

1 AN ACT

2 RELATING TO LICENSURE; PROVIDING FOR A WAIVER OF FEES FOR AND
3 EXPEDITED ISSUANCE OF CERTAIN PROFESSIONAL AND OCCUPATIONAL,
4 SCHOOL PERSONNEL AND CONSTRUCTION INDUSTRY LICENSES,
5 REGISTRATIONS, CERTIFICATES OF REGISTRATION, CERTIFICATES,
6 PERMITS OR CERTIFICATIONS FOR MILITARY SERVICE MEMBERS, THEIR
7 SPOUSES AND THEIR DEPENDENT CHILDREN AND FOR VETERANS.

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

10 SECTION 1. Section 22-10A-2 NMSA 1978 (being Laws 2019,
11 Chapter 238, Section 1) is amended to read:

12 "22-10A-2. DEFINITIONS.--As used in the School
13 Personnel Act:

14 A. "constitutional special school" means the New
15 Mexico military institute, New Mexico school for the deaf and
16 New Mexico school for the blind and visually impaired;

17 B. "discharge" means the act of severing the
18 employment relationship with a licensed school employee prior
19 to the expiration of the current employment contract;

20 C. "employed for three consecutive school years"
21 means a licensed school employee has been offered and
22 accepted in writing a notice of reemployment for the third
23 consecutive school year;

24 D. "governing authority" means the policy setting
25 body of a school district, charter school, constitutional

1 special school or regional education cooperative, or the
2 final decision maker of another state agency;

3 E. "instructional support provider" means a person
4 who is employed to support the instructional program of a
5 public school, including educational assistant, school
6 counselor, social worker, school nurse, speech-language
7 pathologist, psychologist, physical therapist, occupational
8 therapist, recreational therapist, marriage and family
9 therapist, interpreter for the deaf and diagnostician;

10 F. "just cause" means a reason that is rationally
11 related to a school employee's competence or turpitude or the
12 proper performance of the school employee's duties and that
13 is not in violation of the school employee's civil or
14 constitutional rights;

15 G. "military service member" means a person who
16 is:

17 (1) serving in the armed forces of the
18 United States as an active duty member or in an active
19 reserve component of the armed forces of the United States,
20 including the national guard;

21 (2) the spouse of a person who is serving in
22 the armed forces of the United States as an active duty
23 member or in an active reserve component of the armed forces
24 of the United States, including the national guard; or a
25 surviving spouse of a member who at the time of death was

1 serving on active duty; or

2 (3) the child of a person who is serving in
3 the armed forces of the United States as an active duty
4 member or in an active reserve component of the armed forces
5 of the United States, including the national guard; provided
6 that child is also a dependent of that person for federal
7 income tax purposes;

8 H. "public school" means a school district,
9 charter school, constitutional special school, regional
10 education cooperative or the educational program of another
11 state agency;

12 I. "responsibility factor" means a value of 1.20
13 for an elementary school principal, 1.40 for a middle school
14 or junior high school principal, 1.60 for a high school
15 principal, 1.10 for an assistant elementary school principal,
16 1.15 for an assistant middle school or assistant junior high
17 school principal and 1.25 for an assistant high school
18 principal;

19 J. "sabbatical leave" means leave of absence with
20 pay as approved by the governing authority during all or part
21 of a regular school term for purposes of study or travel
22 related to a licensed school employee's duties and of direct
23 benefit to the instructional program;

24 K. "school administrator" means a person licensed
25 to administer in a school district, charter school,

1 constitutional special school or regional education
2 cooperative or a person employed with another state agency
3 who administers an educational program and includes local
4 superintendents, school principals, central district
5 administrators, business managers, charter school head
6 administrators and state agency education supervisors;

7 L. "school employee" includes licensed and
8 unlicensed employees of a public school;

9 M. "school premises" means:

10 (1) the buildings and grounds, including
11 playgrounds, playing fields and parking areas and a school
12 bus of a public school, in or on which school or school-
13 related activities are being operated under the supervision
14 of a local school board, charter school or state agency; or

15 (2) any other public buildings or grounds,
16 including playing fields and parking areas that are not
17 public school property, in or on which public school-related
18 and -sanctioned activities are being performed;

19 N. "state agency" means a regional education
20 cooperative or state institution;

21 O. "state institution" means the New Mexico boys'
22 school, girls' welfare home, New Mexico youth diagnostic and
23 development center, Sequoyah adolescent treatment center,
24 Carrie Tingley crippled children's hospital, New Mexico
25 behavioral health institute at Las Vegas and any other state

1 agency responsible for educating resident children;

2 P. "substitute teacher" means a person who holds a
3 certificate to substitute for a teacher in the classroom;

4 Q. "superintendent" means a local superintendent,
5 head administrator of a charter school or regional education
6 cooperative, superintendent or commandant of a special school
7 or head administrator of the educational program of a state
8 agency;

