ACT

MAKING APPROPRIATIONS TO THE SPACE COMMERCIALIZATION DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT TO DEVELOP A PROPOSAL AND PROVIDE MATCHING FUNDS FOR CONSTRUCTION OF A SPACEPORT SITE FOR REUSABLE LAUNCH VEHICLES; DECLARING AN EMERGENCY.

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

Chapter 13 Section 1

Section 1. APPROPRIATION--CONTINGENCY.--Eight million six hundred thousand dollars (\$8,600,000) is appropriated from the general fund operating reserve to the space commercialization division of the economic development department for expenditure in fiscal year 1999 or in any succeeding fiscal year to provide matching funds not to exceed ten percent of the costs of designing and constructing roads, runways and other infrastructure for a spaceport site contingent upon receipt of the remaining funds for such design and construction from private or federal sources, and upon selection of New Mexico for development of a spaceport site for reusable aerospace launch vehicles. The disbursement of any amount of the appropriation is contingent upon certification by the secretary of finance and administration and notification of the legislative finance committee that the disbursement represents not more than ten percent of the proposed expenditure; that a matching amount of private or federal funds equal to at least ninety percent of the proposed expenditure is available within twelve months of the disbursement; and that the contracts for the proposed design or construction are pending and can be executed upon receipt of the money. Any unexpended or unencumbered balance remaining from this appropriation on July 1, 2005 shall remain in the general fund operating reserve.

Chapter 13 Section 2

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

HOUSE BILL 16, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MAY 11, 1998

CHAPTER 14

AN ACT

AMENDING LAWS 1998, CHAPTER 116, SECTION 6; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Chapter 14 Section 1

Section 1. Laws 1998, Chapter 116, Section 6 is amended to read:

"Section 6. ADDITIONAL NEW MEXICO WORKS ACT AND WELFARE-TO-WORK APPROPRIATIONS.--The following amounts are appropriated from the

funds as indicated for the purposes specified. Unless otherwise indicated, the appropriations are for expenditure in fiscal year 1999. Any unexpended or unencumbered balances of the general fund appropriation remaining at the end of fiscal year 1999 shall revert to the general fund.

A. Five million dollars (\$5,000,000) is appropriated from the general fund to the children, youth and families department to expand the headstart program to serve participants as defined in the New Mexico Works Act. Expenditure of any of the appropriation is contingent upon certification by the secretary of human services to the secretary of finance and administration that the children, youth and families department has entered into an agreement with the human services department that provides for appropriate administrative and accounting procedures and oversight by the human services department to ensure that expenditures will meet all federal and state requirements for maintenance of effort; and monthly reports of all expenditures by the children, youth and families department to the department of finance and administration, the welfare reform oversight committee and the legislative finance committee. The appropriation shall not be expended for the purpose of matching federal funds or for any other purpose that may jeopardize its classification as maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort and included in the state plan for the temporary assistance for needy families block grant.

B. Two hundred thousand dollars (\$200,000) is appropriated from the general fund to the human services department to develop programs in cooperation with the Martin Luther King, Jr. commission to provide services for participants as defined in the New Mexico Works Act. The programs developed shall maintain a work-first concept, contain measurable performance standards, identify the number of target clients and provide a tracking and reporting element. The appropriation shall not be expended for any purpose that may jeopardize its classification as maintenance of effort. The human services department shall ensure that expenditures meet all federal and state requirements for maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort. The human services department shall report quarterly to the welfare reform oversight committee on the programs developed.

C. Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the commission on the status of women to develop, establish and operate job placement programs for participants as defined in the New Mexico Works Act that are referred to the commission by the department. In developing, establishing and operating these job placement programs, the commission shall cooperate and coordinate with the human services department. Prior to the expenditure of any of the appropriation, the commission shall seek the approval of each program it develops from the department. Expenditure of any of the appropriation is contingent upon certification by the secretary of human services

to the department of finance and administration that the commission has entered into an agreement with the human services department that provides for programs that maintain a work-first concept; programs that contain measurable performance standards; programs that identify the number of target clients; programs that provide a tracking and reporting element; and appropriate administrative and accounting procedures and oversight by the human services department to ensure that expenditures shall meet all federal and state requirements for maintenance of effort, including adherence to the cap on administrative costs. Additionally, the commission shall provide quarterly reports of all its expenditures to the human services department, the welfare reform oversight committee and the legislative finance committee. The appropriation shall not be expended for any purpose that may jeopardize its classification as maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort.

D. Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the regents of western New Mexico university to provide job training and placement for participants as defined in the New Mexico Works Act that are referred to western New Mexico university by the department. In providing job training and placement for participants, western New Mexico university shall coordinate and cooperate with the human services department. Prior to the expenditure of any of the appropriation, western New Mexico university shall seek the approval of each program it develops from the human services department. Expenditure of any of the appropriation is contingent upon certification by the secretary of human services to the department of finance and administration that western New Mexico university has entered into an agreement with the human services department that provides for programs that maintain a work-first concept; programs that contain measurable performance standards; programs that identify the number of target clients; programs that provide a tracking and reporting element; and appropriate administrative and accounting procedures and oversight by the human services department to ensure that expenditures shall meet all federal and state requirements for maintenance of effort, including adherence to the cap on administrative costs. Additionally, western New Mexico university shall provide quarterly reports of all the expenditures in these job training and placement programs to the human services department, the welfare reform oversight committee and the legislative finance committee. The appropriation shall not be expended for any purpose that may jeopardize its classification as maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort. An additional three hundred fifty thousand dollars (\$350,000) is appropriated from the general fund to the regents of western New Mexico university to continue the child development center.

E. One million dollars (\$1,000,000) is appropriated from the general fund to the department of health to provide a one-time expenditure for substance abuse counseling for participants as defined pursuant to the New Mexico Works Act.

The appropriation shall be reported by the labor department as a match for the federal welfare-to-work grant. Expenditure of any of the appropriation is contingent upon certification by the secretary of labor to the secretary of finance and administration that the department of health has entered into an agreement with the labor department that provides for appropriate administrative and accounting procedure and oversight by the labor department to ensure that the expenditure meets all federal and state requirements for the match for the federal welfare-to-work grant. The appropriation shall not be expended for any purpose that may jeopardize its classification as match for the federal welfare-to-work grant.

F. Two million dollars (\$2,000,000) is appropriated from the general fund to the human services department to provide job training and placement services to participants as defined in the New Mexico Works Act that include programs that maintain a work-first concept; programs that contain measurable performance standards; programs that identify the number of target clients; and programs that provide a tracking and reporting element. The appropriation shall not be expended for any purpose that may jeopardize its classification as maintenance of effort. The human services department shall ensure that expenditures meet all federal and state requirements for maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort.

G. Two million four hundred eighty-two thousand five hundred dollars (\$2,482,500) is appropriated from the general fund to the human services department to develop early childhood-family support and education training programs with the state department of public education to provide before- and after-school programs to students who are ages five through eight who are participants as defined in the New Mexico Works Act. The human services department shall also develop job skills and leadership development programs for the parents who are participants as defined in the New Mexico Works Act. The human services department shall make referrals of eligible families. The early childhood-family support and education training programs shall be directed to areas lacking certified childcare services as determined by the children, youth and families department. The programs developed shall contain measurable performance standards, identify the number of target clients and provide a tracking and reporting element. The appropriation shall not be expended for any purpose that may jeopardize its classification as maintenance of effort. The human services department shall ensure that expenditures meet all federal and state requirements for maintenance of effort. The appropriation shall be reported by the human services department as maintenance of effort. The human services department shall report to the welfare reform oversight committee on the programs developed.

H. Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the department of health to provide a one-time expenditure for substance abuse counseling for Native Americans who are participants as defined in the

New Mexico Works Act. The appropriation shall be reported by the labor department as a match for the federal welfare-to-work grant. Expenditure of any of the appropriation is contingent upon certification by the secretary of labor to the secretary of finance and administration that the department of health has entered into an agreement with the labor department that provides for appropriate administrative and accounting procedure and oversight by the labor department to ensure that the expenditure meets all federal and state requirements for the match for the federal welfare-to-work grant. The appropriation shall not be expended for any purpose that may jeopardize its classification as match for the federal welfare-to-work grant.

I. Thirteen million eight hundred thirty-eight thousand dollars (\$13,838,000) is appropriated from the temporary assistance for needy families block grant to the human services department for training participants to become licensed daycare providers and for other services as defined in the New Mexico Works Act.

J. Of the general fund appropriations made to the human services department in Section 4 of the General Appropriation Act of 1998, the human services department shall report six hundred thousand dollars (\$600,000) in the department's child support enforcement division for child support enforcement pass-throughs to participants as defined in the New Mexico Works Act as maintenance of effort for the temporary assistance for needy families block grant.

K. Of the general fund appropriations made to the state department of public education in Section 4 of the General Appropriation Act of 1998, the labor department shall report six hundred thousand dollars (\$600,000) for the adult basic education match as a match for the federal welfare-to-work grant. The state department of public education shall enter into an agreement with the labor department that provides for appropriate administrative and accounting procedure and oversight by the labor department to ensure that the expenditure meets all federal and state requirements for the match for the federal welfare-to-work grant. The appropriation shall not be expended for any purpose that may jeopardize its classification as match for the federal welfare-to-work grant.

L. Of the general fund appropriations made to the children, youth and families department in Section 4 of the General Appropriation Act of 1998 for the child care development block grant in the children, youth and families department, up to two million eight hundred thousand dollars (\$2,800,000) and not less than two million dollars (\$2,000,000) shall be counted as maintenance of effort for the temporary assistance for needy families block grant.

M. The human services department shall report any amount of general assistance payments made to lawfully admitted immigrant families as maintenance of effort and include the payments in the state plan for the temporary assistance for needy families block grant.

N. Four million dollars (\$4,000,000) is appropriated from the general fund operating reserve to the department of finance and administration. Any unexpended or unencumbered balance remaining at the end of fiscal year 1999 shall revert to the general fund operating reserve. The appropriation, or so much thereof as is necessary, shall be distributed to the human services department for the purpose of meeting the state and federal requirements for maintenance of effort. No distribution shall be made until the distribution has been approved by the secretary of finance and administration.

O. Upon certification by the secretary of human services that a budget adjustment is essential to meet the state and federal maintenance of effort and the purpose of the budget adjustment is not contrary to legislative intent, the human services department may request a budget adjustment as necessary to ensure that all federal and state requirements for maintenance of effort are met. The department of finance and administration shall certify that the request meets the conditions specified in this subsection before approving the request. The procedures delineated in Section 6-3-25 NMSA 1978 shall be followed in approving a request."

Chapter 14 Section 2

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

CHAPTER 15

AN ACT

MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES FOR STATE GOVERNMENT.

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

Chapter 15 Section 1

Section 1. SPECIAL APPROPRIATIONS.--The following amounts are appropriated from the general fund or other funds as indicated for the purposes specified. Unless otherwise indicated, the appropriations may be expended in fiscal years 1998 and 1999. Unless otherwise indicated, unexpended or unencumbered balances of the appropriations remaining at the end of fiscal year 1999 shall revert to the appropriate fund:

A. one million dollars (\$1,000,000) is appropriated from the general fund to the children, youth and families department for expenditure in fiscal year 1999 for contractual services for prevention and intervention services;

B. five million five hundred thousand dollars (\$5,500,000) is appropriated from the general fund to the income support division of the human services department for expenditure in fiscal year 1999 for expenses related to the general assistance program;

C. one million seven hundred thousand dollars (\$1,700,000) is appropriated from other state funds, including the county-supported medicaid fund, to the department of health for expenditure in fiscal year 1999 for costs related to the support of primary care facilities, contracts and other expenses;

D. three hundred fifty thousand dollars (\$350,000) is appropriated from the general fund to the economic development department for costs related to development, promotion and planning of the spaceport;

E. the unexpended or unencumbered balance of the appropriation to the commission on higher education in Laws 1997, Chapter 206, Section 2 for feasibility studies and implementation of a prepaid tuition program shall not revert at the end of fiscal year 1998 but may be expended for the purposes of that section in fiscal year 1999;

F. the following amounts are appropriated from the general fund to the legislative council service for expenditure in fiscal year 1999 for the following purposes:

(1) one hundred seventy-five thousand dollars (\$175,000) for phase three of the block boundary suggestion project in preparation for redistricting after the next federal decennial census;

(2) three hundred sixty thousand dollars (\$360,000) for legislative retirement; and

(3) two hundred fifty-three thousand dollars (\$253,000) for a year 2000 compliant data system and other data processing needs;

G. one million dollars (\$1,000,000) is appropriated from the general fund to the department of finance and administration to contract with the New Mexico mortgage finance authority for weatherization programs;

H. the following amounts are appropriated from the general fund to the New Mexico office of Indian affairs for expenditure in fiscal years 1999 and 2000, and any unexpended or unencumbered balance remaining at the end of fiscal year 2000 shall revert to the general fund:

(1) one hundred seventy-five thousand dollars (\$175,000) to initiate and implement a public policy program for native American students in conjunction with the Woodrow Wilson national fellowship foundation; and

(2) five hundred thousand dollars (\$500,000) for a tribal-state community-based education project developed through a partnership between the state and a pueblo education consortium to improve the education of Indian students;

I. two hundred thousand dollars (\$200,000) is appropriated from the general fund to the human services department for expenditure in fiscal year 1999 for food programs for the homeless and three hundred thousand dollars (\$300,000) is appropriated from the general fund to the human services department for expenditure in fiscal year 1999 to contract with the New Mexico mortgage finance authority to provide services to homeless programs statewide;

J. the following amounts are appropriated from the general fund to the department of health for expenditure in fiscal year 1999 for the following purposes:

(1) five hundred thousand dollars (\$500,000) for HIV/AIDS medications and programs;

(2) seven hundred fifty thousand dollars (\$750,000) for early intervention for the developmentally disabled;

(3) eight hundred thousand dollars (\$800,000) to carry out the purposes of the Rural Primary Health Care Act; and

(4) five hundred thousand dollars (\$500,000) for children's health initiatives in the public health division;

K. nine hundred thousand dollars (\$900,000) is appropriated from the general fund to the health policy commission for expenditure in fiscal year 1999 for contractual services;

