

# HIGHLIGHTS

OF THE

FORTY-NINTH LEGISLATURE

FIRST SESSION, 2009

AND

FORTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION, 2008

Acts carrying an emergency clause become effective immediately upon signature by the governor. All other acts passed during a session and approved by the governor become effective 90 days after adjournment of the legislature or at a date specified in the act.

*New Mexico Legislative Council Service  
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## Introduction

*No es desgracia ser pobre pero es muy inconveniente.*

*(Being poor is no disgrace, but it is inconvenient.)*

- Spanish dicho

As the 2009 session got under way, the terms "solvency", "stimulus" and "live web streaming" significantly entered the legislative lexicon.

For the past couple of years, legislators put together spending plans that grew more in expenditures than in revenues; but in 2009, that ended as our state, the nation and the world faced a financial crisis the likes of which had not been seen since the Great Depression. Legislators actually had to pass two spending plans during the 2009 session. Before they could even begin to address a budget for fiscal year 2010, they had to close a \$454 million budget gap in the current year's spending plan. "Solvency" was the word used with increasing frequency and increasing despair.

The 2009 solvency package was passed early in the session and signed into law by the governor. This package cut spending across all state agencies, transferred dollars from other funds to the general fund and juggled financing for some capital outlay projects from previous years, all to cover the projected deficit.

Once legislators addressed the fiscal year 2009 solvency issues, they tackled the more familiar task of developing the annual budget for the fiscal year beginning July 1. At this point, a seldom-used budgeting term came into play: "stimulus". The addition of \$330 million in federal stimulus funds to the fiscal year 2010 budgeted revenues allowed the legislature to meet its constitutional mandate to balance the budget of \$5.5 billion — 9% less than the fiscal year 2009 "pre-solvency" budget — while managing to maintain state reserves at the 10% level.

The state's dire fiscal straits kept legislators from making many other appropriations. Capital outlay spending was limited to critical health and safety projects and to completion funding for statewide projects already under way. The proposed public school funding formula, which would have required an infusion of about \$350 million, failed to pass as did proposals to buy the college of Santa Fe.

Passing 323 bills — the fewest in a 60-day session since 1985 — the legislature did, however, address several difficult issues that sparked lively floor debates as newly elected members did not seem content to take on the traditional freshman role of learning the rules and holding their tongues. Receiving the most attention was the repeal of the death penalty, making New Mexico the second state to abolish the death penalty legislatively since its reinstatement by the United States supreme court in 1976. A number of proposals to make it easier for homeowners to absorb the costs of installing solar or other

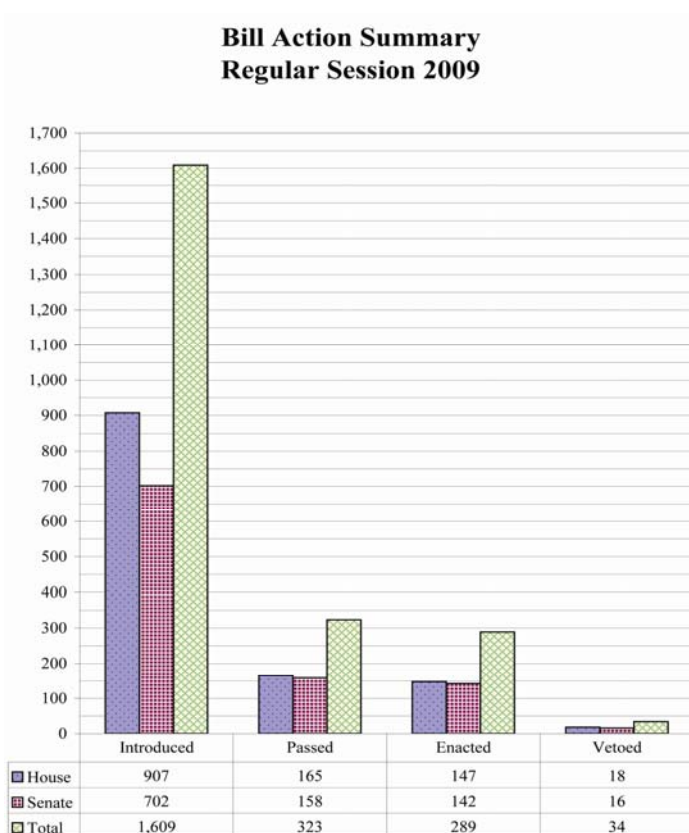
renewable energy systems was also approved. But only one of several proposals to approve tax increment development districts passed — the proposal to develop Winrock shopping center in Albuquerque. Proposals to allow for domestic partnerships for unmarried couples and to allow for expanded public support for embryonic stem cell research did not pass.

Ethics reform once again received a great deal of attention. Of more than 20 ethics-related bills that were introduced, two significant measures passed: one to limit the amount of money that donors can give to political candidates and another to open legislative conference committees, where last-minute details on legislation not yet agreed upon by both houses are worked out. A proposal to create an independent ethics commission did not pass.

Both houses addressed issues related to broadcasting their proceedings. Practicing the philosophy of "it's better to ask forgiveness than to ask permission", one representative used off-the-shelf equipment to stream sessions of the committees of which she was a member on the internet. The house later agreed to live audio streaming of its floor sessions. The senate decided to offer a video stream of its floor sessions, but only after a compromise in the final week of the session that allowed a single camera at the back of the chamber.

The *Highlights* is an annual publication of the legislative council service that summarizes much, but not all, of the legislative action during each session. The omission of certain legislation or issues

should not be interpreted as an indication that those are not important; each is important to someone. Many issues in the *Highlights* defy single-topic categorization, so every effort has been made to organize and cross-reference the contents. A complete listing of bills that passed is included in the Concordance located in *Appendix D*.



FORTY-NINTH LEGISLATURE  
FIRST SESSION, 2009





## *AGRICULTURE*

The poor economic situation hurt agriculture perhaps harder than other industries, and legislators were looking for ways during the session to stimulate income for the state's rural economies. To support growers and the food processing industry, **House Bill 38 (Chapter 41)** amends the Agricultural Market Development Act of 1979 to authorize the New Mexico department of agriculture to develop and implement certification standards for branding agricultural products that may receive unique labels based on region of origin, variety or other special characteristics, though the department is not authorized to obtain trademarks or copyrights for any product brands. The rationale behind the bill is to help New Mexico agricultural producers develop brands for marketing their products that will help foster an appreciation for "New Mexico-grown" items, similar to brands such as the "Idaho" potato, the "Washington" apple, the "Maine" blueberry, the "Georgia" peach and "California" wines.

## *ANIMALS AND LIVESTOCK*

Amid growing concerns about invasive species and the environmental damage they can cause, the legislature considered several bills that address the introduction of exotic or ecologically harmful species. Humane treatment of animals also was once again the theme of several bills.

Zebra and quagga mussels are two aquatic invasive species that have infested the upper Mississippi river basin and the great lakes at a cost, according to the department of game and fish, up to \$137 billion per year for response to and control of the mussels and for maintenance and repair of equipment. These species have entered western waters as well, appearing now in Arizona, California, Colorado, Nevada, Utah and Oklahoma. **House Bill 467 (Chapter 38)** provides the department and other agencies with the authority to control and prevent the spread of aquatic invasive species in the state.

The New Mexico livestock board has raised an alarm about the potential for feral hogs to cause damage to farm and ranch operations and to pose significant health risks. Similarly, the department of game and fish reports that the presence and potential increase in the number and distribution of feral hogs in New Mexico represents risks to wildlife, including disease transmission, habitat degradation and predation. **House Bill 594 (Chapter 264)** and its companion, **Senate Bill 504 (Chapter 257)**, were both adopted by the legislature to create a new misdemeanor crime within The Livestock Code of importing or operating a commercial feral hog business.

Provisions of the animal cruelty statutes and The Livestock Code are amended in **Senate Bill 127 (Chapter 43)** to allow a court to require security to be deposited with the court to cover the costs of caring for the animal of an owner who is charged with cruelty to animals while the court determines the innocence or guilt of the owner. The shelter housing the animal may draw on the

security to pay the costs incurred to care for the animal. If the person is determined to be innocent, the entire amount of the security shall be returned to the owner with the animal. If the security is insufficient to cover the costs of caring for the animal and the owner is found guilty, the difference shall be paid by the owner.

The humane society of the United States recommends the injection of sodium pentobarbital as the preferred agent for the euthanasia of companion animals. When properly performed, this method has been found by the humane society to be the most humane, the safest, the least stressful and the preferred choice of professionals. Four localities — Portales, Tucumcari, Jal and Clovis — currently use gas chambers, while all other shelters in the state use lethal injection. **House Bill 265 (Chapter 103)** clarifies the authority granted each municipality and county to seize and dispose of dogs and cats running at large. The ordinances of each municipality and county shall not conflict with the provisions of Chapter 77, Article 1B NMSA 1978. The bill prohibits the use of carbon monoxide gas chambers for the euthanasia of cats and dogs.

**House Bill 593 (Chapter 102)** changes the name of the Animal Sheltering Services Act to the Animal Sheltering Act and provides greater authority for licensed euthanasia technicians. The legislation authorizes euthanasia technicians to purchase, possess and administer euthanasia drugs for the purpose of performing euthanasia and pre-euthanasia on animals. The bill also changes the name of the animal sheltering services board to the animal sheltering board and makes some minor organizational changes.

*Related Bills*

**House Bill 645** - bass fishing motor vehicle registration plate - see *Motor Vehicles and Transportation*  
**SFC/Senate Bill 669** - disabled veterans' hunting and fishing license eligibility - see *Military and Veterans' Affairs*

*APPROPRIATIONS AND FINANCE*

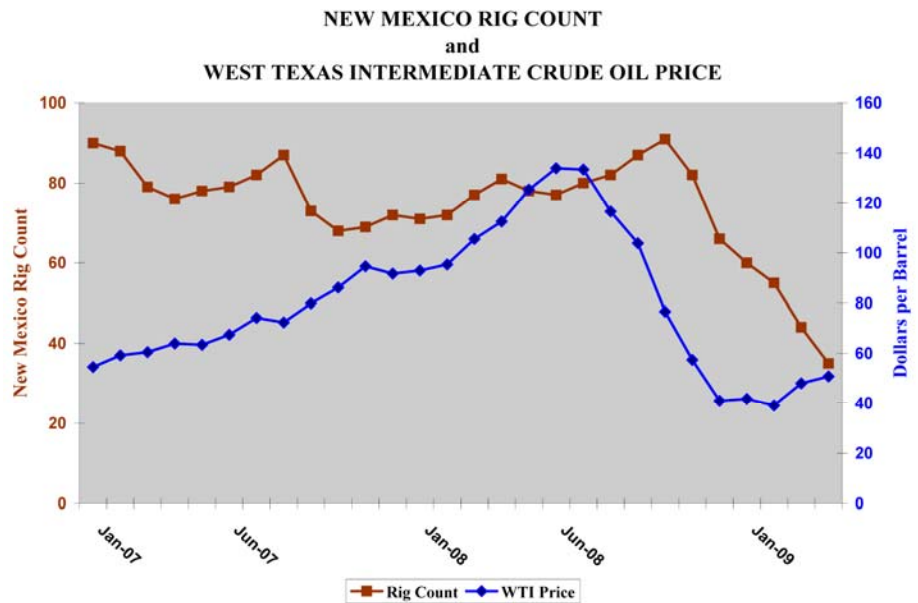
The 2008 election was characterized as a win for the state's progressives, but when the 11 new house members and eight new senators were sworn in, they and their colleagues were facing a state and national financial bust that the economic pundits were calling the worst since the Great Depression.

*Economic Conditions*

When the 2009 legislature convened in January, it faced two formidable challenges. The first challenge was to cover a \$454 million shortfall in the fiscal year 2009 budget with less than six months left in the budget period. The second challenge was to raise enough revenue to provide a responsible fiscal year 2010 budget that would not only balance but would meet the needs of medicaid, public schools, higher education and general government — all without having to lay off state employees or cut their salaries.

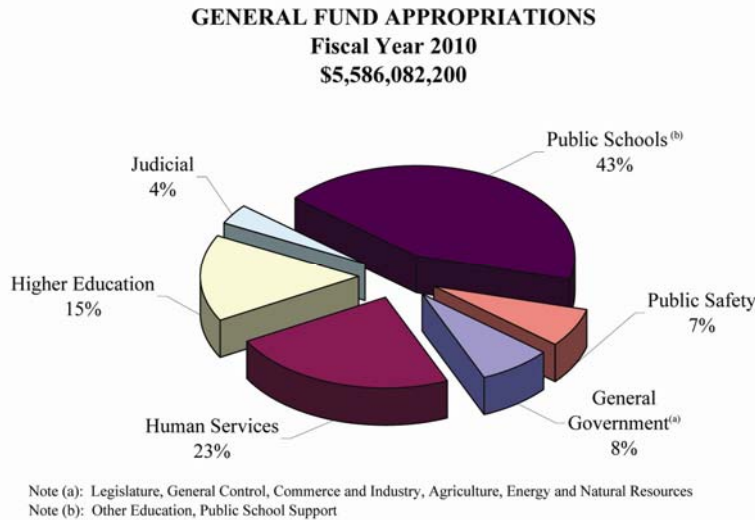
The fiscal year 2009 shortfall had developed over the previous calendar year, the result of a precipitous decline in the New Mexico and United States economies after the 2008 legislature passed the appropriations for a balanced budget for fiscal year 2009. In January 2008, U.S. economic growth was projected to be 2.2% during fiscal year 2009; however, the January 2009 economic forecast projected a -1.4% decline in U.S. economic activity during that fiscal year. Over the same period, the outlook for job growth in New Mexico was revised from a projected 1.5% growth in employment to a -0.6% decline in employment during that fiscal year.

The rapid reversal of fortune is illustrated by the behavior of oil prices, which were estimated in January 2008 to average \$75.00 per barrel in fiscal year 2009, rose to a monthly peak of \$134 per barrel in June 2008, plunged to \$39.00 per barrel in February 2009 and rebounded slightly to \$48.00 per barrel in March 2009. The New Mexico rig count continued to rise through October 2008 and has continued to decline even with the rebound in oil prices. The continued decline is attributed to the uncertainty over future oil prices.



The legislature covered the fiscal year 2009 budget shortfall in a very timely and effective manner with the passage of a package of bills commonly referred to as the "solvency package". These bills, discussed in more detail below, were all passed by the legislature and signed by the governor during the early part of the legislative session. The combined solvency-package bills increase operating revenues, reduce operating appropriations and shore up general fund balances by voiding previous nonrecurring general fund appropriations for capital projects and sweeping balances in other special funds into the general fund. Without these bills, New Mexico state government was facing a \$454 million revenue shortfall, with no ability to cover it from existing general fund reserves. Together, these bills result in a balanced budget for fiscal year 2009 and a projected 10% ending balance in general fund reserves.

With the 2009 solvency problem solved, the legislature had to get down to the business of building the General Appropriation Act of 2009 in the face of declining revenues and economic turmoil in the U.S. and world economies that had not been seen in decades, as well as the tremendous uncertainty over the future path of the economy.



Two opposing economic currents affect that future path. First, the U.S. and New Mexico economies are in steep decline, showing few signs of "bottoming out". Second, the federal government is pumping stimulus dollars of historic proportion into the financial, industrial and individual consumer sectors, hoping to reverse the slide in the economy. There is great uncertainty as to when, or if, the federal stimulation will reverse the economic slide and place the national and state economies on a recovery

path.

A mid-session revenue estimate projected fiscal year 2010 recurring general fund revenues of \$5.451 billion, down from \$5.716 billion in recurring general fund revenues in fiscal year 2009 and \$6.016 billion in recurring general fund revenues in fiscal year 2008. General fund recurring revenues are projected to begin growing again in fiscal year 2011, reaching \$5.716 billion, which is a 4.9% growth from fiscal year 2010. The forecast, however, is that general fund recurring revenues will not exceed fiscal year 2008 levels until fiscal year 2013.

New Mexico annual average oil prices peaked at a high of \$93.00 per barrel in fiscal year 2008; they are expected to average \$62.00 per barrel in fiscal year 2009, hit bottom at \$47.00 per barrel in fiscal year 2010 and begin to grow modestly to \$53.00 per barrel in 2011, \$58.00 per barrel in 2012 and \$65.00 per barrel in 2013. New Mexico non-farm employment is expected to decline another - 0.1% in fiscal year 2010, after the - 0.6% decline in fiscal year 2009, and is forecast to grow by 1.7% per year in fiscal years 2011 through 2013.

Focusing on fiscal year 2010, recurring general fund revenues were projected to decline about \$268 million from fiscal year 2009 and open up a \$575 million shortfall between fiscal year 2010 recurring revenues and the fiscal year 2009 budget, before solvency measures. In other words, with no growth in appropriations in fiscal year 2010, the revenue estimate determined that an additional \$575 million in revenue would have to be raised.

The legislature was able to complete its constitutional mandate to provide for a balanced budget for fiscal year 2010. The general appropriation act cut general fund recurring appropriations for fiscal year 2010 to \$5.472 billion, which was \$539 million, or 9%, less than fiscal year 2009 appropriations prior to solvency legislation and \$375 million, or 6.4%, below the fiscal year 2009 operating budget after solvency adjustments. The fiscal year 2010 budget uses \$330 million in federal stimulus funding to replace general fund appropriations for education and medicaid in fiscal year

2010, which allows the general fund budget to be balanced without the need to draw down reserves below the 10% level.

***Solvency Package***

The most-used word of the forty-ninth legislature, first session, might have been "solvency"; it was on everyone's mind and everyone's lips for at least the first month of the session. Afterwards, the phrase was "stimulus funds", but that is another story. The first order of business had to be reworking the current-year operating and capital budgets to ensure fiscal year 2009 solvency before the finance committees could begin their work on the fiscal year 2010 budget appropriations. The solvency package included House Taxation and Revenue Committee Substitute for House Bill 9, the capital outlay cuts and reauthorizations bill; House Appropriations and Finance Committee Substitute for House Bill 10, the bill with General Appropriation Act of 2008 reductions; Senate Finance Committee Substitute for Senate Bill 79, the bill with fiscal year 2009 fund transfers and appropriations cuts; and Senate Bill 80, the bill to change corporate income tax reporting dates.

As part of the fiscal year 2009 solvency plan for the general fund, **House Taxation and Revenue Committee Substitute for House Bill 9 (Chapter 5, p.v.)** voids general fund and severance tax bond projects authorized in prior years and authorizes severance tax bonding capacity for viable general fund projects. The result of the legislation is that the general fund capacity for fiscal year 2009 was increased to address the solvency issue. Criteria used to determine which projects would be voided included:

- ▶ projects with inadequate funding for completion;
- ▶ projects for which funds sat unexpended for more than two years;
- ▶ projects for which federal funding did not happen;
- ▶ projects with contingencies that could not be met;
- ▶ projects for which no third-party agreements were in place; and
- ▶ projects for which funding was declined by the grantee.

After vetoes, Chapter 5 voids approximately \$91.6 million in general fund projects, which reverts to the general fund. It also voids approximately \$24.6 million in severance tax bond (STB) projects and reverts that amount to the severance tax bonding fund. The viable general fund projects that are now "swapped" over to STB funding total approximately \$47.7 million, so about \$23 million of new STB capacity was also tapped. See the *Highlights* companion volume, *Capital Outlay Projects and Reauthorizations*, for a list of projects affected by this measure.

**House Appropriations and Finance Committee Substitute for House Bill 10 (Chapter 2, p.v.)** continued the march to solvency by amending the General Appropriation Act of 2008 generally to cut all fiscal year 2009 appropriations by 2.5%, although the bill provided for larger or smaller cuts for a variety of agencies. Larger cuts were made in this bill to public education and medicaid, but supplemental appropriations were made to those programs in Senate Finance Committee Substitute

**SOLVENCY PACKAGE – SFC/SB 79**  
**General Appropriation Act of 2008 – FY 2009 Reductions**  
(dollars expressed in thousands)

<u>Agency</u>	<u>Reduction</u>
-All agencies, except as noted	2.5%
-Personnel board, public employee labor relations board, regulation and licensing department, energy, minerals and natural resources department	5.0%
-Economic development department	3.9%
-Public education department	3.8%
-Taxation and revenue department, cultural affairs department, aging and long-term services department	3.0%
-Veterans' services department	2.4%
-Workforce solutions department	2.1%
-District attorneys, public defender, children, youth and families department, corrections department, department of public safety	1.9%
-Vocational rehabilitation division	1.8%
-Developmental disabilities planning council	1.6%
-Supreme court law library, compilation commission, judicial standards commission, court of appeals, supreme court, administrative office of the courts, supreme court building commission, district courts, metropolitan court	1.4%
-Lieutenant governor	0.0%
-Medicaid and medicaid behavioral health program of human services department (to nearest \$100)	1.0%
-Medicaid other category, further reduction	\$24,550.0
-State equalization guarantee transportation distribution	\$4,000.0
-All agencies and institutions, further reduction of compensation appropriation allocation; agencies directed to use program transfers, category transfers, cash balances, vacancy savings and other available funds to provide the 2008 salary increases	2.5%
-All agencies given additional budget adjustment authority to assist with funding reductions	

for Senate Bill 79, which resulted in a net reduction of 1%. The bill also reduces fiscal year 2009 appropriations for compensation increases by 2.5%, but stipulates that individual salary increases will not be affected. The bill provides for increased budget adjustment authority so that each agency may transfer budgets between categories and programs to avoid adverse impacts from the cuts.

The third fiscal year 2009 solvency bill was **Senate Finance Committee Substitute for Senate Bill 79 (Chapter 3, p.v.)**. The bill cuts fiscal year 2009 general fund appropriations to the legislative branch in the "feed bill" and also cuts special appropriations in the bill known as "House Bill 2 Junior" made by the 2008 legislature by 7.3%. To increase the available money in the general fund, the bill transfers several million dollars from other state funds to the general fund, temporarily postpones

increased distributions to the fire protection grant fund and transfers money from the tax stabilization reserve to the general fund. It also restores cuts to the medicaid program and the public schools that were made in House Appropriations and Finance Committee Substitute for House Bill 10 by making extra distributions from the tobacco settlement permanent fund and appropriating money from the appropriation contingency fund, and it uses increased federal temporary assistance for needy families

(TANF) contingency funds to pay the working families tax credit.

The final solvency bill, Senate Bill 80, changes the reporting dates for the corporate income and franchise taxes and is discussed in the *Taxation* section.

A related bill, **House Appropriations and Finance Committee Substitute for House Bill 920 (Chapter 126)**, creates the New Mexico recovery and reinvestment fund. Since the federal stimulus act — the American Recovery and Reinvestment Act of 2009, or ARRA — temporarily increases the federal medicaid match percentage, at the end of fiscal year 2009 there will be a substantial reversion of state general fund appropriations for medicaid.<sup>1</sup> Also, the federal act prohibits any money received as a result of the increased percentage from directly or indirectly benefiting a state reserve fund; therefore, it is necessary to create a separate fund to which the unexpended state money will revert. Appropriations from the fund may be used only for the medicaid program or to meet

<b>SOLVENCY PACKAGE – SFC/SB 79</b>	
<b>Feed Bill, HB 2 Junior and Fund Transfers – FY 2009 Reductions</b>	
<b>(dollars expressed in thousands)</b>	
	<b>Reduction</b>
-Legislative information system and LCS	3.2%
-LFC	2.5%
-Further reductions for 2008 LCS, LFC, LESC, house and senate chief clerks compensation increase distribution; each agency shall use category transfers, cash balances, vacancy savings and other available funds for salary increases	2.5%
-Prior to June 30, legislative council may reduce GF appropriations in 2009 feed bill	2.5%
-HB 2 Junior appropriations unexpended or unencumbered on effective date of this act	7.3%
-College affordability endowment fund	\$14,500.0
-Public election fund	\$1,750.0
-Public pre-kindergarten fund	\$800.0
-Juvenile continuum grant fund	\$500.0
-Day-care fund	\$1,500.0
-Telecommunications access fund	\$8,000.0
-Corrections department intensive supervision fund	\$1,000.0
-Workers' compensation administration fund	\$5,000.0
-Juvenile community corrections grant fund	\$3,000.0
-Board of nursing fund	\$1,000.0
-Higher education endowment fund	\$600.0
-Electronic voting system revolving fund	\$1,500.0
-Insurance fraud fund	\$400.0
-Motorboat fuel tax fund	\$100.0
-Water project fund allocated to administrative office of the courts	\$1,000.0
-Public school capital outlay fund, to meet appropriations from GF	\$58,400.0
-Public school capital improvements fund unexpended proceeds of taxable severance tax bonds	\$5,500.0
-Tobacco settlement permanent fund extra distribution	
-Fire protection fund delay GF loss for FY 09 and 10	
-Reduce 2008 appropriation to medicaid for DD waiver program, SCHIP, behavioral health	
<b>Fund Transfers – Appropriations</b>	
-TANF contingency funds to pay working families tax credit	\$22,100.0
-Tobacco settlement program fund to medicaid	\$24,550.0
-From appropriation contingency fund (lockbox) to public school support	\$35,753.6
-Tax stabilization reserve to 2009 appropriation account of GF; contingent on governor sending message to session that GF revenues are insufficient	\$55,700.0
-Repeal Laws 2008, Chapter 50, Section 1, an appropriation of balance of tobacco settlement program fund, if balance exceeded other 2008 appropriations from fund	

<sup>1</sup> LFC estimates the reversion to be approximately \$150 million.

general fund appropriations if revenues are insufficient.

***General Appropriation Act***

The legislature was able to strike a balance between budgetary needs and prudence in the General Appropriation Act of 2009, and, in yet another unusual move in an unusual year, the house and senate were able to agree on the bill without the usual conference committee. **House Appropriations and Finance Committee Substitute for House Bills 2, 3, 4, 5 and 6 (Chapter 124, p.v.)**, commonly referred to as House Bill 2, reduces general fund appropriations for fiscal year 2010 to \$5.472 billion, which is a little more than \$539 million, or 9%, less than the fiscal year 2009 appropriations prior to solvency legislation and \$375 million, or 6.4%, below the fiscal year 2009 operating budget after solvency adjustments. As a whole piece, House Bill 2, the solvency package and other related bills make for an interesting and intricate tapestry of appropriations, fund transfers, reductions and replacements. Part of the tapestry's balance came with the enactment of House Bill 854, discussed in the *Public Officers and Employees* section, which provides for the swap of 1.5% of retirement contribution from employers to the employees, saving the general fund \$42 million; this provision applies equally to the public employees retirement association and the educational retirement board. House Bill 2 also uses \$330 million of federal stimulus funding to replace or reduce general fund appropriations in fiscal year 2010 for education and medicaid, which allows the budget to be balanced without the need to draw down reserves below the 10% level. Although agencies will not have to lay off or furlough employees, House Bill 2 takes much higher vacancy rates and reduces spending on contractual services, information technology equipment, motor vehicles and other goods. See *Tables 2 and 3 in Appendix B* for the roll-up and detail of House Bill 2.

With the higher federal medicaid assistance percentage, or FMAP, House Bill 2 reduces the state's general fund effort by \$166.5 million in the human services department, department of health and children, youth and families department. Declining inmate population is responsible for part of the 4.2% decrease in the corrections department budget. The legislature provides \$1 million from the appropriation contingency fund for the department of public safety to avoid reductions in force of state police officers and appropriates another \$1 million in federal funds to account for ARRA funding. The appropriation for state police, however, is affected by its division's high vacancy rate of over 10% and its recruiting difficulties.

The total fiscal year 2010 appropriations to the state equalization guarantee distribution in House Bill 2 is \$2,360,715,500, of which \$2,195,165,500 is general fund. This is a 7.9% reduction from the original fiscal year 2009 appropriation; however, the state expects to make up \$164.7 million from ARRA funding when the public education department (PED) application for funding is accepted, for a reduction closer to 1%. The total general fund appropriation for public school support, which includes both the state equalization guarantee and the categorical funding, is \$2,325,584,300. The funding for public school support does not include money to expand



elementary physical education, but it does shift funding to offset the effect of the reductions made for the fiscal year 2009 solvency, and it includes funding for the fifth year of the seven-year phase-in of educational retirement board employer contributions. The transportation appropriation is reduced by \$7.3 million to reflect lower fuel costs, and the instructional materials appropriation is reduced by \$23.7 million, which will be paid for by delaying the upcoming adoption cycle. In Section 5 — special appropriations — public education receives \$1 million for assessment and test development; separate appropriations of \$6 million and \$4 million for emergency supplementals; and \$1.4 million for hosting services for STARS and the operating budget management system. All amounts are from the education lockbox, the money set aside in 2004 to pay for education reform. These purposes may not actually meet the definition of "education reform".

Appropriations for higher education are \$853 million, down 3.6% from the original fiscal year 2009 budget and down 1.1% from the fiscal year 2009 adjusted budget. Section 5 has a provision that allows the higher education institutions, with prior approval of the higher education department, to budget and expend building renewal and replacement funds appropriated in last year's general appropriation act for instruction and general purposes.

The legislature continued its commitment to improving state agencies' data collection and reporting by appropriating \$8.225 million from the fiscal year 2009 general fund to the computer systems enhancement fund and then appropriating \$18,856,000 from the fund for statewide systems.

Section 12 of the bill makes fiscal year 2010 transfers from the general fund to the following funds:

- (1) \$40 million to the education lockbox of the appropriation contingency fund, a portion of which represents the amount from the public schools' portion of the land grant permanent fund distributions;
- (2) \$25 million to the appropriation contingency fund;
- (3) \$20 million to the public school capital outlay fund; and
- (4) \$15 million to the college affordability endowment fund.

In addition, \$2.3 million is transferred from the insurance fees surcharge to the general fund in fiscal year 2009. As usual, the bill also grants the governor, with state board of finance approval, the ability to transfer \$105 million from the operating reserve to meet the year's obligations.

The governor focused mostly on vetoes of language in House Bill 2, only vetoing \$525,000 in fiscal year 2010 appropriations and \$645,900 for fiscal year 2009. There were, however, three vetoes with which the legislative council service (LCS) took issue. The effective repeal of the intertribal ceremonial office is constitutionally suspect. Although the office is not a constitutional entity, the legislature and executive are equally constrained by the office's statutory existence and must repeal the statutes or allow the office to perform its statutory duties; therefore, the LCS did not count \$155,300 as vetoed. On the second veto under question, LCS staff counted the \$250,000 cyber academy

appropriation as vetoed based on the veto of selective language as an attempt to "alter, enlarge or increase the effect of the remaining parts", which is not allowed per the New Mexico supreme court's ruling in *Sego v. Kirkpatrick*. Staff believes the money is not available for expenditure. The third veto that LCS staff is concerned about pertains to the movement of money from one agency to another on capital outlay projects. The language itself is subject to challenge as *ultra vires*, or the legislature exceeding its constitutional authority by amending a law by reference to its statutory citation (N.M. Const., Article 4, Section 18) or by attempting to amend a law — in this case, capital outlay appropriations and their administration — that is incompatible with House Bill 2 ( N.M. Const., Article 4, Section 16). The two provisions perhaps should have been vetoed in their entirety because, even if the underlying language is constitutionally suspect, the governor's vetoes raise *Sego* problems. The legislature is within its constitutional power when it limits to certain agencies the right to move appropriations from one agency to another. It is doubtful that a court would construe such basic public policy and "purse strings authority" as micromanaging. Again, absent the issue of *ultra vires*, the effect of the selective vetoes works to broaden and enlarge the power of the executive and is, therefore, also constitutionally suspect.

Although the house and senate finance committees did yeoman's work putting together a workable, balanced appropriation bill for the next fiscal year, it was done with the expressed view of the legislature that there may well need to be a special session later this year to make budget adjustments once more is known regarding the path of the New Mexico economy and state revenues. Stay tuned.

### ***Capital Outlay***

The state's bleak financial picture affected capital outlay as well. For fiscal year 2010, bonding capacities were revised downward, resulting in a severance tax bonding capacity of approximately \$134 million — this compared to last year's capacity of \$216 million. However, in 2008 there was also about \$130 million spent out of the general fund and another \$224 million authorized in the general obligation bond bill. This year, there were no appropriations for capital outlay from the general fund. These are different times.

The most significant difference of this legislative session was that legislators did not fund local projects in their districts, as they have been accustomed to doing over the past two decades. Instead, **House Taxation and Revenue Committee Substitute for House Bill 154 (Chapter 125)** funds projects that represent the most critical needs at state-owned facilities. Some of the criteria used to determine the statewide list included that:

- ▶ a project could be completed within 12 to 18 months;
- ▶ it would eliminate health and safety hazards;
- ▶ it would prevent deterioration of state-owned facilities; and
- ▶ it was included in the state's five-year capital improvement plan.

The bill authorizes approximately \$134 million from severance tax bonds and appropriates another \$5.9 million from other state funds for these projects. A wide range of projects comprises this bill and includes projects that address deficiencies in state buildings and make improvements for universities; court and magistrate facilities; senior centers; state museums and monuments; economic development projects; state parks; state fair facilities; tribal infrastructure; wastewater facilities; and information technology.

Because of the lack of available money for new projects this year and a growing trend to move money away from projects that have lagged for years, the reauthorization bill, **Senate Finance Committee Substitute for Senate Bill 443 (Chapter 128)**, was bigger than ever, as legislators and the governor sought ways to give viable projects the money needed for completion. The statistical evidence is not good in terms of funded projects actually coming to fruition — nearly 3,000 projects appropriated between 2002 and 2007 totaling almost \$670 million show little or no progress. Despite the efforts of the interim capital outlay subcommittee to reform the reauthorization process, many proposed changes were not adhered to this year, given the circumstances. Often, legislators would move money from projects that were not progressing toward another project that could then be completed, in which case the restriction against reauthorizing remaining balances under \$50,000 was waived. The restriction to two years on time extensions, however, was strictly followed. The reauthorization bill became the new way to fund local projects — moving money to complete projects and eliminating projects for which the original appropriation was inadequate for the project scope. In the end, this year's bill contained reauthorizations for 553 projects statewide.

***Public Finance***

The issue of tax increment development districts (TIDDs) was front and center again this session and even more contentious than in the past. SunCal spent a lot of money on a public relations campaign in an attempt to get approval from the legislature for its TIDD for the west mesa of Albuquerque, but it lost that measure twice, both times on tie votes on the house floor. The company's projects in California are in severe financial trouble, and members expressed concerns about that and about the scope of the proposed west mesa projects. The Las Cruces Main Street TIDD was not as controversial as SunCal, but time simply ran out before the measure could be voted on. The TIDD bill that did succeed was **Senate Bill 467 (Chapter 58)** for the Winrock/Quorum town center project, also in Albuquerque. Chapter 58 authorizes the issuance of \$164 million in bonds to be secured by state gross receipts tax revenue and local gross receipts and property tax revenue attributable to the Winrock/Quorum town center redevelopment project. Winrock/Quorum is the second use of the tax increment financing mechanism for bond authorization pursuant to the 2006 Tax Increment for Development Act.

**House Bill 451 (Chapter 179)** is based on the experience of the last three years since the Tax Increment for Development Act was enacted. In that time, a number of technical issues with the

TIDD law have been brought to light. Particularly from the state's point of view, there were very few oversight and accountability mechanisms to safeguard the state's investments in TIDDs. Chapter 179 makes various technical changes to the act that are designed to give the state a more appropriate level of oversight over TIDDs as well as provide for additional transparency during the application process. The law mandates that at least one member of a TIDD governance board be the secretary of finance and administration or the secretary's designee. The law also mandates that:

- ▶ the legislature specifically authorize the maximum amount of bonds that can be issued by a TIDD;
- ▶ any excess revenues be reverted back to the taxing governments once all of a district's bonds are retired; and
- ▶ appropriate state entities and the public be notified that a local government or municipality has passed a tax increment financing ordinance.

**House Bill 288 (Chapter 30)** and **Senate Bill 316 (Chapter 31)** increase the maximum allowable indebtedness of the southern Sandoval county arroyo flood control authority from \$30 million to \$60 million.

**House Bill 876 (Chapter 152)** prohibits the state investment officer, the state investment council, the retirement board of the public employees retirement association or the educational retirement board from making any investment, other than investments in publicly traded securities, unless the recipient of the investment discloses the identity of any third-party marketer who assisted the recipient in obtaining the investment. The amount of the fee, commission or retainer paid to the marketer must also be disclosed.

#### ***New Mexico Finance Authority***

The legislature this year amended the New Mexico finance authority (NMFA) enabling legislation to increase the types of projects and entities that qualify for funding through the public project revolving fund (PPRF). **Senate Finance Committee Substitute for Senate Bill 584 (Chapter 223)** expands the definition of a "qualified entity" to allow charter schools, university research park corporations and consortiums of any two or more qualified entities created pursuant to law to be eligible for PPRF loans. The law also clarifies that special water, drainage, irrigation and conservancy districts and other special districts created pursuant to law are qualified entities under the PPRF program and adds public recreational facilities and public transportation systems as categories of public projects that may qualify for funding through the PPRF.

Two bills were passed that appropriate money from the PPRF to other state funds. **House Bill 77 (Chapter 50)** appropriates \$2 million from the PPRF to the drinking water state revolving loan fund to provide state matching funds for the federal Safe Drinking Water Act of 1974 to carry out the purposes of the Drinking Water State Revolving Loan Fund Act. The \$2 million is expected to generate an additional \$10 million in federal funds. **Senate Bill 23 (Chapter 52)** appropriates \$2

million from the PPRF to the local government planning fund to fund local government planning for water or wastewater system development, economic development or long-term water management and water conservation strategies. **House Bill 76 (Chapter 148)** authorizes the the NMFA to make loans from the PPRF to specified entities for 104 public projects statewide. **Senate Bill 90 (Chapter 237)** authorizes the NMFA to provide financial assistance for 42 private projects from the economic development revolving fund. **Senate Bill 405 (Chapter 210)** authorizes the NMFA to make loans or grants from the water project fund for 61 qualifying water projects and authorizes the NMFA to make grants from the acequia project fund for 20 qualifying acequia water projects. See *Tables 8, 9 and 10* in *Appendix B* for lists of projects authorized in these bills.

#### ***Related Bills***

**House Bill 700** - juvenile adjudication fund - see *Courts*

**Senate Bill 277** - electronic services fund - see *Courts*

## ***BUSINESS AND CONSUMERS***

The 2009 legislative session was productive for both the business community and for consumers. State regulation of the home mortgage industry dramatically changed through the enactment of the New Mexico Mortgage Loan Originator Licensing Act and conforming amendments to the Mortgage Loan Company and Loan Broker Act, now the Mortgage Loan Company Act, and the Home Loan Protection Act. Stricter underwriting standards and disclosure requirements reflect the subprime housing crisis that overtook the country over the past two years. New Mexico's securities laws were completely rewritten to reflect the most recent revisions to the Uniform Securities Act promulgated in 2005 by the national conference of commissioners on uniform state laws. Technical amendments were also made to the Uniform Revised Limited Partnership Act and to Article 3 of the Uniform Commercial Code. An updated Uniform Prudent Management of Institutional Funds Act was enacted to replace the Uniform Management of Institutional Funds Act enacted in 1997. Finally, numerous bills were introduced addressing various areas of consumer finance, but none of them passed.