9 R. "teacher" means a person who holds a level one,
10 level two or level three-A license and whose primary job is
11 classroom instruction or the supervision, below the school
12 principal level, of an instructional program or whose duties
13 include curriculum development, peer intervention, peer
14 coaching or mentoring or serving as a resource teacher for
15 other teachers;

16 S. "terminate" means the act of severing the
17 employment relationship with a school employee;

18 T. "veteran" means a person who has received an
19 honorable discharge or separation from military service in
20 the armed forces of the United States or in an active reserve
21 component of the armed forces of the United States, including
22 the national guard; and

23 U. "working day" means every school calendar day,
24 excluding Saturdays, Sundays and legal holidays."

1 Chapter 153, Section 34, as amended) is amended to read:

2 "22-10A-3. LICENSE OR CERTIFICATE REQUIRED--APPLICATION
3 FEE--GENERAL DUTIES.--

4 A. Except as otherwise provided in this
5 subsection, any person teaching, supervising an instructional
6 program or providing instructional support services in a
7 public school; any person administering in a public school;
8 and any person providing health care and administering
9 medications or performing medical procedures in a public
10 school shall hold a valid license or certificate from the
11 department authorizing the person to perform that function.
12 This subsection does not apply to a person performing the
13 functions of a practice teacher or teaching intern as defined
14 by the department.

15 B. Except as provided in Subsection C of this
16 section, the department shall charge a reasonable fee for
17 each application for or the renewal of a license or
18 certificate. The application fee may be waived if the
19 applicant meets a standard of indigency established by the
20 department.

21 C. No licensing or certificate fee shall be
22 charged for the first three years a license or certificate
23 required by this section is valid if the licensee or
24 certificate holder is a military service member or a veteran.

25 D. A person performing the duties of a licensed

1 school employee who does not hold a valid license or
2 certificate or has not submitted a complete application for
3 licensure or certification within the first three months from
4 beginning employment duties shall not be compensated
5 thereafter for services rendered until the person
6 demonstrates that the person holds a valid license or
7 certificate. This section does not apply to practice
8 teachers or teaching interns as defined by rules of the
9 department.

10 E. Each licensed school employee shall:

11 (1) enforce all laws and rules applicable to
12 the employee's public school;

13 (2) if teaching, teach the prescribed
14 courses of instruction;

15 (3) exercise supervision over students on
16 public school premises and while the students are under the
17 control of the public school; and

18 (4) furnish reports as required."

19 SECTION 3. Section 22-10A-12.1 NMSA 1978 (being Laws
20 2018, Chapter 8, Section 1, as amended) is amended to read:

21 "22-10A-12.1. EXPEDITED LICENSURE--MILITARY SERVICE
22 MEMBERS, SPOUSES AND DEPENDENTS--WAIVER OF FEES--VETERANS.--

23 A. The department shall, no later than thirty days
24 after a military service member or a veteran with a valid and
25 current or an expired license from another jurisdiction files

1 an application, and provides a background check if required,
2 for a license or a substitute teacher certificate:

3 (1) process the application; and

4 (2) issue a license prima facie to a
5 qualified applicant who submits satisfactory evidence that
6 demonstrates the required competencies and meets other
7 requirements and qualifications for the license for which the
8 teacher or school employee applies, including clearance of
9 the required background check. The local superintendent may
10 require a mentorship period for the licensee or certificate
11 holder if the local superintendent deems it necessary. A
12 teacher or school employee who holds an out-of-state license
13 may apply for a lower level license if the teacher or school
14 employee does not meet the requirements for the higher level.

15 B. A license or a substitute teacher certificate
16 issued pursuant to this section shall not be renewed unless
17 the license or certificate holder satisfies the requirements
18 for the issuance and the renewal of the license or
19 certificate for which the teacher applies. Upon the issuance
20 of a license or certificate pursuant to this section, the
21 department shall notify the license or certificate holder of
22 the requirements for renewing the license or certificate in
23 writing.

24 C. A military service member or a veteran who is
25 issued a license or certificate pursuant to this section

1 shall not be charged a licensing or certificate fee for the
2 first three years a license or certificate issued pursuant to
3 this section is valid.

4 D. A license or certificate issued pursuant to
5 this section to an applicant with an expired license or
6 certificate shall not be valid for more than one year.

7 E. Each entity that issues a license or
8 certificate pursuant to the Public School Code, upon the
9 conclusion of the state fiscal year, shall prepare a report
10 on the number and type of licenses or certificates that were
11 issued during the fiscal year under this section. The report
12 shall be provided to the director of the office of military
13 base planning and support not later than ninety days after
14 the end of the fiscal year."