L. the following amounts are appropriated from the general fund to the children, youth and families department for expenditure in fiscal year 1999 for the following purposes:

(1) four hundred thousand dollars (\$400,000) for families in need of services; and

(2) five hundred thousand dollars (\$500,000) for health services for children not eligible for medicaid;

M. sixty thousand dollars (\$60,000) is appropriated from the general fund to the crime victims reparation commission for expenditure in fiscal year 1999 for a statewide legal help line for victims of domestic violence;

N. the following amounts are appropriated from the general fund to the state department of public education for expenditure in fiscal year 1999 for the following purposes:

(1) one million dollars (\$1,000,000) to provide the match for the computers in the schools program; and

(2) six hundred thousand dollars (\$600,000) for statewide dropout prevention programs;

O. one hundred fifty thousand dollars (\$150,000) is appropriated from the general fund to the commission on higher education for expenditure in fiscal year 1999 for the advanced placement program;

P. one hundred thirty-two thousand dollars (\$132,000) is appropriated from the general fund to the New Mexico military institute for the Saunders barracks phase two construction project;

Q. eighteen million seven hundred ninety-one thousand four hundred dollars (\$18,791,400) is appropriated from the temporary assistance for needy families block grant to the human services department to enter into a contract or memorandum of understanding with the children, youth and families department to provide child care to participants as defined in the New Mexico Works Act. This appropriation to the human services department supports the interagency transfer appropriation to the children, youth and families department in Laws 1998, Chapter 116, Section 4;

R. the unexpended or unencumbered balance of the appropriation made to the state agency on aging in Laws 1997, Chapter 33, Section 7 is appropriated to the state agency on aging for expenditure in fiscal year 1999 for the aging programs information system;

~~**[S. five hundred thousand dollars (\$500,000) is appropriated from the general fund to the state corporation commission for expenditure in fiscal year 1999 for department of insurance costs associated with administration of the Patient Protection Act;]**~~

T. two hundred thousand dollars (\$200,000) is appropriated from the general fund to the criminal and juvenile justice coordinating council for expenditure in fiscal year 1999 for contractual services; provided that this appropriation is contingent on the council submitting to the governor and the department of finance and administration a long-range plan for the agency that provides specific information of its future activities and its goals and objectives;

U. three hundred fifty thousand dollars (\$350,000) is appropriated from the general fund to the local government division of the department of finance and administration to pay unanticipated detention costs of Torrance county; and

V. four hundred thousand dollars (\$400,000) is appropriated from the general fund to the administrative office of the courts for expenditure in fiscal year 1999 to provide funding for existing drug courts in the judicial districts.

Chapter 15 Section 2

Section 2. SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS.--The following amounts are appropriated from the general fund, or other funds as indicated, for expenditure in fiscal year 1998 for the purposes specified. Disbursement of these amounts shall be subject to the following conditions: certification by the agency to the department of finance and administration and the legislative finance committee that no other funds are available in fiscal year 1998 for the purpose specified; and approval by the department of finance and administration. Any unexpended or unencumbered balances remaining at the end of fiscal year 1998 shall revert to the appropriate fund:

A. one hundred ninety-three thousand two hundred dollars (\$193,200) is appropriated to the supreme court for litigation costs;

B. five thousand four hundred dollars (\$5,400) is appropriated to the fifth judicial district court for judge pro tempore services rendered in fiscal year 1997 in the State v. Lewis water adjudication suit;

C. twenty-three thousand one hundred dollars (\$23,100) is appropriated to the ninth judicial district attorney for litigation costs in the prosecution of a conflict case for the fifth judicial district attorney;

D. eight thousand seven hundred dollars (\$8,700) is appropriated to the twelfth judicial district attorney for expert witness fees;

E. eighty-eight thousand dollars (\$88,000) is appropriated to the attorney general for the guardianship services program;

F. thirty thousand dollars (\$30,000) is appropriated to the state treasurer for personal services and employee benefits;

G. three million five hundred thousand dollars (\$3,500,000) is appropriated to the corrections department for costs associated with leasing bed space; and

H. five hundred thousand dollars (\$500,000) is appropriated to the secretary of state to defray costs of the special congressional election.

Chapter 15 Section 3

Section 3. JURY AND WITNESS FEE FUND--APPROPRIATION.--

A. Six hundred thousand dollars (\$600,000) is appropriated from the general fund to the jury and witness fee fund for expenditure in fiscal year 1998 and subsequent fiscal years to carry out the purposes of the fund. The administrative office of the courts may also expend the cash balances in the fund as of May 1, 1998 in fiscal year 1998 and subsequent fiscal years to carry out the purposes of the fund. Money in the fund shall not be used to repay the fiscal year 1998 state board of finance loan.

B. Four hundred thousand dollars (\$400,000) is appropriated from the general fund to the jury and witness fee fund for expenditure in fiscal year 1999 and subsequent fiscal years to carry out the purposes of the fund.

C. Six hundred thousand dollars (\$600,000) is appropriated from the general fund operating reserve to the department of finance and administration for expenditure in fiscal year 1999 and subsequent fiscal years as a contingency fund to pay unanticipated costs of the jury and witness fee fund when the director of the administrative office of the courts certifies to the secretary of finance and administration that there is not enough money in the jury and witness fee fund to pay current and projected commitments.

Chapter 15 Section 4

Section 4. COMPUTER SYSTEMS ENHANCEMENT FUND
APPROPRIATIONS.--Six million forty-five thousand dollars (\$6,045,000) is appropriated from the general fund to the computer systems enhancement fund for expenditure in fiscal years 1998 and 1999 for allocations pursuant to the appropriations in Section 5 of this act.

Chapter 15 Section 5

Section 5. DATA PROCESSING APPROPRIATIONS.--The following amounts are appropriated from the computer systems enhancement fund, or other funds as indicated, for the purposes specified. Unless otherwise indicated, the appropriations may be expended in fiscal years 1998 and 1999. Unless otherwise indicated, any unexpended or unencumbered balances remaining at the end of fiscal year 1999 shall revert to the computer systems enhancement fund or other funds as indicated. The department of finance and administration shall allocate amounts from the funds for the purposes specified upon receiving certification and supporting documentation from the requesting agency that identifies benefits that can be quantified and nonrecurring costs and recurring costs for the development and implementation of the proposed system and, for executive agencies, upon receiving certification from the chief information officer

that identifies compliance with the information architecture and individual information and communications systems plans. If the funds are to continue a project, the documentation shall include certification that the project is on schedule, all funds previously allocated have been properly expended and additional funds are required. The department of finance and administration shall provide a copy of the certification and all supporting documentation to the legislative finance committee:

A. three hundred seventy thousand dollars (\$370,000) is appropriated from the educational retirement fund to the educational retirement board for a year 2000 compliant server, software, hardware, data conversion and training;

B. four hundred forty-five thousand dollars (\$445,000) is appropriated from public defender cash balances to the public defender for computer equipment, software purchase and web page development;

C. two hundred fifty thousand dollars (\$250,000) is appropriated from the public employees retirement income fund to the public employees retirement association for an investment accounting system;

D. six hundred thousand dollars (\$600,000) is appropriated from cash balances in the regulation and licensing department to the regulation and licensing department for a year 2000 compliant boards and commission system;