Claims have been made that the current economic crisis had its genesis in the housing market and the fact that many homeowners purchased their homes through subprime mortgages that they could not afford in the long term. **Senate Bill 342 (Chapter 122)** addresses the residential mortgage industry in three important ways. First, it enacts the New Mexico Mortgage Loan Originator Licensing Act, based upon a federal mandate passed by congress in 2008. This act requires mortgage loan originators to be licensed with the state and registered with a nationwide mortgage licensing system and registry. The act establishes education, testing and bonding qualifications for applicants, sets forth prohibited practices and duties of mortgage loan originators, creates a fiduciary relationship between mortgage loan originators and borrowers and provides enforcement and penalty provisions

for violations of the act. The bill also amends the Mortgage Loan Company and Loan Broker Act to reflect enactment of the New Mexico Mortgage Loan Originator Licensing Act. These amendments redefine a mortgage loan company and eliminate references to loan brokers; require licensing of mortgage loan companies; increase surety bond requirements; establish underwriting criteria for mortgages; require specific disclosures to borrowers; and revise enforcement provisions. Finally, Senate Bill 342 amends the Home Loan Protection Act in several respects, including amending the definition of "points and fees" to allow the continuation of several federal home mortgage programs and expanding the scope of prohibited practices to provide better consumer protection.

**Senate Bill 362 (Chapter 82)** completely updates the state's securities laws by repealing the New Mexico Securities Act of 1986 and replacing it with the New Mexico Uniform Securities Act, which incorporates the latest revisions approved in 2005 by the national conference of commissioners on uniform state laws. This comprehensive rewrite includes general provisions such as new and revised definitions; exemptions from requirements for registration of securities; securities registration and filing requirements; registration of broker-dealers, agents and investment advisors; securities fraud, liabilities and civil and criminal penalties; and administration and judicial review. The passage of Senate Bill 362 brings New Mexico in line with the 14 other states that have adopted the updated Uniform Securities Act.

The Uniform Prudent Management of Institutional Funds Act was enacted with the passage of **House Bill 454 (Chapter 130)**, replacing the Uniform Management of Institutional Funds Act promulgated in 1972 and enacted in 1997. The new act, adopted in at least 29 other states, governs the investment of the funds of charitable organizations and the total return expenditure of those funds. It establishes a prudent management investment regime and a prudent total return expenditure based upon performance of the portfolio held by a charitable institution. It also provides for delegation of authority for investment to outside agents and reformation of donor restrictions on funds when they are so outdated that the original objective can no longer be honored. The act strengthens rules governing management and investment decision-making by charities and provides guidance for those who manage and invest the funds.

The Uniform Revised Limited Partnership Act was adopted in New Mexico and became effective January 1, 2008. **Senate Bill 11 (Chapter 181)** makes technical changes to the act in recognition that partnerships formed pursuant to that act are limited liability limited partnerships, and it requires that term or the abbreviations "LLP" or "L.L.P." be used in the name of the partnerships. The bill also requires that foreign limited partnerships have a certificate of authority to transact business in New Mexico before actually conducting business within the state. Finally, Senate Bill 11 resolves technical problems with the effective dates as set forth in the 2007 rewrite of this act.

The Uniform Commercial Code has been adopted by virtually every state and underwent a comprehensive revision in New Mexico during the 2005 legislative session. **Senate Bill 74 (Chapter**

234) makes technical amendments to Article 3 of the Uniform Commercial Code regarding negotiable instruments.

The Liquor Control Act is amended by **House Bill 612 (Chapter 139)** to allow inclusion of grounds and vineyards within the licensed premises of a winery, which is defined as a facility in which a winegrower manufactures and stores wine. The new law now permits alcoholic beverages to be consumed and sold within any part of a winery, including the vineyards. The vineyard grounds must be designated as a part of the winegrower's license application or renewal process.

*Mas New Mexico*, a newspaper published in Santa Fe and Albuquerque, is added by **House Bill 821 (Chapter 77)** as an official Spanish language paper for publication of the state's legal notices in Spanish.

Since 1980, New Mexico statutory law has prohibited prepayment penalties for home loans or the means of financing the purchase of homes. **House Bill 862 (Chapter 151)** extends that prohibition to financing for the purchase of mobile homes and to prepayment of installment payments, as well as the prepayment of the balance of the indebtedness.

Consumer protection in the area of financial services received much attention during the session, but proposed legislation in several specific areas failed to move forward. One area of concern was the so-called "installment loan" loophole in the payday lending legislation that was passed during the 2007 legislative session. House Bill 558 and Senate Bill 331 both addressed this issue by requiring that certain consumer loans be made only pursuant to the New Mexico Small Loan Act of 1955 and imposed caps on the fees, interest rates and term lengths of those loans; neither bill made it out of the first committee. Following up on a recommendation of the governor's task force on poverty reduction, Senate Corporations and Transportation Committee Substitute for Senate Bill 340 would have required the licensing of tax refund anticipation loan facilitators pursuant to stated eligibility requirements and would have required facilitators to make specific disclosures to potential borrowers regarding tax refund anticipation loans; this bill passed the senate but was never considered by a house committee. Other unsuccessful measures included the proposed Uniform Money Services Act, which dealt with issues such as money transfers, check cashing and currency exchange and which died in its first committee, and the Uniform Debt-Management Services Act, which passed the house but did not make it out of the senate finance committee.

## ***CHILDREN AND FAMILIES***

Legislators continued their efforts to improve the lives of children through increasing their opportunities to receive public benefits, improving their chances at success in moving from state custody to independent living and increasing their contact with supportive social workers when facing the consequences of Motor Vehicle Code violations.

As part of these efforts, the legislature passed **Senate Bill 137 (Chapter 186)** to ensure that the income of a legal guardian of a child — that is, a person who takes care of a child but is not the child's parent — no longer will be added to the equation in determining whether a child is entitled to TANF benefits. The bill was aimed at increasing the number of adults able and willing to care for a child, including foster parents and grandparents who raise a child. The child's public assistance amounts are likely to increase if the income of the guardian is not counted against the child.

During the 2008 interim, a 300-member Children's Code task force examined the code for both major and minor changes, and, in the 2009 session, hundreds of changes were made to refine the code in **Senate Bill 248 (Chapter 239)**. Changes include updating portions of the child abuse and neglect, delinquency, adoption, emancipation and parole board articles of the code and continuing an effort begun in 2007 by agencies and advocates to ensure that children maintain as many rights and legal protections as possible as they negotiate their relationships with state custodians.

The Children's Code contains articles addressing foster care and delinquency, governs eligibility for adoption as well as assignment to locked facilities and is designed to provide for procedural due process in every instance where children encounter state restraints. Since children are not necessarily entitled to all recognized legal rights available to adults, the state strategy has been to provide ample opportunities for file review, administrative appeal and other measures whereby a child and the child's attorney may protest the child's treatment in the state system.

This year's changes to the code ensure that New Mexico conforms with the federal Fostering Connections to Success and Increasing Adoptions Act in preparing youth in state custody for emancipation and in ensuring that children in state custody receive the same planning for educational achievement that children in the public schools receive. The changes eliminate the independent juvenile parole board in favor of a juvenile public safety advisory board that is available to the children, youth and families department for regional consultation on whether detention or community service would best serve a child's rehabilitation after committing a crime. As the department adopts the "Missouri model" of intensive work with youth during their first encounters with the juvenile justice system, the advisory board counsel will be especially important. Changes to the code also include recognizing that a child age 14 or older has a right to continue working with the child's state-appointed guardian ad litem or to request and receive the child's own attorney and to object to the use of media in the courtroom.

In a separate bill, **Senate Bill 569 (Chapter 220)**, an unemancipated minor of any age is expressly granted the right to consent, if able, to treatment under the Uniform Health-Care Decisions Act, although the child's parent can still make decisions to withhold or withdraw life-sustaining treatment for the child. **Senate Bill 463 (Chapter 215)** enacts the New Mexico Uniform Parentage Act and repeals the Uniform Parentage Act originally passed in 1986. This updated version of the act contains sections governing the establishment and termination of a parent-child relationship;



voluntary acknowledgment of paternity; genetic testing to determine parentage; judicial proceedings to adjudicate parentage; and establishing parentage of a child conceived by assisted reproduction. The act also addresses gestational agreements without authorizing or prohibiting them. The provisions of the act now apply to people other than biological parents who may be responsible for the care and support of a minor. Senate Bill 463 also makes appropriate revisions to the Vital Statistics Act.

The term "ward" is replaced throughout New Mexico law with the phrase "protected person" with the passage of **House Bill 161 (Chapter 159)**. The bill, which was a result of a two-year series of meetings between advocates, governmental departments and others, also makes changes to ensure that guardians meet certain minimal qualifications, become more accountable to their clients, report their felony convictions and are consulted in decisions about the client. The bill changes several statutes to allow smoother interaction between guardians authorized under the Uniform Health-Care Decisions Act, the Office of Guardianship Act, the Mental Health Care Treatment Decisions Act and the Uniform Probate Code, among others.

To balance the human services department's wish to maximize child support payments to custodial parents and the department's wish to receive compensation for medical assistance it provides to children of noncustodial parents from whom the department seeks child support payments, **Senate Bill 57 (Chapter 32)** makes these noncustodial parents liable to the department only for medical assistance provided during any period in which the parent's children are provided cash assistance. It also requires parents responsible for the support of minor children to provide health and dental insurance or to provide cash support for care when this insurance coverage is not available.

#### *Related Bills*

**HJC/House Bill 117** - children present during methamphetamine use - see *Criminal Law*

**House Bill 700** - juvenile adjudication fund - see *Courts*

**House Bill 763** - child support lien on gaming winnings - see *Gaming*

**Senate Bill 4** - damaging property of a household member - see *Criminal Law*

**Senate Bill 142** - aggravated sexual penetration of a child - see *Criminal Law*

**Senate Bill 153** - family and youth resources program grants - see *Education/Public Schools*

## **CIVIL LAW**

The legislature adopted two uniform laws during the session to address foreign judgments and unsworn declarations.

The Uniform Foreign-Country Money Judgments Recognition Act is enacted in **House Bill 690 (Chapter 142)**, updating and replacing the Uniform Foreign-Money Judgments Recognition Act promulgated in 1962 and enacted in 1991. The new act, adopted in at least seven other states, addresses the enforcement in New Mexico courts of judgments entered by courts in foreign countries. It clarifies the fact that the act applies only to foreign country judgments and not to judgments of courts in other states; expressly provides that a party seeking recognition or nonrecognition of a

foreign judgment has the burden to prove that the judgment is subject or not subject to the act; addresses the specific procedure for seeking enforcement; and provides a statute of limitations on enforcement of a foreign-country judgment.

**House Bill 792 (Chapter 78)** adopts the Uniform Unsworn Foreign Declarations Act and amends the definition of "perjury" to encompass false statements in unsworn declarations. The act permits, in state court proceedings, unsworn declarations under penalty of perjury to be executed by witnesses physically located outside the United States in lieu of affidavits, verifications or other sworn court filings. The act excludes the use of unsworn declarations for depositions, oaths of office, oaths related to self-proved wills, declarations recorded under certain real estate statutes and oaths required to be given before specified officials other than a notary.

*Related Bill*

**Senate Bill 463** - New Mexico Uniform Parentage Act - see *Children and Families*

## *CONSTITUTIONAL AMENDMENTS*

Although 35 proposed constitutional amendments were introduced during the session, only six were passed by the originating chamber. Of those, only one passed both the house and senate, and its proposed amendment to the state's antidonation clause will appear on the ballot in the general election in 2010. The LCS publishes an analysis of and arguments for and against all proposed constitutional amendments prior to the election in which they appear on the ballot, and the next edition of that publication will be available in the summer of 2010.

The antidonation clause of the constitution of New Mexico already provides an exception that allows for a scholarship program for New Mexico veterans of the Vietnam conflict. **House Joint Resolution 11 (C.A. 1)** proposes an amendment to Article 9, Section 14 of the constitution that would provide a similar tuition waiver program at state schools for military war veterans. Military war veterans would include persons who have been honorably discharged from the armed forces of the United States and who have received a medal issued for service in support of any United States military campaign or armed conflict after August 1, 1990. Eligible veterans must have exhausted all federal department of defense or department of veterans' affairs educational benefits and have been a resident of New Mexico at the time of enlistment or have resided in New Mexico for 10 years or more.

## *COURTS*

Aside from providing for electronic filing and teen courts, the focus of the judiciary bills this session was on how to trim the budget and still provide necessary services. Fees were increased and new fees established, magistrate circuits were reduced and jury trials for nonjailable offenses

eliminated.

Electronic filing and access to electronic court documents may soon be available with the passage of **Senate Bill 277 (Chapter 112)**. The bill creates the electronic services fund and authorizes the supreme court to establish electronic services fees to cover the expense of providing electronic services to the public. The fees will be charged to those who avail themselves of electronic filing and other electronic court services.

To help alleviate the workload in the juvenile justice system, **House Bill 700 (Chapter 244)** creates the juvenile adjudication fund and establishes a fee to provide for an alternative adjudication process for juveniles charged with traffic and other misdemeanor offenses.

Cost-cutting measures for the judiciary are enacted in **House Bill 484 (Chapter 133)**, which eliminates jury trials for penalty assessment misdemeanors and for offenses that do not impose a penalty of incarceration; **Senate Bill 239 (Chapter 54)**, which eliminates a magistrate division in Lea county and reduces the circuits traveled by magistrates; and **House Judiciary Committee Substitute for House Bills 263 and 542 (Chapter 245)**, which increases the court automation fee and the judicial education fee and creates a jury and witness fee. **House Bill 153 (Chapter 157)** requires that jury databases be updated every six months, in June and December, rather than every month or quarter.

#### *Related Bills*

**House Bill 208** - aggravating circumstances for sentence increase - see *Criminal Law*

**House Bill 285** - death penalty abolished - see *Criminal Law*

**SJC/Senate Bill 275** - ignition interlock device requirements - see *Public Safety*

## *CRIMINAL LAW*

It was a historic session this year with the repeal of the death penalty. New Mexico joins 14 other states that do not allow capital punishment and becomes the second state, after New Jersey, to abolish the death penalty legislatively since its reinstatement by the United States supreme court in 1976. Other successful bills in the area of criminal law include tougher penalties for auto theft and easier convictions of felony child abuse for methamphetamine users. Two bills passed addressing domestic violence, creating a new crime of damaging household property to intimidate or threaten and making revisions to the crime of stalking. Once again, the legislature tackled the ever-elusive problem of identity theft by authorizing identity theft "passports" and providing procedures for the expungement of inaccurate criminal records.

The death penalty is abolished with the passage of **House Bill 285 (Chapter 11)** and replaced with life imprisonment without the possibility of parole. Most of the procedures for capital felony sentencing are repealed, including the automatic appeal to the supreme court. What remains is a jury determination of whether aggravating circumstances exist and, if so, life imprisonment without the possibility of release or parole is imposed in lieu of death.

Car thieves will now face tough penalties that get tougher every time they steal a car, from a fourth degree felony for a first offense up to a second degree felony for a third or subsequent offense. Duplicate bills **House Judiciary Committee Substitute for House Bill 31 (Chapter 261)** and **Senate Judiciary Committee Substitute for Senate Bill 26 (Chapter 253)** were passed in response to the growing number of auto thefts in the state, especially in the Albuquerque area, which in 2007 ranked as the seventh-worst metropolitan area for auto theft in the nation. The bills also create new crimes of obtaining a car by embezzlement or by fraud and allowing the crime of racketeering to apply to those criminal enterprises that are based on stealing cars.

Evidence that a person under the age of 18 was exposed to the use of methamphetamine may now give rise to a conviction for felony child abuse. **House Judiciary Committee Substitute for House Bill 117 (Chapter 259)** provides an easier standard for prosecutors to meet in cases where children are present during methamphetamine use.

Damaging the property of a household member is now recognized as an act of domestic violence when it is committed with the intent to threaten or intimidate the household member. **Senate Bill 4 (Chapter 255)** addresses a gap in the law that did not previously criminalize intentional damage to property as long as the property was partially owned by the person committing the damage. The bill also addresses depriving a household member of property with the intent to threaten or intimidate.

Despite the high number of stalking incidents — last estimated to occur in New Mexico at a rate of 12 per 1,000 persons — law enforcement officers have been hesitant to arrest and district attorneys have been hesitant to prosecute a person for stalking because the law, as written, was very limited and did not encompass the various methods used in the crime. Now, with the passage of **Senate Judiciary Committee Substitute for Senate Bill 166 (Chapter 21)**, the law has been revised and the pattern of conduct used by stalkers is clarified so that stalkers can more easily be identified and prosecuted.

In order to comply with new decisions by the United States supreme court, **House Bill 208 (Chapter 163)** ensures that before a basic sentence of imprisonment for a crime can be increased, a jury must find beyond a reasonable doubt one or more aggravating circumstances as set forth in the Criminal Sentencing Act. The bill further requires that notice of the intent to seek an increase in the sentence be provided to a defendant.

Victims of identity theft are provided with additional remedies in **House Judiciary Committee Substitute for House Bill 279 (Chapter 95)**, which extends the time limitation for prosecution of identity thieves to five years after the violation is discovered and provides for an identity theft passport to be issued by the attorney general. Uniform police reports of identity theft cases are required and must be submitted to the attorney general, who will maintain a database. The bill also establishes a procedural mechanism for individuals to challenge and expunge inaccurate

criminal records.

The age of a child victim of aggravated criminal sexual penetration is increased from under nine years to under 13 years of age in **Senate Bill 142 (Chapter 56)**. This crime carries the most severe penalty of all sex offenses, life imprisonment.

***Related Bills***

**HJC/House Bill 428** - Prohibition of Profiling Practices Act - see *Law Enforcement and Corrections*

**House Bill 484** - jury trials eliminated for certain misdemeanors and offenses - see *Courts*

**House Bill 594** - feral hog business misdemeanor - see *Animals and Livestock*

**SJC/Senate Bill 275** - ignition interlock device requirements - see *Public Safety*

**Senate Bill 279** - search warrant at domestic violence shelters - see *Law Enforcement and Corrections*

**Senate Bill 504** - feral hog business misdemeanor - see *Animals and Livestock*

## ***CULTURAL AFFAIRS***

Legislators sought to enhance and preserve the state's multicultural climate during the 2009 session, upholding a tradition of concern with minority populations. One of the measures was an attempt to create a cabinet-level agency focused on Hispanic affairs. Although it was successful in both houses, it was later vetoed by the governor because, as his veto message indicated, no funding was provided and in this time of fiscal constraint it would not be appropriate to create a new department. Legislation that did pass addressed music, museums and main streets.

**House Bill 443 (Chapter 13)** establishes an advisory state music commission to promote music, musicians, music education and the music industry in the state. The commission is administratively attached to the arts division of the cultural affairs department and consists of 15 members appointed by the governor.

**House Bill 59 (Chapter 33)** enacts the Veterans Museum Act to create the eponymous veterans museum in Las Cruces. The museum will be under the direction of an 11-member board, five of whom will be armed forces veterans. The veterans museum division of the cultural affairs department will operate the museum.

The Main Street Revolving Loan Act is amended in **Senate Bill 131 (Chapter 185)** to provide more flexibility in the loan program authorized by that act. The legislation amends the definition of a "lending institution" to allow smaller lenders to participate in the program and allows for a portion of the main street revolving loan fund to be used to help cover the lending institution's fees. The main street revolving loan committee will now be able to approve expenditures for marketing, managing and administering the loan program, and loans may now be for a period of up to 10 years, making them compatible with other commercial lending products. The legislation also removes the income eligibility requirements and previous loan denial requirements, which were not viewed as meaningful indicators of need. The main street program is a grassroots economic development program that assists communities in revitalizing their traditional commercial neighborhoods and is part of the

economic development department. The program provides resources, education, training and technical services to stimulate the economic vitality of participating communities while celebrating local heritage and culture.

The a bill to create the Hispanic affairs department, Senate Bill 21, passed both the house and the senate but was vetoed by the governor on the last day for his action. It would have created a single, unified Hispanic affairs department to administer laws and to exercise functions with respect to Hispanic affairs, created an advisory commission and provided powers and duties for the operation of the new agency.

The governor pocket vetoed House Bill 720, which would have preserved the African American center at its present location. The center would have become a statutory part of the state fair property. He also pocket vetoed a bill adopting a state bilingual poem, House Bill 674.

### *Related Bills*

**HTRC/House Bill 360** - state capital outlay projects in historic districts - see *State Government/Property and Procurement*

**HTRC/House Bill 407** - Vietnam veterans memorial income tax donation - see *Taxation*

## EDUCATION

Like most topics addressed by the legislature, education suffered from legislative budget worries. Agency analyses and fiscal impact reports took on a new importance in the education committees as they considered with additional care the way proposals would affect public school or higher education budgets. Out of nearly 500 measures that directly or indirectly affected public education or students, only a handful passed. Perhaps the most prominent issue in public education was the reintroduction of the public school funding formula bill, House Bill 331, discussed under *Public Schools* in this section. Of course, educational institutions and their projects were not immune to the state's solvency crisis — see discussions on solvency measures under the *Solvency Package* subheading and general budget discussions under the *General Appropriation Act* subheading, both in the *Appropriations and Finance* section.

A bill that applies to either college or high school athletes, **House Bill 330 (Chapter 169)** enacts the Uniform Athlete Agents Act to provide for the uniform registration, certification and background check of sports agents seeking to represent student athletes who are or may be eligible to participate in intercollegiate sports; imposes specified contract terms on these agreements to the benefit of student athletes; and provides educational institutions the right to notice along with a civil cause of action for damages resulting from a breach of specified duties. The act requires agents to disclose their training, experience and education; whether they or their associates have been convicted of a felony or crime of moral turpitude; whether they or their associates have been administratively or judicially determined to have made false or deceptive representations; and whether they have had

their agent's license denied, suspended or revoked in any state or have been the subject or cause of any sanction, suspension or declaration of ineligibility. An athlete agent who, with the intent to induce a student to enter into an agency contract, gives any materially false or misleading information or makes a materially false promise or representation, or who furnishes anything of value to the student athlete before the athlete enters into the agency contract or who furnishes anything of value to any other person, is guilty of a misdemeanor. The Uniform Athlete Agents Act has been adopted by 38 other states.

### ***Higher Education***

This session was one of the most fascinating in recent memory in the higher education arena. The house passed a memorial calling on the secretary of higher education to name a work group to study shared governance at the state's educational institutions, but the senate version of the same memorial did not pass. Dissatisfaction at the university of New Mexico (UNM) over actions of the administration and the board of regents brought a swirl of academic politics to the legislature. That swirl turned into a storm when the faculty passed a vote of no-confidence against a regent and two administration officials. At the end of the session, the wall leaners were somewhat surprised that the senate rules committee failed to take up a key nomination for one of the regents.

Another riveting issue before the legislature this year was the question of saving the college of Santa Fe, the oldest post-secondary educational institution in the state and one with an international reputation for arts education, particularly theater and film. New Mexico highlands university was the only state university that actively sought to make a deal for the college, but legislation on the topic — House Bill 577, as introduced — was silent about a specific university to acquire the college. The bill created an ad hoc committee to consider proposals from any interested state university and also made clear that any acquisition would not include the state or the university taking on the debt of the college or of the Christian brothers order. Students, faculty, the city and other supporters of the college lobbied the legislature, and, in the waning days of the session, college of Santa Fe students held an all-night vigil at the capitol, but the bill died in the senate finance committee over questions about the actual purchase price; the cost of running the college, including needed capital improvements; the college's debt; and the way in which the college's assets would be preserved against creditors.

The higher education department (HED), working with the PED and New Mexico tribes and pueblos, has focused for several years on ways to increase American Indian participation in higher education. As part of that push, the HED has involved tribal colleges in its articulation task force and signed a 2007 memorandum of understanding with the four tribal colleges to strengthen partnerships to improve access, retention and educational opportunities for American Indian students. **House Appropriations and Finance Committee Substitute for House Bill 50 (Chapter 60)** enacts the American Indian Post-Secondary Education Act and sets out the duties of the American Indian post-secondary education division of the HED, also created in the bill. The division is similar in scope and

duties to the Indian education division of the PED. The act creates the American Indian post-secondary education fund as a nonreverting fund in the state treasury. The HED may solicit gifts, grants and donations for the fund even though the bill does not contain an appropriation.

**House Bill 354 (Chapter 40)** provides the required statutory authority for UNM to create a campus in Rio Rancho.

**House Bill 766 (Chapter 91)**

changes the allocation of the higher education endowment fund. The fund is used to establish endowments and provide other academic-related services at public post-secondary educational institutions. Each public post-secondary educational institution is allowed a certain percentage of appropriations to the fund, but all allocations require the institution to provide matching funds. Allocations are made over a three-year cycle with unmatched balances reverting at the end of the cycle. Any unmatched allocations at the end of the first two years of a cycle will be available for matching by other eligible post-secondary educational institutions during the third year.

The law allows public post-

secondary educational institutions to provide gratis scholarships to New Mexico residents equal to no more than three percent of the preceding fall semester's enrollment. These formerly all-merit-based scholarships are known as the "president's scholarships" or "three percent scholarships". Beginning with the 2010 fall semester, **Senate Bill 28 (Chapter 47)** provides that at least one-half of the scholarships awarded will be needs-based, and beginning with the fall semester of 2011, at least two-thirds of them will be needs-based.

Veterans who are eligible for federal education benefits may pay in-state tuition as if they had already established New Mexico residency due to the passage of **Senate Education Committee Substitute for Senate Bill 136 (Chapter 123)**. In addition, the veterans do not need to attend the summer term in order to remain continuously enrolled in their chosen degree or certificate program. Prior to passage of the new law, service persons stationed at the state's military bases had to remain in the state for a year before becoming eligible for in-state tuition at New Mexico universities and

**HIGHER EDUCATION ENDOWMENT FUND ALLOCATIONS**

<u>Institution</u>	<u>Endowment Allocation</u>	<u>Required Match</u>
-University of New Mexico	18%	50%
-New Mexico state university	16%	50%
-New Mexico institute of mining and technology	16%	50%
-University of New Mexico health sciences center	12%	50%
-New Mexico highlands university	4.5% <sup>1</sup>	40%
-Eastern New Mexico university	4.5% <sup>1</sup>	40%
-Western New Mexico university	4.5% <sup>1</sup>	40%
-Northern New Mexico college	4.5% <sup>1</sup>	40%
-New Mexico military institute, independent community colleges, branch community colleges, technical vocational institutes	20% shared	30% each

<sup>1</sup> The comprehensive universities and northern New Mexico college draw an equal share of 18%.



colleges.

At the request of a public high school or local superintendent, **Senate Bill 152 (Chapter 7)** requires a public post-secondary educational institution to report first-year college outcomes of students who graduated from that high school, left that high school without enrolling in another high school or earned a general educational development certificate (GED) and enrolled in that institution within the last three years. The reports will be used by high schools and post-secondary educational institutions to improve instruction, student preparation and advisement.

**Senate Bill 205 (Chapter 66)** enacts the New Mexico Research Applications Act. It provides for the economic development department to incorporate a nonprofit corporation entitled the "New Mexico research applications center" to be governed by a board composed of 12 members appointed by the executive and legislative branches. The center is authorized to enter into business arrangements to facilitate the transfer of technological innovations among the private, public and higher education sectors. This center is similar to the technical innovation and technical excellence centers of the 1980s.

**Senate Bill 288 (Chapter 281)** enacts a procedure for making awards to public institutions of higher education to develop programs for instruction and training related to alternative energy and energy efficiency. The bill creates the higher education new energy development fund and requires the HED to establish criteria and procedures for making awards from the fund based on evaluation of competitive proposals submitted by public post-secondary educational institutions. The awards are to be given to four-year public post-secondary educational institutions to develop research programs, courses of instruction and degree programs in the fields of alternative energy and energy efficiency, and to two-year public post-secondary educational institutions to provide alternative energy and energy efficiency programs and courses of instruction for students seeking licensure or certification as electricians, plumbers, mechanics, welders and heating, ventilation and air conditioning personnel or in similar professions.

**Senate Bill 627 (Chapter 228)** amends Section 21-12-12 NMSA 1978 to provide that if no applicant for a General Richard T. Knowles scholarship at the New Mexico military institute is available in a legislator's district or in a contiguous district, the scholarship may be given to an applicant from any legislative district.

### ***Public Schools***

The new funding formula bill, House Bill 331, was introduced for the second year and it met the same fate as 2008's House Bill 241: it died in the senate finance committee. The bill proposed to provide a simpler funding formula driven by student need, as determined by poverty, English language learners, mobility and special education, as well as school district size and grade enrollment. House Bill 331 was essentially the same as House Bill 241, though changes to the gifted education statute won support from gifted education advocacy groups that had been missing the previous year. The

formula's designer, the American institutes for research, ran new cost calculations taking into account 2008's increased funding and found that the cost had declined slightly to \$345 million for marginal sufficiency based on 2007 school data. The bill to raise the needed revenue to fund the additional cost through a 1/2 cent state gross receipts tax increase, House Bill 346, died in the senate corporations and transportation committee.

**House Bill 174 (Chapter 62)** exempts from the gross receipts tax those receipts from refereeing, umpiring, scoring or other officiating at school events sanctioned by the New Mexico activities association. The law has an estimated fiscal impact for fiscal year 2010 of \$110,000.

Educator licensure was a popular topic this year. **House Bill 188 (Chapter 63)** expands the purposes for which the educator licensure fund may be used, including educator ethics enforcement and review of professional development dossiers. **House Bill 189 (Chapter 10)** allows teacher candidates who are deaf or hard of hearing to be given an alternative assessment for licensure. The law requires the PED to issue temporary teaching licenses to eligible applicants with appropriate degrees. The temporary licenses will be good for no more than two years, while the department promulgates rules for the alternative assessment. **House Bill 322 (Chapter 272)** increases by three hours the mathematics requirement for persons seeking licensure in elementary education. Now, elementary teachers will have to graduate with nine hours in mathematics. In an attempt to increase the pool of school administrators, **Senate Bill 133 (Chapter 117)** eliminates the one-year level three-A licensure requirement for applicants for level three-B licensure and provides for a provisional three-B license for certain level two licensees. The provisional license is a way for a school district with a shortage of qualified school principal candidates to "grow its own" by allowing qualified level two teachers who are accepted into a post-secondary educational institution's school administrator preparation program to enroll in a department-approved district induction and mentoring program as well. The provisional license is a nonrenewable four-year license. **Senate Bill 146 (Chapter 119)** changes the distribution of level one teacher mentorship program funds to allow districts to fund mentorship programs at the beginning of a school year.

**House Bill 197 (Chapter 64)** allows the nine regional education cooperatives to provide revenue-generating education-related services to nonmembers, as long as those services do not detract from a cooperative's ability to fulfill its responsibilities to its members. The law also allows a cooperative to apply for and receive grants, as well as accept gifts, donations, bequests and devises and to use them to further the purposes and goals of the cooperative. Cooperatives are required to submit reports to the PED, including evaluations of the effectiveness of the technical assistance and other services provided to cooperative members and nonmembers.

One of the more significant bills of the session was **House Education Committee Substitute for House Bill 199 (Chapter 162)**, the provisions of which had originally been part of the funding formula bill in 2008. The law clarifies the responsibility of school districts and the state for special

education students in private training and residential treatment centers. As required by federal law, school districts, state institutions and the state have a responsibility to provide a free appropriate public education, or FAPE, for qualified students who need special education; however, the question has always been, "Who is required to pay for that education?". The issue arose when the legislature became aware that the Wagon Mound school district was paying for, and counting in its membership, school-age persons at Valmora, a private residential treatment facility. All of the residents of Valmora are from out of state, and the facility charges a hefty monthly fee for its services. Chapter 162 provides that a school district in which a private training center or residential treatment center is located is not the resident school district of a school-age person if residency is based solely on the school-age person's enrollment at the facility and the person would not otherwise be considered a resident. The law also makes clear that the "sending" school district, whether in-state or out-of-state, for a school-based placement or a due-process placement is responsible for the educational, nonmedical care and room and board costs. If a parent places a school-age person in a residential facility, the parent is responsible for the cost. The PED will adopt the format for reporting individual student data and costs of qualified students and school-age persons attending public or private educational training centers or residential treatment centers, and every facility that serves school-age persons in New Mexico must comply with the reporting requirements. All agreements between local school boards and private centers for the provision of educational services for public school students must be reviewed and approved by the secretary of public education and must provide:

- (1) assurances that the school district's students will receive the education to which they are entitled;
- (2) student evaluations and eligibility criteria;
- (3) special education and related services in conformance with an individualized education program, or IEP, that meets federal and state laws;
- (4) adequate classroom and other physical space that allows the school district to provide an appropriate education; and
- (5) acknowledgment of the authority and responsibility of the local school board and the PED to conduct on-site evaluations of programs and student progress.

This session saw passage of several bills that deal with charter school issues. **House Bill 289 (Chapter 12)** allows a chartering authority to create subcommittees of itself to hold required public hearings on a charter school's application. In particular, this provision will be a great help to the public education commission, which has had to hear as many as 10 charter applications in a given year. **Senate Bill 27 (Chapter 6)** limits the period in which potential charter schools may submit applications. Notification of intent to establish a charter school must be submitted no later than the second Tuesday in January of the year in which an application will be filed. Applications for an initial charter shall be submitted between June 1 and July 1 to be eligible for consideration for the following

fiscal year. The chartering authority must rule on the application in a public meeting by September 1 of the year in which the application was received. **Senate Bill 148 (Chapter 18)** requires mandatory training for charter school governing boards similar to the training provided for local school board members.

A significant change for charter schools came with the enactment of **Senate Finance Committee Substitute for Senate Bill 454 (Chapter 213)**. In 2006, Section 22-8-6.1 NMSA 1978 was amended to provide that beginning in fiscal year 2008, a charter school would be responsible for its own instructional staff training and experience index (T&E) after the first year of operation. Apparently, no one got the memo, since charter schools continued to use the T&E of the school district in which they are located. This year's bill allows charter schools two more years to get used to the change. It fixes the fiscal error by holding harmless any charter school in existence in fiscal year 2009 in the calculation of its T&E. For fiscal years 2010 and 2011, the PED will use the greater of the charter school's 2008-2009 funded T&E or the charter school's own T&E. Beginning in fiscal year 2012, each charter school will use its own T&E. The law still provides for the use of the district T&E in the first year of operation for new schools and schools that switch chartering authorities and specifies which MEM calculation they will use.

**House Bill 321 (Chapter 273)** requires the state auditor to notify the PED when a school district, charter school or regional education cooperative fails to submit a required audit report. The law also establishes progressive sanctions against school districts and charter schools for not submitting those reports. The department may withhold specified percentages of current-year state equalization guarantee distributions for failure to submit timely audit reports.

**House Bill 333 (Chapter 268)** allows any student who satisfies the requirements for graduation within five years of entering ninth grade, including a final summer session, to be counted by the school district as a high school graduate for the year in which completion and examination occurs.

In order to promote gender equity in school athletics for grades seven through 12, **House Education Committee Substitute for House Bill 432 (Chapter 178)** enacts the School Athletics Equity Act to require each public school to operate its athletic programs without gender discrimination; collect data on its athletic programs regarding student participation as well as the method used by each school to allocate resources among boys' and girls' athletic programs; and report these data to the PED. The act requires the department to publish each reporting school's data and a list of schools that did not submit fully completed data. The department is also required to report annually to the governor and the legislature on the data it receives and its legislative recommendations for increasing gender equity in public school athletics.

In its analysis of **House Judiciary Committee Substitute for House Bill 485 (Chapter 92)**, the PED noted that since 1996, school districts have had difficulty collecting rental fee overpayments

after school bus contracts were terminated or not renewed and the school buses have not been transferred to the succeeding contractors. In the most recent instance, a school district decided not to renew its contract with a contractor only to find that the contractor had used the school buses as collateral to secure a nonrelated bank loan. Because the school buses could not be transferred to the school district, the district had to purchase new buses at a cost of approximately \$1.6 million. The new law requires a school district to file a lien on every contractor-owned school bus on which the contractor owes money, which lien has priority second only to a lien securing the purchase-money obligation. The lien will be recorded on the title of the school bus. Further, the law prohibits a school bus contractor from refinancing or using a school bus on which the district has a lien as collateral for any other loan without the prior written permission of the PED. The school district will release its lien when the PED authorizes a replacement of the bus or when the contractor has reimbursed the district for all the overpayments due to the district if the contract is terminated or not renewed. If the school district fails to take action to collect money owed to it when a school bus contract is terminated or not renewed, the PED may deduct the amount from the school district's transportation distribution.

**House Bill 508 (Chapter 134)** amends the School Library Material Act to enable schools owned and controlled by the federal bureau of Indian education and operated in New Mexico — currently 43 schools with over 10,000 students — to be included in state school library material allocations.

State law already mandated a 180-day school year, but it also provided the minimum hours per day and the total hours per year that added up to 180 days for grades seven through 12. School districts have used this ambiguity to tack on hours and minutes to reach the required 1,080 hours in sometimes significantly fewer days. Next year will be different. **House Bill 691 (Chapter 276)** eliminates the hours and requires a regular school year calendar to consist of at least 180 full instructional days, exclusive of any release time for in-service training. For schools on a variable school calendar, at least 150 full instructional days will be required. The law retains the minimum hours per day for regular school calendars and continues to allow time for home visits and teacher-parent conferences in kindergarten through sixth grade, and it adds a provision for up to 12 hours for grades seven through 12 that may be used for consultations with parents about students' next-step plans and parent-teacher conferences.

**House Bill 704 (Chapter 93)** allows home schoolers to participate in up to three school district athletic activities at the public school in the attendance zone in which the student resides. Before this change, they were allowed to participate in only one athletic activity.

Out of favor for more than a decade, career-technical education is taking on a new prominence in public education. **Senate Bill 46 (Chapter 256)**, the result of a senate memorial from last year, offers school districts a new tool in their toolkit for ways to make school meaningful for all

students, not just those on the traditional college-bound path. The law allows school districts to provide for industry-taught or -guided pre-apprenticeship programs for qualified high school students. A local school board-approved pre-apprenticeship program would be offered as an elective to juniors and seniors who have the required number of electives to devote to their chosen program. "Pre-apprenticeship program" is defined as a school-board-approved course of instruction offered through a provider that results, upon satisfactory completion of the program, in a certificate of completion that is acceptable to an apprenticeship training program registered with the apprenticeship council. The successful pre-apprentice will graduate from high school with a diploma and an industry-recognized pre-apprenticeship certificate that will count toward completion of a registered apprenticeship. Currently, there are 45 registered apprenticeship programs, and this program may increase that number. A registered apprenticeship program, an employer of an apprenticeable trade, a union, a trade association, a post-secondary educational institution or other person approved by the local school board may design and offer a pre-apprenticeship program that includes a course of instruction that meets apprenticeship-related instruction requirements. The law specifies that, unlike apprenticeships, a pre-apprenticeship program does not include on-the-job training. Industry instructors must be experts in their particular trade and approved by the local school board but do not have to be licensed teachers. They must undergo background checks in the same manner as teachers and other people who spend unsupervised time with students.

**Senate Bill 153 (Chapter 118)** allows for the continuation of family and youth resources program grants when a school's poverty level fluctuates. Funding will now be based on an average of 80% or more of students qualifying for free and reduced-fee lunches for any three-year period.

In 2006, the United States department of education announced a growth-model pilot program that would allow states to propose to use accountability models that give schools credit for student improvement over time by tracking individual achievement from one year to the next. In 2008, the PED submitted a proposal that was not accepted. While the PED continues to seek approval for a growth model, **Senate Bill 156 (Chapter 189)** establishes a six-year, voluntary pilot project for school districts and charter schools to participate in an accountability system aligned with state academic content and performance standards that demonstrates the usefulness of a student growth model of accountability for targeting resources to improve elementary and middle schools most in need and for recognizing schools that make the greatest progress in increasing student academic performance. The alternative school accountability system must complement, but be separate from, the statewide assessment and accountability system established pursuant to the federal No Child Left Behind Act of 2001. The pilot project will be administered by the PED and will be phased in over two years.