15 SECTION 4. A new section of the Construction Industries
16 Licensing Act is enacted to read:

17 "EXPEDITED LICENSURE--MILITARY SERVICE MEMBERS, SPOUSES
18 AND DEPENDENTS--VETERANS--WAIVER OF FEES.--

19 A. The division shall, as soon as practicable but
20 no later than thirty days after a military service member or
21 a veteran files an application, and provides a background
22 check if required, for a license or certificate issued
23 pursuant to the Construction Industries Licensing Act
24 accompanied by any required fees:

25 (1) process the application; and

1 (2) issue a license prima facie to a
2 qualified applicant who submits satisfactory evidence that
3 the applicant holds a license or certificate that is current
4 and in good standing, issued by another jurisdiction,
5 including a branch of the armed forces of the United States,
6 and has met minimal licensing or certification requirements
7 that are substantially equivalent to the licensing or
8 certification requirements for the license or certificate
9 that the applicant applies for pursuant to the Construction
10 Industries Licensing Act.

11 B. A license or certificate issued pursuant to
12 this section is not a provisional license and shall confer
13 the same rights, privileges and responsibilities as a license
14 issued pursuant to the Construction Industries Licensing Act.

15 C. A license issued pursuant to this section shall
16 not be renewed unless the license holder satisfies the
17 requirements for the issuance and the renewal of a license
18 pursuant to the Construction Industries Licensing Act. Upon
19 the issuance of a license pursuant to this section, the
20 division shall notify the license holder of the requirements
21 for renewing the license in writing.

22 D. Notwithstanding the provisions of Subsection A
23 of this section, a military service member or a veteran who
24 is issued a license pursuant to this section shall not be
25 charged a licensing or certificate fee for the first three

1 years a license or certificate issued pursuant to this
2 section is valid.

3 E. Upon the conclusion of the state fiscal year,
4 the division shall prepare a report on the number and type of
5 licenses or certificates that were issued during the fiscal
6 year under this section. The report shall be provided to the
7 director of the office of military base planning and support
8 not later than ninety days after the end of the fiscal year.

9 F. As used in this section:

10 (1) "military service member" means a person
11 who is:

12 (a) serving in the armed forces of the
13 United States as an active duty member or in an active
14 reserve component of the armed forces of the United States,
15 including the national guard;

16 (b) the spouse of a person who is
17 serving in the armed forces of the United States as an active
18 duty member or in an active reserve component of the armed
19 forces of the United States, including the national guard; or
20 a surviving spouse of a member who at the time of death was
21 serving on active duty; or

22 (c) the child of a person who is
23 serving in the armed forces of the United States as an active
24 duty member or in an active reserve component of the armed
25 forces of the United States, including the national guard;

1 provided that child is also a dependent of that person for
2 federal income tax purposes; and

3 (2) "veteran" means a person who has
4 received an honorable discharge or separation from military
5 service in the armed forces of the United States or in an
6 active reserve component of the armed forces of the United
7 States, including the national guard."

8 SECTION 5. Section 60-13-13 NMSA 1978 (being Laws 1967,
9 Chapter 199, Section 16, as amended) is amended to read:

10 "60-13-13. APPLICATION FOR CONTRACTOR'S LICENSE.--

11 A. Applications for a contractor's license or a
12 certificate of qualification shall be submitted to the
13 division on forms prescribed and furnished by the division
14 and shall contain the information and be accompanied by the
15 attachments required by regulation of the commission.

16 B. Except as provided in Section 4 of this 2021
17 act, the application shall be accompanied by the prescribed
18 fee."

19 SECTION 6. Section 60-13-18 NMSA 1978 (being Laws 1967,
20 Chapter 199, Section 20, as amended) is amended to read:

21 "60-13-18. LICENSES--RENEWAL.--

22 A. Licenses issued by the division are not
23 transferable.

24 B. Contractor's licenses shall expire two years
25 after the issuance date or as determined by the division, but

1 in no instance less than one year, and shall be renewable
2 upon application to the division and payment of the
3 prescribed renewal fee; provided that nothing in this
4 subsection shall prohibit the division from establishing a
5 staggered system of license expiration and a procedure for
6 proration of fees for licenses issued for less than the two-
7 year period or other period provided by the division pursuant
8 to this subsection.

9 C. Licenses shall expire upon the date established
10 by regulation of the commission, such regulation to provide
11 for a staggered system of license expiration and for
12 proration of fees for licenses issued for less than a full
13 year. Thereafter, such licenses shall be issued for a period
14 of two years or as otherwise provided by the division
15 pursuant to Subsection B of this section. Except as provided
16 in Section 4 of this 2021 act, licenses and certificates
17 shall be subject to renewal upon application to the division
18 and payment of the prescribed renewal fee.