E. fourteen thousand dollars (\$14,000) is appropriated from fee income and other revenue of the New Mexico livestock board to the New Mexico livestock board for one server, two work stations and database management software;

F. five hundred thousand dollars (\$500,000) is appropriated from the game protection fund to the department of game and fish for a client server and computer equipment for processing wildlife gaming license and citation information;

G. seventy-five thousand dollars (\$75,000) is appropriated to the energy, minerals and natural resources department for upgrading to a year 2000 compliant financial system;

H. seventy thousand dollars (\$70,000) is appropriated to the New Mexico public utility commission for year 2000 compliant hardware and software;

I. three million dollars (\$3,000,000) is appropriated to the human services department for the child support enforcement system;

J. five hundred forty-six thousand dollars (\$546,000) is appropriated from the employment security department fund and two million dollars (\$2,000,000) is

appropriated from federal revenue to the labor department for contractual services to ensure mission critical systems are year 2000 compliant;

K. two million five hundred thousand dollars (\$2,500,000) is appropriated to the corrections department for procurement of a year 2000 compliant criminal information management system, financial management system modules, network hardware and software and related information systems costs and contractual services; and

L. four hundred thousand dollars (\$400,000) is appropriated to the state department of public education for a year 2000 compliant comprehensive accountability system.

Chapter 15 Section 6

Section 6. ADDITIONAL FISCAL YEAR 1998 BUDGET ADJUSTMENT AUTHORITY.--During fiscal year 1998, subject to review and approval by the department of finance and administration, in addition to the budget adjustment authority granted in Laws 1997, Chapter 33, Section 10 and pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978:

A. the seventh judicial district attorney may request that nineteen thousand seven hundred dollars (\$19,700) be transferred from the personal services category to the operating costs category for expert witness fees;

B. the eighth judicial district attorney may request that twenty-eight thousand two hundred dollars (\$28,200) be transferred from the personal services category to any other category to cover projected shortfalls;

C. the taxation and revenue department may request category transfers not to exceed two hundred forty thousand dollars (\$240,000) from the personal services category for expenses related to the enhanced driver's license program and telecommunications;

D. the local government division of the department of finance and administration may request that forty thousand seven hundred dollars (\$40,700) be transferred from the personal services category to the personal services category in the administrative services division of the department of finance and administration;

E. the general services department may request division and category transfers necessary to carry out the transfer of the printing office to the information systems division;

F. the public defender department may request transfers from the personal services category to the contractual services category for contract attorney fees or to the operating costs category for expert witness fees;

G. the New Mexico state fair may request transfers from the personal services category to the other costs category for retirement of debt;

H. the office of the state engineer may request transfer of an amount not to exceed two hundred ten thousand dollars (\$210,000) from the personal services category to cover projected deficits in other categories;

I. the New Mexico veterans' center of the department of health may request transfers from the personal services category to the contractual services category;

J. the southern New Mexico rehabilitation center of the department of health may request transfers from the personal services category to the contractual services category;

K. the Fort Bayard medical center of the department of health may request transfers from the personal services category to the contractual services category;

L. the public health division of the department of health may request transfers from the personal services category to the supplies and materials category or the other costs category to purchase HIV-AIDS medication;

M. the long-term care and restorative services division of the department of health may request transfers from the personal services category to the contractual services category in the medical fragile waiver to reduce the number of individuals on the waiting list;

N. the department of health may request that three hundred eighty thousand dollars (\$380,000) be transferred from the personal services category to other categories in the long-term care and restorative services division to settle payment for additional costs of treating outlier clients; seven hundred fifty thousand dollars (\$750,000) be transferred from the personal services category to other categories in the long-term care and restorative services division to resolve outstanding accounts payable problems; and two hundred fifty thousand dollars (\$250,000) be transferred from the personal services category to other categories in the long-term care and restorative services division to cover "Jackson" case legal fees;

O. the New Mexico veterans' service commission may request transfer of an amount not to exceed seventeen thousand dollars (\$17,000) from the personal services category to cover projected deficits in other categories;

P. the children, youth and families department may request transfers from the personal services category in amounts not to exceed one million three hundred thousand dollars (\$1,300,000) for costs related to child care, foster care, adoption and attendant care and for costs related to residents in and maintenance of facilities under its control;

Q. the adult probation and parole division of the corrections department may request that three hundred sixteen thousand dollars (\$316,000) be transferred from the personal services category to other categories for additional costs associated with housing parole violators in county detention centers;

R. the adult institutions division of the corrections department may request that one hundred fifty thousand dollars (\$150,000) be transferred from the personal services category to other categories to cover projected deficits in the institutions;

S. the corrections department may request transfers from the personal services category to the contractual services category for the operations of the New Mexico women's correctional facility. The corrections department is specifically authorized to exceed the limit for payments to that facility provided in the General Appropriation Act of 1997;

T. the department of public safety may request category transfers from the personal services category in an amount not to exceed four hundred thousand dollars (\$400,000) for costs associated with recruit school for additional state police officers; and

U. the state highway and transportation department may request thirty-eight million six hundred sixty thousand three hundred dollars (\$38,660,300) in federal funds and a matching amount of four million seven hundred eighty-five thousand six hundred dollars (\$4,785,600) in state road fund cash balances to increase the budget for the federal construction program.

Chapter 15 Section 7

Section 7. CERTAIN FISCAL YEAR 1999 BUDGET ADJUSTMENTS AUTHORIZED.--

A. As used in this section:

(1) "agency" means an office, department, agency, institution, board, bureau, commission, court, district attorney, council or committee of state government;

(2) "budget category" means an item or an aggregation of related items that represents the object of an appropriation. Budget categories include

personal services, employee benefits, travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel and other financing uses;

(3) "budget increase" means an approved increase in expenditures by an agency or division from a specific source;

(4) "category transfer" means an approved transfer of funds from one budget category to another budget category, provided that a category transfer does not include a transfer of funds between divisions;

(5) "division" means an organizational unit within an agency that is the recipient of an appropriation;

(6) "division transfer" means an approved transfer of funds from one division of an agency to another division of that agency, provided that the annual cumulative effect of division transfers shall not increase or decrease the appropriation to any division by more than seven and one-half percent;

(7) "expenditures" means costs, expenses, encumbrances and other financing uses, other than refunds authorized by law, recognized in accordance with generally accepted accounting principles for the legally authorized budget amounts and budget period;

(8) "federal funds" means any payments by the United States government to state government or agencies except those payments made in accordance with the federal Mineral Lands Leasing Act;

(9) "interagency transfers" means revenue, other than internal service funds, legally transferred from one agency to another;

(10) "internal service funds" means:

(a) revenue transferred to an agency for the financing of goods or services to another agency on a cost-reimbursement basis; and

(b) unencumbered balances in agency internal service fund accounts;

(11) "other state funds" means:

(a) unencumbered, nonreverting balances in agency accounts, other than in internal service funds accounts;

(b) all revenue available to agencies from sources other than the general fund, internal service funds, interagency transfers and federal funds; and

(c) all revenue, the use of which is restricted by statute or agreement;

(12) "program" means a set of activities undertaken in accordance with a plan of action and organized to realize clearly defined, measurable goals and objectives;

(13) "revenue" means all money received by an agency from sources external to that agency, net of refunds and other correcting transactions, other than from issue of debt, liquidation of investments or as agent or trustee for other governmental entities or private persons;

(14) "subprogram" means a more narrowly defined part of a set of activities undertaken in accordance with a plan of action and organized to realize clearly defined, measurable goals and objectives; and

(15) "unforeseen federal funds" means a source of federal funds or an increased amount of federal funds that could not have been reasonably anticipated or known during the second session of the forty-third legislature and, therefore, could not have been requested by an agency or appropriated by the legislature.

B. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, the following agencies or divisions are specifically authorized to request the specified budget adjustments during fiscal year 1999:

(1) the legislative council service may request category transfers;

(2) the legislative finance committee may request category transfers;

(3) the senate chief clerk may request category transfers;

(4) the house chief clerk may request category transfers;

(5) the legislative education study committee may request category transfers;

(6) the legislative maintenance department may request category transfers;

(7) the legislature may request category transfers;

- (8) the supreme court law library may request category transfers;
- (9) the New Mexico compilation commission may request category transfers;
- (10) the judicial standards commission may request category transfers;
- (11) the court of appeals may request category transfers;
- (12) the supreme court may request category transfers;
- (13) the administrative office of the courts may request budget increases from other state funds and internal service funds/interagency transfers and may request category transfers;
- (14) the supreme court building commission may request category transfers;
- (15) the jury and witness fee fund may request category transfers;
- (16) each district court may request budget increases from other state funds and internal service funds/interagency transfers and may request category transfers;
- (17) the Bernalillo county metropolitan court may request budget increases from other state funds and may request category transfers;
- (18) each district attorney may request budget increases from other state funds and internal service funds/interagency transfers and may request category transfers;
- (19) the administrative office of the district attorneys may request category transfers;
- (20) the attorney general may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;
- (21) the state auditor may request category transfers;
- (22) the taxation and revenue department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(23) the state investment council may request budget increases from other state funds and internal service funds/interagency transfers up to two million dollars (\$2,000,000) for investment manager fees and custody fees; provided that this amount may be exceeded if the department of finance and administration approves a certified request from the state investment council that additional increases from other state funds are required for increased management fees and custody fees derived from asset growth and performance. The state investment council may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category except that money appropriated for investment manager fees in the contractual services category shall not be transferred;

(24) the department of finance and administration may request budget increases from internal service funds/interagency transfers for the fiscal agent contract and may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(25) the public school insurance authority may request category transfers;

(26) the retiree health care authority may request category transfers;

(27) the general services department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(28) the educational retirement board may request budget increases up to one million five hundred thousand dollars (\$1,500,000) for manager fees and custody fees; provided that this amount may be exceeded if the department of finance and administration approves a certified request from the educational retirement board that additional increases from other state funds are required for increased management fees and custody fees derived from asset growth and performance. The educational retirement board may request category transfers, except that funds authorized for investment manager fees within the contractual services category of the administrative division and for custody services within the other costs category of the administrative division shall not be transferred;

(29) the criminal and juvenile justice coordinating council may request category transfers;

(30) the public defender department may request up to one million dollars (\$1,000,000) in budget increases from cash balances for operating expenses, contracts and automation and may request transfers from the travel,

maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(31) the governor may request category transfers;

(32) the office on information and communication management may request category transfers;

(33) the lieutenant governor may request category transfers;

(34) the public employees retirement association may request other state funds up to three million five hundred thousand dollars (\$3,500,000) for investment manager fees and custody fees; provided that this amount may be exceeded if the department of finance and administration approves a certified request from the public employees retirement association that additional increases from other state funds are required for increased management fees and custody fees derived from asset growth and performance. The public employees retirement association may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category, except that funds authorized for investment manager fees within the contractual services category of the administrative division and for custody services within the other costs category of the administrative division shall not be transferred;

(35) the maintenance division of the public employees retirement association may request budget increases from other state funds to meet the emergencies or unexpected physical plant failures that might affect the health and safety of workers;

(36) the state commission of public records may request category transfers;

(37) the secretary of state may request category transfers;

(38) the personnel board may request category transfers;

(39) the public employee labor relations board may request category transfers;

(40) the state treasurer may request category transfers;

(41) the board of examiners for architects may request category transfers;

(42) the border authority may request category transfers;

(43) the tourism department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(44) the New Mexico magazine division of the tourism department may request budget increases from other state funds for earnings from sales;

(45) the economic development department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(46) the regulation and licensing department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(47) the twenty-seven boards and commissions under the administration of the regulation and licensing department, the real estate recovery fund, the barbers and cosmetologists tuition recovery fund and the securities education and training fund may request category transfers;

(48) the state corporation commission may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(49) the public regulation commission may request category transfers;

(50) the New Mexico board of medical examiners may request category transfers;

(51) the board of nursing may request category transfers;

(52) the state fair commission may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(53) the state board of registration for professional engineers and surveyors may request category transfers;

(54) the state racing commission may request category transfers;

(55) the New Mexico apple commission may request category transfers;

(56) the board of veterinary medicine may request category transfers;

(57) the bicycle racing commission may request category transfers;

(58) the office of cultural affairs may request budget increases from internal services funds/interagency transfers for contract archaeology and may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(59) the New Mexico livestock board may request category transfers;

(60) the department of game and fish may request budget increases from internal services funds/interagency transfers for emergencies and may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(61) the endangered species program may request category transfers;

(62) the energy, minerals and natural resources department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(63) the oil conservation division of the energy, minerals and natural resources department may request budget increases from the oil and gas reclamation fund to close abandoned wells in the oil patch;

(64) the forestry division and the state parks division of the energy, minerals and natural resources department may request budget increases from the New Mexico youth conservation corps fund for projects approved by the New Mexico youth conservation corps commission;

(65) the commissioner of public lands may request budget increases from other state funds and may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(66) the state engineer shall not request over one million dollars (\$1,000,000) in the aggregate in fiscal year 1999 in budget increases from other state funds;

(67) the state engineer may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(68) the New Mexico public utility commission may request category transfers;

(69) the organic commodity commission may request category transfers;

(70) the commission on the status of women may request budget increases from other state funds for statutorily mandated recognition programs for women and may request category transfers;

(71) the commission for deaf and hard-of-hearing persons may request category transfers;

(72) the Martin Luther King, Jr. commission may request category transfers;

(73) the commission for the blind may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(74) the New Mexico office of Indian affairs may request category transfers;

(75) the state agency on aging may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(76) the human services department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(77) the labor department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(78) the workers' compensation administration may request transfers from the travel, maintenance and repairs, supplies and materials, contractual

services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(79) the division of vocational rehabilitation of the state department of public education may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(80) the governor's committee on concerns of the handicapped may request category transfers;

(81) the developmental disabilities planning council may request category transfers;

(82) the miners' hospital of New Mexico may request budget increases from other state funds to operate the hospital and may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(83) the department of health may request budget increases from other state funds and internal service funds/interagency transfers for facilities and institutions, including laboratories; to maintain adequate services to clients; to maintain the buildings and grounds of the former Los Lunas medical center; and to fund investigations pursuant to the Caregivers Screening Act. The department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(84) the department of environment may request budget increases from other state funds to budget responsible party payments, from the corrective action fund to pay claims and from the hazardous waste emergency fund to meet emergencies and may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(85) the office of the natural resources trustee may request budget increases from other state funds for court settlements to restore natural resource damage in accordance with court orders and from internal service funds/interagency transfers and may request category transfers;