Truancy remains a problem for school districts throughout the state, and the legislature has grappled with the problem for several years without apparent success. Statutory changes have

increased parental responsibility, called for school- and district-level intervention and appropriated approximately \$3.8 million for truancy and dropout prevention since fiscal year 2005. According to a PED report, more than 1.6 million unexcused absences were reported during school year 2007-2008, and more than 13% of public school students were considered habitually truant. **Senate Bill 189 (Chapter 193)** addresses several issues. Among other things, the law:

- (1) changes the name "truant" to "student in need of early intervention" and defines that student as one who has accumulated five unexcused absences within a school year;
- (2) clarifies an "unexcused absence" as follows:
  - (a) a one-half day absence means one in which two or more classes up to 50% of the instructional day is missed; and
  - (b) a full-day absence means that more than 50% of an instructional day is missed;
- (3) requires statewide consistent counting and reporting of unexcused absences;
- (4) requires schools to document their efforts to notify parents of student absences, meet with parents to discuss possible interventions and use intervention strategies; and
- (5) allows juvenile probation officers to send written notices to a parent of a habitual truant directing the parent and student to report to the probation services office to discuss services for the student and family.

**Senate Bill 212 (Chapter 195)** clarifies school district personnel "nepotism" laws already in statute by including brothers, sisters, brothers-in-law and sisters-in-law of board members and the school district superintendent. The law had already included spouses, fathers and fathers-in-law, mothers and mothers-in-law, sons and sons-in-law and daughters and daughters-in-law of board members and the superintendent.

**Senate Bill 226 (Chapter 198)** requires the public school insurance authority and school districts that are not participants in the public school insurance authority — currently only the Albuquerque public school district — to establish policies for the use of school facilities by private entities. The law also requires the authority and nonparticipant school districts to insure school districts against claims related to the use of schools by private persons.

**Senate Bill 317 (Chapter 205)** requires that the state identification number that is issued for each public school student be included on transcripts and GED certificates issued by the PED. This measure is part of the state's P-20 initiative, which includes the use of a secondary and post-secondary shared data warehouse that will be able to capture longitudinal data on students and teachers. The use of a common student identification number is one of the first steps toward implementation of the data warehouse.

**Senate Bill 575 (Chapter 221)** transfers responsibility for instructional materials for adult basic education (ABE) from the PED to the HED; provides for HED rules governing the purchase and

provision of instructional materials for ABE students; and allows private schools to purchase off the multiple list, but limits them to purchases through an in-state depository.

***Public School Capital Outlay***

Filed more than a decade ago by several property-tax-poor school districts, *Zuni School District v. State* successfully challenged the constitutionality of New Mexico's process for funding public school capital outlay, which, at the time, relied primarily on local property tax wealth to fund districts' capital outlay needs. When the legislature established a standards-based process to comply with the judge's *Zuni* order for the state to correct past inequities and implement a uniform system of funding for public school capital improvements, it also created the public school capital outlay oversight task force to monitor the implementation of the standards-based process. Among its other statutory duties, the task force is required to make policy recommendations to the legislature and the executive prior to the beginning of each legislative session. The results of most of the task force's policy development and oversight work during the 2008 interim are included in two bills endorsed by the task force, Senate Finance Committee Substitute for Senate Bill 378 and House Bill 466.

Provisions of **Senate Finance Committee Substitute for Senate Bill 378 (Chapter 258, p.v.)** amend the Charter Schools Act, the Public School Capital Improvements Act, which is often called the "two-mill levy" or "SB 9", and the Public School Capital Outlay Act, formerly known as "critical capital outlay". Throughout the 2008 interim, the task force heard testimony regarding concerns about the statutory requirement that charter schools be in public buildings by July 1, 2010. This bill's amendments to the Charter Schools Act move the deadline to July 1, 2015, require the public school facilities authority to evaluate the facilities of charter schools whose charter has been renewed at least once and make technical changes to the law that relate to charter schools and lease-purchase agreements. Amendments to the Public School Capital Improvements Act clarify the statutory definition of "capital improvements"; require school district mill levy resolutions to include charter school capital improvements, as long as charter schools provide the appropriate information in a timely manner; and require proportional distribution of SB 9 state guarantee dollars to charter schools.

Amendments to the Public School Capital Outlay Act:

- (1) provide that \$10 million may be awarded for expenditure in fiscal years 2010 through 2012 for roof repair and replacement projects;
- (2) limit lease-payment assistance for lease-purchase agreements to charter schools;
- (3) remove the \$7.5 million limit on the amount of lease-payment assistance funding that may be awarded; and
- (4) require that federal funds received by a school district or charter school for nonoperating purposes pursuant to the ARRA be included in a district or charter school's statutorily required offset. The governor vetoed provisions in the bill that would have provided funding for



lights and bleachers for athletic fields at certain rural high schools and would have authorized an increase in the amount of grant assistance awards in certain school facilities in rural areas.

For many years, the New Mexico supreme court's decision in *Montaño v. Gabaldon* kept state entities from being able to use some of the financing options available to most other states to meet their critical capital needs. After voters approved a state constitutional amendment in 2006 to allow the state and school districts, including charter schools, to enter into agreements to lease buildings and other real property with an option to purchase, the legislature enacted legislation to implement the lease-purchase changes. But charter schools, in particular, found some of the provisions unworkable or difficult to implement. The task force endorsed **House Bill 466 (Chapter 132)** to make the statute more workable. This measure:

- (1) eliminates general obligation bond proceeds as a source of funding for lease-purchase agreements because lease-purchases are somewhat intangible and use of those proceeds might not be appropriate;
- (2) extends lease-purchase time limits to 30 years, allowing for an appropriate time frame for the kind of financing arrangements often required to lease-purchase a building for a charter school;
- (3) limits the interest on lease-purchase agreements to that determined by the Public Securities Act;
- (4) limits the ability of a lessor to increase lease payments if the school district or charter school makes improvements to the facility;
- (5) allows the district or charter school to require the owner to pay current market value in excess of outstanding principal due at the time of termination of the agreement; and
- (6) allows property acquired through a lease-purchase agreement to be considered public property.

Another bill endorsed by the task force, **Senate Bill 217 (Chapter 115)**, appropriates \$575,000 from the public school capital outlay fund to the public school facilities authority to contract with the bureau of business and economic research at UNM to develop and manage a secure and portable geographic information system to be used by both legislative and executive agencies. The authority will work in conjunction with the public school capital outlay council, the legislative finance committee (LFC), the legislative education study committee, the taxation and revenue department (TRD), the department of finance and administration (DFA), the department of information technology and the PED in developing this project.

**House Bill 780 (Chapter 37)** enacts amendments to the Public School Capital Outlay Act to allow the public school capital outlay council to fund deficiencies correction at the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf. It also requests that the public school capital outlay oversight task force study alternatives for determining the local

match percentages for these institutions.

To qualify to benefit from certain provisions of the ARRA, **House Taxation and Revenue Committee Substitute for House Bill 928 (Chapter 154)** enacts the Qualified School Construction Bonds Act. The act provides procedures for allocating the state's share of qualified school construction bonds pursuant to the ARRA. Bonds for school construction may be issued at zero percent interest because the buyer will receive a federal income tax credit equal to the interest that otherwise would have been paid. The bill authorizes the public school capital outlay council to allocate New Mexico's share among the applicants that apply for the bond designation.

**Senate Bill 38 (Chapter 25)** allows school districts, with the exception of the Albuquerque public school district, to use Public School Buildings Act, or HB 33, proceeds to purchase activity buses. Current law allows all school districts to use SB 9 proceeds to purchase the buses.

Two other bills had provisions with major effects for public school capital outlay. Among its many provisions, Senate Finance Committee Substitute for Senate Bill 79, which is discussed under the *Solvency Package* subheading of the *Appropriations and Finance* section, reverts \$58.4 million in general fund dollars from the public school capital outlay fund and \$5.5 million from the public school capital improvements fund to help address fiscal year 2009 solvency issues. Senate Finance Committee Substitute for Senate Bill 584, discussed under the *New Mexico Finance Authority* subheading of the *Appropriations and Finance* section, amends the New Mexico Finance Authority Act to include charter schools in the definitions of qualified entities and eligible public projects.

***Related Bills***

**House Bill 631** - educational employees new retirement plan - see *Public Officers and Employees*

**House Bill 722** - educational retirement member private information - see *Public Officers and Employees*

**Senate Bill 399** - educational retirement board inspection of records - see *Public Officers and Employees*

**Senate Bill 490** - educational retirement member private information - see *Public Officers and Employees*

**Senate Bill 572** - Educational Retirement Act membership election - see *Public Officers and Employees*

**SFC/SPAC/Senate Bill 593** - Conditional Tuition Waiver for Primary Care Medical Students Act - see *Health and Public Assistance*

***ELECTIONS***

Though a number of bills dealing with election administration were passed into law this year, including many involving the state's switch to the use of an all-paper ballot voting system in 2006, the biggest news in election law this session was a proposal that came out of the legislature's ongoing consideration of ethics-related legislation.

New Mexico joins 45 other states that impose some type of campaign contribution limits when the provisions of **Senate Rules Committee Substitute for Senate Bills 116, 262, 346 and 521 (Chapter 68)** take effect on November 6, 2010. The bill imposes limits on contributions from a contributor, other than a political committee, to nonstatewide candidates of \$2,300 during a primary

election and \$2,300 during the general election. Statewide candidates may receive up to \$5,000 from a contributor during a primary election and an additional \$5,000 during the general election. Political committees may contribute up to \$5,000 to any candidate during a primary election and \$5,000 during a general election. In a related issue, the number and timing of campaign finance reports changes with the enactment of **Senate Bill 128 (Chapter 67)**, which requires biannual reports in nonelection years and additional reports beginning in April during election years, instead of the current May starting date.

Four bills signed into law this session address the state's switch to the use of paper ballot voting systems. **House Judiciary Committee Substitute for House Bill 833 (Chapter 150)** makes numerous changes to the Election Code to comport with the use of paper ballots and removes references to "emergency paper ballots" throughout the code. **House Bill 387 (Chapter 173)** gives the state board of finance authority to renegotiate the lease-purchase agreements that counties entered into so that counties will be held harmless with respect to voting systems they purchased that were rendered obsolete by the state's conversion to paper ballot voting systems. A system for checking the accuracy of paper ballot voting systems will be implemented with the enactment of **Senate Rules Committee Substitute for Senate Bill 72 (Chapter 233)**, which replaces existing provisions governing post-election evaluations of voting systems with a more comprehensive and sound methodology for determining voting system errors. The Municipal Election Code is amended in **House Bill 647 (Chapter 278)** to remove references to emergency paper ballots, which are no longer needed due to the requirement that paper ballots be used in most elections. The bill also modifies and updates certain other municipal election procedures, such as the filing day for write-in candidates, voter assistance procedures at the voting booth and procedures concerning the issuance of absentee ballots.

**Senate Floor Substitute for Senate Rules Committee Substitute for Senate Bill 685, House Bill 42, House Bill 487 and House Voters and Elections Committee Substitute for House Bill 91 (Chapter 251)** addresses a number of provisions regarding absentee voting. The bill includes provisions allowing for the electronic transmission of absentee ballots for overseas voters; provides procedures to establish standards for early voting sites on Indian nation, tribal and pueblo lands; authorizes county clerks to establish the hours of operation for early voting sites; provides for the establishment of mail ballot election precincts in isolated precincts; and extends the hours during which absentee ballots may be processed in the five days before election day.

In response to a federal audit of funds received pursuant to the federal Help America Vote Act of 2002 (HAVA), **House Bill 864 (Chapter 277)** provides for an expansion of the purposes for which a 2006 appropriation can be used. In effect, this reauthorization covers the approximately \$6 million in expenditures for a voter education campaign conducted in 2006 that was originally paid for with HAVA funds and that was later found to be an unauthorized expenditure of federal dollars.

Until now, the Election Code provided that certificates of registration for deceased voters

were canceled by the county clerk upon notification by the secretary of state following the filing by the state registrar of vital statistics of a certified list of deceased residents. Such lists, however, often do not contain the names of deceased Native American voters. **House Bill 390 (Chapter 39)** provides that a county clerk may cancel the certificate of registration of a deceased tribal member upon notification by a president, governor or tribal enrollment clerk of an Indian nation, tribe or pueblo.

Primary candidates for county office usually pay a filing fee instead of collecting signatures for nominating petitions to qualify for placement on the primary election ballot. A lack of clarity in existing law, however, resulted in litigation over this issue during the 2008 election cycle. **Senate Bill 3 (Chapter 202)** makes it clear that candidates for county office are only required to pay filing fees, not submit nominating petitions, for placement on a primary election ballot.

Finally, in preparation for the upcoming federal decennial census and subsequent redistricting, precinct boundaries will be frozen beginning July 1, 2009 with the passage of **Senate Bill 583 (Chapter 222)**. The bill also gives the counties more flexibility in what political boundaries may be used in the drawing of precinct lines.

## *EMPLOYMENT AND LABOR*

With New Mexicans caught in a global economic downturn, the legislature passed several measures centered on increasing benefits for the state's work force. These measures deal with a range of issues from an increase in unemployment compensation to creating rebuttable presumptions that certain diseases and injuries experienced by firefighters are caused by their employment.

**House Bill 20 (Chapter 97)** provides a temporary increase in unemployment compensation benefits from 53.5% to 60% of the recipient's average weekly wage. The increase will be in effect from July 1, 2009 through June 30, 2011.

The Public Works Minimum Wage Act is amended by **Senate Bill 33 (Chapter 206)** to allow the director of the labor relations division of the workforce solutions department to determine the prevailing wage for laborers and mechanics on public works projects. The director is authorized to compare the wage and fringe benefit rates paid pursuant to collective bargaining agreements with those of predominantly similar classes or classifications of laborers and mechanics in the locality of the public works project and for the crafts involved in the project. If no collective bargaining agreements exist in that locality, a comparison shall be made to the nearest and most similar locality where collective bargaining agreements exist. The Public Works Minimum Wage Act now applies to contractors or subcontractors on public works contracts valued at \$60,000 or more, an increase from the previous floor of \$50,000. There was opposition to this measure because of the potential increases in construction costs to the schools, the state and local governments, but advocates insisted this would not be the case.

With passage of **Senate Bill 68 (Chapter 14)**, domestic violence victims may take up to two

weeks' leave to press their claims against abusers. Persons pressing claims as victims of domestic violence are ensured the right to take leave from work without negative consequences in order to attend hearings, conferences and other legal proceedings.

Effective July 1, 2010, **Senate Bill 303 (Chapter 252)** adds a new section to the New Mexico Occupational Disease Disablement Law, creating rebuttable presumptions that certain listed diseases and injuries experienced by actively employed firefighters are caused by their employment. The costs of treating these diseases and injuries are covered by workers' compensation. An employer may rebut a presumption by showing by a preponderance of evidence that the firefighter claiming the presumption engaged in conduct outside of employment that posed a significant risk of experiencing a listed disease.

***Related Bill***

**HAFC/House Bill 622** - Green Jobs Act - see *Environment and Natural Resources*

## ***ENERGY***

Fair treatment of energy consumers is a growing concern for New Mexicans hit hard by escalating energy costs and the ailing economy, and several bills were introduced during the session that proposed a "consumer bill of rights" relating to the propane industry. Renewable energy was also on the minds of policymakers, and the legislature passed a number of tax incentives, which are discussed in the *Taxation* section, to encourage solar and other renewable energy developments.

Consumers appeared at committee meetings during the 2008 interim to lobby for legislation to establish a consumer bill of rights for customers of propane dealers. One of the bills introduced on the topic, Senate Bill 493, contained the original language advocates had requested and would have given the public regulation commission (PRC) authority to adopt rules that essentially contained the bill of rights. The measure that eventually passed and was signed into law, however — **Senate Corporations and Transportation Committee Substitute for Senate Bill 468 (Chapter 216)** — does not contain the specific bill of rights language, though it does give broad direction to the PRC to adopt rules regulating the propane industry to protect consumer rights.

***Related Bills***

**House Bill 375** - geothermal ground-coupled heat pump tax credit - see *Taxation*

**HBIC/House Bill 572** - solar energy improvement special assessments - see *Taxation*

**HBIC/House Bill 603** - energy and water use efficiency in public buildings - see *State Government/Property and Procurement*

**HAFC/House Bill 622** - Green Jobs Act - see *Environment and Natural Resources*

**Senate Bill 647** - renewable energy financing districts - see *Taxation*

## ***ENVIRONMENT AND NATURAL RESOURCES***

Climate change and alternative energy were hot topics during the recent presidential

campaign and no less so in some state legislative races. Consequently, a number of environmental bills were introduced. There were dueling sides on the issue of increasing or relaxing enforcement standards, and both sides lost and gained a little through the deliberative process. Also, the economy brought some attention to the creation of "green" jobs; a number of "green" bills passed that encourage less depletion of nonrenewable resources by providing renewable energy tax incentives. These bills are discussed in the *Taxation* section, while a bill that helps reduce erosion caused by improper use of off-highway motor vehicles is discussed in the *Motor Vehicles and Transportation* section.

In order to provide incentives for regulated entities to comply voluntarily with state environmental laws and regulations, **House Bill 106 (Chapter 42)** was enacted to allow the department of environment (NMED) to reduce or eliminate civil penalties for violation of environmental laws if the violation is reported to the department within 60 days of discovery of the potential violation; corrective action is initiated; the regulated party has not previously violated the same provision of law; and the violation does not present an imminent and substantial endangerment to health or the environment. In its analysis, the NMED concluded that the provisions of the bill are in line with the federal environmental protection agency's (EPA's) self-audit and disclosure policy. Many of the NMED's authorities are delegated enforcement primacies from the EPA, and it is important that revisions in state law do not conflict with primacy conditions. The bill's provisions may end up applying only to liquid waste and drinking water violations, according to the department, because the bill amends the Environmental Improvement Act and not each of the other specific acts the department enforces. However, the bill does amend the section that identifies the department's general powers, including collection of fines, and a regulated entity that self-discloses and does not receive a reduction or elimination of civil fines under the provisions of the bill can seek redress by the courts based on this new provision.

The environmental improvement board (EIB) or a local air quality control board is given authority to adopt air quality control standards more stringent than federal standards by **House Business and Industry Committee Substitute for House Bill 195 (Chapter 98)**. The bill provides this increased authority for sources of emissions of ozone in regions of the state where the ozone concentrations exceed 95% of the national ambient air quality. The EIB or local board must take into consideration the public interest; previous experience with equipment and methods available to control air contaminants involved; energy, environmental and economic impacts and other social costs; efforts by sources of emissions to reduce emissions prior to the effective date of regulations adopted under this bill; and, for existing sources of emissions, the remaining useful life of any existing source to which the regulation would apply. The standards shall reflect the degree of emission limitation achievable through the application of control technology that is reasonably available considering technological and economic feasibility. The bill exempts sources that, between March 25, 2004 and January 1, 2009, implemented and are operating reasonable control measures that result in

quantifiable reductions for emissions of oxides of nitrogen or volatile organic compounds and are mandated by other requirements enforceable by the NMED or the local authority to implement reductions in emissions.

**House Appropriations and Finance Committee Substitute for House Bill 622 (Chapter 275)** enacts the Green Jobs Act and directs the HED to develop a state plan for the development of green jobs training programs with a focus on rural and tribal communities. These programs are to be coordinated with existing apprenticeship programs administered by the HED and the PED. The plan will focus on a state research program with the workforce solutions department to collect and analyze work force trends from renewable energy, energy-efficient industries and energy-related initiatives; a municipal and tribal energy training partnership program; and a "pathways out of poverty" program. The programs will include training and support services, including child care, tuition, materials, counseling and mentoring services; internships; and job placement programs. "Green industries" are defined in the bill as those that contribute directly to preserving or enhancing environmental quality by reducing waste and pollution or producing sustainable products using sustainable processes and materials and that provide opportunities for advancement along a career track of increasing skills and wages. The bill also creates the green jobs fund, which consists of funds received pursuant to the federal Green Jobs Act of 2007 and other money. The fund will be administered by the DFA.

As the house of representatives was considering the Green Jobs Act, the senate passed **Senate Bill 318 (Chapter 282)**, which amends Section 21-19-13 NMSA 1978 to allow for up to \$1 million from the development training fund to be used to develop green industries jobs.

The liquid waste disposal system assistance fund is created in the state treasury by **Senate Finance Committee Substitute for Senate Bill 30 (Chapter 203)**. Though the bill passed without any appropriations attached and without any specific transfers of money to the new fund, it does authorize potential transfers from the liquid waste fund not to exceed \$200,000 of unexpended balances in the liquid waste fund. The purpose of the liquid waste disposal system assistance fund is to subsidize indigent individuals or households, if there is a potential negative impact to public health or water quality from on-site liquid waste disposal system effluent, to pay for:

- (1) a liquid waste disposal system to replace a cesspool or other failed or improper on-site liquid waste disposal system;
- (2) installation or maintenance of an advanced treatment system;
- (3) the decommissioning and removal of a cesspool or other failed or improper on-site liquid waste disposal system; or
- (4) all or a portion of the connection fees in order to connect an individual or household to a centralized wastewater collection and treatment system.

In its analysis of **Senate Floor Substitute for Senate Bill 206 (Chapter 194)**, the NMED stated that the Water Quality Act has been flexible in maintaining water quality through periods of

change in technology, science and business and public interest by providing for a permit system that respects "the varying nature of the type of discharge operation, site geology, aquifer characteristics, the chemical and physical characteristics of the discharge and other site specific conditions". The bill amends the Water Quality Act to require the NMED to create stakeholder groups to negotiate specific dairy and mining regulations for adoption by the water quality control commission. Discharge permits subsequently issued are required to contain only those conditions authorized by statute or the regulations, thus putting a burden on the department to show that each permit condition is reasonable, necessary and in compliance with the act. The department went on to state that the provisions of the bill will lead to prescriptive requirements for discharges at dairies and mines that will be binding on those facilities with little flexibility for variable site-specific conditions. The dairy industry indicates that it wants the certainty created by prescriptive rules. Prior to this amendatory bill, some dairies indicated frustration with the department over continually changing permit conditions with lack of adequate notice.

**House Joint Resolution 7** authorizes the state parks division of the energy, minerals and natural resources department to dispose of surplus real property in McKinley county owned by the division. This disposal may be by donation, sale or exchange of the property. A related piece of legislation, **House Bill 326 (Chapter 168)**, appropriates any proceeds to the state parks division from the disposal of the McKinley county property to be used to match federal funds or to make improvements to or purchase adjacent lands at state parks.

Several measures relating to the potential revival of nuclear energy were introduced during the session, and while most did not pass, the legislature is likely to address the issue in coming years. Problems related to the contamination of land resulting from uranium mining and milling activities in the twentieth century continued to be a hotly discussed topic. House Bill 84 was a reintroduction of the Uranium Legacy Cleanup Act, which passed both houses in 2008 but was vetoed by the governor. Though it was tabled in committee, it spawned two other house bills on the topic — one that would have financed the cleanup of legacy sites through capital outlay funds rather than with a surtax on future uranium mining and milling activities and another that would have imposed strict liability on the uranium industry for contamination resulting from future mining and milling activities. An unsuccessful house joint memorial would have created a task force to study to the potential impact and regulation of the resumption of uranium mining and milling activities in New Mexico. One successful measure on uranium mining was **Senate Joint Memorial 15**, which details the nature of the uranium legacy of contaminated sites and requests congress to allocate funds for the cleanup of contaminated mine sites from the sale of excess federal uranium inventory and from the abandoned coal mine program of the federal Surface Mining Control and Reclamation Act of 1977.

***Related Bills***

**HBIC/House Bill 572** - solar energy improvements special assessment - see *Taxation*



**HBIC/House Bill 603** - energy and water use efficiency in public buildings - see *State Government/Property and Procurement*

**SCORC/SCONC/Senate Bill 237** - advanced energy tax credits - see *Taxation*

**Senate Bill 257** - solar market development personal income tax credit - see *Taxation*

**SCORC/Senate Bill 291** - sustainable building tax credits - see *Taxation*

**SFI/SJC/SCORC/Senate Bill 379** - off-highway motor vehicle erosion reduction - see *Motor Vehicles and Transportation*

## GAMING

For a year in which gambling in the stock market was bringing home the ugly reality of losing, it probably is not surprising that there were few pieces of legislation on gaming introduced and even fewer making their way through the legislative process. The industry knew it was time to hunker down and keep its head out of the line of fire. Probably the most significant legislation was the rewriting of the Bingo and Raffle Act, originally enacted in 1981 and amended often after that. Language in the act was unclear, and the regulation was very limited and no longer fit the regulatory scheme preferred by the state. Oversight was not sufficient, and reporting of the net on which taxation was based was basically on the honor system. Changes to the Gaming Control Act were much less global than with the Bingo and Raffle Act but did provide for reduced race days when the cause is beyond the control of the owner or operator of the racetrack. This change was initially prompted by recent flooding in Ruidoso Downs that forced the track to close for several days and for which there was no provision in the law for a waiver of compliance on the required number of days or races. An unsuccessful measure concerning Ruidoso Downs — a bill graduating the gaming taxes for that track — was introduced for a second year but failed.

**Senate Judiciary Committee Substitute for Senate Bill 228 (Chapter 81)** repeals the Bingo and Raffle Act and enacts the New Mexico Bingo and Raffle Act. The new act streamlines the regulatory process and applies new provisions for the licensure and regulation of bingo games and pull-tabs and the reporting of certain raffles. It also provides for a tax on gross, rather than net, proceeds, a provision that should facilitate tax reporting and auditing.

Substantial changes are made to the Gaming Control Act in **Senate Judiciary Committee Substitute for Senate Bill 229 (Chapter 199)**. The changes include provisions for defining "cheating"; provisions that allow a compulsive gambler to apply for a self-exclusion order from the gaming control board; new provisions for approving changes in ownership; and procedures for obtaining a variance from the requirement of the minimum number of race days. The gaming control board also may now issue a license to a person who has previously had a license, certification or permit to conduct gaming in New Mexico or another state denied, permanently suspended, revoked or limited in some way if the board finds the violation committed by the person was "technical" in nature.

**House Bill 763 (Chapter 149)** enacts a new section of the Gaming Control Act that requires

a lien on winnings of \$1,200 or more from a payout from a machine of a racetrack gaming operator if the winner owes a debt to or a debt to be collected by the human services department, acting as the state's child support enforcement agency. The bill provides procedures for enforcing and releasing the lien and also requires the gaming control board to enact rules applicable to gaming operators other than racetracks for similar liens on winnings from machine payouts.

## *HEALTH AND PUBLIC ASSISTANCE*

The legislature broke with the focus of several recent sessions on comprehensive health care reform and, instead, focused this year on the key areas of health care delivery, private health insurance, public coverage programs and public health. Included among the health care delivery bills are several that expand or clarify the scopes of practice for health professionals, including complementary and alternative health care providers, chiropractors, persons providing magnetic resonance and sonography services and certified nurse practitioners, and these are discussed in the *Professional and Occupational Licensure* section.

Many health care delivery bills concerned work force supply and scope of practice issues. **Senate Finance Committee Substitute for Senate Public Affairs Committee Substitute for Senate Bill 593 (Chapter 225)** enacts the Conditional Tuition Waiver for Primary Care Medical Students Act, which establishes a waiver program that pays medical school tuition, fees and a small stipend for eligible students who intend to practice primary care medicine in a rural area. The program will be run by the HED, which will screen applicants and choose participants. A student who defaults on the obligations under this program must pay back the money provided with penalties of up to three times the principal due plus 18% interest. A fund is created, but no appropriation is made into the fund this year.

**Senate Bill 82 (Chapter 236)** requires a pharmacy operated by, or under contract to, the corrections department to accept and reuse prescription drugs so long as the pharmacist is satisfied that the prescription has not been tampered with and that the chain of control of the drug has been preserved. The drugs to be reused must be packaged in unit-dose packages. Certain drugs, such as controlled substances, drugs that are part of a patient-specific regimen and drugs that are not properly labeled or packaged are not included in this requirement.

The Hospital-Acquired Infection Act, enacted in **Senate Bill 408 (Chapter 211)**, establishes an advisory committee in the department of health charged with identifying hospital-acquired infections that will be subject to reporting requirements. The participation of hospitals in the reporting requirements begins on a voluntary basis but becomes mandatory by July 1, 2011. The selection of infections and indicators must follow scientific, evidence-based processes. The advisory committee must identify training needs of hospitals and develop curricula to address those needs.

**Senate Bill 178 (Chapter 191)** brings New Mexico's behavioral health care system in line with the Uniform Mental Health Compact and clarifies that the behavioral health services division of the human services department, rather than the department as a whole, is authorized under the compact to seek involuntary commitment to the state's behavioral health facility for a person with mental health issues or a developmental disability.

The centers for disease control and prevention reports an 805% cumulative growth rate of autism from 1992 to 2003. To address the health coverage needs of affected families, the legislature passed **Senate Floor Substitute for Senate Public Affairs Committee Substitute for Senate Bill 39 (Chapter 74)**, which mandates coverage for diagnosis and treatment for autism spectrum disorder. In addition to defining autism spectrum disorder, the bill mandates that speech therapy, occupational therapy, physical therapy and applied behavioral analysis be covered. It permits insurers to exclude coverage for services received under the federal Individuals with Disabilities Education Improvement Act of 2004 for children between the ages of three and 22, and it imposes a coverage limit of \$36,000 annually and a \$200,000 lifetime benefit. The mandate does not apply to medicare supplement, long-term care, accident only or other limited health insurance policies. Businesses that are self-insured or to which federal law regarding employee benefits law applies are excluded from this mandate.

**Senate Floor Substitute for Senate Bill 278 (Chapter 69)** sets out the use, disclosure and protection of electronic medical records. An electronic medical record satisfies the requirement for a medical record if it accurately reflects that medical record and if it can be reproduced. Persons are prohibited from using or disclosing an individual's electronic medical record in violation of state or federal law and without the consent of the individual; however, permissible use and disclosure of electronic medical records, including an audit log, are provided in the bill. The bill also requires that any state agency requirement for an electronic medical record allow the use of federally compliant public, proprietary or open source hardware or software.

Insurance companies, health maintenance organizations and any future nonprofit health plans are required to cover the routine costs of medical care for a patient enrolled in a cancer clinical trial pursuant to the provisions of **Senate Bill 42 (Chapter 212)**. **Senate Public Affairs Committee Substitute for Senate Bill 161 (Chapter 190)** sets in statute the income categories for the high-risk medical insurance pool premium assistance program that had been established previously by rule. Individuals with income at 400% of the federal poverty level and below receive 25% to 75% premium assistance.

**House Consumer and Public Affairs Committee Substitute for House Bill 438 (Chapter 263)** requires that medicaid recipients with incomes above 100% of the federal poverty level make a co-payment ranging from \$6.00 to \$50.00 when they receive nonemergency services in an emergency facility. Nonemergency services must be available, and the recipients must have been advised of the availability of those services and the co-payment they can expect to be charged in an emergency facility.

**House Bill 710 (Chapter 143)** directs the human services department to work with its contractors to administer existing waivers to promote or, as practicable, develop a "medical home program". The program is designed as an integrated care management program for in-home care that includes primary care, preventive care and care management services.

A women's health council created by the governor becomes a statutory entity with the passage of **Senate Bill 210 (Chapter 83)**. The office of the governor's council on women's health is charged with improving the health of women, especially where women are less healthy than men and for pregnancy-related issues. The office will continue to work with a basic plan created by the governor's women's health council for improving health outcomes for women, and the existing council will serve as an advisory group for the office.

**House Floor Substitute for House Judiciary Committee Substitute for House Bill 397 (Chapter 174)** amends the Public Health Act to establish a protocol for the management of active tuberculosis, including notification to the department of health when cases of active tuberculosis are identified and including development and implementation of a plan of treatment for the affected persons. The bill gives the department authority to seek court intervention when a person with active tuberculosis does not comply with the treatment plan.

The Health Information System Act is amended by **House Bill 293 (Chapter 166)** to provide for the use, disclosure and protection of record-level, or nonaggregated, data. The New Mexico health policy commission may provide record-level data to the department of health, which is prohibited from disclosing the data except in aggregate form. Record-level data may be provided to federal agencies, except that the commission is required to remove identifiable individual, provider or hospital information from the data furnished to those agencies.

*Related Bill*

**House Bill 728** - health and human services complex - see *State Government/Property and Procurement*

## *HOUSING AND REAL PROPERTY*

The legislature addressed a broad array of housing topics during the session, ranging from housing authorities to mortgages to property appraisals. Issues concerning housing authorities have been the subject of proposed legislation since the region III housing authority came under scrutiny in 2006. This year, the legislature completed the reorganization of the state's regional housing authorities begun in 2007 and made similar revisions to the Municipal Housing Law relating to municipal and multijurisdictional housing authorities. One result of the national subprime mortgage crisis was to shed light on problems in the property appraisal industry, and the legislature took steps to regulate portions of this industry that had not previously been regulated in the state. Major revisions were also made to statutes related to residential mortgages, and discussions on these bills appear in the

*Business and Consumers* section.

After financial issues arose in 2006 regarding the region III housing authority, the legislature passed legislation during the 2007 session that limited the ability of regional housing authorities to issue bonds and strengthened financial oversight of regional housing authorities. In this year's session, **Senate Bill 20 (Chapter 48)** continued legislative efforts to reform the state's regional housing authorities. The scope of the duties of regional housing authorities is broadened to include affordable housing programs, and eligibility for program participation is increased to include moderate-income persons. The state's seven regional housing authorities are consolidated into three authorities that exclude Bernalillo, Dona Ana and Santa Fe counties, which have their own housing authorities. The bill establishes minimum experience and expertise requirements for members of boards of commissioners of the regional housing authorities and sets forth specific prohibited acts related to conflicts of interest between housing authorities and their contractors with housing authority board members, employees and public officials. Oversight of the regional housing authorities is delegated to the New Mexico mortgage finance authority, and strict annual financial auditing requirements are imposed on the regional housing authorities.

In addition to addressing issues related to the regional housing authorities, the legislature also approved legislation related to municipal housing authorities. **Senate Bill 60 (Chapter 226)** amends the Municipal Housing Law to expand eligibility for program participation to include moderate-income persons; provide for multijurisdictional housing authorities; and provide for affordable housing programs that encompass ongoing delivery systems for affordable housing services. As with the legislation concerning regional housing authorities, this bill sets forth specific prohibited acts related to conflicts of interest between housing authorities and their contractors with housing authority board members, employees and public officials. It also provides for the removal of board members for cause based upon noncompliance with housing program regulations.

High standards and independence in the property appraisal industry are keys to protecting the public in property transactions. In New Mexico, individual appraisers are regulated, but appraisal management companies have not been until now. **Senate Bill 456 (Chapter 214)** enacts the Appraisal Management Company Registration Act that provides for registration and regulation of real estate appraisal management companies. The act makes it unlawful for a person or business entity to engage in business as an appraisal management company or to perform appraisal management services without first obtaining registration from the real estate appraisers board.

***Related Bills***

**HBIC/House Bill 261** - property tax disclosure - see *Taxation*

**House Bill 451** - Tax Increment for Development Act amendments - see *Appropriations and Finance/ Public Finance*

**Senate Bill 342** - New Mexico Mortgage Loan Originator Licensing Act - see *Business and Consumers*

## *INDIAN AND INTERGOVERNMENTAL AFFAIRS*

In its work on topics relating to Native Americans, the legislature passed new laws that strengthen government-to-government relationships between the state and Indian nations, tribes and pueblos. Tribal entities will now have a voice in certain proposed land use and development decisions, and collaboration between certain state agencies and tribes will now be required by statute. In addition, the legislature took steps to facilitate the expenditure of bond proceeds for the Gallup-Navajo pipeline project, and this bill is discussed in the *Water* section.

The New Mexico Subdivision Act already requires boards of county commissioners to request opinions from the state engineer, the NMED, the department of transportation, soil and water conservation districts and other public agencies regarding whether a preliminary plat proposed by a developer can meet certain requirements set forth in that act. **House Health and Government Affairs Committee Substitute for House Bill 37 (Chapter 65)** permits Indian nations, tribes and pueblos that have a historical, cultural or resource tie to a county to request on an annual basis that the board of county commissioners provide for their review specified documentation for proposed preliminary subdivision plats. Indian nations, tribes and pueblos now have similar status as public agencies to review and comment upon proposed subdivision plats, including how the proposed plat may directly affect cultural properties, archaeological sites and unmarked burials. If an Indian nation, tribe or pueblo submits an adverse opinion on the proposed preliminary plat, the subdivider may submit additional information to the county. A public agency disagreeing with an adverse tribal opinion is required to submit a response to the board of county commissioners.

On February 1, 2005, the governor promulgated Executive Order No. 2005-004, which directed specified state agencies to adopt a pilot tribal consultation plan to address an area of operations that involved interaction with tribal governments, communities or members within New Mexico. **Senate Bill 196 (Chapter 15)**, which enacts the State-Tribal Collaboration Act, makes this policy a matter of statutory law for all cabinet-level agencies. The act requires state agencies to develop and implement a policy for collaboration with tribal entities and to designate a tribal liaison who reports directly to the head of the agency. Agency personnel who work with tribal entities are required to complete a training course addressing effective communication and collaboration, positive state-tribal government-to-government relations and cultural competency in providing effective services to tribal members. State agencies are also required to prepare annual reports regarding the agencies' collaboration efforts. Finally, the governor is required to meet personally on an annual basis with tribal leaders to address issues of mutual concern.

### *Related Bills*

**HAFC/House Bill 50** - American Indian Post-Secondary Education Act - see *Education*

**House Bill 295** - New Mexico-Sonora commission - see *State Government/Organization*

**House Bill 390** - deceased Native Americans off voter rolls - see *Elections*

**Senate Bill 541**- Native American veterans tax settlement fund - see *Military and Veterans' Affairs*  
**SIAC/Senate Bill 723** - Gallup-Navajo pipeline project bond funding - see *Water*

## ***INSURANCE***

Consumers, as well as the insurance industry, will benefit from insurance-related legislation passed during the session. Real estate title insurance rates should become more competitive as a result of **House Business and Industry Committee Substitute for House Bills 488 and 357 (Chapter 80)**, which provides title insurers with the opportunity to compete on price by allowing them to file rates that are below the statewide rates promulgated by the superintendent of insurance. The law requires the superintendent to publish comparative title insurance rate and closing cost information; mandates specific rate discounts for refinanced properties that are somewhat lower than the refinance rate discounts currently set in rule; and guarantees that title agents will retain at least 80% of the title premium revenues they generate. It also makes numerous other more minor changes to the New Mexico Title Insurance Law.

Intending to eliminate voluminous paper filings received by the insurance division of the PRC for insurance rates and insurance forms, **Senate Bill 114 (Chapter 182)** amends sections of the New Mexico Insurance Code to provide for electronic filing of insurance rates and policy forms. The division intends to designate the national association of insurance commissioners' system for electronic rate and form filings system as the electronic medium to be used.

New Mexico becomes a member of the Interstate Insurance Product Regulation Compact with the passage of **Senate Bill 15 (Chapter 188)**. The compact creates a single, uniform set of product approval standards for life insurance, annuities, disability income and long-term care insurance for the states that are members of the compact. It will assist insurance companies in bringing their products to market in a timely manner, protect consumers through the adoption of a standardized review process for those products and provide uniformity in regulation of advertising of those products. By adopting the compact, New Mexico agrees that any insurance product approved by the interstate insurance product regulation commission may be sold in New Mexico if the insurer is otherwise authorized to do business here.