19 D. Licensees and journeyman certificate holders
20 may be required to complete and submit proof of continuing
21 education as a prerequisite for renewal of a license. When
22 required by rule adopted by the division, an applicant for a
23 license renewal must submit with the application for license
24 renewal proof of eight hours of instruction in code change
25 and eight hours of instruction in other industry-related and

1 division-approved subjects. The sixteen hours of continuing
2 education must have been completed within the three years
3 prior to the date of the license renewal application.

4 E. The director shall, at least thirty days prior
5 to the expiration date of a license, notify the licensee of
6 the approaching expiration. Notice shall be given by mail
7 addressed to the licensee's last address on file with the
8 division. The notice shall include a renewal application
9 form, instructions and any other information prescribed by
10 the division.

11 F. Failure of a licensee to make application for
12 the renewal of the licensee's license, to furnish such other
13 information required by the commission and, if required, to
14 pay the prescribed renewal fee by the last working day prior
15 to the expiration of the license shall cause the license to
16 be suspended by operation of law.

17 G. Unless the license is renewed within a three-
18 month period, it shall be canceled. The suspended license
19 may be renewed only after payment of a fee equal to one
20 dollar (\$1.00) for each day, up to thirty days, that has
21 elapsed since the expiration date of the license and
22 thereafter for a fee equal to twice the amount of the renewal
23 fee."

24 SECTION 7. Section 60-13-20 NMSA 1978 (being Laws 1967,
25 Chapter 199, Section 22, as amended) is amended to read:

1 "60-13-20. FEES ESTABLISHED BY THE DIVISION--PAYMENT OF
2 EXAMINATION AND LICENSING SERVICE FEES.--

3 A. The division shall by regulation establish and
4 charge, except as provided in Section 4 of this 2021 act,
5 reasonable candidate and applicant fees for each license and
6 certificate classification for initial applications, initial
7 and additional examinations, license issuance and renewals,
8 certificate of qualification issuance and renewal and
9 licensing verification services.

10 B. The division by regulation may provide that
11 fees charged pursuant to Subsection A of this section shall
12 be paid to the agency providing or administering the service
13 if the service is provided pursuant to authority of the
14 division."

15 SECTION 8. Section 61-1-34 NMSA 1978 (being Laws 2013,
16 Chapter 33, Section 1, as amended) is amended to read:

17 "61-1-34. EXPEDITED LICENSURE--MILITARY SERVICE
18 MEMBERS, SPOUSES AND DEPENDENTS AND VETERANS--WAIVER OF
19 FEES.--

20 A. A state agency, board or commission that issues
21 an occupational or professional license pursuant to Chapter
22 61 NMSA 1978 shall, as soon as practicable but no later than
23 thirty days after a military service member or a veteran
24 files an application, and provides a background check if
25 required, for a license accompanied by any required fees:

1 (1) process the application; and
2 (2) issue a license prima facie to a
3 qualified applicant who submits satisfactory evidence that
4 the applicant holds a license that is current and in good
5 standing, issued by another jurisdiction, including a branch
6 of the armed forces of the United States, and has met minimal
7 licensing requirements that are substantially equivalent to
8 the licensing requirements for the occupational or
9 professional license that the applicant applies for pursuant
10 to Chapter 61 NMSA 1978.

11 B. A license issued pursuant to this section is
12 not a provisional license and shall confer the same rights,
13 privileges and responsibilities as a license issued pursuant
14 to Chapter 61 NMSA 1978.

15 C. A license issued pursuant to this section shall
16 not be renewed unless the license holder satisfies the
17 requirements for the issuance and the renewal of a license
18 pursuant to Chapter 61 NMSA 1978. Upon the issuance of a
19 license pursuant to this section, the issuing state agency,
20 board or commission shall notify the license holder of the
21 requirements for renewing the license in writing.

22 D. Notwithstanding the provisions of Subsection A
23 of this section, a military service member or a veteran who
24 is issued a license pursuant to this section shall not be
25 charged a licensing fee for the first three years a license

1 issued pursuant to this section is valid.

2 E. Each state agency, board or commission that
3 issues a license or certificate to practice a trade or
4 profession shall, upon the conclusion of the state fiscal
5 year, prepare a report on the number and type of licenses or
6 certificates that were issued during the fiscal year under
7 this section. The report shall be provided to the director
8 of the office of military base planning and support not later
9 than ninety days after the end of the fiscal year.