(86) the New Mexico health policy commission may request category transfers;

(87) the New Mexico veterans' service commission may request category transfers;

(88) the children, youth and families department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(89) the department of military affairs may request transfers from the travel, supplies and materials, contractual services, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(90) the crime stoppers commission may request category transfers;

(91) the parole board may request category transfers;

(92) the juvenile parole board may request category transfers;

(93) the corrections department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(94) the construction industries division of the corrections department may request budget increases from internal service funds/interagency transfers;

(95) the crime victims reparation commission may request category transfers;

(96) the department of public safety may request budget increases from other state funds for disaster declarations and from internal service funds/interagency transfers, excluding state forfeitures and forfeiture balances, and may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(97) the department of public safety may request division transfers of up to one hundred eighteen thousand dollars (\$118,000) from any division to the special investigations division for the operation of the crime stoppers commission;

(98) upon the federal Intermodal Surface Transportation Efficiency Act reauthorization, the state highway and transportation department may request budget increases from the unbudgeted revenue in the state road fund for the road betterment division in an amount necessary to maximize the use of federal funds;

(99) except as allowed in Paragraph (98) of this subsection, the state highway and transportation department shall not request budget increases from the state road fund to match federal funds except in the transportation programs division and the transportation planning division;

(100) except as allowed in Paragraph (98) and (99) of this subsection, the state highway and transportation department shall not request budget increases except from the local government road fund, beautification fund, aviation fund, transportation fund and rubberized asphalt fund;

(101) the state highway and transportation department may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category;

(102) the state department of public education may request budget increases for the instructional materials fund, the public school capital outlay fund and the public school energy efficiency fund;

(103) the state department of public education may request transfers from the travel, maintenance and repairs, supplies and materials, contractual services, operating costs, other costs, capital outlay, out-of-state travel or other financing uses category to any other category; and

(104) the commission on higher education may request category transfers.

C. The department of military affairs, the department of public safety and the energy, minerals and natural resources department may request budget increases as required by an executive order declaring a disaster or emergency.

D. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, agencies whose revenue from unforeseen federal funds, from state board of finance loans, from revenue appropriated by other acts of the legislature, or from gifts, grants, donations, bequests, insurance settlements, refunds, or payments into revolving funds exceed specifically appropriated amounts may request budget increases from the state budget division. If approved by the state budget division, such money is appropriated. In approving a budget increase from unforeseen federal funds, the director of the state budget division shall advise the legislative finance committee as to the source of the federal funds and the source and amount of any matching funds required.

E. To foster efficiency, effectiveness and accountability of state government, the legislative finance committee shall study budget adjustment procedures, use of authority, reporting, constitutional matters, statutory authority and other issues

related to budget adjustments during the 1998 interim and report its findings and recommendations to the first session of the forty-fourth legislature.

The legislative council service shall study constitutional and legal issues involved in the use of joint powers agreements between state agencies and shall report its findings and recommendations to the first session of the forty-fourth legislature. The legislative finance committee shall cooperate with the legislative council service as needed.

Chapter 15 Section 8

Section 8. BUDGET REVIEW AND ADJUSTMENT PILOT PROJECT.--

A. The state budget division and the legislative finance committee shall conduct a joint executive-legislative "budget review and adjustment pilot project" involving select executive agencies that is designed to provide the executive and legislature with the ability to monitor and analyze the existing budget adjustment procedures and to strengthen the accountability of the budget adjustment request process. The pilot shall be structured by the state budget division and the legislative finance committee so as to provide the executive and the legislature with the necessary information and tools to effectively evaluate expenditures for necessary government functions and to provide long-range stewardship of state assets.

B. The pilot agencies are the taxation and revenue department, the general services department, the state fair, the human services department, the department of health, the children, youth and families department, the corrections department, the road betterment division of the state highway and transportation department, the state investment council, the educational retirement board and the public employees retirement association.

C. The pilot project shall establish the mechanism for budget increases or budget transfers of pilot agencies, including a procedure for certification of the need for an increase or transfer. In addition to the procedures provided in Sections 6-3-23 through 6-3-25 NMSA 1978 for request and approval of a budget adjustment, budget increases or budget transfers allowed in this section for the pilot agencies are subject to the conditions and procedures provided in Subsections D and E of this section.

D. As a condition precedent to an approval by the department of finance and administration of a budget increase or budget transfer for a pilot agency, the department shall certify to the legislative finance committee that a request meets the following conditions:

(1) the agency is not requesting budget increase authority or transfer authority to fund a purpose or program that has not been approved by the legislature for that agency;

(2) the agency is not requesting an expansion to fund a program change that was not approved by the legislature;

(3) the agency certifies that an emergency or a serious change in circumstance exists that requires immediate funding; and

(4) the agency is not attempting, either directly or indirectly, to delegate its powers and duties.

E. Upon receipt of the certification by the department of finance and administration that a budget increase or transfer request pursuant to the pilot project meets the conditions set out in Subsection D of this section, the legislative finance committee may raise objections to the certification within thirty days of receipt of the certification. If no objections are raised by the legislative finance committee within that time, the committee is deemed to have concurred with the certification by the department. If the legislative finance committee raises objections to the certification, it shall attempt to resolve the issues with the state budget division pursuant to the procedures developed for the pilot project. The legislative finance committee may hold hearings on its objections to any certification. If the amount of the request is two hundred fifty thousand dollars (\$250,000) or more and the objections are not resolved satisfactorily through the pilot project, the legislative finance committee shall make recommendations to the legislature regarding the certification. The pilot agencies agree to be bound by the terms of the pilot project and the department of finance and administration agrees to wait until the legislative finance committee either concurs with the certification or until the issue is determined by legislative action. If the legislature does not act on the budget increase or budget transfer request by the end of the next legislative session, it is deemed approved.

F. The pilot agencies may request increases or transfers as follows:

(1) taxation and revenue department, for budget increases from other state funds;

(2) general services department, for budget increases from other state funds and internal service funds/interagency transfers;

(3) state fair, for budget increases from other state funds;

(4) human services department, for budget increases from other state funds;

(5) department of health, for budget increases from other state funds;

(6) the children, youth and families department, for budget increases from other state funds and internal service funds/interagency transfers;

(7) corrections department, for budget increases from other state funds and budget transfers among institutions and the adult institutions division director; and

(8) the road betterment division of the state highway and transportation department, for budget transfers from any program or subprogram within the division to any other program or subprogram within the division.

G. As part of the budget review and adjustment pilot project, the department of finance and administration and the legislative finance committee shall receive and evaluate quarterly reports from the state investment council, the educational retirement board and the public employees retirement association. The reports shall include the following information:

(1) fund performance;

(2) changes in asset allocation;

(3) investment policies;

(4) amount of internal and external management and custody fees and transaction fees by asset type; and

(5) copies of proposed or actual contracts over one hundred thousand dollars (\$100,000).