### ***Related Bills***

**SFI/SPAC/Senate Bill 39** - autism spectrum disorder coverage - see *Health and Public Assistance*

**Senate Bill 42** - cancer clinical trial costs - see *Health and Public Assistance*

**SPAC/Senate Bill 161** - high-risk medical insurance pool premium assistance program - see *Health and Public Assistance*

**SFI/Senate Bill 278** - electronic medical records protection - see *Health and Public Assistance*

## *LAW ENFORCEMENT AND CORRECTIONS*

Two bills this session explicitly limit the conduct of law enforcement officers to ensure that they act in accordance with constitutional principles. One bill prohibits racial, gender, political and other types of profiling, and the other clarifies that an individual is not violating the law by requesting to see a valid search warrant before allowing entry into a domestic violence shelter. Pregnant women in correctional facilities are protected from the use of intrusive restraints, and collection of DNA samples now includes felons convicted in other jurisdictions. Finally, police departments may hire part-time officers for certain work previously performed only by full-time officers.

Law enforcement officers are expressly prohibited from profiling a person by race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition with the passage of **House Judiciary Committee Substitute for House Bill 428 (Chapter 177)**, which enacts the Prohibition of Profiling Practices Act. Law enforcement agencies must provide training to their officers on prohibited practices, maintain written policies, provide procedures for complaints, conduct investigations and take disciplinary measures as appropriate. Law enforcement agencies must also provide redacted copies of complaints against their officers to the attorney general, who exercises independent oversight and may initiate investigations and take action as necessary.

Persons associated with domestic violence shelters should no longer fear being charged with resisting or obstructing an officer or with harboring a felon if they request that law enforcement officers show a search warrant before allowing the officers to enter a safe house or shelter. **Senate Bill 279 (Chapter 84)** clarifies that requesting to see a valid search warrant before allowing entry into a domestic violence safe house or shelter is not a crime. Indeed, many would argue it is a constitutional guarantee.

Collection of DNA samples from convicted felons is broadened in **Senate Bill 5 (Chapter 24)** to include sample collection from those felons imprisoned in New Mexico but convicted in other jurisdictions. The bill also requires that the state's DNA identification system be part of a nationally qualified laboratory in order to continue to participate in sharing information and cooperation on a national level and to qualify for federal grants and programs.

Pregnant women in correctional facilities are protected with the passage of **Senate Bill 423 (Chapter 73)**, which requires adult and juvenile correctional facilities, detention centers and local jails to use the least restrictive restraints necessary on an inmate in the second or third trimester of pregnancy and no restraints of any kind on an inmate who is in labor, delivery or recuperating from delivery. Compelling grounds of a serious threat allow for exceptions.

Police departments now have the option of hiring part-time officers to perform certain duties previously performed only by full-time officers. **House Bill 531 (Chapter 249)** adds certified part-time



salaried police officers to the definition of "law enforcement officer" in the Criminal Procedure Act and the Tort Claims Act.

***Related Bills***

**HJC/House Bill 279** - identity theft prosecution time limit - see *Criminal Law*

**SJC/Senate Bill 166** - stalking provisions revised - see *Criminal Law*

**Senate Bill 245** - commuter rail service "law enforcement officers" - see *Local Government and Special Districts/Special Districts*

## ***LOCAL GOVERNMENT AND SPECIAL DISTRICTS***

Bills affecting local government and special districts were plentiful this session. Two passed that are specific to county governance, while others concern soil and water conservation districts, development zones, public improvement districts and regional transit districts.

**Senate Bill 587 (Chapter 224)** changes how the population of a county is determined for the purpose of classifying counties in order to fix the salaries of county employees. The most current annual population data or estimate from the United States census is used to determine the population of a county. **Senate Bill 563 (Chapter 34)** provides that a class A county with a population greater than 150,000 and less than 400,000 and a municipality within that county may exercise concurrent zoning authority pursuant to an extraterritorial zoning authority created under existing law or pursuant to the terms of a joint powers agreement. The new law currently applies only to Dona Ana county.

Prior to the passage of **Senate Bill 336 (Chapter 283)**, New Mexico's annual audit requirement was one of the most stringent and far-reaching in the nation and unfairly applied the same auditing requirements to all governmental entities regardless of size. The city of Albuquerque had the same audit requirements as a small acequia with an annual budget of less than \$10,000. Many of New Mexico's rural governmental entities struggled or failed to comply with the annual audit requirement. To correct this inequity, Senate Bill 336 establishes a tiered system of financial reporting for incorporated municipalities, mutual domestic water associations, land grants and special districts that is based on the annual operating budget revenues of those local public bodies.

**House Taxation and Revenue Committee Substitute for House Bill 552 (Chapter 136)** enacts the Infrastructure Development Zone Act, which provides procedures for the creation of infrastructure development zones as political subdivisions of the state. The zones are empowered to construct or acquire infrastructure for the provision of a wide variety of services; they may also incur debt and impose property taxes, assessments, tolls or charges to pay the debt or other costs of the infrastructure or services.

***Land Grants***

A number of bills affecting land grants were introduced this session, though only three

managed to make it to the governor's desk. Most significant is the Land Grant Support Act, enacted by **House Appropriations and Finance Committee Substitute for House Bill 85 (Chapter 94)**, which establishes a five-member land grant council to implement a land grant support program and serve as a liaison between those land grants operating as political subdivisions of the state and federal, state and local governments. In conjunction with this legislation, the legislature also requested in **Senate Joint Memorial 5** that the state's congressional delegation take a lead in promoting federal legislation to address inequities in the land grant confirmation process as described in the 2008 attorney general's report on that issue. The land grant council is in part tasked with developing and promoting federal legislation for an appropriate congressional response to long-standing community land grant claims in New Mexico. Land grant election procedures, including provisions allowing for absentee voting in land grant elections, are updated and revised by **House Bill 458 (Chapter 131)**.

### *Special Districts*

The Water and Sanitation District Act is updated by **House Bill 337 (Chapter 241)**, with most of the changes being technical in nature. The services that a water and sanitation district may offer for a fee or charge and the revenue that may be used to retire bonds are both clarified. The issue that received the most attention was the change in hearing procedures for changes in rates, tolls, fees or charges. Districts were attempting to reduce the time it takes currently to adopt such changes due to backlogs at the PRC. Districts do not come under the regulation of that commission unless they specifically elect that alternative. However, even if a district is not under the regulation of the commission, it must file rate changes with the commission, and all appeals go to the commission. This bill allows the appeal of a rate, toll, fee or charge to be taken directly to the district court. However, one district, Eldorado, is required by this bill to hold a hearing before a hearing officer. The district's board must then approve the findings of the hearing officer, and any taxpaying elector of the district may appeal the decision of the board on the records of the hearing officer and board to the district court.

**Senate Bill 245 (Chapter 57)** amends the Regional Transit District Act to allow a regional transit district that operates a commuter rail service to employ commuter rail service law enforcement officers for the district and assign duties to the officers. It provides that commuter rail service law enforcement officers shall carry commissions of office issued by the district and have the powers of peace officers on all property, tracks, rights of way, easements, vehicles, buses, vans, railcars, locomotives and facilities owned, leased, licensed, maintained or operated by the district. It also provides that a district may contract with other law enforcement agencies to provide law enforcement services for the district. Transit officers must obtain certification from the New Mexico law enforcement academy within one year of hire.

Prior to the 2009 session, the Public Improvement District Act did not allow nonresident owners of property in public improvement districts to vote on matters related to governance of the

district. In many retirement communities, there may be more absentee owners than residents, so this constituted a disenfranchisement of the very people the improvement districts may have been established to serve. **Senate Bill 110 (Chapter 46)** amends the Public Improvement District Act to provide for "qualified electors and owners" to elect a district board and to provide for a limitation of property tax levies to pay debt service on bonds. The bill also amends the act to require districts to follow laws currently in place ensuring fair voting practices and to require general obligation bond elections to include "authorization for a property tax levy, including limitations on the levy, of a property tax to pay debt service on bonds". By allowing the election to determine details of the levy, taxpayers will have the capability to vote on limits of the levy, such as the amount and duration of the burden it places on the taxpayer. Senate Bill 110 also requires any issuance of bonds by any district to comply with requirements of the Public Securities Limitation of Action Act, thus requiring public improvement districts to follow the current rules applying to communities and municipalities.

The Soil and Water Conservation District Act has placed a somewhat onerous burden on districts by requiring them to have an annual audit performed if their revenues exceed \$5,000, which in many cases creates a cost that in fact may exceed their annual revenues. Consequently, the districts asked for a revision this year that resulted in a change to the act provided by **Senate Bill 311 (Chapter 204)**, which raises the threshold to \$500,000 in revenues before an audit is required. Districts with less than \$500,000 in revenue can fulfill the required financial report without a formal audit pursuant to the Audit Act as long as they comply with the state auditor's rules.

*Related Bills*

**House Bill 135** - local gross receipts tax increment for indigent care - see *Taxation*

**House Bill 153** - jury database updates - see *Courts*

**Senate Bill 173** - Emergency Communications Interoperability Act - see *Public Safety*

**SFC/Senate Bill 324** - municipal environmental gross receipts tax - see *Taxation*

## *MILITARY AND VETERANS' AFFAIRS*

In recognition of the sacrifice that military personnel and their families make, five significant bills were passed this session relevant to military and veterans' affairs.

State and federal involvement in issues concerning New Mexico armed services personnel and veterans is likely to increase because of the passage of **Senate Bill 529 (Chapter 116)**, which establishes a new eight-member joint interim committee called the "military and veterans' affairs committee". The committee is charged with conducting hearings throughout the state on military and veterans' issues; making an annual report to the legislature; making legislative recommendations to the legislature and to congress; and making regulatory recommendations to the United States department of veterans affairs and the department of defense. The committee will function until the second session of the forty-ninth legislature.

In the 2008 legislative session, the legislature created but did not fund the Native American veterans tax settlement fund and directed specific state agencies to investigate issues related to the withholding of state income tax from the pay of active-duty members of the military who were Native American and were domiciled on tribal lands at the time of enlistment. **Senate Bill 541 (Chapter 289)** clarifies which Native Americans may be entitled to a refund of state income taxes withheld by the federal department of defense and specifies that the TRD, rather than the veterans' services department, is responsible for administering the fund. The bill also provides that interest shall be paid on the amount of state income taxes withheld by the federal department of defense and that settlement payments may be made to the heirs of veterans entitled to such payments. The General Appropriation Act of 2009 contained a special appropriation of \$1 million for the Native American veterans tax settlement fund to ensure this initiative would be funded.

**Senate Bill 120 (Chapter 17)** changes the current annual limit of \$250,000 to \$1 million on funding for compensation, expenses and supplies of New Mexico military forces when called upon by the governor for service to the state. In the past, most of these expenses have been reimbursed by the federal emergency management agency, an executive order or other federal mechanisms.

Albeit a small benefit, **Senate Finance Committee Substitute for Senate Bill 669 (Chapter 230)** allows New Mexico residents who have been granted a disability by the federal department of veterans affairs as a result of having served in the armed forces of the United States to be able to purchase a fishing and small game combination license for a reduced annual fee of \$10.00.

### *Related Bills*

**HTRC/House Bill 407** - Vietnam veterans memorial income tax donation - see *Taxation*

**House Joint Resolution 11** - antidonation clause exception for military war veterans - see *Constitutional Amendments*

**Senate Bill 627** - General Richard T. Knowles scholarship - see *Education/Higher Education*

## *MOTOR VEHICLES AND TRANSPORTATION*

Bills related to motor vehicles and transportation ran the gamut from aviation to weight-distance tax enforcement, with a bill that amends statutes governing off-highway motor vehicles receiving a great deal of attention.

The omnibus bill **Senate Floor Substitute for Senate Judiciary Committee Substitute for Senate Corporations and Transportation Committee Substitute for Senate Bill 379 (Chapter 53)** amends the Off-Highway Motor Vehicle Act to provide greater regulation of off-highway vehicles to ensure their safe and responsible operation. Changes to the act include changing the "safety board" to an "advisory board", reducing the number of members of that board and changing the enforcement agency from the tourism department to the department of game and fish. The bill adds clarification to definitions of off-highway motor vehicles, all-terrain vehicles and recreational off-highway motor

vehicles to include seating capacity, speed capability, gross vehicle weight, size and vehicle identification number specifications. It gives the department of game and fish the authority to add additional vehicles by rule as technology changes and as new vehicles are added to the market, and it provides specific guidance for distribution of fees charged for registration and nonresident permits between enforcement, education and administration. It also raises the age limits for operation of certain off-highway vehicles unless they are part of an organized tour under the guidance or direction of a guide certified by the board. The requirements for safety training and distribution of safety information are enhanced and penalties are revised.

Three of the bills that passed this year address commercial motor carrier transportation. Several sections relating to motor carriers and commercial drivers are amended in **Senate Bill 230 (Chapter 200)** to clarify provisions applying to persons who drive commercial vehicles. In the Motor Carrier Safety Act, the general age for obtaining a commercial driver's license is 21 years of age, but for intrastate commerce purposes, a driver between ages 18 and 21 may also obtain a commercial driver's license to drive commercial vehicles within the state only. In addition, reporting and report retention procedures for drug and alcohol tests of persons with commercial driver's licenses are clarified. The general definitions of the Motor Vehicle Code are changed again this year to remove the unintended consequences of an amendment made in the 2007 legislative session, making the definition of "conviction" correspond to federal requirements. The bill also strengthens disqualification provisions, penalties for violations of out-of-service orders and retention of records for commercial driver's license holders as well as anyone driving a commercial vehicle without an appropriate license.

A new section of the Motor Carrier Act adopted in **Senate Bill 119 (Chapter 183)** renders void and unenforceable contractual provisions in a motor carrier transportation contract that require a motor carrier to indemnify or hold harmless, or that have the effect of causing the motor carrier to indemnify or hold harmless, a shipper from liability for loss or damage resulting from the negligence or intentional acts or omissions of the shipper or its agents, employees or independent contractors that are directly responsible to the shipper.

The Weight Distance Tax Act imposes upon commercial motor carriers a tax based upon the gross vehicle weight and miles driven in New Mexico. The tax is imposed quarterly based on mileage and weight figures reported by commercial motor carriers. **Senate Bill 213 (Chapter 196)** imposes civil penalties up to \$4,000 per quarter for commercial motor carriers that underreport the mileage actually traveled on New Mexico highways or the actual gross vehicle weight.

Three bills passed that give the department of transportation more flexibility in road construction and in department operations. **House Bill 308 (Chapter 167)** authorizes the department to distribute up to \$1 million from the local governments road fund to municipalities and counties that demonstrate financial hardship for the purpose of meeting local match requirements. Qualifying municipalities and counties will now be able to use money from the fund as matching funds required

for participation in local governments road fund projects. **House Bill 350 (Chapter 171)** authorizes the department of transportation to donate surplus property or materials to local governments under emergency situations from natural or manmade causes in a timely manner when the personal property or materials are most needed. The bill provides safeguards to ensure administrative accountability and requires local governments to certify that the local government does not otherwise have the resources to acquire the requested personal property or materials for an emergency situation. **Senate Floor Substitute for Senate Bill 345 (Chapter 207)** authorizes the department of transportation to use design and build project delivery systems for certain transportation construction projects with a maximum allowable construction cost of more than \$50 million funded in whole or in part by the grants programs of the ARRA. This puts the department in a better position to compete for grants programs projects to be selected by the U.S. secretary of transportation.

A number of new commemorative license plates were created during the session. **House Bill 671 (Chapter 89)** creates the commemorative scouting registration plate celebrating the centennial of the boy scouts of America; **House Bill 801 (Chapter 86)** authorizes a standardized special registration plate indicating that the recipient is a retired New Mexico law enforcement officer; **House Bill 567 (Chapter 90)** authorizes special farm and ranch community registration plates; **Senate Finance Committee Substitute for Senate Public Affairs Committee Substitute for Senate Bill 631 (Chapter 120)** authorizes special plates commemorating the four hundredth anniversary of the city of Santa Fe; and **House Bill 645 (Chapter 85)** authorizes a special bass fishing registration plate that will generate fees to be distributed to the bass habitat management program of the game protection fund.

**Senate Bill 185 (Chapter 192)** redirects a portion of the money paid for a pet care special registration plate from the motor vehicle suspense fund to the animal care and facility fund and provides that this money be distributed on a pro rata basis to counties where the special plates are purchased for use in paying for spay and neuter programs.

Renewal of a vehicle registration after the first occurrence of registering the vehicle may now be accomplished by internet or telephone, according to changes made in **House Bill 12 (Chapter 156)**. To encourage use of this efficient registration method, the motor vehicle division of the TRD may give a 5% discount on an internet or telephonic registration renewal.

Bills related to rail transportation include **Senate Bill 395 (Chapter 208)**, which increases the penalty for railroad-highway grade crossing violations from \$10.00 to \$150, and **Senate Public Affairs Committee Substitute for Senate Bill 653 (Chapter 229)**, which establishes special rules for the rail runner as to when bells have to be rung before road crossings. The new law provides that for a railroad owned by the state or one of its political subdivisions, if the crossing is within a designated quiet zone pursuant to federal railroad administration rules and the maximum allowed speed for a train using the crossing is equal to or less than 40 miles per hour, the bell shall be rung not less than 300 feet from the crossing.

Two bills addressed aviation issues. **House Bill 227 (Chapter 164)** amends the Aviation Act regarding the aviation division of the department of transportation's authority to authorize expenditures from the state aviation fund for the construction and maintenance for certain public use airport facilities. The bill enables the aviation division to authorize expenditures to facilities that land airplanes with a seating capacity of one to 100 or a maximum payload capacity of one to 25,000 pounds; the law previously allowed the division to authorize expenditures to facilities that land airplanes with a seating capacity up to 60 or a maximum payload up to 15,000 pounds. **Senate Public Affairs Committee Substitute for Senate Bill 610 (Chapter 227)** allows airport facilities to charge long-term parking fees to disabled individuals in passenger motor vehicles that are otherwise permitted to park for free for unlimited periods of time because they carry and display disability registrations or placards. The bill addresses the issue of people with a disability abusing the free parking privilege by occupying airport parking designated for disabled parking for weeks or months at a time.

***Related Bills***

**Senate Bill 245** - commuter rail service law enforcement officers - see *Local Government and Special Districts/Special Districts*

**SJC/Senate Bill 275** - ignition interlock device requirements - see *Public Safety*

## ***PROFESSIONAL AND OCCUPATIONAL LICENSURE***

The legislature continued to take an active role regulating professions and occupations by passing legislation that increased licensing requirements and authority for various professions and occupations, particularly in the area of health care, and also removed licensing requirements for others.

New Mexico has a long history of traditional health care practitioners, including Native American medicine men and Hispanic curanderos. **House Health and Government Affairs Committee Substitute for House Bill 664 (Chapter 141)** enacts the Unlicensed Health Care Practice Act, which recognizes the provision of complementary and alternative health care services in New Mexico. The act provides a "safe harbor" that exempts complementary and alternative health care practitioners from the licensing requirements of the Medical Practice Act or other laws relating to health care services as long as a complementary and alternative health care practitioner refrains from engaging in any of the prohibited actions set forth in Section 4 of the act and complies with the disclosure duties set forth in Section 5 of the act. The Unlicensed Health Care Practice Act also provides for disciplinary actions by the regulation and licensing department if a complementary and alternative health care practitioner violates the provisions of the Unlicensed Health Care Practice Act.

Authority for other health care professionals is increased through the passage of several measures. The legislature expanded the scope of practice for chiropractors through passage of **House Health and Government Affairs Committee Substitute for House Bill 14 (Chapter 260)**.

Chiropractors now may prescribe over-the-counter drugs, and the chiropractic board is authorized to create a formulary for specific substances listed in the chiropractic statutes. Authority to establish the formulary for other drugs remains with the board of pharmacy or the New Mexico medical board. Certified nurse practitioners are now allowed to sign death certificates under the provisions of **House Bill 170 (Chapter 29)**. Pursuant to **House Bill 370 (Chapter 51)**, psychologists who were trained in another country may receive reciprocity to practice in New Mexico provided they can demonstrate that the training and education they received is equivalent to that required in New Mexico. One and one-half years of supervised professional training may substitute for an internship, and criminal background checks are required for all new applicants.

The legislature also enacted measures affecting licensing requirements. **House Bill 413 (Chapter 176)** changes the definition language that expresses how an applicant qualifies for licensure as a naprapath and requires an applicant to complete a four-year academic curriculum approved by the naprapathic practice board rather than by the American naprapathic association, as was previously required. Additionally, **House Judiciary Committee Substitute for House Health and Government Affairs Committee Substitute for House Bill 498 (Chapter 106)** amends the Medical Radiation Health and Safety Act, renaming it the Medical Imaging and Radiation Therapy Health and Safety Act, to require the environmental health division of the NMED to develop and maintain certification standards and establish scope of practice and ethics rules for persons providing magnetic resonance and sonography services. Definitions in the act are also updated to conform to current practice.

Finally, the Pesticide Control Act is amended in **House Bill 715 (Chapter 101)** to require that employees of federal, state, county and municipal agencies and municipal corporations who apply general use pesticides under certain conditions or at certain sites obtain a public applicator license. The requirements for the license are determined by rules promulgated by the board of regents of New Mexico state university.

The legislature also relaxed requirements. Although registration will still be required, **Senate Bill 356 (Chapter 72)** removes the requirement that manufacturers, distributors and dispensers of controlled substances be registered annually.

*Related Bill*

**House Bill 593** - Animal Sheltering Services Act name change - see *Animals and Livestock*

## *PUBLIC OFFICERS AND EMPLOYEES*

Public employees will be both pleased and disappointed with the legislation adopted during the 2009 session. The mileage rate for employees is now linked to the federal mileage rate; however, the rate may be less than the federal rate, which is reliably higher than the rate paid by the state. Public and educational employees will now be helping to preserve the solvency of the state by



temporarily increasing the amount they contribute for their retirement, allowing the state and other employers to decrease the employer contribution rates for many employees. A new retirement plan was adopted for new employees of the state, and no increase in legislative retirement was adopted. Other retirement issues centered on retired public employees who return to work. House Appropriations and Finance Committee Substitute for House Bill 616 would have restricted the amount of earnings and time that could be worked for a public employment retirement association (PERA) recipient who returns to work for a public employer while continuing to receive a state pension without paying into the retirement fund. The bill passed both houses only to be vetoed by the governor.

***Public Employees - General***

As gasoline prices rose over the last few years, it became clear to many public employees that they lost money if they used their private vehicles for work-related travel. **House Bill 336 (Chapter 170)** increases the mileage rate for public employees under the Per Diem and Mileage Act from \$.32 to an amount up to the internal revenue service (IRS) standard mileage rate set in January 1 of the previous year. Currently, the IRS rate is \$.55. Fiscal year 2010 appropriations to agencies in the General Appropriation Act of 2009 did not contemplate a change in the mileage rate, and the DFA could set the rate lower than the IRS rate to avoid substantial fiscal impacts on fiscal year 2010 budgets.

Public employees protected by a collective bargaining agreement will be able to settle an employment dispute through arbitration with passage of **House Bill 15 (Chapter 76)**. Currently, public employees in classified positions may avail themselves of the right to appeal a dismissal, demotion or suspension to the personnel board. With House Bill 15, those who have the additional protection of a collective bargaining agreement also have the additional process of arbitration available.

***Retiree Health Care***

**House Bill 351 (Chapter 287)** is intended to increase the actuarial soundness of the retiree health care fund. It removes the sunset date for the monthly distribution of tax revenues to the fund and increases both the employer and employee contributions to the fund. The increased contributions will begin on July 1, 2010 and will increase annually through July 1, 2012. In addition, the bill provides for higher employer and employee contributions for employees in "enhanced retirement plans", which are those plans that allow members to retire at any age with less than 25 years of service credit.

***Public Employees Retirement Association and Educational Retirement Board***

**House Judiciary Committee Substitute for House Education Committee Substitute for House Bill 573 (Chapter 288)** contains a substantial number of changes to the retirement plans for public employees. As in House Bill 351, this bill removes the sunset date for the monthly distribution

of tax revenues to the retiree health care fund and increases both the employer and employee contributions to the fund. The increased contributions will begin on July 1, 2010 and will increase annually through July 1, 2012. In addition, the bill provides for higher employer and employee contributions for employees in enhanced retirement plans and requires contributions to the fund from educational retirement board (ERB) and PERA members who purchase additional service credit.

For members of the PERA, the bill creates new retirement plans for state and municipal general members other than peace officers. Retirement eligibility under the new plans is any age and 30 or more years of service credit, age 67 or older and five or more years of service credit or any age if the sum of the member's age and service credit equals at least 80, a provision known as the "rule of 80". The bill also contains a new retirement plan for members of the ERB. Retirement eligibility under the new ERB plan is the same as under the new PERA plans, except benefits are reduced for a member retiring under the rule of 80 if the member is under 60 years old. The new retirement plans are effective July 1, 2011 and will apply to employees hired on or after July 1, 2010. The bill extends the period during which a retired member under the ERB may return to work; changes the provisions for acquiring service credit for military time under the ERB; and requires annual training for PERA and ERB board members. Finally, it creates a 25-member "retirement systems solvency task force" charged with examining all aspects of the state retirement plans and the health plan under the Retiree Health Care Act. The task force is to submit its solvency plans and recommendations no later than October 1, 2010.

**House Bill 854 (Chapter 127)** amends the Public Employees Retirement Act and the Educational Retirement Act to increase temporarily the employee contribution rates and decrease the employer contribution rates for employees with an annual salary greater than \$20,000. The increase in the employee contribution rate is 1.5% of salary and will be effective from July 1, 2009 through June 30, 2011. The decreased employer contribution rate is expected to save the state general fund approximately \$42 million during fiscal year 2010.

Several bills were aimed specifically at the educational retirement system. **Senate Bill 572 (Chapter 9)** amends the Educational Retirement Act to allow an employee under an alternative retirement plan a one-time election to become a member under the Educational Retirement Act. The option may be exercised this year for an employee who already has seven years under an alternative plan and, for other employees, within 120 days of obtaining seven years under the alternative plan. The bill also clarifies that the alternative plans may be rolled over upon leaving employment and changes criteria for selecting plan administrators. **House Bill 631 (Chapter 286)** contains a new retirement plan for educational employees that includes the identical provisions for retirement eligibility found in House Bill 573, though with a different effective date. The new plan is effective July 1, 2010 and applies to members hired after that date.

**House Bill 722 (Chapter 248)** and its duplicate, **Senate Bill 490 (Chapter 240)**, prohibit the

ERB or any employee or contractor of the board from allowing public inspection or disclosure of certain private information about members or retired members under the ERB. The bill provides a criminal penalty for violations. **Senate Bill 399 (Chapter 209)** amends the Educational Retirement Act to authorize the director of the ERB to audit the records of any local administrative unit to ensure compliance with the act and rules of the board. Provisions are included that address the reporting and resolution of audit discrepancies.

Retired members of the PERA may now return to employment with an affiliated public employer as elected officials without a break in retirement benefits. **House Labor and Human Resources Committee Substitute for House Bill 683 (Chapter 285)** allows these elected officials to collect both their pensions and a salary without requiring contributions to the retirement fund for the term of their office.

Trainee participants of the federally funded and state-funded senior employment trainee program, administered by the aging and long-term services department, are exempted from membership in the PERA under the provisions of **House Bill 601 (Chapter 137)**. The trainees, although employees, are not employed long enough to become vested, and, therefore, prior to passage of this bill, their contributions had to be collected and subsequently refunded.

#### ***Special Retirement Programs***

The retirement program for volunteer firefighters changes with the enactment of **House Bill 353 (Chapter 262)**, which amends various sections of the Volunteer Firefighters Retirement Act and adds a new section providing for the retroactive application of a law enacted in 2003 that eliminated a maximum age for a volunteer firefighter to establish a first year of service credit. The legislation clarifies that a volunteer firefighter may receive reimbursement for out-of-pocket costs without being considered a salaried firefighter and reduces the requirements for earning service credit by lowering the percentage of scheduled fire drills and scheduled business meetings a volunteer firefighter must attend from 75% to 50%. A volunteer firefighter may also now designate a dependent child as a beneficiary.

#### ***Related Bill***

**House Bill 531** - part-time salaried police officers defined as law enforcement officers - see *Law Enforcement and Corrections*

## ***PUBLIC SAFETY***

The legislature prepared the state to respond in the event of a disaster by requiring a standardized interoperational communication and coordination system between state and local agencies. A safety measure to reduce the leading cause of home fire deaths was also enacted and requires that cigarettes sold in the state meet certain standards for reduced flammability and ignition propensity. In yet another effort to habituate sober driving, the legislature closed a gap in the ignition

interlock device requirement by mandating six months of ignition interlock driving before a driver's license can be reinstated for those arrested or convicted of DWI.

The lack of interoperable communications has been cited as one of the major problems in responding to disasters. While New Mexico has made great strides in coordinating state and local public safety agencies, gaps in communications standards and procedures remain a hurdle to response time and organization. The Emergency Communications Interoperability Act, enacted in **Senate Bill 173 (Chapter 111)**, lays a foundation for a standardized radio communication system in case of a disaster. This bill directs the homeland security and emergency management department to establish and implement a statewide interoperable emergency response system and mandates that all local and state agencies acquire the necessary infrastructure equipment to conform to interoperability standards.

New Mexico joins 37 other states in passing a law that increases the safety of firefighters and the public at large by requiring that cigarettes sold within the state meet standards for reduced ignition propensity. **House Floor Substitute for House Judiciary Committee Substitute for House Bill 70 (Chapter 265)** enacts the Fire-Safer Cigarette and Firefighter Protection Act, which requires that cigarettes sold in New Mexico be tested to ensure that they comply with flammability standards. Cigarette packaging must be marked in such a way as to indicate that the cigarette has met the standards. Smoking is the number one cause of preventable home fire deaths, and mandating that cigarettes have a reduced ignition propensity should reduce the incidence of cigarette-caused fires.

At least six months of ignition interlock driving is now required before anyone whose driver's license was revoked due to an arrest or conviction for DWI may obtain reinstatement of the license. **Senate Judiciary Committee Substitute for Senate Bill 275 (Chapter 254)** addresses the gap for those convicted of DWI who claim they do not own a car or will not be driving in order to avoid the ignition interlock driving requirement by making the ignition interlock requirement a condition of driver's license reinstatement.

***Related Bills***

**House Bill 318** - homeland security and emergency management department duties - see *State Government/Organization*

**Senate Bill 5** - DNA samples from convicted felons - see *Law Enforcement and Corrections*

## ***STATE GOVERNMENT***

Legislation affecting state government covered a broad range of topics this year. As is the case in most sessions, the legislature made changes to the organization and operations of various departments, commissions and other governmental entities. It also passed numerous bills concerning the acquisition and use of state property. New and more modern methods for the public to request access to government records and to view legislative proceedings received significant attention as well.

### *Legislature*

The desire for more transparency and the increasing capabilities of technology reached a critical mass in the legislature in 2009. Proponents of opening conference committees and webcasting legislative proceedings were successful after years of trying, as blogs, Twitter, social networking web sites, improvised webcasts and even live chats featuring legislators from the chamber floors flourished as new sources of legislative information.

**House Bill 393 (Chapter 105)** amends the Open Meetings Act to require that conference committee meetings, like meetings of standing legislative committees, be open to the public, subject to modification by joint rule. Reasonable notice of conference committee meetings must be given by publication or announcement by the presiding officers in essentially the same way notice is given for standing committee meetings.

The house and senate took different approaches to streaming floor proceedings on the internet. The issue arose in the house when an individual member decided unofficially to stream the proceedings of three committees, using a laptop computer, webcam and a cellular company's network. By session's end, two other members and an internet news organization were similarly streaming floor sessions and committee meetings, including the meetings on whether the legislature should itself offer streaming. **House Rules and Order of Business Committee Substitute for House Resolution 2** amends the house rules to provide that a live audio stream of the house's floor proceedings be made available on the legislature's web site and to formalize the practice allowing anyone to photograph, record or transmit committee proceedings with the permission of the chair. The resolution also authorizes official live audio streaming of certain house committee proceedings as a two-year pilot project, though such audio streaming was not done during this session.

The senate in 2008 affirmed its support of audio and video streaming its proceedings, but the initiative stalled later that year over questions of cost and form. But as the 2009 session drew closer to adjournment, **Senate Resolution 4** was approved amending the senate rules to provide for a live video stream from a single camera mounted at the rear of the chamber.

Should the day ever come when the house allows live video in its chamber as well, members will be able to show off their newly enhanced sartorial splendor. **House Resolution 1** enacts a new house rule to allow the wearing of bolo ties on the house floor not only by members, but by all who are permitted access to the chamber.

### *Operations*

Because New Mexico is a border state, border issues have always been important to New Mexico. Two bills were passed this year that increase the powers of the border authority and broaden its scope of operations. **Senate Bill 55 (Chapter 44)** allows the authority to expend funds or incur debt for the improvement, maintenance, repair or addition to property owned by the authority, the state or the United States government. It also deletes the prohibition against the authority operating a

project as a business or in any manner except as a lessor and expending funds or incurring debt for the improvement, maintenance, repair or addition to property not owned by the authority. Allowing the authority the right to issue debt on its own or through the NMFA will make the authority more effective in its mission to improve economic development in the border region. **Senate Bill 56 (Chapter 45)** amends the Property Control Act to exempt the border authority from the jurisdiction of the property control division (PCD) of the general services department (GSD), thus requiring the authority to be responsible for the management and maintenance of its own properties, including all associated costs.

In order to plan for the expenditure of capital investments necessary to provide goods and services to the state and its agencies, **Senate Bill 425 (Chapter 70)** requires the GSD to establish and maintain a five-year equipment replacement plan for each of the department's enterprise functions. The bill also provides for the creation of equipment replacement revolving funds within the state treasury. Expenditures from the funds shall be made only pursuant to an appropriation from the legislature and only for the purpose of acquiring and replacing capital equipment used to provide enterprise services pursuant to the five-year equipment replacement plans.

The state will provide quicker and more convenient access to certain state records with the enactment of **House Bill 652 (Chapter 140)**, which amends the Audit Act to allow an audit report to be made public after five days, or earlier if the audited agency waives the five-day period, and **House Bill 598 (Chapter 75)**, which amends the Inspection of Public Records Act to allow a person wishing to inspect public records to submit an electronic request through email or facsimile.

### *Organization*

The state has a new intergovernmental commission that focuses on economic development and other issues as a result of **House Bill 295 (Chapter 108)**. The bill creates the New Mexico-Sonora commission and establishes a framework in which New Mexico and the state of Sonora, Mexico, can work to develop mutually beneficial programs to resolve challenges in both states, including economic development, and to open lines of communication between public and private sector leaders that will be beneficial to both states. The commission is administratively attached to the economic development department and will include the governor of New Mexico, the secretary of economic development, the secretary of tourism, other officials and no more than nine members of the public appointed by the governor. Commission members representing Sonora shall be appointed or assigned according to regulations and procedures governing commissions in Sonora.

Proposed changes to the composition of the information technology commission, which serves in an advisory role to the department of information technology, were the subject of various amendments to **House Bill 729 (Chapter 146)**. As introduced, the bill increased the commission membership from 17 to 19, and amendments changed the membership to 15, back to 17 and, finally, to 15 for the final version. Additionally, a lobbyist is prohibited from serving on the commission

while registered as a lobbyist and for one year after terminating work as a lobbyist. The bill includes other changes to the Department of Information Technology Act, including review and reporting of information technology requests; background checks on department employees; reporting on certified projects; protocol for agency disputes of department of information technology invoices; rate and fee schedule compliance with federal requirements; equipment replacement; and other minor technical changes. A separate bill, Senate Bill 65, sought to create an information technology and telecommunications oversight committee but was pocket vetoed.

**House Bill 318 (Chapter 250)** assists the homeland security and emergency management department (HSEMD) in its role of providing for the safety of New Mexico residents by making a number of changes to the department's powers and duties. The HSEMD assumes the duty to coordinate the mudslide and flood program from the department of public safety; is added to the list of agencies permitted to own its fleet; and is empowered to respond not only to acts of terrorism, but also to threats within the state. The bill clarifies that the agency director is a cabinet secretary, the department is a cabinet agency and the department is a criminal justice law enforcement agency.

Restrictions on appointments to the fire protection grant council are modified by **House Bill 706 (Chapter 266)**, which deletes the provision that prohibits active members of a municipal fire department or county fire district from serving on the council.

The legislature approved the creation of a new division within the LFC with the passage of Senate Floor Substitute for Senate Bill 531, but the bill was pocket vetoed. The new division would have been required to conduct program and other types of evaluations of state agencies, including instrumentalities of the state, to determine their effectiveness. The bill also would have ensured the confidentiality of certain documents submitted by agencies to the LFC.

### ***Property and Procurement***

Several successful measures concerning state property were introduced on behalf of the capitol buildings planning commission (CBPC), including **House Taxation and Revenue Committee Substitute for House Bill 360 (Chapter 23)**, which establishes a framework for collaboration between the state and counties or municipalities for state capital outlay projects to be located in historic districts. The bill provides that if the county or municipality has enacted ordinances with specific provisions and standards applicable to state buildings, the state project shall be carried out in a manner that is generally compatible and harmonious with those ordinances. The bill requires an opportunity for early input from the county or municipality and sets forth a procedure for publicly resolving any outstanding issues relating to the design or plans for the state capital outlay project.

**House Bill 728 (Chapter 145)**, also introduced on behalf of the CBPC, provides for the first phase of a health and human services office complex to be located in Santa Fe county or the city of Santa Fe and occupied by the human services department and the children, youth and families department. The bill requires the PCD to enter into contracts under which the building will be

designed and constructed and to enter into a lease-purchase agreement with the owner of the building and sublease agreements with the agencies that will occupy the building. The bill also authorizes the NMFA to issue revenue bonds and construct the building with the proceeds. The bonds will then be retired by the annual lease payments appropriated by the legislature. The bill provides that the proceeds of the bonds can also be used for initial debt payments until occupancy so that the state will not have to make debt payments while still making lease payments on the buildings currently occupied by the agencies.

Another CBPC bill, **Senate Bill 220 (Chapter 19)**, changes the duties of the commission. It allows designees for the secretary of general services and for the state treasurer to serve on the commission; allows the commission to review proposed lease-purchase agreements; requires the commission to work with the GSD and other agencies to address deferred maintenance issues at state agencies to keep facilities functional; and requires the commission to use life-cycle costing to determine whether the state should lease, lease-purchase or purchase facilities. The bill also enacts a new section that requires lease-purchase agreements to be submitted to the CBPC for review before the agreements are submitted to the legislature for approval.

State office building tax revenue bonds may be issued for the acquisition of an executive office building to be located within the central capitol complex in Santa Fe with the passage of **Senate Finance Committee Substitute for Senate Bill 221 (Chapter 114)**, the fourth bill introduced on behalf of the CBPC. The bill amends the State Building Bonding Act to allow bond proceeds to include payment of debt service until occupancy so that the increased tax distributions will not commence until rent savings are realized. The bill also extends the expenditure period and purposes of previous appropriations for expenditure by the CBPC.

Before issuing business leases for planning or development purposes, the commissioner of public lands will now have to give notice and use a competitive bid process in accordance with the provisions of **Senate Bill 540 (Chapter 219)**. Previously, the law only required a competitive bid if the term of the lease was greater than five years.

**Senate Bill 429 (Chapter 71)** makes an appropriation of \$5,000 from the property control reserve fund for the GSD to purchase from the federal bureau of land management the real property currently occupied by the southern New Mexico correctional facility and the JP Taylor juvenile justice center.

Section 13-1B-3 NMSA 1978 is amended by **Senate Bill 450 (Chapter 110)** to add vehicles that meet the corporate average fuel economy standards issued by federal department of transportation as well as plug-in electric vehicles to the list of fuel-efficient or alternative-energy-sourced vehicles that may be purchased to meet that statute's requirement for fuel efficiency in the state fleet.

**House Business and Industry Committee Substitute for House Bill 546 (Chapter 107)** helps



promote greater transparency in the government contracting process by requiring that the departments of finance and administration, information technology and transportation and the GSD jointly develop an online public database, managed by the GSD, of all state contracts having a value of more than \$20,000 and with a term beginning January 1, 2010.