10 F. As used in this section:

11 (1) "license" means a license, registration,
12 certificate of registration, certificate, permit or
13 certification;

14 (2) "licensing fee" means a fee charged at
15 the time an application for a professional or occupational
16 license is submitted to the state agency, board or commission
17 and any fee charged for the processing of the application for
18 such license; "licensing fee" does not include a fee for an
19 annual inspection or examination of a licensee or a fee
20 charged for copies of documents, replacement licenses or
21 other expenses related to a professional or occupational
22 license;

23 (3) "military service member" means a person
24 who is:

25 (a) serving in the armed forces of the

1 United States as an active duty member, or in an active
2 reserve component of the armed forces of the United States,
3 including the national guard;

4 (b) the spouse of a person who is
5 serving in the armed forces of the United States or in an
6 active reserve component of the armed forces of the United
7 States, including the national guard, or a surviving spouse
8 of a member who at the time of the member's death was serving
9 on active duty; or

10 (c) the child of a person who is
11 serving in the armed forces of the United States as an active
12 duty member, or in an active reserve component of the armed
13 forces of the United States, including the national guard;
14 provided that child is also a dependent of that person for
15 federal income tax purposes; and

16 (4) "veteran" means a person who has
17 received an honorable discharge or separation from military
18 service."

19 SECTION 9. Section 61-3-10.1 NMSA 1978 (being Laws
20 1993, Chapter 61, Section 2, as amended) is amended to read:

21 "61-3-10.1. HEMODIALYSIS TECHNICIANS--TRAINING
22 PROGRAMS--CERTIFICATION.--

23 A. A statewide program for certification of
24 hemodialysis technicians is created according to the rules
25 adopted by the board.

1 B. Unless certified as a certified hemodialysis
2 technician pursuant to the Nursing Practice Act, no person
3 shall:

4 (1) practice as a certified hemodialysis
5 technician; or

6 (2) use the title "certified hemodialysis
7 technician", "hemodialysis technician" or other title,
8 abbreviation, letters, figures, signs or devices to indicate
9 or imply that the person is a certified hemodialysis
10 technician.

11 C. The board shall:

12 (1) maintain a permanent register of all
13 certified hemodialysis technicians;

14 (2) adopt rules for certified hemodialysis
15 technician training programs, including standards and
16 curricula;

17 (3) provide for periodic evaluation of
18 training programs at least every two years;

19 (4) grant, deny or withdraw approval from a
20 training program that fails to meet prescribed standards or
21 fails to maintain a current contract with the board; and

22 (5) conduct disciplinary hearings of
23 certified hemodialysis technicians or on the denial,
24 suspension or revocation of certified hemodialysis technician
25 certificates in accordance with the Uniform Licensing Act.

1 D. Except as provided in Section 61-1-34 NMSA
2 1978, every applicant for certification as a certified
3 hemodialysis technician shall pay the required application
4 fee, submit written evidence of having completed a board-
5 approved training program for hemodialysis technicians and
6 successfully complete a board-approved examination. The
7 board shall issue a certificate to any person who fulfills
8 the requirements for certification.

9 E. Every certificate issued by the board to
10 practice as a certified hemodialysis technician shall be
11 renewed every two years. The certified hemodialysis
12 technician seeking renewal shall submit proof of employment
13 as a certified hemodialysis technician and proof of having
14 met continuing education requirements adopted by the board.

15 F. The board shall set the following nonrefundable
16 fees:

17 (1) for initial certification by initial or
18 subsequent examination, a fee not to exceed sixty dollars
19 (\$60.00);

20 (2) for renewal of certification, a fee not
21 to exceed sixty dollars (\$60.00);

22 (3) for reactivation of a lapsed certificate
23 after failure to renew a certificate or following board
24 action, a fee not to exceed sixty dollars (\$60.00);

25 (4) for initial review and approval of a

1 training program, a fee not to exceed three hundred dollars
2 (\$300);

3 (5) for subsequent review and approval of a
4 training program that has changed, a fee not to exceed two
5 hundred dollars (\$200);

6 (6) for subsequent review and approval of a
7 training program when a change has been required by a change
8 in board policy or rules, a fee not to exceed fifty dollars
9 (\$50.00); and

10 (7) for periodic evaluation of a training
11 program, a fee not to exceed two hundred dollars (\$200)."

12 SECTION 10. Section 61-3-10.2 NMSA 1978 (being Laws
13 1991, Chapter 209, Section 1, as amended by Laws 2005,
14 Chapter 303, Section 1 and by Laws 2005, Chapter 307, Section
15 4) is amended to read:

16 "61-3-10.2. MEDICATION AIDES.--

17 A. A statewide program for certification of
18 medication aides and approval of medication aide training
19 programs is created under the board.

20 B. Unless certified as a certified medication aide
21 under the Nursing Practice Act, no person shall:

22 (1) practice as a certified medication aide;
23 or

24 (2) use the titles "certified medication
25 aide" or "medication aide" or any other title, abbreviation,

1 letters, figures, signs or devices to indicate or imply that
2 the person is a certified medication aide.