H. The department of finance and administration and the legislative finance committee shall provide an interim report to the governor and the legislature by January 1, 1999 and a final report to the governor and the legislature by July 15, 1999. The final report shall include their findings and recommendations for statutory or systemic changes necessary to the budget adjustment process.

Chapter 15 Section 9

~~[Section 9. PARTS NOT SEVERABLE.--If any part or application of this act is held to be invalid, the remainder or its application to other situations or persons shall likewise be invalid. The provisions of this act are not severable.]~~

HOUSE TAXATION AND REVENUE COMMITTEE

SUBSTITUTE FOR HOUSE BILL 2, AS AMENDED

SIGNED MAY 11, 1998

CHAPTER 16

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; MAKING IT A VIOLATION OF THE LIQUOR CONTROL ACT TO SELL OR DELIVER ALCOHOLIC BEVERAGES FROM A DRIVE-UP WINDOW; AMENDING SECTIONS OF THE LIQUOR CONTROL ACT.

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

Chapter 16 Section 1

Section 1. Section 60-6C-1 NMSA 1978 (being Laws 1981, Chapter 39, Section 97, as amended) is amended to read:

"60-6C-1. GROUNDS FOR SUSPENSION, REVOCATION OR ADMINISTRATIVE FINE--REPORTING REQUIREMENT.--

A. The director may suspend or revoke the license or permit or fine the licensee in an amount not more than ten thousand dollars (\$10,000), or both, when he finds that any licensee has:

(1) violated any provision of the Liquor Control Act or any regulation or order promulgated pursuant to that act;

(2) been convicted of a felony pursuant to the provisions of the Criminal Code, the Liquor Control Act or federal law; or

(3) permitted his licensed premises to remain a public nuisance in the neighborhood where it is located after written notice from the director that investigation by the department has revealed that the establishment is a public nuisance in the neighborhood.

B. The director shall suspend or revoke the license or permit and may fine the licensee in an amount not to exceed ten thousand dollars (\$10,000), or both, when he finds that any licensee or:

(1) his employee or agent knowingly has sold, served or given any alcoholic beverage to a minor in violation of Section 60-7B-1 NMSA 1978 or to an intoxicated person in violation of Section 60-7A-16 NMSA 1978, on two separate occasions within any twelve-month period; or

(2) his agent has made any material false statement or concealed any material facts in his application for the license or permit granted him pursuant to the provisions of the Liquor Control Act.

C. Any licensee aggrieved by a revocation, suspension or fine proposed to be imposed by the director pursuant to this section shall be entitled to the hearing procedures set forth in Chapter 60, Article 6C NMSA 1978 before the revocation, suspension or fine shall be effective.

D. Any charge filed against a licensee by the department and the resulting disposition of the charge shall be reported to the department of public safety and local law enforcement agencies whose jurisdictions include the licensed establishment."

Chapter 16 Section 2

Section 2. Section 60-7A-1 NMSA 1978 (being Laws 1981, Chapter 39, Section 47, as amended) is amended to read:

"60-7A-1. HOURS AND DAYS OF BUSINESS--SUNDAY SALES--CHRISTMAS DAY SALES--SUNDAY SALES FOR CONSUMPTION OFF THE LICENSED PREMISES--ELECTIONS.--

A. Alcoholic beverages shall be sold, served and consumed on licensed premises only during the following hours and days:

(1) on Mondays from 7:00 a.m. until midnight;

(2) on other weekdays from after midnight of the previous day until 2:00 a.m., then from 7:00 a.m. until midnight, except as provided in Subsections D, E and G of this section; and

(3) on Sundays only after midnight of the previous day until 2:00 a.m., except as provided in Subsections C and F of this section; provided, however, nothing in this section shall prohibit the consumption at any time of alcoholic beverages in guest rooms of hotels.

B. Alcoholic beverages shall be sold by a dispenser or a retailer in unbroken packages, for consumption off the licensed premises and not for resale, on Mondays through Saturdays from 7:00 a.m. until 12:00 a.m. on the following day, except as provided in Subsections D, E and G of this section.

C. Subject to the provisions of Subsections F and H of this section, a dispenser, restaurant licensee or club may, upon payment of an additional fee of one hundred dollars (\$100), obtain a permit to sell, serve or permit the consumption of alcoholic beverages by the drink on the licensed premises on

Sundays from 12:00 noon until midnight and in those years when December 31 falls on a Sunday from 12:00 noon until 2:00 a.m. of the following day, except as otherwise provided in Subsection F of this section. The permit shall expire on June 30 of each year and may be renewed from year to year upon application for renewal and payment of the required fee. The permit fee shall not be prorated. Sales made pursuant to this subsection or Subsection H of this section shall be called "Sunday sales".

D. Retailers, dispensers, canopy licensees, restaurant licensees, club licensees and governmental licensees or their lessees shall not sell, serve, deliver or allow the consumption of alcoholic beverages on the licensed premises during voting hours on the days of the primary election, general election, elections for officers of a municipality or any other election as prescribed by the rules and regulations of the director.

E. Retailers, dispensers, canopy licensees that were replaced by dispenser's licensees pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees, club licensees and governmental licensees or their lessees shall not sell, serve, deliver or allow the consumption of alcoholic beverages on the licensed premises from 2:00 a.m. on Christmas day until 7:00 a.m. on the day after Christmas, except as permitted pursuant to Subsection G of this section.

F. At the 1984 general election, the secretary of state shall order placed on the ballot in each local option district the question "Shall Sunday sales of alcoholic beverages by the drink for consumption on the licensed premises of licensees be allowed in this local option district?". If the secretary of state determines a need, he may authorize the use of paper ballots for the purpose of the election provided for pursuant to this subsection. Until such election, Sunday sales shall be permitted on the same basis in any local option district as provided under any former act, and the election held at the first general election following the effective date of the Liquor Control Act shall have no effect on whether Sunday sales are permitted in any local option district. If the question is disapproved by a majority of those voting upon the question in the local option district, Sunday sales shall be unlawful in that local option district upon certification of the election returns, and the question shall not again be placed on the ballot in that local option district until:

(1) at least one year has passed; and

(2) a petition is filed with the local governing body bearing the signatures of registered qualified electors of the local option district equal in number to ten percent of the number of votes cast and counted in the local option district for governor in the last preceding general election in which a governor was elected. The signatures on the petition shall be verified by the clerk of the county in which the local option district is situated.

G. On and after July 1, 1989, dispensers, canopy licensees that were replaced by dispenser's licensees pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees, club licensees and governmental licensees or lessees of these licensees may sell, serve or allow the consumption of beer and wine with meals on licensed premises from noon until 10:00 p.m. on Christmas day, except in a local option district in which, pursuant to petition and election under this subsection, a majority of the voters voting on the question votes against continuing such sales or consumption on Christmas day. An election shall be held on the question of whether to continue to allow the sale, service or consumption of beer and wine with meals on licensed premises from noon until 10:00 p.m. on Christmas day in a local option district, if a petition requesting the governing body of that district to call the election is signed by at least ten percent of the registered voters of the district and is filed with the clerk of the governing body of the district. Upon verification by the clerk that the petition contains the required number of signatures of registered voters, the governing body shall adopt a resolution calling an election on the question of allowing the sale, service or consumption of beer and wine with meals on licensed premises from noon until 10:00 p.m. on Christmas day. The election shall be held within sixty days after the date the petition is verified, or it may be held in conjunction with a regular election of the governing body if that election occurs within sixty days of such verification. The election shall be called, conducted, counted and canvassed in substantially the same manner as provided for general elections in the county under the Election Code or for special municipal elections in a municipality under the Municipal Election Code. If a majority of the voters voting on the question votes against continuing the sale, service or consumption of beer and wine with meals on licensed premises from noon until 10:00 p.m. on Christmas day, then such sales and consumption shall be prohibited. If a majority of the voters voting on the question votes to allow continued sale, service and consumption of beer and wine with meals on licensed premises from noon until 10:00 p.m. on Christmas day, then such sales and consumption shall be allowed to continue. The question then shall not be submitted again to the voters within two years of the date of the last election on the question.