Section 13-1-98 NMSA 1978, setting forth exemptions to the Procurement Code, is amended by **Senate Bill 680 (Chapter 231)** to provide that contracts entered into by the crime victims reparation commission to distribute federal grants to assist victims of crime, including grants from the federal Victims of Crime Act of 1984 and the federal Violence Against Women Act, are exempt from the Procurement Code.

**House Business and Industry Committee Substitute for House Bill 603 (Chapter 138)** amends the Public Facility Energy Efficiency and Water Conservation Act to increase the number of contracts that can be entered into by public entities to improve the energy and water use efficiency of public buildings. New language allows cumulative cost savings of energy and water conservation measures to be used to determine if a project is eligible for guaranteed utility savings contracts under the act. The bill also increases the period of time, from 10 to 25 years, that can be used to recover the costs of the energy and water conservation measures under the guaranteed contracts.

**House Joint Resolution 19** ratifies and approves an extension of the Downs of Albuquerque lease to January 11, 2011, with an option for an additional year to January 11, 2012, conditioned upon no less than a 10% increase in the lease payment each year until that date.

The legislature approved the sale of approximately three acres of state land in **House Joint Resolution 21**. The property, which has 15 houses on it, is located at the former Walker air force base in Chaves county and will be sold in accordance with a request for proposals process.

### *Symbols*

The state has two new official symbols as a result of the legislative session. **House Bill 389 (Chapter 28)** designates "Under New Mexico Skies", written by Syd Masters, as the official state cowboy song, and **Senate Bill 52 (Chapter 27)** designates the New Mexico sunrise guitar, manufactured by the Pimentel family, as the official guitar of New Mexico.

### *Related Bills*

**Senate Bill 173** - Emergency Communications Interoperability Act - see *Public Safety*

**Senate Bill 196** - State-Tribal Collaboration Act - see *Indian and Intergovernmental Affairs*

**Senate Bill 210** - office of the governor's council on women's health - see *Health and Public Assistance*

## TAXATION

Notwithstanding the declining revenue of the state, legislators introduced many requests for tax credits. Those adopted were generally restricted to renewable energy programs, some of which could substantially encourage residential and commercial property owners to renovate their buildings

or build greener buildings. The bills aimed at helping to finance renewable energy technology are especially groundbreaking. Overall, the legislature held the line on tax legislation; with the downturn in the economy, there was little inclination among legislators to raise taxes. The personal income tax simplification bill again failed to make it through the legislative process, and a new idea to shift the main burden of corporate income tax payments into a franchise tax was not adopted. These ideas, however, will no doubt be heard again and again.

*Tax Administration*

Section 7-1-8 NMSA 1978, requiring that taxpayer records be held confidential, is reorganized in **House Judiciary Committee Substitute for House Bill 257 (Chapter 243)** to set forth the entities to which taxpayer information may be revealed in a more organized, easier-to-search format. Several other bills that were signed amend Section 7-1-8 NMSA 1978, such as **House Bill 337 (Chapter 241)**, which authorizes the TRD to provide tax information to a water and sanitation district so that the district can determine who is paying the levies required by the district. **House Bill 590 (Chapter 242)** also amends Section 7-1-8 NMSA 1978 to allow the TRD to provide the human services department with information needed to report to the federal government on expenditure of federal TANF funds for rebates and refunds to low-income residents of New Mexico and also to allow the outreach efforts of the human services department regarding tax benefits for low-income taxpayers to be directed to those taxpayers. The wording from House Bills 337 and 590 will have to be included in the newly formatted provisions from House Judiciary Committee Substitute for House Bill 257 in order for those provisions to appear in the compiled version of Section 7-1-8 NMSA 1978 and the newly enacted sections that contain the entities to which tax information may be revealed.

**Senate Bill 80 (Chapter 4)** was part of the solvency package and included a first quarter date for filing estimated corporate income tax. An error had been made several years ago in amending Section 7-2A-9.1 NMSA 1978, which set forth three dates for estimated quarterly reporting of corporate income rather than four dates. By setting the first quarter date, approximately \$148 million will be captured before the end of fiscal year 2009. This was helpful in filling the hole made in declining revenue for the remainder of the fiscal year. Of course, that money may have been counted in fiscal year 2010, so the shift probably forced the legislature to find that money elsewhere for the fiscal year 2010 budget.

*Gross Receipts and Compensating Taxes*

The sunset dates for certain tax provisions were extended by **House Bill 75 (Chapter 147)** to 2020. Pursuant to the Uniform Division of Income for Tax Purposes Act, a taxpayer whose principal business activity is manufacturing may elect to have business income apportioned using a double-weighted sales factor until January 1, 2020. The valuation of qualified equipment and the employment requirements of the Investment Credit Act, which provides a credit against compensating tax, are extended beyond July 1, 2011 to July 1, 2020.

From July 1, 2009 until July 1, 2014, **House Bill 554 (Chapter 99)** provides a deduction from gross receipts tax for receipts from selling special fuel consisting of at least 99% vegetable oil or animal fat if the deduction from the special fuel excise tax pursuant to Section 7-16A-10 NMSA 1978 is claimed. It also provides a deduction from the special fuel excise tax under that section for fuel consisting of at least 99% vegetable oil or animal fat that is used in an auxiliary fuel system subject to a certificate of conformity pursuant to the federal Clean Air Act.

#### *Local Gross Receipts Taxes*

**House Bill 135 (Chapter 61)** amends Section 7-20E-18 NMSA 1978 to permit Bernalillo county to extend the imposition of an additional one-sixteenth percent gross receipts tax for funding indigent care for five-year periods upon a vote of the city council.

Ruidoso and Ruidoso Downs will benefit from the amendments in **Senate Finance Committee Substitute for Senate Bill 324 (Chapter 284)** that increase the authorization of the municipal environmental gross receipts tax to one-half percent from one-sixteenth percent. The tax may be imposed in one-fourth percent increments. This authority was necessary to allow those communities to complete a water and wastewater treatment facility that has very strong standards for elimination of nitrates and phosphates from water before it is released into the environment.

#### *Income Taxes*

**House Bill 375 (Chapter 271)** provides a credit that may be taken against personal income tax liability and corporate income tax liability for geothermal ground-coupled heat pumps. The credit is for 30% of the purchase and installation costs up to \$9,000 of an eligible system located in New Mexico and can be carried forward for 10 years. Credits must be certified by the energy, minerals and natural resources department, and only \$2 million annually can be certified. The credit is effective for tax years 2010 to 2020.

Taxpayers will be able to check a box on their personal income tax returns beginning for income tax year 2009 to donate all or some of the taxpayer's refund to support the Vietnam veterans memorial in Angel Fire as a result of the passage of **House Taxation and Revenue Committee Substitute for House Bill 407 (Chapter 175)**.

The sustainable building tax credits are amended in **Senate Corporations and Transportation Committee Substitute for Senate Bill 291 (Chapter 59)** to make those credits more user friendly and to encourage building owners to renovate their buildings using greener building technology. Sustainable building tax credits allow a building owner to claim either a credit against the taxpayer's corporate income tax liability or personal income tax liability for improvements to a building owned in New Mexico that meets either the build green New Mexico standards or the LEED green building system. Amendments to Sections 7-2-18.19 and 7-2A-21 NMSA 1978 provide flexibility for owners of multifamily dwellings, allowing the buildings to be classified as either residential or commercial property so that the owners may claim either the residential or commercial

buildings credit limits. Changing the recipient of the tax credit to an owner of a building rather than a taxpayer allows nontaxable organizations to obtain the credit and then transfer the credit to a taxpayer who can use it, thus encouraging the tax-exempt building owner to derive some benefit from meeting green standards when renovating a building. The tax credits may not be claimed by a state or local government, school district or tribal agency.

**Senate Corporations and Transportation Committee Substitute for Senate Conservation Committee Substitute for Senate Bill 237 (Chapter 279)** expands the advanced energy tax credits to provide either a corporate income tax credit or a personal income tax credit that can be claimed in conjunction with the advanced energy combined reporting tax credit. The total amount of advanced energy tax credit that may be claimed is still limited to 100% of the value of the advanced energy tax credit allowed, which cannot exceed \$6 million. Taxpayers who hold a leasehold interest in a qualified generating facility may now claim an advanced energy tax credit. The credits may be split among the holders of an interest in a qualified generating facility, or all of the interests may agree to allow a holder of at least 5% of the qualified generating facility to claim all of the credit. An advanced energy tax credit includes credits claimed under the Income Tax Act, the Corporate Income and Franchise Tax Act or Section 7-9G-2 NMSA 1978, now called the "advanced energy combined reporting tax credit". The bill also clarifies that all eligible generating plant costs for which advanced energy tax credits are claimed are for qualified generating facilities located in New Mexico. The types of generating facilities are expanded to include geothermal electric generating facilities and solar photovoltaic electric generating facilities. Solar thermal electric generating facilities were already included in the original tax credit.

The state's solar market development personal income tax credit is extended by **Senate Bill 257 (Chapter 280)** for an additional year to 2016, and the amount of the credit is changed. The previous credit, combined with a federal credit, could not exceed 30% of eligible costs up to \$9,000 for installation prior to December 31, 2015. Under the new law, the credit is 10% of the cost regardless of the federal credit and is now available through 2016.

### *Property Tax*

To help alleviate the shock some people have faced when receiving their first property tax levy on a newly purchased residential property after the value has been reassessed at its current and correct value by the county assessor, **House Business and Industry Committee Substitute for House Bill 261 (Chapter 165)** sets forth a process in the Real Estate Disclosure Act that informs purchasers of residential property of the estimated property tax that the purchaser will have to pay beginning in the second year after the transfer of the property. A real estate broker who is engaged to sell a property is required to obtain a document from the county assessor for the county in which a property is located that estimates the amount of property tax on the value of the property for sale. The property tax estimate document must be requested by the seller's broker prior to the seller accepting an offer to

purchase, unless the buyer signs a waiver of the requirement. The seller's real estate broker provides the document to the purchaser's broker, who in turn gives it to the purchaser, who must acknowledge in writing the receipt of the estimated tax levy document. Real estate brokers and agents and property sellers are immune from prosecution if they have followed the provisions of this law.

In a technical change to the Property Tax Code, **House Bill 388 (Chapter 247)** adds wastewater and wastewater facilities to the list of property subject to the special valuation method for water pipelines, tanks and other plant facilities. The bill also adds a definition and criteria for valuing commercial wastewater property.

Of three bills that attempted to encourage development of renewable energy by authorizing local governments to adopt programs to assist homeowners and businesses to obtain financing for renewable energy improvements, two were adopted. **House Business and Industry Committee Substitute for House Bill 572 (Chapter 270)** authorizes county governments to impose a solar energy improvement special assessment on consenting property owners in the amount of the cost of photovoltaic or solar thermal improvements to the property. The county collects the special assessment as part of the property tax and disburses it to the financial institution that lent the money for the improvements. The rationale behind the measure is that having the loan repayment be secured by a property tax obligation should make it easier for residents of the county to obtain long-term financing for the improvements.

**Senate Bill 647 (Chapter 180)** authorizes county or municipal governments to create renewable energy financing districts. As in House Business and Industry Committee Substitute for House Bill 572, inclusion in the district is entirely voluntary. A special assessment is added to the property tax bill of participating property owners in the district. The local government is authorized to issue bonds that are paid off from the special assessments. The proceeds of the bonds are used to make loans to property owners for solar, wind or geothermal energy system improvements to their property. Because this arrangement will meet the requirements for a federal qualified energy conservation bond, the intention is that the buyer of the bonds will get a federal tax credit and the loan to the property owner will have a zero percent rate of interest, thus further facilitating financing of the renewable energy improvements solar market development.

#### ***Related Bills***

**House Bill 174** - public school sporting event officials gross receipts tax exemption - see *Education/ Public Schools*

**Senate Bill 541** - Native American veterans tax settlement fund - see *Military and Veterans' Affairs*

## ***UTILITIES***

The legislature helped both consumers and utility companies during the session by clarifying protections for low-income New Mexicans against power disconnections and encouraging the

development of utility infrastructure.

The state did not address whether utility cooperatives and municipal utilities were prohibited from disconnecting utility service for poor people during the winter months when it passed the Low Income Utility Assistance Act in 2007. In **Senate Bill 71 (Chapter 232)** of the 2009 session, that act is amended to clarify that any "publicly, privately or municipally owned utility or distribution cooperative utility for the rendition of electric power or gas" is covered by the prohibition against disconnecting utilities and clarifies that the winter moratorium on utility shut-offs is part of the act.

In order to allow utility companies to keep their rates current and to encourage infrastructure development, **Senate Bill 477 (Chapter 113)** permits construction work in progress to be considered in the PRC's determination of a utility company's value and rate base. Utilities have historically sold stocks and bonds to private investors to pay for the construction of new power plants, and the finance charges for use of the money were paid after the plant was producing electricity. Under the provisions of Senate Bill 477, consumers supply the capital for future construction projects that are not yet providing service. For the purpose of establishing rates, the PRC has the authority to determine the allowance for funds used during construction after considering factors such as the magnitude of a construction project as a percentage of the rate base; the impact on cash flow and the utility's capital costs; whether the construction confers a benefit on customers; and whether additional revenue will be produced as a result of the construction project. This utility-friendly bill sets a test period of 12 months following the date a rate change takes effect for the PRC to analyze construction costs and determine whether to include in-progress construction work in the rate base.

## *WATER*

The distribution of existing water resources, the potential of tapping into unused and previously unusable sources of water and questions concerning administration of both existing and potential water resources describe the scope of successful legislation affecting the state's water laws this session.

Advances in technology combined with ever-greater demands for water have resulted in a rush of notices to drill for nonpotable water in deep aquifers being filed with the state engineer over the past several years. **House Bill 19 (Chapter 35)** grants the state engineer authority to declare underground basins consisting of nonpotable aquifers located more than 2,500 feet below the surface, thereby bringing them under the jurisdiction of that office. The bill also increases the state engineer's authority to administer the waters withdrawn from such aquifers. Previous statutes severely limited state engineer administration of these aquifers.

Agricultural interests have long been troubled by the potential for development interests to use municipal powers to foster development at the expense of continuing agricultural operations. As

such, municipal powers of eminent domain to condemn water rights of irrigators are seen to have been a potential threat to growers. **House Judiciary Committee Substitute for House Bill 40 (Chapter 269)** was enacted to address those concerns. The bill amends the Municipal Code to restrict municipalities from condemning surface water owned or served by irrigation districts, conservancy districts, state political subdivisions or acequia and ditch associations in existence before July 1, 2009. However, municipalities retain the right of eminent domain for acquisition of other water or water rights subject to arbitration procedures. The bill also provides that if the water is not needed for public health or safety purposes, the following conditions must be met for condemnation to be used: suitable water rights are unavailable for voluntary sale at up to 125% of appraised value or are unavailable for purchase at up to 125% of appraised value; a water conservation plan has been implemented; and the proposed acquisition is consistent with the regional water plan.

The lower Rio Grande public water works authority is established by **House Judiciary Committee Substitute for House Agriculture and Water Resources Committee Substitute for House Bill 185 (Chapter 100)**. The authority consists of five mutual domestic water consumer associations (MDWCAs) in Dona Ana county and is a political subdivision of the state and an independent public body. All functions and property of the five founding MDWCAs, including water rights, are transferred to the authority. The authority will provide for water and wastewater services, road improvements or renewable energy projects that are integral to the operation and maintenance of its facilities. The authority is a member-owned community water system not subject to the jurisdiction of the PRC or the provisions of the Public Utility Act.

Dam safety is addressed in **House Bill 63 (Chapter 36)**, which clarifies the types of dams that fall under state engineer jurisdiction and specifies the type of dams for which owners must file applications for appropriations and use of water. The bill also expands the state engineer's approval authority for dam design to include approval of dam operational plans; requires that the state engineer determine how the height, storage capacity and storage duration for all dams are calculated or measured; and requires that the state engineer prescribe the form in which dam design plans and operational plans are submitted.

In an effort to help complete the Gallup-Navajo pipeline project, severance tax bond proceeds are redirected from the water project fund to the NMED with the passage of **Senate Indian and Cultural Affairs Committee Substitute for Senate Bill 723 (Chapter 22)**. The bill amends Section 7-27-10.1 NMSA 1978 to allow the NMED, rather than the NMFA, to administer \$5,375,244 for the cutter lateral project, a part of the San Juan-Gallup water project. The NMFA administers projects of the water trust board and requires any entity that obtains money from its bond sales to agree to submit to the jurisdiction of state district court if there is a dispute over the project or the maintenance of the project over the 20-year life of the infrastructure developed. To meet this requirement, the Navajo Nation council would have to vote for a limited waiver of sovereign

immunity in order to have access to the money, requiring a two-thirds' vote of the council. By moving the proceeds from the bonds — bonds that were issued by the state board of finance, not by the NMFA — from the purview of the NMFA to the NMED, the Navajo Nation can now work with the NMED under the standard state agency practice of agreeing to submit to arbitration if there is a dispute.



FORTY-EIGHTH LEGISLATURE  
SECOND SPECIAL SESSION, 2008



During the 2008 regular session, Governor Richardson's major initiatives included universal health care coverage and health care reform. However, none of the governor's health care initiatives passed, and shortly after the session, he indicated that he would call the legislature into special session once again to tackle those issues. Additionally, the governor proposed using the budget surplus for economic relief for New Mexicans to offset what were then rising gasoline prices and the beginnings of a volatile economy that called the state's budget surplus into question. Despite less-than-enthusiastic support for the governor's health care reform initiatives and early indicators of a troubled national economy, a special session was called and held in August 2008. The governor's proclamation called for an executive branch health care administrative body; commercial health insurance reforms; electronic medical records; low-income home energy assistance; public school transportation cost relief; expenditures out of the TANF block grant; general election expenditures; tax relief; a tax holiday; transportation projects; and relief for areas affected by severe flooding. By the end of the special session, public school transportation, Lincoln and Otero counties and certain families in need of assistance received financial aid; the governor's health care reform efforts, however, were once again unsuccessful.

Along with the record-breaking price of a barrel of oil seen at the time of the special session came the record-breaking price of a gallon of gasoline, and public schools were faced with mounting deficits in their transportation distribution. The legislature passed **House Bill 2 (Chapter 5)** to provide \$4 million for supplemental funding to school districts for increased school bus fuel costs. The distribution would be based on miles traveled for round-trip transportation of students.

The legislature also responded to severe flooding in Lincoln and Otero counties by providing a \$4.9 million appropriation in **Senate Bill 29 (Chapter 8)** to plan, design and construct improvements to damaged roads, bridges and infrastructure. The bill includes \$100,000 to the HSEMD for emergency relief for flood victims along the Rio Ruidoso.

For the 2008 general election, **Senate Bill 23 (Chapter 7)** appropriates \$1.6 million to the secretary of state to pay the costs of the election, of which \$47,000 is set aside for training of the presiding judges by the county clerks. The appropriation is contingent on the state board of finance approving the method by which the secretary of state determines the number of ballots to be printed for each precinct in the state.

**House Bill 4 (Chapter 4)** increases the working families tax credit by 25% beginning in tax year 2008. The percentage of the federal earned income tax credit is raised from 8% to 10%, and more than 200,000 working families are projected to receive this 25% increase. The maximum amount of the credit is increased by \$96.00 to \$482 for workers with two or more children; by \$59.00 to \$292 for workers with one child; and by \$9.00 to \$44.00 for childless workers.

A family with earnings up to 200% of the federal poverty level is eligible for state subsidies to

pay for child care through fiscal year 2009 under the provisions of **House Bill 7 (Chapter 2)**. The bill appropriates \$7.2 million for child care during 2009 and \$13.2 million for child care during 2010 from the TANF block grant to the children, youth and families department. The funding makes it possible to sustain eligibility at the 200% level through the two fiscal years, and it was passed with an emergency clause to make the funds available almost immediately for families who need child care in order to work.

The special session began with the introduction of a \$4 million appropriation for state subsidies to help pay utility bills of low-income New Mexicans as the state's contribution to the low income home energy assistance program, as well as a \$2 million appropriation for weatherization programs to help low-income residents save on utilities by making their homes more energy efficient. Those sums were reduced, however, to \$1.9 million by the time **Senate Floor Substitute for Senate Bill 21 (Chapter 6)** passed and was signed. This is considerably less than the over \$20 million appropriated during the 2005 special session or the \$8.3 million appropriated in the 2008 regular session. The final bill represents funds for both 2009 and 2010 and passed with an emergency clause.

The governor proposed a \$120 million rebate package for the special session to benefit lower- and middle-income families; however, the revenue projections had begun to fall as fast as the price of oil. As a result, **Senate Floor Substitute for Senate Bill 24 (Chapter 3)** provides a more modest rebate package of less than \$60 million through refundable income tax credits up to \$100 for a taxpayer and spouse based on the taxpayer's income and up to \$50.00 for each dependent. The bill includes a \$750,000 appropriation for administration of the refundable tax credit.

## APPENDICES

**DATA ON LEGISLATION**  
**Forty-Ninth Legislature, First Session, 2009**

<b>TOTAL LEGISLATION<sup>1,2</sup></b>	<b>HOUSE</b>	<b>SENATE</b>	<b>TOTAL</b>
Bills	1,055	791	1,846
Joint Resolutions	30	17	47
Joint Memorials	89	71	160
Memorials	138	108	246
Concurrent Resolutions	0	2	2
Resolutions	5	4	9
	<b>TOTAL: 1,317</b>	<b>993</b>	<b>2,310</b>
<b>INTRODUCTIONS<sup>3</sup></b>			
Bills and Dummies Substituted	907	702	1,609
Joint Resolutions	29	17	46
Joint Memorials	85	71	156
Memorials	133	104	237
Concurrent Resolutions	0	2	2
Resolutions	4	4	8
	<b>TOTAL: 1,158</b>	<b>900</b>	<b>2,058</b>
<b>PASSAGE</b>			
Bills	165	158	323
Joint Resolutions	5	0	5
Joint Memorials	35	21	56
Memorials	120	68	188
Concurrent Resolutions	0	0	0
Resolutions	2	1	3
	<b>TOTAL: 327</b>	<b>248</b>	<b>575</b>
<b>PERCENTAGE OF INTRODUCTIONS PASSED</b>			
Bills	18.2%	22.5%	20.1%
Joint Resolutions	17.2%	0%	10.9%
Joint Memorials	41.2%	29.6%	35.9%
Memorials	90.2%	65.4%	79.3%
Concurrent Resolutions	0%	0%	0%
Resolutions	50%	25%	37.5%
	<b>TOTAL: 28.2%</b>	<b>27.6%</b>	<b>27.9%</b>
<b>ENACTED</b>			
Signed by Governor	<b>147</b>	<b>142</b>	<b>289</b>
<b>VETOED</b>			
Vetoed by Governor's Message	4	7	11
Pocket Vetoed <sup>4</sup>	14	9	23
	<b>TOTAL: 18</b>	<b>16</b>	<b>34</b>
<b>PERCENTAGE OF PASSED BILLS VETOED 10.9%</b>			
		<b>10.1%</b>	<b>10.5%</b>

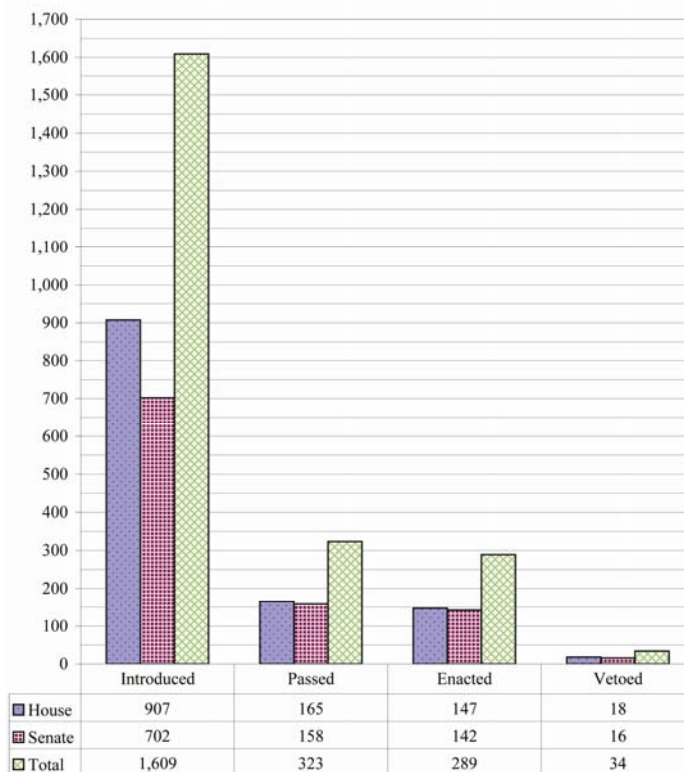
<sup>1</sup>There were 49 dummy bills introduced in the house and 49 in the senate; however, if they were not substituted into substantive bills, they are not counted in these statistics.

<sup>2</sup>Includes substitutes counted as separate bills.

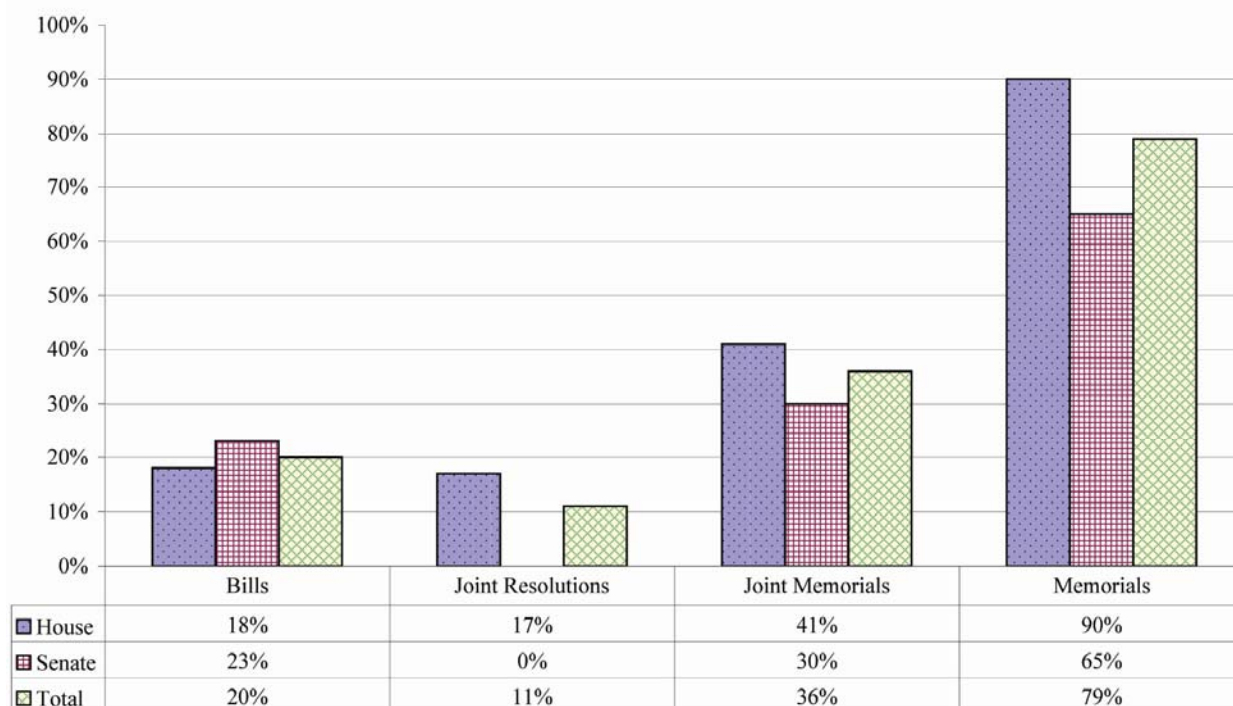
<sup>3</sup>Does not count substitutes, with the exception of dummy substitutes.

<sup>4</sup>Pursuant to Article IV, Section 22 of the Constitution of New Mexico.

### Bill Action Summary Regular Session 2009



### All Introduced Legislation Percentage Passed, Regular Session 2009

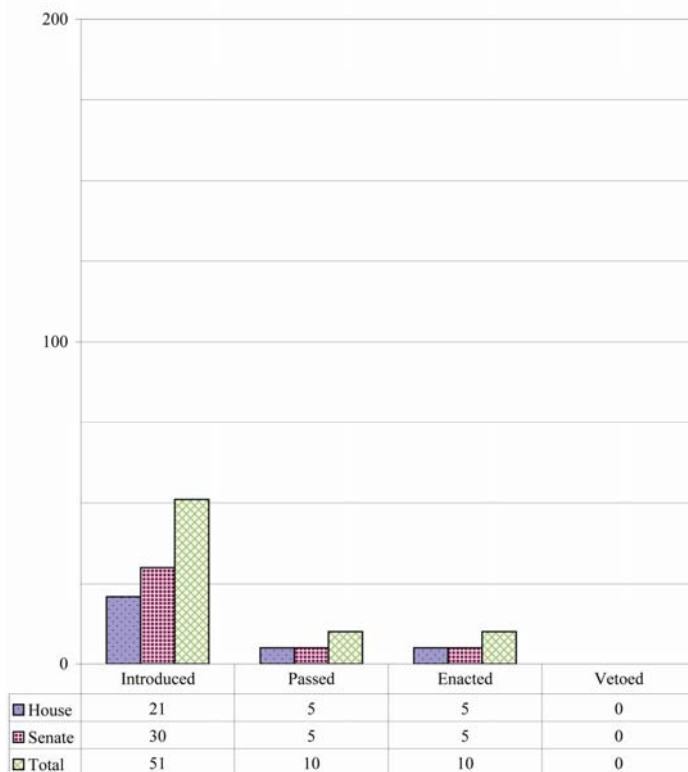


**DATA ON LEGISLATION**  
**Forty-Eighth Legislature, Second Special Session, 2008**

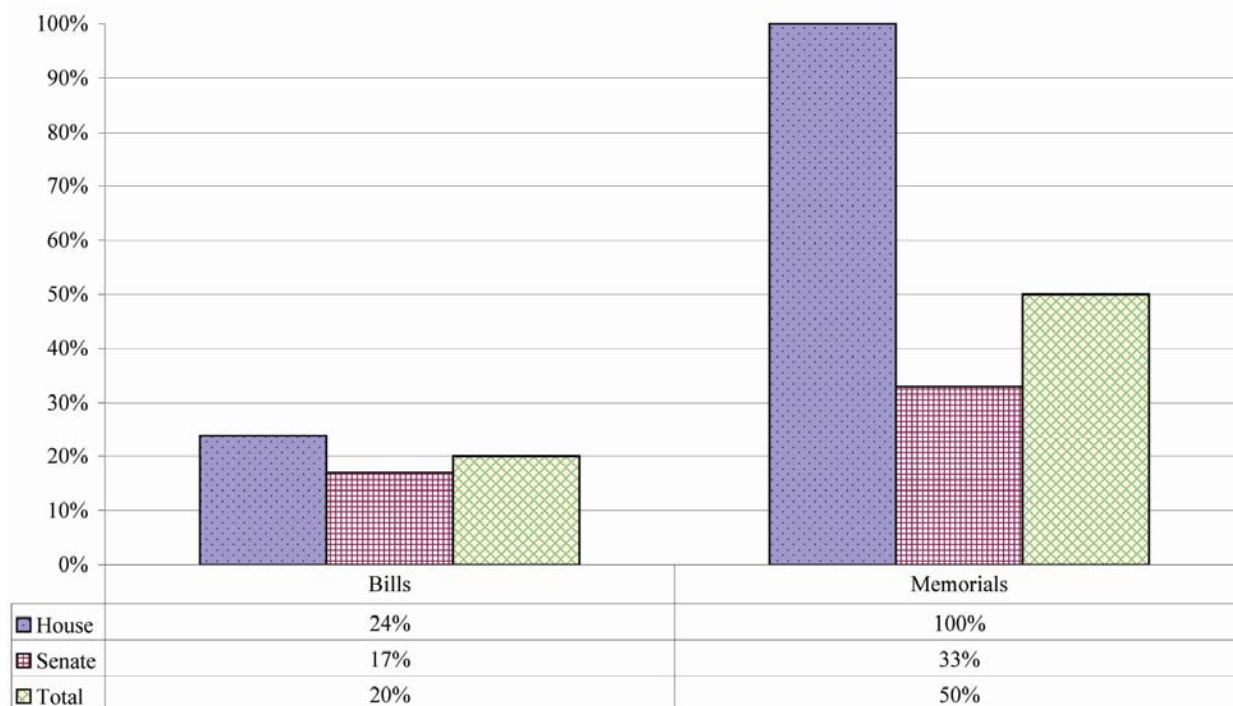
<b>TOTAL LEGISLATION*</b>	<b>HOUSE</b>	<b>SENATE</b>	<b>TOTAL</b>
Bills	22	33	55
Joint Memorials	0	2	2
Memorials	1	3	4
<b>TOTAL:</b>	<b>23</b>	<b>38</b>	<b>61</b>
 <b>INTRODUCTIONS</b>			
Bills	21	30	51
Joint Memorials	0	2	2
Memorials	1	3	4
<b>TOTAL:</b>	<b>22</b>	<b>35</b>	<b>57</b>
 <b>PASSAGE</b>			
Bills	5	5	10
Joint Memorials	0	0	0
Memorials	1	1	2
<b>TOTAL:</b>	<b>6</b>	<b>6</b>	<b>12</b>
 <b>PERCENTAGE OF INTRODUCTIONS PASSED</b>			
Bills	23.8%	16.7%	19.6%
Joint Memorials	0%	0%	0%
Memorials	100%	33.3%	50%
<b>TOTAL:</b>	<b>27.3%</b>	<b>17.1%</b>	<b>21.1%</b>
 <b>ENACTED</b>			
Signed by Governor	5	5	10
 <b>VETOED</b>			
	0	0	0



**Bill Action Summary  
Second Special Session 2008**



**All Introduced Legislation  
Percentage Passed, Second Special Session 2008**



**TABLE 1  
FISCAL YEAR 2009 SOLVENCY PACKAGE**

	<b>General Fund Operating Revenue Increases</b>	<b>General Fund Expenditure Decreases</b>	<b>Fund Transfers to Available General Fund</b>
<b>Chapter 2 (p.v.)</b> House Appropriations and Finance Committee Substitute for House Bill 10		<b>\$164 million</b> Includes: -Across-the-board budget cuts (\$135.4 million)  -Reduce general fund medicaid funding and replace with tobacco settlement funds (\$24.6 million)  -Void special session school bus fuel allotment (\$4 million)	
<b>Chapter 3 (p.v.)</b> Senate Finance Committee Substitute for Senate Bill 79	<b>\$23.7 million</b> Includes: Use TANF funds for working families tax credit in lieu of general fund (\$22.1 million)  -Freeze fire protection fund distribution at FY 2008 level (\$1.6 million)	<b>\$119 million</b> Includes: -Reduce general fund education funding and replace with funding from education lock box (\$35.8 million)  -Reduce general fund spending for tax rebate and replace with funding from tax stabilization fund (\$56 million)  -Reduce general fund spending for medicaid, developmental disabilities and behavioral health (\$27 million)	<b>\$105.1 million</b> Includes: -Transfer of unencumbered cash balances from 17 special state funds to the general fund (\$46.7 million)  -Transfer of public school capital outlay council award balances to the general fund (\$58.4 million)
<b>Chapter 4</b> Senate Bill 80	<b>\$58 million</b> Reinstate April quarterly estimated payment of corporate income taxes inadvertently omitted in 2003		
<b>Chapter 5 (p.v.)</b> House Taxation and Revenue Committee Substitute for House Bill 9			<b>\$91.6 million</b> Void general fund capital outlay projects, shifting some to severance tax bond funding

**TABLE 2**  
**SUMMARY OF GENERAL FUND APPROPRIATIONS**  
**FORTY-NINTH LEGISLATURE**  
**FIRST SESSION, 2009**  
(in thousands)

	<u>Fiscal Year 2009</u>	<u>Fiscal Year 2010</u>
<b>GENERAL APPROPRIATION ACT (GAA) OF 2009 (Ch. 124)</b>		
Section 4. Operating Expenses		
A. Legislative		4,137.6
B. Judicial		210,293.1
C. General Control		198,851.3
D. Commerce & Industry		58,209.4
E. Agriculture, Energy & Natural Resources		82,255.5
F. Health, Hospitals & Human Services		1,297,961.2
G. Public Safety		393,287.1
H. Transportation		-
I. Other Education		47,976.2
J. Higher Education		853,166.0
K. Public School Support		2,325,584.3
<b>Subtotal for Fiscal Year 2010 Operating Expenses</b>		<b>\$5,471,721.7</b>
Section 5. Special Appropriations	32,881.0	
Section 6. Supplemental and Deficiency Appropriations	21,363.5	
<b>Subtotal for Additional Appropriations</b>	<b>\$54,244.5</b>	
Section 10. Public Property/Liability Rates		(\$1,216.1)
Section 10. Legislative PERA Emp/Employer Shift		(\$146.0)
Section 10. Legislative Vacancy Rates		(\$114.5)
<b>Subtotal for Recurring Appropriation Reductions</b>		<b>(\$1,476.6)</b>
Section 12. Fund Transfer: General Fund - Education Lock Box		\$40,000.0
Section 12. Fund Transfer: General Fund - Appropriation Contingency Fund		\$25,000.0
Section 12. Fund Transfer: Public School Capital Outlay Fund		\$20,000.0
Section 12: College Affordability Endowment Fund		\$15,000.0
Section 12: Insurance Surcharge FY 2009 Transfer to GF \$2,300	(\$2,800)	
<b>Subtotal for Fund Transfers</b>	<b>(\$2,800)</b>	<b>\$100,000</b>
<b>FISCAL YEAR TOTALS - GENERAL APPROPRIATION ACT</b>	<b><u>\$51,444.5</u></b>	<b><u>\$5,570,245.1</u></b>
<b>FISCAL YEARS 2009 AND 2010 - GAA</b>	<b>5,621,689.6</b>	
<b>SPECIAL APPROPRIATION BILLS</b>		
HB 1 (Ch.1) Feed Bill		\$15,837.1
<b>TOTAL - SPECIAL APPROPRIATION BILLS</b>	<b>\$0.0</b>	<b>\$15,837.1</b>
<b>FISCAL YEAR TOTALS - GAA &amp; SPECIAL APPROPRIATIONS</b>	<b><u>\$51,444.5</u></b>	<b><u>\$5,586,082.2</u></b>
<b>FISCAL YEARS 2009 AND 2010 - GAA &amp; SPECIALS</b>		<b>\$5,637,526.7</b>

**TABLE 3**  
**GENERAL APPROPRIATION ACT OF 2009**  
**CHAPTER 124**  
**GENERAL FUND**  
(in thousands)

	<u>Fiscal Year 2009</u>	<u>Fiscal Year 2010</u>
<b>SECTION 4 - OPERATING EXPENSES</b>		
<b>Legislative</b>		
Energy Council Dues		32.0
Legislative Building Services		4,105.6
<b>Total Legislative</b>		<b>\$4,137.6</b>
<b>Judicial</b>		
Supreme Court Law Library		1,701.2
New Mexico Compilation Commission		166.1
Judicial Standards Commission		787.6
Court of Appeals		5,692.4
Supreme Court		3,029.1
Administrative Office of the Courts		42,504.9
Supreme Court Building Commission		812.9
First Judicial District Court		6,603.9
Second Judicial District Court		21,542.6
Third Judicial District Court		6,565.9
Fourth Judicial District Court		2,151.3
Fifth Judicial District Court		6,259.2
Sixth Judicial District Court		3,236.9
Seventh Judicial District Court		2,311.7
Eighth Judicial District Court		2,767.5
Ninth Judicial District Court		3,317.4
Tenth Judicial District Court		792.7
Eleventh Judicial District Court		6,179.2
Twelfth Judicial District Court		3,142.8
Thirteenth Judicial District Court		6,663.5
Bernalillo County Metropolitan Court		23,160.7
First Judicial District Attorney		4,950.4
Second Judicial District Attorney		17,169.1
Third Judicial District Attorney		4,610.3
Fourth Judicial District Attorney		3,221.1
Fifth Judicial District Attorney		4,393.6
Sixth Judicial District Attorney		2,596.3
Seventh Judicial District Attorney		2,448.2
Eighth Judicial District Attorney		2,665.0
Ninth Judicial District Attorney		2,790.8
Tenth Judicial District Attorney		1,014.0
Eleventh Judicial District Attorney, Div I		3,443.7