3 C. The board shall:

4 (1) maintain a permanent register of all
5 persons certified to practice as a certified medication aide;

6 (2) adopt rules for certified medication
7 aide education and certification, including standards and
8 curricula;

9 (3) adopt rules governing the supervision of
10 certified medication aides by licensed nurses, including
11 standards and performance evaluations of certified medication
12 aides;

13 (4) conduct disciplinary hearings of
14 certified medication aides or on the denial, suspension or
15 revocation of certified medication aide certificates in
16 accordance with the Uniform Licensing Act; and

17 (5) grant approval to a certified medication
18 aide training program that meets all the requirements set by
19 the board and deny or withdraw approval from medication aide
20 training programs that fail to meet prescribed standards or
21 fail to maintain a current contract.

22 D. Except as provided in Section 61-1-34 NMSA
23 1978, every applicant for certification as a certified
24 medication aide shall pay the required application fee,
25 submit written evidence of having completed a board-approved

1 training program for certified medication aides and
2 successfully complete a board-approved examination. The
3 board shall issue a certificate to any person who fulfills
4 the requirements for certification.

5 E. Every certificate issued by the board to
6 practice as a certified medication aide shall be renewed
7 every two years. The certified medication aide seeking
8 renewal shall submit proof of employment as a certified
9 medication aide and proof of having met continuing education
10 requirements adopted by the board.

11 F. The board shall set the following nonrefundable
12 fees:

13 (1) for initial certification by initial or
14 subsequent examination, a fee not to exceed sixty dollars
15 (\$60.00);

16 (2) for renewal of certification, a fee not
17 to exceed sixty dollars (\$60.00);

18 (3) for reactivation of a lapsed certificate
19 after failure to renew a certificate or following board
20 action, a fee not to exceed sixty dollars (\$60.00);

21 (4) for initial review and approval of a
22 training program, a fee not to exceed three hundred dollars
23 (\$300);

24 (5) for subsequent review and approval of a
25 training program that has changed, a fee not to exceed two

1 hundred dollars (\$200);

2 (6) for subsequent review and approval of a
3 training program when a change has been required by a change
4 in board policy or rules, a fee not to exceed fifty dollars
5 (\$50.00); and

6 (7) for periodic evaluation of a training
7 program, a fee not to exceed two hundred dollars (\$200)."

8 **SECTION 11.** Section 61-14F-9 NMSA 1978 (being Laws
9 2009, Chapter 169, Section 9) is amended to read:

10 "61-14F-9. REGISTRATION AND RENEWAL FEES.--Except as
11 provided in Section 61-1-34 NMSA 1978, an application for
12 registration or renewal of registration shall be accompanied
13 by a fee in the following amount:

14 A. two hundred fifty dollars (\$250) for an initial
15 application for registration;

16 B. two hundred dollars (\$200) for an application
17 for registration based upon a certificate of registration or
18 licensure issued by another state;

19 C. two hundred fifty dollars (\$250) for an
20 application for renewal of registration; or

21 D. two hundred dollars (\$200) for an application
22 for renewal of registration based upon an application for
23 renewal of registration or licensure submitted in another
24 state."

25 **SECTION 12.** Section 61-15-7 NMSA 1978 (being Laws 1931, HB 120/a
Page 24

1 Chapter 155, Section 6, as amended) is amended to read:

2 "61-15-7. CERTIFICATES OF REGISTRATION.--

3 A. The board shall issue a certificate of
4 registration to each architect. An architect may, upon
5 registration, obtain the seal of the design authorized by the
6 board, which bears the registrant's name and the legend
7 "Registered Architect--State of New Mexico". All plans,
8 specifications, plats and reports prepared by an architect or
9 under an architect's responsible charge shall be signed and
10 sealed by that architect, including all plans and
11 specifications prepared by an architect or under an
12 architect's responsible charge on work described in
13 Subsection B of Section 61-15-9 NMSA 1978.

14 B. Certificates of registration shall be valid for
15 a period of time as set by rule and shall be invalid after
16 the date of expiration unless renewed.

17 C. Except as provided in Section 61-1-34 NMSA
18 1978, issuance or renewal may be effected at any time prior
19 to expiration by the payment of a fee in an amount set by the
20 board. Fees shall be paid to the board.

21 D. The failure on the part of any registrant to
22 renew a certificate prior to expiration shall not deprive
23 that person of the right of renewal within three years of the
24 expiration date of the certificate. Except as provided in
25 Section 61-1-34 NMSA 1978, reinstatement of the certificate

1 may be effected in a manner prescribed by rule and may
2 include penalties and fees.

3 E. Except as provided in Section 61-1-34 NMSA
4 1978, renewal of a certificate that has been expired for more
5 than three years shall require a demonstration of continued
6 proficiency and qualification to practice architecture in
7 addition to payment of penalties and fees and such other
8 requirements as may be required by rule."