H. Notwithstanding the provisions of Subsection F of this section, any Indian tribe or pueblo whose lands are wholly situated within the state that has, by statute, ordinance or resolution, elected to permit the sale, possession or consumption of alcoholic beverages on lands within the territorial boundaries of the tribe or pueblo may, by statute, ordinance or resolution of the governing body of the Indian tribe or pueblo, permit Sunday sales by the drink on the licensed premises of licensees on lands within the territorial boundaries of the tribe or pueblo; provided that a certified copy of such enactment is filed with the office of the director and of the secretary of state.

I. Subject to the provisions of Subsection J of this section, a dispenser or retailer, upon payment of an additional fee of one hundred dollars (\$100), may obtain a permit to sell alcoholic beverages in unbroken packages for

consumption off the licensed premises on Sundays from 12:00 noon until midnight, and in those years when December 31 falls on a Sunday, from 12:00 noon on December 31 until 2:00 a.m. of the following day. The permit shall expire on June 30 of each year and may be renewed from year to year upon application for renewal and payment of the required fee. The permit fee shall not be prorated. Sales made pursuant to the provisions of this subsection shall be called "Sunday package sales".

J. If a petition requesting the governing body of a local option district to call an election on the question of continuing to allow sales of alcoholic beverages in unbroken packages for consumption off the licensed premises on Sundays is filed with the clerk of the governing body and that petition is signed by at least ten percent of the number of registered voters of the local option district and the clerk of the governing body verifies the petition signatures, the governing body shall adopt a resolution calling an election on the question. The election shall be held within sixty days of the date the petition is verified, or it may be held in conjunction with a regular election of the governing body, if the regular election occurs within sixty days of the petition verification. The election shall be called, conducted, counted and canvassed substantially in the manner provided by law for general elections within a county or special municipal elections within a municipality. If a majority of the voters of the local option district voting in the election votes to allow the sale of alcoholic beverages in unbroken packages for consumption off the licensed premises, then those sales shall continue to be allowed. If a majority of the voters of the local option district voting in the election votes not to allow the Sunday package sales, then those Sunday package sales shall be prohibited commencing the first Sunday after the results of the election are certified. Following the election, the question of allowing the Sunday package sales shall not be submitted again to the voters within two years of the date of the last election on the question."

Chapter 16 Section 3

Section 3. Section 60-7A-22 NMSA 1978 (being Laws 1981, Chapter 39, Section 108, as amended) is amended to read:

"60-7A-22. DRINKING IN PUBLIC ESTABLISHMENTS--SELLING OR SERVING ALCOHOLIC BEVERAGES OTHER THAN IN LICENSED ESTABLISHMENTS--SELLING OR DELIVERING ALCOHOLIC BEVERAGES FROM A DRIVE-UP WINDOW.--

A. It is a violation of the Liquor Control Act for any person to consume alcoholic beverages in any public establishment unless the establishment is licensed to sell and serve alcoholic beverages.

B. It is a violation of the Liquor Control Act for any person not a licensee to sell, serve or permit the consumption of alcoholic beverages in his public establishment or private club.

C. It is a violation of the Liquor Control Act for any licensee to sell or deliver alcoholic beverages from a drive-up window."

SEBATE BILL 2

CHAPTER 17

AN ACT

RELATING TO THE NEW MEXICO FINANCE AUTHORITY; PROVIDING LEGISLATIVE AUTHORIZATION TO THE NEW MEXICO FINANCE AUTHORITY TO ISSUE BONDS FOR A BUILDING AT THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW AND TO REFINANCE OUTSTANDING OBLIGATIONS OF THE NEW MEXICO STATE FAIR; AUTHORIZING THE NEW MEXICO STATE FAIR TO ISSUE REFUNDING BONDS AND TO SELL BONDS TO THE NEW MEXICO FINANCE AUTHORITY; MAKING AN APPROPRIATION.

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

Chapter 17 Section 1

Section 1. AUTHORIZATION OF PROJECT.--Pursuant to the provisions of Section 6-21-6 NMSA 1978, the legislature authorizes the New Mexico finance authority to issue bonds payable from the public project revolving fund in an amount not to exceed four million dollars (\$4,000,000) for the purpose of making a grant of the proceeds of such bonds to the board of regents of the university of New Mexico for acquiring, constructing, equipping or improving a building at the university of New Mexico school of law.

Chapter 17 Section 2

Section 2. AUTHORIZATION OF PROJECT--APPROPRIATION.--Pursuant to the provisions of Section 6-21-6 NMSA 1978, the legislature authorizes the New Mexico finance authority to utilize the public project revolving fund to make a loan to or purchase securities of the New Mexico state fair to refinance or refund outstanding bonds, notes, loans or other obligations of the state fair on terms and conditions established by the authority. The net proceeds of the loan or securities are appropriated to the New Mexico state fair.

Chapter 17 Section 3

Section 3. Section 16-6-16 NMSA 1978 (being Laws 1935, Chapter 69, Section 4, as amended) is amended to read:

"16-6-16. ISSUANCE OF NEGOTIABLE BONDS--TERMS.--The New Mexico state fair, with the prior approval of the state board of finance, is authorized from time to time to issue negotiable bonds in the aggregate principal amount of not to exceed six million dollars (\$6,000,000). The bonds shall be authorized by resolution of the state fair commission. The bonds may be issued in one or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times not exceeding fifty years from the respective dates thereof, may mature in such amount or amounts, shall bear interest in accordance with the Public Securities Act, may be in such form as the state fair commission may determine and may be executed in such manner, may be payable in such medium of payment at such place or places and may be subject to such terms of redemption with or without premium as such resolution or other resolutions may provide. The bonds may be sold at public sale for not less than par value and in the manner provided by law for the sale of municipal bonds or may be sold at a private sale to the New Mexico finance authority. The bonds shall be negotiable instruments notwithstanding the form or tenor thereof. The New Mexico state fair may issue refunding bonds to refund, refinance, pay or discharge outstanding bonds, notes, loans or other obligations of the state fair on the same terms and conditions as provided for the issuance of other bonds by the New Mexico state fair."

Chapter 17 Section 4

Section 4. CONTINGENT EFFECTIVE DATE.--The provisions of Sections 2 and 3 of this act shall be effective on the day following the day that the New Mexico finance authority makes the grant to the board of regents of the university of New Mexico authorized in Section 1 of this act.

SENATE BILL 41, AS AMENDED