**Judicial (cont)**

Eleventh Judicial District Attorney, Div II	2,104.2
Twelfth Judicial District Attorney	2,635.7
Thirteenth Judicial District Attorney	4,776.5
Administrative Office of the District Attorneys	2,084.7
<b>Total Judicial</b>	<b>\$210,293.1</b>

**General Control**

Attorney General	15,726.8
State Auditor	2,452.1
Taxation and Revenue Department	70,929.6
State Investment Council	0.0
Department of Finance and Administration	15,535.7
Department of Finance and Administration-Special Appropriations	11,862.5
Public School Insurance Authority	0.0
Retiree Health Care Authority	10.0
General Services Department	16,192.7
Educational Retirement Board	0.0
New Mexico Sentencing Commission	724.8
Public Defender Department	42,681.0
Governor	4,443.7
Lieutenant Governor	839.5
Department of Information Technology	926.0
Public Employees Retirement Association	0.0
State Commission of Public Records	2,884.3
Secretary of State	4,644.4
Personnel Board	4,462.7
Public Employees Labor Relations Board	323.4
State Treasurer	4,212.1
<b>Total General Control</b>	<b>\$198,851.3</b>

**Commerce and Industry**

Board of Examiners for Architects	0.0
Border Authority	513.6
Tourism Department	11,074.3
Economic Development Department	9,209.5
Regulation and Licensing Department	15,861.3
Public Regulation Commission	11,035.2
New Mexico Medical Board	0.0
Board of Nursing	0.0
New Mexico State Fair	435.1
State Board of Engineers and Land Surveyors	0.0
Gaming Control Board	6,275.7
State Racing Commission	2,311.3
Board of Veterinary Medicine	0.0
Cumbres and Toltec Scenic Railroad Commission	99.2
Office of Military Base Planning	148.7
Spaceport Authority	1,245.5
<b>Total Commerce and Industry</b>	<b>\$58,209.4</b>

<b>Agriculture, Energy and Natural Resources</b>	
Cultural Affairs Department	33,622.5
New Mexico Livestock Board	1,171.4
Department of Game and Fish	0.0
Energy, Minerals and Natural Resources Department	24,850.8
New Mexico Youth Conservation Corps	0.0
Intertribal Ceremonial Office	159.1 (1)
Commissioner of Public Lands	0.0
State Engineer	22,141.5
Organic Commodity Commission	310.2
<b>Total Agriculture, Energy and Natural Resources</b>	<b>\$82,255.5</b>
<b>Health, Hospitals and Human Services</b>	
Commission on the Status of Women	792.2
Office on African American Affairs	820.7
Commission for Deaf and Hard-of-Hearing Persons	0.0
Martin Luther King, Jr. Commission	380.0
Commission for the Blind	2,067.7
Indian Affairs Department	3,421.0
Aging and Long-Term Services Department	49,002.3
Human Services Department	716,210.5
Workforce Solutions Department	7,317.9
Workers' Compensation Administration	0.0
Vocational Rehabilitation Division	5,888.1
Governor's Commission on Disability	1,168.9
Developmental Disabilities Planning Council	4,396.9
Miners' Hospital of New Mexico	0.0
Department of Health	285,434.3
Department of Environment	15,998.7
Office of Natural Resources Trustee	422.7
New Mexico Health Policy Commission	805.7
Veterans' Services Department	3,241.3
Children, Youth and Families Department	200,592.3
<b>Total Health, Hospitals and Human Services</b>	<b>\$1,297,961.2</b>
<b>Public Safety</b>	
Department of Military Affairs	7,442.1
Parole Board	485.4
Juvenile Parole Board	224.2
Corrections Department	284,588.8
Crime Victims Reparation Commission	2,387.0
Department of Public Safety	94,827.6
Homeland Security and Emergency Management Department	3,332.0
<b>Total Public Safety</b>	<b>\$393,287.1</b>
<b>Transportation</b>	
Department of Transportation	0.0
<b>Total Transportation</b>	<b>\$0.0</b>
<b>Other Education</b>	
Public Education Department	15,979.3
Apprenticeship Assistance	650.0

**Other Education (cont)**

Regional Education Cooperatives	1,200.0
Public Education Department Special Appropriations	30,146.9 (2)
Public School Facilities Authority	0.0
<b>Total Other Education</b>	<b>\$47,976.2</b>

**Higher Education**

Higher Education Department	44,874.7
University of New Mexico	320,917.5
New Mexico State University	211,549.0
New Mexico Highlands University	32,561.1
Western New Mexico University	19,880.4
Eastern New Mexico University	48,005.7
New Mexico Institute of Mining and Technology	41,373.2
Northern New Mexico College	11,513.0
Santa Fe Community College	13,915.1
Central New Mexico Community College	49,049.1
Luna Community College	8,968.6
Mesalands Community College	3,727.5
New Mexico Junior College	7,897.4
San Juan College	22,345.3
Clovis Community College	9,801.0
New Mexico Military Institute	2,069.7
New Mexico School for the Blind & Visually Impaired	745.1
New Mexico School for the Deaf	3,972.6
<b>Total Higher Education</b>	<b>\$853,166.0 (3)</b>

**Public School Support**

Public School Support	2,300,703.9
Federal Flow Through	0.0
Instructional Material Fund	17,730.4
Educational Technology Fund	2,400.0
Schools in Need of Improvement Fund	2,500.0
School Library Material Fund	0.0
Teacher Professional Development Fund	0.0
Indian Education Fund	2,250.0
<b>Total Public School Support</b>	<b>\$2,325,584.3</b>

**Total Section 4 - 2010 Appropriations****\$5,471,721.7****SECTION 5 - SPECIAL APPROPRIATIONS**

Taxation and Revenue Department	1,467.5
Department of Finance and Administration	880.0
Lieutenant Governor	50.0
Department of Information Technology	3,000.0
Secretary of State	1,037.2
Tourism Department	620.0
Economic Development Department	2,100.0
Regulation and Licensing Department	50.0
Public Regulation Commission	231.8
Cultural Affairs Department	500.0
Energy, Minerals and Natural Resources Department	280.0

**Special Appropriations (cont)**

Indian Affairs Department	70.0
Aging and Long-Term Services Department	100.0
Developmental Disabilities Planning Council	200.0
Department of Health	65.0
Corrections Department	75.0
Department of Public Safety	110.0
Public Education Department	12,500.0
Higher Education Department	300.0
University of New Mexico	300.0
New Mexico State University	350.0
New Mexico Institute of Mining and Technology	50.0
Northern New Mexico College	300.0
Technical-Vocational Institute	20.0
Computer Enhancement Fund	8,224.5
<b>Total Section 5 - 2010 Appropriations</b>	<b>\$32,881.0</b>

**SECTION 6 - SUPPLEMENTALS & DEFICIENCIES**

Administrative Office of the Courts	650.0
Supreme Court Building Commission	14.0
Sixth Judicial District Court	21.0
Attorney General	300.0
Department of Information Technology	2,896.6
Secretary of State	388.4
New Mexico State Fair	400.0
Human Services Department	653.5
Department of Health	14,340.0
Children, Youth and Families Department	1,200.0
Department of Public Safety	500.0
<b>Total Section 6 - 2009 Appropriations</b>	<b>\$21,363.5</b>

**SECTION 10 - APPROPRIATION REDUCTIONS**

\$1,216.1 for reduced property and public liability insurance, incorporated into Section 4  
 \$260.5 Feed Bill (Ch. 1) reductions

**SECTION 12 - FUND TRANSFERS**

General Fund - Education Lock Box		\$40,000.0
General Fund - Appropriation Contingency Fund		\$25,000.0
Public School Capital Outlay Fund		\$20,000.0
College Affordability Endowment Fund		\$15,000.0
Insurance Surcharge FY 2009 Transfer to GF \$2,300	(\$2,800.0)	(4)
<b>Total Section 12 - 2009 Appropriations</b>	<b>(\$2,800.0)</b>	<b>\$100,000.0</b>

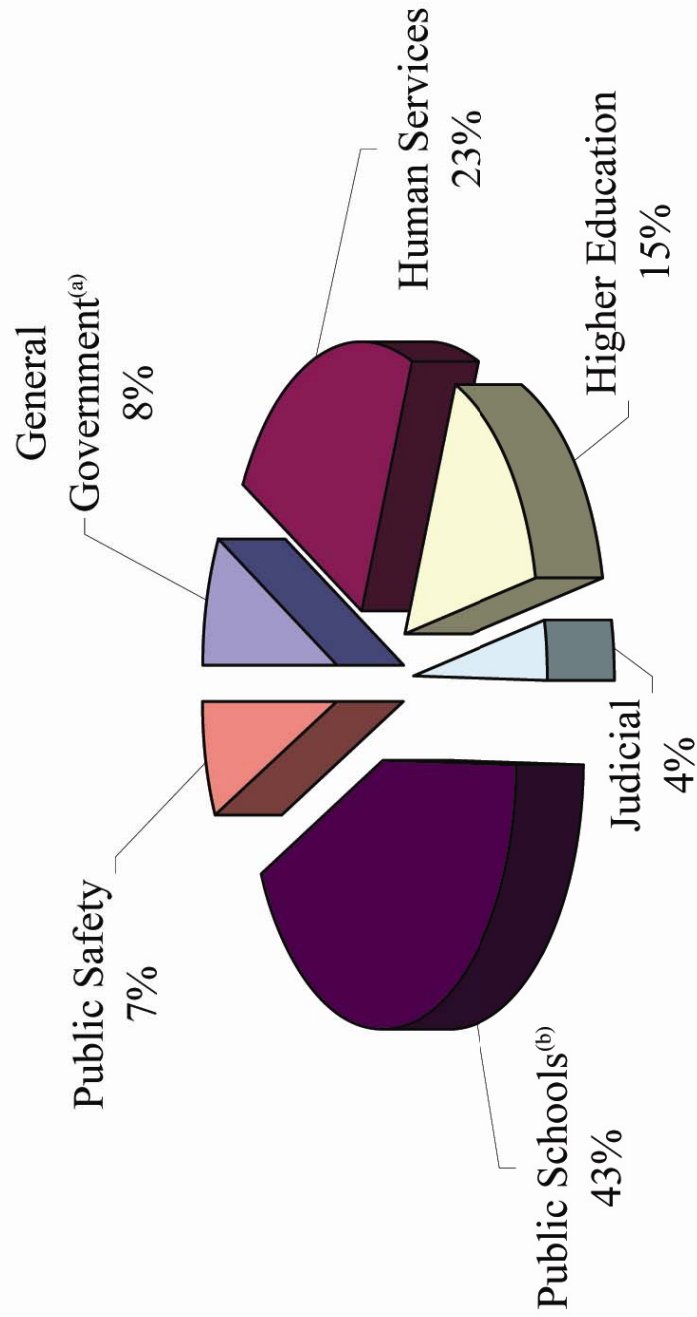
**FISCAL YEAR TOTALS - GAA GENERAL FUND** \$51,444.5 \$5,570,245.1

**FISCAL YEARS 2009 & 2010 - GAA GENERAL FUND** **\$5,621,689.6**

- (1) Impermissible veto added back.
- (2) Impermissible veto; \$250.0 deleted.
- (3) Appropriations to institutions include \$6,042.0 for ERB contributions.
- (4) Includes existing fund balance of \$500.0.



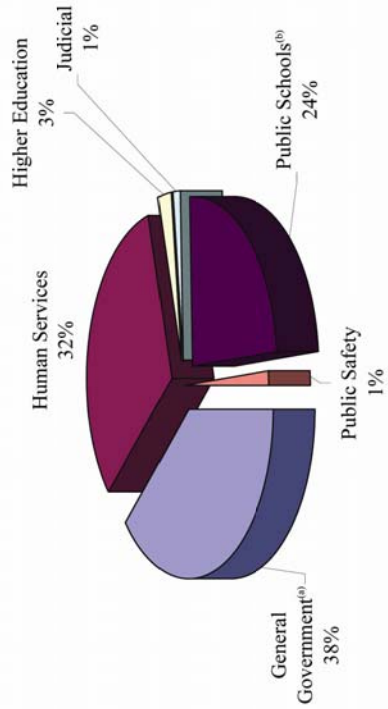
**CHART 1**  
**GENERAL FUND APPROPRIATIONS**  
**Fiscal Years 2009 and 2010**  
**\$5,637,526,700**  
**Forty-Ninth Legislature**



Note (a): Legislature, General Control, Commerce and Industry, Agriculture, Energy and Natural Resources  
 Note (b): Other Education, Public School Support

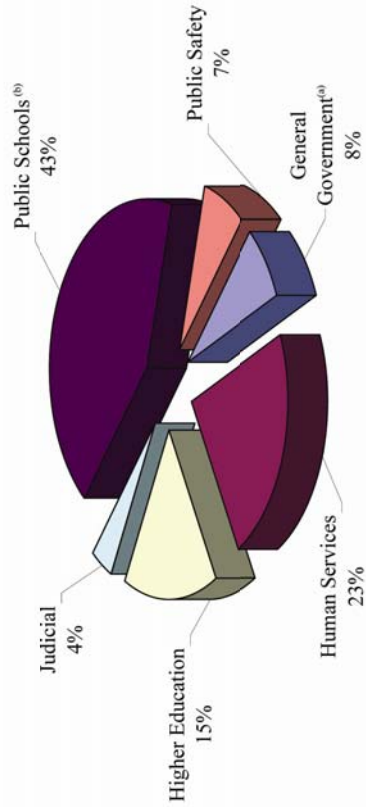
**CHART 2 AND CHART 3  
GENERAL FUND APPROPRIATIONS  
Fiscal Years 2009 and 2010  
Forty-Ninth Legislature, First Session**

**CHART 2  
GENERAL FUND APPROPRIATIONS  
Fiscal Year 2009  
\$51,444,500**



Note (a): Legislature, General Control, Commerce and Industry, Agriculture, Energy and Natural Resources  
Note (b): Other Education, Public School Support

**CHART 3  
GENERAL FUND APPROPRIATIONS  
Fiscal Year 2010  
\$5,586,082,200**



Note (a): Legislature, General Control, Commerce and Industry, Agriculture, Energy and Natural Resources  
Note (b): Other Education, Public School Support

**TABLE 4**  
**GENERAL APPROPRIATION ACT VETOES**  
**House Appropriations and Finance Committee Substitute for**  
**House Bills 2, 3, 4, 5 and 6 (Chapter 124, p.v.)**

Page	Agency	Description	FY 09 GF	FY 10 GF
<b>Section 3 — General Provisions</b>				
4	n/a	all of Subsection J re excess federal funds BAR authority		
5	n/a	all of Subsection K re maximum FTE authorized		
<b>Section 4 – FY 2010 Appropriations</b>				
40	DFA	fiscal management and oversight program appropriation contingent on DFA/DOIT MOU re SHARE technology consolidation		
43	DFA	San Miguel county clerk's office		75.0
43	DFA	Grant county jail diversion program		150.0
44	DFA	rodeo approp includes money to encourage natl jr and high school rodeo finals be held in NM		50.0
44	DFA	LFC review of disaster emergency fund transfers from operating reserve		
44	DFA	LFC review of budget shortage transfers from operating reserve		
59	PERA	quarterly reports to DFA and LFC on changes to IT contract		
111	Intertribal Ceremonial Office	personal services and other categories, including \$12.7 from internal service funds/interagency transfer and 2 FTE; (total of \$155.3 vetoed from approp of \$179.1). Conflict between language and remaining dollars. <sup>1</sup>		
121	Commission for Deaf and Hard-of-Hearing	requirement that \$50.0 approp from intrnl svc funds/interagency transfer for additional operating support to be for the community outreach program for the deaf		
126	ALTS	Sept 1, 2009 report to DFA/LFC on implementation of coordinated long-term services, including enrollment, cost per client, administrative costs and projected savings to be used to increase enrollments		
129	HSD	monthly reports to DFA/LFC on medicaid enrollment by cohort and per-member per-month costs by cohort for each program; quarterly reports on projected expenditures and variance from appropriation for program		
130	HSD	output (f) re average monthly enrollment in medicaid physical health managed care; efficiency (g) re average per-member per-month cost for physical health managed care; efficiency (h) re average per-member per-month cost for state coverage insurance		
131	HSD	requirement that two appropriations from tobacco settlement program fund be used for medicaid expansion		

<sup>1</sup> This veto attempts to eliminate a statutory agency by vetoing almost all of its appropriation and its FTE. While it is within the legislature's authority to eliminate any statutory agency, neither it nor the governor may do so indirectly through the appropriation process. To eliminate the intertribal ceremonial office, the legislature must pass a bill to repeal Sections 9-15C-1 through 9-15C-5 NMSA 1978 and the governor must sign the bill. LCS has not included the vetoed amount of \$155.3 in the total of FY 2010 vetoes for these reasons.

Page	Agency	Description	FY 09 GF	FY 10 GF
131	HSD	monthly reports to DFA/LFC on enrollment by cohort and per-member per-month costs by cohort for the program and quarterly reports on projected expenditures and variance from appropriation for program		
131	HSD	output (b) re average monthly enrollment in medicaid coordination of long-term care services program; efficiency (c) re average per-member per-month cost for the coordination of long-term care services program		
132	HSD	output (a) re average monthly enrollment in medicaid behavioral health programs; efficiency (b) re average per-member per-month cost for medicaid behavioral health managed care		
134	HSD	quarterly reports to DFA/LFC on expenditures of federal TANF block grant and state MOE expenditures		
144	GCD	requirement that \$250.0 information and advocacy program appropriation from GF be for support service providers for the community outreach program for the deaf		
151	DOH	inclusion of sufficient funding in the GF appropriation to the facilities management program for 25 additional FTEs at Los Lunas community program		
152	DOH	specification that 216 clients on DD waiting list be served with \$5.4 million of enhanced FMAP		
154	DOH	GF appropriation in contractual services categories for all programs contingent on DOH, including performance measures in its outcome-based contracts to increase oversight and accountability		
154	DOH	GF appropriation in contractual services categories for all programs contingent on DFA/LFC report by July 1, 2009 on planned contract reductions		
157	NMED	environmental protection program outcome (b), number of days per year in which air quality index exceeds 100, exclusive of natural events such as high winds and wildfires		
184	PED	selective language veto of purpose of appropriation to cyber academy for various purposes <sup>2</sup>		250.0
186	HE insts	LFC review of building renewal and replacement fund expenditures for I&G		
223	SEG	language re expenditure plan for money received by school districts and charter schools from federal ARRA and limits on BAR authority		
224	SEG	veto the word "all" before "teachers" on line 1 and before "principals" on line 6; (questionable effect in light of remaining language)		
227	Indian Education Fund	report to LESC by October 2009 on results of statewide needs assessment, including asset mapping		
		<b>Section 4 Total:</b>		<b>525.0</b>

<sup>2</sup> The vetoed amount is included in the subtotal of Section 4 because LCS staff believes the money is not available for expenditure. While the governor has the constitutional authority to line-item veto, per *Sego* that power "is the power to disapprove. This is a negative power, or a power to delete or destroy a part or item, and is not a positive power, or a power to alter, enlarge or increase the effect of the remaining parts or items. It is not the power to enact or create new legislation by selective deletions." The selective veto of the language results in a different purpose of expenditure than that provided by the legislature. The legislature, as the state's policymaker, was acting within its power when it appropriated \$250.0 to provide competitive grants of limited amount for professional development and other services for school districts with schools with high Title 1 populations.

Page	Agency	Description	FY 09 GF	FY 10 GF
<b><u>Section 5 — Special Appropriations</u></b>				
229	DFA	needs assessment program in Bernalillo co to ensure safety and well-being of wards of the state and their guardians and conservators	175.0	
229	DFA	Mora county ambulance	60.0	
229	DFA	Mora county courthouse furnish and equip	100.0	
237	HE	LFC review of building renewal and replacement fund institutions		
238	LCC	upgrade and equip the trades area	175.0	
		<b>Section 5 TOTAL:</b>	<b>510.0</b>	
<b><u>Section 6 — Supplemental and Deficiency Appropriations</u></b>				
238	n/a	prior to expenditure of appropriation, agencies certify to LFC that no other funds are available		
<b><u>Section 7 — Data Processing Appropriations</u></b>				
241	n/a	deletes "information technology commission" since ITC does not certify projects any longer		
242	DOIT	approp cannot be used unless LFC staff has access to SHARE		
242	DOIT	approp cannot be used unless LFC staff has access to SHARE		
243	HSD	veto corrects cross-reference error		
<b><u>Section 8 — Additional FY 2009 Budget Adjustment Authority</u></b>				
245	DGF	BAR increases up to \$479.3 from internal service funds/ interagency transfers and other state funds		
247	various	cross-reference to vetoed paragraph, lines 15 and 18; effect is to broaden interagency transfers of capital outlay appropriations (see next item) <sup>3</sup>		
248	various	Paragraph (4), which limits capital outlay appropriation transfers between only DPS, CD, LGD, PCD and CAD		
249	various	cross-reference to vetoed paragraph, lines 14 and 17; effect is to broaden interagency transfers of capital outlay appropriations (see next item)		
250	various	Paragraph (4), which limits capital outlay appropriation transfers between only CYFD, CD, LGD, PCD, CAD, DOH, SFC and PED		
<b><u>Section 11 — Appropriation Reduction for Certain Salary Decreases</u></b>				
Entire section vetoed				

<sup>3</sup>The provisions to which these two sets of vetoes apply are as problematic as the partial vetoes. The legislative attempt to limit in any way the expenditure, use or agency of funds that are appropriated in another bill by the inclusion of language in HB 2 is likely *ultra vires*, and the provisions should have been vetoed in their entirety. In any case, the partial vetoes raise *Sequoia* issues. While the underlying language is constitutionally suspect on other grounds, the legislature acts within its constitutional power when it limits to certain agencies the right to move appropriations from one agency to another. The effect of the selective vetoes would be to broaden and enlarge the power of the executive, which it may not do. See *Footnote 2*.

**TABLE 5**  
**BILLS AFFECTING GENERAL FUND REVENUE\***

(\$ in thousands)

(all amounts are recurring unless noted)

Bill No.	Chap.	Subject	Fiscal Year				Notes
			2009	2010	2011	2012	
HB 12	156	Alternative vehicle registrations		(457.7)	(457.7)		(1)
HB 75	147	Manufacturing and investment tax credits			(2,100.0)		
HB 174	62	School event service GRT	(4.4)	(126.0)	(132.0)		
HB 330	169	Uniform Athlete Agents Act		60.0	60.0		
HB 351	287	Retiree health care fund contributions			3,000.0	3,000.0	
HB 375	271	Geothermal heat pump tax credits			(500.0)		
HB 612	139	Wineries as liquor control licensed premises		3.8			(2)
SB 221	114	Executive office building bonds			(3.0)	(1,800.0)	
SB 228	81	Bingo and Raffle Act changes		20.6	20.6		
SB 237	279	Renewable energy tax credit				(5,060.0)	
SB 257	280	Solar market tax development credit		572.0	657.0		
SB 291	59	Sustainable building tax credit provisions			(63.0)		
SB 324	284	Municipal environmental GRT rate		(57.2)	(59.2)		(3)
SB 362	82	Securities Act repeal and reenactment		210.0	420.0		
SB 395	208	Railroad-highway grade crossing penalties			Indeterminate		
SB 463	215	NM Uniform Parentage Act		(100.0)	(100.0)		
Totals			(4.4)	125.5	742.7	(3,860.0)	

\* Does not include Solvency Package — see Table 1

Notes:

- (1) Reduction in motor vehicle fees
- (2) Nonrecurring
- (3) Applies to Lincoln county, Ruidoso and Ruidoso Downs

**TABLE 6**  
**BILLS AFFECTING OTHER STATE REVENUE**  
**(\$ in thousands)**

(all amounts are recurring unless noted)

Bill No.	Chap.	Subject	Fiscal Year			Notes
			2009	2010	2011	
CS/SB 79	3 p.v.	Solvency fund transfers to general fund				
		College affordability endowment fund	(14,500.0)			
		Public election fund	(17,500.0)			
		Public pre-kindergarten fund	(800.0)			
		Juvenile continuum grant fund	(500.0)			
		Day-care fund	(1,500.0)			
		Telecommunications access fund	(8,000.0)			
		Corrections dept intensive supervision fund	(1,000.0)			
		Workers' compensation administration fund	(5,000.0)			
		Juvenile community corrections grant fund	(3,000.0)			
		Youth conservation corps fund	(500.0)			
		Board of nursing fund	(1,000.0)			
		Higher education endowment fund	600.0			
		Electronic voting system revolving fund	(1,500.0)			
		Insurance fraud fund	(400.0)			
		Motorboat fuel tax fund	(100.0)			
		AOC water project fund allocation	(1,000.0)			
		Public school capital outlay fund	(58,400.0)			
		Public school capital improvements fund	(5,500.0)			
		Tobacco settlement program fund	22,450.0	22,450.0		
Tobacco settlement permanent fund	(22,450.0)	(22,450.0)				
Fire protection fund	(1,640.0)	(3,296.4)				
HB 554	99	Vegetable fuel tax deduction		(1.4)	(2.8)	(1)
				(14.3)	(28.5)	(2)
SB 185	192	Pet license plate fees		1.6	1.6	(3)
				(1.2)	(1.2)	(2)
FI/SB 379	53	Off-highway vehicle regulations	123.0	492.0	492.0	(4)
SB 519	121	Nuisance ordinance violations and fees		Indeterminate		
		DWI drug court programs				
		Court automation fund				
		Traffic safety education and enforcement fund				
		Judicial education fund				
Totals			(121,117.0)	(2,819.7)	461.1	

*Notes:*

- (1) Corrective action fund
- (2) State road fund
- (3) Animal care and facility fund
- (4) Trail safety fund

**TABLE 7**  
**BILLS AFFECTING LOCAL GOVERNMENT REVENUE**  
**(\$ in thousands)**

(all amounts are recurring unless noted)

Bill No.	Chapter	Subject	Fiscal Year			Notes
			2009	2010	2011	
HB 135	61	County health GRT increment		11.3		(1)
HB 554	99	Special fuels from veggie oil tax deduction		(1.9)	(3.8)	(2)
SB 89	16	Local hospital GRT changes		Indeterminate		(3)
SB 324	284	Municipal environmental GRT rate		1,747.6	1,807.6	(4)
CS/SB 610	227	Accessible parking time limit, airports	219.0	219.0	219.0	(5)
SB 519	121	Nuisance ordinance violations and fees		Indeterminate		
Totals			219.0	1,964.7	2,022.8	

*Notes:*

- (1) Applies to Bernalillo county
- (2) Local governments road fund
- (3) Applies to Tarrant, Sierra and San Juan counties
- (4) Applies to Lincoln county, Ruidoso and Ruidoso Downs — estimate is based on full implementation
- (5) Amount applies to Albuquerque



**TABLE 8**  
**Legislative Authorization for New Mexico Finance Authority**  
**Public Project Revolving Fund Projects**  
**Senate Bill 23 (Chapter 52)**

County	Entity	Project Description
Bernalillo	Albuquerque	equipment, building, public improvement district, infrastructure, water, wastewater, solid waste, land and refinance projects
Bernalillo	Albuquerque Bernalillo county WUA	equipment, building, infrastructure, water, wastewater and refinance projects
Bernalillo	Albuquerque public school district	building, equipment and infrastructure projects
Bernalillo	state fair commission	building, equipment, infrastructure and refinancing projects
Bernalillo	mid-region council of governments	infrastructure, equipment and rail spur projects
Bernalillo and Sandoval	university of New Mexico medical group	building, equipment, land acquisition, refinance and infrastructure projects
Bernalillo and Socorro	New Mexico institute of mining and technology	equipment, building, land acquisition, infrastructure and refinance projects
Bernalillo and Socorro	New Mexico institute of mining and technology research park	equipment, building, land acquisition, infrastructure and refinance projects
Bernalillo and Taos	university of New Mexico	equipment, building, infrastructure, land acquisition and refinance projects
Bernalillo, Torrance, Sandoval and Chaves	Rio Metro regional transit district Chaves county	railroad infrastructure and building projects equipment, building, land acquisition, water, wastewater and refinance projects
Chaves	Dexter Consolidated school district	equipment, land acquisition, building, infrastructure and refinance projects
Chaves	Hagerman municipal school district	equipment, land acquisition, building, infrastructure and refinance projects
Chaves	Roswell	equipment, building, infrastructure, water, wastewater, solid waste, land acquisition and refinance projects
Cibola	Cibola county	equipment, building, infrastructure, water, wastewater, solid waste, land and refinance projects

<b>County</b>	<b>Entity</b>	<b>Project Description</b>
Cibola	Milan	equipment, building, infrastructure, water and wastewater projects
Cibola	Northwest New Mexico regional solid waste authority	building, equipment, infrastructure and refinance projects
Colfax	Angel Fire	equipment, land acquisition, building, infrastructure, special assessment district and refinance projects
Colfax	Angel Fire public improvement district	land, equipment, infrastructure, water, wastewater, solid waste and building projects
Colfax	Raton	equipment, building, refinance, infrastructure, water, wastewater and road projects
Curry	Clovis	equipment, building, infrastructure, water, wastewater and refinance projects
DeBaca	DeBaca county	refinancing, land acquisition, infrastructure, building and equipment projects
Dona Ana	Hatch Valley public school district	equipment, land acquisition, building, infrastructure and refinance projects
Dona Ana	New Mexico state university	building, road, equipment and infrastructure projects
Dona Ana	New Mexico state university Arrowhead center	land acquisition, building, equipment, infrastructure and refinance projects
Dona Ana, Sierra, and Otero	New Mexico spaceport authority	land, equipment, building, infrastructure, refinancing, water, wastewater, water rights, solid waste and road projects
Eddy	Eddy county	equipment, building, infrastructure, water, wastewater and refinance projects
Guadalupe	Guadalupe county	equipment, building, infrastructure, water, wastewater and refinance projects
Guadalupe	Santa Rosa	building, equipment, infrastructure, water, wastewater and refinance projects
Harding	Harding county	building, equipment, water, wastewater, road, infrastructure and refinance projects
Harding	Mosquero	equipment, building, infrastructure, road, water, wastewater and refinance projects
Harding	Roy	building, equipment, infrastructure, water, wastewater, roads and refinance projects

<b>County</b>	<b>Entity</b>	<b>Project Description</b>
Hidalgo	Lordsburg municipal schools	equipment, land acquisition, building, infrastructure and refinance projects
Lea	Eunice	equipment, building, water, wastewater, solid waste, infrastructure, refinance and land acquisition projects
Lea	Hobbs Homestead Estates public improvement district	equipment, land acquisition, building, infrastructure and refinance projects
Lea	Nor-Lea hospital district	building, equipment, land acquisition, refinance and infrastructure projects
Lincoln	Alto Lakes WSD	refinancing, land, infrastructure, building and equipment projects
Lincoln	Carrizozo municipal school district	equipment, infrastructure, building and refinance projects
Lincoln	Ruidoso	equipment, building, infrastructure, water, wastewater and refinance projects
Lincoln	Ruidoso Downs	equipment, building, infrastructure, water, wastewater and refinance projects
Los Alamos	Los Alamos county	equipment, building, infrastructure, refinance, water, wastewater, land and solid waste projects
McKinley	Gallup-McKinley county public school district	equipment, building and infrastructure projects
McKinley and San Juan	Navajo agricultural products industry	equipment, building, infrastructure and refinance projects
Mora	Mora county	land acquisition projects
New Mexico	department of transportation	road and infrastructure projects
New Mexico	New Mexico renewable energy transmission authority	land acquisition, building, equipment, infrastructure and refinance projects
New Mexico	North Central New Mexico economic development district	equipment, building, infrastructure and refinance projects
Otero	Alamogordo	refinancing, land, infrastructure, building and equipment projects
Otero	Mescalero Apache housing authority	building, infrastructure, equipment, land and refinancing projects

<b>County</b>	<b>Entity</b>	<b>Project Description</b>
Otero	New Mexico school for the blind and visually impaired	equipment, building, infrastructure, land acquisition and refinance projects
Rio Arriba	Canones MDWCA	equipment, building, water, wastewater, infrastructure and refinance projects
Rio Arriba	Ohkay Owingeh	equipment, building, infrastructure, refinancing, water, wastewater, water rights, solid waste, road and land projects
Roosevelt	Portales	equipment, building, infrastructure, road, water, wastewater and refinance projects
Roosevelt	Roosevelt county	building, equipment, water, wastewater and refinance projects
San Juan	Bloomfield	equipment, building, water, wastewater, refinance, solid waste, land, road and infrastructure projects
San Juan	San Juan college	building, equipment, infrastructure and refinance projects
San Juan	Aztec	equipment, building, water, wastewater, refinance, solid waste, land and infrastructure projects
San Juan	Farmington municipal schools	building, equipment and infrastructure projects
San Juan and McKinley	Navajo Nation	building, equipment, infrastructure and refinance projects
San Miguel	Las Vegas	building, equipment, infrastructure, refinance, road and land projects
San Miguel	Luna community college	equipment, land acquisition, building, infrastructure and refinance projects
San Miguel	Pecos	equipment, building, infrastructure, road, water, wastewater and refinance projects
San Miguel	San Miguel county	building, equipment, infrastructure, refinancing, water, wastewater and road projects
San Miguel	San Miguel county	water, wastewater, building, equipment, infrastructure, road and refinance projects
San Miguel and Santa Fe	New Mexico highlands university	equipment, building, infrastructure, refinance and land purchase projects
Sandoval	Bernalillo	equipment, building, infrastructure, water, wastewater, land and refinance projects

<b>County</b>	<b>Entity</b>	<b>Project Description</b>
Sandoval	Cuba independent school district	equipment, building and infrastructure projects
Sandoval	Eastern Sandoval county arroyo flood control authority	equipment, building, land, refinance and infrastructure projects
Sandoval	Rio Rancho	equipment, building, infrastructure, general obligation and special assessment district projects
Sandoval	Cochiti, Pueblo of	refinancing, land acquisition, infrastructure, water, wastewater, building and equipment projects
Sandoval	Jemez Valley public school district	equipment, infrastructure and building projects
Sandoval	Rio Rancho public school district	equipment, building and infrastructure projects
Sandoval	Sandoval county	equipment, building, refinance, land, infrastructure, water, wastewater and solid waste projects
Sandoval	Southern Sandoval county arroyo flood control authority	equipment, land acquisition, building, infrastructure and refinance projects
Santa Fe	Santa Fe solid waste management agency	equipment, infrastructure, refinancing and solid waste projects
Santa Fe	Edgewood	equipment, building, infrastructure, water, wastewater, solid waste, land acquisition and refinance projects
Santa Fe	northwest New Mexico council of governments	building, equipment, infrastructure and refinance projects
Santa Fe	Pojoaque, Pueblo of	equipment, building, infrastructure, water, wastewater, road and refinance projects
Santa Fe	Santa Fe	equipment, building, public improvement district, infrastructure, water, wastewater, solid waste, land and refinance projects
Santa Fe	Santa Fe community college	equipment, building, land acquisition, infrastructure and refinance projects
Santa Fe, Rio Arriba and Taos	North Central regional transit district	equipment, building, land, refinance and infrastructure projects
Santa Fe, Rio Arriba and Taos	Northern New Mexico regional transit district	railroad infrastructure projects
Sierra	Truth or Consequences	equipment, land acquisition, building, infrastructure and refinance projects

<b>County</b>	<b>Entity</b>	<b>Project Description</b>
Sierra	Truth or Consequences municipal schools	equipment, land acquisition, building, infrastructure and refinance projects
Socorro	Socorro	equipment, building, refinance, water and wastewater projects
Socorro	Socorro county	equipment, building, refinance, water and wastewater projects
Taos	Questa	equipment, building, infrastructure, water and wastewater projects
Taos	Red River	equipment, building, infrastructure, road and land purchase projects
Taos	Taos county	building, equipment, infrastructure, road, water, wastewater, land and refinance projects
Taos	Taos Ski Valley	water, wastewater, building, equipment, infrastructure, road and refinance projects
Torrance	Claunch Pinto SWCD	equipment, building and infrastructure projects
Torrance	Estancia Moriarty Willard gas cooperative	building, infrastructure, equipment and land projects
Union	Clayton	equipment, building, infrastructure, water, wastewater and refinance projects
Union	Folsom	equipment, building, infrastructure, land and refinance projects
Union	Union county	equipment, building, infrastructure, water, wastewater, road and refinance projects
Valencia	Valencia county	equipment, building, refinance, water and wastewater projects
<b><u>CHARTER SCHOOLS</u></b>		
Bernalillo	East Mountain High charter school	building, land and facilities acquisition and equipment projects
Bernalillo	Robert F. Kennedy charter school	building, land and facilities acquisition and equipment projects
Bernalillo	South Valley academy	building, land and facilities acquisition and equipment projects
Bernalillo	Twenty-First Century public academy	building, land and facilities acquisition and equipment projects

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<b>County</b>	<b>Entity</b>	<b>Project Description</b>
Bernalillo	Montessori of the Rio Grande charter school	building, land and facilities acquisition and equipment projects
Bernalillo	Southwest Secondary Learning Center	building, land and facilities acquisition and equipment projects
Santa Fe	Monte del Sol charter school	building, land and facilities acquisition and equipment projects
Santa Fe	New Mexico school for the arts	building, land and facilities acquisition and equipment projects
Socorro	Cottonwood Valley charter school	building, land and facilities acquisition and equipment projects

**TABLE 9**  
**Legislative Authorization for New Mexico Finance Authority**  
**Economic Development Revolving Fund Projects**  
**Senate Bill 90 (Chapter 237)**

County	Project Description
Bernalillo	a food production facility expansion in Bernalillo county
Bernalillo	an expansion of a visual media production facility in Bernalillo county
Bernalillo	a historic renovation project in Bernalillo county
Bernalillo	a health improvement manufacturing project in Bernalillo county
Bernalillo	a high tech water manufacturing project in Bernalillo county
Bernalillo	a solar photovoltaic manufacturing project in Bernalillo county
Cibola	a clean energy production facility in Cibola county
Colfax	an electromagnetic mapping manufacturer in Colfax county
Colfax	an assisted living facility expansion in Colfax county
Colfax	an expansion of a water bottling company in Colfax county
Dona Ana	a clean heat manufacturing project in Dona Ana county
Dona Ana	a value-added agriculture manufacturing facility in Dona Ana county
Dona Ana	a countertop manufacturing facility in Dona Ana county
Eddy	a downtown revitalization project in Eddy county
Grant	a refrigerated air manufacturing project in Grant county
Grant	an extraction project in Grant county
Hidalgo	a hospitality and tourism facility in Hidalgo county
Lea	an agricultural processing project in Lea county
Lincoln	a hospitality and tourism facility in Lincoln county
Luna	a hospitality and tourism facility in Luna county
Luna	a hospitality and tourism facility in Luna county
Luna	a hospitality and tourism facility in Luna county
Luna	a value-added agriculture processing and distribution project in Luna county
McKinley	an aviation manufacturing project in McKinley county
McKinley	an aviation manufacturing project in McKinley county
Mora	a wood manufacturing project in Mora county
Otero	a wood manufacturing project in Otero county
Quay	a solar photovoltaic manufacturing project in Quay county
Roosevelt	a value-added agriculture manufacturing project in Roosevelt county
San Juan	a metal fabrication manufacturing facility in San Juan county
San Juan	a water conservation production facility in San Juan county
San Juan	a metal fabrication manufacturing facility in San Juan county
San Juan	a visual media production facility in San Juan county
San Juan	an aviation manufacturing project in San Juan county
San Miguel	a solar photovoltaic project in San Miguel county
Sandoval	an airplane parts manufacturing facility in Sandoval county
Sandoval	a value-added agriculture manufacturing project in Sandoval county
Santa Fe	a hospitality and tourism facility in Santa Fe county
Santa Fe	a private higher education project in Santa Fe county
Taos	a cosmetics manufacturing project in Taos county
Taos	a beauty products manufacturing facility in Taos county
Union	an agricultural equipment manufacturing project in Union county
Valencia	a clean energy site in Valencia county