9 SECTION 13. Section 61-17B-5 NMSA 1978 (being Laws
10 2007, Chapter 181, Section 5, as amended) is amended to read:

11 "61-17B-5. LICENSE--APPLICATION--REVOCATION--
12 SUSPENSION.--

13 A. A body artist shall obtain a body art license,
14 and an operator shall obtain a body art establishment
15 license, the requirements for which shall be defined by the
16 board and shall include the requirement that a body artist
17 applicant demonstrate that the body artist has the training
18 and experience necessary to perform body piercing, tattooing
19 or scarification and the requirement that a sanitary and
20 sterile body art establishment be maintained; provided that
21 the board shall grant credit for training and experience
22 obtained from any source, whether obtained within or outside
23 the state, if the applicant demonstrates that the training
24 and experience received by the applicant is equivalent to the
25 training and experience required pursuant to the Body Art

1 Safe Practices Act.

2 B. An operator or body artist shall possess and
3 post in a conspicuous place a valid and unsuspended license
4 issued by the board in accordance with the Body Art Safe
5 Practices Act and the rules promulgated pursuant to that act.
6 An operator or a body artist shall not display a license
7 unless it has been issued to that operator or body artist by
8 the board and has not been suspended or revoked.

9 C. An operator or body artist shall apply to the
10 board for the issuance or renewal of a license annually and
11 shall pay license fees established by the board. Except as
12 provided in Section 61-1-34 NMSA 1978, the board shall set
13 license fees, license renewal fees and late fees in amounts
14 necessary to administer the provisions of the Body Art Safe
15 Practices Act. If an operator or body artist fails to renew
16 a license for the next year, the license is void; provided
17 that the voided license may be restored at any time during
18 the year following the license's expiration upon the payment
19 of the appropriate license renewal fee and a late charge not
20 to exceed one hundred dollars (\$100) as set forth by board
21 rules. If the operator or body artist fails to restore a
22 license within one year following the license's expiration,
23 the operator or body artist may request restoration of the
24 license pursuant to rules promulgated by the board.

25 D. The board shall promulgate rules for the

1 revocation or suspension of a license for a body art
2 establishment or a body artist who fails to comply with a
3 provision of the Body Art Safe Practices Act or rules
4 promulgated pursuant to that act. A license shall not be
5 suspended or revoked pursuant to the Body Art Safe Practices
6 Act without providing the operator or the body artist with an
7 opportunity for an administrative hearing unless conditions
8 in the body art establishment warrant immediate suspension
9 pursuant to Section 61-17B-9 NMSA 1978. The hearing officer
10 shall not be a person previously involved in the suspension
11 or revocation action. An inspection made more than twenty-
12 four months prior to the most recent inspection shall not be
13 used as a basis for suspension or revocation.

14 E. Except as provided in Section 61-1-34 NMSA
15 1978, the board shall charge a fee not to exceed three
16 hundred dollars (\$300) for the application to issue a new or
17 renewed license. The applicant shall provide proof of
18 current immunization as required by the board and proof of
19 the applicant's attendance at a blood-borne pathogen training
20 program and other training as required by the board before a
21 license is issued or renewed.

22 F. A current body art license or body art
23 establishment license shall not be transferable from one
24 person to another.

25 G. The following information shall be kept on the

1 premises of a body art establishment and shall be available
2 for inspection by the board:

3 (1) the full names of all employees in the
4 establishment and their exact duties;

5 (2) the board-issued license with
6 identification photograph for the operator and any body
7 artists;

8 (3) the body art establishment name and
9 hours of operation;

10 (4) the name and address of the operator;

11 (5) a complete description of all body art
12 performed at the body art establishment;

13 (6) a list of all instruments, body jewelry,
14 sharps and inks used at the body art establishment, including
15 names of manufacturers and serial or lot numbers or invoices
16 or other documentation sufficient to identify and locate the
17 manufacturer of those items; and

18 (7) a current copy of the Body Art Safe
19 Practices Act.

20 H. An operator shall notify the board in writing
21 not less than thirty days before changing the location of a
22 body art establishment. The notice shall include the street
23 address of the body art establishment's new location."

24 SECTION 14. Section 61-24C-14 NMSA 1978 (being Laws
25 1989, Chapter 53, Section 14) is amended to read:

1 "61-24C-14. LICENSE FEES.--Except as provided in
2 Section 61-1-34 NMSA 1978, any fees for an original license
3 or renewal of license, late charges or any other fees
4 authorized by the provisions of the Interior Designers Act
5 shall be set by rule of the board. The fee for initial
6 licensure shall not exceed two hundred dollars (\$200)."