**TABLE 10**  
**Legislative Authorization for New Mexico Finance Authority**  
**Water Project Fund Projects and Acequia Project Fund Projects**  
**Senate Bill 405 (Chapter 210)**

**WATER PROJECT FUND PROJECTS**

County	Entity	Project Description
Bernalillo	Albuquerque Bernalillo county WUA	water conservation, treatment and reuse
Bernalillo	Albuquerque Bernalillo county WUA	water storage, conveyance and delivery
Bernalillo	Ciudad SWCD	watershed restoration management
Bernalillo	Tijeras	water storage, conveyance and delivery
Catron	San Francisco SWCD	watershed restoration management
Cibola	Grants	water storage, conveyance and delivery
Cibola	Laguna, Pueblo of	water storage, conveyance and delivery
Cibola	San Rafael WSD	water storage, conveyance and delivery
Colfax	Angel Fire	water conservation, treatment and reuse
Curry	Clovis - ENMRWA	water storage, conveyance and delivery
Doña Ana	Anthony WSD	water conservation, treatment and reuse
Doña Ana	Dona Ana county	water conservation, treatment and reuse
Doña Ana	Elephant Butte irrigation district	water conservation, treatment and reuse
Doña Ana	Elephant Butte irrigation district	water storage, conveyance and delivery
Doña Ana	Mesilla	water storage, conveyance and delivery
Doña Ana	Nogal MDWCA	water conservation, treatment and reuse
Eddy	Carlsbad	water storage, conveyance and delivery
Eddy	Eddy county	water storage, conveyance and delivery
Guadalupe	Hollywood Ranch DWUA	water storage, conveyance and delivery
Lincoln	Alto Lakes WSD	water storage, conveyance and delivery
Lincoln	Corona	water conservation, treatment and reuse
Lincoln	Ruidoso	water conservation, treatment and reuse
Lincoln	Upper Hondo SWCD	watershed restoration management
Lincoln	Upper Hondo SWCD	watershed restoration management
Los Alamos	Los Alamos county	water conservation, treatment and reuse
Los Alamos	Los Alamos county	water storage, conveyance and delivery
McKinley	Gallup	water storage, conveyance and delivery
McKinley	McKinley county	water storage, conveyance and delivery
Quay	San Jon	water storage, conveyance and delivery
Quay	Tucumcari	water storage, conveyance and delivery
Rio Arriba	Alcalde MDWCA	water storage, conveyance and delivery
Rio Arriba	Los Ojos MDWCA	water storage, conveyance and delivery
Rio Arriba	Ohkay Owingeh	water storage, conveyance and delivery
Rio Arriba	Santa Clara, Pueblo of	water storage, conveyance and delivery
San Juan	Bloomfield	water storage, conveyance and delivery
San Juan	Bloomfield	water storage, conveyance and delivery
San Juan	La Plata conservancy district	water storage, conveyance and delivery
San Miguel	El Valle regional water system	water storage, conveyance and delivery
San Miguel	Las Vegas	water storage, conveyance and delivery
Sandoval	Bernalillo	water conservation, treatment and reuse
Sandoval	Jemez, Pueblo of	water storage, conveyance and delivery
Sandoval	Jemez Springs DWA	water storage, conveyance and delivery
Sandoval	Rio Rancho	water conservation, treatment and reuse

Sandoval	San Ysidro	water storage, conveyance and delivery
Sandoval	Sandoval county	water storage, conveyance and delivery
Santa Fe	Chupadero water-sewage corp MDWCA	water storage, conveyance and delivery
Santa Fe	Eldorado Area WSD	water storage, conveyance and delivery
Santa Fe	Glorieta Estates MDWCA	water storage, conveyance and delivery
Santa Fe	Santa Fe	water storage, conveyance and delivery
Santa Fe	Santa Fe watershed	watershed restoration management
Santa Fe	Vista Redonda MDWCA	water storage, conveyance and delivery
Santa Fe and Rio Arriba	Cuatro Villas MDWUA	water storage, conveyance and delivery
Santa Fe and Rio Arriba	Greater Chimayo MDWCA	water storage, conveyance and delivery
Sierra	Truth or Consequences	water storage, conveyance and delivery
Taos	El Valle de los Ranchos WSD	water storage, conveyance and delivery
Taos	Taos	water storage, conveyance and delivery
Taos	Taos	water storage, conveyance and delivery
Taos	Taos Ski Valley	water conservation, treatment and reuse
Torrance	Claunch-Pinto SWCD	water storage, conveyance and delivery
Torrance	Moriarty	watershed restoration management
Torrance	Moriarty	water conservation, treatment and reuse
Valencia	Belen	water storage, conveyance and delivery
Valencia	Los Lunas	water storage, conveyance and delivery

**ACEQUIA PROJECT FUND PROJECTS**

<b>Location</b>	<b>Entity</b>	<b>Project Description</b>
Abiquiu	abajo del Penasco acequia	acequia project
Abiquiu	acequia de la Mariano	acequia project
Arroyo Hondo	acequia de Atalaya	acequia project
Arroyo Hondo	acequia de Llano	acequia project
Blanco	La Pampa ditch	acequia project
Canones	lower Canones	acequia project
Cordova	acequia de la Joyita	acequia project
Cuba	Lagunitas community	acequia project
Holman	Romero acequia	acequia project
La Bajada	La Bajada ditch	acequia project
La Jara	Cecillia acequia	acequia project
La Madera	acequia de la Cueva	acequia project
La Plata	Jackson	acequia project
Llano Largo	acequia madre del Medio	acequia project
Nutrias	far west Las Nutrias community ditch	acequia project
Ojo Caliente	acequia de los Duranes	acequia project
Ojo Caliente	lower Ojo Caliente Acequia	acequia project
Penasco	acequia Madre de Rio Chiquito	acequia project
Tierra Amarilla	acequia de Jarita	acequia project
Tularosa	upper south Bent community ditch	acequia project
Vallecitos	Vallecitos east and west heading	acequia project

**TABLE 11**  
**2009 CAPITAL OUTLAY PROJECTS BY CATEGORY**  
**House Taxation and Revenue Committee Substitute for**  
**House Bill 154 (Chapter 125)**

<b>CORRECTIONS FACILITIES</b>	<i>2 projects</i>	<b>\$6,200,000</b>
<b>CULTURAL FACILITIES</b>	<i>6 projects</i>	<b>\$4,738,000</b>
<b>HEALTH FACILITIES</b>	<i>9 projects</i>	<b>\$6,807,300</b>
<b>HIGHER EDUCATION</b>	<i>10 projects</i>	<b>\$18,600,000</b>
<b>HIGHWAYS, ROADS &amp; BRIDGES</b>	<i>2 projects</i>	<b>\$1,350,000</b>
<b>JUDICIAL FACILITIES</b>	<i>9 projects</i>	<b>\$3,062,000</b>
<b>LAW ENFORCEMENT &amp; PUBLIC SAFETY</b>	<i>2 projects</i>	<b>\$1,800,000</b>
<b>MILITARY &amp; VETERANS</b>	<i>1 project</i>	<b>\$500,000</b>
<b>MISCELLANEOUS</b>	<i>6 projects</i>	<b>\$13,800,000</b>
<b>PARKS &amp; RECREATION FACILITIES</b>	<i>1 project</i>	<b>\$1,000,000</b>
<b>PUBLIC BUILDINGS</b>	<i>30 projects</i>	<b>\$54,542,700</b>
<b>SCHOOLS</b>	<i>2 projects</i>	<b>\$4,300,000</b>
<b>SENIOR CITIZENS</b>	<i>21 projects</i>	<b>\$2,700,000</b>
<b>TRANSPORTATION</b>	<i>36 projects</i>	<b>\$12,150,000</b>
<b>UTILITY &amp; WASTE</b>	<i>1 project</i>	<b>\$660,000</b>
<b>WATER &amp; IRRIGATION</b>	<i>5 projects</i>	<b>\$7,750,000</b>
<hr/> <i>Grand Total</i>	<i>143 projects</i>	<b>\$139,960,000</b>

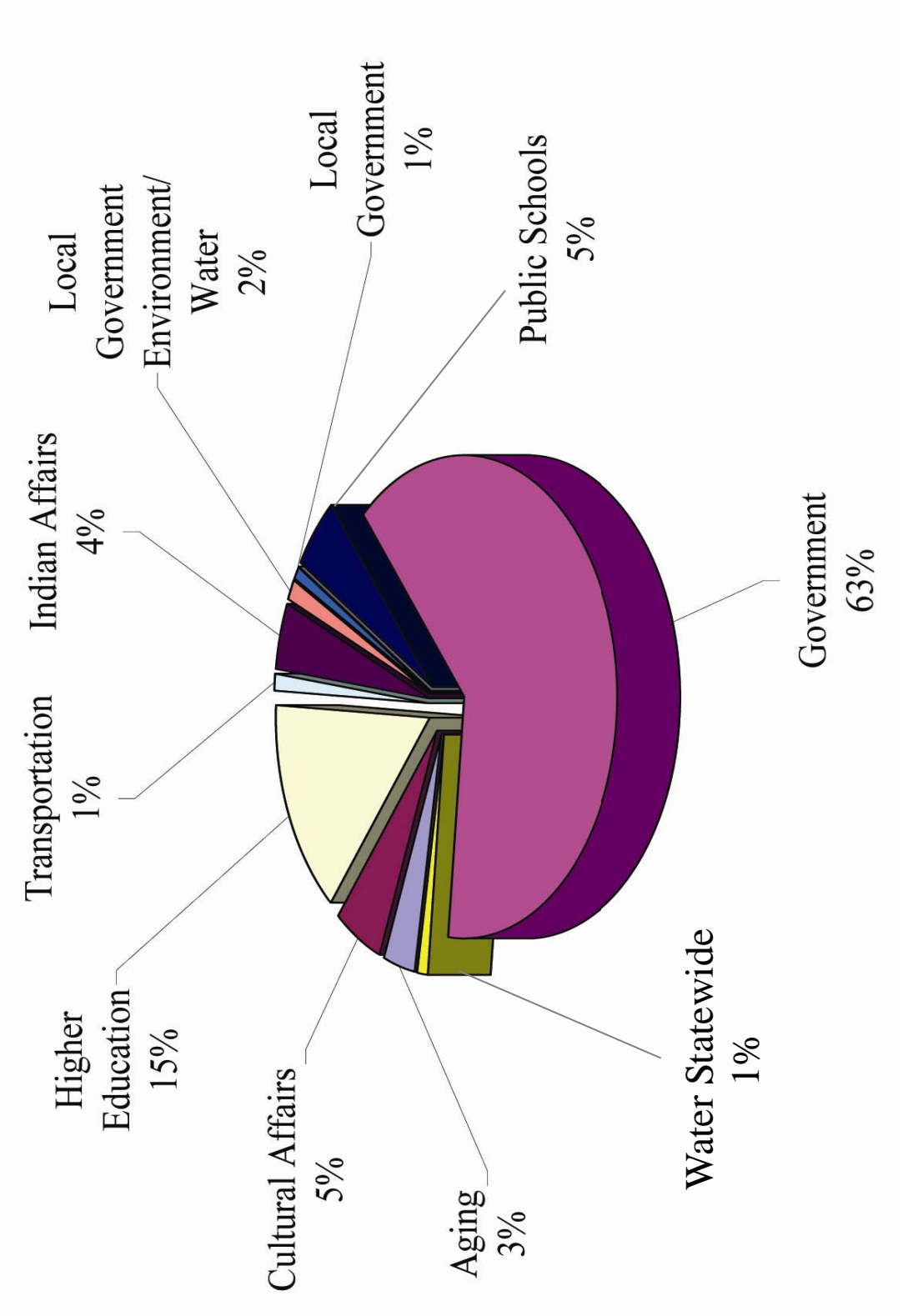
**TABLE 12**  
**2009 CAPITAL OUTLAY PROJECTS BY COUNTY**  
**House Taxation and Revenue Committee Substitute for**  
**House Bill 154 (Chapter 125)**

BERNALILLO	<i>17 projects</i>	\$28,893,010
CHAVES	<i>4 projects</i>	\$2,392,000
COLFAX	<i>3 projects</i>	\$1,217,000
DE BACA	<i>1 project</i>	\$563,000
DONA ANA	<i>6 projects</i>	\$8,360,600
GRANT	<i>5 projects</i>	\$5,378,000
HIDALGO	<i>2 projects</i>	\$1,550,000
LEA	<i>1 project</i>	\$400,000
MCKINLEY	<i>1 project</i>	\$120,000
MULTIPLE	<i>4 projects</i>	\$1,649,000
OTERO	<i>3 projects</i>	\$2,406,450
RIO ARRIBA	<i>5 projects</i>	\$1,294,670
ROOSEVELT	<i>2 projects</i>	\$450,000
SAN JUAN	<i>10 projects</i>	\$2,624,060
SAN MIGUEL	<i>4 projects</i>	\$2,830,000
SANDOVAL	<i>10 projects</i>	\$6,543,250
SANTA FE	<i>16 projects</i>	\$14,709,000
SIERRA	<i>3 projects</i>	\$204,700
SOCORRO	<i>3 projects</i>	\$685,000
STATEWIDE	<i>33 projects</i>	\$52,910,000
TAOS	<i>3 projects</i>	\$884,000
TORRANCE	<i>1 project</i>	\$32,260
UNION	<i>1 project</i>	\$42,000
VALENCIA	<i>5 projects</i>	\$3,822,000
<hr/>		
<i>Grand Total</i>	<i>143 projects</i>	<i>\$139,960,000</i>

**TABLE 13**  
**2009 CAPITAL OUTLAY PROJECTS BY AGENCY**  
**House Taxation and Revenue Committee Substitute for**  
**House Bill 154 (Chapter 125)**

ADMINISTRATIVE OFFICE OF THE COURTS	2 projects	\$1,000,000
AGING AND LONG-TERM SERVICES DEPARTMENT	49 projects	\$4,800,000
ARMORY BOARD, STATE	1 project	\$500,000
BERNALILLO COUNTY METROPOLITAN COURT	1 project	\$162,000
CAPITAL PROGRAM FUND	26 projects	\$31,350,000
COURT OF APPEALS	1 project	\$400,000
CULTURAL AFFAIRS DEPARTMENT	6 projects	\$4,738,000
CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION	1 project	\$1,000,000
DISTRICT COURT, 6TH JUDICIAL	1 project	\$220,000
DISTRICT COURT, 7TH JUDICIAL	1 project	\$30,000
DISTRICT COURT, 8TH JUDICIAL	1 project	\$175,000
DISTRICT COURT, 11TH JUDICIAL	1 project	\$375,000
EASTERN NEW MEXICO UNIVERSITY	1 project	\$400,000
ECONOMIC DEVELOPMENT DEPARTMENT	1 project	\$1,000,000
EDUCATION DEPARTMENT, PUBLIC	2 projects	\$7,000,000
EDUCATIONAL RETIREMENT BOARD	1 project	\$2,500,000
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	2 projects	\$1,250,000
ENGINEER, OFFICE OF THE STATE	1 project	\$1,500,000
ENVIRONMENT, DEPARTMENT OF	1 project	\$1,500,000
FAIR COMMISSION, STATE	1 project	\$5,000,000
FINANCE AND ADMINISTRATION, DEPARTMENT OF	7 projects	\$28,500,000
GAME AND FISH, DEPARTMENT OF	5 projects	\$5,450,000
GENERAL SERVICES DEPARTMENT	1 project	\$100,000
HEALTH, DEPARTMENT OF	1 project	\$100,000
HIGHLANDS UNIVERSITY, NEW MEXICO	1 project	\$400,000
INDIAN AFFAIRS DEPARTMENT	1 project	\$1,000,000
INFORMATION TECHNOLOGY, DEPARTMENT OF	6 projects	\$7,400,000
MINERS' HOSPITAL	1 project	\$1,000,000
MILITARY INSTITUTE, NEW MEXICO	1 project	\$2,200,000
MINING AND TECHNOLOGY, NEW MEXICO INSTITUTE OF	1 project	\$400,000
NEW MEXICO STATE UNIVERSITY	1 project	\$5,500,000
PUBLIC SAFETY, DEPARTMENT OF	1 project	\$2,000,000
PUBLIC SCHOOL CAPITAL OUTLAY FUND	2 projects	\$4,800,000
STATE PARKS DIVISION, EMNRD	1 project	\$1,000,000
SUPREME COURT BUILDING COMMISSION	1 project	\$700,000
TAXATION AND REVENUE DEPARTMENT	1 project	\$200,000
TRANSPORTATION, DEPARTMENT OF	4 projects	\$1,450,000
TRIBAL INFRASTRUCTURE PROJECT FUND	1 project	\$5,000,000
UNIVERSITY OF NEW MEXICO	3 projects	\$6,800,000
WASTEWATER FACILITY CONSTRUCTION LOAN FUND	1 project	\$660,000
WESTERN NEW MEXICO UNIVERSITY	1 project	\$400,000
<i>Grand Total</i>	<i>143 projects</i>	<i>\$139,960,000</i>

**CHART 4**  
**2009 CAPITAL OUTLAY PROJECTS**  
House Taxation and Revenue Committee Substitute for  
House Bill 154 (Chapter 125)



**CONCORDANCE  
FORTY-NINTH LEGISLATURE, FIRST SESSION, 2009**

**BILL TO CHAPTER**

Legislation	Chapter	Short Title	Sponsor
* H	1 1	FEED BILL	(Martinez K.)
CS/ H	2 124 (pv)	GENERAL APPROPRIATION ACT OF 2009	(Saavedra)
*CS/ H	9 5 (pv)	CAPITAL OUTLAY CUTS & REAUTHORIZATIONS	(Sandoval)
*CS/ H	10 2 (pv)	APPROPRIATION REDUCTION & BUDGET ADJUSTMENT	(Varela)
H	12 156	ALTERNATIVE VEHICLE REGISTRATIONS	(Taylor)
CS/ H	14 260	CHIROPRACTIC PHYSICIAN FORMULARIES	(Lujan B.)
H	15 76	STATE EMPLOYEE DISMISSAL ARBITRATION	(Lujan B.)
* H	19 35	STATE ENGINEER AQUIFER JURISDICTION	(Stewart)
H	20 97	UNEMPLOYMENT WEEKLY BENEFIT AMOUNT	(Stewart)
CS/ H	31 261	MOTOR VEHICLE THEFT & EMBEZZLEMENT	(Rehm)
CS/ H	37 65	SUBDIVISION ACT TRIBAL NOTIFICATION	(Begaye)
H	38 41	MARKETING NEW MEXICO AGRICULTURAL PRODUCTS	(Bandy)
CS/ H	40 269	PROHIBIT CONDEMNATION BY MUNICIPALITIES	(Bandy)
CS/ H	50 60	AMERICAN INDIAN POST-SECONDARY EDUCATION ACT	(Begaye)
H	59 33	VETERANS MUSEUM ACT	(Steinborn)
H	63 36	STATE ENGINEER APPROVAL OF DAM CONSTRUCTION	(Larrañaga)
FL/CS H	70 265	SAFER CIGARETTE & FIREFIGHTER PROTECTION ACT	(Wallace)
H	75 147	MANUFACTURING & INVESTMENT TAX CREDITS	(Lujan B.)
* H	76 148	NMFA PUBLIC PROJECT FUND LOANS	(Varela)
* H	77 50	DRINKING WATER SYSTEM FINANCING	(Varela)
CS/ H	85 94	LAND GRANT SUPPORT ACT	(Garcia MP)
H	106 42	ENVIRONMENTAL CIVIL PENALTIES & REPORTING	(Heaton)
CS/ H	117 259	CHILDREN IN METH HOUSES AS CHILD ABUSE	(Espinoza)
* H	135 61	COUNTY HEALTH GROSS RECEIPTS INCREMENT	(Miera)
H	153 157	UPDATE JURY DATABASE EVERY SIX MONTHS	(Park)
*CS/ H	154 125	SEVERANCE TAX BOND PROJECTS	(Sandoval)
H	156 158	PERA NOTICES TO MEMBERS	(Park)
H	161 159	GUARDIAN OF PROTECTED PERSON RESPONSIBILITIES	(O'Neill)
H	164 88	DECEASED SERVICE MEMBER LICENSE PLATES	(Berry)
H	170 29	ALLOW NURSES TO SIGN DEATH CERTIFICATES	(Cote)
H	174 62	SCHOOL EVENT SERVICE GROSS RECEIPTS	(Roch)
H	176 160	REPEAL CERTAIN EMPLOYMENT OF WOMEN LAWS	(Chasey)
H	181 161	UNIFORM LEGISLATION COMMISSION MEMBERSHIP	(Cervantes)
CS/ H	185 100	LOWER RIO GRANDE PUBLIC WORKS AUTHORITY	(Cervantes)
H	188 63	EDUCATOR LICENSURE FUND PURPOSES	(Hall)
* H	189 10	ALTERNATE DEAF TEACHER LICENSE ASSESSMENT	(Gonzales)
CS/ H	195 98	OZONE EMISSION REGULATION	(Taylor)
H	197 64	REGIONAL EDUCATION COOPERATIVE PROGRAMS	(Garcia T.)
CS/ H	199 162	SCHOOL DISTRICT & TRAINING CENTER AGREEMENTS	(Garcia T.)
H	208 163	PROOF OF AGGRAVATING CIRCUMSTANCE STANDARDS	(Chasey)
H	227 164	INCREASE AIRPORT FACILITIES FUNDING LIMITS	(Egolf)
CS/ H	257 243	TAX ADMINISTRATION CONFIDENTIALITY	(Varela)
CS/ H	261 165	ESTIMATED FUTURE PROPERTY TAX INFO TO BUYERS	(Sandoval)
CS/ H	263 245	INCREASE CIVIL CASE COURT AUTOMATION FEE	(Martinez K.)

	H	265	103	NO GAS CHAMBER FOR ANIMAL EUTHANASIA	(Martinez K.)
CS/	H	279	95	ID THEFT REPORTS & PROSECUTIONS	(Anderson)
	H	285	11	ABOLISH DEATH PENALTY	(Chasey)
	H	286	96	CERTAIN BOARD & COMMISSION SUNSET DATES	(Wallace)
	H	288	30	SANDOVAL FLOOD CONTROL AUTHORITY DEBT	(Powdrell-Culbert)
	H	289	12	CHARTER SCHOOL AUTHORITY SUBCOMMITTEES	(Roch)
	H	293	166	PROTECTION OF HEALTH INFORMATION	(Stewart)
	H	295	108	NEW MEXICO-SONORA COMMISSION ACT	(Martinez R.)
	H	297	246	PROPERTY TAX ON MUTUAL DOMESTIC ASSOCIATIONS	(Heaton)
	H	308	167	LOCAL GOV'T ROAD FUND FOR MATCHING FUNDS	(Lujan B.)
*	H	318	250	HOMELAND SECURITY AS CABINET DEPT.	(Varela)
	H	321	273	SCHOOL FINANCE AUDIT REPORT REQUIREMENTS	(Varela)
	H	322	272	INCREASE TEACHER LICENSE MATH REQUIREMENT	(Arnold-Jones)
	H	326	168	MCKINLEY COUNTY LAND DISPOSAL	(Lundstrom)
	H	330	169	UNIFORM ATHLETE AGENTS ACT	(Maestas)
*	H	333	268	ALLOW 5-YEAR PUBLIC SCHOOL GRADUATION	(Miera)
	H	336	170	INCREASE PUBLIC EMPLOYEE PER DIEM & MILEAGE	(Miera)
	H	337	241	WATER & SANITATION DISTRICT REVENUE & INFO	(Gonzales)
	H	342	267	PUBLIC SCHOOL MEDIA LITERACY CLASSES	(Maestas)
	H	350	171	DEPT. OF TRANSPORTATION MATERIAL DONATIONS	(Varela)
	H	351	287	RETIREE HEALTH CARE FUND CONTRIBUTIONS	(Varela)
	H	353	262	VOLUNTEER FIREFIGHTER RETIREMENT PROCEDURES	(Trujillo)
	H	354	40	CREATE UNM RIO RANCHO CAMPUS	(Thomas J.)
CS/	H	360	23	HISTORIC DISTRICTS & CAPITAL OUTLAY	(Lujan B.)
	H	362	79	MANDATORY NIGHT SKY ACT ENFORCEMENT	(Irwin)
	H	370	51	PSYCHOLOGIST LICENSURE & BACKGROUND CHECK	(Giannini)
	H	375	271	CERTAIN GEOTHERMAL HEAT PUMP TAX CREDITS	(Gonzales)
	H	377	172	LOCAL GOV'T ECONOMIC DEVELOPMENT FUND LIMIT	(Gonzales)
	H	387	173	COUNTY VOTING MACHINE LEASE RENEGOTIATION	(King)
*	H	388	247	PROPERTY TAXATION OF WASTEWATER	(Barreras)
	H	389	28	STATE COWBOY SONG	(Vaughn)
	H	390	39	DECEASED NATIVE AMERICANS OFF VOTER ROLLS	(Madalena)
	H	393	105	OPEN CONFERENCE COMMITTEES	(Cervantes)
FL/CS/	H	397	174	ISOLATION OF PERSONS WITH TUBERCULOSIS	(Cervantes)
CS/	H	407	175	TAX CONTRIBUTION TO VIETNAM VETERANS MEMORIAL	(Garcia T.)
	H	413	176	NAPRAPATH LICENSURE	(Chavez El.)
CS/	H	428	177	PROHIBITION OF PROFILING PRACTICES ACT	(Cote)
CS/	H	432	178	SCHOOL ATHLETICS EQUITY ACT	(Picraux)
CS/	H	438	263	MEDICAID COST-SHARING FOR EMERGENCY SERVICES	(Gardner)
	H	443	13	MUSIC COMMISSION ACT	(Park)
	H	451	179	TAX INCREMENT DEVELOPMENT DISTRICT OVERSIGHT	(Lundstrom)
	H	454	130	PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT	(Varela)
	H	458	131	LAND GRANT EARLY & ABSENTEE VOTING	(Rodella)
	H	466	132	PUBLIC SCHOOL LEASE PURCHASE	(Miera)
*CS/	H	467	38	AQUATIC INVASIVE SPECIES CONTROL	(Tripp)
*	H	484	133	NO JURY TRIAL FOR CERTAIN OFFENSES	(King)
CS/	H	485	92	CONTRACTOR-OWNED SCHOOL BUS LIENS	(King)
*CS/	H	488	80	TITLE INSURANCE RATES, HEARINGS & COVERAGES	(Lujan B.)
CS/	H	489	104	EMPLOYEE PROTECTION FROM RETALIATION	(Garcia MP)
CS/CS/	H	498	106	MEDICAL IMAGING & RADIATION THERAPY RULES	(Steinborn)
	H	499	129	ADAPTIVE DRIVING PROGRAM STATE VEHICLE USE	(King)
	H	508	134	SCHOOL LIBRARY MATERIAL DISTRIBUTION	(Madalena)
	H	529	135	JUDICIAL STANDARDS COMMISSION MEMBERS	(Martinez K.)
	H	531	249	PART-TIME OFFICERS IN CRIMINAL & TORT ACTS	(Campos J)



CS/ H	546	107	STATE CONTRACTOR & CONTRACT DATABASE	(Park)
CS/ H	552	136	INFRASTRUCTURE DEVELOPMENT ACT	(Lujan B.)
H	554	99	SPECIAL FUEL FROM VEGETABLE OIL TAX DEDUCTION	(Gonzales)
H	567	90	FARM & RANCH COMMUNITY LICENSE PLATES	(Egolf)
CS/ H	572	270	SOLAR ENERGY IMPROVEMENT SPECIAL ASSESSMENTS	(Egolf)
*CS/CS/ H	573	288	ADJUSTMENT OF RETIREMENT PLANS	(Heaton)
H	583	274	SMALL PRECINCT ABSENTEE VOTING	(Rodella)
* H	590	242	TAX & REV DEPT. TANF FUND DISTRIBUTION	(Sandoval)
H	593	102	ANIMAL EUTHANASIA REQUIREMENTS	(Martinez K.)
H	594	264	FERAL HOG CONTROL	(Ezzell)
H	598	75	ELECTRONIC PUBLIC RECORD INSPECTION REQUESTS	(Cervantes)
H	601	137	PERA EXCLUSION OF SENIOR EMPLOYMENT TRAINEES	(Sandoval)
CS/ H	603	138	PUBLIC FACILITY CUMULATIVE COST SAVINGS	(Park)
H	612	139	WINERIES AS LIQUOR CONTROL LICENSED PREMISES	(Irwin)
CS/ H	622	275	GREEN JOBS BONDING ACT	(Lujan B.)
H	631	286	EDUCATIONAL RETIREMENT ELIGIBILITY	(King)
H	645	85	BASS FISHING LICENSE PLATES	(Tripp)
H	647	278	MUNICIPAL ELECTION CODE CHANGES	(Campos J)
H	652	140	PUBLIC AVAILABILITY OF AUDITOR REPORTS	(Martinez K.)
CS/ H	664	141	UNLICENSED HEALTH CARE PRACTICE ACT	(Martinez K.)
H	671	89	COMMEMORATIVE SCOUTING LICENSE PLATE	(Taylor)
CS/ H	683	285	RETIRED PUBLIC EMPLOYEE RETURNING AS SHERIFF	(Rehm)
H	690	142	FOREIGN-COUNTRY MONEY JUDGMENT RECOGNITION	(Cervantes)
H	691	276	PUBLIC SCHOOL YEAR & LENGTH OF DAY	(King)
H	700	244	ALTERNATIVE JUVENILE JUDICIAL ADJUDICATION	(Barela)
H	704	93	HOME SCHOOL STUDENTS IN DISTRICT ACTIVITIES	(Strickler)
H	706	266	FIRE PROTECTION COUNCIL APPOINTEE EXCLUSIONS	(O'Neill)
H	710	143	MEDICAL HOME-BASED CARE PROGRAM & INSURANCE	(Picraux)
H	715	101	PESTICIDE APPLICATOR LICENSING REQUIREMENTS	(Nuñez)
H	718	144	SMALL CITY DATA FOR FUND DISTRIBUTION	(Garcia T.)
H	722	248	DISCLOSURE OF EDUCATIONAL RETIREMENT INFO	(Thomas J.)
H	728	145	HEALTH & HUMAN SERVICES DEPT BUILDING	(Lujan B.)
H	729	146	INFORMATION TECHNOLOGY COMMISSION & DUTIES	(Varela)
H	763	149	GAMING MACHINE PAYOUT LIENS	(Park)
H	766	91	HIGHER EDUCATION ENDOWMENT FUND DISTRIBUTION	(Saavedra)
H	772	87	4-H SUPPORT LICENSE PLATES	(Hall)
* H	780	37	SCHOOL FOR THE BLIND DEFICIENCY CORRECTIONS	(Miera)
H	792	78	UNIFORM UNSWORN FOREIGN DECLARATIONS ACT	(Alcon)
H	801	86	RETIRED LAW ENFORCEMENT LICENSE PLATES	(Tyler)
H	821	77	PUBLICATION OF LEGAL NOTICES	(Lujan B.)
CS/ H	833	150	PAPER BALLOT ELECTION CODE UPDATES	(Campos J)
H	854	127	PERA MEMBER & STATE CONTRIBUTION CHANGES	(Saavedra)
H	862	151	NO MOBILE HOME PURCHASE PREPAYMENT PENALTY	(King)
H	864	277	VOTING SYSTEM BUDGET ADJUSTMENT	(Sandoval)
H	876	152	THIRD-PARTY INVESTMENT MARKETER DISCLOSURE	(Garcia MP)
CS/ H	894	153	JOINT POWER AGREEMENT DEFINITIONS	(Martinez R.)
*CS/ H	920	126	NM RECOVERY & REINVESTMENT FUND	(Saavedra)
*CS/ H	928	154	QUALIFIED SCHOOL CONSTRUCTION BONDS	(Miera)
CS/ H	929	155	COUNTY CONTRACT PROCUREMENT EXEMPTIONS	(Miera)
S	3	202	PRIMARY ELECTION BALLOT PROCEDURES	(Duran)
S	4	255	CRIMINAL DAMAGE TO HOUSEHOLD PROPERTY	(Adair)
S	5	24	DNA LABORATORIES & SAMPLE COLLECTION	(McSorley)
S	11	181	UNIFORM REVISED LIMITED PARTNERSHIP CHANGES	(McSorley)
S	15	188	INSURANCE PRODUCT REGULATION COMPACT	(Leavell)
* S	20	48	REGIONAL HOUSING AUTHORITY CONSOLIDATION	(Papen)

	S	23	52	LOCAL GOVERNMENT PLANNING FUND	(Garcia MJ)
CS/	S	26	253	MOTOR VEHICLE THEFT & EMBEZZLEMENT	(Garcia MJ)
	S	27	6	CHARTER SCHOOL APPLICATION TIME PERIOD	(Garcia MJ)
	S	28	47	CERTAIN COLLEGE SCHOLARSHIPS BASED ON NEED	(Garcia MJ)
CS/	S	30	203	SEPTIC TANK REPLACEMENT ASSISTANCE	(Cisneros)
	S	33	206	PUBLIC WORK PROJECT PREVAILING WAGE	(Cisneros)
	S	38	25	SCHOOL DISTRICT REVENUE FOR ACTIVITY BUSES	(Harden)
FL/CS	S	39	74	INSURANCE COVERAGE FOR AUTISM TREATMENT	(Harden)
	S	42	212	CANCER CLINICAL TRIAL INSURANCE COVERAGE	(Feldman)
	S	46	256	HIGH SCHOOL PRE-APPRENTICESHIP PROGRAMS	(Sanchez B.)
	S	52	27	OFFICIAL STATE GUITAR	(Papen)
	S	55	44	BORDER AUTHORITY POWERS & EXPENDITURES	(Papen)
	S	56	45	EXEMPT BORDER AUTHORITY FROM PROPERTY CONTROL	(Papen)
	S	57	32	CHILD SUPPORT ARREARS MEDICAL COVERAGE	(Martinez RC)
*	S	60	226	MUNICIPAL HOUSING LAW & AUTHORITIES	(Martinez RC)
	S	68	14	DOMESTIC ABUSE VICTIM FINANCIALINDEPENDENCE	(Ortiz y Pino)
	S	71	232	MUNICIPALITY LOW INCOME UTILITY ASSISTANCE	(McSorley)
CS/	S	72	233	POST-ELECTION VOTING ACCURACY EVALUATION	(McSorley)
	S	74	234	UNIFORM COMMERCIAL CODE AMENDMENTS	(McSorley)
	S	76	235	WORKERS' COMP SETTLEMENT AGREEMENTS	(Leavell)
*CS/	S	79	3 (pv)	FUND TRANSFERS & APPROPRIATION CUTS	(Smith)
*	S	80	4	CORPORATE INCOME TAX REPORTING DATES	(Smith)
	S	82	236	PERMIT REDISPENSATION OF UNUSED PRESCRIPTIONS	(Beffort)
	S	89	16	LOCAL HOSPITAL GROSS RECEIPTS TAX CHANGES	(Neville)
*	S	90	237	NMFA LOANS FOR ECONOMIC DEVELOPMENT PROJECTS	(Papen)
	S	110	46	PUBLIC IMPROVEMENT DISTRICT ELECTIONS	(Campos P)
	S	112	26	JURY DUTY PERMANENT EXEMPTION AT AGE 70	(Ingle)
	S	114	182	REQUIRE ELECTRONIC FILINGS FOR INSURERS	(Leavell)
CS/	S	116	68	LIMIT CONTRIBUTIONS TO CANDIDATES & PACS	(Feldman)
	S	119	183	INVALIDATE INDEMNITY FOR MOTOR CARRIERS	(Leavell)
	S	120	17	ELIMINATE MILITARY CODE FUNDING CAP	(Payne)
	S	123	20	ADMINISTRATORS IN ACCOUNTABILITY REPORTING	(Kernan)
CS/	S	127	43	CUSTODY & CARE OF MISTREATED ANIMALS	(Wirth)
	S	128	67	REQUIRE BIENNIAL CAMPAIGN REPORTS	(Wirth)
	S	129	184	PRESCRIPTION DRUG RETAIL PRICE DISCLOSURE	(Wirth)
	S	131	185	MAIN STREET REVOLVING LOAN CRITERIA	(Campos P)
	S	133	117	TEACHER LICENSURE CHANGES	(Kernan)
CS/	S	136	123	IN-STATE TUITION FOR VETERANS	(Payne)
	S	137	186	LEGAL GUARDIAN ELIGIBILITY CHANGES	(Ortiz y Pino)
	S	142	56	VICTIM OF SEX OFFENSE AGE INCREASE	(Neville)
	S	143	187	CORRECT PAWNBROKERS ACT	(Sharer)
	S	146	119	CHANGE MENTORSHIP PROGRAM FUND DISTRIBUTION	(Nava)
	S	148	18	CHARTER SCHOOL GOVERNING BODY TRAINING	(Boitano)
	S	152	7	REQUIRE FRESHMAN YEAR OUTCOMES REPORTS	(Nava)
	S	153	118	CONTINUE FAMILY & YOUTH RESOURCES PROGRAM	(Nava)
	S	156	189	ALTERNATIVE SCHOOL ACCOUNTABILITY PILOT	(Nava)
CS/	S	161	190	PREMIUM ASSISTANCE FOR LOW INCOME HOUSEHOLDS	(Beffort)
CS/	S	166	21	REVISE CRIME OF STALKING	(Wirth)(O'Neill)
	S	173	111	EMERGENCY COMMUNICATION INTEROPERABILITY ACT	(Lopez)
	S	178	191	INTERSTATE MENTAL HEALTH COMPACT	(Morales)
	S	185	192	PET LICENSE PLATE FEES TO ANIMAL CARE FUND	(Garcia MJ)
	S	189	193	SCHOOL ATTENDANCE NOTICES & ABSENCES	(Garcia MJ)
*	S	196	15	STATE-TRIBAL COLLABORATION ACT	(Pinto)
*	S	205	66	NM RESEARCH APPLICATIONS ACT	(Fischmann)
FL/	S	206	194	WATER QUALITY ACT RULEMAKING LIMITS	(Harden)

	S 210	83	GOVERNOR'S COUNCIL ON WOMEN'S HEALTH OFFICE	(Rodriguez)
	S 212	195	EXPAND DEFINITION OF NEPOTISM IN SCHOOLS	(Asbill)
	S 213	196	WEIGHT DISTANCE TAX UNDERREPORTING PENALTIES	(Beffort)
	S 217	115	UNM GEOGRAPHIC INFORMATION SYSTEM	(Nava)
	S 219	197	CIGARETTE TAX ACT CHANGES	(Morales)
	S 220	19	CAPITOL BUILDINGS PLANNING COMMISSION DUTIES	(Ingle)
*CS/	S 221	114	EXECUTIVE OFFICE BUILDING BONDS	(Ingle)
	S 226	198	SCHOOL FACILITY PRIVATE USE LIABILITY	(Keller)
CS/	S 228	81	BINGO & RAFFLE ACT CHANGES	(Griego P)
CS/	S 229	199	GAMING CONTROL ACT CHANGES	(Griego P)
	S 230	200	COMMERCIAL DRIVER'S LICENSE PENALTIES	(Griego P)
	S 232	8	ADAPTIVE DRIVING PROGRAM STATE VEHICLE USE	(Keller)
CS/CS/	S 237	279	RENEWABLE ENERGY TAX CREDIT	(Cisneros)
	S 239	54	ELIMINATE MAGISTRATE CIRCUIT COURTS	(Martinez RC)
	S 245	57	REGIONAL TRANSIT DISTRICT LAW ENFORCEMENT	(Lopez)
	S 248	239	CHILDREN'S CODE REVISIONS	(Ortiz y Pino)
	S 257	280	SOLAR MARKET TAX DEVELOPMENT CREDIT	(Keller)
CS/	S 275	254	INTERLOCKS & DWI LICENSE REINSTATEMENT	(Cravens)
	S 277	112	ELECTRONIC COURT SERVICES & FEES	(Wirth)
FL/	S 278	69	ELECTRONIC MEDICAL RECORDS ACT	(Wirth)
	S 279	84	SEARCH WARRANTS AT DOMESTIC VIOLENCE SHELTERS	(Wirth)
*	S 288	281	HIGHER ED ALTERNATIVE ENERGY PROGRAM AWARDS	(Garcia MJ)
CS/	S 291	59	SUSTAINABLE BUILDING TAX CREDIT PROVISIONS	(Feldman)
	S 299	201	JUDICIAL DISTRICT SAFE EXCHANGE & VISITATION	(Keller)
	S 303	252	FIREFIGHTER OCCUPATIONAL DISEASES	(Sanchez M.)
	S 311	204	CONSERVATION DISTRICT FINANCIAL REPORTING	(Campos P)
	S 316	31	SANDOVAL FLOOD CONTROL AUTHORITY DEBT	(Sapient)
	S 317	205	USE OF STUDENT ID NUMBERS ON TRANSCRIPTS	(Nava)
	S 318	282	DEVELOPMENT TRAINING FUNDS FOR GREEN JOBS	(Griego E.)
CS/	S 324	284	MUNICIPAL ENVIRONMENTAL GROSS RECEIPTS RATE	(Jennings)
	S 336	283	TIERED FINANCIAL REPORTING FOR STATE ENTITIES	(Sapient)
	S 342	122	NM MORTGAGE LOAN ORIGINATOR LICENSING ACT	(Griego P)
*FL/	S 345	207	DEPT. OF TRANSPORTATION PROJECT DELIVERY	(Griego P)
	S 356	72	ANNUAL CONTROLLED SUBSTANCE REGISTRATION	(Munoz)
	S 362	82	SECURITIES ACT REPEAL & REENACTMENT	(Wirth)
*CS/	S 378	258 (pv)	PUBLIC SCHOOL CAPITAL OUTLAY AMENDMENTS	(Nava)
*FL/CS/CS	S 379	53	OFF-HIGHWAY VEHICLE REGULATIONS	(Griego P)
	S 395	208	RAILROAD-HIGHWAY GRADE CROSSING PENALTIES	(Eichenberg)
	S 399	209	LOCAL EDUCATIONAL RETIREMENT UNIT AUDITS	(Morales)
	S 402	238	CHILD CARE PROVIDER COLLECTIVE BARGAINING	(Cisneros)
*	S 405	210	NMFA WATER PROJECT LOANS	(Cisneros)
	S 408	211	HOSPITAL-ACQUIRED INFECTION ACT	(Feldman)
	S 423	73	PREGNANT PRISONER RESTRAINTS & SUPERVISION	(Garcia MJ)
	S 425	70	GSD EQUIPMENT REPLACEMENT PLANS & FUND	(Griego P)
	S 426	55	STATE POLICE COLLEGE CREDIT TIME PERIOD	(Griego P)
	S 429	71	SOUTHERN NM CORRECTIONAL FACILITY LAND	(Griego P)
*CS/	S 443	128	CAPITAL OUTLAY PROJECT REAUTHORIZATIONS	(Cisneros)
	S 450	110	CORPORATE FUEL ECONOMY STANDARD VEHICLES	(Ortiz y Pino)
CS/	S 454	213	CHARTER SCHOOL T & E INDEX CALCULATION	(Jennings)
	S 456	214	APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT	(Ryan)
	S 463	215	NM UNIFORM PARENTAGE ACT	(McSorley)
*	S 467	58	WINROCK TAX INCREMENT DEVELOPMENT PROJECT	(Ortiz y Pino)
CS/	S 468	216	PROPANE DEALER REGULATION	(Griego P)
	S 477	113	PUBLIC UTILITY FUTURE TEST PERIODS	(Payne)
	S 484	217	MARRIAGE & FAMILY THERAPISTS IN SCHOOLS	(McSorley)

	S	490	240	EDUCATIONAL RETIREMENT INFO DISCLOSURE	(Fischmann)
	S	504	257	FERAL HOG CONTROL	(Griego P)
	S	510	218	ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT	(Sanchez B.)
	S	519	121	NUISANCE ORDINANCE VIOLATIONS & FEES	(Sanchez M.)
	S	529	116	MILITARY & VETERANS AFFAIRS' COMMITTEE	(Ulibarri)
	S	540	219	REQUIRE DEVELOPMENT LEASE NOTICE & BIDDING	(Fischmann)
	S	541	289	NATIVE AMERICAN VETERANS' TAX SETTLEMENT FUND	(Lovejoy)
	S	553	49	COUNTY CATTLE GUARDS NEAR SCHOOL BUS ROUTES	(Ulibarri)
	S	563	34	CLARIFY EXTRATERRITORIAL ZONING JURISDICTION	(Nava)
	S	569	220	UNEMANCIPATED MINOR HEALTH CARE DECISIONS	(Ortiz y Pino)
	* S	572	9	ALTERNATIVE EDUCATIONAL RETIREMENT PLANS	(Garcia MJ)
	S	575	221	INSTRUCTIONAL MATERIAL PURCHASES	(Nava)
	* S	583	222	FREEZE PRECINCT BOUNDARIES FOR REDISTRICTING	(Lopez)
	CS/ S	584	223	PUBLIC PROJECT REVOLVING FUND PROJECTS	(Ortiz y Pino)
	S	587	224	COUNTY CLASSIFICATION & SALARIES	(Sapient)
	CS/CS/ S	593	225	MEDICAL STUDENT CONDITIONAL TUITION WAIVER	(Feldman)
	CS/ S	610	227	ACCESSIBLE PARKING TIME LIMIT	(McSorley)
	S	627	228	EXPAND NMMI SCHOLARSHIPS	(Jennings)
	CS/CS/ S	631	120	SANTA FE 400TH ANNIVERSARY LICENSE PLATES	(Griego P)
	S	647	180	RENEWABLE ENERGY FINANCING DISTRICT ACT	(Wirth)
	CS/ S	653	229	RAILROAD CROSSING WHISTLE-BLOWING DISTANCE	(Sapient)
	CS/ S	669	230	DISABLED VETERAN GAME & FISH BENEFITS	(Rodriguez)
	S	680	231	PROCUREMENT FOR CRIME VICTIM GRANT CONTRACTS	(Lopez)(Varela)
	FL/CS S	685	251	ABSENTEE BALLOT HANDLING & VOTING	(Duran)
	CS/ S	715	109	PESTICIDE APPLICATOR LICENSURE	(Garcia MJ)
	*CS/ S	723	22	WATER PROJECT FUND REGIONAL PROJECTS	(Pinto)

**CHAPTER TO BILL**

Chapter	Date Signed	Legislation	Short Title	Sponsor
1	Jan.23	* H 1	FEED BILL	(Martinez K.)
2	(pv) Feb.6	*CS/ H 10	APPROPRIATION REDUCTION & BUDGET ADJUSTMENT	(Varela)
3	(pv) Feb.6	*CS/ S 79	FUND TRANSFERS & APPROPRIATION CUTS	(Smith)
4	Feb.6	* S 80	CORPORATE INCOME TAX REPORTING DATES	(Smith)
5	(pv) Feb.6	*CS/ H 9	CAPITAL OUTLAY CUTS & REAUTHORIZATIONS	(Sandoval)
6	Mar.18	S 27	CHARTER SCHOOL APPLICATION TIME PERIOD	(Garcia MJ)
7	Mar.18	S 152	REQUIRE FRESHMAN YEAR OUTCOMES REPORTS	(Nava)
8	Mar.18	S 232	ADAPTIVE DRIVING PROGRAM STATE VEHICLE USE	(Keller)
9	Mar.18	* S 572	ALTERNATIVE EDUCATIONAL RETIREMENT PLANS	(Garcia MJ)
10	Mar.18	* H 189	ALTERNATE DEAF TEACHER LICENSE ASSESSMENT	(Gonzales)
11	Mar.18	H 285	ABOLISH DEATH PENALTY	(Chasey)
12	Mar.18	H 289	CHARTER SCHOOL AUTHORITY SUBCOMMITTEES	(Roch)
13	Mar.18	H 443	MUSIC COMMISSION ACT	(Park)
14	Mar.19	S 68	DOMESTIC ABUSE VICTIM FINANCIAL INDEPENDENCE	(Ortiz y Pino)
15	Mar.19	* S 196	STATE-TRIBAL COLLABORATION ACT	(Pinto)
16	Mar.19	S 89	LOCAL HOSPITAL GROSS RECEIPTS TAX CHANGES	(Neville)
17	Mar.19	S 120	ELIMINATE MILITARY CODE FUNDING CAP	(Payne)
18	Mar.19	S 148	CHARTER SCHOOL GOVERNING BODY TRAINING	(Boitano)
19	Mar.19	S 220	CAPITOL BUILDINGS PLANNING COMMISSION DUTIES	(Ingle)
20	Mar.19	S 123	ADMINISTRATORS IN ACCOUNTABILITY REPORTING	(Kernan)
21	Mar.20	CS/ S 166	REVISE CRIME OF STALKING	(Wirth)(O'Neill)

22	Mar.20	*CS/ S	723	WATER PROJECT FUND REGIONAL PROJECTS	(Pinto)
23	Mar.24	CS/ H	360	HISTORIC DISTRICTS & CAPITAL OUTLAY	(Lujan B.)
24	Mar.24	S	5	DNA LABORATORIES & SAMPLE COLLECTION	(McSorley)
25	Mar.24	S	38	SCHOOL DISTRICT REVENUE FOR ACTIVITY BUSES	(Harden)
26	Mar.24	S	112	JURY DUTY PERMANENT EXEMPTION AT AGE 70	(Ingle)
27	Mar.25	S	52	OFFICIAL STATE GUITAR	(Papen)
28	Mar.25	H	389	STATE COWBOY SONG	(Vaughn)
29	Mar.26	H	170	ALLOW NURSES TO SIGN DEATH CERTIFICATES	(Cote)
30	Mar.26	H	288	SANDOVAL FLOOD CONTROL AUTHORITY DEBT	(Powdrell-Culbert)
31	Mar.26	S	316	SANDOVAL FLOOD CONTROL AUTHORITY DEBT	(Sapient)
32	Mar.26	S	57	CHILD SUPPORT ARREARS MEDICAL COVERAGE	(Martinez RC)
33	Mar.27	H	59	VETERANS MUSEUM ACT	(Steinborn)
34	Mar.27	S	563	CLARIFY EXTRATERRITORIAL ZONING JURISDICTION	(Nava)
35	Mar.30	* H	19	STATE ENGINEER AQUIFER JURISDICTION	(Stewart)
36	Mar.30	H	63	STATE ENGINEER APPROVAL OF DAM CONSTRUCTION	(Larrañaga)
37	Mar.31	* H	780	SCHOOL FOR THE BLIND DEFICIENCY CORRECTIONS	(Miera)
38	Mar.31	*CS/ H	467	AQUATIC INVASIVE SPECIES CONTROL	(Tripp)
39	Mar.31	H	390	DECEASED NATIVE AMERICANS OFF VOTER ROLLS	(Madalena)
40	Mar.31	H	354	CREATE UNM RIO RANCHO CAMPUS	(Thomas J.)
41	Mar.31	H	38	MARKETING NEW MEXICO AGRICULTURAL PRODUCTS	(Bandy)
42	Mar.31	H	106	ENVIRONMENTAL CIVIL PENALTIES & REPORTING	(Heaton)
43	Mar.31	CS/ S	127	CUSTODY & CARE OF MISTREATED ANIMALS	(Wirth)
44	Mar.31	S	55	BORDER AUTHORITY POWERS & EXPENDITURES	(Papen)
45	Mar.31	S	56	EXEMPT BORDER AUTHORITY FROM PROPERTY CONTROL	(Papen)
46	Mar.31	S	110	PUBLIC IMPROVEMENT DISTRICT ELECTIONS	(Campos P)
47	Mar.31	S	28	CERTAIN COLLEGE SCHOLARSHIPS BASED ON NEED	(Garcia MJ)
48	Mar.31	* S	20	REGIONAL HOUSING AUTHORITY CONSOLIDATION	(Papen)
49	Mar.31	S	553	COUNTY CATTLE GUARDS NEAR SCHOOL BUS ROUTES	(Ulibarri)
50	Apr.1	* H	77	DRINKING WATER SYSTEM FINANCING	(Varela)
51	Apr.1	H	370	PSYCHOLOGIST LICENSURE & BACKGROUND CHECK	(Giannini)
52	Apr.1	S	23	LOCAL GOVERNMENT PLANNING FUND	(Garcia MJ)
53	Apr.1	*FL/CS/CS	S 379	OFF-HIGHWAY VEHICLE REGULATIONS	(Griego P)
54	Apr.1	S	239	ELIMINATE MAGISTRATE CIRCUIT COURTS	(Martinez RC)
55	Apr.1	S	426	STATE POLICE COLLEGE CREDIT TIME PERIOD	(Griego P)
56	Apr.1	S	142	VICTIM OF SEX OFFENSE AGE INCREASE	(Neville)
57	Apr.1	S	245	REGIONAL TRANSIT DISTRICT LAW ENFORCEMENT	(Lopez)
58	Apr.1	* S	467	WINROCK TAX INCREMENT DEVELOPMENT PROJECT	(Ortiz y Pino)
59	Apr.1	CS/ S	291	SUSTAINABLE BUILDING TAX CREDIT PROVISIONS	(Feldman)
60	Apr.2	CS/ H	50	AMERICAN INDIAN POST-SECONDARY EDUCATION ACT	(Begaye)
61	Apr.2	* H	135	COUNTY HEALTH GROSS RECEIPTS INCREMENT	(Miera)
62	Apr.2	H	174	SCHOOL EVENT SERVICE GROSS RECEIPTS	(Roch)
63	Apr.2	H	188	EDUCATOR LICENSURE FUND PURPOSES	(Hall)
64	Apr.2	H	197	REGIONAL EDUCATION COOPERATIVE PROGRAMS	(Garcia T.)
65	Apr.2	CS/ H	37	SUBDIVISION ACT TRIBAL NOTIFICATION	(Begaye)
66	Apr.2	* S	205	NM RESEARCH APPLICATIONS ACT	(Fischmann)
67	Apr.2	S	128	REQUIRE BIENNIAL CAMPAIGN REPORTS	(Wirth)
68	Apr.2	CS/ S	116	LIMIT CONTRIBUTIONS TO CANDIDATES & PACS	(Feldman)
69	Apr.2	FL/ S	278	ELECTRONIC MEDICAL RECORDS ACT	(Wirth)
70	Apr.2	S	425	GSD EQUIPMENT REPLACEMENT PLANS & FUND	(Griego P)
71	Apr.2	S	429	SOUTHERN NM CORRECTIONAL FACILITY LAND	(Griego P)
72	Apr.2	S	356	ANNUAL CONTROLLED SUBSTANCE REGISTRATION	(Munoz)
73	Apr.2	S	423	PREGNANT PRISONER RESTRAINTS & SUPERVISION	(Garcia MJ)
74	Apr.2	FL/CS	S 39	INSURANCE COVERAGE FOR AUTISM TREATMENT	(Harden)
75	Apr.3	H	598	ELECTRONIC PUBLIC RECORD INSPECTION REQUESTS	(Cervantes)

76	Apr.3	H 15	STATE EMPLOYEE DISMISSAL ARBITRATION	(Lujan B.)
77	Apr.3	H 821	PUBLICATION OF LEGAL NOTICES	(Lujan B.)
78	Apr.3	H 792	UNIFORM UNSWORN FOREIGN DECLARATIONS ACT	(Alcon)
79	Apr.3	H 362	MANDATORY NIGHT SKY ACT ENFORCEMENT	(Irwin)
80	Apr.3	*CS/ H 488	TITLE INSURANCE RATES, HEARINGS & COVERAGES	(Lujan B.)
81	Apr.3	CS/ S 228	BINGO & RAFFLE ACT CHANGES	(Griego P)
82	Apr.3	S 362	SECURITIES ACT REPEAL & REENACTMENT	(Wirth)
83	Apr.3	S 210	GOVERNOR'S COUNCIL ON WOMEN'S HEALTH OFFICE	(Rodriguez)
84	Apr.3	S 279	SEARCH WARRANTS AT DOMESTIC VIOLENCE SHELTERS	(Wirth)
85	Apr.6	H 645	BASS FISHING LICENSE PLATES	(Tripp)
86	Apr.6	H 801	RETIRED LAW ENFORCEMENT LICENSE PLATES	(Tyler)
87	Apr.6	H 772	4-H SUPPORT LICENSE PLATES	(Hall)
88	Apr.6	H 164	DECEASED SERVICE MEMBER LICENSE PLATES	(Berry)
89	Apr.6	H 671	COMMEMORATIVE SCOUTING LICENSE PLATE	(Taylor)
90	Apr.6	H 567	FARM & RANCH COMMUNITY LICENSE PLATES	(Egolf)
91	Apr.6	H 766	HIGHER EDUCATION ENDOWMENT FUND DISTRIBUTION	(Saavedra)
92	Apr.6	CS/ H 485	CONTRACTOR-OWNED SCHOOL BUS LIENS	(King)
93	Apr.6	H 704	HOME SCHOOL STUDENTS IN DISTRICT ACTIVITIES	(Strickler)
94	Apr.6	CS/ H 85	LAND GRANT SUPPORT ACT	(Garcia MP)
95	Apr.6	CS/ H 279	ID THEFT REPORTS & PROSECUTIONS	(Anderson)
96	Apr.6	H 286	CERTAIN BOARD & COMMISSION SUNSET DATES	(Wallace)
97	Apr.6	H 20	UNEMPLOYMENT WEEKLY BENEFIT AMOUNT	(Stewart)
98	Apr.6	CS/ H 195	OZONE EMISSION REGULATION	(Taylor)
99	Apr.6	H 554	SPECIAL FUEL FROM VEGETABLE OIL TAX DEDUCTION	(Gonzales)
100	Apr.6	CS/ H 185	LOWER RIO GRANDE PUBLIC WORKS AUTHORITY	(Cervantes)
101	Apr.6	H 715	PESTICIDE APPLICATOR LICENSING REQUIREMENTS	(Nuñez)
102	Apr.6	H 593	ANIMAL EUTHANASIA REQUIREMENTS	(Martinez K.)
103	Apr.6	H 265	NO GAS CHAMBER FOR ANIMAL EUTHANASIA	(Martinez K.)
104	Apr.6	CS/ H 489	EMPLOYEE PROTECTION FROM RETALIATION	(Garcia MP)
105	Apr.6	H 393	OPEN CONFERENCE COMMITTEES	(Cervantes)
106	Apr.6	CS/CS/ H 498	MEDICAL IMAGING & RADIATION THERAPY RULES	(Steinborn)
107	Apr.6	CS/ H 546	STATE CONTRACTOR & CONTRACT DATABASE	(Park)
108	Apr.6	H 295	NEW MEXICO-SONORA COMMISSION ACT	(Martinez R.)
109	Apr.6	CS/ S 715	PESTICIDE APPLICATOR LICENSURE	(Garcia MJ)
110	Apr.6	S 450	CORPORATE FUEL ECONOMY STANDARD VEHICLES	(Ortiz y Pino)
111	Apr.6	S 173	EMERGENCY COMMUNICATION INTEROPERABILITY ACT	(Lopez)
112	Apr.6	S 277	ELECTRONIC COURT SERVICES & FEES	(Wirth)
113	Apr.6	S 477	PUBLIC UTILITY FUTURE TEST PERIODS	(Payne)
114	Apr.6	*CS/ S 221	EXECUTIVE OFFICE BUILDING BONDS	(Ingle)
115	Apr.6	S 217	UNM GEOGRAPHIC INFORMATION SYSTEM	(Nava)
116	Apr.6	S 529	MILITARY & VETERANS AFFAIRS' COMMITTEE	(Ulibarri)
117	Apr.6	S 133	TEACHER LICENSURE CHANGES	(Kernan)
118	Apr.6	S 153	CONTINUE FAMILY & YOUTH RESOURCES PROGRAM	(Nava)
119	Apr.6	S 146	CHANGE MENTORSHIP PROGRAM FUND DISTRIBUTION	(Nava)
120	Apr.6	CS/CS/ S 631	SANTA FE 400TH ANNIVERSARY LICENSE PLATES	(Griego P)
121	Apr.6	S 519	NUISANCE ORDINANCE VIOLATIONS & FEES	(Sanchez M.)
122	Apr.6	S 342	NM MORTGAGE LOAN ORIGINATOR LICENSING ACT	(Griego P)
123	Apr.6	CS/ S 136	IN-STATE TUITION FOR VETERANS	(Payne)
124 (pv)	Apr.7	CS/ H 2	GENERAL APPROPRIATION ACT OF 2009	(Saavedra)
125	Apr.7	*CS/ H 154	SEVERANCE TAX BOND PROJECTS	(Sandoval)
126	Apr.7	*CS/ H 920	NM RECOVERY & REINVESTMENT FUND	(Saavedra)
127	Apr.7	H 854	PERA MEMBER & STATE CONTRIBUTION CHANGES	(Saavedra)
128	Apr.7	*CS/ S 443	CAPITAL OUTLAY PROJECT REAUTHORIZATIONS	(Cisneros)
129	Apr.7	H 499	ADAPTIVE DRIVING PROGRAM STATE VEHICLE USE	(King)
130	Apr.7	H 454	PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT	(Varela)

131	Apr.7	H	458	LAND GRANT EARLY & ABSENTEE VOTING	(Rodella)
132	Apr.7	H	466	PUBLIC SCHOOL LEASE PURCHASE	(Miera)
133	Apr.7	* H	484	NO JURY TRIAL FOR CERTAIN OFFENSES	(King)
134	Apr.7	H	508	SCHOOL LIBRARY MATERIAL DISTRIBUTION	(Madalena)
135	Apr.7	H	529	JUDICIAL STANDARDS COMMISSION MEMBERS	(Martinez K.)
136	Apr.7	CS/ H	552	INFRASTRUCTURE DEVELOPMENT ACT	(Lujan B.)
137	Apr.7	H	601	PERA EXCLUSION OF SENIOR EMPLOYMENT TRAINEES	(Sandoval)
138	Apr.7	CS/ H	603	PUBLIC FACILITY CUMULATIVE COST SAVINGS	(Park)
139	Apr.7	H	612	WINERIES AS LIQUOR CONTROL LICENSED PREMISES	(Irwin)
140	Apr.7	H	652	PUBLIC AVAILABILITY OF AUDITOR REPORTS	(Martinez K.)
141	Apr.7	CS/ H	664	UNLICENSED HEALTH CARE PRACTICE ACT	(Martinez K.)
142	Apr.7	H	690	FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION	(Cervantes)
143	Apr.7	H	710	MEDICAL HOME-BASED CARE PROGRAM & INSURANCE	(Picraux)
144	Apr.7	H	718	SMALL CITY DATA FOR FUND DISTRIBUTION	(Garcia T.)
145	Apr.7	H	728	HEALTH & HUMAN SERVICES DEPT BUILDING	(Lujan B.)
146	Apr.7	H	729	INFORMATION TECHNOLOGY COMMISSION & DUTIES	(Varela)
147	Apr.7	H	75	MANUFACTURING & INVESTMENT TAX CREDITS	(Lujan B.)
148	Apr.7	* H	76	NMFA PUBLIC PROJECT FUND LOANS	(Varela)
149	Apr.7	H	763	GAMING MACHINE PAYOUT LIENS	(Park)
150	Apr.7	CS/ H	833	PAPER BALLOT ELECTION CODE UPDATES	(Campos J)
151	Apr.7	H	862	NO MOBILE HOME PURCHASE PREPAYMENT PENALTY	(King)
152	Apr.7	H	876	THIRD-PARTY INVESTMENT MARKETER DISCLOSURE	(Garcia MP)
153	Apr.7	CS/ H	894	JOINT POWER AGREEMENT DEFINITIONS	(Martinez R.)
154	Apr.7	*CS/ H	928	QUALIFIED SCHOOL CONSTRUCTION BONDS	(Miera)
155	Apr.7	CS/ H	929	COUNTY CONTRACT PROCUREMENT EXEMPTIONS	(Miera)
156	Apr.7	H	12	ALTERNATIVE VEHICLE REGISTRATIONS	(Taylor)
157	Apr.7	H	153	UPDATE JURY DATABASE EVERY SIX MONTHS	(Park)
158	Apr.7	H	156	PERA NOTICES TO MEMBERS	(Park)
159	Apr.7	H	161	GUARDIAN OF PROTECTED PERSON RESPONSIBILITIES	(O'Neill)
160	Apr.7	H	176	REPEAL CERTAIN EMPLOYMENT OF WOMEN LAWS	(Chasey)
161	Apr.7	H	181	UNIFORM LEGISLATION COMMISSION MEMBERSHIP	(Cervantes)
162	Apr.7	CS/ H	199	SCHOOL DISTRICT & TRAINING CENTER AGREEMENTS	(Garcia T.)
163	Apr.7	H	208	PROOF OF AGGRAVATING CIRCUMSTANCE STANDARDS	(Chasey)
164	Apr.7	H	227	INCREASE AIRPORT FACILITIES FUNDING LIMITS	(Egolf)
165	Apr.7	CS/ H	261	ESTIMATED FUTURE PROPERTY TAX INFO TO BUYERS	(Sandoval)
166	Apr.7	H	293	PROTECTION OF HEALTH INFORMATION	(Stewart)
167	Apr.7	H	308	LOCAL GOV'T ROAD FUND FOR MATCHING FUNDS	(Lujan B.)
168	Apr.7	H	326	MCKINLEY COUNTY LAND DISPOSAL	(Lundstrom)
169	Apr.7	H	330	UNIFORM ATHLETE AGENTS ACT	(Maestas)
170	Apr.7	H	336	INCREASE PUBLIC EMPLOYEE PER DIEM & MILEAGE	(Miera)
171	Apr.7	H	350	DEPT. OF TRANSPORTATION MATERIAL DONATIONS	(Varela)
172	Apr.7	H	377	LOCAL GOV'T ECONOMIC DEVELOPMENT FUND LIMIT	(Gonzales)
173	Apr.7	H	387	COUNTY VOTING MACHINE LEASE RENEGOTIATION	(King)
174	Apr.7	FL/CS/ H	397	ISOLATION OF PERSONS WITH TUBERCULOSIS	(Cervantes)
175	Apr.7	CS/ H	407	TAX CONTRIBUTION TO VIETNAM VETERANS MEMORIAL	(Garcia T.)
176	Apr.7	H	413	NAPRAPATH LICENSURE	(Chavez El.)
177	Apr.7	CS/ H	428	PROHIBITION OF PROFILING PRACTICES ACT	(Cote)
178	Apr.7	CS/ H	432	SCHOOL ATHLETICS EQUITY ACT	(Picraux)
179	Apr.7	H	451	TAX INCREMENT DEVELOPMENT DISTRICT OVERSIGHT	(Lundstrom)
180	Apr.7	S	647	RENEWABLE ENERGY FINANCING DISTRICT ACT	(Wirth)
181	Apr.7	S	11	UNIFORM REVISED LIMITED PARTNERSHIP CHANGES	(McSorley)
182	Apr.7	S	114	REQUIRE ELECTRONIC FILINGS FOR INSURERS	(Leavell)
183	Apr.7	S	119	INVALIDATE INDEMNITY FOR MOTOR CARRIERS	(Leavell)
184	Apr.7	S	129	PRESCRIPTION DRUG RETAIL PRICE DISCLOSURE	(Wirth)
185	Apr.7	S	131	MAIN STREET REVOLVING LOAN CRITERIA	(Campos P)

186	Apr.7	S	137	LEGAL GUARDIAN ELIGIBILITY CHANGES	(Ortiz y Pino)
187	Apr.7	S	143	CORRECT PAWNBROKERS ACT	(Sharer)
188	Apr.7	S	15	INSURANCE PRODUCT REGULATION COMPACT	(Leavell)
189	Apr.7	S	156	ALTERNATIVE SCHOOL ACCOUNTABILITY PILOT	(Nava)
190	Apr.7	CS/ S	161	PREMIUM ASSISTANCE FOR LOW INCOME HOUSEHOLDS	(Beffort)
191	Apr.7	S	178	INTERSTATE MENTAL HEALTH COMPACT	(Morales)
192	Apr.7	S	185	PET LICENSE PLATE FEES TO ANIMAL CARE FUND	(Garcia MJ)
193	Apr.7	S	189	SCHOOL ATTENDANCE NOTICES & ABSENCES	(Garcia MJ)
194	Apr.7	FL/ S	206	WATER QUALITY ACT RULEMAKING LIMITS	(Harden)
195	Apr.7	S	212	EXPAND DEFINITION OF NEPOTISM IN SCHOOLS	(Asbill)
196	Apr.7	S	213	WEIGHT DISTANCE TAX UNDERREPORTING PENALTIES	(Beffort)
197	Apr.7	S	219	CIGARETTE TAX ACT CHANGES	(Morales)
198	Apr.7	S	226	SCHOOL FACILITY PRIVATE USE LIABILITY	(Keller)
199	Apr.7	CS/ S	229	GAMING CONTROL ACT CHANGES	(Griego P)
200	Apr.7	S	230	COMMERCIAL DRIVER'S LICENSE PENALTIES	(Griego P)
201	Apr.7	S	299	JUDICIAL DISTRICT SAFE EXCHANGE & VISITATION	(Keller)
202	Apr.7	S	3	PRIMARY ELECTION BALLOT PROCEDURES	(Duran)
203	Apr.7	CS/ S	30	SEPTIC TANK REPLACEMENT ASSISTANCE	(Cisneros)
204	Apr.7	S	311	CONSERVATION DISTRICT FINANCIAL REPORTING	(Campos P)
205	Apr.7	S	317	USE OF STUDENT ID NUMBERS ON TRANSCRIPTS	(Nava)
206	Apr.7	S	33	PUBLIC WORK PROJECT PREVAILING WAGE	(Cisneros)
207	Apr.7	*FL/ S	345	DEPT. OF TRANSPORTATION PROJECT DELIVERY	(Griego P)
208	Apr.7	S	395	RAILROAD-HIGHWAY GRADE CROSSING PENALTIES	(Eichenberg)
209	Apr.7	S	399	LOCAL EDUCATIONAL RETIREMENT UNIT AUDITS	(Morales)
210	Apr.7	* S	405	NMFA WATER PROJECT LOANS	(Cisneros)
211	Apr.7	S	408	HOSPITAL-ACQUIRED INFECTION ACT	(Feldman)
212	Apr.7	S	42	CANCER CLINICAL TRIAL INSURANCE COVERAGE	(Feldman)
213	Apr.7	CS/ S	454	CHARTER SCHOOL T & E INDEX CALCULATION	(Jennings)
214	Apr.7	S	456	APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT	(Ryan)
215	Apr.7	S	463	NM UNIFORM PARENTAGE ACT	(McSorley)
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217	Apr.7	S	484	MARRIAGE & FAMILY THERAPISTS IN SCHOOLS	(McSorley)
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219	Apr.7	S	540	REQUIRE DEVELOPMENT LEASE NOTICE & BIDDING	(Fischmann)
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289	Apr.10	S	541	NATIVE AMERICAN VETERANS' TAX SETTLEMENT FUND	(Lovejoy)

**CONSTITUTIONAL AMENDMENT**

Legislation	Const Amend	Short Title	Sponsor
HJR 11	C.A. 1	WAR VETERAN COLLEGE SCHOLARSHIP, CA	(Sandoval)

**VETOED BILLS**

Legislation	Short Title	Sponsor	
H 130	MEDICAID & CHILD HEALTH INSURANCE REPORTING	(Stewart)	Pocket Veto
* H 191	INTERIM SCHOOL TRANSPORTATION TASK FORCE	(Gonzales)	Veto
H 237	CHANGE REPORT CARD PUBLICATION DATE	(Barreras)	Veto
H 340	NEW EMISSION STANDARDS TO TAKE EFFECT IN 2015	(Nuñez)	Veto
CS/ H 349	ELIMINATE CERTAIN STANDARDIZED SCHOOL TESTS	(Rodefer)	Pocket Veto
H 502	PERIODIC EXECUTIVE REORGANIZATION EVALUATION	(Barreras)	Pocket Veto
CS/ H 512	PROPANE DEALER REGULATION	(Trujillo)	Pocket Veto
H 534	ELECTRONIC PUBLIC RECORDS REQUESTS	(Chavez El.)	Pocket Veto
CS/ H 544	HEALTH COVERAGE ACCOUNTABILITY & TRANSPARENCY	(Picraux)	Pocket Veto
H 578	LFC EXPENDITURE OF FEDERAL FUNDS	(Gardner)	Pocket Veto
H 602	ALL-INCLUSIVE CARE FOR ELDERLY	(Sandoval)	Pocket Veto
H 613	DONATIONS TO HEALTH POLICY COMMISSION	(Picraux)	Pocket Veto
CS/ H 616	PUBLIC RETIREES RETURNING TO WORK	(Varela)	Veto
H 669	TAX-EXEMPT CHARITY INFO FILING REQUIREMENTS	(Picraux)	Pocket Veto
CS/ H 674	STATE BILINGUAL POEM	(Barela)(Sanchez M.)	Pocket Veto
H 720	AFRICAN AMERICAN CENTER AT PRESENT LOCATION	(Stapleton)	Pocket Veto
H 860	REGIONAL TRANSIT TAX DISTRIBUTION & INFO	(Barreras)	Pocket Veto
H 893	RESIDENTIAL SOLAR TECH IMPROVEMENT DISTRICTS	(Rodefer)	Pocket Veto
S 7	DETERMINATION OF ADULT SENTENCE FOR JUVENILES	(McSorley)	Veto
S 21	HISPANIC AFFAIRS DEPARTMENT ACT	(Sanchez M.)	Veto
S 65	INFO TECHNOLOGY & TELECOMM COMMITTEE	(Martinez RC)	Pocket Veto
S 167	PRE-KINDERGARTEN PROGRAM DISTRIBUTION	(Beffort)	Veto
CS/ S 172	INTERIM HUMAN SERVICES COMMITTEE	(Lopez)	Pocket Veto
S 193	SCHOOL PERSONNEL REPORTS TO LEGISLATURE	(Garcia MJ)	Pocket Veto
S 227	FAMILY INFANT TODDLER PROGRAM FUNDING FORMULA	(Ortiz y Pino)	Pocket Veto
S 323	SCHOOL LIBRARY MATERIAL DONATION	(Lovejoy)	Pocket Veto
S 460	ADDITIONAL INVESTMENT COUNCIL APPOINTEES	(Neville)	Pocket Veto
CS/ S 464	RELEASE OF PUBLIC SCHOOL STUDENT INFO	(Ortiz y Pino)	Pocket Veto
FL/ S 531	LFC REVIEW OF STATE FUNDING RECIPIENTS	(Keller)	Pocket Veto
S 548	NEW EMISSION STANDARDS TO TAKE EFFECT IN 2015	(Griego P)	Veto
S 565	AFRICAN AMERICAN CENTER AT PRESENT LOCATION	(Sanchez M.)	Pocket Veto
S 588	NORTHWEST NM REGIONAL SOLID WASTE AUTHORITY	(Munoz)	Veto
S 626	CHARTER SCHOOL STUDENT ACTIVITIES WITHIN ZONE	(Morales)	Veto
CS/ S 649	CRIMINAL RECORDS EXPUNGEMENT ACT	(Sanchez M.)	Veto

**CONCORDANCE  
FORTY-EIGHTH LEGISLATURE, SECOND SPECIAL SESSION, 2008**

**BILL TO CHAPTER**

Legislation	Chapter	Short Title	Sponsor
* H 1	1	FEED BILL	(Martinez K.)
* H 2	5	SCHOOL BUS TRANSPORTATION FUNDING	(Miera)
H 4	4	INCREASE WORKING FAMILIES TAX CREDIT	(Sandoval)
* H 7	2	CHILD CARE PROGRAM	(King)
* H 10	9	2003 ROAD PROJECTS FUNDING	(Silva)

**CHAPTER TO BILL**

Chapter	Date Signed	Legislation	Short Title	Sponsor
1	Aug.20	* H 1	FEED BILL (Martinez K.)	
2	Aug.22	* H 7	CHILD CARE PROGRAM (King)	
3	Aug.25	*FL/ S 24	REFUNDABLE PERSONAL INCOME TAX CREDIT	(Sanchez B.)
4	Aug.25	H 4	INCREASE WORKING FAMILIES TAX CREDIT	(Sandoval)
5	Aug.25	* H 2	SCHOOL BUS TRANSPORTATION FUNDING	(Miera)
6	Aug.25	*FL/ S 21	LOW-INCOME ENERGY ASSISTANCE PROGRAM	(Martinez)
7	Aug.25	* S 23	2008 GENERAL ELECTION COSTS	(Morales)
8	Aug.25	* S 29	REPAIR LINCOLN & OTERO COUNTY FLOOD DAMAGE	(Jennings)
				(Espinoza)
9	Sept.2	* H 10	2003 ROAD PROJECTS FUNDING	(Silva)
10(pv)	Sept.2	FL/ S 22	HEALTH INSURANCE RATES & COVERAGE	(Garcia)



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## SESSION DATES REFERENCE GUIDE

2008

*Forty-eighth legislature, second session*

December 17 - January 11	Prefiling period for legislation in the House and Senate
January 15	Opening day
January 30	Deadline for introductions
February 14	Session ended
March 5	Legislation not acted upon by governor was pocket vetoed
May 14	Effective date of legislation not carrying an emergency clause or other specified date

2008

*Forty-eighth legislature, second special session*

August 15	Opening day
August 19	Session ended
September 8	Legislation not acted upon by governor was pocket vetoed
November 17	Effective date of legislation not carrying an emergency clause or other specified date

2009

*Forty-ninth legislature, first session*

December 15 - January 16	Legislation may be prefiled in the House and Senate
January 20	Opening day
February 19	Deadline for introductions
March 21	Session ended
April 10	Legislation not acted upon by governor was pocket vetoed
June 19	Effective date of legislation not carrying an emergency clause or other specified date

2010

*Forty-ninth legislature, second session*

December 15 - January 15	Legislation may be prefiled in the House and Senate
January 19	Opening day
February 3	Deadline for introductions
February 18	Session ends
March 10	Legislation not acted upon by governor is pocket vetoed
May 19	Effective date of legislation not carrying an emergency clause or other specified date

Acts carrying an emergency clause become effective immediately upon signature by the governor. All other acts passed during a session and approved by the governor become effective 90 days after adjournment of the legislature or at a date specified in the act.