7 **SECTION 15.** Section 61-28B-27 NMSA 1978 (being Laws
8 1999, Chapter 179, Section 27, as amended) is amended to
9 read:

10 "61-28B-27. FEES.--Except as provided in Section
11 61-1-34 NMSA 1978, the board may collect from certificate
12 holders, permit holders, applicants and others the following
13 fees:

14 A. for examination, a fee not to exceed four
15 hundred dollars (\$400) per examination section;

16 B. for certificate issuance or renewal, a fee not
17 to exceed one hundred seventy-five dollars (\$175) per year;
18 provided, however, that the board may charge a biennial fee
19 of not more than twice the annual fee;

20 C. for firm permits, a fee not to exceed one
21 hundred dollars (\$100) per year; provided, however, that the
22 board may charge a biennial fee of not more than twice the
23 annual fee;

24 D. for incomplete or delinquent continuing
25 education reports, certificate or permit renewals, a fee not

1 to exceed one hundred dollars (\$100) each;

2 E. for preparing and providing licensure and
3 examination information to others, a fee not to exceed
4 seventy-five dollars (\$75.00) per report;

5 F. reasonable administrative fees for such
6 services as research, record copies, duplicate or replacement
7 certificates or permits;

8 G. a fee for fingerprinting and background check
9 for an applicant for certification not to exceed one hundred
10 dollars (\$100);

11 H. for certificate reinstatement, a fee not to
12 exceed one hundred seventy-five dollars (\$175), plus past due
13 fees and penalties;

14 I. for waiver to comply with continuing
15 professional education requirements, a fee not to exceed
16 seventy-five dollars (\$75.00) per application; and

17 J. for reentry into active certificate status and
18 to comply with continuing education, a fee not to exceed
19 seventy-five dollars (\$75.00) per application."

20 SECTION 16. Section 61-32-6 NMSA 1978 (being Laws 1993,
21 Chapter 204, Section 6, as amended) is amended to read:

22 "61-32-6. BOARD POWERS.--

23 A. In addition to any other authority provided by
24 law, the board has the power to:

25 (1) adopt, in accordance with the provisions

1 of the Uniform Licensing Act, and file, in accordance with
2 the State Rules Act, rules necessary to carry out the
3 provisions of the Funeral Services Act;

4 (2) adopt rules implementing continuing
5 education requirements;

6 (3) conduct hearings upon charges relating
7 to the discipline of licensees and take administrative
8 actions pursuant to Section 61-1-3 NMSA 1978;

9 (4) except as provided in Section 61-1-34
10 NMSA 1978, establish reasonable fees to carry out the
11 provisions of the Funeral Services Act;

12 (5) provide for investigations necessary to
13 determine violations of the Funeral Services Act;

14 (6) establish committees as the board deems
15 necessary for carrying out the provisions of the Funeral
16 Services Act;

17 (7) apply for injunctive relief to enforce
18 the provisions of the Funeral Services Act or to restrain any
19 violation of that act; and

20 (8) conduct criminal background checks on
21 applicants for licensure.

22 B. No action or other legal proceedings for
23 damages shall be instituted against the board, any board
24 member or employee of the board for any act performed in good
25 faith and in the intended performance of any power or duty

1 granted under the Funeral Services Act or for any neglect or
2 default in the good faith performance or exercise of any such
3 power or duty."

4 SECTION 17. Section 61-33-5 NMSA 1978 (being Laws 1973,
5 Chapter 394, Section 5, as amended) is amended to read:

6 "61-33-5. APPLICATION REQUIREMENTS--FEES--FUND
7 CREATED--ENDORSEMENT.--

8 A. An applicant for certification as a certified
9 operator shall:

10 (1) make application on forms furnished by
11 the department;

12 (2) submit evidence satisfactory to the
13 department that the applicant has reached the age of
14 majority; and

15 (3) except as provided in Section 61-1-34
16 NMSA 1978, pay in advance to the department fees set by rule
17 not to exceed:

18 (a) for examination for certification
19 in each classification. \$100;

20 (b) for renewal of a certificate after
21 a period set by rule. \$40.00; and

22 (c) for issuance of a certificate by
23 endorsement \$100.

24 B. Fees collected pursuant to Subsection A of this
25 section shall be deposited with the state treasurer in the

1 "public water supply system operator and public wastewater
2 facility operator fund", hereby created. The fund shall be
3 used solely for the purpose of administering and enforcing
4 the Utility Operators Certification Act. The fund shall be
5 administered by the department. Money in the fund shall be
6 retained by the department for use, subject to appropriation
7 by the legislature. Balances in the fund at the end of any
8 fiscal year shall not revert to the general fund, but shall
9 accrue to the credit of the fund. Earnings on the fund shall
10 be credited to the fund.

11 C. The department may, in its discretion, endorse
12 for certification without examination an operator who submits
13 evidence satisfactory to the department that the applicant
14 has reached the age of majority and holds a valid license or
15 certification in any state, territory or foreign jurisdiction
16 having standards equal to or exceeding those of New Mexico.

17 D. Fees shall not be increased more than once per
18 calendar year. The first increase of the fees shall not
19 result in any fee greater than thirty dollars (\$30.00). Any
20 subsequent increase of the fees shall not be more than five
21 percent of the existing fee." _____

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